

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING, APRIL 29, 2011**

THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY MET IN REGULAR SESSION IN THE COURT ROOM.

Commissioner Lynn Attebery called the meeting to order at 9:00 AM and the Pledge of Allegiance was recited.

Roll Call was taken:

Lynn Attebery	Chairman	Present
Jim Austin	Vice-Chairman	Present
Allen Butler	Commissioner	Present
Kris Lang	Deputy Clerk to the Board	Present

Also present were several elected officials, county staff and numerous citizens. Nora Drenner, reporter for the Wet Mountain Tribune was in attendance.

**AGENDA:**

Call meeting to order

Pledge of allegiance

Roll Call

Amend agenda

Approval of minutes: March 31, April 4 and 5, 2011

Audience introduction

Public Comments

Old/New Business:

- Review vouchers and sign checks
- CWIN IGA/Lease Governors Office of IT Community Service
- Custer County Weed Board Program continued discussion
- Pike National Historic Trail BOCC letter of support
- Resolution #11-04 Ratification of the Fire Ban effective 4/9/11
- Custer County Conserves Strategic Sustainability Plan
  - CSU Extension Agent, Robin Young
  - CSU Community Energy Coordinator, Karin Milisavljevich
- Custer County Resource Center Annex Report – Donna Squire

10:30 AM POST AWARD PUBLIC HEARING

Silver Cliff Properties - Sharon McKinsey, Housing Director UAACOG

Commissioner Attebery stated that the BOCC has received a request to remove the Custer County Conserves Strategic Sustainability Plan (CCSSP) from the agenda. He read the e-mail from the Colorado State University (CSU) Extension Custer County Director, Robin Young into the record. The e-mail was dated April 27, 2011. I am requesting that the CCSSP agenda item for the April 29, 2011 BOCC meeting be removed. Due to the CSU extension advisory committee meeting held last night, it was recommended that the document be pulled from the agenda for a commissioner vote due to the fact they have not had time (extension advisory committee) to review the document. After much consideration and conversation with the commissioners, community members and the Planning and Zoning Officer, Jackie Hobby, I do not believe the document is appropriate for approval by the commissioners.

**MOTION by Commissioner Austin, seconded by Commissioner Butler:**

To amend the posted agenda. To remove the CCSSP topic from the April 29, 2011 agenda. The motion carried unanimously.

Several citizens in the audience expressed concern that they would not have the opportunity to address the topic once it was removed from the agenda. Commissioner Attebery stated that comments would be heard under the public comment portion of the agenda.

**MOTION by Commissioner Austin, seconded by Commissioner Butler:**

To approve the minutes from March 31, April 4 and 5, 2011 as presented. The motion carried unanimously.

County payroll and accounts payable were approved from the following funds:

County General	\$186,276.13
Road and Bridge	\$ 47,000.85
Emergency Services	\$ 10,660.38
Human Services	\$ 23,475.05
Capital Improvement	\$ 15,193.95
Airport Fund	\$ 15,555.60
Tourism Fund	\$ 3,931.00
Self Insurance	-0-
TOTAL	\$302,092.96

**MOTION by Commissioner Austin, seconded by Commissioner Butler:**

To approve the April 2011 accounts payable. The motion carried unanimously.

Sheriff Fred Jobe gave a report on the Sand Gulch Fire. He said the fire was started by a lightening strike and was currently burning on approximately ten acres. He reported there were no road closures at this time.

Commissioner Attebery asked if there were any public comments.

Joe Comerford, Mark Evert, Joe Riske, John Comerford, Paul Buckles, Cal Leslie, Dan Fox, Jack Canterbury, Lisa Frank, Mike Hess, Harold Frank, Joe Cascarelli, Julien VanDyke, Jackie Hobby, Kit Shy, Larry Luikart, Jen Guentcheva, Dallas Anderson, Terry Barangee, Marie Bernoski, Randy Knight, John Palmero, Donna Squire, Sherry Rorick, Jeanene Comerford and Myra Roberts shared statements of opposition regarding the CCCSP. Jackie Hobby, Planning and Zoning Director stated for the record that the Planning Commission had previously held several work shops and public hearings regarding a building and energy code in Custer County. The end result was that the citizens did not support either code. Mr. Anderson requested that a correspondence previously forwarded to the BOCC from his wife Linda be read into the record. Commissioner Butler read the correspondence dated April 23, 2011. This is what I would like to say to the developers of the Custer County Conserves document. What do you think? You can't mandate a way of life which comes as naturally as breathing in this county. I could give a very long speech on this but, but, I will cut it short by saying you can learn a lot about conservation from the natives of this country. It is easy to see that you have no idea what it means to conserve in this county. Buzz off! (said with a warming humorous smile). Actually do some learning from the natives of this country. For example: Ever wonder why the air is so pure? Why this is no longer a crop producing country? Ask! The answers are very simple. Number one: prevailing winds and a small population. Number two: People have run their wells dry from watering a lawn-this is a semi arid desert. Thank You, Sincerely Linda Anderson, a concerned citizen of Custer County.

Donna Squire, Custer County Resource Center Navigator stated that for the record that she did not support the CCSSP and that she never participated in the committee meetings. She asked that her name be removed from the CCSSP advisory team roster.

Former Commissioner Carole Custer and Sue Pittman spoke in favor and support of the CCSSP. Carole Custer stated that for the record she would provide the audience with background information regarding the CCSSP. She said the grant was provided under the American Recovery and Reinvestment Act through the Governors Energy Office. The grant for the Fremont/Custer County CSU Energy Coordinator position was initiated and written by the CSU Extension Agent in Chaffee County. The Custer County Board of Commissioners did not have any knowledge or input in the grant application process. She asked those present not to hold Robin Young or Karin Milisavljevich responsible for the CCSSP. She explained that they are CSU employees and had been instructed to prepare and present the CCSSP document from the template provided by their CSU superiors. She suggested that the BOCC prepare a correspondence to CSU addressing the displeasure of the Board and the community regarding the process.

Several members of the audience stated that the CCSSP mirrored the proposed United Nations Agenda 21 Sustainable Development Policy and also felt the CCSSP was a financially irresponsible project. The national, state and local budget restraints were referenced and the county's participation, approval or support of any grant applications ultimately will add to the budget deficit at all levels. The BOCC was asked to reconsider or refrain from grant approvals while the county is experiencing a budget shortfall.

Larry Luikart recommended that the BOCC publically vote against the CCSSP. Commissioner Attebery said that since the CCSSP was removed from the agenda, the BOCC would not vote on the topic. He stated that the individual Board members would comment on the topic. Commissioner Attebery thanked everyone for their attendance and participation. He said the comments expressed were both educational and informative. He said that he does not support the CCSSP and his preference would be that it does not appear on any future agendas. Commissioner Butler said he did not support the CCSSP. He stated that several aspects of the program were not handled or processed properly and that the public had not been sufficiently informed. He thanked the audience for their attendance. Commissioner Austin said it was embarrassing and he apologized stating that he had only glanced at the CCSSP document and would have reviewed it thoroughly before agreeing to support the plan. He thanked the community for bringing the topic before the BOCC.

The BOCC recessed at 10:15 AM.

The BOCC reconvened at 10:30 AM

Commissioner Attebery closed the regular meeting at 10:30 AM and opened the Public Hearing. He read the published public notice into the record.

PUBLIC NOTICE AND NOTICE OF PUBLIC HEARING  
FOR POST AWARD HEARING  
SILVERCLIFF PROPERTIES

The Custer County Board of Commissioners will conduct a public hearing at 205 S. Sixth Street, Westcliffe, CO. on April 29, 2011 at 10:30 AM during the Board of Commissioners meeting. The purpose of the hearing is to allow citizens to review and comment on the performance of Custer County in carrying out the Silver Cliff Properties project, which was financed with federal Community Development Block Grant (CDBG) funds provided by the State of Colorado. Written comments are also welcome and must be received by Wednesday, April 27, 2011 at 205 S. Sixth Street, Westcliffe, Co. 81253. Attention: Kris Lang. Information and records regarding the above described project are available at 205 S. Sixth Street, Westcliffe Co. during regular office hours. Advance notice is requested.

Commissioner Attebery asked if there was anyone wishing to speak.

Kris Lang, Administrative Assistant to the BOCC reported that no written comments had been received.

Bill Simpson, Silvercliff Properties Contractor stated that he was in attendance representing Sharon McKinsey, UAACOG Housing Director. He explained that the post award hearing was a governmental requirement. Mr. Simpson reported that the project was 100% complete and occupied.

Nora Drenner, citizen proposed the placement of a larger or an additional dumpster for use of the residents. Commissioner Austin suggested a privacy fence along the southern portion of the development. Commissioner Butler suggested fencing along the trash site area. Mr. Simpson thanked everyone for their suggestions and input.

Commissioner Attebery closed the public hearing at 10:40 AM and returned to the Regular Meeting.

Donna Squire, Custer County Resource Center Annex Navigator met with the BOCC and gave a report. She stated that the office space and the meeting area within the CCRC were used five times during the month of April 2011. She reported the public health agency purchased 3 eight foot tables for the resource center. The trashcans previously located on the front property of the CCRC have been removed. The open house luncheon on April 13, 2011 was a success. Ms. Squire reported that she has been assisting the tourism board with their flyers. She stated that the tourism board will be compensating the CCRC for the time she has spent. She said that she will be in child passenger safety technician training from May 4 to May 7, 2011. The training is being paid for by the public health agency and upon completion she will be authorized to distribute the car seats currently stored in the resource center. Ms. Squire proposed the addition of a painted mural on the blank wall inside the resource center. Following a brief discussion the Board agreed to involve the art school students in the project. The Board also agreed to review any sample designs for the exterior signage. The signage would reflect the facility as Custer County Annex – Resource Center. Commissioner Butler reviewed the suggestions of the Resource Center Policy Committee that included: signage, landscaping, crack sealing, safety rails for the ramps, removal of the antenna and exterior painting of the building.

Commissioner Attebery presented the Critical Warning Informational Network (CWIN) Intergovernmental Agreement/Lease for the Boards review and signature. The purpose of the agreement/lease is to confirm that local government and the state have entered into an IGA for the state to lease microwave equipment owned and located at the state government site located at 38-02-29.0N 105-11-07.0W, Custer County, herein referred to as the Deer Peak site; and the sharing of other resources necessary for the support of both parties.

**MOTION by Commissioner Attebery, seconded by Commissioner Butler:**

To sign the CWIN IGA as presented. The motion carried unanimously.

Commissioner Attebery signed the IGA as Chairman of the Board.

Commissioner Attebery reported that Seifert Trucking will re-vegetate the soil disturbance areas on the west shoulder of CR 241. He said the reclamation policy is being reviewed by the road and bridge department.

Commissioner Attebery stated that part of the requirements under the 2002-1 Fire Ordinance requires a resolution to lift or impose a Fire Ban.

**MOTION by Commissioner Attebery, seconded by Commissioner Austin:**

To approve Custer County Resolution #11-04 Banning Open Burning. The motion carried unanimously.

**CUSTER COUNTY RESOLUTION No. #11-04**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY, COLORADO TO BAN OPEN BURNING IN THE UNINCORPORATED PORTIONS OF THE COUNTY.**

WHEREAS, this Board has certain authorities under the provisions of CRS Section 30-15-401 and has adopted an Ordinance pursuant to that statute relevant to the ban of open fires to a degree and in a manner that the Board of County Commissioners deems necessary to reduce the danger of wildfires within those portions of the unincorporated area of the County where danger of forest or grass fires is found to be high; and,

WHEREAS, the Sheriff of Custer County is empowered under the provisions of CRS Sections 30-10-512 and 30-10-513 to act as Fire Warden of the County in case of grass or forest fires and to assume charge and assist governmental authority in an emergency for controlling and extinguishing grass or forest fires; and,

WHEREAS, the Sheriff and Fire Chiefs throughout the County have advised the Board of County Commissioners of Custer County that the lack of snow or rainfall and current high-wind weather conditions have created a threat of fire in forests and grasslands of Custer County and that a current state of emergency exists with respect to fire danger; and,

WHEREAS, the Board of County Commissioners finds that, based upon competent evidence, the danger of wild fires within Custer County is high and a fire danger emergency does exist within the unincorporated area of Custer County; NOW

THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY, COLORADO, that the Custer County Sheriff/Fire Warden reinstated the fire Ban beginning April 9, 2011.

No open fires in rural areas will be permitted during the fire ban. This includes the burning of trash in containers. Any violation of the fire ban shall result in any penalties provided by the Ordinance. Special Circumstances Permit: During the fire ban, a special circumstance permit may be requested from the Custer County Sheriff. Based upon weather and environmental conditions at that time, the Sheriff in consonance with the Fire Chiefs, may issue a one time, period limited written permit for an open burn. The permit will specify the time of the requested burn and the permit recipient will notify the Sheriff's Department when the burn is started and when it is completed.

Gas-powered camp stoves and gas-powered barbecue grills, charcoal grills and campfires are permitted. Any open flame must be attended at all times. Fires may be allowed in established fire pits in developed campgrounds and picnic grounds with manufactured fire grates, grills or with petroleum fueled stoves, lanterns, and heating devices provided the devices meet fire specifications for safety.

No airborne fireworks or those that explode or consist of any incendiary device or can result in secondary burns will be permitted except as otherwise provided by CRS Section 12-28-103.

Federal authorities may also impose fire restrictions, on all public lands in Custer County. As a result, building, maintaining, attending or using a fire, campfire, charcoal, coal and wood burning stove may be prohibited on all national forest and grasslands areas. Also smoking may be limited except in an enclosed vehicle or building or on developed recreation sites. Fires may be allowed in established fire pits in developed campgrounds and picnic grounds with manufactured fire grates, grills or with petroleum fueled stoves, lanterns, and heating devices provided the devices meet fire specifications for safety. The Fire Chiefs or and Fire District or Fire Organization for purposes of all areas within the official boundaries of their jurisdiction or the Sheriff for all areas of the unincorporated area of the County not within such boundaries may recommend to the Board of County Commissioners that such fire bans be lifted in their respective areas of jurisdiction when they deem it appropriate and

make recommendations to the Board for the re-imposition of the fire ban when a new fire danger emergency exits. During periods wherein fire bans are rescinded, the Sheriff, with input from competent fire authorities may impose temporary, limited fire bans during periods of officially declared "Red Flag" days.

The Sheriff's department can issue citations to any person who violates Custer County Ordinance 2002-1 (CRS Section 30-15-402).

BE IT FURTHER RESOLVED that the Sheriff of Custer County is hereby directed to enforce the provisions of this Resolution until such time as it is rescinded.

RESOLVED, ADOPTED AND SIGNED THIS 29<sup>th</sup> DAY OF APRIL 2011.

SIGNED:

CUSTER COUNTY BOARD OF COMMISSIONERS

Lynn Attebery  
Chairman

Jim Austin  
Vice-Chairman

Allen Butler  
Commissioner

Attest:

Debbie Livengood  
Clerk and Recorder

The BOCC signed a letter of support addressed to Senator Kevin Grantham, Colorado State Senate, District 2 supporting the Senate Joint Resolution 11-039 that was introduced to the Colorado General Assembly on April 11, 2011. The joint House-Senate Resolution would support the establishment of the Pike National Historic Trail.

Commissioner Attebery reported that the county has received permission from the governor's office to lower the flag in front of the courthouse to half staff during the memorial services of former Commissioner Larry Handy on May 7, 2011.

**MOTION by Commissioner Butler, seconded by Commissioner Austin:**

To accept the Sheriffs Reports for December 2010 and January 2011. The motion carried unanimously.

**MOTION by Commissioner Attebery, seconded by Commissioner Butler:**

To adjourn the meeting. The motion carried unanimously.

The meeting was adjourned at 11:30AM.

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Debbie Livengood, Clerk and Recorder  
Attest

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Lynn Attebery  
Chairman