

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING, JANUARY 28, 2010**

THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY MET IN REGULAR SESSION IN THE COMMISSIONERS BOARDROOM.

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
Carole Custer	Commissioner	Present
Kris Lang	Deputy Clerk to the Board	Present

Also present was Nora Drenner reporter for the Wet Mountain Tribune and several community members.

AGENDA

- Call meeting to order
- Pledge of allegiance
- Roll Call
- Amend Agenda
- Approval of minutes January 4, 5, 13 of 2010
- Old Business:
- Ratify Resolution 01-10
- Pike National Historic Trail Association Letter of Support & Resolution
- Confirmation of Scale Fee breakdown
- Review vouchers and sign checks
- Debbie Livengood, Clerk and Recorder
- San Isabel Lodge Liquor License Renewal
- Verizon Tower – Town of Westcliffe
- Kathy Reis
- Staff Meeting

MOTION by Commissioner Custer, seconded by Commissioner Austin:

To accept the posted agenda, and add the County Landfill under old business to the agenda. The motion carried unanimously.

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

County General	\$249,976.74
Road and Bridge	\$ 60,246.07
Emergency Services	\$ 11,421.29
Human Services	\$ 19,134.29
Capital Improvement	\$ 3,826.32
Airport Fund	\$ 5,251.38
Tourism Fund	\$ 1,349.50
Self Insurance	\$112,354.81
TOTAL	\$ 463,560.40

MOTION by Commissioner Custer, seconded by Commissioner Austin:

To approve the minutes of January 4, 5, and 13 of 2010. The motion carried unanimously.

Commissioner Attebery stated that Resolution #01-10 had been approved and signed on January 22, 2010 by the Board of Custer County Commissioners. Kris Lang, Administrative Assistant stated the Resolution was adopted as the result of a telephone poll. She reported that on the morning of January 22, 2010 she had contacted each Board member individually on their cell phones to obtain their approval of the Resolution. The Resolution was signed by the BOCC later that day.

Commissioner Attebery, Commissioner Austin and Commissioner Custer were in agreement to ratify Resolution #01-10.

CUSTER COUNTY
RESOLUTION #01-10

WHEREAS, the Board of County Commissioners by telephone poll did duly adopt the following Resolution and Order.

BE IT RESOLVED AND ORDERED by the Board of County Commissioners of Custer County, State of Colorado that Lynn Attebery, Chairman of this Board is hereby authorized to execute any and all documents necessary for the county to acquire title to the property known as 26278 Highway 96, Wetmore, Colorado 81253 more particularly described in the attached legal description marked as Exhibit "A" including, but not limited to, an Affidavit and Indemnity Agreement concerning liens, settlement statement, and closing instructions.

Dated at Westcliffe, Colorado this 22nd day of January 2010.

BOARD OF COUNTY COMMISSIONERS

- Lynn Attebery, Chairman
- Jim Austin, Vice Chairman
- Carole J. Custer, Ph.D., Commissioner
- Debbie Livengood, Clerk and Recorder
- Marilyn Keffer, Deputy County Clerk Attest

MOTION by Commissioner Custer, seconded by Commissioner Attebery:

To adopt Resolution #02-10 supporting the establishments of the Pike National Historic Trail. The motion carried unanimously.

CUSTER COUNTY
RESOLUTION #02-10

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY, COLORADO SUPPORTING THE ESTABLISHMENT OF THE PIKE NATIONAL HISTORIC TRAIL.

WHEREAS, the Board of County Commissioners of Custer County feels that it is necessary and prudent for the County to recognize the explorations of Zebulon Montgomery Pike; and
WHEREAS, Zebulon Montgomery Pike made a significant and historical contribution to the history and heritage of the State of Colorado; and
WHEREAS, the Board of County Commissioners believe that Custer County would benefit both economically and educationally from the establishment of a Pike National Historical Trail; and
WHEREAS, the Board of County Commissioners of Custer County supports the preservation of Zebulon Montgomery Pike's contributions to our Nation's history.

NOW BE IT RESOLVED, that we the Custer County Board of County Commissioners Colorado do hereby support the Establishment of the Pike National Historic Trail.

Adopted this 28th day of January A.D. 2010.

Lynn Attebery, Chairman

Jim Austin, Vice President

Carole J. Custer, Ph.D., Commissioner

Debbie Livengood, Clerk and Recorder, Attest

The BOCC signed a letter of support for the establishment of the Pike National Historic Trail.

Debbie Livengood, Clerk and Recorder presented the liquor license renewal for the San Isabel Restaurant and General Store. She stated the application was complete and in order.

MOTION by Commissioner Austin, seconded by Commissioner Custer:

To approve the liquor license renewal for the San Isabel Restaurant and General Store. The motion carried unanimously.

AMENDED MOTION by Commissioner Custer seconded by Commissioner Austin:

To approve the 3.2 beer license renewal for the San Isabel Restaurant and General Store. The motion carried unanimously.

MOTION by Commissioner Attebery, seconded by Commissioner Austin:

To cancel the Staff Meeting scheduled on January 28, 2010 at 1:00 PM. The next scheduled Staff Meeting is February 26, 2010. The motion carried unanimously.

Bob Thomason, KWMV Community Radio 95.9 FM addressed the Board to request a letter of support for the KWMV-LPFM Radio Station application for grant funding under the Public Telecommunications Facility Program (PTFP). Mr. Thomason explained that the funds would be used for equipment. KWMV is the only radio station specifically serving the Wet Mountain Valley, and the towns of Westcliffe and Silver Cliff. He said the volunteer operated LPFM station has proven there is a need for local radio in this area. The rural population of Custer County relies on KWMV to provide news, updates, and emergency information. He presented an equipment justification and technical narrative for the Boards review.

MOTION by Commissioner Attebery, seconded by Commissioner Austin:

To prepare a letter in support of the KWMV-LPFM Radio Station application for grant funding under the PTFP. The motion carried unanimously.

MOTION by Commissioner Attebery, seconded by Commissioner Custer:

To amend the minutes of June 1, 2009 to clarify that the scale fee for trucks over 40,000 pounds is \$10.00 with \$7.00 for the weigher and \$3.00 for the county; trucks under 40,000 pounds is \$5.00 with \$3.00 to the weigher and \$2.00 to the county. The motion carried unanimously.

Commissioner Austin suggested that a notice be sent with this months billing statements informing those that use the scales that the county has hired an individual to operate the scales. The Board would prefer that this person be contacted from this point on to operate the scales.

The BOCC recessed at 9:40 AM.

The BOCC reconvened at 9:55 AM.

Commissioner Custer reported that she has been receiving complaints from the citizens regarding the inconsistency in collecting the county landfill fees. The Board agreed that the accurate trash measurements and appropriate fees have been met with concern by the community. Commissioner Custer suggested the Board meet with the County Landfill Supervisor to discuss the options and to post signs at the landfill so that there is no misunderstanding about what the fee schedule is. The signs need to be posted on the landfill entrance gate and at the landfill drop off station and on the bulletin board in the court house hallway.

Commissioner Austin reported that a concerned citizen has re-addressed the issue of debris, trash, and rubbish on Ferris Drive. The Board agreed to discuss the situation with the County Attorney at the BOCC meeting scheduled on February 9, 2010.

Commissioner Custer said the citizens in the Wetmore area are requesting an evening session to discuss the options available regarding the future use of the property at 26278 Highway 96. Custer County has recently purchased the property at that location. Following a brief discussion the Board agreed to schedule a Work Shop on February 18, 2010 at 6:00 PM in the Wetmore Fire Station to solicit input from the Wetmore Community and area citizens.

Commissioner Custer requested a revision on the BOCC meeting schedule for the beginning of March 2010.

MOTION by Commissioner Attebery, seconded by Commissioner Custer:

To change the March 8th BOCC meeting to March 1st starting at 10:00 AM. The motion carried unanimously.

MOTION by Commissioner Attebery, seconded by Commissioner Austin:

To send letters of requests for donations or assistance of safety equipment to be used by the volunteers during the demolition of the property at 26278 Highway 96 in the Wetmore area. The requests will be forwarded to: Home Depot's, Lowe's Ace Hardware's, Wal-Mart's, Sam's and Cosco. The motion carried unanimously.

Commissioner Attebery remarked that he will have an initial conversation on February 3, 2010 with Sangre DeCristo Electric Association regarding the possibility of acquiring power to the county landfill. He said he will give the Board an update at the next scheduled BOCC meeting.

Commissioner Attebery presented a letter from Mrs. Mallett requesting that the National Day of Prayer (NDP) Event scheduled on May 6, 2010 starting at 11:00 AM be held around the flag pole on the front lawn of the courthouse. The letter requested that in the event of inclement weather the NDP Event be held in the basement of the courthouse.

MOTION by Commissioner Custer, seconded by Commissioner Austin:

To prepare correspondence to Mrs. Mallett supporting the NDP Event on the lawn of the courthouse. However, in the event of inclement weather the event cannot be held in the downstairs room of the courthouse. The lower level of the courthouse is not American Disability Act (ADA) accessible and subsequently is unavailable for public gatherings. The motion carried unanimously.

The BOCC recessed at 10:45 AM.

The BOCC reconvened at 11:30 AM.

Kathy Reis, Westcliffe Town Clerk addressed the Board to request a letter of support for the proposed installation of a Verizon Wireless Tower within the town limits of Westcliffe. She remarked that the project was in the preliminary discussion stages. She said the process could take up to eighteen months. The Board forwarded correspondence to Ms. Reis supporting their request for a Verizon Wireless Tower within the town limits of Westcliffe.

MOTION by Commissioner Attebery, seconded by Commissioner Custer:
To adjourn the meeting. The motion carried unanimously.

The meeting was adjourned at 11:40 AM.

Debbie Livengood, Clerk and Recorder
Attest

Lynn Attebery
Chairman