

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING, FEBRUARY 9, 2010**

THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY MET IN REGULAR SESSION IN THE COMMISSIONER'S 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 |
| John Naylor   | County Attorney           | 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 of January 28, 2010
- Old Business
  - Wetmore Project
- County Attorney
  - Medical Marijuana Moratorium 120 day Extension
  - Wetmore Noise Ordinance
  - Personnel Policy Status Report
  - Moran/Ferris Drive
  - Vargas/Zoning Violation
  - Hamilton/Zoning Violation
- Landfill Report - Rusty Christensen
- Recycling - Christy Veltrie
- Treasurer – Virginia Trujillo
- Planning and Zoning – Jackie Hobby

**MOTION by Commissioner Attebery, seconded by Commissioner Custer:**  
**To accept the posted agenda. The motion carried unanimously.**

**MOTION by Commissioner Custer, seconded by Commissioner Austin:**  
**To approve the minutes of January 28, 2010 as presented. The motion carried unanimously.**

The BOCC met with the County Attorney and the following topics were discussed:

- Medical Marijuana Moratorium 120 Day Extension approved.
- Noise Ordinance regarding the truck jake brakes in the Wetmore area. The County Attorney will research any noise restrictions with the Colorado Department of Transportation and State Highway Authority.
- Custer County Personnel Policy Status. The County Attorney is reviewing the policy.
- Moran/Ferris Drive. The health issue is being reviewed by the Public Health Department.
- Vargas/Zoning Violation. The property is scheduled for a tax sale at this time. A notice of violation will be attached to the assessed property records.
- Hamilton/Zoning Violation. The County Attorney is preparing a motion to intervene Court Case No. 02-CV-33.
- Colorado BIDS System contract submitted by Jean Mavromatis at the 2/8/10 BOCC meeting. The County Attorney will review the contract.
- BOCC Minutes and Recordings. The BOCC and County Attorney agreed that the minutes and recordings will not be available to the public until the written minutes have been approved at a scheduled BOCC meeting.

Commissioner Austin said that additional funding options would be available if an entity or joint entities assumed the deed of the Club America Facility. He suggested that the County and the Towns form a corporation to hold the title to the Club America real estate. Commissioner Custer expressed concern regarding the County's over-all liability in the event the facility would not prove to be sustainable. She said the facility could fall under a recreational taxing district along with the open space in the Wetmore area recently purchased by the County. Commissioner Austin responded that it was his desire to focus on a good direction for Club America and not wait for the formation of a recreational taxing district. Commissioner Attebery stated he was not in support of the County assuming the deed to the Club America facility. He remarked that if the other Town entities agreed to form a corporation with the County for this purpose, he would be open for discussion. Commissioner Custer agreed.

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

**To approve Resolution 09-08A, for a 120 Day Extension of the Medical Marijuana Moratorium. The Resolution would be superseded by any State Regulations or Laws regarding Medical Marijuana. The motion carried unanimously.**

**CUSTER COUNTY RESOLUTION  
RESOLUTION NO. 09-08 (A)**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY, COLORADO EXTENDING A ONE HUNDRED AND TWENTY (120) DAY MORATORIUM ON THE ESTABLISHMENT OF ANY BUSINESS RELATING TO MEDICAL MARIJUANA IN CUSTER COUNTY. ANY APPLICATIONS FOR SUCH BUSINESS WILL NOT BE PROCESSED. RESOLUTION 09-08 WAS IN EFFECT NOVEMBER 30, 2009 THROUGH MARCH 21, 2010. THIS EXTENSION WILL BE EFFECTIVE MARCH 22, 2010 THROUGH JULY 19, 2010.**

**WHEREAS, the production and dispensing of Medical Marijuana is authorized by the State of Colorado; and**

**WHEREAS, the County in the interests of protecting the health, safety and welfare of its citizens intends to provide regulations governing the establishment and operation of such business; and**

**WHEREAS, additional time is needed to study the effect of medical marijuana legislation on the citizens of Custer County and to develop appropriate rules and regulations.**

**NOW THEREFORE, Be it resolved that in the interests of health, safety and welfare of the citizens of Custer County, The Custer County Board of Commissioners hereby declares a one hundred and twenty (120) day moratorium extension on the establishment of any business relating to medical marijuana in Custer County and any applications for such business will not be processed during the one hundred and twenty (120) day extension period.**

**RESOLVED, ADOPTED AND SIGNED THIS 9th DAY OF FEBRUARY 9, 2010 AT CUSTER COUNTY, COLORADO.**

**CUSTER COUNTY BOARD OF COMMISSIONERS**

**Lynn Attebery  
Chairman**

**Debbie Livengood  
Clerk and Recorder  
Attest**

Rusty Christensen, Landfill Manager met with the BOCC and gave a report. He is in the process of acquiring more information regarding the proposed building at the landfill facility. He remarked that recyclable materials were being disposed of in the dumpsters and as part of the trash drop-offs. He felt the public would benefit from additional recycling education.

Christy Veltrie, Veltrie Disposal Service met with the BOCC and submitted a financial recycling summary for the Boards review. She explained that due to the liability, her insurance company instructed her to cease any recycling operations that utilized volunteers at their business site location. Ms. Veltrie explained that it was not economically feasible for her staff to assume the recycling operation. Gayle Spitzfaden, Roberta Trout, Sue Pittman, and Allen Butler spoke in favor of the recycling program. All present agreed the community is committed to recycling and protecting our environment and that historically recycling does not pay for itself.

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

**Effective March 1, 2010 to temporarily suspend cardboard recycling while funding options for the program are being researched, reviewed and evaluated. The motion carried unanimously.**

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

**To compensate Veltrie Disposal Service for continuation of the recycling program until the end of the month or March 1, 2010. These expenses will be paid out of the recycling fund. The motion carried unanimously.**

The BOCC recessed at 10:30 AM.

The BOCC reconvened at 11:05 AM.

Virginia Trujillo, Treasurer met with the BOCC and gave a report. She said collections were down 2% from a year ago. The beginning balance on January 1, 2010 was \$2,316,594.88 and the ending balance on January 31, 2010 was \$2,901,847.68.

Bob Senderhauf thanked Commissioner Custer for her dedication and research regarding the acquisition of the property at 26278 State Highway 96 located at the intersection of State Highway 96 and State Highway 67 in the Wetmore area. He thanked Commissioner Attebery for his commitment and representation throughout the closing process. He extended appreciation to John Naylor, County Attorney for his assistance on the water rights and contractual issues of the property. Mr. Senderhauf remarked that it was a cooperative joint effort and he was proud to have been a part of the process.

Jackie Hobby, Planning and Zoning Director met with the BOCC and gave a report. She stated that violation notices were sent to Flick Kennels, File 102-24-150 and to Westcliffe Excavating, File 101-25-050. She said she was working with the Frank Kennicott Corporation to clarify the value of parcels 121 and 122 as part of the Kennicott Ranch conservation easement. Ms. Hobby asked the Board and County Attorney for direction regarding the medical marijuana business operating in the county without a Special Use Permit (SUP). Following a brief discussion the County Attorney notified Ms. Hobby that the Medical Marijuana Moratorium Resolution approved on November 20, 2009 has been extended an additional 120 days.

Ms. Hobby presented a copy of the Planning Commission (PC) and Board of Zoning Adjustment (BZA) associate informational booklet. She said the first meeting of the PC and BZA was scheduled February 9, 2010 and would include an orientation from the County Attorney.

Commissioner Attebery gave an update on the progress of the property at 26278 State Highway 96 in the Wetmore area. He reported the electric company has disconnected the power from the building and were reviewing the relocation of the power lines. The emergency fire system has been disarmed. He said there was a private contractor who would provide assistance in the demolition of the building without charge. The building and contents are considered county assets and would be disbursed and disposed of accordingly. The Board agreed further discussion would continue at the Wetmore Project Work Shop scheduled on February 18, 2010 starting at 6:00 PM in the Wetmore Fire Station. The public in the Wetmore area has been notified and invited to attend.

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

**To adjourn the meeting. The motion carried unanimously.**

The meeting was adjourned at 12:20 PM.

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Debbie Livengood, Clerk and Recorder  
Attest

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Lynn Attebery  
Chairman