

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING, SEPTEMBER 29, 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 9:10AM 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 Allen Butler, Town of Silver Cliff Mayor, Nora Drenner reporter for the Wet Mountain Tribune, Kitty Benzar, Dave Scherer, Penny Cody, Thom Phillips, Bruce Hamilton.

AGENDA:

- Call meeting to order
- Pledge of allegiance
- Roll Call
- Amend agenda
- Approval of Minutes
- Audience introduction
- Old Business:
- TV Hills Discussion
- Wetmore Project Update
- Wetmore Highway Update
- Wet Mountain Valley Waste Minimization Project Update
- Building at the Landfill Facility Permit Fee
- Intergovernmental Agreement for Joint Funding of ADA Compliant Improvements – Custer County Review and Approval
- Proposition 101, Amendment 60, 61 Discussion.
- Western Slope No Fee Coalition Presentation (South Colony Basin)
- Kitty Benzar, President
- US Air Force Low Altitude Tactical Navigation Proposal in Southern Colorado Briefing – Bob Senderhauf
- Court Security Grant Award Review and Submission – Kristi Geroux, Sheriff Office
- Administrative Assistant
- Staff Reports:
- HHRC
- VSO
- Work Session N/A

**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 August 30, 31, and September 7, 8 of 2010 as presented. The motion carried unanimously.

Kitty Benzar, President of the Western Slope No-Fee Coalition addressed the BOCC and gave a briefing on the widespread national opposition to recreation access fees on National Forests and Bureau of Land Management (BLM) land. She asked the BOCC to adopt, on behalf of the citizens of Custer County, an official position asking the San Isabel National Forest not to impose access fees for South Colony Basin. Ms. Benzar said that the proposed fee would be the first time that hikers and climbers who enjoy summiting Colorado's Fourteeners would be charged an access fee and this would be the initiation of a negative precedent. She explained the Forest Services usual practice is to claim that those who write in opposition are outnumbered by those who take no action at all, and that those who take no action can be assumed to support the proposal. In other words, silence equals support. Ms. Benzar presented a draft resolution on behalf of Custer County urging the US Forest Service not to implement any recreation fee for visitors to South Colony Lakes Basin in the San Isabel National Forest for the Boards review.

Thom Phillips introduced himself as a photographer, climber, wilderness guide and stated that he recently served on an advisory committee authorized and constituted by the United States Department of Agriculture (USDA) Forest Service Region 2 to address the South Colony overuse issue. The Wilderness Forums Core Team did not recommend fees as either a funding mechanism nor as a management tool. He requested that the BOCC not support the fee proposal and said there were other tools available to handle the situation. Mr. Phillips said if the area was managed properly it would be sustainable. He commented that the USFS claims they want to protect the volunteers investment and had agreed to install a toilet at the lower end of the basin and provide the visitors with WAG bags. Mr. Phillips stated that to date, neither of these actions have been completed.

Dave Scherer of South Fork, Colorado said the proposed fee appears to be based entirely on the assertion that the US Forest Service does not receive enough appropriated funding to manage the South Colony Lake Basin. This assertion does not agree with the record of congressional appropriations, which have increased over 71% in the last 10 years. The fact that such fees represent double taxation is well established. Further, with the understanding that most of the work done in South Colony Basin was primarily completed with volunteer labor and private funding, charging those of us who volunteered constitutes triple taxation.

Penny Cody stated that she felt enforcement of fees would have an adverse affect on the public. She said that she believes the US Forest Service has adequate funding. She remarked that those funds should be managed appropriately.

Bruce Hamilton thanked the Board for allowing the Western Slope No-Fee Coalition to make a presentation. He said he feels the issue is black and white and felt confident the BOCC would make the right decision.

Commissioner Custer made a motion to move forward and approve the resolution opposing the implementation of recreational fees for visitors to South Colony Lakes Basin. The motion died with the lack of a second.

Commissioner Austin proposed scheduling a public meeting that would include the Western Slope No-Fee Coalition Group and Representatives from the US Forest Service. He said the purpose of the meeting would be to educate the public on both sides of the issue.

Commissioner Custer said she understood the request for public input but the truth of the matter is that the US Forest Service has already presented the proposal, therefore, it is currently on the table. She remarked that the Board should act responsibly and make a decision. She stated she was opposed to the implementation of any fees.

Commissioner Attebery said he understood and agreed with both proposals. He commented that the US Forest Service is an integral citizen of Custer County and the topic required additional review and consideration.

The BOCC recessed at 10:10 AM.

The BOCC reconvened at 10:20 AM.

Roger Squire met with the Board and reported that the existing county translators used to provide free television service to Custer County residents are old and outdated. He said the translators would require replacement upgrades for continued service. Commissioner Attebery remarked that the translators provide two channels out of Colorado Springs but the signal is weak and requires routine repairs. Following a brief discussion the Board agreed to obtain public input through a published survey regarding the use and necessity of service before approving the \$24,000 expenditure. The County will ask the Town of Westcliffe and the Town of Silver Cliff to share in the cost of the survey publication.

Bob Senderhauf met with the Board to discuss the United States Air Force proposed Low Altitude Tactical Navigation (LATN) area in southern Colorado and northern New Mexico. He explained that the proposed training would consist of approximately three sorties (or training flights) per 24 hour period. Aircrafts would fly as low as 200 feet above ground level. Mr. Senderhauf said he has been involved in an opposition process for eleven years. He gave a brief history of the past, present and future affects. He proposed that the BOCC request a ninety day extension of the November 5, 2010 comment period deadline from the Cannon Air Force Base (AFB) in New Mexico to address county issues or concerns and obtain public input from the community. Commissioner Attebery said he agreed the county should request a deadline extension. He expressed opposition to the LATN proposal. Commissioner Austin agreed and said that 20- 30% of the population in Custer County were veterans and military personnel and he wanted to make sure they understood the issues. He suggested that Mr. Senderhauf address that population in a public format or forum. Commissioner Custer stated she was opposed to the proposal and thanked Mr. Senderhauf for his efforts in the past and present regarding the LATN program in southern Colorado and northern New Mexico

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

To prepare correspondence to the Cannon AFB in New Mexico requesting a ninety day extension of the comment period with a revised deadline date of February 13, 2011. Copies of the correspondence will also be forwarded to Colorado Counties Incorporated (CCI), the BOCC of the counties that would be affected by the military operation, and the Colorado legislators. The motion carried.

Kristi Geroux presented the 2011 Court Security Grant Request in the amount of \$61,520.00 for the Boards review and approval. Commissioner Custer complimented Ms. Geroux on the completion of the grant application. Commissioner Attebery stated that the grant application is filed electronically and has been approved by Chief Judge, Charles Barton and Sheriff, Fred Jobe.

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

To approve the 2011 Court Security Grant Request as presented. The motion carried unanimously.

Donna Squire, Hanssen Haus Resource Center (HHRC) Navigator met with the BOCC and gave a report. She stated that the Recycling Coordinator will be utilizing space in the HHRC as in-kind services under the Wet Mountain Valley Waste Minimization Grant. The Public Health Agency is requesting a key to the HHRC for ongoing access to the car seats stored in the basement. She stated that there are numerous keys distributed and she will enforce a key log and a sign in sheet to monitor usages. Ms. Squire reported that a Community Celebration of Sharing fund raiser has been scheduled for December 18, 2010. She proposed starting a grief support group for the county. Ms. Squire stated that she is working with individuals in the Westcliffe and Wetmore area on weatherization applications. She remarked that she would like the HHRC calendar to be published in the Wet Mountain Tribune for public information. Commissioner Custer suggested that Ms. Squire contact Chuck Ippolito, IT to update and upgrade the HHRC county website.

Commissioner Attebery reported he was in communication with the State of Colorado Health Department regarding the abatement finalization for the building at the Wetmore Project site.

Commissioner Austin reported he was in communication with CDOT regarding the rumble strips and second light previously discussed for the Wetmore area. Following a brief discussion the Board agreed to schedule the work session portion of the BOCC Meeting on October 19, 2010 in conjunction with the Wetmore Community Center Board meeting in the Wetmore area to provide the community with those updates. Commissioner Austin reported that the concrete slab under the Wet Mountain Valley Waste Minimization Grant has been poured at the landfill and the building has been ordered. He requested that the Board waive the permit fee for the project. Commissioner Attebery asked if the permit application had been completed and submitted to the Planning and Zoning Department. Commissioner Austin responded that the application permit was processed on September 27, 2010.

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

To waive the permit fee for the Wet Mountain Valley Waste Minimization project. The motion carried unanimously.

Commissioner Custer presented the Intergovernmental Agreement (IGA) for Joint Funding of ADA Compliant Improvements to Custer County public buildings for the BOCC's approval. She stated that the IGA was reviewed and approved by the County Attorney, John Naylor. The project of the IGA will entail the construction of two permanent, concrete, ADA compliant ramps at the HHRC and the installation of two stair-chairs. One stair-chair each is to be installed at the Custer County Courthouse and the Wetmore Community Building.

Commissioner Attebery stated that approval of the IGA would be contingent on the working condition of the stair-chairs prior to their installation.

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

To approve the IGA for Joint Funding of ADA Compliance Improvements to the Custer County public buildings as presented. The motion carried unanimously.

Commissioner Custer will schedule and monitor the project.

Commissioner Austin reported that he attended the Rotary Meeting earlier this week. He said he felt it was his responsibility and obligation as an elected official to express opposition to the three state-wide ballot issues entitled Amendment 60 and 61 and Proposition 101. He proposed that the BOCC prepare and approve a resolution of opposition. Commissioner Attebery said he was not in favor of a resolution. Commissioner Custer stated a resolution would appear self-serving to the public.

Commissioner Custer stated she will prepare a correspondence confirming the transfer of the Promote Safe and Stable Families (PSSF) and the Tony Grampas Youth (TGY) programs from the County to Custer County Transitions for the Boards signature.

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

To approve the correspondence transferring the PSSF and TGY program to Custer County Transitions. The motion carried unanimously.

The Sheriffs reports for May, June and July 2010 were accepted.

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

To send correspondence to Senator Michael Bennet supporting a feasibility study for the inclusion of the Pike National Historic Trail into the National Trail System. Commissioner Custer will revise the correspondence for the Boards signature. The motion carried unanimously.

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

To adjourn the meeting. The motion carried unanimously.

The meeting was adjourned at 12:30 PM.

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Debbie Livengood, Clerk and Recorder  
Attest

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Lynn Attebery  
Chairman