

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING, MARCH 21, 2013**

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
Allen Butler	Vice-Chairman	Present
Kit Shy	Commissioner	Present
Kris Lang	Deputy Clerk to the Board	Present

Also present was Ben Bruestle, Stan Lueck, Jean Mavromatis, and Nora Drenner, reporter for the Wet Mountain Tribune.

AGENDA:

Call meeting to order

Pledge of allegiance

Roll Call

Amend agenda

Audience introduction

Approval of minutes

Public Comment

Commissioner Items:

New/Old Business:

Drive Smart Custer County Grant Application

Road Bridge Report update

Custer County Survey Association Dues

So. Co. Climbers Resource & Action Group – Ben Bruestle

Lake DeWeese Recreation - Justin Krall

Amendment #64 Discussion

Southern Colorado Economic Development (SCEDD), Doug Dowler

Commissioner Attebery asked if there were any public comments. Nora Drenner said that she will attend the Economic Development Council Conference on April 3, 4, and 5, 2013 in Colorado Springs, CO. She said that she will present a written summary report on the conference to the BOCC at a later date.

Stan Lueck thanked the BOCC for supporting and adopting Custer County Resolution #13-02. A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY, A POLITICAL SUBDIVISION IN THE STATE OF COLORADO IN DEFENSE OF THE 2ND AMENDMENT RIGHT IN THE UNINCORPORATED PORTIONS OF THE COUNTY.

MOTION by Commissioner Shy, seconded by Commissioner Butler:

To approve the minutes of February 28, March 4 and 5, 2013 as presented. The motion carried unanimously.

Jean Mavromatis met with the BOCC and presented the Office of Transportation Safety Mini Grant Proposal Application for Custer County Drive Smart through the Public Health Agency. She said that the CDOT grant will provide the county with regulation approved child safety seats. She said that the car seats currently in storage at the Resource Center have expired and will be discarded. Ms. Mavromatis said that a county match was not required. Commissioner Attebery asked if this grant application mirrored the previous submissions for child safety seats. Ms. Mavromatis said the application has remained the same.

MOTION by Commissioner Shy, seconded by Commissioner Butler:

To approve the grant application as presented with a caveat that the outline and format has not changed from previous submissions. Also noted for the record is that this application was accepted by the BOCC without legal review. The motion carried unanimously.

Ben Bruestle said that the So. Co. CRAG (Southern Colorado Climber's Resource & Action Group) is a conservation group dedicated to preserving natural resources while maintaining public access for responsible climbing in the Wet Mountains and surrounding areas. He said that the goals of the group included the preservation of our region's rock, cliff and mountain environment; advocating reasonable access to all publicly owned rocks, cliffs and mountains in southern Colorado through communication and service projects; and to educate the public on minimizing disturbances to rocks, soils, plant and animals of Southern Colorado. Mr. Bruestle said that the So. Co. CRAG would like to investigate the option of having Beddows Mountain made available for recreational climbing and asked the BOCC to provide a letter of support for the endeavor.

MOTION by Commissioner Shy, seconded by Commissioner Butler:

To support the So. Co. CRAG in their endeavors to obtain access to Beddows Mountain for recreational climbing. The motion carried unanimously.

Doug Dowler and Edie McLish met with the BOCC and gave a summary of the Southern Colorado Economic Development District (SCEDD). SCEDD operates programs as a service to local governments. The SCEDD professional staff has decades of experience across a broad spectrum of economic and community development programs and continues to work with local communities profiles for use with prospective industries. The SCEDD representatives are available to assist with grant preparation and small business association loan applications. Mr. Dowler commented that Commissioner Attebery and Dee Hoag were the Custer County SCEDD representatives. Mr. Dowler and Ms. McLish said they are willing and available to assist any applicants on request.

Sheriff Jobe; Justin Krall, DOW Officer; Ron Dorn, Deweese-Dye Ditch and Reservoir; and property owner Jim and Cecelia McCarty joined the meeting. Justin Krall referenced District Court; Custer County, Colorado Case 91CV8 dated April 1, 1992. The court order stipulates that recreational boating is prohibited on Lake Deweese except for those individuals owning the recreational rights. He said that the Colorado Parks and Wildlife does not own or lease the recreational boating rights on Lake Deweese. Those rights are owned by an outside private party. He said that the Colorado Parks and Wildlife does own the fishing rights on the lake and that public boat fishing will still be allowed. Mr. Krall said that in order to comply with the court order only individuals identified as owning recreational rights are able to utilize the lake for recreational purposes. He said that the appropriate signs will be posted around the lake beginning in the spring of 2013 in an effort to educate and inform the public using the lake that these regulations will become enforceable in 2014. He thanked Mr. McCarty for his years of patience regarding the issue. He applauded Mr. McCarty for working with the CPW and enabling them to use the 2013 tourism season for public education and notification regarding the changes in the Lake Deweese State Wildlife Area.

The BOCC recessed at 10:30 AM.

The BOCC reconvened at 10:40 AM.

Sheriff Jobe; Jackie Hobby, Planning and Zoning Director; and Gail Stoltzfus, RN, Public Health Agency joined the BOCC in a discussion regarding Amendment 64. The amendment passed by Colorado voters in November 2012; authorizes the state to adopt legislation to regulate the sale of marijuana by July 2013. Local governments have the ability to place a temporary ban; a moratorium or regulate the practice in their jurisdictions. Sheriff Jobe asked the BOCC to adopt a resolution prohibiting recreational marijuana businesses in Custer County. Ms. Stoltzfus shared concern regarding the potential availability and distribution of marijuana made products. Ms. Hobby remarked that any marijuana dispensary, growing site or facilities or any other land association with such uses will require a special use permit from the planning and zoning department. The BOCC said that any resolution regarding the issue would require review and approval from the County Attorney.

The BOCC recessed at 11:25 AM.

The BOCC reconvened at 1:00 PM.

Dave Trujillo, Road and Bridge (R&B) Supervisor met with the BOCC and said that he was still waiting for a state bid price quote on a new pickup for the R&B Department from Heritage Ford. He stated that the R&B Department needed to hire another employee to fill the current vacancy. He remarked that he is currently receiving bids for the end of the year crushing of gravel and said that the expenditure would be payable in 2014. He commented that estimate cost for the fuel pump system upgrade is between \$15,000.00 and \$20,000.00. Mr. Trujillo said that he was approached by the Westcliffe Soil Conservation to provide a water truck and driver for approximately three days of seeding in the Wetmore area. He said the reseeding would be done by chopper and the request was to keep the landing pad area wet. He said that the \$40,000.00 grant was received from the BLM for soil stabilization in the Wetmore burn area and this was a part of the project. He expressed concern that he was not aware of any county in-kind or commitment for the project and did not have the available equipment or personnel. The Board said that no county match or in-kind services had been approved. Following a brief discussion the BOCC agreed that the situation could be a training exercise and that the request should be directed to the Wetmore Fire Station. Mr. Trujillo presented the BOCC with three bids for the purchase of the crack seal machine. Following a brief discussion the Board moved to accept the bid from Denver Industrial Sales and Service. Mr. Trujillo will clarify the terms regarding the ordering and deposit of the equipment and review the purchase with the Chief Financial Officer and the Finance Manager.

MOTION by Commissioner Attebery, seconded by Commission Butler:

To follow the recommendation of the Road and Bridge Supervisor to purchase the crack seal machine from Denver Industrial Sales and Service in the amount of \$40,607.71. The motion carried unanimously.

MOTION by Commissioner Attebery, seconded by Commissioner Butler:

To pay the 2013 County Surveyor dues. The funds will be distributed from the BOCC professional dues budget line item. The motion carried unanimously.

Commissioner Butler said that he attended the American Legion Committee Meeting. He said that he had a discussion with the current Veterans Service Officer (VSO) and VSO assistant regarding the funding and income the county receives as part of the program. He reported that the county funding has dropped from \$2400.00 per year to \$600.00 and requested the VSO and VSO Assistant investigate and review the paperwork and reports to ensure that the county receives the maximum allowance for the program.

Commissioner Butler gave a report on the Special Transit Advisory Commission (STAC) meeting he attended in Denver, CO. He shared concern that former Commissioner Austin appeared to still be representing the county and the region. He requested clarification regarding his role with STAC. The BOCC said that on January 31, 2013 the Board appointed Commissioner Butler to serve on the STAC and represent Custer County as part of the Central Front Range, Transportation Planning Region (TRP).

Commissioner Attebery said he would be attending the SCEDD meeting in Pueblo, CO., on March 22, 2013. He stated that the roof at the Sheriff's Office required repair and that he would contact a roofing company for an estimate and or bid. He said that the citizens in the Wetmore area are requesting a capital improvement in the Wetmore Community Center. The project would involve plumbing and water for an upstairs restroom. The approximate cost for the project is \$2200.00. The Board agreed that the Wetmore Community Center was an asset to the county and warranted the capital improvement.

MOTION by Commissioner Butler, seconded by Commissioner Shy:

To approve the project at the Wetmore Community Center not to exceed \$2500.00. The motion carried unanimously.

Commissioner Shy said he attended the West Custer County Library long- range planning meeting and that he was impressed with the participation and public commitment to the library. He commented that the Director is scheduled to present a library report to the BOCC on March 29, 2013.

Commissioner Attebery and Commissioner Butler signed a letter nominating and recommending the appointment of Commissioner Shy to the Regional Advisory Committee (RAC).

Commissioner Attebery asked if there was any more business to conduct. Hearing none, he adjourned the meeting at 2:55 PM.

Debbie Livengood, Clerk and Recorder

Lynn Attebery, Chairman