

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING, MAY 22, 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 6:00 PM 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 were: Sandra Attebery, Dallas Anderson, Carol Clemensen, Scott Clemensen, Else Crites, Nora Drenner, Chris Haga, Nan Haga, Barbara Hilditch, Keith Hood and Jeff Outhier.

AGENDA:

- Call meeting to order
- Pledge of allegiance
- Roll Call
- Amend agenda
- Audience introduction
- Approval of minutes
- Public Comment
- Commissioner Items
- Executive Session
- Old/New Business
- Colorado State University Extension Office Report
- Water Round Table Representative
- Title 111 Funds
- Marijuana Moratorium Resolution Amendment 64
- 6:30 PM Public Notice Special Events Liquor License Permit
- Hardscrabble Mountain Trail Run, June 2, 2013 sponsored by the San Isabel Land and Trust

MOTION by Commissioner Butler seconded by Commissioner Shy:

To approve the minutes from May 6, 2013 as presented. The motion carried unanimously.

Commissioner Attebery asked if there were any public comments. Hearing none, he continued with the meeting.

Commissioner Attebery said that the legal firm of Duncan, Ostrader & Dingess, PC was representing the county in the District Court, Water Division 2 Colorado, Case No. 08CW47 concerning the application for change of water rights by the applicants City of Fountain and Widefield Water and Sanitation District. He referenced a correspondence received from legal consult and explained that the applicants

engineers have significantly changed the amount of water to which the applicants are entitled, and the methods and principles by which the amount is calculated.

The draft Decree has been modified to reflect the changed engineering and limits the amount of water to be transferred and the revegetation terms have been modified. The draft Decree now requires monitoring and includes terms for resolving revegetation disputes. Based on these changes the applicants have requested a stipulation from Custer County to agree to the entry of a Decree at least as stringent as the one in circulation. Commissioner Attebery stated that Duncan, Ostrader & Dingess, PC. have recommended that the county settle the case.

MOTION by Commissioner Attebery, seconded by Commissioner Shy:

That Custer County will no longer actively participate in the District Court, Water Division 1 Case No. 08CW47. The BOCC agreed that the County Attorney, John Naylor was in support of the settlement. The motion carried unanimously.

Commissioner Attebery said that Sangre De Cristo Electric Association has requested a letter of support from the BOCC opposing Senate Bill 13-252. SB13-252 would require the expanded use of renewable energy sources and will have a direct negative financial impact on the rural county electric co-ops.

MOTION by Commissioner Attebery, seconded by Commissioner Butler:

To approve the correspondence addressed to Governor John Hickenlooper opposing SB13-252. The motion carried unanimously.

Commissioner Attebery said that the Public Health Agency has submitted a Task Order Contract – Waiver 154 from the Colorado Department of Public Health and Environment approving funding in the amount of \$29,090.00 for immunization activity. The funds will be distributed to the county in two fiscal year payments of \$14,045.00 for the years 2014 and 2015. Commissioner Shy said that Donna McDonnall, County Public Health Nurse notified the BOCC in the last report she made to the Board that the contract would be forthcoming.

MOTION by Commissioner Butler, seconded by Commissioner Shy:

To approve and sign the Task Order Contract for the Public Health Agency as presented with a caveat that the contract was not reviewed by the County Attorney. The motion carried unanimously.

Keith Hood gave a report on the Arkansas Basin Water Roundtable (ABWR). He said that he has been on the ABWR since 2005 and has not been able to attend the meetings or participate in the recent discussions. Commissioner Shy said in an effort to keep the BOCC involved and informed that he would be interested in attending and participating in the next scheduled Arkansas Basin Water Roundtable meeting on June 12, 2013 with Mr. Hood. Chris Haga stated that he represented the Round Mountain Water and Water Sanitation District, the Town of Westcliffe, and the Town of Silver Cliff on the ABWR and offered to inform the county of any pertinent issues.

Jeff Outhier, US Forest Service joined the BOCC to discuss the distribution of the Title III funding. Following a discussion the BOCC agreed that a public notice would be published in the May 29, 2013 edition of the Wet Mountain Tribune.

PUBLIC NOTICE

The Custer County Board of County Commissioners is proposing the expenditure of an estimated \$14,000 to the Wetmore Volunteer Fire Station for fire fighting vehicle equipment, tools and protective clothing; an estimated \$1,000 to improve county wide firefighting radio communication and frequency; and the balance of approximately \$5,000 for intra-agency fire mitigation training.

The funds will be taken from the Custer County Title III Secure Rural Schools and Community Self-Determination Act of 2000. (Public Law 110-343). These funds can only be expended in accordance with provisions made in the law. Copies of the Fact Sheet that explain the proposals in further detail are available at the County Clerk's Office for review.

This is the notice of the 45-day public comment period for the proposal. Comments must be submitted by July 14, 2013, to the Custer County Commissioners Office, by mail to PO Box 150, Westcliffe, CO. 81252; by fax 719-783-2885 or by e-mail: kris@custercounty.gov.com

Ordered and published by Lynn Attebery, Chairman, Board of County Commissioners.

Date Published: May 30, 2013 Wet Mountain Tribune, Westcliffe, Colorado

SUBMIT PROOF OF PUBLICATION

MOTION by Commissioner Shy, seconded by Commissioner Butler:

To proceed with the Title III public notification required to expend the funds. The motion carried unanimously.

Commissioner Attebery said that the BOCC has been in communication with Josh Marks of Berg Hill Greeleaf and Ruscitti LLP regarding Amendment 64, passed by Colorado voters in November 2012 to allow the personal use and regulation of marijuana for adults 21 and over. Commissioner Butler said that the citizens have voted twice to prohibit the use of marijuana within the unincorporated boundaries of Custer County and he felt the BOCC should adopt a moratorium or a ban prohibiting the use. Commissioner Shy explained that the BOCC met with the County Sheriff and the Planning and Zoning Director to discuss and review the issues. He said that a resolution could not be legally enforced by the Sheriff's Office, however an ordinance was enforceable. Commissioner Shy said that Mr. Marks suggested that the BOCC adopt an enforceable ordinance prohibiting the establishment or operation of personal use marijuana cultivation facility, marijuana product manufacturing facilities or retail marijuana stores in the unincorporated areas of Custer County.

MOTION by Commissioner Shy, seconded by Commissioner Attebery:

To advise Josh Marks to proceed with the preparation of an ordinance prohibiting the establishment or operation of personal use cultivation facility, marijuana product manufacturing facilities or retail marijuana store in the unincorporated areas of Custer County. The motion carried unanimously.

Commissioner Attebery said that the BOCC would need to approve the application for a Special Events Permit (SEP) liquor license for fermented malt beverages. The Hardscrabble Mountain Trail Run Event is scheduled on June 2, 2013 from 10 AM to 2 PM and is sponsored by the San Isabel Land Protection

BOCC 5/22/13

Trust. The event will take place at the Bear Basin Ranch, Westcliffe, CO. Kris Lang, Deputy Clerk to the BOCC said that the application was complete and that the appropriate funding has been received. The required posting at the premise has been completed and all the guidelines have been met.

MOTION by Commissioner Shy, seconded by Commissioner Butler:

To approve the SEP for the Hardscrabble Mountain Trail Run Event as presented. The motion carried unanimously.

Commissioner Attebery said that at the regularly scheduled BOCC meeting on March 12, 2012 the Board discussed the Gateway to the Southern Rockies Crossroads of Cultures proposal and agreed to consider a \$1800.00 contribution for a kiosk to be placed in the Wetmore area. The contribution would be contingent on those funds being available in the 2013 county budget. He said that the funding was now being requested.

MOTION by Commissioner Shy, seconded by Commission Butler:

To expend the \$1800.00 contribution for the kiosk as part of the Gateway to the Southern Rockies Crossroads of Cultures proposal to be placed in the Wetmore area from the appropriate fund.

Commissioner Attebery asked if there was any further business to discuss. Hearing none he adjourned the meeting at 7:50 PM.

Debbie Livengood, Clerk and Recorder
Attest

Lynn Attebery,
Chairman

Approved 6/3/13

BOCC 5/22/13