

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING, SEPTEMBER 4, 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:

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

Also present were: Dallas Anderson, Laura Halpin, Mike Halpin, Debbie Livengood and Nora Drenner managing editor for the Sangre DeCristo Sentinel.

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

- Adopt Ordinance 13-01

6:30 PM Special Event Liquor License from the Chamber of Commerce. Event scheduled on October 19, 2013 at A Painted View Ranch, Westcliffe, CO.

- CR 390

MOTION by Commissioner Butler, seconded by Commissioner Shy:

To approve the minutes from August 14, 2013 as presented. The motion carried unanimously.

Commissioner Attebery asked if there were any public comments.

Dallas Anderson, Airport Advisory Board (AAB) Chairman advised the BOCC that the airport was running low on fuel. Following a brief discussion the BOCC agreed that fuel should be purchased at the discretion of the AAB and would not require BOCC approval.

Commissioner Attebery said that all the requirements for the adoption of Ordinance 13-01 have been satisfied and met.

MOTION by Commissioner Attebery, seconded by Commissioner Shy:

To adopt Ordinance 13-01, an Ordinance Prohibiting the Operation of Marijuana Cultivation Facilities; Marijuana Product Manufacturing Facilities, Marijuana Testing Facilities or Retail Marijuana Store within the Unincorporated Boundaries of Custer County, State of Colorado. The motion carried unanimously.

Kris Lang, Deputy Clerk to the BOCC advised the Board that Ordinance 13-01 would be published for a second time following its adoption in the September 12, 2013 issue of the Wet Mountain Tribune, Westcliffe, Colorado.

Laura and Mike Halpin addressed the BOCC and requested an open discussion regarding the issue on CR 390 involving them, Robert Hamilton and Custer County. Mr. Halpin said that the mediation process did not resolve anything and it was his belief that the parties involved were not sharing or receiving the same information regarding the matter. He said that the Boards position in the case will directly affect their next course of action. The BOCC listened intently to the concerns expressed but was not able to share any information as the court case remains in the hands of legal consult. Mr. Halpin said he wanted the BOCC to be aware that they have not agreed to any settlement or actions regarding the court case. He shared a copy of a proposed settlement agreement that he recently received from Mr. Hamilton's legal consult with the Board. The Board said they were aware that any trials were being postponed pending a possible settlement but that they were not aware of any negotiated or agreed upon settlement. Mr. and Mrs. Halpin thanked the BOCC for their time.

Debbie Livengood, Clerk and Recorder presented the Special Events Permit (SEP) Liquor License Application for the Sons and Brother Event Concert sponsored by the Chamber of Commerce. The event will be held on October 19, 2013 at the Painted View Ranch from 3:30 PM to 10:00 PM. She stated the application was complete and in order and that the required publishing and posting was completed.

MOTION by Commissioner Butler, seconded by Commissioner Shy:

To approve the SEP Liquor License for the Sons and Brothers Concert Event on October 19, 2013 as presented. The motion carried unanimously.

Commissioner Attebery asked if there was any more business to discuss. Hearing none, he adjourned the meeting at 6:55 PM.

Debbie Livengood, Clerk and Recorder
Attest

Lynn Attebery,
Chairman