

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING, JULY 16, 2013**

THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY MET IN REGULAR SESSION IN THE WETMORE FIRE STATION, WETMORE, COLORADO.

Commissioner Lynn Attebery called the meeting to order at 6:15 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, Kevin Day, Bill Donley, Alden Gray, Jackie Hobby, Chuck Ippolito, Beth Lenz, Debbie Livengood, Caroline Niles, and Ruth Roper.

AGENDA:

Call meeting to order

Pledge of allegiance

Roll Call

Amend agenda

Audience introduction

Approval of minutes June 26, July 1, July 2, 2013

Public Comment

Commissioner Items

Executive Session

Old/New Business

- UAACOG Recycling – Beth Lenz
- OSWSR Regulations/Resolution – Jackie Hobby
- Southern Colorado RETAC, Inc. Contract Fiscal Year 2013-2014 – Chuck Ippolito
- Liquor License Change of Manager – St. Andrews Golf Course – Debbie Livengood
- Ratification for lifting of the Fire Ban effective 7/15/13
- Millings for Wetmore Helipad

MOTION by Commissioner Attebery, seconded by Commissioner Shy:

To accept the posted agenda. The motion carried unanimously.

MOTION by Commissioner Butler, seconded by Commissioner Shy:

To approve the minutes from June 28, July 1 and July 2, 2013 as presented. The motion carried unanimously.

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

Beth Lenz, Upper Arkansas Area Council of Government (UAACOG) Recycling Program met with the BOCC and said that Senate Bill 12-133, known as the Electronic Recycling Jobs Act prohibits the disposal of waste electronic devices (e-waste) in Colorado landfills as of July 1, 2013.

She said that while local governments are not required to fund a public electronics recycling program or collection events, they are required to make a good faith effort prior to voting for an exemption from the landfill ban. Ms. Lenz said that a good faith effort by the county must include, at a minimum, attempting to provide two recycling drop-off events per year, or an ongoing electronic waste recycling program serving residents of the county. She explained that county operated landfills and transfer stations must update signage to list that electronic waste is prohibited from disposal. She remarked that the Colorado Department of Public Health and Environment (CDPHE) website could provide more information regarding the specific requirements of the signage. She distributed copies outlining the Electronic Waste Disposal Ban and the Electronic Recycling Jobs Act effective July 1, 2013 for posting. Chuck Ippolito, IT Director commented that he will add the notices to the county website. The Board remarked that at this time Oak Disposal Services (previously Veltrie Disposal Services) is accepting electronics. Mr. Lenz said that Oak Disposal Services met the recycling guidelines and was registered with the CDPHE. Commissioner Shy said that the UAACOG Recycling Program was experiencing financial restraints and that Ms. Lenz chose to reduce her hours in an effort to keep the program viable. The BOCC thanked her for her continued support and commitment to the program.

Jackie Hobby, Planning and Zoning Director said that the CDPHE Water Quality Control Commission passed a new On-Site Wastewater Treatment System Regulations. The new State regulations will be effective June 30, 2013. She said that the county has one year to bring the Custer County OWTS Regulations into compliance with the State changes. Ms. Hobby presented the revised County OWTS Regulations that included these changes to the BOCC for review and approval. She expressed concern that even though the CDPHE put the new state septic regulations into effect, they have not completed or forwarded any forms or standard requirements necessary to enforce the regulations. The Board agreed that the regulations cannot be enforced without the proper paperwork, forms and guidelines necessary from CDPHE.

MOTION by Commissioner Shy, seconded by Commissioner Butler:

To approve the Custer County On-Site Wastewater Treatment System Regulations as presented with a caveat that the regulations would not be implemented until review by the CDPHE. To adopt Resolution 13-03, a Resolution of the BOCC of Custer County, Colorado acting in their capacity as the Custer County Board of Health to approve the revised Custer County OWTS regulations. The motion carried unanimously.

The BOCC shared their concern and disapproval regarding the continual unfunded mandates issued and enforced by the CDPHE. The Board agreed that the consistent change, revisions or updates required by the CDPHE is putting a financial burden on all the rural counties of Colorado.

Chuck Ippolito said he was representing the Southern Colorado Regional Emergency Medical Trauma Advisory Council (SCRETAC). He presented the SCRETAC Contract for Funds Disbursement for the Fiscal Year 2013 – 2014 for the Boards review and approval. He gave a breakdown of the \$22,863.91 funding request.

MOTION by Commissioner Butler, seconded by Commissioner Shy:

To approve the SCRETAC Contract as presented with a caveat that the contract was not reviewed by legal consult. The motion carried unanimously.

Debbie Livengood, Clerk and Recorder met with the BOCC and presented a change in manager application for the St. Andrews at Westcliffe Golf Course. She said the two new managers are: Corey Gomez and Ed Sullivan. Ms. Livengood said the application was complete and in order.

MOTION by Commissioner Shy, seconded by Commissioner Butler:

To approve the change in managers as requested by the St. Andrew's at Westcliffe Golf Course. The motion carried unanimously.

Ms. Livengood said that the Clerk and Recording Department will be closed on Friday, July 16, 2013 from 10 am to 1 pm to allow the staff members to attend the memorial services of Betty Camper. Kelley Camper who is employed with the Clerk's office is the daughter-in-law of Betty Camper and all the employees in the C&R Department will attend the services.

Commissioner Attebery said that the Board has received written notification from the Sheriff/Fire Warden that the fire ban in Custer County has been lifted effective, July 15, 2013.

MOTION by Commissioner Butler, seconded by Commissioner Shy:

To ratify the decision of the Sheriff/Fire Warden to lift all the fire ban in Custer County, effective July 15, 2013. The motion carried unanimously.

Commissioner Shy remarked that the US Forest Service has also lifted their fire bans.

Commissioner Attebery addressed the agenda topic of the millings at the helipad. Bill Donley said that the project was completed and he thanked the BOCC and the R&B crew for their effort and support on the helipad. Kevin Day remarked that the millings were donated by Lawrence Construction Co. of Littleton, Colorado. The construction company is the contractor for the new bridge on State Highway 67 and was able to provide the materials. The BOCC instructed the Deputy Clerk to the Board to prepare a correspondence thanking the Lawrence Construction Co. for the millings for their review and signature. Commissioner Attebery suggested that the Wetmore Fire Station also extend their thanks and appreciation for the millings.

Commissioner Butler said that he and Commissioner Attebery attended the Southern Colorado Economic Development District Conference and both agreed it was an informative and educational conference.

Commissioner Shy said he attended the 911 Meeting hosted by Century Link regarding the enhanced E911 equipment and services.

Commissioner Shy asked everyone in attendance to remember and honor the valleys legendary and old time residents who have passed in the recent months.

Commissioner Attebery said that on May 30, 2013 a public notice proposing the expenditure of an estimated \$14,000 to the Wetmore Volunteer Fire Station (WVFS) was published and posted. The funds would be taken from the Custer County Title 111 Secure Rural School and Community Self-Determination Act of 2000. The public notice stated there was a 45-day public comment period. That time period ended on July 15, 2013 without the receipt of any comments, concerns or objections. Bill Donley, Chairman of the WVFS reported that the funding would be utilized for the purchase of a four-seater utility ATV vehicle; a trailer to transport the vehicle and additional equipment to outfit the new fire truck. The BOCC discussed options to facilitate the process enabling the WVFS to secure the purchase of the utility vehicle.

MOTION by Commissioner Attebery, seconded by Commissioner Butler:

To approve a handwritten check in the amount of \$14,000.00 to the Wetmore Volunteer Fire Station from the Title 111 Fund. The motion carried unanimously.

Commissioner Attebery presented the Auction Agreement for the BOCC's review and approval. The agreement is between K.E.R. Auction as auctioneer and Custer County, a local government as the owner of the items to be auctioned. The auction will take place on Saturday, July 27, 2013 starting at 10:00 AM. The Public Action will be held at 702 Rosita Avenue (behind the Sheriff's Office) and at 615 Rosita Avenue (Custer County Resource Center Annex).

MOTION by Commissioner Butler, seconded by Commissioner Shy:

To approve and sign the Auction Agreement as presented. The motion carried unanimously.

The BOCC discussed and agreed not to include or haul the electronics currently at the landfill facility as part of the public auction.

Commissioner Attebery said that Custer County has a communication right-of-way located in Township 22, South Range 71 West Section 19 also known as Lookout Mountain aka TV Towers aka Hibbs Hill Communication Site. The United States Department of Interior/Bureau of Land Management has filed a notice of non-compliance COC-40761 against the county regarding the sub-leasing communication uses to Ridgeview Tel, Diverse Datum Wireless, Sangre DeCristo Electric, AT&T and ham radio and repeater usage. The current communication right-of-way grant does not allow the county to sub-lease and new communication leases will be required. The communications leases are subject to the review and approval of the BLM. Commissioner Attebery said that noncompliance with the application laws and the regulation or any terms, conditions or stipulations of the right-of-way grant is grounds for suspension and or termination under the provisions contained in 43CFR2807.17 (a). The BOCC will engage the help and assistance of Chuck Ippolito, IT/GIS Coordinator to review and investigate all the communication usage on the tower. Following a discussion the Board agreed to invite Vera Matthews, Realty Specialist for the Bureau of Land Management to attend a future BOCC meeting for discussion and review regarding the issue.

Commissioner Attebery asked if there was any more business to discuss. Hearing none, he adjourned the meeting at 8:20 PM.

Debbie Livengood, Clerk and Recorder
Attest

Lynn Attebery,
Chairman