

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING, FEBRUARY 4, 2014**

THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY MET IN REGULAR SESSION IN THE COMMISSIONER'S BOARDROOM.

Commissioner Allen Butler called the meeting to order at 9:00 AM and the Pledge of Allegiance was recited.

Roll Call was taken:

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

No one else was present in the audience.

AGENDA:

Call meeting to order  
Pledge of allegiance  
Roll Call  
Amend agenda  
Approval of minutes:  
Audience introduction  
Public Comment  
Commissioner Items  
Executive Session  
New/Old Business  
Landfill/Recycling Report  
Treasurer Report  
Review of Generator Bids for Dispatch  
Planning and Zoning Report  
Geysers Gateway Memorial Rest Area – L. Weber, D. Urban

Commissioner Butler asked if anyone had any public comments. Hearing none he continued with the meeting.

Commissioner Attebery said that Marine Veteran Rob Jones is a double amputee who lost both his legs above the knee in Afghanistan and is cycling from Maine to Southern California. Mr. Jones will be bicycling through the Wetmore and Westcliffe area later in the week. He said that Charles Bogel, has requested that the BOCC prepare a letter of recognition for Mr. Jones applauding his effort and adventure. The Board agreed to prepare a letter of recognition to be presented to Mr. Jones while he is in the area.

Rusty Christensen, Landfill Manager met with the BOCC and gave a report. He said that the landfill took in approximately 14,000 yards of refuse in 2013. He remarked that 42 bales of cardboard will be shipped from the landfill in the near future. He reported that the monitoring well required by the Colorado Department of Public Health and Environment (CDPHE) was in the final planning stages. The installation of the monitoring well at the landfill property will be completed by Nequette Drilling following the CDPHE protocol of fish oil usage. Mr. Christensen said the recent water sample from the catch basin at the landfill property was sent to the AMC lab in Salida, CO. for testing and the results were clear. He said that a printed analytical report would be forthcoming.

Virginia Trujillo, Treasurer met with the BOCC and gave a report for December 2013 and January 2014. The beginning balance on December 1, 2013 was \$3,405,219.84 and the ending balance on December 31, 2013 was \$3,034,977.65. The beginning balance on January 1, 2014 was \$3,034,977.65 and the ending balance on January 31, 2014 was \$3,483,811.49.

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

To accept the Treasurer reports for December 2013 and January 2014 as presented. The motion carried unanimously.

Ms. Trujillo presented the BOCC with the final quarterly 2013 report of the Public Trustee.

The BOCC recessed at 9:50 AM.

The BOCC reconvened at 10:05 AM.

Sheriff Fred Jobe and Christe Coleman, Office of Emergency Management (OEM) Director joined the meeting and presented the BOCC with three bids for the sheriff’s office generator. The bids received are from: Solar Solution, Ltd., Challenger Electric and Wright Electric. Following a discussion and review of the estimates, the Board agreed to approve and move forward with the bid from Challenger Electric.

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

To award the bid for the generator to Challenger Electric contingent on receipt of the funding from the Department of Homeland Security. The motion carried unanimously.

Ms. Coleman met with the BOCC and gave a report. She said that the Emergency Operations Training was scheduled at the school on March 12, 2014 and the Full Scale Training including the School Shooting Exercise was scheduled on April 18, 2014. Ms. Coleman said that she would like the Road and Bridge (R&B) employees to participate and attend the full scale training on Friday, April 18, 2014. She said that the R&B employees are not scheduled that date and asked if the county would compensate the staff for their time at the exercise. As part of the discussion the BOCC expressed concern with utilizing taxpayer funds to compensate a specific department for participation in the exercise. The Board agreed that attendance would need to be on a non-compensated volunteer basis. Ms. Coleman presented a revised Custer County Open Burn Management Plan dated January 2014. Upon review it was noted that there was no signature line in the plan for the BOCC. The County Commissioners are named and referenced in the revised document and will need to sign off on the final correspondence. Ms. Coleman said that the Custer Emergency Services (CES) meeting scheduled on February 19, 2014 at 5PM would focus on the Emergency Medical/Ambulance issues. She encouraged the BOCC to participate and attend. The Board responded that they had a conflict with that date. The BOCC has a meeting meeting already scheduled in the Wetmore area at 6PM. Ms. Coleman will attempt to reschedule the CES meeting to another date. She gave a brief outline on the upcoming training for the OEM department that included Teen and Adult Special Emergency Response Training (SERT); Emergency Operations Training (EOC); a Public Informational Workshop; Wildfire Mitigation, OEM Exercise and a Community Weather Spotter Class.

Jackie Hobby, Planning and Zoning Director met with the BOCC and discussed the following files.

- # 101-12-661 Violation building/septic permit - continue with Cease and Desist
- # 101-87-403 Violation building/septic permit - certified notice issued to property owner
- #101-06-754 Violation creation undersized lot - certified notice issued to property owner
- #100-64-000 Violation building permit - certified notice issued to property owner
- #100-36-922 Violation septic permit - certified notice issued to property owner
- #101-38-552 Violation building permit - certified notice issued to property owner

Ms. Hobby remarked that the topic of water testing for the airport property will be added to the next Airport Advisory Board Meeting. She said that the Custer County Planning and Zoning Fee Schedule will need to be revised or amended to include an Onsite Water Treatment System Variance Fee. She said that the BOCC and Planning Commission will meet in the courtroom at 1PM for the Music Mountain Hearing.

Mayor Larry Weber and Dorothy Urban met with the BOCC to discuss the possible lease or purchase of the land owned by the county at Highway 96/Butler Street/Cliff Street for the completion of the Geysers Gateway Memorial Rest Area. Following a discussion it was agreed that the adjacent lot owned by Tezak Heavy Equipment Co. Inc. would be more convenient and beneficial to the project. Mayor Weber and Ms. Urban will contact the property owner and report back to the BOCC. The BOCC thanked Mayor Weber and Ms. Urban for their continued efforts in making the Gateway Memorial Rest Area in Silver Cliff a reality.

The BOCC recessed at 12:10 PM from the Commissioners Boardroom.

The BOCC reconvened in Joint Session with the Planning Commission at 1:00 PM in the Courtroom.

The Planning Commission recommended that the BOCC approve a Special Use Permit (SUP) for Upmost Enterprises dba as the Music Mountain Ranch with certain conditions attached to the SUP. Commissioner Shy said that the recommendation warranted additional discussion and asked for a motion to open the discussion.

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

To accept the recommendation of the Planning Commission for discussion purposes. The motion carried unanimously.

Following a lengthy discussion among the BOCC and the Planning Commission regarding the topic.

**MOTION by Commissioner Butler:**

To accept the recommendation of the Planning Commission to approve a Special Use Permit (SUP) for Upmost Enterprises dba as the Music Mountain Ranch. The motion failed due to the lack of a second.

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

Not to accept the recommendation of the Planning Commission to approve a Special Use Permit (SUP) for Upmost Enterprises dba as the Music Mountain Ranch. The motion carried.

**MOTION by Commissioner Shy, seconded by Commissioner Butler:**

To postpone a motion regarding the SUP for Upmost Enterprises dba as the Music Mountain Ranch at this time. Further discussion and review will continue at the next scheduled Planning Commissioner Meeting in March 2014 with the understanding that the applicant is aware of the concerns and conditions that need to be reviewed and addressed. The motion carried unanimously.

Commissioner Butler adjourned the meeting at 3:15 PM.

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Debbie Livengood, Clerk and Recorder  
Attest

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Allen Butler,  
Chairman