

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING, AUGUST 2, 2006**

THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY MET IN
REGULAR SESSION WITH THE FOLLOWING MEMBERS PRESENT:

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| Dick Downey | Chairman |
| Kit Shy | Vice-chair |
| Dale Hoag | Chairman |
| John Naylor | County Attorney |
| Ric Ferron | County Administrator |
| Debbie Livengood | Clerk to the Board |

Also present for the meeting was Jim Blevons.

Meeting was called to order at 8:35am.

Commissioner Hoag made a motion seconded by Commissioner Shy to approve the minutes of June 30th, July 5th and 6th meetings. Motion carried unanimously.

County Treasurer, Doris Porth, met with the Board to give her monthly report. It was approved. Sales tax is up from this same time last year, but property tax collections are down approx. 3% from last year.

Commissioner Hoag made a motion seconded by Commissioner Shy to transfer \$314.85 from the General Fund to the Emergency Service Fund. The forgoing transfer is being approved for the purpose of clearing the inter-fund receivable and payable balance, as it exists as of December 31, 2005. The transfer is to be recorded and followed by the immediate and simultaneous repayment of such balances as shown above. Motion carried unanimously.

The Board discussed a letter received from Jerry Gomez, a property owner in Westcliffe. In Mr. Gomez's letter he is asking that his "gray water septic sewage system" be grandfathered in. According to Mr. Gomez, Linc Lippincott, who was the zoning director at the time Mr. Gomez was building, informed him that his system was a safe and acceptable sewage system. According to the current zoning officer, Christy Kesselring, who worked with Mr. Lippincott, he was going to approve Mr. Gomez's system, but failed to follow through with the process before leaving employment with the county. Christy has since written Mr. Gomez a letter stating that he should change his installation to meet the requirement of the county zoning. The Board was in agreement that there is no grandfather clause to consider. At the time Mr. Gomez started construction the county's zoning regulations were already in effect.

Dick Stermer met with the Board requesting a sign be posted at the intersection of Hwy 96 and County Road 170 going to the Pines Ranch. He has talked with CDOT and was advised that the state needs the county's approval to do so.

Commissioner Shy made a motion seconded by Commissioner Hoag to grant a sign permit, with no time limit, to be located at the intersection of Pines Road (County Road 170) and Hwy 69 going to the Pines Ranch. Motion carried unanimously.

Commissioner Shy made a motion seconded by Commissioner Hoag to go into executive session to review applications submitted for a Planning and Zoning Officer citing 24-6-402. Motion carried unanimously.

Commissioner Shy made a motion seconded by Commissioner Hoag to reconvene into open session. Motion carried unanimously.

Commissioner Hoag made a motion seconded by Commissioner Shy to schedule interviews for the Planning and Zoning Officer position. Interviews will be scheduled for August 10th, starting at 8:30am. The county administrator will notify the five selected candidates of this date and their scheduled time for an interview. Motion carried unanimously.

Steve Mitchell, who owns the property where the Verdemon VHS radio tower is to be located, met with the Board to discuss the possibility of enlarging the easement that was granted to the county for the purpose of installing a new 800-mgh-radio tower. He advised the Board that he only owns a total of 1.5 acres and his desire is to not have the tower on his property at all. He related past conversations he had with the OEM Director. He also noted that he now owns the property that was previously owned by Mr. McDermott and this will cause him to be impacted on two sides of his property. He went on to say that he feels the tower site is a hardship for him and hopes that the Board will take his input into consideration. However, if he is not going to have any input into this decision, he feels he should be “meaningfully compensated”.

The county attorney stated that the county has the right to use the property since it was deeded to them; therefore there would be no compensation due. The Board feels that this is the best place for the 100’ tower. However, they would like to work with Mr. Mitchell as to the appearance of the site. Mr. Mitchell suggested that the county tear down the existing building and build a new building that would house everything together. He would also like to have the county remove an old power line on his property and run the power from that point to his house, which is approx. 300 feet with underground power. The Board asked Ric to contact Sangre De Cristo Electric Company to get an estimated cost of underground power. Craig will continue to work with Home Land Security.

The Board adjourned at 12:00pm for lunch.

The Board reconvened at 1:00pm in a joint meeting with the Board of Zoning Adjustment and Planning Commission.

Commissioner Hoag moved to accept the recommendation of the Planning Commission to approve the request by the Wetmore Volunteer Fire Department for a Special Use Permit with the following conditions:

1. The Special Use Permit will be reviewed on a written complaint basis;
2. The project will comply with all local, state and federal regulations;
3. Porta-potties will be required for events other than day to day fire related activities;
4. No alcohol will be sold or served;
5. The Special Use Permit is in effect as long as the Wetmore Fire Department owns the parcel;
6. No events will be held until all of the conditions of the Special Use Permit are met;

Commissioner Shy seconded the motion. The motion passed unanimously by voice vote.

Being no further business the Board adjourned.