

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING, NOVEMBER 10, 2009**

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 9:00 AM and the Pledge of Allegiance was recited

Roll Call was taken:

Lynn Attebery	Chairman	Present
Jim Austin	Vice-Chairman	Present
Carole Custer	Commissioner	Present
John Naylor	County Attorney	Present
Kris Lang	Deputy Clerk to the Board	Present

Also present was Nora Drenner reporter for the Wet Mountain Tribune and several community members.

AGENDA:

- Call meeting to order
- Pledge of allegiance
- Roll Call
- Amend agenda
- Approval of minutes
- County Attorney
- Old Business:
- Staff Reports:
- Public Health
- Planning and Zoning
- Lift Fire Ban

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

**To accept the posted agenda. The motion carried unanimously.**

The BOCC met with the County Attorney and the following topics were discussed:

- Critical Warning Information Network (CWIN) Inter-Governmental Agreement (IGA) will be signed by the Board following a revision of section V11 G.
- County employees using personal vehicles for county business must submit proof of a valid driver's license and insurance to the Human Resource Department.
- Contractors providing services to the County must certify that no illegal immigrants are being employed.
- State Statute regulates the County Surveyor salary.
- Subdivision Regulations have been reviewed by the County Attorney and a letter of findings will be forthcoming.

- File: 101-52-2001,4&5 Brigido Vargas complaint summons is in process with the County Attorney .
- File: 101-67-450, Jeff Marek zoning violation has been referred to the County Attorney for processing.
- File: 100-89-253, Robert Hamilton/legal process.
- File: 100-67-353, Bill Knoth/legal process.

Dave Trujillo, Road and Bridge Supervisor opened the sealed bids for the county property in the presence of the Board and County Attorney.

**Commissioner Attebery made a motion, seconded by Commissioner Austin to go into Executive Session. The motion carried unanimously. Commissioner Attebery cited C.R.S. 24-6-402 (4) (b) conference with an attorney for the local public body for the purposes of receiving legal advice on specific legal questions.**

The County Attorney advised the Administrative Assistant that under the statute the recording would be turned off. The BOCC went into Executive Session at 9:45 AM. Those present were Commissioner Attebery, Commissioner Austin, Commissioner Custer, County Attorney, John Naylor and Kris Lang, Administrative Assistant.

**Commissioner Attebery made a motion, seconded by Commissioner Custer to go back into regular session. The motion carried unanimously.**

The BOCC came out of Executive Session at 10:15 AM. No matters were adopted and no actions or decisions were made.

**MOTION by Commissioner Austin, seconded by Commissioner Austin:**

**Authorizing the County Attorney to request clarification from the Custer County District Court on the proposed findings and order of Case NO. 02-VC-33. The motion carried unanimously.**

The BOCC agreed on the publication and posting of the Public Notice: The Custer County Board of Commissioners, at their first regularly scheduled meeting in 2010 will be making appointments to the various county boards, commissions and advisory groups. A complete list of openings will be posted on the court house bulletin board in the main hall and on the county website at [www.custercountygov.com](http://www.custercountygov.com). Please submit a letter of interest to the appropriate department by 4:00 PM, Monday December 28, 2009.

Donna McDonnall, County Public Health Nurse met with the BOCC and gave a report. She said in the month of October, 2009; 25 childhood immunizations (other than flu) and 12 adult immunizations (other than flu) were administered along with 26 blood pressure screenings. She reported the total number of seasonal flu shots administered was 437 and the total number of H1N1 flu shots administered was 394. She reported that additional seasonal flu and H1N1 flu vaccines were being received in small increments. Ms. McDonnall gave a report on the Medical Reserve Corps (MRC) and the Emergency Preparedness and Response (EPR) programs. She extended appreciation on behalf of the Custer County Public Health Agency to the community for their understanding and patience during this time of high demand and low supply of the flu vaccine.

Debbie Livengood, Clerk and Recorder met with the BOCC and stated that the election department would be submitting a voucher for handicap compliance voting requirements in the amount of \$3,116.45. She explained these expenditures would be paid with grant funds. Ms. Livengood reported the Clerk and Recording (C&R) department has volunteered to assume the responsibility of opening and closing the courthouse doors. The BOCC thanked Ms. Livengood and the C&R department for their assistance and support. Commissioner Austin shared with Ms. Livengood that legislature is proposing conservation trust funds be made available to the soil conservation district and that he would keep her informed of the status.

Commissioner Custer presented the Board with an Application Abstract for the Custer County Juvenile Justice Capacity Building Grant she is preparing.. She explained that the Custer County HB 1451 Collaborative Management Program (CMP) is requesting funding through the Edward Byrne Memorial/Justice Assistance Grant (JAG) Program to coordinate and implement comprehensive “wraparound” services to prevent and control crime and improve the Custer County regional criminal justice system. She stated that no county general or Board of County Commissioner Funds or in-kind are being requested in this application for assistance. Commissioner Custer presented a draft letter of support for Board signatures that will accompany the application. She read the letter in its entirety for the record. The Board agreed to proceed with the grant applicant and signed the letter of support without correction. .

The BOCC recessed at 11:00 AM.

The BOCC reconvened at 11:10 AM.

Jackie Hobby, Planning and Zoning Director met with the BOCC and gave a report. She said zoning violation notices were issued to: Christopher and Faye Dunbaugh, Antelope Valley, File 10069801; Dan and Rosalie Daigle, Antelope Valley, File 10170651; Michael and Kaye Mullin, Antelope Valley, File 10120856; Linwood and Vicky Brown, San Isabel/Wonder Trail, File 10211016; John and Vicki Henderson, Alta Mira Estates, File 10097203; Paul Douglas and Deborah Lee Rimmer, Oak Grove Circle, File 10033154. She reported the health inspector has toured the property at Ferris Drive, File 101-07-100 and will forward the findings to the County Health Nurse. Ms. Hobby remarked she would notify the Planning Commission and Board of Zoning Adjustment of the 2010 appointments to the Boards. Following a brief discussion regarding the US Geological Specialist presentation and the re-designation of monitored wells, the Board asked Ms. Hobby to add a section to the zoning permit application asking the applicant if they would agree to a no-cost monitoring of their wells by the USGS.

Sheriff Fred Jobe joined the meeting and expressed concern regarding the medical marijuana caregivers. He said he was aware of one medical marijuana caregiver in Custer County. He remarked he would like to regulate medical marijuana caregivers to keep it from becoming a problem. Sheriff Jobe stated patients can only possess up to 2 ounces of usable, dry marijuana, however the patient or a designated caregiver can grow six marijuana plants per patient with no more than three flowering at one time. Sheriff Jobe remarked he has registered to attend a seminar in Denver that would provide more specific guidelines on the topic. Commissioner Custer stated that there will be a workshop on Medical Marijuana presented at the upcoming Colorado Counties Inc. (CCI) Winter Conference is offering a specific workshop on medical marijuana. Ms. Hobby said since the zoning regulations are already in place, anyone operating a medical marijuana caregiver operation in Custer County would be required to obtain a Special Use Permit (SUP) and a sales tax license. The Board agreed to obtain and review additional information for consideration of a moratorium at a later date.

Following a brief discussion the BOCC determined the Planning and Zoning Director would prepare a letter of violation for the medical marijuana caregiver operating in Custer County. The letter will be served by the Sheriff's Office.

**MOTION by Commissioner Austin, seconded by Commissioner Custer:**

To lift the fire ban on the recommendation of the Fire Marshall and Fire Chief. The motion carried unanimously.

**CUSTER COUNTY RESOLUTION NO. 09-07**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY, COLORADO TO LIFT THE OPEN BURNING BAN IN THE UNINCORPORATED PORTIONS OF THE COUNTY.**

WHEREAS, this Board has certain authorities under the provisions of the CRS Section 30-25-401 and has adopted an Ordinance pursuant to that statute relevant to the ban of open fires to a degree and in a manner that the Board of County Commissioners deems necessary to reduce the danger of wildfires within those portions of the unincorporated area of the County where danger of forest or grass fires is found to be high; and,

WHEREAS, the Sheriff of Custer County is empowered under the provisions of CRS Sections 30-10-512 and 513 to act as Fire Warden of the County in case of grass or forest fires and to assume charge and assist governmental authority in an emergency for controlling and extinguishing grass or forest fires; and,

WHEREAS, the Sheriff and Fire Chief throughout the County have advised the Board of County Commissioners of Custer County that the weather conditions and recent rainfall have mitigated the threat of fire in forests and grasslands of Custer County; and,

WHEREAS, the Board of County Commissioners finds that, based upon competent evidence, the danger of wild fires within Custer County has sufficiently subsided and a fire danger emergency does not now exist within the unincorporated area of Custer County; NOW

THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Custer County, Colorado, that effective November 10, 2009:

1. Resolution 09-07, barring open fires is hereby rescinded and replaced by this resolution now before us.
2. Open fires in rural areas will be permitted from this date until such time as future conditions may again require an open fire ban.
3. Any persons engaging in open burning shall notify the Custer County Sheriff at 783-2270 or the Wet Mountain Fire Protection District at 783-9245 prior to an open burning.

RESOLVED, ADOPTED AND SIGNED THIS 10<sup>th</sup> DAY OF NOVEMBER, 2009, AT CUSTER COUNTY, COLORADO. CUSTER COUNTY BOARD OF COMMISSIONERS  
LYNN ATTEBERY DEBBIE LIVENGOOD

**MOTION by Commissioner Attebery, seconded by Commissioner Austin.**

To adjourn the meeting. The motion carried unanimously.

The meeting was adjourned at 12:45 PM.

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Debbie Livengood, Clerk and Recorder  
Attest

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Lynn Attebery  
Chairman