

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING, JULY 5, 2006**

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

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

Present for the meeting was: Alan Urban, Carole Custer, Jim Blevons, and Nora Drenner.

The meeting was called to order at 8:45am.

Commissioner Downey informed the other two commissioners that he had received a letter on a personal basis from the EPA concerning material that had been used on his road (County Rd. 255) along with County Road 271 from the Else Pit. The EPA was asking for permission from the property owners to enter onto their property and test for contamination. The County Attorney suggested that the Board stay abreast of this issue.

Commissioner Hoag made a motion seconded by Commissioner Shy to adopt the following resolution. Motion carried unanimously.

RESOLUTION 06-02

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY, COLORADO, TO WITHDRAW COUNTY SUPPORT OF THE CUSTER COUNTY REGIONAL PLANNING COMMISSION.

WHEREAS, on October 1, 1985, the Custer County Board of Commissioners, under the authority of powers granted by Colorado Revised Statutes, agreed, by resolution, to cooperate with municipalities and taxing entities within Custer County in the creation of a Regional Planning Commission; and,

WHEREAS, past and present member representatives of the Custer County Regional Planning Commission have questioned the purpose, authority and effectiveness of the Regional Planning Commission; and,

WHEREAS, the County appeared to be the only entity that utilized the Planning Commission as it was originally chartered; and

WHEREAS, members of the Commission had expressed concerns that the Commission had become an unnecessary level of bureaucracy; and,

WHEREAS, on May 10, 2006, the members of the Custer County Regional Planning Commission passed a motion by unanimous vote to disband the Regional Planning Commission; NOW, THEREFORE

BE IT RESOLVED, that, based upon the recommendation of the Regional Planning Commission, and by the authority granted to the Board of County Commissioners by Colorado Revised Statutes, the Custer County Board of Commissioners hereby withdraws county support for a regional planning commission effective upon adoption of this resolution.

RESOLVED, ADOPTED AND SIGNED THIS 5TH DAY OF JULY, 2006, AT WESTCLIFFE, COLORADO.

CUSTER COUNTY BOARD OF COMMISSIONERS

ATTEST

RICHARD L. DOWNEY
CHAIRMAN

DEBBIE L. LIVENGOOD
CLERK AND RECORDER

Commissioner Hoag made a motion seconded by Commissioner Shy to adopt the following resolution. Motion carried unanimously.

RESOLUTION NUMBER 06-03

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY, COLORADO TO SUPPORT AND ENCOURAGE PUBLIC SUPPORT FOR A COMMUNITY WILDFIRE PROTECTION PLAN

WHEREAS, The United States of America adopted the Healthy Forest Restoration Act of 2003; and,

WHEREAS, this landmark legislation includes the first meaningful statutory incentives for the US Forest Service (USFS) and the Bureau of Land Management (BLM) to give consideration to the priorities of local communities in the development and implementation of forest management and hazardous fuel reduction project; and,

WHEREAS, the act encourages communities, forest management organizations, governmental organizations, fire protection organizations and individual property owners to cooperate in the adoption of a community wildfire protection plan; and,

WHEREAS, the Communities Committee, National Association of Counties, National Association of State Foresters, Society of American Foresters, Western Governor's

Association, have endorsed the project and prepared planning materials for us by forest communities; and,

WHEREAS, in June 2005, the Custer County Board of Commissioners, the members of the Custer County Emergency Services organization, the Director of the Custer County Office of Emergency Management, and the Custer County Fire Marshal (Custer County Sheriff) agreed by letter to the Colorado State Forest Service to pursue the preparation and adoption of a Community Wildfire Protection Plan; and,

WHEREAS, Custer County has entered into a management agreement with Greenleaf Forestry and Wood Products, Inc., for Greenleaf to provide leadership, materials, and facilitation in the Community Wildfire Protection Plan process;

NOW, THEREFORE BE IT RESOLVED, that the Custer County Board of Commissioners request and encourage all emergency service organizations, fire districts, volunteer fire departments, home and property owners' associations, and individual property owners and citizens to work with Greenleaf and the Wet Mountain Fire Protection District in the completion of the Custer County Wildfire Protection Plan.

RESOLVED, ADOPTED AND SIGNED THIS 5TH DAY OF JULY, 2006, AT WESTCLIFFE, COLORADO.

CUSTER COUNTY BOARD OF COMMISSIONERS

ATTEST:

RICHARD L. DOWNEY
CHAIRMAN

DEBBIE L. LIVENGOOD
CLERK AND RECORDER

Christy Kesselring, Zoning Enforcement Officer, met with the Board to give her monthly report and review the agenda for today's zoning and planning meeting.

Christy informed the Board that Greg Watkins had requested an extension on the Divinity Trust issue. According to Christy an older trailer had been placed on the property without a permit. She granted an extension.

Mike Healy is requesting approval from the County Commissioners to change the water system in TV Hills. According to Mr. Healy, he needs to make changes to the current system in order to be in compliance with EPA. However, before he can purchase a permit to start construction, he needs to have a document signed by the board stating they approve of his proposed changes. Christy has reviewed the document Mr. Healy supplied to her and finds no problem with how it reads. The Board will have the county attorney review the document to make sure there is no liability to the county.

Commissioner Shy made a motion seconded by Commissioner Hoag to allow the chairman of the board to sign on behalf of the county approving Mr. Healy's request for

construction that would allow water improvements to the current system in TV Hills Subdivision and bring them into EPA compliance. Motion carried unanimously.

Other items discussed were:

1. The need for a pet/animal control and licensing regulations. The board does feel that there is a need and would like to look at other regulations from surrounding counties.
2. Discussed land management businesses and if they should have a SUP. According to the Board they do not need a SUP. However, they do need to be aware of regulations that are in place that require that sales tax be collected on certain kinds of businesses. The Board asked Christy, Lynn Attebery, and Ric Ferron to draft a letter that the zoning office could send to all business in the county that fall under this category, along with a copy of the regulations to make them aware of what they need to be collecting.
3. Discussed the Circle K Ranch and if they need a SUP. It was decided that since they do not provide meals or lodging they do not need to apply for a permit. They did ask Christy to monitor their business and notify them by letter of what the county's regulations are.

Received a letter of resignation from Greg Tabuteau resigning from the Planning and Zoning Board as an alternate. He stated in his letter that his resignation is for personal reasons. The chairman of the planning commission would like for the commissioners to extend him a leave of absence instead of accepting his resignation. The Board asked Lynn to notify Greg that they would like for him to stay on the Board until the end of the year when new appointments are made. At that time if he still chooses to be off the board they will not re-appoint him.

John and Elin Rusher met with the Board concerning a cattle guard on Copper Gulch Road and another cattle guard at the intersection of Wykagal and County Road 320. The first issue discussed was Copper Gulch Road. John and Elin lease pasture on the Bull Domingo Ranch Subdivision and their cattle are getting on the road. They would like to see a cattle guard installed at the county line. They are afraid that with the speed that vehicles travel on this road it could become a safety issue. Also, on the east side of the Marrs property at the point where Wykagal splits into County Road 320, the distance between the rails of the cattle guard are not wide enough to keep the cattle from crossing it. The Board will discuss these two issues with the Road & Bridge Supervisor.

Mike Chesser met with the Board concerning a multi-dwelling variance that was approved for his property sometime ago. According to Mr. Chesser his variance has expired, and due to unforeseen circumstances, he has not finished the work needed and would like to be granted an extension. The Board informed Mr. Chesser that this was a Board of Zoning Adjustment issue and he would need to follow the channels and procedures of that office.

The Board met with the Social Service Office.

The county attorney informed the Board that Mr. Scott is required to pay \$4,500.00 of the cost incurred by the county from the lawsuit he filed against them. Since he did not win the case, he is required to reimburse the county for the expense of the appraisal that was done.

Public use of the fax machine was discussed. It was agreed upon by the Board that the fax machine was to be used for official county business only and a notice would be posted by the fax machine.

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 from the Planning Commission to withdraw the application for a Special Use Permit by Terry Cook and Elinor Brown due to the following reasons: The applicant has been lax in his responses to the Board; The applicant was given a cut off date and that date has passed; There has been a lack of cooperation from the applicant. Commissioner Shy seconded the motion. The motion passed unanimously by voice vote.

Commissioner Hoag moved to waive the fees for a Special Use Permit and for the septic system application for the Wetmore Volunteer Fire Department. Commissioner Shy seconded the motion. The motion passed unanimously by voice vote.

Being no further business the Board adjourned.