

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING, JULY 6, 2010**

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 9:05 AM and the Pledge of Allegiance was recited

Roll Call was taken:

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

Also present was Nora Drenner, reporter for the Wet Mountain Tribune; Marty Frick; and Paul Snyder.

AGENDA:

- Call meeting to order
- Pledge of allegiance
- Roll Call
- Amend Agenda
- Audience introduction
- Approval of minutes: June 7 and June 8, 2010
- County Attorney:
 - Library District legal service area/tax boundary discussion
 - Branded Dealer Aviation Fuel Supply Agreement
- Old Business:
 - Wet Mountain Valley Waste Minimization Contract
 - Wetmore Project Update
- Medical Marijuana Update – Sheriff, Planning/Zoning Director
- Staff Reports:
 - Planning and Zoning
 - Human Resource/Finance
 - Social Services
- Joint Session with the Planning Commission

MOTION by Commissioner Attebery, seconded by Commissioner Austin:

To accept the posted agenda. The motion carried..

MOTION by Commissioner Austin, seconded by Commissioner Attebery:

To approve the minutes from the June 7, 2010 as presented. The motion carried.

John Naylor, County Attorney stated that Custer County is required to clarify the county library district's historic boundary lines. He said he has reviewed and discussed the boundary lines with Marty Frick, of the West Custer Library District and Attorney, Paul Snyder. Mr. Naylor advised everyone was in agreement of adopting a resolution to clarify the boundaries.

Commissioner Custer joined the meeting at 9:15 AM.

MOTION by Commissioner Austin, seconded by Commissioner Attebery:

To authorize the County Attorney to prepare a Resolution defining Custer County's library district boundaries for the Boards review and approval. The motion carried unanimously.

Commissioner Custer recommended that the Resolution is posted at the Wetmore Community Library facility and include the verbiage confirming that the determined boundary lines are the same as the boundary lines of the Wet Mountain Fire Protection District and the Custer County Hospital District.

County Attorney Naylor said he has reviewed the Branded Dealer Aviation Fuel Supply Agreement presented by the Silver West Airport Board. Mr. Naylor expressed concerns over numerous sections of the contract. He commented that the contract may not be the correct one for a government entity. Commissioner Custer suggested that recommendation be forwarded to the Airport Board.

Sheriff Fred Jobe, Deputy Mike Halpin and Planning and Zoning Director, Jackie Hobby joined the meeting. County Attorney Naylor said the county has several options regarding medical marijuana. He referred to House Bill 10-1284 and outlined the local options under section 12-43.3.106 that would allow the registered electors to vote on the issue at a regular election or special election called into accordance with the "Colorado Municipal Election Code of 1965". He advised that members of the governing board for the county (BOCC) can vote to prohibit the operation of medical marijuana centers, option premise cultivation operation, and medical marijuana-infused products manufacturer's license. Sheriff Jobe supported having the BOCC vote to prohibit medical marijuana centers and dispensaries in Custer County.

MOTION by Commissioner Attebery to accept the recommendation of Sheriff Fred Jobe to prohibit medical marijuana centers and store front dispensaries in Custer County. Commissioner Custer seconded the motion for discussion purposes. She said if the marijuana was necessary for medical conditions, the clinic should be involved. Commissioner Austin said he was opposed to the BOCC prohibiting medical marijuana and felt the topic was a voter issue. Commissioner Custer agreed. The motion failed for lack of a second.

MOTION by Commissioner Custer, seconded by Commissioner Austin:

To approve that the question on whether to allow or prohibit medical marijuana dispensaries be added to the ballot for the November 2010 General Election with a caveat that the ballot question be simple, clear and understandable so the voters can make a competent decision. The motion carried unanimously.

The Board agreed that the medical marijuana moratorium should remain in effect until after the election results.

MOTION by Commissioner Custer, seconded by Commissioner Austin:

To adopt Resolution 09-08 (B) extending the medical marijuana moratorium until the BOCC meeting of November 9, 2010. The motion carried unanimously.

CUSTER COUNTY RESOLUTION

RESOLUTION NO. 09-08 (B)

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY, COLORADO EXTENDING THE MORATORIUM ON THE ESTABLISHMENT OF ANY BUSINESS RELATING TO MEDICAL MARIJUANA IN CUSTER COUNTY UNTIL NOVEMBER 9, 2010. ANY APPLICATIONS FOR SUCH BUSINESS WILL NOT BE PROCESSED. RESOLUTION 09-08 WAS IN EFFECT NOVEMBER 30, 2009 THROUGH MARCH 21, 2010. RESOLUTION 09-08 (A) IS IN EFFECT MARCH 22, 2010 THROUGH JULY 19, 2010. RESOLUTION 09-08 (B) WILL BE EFFECTIVE JULY 20, 2010 THROUGH NOVEMBER 9, 2010.

WHEREAS, the production and dispensing of Medical Marijuana is authorized by the State of Colorado; and

WHEREAS, the County in the interests of protecting the health, safety and welfare of its citizens intends to provide regulations governing the establishment and operation of such business; and

WHEREAS, additional time is needed to study the effect of medical marijuana legislation on the citizens of Custer County and to develop appropriate rules and regulations.

NOW THEREFORE, Be it resolved that in the interests of health, safety and welfare of the citizens of Custer County, The Custer County Board of Commissioners hereby declares an extension on the establishment of any business relating to medical marijuana in Custer County and any applications for such business will not be processed.

RESOLVED, ADOPTED AND SIGNED THIS 6TH DAY OF JULY, 2010 AT CUSTER COUNTY, COLORADO.

CUSTER COUNTY BOARD OF COMMISSIONERS

Lynn Attebery
Chairman

Debbie Livengood
Clerk and Recorder Attest

Jackie Hobby, Planning and Zoning Director met with the BOCC and gave a report:

- File: #100-31-250 a request to eliminate the cul-de-sac on the platted subdivision of Conquistador Estates.
- File: #100-37-294 request for relief from the post construction penalty fee at 2300 CR150.
File: #100-18-400 multi-dwelling variance at 26365 Hwy 96.
- File: #101-93-889 septic system violation at 525 CR260.
- File: #101-38-251 structure zoning permit violation on SW4 Sec 35-46-12.
- File: 100-30-221 structure easement violation at 5000 CR328.
- File: 100-41-492 structure zoning permit violation at 181 Ute Road.
- File: 100-64-200/250 septic system violation at 159 Konn Road.
- File: 100-60-300 septic system violation at 59920 Hwy 69.

The BOCC recessed at 11:05 AM.

The BOCC reconvened at 11:15 AM.

Dawna Hobby, Human Resource and Finance Manager met with the BOCC and gave a report. She presented the Board with the recycling figures beginning on 01/01/08 through 07/06/10. Commissioner Custer requested a breakdown of the expenditure line items. Ms. Hobby agreed to provide the breakdown. Ms. Hobby reported that there was a credit balance on the account for Duncan, Ostrander and Dingess P.C.. She stated there was currently one outstanding invoice on the account. Following a brief discussion the Board agreed that the outstanding invoice should be deducted from the credit amount and that Ms. Hobby request a credit refund from Duncan, Ostrander and Dingess P.C.. Ms. Hobby reported that Custer County is now enrolled in the National Association of Counties (NACO) Prescription Discount Card Program. She remarked that the program is free to all Custer County residents and will offer prescription cost savings. Commissioner Custer proposed that information on the program be forwarded to the Hanssen Haus Resource Center, the Medical Clinic, and Public Health and Human Services. She proposed the information also be added to the county website. The Board agreed. Ms. Hobby confirmed that the Resolution and appropriate paperwork of the first amendment to the municipal lease and option agreement between Custer County (lessee) and Wells Fargo Bank (lessor) has been completed. Commissioner Attebery distributed correspondence dated June 29, 2010 from the Secretary of the Interior, Ken Salazar confirming the distribution of the Payment in Lieu of Taxes (PILT) funding for Custer County. The PILT funds are anticipated after July 15, 2010. Commissioner Custer requested that after the receipt of PILT Funds, that the Treasurer prepare a PILT distribution spreadsheet for the Boards review.

MOTION by Commissioner Custer, seconded by Commissioner Austin:

To authorize the Custer County Finance Manager to issue a payment for the 2010 principal and interest on the lease agreement with Wells Fargo Bank. The motion carried unanimously.

Ms. Hobby reported that Emil Roy has been hired as a part-time, 19 hour scale operator/maintenance personnel. She announced that she has registered for the Mental Health First Aid training sponsored by the West Central Mental Health Center on August 4 and 5, 2010 in the Westcliffe area.

The report with the Social Service department was postponed until July 7, 2010.

The following agenda items were postponed until July 7, 2010:

- Wet Mountain Valley Waste Minimization Contract
- Wetmore Project Update

The BOCC recessed at 12:00 PM.

The BOCC reconvened in the Joint Session at 1:20 PM. County Attorney, John Naylor was present. Commissioner Custer was not present.

MOTION by Commissioner Attebery, seconded the Commissioner Austin:

To approve the recommendation of the Planning Commission of a Special Use Permit for Phil and Arlene Neas to operate a bed and breakfast at 5001 Highway 96, Westcliffe, Colorado The motion carried

Commissioner Custer joined the meeting at 1:45 PM.

MOTION by Commissioner Attebery, seconded by Commissioner Austin:

To approve the recommendation of the Planning Commission not to move forward with future discussions regarding a building code. The motion carried. Commissioner Custer voted No.

The BOCC recessed to the Commissioners Boardroom and adjourned the meeting at 5:00 PM.

Debbie Livengood, Clerk and Recorder
Attest

Lynn Attebery
Chairman