

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING, MARCH 13, 2012**

THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY MET IN REGULAR SESSION IN THE COURTROOM

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
Allen Butler	Commissioner	Present
John Naylor	County Attorney	Present
Kris Lang	Deputy Clerk to the Board	Present

Also present was: Terre Davis, Tom Davis, Pete Michaelson, Nora Drenner reporter for the Wet Mountain Tribune and numerous community members.

AGENDA:

Call meeting to order

Pledge of allegiance

Roll Call

Amend agenda

Approval of minutes

Audience introduction

Public Comment

County Attorney

- File 100-52-100 Special Use Permit
- Resolution #12-02 BZA
- Board of Zoning Adjustment review
- P&Z fees (repair of septic system, lot line vacation, setback)
- UAWCD next step
- Westcliffe Landfill Groundwater Lab Analysis

Old/New Business

Appointment to the UAACOG Revolving Loan Program

Recycling – Dennis Sprecher

Airport Authority /Airport Fund Disbursement – Dale Mullen

911 Letter of Support/El Pomar Grant for E911/Coors Grant for E911 –Kristi Geroux

Treasurer – Virginia Trujillo

Planning and Zoning – Jackie Hobby (planning and zoning fees)

Proposed Resolution to preserve habeas corpus (National Defense Authorization Act). – David Dean, Jim Spitzer

Commissioner Attebery asked if there were any public comments. Hearing none, he continued with the meeting.

John Naylor, County Attorney addressed File: 100-52-100. He said that according to section 10.9 of the County Zoning Resolution prior to establishing a Home Occupation on a property, the homeowner must file with the Planning and Zoning Office a Notice of Home Occupation and receive approval in order to avoid the Special Use Permit process.

Mr. Naylor said that the BOCC is required to follow and adhere to the guidelines of the Custer County Zoning Resolution. He stated that the criterion for a Home Occupation Certificate is being reviewed. Pete Michaelson, Attorney at Law representing Mr. & Mrs. Davis stated that his clients meet the criteria of a Home Occupation Certificate. He said that he forwarded a correspondence to John Naylor, County Attorney referencing several home occupation right by use cases. Mr. Naylor replied that he was in receipt of the correspondence but has not had an opportunity to thoroughly review the referenced cases. Mr. Naylor said that the issue would need to be resolved through the Planning and Zoning Office. He said that he would provide the BOCC and the Planning and Zoning Director with a recommendation within seven to ten days. He reminded those present that there was an appeal process should the Home Occupation application be denied. Mrs. Davis stated that they would not complete a Special Use Permit application. Commissioner Austin stated as a patient of Dr. Tom Davis he would recuse himself from the discussion and any decisions. Commissioner Attebery thanked everyone for attending the meeting and said that the matter would be resolved as soon as possible. He reminded Dr. Davis and those present that the existing chiropractor business would continue at this time.

Commissioner Attebery stated that at the January 17, 2012 meeting with the Upper Arkansas Water Conservancy District (UAWCD) Board Members, the BOCC agreed to consult with the County Attorney regarding the next step for a water augmentation plan for Custer County. John Naylor, County Attorney said that his recommendation is to keep an open line of communication with the UAWCD. Bob Senderhauf, UAWCD Chairman reported that several subdivisions, citizens, ranchers and the veterans' cemetery committee are in support of a water augmentation plan. He recommended that the BOCC prepare a written Memorandum of Understanding (MOU) with the UAWCD Board to proceed to the next step. Mike Hess spoke in favor of a water augmentation plan. Bob Allison, Joe Arbuckle, Vic Barnes, John Brandenburg, Bill Donley, Dick Downey Hal Julsen, Jim Hood, and Randy Rusk were not in support of a water augmentation plan at this time. Dick Downey shared concern regarding the county's decision not to renew the contract with the United States Geological Studies (USGS) for the year 2012. The BOCC responded that it was a budgetary decision and that the contract would be re-evaluated at the 2013 budget hearings. Following a lengthy discussion which included the role of local government in water issues, the BOCC agreed to prepare correspondence to the UAWCD. The correspondence will confirm the county's desire for a continued dialog and request a basic draft and time table of a water augmentation plan.

MOTION by Commissioner Austin, seconded by Commissioner Butler:

To prepare a correspondence to the UAWCD for a continued discussion regarding a water augmentation plan. The motion carried unanimously.

The BOCC recessed from the Court Room at 11:50 AM.

The BOCC reconvened in the Commissioners Boardroom at 12:05 PM

Dennis Sprecher, Recycling Coordinator met with the BOCC and introduced himself. He asked the Board if they had any questions at this time. Commissioner Austin said that a work session is scheduled on March 20, 2012 to discuss and review the recycling program with the parties involved. He said that the contents of the monthly recycling report to the BOCC would be reviewed with the Recycling Coordinator.

David Dean and Jeffrey Hare addressed the BOCC and requested that the Board adopt a Liberty Preservation Resolution for the Nullification of the National Defense Authorization Act (NDAA). John Naylor, County Attorney shared concern in having the BOCC sign a binding resolution on behalf of the county. Following a discussion the Board agreed to discuss and review the topic at a later date. Commissioner Austin will review the topic with Colorado Counties Incorporated (CCI).

Jackie Hobby, Planning and Zoning Director met with the BOCC and presented the BOCC with the informational packet regarding the Board of Zoning Adjustment (BZA). She summarized three options for consideration: Option #1 the County Commissioners would take over and assume the responsibilities of the BZA as noted in Colorado State Statute 30-28-117. Option #2 the Planning Commission takes over the responsibilities of the BZA. Option #3 retains the current procedure and appoints new members to the BZA.

MOTION by Commissioner Attebery, seconded by Commissioner Austin:

To reinstate the Board of Zoning Adjustment and appoint new members to fill the vacancies. The motion carried unanimously.

Kristi Geroux, 911 Authority Board reported that the Custer County E11 Authority Board is responsible for maintaining the equipment and support costs for the county's 911 emergency telephone system and recording system. She requested that the BOCC approve two private foundation grant applications. The first is for the El Pomar Foundation in the amount of \$100,000.00. The second is for the Adolph Coors Foundation in the amount of \$100,000.00. She requested a correspondence from the BOCC in support of the Custer County E911 Authority Board and their efforts to upgrade the Emergency 911 Equipment.

MOTION by Commissioner Austin, seconded by Commissioner Butler:

To approve the grant application for the El Pomar Foundation as presented. The motion carried unanimously.

MOTION by Commissioner Butler, seconded by Commissioner Austin:

To approve the grant application for the Adolph Coors Foundation as presented. The motion carried unanimously.

MOTION by Commissioner Attebery, seconded by Commissioner Austin:

To approve the letter of support of the Custer County E911 Authority Board and their efforts to upgrade the Emergency 911 Equipment. The motion carried unanimously.

The Board agreed to schedule a BOCC meeting on May 16, 2012 to discuss and review the E911 System and Program with the following entities: the Town of Westcliffe, the Town of Silver Cliff, the Wet Mountain Fire Protection District, the Wetmore Volunteer Fire Station, the Hospital District, the Sheriffs Office and Public Health. The meeting will start at 9:00 AM in the Commissioners Boardroom.

MOTION by Commissioner Attebery, seconded by Commissioner Butler:

To schedule a BOCC meeting on May 16, 2012. The motion carried unanimously.

Rusty Christensen, Landfill Manager met with the BOCC and gave a report on the telephone conference that involved the Landfill, AG Engineering and the Colorado Department of Public Health and Environment (CDPHE) regarding the explosive monitoring plan for the Westcliffe Landfill. The BOCC asked the County Attorney to review the monitoring request received from CDPHE and to research the applicable statute of limitation time period.

Commissioner Attebery said that the BOCC received a correspondence from Jeff Ollinger, Administrator of the Upper Arkansas Area Development Corporation (UAADC) requesting that the BOCC appoint a UAADC Board Member and Alternate UAADC Board Member.

MOTION by Commissioner Attebery, seconded by Commissioner Austin:

To appoint Wendy Rusk as the UAADC Board Member and Kathy Reis as the Alternate UAADC Board Member. The motion carried unanimously.

The BOCC signed a correspondence prepared for Mr. Ollinger confirming the appointments. Confirming appointment letters prepared for Ms. Rusk and Ms. Reis were also signed.

Commissioner Austin said he was in possession of the Custer County Airport Authority Board (CCAB) monthly report for February 2012. The Board agreed that the February reports could be presented along with the March reports by the CCAB next month.

MOTION by Commissioner Austin, seconded by Commissioner Butler:

To adjourn the meeting. The motion carried unanimously.

The meeting was adjourned at 2:45 PM.

Debbie Livengood, Clerk and Recorder
Attest

Lynn Attebery,
Chairman