

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING, MAY 11, 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 9:00 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: Nora Drenner, Reporter for the Wet Mountain Tribune; Allen Butler, Mayor of the Town of Silver Cliff; Art Nordyke, County Coroner.

AGENDA:

- Call meeting to order
- Pledge of allegiance
- Roll Call
- Amend agenda
- Audience introduction
- Approval of minutes
- County Attorney:
 - Discussion on the proposed Justice Center
 - Consideration of a MOU with Custer County for the Wetmore Community Center/
Wetmore Community Library
 - Review of the Wetmore Project auction contract.
 - Review of the Wetmore Project salvage rights contract.
 - Review of proposed resolution submitted by the District Attorney for term limit exemptions.
 - Discussion regarding the usage of Title III funds.
- Old Business:
 - Wetmore Project update
- New Business:
 - Special Events License, Custer County Merchants and Chamber –
Debbie Livengood, Clerk and Recorder
 - Commander Michael Place, 10th Combat Hospital at Fort Carson
will discuss community covenants.
 - Planning and Zoning Report
 - Zoning Appeal Case 100-59-250
180 Rosita Circle, Westcliffe, Colorado.
 - Zoning Appeal Case 101-48-970
4225 CR 265, Westcliffe, Colorado

**MOTION by Commissioner Custer, seconded by Commissioner Austin:
To accept the posted agenda. The motion carried unanimously.**

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

- The proposed Justice Center requires input from the Custer County Sheriff's Department, the 11th Judicial District and the citizens of the community. F&D International will research funding for a feasibility study.
- The Memorandum of Understanding (MOU) between Custer County and the Wetmore Community Center and Wetmore Library Board is currently in review.
- The K.E.R. Auction Contract has been reviewed and revised.
- The contract for the salvage rights to the Wetmore project building has been reviewed and revised.
- Commissioner Attebery has been designated as the contact person for the Wetmore Public Auction scheduled on June 19, 2010.
- The proposal from the District Attorney (DA) asking for the exemption of term limits for the DA position to be placed on the election ballot. The BOCC will approve the drafted resolution submitted by Mr. LeDoux following confirmation of support from the other 11th Judicial District Counties.

Debbie Livengood, Clerk and Recorder stated the Custer County Merchants and Chamber of Commerce were sponsoring an event at the Painted View Ranch on June 19, 2010. She said the Special Events Liquor License Permit Application was complete and in order.

MOTION by Commissioner Attebery, seconded by Commissioner Austin:

To approve the Special Events Liquor License Permit Application as presented. The motion carried unanimously.

Commissioner Attebery proposed expending the Title III County Funds for aerial-satellite photography for the mapping of Custer County. He said this mapping would assist 911 Authorities, the Sheriff's Department and the Search and Rescue operations with directions and locations for emergency services. He remarked that the mapping would also help meet the requirements of the Federal Emergency Management Agency (FEMA) for flood mapping.

Commissioner Austin said that if there were remaining Title III Funds he proposed consideration of the purchase of an all weather and terrain vehicle for use in the back country by Custer County Search and Rescue.

Commissioner Attebery stated that any purchase would be required to meet the guidelines of the County Title III Funds and be approved by the County Attorney. Mr. Naylor stated that he supported both proposals.

The Sheriff Reports for March and April, 2010 were reviewed and accepted.

Charles Bogel, Chairman of the Custer County Veterans Cemetery Committee submitted the name and address of the Secretary of Veterans Affairs and the Acting Under Secretary of Memorial Affairs and requested the BOCC issue a letter of support to these designees. Commissioner Custer stated that a letter of support should also be forwarded our congressional delegation in Washington D.C.

MOTION by Commissioner Austin, seconded by Commissioner Custer:

To sign the letters of support for the Custer County Veterans Cemetery Project as requested. The motion carried unanimously.

The correspondence was addressed to: Secretary Eric Shinseki, Acting Under-Secretary Steve Muro, Senator Michael Bennet, Senator Mark Udall, Representative Jared Polis, Representative John Salazar, Representative Ed Perlmutter, Representative Mike Coffman, Representative Doug Lamborn, Representative Diana DeGette and Representative Betsy Markey.

Commander Michael Place, 10th Combat Hospital at Fort Carson met with the BOCC for a discussion regarding the re-establishment and renewal of relationships among Custer County and the military soldiers. He said the Fort Carson Post is currently developing community covenants to provide the soldiers with links to communities and community events.

Jon Wallestad, Commander of the American Legion Post 170 and Jerry Lacy Commander-Elect expressed appreciation for Commander Place's visit to Custer County and stated that the American Legion Post 170 was in support of the initiative. Town of Silver Cliff Mayor, Allen Butler and the Town of Westcliffe Mayor, Christy Veltrie said the neighborhoods and communities welcomed military involvement.

Commissioner Custer reported that our local Veterans Service Office (VSO) was setup in the Hanssen Haus Resource Center (HHRC) and is strongly supported by the American Legion Post 170. She reported that the Mobile Veteran Center Readjustment Counseling Service assists our local veterans twice a month. She stated there was strong local support for the Veterans Cemetery Project. She said that other collaborated efforts include a program administered by our regional Children First Child Care Resource and Referral Agency through an Army Child Care in Your Neighborhood Grant serves Army families that live in Pueblo and Fremont Counties. The purpose of that grant is to assist families in finding high quality child care as well as supporting excellence in child care programs.

The BOCC recessed at 10:20 AM.

The BOCC reconvened at 10:36 AM.

Jackie Hobby, Planning and Zoning (P&Z) Director joined the meeting.

Planning and Zoning File #: 100-59-250

Bryce Kennedy, contractor and Bruce Medina, home-owner of the property located at 180 Rosita Circle met with the BOCC and presented an appeal regarding the post construction fee penalty issued for that property. A penalty in the amount of three times the fee was imposed following an P&Z Department inspection revealing that dirt had been hauled on to the site and smoothed out for a garage (accessory building) prior to the submission of an accessory building permit. Mr. Kennedy and Mr. Medina debated the definition of excavation- stock piling - site development stating in their point of view the spreading of the dirt was not considered excavation. They questioned the clarity of the permit application and expressed concern that the Planning and Zoning (P&Z) Department did not provide them with all the information they required. They further stated that they did not receive the customer service they expected. from the P&Z Department staff. Following a lengthy discussion, Mr. Kennedy and Mr. Medina requested relief from the three times the amount penalty charge.

MOTION by Commissioner Austin, seconded by Commissioner Attebery:

To approve relief from the penalty fee. Commissioner Custer stated there had not been enough clear discussion or a clarification of the role of the County P&Z Department staff on this issue. Therefore, in order to make an appropriate decision at this point in time the BOCC needed to give the county P&Z Department staff an opportunity to present their case in this manner, and therefore Commission Custer abstained from voting. The motion carried.

Planning and Zoning File #: 101-69-350

Michael Conway, the contractor representing home owners Barbara Wagers and Joni Smith met with the BOCC and requested a portable chemical toilet variance at the property located at 2971 Macy Road. He explained that he came into the P&Z office for a zoning permit for an addition to the existing cabin structure. He said the structure does not have an approved septic system. Mr. Conway reported the cabin is not occupied year round and the home owners use the property only on a part time basis. He stated the home owners were previously using a privy and have sited a portable chemical toilet.

MOTION by Commissioner Custer, seconded by Commissioner Austin:

To approve a portable chemical toilet variance with the stipulations that the home owners get an approved septic system within two years; and that the existing privy be removed by August 1, 2010. The motion carried unanimously.

Planning and Zoning File #: 101-48-970

Donald McDowell, home-owner of the property located at 4225 County Road (CR) 265 met with the BOCC and requested an extension of his enclosed accessory structure zoning permit. Mr. McDowell said that the two year permit had expired on April 2, 2010 and the exterior construction is not completed. He explained that he is doing the construction himself using salvaged materials and believes he will have the structure completed this summer.

MOTION BY Commissioner Austin, seconded by Commissioner Custer:

To approve the permit extension until January 1, 2011 with the stipulation that after that date the home-owner will be penalized three times the amount of the permit fee if the project is not completed by that date. The motion carried unanimously.

Jackie Hobby, P&Z Director continued her report and discussed:

- File: 101-93-906 Special Use Permit violation for the advertised Dazzler's Best Bed and Breakfast at 5001 Hwy. 96.
- File: 101-63-850 Special Events Permit Violation for the advertised mountain gardening classes at 12746 CR 255.
- File: 100-60-300 Septic System Violation at 59920 Hwy 69.
- File: 101-99-900 Septic System Violation at 7996 CR 255.

Ms. Hobby requested direction from the BOCC regarding the Commissioner's intentions regarding moving forward with considering the adoption of the International Building Code (IBC). She said if an adoption of the IBC were being considered, she would like to delay revisions of the current zoning resolution since if the county held hearings and the BOCC adopted the IBC, there would need to be another revision of the zoning resolution.

Commissioner Attebery stated he was in support of the county adopting an IBC code. Commissioner Austin stated he was not in support of the IBC or any codes that did not support alternative building. Commissioner Custer said that in concept she was in support of the BOCC going forward in holding hearings regarding the adoption of the IBC code as long as there were assurances that what ever was being considered included provisions for alternative building construction. And, before moving forward with scheduling any public hearings she wanted an agreement in place with the Towns of Silver Cliff and Westcliffe regarding how the building inspector would be reimbursed for his time. She stated that since both towns have adopted the IBC, it made sense to have the county adopt the code as well. Commissioner Custer said she was concerned about having any code adopted being fairly enforced throughout our small and rural county. She suggested that the BOCC continue to explore the options of the three entities sharing a building inspector. The Board agreed to move forward in the matter and instruct the Planning Commission (PC) to go forward with scheduling public hearings and recommend that the PC extend an invitation to the elected officials and citizens of the Town of Silver Cliff and the Town of Westcliffe to actively participate in the public hearings. It was also suggested by the BOCC that the county solicit suggestions, input and recommendations, from both towns since they have adopted and have experience in implementing the IBC.

MOTION by Commissioner Attebery, seconded by Commissioner Austin:

To recess from the BOCC Meeting and reconvene in the Joint Planning Commission Meeting.

The motion carried unanimously.

The BOCC recessed at 12:10 PM

The BOCC reconvened at 1:00 PM in the Joint Planning Commission Meeting.

MOTION to approve the Special Use Permit Modification for RDH Holdings/A Painted View Ranch.

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). Conferences with an attorney for local public body for the purposes of receiving legal advice on specific legal questions. The BOCC in attendance at the Joint Planning Commission went into Executive Session at 1:48 PM.

Commissioner Austin made a motion, seconded by Commissioner Attebery to go back into the Joint Planning Commission Regular Session. The motion carried unanimously.

The BOCC came out of the Joint Planning Commission Executive Session at 2:35 PM. No matters were adopted and no actions or decision were made.

The Joint Planning Commission Meeting adjourned at 3:45 PM.

Debbie Livengood, Clerk and Recorder
Attest

Lynn Attebery
Chairman