

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING, JUNE 8, 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 9:03 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 Grant W. Lewis, Esq. and Nora Drenner, reporter for the Wet Mountain Tribune.

AGENDA:

- Call meeting to order
 - Pledge of allegiance
 - Roll Call
 - Amend agenda
 - Audience introduction
 - Approval of minutes
 - County Attorney:
 - Memorandum of Understanding between Custer County and the Wetmore Community Center and Library Boards
 - Discussion of Lake Street property lines in the San Isabel area
 - Resolution - ballot question regarding term limit exemption for the District Attorney
 - Schedule a Date for the Custer County Board of Equalization Hearing
 - Old Business:
 - Wetmore Project Update
 - Public Health Report
 - Colorado Association Local Board Health Membership Dues
- 10:00 AM Public Hearing Notice Resolution #05-10 Amendment of the Official Zoning Map.
- Planning and Zoning Report

MOTION by Commissioner Attebery, seconded by Commissioner Austin:

To accept the posted agenda. The motion carried unanimously.

MOTION by Commissioner Austin, seconded by Commissioner Attebery:

To approve the minutes from the May 11 and May 21, 2010 BOCC meeting as presented. The motion carried unanimously.

Commissioner Custer joined the meeting at 9:10 AM.

Grant W. Lewis, Esq. addressed the BOCC and the County Attorney and requested an update regarding Lake Street at Lake San Isabel, Colorado. John Naylor, County Attorney responded that following research with the road and bridge department and the assessors' office it was determined that Lake Street is a public road. He said that Lake Street was platted in the map of the Lakeview Addition to San Isabel City which was recorded on November 8, 1940. Mr. Naylor advised that discussions with residents that are familiar with that street indicate that it has been open to the public for many years and used by the public and various lot owners adjacent to that street. Mr. Naylor reported that he dictated a letter to Mr. Lewis to this affect and that correspondence will be forthcoming.

Commissioner Austin said that the Custer County Road and Bridge Department (R&B) had been offered a trade of \$3500 worth of gravel from Andy Kagan for the old 1971 Kenworth tractor. He proposed donating 500 tons of gravel to the Colorado Department of Transportation (CDOT) for the widening of Highway 69 South. Commissioner Austin asked the County Attorney for his input. John Naylor, County Attorney responded that both trading the old Kenworth tractor for gravel and donating gravel to CDOT was appropriate. Commissioner Custer requested that R&B retain a bill of sale for the tractor and memorandums of understanding for the transactions.

MOTION by Commissioner Austin, seconded by Commissioner Attebery:

To approve a purchase agreement with Andy Kagan and the Custer County Road and Bridge Department for a 1971 Kenworth tractor SN: 119518, as is, no warranty. Custer County agrees to sell the listed vehicle to Andy Kagan for the amount of \$3500.00. Mr. Kagan agrees to provide 500 tons of road base to the Custer County Road and Bridge calculated at \$7.00 per ton for a total amount of \$3500.00. The motion carried unanimously.

MOTION by Commissioner Austin, seconded by Commissioner Custer: To contribute 500 tons of gravel to CDOT for the widening of the Highway 69 South project. The motion carried unanimously.

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

- Easement on CR 192 – property owner Lou Kravitz will be scheduled at a future BOCC meeting for review and discussion regarding the easement request.
- The MOU between Custer County and the Wetmore Community Center and the Library Board has been reviewed and will be scheduled for adoption at the June 16, 2010 BOCC meeting at the Wetmore Fire Station.
- The Custer County Road and Bridge Traffic Signs, Traffic Markings, & Retro-Reflective Policy will be reviewed by the County Attorney and will be scheduled for adoption at the June 29, 2010 BOCC meeting.
- The Colorado State Library, a division of the Colorado Department of Education has Requested data, mapping, and the boundary line confirmation for the county library districts. The County Attorney is reviewing and compiling the information. The Topic will be addressed at the July 6, 2010 BOCC meeting.

MOTION by Commissioner Custer, seconded by Commissioner Austin:

To approve the Resolution submitted by the District Attorney, Thom LeDoux to add a ballot question to the November 2010 ballot asking the voters of the 11th Judicial District to eliminate term limits for the Office of District Attorney. This approval of this Resolution is contingent on the receipt of written support of the ballot issue from Chaffee, Fremont and Park Counties. The motion carried unanimously.

MOTION by Commissioner Attebery, seconded by Commissioner Austin:

To schedule the Board of Equalization Hearings as part of the August 3, 2010 BOCC meeting starting at 10:00 AM. The motion carried unanimously.

Commissioner Attebery closed the regular meeting at 10:00 AM and opened the Public Hearing.

PUBLIC HEARING
RESOLUTION #05-10
Amendment of the Official Zoning Map
10:00 AM

John Naylor, County Attorney stated as per the State Statute the Custer County Zoning Map will be recorded and filed with the Clerk and Recorder’s Office. He said the legal descriptions for all the zones will also be recorded and filed with the Clerk and Recorder’s Office.

Commissioner Attebery asked if there was anyone wishing to speak.

Pete Michaelson, Attorney asked if the BOCC will be adopting and recording the official Zoning Map and if the Zoning Map will be publically posted.

John Naylor, County Attorney responded that the Planning Commission recommended the adoption of the Amendment of the Official Zoning Map at their May 11, 2010 meeting. He stated the BOCC would adopt the Amendment of the Official Resolution under Resolution #05-10. He continued to say that the Zoning Map will also be recorded and filed with the Clerk and Records Office. He said the Zoning Map will be posted in the Clerk and Records Office; the Planning and Zoning Office; and the BOCC Boardroom. He stated that the official Zoning Map cannot be revised without the proper procedure and protocol.

MOTION by Commissioner Attebery, seconded by Commissioner Austin:

To approve and adopt Resolution #05-10 Amendment of the Official Zoning Map with the stipulation that any revisions or changes are restricted to the County Surveyor after review and approval by the BOCC. The motion carried unanimously.

CUSTER COUNTY RESOLUTION
RESOLUTION NUMBER #05-10

A RESOLUTION OF the Board of County Commissioners of Custer County, Colorado, acting in their capacity to adopt the amended official Zoning Map of the Custer County Resolution. WHEREAS, certain amendments to the said Zoning Map have been proposed; and WHEREAS, the Board of County Commissioners held a Public Hearing on June 8, 2010, after having given notice thereof by publication as required by law; and WHEREAS, the Board of County Commissioners finds that the amendment of the said Zoning Map will be in the best interest of the public and the present and future residents, citizens and inhabitants of Custer County.

NOW BE IT RESOLVED, that we, the Custer County Board of County Commissioners, Colorado do hereby adopt the Amended Official Zoning Map for Custer County under section 2.6 of the Custer County Zoning Regulations.

Adopted this 8th day of June, A.D. 2010

Lynn Attebery, Chairman

Jim Austin, Vice-Chair

Carole J. Custer, Ph.D., Commissioner

Attest: Marilyn Keefer, Deputy to the Clerk and Recorder

Commissioner Attebery closed the public hearing at 10:15 AM and returned to the Regular Meeting.

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

- File: 101-80-498, J. Newton, (11529 Highway 96) was approved for a six month zoning permit extension at half the cost of a permit.
- File: 101-27-450, C. Martinez, (Lot 32, Cristo Vista) was denied the waiver request of the post construction fee for a storage container.
- File: 100-60-300, M. Hoge, (59920 Highway 69) the homeowner will be instructed to uncover the septic tank for inspection and confirm the existence of a leach field.
- File: 100-40-152, M. Ferree, (S. Willow Creek) approved that the parcels in question are pre-zoning, non-conforming buildable lots.
- File: 101-06-907, A. Light, (N. E. Highway 69) was approved for the subdivision waiver.

MOTION by Commissioner Attebery, seconded by Commissioner Austin:

To approve the subdivision waiver request File: 101-06-907. The non-conforming parcels were created by action from Custer County. The motion carried unanimously.

Commissioner Custer proposed that the Planning Commission and Board of Zoning Adjustment establish parameters and a protocol for determining what constitutes financial hardship regarding zoning permit extensions and or waivers. She requested that consideration be given to those claimants who show due diligence regarding the permit process.

Ms. Hobby presented the Board with a copy of House Bill 10-1275 Green Burials. She reported a public hearing on the topic is scheduled at the Planning Commission Meeting scheduled on July 6, 2010.

Ms. Hobby presented a copy of House Bill 10-1284, a bill for an act concerning the regulation of medical marijuana for the Boards review. The topic will be an agenda item at the July 6, 2010 BOCC meeting with the County Attorney in attendance.

The BOCC recessed at 11:30 AM.

The BOCC reconvened at 11:45 AM.

Commissioner Attebery stated that Donna McDonnall, County Health Nurse was currently out of the office this week. He said she was recovering from a medical operative procedure. He referenced the Custer County Public Health Agency May 2010 Report submitted by Ms. McDonnall prior to the BOCC meeting. He reported that 10 adult blood pressure screenings and 7 adult immunizations were administered. The Project Public Health Ready (PPHR) documents are being written in compliance with the National Association of County and City Health Officials (NACCHO) requirements for certification.

Ms. McDonnall and Ms. Stoltfus have completed educational classes in sheltering, disaster mental health, psychological first aid, and disaster health services. Ms. McDonnall was selected for a fellowship for the local public health agency directors to complete a survive and thrive class sponsored by NACCHO.

The BOCC recessed at 11:55 AM.

The BOCC reconvened at 12:50 PM.

The BOCC and County Attorney reviewed and approved the Public Notice for publication in the Wet Mountain Tribune.

MOTION by Commissioner Custer, seconded by Commissioner Attebery:

To approve the Public Notice for the expenditure of Title 111 funds as presented. The motion carried unanimously.

Commissioner Custer read the Public Notice into the record.

The Custer County Board of County Commissioners is proposing the expenditure of an estimated \$60,000 for Satellite Imagery Photography of Custer County, Colorado, and the balance of approximately \$7,000 for a Search and Rescue off the road vehicle to be taken from the Custer County title 111 Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 110-343). These funds can only be expended in accordance with provisions made in the law. This is the notice of the 45-day public comment period for this proposal. Comments must be submitted by July 25, 2010, to Custer County Commissioners Office, by mail to PO Box 150, Westcliffe, CO. 81252; by fax; 719-783-2885 or by e-mail: kris@custercountygov.com. Ordered and published by Lynn Attebery, Chairman, Board of County Commissioners. Publish June 10, 2010. Submit Proof of Publication.

The BOCC recessed at 1:05 PM

The BOCC reconvened at 1:10 PM in the Joint Planning Commission Meeting.

MOTION by Commissioner Attebery, seconded by Commissioner Custer

To accept the recommendation of the Planning Commission and approve the subdivision waiver from Senate Bill 35 for George and Linda Withers. The motion carried unanimously.

MOTION BY Commissioner Attebery, seconded by Commissioner Custer:

To adjourn the meeting. The motion carried unanimously.

The meeting was adjourned at 1:48 PM.

Debbie Livengood, Clerk and Recorder
Attest

Lynn Attebery
Chairman