

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING, FEBRUARY 5, 2013**

THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY MET IN REGULAR SESSION IN THE COMMISSIONERS 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
Allen Butler	Vice-Chairman	Present
Kit Shy	Commissioner	Present
John Naylor	County Attorney	Absent
Kris Lang	Deputy Clerk to the Board	Present

Also present was: Dallas Anderson, Jerry Brown, Sandy Brown, Terre Davis, Jean Schmutzler, Robin Schmutzler, Steve Trombley, and Nora Drenner reporter for the Wet Mountain Tribune.

AGENDA:

Call meeting to order

Pledge of allegiance

Roll Call

Amend agenda

Approval of minutes:

Audience introduction

Public Comment

Commissioner Items

County Attorney

- Registration of the Towns of Westcliffe and Silver Cliff as Incorporated – Ileen Lemons
- Former County Surveyor Project CR 390

Treasurer – Virginia Trujillo

Planning and Zoning/Review Fees – Jackie Hobby

Commissioner Attebery asked if there were any public comments. Dallas Anderson asked whether local organizations using the term Custer County or District as part of their name were required to obtain approval from the commissioners or the county. Commissioner Attebery responded that the BOCC did not have jurisdiction regarding the terminology chosen. Mr. Anderson asked if the BOCC or the county have endorsed the Custer County Conservation District (CCCD). The Board responded that the CCCD was not sanctioned by the county. Terre Davis said she was in attendance to participate in the review of the zoning fees. The Board agreed to address the Planning and Zoning Fees at this time.

Jackie Hobby, Planning and Zoning Director joined the meeting and presented the proposed zoning fees as follows:

Structure Closed	\$.35 sq ft.
Structure Open	\$.25 sq. ft.
Decks/Balconies	\$25.00
Septic	\$225.00
Septic Modification	\$145.00

Septic Repair	\$50.00
Septic Evaluations	\$125.00
Portable Toilets	\$30.00 first year \$25.00 each year after
Septic Contractor License	\$50.00 first year \$10.00 each year after
Septic Cleaner	\$50.00 first year \$10.00 each year after
Septic (2 nd trip charge)	\$75.00 (no charge if the county is at fault)
Sign Variance	\$200.00
Lot Line Vacation/adm	\$50.00
Lot Line Vacation/replat	\$300.00
Lot Line Adjustment	\$300.00
Zoning Change	\$300.00
Over-Height	\$300.00
Set-Back	\$300.00
Multi-Dwelling	\$300.00
Undersize Lot Creation	\$300.00
Vested Rights	\$300.00
Board Action (not listed)	\$300.00
Special Events Permit	\$50.00
Special Events Permit Board Action	\$300.00
Special Use Permit	\$250.00 for presentation; \$250.00 for hearing
Special Use Permit Modification	\$150.00 with additional fees for professional services and postage, if required.
Home Occupation	\$10.00 first year 0 each year after

The remainder of the fees will be discussed and reviewed with legal counsel.

MOTION by Commissioner Shy, seconded by Commissioner Butler:

To approve the zoning fees as presented. The motion carried unanimously.

Terre Davis said that any cost for a home occupation should not be referred to as a charge, tax or permit. She suggested a registration fee that would include advertisement of the business on the Custer County web page. She said by doing so the business owner would feel they are benefiting from the registration fee. She further suggested that the county should refrain from using the term tracking of the registered home occupations and focus on the advertising benefit that a registration would provide. Jean Schmutzler said that if the county was experiencing budget restrictions for 2013, the BOCC should have reconsidered approving the 1.5% increase for the county employees instead of raising the zoning fees. Commissioner Attebery responded that the fees proposed by the Planning and Zoning Director were reduced from the previous years. The Board agreed that the planning fees in Custer County were substantially lower than other counties in the state. Robin Schmutzler asked if he needed a permit to dig a hole on his property. Commissioner Shy said that a permit would not be necessary. He said that excavation permits were required for the addition of structures or additions to the footprint of an existing structure.

Ileen Lemons, Clerk/Treasurer, Town of Silver Cliff, Clerk met with the BOCC and said that the Town of Silver Cliff and the Town of Westcliffe are under the 81252 zip code. She said because of this the Town of Silver Cliff has been losing sales tax to the Town of Westcliffe. Her research revealed that a drop down list for the towns could be added to the 81252 zip code. In order to do this the US Postal Service is requiring notification from the BOCC confirming that the Town of Silver Cliff, Colorado and the Town of Westcliffe, Colorado are incorporated towns lying within the boundaries of Custer County and the Colorado Zip Code 81252.

MOTION by Commissioner Shy, seconded by Commissioner Butler:

To approve the preparation of correspondence addressing the issue. The motion carried unanimously.

Jackie Hobby, Planning and Zoning Director met with the BOCC and the following topics were discussed.

File #100-87-403 Permit Violation (pending)

MOTION by Commissioner Shy, seconded by Commissioner Butler:

To approve and issue a permit violation notice on File #102-36-922. The correspondence will be sent by certified mail. The motion carried unanimously.

Ms. Hobby announced that the Planning Commission has scheduled two workshops to go over the draft Zoning Regulations. Those workshops are scheduled on February 6 and February 13, 2013 from 1:00 PM to 4:00 PM. Ms. Hobby stated that the Board of Zoning Adjustment has a setback variance and housekeeping meeting/hearing today at 1:00 PM in the courtroom. Ms. Hobby said that the Planning Commission has not met in 2013 and therefore has not appointed a chairman. She said that Vic Barnes has been the chairman in 2012 and asked for guidance on the issue. Commissioner Attebery responded that Mr. Barnes would continue to preside over the meeting as the acting chairman until one has been appointed.

The BOCC agreed to schedule a discussion on Amendment 64 at the March 4, 2013 BOCC meeting. The Board will notify Sheriff Jobe and Ms. Hobby of the topic.

Commissioner Attebery stated that the Former County Surveyor Project CR390 topic would be tabled at this time.

Virginia Trujillo, Treasurer met with the BOCC and gave a report. The beginning balance on December 1, 2012 was \$3,004,332.35 and the ending balance on December 28, 2012 was \$2,739,185.73

MOTION by Commissioner Attebery, seconded by Commissioner Butler:

To accept the Treasurer report for December 2012 as presented. The motion carried unanimously.

Virginia Trujillo, Treasurer presented the report for January 2013. The beginning balance on January 1, 2013 was \$2,739,185.73 and the ending balance on January 31, 2013 was \$3,245,131.09.

MOTION by Commissioner Shy, seconded by Commissioner Attebery:

To accept the Treasurer report for January 2013 as presented. The motion carried unanimously.

Ms. Trujillo presented the quarterly Public Trustee report to the Board for review.

Ms. Trujillo said that the County Finance Officer is requesting a non-operating transfer (loan) of \$80,482.84 from the In Lieu of Tax Fund to the Self-Insurance Fund. She presented the paperwork for the Boards approval.

MOTION by Commissioner Attebery, seconded by Commissioner Butler:

To approve the non-operating transfer loan as presented. The motion carried unanimously.

Commissioner Butler read the correspondence into the record:

At a regular meeting of the Board of County Commissioners for Custer County, Colorado, held at the Custer County Courthouse on Tuesday, February 05, 2013 the following were present:

Lynn Attebery	Chairman
Allen Butler	Vice-Chair
Kit Shy	Commissioner
Kris Lang	Deputy Clerk to the Board

When the following proceedings, among others, were done, to-wit:

The Board of County Commissioner of Custer County on February 5, 2013 instructed and authorized Virginia Trujillo to:

Not an operating transfer, but a loan of \$80,482.84 from the In Lieu of Tax Fund to the Self-Insurance Fund. These monies are to be paid back to the In Lieu of Tax Fund no later than December 31, 2013.

STATE OF COLORADO

COUNTY OF CUSTER

I, Debbie Livengood, County Clerk, and ex-officio Clerk of the Board of County Commissioners, in and for the County and State aforesaid, do hereby certify that the annexed and foregoing Order is truly copied from the records of the proceeding of the Board of County Commissioners for said Custer County, now in my officer.

IN WITNESSED WHERE OF, I HAVE HERE UNTO SET MY HAND AND AFFIXED THE SEAL OF SAID County, At Westcliffe this 5th day February of 2013.

Debbie Livengood, County Clerk

Ms. Trujillo gave a breakdown of the National Forest PILT funding received in January 2013.

Road and Bridge	\$27,533.17
County School	\$97,617.60
County	\$22,085.43

Commissioner Attebery said that the roof over the courthouse is leaking and will require repair. Following a brief discussion the Board agreed that Commissioner Attebery contact the original roofing installer for an inspection and estimate for repair.

Commissioner Attebery asked if there was any more business before them. Hearing none, he adjourned the meeting at 12:20 PM.

Debbie Livengood, Clerk and Recorder
Attest

Lynn Attebery,
Chairman