

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING, DECEMBER 9, 2008**

THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY MET IN REGULAR SESSION WITH THE FOLLOWING MEMBERS PRESENT:

Kit Shy	Chairman
Dick Downey	Vice-Chairman
Carole Custer	Commissioner
Kris Lang	Deputy Clerk to the Board

Also present was Nora Drenner, reporter for the Wet Mountain Tribune and commissioner elect Jim Austin. Several other community members were present.

AGENDA:

8:30 AM Call meeting to order  
Pledge of allegiance  
Old Business  
Approval of Minutes: October 31, November 5 and 6, 2008  
**John Naylor – County Attorney**  
-Dawna Hobby  
Clarification of monthly report protocols/Attorney  
Dave Trujillo  
re: Dwight Brothers/Attorney  
Donna McDonnall  
Resolution Review/Attorney  
Structure at 6234 County Rd/Attorney  
9:00 AM John Piquette – Adoption of Budget  
10:00 AM Marty Frick – Library Board Ratification  
11:00 AM Jackie Hobby – Planning and Zoning report  
Resolution #08-14 review by Attorney  
11:30 AM Virginia Trujillo – Treasurer report  
1:00 PM Ken Watts - USGS

The meeting was called to order at 8:40 AM and the Pledge of Allegiance was recited.

Commissioner Downey was delayed due to inclement weather.

Old Business:

**MOTION by Commissioner Custer, seconded by Commissioner Shy:**

To approve the minutes as presented from October 31, November 5 and 6 of 2008. Motion carried.

John Naylor, County Attorney met with the BOCC and the following items were discussed:

- The Golden Arrow Valley Lot Deeds were revised and re-recorded.
- CR 341 will be visited jointly by the Bureau of Land Management and the Custer County Road and Bridge for the signage placement and removal of gate locks.
- Finance Manager, Dawna Hobby will present the BOCC with a monthly county numeric report in the future.

- County Attorney will issue correspondence to Dwight Brothers regarding the protruding fence issue as requested by Road and Bridge Supervisor, Dave Trujillo.
- County Public Health Nurse, Donna McDonnall was not present due to inclement weather however a draft Resolution for the designation of a county public health agency as required by Senate Bill 194 will be reviewed by the County Attorney.

Commissioner Downey joined the BOCC Meeting at 9:30 AM.

John Piquette, Finance Officer, presented the BOCC with the 2009 finalized budget. The total budget is \$5,531,307.00.

**MOTION by Commissioner Downey, seconded by Commissioner Custer:**

To approve the 2009 finalized budget and set the mill levy at 20.245. Motion carried unanimously.

Finance Officer, John Piquette instructed Administrative Assistant Kris Lang to send a copy of the finalized Custer County 2009 Budget via certified mail to the State and mail a copy to the Auditor.

**MOTION by Commissioner Downey, seconded by Commissioner Custer:**

To approve Resolution #08-16, #08-17, #08-18 and #08-19 as presented by Financial Officer John Piquette. Motion carried unanimously.

**RESOLUTION 08-16**

A Resolution appropriating additional sums of money to defray expenses in excess of amounts budgeted for Custer County.

Whereas, Custer County has received unanticipated revenues and expenses due to unforeseen circumstances during the 2008 year, and

Whereas, the additional revenue was received from sources other than the property tax mill levy,

REVENUE SOURCE –HOMELAND SECURITY GRANT	\$21,366.00
MINERAL IMPACT GRANT	19,421.00
OTHER MISCELLANEOUS	4,629.00

Now, Therefore, be it resolved by the Custer County Commissioners of Custer County, Colorado; that the 2008 appropriation for the GENERAL FUND is hereby increased by \$45,416.00 for the purpose of covering increased expenditures as follows:

Account No. 10.44112.913 CAPITAL OUTLAY	\$25,995.00
10.48500.726 SEARCH & RESCUE	\$19,421.00

Adopted, this 9<sup>th</sup> day of December, A.D. 2008

Attest:

Christopher L. (Kit) Shy Chair  
Richard L. (Dick) Downey Vice-Chair  
Carole J. Custer, Ph.D., Commissioner

**RESOLUTION 08-17**

A Resolution appropriating additional sums of money to defray expenses in excess of amounts budgeted for Custer County.

Whereas, Custer County has received unanticipated revenues and expenses due to unforeseen circumstances during the 2008 year, and

Whereas, the additional revenue was received from sources other than the property tax mill levy,

REVENUE SOURCE – MINERAL IMPACT GRANT	\$471,000.00
OTHER FINANCING – CMB	\$278,000.00
SALE OF ASSETS	\$ 96,495.00

Now, Therefore, be it resolved by the Custer County Commissioners of Custer County, Colorado; that the 2008 appropriation for the ROAD AND BRIDGE FUND is hereby increased by \$845,495.00 for the purpose of covering increased expenditures as follows:

Account No. 10.44112.913 CAPITAL OUTLAY	\$845,495.00
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Adopted, this 9<sup>th</sup> day of December, A.D. 2008

Attest:

Christopher L. (Kit) Shy Chair  
 Richard L. (Dick) Downey Vice-Chair  
 Carole J. Custer, Ph.D., Commissioner

RESOLUTION 08-18

A Resolution appropriating additional sums of money to defray expenses in excess of amounts budgeted for Custer County.

Whereas, Custer County has received unanticipated revenues and expenses due to unforeseen circumstances during the 2008 year, and

Whereas, the additional revenue was received from sources other than the property tax mill levy,

REVENUE SOURCE – DOLA GRANT	\$204,900.00
FUND BALANCE	21,000.00

Now, Therefore, be it resolved by the Custer County Commissioners of Custer County, Colorado; that the 2008 appropriation for the CAPITAL IMPROVEMENT FUND is hereby increased by \$225,900.00 for the purpose of covering increased expenditures as follows:

Account No. 50.40600.913 CAPITAL OUTLAY	\$225,900.00
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Adopted, this 9<sup>th</sup> day of December, A.D. 2008

Attest:

Christopher L. (Kit) Shy Chair  
 Richard L. (Dick) Downey Vice-Chair  
 Carole J. Custer, Ph.D., Commissioner

RESOLUTION 08-19

A Resolution appropriating additional sums of money to defray expenses in excess of amounts budgeted for Custer County.

Whereas, Custer County has received unanticipated revenues and expenses due to unforeseen circumstances during the 2008 year, and

Whereas, the additional revenue was received from sources other than the property tax mill levy,

REVENUE SOURCE – STATE GRANTS (HAA CLAIM)

Now, Therefore, be it resolved by the Custer County Commissioners of Custer County, Colorado; that the 2008 appropriation for the AIRPORT FUND is hereby increased by \$41,875.00 For the purpose of covering increased expenditures as follows:

Account No. 65.465150.913 CAPITAL OUTLAY	\$41,875.00
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Adopted, this 9<sup>th</sup> day of December, A.D. 2008

Attest:

Christopher L. (Kit) Shy Chair  
 Richard L. (Dick) Downey Vice-Chair  
 Carole J. Custer, Ph.D., Commissioner

Commissioner Custer announced that a Department Head level workshop will be held to review the new Personnel Policy Handbook on December 16, 2008 at 11:00 AM with final adoption tentatively scheduled for December 31, 2008.

The BOCC recessed at 9:50 AM.

The BOCC reconvened at 10:00 AM

West Custer County Library District Director, Marty Frick presented the BOCC with correspondence outlining the annual meeting on the second Friday in January of each year. According to the by-laws they are required to conduct government items such as election of officers and locations of public notice. The BOCC handles the ratification of the Board Members prior to January. Three Board Member terms are expiring. Pursuant to State law, the Board would like to appoint Ray Varney and Debbie Rabinowitz for membership as new members and Dave Heppe for another three year term.

**MOTION by Commissioner Custer, seconded by Commissioner Shy:**

To ratify the appointments of Dave Heppe, Debbie Rabinowitz and Ray Varney to the West Custer Library District Board. Motion carried unanimously.

Commissioner Custer thanked Ms. Frick for her participation and support during the recent Wetmore Library Meeting.

Rusty Christianson, Landfill Manager addressed the Board regarding the holiday schedule at the landfill. Following a brief discussion the Board determined the landfill would be closed on December 25 and 26 and open a half day on December 27 of 2008 and closed on January 1 and 2 and open a half day on January 3 of 2009.

Jackie Hobby, Planning and Zoning Director met with the BOCC and gave her monthly report. She reported that dwelling permits issued in November were down. Ms. Hobby advised that Public County Nurse, Donna McDonnall was involved in the complaint she received on the property at 6234 County Road 255 and shared the photographs taken of the property. The owner will be issued health hazard correspondence following the inspection and review from county authorities. Brigido Vargas was issued non-compliant notification of a zoning permit and septic system. Ms. Hobby said the Custer County Airport submitted correspondence requesting the building permit fee be waived for the storage garage to be built.

**MOTION by Commissioner Shy, seconded by Commissioner Custer:**

To waive the zoning permit fee for the storage garage to be built at the Silverwest Airport. Motion carried unanimously.

Ms. Hobby reported she had received several phone calls and a written letter from Jake Yoder requesting the waiving of the zoning permit fine issued. Following a brief discussion the Board determined the zoning permit fine would remain and advised Ms. Hobby to notify Mr. Yoder of the Boards decision. Ms. Hobby reported that replacements would be needed on both the Planning Commission (PC) and Board of Zoning Adjustment (BZA). Her recommendation is to appoint Alternate Ken Patterson to fill the vacancy on the BZA Board and Alternate Paul Buckles to fill the vacancy on the PC Board in January 2009. She went on to say that her plan is to advertise openings for the alternate positions and in the announcement say that a letter of intent is required to be submitted by December 31, 2008. Ms. Hobby reported that the site tours for the PC and BZA would be scheduled on the same date next year but at separate times with the BZA site tour beginning at 9 AM and the PC site tour beginning at 1 PM.

Ms. Hobby advised that Rickey Morrison the gentleman that had the highest bid and purchased multiple lots in the Golden Arrow Valley Subdivision in the closed County bidding process on October 21, 2008 is requesting a waiver of the \$100 fee to vacate the lot lines.

**MOTION by Commissioner Custer, seconded by Commissioner Downey:**

To waive the \$100 vacate lot fee line for the properties purchased as part of October 21, 2008 Golden Arrow Valley Subdivision bidding process. Motion carried unanimously.

Ms. Hobby reported the Humboldt Park Partner Development Agreement was ready to be signed. Following a discussion with the BOCC and County Attorney, John Naylor it was determined the agreement would read that any submitted changes would require a modification of the approved PUD.

Virginia Trujillo, County Treasurer submitted a detailed monthly report. She reported a beginning balance on November 1, 2008 of \$2,264,229.54 with an ending balance on November 30, 2008 of \$2,334,686.85.

Commissioner Downey reported that he had forwarded his extensive file on the Scott case to the Clerk and Recording Department for retention in the vault.

**MOTION by Commissioner Shy, seconded by Commissioner Custer:**

To adjourn for lunch. Motion carried unanimously.

The BOCC recessed at 11:15 AM.

The BOCC reconvened at 1:00 PM.

Ken Watts of the US Geological Survey (USGS) gave a presentation on the cooperative program between USGS with Custer County.

**MOTION by Commissioner Downey, seconded by Commissioner Custer:**

To adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 2:20 PM.