

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
SPECIAL MEETING, JUNE 17, 2009**

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

Lynn Attebery	Chairman
Jim Austin	Vice-Chairman
Carole Custer	Commissioner
Kris Lang	Deputy Clerk to the Board

Also present was Nora Drenner reporter for the Wet Mountain Tribune and numerous community members.

AGENDA

Call the meeting to order
Pledge of Allegiance
Amend Agenda

PUBLIC HEARING

Custer County Water Augmentation Plan (CCWAP)

The meeting was called to order at 1:00 PM and the Pledge of Allegiance was recited.

MOTION by Commissioner Custer, seconded by Commissioner Austin:

To accept the agenda as posted and move directly to the Public Hearing scheduled at 1:00 PM.
Motion carried unanimously.

Commissioner Attebery stated the Public Hearing was scheduled in the Boardroom as the result of a scheduling conflict with the Courtroom. He said due to the number of attendee's and the limited logistics of the Boardroom, the Public Hearing would be moved to the Courtroom as soon as it became available.

MOTION by Commissioner Custer, seconded by Commissioner Attebery:

To move the Public Hearing to the Courtroom as soon as it becomes available. Motion carried unanimously.

The BOCC recessed from the Commissioners Boardroom at 1:05 PM.

The BOCC reconvened in the Court Room at 1:50 PM.

Ralph (Terry) Scanga, Upper Arkansas Water Conservancy District, General Manager read a letter prepared to the County Commissioners regarding the Water Augmentation for Custer County and presented the Custer County Water Augmentation Plan to the BOCC.

June 16, 2009

Dear Chairman Attebery and Commissioners:

Several weeks have passed since the UAWCD presentation at your work session on May 28, 2009. I want to express our District's and my appreciation for your diligence and hospitality in conducting this work session. It is vitally important for the citizens of Custer County to understand the intricacies of developing a plan for augmentation and to appreciate that augmentation is about protection of water rights. I would like to take this opportunity to submit to you some points that further illustrate the benefits of a District blanket plan of augmentation that may not have been obvious from the presentations at the work session.

First, the source of augmentation water will not result in the dry-up of agricultural lands in Custer County by the District. Replacement water utilized by the District will come from water rights that have been changed to augmentation use and the historically irrigated lands have already been dried-up or their dry-up is already planned by others. With these sources coupled with the District's current inventory of water the view of the valley floor will not change as a result of the District's augmentation plan. In the future the District will continue its long established practice of utilizing water rights for their historic decreed uses to the maximum extent possible. There are tools that the District believes could be used to provide additional water if needed in the distant future. One practice is the use of interruptible water supplies that allow irrigated land to continue to be irrigated in most years. The District will first use Custer County water rights to meet the needs in the county. These policies will foster retention of water rights in Custer County by allowing flexibility of use and continued beneficial use of water in the county. Further this practice will assist in preventing the purchase of water rights by non-Custer County entities that purchase the water and permanently remove it from Custer County.

Second, provision of supplemental augmentation through the proposed district's plan for existing augmentation plans in Custer County was discussed. We understand that some of these plans may be out of compliance and in need of additional replacement water. The District's plan may be a source of water to supplement these plans. What was not discussed is the on going impact to water rights in Custer County in the absence of a supplemental source of augmentation water such as the District's proposed plan. Further, it is our opinion that the State Engineer is not waiting for the District to file an augmentation plan before it forces compliance with the Colorado Statutes. It is our opinion that the Division Two Engineer's present lack of staff availability to investigate out-of-compliance plans that is postponing compliance activities. In the absence of a ready source of replacement water, such as the forthcoming District Plan, existing plans found out of compliance by the Division Engineer would be forced to either limit use or procure Custer County water rights that may result in a dry-up of irrigated agriculture and at considerable expense and impact to irrigated lands. The District believes that its plan will be able to provide supplemental replacement water for these citizens of Custer County at significantly reduced costs and with no impact to existing irrigated lands in Custer County.

Third, it has been inferred that a result of the District's augmentation plans in Chaffee and Fremont County, that the Division Engineer was spurred to initiate compliance of well pumping rules. This is preposterous and ignores the impacts of water right administration in the Arkansas Valley beginning with the adoption of the "Water Right Determination and Administration Act of 1969" that integrated tributary ground water with surface water use and ended with the 1985 Kansas v. Colorado suite over post-compact well pumping in the Arkansas Valley and the eventual adoption of the Arkansas Basin Amended Rules and Regulations on the use of Ground Water.

The impacts from out of priority well pumping impacted all surface water right users in the Arkansas Valley including in Custer County. Residents of Custer County may well remember that the State Engineer forced Round Mountain Water and Sanitation District to curtail out of priority use since they were out of compliance and thus causing injuring to senior surface water rights. And further it was the UAWCD that rose to help Round Mountain when the Division Engineer forces curtailment. The benefit to those covered by the District's blanket plans of augmentation were realized in Chaffee and Fremont County. Nearly six years ago the Custer County Commissioners realized these same benefits accruing to Chaffee and Fremont County were needed for Custer County, and the proposed augmentation plan was developed to respond to this need.

Fourth, a local Custer County citizen group called "C-4" has made inaccurate representations about the advantages of postponing the filing of the District's plan until after July 1, 2009, claiming new Colorado Rules of Civil Procedure will appreciably change the disclosure obligations of an applicant with respect to the proposed augmentation plan. The new rules are no more stringent in requiring the applicant to demonstrate to the water court that no injury will occur to other water right owners. The following are bullet points of the advantages of filing the plan before July 1, 2009:

- The new rules increase the burden on water resources engineers, and therefore the cost of such engineers to all parties.
- Specifically, once the new rules are in place, the parties' experts are required to meet twice, confidentially and without counsel or the parties present, to try and resolve disputed issues. Thus, without a qualified expert such as a water resources engineer, a party would not be able to participate in this key component of the negotiations process. Consequently, parties will have to incur the cost of retaining a qualified water resources engineer or other expert just to participate meaningfully in the process. This cost could prove to be a difficult burden for many pro se parties or those with limited resources.
- In addition, although the goals of the new rules are laudatory in their attempt to increase the efficiency of the process, the first water court cases subject to the new rules are likely to experience additional delays and increased costs while the court, its personnel parties, counsel, and engineers all learn, and adapt to, the new system. Moreover, the provisions concerning formal meetings between experts in the revisions to Rule 11, merely formalize a process that often occurred informally in the past. The unintended result of these revisions may be to stymie cooperative, informal, and early negotiations between parties and their engineers.
- The new rules do not increase the transparency of the process or make the water court process more open to the public. Water court proceedings and the documents filed therein, like most adjudicatory proceedings in the State of Colorado, are readily available from the Court. The new rules do not have this. There is no significant difference in the openness of the process before and after the new rules. The revisions are concerned with perceived problems relative primarily to efficiency.
- In a June 4, 2009 letter to the group Custer County Commissioners from C-4 Concerned Citizens for Custer County ("C4"), C4 represented that any new plan for augmentation filed after July 1 must include "a description of all water rights to be established or changed by the plan, a map showing the approximately location of historical use of the rights, and records, or summaries of records of actual diversions of each right the applicant intends to rely on to the extent such records exist."

- The letter goes on to claim that “(t)his language is completely new and is designed to ensure that those affected by a new augmentation plan are informed of the details of the plan at the outset and do not have to fight for details in the water court.” This is incorrect. Applications for approval of a plan for augmentation have always required such information, and mandatory disclosures pursuant to C.R.C.P.26(a) provide parties with additional information concerning the materials supporting the applicant, without even having to ask for it. The new rules do not appreciably change the disclosure obligations of an applicant with respect to a proposed augmentation plan.
- The new rules do not lessen the burden on the applicant to demonstrate to the water court no injury will occur to other water rights owners.

Fifth, many of the concerns expressed by “C-4” are not within the purview of the water court and relate to policies of administration of the augmentation plan by the District. These concerns are related to the setting of a priority for the augmentation of structures so that the out of compliance structures would be served before new structure and the cost of participation in the plan. Augmentation decrees do not provide for these administrative policies. Since the total replacement requirement for all potentially out of complains plans is about 30 acre feet per year and the District’s water supplies in Custer County alone far exceed this amount, the issue of priority of augmentation is at best a “Trojan Horse”. The cost of augmentation has not been determined yet but will most likely closely follow the present cost established in the other District plans. That cost is significantly less than an individual seeking augmentation through a private plan would be forced to pay. In any case the policy discussion is premature and not related to the filing of a plan of augmentation with the water court. Further, it is odd that this citizen group has shown little concern about the protection of senior water right owners; the whole purpose of augmentation.

Finally the filing of the plan of augmentation is not the end of a public input or public meetings, rather it is the beginning. It is the intent of the District to set up public meetings with the assistance of Custer County Commissioners beginning in mid July. Input from objectors and water right owners are crucial to the process of find-tuning a plan of augmentation. Thus, the District requests the setting of meetings beginning with a July Custer County Commissioner work session. Information on the Custer County Augmentation Plan has been posed on the District web site at www.uawcd.com and will continue to be posted as it becomes available as a further convenience to the citizens of Custer County.

Commissioner Attebery asked if there was anyone wishing to speak.

Paul Snyder, Chairman C4 Water Committee reported he and Locket Pittman, Vice-Chair C4 went before the UAWCD Board last week requesting a filing postponement of the Custer County Water Augmentation Plan (CCWAP) until after July 1, 2009 . Mr. Snyder reported the UAWCD Board voted to submit the CCWAP prior to June 30, 2009. The motion was passed unanimously with the exception of representative, Bill Donley. Mr. Snyder stated the CCWP will have a profound impact on how Custer County grows in the next fifty years. He said it was in the best interest of the citizens to have sufficient time to review, understand and make recommendations on this complex plan. Mr. Snyder reported that the UAWCD board presented the CCWAP earlier this date; just thirteen days before the proposed filing date with the state. He felt this was not acceptable and the time limit did not provide adequate time for proper review. He asked the BOCC to request that the UAWCD board reconsider their decision of filing prior to June 30, 2009.

Locket Pitman, Vice Chair of C4 explained the letter issued by C4 was not intended to evaluate the CCWAP. He stated the issue is that a promise had been made to the BOCC to allow them an ample opportunity to evaluate the plan before it was filed with the state and this has not been done. He reported at the UAWCD meeting last week, he asked if the BOCC worked for the UAWCD or the UAWCD worked for the BOCC and it was determined that the UAWCD works for the BOCC. Mr. Pitman reported to the best of his knowledge that prior to last weeks meeting the UAWCD had never voted on or for the filing of a water augmentation plan. He stated it would be in the best interest of all concerned if we could work together rather than as adversaries.

Dick Downey, former Custer County Commissioner stated he was one of the three commissioners who signed the letter issued to the UAWCD on February 18, 2003 requesting that Custer County be included in the future planning water augmentation efforts. Mr. Downey read a portion of the letter. The Custer County Board of Commissioners formally request by letter, that the UAWCD include Custer County in future plans by completing a Custer County plan that would have to refer to sources of water and storage in Custer County. In other words a completed new plan and decree would have to be obtained in order to augment well depletion in Custer County. This could be accomplished by acquisition of water and/or storage in Custer County for the use by the citizens in Custer County. In turn this would provide water for use by the direct flow senior water rights in the county. Based on the above, we request that you include us and we get started. We look forward to working with you. Please advise if you need anything further from this Board. The letter was signed by Commissioners Dale Hoag, Richard Downey and Larry Handy. Mr. Downey said it was clear to the BOCC that UAWCD would develop a plan and present it to the BOCC to sign off before filing with the state. He reported the topic which was a form of a gentleman agreement had been discussed several times over the past few years.

John Brandenburg, citizen stated he was concerned over the affect the water augmentation plan would have on the numerous junior water users in the county. He said as a junior water user irrigation was vital to his ranch. He asked if the cost of augmented water had been determined.

Susan Pitman, citizen stated she was concerned of the unintentional impact that would result from the creation of reservoirs. She said stopping, piping or diverting water would affect wildlife, soil percolation and evaporation.

Tim Kelling, C4 Water Committee stated he felt the UAWCD was rushing to file the plan before June 30, 2009. He remarked that the public has not been adequately informed or educated regarding the water augmentation plan. He said although the UAWCD meetings are open to the public, they are held in Chaffee County which can be a deterrent to a Custer County resident.

Charles Proctor, citizen reported that thirteen years ago when the first augmentation plan was proposed the only information available to the public were the articles published in the Wet Mountain Tribune. He said that plan included one reservoir but the exact location had not been identified. He remarked that thirteen years later it's the same situation with two unidentified reservoir locations. Ms. Proctor commented that he does feel UAWCD are good communicators with the water users and citizens.

Alice Proctor, citizen reported she and her husband became involved with the UAWCD during the Colorado Kansas Case several years ago. She said the UAWCD supported the state engineer's effort to shut down their well and that she and her husband had filed objections. She said UAWCD offered them inclusion in a water augmentation plan if they would withdraw their objection. Ms. Proctor stated that a water augmentation plan did not exist at that time and questions UAWCD intentions.

Keith Hood representing Wet Mountain Valley Users Water Association stated he did not have a comment or opinion since he has not had the opportunity to review the CCWP presented this morning.

Chris Haga representing Round Mountain Water and Sanitation District (RMWSD) stated the UAWCD has always operated with an open forum. He reported the UAWCD has assisted and supported RMWSD. Mr. Haga said the UAWCD was established in 1979 and Custer County was included in 1982.

Terry Scanga responded to comments and questions shared by the audience. He reported that the water augmentation plan for Custer County was not the first plan that UAWCD had motioned or voted on. He advised in 2003 the UAWCD had voted during a regular scheduled meeting. He explained a blanket water augmentation plan was proposed in 1992 and at that time Custer County requested to be removed from the plan and UAWCD honored the request. He said a water augmentation plan will not change junior water rights. He stated the UAWCD supports first-in-time, first-in-right water right priority. He stated the proposed reservoirs will not divert any existing water flow and would not be located on stream locations but rather off stream. Mr. Scanga explained that Kansas sued Colorado in 1985 over the low water levels in the Arkansas River in western Kansas, arguing that Colorado violated a 1949 compact by taking more water from the river than allowed. He stated as a result of the water case the Colorado State Engineers proposed shutting down wells and the UAWCD were trying to respond to the side effects. He said he was not aware of any commitments made by the UAWCD to include Mr. and Mrs. Proctor in a water augmentation plan at that time and suggested it might have been more of a water exchange option. Mr. Scanga explained the UAWCD water exchange formula and said this policy will help retain water in Custer County that can be utilized by Custer County residents at a reasonable cost. He said postponing the filing of the CCWAP with the water court until after July 1, 2009 will have two direct impacts to the water user, additional financial expense for the required legal representation and the reduction of resident participation in the water court. Mr. Scanga emphasized it is the intent of the UAWCD to schedule public meetings to create an open-discussion between the District and Custer County citizens.

Bill Donley, UAWCD representative explained all water rights and priorities in existence today will remain as such. Existing junior water rights will remain a priority over new applications and water wells.

Matti Burt, citizen commented that she was not comfortable with the proposed CCWAP and asked what her options are once the plan was filed with the water court. Mr. Scanga responded that the proper procedures would be to officially object to the proposal once it was submitted in water court. He explained that concerned citizens can file a no cost pro se objections for sixty days after the UAWCD files the plan with the water court.

Vicky Livingston, citizen commented she was concerned with the proposed CCWAP and asked how anyone can comment on the plan when they have not had the opportunity to review it.

Tim Kelling, citizen commented that if the objection process required an attorney and an engineer the cost would be in the thousands of dollars. Mr. Scanga responded a pro se objection would not have a charge. If any individual feels there is going to be an injury to their water rights it would be in their benefit to review the application and seek legal representation to present the case to the water court.

Rock Canda, citizen remarked that UAWCD will file the plan and that he would have a period of time to protest whether he chose pro se or legal representation. He expressed concern that he would be locked out of the negotiation process under the new regulations effective July 1, 2009.

Jerry Jacobs, citizen asked how the plan is being funded. Mr. Scanga responded that all the plans were funded through the Water Activity Enterprise.

Bob Senderhauf, UAWCD representative, member of the C4 water committee said he believed it was time to move forward. He said he supported the CCWAP in 2003 and supports it today. He presented and outlined confirmation water studies to support the plan.

Bill Donley, UAWCD representative said he objected to the CCWAP in 2003. He stated the water augmentation plan will protect existing water rights. He suggested interested parties get themselves involved in the case by filing an objection with the water court.

Doug Cain, citizen asked if the engineering reports for the CCWAP were available for public review. Mr. Scanga responded that he would check with Ivan Walters, Engineer and have the reports available.

Paul Snyder, Chairman C4 water committee said any filing is an adversarial process with the objectors on one side and UAWCD on the other and that part will not change. He said after July 1, 2009 it will be a much less adversarial process and no rights will be affected but the process itself will change.

Commissioner Attebery stated communication with the UAWCD board and their meetings have been open to the public.

Commissioner Custer agreed and said she was impressed with the communication and interaction of our representatives on the UAWCD board. She said it has been a long process and that there have been opportunities for input over the past few years.

Commissioner Austin acknowledged and complimented the UAWCD for all the work on the CCWAP. He said his concerns were regarding the timing and the June 30, 2009 submission date. He stated he respected the predecessors and would like to follow their previous request to review and approve the CCWAP ahead of time.

Commissioner Attebery asked if there was anyone else wishing to speak. Hearing none, he closed the Public Hearing at 3:45 PM.

The BOCC recessed at 3:45 PM.

The BOCC reconvened at 4:00 PM.

MOTION by Commissioner Custer, seconded by Commissioner Austin:

Authorizing the transfer of \$24,666 from the County General Fund to the Airport Fund. Motion carried unanimously.

MOTION by Commissioner Attebery, seconded by Commissioner Custer:

To adjourn the meeting. Motion carried unanimously.

The meeting was adjourned at 4:10 PM.

Debbie Livengood, Clerk and Recorder
Attest

Lynn Attebery
Chair

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING, JUNE 17, 2009

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

Lynn Attebery	Chairman
Jim Austin	Vice-Chairman
Carole Custer	Commissioner
Kris Lang	Deputy Clerk to the Board

Also present was Jim Little reporter for the Wet. Mountain Tribune and several community members.

AGENDA:

Call the meeting to order

Pledge of Allegiance

Amend Agenda

Approval of Minutes: May 5, 22, 27, 28, 29, June 1, 2, 2009

Debbie Livengood, Clerk and Recorder, Transfer of Funds

Old Business:

- UAACOG CBG Affordable Housing
- Report on CCI Summer Conference
- CDOT second light update
- CSU Interim Extension Agent/ Office Manager additional duties/compensation
- Ennovate Corp. scheduling request

PUBLIC HEARING

Custer County Water Augmentation Plan

The meeting was called to order at 6:00 PM and the Pledge of Allegiance was recited.

Commissioner Attebery stated this was the Board of County Commissioners meeting for June 17, 2009 at the Wetmore Fire Station. He introduced Bill Donley, Bob Senderhauf, Sharon McKinsey, Sandra Attebery and Jim Little. He said the Public Hearing for the CCWAP is scheduled to start at 6 PM and closed the Regular Meeting and opened the Public Hearing. He asked if there was anyone who wished to speak or had public comments.

Commissioner Custer expressed thanks and appreciation to Bob Senderhauf and Bill Donley for the positive representation at the Public Hearing scheduled earlier today in Westcliffe. She said the public was there and they were heard and hopefully understand this is a process that will go on. Public hearings will be solicited throughout the process and will be transparent. Commissioner Attebery agreed.

Commissioner Austin said that he felt there is a looming issue here that was referenced by former Commissioner Dick Downey. The UAWCD and our predecessors agreed the citizens would be given the opportunity to review and respond to the CCWAP prior to the submission and that was not clearly defined at the Public Hearing earlier this date. He stated the UAWCD and the Board should honor that agreement. Commissioner Austin remarked that the UAWCD had some very good reasons to file before July 1, 2009. He proposed the UAWCD consider giving the ranchers priority of water rights. He said there were a lot of unanswered questions and the Board and the public needed additional time to review the plan. Bill Donley agreed and said he was of the understanding that the UAWCD would present the CCWAP to the Board and the public for review prior to submission.

Bob Senderhauf reported that all the information and correspondence regarding the CCWAP is available for public review on the UAWCD website. He stated the UAWCD will schedule work sessions with the Board and the public to establish a dialog and receive public input. He remarked the UAWCD would be transparent regarding the CCWP. Mr. Senderhauf presented maps indicating the water stored in various vessels, the two drainages in Texas Creek and Grape Creek, the creeks coming from the Sangre DeCristo Mountains, the location of the head gates in the county, the various drainages and how the people in these drainages are affected with water. He stated over \$100,000 has been invested in various studies, attorneys and hydrologists. He reported several ranch owners have expressed an interest in the placement of water storage facilities or reservoirs on their property.

Commissioner Attebery remarked that technically the UAWCD had presented the CCWAP to the Board and the public prior to submission to the state. He commented that the timing did not provide adequate time for review and that was unfortunate.

Commissioner Attebery asked if there was anyone else who wished to speak. Hearing none, he closed the Public Hearing and returned to the Regular Session.

MOTION by Commissioner Custer, seconded by Commissioner Austin:

To accept the agenda as posted. Motion carried unanimously.

Commissioner Attebery advised the next item on the agenda was the approval of the minutes for May 5, 13, 22, 27, 28, 29, June 1, 2, 2009.

Commissioner Custer requested the approval of the minutes be postponed until the next BOCC meeting since she has not had the chance to review all of them. Commissioner Austin said that he is not comfortable with all the editing to the minutes. He commented the only way he can approve the edited minutes would be to listen to the tape recording of the meeting for verification of the final contents. He stated he reviewed and approved the minutes as presented. He agreed to postpone approving the minutes from May 5, 13, 22, 27, 28, 29; June 1, 2, 2009 until the next BOCC meeting. Commissioner Attebery expressed concern regarding the editing. He agreed to postpone approving the minutes until the next BOCC meeting.

Commissioner Attebery reported the Clerk and Recorder, Debbie Livengood had requested the transfer of \$24,666 from the County General Fund to the Airport Fund. He stated the transfer was approved at the BOCC meeting in Westcliffe earlier this date.

Commissioner Custer stated this is a grant funded project, and this transaction is just a transfer of money from one account to another. The county is not using county general funds to pay for the project.

Sharon McKinsey, UAACOG Affordable Housing addressed the Board and presented additional paperwork for signatures. The promissory note was signed by Bill Simpson and notarized by Sharon McKinsey. The deed of trust was signed by Commissioner Attebery and Bill Simpson. The deed of trust will be notarized and recorded in the Custer County Clerk and Records Office.

Commissioner Custer thanked Ms. McKinsey for helping Custer County with affordable housing options and for her services on the Custer County Affordable Housing Committee.

Commissioner Custer explained the “affordable housing” project was different from the “sweat equity” project and for some time now the Upper Arkansas Area Council of Governments (UAACOG) Housing Department and the Affordable Housing Committee has been negotiation to purchase up to four lots with the Custer County School District in the Bobcat subdivision to partner with qualified families and community volunteers to build affordable single family housing in a “Sweat Equity” program.

Commissioner Custer gave an abbreviated report on the Colorado Counties Incorporated (CCI) summer conference she attended. She reported that Governor Ritter spoke to the attendee’s and provided his plan for using the federal stimulus monies. He also provided a briefing on how the Colorado Department of Transportation (CDOT) will be using their portion of the stimulus monies. The Governor reported there would be approximately a 20% increase in the Highway User Tax Fund (HUTF) to our Road and Bridge Department. Former Senator Hank Brown shared remarks regarding our economy and what the commissioners need to be aware of as we go forward with the stimulus funds. Senator Brown retired from his US Congressional seat and was appointed to serve as President of the University of Colorado. He shared some of the things he learned as President of a large University. Commissioner Custer reported during the regional meeting portion of the conference there was extensive discussion on how counties fund the jails throughout the state and where the money comes from. She said one of the issues in the state legislature is the way the state funds the State Highway Patrol (SHP) from the CDOT funds. The funding of the SHP comes off the top before any of the HUTF is distributed. She remarked that one of the continuing agenda items for the state legislative is an alternative funding option for CDOT.

Commissioner Attebery reported he had several conversations with Tim Harris of CDOT regarding the second light in Wetmore. Mr. Harris had remarked that the proposed location across from the Wetmore Steak House may present some right-of-way issues. Mr. Harris requested documented public input for the reason and justification of the installation.

Jerome Weigel, citizen reported the Sheriff Fred Jobe initiated the original proposal. Mr. Weigel remarked he would talk with the residents and request their input. Commissioner Attebery stated he would follow-up with the Sheriff's Department.

Commissioner Attebery explained that Beverly Goetz, Extension Office Manager has assumed additional duties and responsibilities following the resignation of Karen Crumbaker, CSU Extension Agent. He read from the minutes of May 13, 2009. Commissioner Custer asked Beverly Goetz, Extension Office Manager to estimate the number of extra hours these additional duties would require and report back to the Board. Commissioner Custer wanted to ensure that Ms. Goetz was appropriately compensated for the extra time and responsibilities during the interim period and was not convinced that \$250 per month was adequate.

Commissioner Attebery stated he discussed this request several times with Ms. Goetz and she does not feel she is able to estimate the total number of extra hours. He commented that Ms. Goetz was satisfied with the proposed \$250 increase each month.

MOTION by Commissioner Attebery, seconded by Commissioner Austin:
To approve the additional monthly compensation for Beverly Goetz of \$250 backdated from the date Karen Crumbaker, CSU Agent left her position.

Commissioner Custer said she wished to add to the motion. She proposed that Ms. Goetz have the opportunity to revisit the compensation if she finds the additional hours are above and beyond what she originally thought. Commissioner Attebery and Austin agreed. Motion carried unanimously.

Commissioner Custer said the interim CSU Agent from Fremont County will provide services and support to Custer County with 20% of his schedule. Custer County will compensate Fremont County for that support. Commissioner Custer stated that a job description outlining the services being provided was required.

Commissioner Attebery reported that Ennovate Corporation has requested a three hour time period to discuss and obtain input from the building occupants, building heads, maintenance personnel and the charter group. They have asked for an additional two hours to physically tour the facilities and utility rooms. Following a brief discussion the Board agreed to review the scheduling at the next BOCC meeting.

Commissioner Custer stated that the Advisory Board for the Kids Club and the Advisory Board for the Youth Club have recommended additional expenditures. She requested Board approval on the vouchers. Commissioner Austin supported the expenditures pending the review and approval of the social service department for TANF eligibility.

MOTION by Commissioner Custer: To approve the CCKC Advisory Board and CCYC Advisory Board recommended purchases.

Commissioner Attebery seconded the motion with the caveat that the proposed purchases are TANF eligible. Motion carried unanimously.

Commissioner Custer submitted a \$3,000 bid sheet for consideration. The estimate is for the construction of permanent concrete ramps for the front and back entrances of the Hanssen Haus Resource Center (HHRC). She explained 45% of the cost would be TANF eligible and the county would need to come up with 55%. Commissioner Custer said there already was a temporary ramp at the front entrance and proposed focusing on the rear handicap ramp near the back door with parking next to the ramp. Following a brief discussion the Board determined the BOCC Chairperson would review the budget for any available funds.

Commissioner Austin asked where the county was on money spent on the HHRC. He remarked the expenditure total was approximately \$24,000. Commissioner Custer responded that 45% would be covered under TANF. Commissioner Austin replied that county would have to come up with 55% of the \$24,000. Commissioner Custer responded that some money was received when the county sold the Golden Arrow lots as the in-kind match for the original CDBG grant.

Commissioner Attebery stated there was confusion regarding a square footage rental formula for the HHRC. Commissioner Custer responded she was not aware there was a set square footage figure. She stated the Resource Navigator, Lorraine Silva was negotiating with each agency/group for the best rate. She said the fee scale is different depending on whether the agency/group is for profit or non profit. The rental fee's charge by local facilities for use is all over the board in our community. Commissioner Attebery reported he proposed a rental fee for the use of the HHRC community room at the last Tourism Board Meeting and it was met with negative input and response.

Commissioner Austin stated he would present a report on the National Association of Resource Conservation and Development Council Conference he attended at a future BOCC meeting.

MOTION by Commissioner Attebery, seconded by Commissioner Custer:
To adjourn the meeting. Motion carried unanimously.

The meeting was adjourned at 7:25 PM.

Debbie Livengood, Clerk and Recorder
Attest

Lynn Attebery
Chair