

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING, DECEMBER 5TH, 2006**

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

Dick Downey	Chairman
Kit Shy	Vice-chair
Dale Hoag	Commissioner
John Naylor	County Attorney
Ric Ferron	County Administrator
Debbie Livengood	Clerk to the Board

Also present were: Carole Custer, Commissioner Elect and Nora Drenner.

Meeting was called to order at 8:40am.

County Finance Officer, John Piquette, met with the Board to present the final draft of the 2007 budget.

Commissioner Hoag made a motion seconded by Commissioner Shy to adopt the 2007 budget in the amount of \$4,880.490.00 as presented by John Piquette. Motion carried unanimously.

Commissioner Shy made a motion seconded by Commissioner Hoag to accept the mill levies (15.245) as certified to them for 2007. Motion carried unanimously.

County Attorney, John Naylor, updated the Board on the Scott case. Mr. Scott has filed his opening brief in the next stage of court stating that the county's intent, is to take property while doing projects such as the one done on County Road 255.

The Board updated Mr. Naylor on their meeting with Mr. & Mrs. Dwight Brothers and John Riding concerning County Road 329 and asked for an opinion.

County Treasurer, Doris Porth, met with the Board to give her monthly report. It was approved.

Doris informed the Board that she had contacted Margaret S., Edward W., and Douglas H. Dryden who own a ½ interest in Lot 11, Blk 2, Willow Creek, along with John K. Dryden who owns the other ½ interest and has let his half go to the tax sale. The county currently owns the certificate of title for his interest. Margaret, Edward and Douglas have responded to Doris letter and are interested in the other half of the property.

Commissioner Hoag made a motion seconded by Commissioner Shy to transfer schedule number 10051200 to Margaret S., Edward W., and Douglas H. Dryden. Motion carried unanimously.

The Board expressed their gratitude to Doris for her many years of dedicated service to the county as the treasurer and for a job well done. Doris will be retiring at the end of this year making this her last official meeting with the Board as treasurer.

Roy Masinton and Ken Smith, both from the BLM, met with the Board to give them an update. Discussed were preauthorization from the county to order reimbursable wildfire resources, specifically single engine air tankers for initial attack incidents on private lands if needed. This would only be necessary when a qualified federal initial attack incident commander is first on the scene of a fire. This request would only apply to private land fires, during periods of severe burning conditions. This request had been discussed before and the Board had approved \$15,000.00 to be put in the 2007 budget for this purpose. A single flight could cost up to \$5,000.00 and they would like to have authorization for up to three flights.

The Arkansas River Travel Management Plan was also discussed. This plan covers the N1/2 of Custer County. The BLM has been working on this plan and is currently preparing the Environmental Assessment and are completing the final phase of the plan. They're expected to have environmental assessment ready for public review sometime in January or February 2007. Mr. Masinton, explained that due to the relatively small amount of BLM land in the county, and the fact that many BLM parcels are surrounded by private lands and are not legally accessible to the public, none of the alternatives that are being analyzed in the Travel Management Plan include any significant road closures or other changes that would adversely affect the citizens of our county. The only significant problem that will require action to close motorized access involves an old existing road that extends from the Bull Domingo Ranch onto BLM lands along Grape Creek. Mr. Masinton wanted the Board to know that if the public does not have legal access to BLM land, they will not give special access to those in a subdivision.

Christy Kesselring met with the Board to give the zoning office report. Also present were Lynn Attebery, and Jackie Hobby.

- Reviewed the agenda for today zoning and planning meeting.
- Christy inquired about the subdivision regulations. No definite answer was given on when they would be completed. However, Mr. Naylor's, reply to Christy was that no further documentation is coming from his office.
- Discussed the Letter Drop Inn. According to Christy, Rob McIlwraith has violated his special use permit. When the permit was issued, he was only allowed up to 24 seats. He is currently advertising in the Tribune that he can now seat up to 55 people. He has closed in his patio making it a part of the restaurant. Rob is asking the Board to consider waiving the fee of \$500.00 to modify his SUP since he is adding additional seating only. Lynn stated that he felt that a \$500.00 fee to modify a permit was way out of line. The Board suggested that a dollar amount for modifications of a permit be discussed for the 2007 fee schedule.
- Christy informed the Board that Mr. Gomez had contacted the office within the time frame he was given. He will met with Christy tomorrow concerning his intentions to correct the problems with his current leach field and septic tank.

- Christy has asked Lynn Attebery, Jackie Hobby, and Ric Ferron to be present when she meets with Mr. Gomez. She stated she wanted someone present at the meeting who would have no bias to the situation.
- Christy notified the Board that Elizabeth would be conducting a Conflict Resolution class on Monday, December 11th at 9:00am in the courtroom. They will be closing their office briefly for the class. All county employees are invited to attend.
- Christy also informed the Board that in the months of February, March, and August the courtroom would not be available for zoning and planning meetings on their regular scheduled days.

The Board adjourned at 12:00pm for lunch.

The Board reconvened at 1:00pm in a joint meeting with the Board of Zoning Adjustment and Planning Commission.

Commissioner Shy moved to accept the recommendation from the Planning Commission to approve the request to modify the Friends of Beckwith Ranch's Special Use Permit to have fundraisers with the following conditions and clarifying that retail sales be specifically for fundraising only and be connected to this group. The motion passed unanimously.

1. The Friends of the Beckwith Ranch will prepare an updated written report each year of the progress that is being made and submit it annually to the Planning and Zoning Office. The county staff will review the report for compliance with the conditions and with the regulations.
2. The project will comply with all local, state and federal regulations.
3. Port-potties will be required for events that will have more attendees than the septic is designed for.
4. The facility will meet the conditions of the district fire department and will be inspected yearly for compliance.
5. All parking will not block the highway and will be off of the highway.
6. If the event will have over 100 people, the Friends of Beckwith will have either a Sheriff's deputy or a posse member direct traffic, to help alleviate any traffic congestion on the highway.
7. The Special Use Permit Modification is specifically for the Friends of Beckwith Ranch.
8. The retail is specifically for special fundraising and the office will "work-smith" the condition to reflect today's discussion.

Commissioner Hoag moved to waive the fee for a Special Use Permit Modification for the Friends at Beckwith Ranch. Commissioner Shy seconded the motion. The motion passed unanimously.

Commissioner Hoag moved to accept the recommendation of the Planning Commission to grant a Senate Bill 35 Waiver to Karen and Robert Wallace. Commissioner Shy seconded the motion. The motion carried by a voice vote.

The Board reconvened into their joint meeting.

Commissioner Hoag made a motion seconded by Commissioner Shy to approve the minutes of the November 21st meeting. Motion carried unanimously.

Commissioner Shy made a motion seconded by Commissioner Hoag to go into executive session on a personnel matter citing C.R.S. 24-6-402(4). Motion carried unanimously. (Bruce McDonald requested this session, for his wife Donna who was unable to be present due to a meeting is was attending in Pueblo).

Commissioner Elect, Carole Custer asked to sit in on the executive session and was granted that request.

Commissioner Hoag made a motion seconded by Commissioner Shy to reconvene into regular session. Motion carried unanimously. No action was taken.

The Board adjourned at 3:30pm for the day.