

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING, AUGUST 29, 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	Commissioners
Kris Lang	Deputy Clerk to the Board

Also present was Nora Drenner, reporter for the Wet Mountain Tribune and commissioner candidates; Lynn Attebery, Jerry Lacy and Tom Millikan.

Agenda:	8:30 AM	Call meeting to order Pledge of Allegiance Review vouchers and sign checks Approve BOCC minutes 7/13, 31 and 8/4, 5, 13 of 2008. Old Business
	10:00 AM	Rusty Christensen – Landfill port
	10:30 AM	Bob Senderhauf – UACG Quarterly update
	11:00 AM	Christine Feldman – OEM report
	1:00 PM	Staff Meeting
	2:00 PM	Charlie French/Tom Flower FFA

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

County payroll and accounts payable were approved from the following funds:

County General	\$225,316.57
Road and Bridge	\$132,666.95
Emergency Service	\$ 13,808.54
Human Services	\$ 17,538.14
Self Insurance	\$ 3,963.57
Capital Improvement	\$231,068.83
TOTAL	\$624,362.60

MOTION by Commissioner Downey, seconded by Commissioner Shy:

To approve the July 15, July 31, August 4 and August 5, 2008 BOCC minutes as amended and corrected. Motion carried unanimously.

Commissioner Downey proposed increasing the fuel charge at the Silver West Airport to remain in line with the airports in the adjoining counties. Commissioner Shy agreed and the subject will be further reviewed.

Old Business:

Commissioner Downey reported that the proposed meeting between the Sheriff's Department and the Amish residents regarding the safety issue and the purchase of buggy caution signs has not transpired at this time. Following a brief discussion it was agreed, Road and Bridge Supervisor, Dave Trujillo would order and strategically place approximately (12) twelve buggy safety signs for an approximate cost of \$480.00

MOTION by Commissioner Downey, seconded by Commissioner Custer

Authorizing the Road and Bridge Department Supervisor to order and place the buggy safety warning signs. Motion carried unanimously.

Commissioner Downey inquired on the status of the recognition gift approved for George Colgate from the BOCC Meeting of August 5, 2008. Commissioner Shy will communicate with P&Z Director, Jackie Hobby in this regard.

BOCC recessed at 9:30 AM

The BOCC reconvened at 9:55 AM

Rusty Christensen, Landfill Manager gave the BOCC a monthly report stating the landfill roll-off was functioning properly and the purchase of the power washer would improve equipment maintenance. He reported the CAT mechanic was not able to determine the exact cause for the malfunctioning of the scraper. The hydraulic pressure checked out and the mechanic proposed rebuilding the back valves but could not guarantee the problem would be corrected. Mr. Christensen stated the equipment also experienced transmission malfunctions. He advised a scraper was needed to dig an additional pit and to cap the present trench within the state guidelines and proposed seeking an extension from the state. He estimated the existing pit would be full in November of 2008. Mr. Christensen said the cost of renting a scraper for a month is \$20,000. He reported the professional service portion of the land fill budget had \$28,500 remaining; however, there are still outstanding and pending expenditures for that fund. The Board instructed him to obtain further budget figures and report back at 2:00 PM

Commissioner Custer stated that DOLA guidelines require an equipment replacement proposal. She advised the Road and Bridge department is in process of preparing an equipment replacement plan and suggested the Land Fill complete the same.

Bob Senderhauf gave the BOCC the quarterly update report on the Upper Arkansas Conservancy District and submitted articles from the Pueblo Chieftain, Salida Mountain Mail, Water rights-determination/administrations of the Forty-Seventh General Assembly and the Water Report Issue #36 Colorado and Western Water Law by Justice Greg Hobbs, Colorado Supreme Court. Mr. Senderhauf reported presently there were 50-52 active water issue cases on the books and submitted a confirming copy of the legal report dated July 2, 2008. He advised that the UAWC maintained reports on the water storage and Commissioner Downey said the Board has previously requested the report from Director, Terry Scanga. Following a brief discussion it was agreed that Mr. Senderhauf would submit the UAWC District Water Storage and Water Data report to the Board for review.

Commissioner Downey instructed deputy clerk Kris Lang to set-up a master file on the water issues to include the past five years of correspondence for future commissioner reference. Mr. Senderhauf agreed to assist Ms. Lang with obtaining the correspondence.

Commissioner Downey inquired whether Upper Arkansas Water Conservancy District had received any filed protests regarding the H2O sale. Mr. Senderhauf replied they had.

Tom Millikan, commissioner candidate, inquired if the H2O water rights sold changed the agricultural land status and Commissioner Shy responded it would become pasture land status. He advised further clarification could be obtained from J. D. Henrich of the County Assessors Office.

Kris Lang, deputy clerk submitted the request from John Piquette, Finance Administrator asking to present the Board with the budget request at the BOCC meeting of October 6 and to schedule the 2009 department budget hearings on Tuesday October 21 and Wednesday October 22, 2008.

MOTION by Commissioner Shy, seconded by Commissioner Custer.

To accept the budget request of John Piquette on 10/6/08 and schedule the 2009 department budget hearings on October 21, and 22, 2008. Motion carried unanimously.

Old Business:

Commissioner Custer reported that Developmental Pathways in Aurora, Colorado had donated two stair chairs to Custer County. These stair chairs will be installed at the County Courthouse Building, and the Wetmore Community Center going to the second floor.

Commissioner Custer reported that she and Laura Lockhart, Director of Social Services have completed two field trips to review county resource buildings in Walsenburg and Cripple Creek for reference. She advised DOLA required a public hearing with the interested providers to strategically plan and determine the occupancy use of the building at 615 Rosita. She proposed a public fund-raising contest for suggestions on naming the building.

Commissioner Downey remarked that in addition to a yet to be determined name, the building be posted and reference as an annex to the court house for public notification.

Commissioner Custer gave an update on the CDBG initiative for Custer County School District C-1 to acquire the facility at 118 Jerry Court from the Town of Silver Cliff. She stated the School District will deliver a presentation in this regard at the Town of Silver Cliff Board of Trustee's meeting next month. She suggested if the school district established a boys and girls club, it could result in future grants and the support of our governor for the after school elementary program.

Commissioner Custer stated the Colorado Department of Transportation L.E.A.F.grant with the Custer County Sheriff's Office will provide additional hours and overtime for deputies to focus on youth support prevention issues, funded through state judicial monies.

Commissioner Custer announced that per the ADA compliances, the upper level and the basement in the court house should not be utilized for published public meetings since the public would expect ambulatory access which is not available at this time.

Doug Jones of Horn Creek was in the court house and inquired on addressing the commissioners, however when he learned it was the Board as a whole declined stating he wanted to speak with each commissioner individually.

The BOCC adjourned at 11:40 AM

The BOCC reconvened at 1:06AM

The department heads met with the BOCC for the monthly staff meeting. Present were: J.D. Henrich, Laura Lockhart, Dawna Hobby, Donna McDonnall, Jackie Hobby and Russ Conner.

Commissioner Shy advised that he had spoken with Sheriff Jobe and Fire Chief, Mick Kastendieck who were in agreement of lifting the fire ban.

MOTION by Commissioner Shy, seconded by Commissioner Downey.

To adopt Resolution 08-10 to Lift the Open Burning Ban in the Unincorporated Portions of Custer County. The motion carried unanimously.

**CUSTER COUNTY RESOLUTION
RESOLUTION NO. 08-10**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY, COLORADO TO LIFT THE OPEN BURNING BAN IN THE UNINCORPORATED PORTIONS OF THE COUNTY.

WHEREAS, this Board has certain authorities under the provisions of the CRS Section 30-25-401 and has adopted an Ordinance pursuant to that statute relevant to the ban of open fires to a degree and in a manner that the Board of County Commissioners deems necessary to reduce the danger of wildfires within those portions of the unincorporated area of the County where danger of forest or grass fires is found to be high; and,

WHEREAS, the Sheriff of Custer County is empowered under the provisions of CRS Sections 30-10-512 and 513 to act as Fire Warden of the County in case of grass or forest fires and to assume charge and assist governmental authority in an emergency for controlling and extinguishing grass or forest fires; and,

WHEREAS, the Sheriff and Fire Chief throughout the County have advised the Board of County Commissioners of Custer County that the weather conditions and recent rainfall have mitigated the threat of fire in forests and grasslands of Custer County; and,

WHEREAS, the Board of County Commissioners finds that, based upon competent evidence, the danger of wild fires within Custer County has sufficiently subsided and a fire danger emergency does not now exist within the unincorporated area of Custer County; NOW

THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Custer County, Colorado, that effective August 29, 2008:

1. Resolution 08-07, barring open fires is hereby rescinded and replaced by this resolution now before us.
2. Open fires in rural areas will be permitted from this date until such time as future conditions may again require an open fire ban.
3. Any persons engaging in open burning shall notify the Custer County Sheriff at 783-2270 or the Wet Mountain Fire Protection District at 783-9245 prior to an open burning.

RESOLVED, ADOPTED AND SIGNED THIS 29th DAY OF AUGUST, 2008, AT CUSTER COUNTY, COLORADO.

CUSTER COUNTY BOARD OF COMMISSIONERS
CHRISTOPHER L. (KIT) SHY
CHAIRMAN

DEBBIE LIVENGOOD
CLERK AND RECORDER

Commissioner Shy remarked that Larry Haynes from the Wetmore Road and Ridge Department won 13th place at the Colorado State Fair ROAD-E-O operating a 140M Series Road Grader.

Commissioner Custer addressed the department heads and stated that ADA compliance prohibited the use of the upper level and basement of the courthouse for published public meetings and the recently acquired community service resource building at 615 Rosita will require a ramp and handicap accessible unisex bathroom facilities prior to occupancy. The CDBG initiative for the purchase of the facility at 118 Jerry Court will be presented by the School District C-1 to the Town of Silver Cliff at the September Board of Trustee meeting and that two stair chairs were donated to Custer County from Developmental Pathways in Aurora, Colorado. She advised the department heads that Section 2 of the County Personnel Handbook would tentatively be ready for distribution at the September 30, 2008 BOCC meeting and requested additional input or concerns be forwarded to her or deputy clerk Kris Lang. She assured the department heads and employees that any submitted concern would be addressed and responded to. The L.E.A.F. grant would enable the sheriff's department to provide additional hours and overtime for deputies to focus on youth support prevention in the community.

Commissioner Custer gave an update on recycling: Angel of Shavano Recycling accepts office pack recycling; the phone book recycling bin is located at the post office; the aluminum can recycling bin is located outside the back court house door. High Country Recycling, meets the third Thursday of each month. She toured the Life Span Recycling Center and stated she felt they were good stewards of the land and recycling process. She advised electronic laptop computers can be recycled and donated to non- profit organizations.

Russ Conner reported that the proposed lighting plan by Dark Skies was in process. He stated the escape route and evacuation procedures of the court house have been reviewed and that the fire extinguishers would be due for the yearly inspection in a few weeks He advised employee's to exercise caution in the parking lot with the increase traffic of gravel trucks at the weigh scale.

Mr. Conner said that he will be cleaning the rugs in the courthouse on Saturday September 6, 2008.

Donna McDonnall, County Nurse reported the new nursing emergency care trailer will be showcased at Western Days. She advised the second hepatitis B immunization for employee would be available in February of 2009. Flu immunizations are being scheduled on October 10, 2008 at the School, October 11, 2008 in Wetmore, October 20, 2008 in Hillside and October 21, 2008 in the County Courthouse.

Tom Flower, Custer County FFA Chapter Advisor submitted an education proposal for an outdoor agricultural learning laboratory. The proposal outlined the usage and the request for the purchase of the forty (40) acres of county-owned land that at one time housed the county landfill site.

The property is located north of Westcliffe on CR 241 (Lake Dewese Road) adjacent to the north boundary of the Shadow Ridge subdivision. The legal description is as follows: SW1/4 of SW1/4 of SEC 8, TWP22S, R72, W of 6P.M. Following a lengthy discussion it was determined the previous county landfill site area required a fifty year reclamation period. The board suggested the FAA revise the proposal with options of leasing a portion of the area and contacting the Wet Mountain Fire Department regarding their lease for a portion of the said property. Mr. Flower requested the FAA be scheduled for presentation at the September 30, 2008 BOCC meeting.

Rusty Christensen, Landfill Manager reported that further review of the budget figures revealed the land fill did not have adequate funds to rent the scraper for a full month. Following a brief discussion the Board advised Mr. Christensen to investigate the option of renting the scraper for a two or three week period to remain within the budget figures.

MOTION by Commissioner Custer, seconded by Commissioner Downey.
Adjourn the meeting. Motion carried unanimously.

The meeting was adjourned at 2:45 PM.