

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING, OCTOBER 31, 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 candidates; Jim Austin, Lynn Attebery, Jerry Lacy and Tom Millikan.

Agenda:

8:00 AM Call meeting to order  
Pledge of allegiance  
Review vouchers and sign checks  
Old Business:  
Dave Trujillo – Road and Bridge  
- Approve Minutes 9/30/08, 10/6/08, 10/7/08, 10/21/08, 10/22/08  
Review Written Correspondence  
- Brad Hartbauer – Request Storage of Skid Loader  
- USFS – Request Letter of Support  
- Beth Lenz - Recycling Program Agreement  
9:00 AM John Naylor – County Attorney Tele-Conference Call  
Cynthia Barnes – CTSI Senior Human Resource Specialist  
9:30 AM Rusty Christensen – Landfill report  
10:00 AM Charles Ahart, Fremont County SMM Enforcement Officer  
Sheriff’s Department  
Clerk and Recorder Office  
Assessor’s Office  
11:00AM **WORKSHOP**  
International Building Code  
2:00 PM Barbara Sutton – Club America  
2:30 PM John Piquette – Revised Draft Budget  
3:00 PM Board Administrative Assistant Report

The meeting was called to order at 8:30 AM and Pledge of Allegiance was recited.

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

County General	\$210,901.34
Road and Bridge	\$ 88,689.74
Emergency Service	\$ 11,207.94
Human Services	\$ 28,638.60
Self Insurance	\$ 426.64
Capital Improvement	\$ 2,056.52
TOTAL	\$341,920.78

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

To approve the September 30, 2008 BOCC minutes as presented and defer approval of the minutes from October 6, 7, 21 and 22 of 2008 until next month. Motion carried unanimously.

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

Authorizing the BOCC Chairperson to sign the commitment for the purchase a snow blower as requested by the Road and Bridge Supervisor, Dave Trujillo. Motion carried unanimously.

The BOCC reviewed and discussed the written proposal of Brad Hartbauer to store his skid loader in the garage at 615 Rosita during the winter of 2008-2009 in exchange for snow removal and plowing of the property and the court house parking lot. Following a brief discussion the Board decided it was not in a position at this time to act on the request. The County is in the middle of doing some renovations inside and out and until that work is completed, the County needs to use the garage for materials storage. The BOCC advised that the County will have security protocols as well as insurance issues that would need to be addressed prior to entering into any agreement to barter storage space for services to the County.

Commissioner Shy instructed Kris Lang, to prepare a response to Mr. Hartbauer in this regard.

The BOCC reviewed and discussed the OHV Grant Support request from the United States Department of Agriculture Forest Service. The request was for a letter of support for the San Carlos Ranger District and Royal Gorge Field Office Good Management Practices Grant. Funding would provide better OHV opportunities on public lands and continued maintenance on the popular ATV accessible Rainbow Trail in the Sangre de Cristo Range.

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

Authorizing a letter of support on the San Carlos Ranger District and Royal Gorge Field Office Good Management Practice Grant. The motion carried unanimously.

Commissioner Shy instructed Kris Lang, to prepare a letter in this regard.

Commissioner Custer submitted the 2009 Agreement between the Upper Arkansas Area Council of Governments (UAACOG) and the Board of County Commissioners of Custer County to participate in the Recycling Program. Commissioner Custer stated the terms of the agreement are from January 1, 2009 through December 31, 2009. She reported that Custer County's cost to

participate in the recycling program in 2009 will be \$2,255 and that amount reflects a \$1,520 reduction from the 2008 participation fee resulting in a 60% reduction in per-capita fees. The Recycling Program was able to generate income by reselling some of what was collected.

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

To sign the Agreement for the Participation with the UAACOG Recycling Program.

The motion carried unanimously.

Commissioner Custer stated that each partner in the UAACOG Recycling Program appoints a Director to represent them on the Regional Recycling Advisory Board and offered her services to be the Custer County representative on that Board.

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

To appoint Carole J. Custer, Ph.D., Commissioner to serve as the Custer County Director on the UAACOG Recycling Program Advisory Board. The motion carried unanimously.

Commissioner Custer shared the results of the First Waste Audit Report of the Custer County Landfill conducted by Beth Lenz, UAACOG Recycling Program administrator with the help of volunteers from High Country Recycling. The audit summarized the numeric results from the manual sort and included only waste from residential self-haul samples. These results revealed corrugated cardboard/paper board 20.9%; office pack/new paper 16.1%; plastic (HDPE & PET) 3.1%; other plastic 5.6%; glass bottles/jars 6.2%; aluminum/tin cans 3.4%; other metals 3.6% and residue at 41.9%

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

To go into Executive Session for a tele-conference call with County Attorney, John Naylor and Cynthia Barnes, CTSI Senior Human Resource Specialist to discuss a personnel issue and obtain legal advice from the County Attorney.

Motion carried unanimously.

The BOCC went into Executive Session at 9:00AM. Those present were Commissioner Shy, Commissioner Downey and Commissioner Custer. Tele-conference: John Naylor, Cynthia Barnes.

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

To go back into regular session. Motion carried unanimously.

The BOCC came out of Executive Session at 10:20AM. County Attorney, John Naylor stated that the executive session was held for the sole purpose of attorney-client advice and therefore did not require recording. No final decision was made.

Commissioner Custer reported that El Pomar will distribute approximately \$50,000 in the Central Peaks Region to organizations that provide emergency services since they are concerned about how hard this winter will be given the economic climate. She advised that El Pomar has asked the regional council members to put together a list of organizations that provide direct

emergency services and stated that Judy Lohnes from UAACOG has requested Custer County emergency service contact information.

Rusty Christensen, Landfill Manager gave the BOCC a monthly report and stated he would tentatively reserve the month of June 2009 as the leasing period for the scraper to be utilized at the County landfill.

Christy Veltrie, President of High Country Recycling provided follow-up information on the waste audit completed at the County landfill in October and advised that another waste audit has been scheduled for November to capture waste from homes that have trash service.

Commissioner Custer reported that as part of the High Country Recycling Meeting earlier this month, Tom Flowers and his Ag Welding Class were asked to put together some cage trailers for plastic and cardboard recycling. Christy Veltrie remarked the cage trailers will make it more convenient to recycle plastic and cardboard at drop-off locations. She advised that High Country Recycling Coop. and Veltrie Disposal Service are the recipients of the only southern Colorado Grant issued from the Colorado Department of Public Health and Environment. She stated they had requested \$9700 for the purchase of a plastic and cardboard baler and that any excess funds over and above the cost of the baler would be used for public recycling education

Charles Ahart, Fremont County SMM Enforcement Officer met with the BOCC; Sheriff Fred Jobe; Clerk and Recorder, Debbie Livengood and Assessor, J.D. Henrich to discuss the SMM Program. Mr. Ahart explained that the state law clearly addresses that no owner may operated Special Mobile Machinery (SMM) in Colorado unless the owner has paid the specific ownership tax assessed nor shall any owner operate special mobile machine in Colorado after the expiration of the period for which the special ownership tax was assessed. Mr. Ahart stated that farmers and ranchers are vital to Colorado and farm equipment is exempt from taxation providing it remains on the property and is not utilized for outside business or profit. The Board asked Sheriff Fred Jobe if the enforcement could be handled through the sheriff's department or by a designated deputy. Sheriff Jobe responded that the SMM enforcement appeared to be a tax issue and he did not feel the sheriff's department should act as tax collectors. Debbie Livengood, Clerk and Recorder advised her efforts for compliance were limited without any legal means of enforcement, penalties or consequences. She advised the license portion is diverted to the State and used for highway and road maintenance. The ownership portion is taxed on the value of the equipment and a percentage of that fee is diverted to the County. J.D. Henrich, Assessor stated the SMM equipment could be reported as personal property through his office and incorporated in the property taxes, however the County would receive approximately 20% of the funds. Following a lengthy discussion the Board determined they would contact Mr. Ahart for further training once a code enforcement officer has been selected. Assessor, J.D. Henrich; Planning and Zoning Director, Jackie Hobby and Sheriff Jobe would instruct their departments to observe for SMM violations while performing their designated county duties.

The BOCC recessed at 11:00 AM.

The BOCC reconvened at 11:20AM.

The meeting was relocated to the court-room due to the number of attendants.

Commissioner Shy advised the International Building Code agenda item was inadvertently published as a public hearing instead of a workshop. He explained state statute requires a resolution be submitted to the planning commission to identify any zoning issues and the main reason for the agenda item was to determine whether the Board was embarking on the task of creating a document or continuing to discuss the merits of the document. He stated the project has been in process for over two years and in addition to extensive research including the formation of a building review committee the BOCC has met with the Towns of Westcliffe and Silver Cliff in discussion and review of the IBC. He said he believed that the adoption of an IBC would provide basic safety compliance standards related to structure being built. Commissioner Custer responded that as part of the public process a document should be created. She advised that the scheduling of a workshop or public hearing does not guarantee an adoption of the IBC. And encouraged public input. Commissioner Downey stated that when he first took office he was not in favor of adopting an IBC, however, as a result of the numerous residential complaints, negative stories and situations encountered in the building process that have been brought to his attention over the past eight years, he now supports the adoption of an IBC and is convinced that although it will not solve all the problems, the code will protect the existing and future residents of the county with building standards and compliance.

Jackie Hobby, Planning and Zoning Director distributed correspondence outlining the proposed code regulations specific to Custer County of fire inspections, driveway permit and identification, enforcement, zoning, appeals and fee schedule, proposed resolution adoption, exceptions to the proposed resolution and alternative construction. Commissioner Shy clarified that the IBC would not prohibit alternative construction or building materials but would require engineered drawings. Several citizens spoke in favor and opposition of the IBC and proposed additional code requirements be added to the county codes identifying engineered foundations, framing standards, wind and snow load and roof angle consistency.

The BOCC recessed at 12:25PM.

The BOCC reconvened at 1:00 PM.

The department heads met with the BOCC for the monthly staff meeting. Present were: Russ Conner, Beverly Goetz, J.D. Henrich, Dawna Hobby, Mike Halpin, Jackie Hobby, Chuck Ippolito, Fred Jobe, Debbie Livengood, Laura Lockhart, Dave Trujillo and Virginia Trujillo.

Commissioner Custer announced that she will be asking the Westcliffe Town Trustees to approve the recommendation of the Westcliffe Planning Commissioner to grant the zoning change from residential to government property for the County Human Services Building Resource Center located at 615 Rosita Avenue at their November 4, 2008 meeting. She provided the staff with an update on the proposed renovations. She expressed appreciation to Human Service Director, Laura Lockhart for her support by providing Custer County TANF Reserve Funds to employ a full time resource navigator who will manage the renovated Resource Center facility, coordinate the delivery of the different services being offered in the building and serve as the designated County Veterans Services Officer. She reported that applications for that position were being received, reviewed and finalists for the position will be interviewed as soon as possible, with the hope of having that person hired to start before the end of the year.

Commissioner Custer reported that at the state level, a portion of every county's Colorado Works/TANF Reserves will be put into a state pool to be redistributed to support innovative programs to serve eligible families. In the current state fiscal year the newly formed 13 member Colorado Works/TANG Allocation Committee will be charged with distributing 10 million dollars of county TANF Reserves. Therefore it is really important that individual counties look at what service they can provide locally to use more of their county reserves.

Commissioner Custer thanked the department heads for their input for the Personnel Policy Handbook and stated a revised copy of the first twenty pages of Section II were being e-mailed for review and continued feedback. She also thanked all the department heads and employees for their recycling participation and support.

Commissioner Custer asked Debbie Livengood to report on the community library meeting they attended in Wetmore on October 30, 2008 to address the confusion regarding the distribution of the Conservation Trust Funds. Ms. Livengood stated the monies were acquired from the lottery funds and distributed as follows: 40% to the County, 50% to GOCO and 10% to State Parks. The county funds are to be used for capital improvement, properties and maintenance. She advised since the county owns the building housing the Wetmore Library they distribute \$6,000 a year to them as an organization for operating expenses to maintain service of the county building. She clarified the County has not misappropriated the Conservation Trust Funds.

Ms. Livengood remarked that the Wetmore Fire Station had requested monies from the Conservation Trust Fund for the purchase of a water storage tank and advised the fire station would be required to provide a service to the county as required by the Conservation Trust Fund guidelines. Following a brief discussion the Board determined the fire station volunteers would assist with clean up and maintenance of trails in the county and installation of the chair stair in the county owned building housing the Wetmore library.

Ms. Livengood stated in an effort to avoid any future misinterpretations that all the entities requesting monies from the Conservation Trust Fund participate in a conformity orientation session. Commissioner Shy suggested Debbie Livengood and Kris Lang prepare orientation invitation letters to the appropriate entities for an orientation session during a regular scheduled BOCC meeting in 2008. Commissioner Downey proposed postponing the orientation session until early 2009 involving the newly elected commissioners.

Commissioner Custer complimented Debbie Livengood on a stellar presentation to the citizens in Wetmore and expressed her sincere appreciation for Debbie's efforts and support.

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

To authorize that the 2008 staff dedicated service awards be processed in the taxable amounts of \$120, \$60 and \$30. Motion carried unanimously.

Clerk and Recorder, Debbie Livengood stated the annual Christmas and New Years party would be held in the courthouse basement.

Barbara Sutton gave the Board a presentation proposing future wellness programs for county employees using the facilities at Club America.

County Finance Officer, John Piquette stated at the request of Commissioner Downey he reviewed and recalculated the figures of the Road and Bridge 5.00 Mill Increase and Expenditures and presented a revised Road and Bridge Budget to include the \$70,000 removed during the budget hearings earlier this month.

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

To accept the revised Road and Bridge Budget for 2009 as presented by the County Finance Officer. Motion carried unanimously.

Commissioner Shy excused himself at 3:15 PM due to a previous commitment.

Commissioner Downey, Commissioner Custer and Board Administrative Assistant, Kris Lang prepared the information correspondence requested by CTSI Senior Human Resource Specialist, Cynthia Barnes.

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

To adjourn the meeting. Motion carried unanimously.

The meeting was adjourned at 4:25 PM