

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING, MARCH 6<sup>TH</sup>, 2007**

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

Dick Downey	Chairman
Kit Shy	Vice-chair
Carole Custer	Commissioner
Ric Ferron	County Administrator
John Naylor	County Attorney

Absent: Debbie Livengood – Clerk to the Board

The Board met with County Attorney, John Naylor, and discussed several legal issues. The Board directed John to complete the re-write of the PUD/Minor Subdivision regulations and return a draft within sixty days.

The Board also discussed a letter they received dated March 1, 2007 from the United States Forest Service concerning a Recreation Site Facility Master Plan. The Board will ask for an inventory of sites in Custer County. Commissioner Downey will visit the Canon City office and the Board will monitor this master planning process.

Commissioner Downey made a motion to direct the county attorney, John Naylor, to proceed with the re-write of the subdivision regulations and to include cluster development in zones III and IV and prohibit cluster development in zones I and II. Commissioner Shy seconded the motion. Motion carried unanimously.

County Treasurer, Virginia Trujillo, met with the Board and presented her monthly report. It was approved.

Commissioner Custer made a motion to allow the treasurer to close the old Ceridian 125 bank account, as it is no longer needed. Commissioner Shy seconded the motion. Motion carried unanimously.

Dan Schesinger, representing the Colorado Workforce in Canon City, met with the Board. He explained the Youth Force Employment Program. He noted that during the year 2006, two local youths were employed in a lawn care business. The program requires that the youths hired must have some sort of barrier to employment either by cognitive, physical or economic. The program attempts to remove barriers and to educate the youths with a positive work ethic and work experience. To further this effort, the Workforce Center is conducting a “Customer Service Academy” to help prepare local employees for a work experience.

Commissioner Custer made a motion to adopt Resolution 07-01. This resolution is approving appointments of member to the Upper Arkansas Regional Workforce

Development Board and the appointment of Carole Custer to the Colorado Rural Workforce Consortium Board of local elected officials. Commissioner Downey seconded the motion. Motion carried unanimously. (This resolution is on file in the clerk's office)

Marty Frick and Eileen McAlee, representing the Custer County Library, met with the Board to present their annual report as required by C.R.S. 24-91-09.

Marty also commented on the excellence of the Wetmore Community Library and “Thanked” the Board for their continued support.

Marty’s report was based on the Colorado Public Library Annual Report. She noted that they have 3,004 registered borrowers and the use of the computer systems is up 24%. She noted that every three years the library conducts a survey of patrons and community members. The most recent survey resulted in three recommendations:

1. Continue to focus on local history.
2. Focus on young children, younger than six years old.
3. Focus on attracting new users.

These recommendations will become a major part of the long-range plan for the library.

Marty also mentioned a project that will take place in April to display pictures of Custer County “then and now”. The funding for the project is primarily from donations to the library, there will be no tax money used towards this project.

Another new project that provides free testing programs is though “Learning Express.library.com”. This project is being funded by a private donation. She encouraged the use of these programs to insure continued funding.

Marty asked Commissioner Shy about the “Hayden Survey”. He explained that it was conducted in 1879 to map and record aspects of the West. She informed the Board that an anonymous donor has made a donation to the library with the conditions that it be used to purchase books that were published prior to 1900. She presented an original copy of the Hayden Survey Atlas.

Jackie Hobby requested the vacation of two platted street portions in the old town site of Rosita. The two pieces are a portion of Proctor and Street Streets. The county attorney will research the statutes and advise the Board on how to proceed with this request.

Clint Englehart and Dave Trujillo met with the Board in reference to Clint’s resignation and the procedure to hire his replacement.

Commissioner Shy made a motion to keep Clint on as a part-time bookkeeper and to continue his budget activities at \$700.00 a month and to hire Dave Trujillo as the Road & Bridge Supervisor. He is to start the process of hiring two equipment operators and a part-time receptionist to work 4.5 hours per day, four days a week, with no benefits. The Board also authorized Dave to identify an assistant supervisor, subject to the

Board's approval. Commissioner Custer seconded the motion. Motion carried unanimously.

Commissioner Shy made a motion seconded by Commissioner Custer to adopted Resolution 07-02. Motion carried unanimously.

## **RESOLUTION NO. 07-02**

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CUSTER, STATE OF COLORADO.

WHEREAS, it has come to the attention of the Board of County Commissioners that the State Department of Revenue has indicated in an audit that our sales and use tax Resolutions do not exempt farm equipment as the State statute has done; and

WHEREAS, upon review, there are two County Resolutions enacting the sales and use tax, the first being Resolution No. 122 dated February 4, 1986, which provided for a 1% sales and use tax and created a fund for providing that ½ of the revenue from the sales and use tax be deposited into a Capital Improvement Fund, which sales and use tax was approved by the voters; and

WHEREAS, a second Resolution, dated August 7, 1990, provided for an additional 1% in the sales and use tax rate; and

WHEREAS, Paragraph 36 of Resolution No. 122 provides that the provisions of said Resolution may be amended by Resolution of the Board with the exception of the 1% rate and except as to the creation of the Capital Improvement Fund; and

WHEREAS, the second Resolution, in 1990, provided that there was no change in Resolution 122 except as modified therein, which merely increased the sales and use tax rate by 1%; and

WHEREAS, Resolution No. 122, Paragraph 7, discusses exemptions and it is those exemptions that are set forth in CRS 39-26-114 and included the exemption of food; and

WHEREAS, CRS 39-26-114 has been repealed and enacted in its place is CRS 39-26-716, which exempts, in Paragraph 2, those agricultural items from taxation; and

WHEREAS, to clarify the exemptions of the Custer County sales and use tax Resolutions,

IT IS RESOLVED, that Resolution 122, Section 7, "Exemptions", is hereby amended to read that there shall be exempt from sales taxation under the provisions of this Resolution, all of the tangible personal property and services which are exempt under CRS 39-26-701, *et seq*, as they currently exist and as they may be amended in the future; and

BE IT FURTHER RESOLVED, that Paragraph 16 of Resolution No. 122, listing the use tax exemptions, shall have added a (k), including those items set forth in CRS 39-26-716(3) as the same exists or may hereafter be amended by the State legislature.

ADOPTED and approved this 6<sup>th</sup> day of March 2007, at Westcliffe, Colorado.

BOARD OF COUNTY COMMISSIONERS

By \_\_\_\_\_  
Dick Downey, Chairman

ATTEST:

By \_\_\_\_\_  
Debbie Livengood, Clerk & Recorder

Commissioner Shy made a motion seconded by Commissioner Downey to act upon Jackie Hobby's request to vacate two platted street portions in the old town site of Rosita by properly notifying landowners.

Commissioner Shy made motion seconded by Commissioner Custer to adjourn for the day. Motion carried unanimously.