

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING, JUNE 2, 2009**

THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY MET IN REGULAR SESSION IN THE COMMISSIONERS BOARDROOM 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 several community members.

AGENDA:

- Call meeting to order
- Pledge of allegiance
- Amend Agenda
- County Attorney – John Naylor
- Old Business:
- TV Tower – BLM
- Halpin/Hamilton
- Path on Hwy #69 update
- JD Henrich – Assessor BOE schedule
- Virginia Trujillo – Treasurer Report
- Jackie Hobby – Planning and Zoning Report
- BZA
- Planning Commission

The meeting was called to order at 9:00 AM and the Pledge of Allegiance was recited.

MOTION by Commissioner Attebery, seconded by Commissioner Custer:

To accept the agenda as posted. Motion carried unanimously.

Commissioner Attebery stated that location of the meeting was changed from the court-room to the commissioner’s room to allow the BZA and Planning Commissioner adequate time to prepare the power point and slide presentation scheduled on their agenda this afternoon.

The BOCC met with the County Attorney, John Naylor and discussed the following items:

- TV Tower requires an inspection with Commissioner Attebery, Roger Squire and Vera Mathews.
- TV Tower co-located entities will need a right-of-way to the property.
- Robert Hamilton, CR 390 - map and survey documentation requested by Robert Hamilton’s Attorney, Donald J. Banner, Esq. with be provided.
- Dwight Brothers, CR 129 relocate fence request as specified in letter from the County Attorney dated February 11, 2009 will be further reviewed.
- Legal description of the property owners along Highway 69 south will be provided for correspondence requesting commitment to granting 30 feet or less to an easement for the proposed path and pull-outs project

MOTION by Commissioner Custer, seconded by Commissioner Austin:

To sign the Technical Energy Audit (TEA) that Ennovate Corporation provided on March 10, 2009 to allow Custer County to move forward with the Energy Audit and Performance Contract Proposal as specified. Motion carried unanimously.

Commissioner Custer proposed forwarding the signed TEA contracts to Ennovate Corporation requesting the return of one authorized and signed copy by the Ennovate Corporation for our records. She suggested the BOCC contact the Ennovate Corporation to schedule a meeting during a regular BOCC meeting and invite the Charter Core Team to discuss the next step.

JD Henrich, County Assessor met with the BOCC and requested a Board of Equalization (BOE) Hearing date be scheduled. He reported the notices of evaluation are required to be sent out by June 30, 2009. The request for an appeal must be postmarked by July 15, 2009. The BOE Hearings have to be completed by August 5, 2009. Following review of the BOCC meetings schedule with the County Attorney it was determined the BOE Hearings would be scheduled during the August 4, 2009 BOCC meeting.

Commissioner Attebery advised in the absence of Virginia Trujillo, County Treasurer he would present the monthly report. The beginning balance on April 31, 2009 was \$3,477,377.42 and the ending balance on May 31, 2009 was \$2,670,911.91. He reported the county collections were behind approximately 3%.

The BOCC recessed at 10:37AM.

The BOCC reconvened at 10:55 AM.

Jackie Hobby, Planning and Zoning Director met with the BOCC and gave her monthly report. She inquired on the status of the Subdivision Regulations review. County Attorney, John Naylor responded he had completed the review and would be issuing a report. She inquired on the status of the Bill Knoth property and advised she had received a subpoena from the architect. Mr. Naylor responded that he was aware of the scheduled trial and advised the county and P&Z office would proceed following the completion of the trial. Ms. Hobby advised a letter was sent to Matt Miles for the property at 54343 Highway 69 requesting permission for the County Surveyor to enter the property for the purpose of measuring a portion of the zoning boundary line. Mr. Miles is refusing to give the permission that would allow the County Surveyor access to the property. Ms. Hobby presented samples of energy star home notices that were requested to be included as part of the homeowners packet distributed in the P&Z office

MOTION by Commissioner Custer, seconded by Commissioner Austin:

To include the energy star logo with the statement that tax incentives are available for those building energy star homes in the homeowners packets available in the P&Z office. Motion carried unanimously.

Ms. Hobby presented the inspection report received from the Colorado Department of Agriculture outlining the violations of Janet Flick/Flick Kennel on CR 271. She reported the violations included ventilation and drainage. She explained the Special Use Permit (SUP) was approved for a kennel and it appears they are selling puppies. She advised a separate SUP would be required for the sale of dogs. Following a brief discussion the BOCC determined the matter be referred to the Planning Commission. Ms. Hobby reported a second notice regarding an oversized sign on the property at CR 255 was sent to Vicki Garrisi.

Ms. Hobby stated that Pete Michaelson representing the Painted View Ranch is requesting the Board consider removing #7 on their SUP that authorizes the rental of the arena to non-profit organizations and replace it with entertainment. Mr. Michaelson had said he preferred that his clients not have to go through the process of applying for a Special Use Permit modification. He also recommended that the statement rental to non-profit organizations be eliminated from the SUP because the statement is very broad and opens the door to consequences and liabilities. The BOCC and County Attorney agreed that the Painted View Ranch would be required to apply for a SUP modification. Ms. Hobby reported that Len Lankford, Greenleaf Forestry Products indicated that an approved septic system would be installed on the property at 1500 Rosita Road by the end of the summer. The Bike with Pike Special Events Permit (SEP) application was received and approved. Ms. Hobby gave a summary of the Planning and Zoning office activity for May, 2009: 10 septic inspections-site reviews, 2 violation reviews, 8 special conferences, 6 compliance inspections. She reported 8 septic permits and 26 zoning permits were issued.

Ms. Hobby outlined the Board of Zoning Adjustment Agenda: Housekeeping/Zoning Report, Creation of an undersized lot by Giem/Lukezic. The Planning Commission Agenda: Housekeeping/Zoning Report, Green Burials, Replat and Subdivision Waiver for Giem/Lukezic and a Colorado Land Use slide show presentation by C-4.

Commissioner Attebery stated that any public inquiries regarding lifting of the fire ban should be referred to the Sheriff's Office and the Fire Chief.

The BOCC updated the County Attorney on the status of the Custer County Water Augmentation Plan.

Commissioner Custer reported the BOCC has been in communication with a representative from Upper Arkansas Area Council of Governments (UAACOG) that had visited the Custer County Department of Social Services incognito requesting information and emergency social services. She stated that the Board learned that there may be some concerns the BOCC may need to address. Commissioner Austin advised it was an impromptu visit and the regional representative will meet with the commissioners' tomorrow morning and present the documented findings. The findings will be reviewed at the next scheduled BOCC meeting.

Commissioner Custer reported that the Custer County Youth Club Advisory Board recommended the purchase of the specific transition related curriculums along with the electronic equipment necessary to deliver the curriculums and other programs at the CCYC. She asked the BOCC to approve the purchases with TANF funds.

MOTION by Commissioner Custer, seconded by Commissioner Austin.

Authorizing the purchase of the transition related curriculums and necessary electric equipment with TANF funds. Motion carried unanimously.

The BOCC recessed 11:50 AM.

The BOCC reconvened at 12:50 PM.

The BOCC joined the Planning Commission in the Courtroom for the scheduled meeting at 1:00 PM.

MOTION by Commissioner Attebery, seconded by Commissioner Austin:

To accept the recommendation of the Planning Commission to approve the plat and replat as requested by Giem/Lukezic. Motion carried unanimously.

The BOCC rejoined the regular scheduled meeting in the Boardroom at 2:10 PM.

MOTION by Commissioner Custer, seconded by Commissioner Austin:

To adjourn the meeting. Motion carried unanimously.

The meeting was adjourned at 2:20 PM.

Debbie Livengood, Clerk and Recorder
Attest

Lynn Attebery
Chair