

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING, JULY 7, 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  
Approve minutes  
County Attorney – John Naylor  
- Dwight Brothers  
- TV Hill  
- Hamilton/Custer County  
- Water Lawyer to review CCWAP  
- CCWAP letter of opposition  
- Mitchell Claim

**PUBLIC HEARING**

10:00 AM

1. UAACOG Community Development Block Grant Application for funding the 6- County Regional Business Loan Program.
2. BOCC consideration of approving and authorizing the Chairperson to sign the application.

Treasurer Report  
Planning and Zoning Report  
Road and Bridge  
- sale of vehicles  
BZA & Planning Commission Meeting

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

John Naylor, County Attorney proposed a roll call. Commissioner Attebery present, Commissioner Austin present.

**MOTION by Commissioner Attebery, seconded by Commissioner Austin:**

To accept the agenda as posted. Motion carried unanimously.

Commissioner Attebery stated that location of the meeting was changed from the courtroom to the commissioner's room.

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

- Dwight Brothers action pending further review of the notations and minutes referencing the gate in question.
- TV Hill – action pending the receipt of the revised contract from Ridgeview Tel.
- Auditor request for any threatened litigations and assessments to report as of December 1, 2008. Mr. Naylor said there were none.
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Commissioner Custer joined the meeting.

- Hamilton/Custer County correspondence will be forwarded to Banner & Bower, PC Attorneys at law representing Robert Hamilton.
- CCWAP review by a water attorney will be researched by the County Attorney.

**MOTION by Commissioner Attebery, seconded by Commissioner Attebery:**

To file a letter of opposition on the Custer County Water Augmentation Plan (CCWAP).

Commissioner Custer amended the motion to clearly state the specific reasons for the filing: What is the county's liability for the CCWAP? Does the county have standing to object? Does the county have water rights that would be affected? Commissioner Austin seconded the amended motion. Motion carried unanimously.

**MOTION by Commissioner Austin, seconded by Commissioner Attebery:**

Authorizing Commissioner Austin to contact Dave Robbins for his assistance in reviewing the CCWAP as well as the preparation and submission of the county statement of opposition. Commissioner Austin will request a referral source from Mr. Robbins if he is not available to represent the county. Commissioner Attebery amended the motion to state that the CCWAP representative stay in communication with County Attorney, John Naylor and keep him advised of the CCWAP status. Commissioner Austin seconded the amended motion. Motion carried unanimously.

Commissioner Custer requested the Board send a letter of explanation to the county representatives on the Upper Arkansas Water Conservancy District (UAWCD) with a copy to the General Manager, Ralph (Terry) Scanga UAWCD. She will prepare a letter for the BOCC review. Commissioner Attebery agreed.

- Notice of Claim of Injury of Lois Mitchell has been forward to Colorado Technical Services Inc. (CTSI) for review.

Commissioner Austin expressed concern regarding the county's liability for the Promote Safe and Stable Families (PSF) grant and the 501 ( c)(3) status. Commissioner Custer explained the previous county health nurse had applied and received a 501( c)(3) in an effort to obtain grants to help support the children and youth. The PSSF grant was submitted and approved in 2002. The administration of that grant was processed through the county Social Service Department. Following a transition period the PSSF grant and 501( c)(3) was taken over by another party. Commissioner Custer stated the county is once again in control of the PSSF grant application and would like to have the 501( c)(3) status for the programs that serve the children and youth of Custer County. County Attorney, John Naylor requested a copy of the original 2002 PSSF grant application for review. Commissioner Custer will provide Mr. Naylor with the appropriate correspondence.

The BOCC recessed at 9:50 AM.

The BOCC reconvened at 10:00 AM.

Commissioner Attebery closed the regular meeting and opened the Public Hearing.

PUBLIC HEARING

July 7, 2009

10:00 AM

Upper Arkansas Area Council of Governments (UAACOG), Community Development Block Grant (CDBG) Application for Funding the 6-County Regional Business Loan Program Board of Custer County Commissions Consideration of Approving and Authoring the Chairperson to Sign the Application

Jeff Ollinger, Upper Arkansas Area Council of Governments (UAACOG), and the Administrator of the Upper Arkansas Area Development Corporation (UAADC) stated this would be a two-part Public Hearing. The first part is to request and obtain public input and the second portion is the BOCC consideration for approval and authorization for the chairperson to sign the application. He stated he was the administrator of the UAADC, a non-profit subsidiary of the UAACOG. Mr. Ollinger stated for the record the Public Notice was published in the Wet Mountain Tribune and affidavits for the proof of Public Notice Publication from all six counties will be included in the application. He advised the application is available for public review at the UAACOG office, the Chaffee County Commissioners office and his office in Canon City. He said the application is proposed to be sponsored by Chaffee County, acting as the lead county for the six counties included in an Intergovernmental Agreement. He said it is proposed that the UAACOG-UAADC will administer the CDBG project through an Assumption Agreement with Chaffee County and the proposed CDBG application Statement of Project will include the use of CDBG funds for planning and feasibility studies, if approved by the State on a case-by-case basis. Mr. Ollinger stated the community development and housing needs include the needs of the low and moderate income people or individuals, as well as other needs in the community that might be addressed through the CDBG program.

Commissioner Attebery asked if there was anyone wishing to speak.

Nora Drenner, Town of Silver Cliff Trustee requested identification of the six-counties of the UAACOG. The total amount of the funds and the distribution of the funds. Jeff Ollinger responded the core six-counties of the UAACOG are Chaffee, Custer, Fremont, Lake, Park and Teller. The proposed CDBG application for the UAACOG-UAADC business loan fund was in the amount of \$290,000 (\$250,000 for direct business assistance and \$40,000 for administration). The funds will be delineated to three (3) programs over a two year period: (1) The GAP financing program functions as a true gap as it fills a gap that remains after the greater-than-50% primary lender (local bank, a Colorado based bank, or private sector lending) and business owner injections have been delineated. (2) The DIRECT loan program is for loans up to approximately \$30,000 for borrowers that demonstrate good bill-paying-character, valid cash flow projections and most likely have one or a combination of issues with bank financing. (3) The Downtown Facade Improvement Program is a smaller scale loan up to \$7500 for individual businesses to improve the appearance of their business on the main streets.

Mr. Ollinger said it should be noted that the State has asked the UAACOG and the UAADC to package the loans in smaller and more conservative amounts. He reported as a caveat that additional and expended funds can be requested from the State Financial Review Committee. He said another point to note is that if local governments in Custer County wanted to access another division of this pool of money under community infrastructure improvements, the process has already been covered by UAACOG and his office and would be more readily accessible.

Commissioner Attebery asked if there was anyone else wishing to speak. Hearing none he asked for BOCC comments.

Commissioner Custer expressed appreciation to Mr. Ollinger's for all his work through this arduous process. She stated the sixteen units of affordable housing were valuable to our community. She said it was her hope that once these units are completed and filled it would spark interest and support for the Affordable Housing Sweat Equipment Program.

Commissioner Austin reiterated his appreciation to Mr. Ollinger for his support on the project.

Commissioner Attebery thanked Mr. Ollinger for his work and stated one of the goals would be to make sure the public is aware of the services available. He asked Mr. Ollinger to forward the informational brochures for distribution to the local businesses and citizens in the community.

**MOTION by Commissioner Austin, seconded to Commissioner Custer:**

Authorizing Chairperson, Commissioner Attebery to sign the CDBG application for the UAACOG-UAADC business loan fund in the amount of \$250,000 for direct business assistance and \$40,000 for administration. Motion carried unanimously.

Commissioner Attebery asked if there were any additional comments. Hearing none, he closed the public hearing and returned to Regular Session.

Commissioner Custer outlined the proposed Wetmore library facility project with Mr. Ollinger. She stated the county was in the exploration feasibility phase of the project. Mr. Ollinger said he would review possible funding options for the project and report back to the BOCC.

Mr. Ollinger stated that \$1000 of the 2009 Upper Area Enterprise Zone grant has been allocated to the Town of Silver Cliff. He reported the Custer County Merchants & Chamber of Commerce has requested allocation of the remaining \$2000. Mr. Ollinger said the Town of Westcliffe was in support of the request. Commissioner Custer proposed Mr. Ollinger have a discussion with the Tourism Board and the Chamber of Commerce before the final commitment of the distribution of funds is determined.

The BOCC recessed at 10:50 AM.

The BOCC reconvened at 11:05AM.

Virginia Trujillo, County Treasurer met with the BOCC and gave her monthly report. She reported the beginning balance on June 1, 2009 was \$2,670,911.91 and the ending balance on June 30, 2009 was \$3,038,246.90.

Jackie Hobby, Planning and Zoning Director met with the BOCC and gave her monthly report.

- Sharon Wadsworth Wet Mountain Sanitation – EPA #8ENF-W-NP
- Gerald and Kathleen Gillotti – vacate CR 228A
- Wachob and Wachob – Knoth survey 66500 Hwy. #69 North
- Matthew Miles – survey 54343 Hwy, #69
- Jeff Marek – permit 176 Ferris Drive
- Michael Conway - permit 659 Durfee Circle
- William Mallory – septic 419 Sugarloaf Road
- Robert Hamilton zoning compliance – 1054 CR 390
- Ray and Carrie Diana Davis – permit 638 Ferris Drive
- Rick and Kimberly Wolfe – ISDS variance 60 Linda Lane
- Bike with Pike – Special Events Permit
- Brigido Vargas – refusal of Planning and Zoning correspondence.

Following a brief discussion the BOCC determined the County Attorney, John Naylor would prepare a compliant summons to Mr. Vargas.

Beverly Goertz, Extension Office Manager introduced Tommy Covington, acting CSU agent to the BOCC. Mr. Covington stated he would support the Extension Department and Ms. Goertz during this interium time period.

The BOCC recessed at 11:45 AM.

The BOCC reconvened at 12:00 PM.

Dave Trujillo, Road and Bridge Supervisor met with the BOCC and gave his monthly report.

- Work Completed in June 2009: CR 390 completed with Base One, Graded numerous roads, Patched CR 255, Copper Gulch, Rosita Road, Horn Creek, Pines Road, Marcy Lane and Colfax.
- Work Planned: Chip seal three miles of Colfax, Culvert on CR 304, Bear Basin, CR 271 Base One, Mow and Patch roads.
- Flooding on CR 192 and Horn
- Roto-Millings are not available from CDOT
- Increase in asphalt prices
- Sand seal for the Town of Westcliffe
- Budget and In-Kind services report
- Gate on CR 139. Following a brief discussion the Board asked the County Attorney, John Naylor to prepare a letter to Jack Canterbury for the removal of the gate.
- Submitted estimate for the purchase of a mower.

Following a brief discussion the Board suggested Mr. Trujillo check into the availability of grant funds.

- Vehicle sale through a sealed bid process.

Following a brief discussion the Board agreed to review the origin of the vehicles being sold from the Road and Bridge Department (R&BD) to determine if the proceeds from the sale would be applicable to the R&BD equipment replacement program and budget.

The BOCC recessed at 12:20 PM.

The BOCC reconvened at 1:00 PM.

The BOCC recessed at 12:20 PM.

The BOCC reconvened at 1:00 PM.

The BOCC joined the Planning Commission in the Courtroom for the scheduled meeting at 1:20 PM.

The BOCC rejoined the regular scheduled meeting in the Boardroom at 3:30 PM.

Commissioner Attebery stated the Memorandum of Understanding (MOU) discussed earlier has not been approved by the Department of Social Service. After approval and authorization of the County Attorney by BOCC Chair will sign the MOU's.

**MOTION by Commissioner Austin, seconded by Commissioner Custer:**  
**To adjourn the meeting. Motion carried unanimously.**

The meeting adjourned at 3:35 PM.

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Debbie Livengood, Clerk and Recorder  
Attest

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Lynn Attebery  
Chair