

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING, OCTOBER 6, 2009**

THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY MET IN REGULAR SESSION IN THE COMMISSIONER’S BOARDROOM.

Commissioner Lynn Attebery called the meeting to order at 9:00 AM and the Pledge of Allegiance was recited

Roll Call was taken:

Lynn Attebery	Chairman	Present
Jim Austin	Vice-Chairman	Present
Carole Custer	Commissioner	Present
John Naylor	County Attorney	Present
Kris Lang	Deputy Clerk to the Board	Present

Also present was Nora Drenner reporter for the Wet Mountain Tribune and several community members.

AGENDA:

- Call meeting to order
- Pledge of allegiance
- Roll Call
- Amend agenda
- Approval of minutes
- County Attorney
- Old Business:
- Resolution #09-06
- John Piquette – Preliminary Budget Presentation
- Road and Bridge - Budget
- Treasurer – Budget
- Planning and Zoning Report

MOTION by Commissioner Custer, seconded by Commissioner Austin:

To accept the posted agenda. The motion carried unanimously.

MOTION by Commissioner Attebery, seconded by Commissioner Custer:

To approved Resolution #09-06 to Name an Un-named Road in the Ponderosa Heights Subdivision to “Taylor Drive”. The motion carried unanimously.

CUSTER COUNTY RESOLUTION

#09-06

Resolution to Name an Un-named Road in the Ponderosa Heights Subdivision to “Taylor Drive”

WHEREAS, the Board of County Commissioners of Custer County feels that it is necessary and prudent for the county to cooperate in impact and growth planning efforts with other entities within our community; and

WHEREAS, it is of importance to the welfare and safety of the residents of Custer County to be consistent in the naming of streets;

WHEREAS, the owner of the property on which the private road is located has requested and recommended the road be named "Taylor Drive";
WHEREAS, legal description attached Exhibit A filed in the Custer County, Colorado Records under Reception Number 104742.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF CUSTER COUNTY COMMISSIONERS:

The name of the subject road will be "Taylor Drive".

Exhibit A attached.

Adopted this 6th day of October, A.D. 2009

Lynn Attebery, Chairman

Jim Austin, Vice-Chair

Carole J. Custer, Ph. D., Commissioner

Debbie Livengood, Clerk and Recorder

John Naylor, County Attorney advised that Resolution 09-06 will be recorded in the Clerk and Recorder Office and the original resolution will remain in that office. He said copies of the recorded Resolution 09-06 should be forwarded to the Assessors office and to the BOCC Administrative Assistant.

Mr. Naylor stated he had reviewed the Diverse Datum Wireless (DDW) Equipment Placement and Lease Agreement. He said the main concern was the blacked out portion of the contract that should reference the lessee name. He proposed a language revision stating that DDW have the right to erect, replace or expand on the site with prior notice and approval of the owner which will not be unreasonably withheld. Mr. Naylor said when DDW revised this lease agreement all three commissioners names can be included for signatures. He stated with the completion of the changes recommended he approved the execution of the agreement.

MOTION by Commissioner Custer, seconded by Commissioner Austin:

To accept the Diverse Datum Wireless Equipment Placement and Lease Agreement with the revisions stated by the County Attorney. DDW will make the appropriate changes and sign the agreement and present the revised correspondence to the BOCC for signatures. The motion carried unanimously.

John Piquette, Finance Officer presented the Custer County Preliminary Budget for 2010 to the BOCC. He stated a copy of the preliminary budget would be available in the Clerk and Recorders Office for public review.

Dave Trujillo, Road and Bridge (R&B) Supervisor met with the BOCC to review the R&B Department submitted budget for 2010. Also present was John Piquette, Finance Officer and Dawna Hobby, Human Resource/Finance Manager.

Virginia Trujillo, Treasurer met with the BOCC to review the Treasurer Office submitted budget for 2010. Also present was John Piquette, Finance Officer and Dawna Hobby, Human Resource/Finance Manager.

Virginia Trujillo, Custer County Treasurer presented her monthly report. She remarked that the starting balance on September 1, 2009 was \$2,814,848.99 and the ending balance on September 30, 2009 was \$2,796,358.65

Dawna Hobby, Human Resource Finance Manager presented a Client Representation Letter issued to Garren, Ross & Denardo, Inc., for the Boards signatures. The BOCC signed the correspondence and gave the original to Ms. Hobby for processing.

Commissioner Attebery made a motion, seconded by Commissioner Austin to go into Executive Session. The motion carried unanimously. Commissioner Attebery cited C.R.S. 24-6-402 (4) (b) conference with an attorney for the local public body for the purposes of receiving legal advice on specific legal questions.

The County Attorney advised the Administrative Assistant that under the statute the recording would be turned off. The BOCC went into Executive Session at 10:30 AM. Those present were Commissioner Attebery, Commissioner Austin, Commissioner Custer, County Attorney, John Naylor, Planning and Zoning Director, Jackie Hobby and Kris Lang, Administrative Assistant.

Commissioner Attebery made a motion, seconded by Commissioner Custer to go back into regular session. The motion carried unanimously.

The BOCC came out of Executive Session at 11:45 AM. No matters were adopted and no actions or decisions were made.

Jackie Hobby, Planning and Zoning (P&Z) Director met with the BOCC and reported on:

- Special Use Permit (SUP) is not required by the Painted View Ranch for non-profit or fund raising events.
- Columbine Park presently has one engineered septic system for two separately owned lots.
- File 101-10-201 Marvin Walz septic variance approved.
- File 101-12-505 Timothy and Shirley Van Riper septic variance approved.
- P&Z will prepare a letter to the state regarding a well request for the pre-zoned property on CR 320 Property for the Boards signature.
- File 100-33-529 Robert and Linda Warren were notified of a firewood business at their home and responded that the firewood located on the property was for personal use. The firewood will be removed from the property no later than May of 2010.
- File 101-04-950 Dennis Shaydak was notified that a survey revealed the adjoining property owner on CR 328 is in compliance with the Custer County Zoning Regulations.
- File 101-79-000 David and Anne Hayward were notified of a structure permit violation.
- File 100-48-773 Louella Mae Ratzlaff was notified of a septic permit violation.
- File 100-33-289 William and Nancy Watson were notified of structure permit violation.

The BOCC met with the County Attorney and the following items were discussed:

- File 101-67-450 Jeff Marek structure permit violation - correspondence prepared by the BOCC was reviewed and approved by the County Attorney. The BOCC signed the correspondence.
- Subdivision Regulations have been reviewed by the County Attorney and a letter of findings will be forthcoming.
- Special Mobile Machinery (SMM) continued review and discussion.

BOCC 10-06-09

- The County Attorney will prepare correspondence outlining the Statute requiring that the originals of any grants, contracts, agreements, memorandums of understanding, etc. (that the county is a party to) must be filed in the Clerk and Recorders Office.
- The County Attorney reported that e-mails among the Board members regarding pending items fall under the violation of the Sunshine Law. He stated if this practice was occurring it should be discontinued.
- The auditor request that any transfers of airport funds be processed under a resolution approved by the County Attorney.
- An abstract of the grant application being submitted will be required for the Boards review prior to the preparation of a BOCC letter of support.

The BOCC signed correspondence prepared for Club America pledging a \$1,000 donation on behalf of Custer County and event recommendation letter for Bike with Pike.

MOTION by Commissioner Attebery, seconded by Commissioner Austin:

To adjourn the meeting. The motion carried unanimously.

The meeting was adjourned at 12:50 PM.

Debbie Livengood, Clerk and Recorder
Attest

Lynn Attebery
Chair