

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING, AUGUST 31, 2005**

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

Dale Hoag	Chairman
Dick Downey	Vice-chair
Kit Shy	Commissioner
Ric Ferron	County Administrator
Debbie Livengood	Clerk to the Board

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

County General	\$155,942.77
Road & Bridge Dept.	39,922.23
Emergency Service	14,954.42
Social Service Dept.	16,384.64
Self-Insurance	442.00
Capital Improvement	2,459.90
Total	\$230,087.96

Commissioner Shy made a motion seconded by Commissioner Downey to approve the renewal of the liquor license for the Letter Drop Inn. Motion carried unanimously.

Commissioner Downey made a motion seconded by Commissioner Shy to transfer \$19,810.54 from the Conservation Trust Fund to the County General Fund. Motion carried unanimously.

Marty Frick, Harry Ditty, and Eileen McAlee, representing the West Custer County Library Board, met with the Board to present the annual report and audit for 2004 as required by statute.

Marty also "Thanked" the Board on behalf of the Library Board for all of their help throughout the years. A plaque will be displayed in the library mentioning the county as a contributor with the expansion and remodeling of the library and community building.

The library will be offering a new service that will allow their patrons to bring their own computers to the library and use the network. Marty also reviewed the many programs the library has hosted this year such as: kid programs, book club, chess club, book signings and intra library programs. The Library Board is also going to work on a 3-year plan and has \$10,000.00 to use on this project. Bill Gillette and Dick Stermer are taking pictures of various ranchers in the valley and are going to compile these photographs into a book that will be sold with the revenues going to the library.

Commissioner Hoag started the public hearing on the proposed RTA at 1:00pm. There were ten individuals present for this meeting excluding the Board, the administrator and the secretary to the Board. Commissioner Hoag opened the meeting by stating this was the second public hearing being held for the county and opened the floor for questions. The following questions were asked and answered:

1. Who will this RTA service? Answer: Everyone can use this service. Since there are federal funds that will be used, you cannot control who uses this means of transportation. It was originally set up for the elderly and for those who needed transportation for medical reasons.
2. Who will serve on the Board for the RTA? Answer: There will be two representatives from the Town of Silver Cliff Trustees, two representatives from the Town of Westcliffe Trustees, and two representatives from the county commissioners. There will be term limits for these board members.
3. Why would the RTA Board be made up of an even number of board members? Answer: That is the way it is stated in the statutes. There has to be a majority vote for a decision to pass. If there were a tie between the board members, a motion would not pass.
4. Would rotary still be involved with the RTA or would the county take over? Answer: It would not be in the control of Rotary, however, it would follow the same guidelines and we would rely on Rotary's experience with the van.
5. Why was there never a service plan put together? Answer: We did do a service plan and you can receive a copy of it.
6. Since this will involve federal funding, do you have any idea how this funding will work? Answer: It will have to be applied for through the Department of Transportation.

Suggestions from the audience were that there needed to be more dialogue. They would like to see the Wet Mountain Tribune contribute more information in the newspaper to get the citizens more informed. They would also like to see Rotary write a letter in the newspaper concerning all of their knowledge and experiences with the van. It was also suggested by Marty Frick that a fact sheet be distributed to various organizations and business so they would be available to the public.

Being no further questions or discussion, Commissioner Hoag closed the public hearing at 1:50pm.

Extension Agent, Gary Hall, met with the Board concerning travel expenses for Gail Miller. Currently Custer County and Fremont County each pay \$700.00 a year towards Gail's travel and training expenses. Fremont County has notified CSU that they can no longer justify paying travel for an individual to commute to Custer County one day a week. Gary asked the Board if they would consider paying the total amount of travel for Gail to commute to Westcliffe from Canon City. The Board informed Gary that they would only pay the \$700.00 they agreed to and when it is all used up there would be no more for this year.

Commissioner Shy made a motion seconded by Commissioner Downey to go into executive session on a personnel issue citing Colorado Revised Statute 24-6-402(4). Motion carried unanimously.

Commissioner Shy made a motion seconded by Commissioner Downey to reconvene into open session. Motion carried unanimously.

Commissioner Downey made a motion seconded by Commissioner Shy that effective January 1<sup>st</sup>, 2006. Custer County will no longer contribute funds to pay for travel to Custer County from Fremont County for the Consumer and Family Education Extension Agent. Motion carried unanimously.

Gary Havens met with the Board and advised them that he was resigning from his position as Road & Bridge Supervisor effective September 8, 2005.

Commissioner Shy made a motion seconded by Commissioner Downey to go into executive session on a personnel issue citing Colorado Revised Statute 24-6-402(4). Motion carried unanimously.

Commissioner Shy made a motion seconded by Commissioner Downey to reconvene into open session. Motion carried unanimously. No action was taken.

Roger Squire met with the Board concerning the TV Translator. He informed the Board that the translator is back in the county's possession and according to the company that did the repairs, there were a lot of problems associated with the translator. Roger has since ordered super flex cable from RF Specialties for antennae's 7 & 9. The estimated cost of this cable is \$800.00.

Shirley Fox inquired about Crystal Fall Drive. Ms. Fox lives on this road and was given information that the county did maintain this road. However, it appears to her that this road has not be graded nor does it have any gravel on it. The Board informed Ms. Fox that when this road was picked up as county maintained there was no specifications that had to be met and county maintained only means that the road will be graded once a year.

Ms. Fox is in favor of the county's proposed 3 mil increase, but expressed to the Board that the county must inform the public that they are committed to use this money for Road & Bridge only.

Being no further business the Board adjourned.

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING, SEPTEMBER 6, 2005**

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

Dale Hoag	Chairman
Dick Downey	Vice-chair
Kit Shy	Commissioner
Ric Ferron	County Administrator
Debbie Livengood	Clerk to the Board

Commissioner Downey made a motion seconded by Commissioner Shy to go into executive session on a personnel issue citing Colorado Revised Statute 24-6-402(4). Motion carried unanimously.

Commissioner Downey made a motion seconded by Commissioner Shy to reconvene into open session. Motion carried unanimously. No action was taken.

Commissioner Shy made a motion seconded by Commissioner Downey to adjourn for lunch. Motion carried unanimously.

The Board met with the Social Service Department.

County Health Nurse, Kelly Johnson, gave her monthly report. There were twenty-one will child exams/physicals given in the month of August, two adult physicals, one-hundred-fourteen child immunizations and twenty-three adult immunizations given, fifty health screening that were done and four reportable illness. They were E. Coli, Chronic Hepatitis C, Campylobacteriosis and Giardiasis.

As requested by Commissioner Shy, Kelly checked with the state to see if Round Mountain Water and Sanitation District sewage effluent (domestic wastewater) could be safely applied to the roads in the county, instead of using fresh water. The finds were as follows:

1. Round Mountain Water and Sanitation District would have to read and understand the conditions stated in regulation number 84.
2. Round Mountain Water and Sanitation District would have to write and submit a "Letter of Intent" to the Water Quality Control Division and to the local health authority that met all the requirements stated in regulation number 84.
  - ❖ This includes a copy of Water Quality Control Division's Site Application Approval.
  - ❖ This includes a description of their process for treating the domestic wastewater (Oxidation, filtration, and disinfections) and the storage and distribution system for the reclaimed domestic wastewater.
  - ❖ This includes a diagram of the treatment process showing points of compliance.
  - ❖ This includes analytical evidence demonstrating that the reclaimed domestic wastewater standard for E. Coli and Turbidity can and will be met at the points of compliance.

3. Round Mountain Water and Sanitation District must submit all the required documents and review.
4. Round Mountain Water and Sanitation District's request will either be issued or denied within 30 days.
5. If Round Mountain Water and Sanitation District's request is denied, there is a formal appeal process.
6. If Round Mountain Water and Sanitation District's request is approved, they can "permit" Custer County to use the domestic wastewater for dust control and soil compaction.
7. Round Mountain Water and Sanitation District must continue to treat the domestic waste-water and perform monthly tests to assure the parameter limits are continually met as spelled out in the "Letter of Intent."

Kelly, along with Fred Jobe, and Art Nordyke attended Quarantine and Isolation training on August 16 and 17 in Lamar.

Commissioner Hoag signed the fiscal year 2005-2006 contract between the county and the Colorado Department of Public Health and Environment for the benefit of the County Nursing Service.

Jean Mavromatis met with the Board to update them on the Tobacco Education and Prevention Program. Jean reported that one of the school board members and a teacher at the school is concerned about a new tobacco shop that is located 350 feet from the school. Ms. Mavromatis has checked with Stacy Hendershott, an investigator for the Tobacco Enforcement Division to inquire if selling tobacco this close to a school was a violation. Stacy responded by saying that selling tobacco this close to a school is not a violation, however, advertising certain brands near a school could potentially be a violation. Jean is going to take pictures of the outdoors advertising at the tobacco shop and Ms. Hendershott, will forward them to the Attorney General's Office.

Kelly Johnson requested an executive session based on a personnel issue.

Commissioner Downey made a motion seconded by Commissioner Shy to go into executive session on a personnel issue citing Colorado Revised Statute 24-6-402(4). Motion carried unanimously.

Commissioner Downey made a motion seconded by Commissioner Shy to reconvene into open session. Motion carried unanimously. No action was taken.

OEM Director, Greg Sullivan, met with the Board to give his monthly report. According to Greg the 2004 Homeland Security Grant is complete. The 800mhz radio counsel bid

from Motorola has been approved and the equipment has been ordered. Delivery is expected to be in October.

Mr. Sullivan has submitted a WIN Grant #1 (Wireless Interoperability Network) application to the Department of Local Affairs in the amount of \$579,847.00 for the purpose of erecting a tower on Verdumont. Mr. Sullivan has researched the records to find that the county has an easement on property owned by Steven Mitchell. Mr. Mitchell has no problems with a 100ft, free standing tower on his property, but in exchange would like to have the power pole located at this site taken down, a fuse box to the site be moved to the power pole that goes to his house, and the power lines from the pole to the site be placed under ground. A second WIN Grant (Wireless Interoperability Network) has been applied for in the amount of \$35,392.00 at the request of Pueblo Homeland Security Director, Gale Hollamon, and Emergency Management Director, Steve Douglas, for purpose of setting a repeater on Deer Peak. If the WIN #2 grant is not approved, the county will revert back to the Homeland Security Grant for this purpose, which has already been approved.

At the last Custer County Emergency Service meeting a decision was made to have a mock exercise on October 7<sup>th</sup>. The next CCES meeting scheduled for September 8<sup>th</sup> has been delayed until September 14<sup>th</sup>, due to two individuals that have offered to assist in the planning being deployed to Operation Katrina.

Greg Sullivan met with the Superintendent of the School, Steve Marantino, on August 25<sup>th</sup>. Mr. Marantino had just returned from a convention where school security was addressed, and would like to start preparing an Emergency Operations Plan for the school. Gary invited him to attend the next CCES meeting. The Community Emergency Response Team (CERT) is offering training classes on September 29<sup>th</sup> and 30<sup>th</sup> in Durango that Greg is going to attend. By completing this class, \$6,000.00 will be available to our county for administrative needs.

Being no further business the Board adjourned.

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING, SEPTEMBER 7, 2005**

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

Dale Hoag	Chairman
Dick Downey	Vice-chair
Kit Shy	Commissioner
John Naylor	County Attorney
Ric Ferron	County Administrator
Debbie Livengood	Custer County Clerk

Commissioner Downey made a motion seconded by Commissioner Shy to go into executive session on a personnel issue citing Colorado Revised Statute 24-6-402(4). Motion carried unanimously.

Commissioner Shy made a motion seconded by Commissioner Downey to reconvene into open session. Motion carried unanimously. No decision was made.

Christy Kesselring met with the Board to give a monthly report on the Zoning office.

- ❖ There will be a subdivision regulation workshop on October 6<sup>th</sup>, starting as 10:00am in the courthouse basement.
- ❖ Commissioner Shy and Christy will meet with Bob Bush on September 16<sup>th</sup> and 23<sup>rd</sup> to evaluate the GIS program and discuss the restructure of the county's system.
- ❖ The Special Use Permit hearing for Terry Cook (San Isabel Ski Area) will be held in October. The presentation of the Lodging Facility/Spa in the Rosita Hills area will be in October; still working on the application for a Dog Boarding/Kennels on County Road 271.
- ❖ James Huffman owns an illegal lot for building purposes in Custer County. He also owns land that adjoins this property in Fremont County. He has stated that he is going to combine both the Custer and Fremont properties, making it a legal size lot to build on.
- ❖ Discussed the Colorado Revised Statutes covering the issue of livestock and what is considered livestock. County Attorney, John Naylor, replied that dogs are not considered livestock and could be defended as such.
- ❖ Discussed e-mail received by CSU looking for counties that would be willing to allow students of their school design and engineer an area in the county that would allow the public to park their cars. These park and ride areas could be used for individuals to park their vehicles and car pool with another person or be used with the proposed rural transit authority. The application has been filled out and the Board has given their approval to have Christy submit the application. The cost to the county will be \$600.00.
- ❖ Mr. & Mrs. Musgrave are advertising guided nature walks for a fee at their ranch. Christy has contacted them and explained that they need to apply for a home occupation permit. Both the Board and the county attorney agreed with Christy.
- ❖ Reviewed the letter received by Gary Martin from the Division of Water Resources regarding well permit 199874. According to the state, Mr. Martin can install a bathroom in his detached garage providing the use of the bathroom is associated with household use and not commercial use.
- ❖ Ric agreed to review permit applications for the zoning office. Kit Shy has been reviewing these permits.

Commissioner Downey made a motion seconded by Commissioner Shy to appoint Clint Englehart as supervisor of the Road & Bridge Department effective today (September 7<sup>th</sup>) with a probation period of six months and a yearly salary of \$31,200.00. Motion carried unanimously.

Commissioner Shy made a motion seconded by Commissioner Downey to appoint Dave Trujillo as the assistant supervisor for the Road & Bridge Department effective today (September 7<sup>th</sup>) with a \$1.00 hour increase to his current salary. Motion carried unanimously.

County Administrator, Ric Ferron, will contact Bob Oswald, with the Division of Minerals & Geology Department of Natural Resources, regarding a letter received by the county, dated August 19<sup>th</sup>, concerning the Swallow Perlite Mine. The Board would like to know if they found the mine to be adequately reclaimed.

County Treasurer, Doris Porth, met with the Board to give her monthly report. It was approved. She reported that sales tax is up \$6,870.00 from last year and the HUTF monies are down \$44,000.00 from last year. The Search & Rescue Fund has been reinstated in the treasurer's office and they are receiving a report every month of the activity in this fund.

The county has received a check in the amount of \$13,385.09 from Pueblo County for sales tax that was collected from the San Isabel Lodge and sent to Pueblo County in error. The county administrator will write a "Thank You" to Senator Kester for all of his help in resolving this matter.

Jesse Souza met with the Board to give an update on RETAC and the Ambulance Corp. She also introduced Theresa Atencio as the new RETAC Director. Jesse reported that the data collection they have been working on has been very successful and they're developing a destination protocol procedure to determine which hospital will be utilized.

Ms. Atencio asked to be on the October agenda so she could review the IGA and By-Laws for RETAC with the Board. She believes that there is some verbiage that needs to be changed.

Tolosa Pearl, Administrator for the clinic, reported that the generator that was installed at the clinic is ready to use as of last week should it be needed. The only restrictions that are created by the generator are that the X-Ray machine cannot be used, nor can all of the air conditioners be used at the same time. Tolosa was also inquiring if the clinic could list the county as their back up supplier for diesel for the generator. The Board suggested that the clinic use the county as their sole supplier. All they would need to do is notify the Road & Bridge Department when they need diesel fuel and the county would then bill them directly at the same cost the county pays.

Commissioner Shy made a motion seconded by Commissioner Downey to go into executive session on a personnel issue citing Colorado Revised Statute 24-6-402(4). Motion carried unanimously.

Commissioner Downey made a motion seconded by Commissioner Shy to reconvene into open session. Motion carried unanimously. No action was taken.



The Board adjourned from their regularly scheduled meeting at 12:00pm for lunch.

The Board reconvened at 1:00pm in a joint meeting with the Planning Commission and the Board of Zoning Adjustment.

The Board adjourned from the joint meeting with the Planning Commission and the Board of Zoning Adjustment.

The Board reconvened into their regularly scheduled meeting.

Commissioner Downey made a motion seconded by Commissioner Shy to adopt the following resolution. Motion carried unanimously.

## **CUSTER COUNTY RESOLUTION**

### **RESOLUTION NO. 05-04**

#### **A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY, COLORADO TO LIFT OPEN BURNING BAN IN THE UNINCORPORATED PORTIONS OF THE COUNTY.**

WHEREAS, the Board has certain authorities under the provisions of CRS Section 30-15-401 and has adopted an Ordinance pursuant to the statute relevant to the ban of open fires to a degree and in a manner that the Board of County Commissioners deems necessary to reduce the danger of wildfires within those portions of the unincorporated area of the county where danger of forest or grass fires is found to be high; and,

WHEREAS, the Sheriff of Custer County is empowered under the provisions of CRS Sections 30-10-512 and 513 to act as Fire Warden of the Count in case of grass or forest fires and to assume charge and assist governmental authority in an emergency for controlling and extinguishing grass or forest fires; and,

WHEREAS, the Sheriff and Fire Chief throughout the County have advised the Board of County Commissioners of Custer County that the weather conditions and recent snow or rainfall have mitigated the threat of fire in forests and grasslands of Custer County; and,

WHEREAS, the Board of County Commissioners finds that, based upon competent evidence, the danger of wild fires within Custer County has sufficiently subsided and a fire danger emergency does not now exist within the unincorporated area of Custer County; NOW

THEREFORE BE IT RESOLVED, by the Board of Commissioners of Custer County, Colorado, that effective September 7, 2005:

1. Resolution 04-04, barring open fires and fireworks is hereby rescinded and replaced by this resolution now before us.
2. Open fires in rural areas will be permitted from this date until such time as future conditions may again require an open fire ban.
3. Any person engaging in open burning shall notify the Custer County Sheriff at 783-2270 or the Wet Mountain Fire Protection District at 783-9245 prior to any open burning.

RESOLVED, ADOPTED AND SIGNED THIS 7<sup>th</sup> DAY OF September 2005, AT WESTCLIFFE, COLORADO.

CUSTER COUNTY BOARD OF COMMISSIONERS

DALE J. HOAG  
CHAIRMAN

DEBBIE L. LIVENGOOD  
CLERK AND RECORDER

Being no further business the Board adjourned.