

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING, DECEMBER 1, 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 Shy made a motion seconded by Commissioner Downey to accept the recommendation of the Board of Trustees for the Library District to re-appoint Eileen McAlee, and Charlotte Charrier and to appoint Dave Heppe to fill the position of Virginia Ames. Motion carried unanimously.

The Board discussed the request received by Marcy Albin for a letter of referral from the chairman of the Planning Commission. Ms. Albin would like the letter to address her performance and knowledge of the subject she was presenting at the last zoning meeting and how she presented the issues factually. The Board of County Commissioners stated that no such letter would be drafted. The county is not in the practice of writing letters of recommendation for anyone who is not employed directly under the county.

Also discussed was the letter received by Janet Flick, requesting a rehearing on her special use permit. She feels she was treated unfairly. No action was taken.

Gary Hall met with the Board concerning the last Economic Development meeting that was recently held. The topic of a pillow tax was discussed. The group recommended that economic data be collected to see if a pillow tax would be a viable option for our county. The cost to have CSU collect the necessary data and put into a report for the county would be \$2,500.00. However, DOLA will pay half of this cost, leaving a remainder of \$1,250.00 due. The Chamber and both towns are willing to divide this cost evenly, leaving a total of \$312.50 due by each entity. It was the recommendation of the Economic Development Board to pursue this.

Commissioner Shy made a motion seconded by Commissioner Downey that the county invests \$312.50 into a pillow tax survey to be done by CSU to see if it would be a viable option for our county to consider. Motion carried unanimously.

Commissioner Shy made a motion seconded by Commissioner Downey to sign the monthly rental agreement between the West Custer County Hospital District and the Custer County Coroner dated November 16, 2005. Motion carried unanimously. A copy of this agreement is on file in the vault of the Clerk's Office with signatures from both the county and the clinic.

Jesse Souza met with the Board in reference to RETAC. She informed the Board that the state is investigating the EMT's and paramedics in Las Animas County, mainly in the town of Trinidad. It is reported that they are doing procedures that are not in their scope of duties. She will keep the commissioners updated with any new information she receives. Jesse did state that this situation in Las Animas County would have no ramifications to RETAC.

Jessie is going to ask for an ambulance through a providers grant. The cost of a new ambulance is over \$100,000.00. The provider grant is a 50% matching grant; therefore, the clinic will pay ¼ and will ask DOLA to match the other ¼.

Chuck Ippolito gave a report on the EMS data he has been collecting for over a year. The state is starting to input this data onto a computer system that will break down the total number of strokes, heart attacks, etc. that have occurred in our county. There will be no personal information such as date of birth, social security numbers or individual's names listed.

The county treasurer, assessor, clerk and finance officer met with the Board to discuss the computer systems used by these departments and the vendor that supplies the systems. John Lowe who is the sales representative for ES& S has offered to meet with the Board to answer any questions they may have. The Board would like to meet with John, but not right at this time. They would like to gather more knowledge about the equipment from the IT person they have hired. The group asked the Board to please keep them informed on what the developments are with the IT person and what their thinking is on our current computer systems with ES&S.

Chuck Feldmann, Allen Butler, Alan Urban, Angie Arterburn and Chuck Ippolito, who are a sub-committee of the Economic Development Committee selected to work on creating a website that would link the towns, OEM, chamber and county information together. Their goal is to have one website for the county and then have links that would give information about the different entities. Chuck Ippolito, Chairman of the Economic Development Committee, was authorized to pursue finding a main domain name that Custer County could be linked to. Chuck is going to contact website designers and let them know that we are going to take bids on designing a website as well as how much it would be yearly to maintain it.

Allen Butler, representing the Airport Board, met with the Board to present them with the final copy of the Overlay Protection District Avigation Easement with all of the corrections that were made from the last time he met with the Board. According to Allen, the county attorney has approved this document. The Board asked Allen to meet back with them on December 6th after they have had a chance to review the document.

Being no further business the Board adjourned.

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS REGULAR
MEETING, DECEMBER 6TH, 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	Clerk to the Board

The Sheriff's report for the month of November was approved.

Craig Feldmann met with the Board concerning the position of OEM Director. The Board would like to put the director position back into the Sheriff's Department with Craig as the director, if he would be interested. Various issues that were discussed:

- ❖ The county attorney was concerned that Craig would be spending time working on OEM issues during his work hours in the sheriff's department. Craig explained to Mr. Naylor that Fred and himself had discussed that issue and Fred was okay with the possibility.
- ❖ At the end of August 2006 there will be an evaluation of the OEM position to see if this arrangement with the under-sheriff acting as the director is working for all parties involved.
- ❖ Craig has vacation scheduled and will not be available to work with Greg until the 18th of December.
- ❖ The county administrator will write up a contract for the position and have the county attorney review it. Ric has checked with the auditor and he has no problem with Craig being employed through a contract as long as he is made aware that he will be responsible for any withholdings at the end of the year.

Gary Martin met with the Board concerning lots in Silver Cliff that are owned by the county. Mr. Martin and Mr. Tezak met with the Board on November 15th concerning this same issue. It was determined at that time that they would meet back with the commissioners after both parties had more information on the issue. The Board checked with the assessor's office and learned that the county gained ownership of these lots on a treasurer's deed, therefore, the county attorney states that the lots must be put out for sealed bid or offered at a public auction. The notice must be posted at least 30 days prior to the sale and be published twice in the local newspaper.

County Health Nurse, Kelly Johnson, met with the Board to give her monthly report. There were four well child exams given in the month of November, twenty-five child immunizations and twenty-eight adult immunizations given, along with eighteen health screenings. There have been some cases of Varicella "chickenpox". This is now a reportable illness, for several reasons: First, it is a vaccine preventable disease; secondly,

there is an increased number of cases of Herpes Zoster “shingles” in adults, particularly those over 40 years old: and third, there seems to be an increase in serious infections associated with Varicella, but not directly caused by Varicella.

The Las Animas/Huerfano County District Health Department has agreed to continue the retail food inspection services for Custer County at the agreed upon rate of \$5,000.00. This fee will be divided between Custer County Government and the towns of Westcliffe and Silver Cliff on a pro-rated basis, determined by the number of inspected/licensed facilities in their jurisdiction. A letter will be drafted by Ric Ferron, signed by the county commissioners and sent to the Las Animas/Huerfano County District Health Department confirming the continuation of the Memorandum of Understanding. Once the exact number of retail food establishments is determined, invoices will be sent to the individual entities requesting payment. Kelly will submit a voucher at the end of January in the amount of \$5,000.00 payable to the health department and notify Carol Amato that the check is being mailed.

Kelly also reported that a check in the amount of \$1,666.66 has been received from the Town of Westcliffe, and \$1,250.00 has been received from the Town of Silver Cliff to pay for the inspections that were done in 2005. The county will pay the remainder of \$416.66 that was not paid by the Town of Silver Cliff since there was no documentation in either the BOCC minutes or the County Health Nurse notes stating that the \$5,000.00 would be divided equally by the three jurisdictions.

The county has been allotted \$26,022.00 from the CDPHE 2005-2006 Bio-terrorism/Emergency Preparedness contract. However, Kelly has not received a copy of how this money may be spent.

Jean Mavromatis, Tobacco Education and Prevention Coordinator, met with the Board to update them on her program. She informed the Board that the school has received a grant in the amount of \$1,000.00 to conduct a twelve-week program that would focus on good health and being tobacco free.

County Finance Officer, John Piquette, met with the Board to present the final budget for 2006.

Commissioner Shy made a motion seconded by Commissioner Downey to adopt the budget and the mill levies as presented. Motion carried unanimously.

The Board discussed the letter they had received by the County Sheriff concerning the 50 cents an hour increase to the Road & Bridge Department in addition to the 3% raises that all county employees received.

Jeff Curry met with the Board concerning a problem with a zoning permit. Jeff explained that on November 15th he entered into a contract with an individual to do construction. Part of the contract that was written stated that he would be responsible to apply for any permits that were needed. Mr. Curry purchased the necessary permits and proceeded

onto part two of the contract. At this point the individual that hired Mr. Curry terminated his services and put a stop payment on the initial payment they made to him. By doing a stop payment on their check, Mr. Curry is out the money he paid from his business to purchase the necessary permits. He is currently in the process of trying to collect his money through the DA's office. Mr. Curry was trying to find out if this has ever been a problem before? Has the county ever considered an appeal option for this kind of situation? Is the contractor that paid for the permits allowed to cancel them? Mr. Naylor answered that this is not a building permit, but instead a zoning and sewer permit, therefore, the permit belongs to the property owner. Commissioner Shy suggested that both Mr. Curry and Mr. Kagan write a letter to the zoning office that would become a part of their files stating that they are no longer involved in the contract.

Christy Kesselring met with the Board to give the zoning report. The following items were discussed.

- ❖ There will be a GIS User's Group Meeting hosted by Custer County on February 2, 2006 at the bowling alley from 1:00pm to 4:00pm.
- ❖ The GIS Director from Pueblo County has offered to write a homeland security grant to get GIS started in the smaller counties.
- ❖ There is no Planning and Zoning meeting scheduled for the month of December.
- ❖ The land use regulations have been referred to an attorney in Pueblo to be reviewed before a public hearing is set.
- ❖ It was agreed by the Board that there would be no increase in permit fees through the zoning office this year.
- ❖ Christy has sent a memo out to Elizabeth French, Ric Ferron, and Chuck Ippolito that there are to be no more color copies made from their Xerox machine since the cost of these colored copies are so expensive.
- ❖ The office has mailed out letters to individuals who have been issued permits and have not closed their files. These letters were sent out on November 22nd reminding those individuals that they need to show proof that all use tax has been paid, or they need to pay the use tax that is due.
- ❖ Christy will respond to the survey received from CCI concerning what control the county has over 35 acres.
- ❖ A vendor that Christy contacted is going to mail a TruPulse 200 Rangefinder/Hyposomer to the office for them to demo for a few days. The cost of this piece of equipment is \$700.00-\$800.0. Commissioner Shy will work with Christy when she receives the demo to see if it would be an appropriate measuring instrument for the office.

Allen Butler, representing the Airport Board, met back with the Commissioners at their request from the December 1st meeting at which time he presented them a copy of the Airport Overlay Protection District Aviation Easement with all of the corrections that were recommended by the Commissioners. They asked Allen to meet back with them on the December 6th so they would have time to review the document. Allen would like to review this document with the Zoning Board with the approval of the Commissioners and explain what an overlay district is and how and why it is of importance. The document

may be presented at the February zoning meeting. A public notice must be posted fourteen days prior to the public hearing according the Colorado Revised Statute.

Bob Senderhauf met with the Board to update them on the latest Upper Arkansas Water Conservancy District meeting. The meeting was held in Westcliffe at the bowling alley. Bob shared his disappointment with the amount of input that Round Mountain had to share with the group. The Commissioners also shared their disappointment with the meeting. Bob was inquiring as to what questions the Board still might have so that he can take them back to the UAWCD Board to get answers for them. Commissioner Hoag's question had to do with the augmentation plan. He wanted to know if there are going to be other storage areas other than Lake DeWeese? Bob replied that Lake DeWeese is the first step in storage areas. There will be other storage areas built to service other senior water right owners in their respective drainage areas. The water would then be stored in Custer County and released as needed. As soon as the augmentation plan is approved, the storage areas will be developed. However, they will not all be developed at once. Bob stated that since 1993, Custer County has contributed \$395,000.00 to the Upper Arkansas Water Conservancy District.

Commissioner Shy made a motion seconded by Commissioner Downey to go into executive session for legal advice from the county attorney stating C.R.S. 24-6-402(4). Motion carried unanimously.

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

Commissioner Downey made a motion seconded by Commissioner Shy to instruct the county attorney to contact Jim Little at the Wet Mountain Tribune to settle the payment issue of advertisements in the Tribune. Motion carried unanimously.

Commissioner Shy made a motion seconded by Commissioner Downey that in light of no new information received in the request by Janet Flick requesting a re-hearing on her permit. The Board feel that there is no need for a rehearing and therefore, denies Mrs. Flick's request. Motion carried unanimously. The county administrator will write a letter to Mrs. Flick notifying her of the Board decision.

Being no further business the Board adjourned.

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS REGULAR MEETING, DECEMBER 7TH, 2005

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

Dale Hoag

Chairman

Dick Downey
Kit Shy
Ric Ferron
Debbie Livengood

Vice-chair
Commis
County Administrator
Clerk to the Board

Road and Bridge Supervisor, Clint Englehart, met with the Board to give his monthly report. Clint reported that most of the valley roads are in good condition. They have graded County Road 255 giving it have a much better surface, and Copper Gulch is okay with the exception of the last half mile. The areas that are starting to deteriorate are scheduled for grading in the next couple of weeks. The plowing and sanding equipment is ready for use with the exception of the new in-truck sanding unit. Work continues on culverts as new problems are found.

County Treasurer, Doris Porth, met with the Board to give her monthly report. It was approved. The highway users fund is \$87,144.61 down from this time last year and sales tax is up \$12,363.62 from 2004.

Commissioner Hoag made a motion seconded by Commissioner Downey to transfer \$25,000.00 from the Lieu of Taxes Fund to the Emergency Services Fund. Motion carried unanimously.

Doris informed the Board that she has been in contact with Ruth Ann Raisanen, with the Bureau of Land Management, concerning the \$10,000.00 that they have for Custer County for the purpose of preparing a fire mitigation plan. According to Ms. Raisanen, the paperwork has still not been received; therefore, the money has not been sent to the county. Doris originally visited with Ms. Raisanen on November 30th concerning this issue and brought it to the attention of the Board.

Other issues discussed by the Treasurer was the article in the Tribune that stated that the Board had approved the Zoning Office paying \$10.00 per hour to part-time help. In the budget for 2006 it was approved \$9.84 per hour and she did not feel that this was fair. She informed the Board that she was going to pay her part-time employees \$10.00 per hour as well. She also expressed her concerns over the additional 50 cents an hour raise that was given to some of the county employees when there was a letter that was sent to all departments stating that there would be a 3% across the board raise to all county employees.

Chris Riggs met with the Board to notify them that the fire department is working on the fire mitigation plan.

The Board met with the Social Service Director.

Chuck Ippolito met with the Board to inform them on what he has learned so far about the personal computer systems in the county offices. The sheriff's computers seem to be in the worst shape. They are all old systems and therefore are using very old software. Charlie French's system is also very old. Everyone else is using

software that is fairly current. Most of the systems need to have their anti-virus programs updated and the Social Service Office needs access to the internet. One other recommendation that Chuck made was to have back up tapes stored off sight. Most of the offices do not make a practice of this.

Chuck informed the Board that the Sheriff's Department would like to create a local database. Christy Geroux would like a local database that would use the same format as NCI and CCI does. Commissioner Downey asked Chuck to contact CBI to see if their systems would be compatible to a local database.

Commissioner Shy asked Chuck to get a complete inventory list of the computers and software that is supplied by ACS. Chuck will contact John Lowe for this information. The Board also directed Chuck to go forward with updating all personal computer systems with current anti-virus software.

Office of Emergency Management Director, Greg Sullivan met with the Board to give them an update report. The following information was given to the Board.

- ❖ BLM has sent Greg new Assistance Agreements that need to be filled out for the Wildfire Protection Plan. He has filled them out and they are ready to be mailed. He has a phone message into Mike Gaylord to see if there is any other documentation that needs to be sent. Greg has listed himself as a co-contact person on this paperwork.
- ❖ Greg has contacted Bob Bush, who is the Fremont County Regional Rep. for their GIS Authority, regarding UAACOG to see if they would supplement the CWPP. They are working on color-infrared imagery from Digital Globes Quick-Bird Satellite that can be used for performing wildfire risk assessment and planning out the wild-land urban interface.
- ❖ After Greg was informed that the county had received monies from the WIN grant in the manner of two separate checks, he contacted the state to see what the \$3,000.00 check that was received was to be used for. He was told that the money was meant for the zoning office so they could hire an intern.
- ❖ Christy Group contacted Greg to let him know that all of the equipment that was purchased from the 2005 Homeland Security Grant had been received and installed.

The Board informed Greg that they were not going to renew his contract for next year. They had decided to put the director position back into the sheriff's office. Craig Feldman will take over this position. They asked Greg to spend time with Craig and fill him in on what he has been working on.

Being no further business the Board adjourned.