

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING, OCTOBER 17, 2006**

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

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

Also present for the meeting was: Alan Urban, Carole Custer, and Nora Drenner.

The meeting was called to order at 8:35am.

County Finance Officer, John Piquette, presented the revised draft budget to the Board for their review.

John reported that after the budgets had be given back to the departments and resubmitted, \$133,308.00 had been deleted from the first draft, which did not include the revised budgets from the sheriff or Road and Bridge. There is \$402,528.00 that still needs to be deleted from the draft in order to balance the proposed budget.

The Board discussed the “Fund Balance” on the Road and Bridge’s reserve and how this money can legally be used. John Piquette explained that these dollars can be used on road repairs if needed.

Donna McDonnall who is the interim for the Public Health Nurse, met with the Board to give them a monthly report. According to Donna, there were ten well child exams/physicals given, thirty-three child immunizations and eleven adult immunizations given, twenty-six health screenings done, five TB tests done, and one reportable illness in the month of September.

Donna also had one concerned citizen call concerning the possibility of mine tailings that might have contained lead spread on County Road 140. She informed the individual that she would contact the Road & Bridge supervisor and get back with them with an answer. After contacting Clint and being assured that there have been no mine tailings used, she notified the individual that contacted her. Donna said they seemed to be satisfied with the answer; however, he initially wanted the telephone number to contact EPA.

Donna reported that the Emergency Operation Plan has been completed. Mark Korbitz, the Regional Coordinator for the South Region Public Health Emergency Preparedness and Response Program will be here on November 15th to read and critique the plan and go over the plan with Donna.

Custer County will be receiving \$19,074 from the state for Emergency Preparedness.

The South Region Public Health (Custer, Fremont, Huerfano, Las Animas, and Pueblo Counties) conducted a Strategic National Stockpile Exercise on October 12th. We received actual supplies from the Regional Transfer Point in Pueblo. Chuck Ippolito volunteered to drive ambulance two and Sheriff Jobe, also agreed to transport us down to Pueblo if necessary. They had a CSP escort from Pueblo to Westcliffe with Captain Bruce Sheetz. Mr. Sheetz and Officer W.M. Holt escorted them along with Fremont County, first to the Fremont county airport then to our ambulance barn. Deputy Vidmar met them at the ambulance barn and watched over the unloading of the supplies. This shipment of supplies contained the majority of the non-vaccine needs for the mass immunization exercise that is scheduled for November 4th.

The mass vaccination exercise is scheduled for November 4th at the school. The Custer County Community Foundation has agreed to fund the flu vaccine for this exercise, which is a total of \$13,000.00. This will be the only flu clinic that will take place in the county. As of today's date 100 doses out of the 1200 doses ordered have been received. They have notified Donna, that another shipment is to take place this week or next, but, will only contain 170 doses. The rest of the order is to be shipped no later than the end of November. If the vaccine is not received in time for the exercise, it will have to be re-scheduled.

Donna also asked if she could hire Gail Stoltzfus, who is an RN, to help her in giving vaccination shots at the school for one to two hours, two days a week, after school. The Board approved her request and agreed to pay Gail \$18.00 an hour.

Commissioner Shy wanted it noted in the minutes that this was Donna's first report since acting in Kelly's position and that it was an extremely good report.

The Board reviewed the Public Health Nurse Budget with Donna, since she would not be available on October 30th or 31st.

Jean Mavromatis met with the Board to give her report on the Custer County Tobacco Education and Prevention Program. The tobacco and prevention program has been granted and have received funds in the amount of \$24,515.63 from STEPP (State Tobacco Education and Prevention Partnership), and \$5,000.00 from ADAD. We have also received \$5,000.00 from the Persistent Drunk Driver Grant. Since the beginning of the Tobacco Prevention Program here in the county, we have received a total of \$169,712.42 from the State Tobacco Education and Prevention Partnership.

Custer County School was selected to receive the "Excellence in School Based Tobacco Prevention Award". The school board was presented with this award at their October 10th meeting along with a check in the amount of \$3,000.00. Our school has been funded with "School Based Tobacco Education" since 2003 and has received a total \$15,755.00 since that time.

Jean asked for permission to voucher \$75.00 in the month of October that would be reimbursed in November with the PDD grant money. The \$75.00 would be used to attend a Substance Abuse Prevention Specialist Training Program.

The Board agreed to commit \$500.00 to the Colorado Tourism CTO Grant through Action 22.

Commissioner Downey updated the other two commissioners on legislation that CCI is sponsoring.

Commissioner Shy reported that he had attended the last Action 22 meeting. There was a lot of good information that came out of the meeting. The 20-30 DOT plan was discussed.

The Board called the county attorney and held a telephone conference with him concerning the letter they received from Tom Shepherd dated September 19, 2006, concerning Lot 40, Centennial Ranch. In Mr. Shepherd's letter he is formally requesting the Board to hold a hearing concerning the SUP that was issued to the Nordyke's on February 2nd, 1994.

John Naylor's response to their letter is that there is no need to hold a public hearing. There have been no complaints and there was no promise made that a public hearing would take place. It was stated that if a public hearing was needed, it would follow "due process". In the association's letter they are citing "Vested Property Rights" for the Colorado Revised Statute. The argument they are trying to make is that a property right granted under the "Vested Property Rights Act" is only vested for a period of three years. According to John, the "Vested Property Rights Act" allows the owner of property to request approval of a site for a specific development plan for a particular piece of property. If the plan is approved, the owner has the right to undertake and complete the development and use of the property under the terms and conditions of the site-specific development plan. The statute is totally inapplicable in this case as the landowners made application for a conditional use permit, which was granted, and the need for a vested property right was non-existent. Their request to add additional conditions to the SUP is not an appropriate request either. The SUP already has conditions attached, with the exception of it being an attractive nuisance to children and the dark sky lighting. Both of these items were suggestions by the property owners association at the previous meeting.

Commissioner Downey asked John Naylor to draft a response letter to Mr. Shepherd's latest letter.

John Naylor had no new information on the lawsuit that Mr. Gomez had brought before the county since his last report to the Board. Mr. Gomez is suing for \$57,500.00.

John did inform the Board that he had visited with Linc Lippinocott concerning the Gomez matter. Linc stated that Mr. Gomez has mailed him two letters asking him to sign them. Both of these letters were statements of conversations that Mr. Gomez remembers

himself and Linc having while he was the Zoning Director. Linc did not send Mr. Gomez a response. He did tell John that the office would have answered any questions that Mr. Gomez would have asked, however, they would not have designed a septic system for him or anyone else. When the zoning office went out to inspect the system, Mr. Gomez had already covered it up, so there was no way to inspect it. The zoning office has notes in their files where there had been correspondences between both parties from June 2, 2005 through June 6, 2006. However, there is no evidence that a septic permit was ever applied for. There is an application on file dated October 1, 2004 where Mr. Gomez applied for a composting permit. Both the septic permit and the composting permit are applied for on the same application. Possibly, Mr. Gomez could have been confused and thought he was applying for both.

The Board adjourned at 11:40am for lunch.

The Board reconvened at 1:00pm.

Commissioner Shy made a motion seconded by Commissioner Hoag to go into executive session on a personnel matter citing C.R.S. 24-6-402(4).

Commissioner Hoag made a motion seconded by Commissioner Shy to reconvene into regular session at 3:10pm.

No action was taken on the matter discussed in executive session.

Being no further business the Board adjourned at 3:15pm.