

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING, FEBRUARY 28, 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

The meeting was called to order at 8:40am.

Nora Drenner, representing the Wet Mountain Tribune, was present in the audience.

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

County General	\$203,655.40
Road & Bridge	59,417.97
Emergency Service	11,093.67
Social Service Department	14,570.08
Capital Improvement	2,051.12
Self-Insurance	5,679.22
Total	\$296,467.46

The sheriff's report for the month of January was approved.

Clint Englehart informed the Board that the Road & Bridge Department has started hauling topsoil to the soccer field.

County Administrator, Ric Ferron, informed the Board that the county's health insurance increased 4% at the time of renewal. The increase included health, dental and vision coverage. There will be some changes to our current policy such as: 1) you will now be able to cover a child up to 25 years of age if they fall under certain guidelines 2) they will add a clause for autism 3) exclude bariatric surgery for gastric bypass procedures

Commissioner Hoag made a motion seconded by Commissioner Shy to sign the contract to renew the county's current health insurance with CEBT for the year 2006-2007.
Motion carried unanimously.

The Board approved the Golder Associates Proposal for landfill closure and financial assessment as presented by the County Administrator.

The Board discussed the material from the shooting club parcel being used for temporary bypass on the nearby Highway 69 bridge project. The material must be replaced at the end of the project.

Leonard and Brenda Bosse, owners of Bosse Ranch and Repair, met with the Board to request that their Special Use Permit be renewed without going through the application process a second time. Bosse's were granted a five-year permit in 2001 to operate their business. According to Bosse's the conditions that they were to comply with have been met, and there has been no complaints during their five-years in business. There was a study done prior to the approval for a SUP stating how the oil from machinery being worked on would or would not contaminate the ground. Leonard stated that he believes that the request to renew their SUP should not have to be advertised as a public meeting. He feels that by advertising the county is raising a red flag for individuals to complain without cause. He believes that during his five-years of business, if there were complaints, they would have been heard by now. The Board will asked John Naylor for his opinion, however, they suggested that Bosse's re-submit an application for an extension on their SUP, publish the meeting, and conduct the public meeting at a commissioner's meeting instead of a zoning meeting.

The Board adjourned at 12:00pm for lunch.

The Board reconvened at 7:00pm in the courtroom for the purpose of holding a public meeting concerning building codes.

The Board of County Commissioners, the County Clerk and the County Administrator were in attendance along with approximately 90 interested individuals.

Commissioner Downey opened the meeting at 7:02pm and explained that this was not a hearing, but the commissioners were seeking input on a building code. Commissioner Downey explained that anyone could speak, but there would be a time limit of three minutes per person and each person could speak once. Each speaker was requested to speak from the podium and to identify him or herself.

Commissioner Shy spoke about an old newspaper article from 2003, which said there was a general consensus for a building code. Commissioner Shy said that there were pros and cons to the building code to implement a building code could level the playing field for contractors, it could also streamline government. A code could help or hinder quality, more regulations would be more costly, and there would be more bureaucracy, and other various reasons.

Commissioner Hoag stated that the meeting would end at 9:00pm.

Chuck Feldman, Westcliffe's Town Manager/Building Inspector, explained that the code is a minimum standard. The contractors will have to come up with better documentation in obtaining a permit and there would be inspections that would have to be scheduled.

Angus Thompson requested a clarification as to which code was being discussed. Commissioner Downey explained that this meeting was to discuss building codes in general, not a specific building code.

Brian Woods said that he has spent the last 11 years building homes in this area. Woods said that the building code is for the safety of the homeowner. Woods stated that anyone can build anything and cover it up and no one knows what is underneath. A code would help alleviate this. Woods would like to see the contractor's licensed and wants the code to help level the playing field.

Bill LaRoy is opposed to the code because codes increase the cost to the builder in time and money and it puts a burden on the homeowners. A code does not necessarily insure a quality built structure and does not allow for non-traditional construction

Chuck Steigerwalt, an electrical inspector, believes that the code is a necessity. Chuck cited a case where a child got their head stuck between the rails on a deck and was severely injured. A sharp attorney sued the county, which did not have a code making the county liable.

Don Bishop, a retired electrical contractor, is against a building code because he has seen examples in his own house where inspections did not catch shoddy workmanship.

Gary Benson, a private contractor, is against building codes. Gary said that homes should be inspected before a sale is made. Building codes make things more expensive. Gary suggested that the issue of building codes be put on a ballot so the public could decide.

Bob Winger is for the code. He has seen some examples of bad construction in a house he was considering to purchase. Bob is concerned about the safety of the buyer.

Dennis Ogle, a private builder, is against building codes, but is for insuring contractors to make sure that they are licensed, insured and bonded. Dennis said that the problem with a building code is it depends on who inspects it on what issues will be caught.

Jess Price has done work in Custer and Fremont counties, putting up drywall for 21 years and he believes that codes are needed. Jess suggested that certain inspections are needed.

George Goodwin built his own home. Mr. Goodwin is against the codes because codes do not allow the use of un-stamped materials in construction. If the materials had to be inspected and stamped, the cost would go up significantly. Building codes make houses less affordable, does not level the playing field for contractors and takes away from personal property rights.

Tyler Stein, a general contractor, suggested that the county look at an alternative solution like a mandatory consultation for homeowner builders and licensing new contractors.

Tyler would like to see some more meetings and brainstorming to come up with some alternatives.

Joe Riske is for building codes. He believes that the cost to have building codes would not be significant. Joe would like to see the contractor's licensed so people could see their credentials.

Bob Drainer had a structure built and had some problems with the construction process. Drainer said that building codes, licensing and bonding would have helped him with his issues.

Robert Gilchrist, a registered engineer, said that building codes are necessary for commercial buildings and public facilities, but not for private residences. Robert also spoke on behalf of Dark Skies about the proposed ordinance to put the citizen's lights out.

Lynn Lankford, a private forester for the last 31 years and sawmill owner, would like to see an alternative that would allow for local construction materials to be used without being graded. Lynn said that codes may be inhibiting on construction and using alternative materials.

Roger Squire, Fire Inspector, said that with the building code, there would be other codes like the fire code which is needed.

Boyd Conwell, home inspector, said he has seen some amazing stuff, but he could not have afforded his house if he had to have grade stamped material. Mr. Conwell said that there should be an alternative, which could work for both sides.

Mike Chesser, who works for a mortgage company, said that most of the underwriters are asking if the contractors are insured, licensed and bonded. Mr. Chesser said the underwriter's do not have a problem with the county not having a building code.

Ralph Eisseman, an architect, said that building codes are nothing but a bundle of different sort of codes, and the county needs to know what they are getting themselves into.

Jim Austin is against building codes because it does not allow for alternative construction and it is stepping on private rights.

John Potts, a retired engineer, is against building codes because he lives in a house that is proof that codes do not always work. Mr. Potts home is shoddily constructed and is located in the Town of Westcliffe, which has a code.

Ken Felty had a house built in the county and is for a building code. Mr. Felty feels that there should be some protection for the guy who is building a house who has no construction knowledge.

Cindi Howard is for licensing and bonding contractors and for the building code because of a home she had purchased in Custer County. This home had issues with plumbing, septic and construction.

Angus Thompson is for building codes because of their home they purchased in Custer County. The Thompson's home has several issues that had to be fixed that an inspection may have alleviated.

Pat O'Connor, a contractor for 29 years, said that a building code is a minimum standard. Mr. O'Connor suggested that the contractors form an association and set up rules and regulations. The association would help to weed out the fly by night contractors. Pat state that homeowner's should investigate into their contractors.

Jim McMann, contractor, is against licensing and building codes. Mr. McMann suggested that a punch list or an awareness sheet be given to the homeowner when they get a permit.

Eugene Berry, a contractor for 27 years, said he could see both sides of the issue. However, he believes in comes down to pride in the work that you do.

Vernon Collins said that inspections do not always catch all the issues. Mr. Collins would like to see some upgraded criteria to the wind load, snow load, etc.

Jerry Lacy would like to have the contractors register with the Planning and Zoning Office. The office would not license them, but would instead have information available for the public. Mr. Lacy would like to see an alternative and wants to serve on the committee.

Robert Blessing uses alternative building methods, but believes that the county needs to get control of the shoddy shacks.

Larry Briziendine, who just started a construction business recently, purchased a house with a lot of issues and he believes that Custer County does need a code.

It was suggested that modulars be discussed at a later date.

Commissioner Downey told everyone in attendance that he had a sign up sheet for individuals who wanted to serve on a committee to further investigate this issue.

The meeting adjourned at 8:55pm.

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING, MARCH 6, 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

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

Commissioner Hoag made a motion seconded by Commissioner Shy to approve the minutes of the February 21st meeting. Motion carried unanimously.

Road and Bridge Supervisor, Clint Englehart, met with the Board to have his monthly report. The following work was completed in January and is scheduled for February:

WORK COMPLETED IN JANUARY

- ❖ Plowed snow as needed
- ❖ Hauled pit run to Copper Gulch
- ❖ Hauled pit run to Centennial Ranch Road and County Road 110 (Airport Rd)
- ❖ Graded roads in valley that needed grading
- ❖ Graded road to Lutheran Camp
- ❖ Built up Alpine Road to stop water flow across road
- ❖ Started grading on County Road 255
- ❖ Patched holes in several culverts
- ❖ Cold patching on Rosita Road and DeWeese Road
- ❖ Built up bar ditches on lower Junkins Road to stop ice from crossing road

WORK PLANNED

- ❖ Continue grading as needed
- ❖ Plow snow as needed
- ❖ Continue work on County Road 255 including hauling breeze where needed
- ❖ Haul pit run to south end of Wykagel
- ❖ Replace 12 Ft. of culvert on Junkins Road
- ❖ Annual MSHA training

Clint reported that sometime over the weekend someone had been in the shop yard and messed around with the trucks. Commissioner Downey suggested that the combination to the locked be changed. Commissioner Shy suggested that the combination be changed on a routine basis. Employee, Curtis Sato, also expressed his concerns about the same issue and told both Clint and the Board that he was going to go to the sheriff's office and file a report.

The shop is in need of patching machine. Clint is in the process of trying to locate a used machine.

The shop is out of gravel to put on the roads so currently they are using pit run to work on the roads.

The Centennial Property Owners Assoc. is asking the county to install a cattle guard on Centennial Road where it intersects with Highway 96. The property owners want to lease the ground out. Clint explained to them, that the county would not install the cattle guard. It is the landowner's responsibility to fence out cattle. Clint estimates that it would cost approx. \$2,600.00 to build a 20' cattle guard. That would be the cost of material only.

Commissioner Shy made a motion seconded by Commissioner Hoag to honor the agreement that was made when Clint Englehart agreed to accept the position of road boss. That agreement was that at the end of his probation period and if he were doing a good job, his salary would be increased to the level of Gary Havens when he left. Motion carried unanimously.

Clint informed the Board that the shop does not need to fill the clinics generator with fuel. They have agreed to use McFarland's. If for some reason McFarland's is unable to fill their generator, they will then call the shop.

West Custer County Hospital Administrator, Toloa Pearl, has asked Clint if the shop would consider plowing snow from their parking lot if we were to have a deep snow. Clint agreed to her request.

The Board discussed Senate Bill 05-188 (salary bill). Every elected official received a letter from Senator Kester, asking for his or her input on the bill. It was decided to respond to Senator Kester's letter as a group expressing our concern about the county not being financially able to increase salaries at this time. Therefore, as group we oppose this bill. All three commissioners, assessor, treasurer, and clerk signed the letter. At the time of writing the letter neither the coroner, nor the sheriff were present.

Commissioner Shy asked the remaining board members if he could be reimbursed for a portion of his cell phone bill. Currently, the county provides a phone and service for each commissioner to use for official business. Since Kit already had a phone at the time he became commissioner that he used for his business, he didn't feel he needed to carry two phones. The Board instructed him to turn in a voucher at the end of each month and the county would cover the cost.

The Board met with the Social Service Department.

Christy Kesselring met with the Board to give the zoning office report.

- ❖ The county is hosting the next GIS Users Group Meeting on May 18th at 10:00am. This meeting will focus on emergency services and GIS.
- ❖ The Zoning Office is going to share our GIS data with Pueblo County.

- ❖ The state or the contractor is responsible for all permits needed for the proposed dirt work at the shooting club.
- ❖ Discussed private business in the county that has been advertising in the local paper that does not have Special Use Permits for what they are doing.
- ❖ Discussed the need to do address SUP extensions in the zoning resolution.
- ❖ Discussed the issue of utility regulations for roadways and roadway easements. The office will include these with the compilation of zoning resolution issues that need to be reviewed.
- ❖ Christy informed the Board that she is going to change the policy in her office in regards to the morning break. She is no longer going to allow personnel in her office to take a 30-minute break in the morning. She will allow for a 15-minute break in the morning and another 15-minute break in the afternoon. The Board had no problem with this change, stating that it was each department head to make their own policies.
- ❖ Christy asked the Board what their expectations of her job were. The reply from the Board was that they wanted an enforcer for the zoning office and asked her to write a job description for her title.
- ❖ Discussed the agenda for today's Planning and Zoning meeting.

County Health Nurse, Kelly Johnson, met with the Board to give her monthly report. According to Kelly there were five well child exams/physicals given in the month of February, one adult physical, eighteen child immunizations were given, fifty-three adult immunization, fifteen health screenings and two reportable illnesses. She also reported that there seems to be an increase of latent TB cases in the county.

Kelly has received a call from a resident in the county concerning her water and possible contamination that has resulted in illness to herself, her husband and her dogs. She has expressed concerns about two chemicals, phosphogenite and lead, in her water. Christy Kesselring has had two samples of the water tested for biologics. Both samples came back negative. John Pape, with the Colorado Department of Public Health, stated that since the well tested negative for biologics he felt there was no further action needed. If the resident wants to get her well tested for phosphogenite and lead she may do so.

Tobacco Education and Prevention Coordinator, Jean Mavromatis, met with the Board to give her monthly report.

Allen Butler met with the Board in reference to the airport. He informed the Board on two issues concerning the airport. The first issue is that the phone booth at the airport has blown over and the phone has disappeared. The Airport Board would like to build a 4X8 Building to house the phone and have information available for those using the airport. The second issue concerned the fuel system. According to Allen the card reader for this system is not working, therefore there is no fuel available. Mr. Kemp, who operates the fuel system, says he has someone coming to fix it.

Being no further business, the Board adjourned at 3:25pm.

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING, MARCH 7, 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
John Naylor	County Attorney
Ric Ferron	County Administrator
Debbie Livengood	Clerk to the Board

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

In the audience were Wet Mountain Tribune reporter, Nora Drenner and Allen Butler.

The Board met with the county attorney concerning the following issues:

1. Bosse Ranch and Repair Special Use Permit – when the original SUP was issued with the condition it was to be reviewed in five-years. The five years are up and the Bosse's want to know if there is a way to extend their permit without going through the public hearing process since there have been no complaints and they have complied to all conditions. Naylor's opinion is that the way the SUP and conditions are stated, there is no way to bypass the hearing. The Bosse's will have to go through the SUP process again.
2. Private business in the county advertising in the local paper that food and lodging are available, do they need a SUP? Naylor's opinion is that if it can be considered short-term rentals and if the property only has one dwelling there is no need for a SUP.

The Board had asked three different individuals to review the re-write of the zoning regulations and send their opinions back to them. The County Attorney, John Naylor, Kim Headley, Director of Planning in Pueblo County, and Gary Raso, an attorney in Pueblo all reviewed the re-write. John Naylor and the Board reviewed the suggestions that all three parties had made and made some changes themselves. They then asked the county attorney to re-write the regulations with those changes. Also discussed was the possibility of including both minor subdivisions and cluster developments into the new regulations. Commissioner Shy strongly objected to having the re-write reviewed without these two elements, while Commissioner Downey believes that it should be reviewed and re-written without minor subdivisions and cluster developments. Commissioner Downey went on to say that he feels that both of these items are separate issues and that the regulations were to be re-written and reviewed as they were. No definite direction was given to the county attorney on these two subjects.

Commissioner Hoag made a motion seconded by Commissioner Shy to approve the liquor license renewal for the Wetmore General Store and Steakhouse. Motion carried unanimously.

The Board met with the Treasurer. Her report was approved. According to Doris Porth, highway user funds and sales tax is up from this time last year. The Board asked Doris to add 2004 totals to her report so they could compare them with 2005.

Commissioner Hoag made a motion seconded by Commissioner Downey to transfer \$45,000.00 from the Lieu of Tax Fund to the Self Insurance Fund. Motion carried unanimously.

County Administrator, Ric Ferron, informed the Board that the under-sheriff has applied for a grant of \$40,000.00 from Homeland Security that is from two years ago. With these funds the county will be able to purchase 2 mobile radios for the Sheriffs' Office, 11 hand held radios, and 1 mobile radio for Search and Rescue, all of which are 800mhz radios. If the funds are not received by June, Craig was asking if the county would be willing to pay for the radios and then be reimbursed with the grant. If the radios were purchased after June, the county would only be able to purchase ten hand held radios. The Board would like to see documentation showing that the county has received this grant before making a decision.

Paul Crespin and Jeff Outhier, with the U.S. Forest Service, met with the Board to give an update on the San Isabel National Forest, San Carlos District. Items discussed were the Secured School Act being proposed by the President. There are approx. 300,000 acres of land across the country that would be affected by this. The Forest Service has been asked to help identify what lands are in private ownership. The revenues from these sales would help some counties in our state. According to Mr. Crespin, there is 4,900 acres of land in our area that this would affect and 50,000 acres region wide. As of this time, there is no forestland in Custer County that has been identified for disposal.

The Alvarado Campground is going to have significant improvements done during the 2006 season. The campground will have to be closed while under construction, however, the trailhead will not be affected by the closure.

Improvements will be made to Music Mountain Pass. The lower end will receive most of the improvements.

There will be a proposal made on the management of the South Colony Basin. The proposal would include the closure of a portion of the South Colony jeep road. The construction will include a parking area for vehicles, toilets, information kiosk, footbridge and camping facilities near the proposed closure point. There would be regulations imposed that would prohibit backcountry campfires within one mile of the Lower and Upper Colony lakes and establish regulations to prohibit backcountry camping within one mile of the Lower and Upper lakes, except at designated campsites. Also discussed was the Wildland Fire Use proposal.

Paul also gave the Board an overview of the ERC method of determining the safety of a controlled burn. We have been concerned that the Wet Mountain Fire Protection Department is not being included in these decisions.

The Board adjourned at 12:10pm for lunch.

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

Commissioner Hoag moved to accept the recommendation of the Planning Commission to notify Terry Cook and Elinor Brown that there will be continuation of their hearing requesting a special use permit in 90 days and if there is no action by the applicants, their applications will be considered withdrawn. Commissioner Shy seconded the motion. Motion passed unanimously by a voice vote.

Commissioner Hoag moved to accept the recommendation of the Planning Commission to approve the request for a vacation and replat and subdivision regulation waiver by Douglas and Deborah Bayer contingent upon the following:

1. The larger lot remains 35 acres.
2. The old well is capped and abandoned.
3. The well designation is changed from domestic to in-house only.
4. The applicant to submit the appropriate documentation to the office within one year.
5. The newly created lot will adhere to the fifty-foot setback requirement for the garage.

Commissioner Downey seconded the motion. The motion passed unanimously by a voice vote.

Allen Butler gave a presentation of the proposed airport overlay district.

Being no further business the Board adjourned.