

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING, OCTOBER 7, 2008**

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

Kit Shy	Chairman
Dick Downey	Vice-Chairman
Carole Custer	Commissioner
Kris Lang	Deputy Clerk to the Board

Also present was Nora Drenner, reporter for the Wet Mountain Tribune and commissioner candidates; Jim Austin, Lynn Attebery, Jerry Lacy and Tom Millikan

AGENDA:

8:30 AM	Call meeting to order Pledge of allegiance Old Business John Naylor – County Attorney
9:30 AM	CC Tourism Board report - Current state of affairs w/lodging tax collections - Update on tourism board activities
10:00 AM	Custer Combine Court – Judge Barton, Judge Michaelson, Walter Blair (Executive Session Tentative)
10:45 AM	Matti Burt – Matti Burt Realty Inc.
11:00 AM	Jackie Hobby – Planning and Zoning report Presentation to George Colgate
11:30 AM	Virginia Trujillo – Treasurer Report
1:30 PM	Terry Nimmicht – Wet Mountain Valley Community Clinic Erica Mason – Joffit Group
2:30 PM	Joint session with Planning Commission

The meeting was called to order at 8:30 AM and the Pledge of Allegiance was recited.

Old Business

Commissioner Custer presented two letters for the Board's review and signatures. The first was a request of rezoning for the Community Service Building at 615 Rosita. The second outlined the proposed interior and exterior renovations at the premise. County Attorney, John Naylor reviewed the letters and approved the BOCC signatures as submitted. Commissioner Custer advised she was on the agenda for the October 14, 2008, Town of Westcliffe Planning Commission meeting and would submit the letters as part of her request to the Planning Commission to approve the rezoning at 615 Rosita. She explained that once the rezoning request was approved the interior renovation work will commence.

The renovation includes removing all the carpeting on the main floor and replacing it with commercial floor tile. The carpeting will be offered to families in need. The door to the main bathroom will be realigned and the bathtub removed to create an ADA compliant, unisex restroom. The exterior improvements will include removing the existing fence around the building. The County Road & Bridge Department will move dirt to improve drainage away from the building, provide the proper slope for the ramp that will be installed and provide handicap parking on Seventh Street (the east side of the building) and regular parking on Rosita Street (the south side of the building). Some of the removed fence will be used to create a play area for children on the north side of the building for the convenience of parents having appointments in the building.

Commissioner Downey asked if the County would incur any additional costs as part of the renovation process and Commissioner Custer replied the County would not and advised that much of the renovation materials were on a donation and that the labor is being provided as volunteer contribution by the American Legion Post 170, the Custer County High School Building Trades Program and community volunteers.

Commissioner Custer reported that the Custer County School District has received a \$25,000 Boettcher Grant for interior renovations of their soon to be acquired facility at 118 Jerry Lane. She said the facility was acquired through a Colorado Department of Local Affairs (DOLA) Community Development Block Grant to provide day-care for infants, toddlers, and pre-school children. The next step is for the Custer County School District C-1 (CCD) Board of Education to complete negotiations and sign a lease-purchase agreement with the Silver Cliff Mayor and Town Trustees. CCSD plans to use the upper level as the new pre-school and the lower level for after school programs for pre-school through fifth grade children. For children six years old and older the plan is to start a Boys and Girls Club and in addition a pre-school after school day care will also be provided.

Commissioner Custer reported that during the recent Rural Philanthropy Days (RPD) in Cripple Creek, volunteers for this initiative were very supportive of what CCSD wants to do with this project, so she was very optimistic that the CCSD will be successful in getting this program up and running within the 2008-09 school years. The RPD is held in various regions throughout the state and comes to our region once every four years. This year there were about 30 non profit organizations that had representatives participating from the Wet Mountain Valley and Custer County. She stated that foundation and grant funders throughout the state use this venue to learn more about the needs of rural Colorado and to tell communities about the opportunities for funding that they have available.

John Naylor, County Attorney met with the BOCC and the following items were discussed:

- Closure of the Robert D. Scott Jr. /Colorado Court of Appeals Case.
- Sale of Golden Arrow Valley Lots will commence on October 21, 2008 and purchasers will have ten days to complete the transaction with certified funds.
- Ed Gray/Sales Ridgeview Tel LLC withdrew the co-location tower proposal on Greenleaf Lane and Verdemonte Road.
- Notification of residents on CR 341 is in process.

Commissioner Shy gave an update on the Zebulon Pike Interpretive signs placements and installations in and around the County. He reported the National Pike Trail Grant from DOLA was the first grant issued as a result of cooperation and efforts of More Than One County.

Commissioner Shy reported the plans for the events center at the end of town were on-going. At this time the focus is on topography earth work and pond improvements. Commissioner Custer said future plans could include a dog park and reported the FFA chapter would consider creating a dog sitting service as a component of a community dog park.

Bob Weisenbach and Angela Arterburn representing the Custer County Tourism Board presented the Board with updated information on the current state of affairs with regards to the lodging tax collections. Mr. Weisenbach reported last November, voters approved ballot issue 1B, a two percent lodging tax, with proceeds to be used to market tourism and economic development in Custer County.

He said there is still some confusion as to who pays the tax and how it is collected. Some businesses don't even know they are supposed to be paying the two percent to the state for the lodging tax, and some organizations don't think they should have to pay it. He advised the tourism board was working on a packet for business owners to help them understand the process. The Board requested copies of the finalized packet be forwarded to the BOCC, Chamber of Commerce and Economic Development. Bob Weisenbach said they were working on conjunction with the Chamber of Commerce to capitalize on the benefits of both organizations.

The BOCC recessed at 10:10 AM.

The BOCC reconvened at 10:20 AM.

11<sup>th</sup> Judicial District Chief Judge Charles Barton, Custer County Judge Pete Michaelson, District Court Administrator Walter Blair and Custer County Jury Commissioner Linda Urwiller addressed the Board of County Commissioners with maintenance and janitorial service concerns. Judge Barton stated the county has an obligation to provide adequate maintenance and janitorial duties to the court room and court offices and if the county fails to do so the court could hire an outside party and bill the county for the services. Ms. Urwiller submitted a report outlining the janitorial concerns and other issues regarding Russ Conner.

Commissioner Shy offered Russ Conner the option of moving into an Executive Session for further discussion and Mr. Conner declined. Commissioner Shy asked Mr. Conner if he had any response to the written report and Mr. Conner replied that much of it was false and hearsay in nature. Mr. Conner stated that the custodian job description allowed two hours a day for janitorial services and the remaining time was utilized for courthouse grounds, building maintenance, scales operation and county errands. He said he was agreeable having the county hire someone else to complete the court house cleanings tasks.

Commissioner Downey expressed concern regarding the hear-say of the contents of the report submitted and stated his own personal investigation did not substantiate many of the allegations. He proposed further individual personnel investigations and references.

Following a brief discussion the Board agreed to review the custodian job description and work schedule on file. Judge Barton stated that the court staff has expressed concerns regarding an atmosphere of sexual harassment and intimidation as a result of the conflict. Ms. Urwiller questioned whether Mr. Conner had attended and completed the CTSI Sexual Harassment Prevention course. County Attorney, John Naylor stated that something has to be done to remedy the situation. Following a brief discussion it was agreed by all parties concerned that a mediation session would be scheduled to resolve the conflict with a neutral mediator with attendants Judges Barton and Michaelson, BOCC Chairman Shy, Linda Urwiller, Kay Rocheleau and Russ Conner.

Matti Burt of Matti Burt Realty asked if the Board could offer clarification on single family residence, septic zoning and water issues with direct regard to the A.L. Steed property. Commissioner Shy advised many of these guidelines and requirements are mandated by the State. The State does not have a specific definition of a single family residence. A septic permit is based on the number of bedrooms in a facility or premise and water usage is restricted to 225 gallons per bedroom per day.

Ms. Burt inquired on home schooling and was advised home schools are required to register under the school district truancy law. She inquired on noise regulations and Commissioner Shy responded that the County did not have a noise ordinance; however noise monitoring might be addressed through a home owners or property association.

The BOCC and Planning and Zoning Director, Jackie Hobby acknowledged George Colgate and thanked him for all his time and efforts regarding the revised septic guidelines and ISDS regulations. Mr. Colgate was presented with a Photography Book of John Fielder in appreciation. George and Eva Colgate thanked everyone for their thoughtfulness and Mr. Colgate remarked that it was a pleasure to assist the Planning and Zoning Department and Custer County.

Jackie Hobby, Planning and Zoning Office Director gave the BOCC the September monthly report. She advised that the dwelling permits issued in September were down. A second notice was sent to John and Marci Wommack regarding final inspection of a zoning permit, installation of additional infiltrators to the existing leach field and inspection of the septic permit at Lot 77 Centennial Ranch #2265 without response and requested the next step be a notification issuance from the County Attorney. The BOCC instructed County Attorney, John Naylor to issue a letter in this regard dated October 24, 2008. Ms. Jackie Hobby advised notifications were issued to Joni R. Smith regarding a setback violation at 493 CR 323; Larry Seminiuk regarding the portable chemical toilet at Silver Cliff Heights 6, Lots 5 aka 891 Driftwood Road; Randy and Pamela Jensen regarding an accessory structure without a zoning permit at Silver Cliff Heights Lot 26 Filing1; Kenneth Green and Annie Moran regarding an accessory building without a zoning permit at Lot 37 Silver Cliff Heights, Filing 15. She reported that the Planning and Zoning Department has received a response from Bill and Pam Knoth regarding the final dwelling and barn inspection. Mr. Knoth agreed to a final inspection on the barn, however, he did not want anyone inside his home (dwelling) due to the expensive contents.

Ms. Jackie Hobby reported that Jake Yoder is asking for a waiver of the penalty fee imposed for not acquiring a building permit on a 36 x 60 accessory structure stating he did not know he needed one. Mr. Yoder is in the construction field and has applied for building permits in the past. Following a brief discussion the BOCC advised Ms. Jackie Hobby that the penalty charges would remain. Planning and Zoning Director Hobby advised her department would install the IBC code on the spare computer for anyone in the community who wished to view it. He stated the septic regulations are ready for distribution. She presented an affidavit of citizenship required by the Fremont County Building and Environment Health Department for their contractors and inquired whether Custer County would require the same. Custer County Attorney, John Naylor will review the affidavit and requirements with Fremont County Attorney, Brenda Jackson for clarification.

Virginia Trujillo, County Treasurer submitted a detailed monthly report of the Custer County Treasurer Department. She reported the beginning balance on September 1, 2008 of \$2,703,121.90 with an ending balance on September 30, 2008 of \$2,358,598.32

The BOCC recessed for lunch at 11:50 AM.

The BOCC reconvened at 1:30 PM.

Terry Nimmicht, Executive Director of the Wet Mountain Valley Community Clinic introduced Erica Mason of the Joffit Group. Ms. Mason requested the input of the BOCC and attending citizens for a survey being conducted to address any medical improvement and medical needs of the community. The question prompted responses of the need for a higher level of emergency care, early childhood care, geriatric care, mental illness, pharmacy, special needs, physical and occupational therapy, medical services for veterans along with the addition of another physician and extended clinic hours.

Mr. Nimmicht responded that the Wet Mountain Valley Clinic was in the process of establishing a contract to treat veterans locally. He reported an in-house pharmacy would keep an inventory the medication prescribed by the attending clinic physician. Mr. Nimmicht said the clinic was presently negotiating with another contract physician.

Commissioner Custer responded that local community services currently being offered in the county by local departments and agencies include program on alternative medicine, public health nursing services, alcohol and drug abuse, tobacco cessation, prevention and intervention services, victim advocacy, veterans services, WIC and a variety of health program through our County Department of Human/Social Services such as Child Welfare, and CHP. She stated that through our recent Upper Arkansas Area Council of Governments (UAACOG) Custer County provides sponsored programs for Senior Citizens through the Area Agency on Aging, Affordable Housing, and Workforce Center support. Commissioner Custer stated that the county would benefit from additional adolescent behavior programs and additional ancillary programs tailored to specifically identified needs of the community.

Commissioner Shy remarked the search and rescue program continued to assist and rescue visitors and tourist when needed.

Commissioner Downey suggested community clinic education to the public outlining the services available.

The BOCC agreed the community's main barriers were geography, topography and weather. A smaller population spread throughout the entire rural county also limits the services that would be made available to the residents.

Erica Mason thanked everyone for their participation and stated she would include all the input received into her report. She said additional information and references could be obtained on the updated Colorado Health Foundation website.

**MOTION BY Commissioner Shy, seconded by Commissioner Custer.**

To adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 2:28 PM.

