

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING, APRIL 29, 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
Ric Ferron	County Administrator
Debbie Livengood	Clerk to the Board

Absent: Kit Shy – Commissioner

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

County General	\$520,045.15
Road & Bridge Dept.	57,773.38
Emergency Service	15,859.69
Social Service Dept.	14,232.61
Capital Improvement	1,672.71
Total	\$609,583.54

Sheriff's report for the month of April was approved.

Commissioner Downey made a motion seconded by Commissioner Hoag to accept the resignation of Don Kaufman from the Planning and Zoning Board as an alternate. Motion carried unanimously.

Jesse Souza, representing the Ambulance Corp. and RETAC, met with the Board to give an updated report. At the last RETAC meeting, Lisa Wagner was appointed to the position of chairman. She is from Huerfano County. At next month's meeting, four candidates will be interviewed for the position of RETAC Coordinator. The committee members will conduct the interviews as a whole.

Jesse also reported that ten new batteries and a charger have been purchased for the emergency radios. This equipment was purchased from the \$10,000.00 in grant money that was received from the Southern RETAC Region. The total cost was \$1,800.00. The fire department has been notified of the accessibility to these batteries and charger.

Search and Rescue has requested approx. \$1,000.00 for training materials. These funds will be reimbursed from the RETAC funds.

PCC Para-medical students will be conducting a needs assessment for the county emergency services.

Jim Johnson, Director of Horn Creek, met with the Board to express a desire to develop a better working relationship with the county. Horn Creek accommodates approx. 13,000 guests a year. The desire of Mr. Johnson is to encourage the guests of Horn Creek to spend more time in Westcliffe while staying at the conference center. Jim has also visited with other business within the county, trying to establish a relationship between all entities. Mr. Johnson asked the Commissioners how Horn Creek could possibly help the county. The reply from the Board was that Horn Creek had helped considerably with the original pavement on the road going to Horn Creek and it would be very helpful if they would help with the overlay that is needing maintained. Mr. Johnson asked the Board to present him with a dollar figure and he will present it to his Board.

The Rural Transportation Authority hearing was called to order at 1:05pm. Present for this hearing was Ken Hudson, Art and Lori Gaide, Don Stuart, representing the Town of Westcliffe, Jim and Peggy McIntosh, and John Potts. The Towns of Westcliffe and Silver Cliff along with the county have been working with Fremont and Chaffee counties for two years on this project. The RTA Board is thinking about placing a question on the November ballot that would ask the voters to approve a ½ percent increase in sales tax that would generate money for rural transportation needs. Chaffee and Fremont counties are considering an added fee to vehicle registrations in the amount of \$8.00 to \$10.00 to fund the RTA in their counties. Currently both towns and the county help fund what is now known as the CC Rider from their yearly budgets. If a RTA tax were to pass it would be a permanent way of funding this service. All jurisdictions in the county must participate before proceeding. A few of the benefits mentioned were: helps aging population with their transportation needs, easier to get funding from the Federal and State governments, don't need to worry about finding volunteers, and eliminates the need for duplicate services. It was suggested that a copy of the Intergovernmental Agreement be available to the public for their review. The hearing was closed at 2:00pm.

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

RESOLUTION NO. 05-02

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY, COLORADO TO PLACE A RURAL TRANSIT AUTHORITY TAX QUESTION ON THE NOVEMBER 2005 CONSOLIDATED ELECTION BALLOT.

WHEREAS, in a region-wide survey, a significant number of people said they would use public transportation if it were available; **AND**,

WHEREAS, current regional transit services cannot be sustained with current funding and organizational structure, and transit demand has grown for a wide variety of trip purposes and destinations; **AND**,

WHEREAS, Colorado law allows multiple governmental entities to join together to fund and manage transportation improvements; and by joining together, the area will have improved representation; **AND**,

WHEREAS, A rural Transit Authority will have the ability to leverage grants from federal, state and other sources; **NOW, THEREFORE**,

BE IT RESOLVED, that the Custer County Board of Commissioners hereby authorizes the placement of a question on the November 2005 Coordinated Election ballot, asking the voters if they support the creation of a Rural Transit Authority with a dedicated fee as allowed by the Colorado Revised Statutes;

RESOLVED, ADOPTED AND SIGNED THIS 29TH DAY OF APRIL, 2005, AT WESTCLIFFE, COLORADO.

CUSTER COUNTY BOARD OF COMMISSIONERS ATTEST:

**DALE J. HOAG
CHAIRMAN**

**DEBBIE LIVENGOOD
CLERK & RECORDER**

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

RESOLUTION 05-03

A RESOLUTION DESIGNATING COMMITTEE MEMBER FOR THE OFFICE OF THE DISTRICT ATTORNEY, 11TH JUDICIAL DISTRICT COMMITTEE ON DISPOSITION OF FORFEITED PROPERTY

Whereas, Custer County is within the 11th Judicial District, and is one of four counties with budgetary authority over the Office of the District Attorney, 11th Judicial District; and

WHEREAS, it is the duty of the District Attorney for the 11th Judicial District to bring and maintain actions to restrain, prevent, abate and perpetually enjoin public nuisances and seek forfeiture of property as provided by law; and

WHEREAS, any forfeited property allocated to the Office of the District Attorney, 11th Judicial District as a result of any forfeiture proceedings must be deposited in a forfeiture fund governed by a committee on disposition of forfeited property; and

WHEREAS, the Boards of Commissioners of each of the four counties within the 11th Judicial District must unanimously appoint one Commissioner among them to serve on the Office of the District Attorney, 11th Judicial District Committee on Disposition of Forfeited Property;

THEREFORE, be it resolved by unanimous vote of the Custer County Board of Commissioners that Larry Lasha, Chairman of the Fremont County Board of Commissioners is hereby designated to serve as Committee Member for the Office of the District Attorney, 11th Judicial District Committee on Disposition of Forfeited Property.

RESOLVED, APPROVED AND ACCEPTED this 31st day of May, 2005

Chairperson

Jim Sperry, Regional Conservationist Field Officer, met with the Board to give an update on the Natural Resource and Conservation Program. The Kennicott Ranch along with the ranch owned by Bill Jack has been placed in a conservation easement with the help of NRCS. The Hood Ranch, owned by Keith Hood is currently in the process of a conservation easement. The US Forest Service and our extension agent are working with NRCS.

David Walker with BLM met with the Board to discuss trail management in Custer County. The Gold Belt Travel Plan was finalized last year. This trail starts in Custer County going north on Highway 24. The east boundary is Highway 115 and the west boundary is Highway 9. There is 240,000 acres of BLM land and no National Forest land in the Gold Belt area. BLM is trying to restrict motorized vehicle use to certain areas of these travel plans by limiting them to designated roads instead of the existing roads. Highway 96 going north is part of the Arkansas River Travel Management Plan for our area.

Commissioner Downey made a motion seconded by Commissioner Hoag to approve the minutes of the March 15th meeting. Motion carried unanimously.

Being no further business the Board adjourned.

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING, MAY 2nd, 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

Absent: Debbie Livengood – Clerk to the Board

Meeting was called to order at 8:40am.

Gary Havens, Road & Bridge Supervisor, met with the Board to give his monthly report.

WORK COMPLETED

- ❖ “Y” sign installed on Lake Road and County Rd. 220
- ❖ Landfill scraper finished
- ❖ Finished cattle guard for County Rd. 243
- ❖ Roger attended APWA conference
- ❖ Plowed snow as needed
- ❖ Bladed County Roads 255, 265, 271 to 265, 182, Pines, Berry Loop, County Road 192, 193, 198, and Buck Mountain along with County Road 130.
- ❖ Cleaned culvert on County Road 150, dug out both ends and washed
- ❖ Cattle guard for County Rd 255 completed
- ❖ Pipes, cattle guards and blocks hauled to County Rd 243 ready to install
- ❖ Patched with UPM
- ❖ Hauled water as needed
- ❖ Lightning damage at Wetmore shop has been repaired. CTSI has paid all bills except the garage door repair
- ❖ Bladed Airport Road and Copper Gulch

WORK PLANNED

- ❖ Blade Wykagel, Choctaw, Sangre Dr., Music Mtn Drive and Spread Eagle
- ❖ Blade in valley and Rosita
- ❖ Patch with UPM
- ❖ Haul base to Wetmore
- ❖ Haul base on County Rd 243, install cattle guard
- ❖ Shoulder along chip seal on lake Road and Rosita
- ❖ Install driveway culverts on County Rd 243
- ❖ Blade County Rd 271 to county line, County Rds 264, 274, 270, 261, 262, 254

Also discussed was the resignation of Dale Tovrea and the possibility of dividing his salary among the employees at the shop. It was decided by the Board that these wages would not be divided.

Gary advised that he had contacted the State Mines and Land Reclamation Office to inspect the Weigel Gravel Pit for final cover.

The Board decided to review the vacancy created by Dale Tovera’s resignation on a monthly basis to determine the need to fill the position. Gary recommended that we not hire anyone immediately, instead use the money saved from salaries to buy or repair equipment.

The Board asked Gary to contact Jim Johnson of Horn Creek Ranch and to work on a plan for maintaining the roads going to Horn Creek.

Gary also advised the Board that he had given the DOW Lake DeWeese sign to CDOT to install at the intersection of Highway 69 and County Road 243.

Pat Alderton, City Administrator of Poncha Springs, met with the Board to seek their support for her appointment as an “At Large Representative for the Upper Arkansas Water Conservancy District Board”. She presented copies of her application for the position to each Board member. She noted she did not agree with some of the actions taken by the UAWCD Board and did not feel they always operated “above board”. She noted their propensity to “ring” municipalities with wells on small two-acre parcels. She did think that there has been some progress made recently on this issue. She advised she would like to see a “more open process” in the actions of the UAWCD Board such as the changes recently made in the composition of the Board by the inclusion of the new areas from Fremont County.

Bud Piquette and Chris Haga, representing the Round Mountain Water and Sanitation District, were also present. Mr. Piquette volunteered that there is some legal question on the procedures described by Ms. Alderton and the whole matter will probably end up in a legal action. Some of the proposed changes may be contrary to the state statutes. Mr. Piquette stated that the municipalities are presently under-represented on the UAWCD Board. Ms. Alderton advised that she did not have a copy of the April 19, 2005 meeting minutes. Mr. Haga stated that recent actions by the UAWCD Board were taken specifically to keep Ms. Alderton off the Board. Mr. Haga asked if the BOCC would write a letter of support for Ms. Alderton’s appointment to the Board. The BOCC advised that as one of their members was on the selection board, they did not feel they should write a letter of support. Mr. Piquette noted that in many cases, correspondences he has sent from RMW&SD to the UAWCD does not get circulated to all of their board members. It seems to be controlled by staff members and one or two board members. Mr. Piquette also presented a short history of the Kansas/Colorado Arkansas water issue and how it impacted Custer County. Mr. Piquette also stated that Round Mountain Water and Custer County would be better served by appointing Ms. Alderton than Mr. Tom Young.

Planning and Zoning Director, Linc Lippincott, met with the Board to inform them that Dan Bubis, his deputy, has submitted his resignation effective May 15th. The Board advised Linc to hold off on advertising for a replacement until the vacancy can be reviewed and an updated job description can be written.

County Health Nurse, Kelly Johnson, met with the Board to give her monthly report. There were 137 sports physicals given, one well child exam, 10 children and 51 adult immunizations were given, 28 health screening done, 604 health screening done at the 9-Health Fair and two reportable illness reported this month.

Kelly reported that the 9-Health Fair was a great success this year. There were over 600 people who attended. The Teen Health Fair was also well attended. She informed the Board that the State Epidemiologist is expecting a lot of activity this year with diseases such as the Plague, Hantavirus and Tularemia due to historical data and the weather.

Jean Marvarthois met with the Board to present an update on her activities as the anti-tobacco coordinator.

The Board met with the Social Service Director.

Commissioner Downey made a motion seconded by Commissioner Shy to go into executive session on a personnel issue citing CRS 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.

Being no further business the Board adjourned.

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING, MAY 3RD, 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
John Naylor	County Attorney
Debbie Livengood	Clerk to the Board

Discussed proposed Senate Bill 234. This bill would take the authority away from the Sheriff to fire anyone in his or her department at will. The Board left a message at Senator Kester's office stating that Custer County is opposed to this bill.

Commissioner Downey made a motion seconded by Commissioner Shy to go into executive session to seek legal advise citing CRS 24-6-402(4). Motion carried unanimously.

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

Doris Porth, County Treasurer, met with the Board to give her monthly report. It was approved. She reported that sales tax is up \$3,000.00 this year as compared to this same time last year.

Doris also reported that the Community Development Fund was set up in 1989 with a balance of \$2,400.54. The balance as of April of this year is \$1,750.54. Monies were disbursed from this fund in February 1995 and July of 1996.

Commissioner Downey made a motion seconded by Commissioner Shy to cancel tax certificate number 2004199. By canceling this certificate it will make the property tax exempt and the homeowners in Aspen Acres #1 & #2 will own the property. The legal description reads "All roads in Aspen Acres 1st and 2nd Filings cont. 12.06 ac M/L

Lou Rockwell and Christy Gonzales made a presentation defining the workforce services in our area.

Zoning Officer, Linc Lippincott, gave his monthly report and discussed Dan Bubis's resignation and the possible issues this might cause since we do not have a GIS and ITT person on staff.