

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING, JULY 29, 2005**

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

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

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

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| County General | \$129,518.72 |
| Road & Bridge | 64,374.75 |
| Emergency Service | 8,425.08 |
| Social Services | 13,354.83 |
| Capital Improvement | 1,193.87 |
| Total | \$216,867.25 |

The Board agreed to attend the Upper Arkansas Water & Conservancy District Board meetings in Salida on a quarterly basis.

Chris Haga met with the Board in reference to zoning permit fees. He questioned if an individual was going to remove an existing building and rebuild in the exact location, would the fees be the same as if you were building a new structure and why. The Board replied with a yes and explained why.

Bill McAlee inquired about the proposed RTA ballot issue. He wanted to know if it were to pass when it would take effect. The Board explained that it would be effective January 1, 2006.

Paul Snyder, Allen Butler, Sue Hutton and Christy Veltrie met with the Board to review the revised IGA (Inter-Governmental Agreement) for the RTA ballot issue between the two towns and the county. Paul informed everyone present that two more public hearings would need to be held concerning the IGA. The Board set August 31st at 1:00pm as the county's first hearing. Both towns will hold their first hearing on September 2nd. A joint meeting between all three entities will be held on August 16th, at 7:00pm at the courthouse. The IGA needs to be signed and sent to DOLA forty-five days prior to the election, making that deadline September 23rd.

Also discussed concerning the IGA were the attorney fees. Paul agreed to review and clean up the IGA and work on the ballot question for the RTA. He estimated that this

would take approx. ten hours of his time. On July 12th, Westcliffe received a bill in the amount of \$2,174.00 for time that Paul worked on the RTA project since July 1st. When asked why the bill was so much, he responded that it has taken a lot more time than he had originally thought due to the time he spent including Chaffee and Fremont Counties into the IGA. Silver Cliff Administrator, Sue Hutton, stated that she did not feel that the Town of Silver Cliff should be involved with any cost prior to July 12th, since they did not ask for Paul's assistance until that time. The Board requested that Mr. Snyder put together a list of the hours he has spent on the IGA and send them a copy by August 1st and they would discuss it.

Commissioner Downey made a motion seconded by Commissioner Shy to accept the resignation of Robin Turner as a county representative to SCEDD, and appoint Cindi Howard to replace her. Motion carried unanimously.

Jerry Mallett, Chaffee County Commissioner, met with the Board with concerns about the Upper Arkansas Water Conservancy District expanding into part of Fremont County. He explained that Chaffee County does not oppose the expansion. They would like to receive more information concerning the expansion; therefore they have put together an IGA that they would like all counties involved to review. He stated that the reason for the IGA is so that Chaffee County will be repaid for their 27 years of resources they have put into the Upper Ark. They are afraid that if there is no IGA, they will not have a voice on what happens. A copy of the draft IGA will be sent to both Fremont and Custer County in approx. one week for their review. Chris Haga, Keith Hood, Bob Senderhauf and Bud Piquette were also present for this meeting. Mr. Piquette stated that he did not feel any county should have more representatives than the other counties. Currently there are two members of the Board for the Town of Buena Vista, two representatives for Chaffee County, two representatives for Custer County and Fremont could possibly have up to six members of the Board.

Bob Senderhauf spoke on behalf of the Upper Ark, stating that Custer, Chaffee and Fremont have always worked as a team in the twenty years he has been a representative on the Board. He went on to say that Lake County and the western part of Fremont County have wanted to be part of the Upper Ark for years.

Mr. Mallett stated that he would like to see more open meetings, so that the counties will know what was happening first hand. Mr. Senderhauf said he would schedule a meeting with all parties so that everyone's concerns can be voiced openly. Mr. Senderhauf also stated that the representatives for Chaffee County should be reporting back to their commissioners after each Upper Ark meeting. That is their responsibility, not the Upper Ark Board responsibility.

The Custer County Board of Commissioners offered to facilitate a joint meeting in a neutral location for all concerned water user entities to clear the air and make a fresh start on mutual areas of concern.

Being no further business, the Board adjourned.

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING, AUGUST 1, 2005**

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

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| Dale Hoag | Chairman |
| Dick Downey | Vice-chair |
| Kit Shy | Commissioner |
| Ric Ferron | County Administrator |

Absent: Debbie Livengood – Clerk to the Board

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

Larry Handy, representing Mountain View Equipment & Supply, met with the Board at the invitation of Gary Havens. Mr. Handy presented a bid on a 70HP Farm Pro Tractor with a front blade and a mower/mulcher. The Board advised both Mr. Handy and Mr. Havens that this item was not in the 2005 budget and could not be considered for this year. However, if this equipment is needed it should be requested in next years budget.

Gary Havens and Roger Camper met with the Board to discuss the process for putting a question on the November 2005 ballot asking the voters to approve a 3 mil levy increase for the Road & Bridge Department. Gary questioned the advisability of putting the issue on the 2005 ballot versus waiting for the 2006 election. The Board decided that the county would continue to pursue the issue for this election.

Roger Camper will chair a citizens committee to support this issue. Gary will provide Roger with the statistics and information concerning the present status of road & bridge maintenance.

Allen Butler, Chairman of the Airport Authority Board, met with the Board on several issues. The Airport Board accepted the resignation of Don Stuart and recommended that Dave Cross be appointed to fill this vacancy.

Commissioner Downey made a motion seconded by Commissioner Shy to accept the resignation of Don Stuart and appoint Dave Cross to fill the vacancy. Motion carried unanimously.

Allen reminded the Board that the airport would be hosting their open house on August 14th, starting at 7:00am until 11:00am.

The Town of Silver Cliff is working on gathering data to create an ordinance to control tower construction within the Town of Silver Cliff. Allen would like to see both the county and the Town of Westcliffe work with them on this issue.

County Health Nurse, Kelly Johnson, along with Jean Mavromatis, with the Board to give their monthly reports. According to Kelly, there were eight well child exams/physicals given, fifty-eight child immunizations and thirty adult immunizations given, sixty-five health screening and an outbreak of Norwalk Virus at Horn Creek, which is estimated to be approx. 70 individuals. There was also one bird tested last month for West Nile Virus and the results came back negative. Ms. Johnson is attending lots of useful training in the coming months.

Jean reviewed the programs that she will be offering this school year concerning Tobacco Education and Prevention.

The Board met with the Social Service Department.

Freia Bradford met with the Board in regards to the TV Hills Subdivision in Wetmore. Ms. Bradford is a homeowner in this subdivision and the secretary for the Wetmore Well No. 1 Water User's Association. She presented to the Board a letter from this association that expressed their concern over this subdivision being approved without documented provisions of water to prospective buyers. Over the recent years, these lots were sold and occupied, including the properties outside the subdivision, with water from the well owned by Tom Healy. Due to a zoning oversight, the property owners have no legal right to water. Mr. Healy is required this year, to start extensive work on his well to meet the new EPA-Health Department standards. This improvement could cost up to \$140,000.00 and will severely impact the homeowners since they will be expected to pay for part of this improvement. Their concern is that even after the improvements are made and they have paid into the improvements, Mr. Healy could refuse to pump the water to them, sell the water, or if the well should run dry the property owners have no legal rights. Christy will research this issue and report back.

Commissioner Shy made a motion seconded by Commissioner Downey to accept the weed sprayer being given to the county by the Soil Conservation Office. The county will store it in the barn at the fairgrounds and will be responsible for checking it in and out. Motion carried unanimously.

Arlie Riggs, Beverly Goertz, and Mary Gompf, met with the Board encouraging them to support Gary Hall in and out of the county. The Board agreed and asked for their help as well.

Discussed a letter received from the American Legion. They are interested in administering the duties of the Veterans Service Officer in our county. The county administrator will write a letter to James Johnson inviting him to meet with the Board for further discussion.

Being no further business the Board adjourned.

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING, AUGUST 2, 2005**

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

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| 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 Board consulted with the county attorney. Mr. Naylor updated the Board on the Scott case and discussed the letter they received from the Wetmore Well No. 1 Water User's Association. Also discussed the previous ballot question asking the voters to approve a 3-mil increase.

Commissioner Downey made a motion seconded by Commissioner Shy to go into executive session for legal advise from the county attorney citing Colorado Revised Statute 24-6-402(4). Motion carried unanimously.

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

Commissioner Shy made a motion seconded by Commissioner Downey to instruct the County Attorney to write a letter to the Wet Mountain Tribune, attention Jim Little, concerning the over-charges on legal notices the county has published in the Wet Mountain Tribune. Motion carried unanimously.

County Treasurer, Doris Porth, met with the Board to give her monthly report.

Doris updated the Board concerning sales tax that has been collected from the San Isabel Lodge. Dan Osborne, for the Department of Revenue, sent a letter to Doris explaining the address for the Lodge at San Isabel was changed through the Colorado Department of Liquor Enforcement Office in August 2003. Mr. Osborne's records are showing that \$6,575.00 is owed to Custer County from August 2003 through the present time. However, according to Mr. Osborne, we will only be able to go back for a period of six months to recover any of these funds and the Department of Revenue will not assist in recovery.

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

Office of Emergency Management Director, Greg Sullivan, met with the Board to give them an update. According to Mr. Sullivan, the Homeland Security Grant has been approved for the repeater on Deer Peak Mountain. The 800mgh radios are installed and ready to use. Greg hired a gentleman from Pueblo to restore the files that were deleted from his computer. There were 2,200 files that could be restored at a cost of \$149.00.

The Board asked Greg to check with Jim Sperry at the Soil Conservation Office concerning the reclamation from the Mason Gulch Fire.

Mike Healy met with the Board in regards to the TV Hills Subdivision and the water issue related to this subdivision. Mike is filing an application for construction approval, with the Colorado Water Quality Control Division, for TV Hills Water LLC, Wetmore Well No. 1. Mr. Healy needs the commissioners to sign the application stating they have reviewed and approved his application since they represent the Department of Health in our county. They agreed to write a letter acknowledging the receipt of the application, but not granting any approval or acceptance of the submitted plan. Mr. Healy could then attach this letter to his application.

The Board adjourned from their regular scheduled meeting at 12:00pm.

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

The Board adjourned from the joint meeting with the Planning Commission and the Board of Zoning Adjustment.

The Board reconvened into their regular scheduled meeting at 2:30pm.

Commissioner Downey made a motion seconded by Commissioner Shy to appoint Jim Jones to the Planning and Zoning Board as an alternate. Motion carried unanimously.

Being no further business the Board adjourned.