

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
JULY 29, 2016**

THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY MET IN REGULAR SESSION IN THE COMMISSIONER’S BOARDROOM IN THE COURTHOUSE.

The meeting was called to order by Commissioner Attebery at 9:00 AM and the Pledge of Allegiance was recited. Roll call was taken and the following were present:

Lynn Attebery	Chairman	Present
Kit Shy	Vice-Chairman	Present
Bob Kattnig	Commissioner	Present
Kelley Camper	Clerk to the Board	Present
John Naylor	County Attorney	Absent
Clint Smith	Assistant County Attorney	Present
Brenda Gaide	BOCC Administrative Assistant	Present

AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

AUDIENCE INTRODUCTIONS

Present in the audience were Jackie Bubis with the Sentinel; Dan Bubis, Jay Printz, Undersheriff Chris Barr, Dale Mullen, Charles Bogle, and Lockett Pitman.

APPROVAL OF MINUTES

MOTION by Commissioner Attebery, seconded by Commissioner Shy, to approve the minutes from the July 19, 2016 BOCC meeting. Motion carried unanimously.

PUBLIC COMMENT

Charles Bogle gave the BOCC an update on broadband.

COMMISSIONER ITEMS

Commissioner Shy stated there will be a film crew here August 1st for Philanthropy Days; the group from CU Denver will be here August 3rd to do an assessment on public buildings in the county.

Commissioner Kattnig stated that he had attended a Custer County Communications group meeting. The next meeting is August 8th. He also attended the Silver Cliff meet and greet with Senator Gardner.

Commissioner Attebery received a letter from the Custer County Historical and Genealogical Society regarding the Pike Trail. They would like the BOCC to sign a resolution “Concerning the Authority of a County to Designate Public Roads as a Section of a Pioneer Trail”.

ATTORNEY ITEMS

Assistant County Attorney, Clint Smith, drafted a letter to the Superintendent of the Fremont County RE-2 School District regarding the deed restriction for the Wetmore Community Building. He also prepared a quitclaim deed to go with the letter.

NEW AND OLD BUSINESS

SPECIAL EVENTS PERMIT

County Clerk and Recorder, Kelley Camper, presented the BOCC with an application for a Special Events Permit for the Chamber of Commerce "Little Black Dress" event to be held on September 18th at A Painted View Ranch.

MOTION by Commissioner Kattnig, seconded by Commissioner Shy, to approve the application for a Special Events Permit for the Chamber of Commerce. Motion carried unanimously.

GRANT APPLICATION

Undersheriff, Chris Barr, informed the board that he is applying for a VALE (Victim Assistance and Law Enforcement) board grant in the amount of \$5,000 to help with training and compensation for the volunteer victim's advocate for the Sheriff's Office. This is the first grant application that Chris has done, so the BOCC and their administrative assistant as well as the Assistant County Attorney, will review the application to see if everything looks satisfactory.

MOTION by Commissioner Shy, seconded by Commissioner Kattnig, to support Chris Barr and his efforts toward preparing a grant application for a maximum amount of \$10,000, with the amount to be at his discretion, and lend the assistance of the BOCC Administrative Assistant to help with the application. Motion carried unanimously.

Under previous Attorney Items, Assistant County Attorney, Clint Smith, presented the BOCC with the final letter and quitclaim deed to Fremont County RE-2 School District.

MOTION by Commissioner Attebery, seconded by Commissioner Shy, to have the Assistant County Attorney send a letter of request to Fremont County RE-2 School District Superintendent, Rhonda Roberts, asking them to remove the reverter clause from the deed from the School District to Custer County dated 1978. Motion carried unanimously.

RESOLUTION TO CLEAR FUNDS

During the July 6th BOCC meeting, county auditor, Sam DeNardo, requested that the BOCC do a resolution to transfer funds between several different county funds to clear up bookkeeping deficiencies that were found during the 2015 audit.

MOTION by Commissioner Kattnig, seconded by Commissioner Shy, to adopt Resolution # 16-05 "A Resolution Directing the Treasurer for Custer County to Transfer County Fund Balances". Motion carried unanimously.

TRANSFER OF FUNDS

County Clerk and Recorder, Kelley Camper, requested that \$18,502.38 be transferred from the General Fund to the Capital Improvement Fund; \$2,000.00 be transferred from the General Fund to the Road and Bridge Fund; \$3,393.01 from the General Fund to the Human Services Fund; \$56.17 from the General Fund to the Conservation Trust Fund; \$1,437.03 from the Emergency Services Fund to the Road and Bridge Fund; \$4,909.84 from the Emergency Services Fund to the General Fund.

MOTION by Commissioner Kattnig, seconded by Commissioner Shy, to approve the transfer of funds as submitted by the County Clerk. Motion carried unanimously.

BOCC Administrative Assistant, Brenda Gaide, presented the BOCC with a request from the District Attorney's Office to extend their audit. This was just received this morning but needs approval today.

MOTION by Commissioner Shy, seconded by Commissioner Kattnig, to approve the requested extension on the DA's office audit. Motion carried unanimously.

Commissioner Kattnig remarked that he had received an email from the District Attorney's regarding the budget increase request.

FIRST STATE BANK/SKY PEAK PARTNERS

Wendy Rusk and Lance Ingram, representing First State Bank, met with the BOCC to discuss the 5% fee that the County is supposed to receive from the sale of lots in Shining Mountain Estates. Following a foreclosure, First State Bank is now the owner of the remaining lots in Shining Mountain Estates. They have a buyer for those lots, but neither First State Bank nor the prospective buyer is willing to pay the 5% fee. The fee was not collected on the previous three lots that were sold.

Assistant County Attorney, Clint Smith, feels that from a legal stance, when First State Bank foreclosed on the property, they also took over the obligations of the property, including having to pay the 5% fee from the sale of the lots.

Wendy stated that the bank just wants to sell the property so that the buyer can start selling the lots which in turn would create tax dollars for the County. They will not profit from the sale of the lots. They feel that the original agreement for the 5% fee was between the developer and the County and should not carry on to the prospective buyer.

After much discussion, and advice from the Assistant County Attorney, Clint Smith, the BOCC decided that it would be in the best interest of everyone involved, to waive the 5% fee that would be collected upon sale of the lots.

MOTION by Commissioner Shy, seconded by Commissioner Attebery, to create a resolution that nullifies item five of the original agreement to collect a 5% fee upon sale of lots in Shining Mountain Estates. Motion carried unanimously.

EMERGENCY MANAGEMENT PERFORMANCE GRANT

Emergency Management Director, Cindy Howard, presented the BOCC with the Emergency Management Performance Grant for their signature.

MOTION by Commissioner Kattnig, seconded by Commissioner Attebery, to approve the 2016 Emergency Management Performance Grant. Motion carried unanimously.

Commissioner Shy stated his concern that the agreement they sign says that the County is following eighty-eight separate requirements. He would like to know if these requirements are indeed being met.

Cindy informed the board that there is some special projects grant money that she would like to apply for. This will be on a future agenda.

MOTION by Commissioner Attebery, seconded by Commissioner Kattnig, to pay the bills for the month of July as presented. Motion carried unanimously.

County payroll and accounts payable were:

County General	\$200,143.00
Road & Bridge	\$ 56,267.50
Emergency Services	\$ 17,900.06
Human Services	\$ 27,047.12
Self Insurance	\$ 20,781.62
Capital Improvement	\$ 1,318.00
Airport	<u>\$ 527.12</u>
TOTAL	\$323,984.42

Having no further business, Commissioner Attebery adjourned the meeting at 10:54 AM.

BOCC Chairman, Lynn E. Attebery

Attest:
County Clerk & Recorder, Kelley S. Camper