# PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS SPECIAL MEETING DECEMBER 15, 2016

THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY MET IN SPECIAL SESSION IN THE COMMISSIONERS BOARDROOM.

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
Kit Shy Vice-Chairman
Bob Kattnig Commissioner
Kelley Camper Clerk to the Board

Clint Smith Assistant County Attorney

## AMENDMENTS TO THE AGENDA

**VALE Grant signing** 

## **AUDIENCE INTRODUCTIONS**

Present in the audience were BOCC Administrative Assistant, Brenda Gaide; Sentinel reporter, Jackie Bubis; and Undersheriff, Chris Barr.

# **APPROVAL OF MINUTES**

MOTION by Commissioner Kattnig, seconded by Commissioner Shy, to approve the minutes from the December 6<sup>th</sup> and 7<sup>th</sup> BOCC meetings. Motion carried unanimously.

## **PUBLIC COMMENT**

OEM Director, Cindy Howard, informed the board that the Army Corp of Engineers will be visiting our county in January to look at some of the county and state infrastructure.

# **COMMISSIONER ITEMS**

Commissioner Kattnig stated that the meetings that he and the two commissioner elects are having with the department heads are about finished up; he held another town hall meeting.

Commissioner Shy stated that the fire department has been going over the IGA for the tower site; the 911 board is looking at an increase in fees from \$1.25 to \$1.75.

## ATTORNEY ITEMS

Assistant County Attorney, Clint Smith, received a letter from Steve Chandler from the KLZR radio station regarding the antenna lease.

## **EXECUTIVE SESSION**

Assistant County Attorney, Clint Smith, requested to go into Executive Session with the board regarding the Hamilton/Halpin/County lawsuit.

MOTION by Commissioner Attebery, seconded by Commissioner Kattnig, to go into Executive Session citing C.R.S. 24-6-402 (4) (b) for the purpose of receiving confidential legal advice on a specific legal question. Motion carried unanimously.

MOTION by Commissioner Kattnig, seconded by Commissioner Shy, to go back into regular session. Motion carried unanimously.

Commissioner Attebery stated that the discussion remained on topic and that no actions were taken and no decisions were made. Assistant County Attorney, Clint Smith, confirmed this.

The BOCC recessed at 10:17 a.m. and reconvened at 10:31 a.m.

Assistant County Attorney, Clint Smith, recommended to the board to retain its interest in County Road 390 as a right-of-way over the land owned by Las Mojadas. He would also like to file a motion to dismiss Custer County from further participation to the lawsuit.

MOTION by Commissioner Shy, seconded by Commissioner Kattnig, to direct and authorize the Assistant County Attorney to prepare documentation for a motion to the court indicating that Custer County shall retain and recognize county ownership of the right-of-way for a portion of County Road 390 defined as follows: beginning at the intersection of County Road 391 thence easterly following the existing road to terminate on the south line of the N1/2 of the SE1/4 of Section 14 Township 21S Range 69W of the 6<sup>th</sup> P.M., in Custer County, Colorado. Motion carried unanimously.

MOTION by Commissioner Kattnig, seconded by Commissioner Shy, authorizing the Assistant County Attorney for Custer County to file a motion in Custer County District Court case # 12 CV 23 entitled "Motion to Dismiss Custer County as a Party" wherein a request is made of the trial court to rule that all issues between the plaintiff, Las Mojadas, and the defendant, County of Custer, are settled and resolved, and that the County is therefore entitled to be dismissed and released from further participation in the lawsuit. Motion carried unanimously.

#### **NEW AND OLD BUSINESS**

COUNTY ATTORNEY - JOHN NAYLOR

Commissioner Attebery stated that County Attorney, John Naylor, has suggested he would like to step down as County Attorney. He would like to see something done to recognize all of the years of service John has given this county.

#### **COUNTY HEALTH NURSE**

Commissioner Attebery read a letter received from County Health Nurse, Gail Stoltzfus. She is resigning her position as County Health Nurse. Her last day will be January 12, 2016, with phone accessibility until January 31<sup>st</sup>.

#### **CEDS REPORT**

Commissioner Attebery informed the board that the Southern Colorado Economic Development District (SCEDD) has opened the public comment period for the Certified Economic Development Strategy (CEDS) report for Custer County. These reports come out every five years and help counties to prepare for future growth. The public comment period has been extended through March 1, 2017.

## LIQUOR LICENSE/ALPINE LODGE

Clerk and Recorder, Kelley Camper, presented the board with a liquor license renewal application from the Alpine Lodge for their Tavern License.

MOTION by Commissioner Kattnig, seconded by Commissioner Shy, to approve the liquor license renewal for Alpine Lodge. Motion carried unanimously.

## **BALLOT DROP BOX**

Clerk and Recorder, Kelley Camper, informed the board that she is purchasing a ballot drop box for future elections. She is receiving a grant from the Secretary of State's office that will cover 90% of the drop box.

#### WFFD BOARD BY-LAWS

CSU County Extension Agent, Robin Young, met with the board to have them approve and sign the finalized Weed Board by-laws.

MOTION by Commissioner Kattnig, seconded by Commissioner Shy, to approve the Weed Board by-laws as presented. Motion carried unanimously.

#### **EXECUTIVE SESSION**

Security Officer, Mike Halpin, requested to meet with the board regarding a personnel issue.

MOTION by Commissioner Attebery, seconded by Commissioner Kattnig, to go into Executive Session citing C.R.S. 24-6-402 (4) (f) (I) concerning a personnel matter. Motion carried unanimously.

MOTION by Commissioner Shy, seconded by Commissioner Kattnig, to go back into regular session. Motion carried unanimously.

Commissioner Attebery confirmed that the discussion remained on topic and that no actions were taken and no decisions were made. Assistant County Attorney, Clint Smith, confirmed this.

Having no further business, Commissioner Attebery adjourned the meeting at 11:51 a.m.	
BOCC Chairman, Lynn E. Attebery	Attest: County Clerk & Recorder, Kelley S. Camper