

January 8, 2013

FIRST MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on January 8th, 2013, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Debbie Bell called the meeting to order at 9:30 A.M.

Debbie Bell	Commissioner	Present
Edward H. Norden	Commissioner	Present
Tim Payne	Commissioner	Present
Katie Barr	Clerk and Recorder	Present
Brenda Jackson	County Attorney	Present

Also present: George Sugars, County Manager; Bill Giordano, Planning and Zoning Director and Jody Blauser Deputy Clerk.

The Morning Prayer was given by Ethan McClaugherty of the Evangelical Free Church.

Those present recited the Pledge of Allegiance to the Flag of the United States of America.

APPROVAL OF AGENDA

Commissioner Norden moved to approve the agenda. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

CONSENT AGENDA

Commissioner Bell added the Minutes from the Special Board of County Commissioners Meeting on January 3, 2013 to the consent agenda for approval. Bell noted the scheduling of a public hearing on February 12, 2013 at 10:00 a.m. for a CUP Request for Dawson Gold Project Exploration.

Commissioner Norden moved to approve the amended consent agenda, adding the Special Meeting Minutes from January 3, 2013 for approval on item #1 of the consent agenda. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

ADMINISTRATIVE/INFORMATIONAL

1. Administrative and Elected Officials

County Clerk Barr gave her report for December 2012. The total collected was \$665,416.76 of which the County kept \$361,411.38. This was \$43,145.25 more than last year.

Commissioner Norden moved to accept the County Clerk's Report for December 2012. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

County Manager Sugars gave a report on Sales and Use Tax through December 31, 2012. The Retail Sales tax increased 4.31% from the previous year.

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The Auto Use Tax was up by almost 5%. The Construction Use Tax was down .36% from a year ago. The Total Sales and Use Tax Collections through December 31, 2012 were up 4.2% from last year. Commissioner Bell said this is 3.08% above the projected budget for 2012. Commissioner Norden noted this does not include numbers for the Holiday Retail season as the Retail Sales Tax numbers have only been reported through October.

Commissioner Bell said John C. Fremont was born on January 21, 1813. The Fremont County Heritage Commission and the County Commissioners are hosting a 200th Birthday Party for John C. Fremont. It will take place at 10:00 A.M. on Monday January 21st in the atrium of the County Administration Building and the public is invited to attend.

Commissioner Norden welcomed Larry Oddo as the new Chairman for the Fremont County Tourism Council, replacing Rudl Mergelman.

2. Citizens Not Scheduled: None.

OLD BUSINESS

None.

NEW BUSINESS

1. Organization of the Board of County Commissioners

Commissioner Payne moved to re-appoint Commissioner Bell as Chairman of the Board of the Fremont County Commissioners for 2013. Commissioner Norden seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried.

Commissioner Norden moved to appoint Commissioner Payne as Vice Chairman of the Board of the Fremont County Commissioners for 2013. Commissioner Bell seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

2. Appointment of County Attorney

Commissioner Norden moved to appoint Brenda Jackson as the Fremont County Attorney for 2013. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

3. Resolution Designating and Approving Official Depositories for Fremont County for 2013

Commissioner Payne moved to approve Resolution #2 designating Sunflower Bank of Canon City, Colorado Surplus Asset Fund Trust, ColoTrust and Canon National Bank as the Official Depositories for Fremont County for 2013. Commissioner Norden seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried. Resolution #2 is attached.

4. Resolution Designating Schedule for Regular Meetings for the Fremont County Board of Commissioners

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Commissioner Norden moved to approve Resolution #3 designating the second and fourth Tuesdays of each month at 9:30 A.M. in Room LL3 of the County Administration Building for the Regular Meetings of the Fremont County Board of Commissioners. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried. Resolution #3 is attached.

5. Resolution designating Official Newspaper for Fremont County.

Commissioner Norden moved to approve Resolution #4 designating The Canon City Daily Record and The Florence Citizen as the Official Newspapers for Fremont County. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried. Resolution #4 is attached.

6. Resolution Designating Official Posting Place for Notice of Public Meetings for the Fremont County Board of Commissioners

Commissioner Payne moved to approve Resolution #5 designating the Official Posting Places for Notice of Public Meetings for Fremont County Board of Commissioners outside of Room 105 and the bulletin board next to the South entrance of the Administration Building. Commissioner Norden seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried. Resolution #5 is attached.

7. Resolution Reappointing Ed Norden as a Director for the Fremont County Finance Corporation

Commissioner Payne moved to approve Resolution #6 appointing Ed Norden as the County Commissioner Director for the Fremont County Finance Corporation for a four year term expiring January 10, 2017. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried. Resolution #6 is attached.

8. Department of Human Services Resolution #1, Series 2013 – Election of 2013 Officers

Commissioner Bell moved to elect Commissioner Norden as Chairman; Commissioner Bell as Chairman Pro Tem; and Commissioner Norden as Treasurer of the Fremont County Board of Human Services as Resolution #1 Series 2013. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried. Department of Human Services Resolution #1 is attached.

9. Consideration of Bid Award for Stationery to Peak Printing, Inc.

Commissioner Norden moved to award the Stationery Bid to Peak Printing, Inc. in the amount of \$203. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

10. Consideration of an appointment of Casey Myers to fill a vacancy on the Board of Zoning Adjustment as the alternate member.

Commissioner Bell explained that Dave Boden previously held the seat that Casey Myers is seeking to fill. Dave Boden filled the regular Board seat left vacant by Tim Payne when he became a County Commissioner. This term will expire on May 8, 2015.

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Commissioner Payne moved to appoint Casey Myers as an alternate member to the Board of Zoning Adjustment for a term expiring on May 8, 2015. Commissioner Norden seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried.

11. Request: Revocation of SRU 99-04 Klotz Kennel. Request approval to revoke Special Review Use Permit (SRUP), Department file #SRU 99-04 Klotz Kennel. The SRUP was issued to allow a private kennel operation, for housing of up to 16 dogs, and the breeding and training of dogs. The owner has not paid the fee to renew the kennel license, which was due in August 2012. Repeated attempts to contact the owner have failed. A certified letter notifying the owner of possible revocation went unclaimed, unable to forward. The telephone number on file has been reassigned. The cell number on file is not accepting calls. At the time the kennel was last inspected in 2011, there were no dogs present. The property is located at the northwest corner of U.S. Highway 50 and R Street in the Beaver Park Area. Representative: Fremont County Department of Planning and Zoning.

Planning and Zoning Director Giordano explained this SRU had been in place since 1999 and transferred in 2008. On August 6, 2012 the license renewal expired. Since that time numerous attempts to contact the owner have been made. Notification was sent by certified mail of the revocation request and nobody is present today to contest the revocation. If approved the revocation will need a Resolution number assigned today. As of the last inspection in 2011 no dogs were present on the property.

Commissioner Norden moved to approve Resolution #7 the Revocation of SRU 99-04 the Klotz Kennel. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

Chairman Bell recessed the meeting at 9:52 A.M.

Chairman Bell called the meeting back to order at 10:00 A.M.

PUBLIC HEARINGS SCHEDULED FOR 10:00 A.M.

1. Request: CUP 12-002 Dorsey Orchard Park Mini-Storage Facility
Request approval of a Conditional Use Permit (CUP), Department file #CUP 12-002 Dorsey Orchard Park Mini-Storage Facility, by Wesley E. Dorsey, to allow the continued use of the existing mini-storage facility. The first structure of the facility was constructed when the property was zoned Agricultural and Other Uses which allowed business uses and thereby considered a nonconforming use. The facility was allowed to expand by the issuance of CUP 92-13 (found in the Land Records of Fremont County at Reception #598970) which will expire on January 29, 2013. The storage facility houses 2 structures which contain 58 storage units and are located at 1271 Lawrence Street on the west side of Lawrence Street approximately 2,400 feet north of High Street, in the North Canon Area. The CUP property contains .99 acres and is located in the Agricultural Estates Zone District. It should be noted that a Mini-Storage Facility is not an allowed or Special Review Use in the zone district; however, the Fremont County Zoning Resolution, Section 8.14.6.3 states: "Any conditional use permit lawfully in existence at the time of adoption of this Resolution shall be eligible for renewal or extension in accordance with the renewal or extension provisions of the current zoning resolution. Such eligibility shall exist regardless of whether the conditional use is authorized in the zone district established by this Resolution." Representative: Matt Koch, Cornerstone Land Surveying.

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Chairman Bell opened the Public Hearing at 10:00 A.M.

Matt Koch said they are requesting a CUP for an existing storage unit facility on Lawrence Street. There are 58 storage units within the facility. The facility was established in 1985 with a 20 year life of use. The only contingency was to re-grade the site, and put in some drainage swells. This contingency should be completed soon.

Planning and Zoning Director Giordano said the publication, posting and notifications have all been completed. Under current regulations, mini storage facilities are only allowed under a Special Review Use Permit. This storage facility is a non-conforming use. As this CUP was in existence at the time of the current Zoning Resolution it can be renewed under a CUP. On December 4, 2012 the Planning Commission did recommend approval of this CUP. Giordano discussed the recommended conditions, contingencies and waivers. If approved today a Resolution number will need to be assigned today.

Public Comments:

Wesley Dorsey, Owner, said he spoke to the contractor this morning who will be doing the drainage work. The work will be completed within two to three days. He will also be contacting the Weed Department for any suggestions.

Chairman Bell closed the Public Hearing at 10:06 A.M.

Commissioner Norden moved to approve CUP 12-002 Dorsey Orchard Park Mini-Storage Facility with recommended Conditions A-M, Contingency 1, and Waivers 1-5 as Resolution #8. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

Chairman Bell adjourned the meeting at 10:07 A.M.

Clerk and Recorder

January 8, 2013

RESOLUTION NO. 2, SERIES OF 2013

RESOLUTION DESIGNATING AND APPROVING OFFICIAL DEPOSITORIES FOR
FREMONT COUNTY FOR 2013

WHEREAS, the Fremont County Board of County Commissioners is required by C.R.S. §30-10-708 to designate and approve, by written resolution, all depositories for Fremont County funds; and

WHEREAS, Patricia McFarland, the Fremont County Treasurer has submitted a recommendation for designation and approval of depositories for Fremont County funds, based upon the Fremont County Treasurer's investment policy, a copy of which is available for review in the Fremont County Treasurer's Office; and

WHEREAS, it appears to the Board of County Commissioners the depositories recommended by the Treasurer are appropriate for the investment of County funds and that each of the depositories meet the requirements of the provisions of C.R.S. §30-10-708 and of article 47 of title 11, C.R.S. and article 75, title 24, C.R.S.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS FOR FREMONT COUNTY, that the following depositories are hereby approved and designated as the official depositories for Fremont County funds:

1. SUNFLOWER BANK OF CANON CITY
2. COLORADO SURPLUS ASSET FUND TRUST (CSAFE)
3. COLOTRUST
4. CANON NATIONAL BANK

BE IT FURTHER RESOLVED, that the Fremont County Treasurer is hereby authorized to use these designated depositories for the deposit and investment of the funds of Fremont County.

Commissioner Payne moved for adoption of this Resolution, with a second by Commissioner Norden. The roll call vote of the Board was as follows:

Debbie Bell	<u>(Aye)</u>	Nay	Absent	Abstain
Edward H. Norden	<u>(Aye)</u>	Nay	Absent	Abstain
Timothy R. Payne	<u>(Aye)</u>	Nay	Absent	Abstain

Date: 1-8-13

ATTEST:

Debbie Bell
Chairman

Katie E. Bauer
Clerk to the Board

January 8, 2013

RESOLUTION NO. 3, SERIES OF 2013

RESOLUTION DESIGNATING SCHEDULE FOR REGULAR MEETINGS FOR THE
FREMONT COUNTY BOARD OF COMMISSIONERS

WHEREAS, the Fremont County Board of County Commissioners is required by C.R.S. §30-10-303 to designate and publish a schedule for regular meetings of the Board; and

WHEREAS, the Board currently meets on the second and fourth Tuesdays of each month, commencing at 9:30 a.m. to conduct the regular business of Fremont County and finds that such schedule is widely known and accepted to the members of the public in Fremont County.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Fremont County hereby designates the second and fourth Tuesdays at 9:30 a.m. as the time for regular meetings of the Board of County Commissioners for Fremont County. All regular meetings shall be held in Canon City, the county seat, and at the Fremont County Administration Building, 615 Macon Ave., Room LL3, Canon City, CO 81212, unless otherwise previously publicized. The designation of the regular meeting schedule shall in no manner affect the ability of the Board of Commissioners to schedule and hold special or emergency meetings, as deemed necessary for best serving the public interest.

Commissioner Norden moved adoption of the foregoing Resolution, seconded by Commissioner Payne and approved by roll call vote as follows:

Debbie Bell	<input checked="" type="radio"/> Aye	Nay	Absent	Abstain
Edward H. Norden	<input checked="" type="radio"/> Aye	Nay	Absent	Abstain
Timothy R. Payne	<input checked="" type="radio"/> Aye	Nay	Absent	Abstain

Date: 1-8-13

BOARD OF COUNTY COMMISSIONERS
OF FREMONT COUNTY

ATTEST:

By: Debbie Bell
Chairman

By: Katie E. Bau
Clerk to the Board

January 8, 2013

RESOLUTION NO. 4, SERIES OF 2013

RESOLUTION DESIGNATING OFFICIAL NEWSPAPER FOR FREMONT COUNTY

WHEREAS, the Fremont County Board of County Commissioners is required by statute to designate an official newspaper for the purpose of legal notices, publication of ordinances and regulations, and announcement of requests for bids, as well as other official County publications; and

WHEREAS, there currently exist two legal publications or newspapers in Fremont County, as defined in C.R.S. §24-70-102, those being the Canon City Daily Record (six day-a-week publication), and the Florence Citizen (weekly publication).

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Fremont County hereby designates the following newspapers as the official newspapers for Fremont County publications:

Primary official newspaper: Canon City Daily Record

Secondary official newspaper: Florence Citizen

Commissioner Norden moved adoption of the foregoing Resolution, seconded by Commissioner Payne and approved by roll call vote as follows:

Debbie Bell	<u>Aye</u>	Nay	Absent	Abstain
Edward H. Norden	<u>Aye</u>	Nay	Absent	Abstain
Timothy R. Payne	<u>Aye</u>	Nay	Absent	Abstain

Date: 1-8-13

BOARD OF COUNTY COMMISSIONERS OF FREMONT COUNTY

ATTEST:

By: Debbie Bell
Chairman

By: Katie E. Bau
Clerk to the Board

January 8, 2013

RESOLUTION NO. 5, SERIES OF 2013

RESOLUTION DESIGNATING OFFICIAL POSTING PLACE FOR NOTICE OF PUBLIC MEETINGS FOR THE FREMONT COUNTY BOARD OF COMMISSIONERS

WHEREAS, the Fremont County Board of County Commissioners is required by C.R.S. §24-6-401 to designate a public place for posting notice of all public meetings at which the adoption of any proposed policy, position, resolution, rule, regulations, or formal action occurs, or at which a majority or quorum of the Board is in attendance or expected to be in attendance; and

WHEREAS, the Board currently maintains a calendar system for notice of all Board of Commissioners meetings and other scheduled events at which one or more Commissioners plans to attend; and

WHEREAS, the Board of Commissioners intends to continue the practice of posting the current calendar of Commissioner schedules as a means of providing public notice of all meetings.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Fremont County hereby designates the bulletin board in the hallway outside of the offices of the Board of County Commissioners, Fremont County Administration Building, 615 Macon Ave., Room 105, Canon City, CO 81212, and the bulletin board located at the main (south) entrance of the Fremont County Administration Building, as the official posting places for notice of Fremont County Commissioner public meetings. The posting place inside the building is open to the public during normal Fremont County business hours. The main entrance posting place is visible to the public from the outside of the building at all times.

Commissioner Payne moved adoption of the foregoing Resolution, seconded by Commissioner Norden and approved by roll call vote as follows:

Debbie Bell	<input checked="" type="radio"/> Aye	Nay	Absent	Abstain
Edward H. Norden	<input checked="" type="radio"/> Aye	Nay	Absent	Abstain
Timothy R. Payne	<input checked="" type="radio"/> Aye	Nay	Absent	Abstain

Date: 1-8-13

BOARD OF COUNTY COMMISSIONERS
OF FREMONT COUNTY

ATTEST:

By: Debbie Bell
Chairman

By: Katie E. Barr
Clerk to the Board

January 8, 2013

RESOLUTION NO. 6, SERIES OF 2013

**RESOLUTION APPOINTING THE COUNTY COMMISSIONER DIRECTOR FOR THE
FREMONT COUNTY FINANCE CORPORATION**

WHEREAS, in September of 1985, the Fremont County Finance Corporation ("Finance Corp.") was incorporated in accordance with the provisions of the Colorado Non-Profit Corporation Act for the general purpose of assisting or facilitating the acquisition and financing of real or personal property for use by Fremont County and to assist in or facilitate functions and services of the County; and

WHEREAS, the Articles of Incorporation for the Finance Corp provide that there shall be three Directors appointed by the Board of County Commissioners, one of whom shall be a member of the Board of County Commissioners for Fremont County and two of whom shall be appointed by the Board of County Commissioners to serve at the pleasure of the Board for terms of three years; and

WHEREAS, the term of office for the County Commissioner Director, Edward H. Norden will expire at the end of his current term in office, January 8, 2013; and

WHEREAS, the Board of Commissioners has made inquiry and has determined that Edward H. Norden, County Commissioner, is willing to continue serving as a Director for his term of office commencing January 8, 2013 and continuing until the expiration of his term on January 10, 2017.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS FOR THE COUNTY OF FREMONT, that effective January 8, 2013, Edward H. Norden, County Commissioner for Fremont County is re-appointed as the third Director for the Fremont County Finance Corporation for a term ending January 10, 2017.

Commissioner Payne moved the adoption of the foregoing Resolution with a second by Commissioner Bell.

Debbie Bell	<input checked="" type="radio"/> AYE	NAY	ABSTAIN	ABSENT
Edward H. Norden	<input checked="" type="radio"/> AYE	NAY	ABSTAIN	ABSENT
Timothy R. Payne	<input checked="" type="radio"/> AYE	NAY	ABSTAIN	ABSENT

The Resolution was declared to be duly adopted.

Date: 1-8-13

Attest: Katie E. Bau
Clerk

Debbie Bell
Chairman

January 8, 2013

DIRECTOR
Steven A. Clifton
Phone: (719) 275-2318
Fax: (719) 275-5206

FREMONT COUNTY
Department of Human Services
172 Justice Center Road
Canon City, Colorado 81212

COUNTY BOARD
Tim Payne Dist. 1
Debbie Bell Dist. 2
Edward H. Norden Dist. 3

HUMAN SERVICES RESOLUTION # 1

SERIES 2013

WHEREAS, the Fremont County Board of Commissioners acting in their capacity as the Fremont County Board of Social Services pursuant to C.R.S. 26-1-101 et. seq. do desire to elect officers for the Board of Social Services to serve for the calendar year 2013;

NOW, THEREFORE, BE IT RESOLVED that the Fremont County Board of Human Services has elected the following officers:

Chairman Commissioner Norden.
Chairman Pro Tem Commissioner Bell.
Treasurer Commissioner Norden

Commissioner Bell MOVED THE ADOPTION OF THE FOREGOING RESOLUTION;
SECOND, Commissioner Payne WHEREUPON THE FOLLOWING VOTE WAS TAKEN.

Commissioner Payne T. Payne
Commissioner Bell Debbie Bell
Commissioner Norden Edward H. Norden

The above resolution was duly adopted the 08th day of January, 2013.