

FIRST MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on January 10, 2006, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman, Larry Lasha, called the meeting to order at 9:30 A.M.

Larry Lasha	Commissioner	Present
Edward H. Norden	Commissioner	Present
Michael J. Stiehl	Commissioner	Present
Brenda Jackson	County Attorney	Present
Norma Hatfield	Clerk and Recorder	Present

Also present Finance Director, Dana Angel; Bill Giordano, Planning and Zoning Director and Sharon Kendall, Deputy Clerk.

The Morning Prayer was given by Pastor Larry Chell from Christian Family Fellowship.

The Pledge of Allegiance to the Flag of the United States of America was recited by those present.

APPROVAL OF AGENDA

Commissioner Stiehl moved to approve the Agenda. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Lasha, aye. The motion carried.

CONSENT AGENDA:

Commissioner Stiehl moved to approve the Consent Agenda:

1. Approval of Minutes December 13, December 20 and December 27, 2005
2. Approval of Bills, January 10, 2006
3. Liquor Licenses
4. **SCHEDULE PUBLIC HEARING FOR FEBRUARY 14, 2006 AT 10:00 A.M.**
Request approval of a **Zone Change from Agricultural Rural to Business, Department file #ZC 05-004 Hamilton Zone Change**, by Robert S. Hamilton for his property which is *located at the northwest corner of the C Street, 10th Street and Colorado State Highway 115 intersection, in the Beaver Park Area, west of the Town of Penrose, Colorado.* The property contains a barn, a dwelling which will be used as a watchman's quarters, a gazebo, a garage and a building which will be used as a sales office. A fenced storage equipment area is proposed. Access will be from C Street. The property contains 5.5625 acres.

The motion was seconded by Commissioner Norden. Upon vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Lasha, aye. The motion carried.

ADMINISTRATIVE/INFORMATIONAL

1. Staff/Elected Officials

Norma Hatfield, Fremont County Clerk & Recorder, submitted the Clerk's Report for the month of December. She reported that the total earnings were \$518,016.23, which was \$52,934.17 below a year ago in December. Sales tax collected was \$47,001 and that was down \$18,232.39 from a year ago. The total going to the County for distribution to the various entities was \$315,187.15, which was down \$25,112.58 over a year ago. The total for the year 2005, they took in almost one-half of a million dollars more than a year ago (\$499,658.94). In sales tax, they collected \$48,630 more than a year ago. The total collection in 2005 for sales tax was \$896,384.42. Total SMM is \$17,748.26 over a year ago, and the total collected 2005 was \$68,903.20.

Commissioner Norden moved to approve the Clerk's Report for December 2005. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried.

Commissioner Norden stated he had distributed copies of a letter from the Secretary of State's Office regarding the Help America Vote Act. They are allocating \$166,200 to Fremont County to help to become HAVA compliant with handicap accessible issues. The Board feels like \$166,000 is not going to make a significant dent in the kind of fiscal expectations that they have in trying to comply. There are March deadlines that are going to be difficult. They will be looking at the feasibility of voting centers or combined polling places.

Norma Hatfield stated that they found out that the voting machines will cost \$5500 to \$6500 each. In November they found out that they need all the attachments, connections, etc. that came to about \$12,000 per machine for 26 polling places. They estimate that they will need around \$300,000 to purchase and install those machines.

Commissioner Stiehl stated that the Commissioners had scheduled two public meetings, that they are tentatively calling "Commissioner Forums". One meeting is January 25th at 6:00 P.M. in the Administration Building and February 22nd at 6:00 P.M. at Florence Council Chambers in the new City Hall.

Commissioner Lasha stated that conditions were extremely dry and the fire danger is high.

2. Citizens Not Scheduled: There were none.

NEW BUSINESS:

APPOINTMENTS – CHAIRMAN AND CHAIRMAN PRO-TEM OF THE BOARD

Commissioner Lasha stated that it was time for the appointment of a new Chairman and Chairman Pro-Tem. **Commissioner Lasha** made the motion to appoint Mike Stiehl as Chairman and Ed Norden as Pro-Tem for 2006. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

APPOINTMENT – FREMONT COUNTY ATTORNEY

Commissioner Lasha stated that he had the extreme pleasure of working with Brenda for the last three years, and complimented her on her professionalism and the way she deals with County issues. **Commissioner Lasha** stated it was his recommendation to appoint Brenda Jackson for another year as County Attorney. **Commissioner Norden** seconded the motion and added in his conversations with Brenda, he learns something new about County government. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

RESOLUTION #1 – APPOINTING THE VETERANS SERVICE OFFICER

Brenda Jackson, Fremont County Attorney, stated that the Veterans Service Officer, by statute, serves a two-year term. Nelson Liskow is the Veterans Service Officer and he was appointed in March 2004. His reappointment year is 2006 and rather than wait until March, the Board elected to move it to a January appointment. Each even year in January the Veterans Service Officer will be appointed or reappointed. **Commissioner Norden** moved to approve **Resolution #1** appointing Nelson Liskow as the Veterans Service Officer and to note that the Board is confident that Nelson has successfully performed the duties and commend him on a job well done. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried and carried the adoption of **Resolution #1**.

RESOLUTION #2 – RESOLUTION DESIGNATING OFFICIAL POSTING PLACE FOR NOTICE OF PUBLIC MEETINGS FOR THE FREMONT COUNTY COMMISSIONERS

Commissioner Stiehl stated that they had an official posting place which is the bulletin board in the reception area of the Board of County Commissioners. He stated that gave them access and the ability to update that schedule. They will start next week to post the unofficial Commissioner's schedule on the website: fremontco.com. **Commissioner Lasha** moved to approve **Resolution #2**, Resolution Designating Official Posting Place for Notice of Public Meetings for the Fremont County Commissioners. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried and carried the adoption of **Resolution #2**.

RESOLUTION #3 - RESOLUTION DESIGNATING SCHEDULE FOR THE FREMONT COUNTY COMMISSIONERS

Commissioner Stiehl stated the meetings would be as they have been in the past, on the second and fourth Tuesday of each month beginning at 9:30 A.M. **Commissioner Norden** moved to approve **Resolution #3**, a Resolution Designating the Schedule for the Regular Meetings of the Fremont County Board of Commissioners. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried and carried the adoption of **Resolution #3**.

RESOLUTION #4 – RESOLUTION DESIGNATING AND APPROPRIATING OFFICIAL DEPOSITORIES FOR FREMONT COUNTY 2006.

Commissioner Stiehl stated it was required by statute that they designate official depositories, which are Sunflower Bank of Cañon City, Fremont National Bank, Colorado Surplus Asset Fund Trust and Colotrust. **Commissioner Norden** moved to approve **Resolution #4**, Resolution Designating and Appropriating Official Depositories for Fremont County 2006. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried and carried the adoption of **Resolution #4**.

RESOLUTION #5 – RESOLUTION DESIGNATING OFFICIAL NEWSPAPER FOR FREMONT COUNTY.

Commissioner Stiehl stated that in the past, their primary official newspaper has been Cañon City Daily Record and Secondary official newspapers has been Florence Citizen and Canyon Current. **Commissioner Lasha** moved to approve **Resolution #5**, Resolution Designating Official Newspaper for Fremont County with the primary being Cañon City Daily Record and secondary being Florence Citizen and Canyon Current. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

RESOLUTION #6 – RESOLUTION APPROVING A CHANGE IN THE BY-LAWS FOR THE FREMONT COUNTY TOURISM COUNCIL

Commissioner Norden stated the minor change in the by-laws is to reflect the intent of the Tourism Council's budget and the desires of the Board of County Commissioners. When they adjusted the by-laws for the Tourism Council in March last year, they added language that the Tourism Council should commit up to 5% of the total funds collected through the imposition of the lodging tax. The Board's intent was to urge the Tourism Council to consider distribution of money to various groups that promote events in the County that attract tourists in compliance with the intent of the lodging tax. With the adoption of the Tourism Council budget, they come close to committing up to 10%. They want to change the wording from "up to 5%" to "no less than 5%". **Commissioner Norden** moved to make that change in the by-laws through **Resolution #6**, for the Fremont County Tourism Council. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried and carried the adoption of **Resolution #6**.

RESOLUTION #7 – RESOLUTION APPROVING THE 2006 BUDGET FOR THE FREMONT COUNTY TOURISM COUNCIL

Commissioner Lasha moved to approve **Resolution #7**, a Resolution Approving the 2006 Budget for the Fremont County Tourism Council. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried and carried the adoption of **Resolution #7**.

RESOLUTION #8 – RESOLUTION ESTABLISHING A SEPARATE FUND FOR THE BUDGET AND FINANCIAL REPORTING OF THE FREMONT COUNTY SHERIFF

Dana Angel, Fremont County Finance Director, stated that during the budget process last fall, it came to light that the Sheriff's Office was actually a department of the General Fund. It became apparent that they might be able to see the operations individually if it was separated into a completely separate fund. The separate fund includes a complete set of self-balancing numbers that coincide with the department's operation. **Commissioner Lasha** moved to approve **Resolution #8**, a Resolution Establishing a Separate Fund for the Budget and Financial Reporting of the Fremont County Sheriff. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried and carried the adoption of **Resolution #8**.

PUBLIC HEARING

**TARA BEGRIN/UPPER ARKANSAS AREA COUNCIL OF GOVERNMENTS –
COMMUNITY SERVICE BLOCK GRANTS
JANUARY 10, 2006 10:00 A.M.**

Tara Begrin, UAACOG, stated it was time to renew their grant for the 2006-2007 CSBG funding. She stated this was emergency funding, but they want to help low-income families toward self-sufficiency. They are trying not to give a handout, but a hand up. They are asking for the same amount as last year, which is about \$69,200. That is split among four counties according to population, and Fremont County got \$36,670 last year. They were able to help 132 families with rent, vehicle repairs and utility bills. One change they will make this year is to divide the funds and set a certain amount each month so they can make the funds stretch through the winter months. Another change is that they are going to ask people to do a budget counseling through the Upper Arkansas Area Council of Governments. It will be a one-hour class once a week, and they need to attend one time. She stated they wanted to ask the commissioners that they continue to match the rehab programs funding in the amount of \$1200 per year. She stated that another change is that they would not be paying deposits. They are going to ask for some money for supplies for their budget counseling. Ms. Begrin stated she was present today just to get public input.

PUBLIC HEARING

**REQUEST: APPROVAL OF A SCHEDULE OF ZONING FEES AND
SUBDIVISION FEES
JANUARY 10, 2006 10:00 A.M.**

Bill Giordano, Planning & Zoning Director, stated that the commissioners had requested Eric Parish of Public Resource Management Group to perform an assessment on the fees in the Planning & Zoning Department. This notice of Public Hearing was published in the paper and it appeared on the website.

Eric Parish, Public Resource Management Group, stated they were a consulting firm dedicated to working only with local governments. He stated he had been in this field for 15 years. Working with the Finance Director and the Planning & Zoning Department, they realized the fees had not been addressed for a number of years. Their objective was

to find out the cost to provide a specific service within the Planning & Zoning Department. Mr. Parish submitted a handout, which outlined the steps taken during this study, and walked through the steps and sub steps in his presentation. There were eight main steps: 1. Identify all Planning & Zoning services and number of services provided. 2. Identify all Department staff and corresponding salaries. 3. Calculate labor costs of each activity performed. 4. Calculate total costs of each activity performed. 5. Analyze calculated total costs of each activity performed. 6. Analyze calculated total costs of all activities performed. 7. Review cost recovery/cost subsidy issues. 8. Incorporate County recommendations. Mr. Parish stated it took approximately ten weeks to calculate up to Step 7. He stated that no individual fee related activity recovers more than it's cost of providing that service. There is no fee or service that is recovering more than it's cost to subsidize a non fee-related activity.

Commissioner Stiehl stated that last summer, the commissioners were asking if it was really fair for individuals who receive no benefit from the Planning & Zoning Department to subsidize those who do? They wanted to equally charge fees that more closely represented the costs that were incurred in that Department. They needed a scientific and defensible data on which to base their decisions, and that is where this study began.

Commissioner Stiehl asked for anyone wishing to speak for or against to come forward.

Norm Lemons, Attorney, stated that he was not representing a client, but speaking as a citizen. He stated he thought they needed to take a look at who is going to be affected by these increases. He encouraged the Board to take a look at the different type of projects that are done within the subdivision regulations and identify who is going to be affected, the citizens or the developers.

Willie Michel, Cañon City Resident, stated he had participated in two, lot-line adjustments. The first one took nine a half months, the second one took nine months. He asked if the study did comparative fees with other nearby counties?

Dennis Jones, Cañon City Resident, stated he saluted the commissioners for tackling an issue that it's time has come. He stated that the majority of Fremont County, the citizens of incorporated areas of Cañon City and Florence, never use the Planning & Zoning Department and would never pay those fees. Those people are actually subsidizing the Planning & Zoning Department because that is the largest majority of the citizenry. The line items 5 through 13 are really hitting the individual homeowner. He asked if the development had a greater impact on the community than a farmer who is trying to pass on some land to his children? Does a PUD have a greater impact than a one-acre or two-acre lot line adjustment? He suggested they take away some of the review time that Mr. Giordano has to do.

Mary Ann Hamilton, Stewart Title, stated she worked closely with the Planning Department, and that they did an excellent job. She stated she was concerned with people that just own a little plot of land who have to deal with a vacated road and lot line adjustment. When the fees are doubled and tripled, it makes it hard on the little person.

Chris Jenkins, Penrose Resident, stated he was concerned about the trend of trying to generate revenue through growth. The developer is the one who is going to be able to absorb this cost. The developer is in it to make a living and those costs are passed along. The price of land has increased considerably, and that gets passed along. He stated he was concerned that if they don't pay attention to these increases in fees, it will eventually slow or have a significant impact in the development of property. He stated he personally did not see the numbers as being exorbitant, but it has become accumulative. It is too many entities trying to dip out of the same pot. Mr. Jenkins stated that he did not think that Mr. Parish's figures reflect the increase of tax revenue.

Jim Milam, Cañon City Resident, stated he believed that to be a good government manager, you have got to represent of the people, for the people and by the people. The people who are going to inherit this land, are going to be paying. He stated he would like to see more of a type of person that would be extremely familiar with the title companies and the building inspector. He stated he thought the problem was recordation.

George Hall, Cañon City Resident, stated that he thought one of the things they needed to look at as far as the fees goes back to the regulations themselves. A lot of the regulations are very complicated and very time consuming to be able to review.

Matt Koch, Cornerstone Land Surveying, stated he thought that the regulations needed to be streamlined. He stated that maybe an evaluation of what each job takes and if it is being done properly needs to be done. He stated there was going to be a lack of jobs really quick in Fremont County. He asked if Fremont County was promoting itself to industry? He suggested that they slowly raise the rates and rather than do 350% at once, they do it over a three-year period.

Tom Doxey, Owner of the Apple Shed, Penrose, stated that the commissioners were to be commended. He stated it was easy to say "let's increase the fees", but someone is going to get hurt. It is not that the Department is not doing a good job, but are they really efficient? He stated he agreed with a smaller increase each year.

Commissioner Norden stated that they had received written statements from Don Moore. He stated that Mr. Moore had broken down particular arguments on different Planning & Zoning fees and subdivision fees. Commissioner Norden stated they had received an email and a phone call from Chuck Rupp of Ponderosa Engineering, who questioned the fees. A letter was handed to the Board before the meeting from Joan Parker who fully supported the proposed fees.

Commissioner Stiehl closed the Public Hearing and returned to the Regular Meeting.

Commissioner Norden stated that before he considered action, he would like to dissect some of Mr. Moore's comments pertinent to some of the individual line item fees that are being proposed. He stated he would like to table final adoption of any fees until they have an opportunity to take all comments into consideration. **Commissioner Norden** made the motion to table until the next regular meeting on January 24th for consideration of the zoning fees and subdivision fees. The motion was seconded by Commissioner Lasha, and he stated that they also had an issue of a timeline when they were going to initiate that, and that needs to be addressed. Commissioner Norden stated that in reference to postponing the start date indicates that they would like to consider whether they will stick with the March 1st implementation of the fees or delay that start date as well. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

NEW BUSINESS (CONTINUED)

COLORADO DISCRETIONARY AVIATION GRANT NO. 06-14-15/9

Richard Baker, Fremont County Airport Director, stated that last fall they put in for a grant for the purchase of a sweeper attachment for their tractor. They have notification that the State will pay up to their portion of \$4,500, which is a 50/50 grant. Fremont County portion is \$4,500. **Commissioner Lasha** moved to authorize the Chairman to sign the document for the Aviation Grant. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

REQUEST: REAPPOINTMENT OF HAROLD SERVEN TO BOARD OF ZONING ADJUSTMENT

Commissioner Stiehl stated that Mr. Serven had indicated his desire to be reappointed.

Commissioner Norden stated there was still an opening on the Board of Zoning Adjustment. He stated that if anyone was interested in serving on this Board to contact Marshall Butler in the Planning & Zoning Department.

Commissioner Lasha moved to reappoint Harold Serven to the Board of Zoning Adjustment for the term February 22, 2006 until February 22, 2009. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

Commissioner Stiehl adjourned the meeting at 11:40 A.M.

County Clerk