

January 10, 2012

FIRST MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on January 10, 2012, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Edward H. Norden called the meeting to order at 9:30 A.M.

Edward H. Norden	Commissioner	Present
Michael J. Stiehl	Commissioner	Present
Debbie Bell	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 Pastor Terry Douglass of the Lincoln Park Nazarene Church.

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

APPROVAL OF AGENDA

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

CONSENT AGENDA

Commissioner Bell moved to approve the consent agenda. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Bell, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

ADMINISTRATIVE/INFORMATIONAL

1. Administrative and Elected Officials

County Clerk Barr gave her report for December 2011. Total collected was \$606,787.22 of which the County was able to keep \$318,266.13. This is about 53% of the amount collected and is \$1,404.76 less than December 2010. Commissioner Stiehl moved to accept the County Clerk's Report for December 2011. Commissioner Bell seconded the motion. Upon Vote: Commissioner Stiehl, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

County Manager Sugars gave a report for Sales and Use Tax for December 2011. The Retail Sales Tax was up 1.77% from a year ago. The Auto Use Tax was up 3.87% from the previous year. The Construction Use Tax was down 32.25% from 2010 due to some larger projects in 2010. The Total Sales and Use Tax collections to date would be just under 1% from a year ago. Compared to the budget we are up 2.57% from the initial projected budget. Commissioner Bell asked when the numbers on the Construction Use Tax will change.

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Sugars said starting next month they should be closer to normal. Commissioner Stiehl noted the state collects our Sales Tax for us so these numbers reflect taxes collected from one to two months prior. These numbers do not reflect the Christmas Sales Tax collected.

Commissioner Bell stated her son left for California to Marine Corp boot camp yesterday. It was one of the hardest things she had ever done but she is extremely proud of him.

2. Citizens Not Scheduled:

Marie Vernarsky spoke to the Board about the National Defense Authorization Act (N.D.A.A.). She said the House and Senate passed this Bill in December that damages our Bill of Rights. The President signed the National Defense Authorization Act on December 31, 2011. Marie attended the El Paso County Board of County Commissioners meeting on December 15th as they were going to consider a resolution preserving Habeas Corpus and Civil Liberties. She would like the Fremont County Board of Commissioners to pass a similar resolution. Marie gave a copy of what she read to the Board. Commissioner Norden said he has no problem looking at a similar resolution.

OLD BUSINESS

1. Request: VPR 11-001 Fremont County Road #50
Assign a resolution number and adopt the resolution for approval of a Vacation of County Road #50, Department file #VPR 11-001 Fremont County Road #50 (Cotopaxi Area).

Commissioner Norden said the Board had taken formal action on the Request for VPR 11-001 for Fremont County Road #50 at the last regular meeting in December and a resolution had to be drafted for approval today. Commissioner Bell moved to adopt resolution #1 of series 2012 for VPR 11-001 Fremont County Road #50 vacation. Commissioner Norden seconded the motion. Commissioner Bell said she decided to vote for this resolution because the road is completely surrounded by Mr. Mullins property. Even if the County did not vacate this road, the other property owners would still have to cross Mr. Mullins property to access their properties. Commissioner Norden said he supports this resolution because of property rights. This will also offer solutions to other boundary issues Norden had mentioned at the last Board meeting. Upon Vote: Commissioner Bell, aye; Commissioner Norden, aye; Commissioner Stiehl, nay. The motion carried. Resolution #1 is attached.

NEW BUSINESS

1. Organization of the Board of County Commissioners.

Commissioner Stiehl moved to nominate Commissioner Bell as the Chairman of the Fremont County Board of Commissioners for 2012. Commissioner Norden seconded the motion. Upon Vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried.

Commissioner Norden moved to nominate Commissioner Stiehl as Chairman Pro Tem of the Fremont County Board of Commissioners for 2012. Commissioner Bell seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Stiehl, aye. The motion carried.

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PUBLIC HEARINGS SCHEDULED FOR 10:00 A.M.

1. SRU 11-003 Royal Gorge Zip Line Tours No. 2

Request approval of a Special Review Use Permit for a Rural Recreational Facility, Department file #SRU 11-003 Royal Gorge Zip Line Tours No. 2, by Ty Seufer, for property owned by Anna Seufer, Cathy Brittain and Davis & Associated Builders Inc. with AJET Ventures, LLC the future property owner. The proposal is to allow up to ten zip line runs, with up to fifteen line departures a day during the peak season, four to six line departures will be the daily average, seven days a week, on a year around basis. The zip line tours will be guided by a minimum of two trained “zipping” guides. The zip line tour will be structured as a small group experience for eight to ten participants. All participants will be shuttled to the course via AJET Ventures, LLC drivers and vehicles from 45045 U.S. Highway 50, which is approximately 3.0 miles east from the site. The property contains two residential dwellings which will be used as vacation homes; however, they will not be used in conjunction with the zip line operation. The property is located on the north side of U.S. Highway 50, where the Arkansas River crosses under U.S. Highway 50, in the Parkdale Area. The property is zoned Agricultural Forestry and contains approximately 110.34 acres. Representative: Matt Koch, Cornerstone Land Surveying, LLC.

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

Matt Koch of Cornerstone Land Surveying explained the property is located at Parkdale on the north side of the river. This will be run the same way as the first zip line that was approved a year ago. The other zip line business is going so well they decided to open another course. This will allow for full day tours. There will be 10 runs. Customers will check in and park at the Royal Gorge Rafting offices on Eight mile hill. They will be bused to the zip line site. Two trained guides will be with the riders at the zip line site. Matt has consulted with the County Engineer, Don Moore and will be providing him some additional information regarding the drainage and roadways. Colorado Department of Transportation (C.D.O.T.) will issue the permit for access this week. Matt said the only change is the hours of operation. Originally it was from 7:00 A.M. to 7:00 P.M. and they want the hours to be from 7:00 A.M. to 9:00 P.M. with the last run leaving about 7:00 P.M.

Planning and Zoning Director Giordano said the applicant did meet the notification process requirement to property owners and the property posting had been completed. All of the comment letters received by the Planning and Zoning Department are included in the Commissioners information packets. The Planning Commission did recommend approval at their December 6, 2011 meeting. Giordano noted the application is for life of use. The applicant did request that four additional sheds be placed on this property for shelter. Giordano explained the conditions of the permit. He noted the hours of operation will be 7:00 A.M. to 9:00 P.M. There will be 10 zip lines plus one training zip line. The Department is requiring the applicant to have \$1,000,000 liability insurance. The applicant will have to comply with the Association of Challenge Course Technology (A.C.C.T.) construction and design standards and will be reviewed by the County Engineer. The yearly inspections will also be reviewed by the County Engineer. The applicant must provide proof of payment for all Fremont County Use Tax for all materials used in construction of the zip line prior to operation. A log must be kept of all customers and instructors who ride the zip lines. All employees that work on site will be trained in safe operations. No customers shall park at the site. No use of ATV's will be allowed on the site except for emergencies and course maintenance. No smoking or campfires will be allowed at the site. Giordano went over the contingencies of the permit. Proof of ownership is required. Proof of access from site is required from C.D.O.T. Additional documentation from C.D.O.T. is required regarding increased traffic from the existing ticket office. Documentation of compliance with County Engineer's letter dated October 26, 2011.

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A copy of an emergency plan for evacuation of customers from the zip line in case of an accident must be provided by the applicant as well. The Department is asking another condition be added to this application regarding additional buildings that were moved onto the existing property where the tickets are sold. They are asking the applicant to apply for building permits and comply with all of the requirements of these permits before becoming operational. The additional notification requirements have all been completed. The applicant has requested a waiver of the buffering and landscaping of the permit area. The applicant also requested a waiver of the hard surfacing of the parking area, waiver of lighting, and a waiver of the landscaping of the parking area. Giordano noted if this permit is approved today he will need to have a resolution prepared for signatures at the next meeting. Commissioner Bell asked for clarification regarding the ATV use. Giordano said the intention of ATV use is for maintenance on the course and emergency use.

Ty Seufer, the applicant, said during construction there will be a need for use of ATV's, and trailers. Giordano said that is understood. Commissioner Norden asked Mr. Seufer about the use of storage sheds by customers. Mr. Seufer said the sheds moved on to the ticket office site are not for customer use. Giordano said the applicant put a shelter on the original zip line property that will need a building permit. The new contingency will also take care of the three building permits the applicant will need for the three new buildings that were moved on to the ticket office site. Then the applicant requested four buildings on the new zip line property. Seufer said the buildings for the new zip line would be for storm shelters. He was told he did not need a permit for the existing storm shelter on the existing zip line property. Commissioner Norden asked if language can be added to say the applicant will disclose all present and future locations of structures on the permitted area and the home office property and the intended uses of these structures to the building department and will secure the necessary building permits for such. This would be contingency #9.

Public Comments:

Nancy Dodd lives at 42231 West Highway 50 by the proposed zip line site. She is concerned about three of the zip lines that border her property. Nancy previously owned the proposed zip line property and sold it about ten years ago. She explained there is a canyon that runs along the property. She wants to know if the zip lines will run along her fence line. Giordano explained the applicant will have to comply with any set back requirements which he believes are 50 feet for Agricultural Forestry Zoning. Mr. Seufer said they want the zip lines to be hidden and feel secluded from any homes. Seufer said they will respect all set back requirements. Commissioner Stiehl asked Nancy if she is implying the east boundary property line is not drawn correctly. Nancy said when they divided the property to sell it the driveway access was lost. They had to add some land to the front of the property and subtract some land from the back of the property. Matt Koch explained the boundaries were laid out per the deeds. He will look into it to make sure everything was filed properly.

Mike Cox of the Fremont County Building Department wanted to clarify that requirements for a building permit are not just based off square footage. If a building is intended to be occupied by humans it requires a building permit. Mike is concerned that a building from the ticket site has been relocated to the zip line site. There are three new buildings that have been moved onto the ticket office site. None of these buildings have been permitted. As of this date the Building Department has not received any building permit applications. Mike said they need to get these buildings permitted, inspected and approved for occupancy of people prior to becoming operational. Mike has spoken with Mr. Seufer about these requirements. Mr. Seufer apologized for bringing the Tuff Sheds in, he did not know permits were needed for them. He has an engineer already working on these requirements.

Chairman Bell closed the Public Hearing at 10:30 A.M.

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Commissioner Norden moved to approve the request for SRU 11-003 Royal Gorge Zip Line Tours No. 2 changing the hours of operation from 7:00 A.M. to 9:00 P.M. in condition H, a; adding contingency #9 to read the applicant will disclose all present and future locations of all structures on the permitted area and the home office property and their intended uses and obtain the required building permits; and with the alternate language in condition #R regarding ATV usage in permitted area be restricted to maintenance of the zip lines or in the event of emergencies including emergency customer evacuation, striking the words “transporting customers within the zip line course” as resolution #2. Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Bell, aye. The motion carried.

Commissioner Norden asked Mr. Seufer about the advertisement on his vacation homes that says Fremont County lodging fees are an additional 10%. Norden said the total tax collected should only be 6.4%. Mr. Seufer asked James Whiteside to answer the question on his behalf.

James Whiteside explained the associated fees are for water they have to haul up to the Valley Ranch. The fees collected for taxes are strictly 6.4%. Commissioner Norden asked if they would update their information to reflect the correct tax. Mr. Whiteside said they would do this.

2. Community Service Block Grant (CSBG) 2012-2015 Grant Allocations
Consider and designate the utilization of funds to the residents of the Counties in the Upper Arkansas Area. The grant will be used to assist low income families in these counties.

Chairman Bell opened the Public Hearing at 10:35 A.M.

Judy Gilkerson of Upper Arkansas Area Council of Governments (U.A.A.C.O.G.) explained the grant application will be for three years instead of one year. They also will only hold one Public Hearing for all four counties which is the Public Hearing today. The Notice of Hearing has been advertised in each county. They are hoping to get \$124,000 again. This will be divided per county based on population. This year Fremont County got extra money from some counties that did not use all of their funds. Fremont County had \$52,000; Chaffee County had \$30,000; Custer County had \$9,000; Lake County had \$9,100 but transferred \$7,000 back to Fremont County. These funds are used for emergency services such as rent, utilities, medical, housing, auto repairs and food. Commissioner Bell asked how someone needing help gets it. Judy said they would need to come to U.A.A.C.O.G. if in Fremont County. In the other counties they would need to go to the Department of Human Services. Commissioner Norden commended Judy for reorganizing the process to make it easier on all four counties.

Public Comments: None.

Chairman Bell closed the Public Hearing at 10:38 A.M. and stated that no action is required by the Board of County Commissioners.

NEW BUSINESS CONTINUED

2. Appointment of County Attorney

Commissioner Stiehl moved to appoint Brenda Jackson as the Fremont County Attorney for 2012. Commissioner Norden seconded the motion. Upon Vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried. Commissioner Norden said they appreciate all of the efforts of the County Attorney.

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3. Resolution designating and approving official depositories for Fremont County for 2012

Commissioner Norden moved to approve resolution #3 to designate Sunflower Bank, Colorado Surplus Asset Fund Trust, Colotrust and Canon National Bank as the official depositories for Fremont County for 2012. Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Bell, aye. The motion carried. Resolution #3 is attached.

4. Resolution designating official newspaper for Fremont County

Commissioner Stiehl moved to approve resolution #4 designating the Canon City Daily Record as the primary official newspaper and the Florence Citizen as the secondary official newspaper for Fremont County for 2012. Commissioner Norden seconded the motion. Upon Vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried. Resolution #4 is attached.

5. Resolution appointing the Fremont County Veteran's Service Officer

Commissioner Norden moved to approve resolution #5 appointing Betty Hanawalt as the Fremont County Veteran's Service Officer for a two year term until January 7, 2014. Commissioner Stiehl seconded the motion. Commissioner Bell stated that Betty consistently is able to help Veterans in Fremont County receive benefits. Upon Vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Bell, aye. The motion carried. Resolution #5 is attached.

6. Resolution designating schedule for regular meetings for the Fremont County Board of Commissioners

Commissioner Stiehl moved to adopt resolution #6 designating the second and fourth Tuesdays of the month at 9:30 A.M. for the regular Fremont County Board of Commissioners meetings. Commissioner Norden seconded the motion. Upon Vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried. Resolution #6 is attached.

7. Resolution designating official posting place for notice of public meetings for the Fremont County Board of Commissioners

Commissioner Norden explained there is posting place on the bulletin board outside of the County Commissioners Office. Norden said there will be an additional posting location located on the exterior of the Fremont County Administration Building at the main south entrance. Commissioner Norden moved to approve resolution #7 designating the official posting places of the Fremont County Board of Commissioners. Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Bell, aye. The motion carried. Resolution #7 is attached.

8. Fremont County Tourism Council appointments

Commissioner Bell said they had asked the two people currently serving on the Council to continue serving until new appointments or re-appointments could be made. Bell said Larry Oddo and Dorothy Day currently hold the seats that are up for re-appointment.

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Commissioner Norden moved to re-appoint Larry Oddo of the Holy Cross Abbey and Dorothy Day of the Royal Gorge Bridge to three year terms on the Fremont County Tourism Council. Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Bell, aye. The motion carried.

9. Resolution authorizing the delegation to El Paso County, Colorado with respect to the issuance of a revenue bond to refinance Mesa County, Colorado variable rate demand revenue bonds (Goodwill Industries of Colorado Springs Project) Series 2006; and authorizing the execution and delivery of an agreement delegating all matters pertaining to the issuance of the Series 2012 Bond and the refunding project to El Paso County.

County Attorney Jackson explained this is a refinance of revenue bonds. This was a joint venture by Goodwill Industries to purchase and renovate the property at 9th and Main Street in Canon City and also another site in Mesa County. These are not general government obligations the government cannot be responsible for re-payment of the bonds if Goodwill defaults. El Paso County had headed up this joint venture and needs re-authorization so they may re-finance the bonds. Commissioner Stiehl moved to approve resolution #8 delegating and authorizing the bonds to El Paso County. Commissioner Norden seconded the motion. Upon Vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried. Resolution #8 is attached.

10. Consideration of Upper Arkansas Recycling Program Agreement

Commissioner Stiehl said he sits on the Board for the Upper Arkansas Recycling program. The County has agreed to support this program in the past and he believes it has been very successful. He asked Beth Lenz to speak to the Board.

Beth Lenz said this program started in 1998 and they have decreased costs by 60% in the last five years. They will have lowered the rate from \$1.30 to .72 cents per person for 2012. Commissioner Stiehl said they have been able to lower the cost through sales of commodities they generate in recycling. Beth said they try to keep all of the materials in the state whenever possible. Commissioner Stiehl moved to approve the Upper Arkansas Recycling Program Agreement for 2012. Commissioner Norden seconded the motion. Upon Vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried.

11. Change date of the next Board of Health meeting from Tuesday, January 31, 2012 to Tuesday January 24, 2012 at 1:00 P.M.

Commissioner Bell stated there are five Tuesdays in January and this was causing some scheduling conflicts. Commissioner Norden moved to change the next Board of Health meeting from Tuesday, January 31, 2012 to Tuesday January 24, 2012 at 1:00 P.M. Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Bell, aye. The motion carried.

12. Change date of the next Board of Social Services meeting from Tuesday, January 31, 2012 to Tuesday, January 24, 2012 at 2:30 P.M.

Commissioner Stiehl moved to change the next Board of Social Services meeting from Tuesday, January 31, 2012 to Tuesday, January 24, 2012 at 2:30 P.M. Commissioner Norden seconded the motion. Upon Vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried.

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13. Consideration of a change order in the amount of \$8,970 for the Pathfinder Park Arena Bleacher Awnings.

County Manager Sugars said this is a change order increase in the amount of \$8,970 on the notice of bid award from December 27, 2011. The bid award was for \$147,860 with the additional amount of \$8,970 the total award will be \$156,830. The reason for the change order is because they have to move one post and add an additional post. They will not be covering the entry area between the two sets of bleachers. Commissioner Bell asked when construction will begin. Sugars said once this is approved they will have a pre construction meeting and make sure the bonding is in place. Hopefully construction will begin within a month and then will have 90 days to complete the construction. The project should be finished by May 1st. Commissioner Norden moved to approve the change order payable to Cover Solutions in the amount of \$8,970 for the Pathfinder Park bleacher covers. Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Bell, aye. The motion carried.

14. Consideration of bid award for stationery to Peak Printing Inc.

Commissioner Bell said the only stationary bid received for 2012 was from Peak Printing in the amount of \$786. County Attorney Jackson explained that under Colorado statute counties are required to go to bid for stationery every year. With advanced computer programs the need for large amounts of stationery has diminished. Commissioner Stiehl moved to award the 2012 Fremont County stationery bid for to Peak Printing Inc. for \$786. Commissioner Norden seconded the motion. Upon Vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried.

Chairman Bell adjourned the meeting at 10:55 A.M.

Clerk and Recorder

January 10, 2012

RECEPTION#: 892645,
01/11/2012 at 03:47:19 PM, 1 OF 2,

KATIE E. BARR, CLERK AND RECORDER
FREMONT COUNTY, CO

Commissioner Bell moved the adoption of the following Resolution:

RESOLUTION NO. 1
Series of 2012

VPR 11-001 FREMONT COUNTY ROAD #50

THAT WHEREAS, *Fremont County Board of County Commissioners* (hereafter "Applicants") have made application to vacate the Fremont County Public Right-Of-Way, which application has been designated as Department of Planning and Zoning (hereafter "Department") file #**VPR 11-001 FREMONT COUNTY ROAD #50**, and is described as:

Fremont County Road #50, located in Section 31, Township 48 South, Range 12 East of the N.M.P.M., Cotopaxi, Fremont County, Colorado

CENTERLINE LEGAL DESCRIPTION FOR FREMONT COUNTY ROAD NO. 50

Beginning at a point on the easterly right-of-way line of Fremont County Road No. 12, from which the found brass cap witness corner for AP-3, Tract 51 bears N 23°19'13" W, 70.45 feet; thence N 75°29'58" E, 40.85 feet; thence N 70°02'18" E, 67.21 feet; thence N 74°49'58" E, 55.44 feet; thence N 77°07'37" E, 115.42 feet; thence N 80°30'46" E, 72.88 feet; thence S 89°38'47" E, 144.38 feet; thence N 85°07'56" E, 32.24 feet; thence N 79°12'52" E, 397.37 feet to the terminus point of the centerline from whence the found brass cap witness corner bears S 84°06'13" W, 1010.47 feet.

Containing 0.225 acres more or less.

WHEREAS, a notice containing the specific request, proposed vacation, date, time, and locations of the meetings and the telephone number of the Department, and a site plan and vicinity map were mailed fourteen (14) days prior to the Fremont County Planning Commission (hereafter "Commission") and also provided notice of the Fremont County Board of County Commissioners (hereafter "Board") meeting, by certified mail, return receipt to the Department, to all property owners who's property adjoins the boundaries of the public right-of-way, all applicable utility companies, and to appropriate reviewing agencies; and

WHEREAS, a notice containing the specific request, proposed vacation, date, time, and locations of the meetings, and the telephone number of the Department where additional information could be obtained, was posted on the public right-of-way fourteen (14) days prior to the Commission Meeting of December 6, 2011 and the Board Meeting of December 27, 2011; and

WHEREAS, pursuant to the Fremont County Subdivision Regulations previously adopted;

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the Commission recommended approval of such application; and

WHEREAS, the Board reviewed said application at a public meeting held on **December 27, 2011**, at which time comments and evidence were considered, including all materials contained as part of the application and which were in the Department's file concerning the application; and

WHEREAS, there were no objections to such vacation at the Board Meeting; and the Board finds that no land adjoining said roadways to be vacated will be left without an established public road connecting such land with another public road, and that the application should be approved.

NOW, THEREFORE, BE IT RESOLVED by the Board, that:

Fremont County Road #50, located in Section 31, Township 48 South, Range 12 East of the N.M.P.M., Cotopaxi, Fremont County, Colorado is hereby vacated.

Commissioner Stiehl seconded the adoption of the foregoing Resolution and upon a vote of the Board as follows:

Commissioner Norden:	<input checked="" type="checkbox"/> Aye / <input type="checkbox"/> Nay / <input type="checkbox"/> Abstain / <input type="checkbox"/> Absent
Commissioner Stiehl:	<input type="checkbox"/> Aye / <input checked="" type="checkbox"/> Nay / <input type="checkbox"/> Abstain / <input type="checkbox"/> Absent
Commissioner Bell:	<input checked="" type="checkbox"/> Aye / <input type="checkbox"/> Nay / <input type="checkbox"/> Abstain / <input type="checkbox"/> Absent

WHEREUPON the Resolution was declared to be duly adopted.

DATE: **January 10, 2012**



 CHAIRMAN, FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS

January 10, 2012

RESOLUTION NO. 3, SERIES OF 2012RESOLUTION DESIGNATING AND APPROVING OFFICIAL DEPOSITORIES FOR
FREMONT COUNTY FOR 2012

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 Norden moved for adoption of this Resolution, with a second by Commissioner Stiehl. 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
Michael J. Stiehl	<u>Aye</u>	Nay	Absent	Abstain

Date: 1/10/12

ATTEST:

Debbie Bell
Chairman

Katie E. Barr
Clerk to the Board

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RESOLUTION NO. 4, SERIES OF 2012

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 Stiehl moved adoption of the foregoing Resolution, seconded by Commissioner Norden 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
Michael J. Stiehl	<u>Aye</u>	Nay	Absent	Abstain

Date: 1/10/12

BOARD OF COUNTY COMMISSIONERS
OF FREMONT COUNTY

ATTEST:

By: Debbie Bell
Chairman

By: Katie E. Bann
Clerk to the Board

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RESOLUTION NO. 5, SERIES OF 2012

RESOLUTION APPOINTING THE FREMONT COUNTY VETERANS' SERVICE OFFICER

WHEREAS, the Fremont County Board of County Commissioners is authorized by C.R.S. §28-5-801- 805 to establish a county veterans service office and to appoint a county veterans service officer for such county; and

WHEREAS, Betty Hanawalt, the Fremont County Veterans Service Officer appointed to an initial term from May 1, 2007, through January 9, 2010, and a second term from January 10, 2010 through January 9, 2012, has performed well in her position as Veterans Service Officer, and is willing to be appointed to another two-year term beginning on January 10, 2012, and continuing through January 7, 2014; and

WHEREAS, at the time of her initial appointment to the position as Veterans Service Officer, the Board of County Commissioners advertised for interested applicants to fill the position of Veterans Service Office, interviewed interested applicants and sought the advice and counsel of the chief officer of each post of the regularly established and existing veterans organizations of Fremont County; and

WHEREAS, the Fremont County Board of Commissioners is confident that Betty Hanawalt will continue to successfully perform the duties and assume the responsibilities of veterans service officer and should be appointed to serve in such position for a two-year term of office; and

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS FOR THE COUNTY OF FREMONT, that Betty Hanawalt is hereby appointed to the office of Veterans Service Officer for the two-year term commencing January 10, 2012 and ending on January 7, 2014. The duties and responsibilities of the office shall be as set forth in Colorado State Statutes and as may be requested from time to time by the Board of County Commissioners. The effective date of the appointment shall be January 10, 2012.

Commissioner Norden moved the adoption of the foregoing Resolution with a second by Commissioner Stiehl.

Debbie Bell	<u>AYE</u>	NAY	ABSTAIN	ABSENT
Edward H. Norden	<u>AYE</u>	NAY	ABSTAIN	ABSENT
Michael J. Stiehl	<u>AYE</u>	NAY	ABSTAIN	ABSENT

The Resolution was declared to be duly adopted.

Date: 1/10/12

Attest: Katie E. Bass
Clerk

Debbie Bell
Chairman

January 10, 2012

RESOLUTION NO. 6, SERIES OF 2012

**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 Stiehl moved adoption of the foregoing Resolution, seconded by Commissioner Norden 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
Michael J. Stiehl	<u>Aye</u>	Nay	Absent	Abstain

Date: 1/10/12

BOARD OF COUNTY COMMISSIONERS
OF FREMONT COUNTY

ATTEST:

By: Debbie Bell
Chairman

By: Katie E. Bau
Clerk to the Board

January 10, 2012

Resolution #7 of 2012

RESOLUTION NO. 7, SERIES OF 2012

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 Norden moved adoption of the foregoing Resolution, seconded by Commissioner Stiehl 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
Michael J. Stiehl	<u>Aye</u>	Nay	Absent	Abstain

Date: 1/10/12

BOARD OF COUNTY COMMISSIONERS
OF FREMONT COUNTY

ATTEST:

By: Debbie Bell
Chairman

By: Hattie E. Baur
Clerk to the Board

January 10, 2012

RESOLUTION NO. 8

THE BOARD OF COUNTY COMMISSIONERS
OF FREMONT COUNTY, COLORADO

A RESOLUTION AUTHORIZING THE DELEGATION TO EL PASO COUNTY, COLORADO WITH RESPECT TO THE ISSUANCE OF A REVENUE BOND TO REFINANCE MESA COUNTY, COLORADO VARIABLE RATE DEMAND REVENUE BONDS (GOODWILL INDUSTRIES OF COLORADO SPRINGS PROJECT) SERIES 2006; AND AUTHORIZING THE EXECUTION AND DELIVERY OF A DELEGATION AGREEMENT AND OTHER RELATED DOCUMENTS

WHEREAS, the State of Colorado (the "State") Constitution Article XIV, Section 18(2)(a) provides that nothing in the Constitution shall prohibit any of the State's political subdivisions from cooperating with one another to provide any service lawfully authorized to each of the cooperating units, including the incurring of debt; and

WHEREAS, Fremont County, Colorado ("Fremont County") is authorized under the County and Municipality Development Revenue Bond Act, article 3 of title 29 of the Colorado Revised Statutes, as amended (the "Development Revenue Bond Act"), to defray the costs of financing and refinancing any "project" as defined in the Development Revenue Bond Act; and

WHEREAS, the Development Revenue Bond Act defines "project" to mean any land, building, or other improvement and all real or personal properties, whether or not in existence, suitable or used for or in connection with any business enterprise (including, without limitation, enterprises engaged in storing, warehousing, distributing, selling, or transporting any products of agriculture, industry, commerce, manufacturing, or business); and

WHEREAS, El Paso County, Colorado ("El Paso County") is authorized by the Development Revenue Bond Act and the Supplemental Public Securities Act, constituting Part 2 of Article 57 of Title 11 of the Colorado Revised Statutes, as amended (the "Supplemental Public Securities Act"), to issue revenue bonds to finance and refinance manufacturing, industrial, commercial, agricultural or business enterprises, all to the end that the county or municipality may be able to promote economic activity by inducing nonprofit corporations to locate, expand or remain in the State for the benefit of the inhabitants of the State for the promotion of their health, safety, welfare, convenience and prosperity; and

WHEREAS, the Development Revenue Bond Act permits counties and municipalities to finance such projects which are located within the geographical jurisdiction of the county or municipality; and

WHEREAS, the Development Revenue Bond Act further authorizes counties and municipalities to issue revenue bonds for the purposes described above, including all incidental expenses incurred in issuing such bonds, to secure the payment of such bonds as provided in the Development Revenue Bond Act, and to enter into financing agreements with others for the purpose

January 10, 2012

of providing revenue to pay such bonds upon such terms and conditions as the counties and municipalities may deem advisable; and

WHEREAS, Goodwill of Central Colorado d/b/a Goodwill Industries of Colorado Springs, a Colorado nonprofit corporation (the "Borrower"), has presented to El Paso County a proposal whereby El Paso County will, pursuant to the Development Revenue Bond Act, the Supplemental Public Securities Act, Sections 11-57-201, et seq., Colorado Revised Statutes, as amended (the "Supplemental Public Securities Act") and the Delegation Agreement (as defined below), issue the revenue bond hereinafter described and loan the proceeds therefrom to the Borrower to current refund the remaining outstanding Mesa County, Colorado Variable Rate Demand Revenue Bonds (Goodwill Industries of Colorado Springs Project), Series 2006, the proceeds of which were used to finance, among other things, the acquisition, construction and equipping of a retail store located at 910 Main Street, Canon City, Colorado in Fremont County, Colorado (the "Refunding Project"); and

WHEREAS, the financing of the Refunding Project by El Paso County is consistent with, and a component part of, El Paso County's plan to provide services to persons of low income; and

WHEREAS, Fremont County and El Paso County are both lawfully authorized to issue bonds for the Refunding Project and Fremont County desires that El Paso County issue the bonds on Fremont County's behalf for the refinancing of the Fremont County facility as part of the Refunding Project and otherwise taking all action and exercising all powers permitted under the Developmental Revenue Bond Act, on behalf of Fremont County, including, the loaning of the proceeds of such bonds to the Borrower, the use of the proceeds of such bonds for the Refunding Project, and all other actions required for the completion of the Refunding Project; and

WHEREAS, El Paso County proposes to issue a revenue bond pursuant to the Development Revenue Bond Act (the "Bond") and a Trust Indenture, by and between El Paso County and Wells Fargo Bank, National Association, as trustee thereunder, and to loan the proceeds to the Borrower by means of a Loan Agreement, by and between El Paso County and the Borrower for the purpose of the Refunding Project; and

WHEREAS, Fremont County desires to delegate to El Paso County the authority of Fremont County to issue the Bond and finance the Refunding Project; and

WHEREAS, Fremont County and El Paso County will evidence such delegation by the execution and delivery by Fremont County and El Paso County of a Delegation Agreement, dated as of January 10, 2012 (the "Delegation Agreement"), in substantially the form presented at this meeting;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF FREMONT COUNTY COMMISSIONERS OF FREMONT COUNTY, COLORADO:

Section 1. In order to facilitate the Refunding Project that refinances the acquisition and equipping of a retail store located at 910 Main Street, Canon City, Colorado in Fremont County, Colorado, Fremont County hereby (a) delegates to El Paso County the authority of Fremont County to issue the Bond and finance and otherwise take action and exercise power under the Development Revenue Bond Act on behalf of Fremont County with respect to the Refunding Project and (b) approves, authorizes and directs the Chair of the Board of Fremont County Commissioners to sign

January 10, 2012

and deliver and the Fremont County Clerk to attest and deliver, the Delegation Agreement in substantially the form presented at this meeting. A copy of the proposed Delegation Agreement is on file in the office of the Fremont County Clerk and is available for inspection by the public.

Section 2. The Chair of the Board of Fremont County Commissioners is hereby authorized and directed to execute and deliver and the Fremont County Clerk is hereby authorized and directed to attest and deliver such other agreements and certificates and to take such other actions as may be necessary or convenient to carry out and give effect to the Delegation Agreement and this Resolution, including any agreement, document or certificate approving the Bond and the Refunding Project for purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"). The financing of the Refunding Project was previously approved for purposes of Section 147(f) of the Code and El Paso County is entitled to rely on such previous approval to the extent permitted by the Code.

Section 3. Nothing contained in this Resolution or the Delegation Agreement shall constitute a debt, indebtedness or multiple-fiscal year direct or indirect debt or other financial obligation of Fremont County within the meaning of the Constitution or statutes of the State or any political subdivision thereof, nor give rise to a pecuniary liability of Fremont County or a charge against its general credit or taxing powers.

Section 4. If any section, paragraph, clause or provision of this Resolution shall be held to be invalid or unenforceable, the invalidity or unenforceability of any section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 5. This resolution shall be effective upon its approval by the Board of Fremont County Commissioners.

January 10, 2012

APPROVED AND ADOPTED as of January 10, 2012.

FREMONT COUNTY, COLORADO

By Debbre Bell
Chair, Board of Fremont County
Commissioners

ATTEST:

Katie E. Bau
Fremont County Clerk and Recorder