

JANUARY 12, 2010

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## FIRST MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on January 12, 2010, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Michael J. Stiehl called the meeting to order at 9:30 A.M.

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

Also present Bill Giordano, Planning and Zoning Director; George Sugars, County Manager, and Tina Taylor, Deputy Clerk.

Pastor Benny Soto from the Mountainview Baptist Church gave the Morning Prayer.

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

### APPROVAL OF AGENDA

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

### CONSENT AGENDA

**Commissioner Norden** stated he wanted to make some corrections to the Minutes of December 8, 2009 and December 29, 2009 and would like to strike consideration of the minutes. Under scheduling of Public Hearings for February 9<sup>th</sup> change the order so that Items #6, #7, and #8 become 4a, 4b, and 4c.

**Commissioner Norden** moved to approve the Consent Agenda. Commissioner Lasha seconded the motion with the corrections. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried

2. Approval of Bills January 12, 2010 / \$1,049,047.32
3. Adoption of Resolution #60, Series of 2009, Special Review Use Permit Number SRU 09-003 University of Oklahoma Geology Camp.
4. **SCHEDULE PUBLIC HEARINGS FOR FEBRUARY 9, 2020:**
  - A. **REQUEST: SRU 09-005 ALLTEL CELL TOWER - DEER MOUNTAIN**

Request approval of a **Special Review Use Permit, Department file #SRU 09-005 Alltel Cell Tower - Deer Mountain, by Alltel Communications, Inc., a Delaware Limited liability company, to allow for the construction and operation of an unmanned telecommunications facility to include a forty-eight (48) foot high monopole tower (including lightning rod), a one-hundred and eighty (184) square foot equipment shelter, a meter rack with Telco Cabinet and 10 foot long ice bridge, which will provide 3G communication service and high speed wireless internet.** Access to the property is located at 1974 Fremont County Road #27A (aka Copper Gulch Road) via a twenty (20) foot easement across property owned by Charles L. Whitfield, the subject property is generally located on the west side of 28th Trail, 330 feet south of H Path in the Deer Mountain Area.

- B. **REQUEST: SRU 09-006 ALLTEL CELL TOWER - TEXAS CREEK**  
Request approval of a **Special Review Use Permit, Department file #SRU09-006 Alltel Cell Tower - Texas Creek, by Alltel Communications, Inc, a Delaware Limited Liability Company, to allow for the construction and operation of an unmanned telecommunication facility to include a forty-eight (48) foot monopole tower (including lightning rod), a one-hundred and eighty-four (184) square foot equipment shelter, a meter rack with Telco Cabinet and a 10 foot long ice bridge, which will provide 3G service and high speed wireless internet.** Access to the site will be via an easement from U.S. Highway 50, *the property is generally located on the southeasterly side of U.S. Highway 50 approximately two (2) miles west of Colorado State Highway 69 in the Texas Creek Area.*
- C. **PROPOSED 1<sup>ST</sup> AMENDMENT TO THE FREMONT COUNTY ZONING RESOLUTION**
1. Clarification as to the validity of information and supporting documents for all applications submitted in accordance with the ZR.
  2. Declaration as to conformance to plans, drawings and commitments by signing the application. Declaration as to agreeing and completing any private or public improvements imposed as a contingency for approval of the application, by signing the application.
  3. Imposing professional review fees on applicant for the purposes of covering actual costs and expenses of evaluating the application, including but not limited to retaining any necessary expert review or investigative assistance for any portion the application or its accompanying documents.

**ADMINISTRATIVE/INFORMATIONAL**

1. Administrative and Elected Officials

**Clerk and Recorder Hatfield** submitted the Clerk's Report for December, 2009. Total which goes to the state is \$278,942.57 and that is down \$60,935.96. Fremont County Sales Tax that goes to the city was \$19,782.55 which was up \$2,073.90. Sales and Use Tax which goes to the county was \$43,404.35 and we showed an increase of \$1,436.86. The Clerk's office deposited a total of \$588,267.82 to the bank but the amount that went to the state was \$237,589.07.

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

**Fremont County Treasurer McFarland** presented an Affidavit for a Lost Tax Lien Certificate. In order to pay the money out on this redemption to the lien holder she needs a resolution stating the original certificate has been lost or destroyed. This property did go to tax lien sale in 2008. The property was erroneously assessed. It was platted as a road so there was nothing to sell. She needs to redeem out that tax lien holder for \$751.01 and needs a resolution for this also.

**Commissioner Norden** moved approval of **Resolution #1, 2010** to make the corrections to the erroneous assessments as noted by the County Treasurer for Tax Lien Sale Certificate 7457. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

Fremont County Treasurer McFarland said the second resolution will be for reimbursement to Mr. Fougner for the purchase. Tax Schedule 99923138 – Tax Lien Sale Certificate No. 4505 for \$751.01.

**Commissioner Lasha** moved to approve **Resolution #2, Series 2010** for funds to redeem the Tax Lien Sale of an erroneous assessment for \$751.01. Commissioner Norden

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

**Commissioner Norden** stated he wanted to add an item to the Agenda. He moved to add the appointment of the Planning Commission member Daryl Robinson designation of the City of Cañon City, City Council to fill the City’s designated seat for Fremont County Planning Commission as Item #12. Commissioner Lasha seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

**Public Trustee Pat McFarland** continued with the Quarterly Public Trustee report for the period of: 10-01-09 thru 12-31-09.

Releases of Deed of Trust: Full Releases	646
Partial Releases	7
<u>Total</u>	<u>653</u>
Foreclosures commended:	88
Total Public Trustee Fees Collected:	\$38,242.64
Less:	
Total expenses of the operation of the Public Trustee Office:	
Including Recording Fees Paid to the Clerk and Recorder,	
Foreclosure publications, lease payment on office copier,	
Internet research fees	
And general office expenses (paper, etc)	\$11,100/77
	_____
Fourth Quarter Income	\$27,042.86

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Beginning Balance of	\$68,125.36
Ending Balance	\$27,042.86
	_____
Ending Balance of December 31, 2009	\$95,169.22

Ms. McFarland stated foreclosures are still up by about a 24 % increase from the 2008 and there were only 8 more releases done in 2009.

**Fremont County Treasure McFarland** also gave the Treasurers Semi Annual report. She stated that some of the deficits are still there from her report in July. The Sheriff Department is still in a negative. The Weed Department is still down but payment invoices are still out. The Sales and Use is down because of the money we paid on the jail. The negative in some of the school districts is because of the abatement we had to make to Holcim but it will even itself out through the year. The bottom line figure of \$6,277,196.551 includes the Human Services.

**Commissioner Lasha** moved to accept the Treasure’s Semi-Annual Report and the Public Trustee Quarter Report. Commissioner Norden seconded the motion. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

2. Citizens Not Scheduled

Debbie Bell of Cañon City thanked all elected officials for the helpfulness in the past years while she worked at the Cañon City Daily Record. She announced her candidacy for District 2 Commissioner.

**NEW BUSINESS**

**ORGANIZATION OF THE BOARD OF FREMONT COUNTY COMMISSIONERS**

**Commissioner Stiehl** moved to appoint Commissioner Ed Norden as the Board Chairman and Commissioner Larry Lasha as the Chairman Pro Tem for the year 2010. Commissioner Lasha seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Lasha, aye; Commissioner Norden, aye. The motion carried.

**Commissioner Stiehl** recessed the meeting.

**Commissioner Norden** recalled the meeting back to order.

**RESOLUTION DESIGNATING SCHEDULE FOR REGULAR MEETINGS OF BOARD OF COUNTY COMMISSIONERS**

**Commissioner Stiehl** moved to schedule Fremont County Board of Commissioners meeting on the second and fourth Tuesdays of each month at 9:30 A.M. This is **Resolution #3, 2010**. Commissioner Lasha seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Lasha, aye; Commissioner Norden, aye. The motion carried.

**RESOLUTION DESIGNATING OFFICIAL POSTING PLACE OF MEETINGS FOR BOARD OF COUNTY COMMISSIONERS**

**Commissioner Norden** stated we use the same posting places for all public meetings of the committees and commissions that are appointed and by the Board of Commissioners as well. The places include the reception area in the office of the County Commissioners as well as the bulletin board outside the Commissioners office.

**Commissioner Lasha** moved to approve the official posting places as **Resolution 4, 2010**. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden aye. The motion carried.

County Attorney Jackson stated the website is also a very good source even though it not an official posting place by statute.

**RESOLUTION DESIGNATING OFFICIAL NEWSPAPER**

**Commissioner Norden** stated this resolution declares the Cañon City Daily Record as the primary newspaper and the Florence Citizen as the secondary. **Commissioner Stiehl** moved to approve and this will be **Resolution #5, 2010**. Commissioner Lasha seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Lasha, aye; Commissioner Norden, aye. The motion carried.

**RESOLUTION DESIGNATING OFFICIAL DEPOSITORIES FOR 2010**

**Commissioner Norden** stated by the recommendation of the County Treasurer Pat McFarland that the official depositories be Sunflower Bank of Cañon City, Colorado Surplus Asset Fund, COLO Trust and Cañon National Bank. **Commissioner Stiehl** moved to approve the designated official depositories for 2010 as **Resolution #6, Series 2010**. Commissioner Lasha seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Lasha, aye; Commissioner Norden, aye. The motion carried.

**RESOLUTION APPOINTING THE FREMONT COUNTY VETERANS' SERVICE OFFICER**

**Commissioner Norden** stated this appointment will reappoint Betty Hanawalt for a two (2) year term for the Veterans' Service Office. This is **Resolution #7, Series 2010**. **Commissioner Stiehl** moved for approval. Commissioner Lasha seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Lasha, aye; Commissioner Norden, aye. The motion carried.

**APPOINTMENT OF FREMONT COUNTY ATTORNEY**

**Commissioner Lasha** moved to appoint Brenda Jackson as the Fremont County Attorney for the year 2010. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

**THE REAPPOINTMENT OF PEGGY SORENSON AND SHERRY JOHNS TO THE FREMONT COUNTY HERITAGE COMMISSION**

**Commissioner Norden** stated that when the seven (7) member commission was first created last year the member received different terms. Peggy Sorenson and Sherry Johns both received one (1) year terms indicating that we would consider them for reappointment for a full three (3) year term in January of 2010. They have sent e-mail messages requesting to be considered for the three (3) year term to the Fremont County Heritage Commission. Commissioner Norden moved to reappoint Peggy Sorenson and Sherry John to the Commission. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried.

Commissioner Norden added that there is a vacancy with the resignation of Flo Orona whose interest was in museums and they are taking letters of interest for that vacancy until 4 P.M. Thursday, January 21st.

**PATHFINDER PARK ENGINEERING SERVICES TASK ORDERS 1-3**

**County Manager George Sugars** stated in November they asked for request for qualifications to design a water line extension from the west end of Florence to Pathfinder Park. They received ten (10) proposals. He and the County Engineer reviewed them and selected a recommendation for the Board of T.E.C. from Fort Collins. We have an engineering agreement with three tasks. The first task is to survey and provide easement descriptions. The second is a water line design and third a bulk water station for the line. The total cost came \$25,195. When we first put this together we estimated a cost of \$43,000. We did receive the DOLA Grant we applied for but it is only for \$21,500. This grant is a dollar for dollar match grant. The money we received will be \$12,097.50. Our portion of the \$12,097.50 to match will come out of the Conservation Trust Fund. The design should be completed some time in May or June on the water line.

**Commissioner Lasha** moved to approve the Engineer Service Agreement on Task Orders 1, 2, and 3 for \$25,195 with T.E.C. of Fort Collins, CO. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

Commissioner Norden stated there has been some controversy on why they were contracting with a company out of Fort Collins. Over a year ago T.E.C. did some preliminary studies for Fremont County when we contemplated along with Cañon City Recreation and Park District extending the water line out to the Brewster area. They are also the primary water engineer for the City of Florence. We considered the qualification in scoring and it has been only in the last ten (10) days that we have received the quotes.

**PARTICIPATION AGREEMENT \$24,898.27 – UPPER ARKANSAS AREA COG REGIONAL RECYCLING**

**Commissioner Stiehl** stated that each year we renew our contract with COG recycling program. It has been in effect for twelve (12) years. We pay for the participation with the fees that we collect at the landfill.

**Commissioner Stiehl** moved to approve the agreement for \$24,898.27 noting our budget is \$25,000.00 with Upper Arkansas COG for the Regional Recycling program. Commissioner Lasha seconded the motion. Commissioner Norden stated budget for this comes from tipping fees that are charged at landfills or transfer stations. Upon vote: Commissioner Stiehl, aye; Commissioner Lasha, aye; Commissioner Norden, aye. The motion carried.

**LIQUOR LICENSE – SHADOW HILLS GOLF CLUB**

**County Attorney Jackson** stated that this was submitted after the expiration date on the license so the state may not accept it due to the late filing. Shadow Hills has been in receivership and this application was submitted by the receiver who is managing the assets.

**Commissioner Lasha** moved to approve the liquor license for Shadow Hills Golf Club waiving the late filing. Commissioner Stiehl seconded the motion. Upon vote:

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Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Stiehl, aye. The motion carried.

**THE FORMAL APPOINTMENT OF THE CAÑON CITY COUNSEL DESIGNEE TO THE FREMONT COUNTY PLANNING COMMISSION**

**Commissioner Norden** stated at the Cañon City Council meeting January 4<sup>th</sup> the new mayor Tony Greer appointed City Councilman Daryl Robinson as their representative to the Fremont County Planning Commission. We received a letter from Tony Greer designating Daryl Robinson receive formal appointment by the Commissioners to allow service on the Planning Commission.

**Commissioner Stiehl** moved to appoint Daryl Robinson as Cañon City's representative on the Fremont County Planning Commission. Commissioner Lasha seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Lasha, aye; Commissioner Norden, aye. The motion carried.

**Commissioner Norden** adjourned the meeting at 10:25 A.M.

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Clerk & Recorder