

**January 26, 2016**

**SECOND MEETING**

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on January 26, 2016, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Edward Norden called the meeting to order at 9:30 a.m.

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

Also present: George Sugars, County Manager and Matt Koch, Planning and Zoning Director

The Invocation was given by Tom Killgore of First Southern Baptist Church.

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

**APPROVAL OF AGENDA**

**Commissioner Bell** moved to approve the Agenda with the addition of New Business item #9. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

**CONSENT AGENDA**

1. Approval of Minutes / Special BOCC Meeting / January 7, 2016
2. Approval of Minutes / January 12, 2016
3. Approval of Bills for January 26, 2016 / \$1,171,362.27
4. Ratify approval of signed purchase order with Electronic Systems International, Inc in the amount of \$58,227 for installation of a fire sprinkler/fire alarm dry system and vandal proof heads in the jail
5. Approval of the Colorado Department of Transportation HUTF Annual Mileage Change Report
6. Schedule Public Hearings: None

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

**ADMINISTRATIVE/INFORMATIONAL**

1. Staff / Elected Officials:
  - a. County Sales & Use Tax Report, Sunny Bryant, Assistant County Manager/Budget & Finance Officer

**January 26, 2016**

**Sunny Bryant** reported the November collections for Retail Sales Tax were \$323,701, Sheriff-Retail Sales Tax were \$215,801 and Lodging Tax were \$611. In December, the Auto Use Tax collected was \$69,570, and the Sheriff-Auto Use Tax was \$46,380. The preliminary Construction Use Tax for December was \$24,136, and the preliminary Sheriff-Construction Use Tax was \$16,091.

**Commissioner Norden** reported the telecast of meetings would be accessible on YouTube for later viewing.

2. Citizens who wish to address the Commissioners on a matter not scheduled on the agenda

None.

### **OLD BUSINESS**

None.

### **NEW BUSINESS**

1. In consideration of a Resolution recognizing Susan Justus, Recording Director, Clerk & Recorder's Office for her 36+ years of service to Fremont County

**Clerk Barr** read the resolution dedicated to Susan Justus.

**Commissioner Bell** moved to approve the resolution recognizing Susan Justus, Recording Director, for her 36+ years of service to Fremont County. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

**Susan Justus** thanked the Board for the recognition. She said she looks forward to the next step in life.

2. Annual Report - Heritage Commission 2015 Report - Mike Madone

**Mike Madone** gave the Annual Fremont County Heritage Report. The goals of the Commission were to aid in the designation of local historical sites, organize Fremont Fall Heritage Days, and strengthen relationships with various organizations. The organization launched a website in the past year. Mr. Madone and the Heritage Commission presented the Board of County Commissioners with a plaque for the Fremont County Administration Building designating the historical status of the building. The handmade plaques by Lisa Steele of Florence will be distributed to each building with historical status.

### **PUBLIC HEARINGS SCHEDULED FOR 10 A.M.**

1. In consideration of Service Plan for Proposed Tallahassee Fire Protection District  
Representative: Gordon Grosslight

**Chairman Norden** opened the Public Hearing at 10:15 a.m.

**Gordon Grosslight** said the establishment of the Tallahassee Fire Protection District is the first step to becoming a tax-supported, recognized agency. The service plan will continue with operational funding provided by donations and fee-based services. Originally created as a wild-land fire protection organization, in 2011, the department

**January 26, 2016**

expanded its plan to include structure protection. Deployment of equipment to other districts also provides a large portion of funding. The benefits to becoming a Special District include lower insurance costs and motor vehicle registration, a secure and defined service area, and easier access to grants.

**Michael Gaillard** said in November Tallahassee responded to his house fire. The responders were able to save his house and manage the fire in under an hour. He is in favor of the district.

**Carol Garrett** would like to be excluded from the special district. She has no faith or respect in the fire department and people running it. She says she received the letter without sufficient time to respond.

**Jerry Holmes** has been in the area since 1983. He would like to be excluded from the Special District. He feels there are too many undisclosed issues about where the money will go and has gone in the past.

**Roberta Herring** wanted to know why Tallahassee was the last to arrive at the Royal Gorge Fire when the fire was on County Rd 21A. She was instrumental in first establishing the fire district. She feels first-cannot meet the emergency medical needs in the area.

**Louise Roarty** is from the Cactus Drive area. She is against forming the special district. She says she did not receive a letter announcing the public hearing.

**Brian Gardner** has been an active member of the Tallahassee Fire Department for three years. He said many of the people who have spoken against the special district have not attended the monthly board meetings for the fire department.

**Jerry Worthley** has been a member of the fire department for several years. The volunteers of the department have sacrificed to make sure that all in the area receive services as needed.

**Dave DelVecchio** has been in fire service for 38 years with five of those years in Canon City. He believes the formation of the special district is a positive first step to a better level of service for the people in the area. It would be a benefit to the Canon City Fire District to have Tallahassee Fire District as a recognized fire entity as well. ISO will recognize contracts between Canon City and Tallahassee as valid once the new district has been formed.

**John Read** has been part of the Tallahassee Fire District since he moved to the area 15 years ago. The fire department was originally formed by the people of the area, but now has the advantage of more experienced personnel on staff. All meetings are open to the public, and the financial statements are on the Tallahassee website. All people in the area need to work together to accomplish goals.

**Deborah DeJongh** has been in the area for 20 years. She was told in the past that if she wanted protection she needed to pay \$100 per year to the district. She is all for the district if issues can be addressed.

**Chairman Norden** closed the Public Hearing at 11:23 am.

**Michael Meyrick** addressed issues questioned by the citizens. He said the district had three EMT's on staff until a couple of months ago when two more had completed training. The number of active firefighters in the department are 22 even though prior lists have shown 33.

**Commissioner Bell** moved to approve Resolution #7, a Service Plan for Proposed Tallahassee Fire Protection District and authorization of the Chairman to sign the service

**January 26, 2016**

plan. Commissioner Payne seconded the motion. Through adoption of the service plan no properties will be excluded from the proposed service area. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

2. Request approval of a Special Review Use (SRU) Permit, Department file #SRU 15-004 RoCnJeN's HaYe, to allow a Feed Store. The property is located at 295 I Street (northwest corner of 3<sup>rd</sup> and I streets) in Penrose. The property is zoned Agricultural Rural and contains 4.47 acres  
Representative: Jennice Fagin

**Chairman Norden** opened the Public Hearing at 11:48 am.

**Jennice Fagin** said keeping Fremont County lands agricultural is passionate to her. She is the only independent distributor for Chaffhaye for Southern Colorado. She receives a shipment approximately every 45 days. A shipment takes around one hour to unload. Deliveries are allowed during business hours only. An average of three customers will pick up product on any given day.

**Director Koch** said the Planning Commission recommended that the SRU be approved. He reviewed the recommended Conditions, Waiver Requests, and Contingencies. Contingencies #1 and #2 have been satisfied. In 2014, the applicant received a violation from Code Enforcement which resulted in the applicant moving and storing the product at D&K Supply until the decision on the SRU.

**Kimberly Blue** is in support of the applicant. Her animals use the product.

**Lesa Drake** had to leave, but told Commissioner Bell she would like to see the permit issued.

**Lynn Hart** also had to leave, but she expressed her support for the permit.

**Jeff Winter** lives in Florissant and uses the product. Granting the permit will allow him to continue to purchase the product from the applicant.

**Deborah Weger** clarified some deliveries to customers do not require a forklift and are loaded by hand.

**Chairman Norden** closed the Public Hearing at 12:33 pm.

**Commissioner Payne** moved to approve Resolution #8, SRU 15-004 RoCnJeN's HaYe removing Contingencies #1-2, renumbering #3 to #1 and adding Contingency #2 stating all improvements to the entry will be made before the next delivery; with recommended Conditions, amending H to include during daylight hours; and granting Waiver requests #2-4. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

### **NEW BUSINESS cont.**

3. In consideration of Revision 1 to the Fremont County Airport Rules and Regulations  
Representative: Jim Woolworth, Airport Advisory Board and Dick Baker, Airport Manager

**Jim Woolworth** said the revision establishes guidelines for acceptable signage for businesses at the airport.

**January 26, 2016**

**Commissioner Bell** moved to approve Revision 1 to the Fremont County Airport Rules and Regulations. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

4. In consideration of Revision 2 to the Fremont County Airport Security Plan  
Representative: Jim Woolworth, Airport Advisory Board and Dick Baker, Airport Manager

**Jim Woolworth** said the revision rearranges the list of contacts to indicate the priority of respondents.

**Commissioner Payne** moved to approve Revision 2 to the Fremont County Airport Security Plan. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

5. In consideration of the 2016 Impound Agreement with the Humane Society of Fremont County

**Attorney Jackson** said the agreement is a one-year contract retroactive to the beginning of January that addresses the impounding of animals by the Animal Control Officer with the Humane Society.

**Commissioner Bell** moved to adopt the 2016 Impound Agreement with the Humane Society of Fremont County. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

6. In consideration of appointments to the Fremont County Weed Advisory Board for a three-year term ending December 31, 2018

**Commissioner Norden** moved to appoint Annette Ortega and Bill Edwardson to the Fremont County Weed Advisory Board for three-year terms. Commissioner Bell seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

7. In consideration of an appointment to the Fremont County Weed Advisory Board to fill a vacancy with a term expiring on December 31, 2016

**Commissioner Norden** moved to appoint John Sandefur to the Fremont County Weed Advisory Board with a term expiring on December 31, 2016. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

8. In consideration of a Resolution appropriating additional sums of money to defray expenses in excess of amounts budgeted for and appropriated by Fremont County, Colorado for the budget year ending December 31, 2015  
Representative: Sunny Bryant, Assistant County Manager/Budget & Finance Officer

**Sunny Bryant** said six funds would be amended by the resolution. The General Fund and the Capital Expenditures Fund are the most effected. The total amendment is \$1.26 million.

**Commissioner Bell** moved to approve Resolution #9, Supplementary 2015 Budget. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

**January 26, 2016**

9. Consider letters of support for designating Zebulon Pike's Expeditionary Route as a National Historic Trail.

**Commissioner Norden** said letters of support were submitted in the past, but the State is revisiting the issue and would like current letters of support.

**Commissioner Payne** moved to approve signature to the three letters of support. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

**Chairman Norden** adjourned the meeting at 12:55 p.m.

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Clerk and Recorder

January 26, 2016

**RESOLUTION NO. 7, SERIES OF 2016**

**A RESOLUTION APPROVING THE SERVICE PLAN SUBMITTED BY PETITIONERS  
SEEKING ORGANIZATION OF THE  
TALLAHASSEE FIRE PROTECTION DISTRICT**

**WHEREAS**, On November 16, 2015, persons proposing the organization of the Tallahassee Fire Protection District, a Colorado special district under Title 32, C.R.S., filed a proposed service plan for the district with the county clerk and recorder for Fremont County; and

**WHEREAS**, at the December 8, 2015 regular meeting of the Board of County Commissioners for Fremont County, a public hearing on the proposed service plan was scheduled for January 12, 2016; and

**WHEREAS**, by consent of the Petitioners/ Proponents for the proposed Special District, the date for the public hearing was rescheduled and continued to January 26, 2016; and

**WHEREAS**, on December 29, 2015, and January 5, 2016, notice of the public hearing was published in the *Canon City Daily Record*, the official newspaper for Fremont County, (see Exhibit A, affidavit of publication, attached hereto and incorporated herein by reference); and

**WHEREAS**, on January 4, 2016, the proponents of the proposed district completed the mailing required by §32-1-204, C.R.S., and have submitted certification of completion of mailing, a copy of which is attached hereto as Exhibit B and incorporated herein by reference; and

**WHEREAS**, the notice published and mailed complied with the requirements of §32-1-204, C.R.S.; and

**WHEREAS**, one written request for exclusion of property from the proposed district (Richard and Louise Averna) was received by the Board of Commissioners for Fremont County on or before January 16, 2016, as required by §32-1-203(3.5)(a) and one untimely written request (Floyd M. Clark) for exclusion was received prior to the public hearing; and

**WHEREAS**, the public hearing, open to the public, on the proposed service plan for organization of the Tallahassee Fire Protection District was held on January 26, 2016, at which time interested persons appeared and presented testimony and evidence relevant to the organization of the proposed special district, in accordance with §32-1-204, C.R.S.; and

**WHEREAS**, the proponents of the proposed Special District provided evidence regarding why the exclusion of property from the Special District is not in the best interests of the proposed Special District; and

**WHEREAS**, the Board of Commissioners has considered all testimony or evidence which in the discretion of the board, is relevant to the organization of the proposed special district; and

**WHEREAS**, the Board of Commissioners accepted written comments into the public hearing record if submitted prior to the public hearing and provided the opportunity at the public hearing to all interested persons and others with relevant information, to present comments, testimony or evidence.

January 26, 2016

**NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS FOR FREMONT COUNTY AS FOLLOWS:**

1. The Board of Commissioners finds that based on the service plan, satisfactory evidence presented at the Planning Commission meeting, and at the public hearing by the petitioners and interested parties that:

- a. There is sufficient existing and projected need for organized service in the area to be serviced by the Tallahassee Fire Protection District;
- b. The existing service in the area to be served by the Tallahassee Fire Protection District is inadequate for present and projected needs;
- c. The proposed Tallahassee Fire Protection District is capable of providing economical and sufficient service to the area within its proposed boundaries;
- d. No proposed indebtedness is proposed regarding organization of the Tallahassee Fire Protection District.

2. The Board of Commissioners finds that the exclusion of the property of Richard and Louise Avena, described as South T-Bar #5, Lot 92, would not be in the best interests of the proposed Special District. The surrounding properties would not be excluded from the District, and the one excluded property could potentially create a hazard risk extending from the excluded property to other surrounding included properties. Excluding a single property out of many parcels in a platted development also creates confusion to emergency responders.

3. The Board of Commissioners finds that the exclusion of the property of Floyd M. Clark, described as Lots 39, 40, and 41, Block 23, Bare Hills City, was not timely received. However exclusion would not be in the best interests of the proposed Special District. The surrounding properties would not be excluded from the District, and the one excluded property could potentially create a hazard risk extending from the excluded property to other surrounding included properties. Excluding a single property out of many parcels in a platted development also creates confusion in the event of an emergency response.

4. The Affidavit of Mailing and mailing list presented by the proponents of the proposed Special District indicate that proper notice to all property owners within the boundaries of the proposed Special District was mailed in accordance with the requirements of §32-1-204, C.R.S.

**BE IT FURTHER RESOLVED** that the Board of Commissioners for the County of Fremont hereby approves the proposed service plan as submitted, without condition or modification, seeking organization of the Tallahassee Fire Protection District, a Colorado special district.

January 26, 2016

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

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

The Resolution was declared to be duly adopted.

Date: 1/26/16

Edward H. Norden  
Chairman

Attest: Latie E. Bau  
Clerk

January 26, 2016

RESOLUTION NO. 9 2016  
 RESOLUTION FOR SUPPLEMENTARY 2015 BUDGET

A RESOLUTION APPROPRIATING ADDITIONAL SUMS OF MONEY TO DEFRAY EXPENSES IN EXCESS OF AMOUNTS BUDGETED FOR AND APPROPRIATED BY FREMONT COUNTY, COLORADO, FOR THE BUDGET YEAR ENDING DECEMBER 31, 2015.

**WHEREAS**, various expenditures have occurred during the current budget year that were not planned or anticipated at the time of the adoption of the 2015 budget, and....

**WHEREAS**, unanticipated revenues and available Fund Balance Reserves, not assured at the time of the adoption of the 2015 budget, are the providing resource for the various additional expenditures, by Fund, as follows:

GENERAL FUND	\$ 300,000
DEPARTMENT OF PUBLIC HEALTH	\$ 40,000
LODGING TAX FUND	\$ 80,000
CAPITAL EXPENDITURES FUND	\$ 580,000
SALES & USE TAX FUND	\$ 120,000
SELF FUNDED INSURANCE	\$ 140,000
<b>TOTAL</b>	<b>\$ 1,260,000</b>

**NOW, THEREFORE BE IT RESOLVED**, by the Fremont Board of County Commissioners that 2015 Appropriations for the following Funds are hereby increased from the Original adopted budget to the Supplemental budget as follows:

	TOTAL ORIGINAL BUDGET	TOTAL SUPPLEMENTAL BUDGET	INCREASE
GENERAL FUND	\$ 10,935,181	\$ 11,235,181	\$ 300,000
DEPARTMENT OF PUBLIC HEALTH	\$ 570,849	\$ 610,849	\$ 40,000
LODGING TAX FUND	\$ 133,074	\$ 213,074	\$ 80,000
CAPITAL EXPENDITURE FUND	\$ 2,190,092	\$ 2,770,092	\$ 580,000
SALES & USE TAX FUND	\$ 2,164,412	\$ 2,284,412	\$ 120,000
SELF FUNDED INSURANCE	\$ 2,879,049	\$ 3,019,049	\$ 140,000
<b>TOTAL SUPPLEMENTAL APPROPRIATION</b>			<b>\$ 1,260,000</b>

January 26, 2016

Commissioner Bell moved for adoption of this Resolution, with a second by  
Commissioner Payne. 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

The Resolution was declared to be duly adopted.

Date: 1/26/16

Edward H. Norden  
Chairman

Attest:

Katie E. Bauer  
County Clerk and Recorder