

February 8th, 2011

THIRD MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on February 8th, 2011, 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
Brenda Jackson	County Attorney	Present
Katie Barr	Clerk and Recorder	Present

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

Pastor Benny Soto, Chaplain for the Fremont County Sheriffs Office gave the Morning Prayer.

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

- a. 2010 Annual Report from Building Official Mike Cox on building department activity.

Mike Cox gave the Annual Report for Building Department to the Board. Cox said our County seems to be rebounding from the downfall of the economy. In 2010 there was a total of 712 Building Permits issued, which is up from 567 Permits in 2009. Of the 712 Permits, 38 were for Single Family Stick Built Dwellings, 28 were for Manufactured homes, and 27 were for Commercial Construction. Out of the 27 Commercial Permits, 22 of them were for the Geology Camp on Oak Creek Grade. The construction valuation for 2010 was \$20,665,944 which was up \$4,741,936 from 2009's valuation of \$15,924,007. Mike stated 74 Septic permits were issued, of these 8 were for repair jobs, 4 were renewals from 2009, and 62 were new septic systems. In 2010 32 Demolition Permits were issued in the County. Cotter Corporation had 15 of these Demolition Permits, Holcim had 2, and Buckskin Joe had 6 permits for the removal of cabins and buildings. The 2 Building Inspectors performed 1828 building inspections through out the County, and traveled 30,470 miles to complete these inspections. The Department completed 199 combined Commercial and Residential Plan Reviews.

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The approved 2010 budget for the Building Department was \$239,733. As of January 14th, 2011 the Department had spent \$230,061.42 leaving a surplus of \$9,671. Revenues created by the Building Department in 2010 were \$257,685 which is up \$43,676 from 2009. Other deposits included: \$58,441 from restaurant licensing; Canon City Area Fire District Impact fees, \$5868; State Septic Surcharge, \$1,426; Planning and Zoning Address Issuance, \$3,900; Driveway Access Fees, \$990; Building Supplies Use Tax, \$157,070. Total deposits for 2010 were \$485,382 which was up \$106,990 from 2009. So far in January 2011 25 total building permits have been issued.

- b. Presentation of annual review by code Enforcement Officers Robert Sapp and Ronald Zenisky

Robert Sapp began by thanking Sheriff Beicker and his department for their assistance in resolving issues within the community. In 2010 SMM Code Enforcement received 63 complaints, of those 41 cases came into compliance, and 22 cases are still active. In 2011 so far, 7 complaints have been received. Sapp said they have an 83% clearance rate overall which is great. Less than 1% of the cases go to court which means they very rarely have to take any cases to the County Attorney. Outside of Code Enforcement they also deal with addresses that need to be fixed. The Post Office and GIS assist with addresses that need fixed. In 2010 they had 373 address changes, verifications, and new addresses. Sapp said their Department also helps Bill Giordano of the Planning and Zoning Department with permit applications to make sure the properties are in compliance with the regulations. Sapp noted that hoarders are a huge problem in our area and still needs to be addressed. Commissioner Bell said she appreciates the Code Enforcement Officers working with the people in the community instead of against them. Sapp said it is with the help of the Commissioners, Bill Giordano, and Brenda Jackson that they are able to accomplish such good results. Commissioner Norden said he is working with Sapp on a major recycling project for the County as well.

Ronald Zenisky explained to the Board the SMM Enforcement has had resistance from local contractors. It has helped to allow them time to come into compliance, rather than shutting the contractors down. Commissioner Stiehl asked for a brief summary of what SMM is. Zenisky stated SMM stands for Special Mobile Machinery. The State of Colorado requires people who are contractors that have equipment in excess of 1000 pounds to register their equipment and pay a special tax for use of that equipment. Commissioner Stiehl said it is similar to motor vehicle registration. Zenisky said there are some changes taking place and they will be working closely with Dottie Gardunio, Motor Vehicle Supervisor. In 2009 revenue was \$505,858 which was \$63,000 more than 2010. Zenisky said the reason for this is many companies have left Fremont County. He noted High Country Pipeline is no longer here, and the economic conditions are a factor as well. On a more positive note, Fremont Sanitation and Buckskin Joe have been doing a lot of work and he hopes for more revenue in 2011. He explained compliance is voluntary for the contractors, but most of them are cooperating. Commissioner Stiehl commented the County does not want people who do not pay their taxes to have an unfair advantage over the citizens who do pay their taxes. Zenisky explained they are not out to get anybody, but the SMM fees need to be paid when due. Commissioner Norden noted the SMM Department had to overcome the negative feelings towards SMM Enforcement and how Zenisky's voluntary compliance is working so well. Norden commended their department for a job well done as the Commissioners do not get complaints regarding the enforcement.

County Clerk Katie Barr reported that the water damage had been successfully cleaned up in the Motor Vehicle Department. As of Monday, the Department was fully operational again. Barr thanked the public for their patience and understanding during this process. She expressed her appreciation to the County Employees and Commissioners for their help during this process. Clerk Barr gave her report for the month of January 2011. Total fees collected were \$728,947.

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Of the money collected, the County keeps \$386,410 which is about 53% of the collected fees. In January 2010 total fees collected were \$716,111 and the amount kept by the County was \$378,200. This was about 53% as well, so this year we are up about \$8,000 over last years collected fees. Commissioner Stiehl moved to accept the Clerk's report for the month of January 2011. Commissioner Bell seconded the motion. Upon Vote: Commissioner Stiehl, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

County Manager, George Sugars reported on fees collected for January 2011. The Retail Sales Tax was up about 4.5% over last year. Auto Use Tax was up 12.23% from a year ago. Construction Use Tax was up 9.5% over 2010. This brings the total fees collected for the County up 5.87% overall from last year. He noted the Retail Sales Tax numbers stated here were actually collected in November 2010 and the County receives the money in January 2011. The Auto Use Tax is collected in December and the County receives it in January. Sugars said the Construction Use Tax is collected and received in January.

Commissioner Norden extended congratulations to all of the Penrose Chamber of Commerce Honorees at the banquet last night. Pete Mugasis of Coyote Coffee Den was named Citizen of the Year. ITT Dimensions, and CPA Dale Johns were named the Businesses of the Year. The Florence Chamber of Commerce banquet was set for tonight but was cancelled due to the weather and will be rescheduled.

2. Citizens Not Scheduled:

Doug Shane reported to the Board about the Downtown Merchants Meeting he had attended this morning. There were more than 20 people at the meeting. This summer artists will be putting up murals on some of the buildings downtown. On Skyline Drive they are going to have the world's largest chalk drawing for the Guinness Book of World Records. The event is called "Chalk It Up" and there will be helicopters filming the event. There will be a billboard put up at the Peabody Mansion advertising local events. Shane said they are working with CDOT to have new signs in place on Highway 50 directing people to our downtown. They are also printing a map of Fremont County and Canon City with help from the Royal Gorge Bridge. The Royal Gorge Visitors Guide is finished and has been distributed.

PUBLIC HEARINGS SCHEDULED FOR 10:00 A.M.

On behalf of Fremont County and North Park II LP, the Upper Arkansas Area Council of Governments (UAACOG) plans to submit a Community Development Block Grant (CDBG) application to Colorado Division of Housing (CDOH). The purpose of the application is to request \$480,000 for the redevelopment of North Park Village, 1401 Washington, Canon City, CO. The project will replace existing mobile units with new two, three and four bedroom single-family homes. The request of funding from the Division of Housing is to benefit persons with low and moderate-income in Fremont County. It is not the intent to cause displacement from any existing housing; however, if persons are displaced from their existing residence reasonable housing alternatives will be offered. Sharon McKenzie of UAACOG was present and available for any questions.

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

Public Comments: None

Chairman Norden closed the Public Hearing at 10:02 A.M.

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OLD BUSINESS

None.

NEW BUSINESS

1. Doug Shane and Rudl Mergelman-Fremont County Tourism Council annual report

Doug Shane of the Fremont County Tourism Council presented the annual report to the Board. The Lodging Tax declined \$2,343 from the 2009 level of \$141,014 to \$138,671. As both the East and West Welcome Cabins are now closed, face to face totals for tourism went down from 16,000 to 5,000. However, phone calls, emails and walk-ins at the Chamber Office increased from 12,000 to 19,000. There were 7723 Visitors Guides mailed out in 2010 compared to 4969 in 2009. In 2010 there were 31,723 visitors serviced compared to 32,969 visitors in 2009, which is only a decrease of 1,246 visitors. Shane said this was all at one location, rather than three locations, which allows them to be more efficient. Shane announced they hired Bryan Jordan of Vista Works to rework the website and he has done a wonderful job. He asked that businesses in the tourism industry send him their logo, and it will be posted on the web site for free. The Tourism Council now also has a Facebook page, and a Twitter page. A new mobile application is now being created and will be available by May 1, 2011. This mobile application will be able to function on the I-phone and on the android format. This will inform visitors of the options for dining, shopping, activities and attractions in our area. The Council used Colorado Activities Center for the production and printing of the Visitors Guide and it is available now. Commissioner Norden asked Shane if he could bring some guides to the Commissioners Office. Shane said a local artist, Pat Wiles created the art work used on this year's cover of the guide. They will again solicit local artists to design next year's cover as well. The Council awarded \$6,500 in community funding to nine events and organizations. Over 20 applications were received, and \$21,000 requested. He said perhaps a community TV campaign may be more beneficial, as everyone would benefit from the advertising. The Board this year consists of Rudl Mergelman as Chair; Beth Ketchmar of Pizza Madness as Vice Chair; Larry Otto of the Holy Cross Winery as Treasurer; Dan Brown from Keller Williams; Dorothy Day from the Royal Gorge Bridge; Glen Haze from the Royal Gorge Railway; and Lloyd Harwood of the Arkansas River Inn. Commissioner Bell asked Shane how many Visitors Guides they have to distribute this year, and how does that compare with previous years. He answered they have 130,000 this year which is 30,000 less than last year. Commissioner Stiehl asked where the guides are being placed. Shane replied they are placed with all of the advertisers in the guide, and are sent to people who request them on the phone. He also said cases of the guides are sent to Colorado Tourism Office to be distributed. Commissioner Norden noted the Fremont County Heritage Committee has a presence in the Guide for the Sesquicentennial and asked if they were on the website of the Tourism Council. Shane said yes they are on the website as well. Commissioner Stiehl asked how a mobile user will know about the new application. Shane said it is in the Visitors Guide and on the website. Stiehl asked how often the social networking is attended to. Shane replied it is being maintained twice per week currently. Commissioner Bell moved to accept the 2010 Fremont County Tourism Council Report. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Bell, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

2. Bid Award-Lombard Street/Stone Place Creek Pan Upgrade

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Gary Weirton said the Department of Transportation recommends the 12" grid be awarded to Avalanche Construction for \$26,460. Commissioner Norden noted the other option of the 35" grid was less money. Weirton said the Engineer recommends the 12" grid for this application. Weirton also stated the concrete pan is preferred over the concrete pan with asphalt as there would not be a seam. Commissioner Bell asked Weirton for a history of the problem and why the County needs to spend the money to fix the issue. He explained water runs across the road continuously during the irrigation season and has deteriorated the road. There is a concrete pipe underneath the road, but it is cemented in and the water continues to flow across the road. Commissioner Stiehl said the County had tried to engineer the pipe to fix the problem, but it fills with sedimentation, therefore the concrete pan is needed. Commissioner Bell moved to award the bid to Avalanche Construction in the amount of \$26,460 for the Lombard Street Pan Concrete Upgrade with the 12" grid. Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried. Weirton reminded everyone they are still accepting bids for the 1962 Chevy Pickup. The truck can be viewed at 1170 Red Canyon Road and bid information is on the County website. Bids will be accepted until February 15th, 2011. Commissioner Stiehl noted it is a ¾ ton, V-8, four speed truck in fine condition.

3. Bid Award-Pathfinder Park Water Line

Don Moore said the water line is to run from the arena to Cyanide Avenue to the Florence water supply for the restrooms that were built last year. The size of the water line will accommodate the needs of the County for future development of the park. Seven bids were received in the amounts from \$142,105 to \$311,785 for Bid Schedule A. Schedule A is the base bid that runs from the bathroom building eastward for 2000 feet, south of the existing sewer main, then changes to the north side and runs across 2 easements to Cyanide Avenue. Schedule B takes the line all the way from the bathroom to Cyanide on the south side of the sewer main. Schedule C is on the north side of the sewer main. He was prepared to recommend awarding Schedule C this morning as the Contractor is ready to go. However, things changed about an hour ago. They now have the potential to get the easements to allow an award of Schedule B which takes the water line south of the sewer and is completely out of the way of the Sanitation District for future expansion. Moore noted Schedule B and Schedule C are within \$1000 of each other, if awarded to the lowest bidder; Avalanche Construction. Schedule B is the best route as it keeps the water line out of the way of future construction, and is located at the south boundary of the property. Moore noted however that Schedule C is ready to go today. This would put the water line 40 feet north of the sewer main. Fremont Sanitation has requested it be 46 feet north of the sewer main. Commissioner Norden asked if they could award Schedule B with Schedule C as an alternate, and authorize staff to choose the next alternate if the easements are not granted. Moore replied that should not be a problem as long as they award all three alternatives in the order of Schedule B, then Schedule C, and last Schedule A. Moore said there are two easement issues on Schedules B and A. He said one of the issues can be solved by the County Attorney within the week. The other easement he believes is being taken care of today. Commissioner Norden said due to timing restraints it is imperative to get the project underway for the GOCO grant funding. Commissioner Stiehl asked how long it would take for the contractor to begin work on Schedule B. Moore replied the irrigation water is due to be turned on March 15th, and the work needs to be completed before then. Commissioner Stiehl moved to award the Pathfinder Park Water Line Bid Schedule B to Avalanche Construction in the amount of \$136,007.20 with Schedule C and Schedule A as alternate bids and authorize Staff to determine which alternate Schedule would be needed to expedite the project. Commissioner Bell seconded the motion. Upon Vote: Commissioner Stiehl, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

4. Colorado State University Extension Memorandum of Understanding

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Commissioner Norden noted this is a routine agreement with Colorado State University in which extension services are provided to Fremont County. The Memorandum of Understanding has not been updated in ten years. Commissioner Bell moved to approve the Colorado State University Extension Memorandum of Understanding and Authorize the Chairman to sign the agreement. Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

5. Appointments to fill 2 three-year terms on the Fremont County Planning Commission

Commissioner Norden said the 2 terms had expired at the end of 2010, but they delayed appointments of the 2 seats until the new Commissioner was on board. They interviewed eight applicants for the 2 terms. Commissioner Stiehl noted that when vacancies become available on County Committees and Commissions they advertise these terms and vacancies, even if the incumbent desired to be re-appointed. This allows the public to know about the vacancies, and helps insure the most qualified applicants are selected. Commissioner Stiehl nominated Mike Krauth Jr., and Joe Lamana each to three-year terms on the Fremont County Planning Commission. Commissioner Norden seconded the motion. Commissioner Norden added a note of commendation to outgoing members; Herm Lateere and Mike Schnobrich for their service on the Planning Commission. Upon Vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried.

6. Consideration to reappoint Jon Stone and Mary Chamberlain to three-year terms on the Fremont County Heritage Commission

Commissioner Bell said she was appointed to represent the Board of Commissioners on the Fremont County Heritage Commission. Bell said they have been busy organizing some events for the Sesquicentennial that Fremont County is celebrating this year. Two of the members were appointed with the original Board in September 2008 as two-year terms instead three-year terms, so the vacancies would be staggered. These 2 terms are filled by Jon Stone and Mary Chamberlain. Both of these members have submitted letters to the Board requesting to continue to serve on the Heritage Commission. Commissioner Bell moved to re-appoint Jon Stone and Mary Chamberlain each to three-year terms on the Fremont County Heritage Commission. Commissioner Stiehl seconded the motion. Commissioner Bell also thanked both applicants for their contributions to the Heritage Commission and all of the current members for their hard work. Upon Vote: Commissioner Bell, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

7. LIQUOR LICENSE
Allie-Gator Lanes LLC
Canon City Lanes
2970 E. Main St.
Canon City, CO 81212-2730
License Renewal Application

Commissioner Norden said this Liquor License approval had been moved from the consent agenda to the regular agenda due to the timely filing 45 day requirement. The Clerk's Office stated the applicant had sent the renewal directly to the State instead of getting local approval first. Commissioner Stiehl moved to waive the timely filing requirement and approve the Renewal Liquor License Application for Allie-Gator Lanes LLC/Canon City Lanes. Commissioner Bell seconded the motion. Upon Vote: Commissioner Stiehl, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

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8. Jan M. Bradford
Bradford Handi-Mart
1400 E. Hwy. 50
Penrose, CO 81240
Retail Liquor Store request for change to premises

Jan Bradford explained they want to move the liquor store over to the other end of the building where the convenience store is currently located. The liquor store business is doing great and they want to expand their inventory. Bradford explained they quit selling gas as the pumps would cost \$60,000 to repair. The convenience store business has dwindled since people aren't stopping for gas. They will take all items out of the convenience store that are not allowed to be sold in the liquor store. The part of the building where the liquor store is now will be empty. Sheriff Beicker inspected the premises and gave a copy of his report to the Board. Beicker mentioned some security improvements that could be made, but they do have adequate security in place. He suggested to Bradford they attend the Liquor License training class provided by the City. Commissioner Norden asked if this changes their renewal date. Jody Blausner of the Clerks Office explained as it is just a modification of premise; it does not change the applicant's renewal date. Commissioner Bell moved to approve the Request for modification of premise for Bradford Handi-Mart. Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

9. **REQUEST: SRU 10-004 RIVER MOUNTAIN RECREATION EXTENSION OF CONTINGENCY DEADLINE**

Request approval of a 12 month extension of the deadline for submittal of contingency items in conjunction with Special Review Use #SRU 10-004 River Mountain Recreation. Said SRU was approved on July 13, 2010, contingent upon specified items being provided to the Department of Planning and Zoning within 6 months after approval of the application by the BOCC. Representative: Matt Koch, Cornerstone Land Surveying, LLC.

Matt Koch explained the purpose for the extension. The existing well permit was established for the two fishing ponds on the property. They need to go through water court to establish commercial use of the ponds for the campground. Commissioner Norden asked if the 12 month extension would be enough. Koch said it takes four or five months to go through the court process, so the 12 month extension should be enough. Commissioner Stiehl asked if Koch was in contact with the Upper Arkansas Water Conservancy District. Koch replied his client is working with the Conservancy District. Planning and Zoning Director Giordano said he has no objections to the extension. Commissioner Stiehl moved to approve the Request for SRU 10-004 for River Mountain Recreation Extension of Contingency Deadline for 12 months. Commissioner Bell seconded the motion. Upon Vote: Commissioner Stiehl, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

9. Bill Simpson is asking Fremont County to support an application in the amount of \$480,000 to the Colorado Department of Local Affairs Division of Housing for CDBG funds. The funds will be used to help with the redevelopment of 33 units in the North Park Village, 1401 Washington Street, Canon City.

Commissioner Norden stated this would involve the Board authorizing the Chairman to sign the application in the amount of \$480,000 to the Colorado Department of Local Affairs Division of Housing for the Community Development Block Grant (CDBG) funds. County Attorney Jackson commented that the Block Grant funds are going to be a loan to the Developer.

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It is not a grant to the Developer, and he will be required to repay the funds. Commissioner Stiehl stated that amount of money becomes part of the revolving fund that increases as it is repaid. Sharon McKenzie of the Upper Area Arkansas Council of Governments said the funds will be repaid over a 30 year period with a 1% interest rate. Commissioner Stiehl moved to authorize the Chairman to sign the application for \$480,000 for the CDBG funds to the Colorado Department of Local Affairs. Commissioner Bell seconded the motion. Commissioner Norden noted this places no obligation upon the County for financial obligation. Upon Vote: Commissioner Stiehl, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

Chairman Norden adjourned the meeting at 10:40 A.M.

Clerk and Recorder