

February 22nd, 2011

FOURTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on February 22nd, 2011, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commission 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.

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 striking Item #2 from New Business as Jim Wiles of the Golden Age Shuttle was not able to attend the meeting. 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

Commissioner Bell invited everyone to attend the Fremont County Heritage Sesquicentennial kickoff party on Monday February 28th at 10:00 A.M. in the atrium of the County Administration Building. Bell said they will be unveiling the Sesquicentennial quilt at that time, which was made by the Royal Gorge Quilt Council. They will also be presenting a flag commemorating the Sesquicentennial of Fremont County. Fremont County is celebrating its 150th Anniversary on February 28th, 2011. Commissioner Bell said she had attended the Florence Chamber of Commerce Banquet at Crossroads Arena in Penrose and they had done a great job. Bell said Governor Peabody gave a great presentation. Don and Kathy Budd were recognized as the Volunteers of the year. Mary Chamberlain was recognized as the Fremont RE-2 employee of the year. Jo Ann Mohr of Mohr's Trophies was named the Distinguished Citizen of the Year.

Commissioner Norden said this Thursday, February 24th, Van Diest Supply are having an open house from 10:00 A.M. until 2:00 P.M. at their new warehouse facility on Highway 67 across from the Airport. This is a wholesale distribution company that will be conducting business from Fremont County. Norden said they will formally welcome the new business to Fremont County and present them with their Certificate of Occupancy at the Open House.

February 22nd, 2011

2. Citizens Not Scheduled:

Sergeant Trace Hall and Sergeant Don Pinover of the Fremont County Sheriffs Department addressed the Board regarding the employee pay schedule. Hall said they are not an opposing factor, but are coming to the Board as fellow employees. They want to identify and understand what the issue actually is. They want to describe what a hardship this issue will cause the employees of Fremont County. They would like to present a solution to the Board for consideration. Hall said they understand there has to be an adjustment in the pay schedule due to banking regulations. They do not understand the way in which the adjustment is being done. During the week of April 15th, Fremont County employees will be paid for one week of employment. The second week will be rolled over into the next pay period. Because of the constant rollover, employees will not see the rest of their pay until they leave employment with the County. This will create a hardship on employees, as the money they receive will be shortened by one week. They understand the County is willing to make pay advances, but the employees will be required to be pay back the advances over the next weeks. They understand full deductions will be taken out for two weeks, even though pay will only be for one week. Hall asked the Board if this is a correct assessment of what is going to occur. Commissioner Stiehl asked if Hall had the memo from yesterday. Hall replied yes. Stiehl noted they are all on the same page. Commissioner Bell wanted to clarify if an employee takes an advance, it would be paid back over 6 payroll periods. Hall asked if he understands correctly, employees will be short on funds. Commissioner Stiehl said that is one way to look at it, and it is unfortunate they have to do this. Stiehl noted they chose April as it is a 3 payday month. Stiehl wanted to clarify that they used to have 2 ½ days to prepare payroll and because of the change in depository requirements from our banks they only have 1 ½ days to do payroll. Stiehl said this is impossible, especially if someone gets sick. Hall said they do not dispute the County has to make adjustments, the concern is for the employees and their families. Hall stated most of us live paycheck to paycheck and with full deductions coming out, they will have less than half of a paycheck. Hall explained paying back an advance over 6 pay periods is not a viable solution as employees are having a hard enough time as it is. This would just mean one more thing to pay, and employees would never get caught up, once they fall behind. Hall noted that some employees may not even get a paycheck, or may have to owe the County instead. He knows the Board is concerned about the employees but many will not be able to pay their mortgages or feed their children. Hall stated they are not here just to present the problem, but a solution as well. Don Pinover said they are going from a pay system where they get paid the following week to where it is going to be one pay period behind. Pinover assumed the Board has already looked into State Statute that requires employees to be paid within 10 days of the last day of the pay period. He can give the Statute, but is sure Ms. Jackson has already looked into this. Pinover asked how that affects us. Jackson replied the County is exempt under those wage statutes. She said if you look at the definition of Employer, the County does not fall under that definition, and it would not apply any way. Pinover proposed on April 15th to advance every employee 40 hours of pay so that every employee would receive close to the same amount of normal pay. He said it will not cost the County any extra money. The County would actually save money, as many employees often work more than 40 hours per week, and the County would only have to pay out for a 40 hour week. Pinover explained the 40 hours could be deducted at the end of the employee's employment with the County. There is no risk to the County to do this since we are paid in arrears under the new system. He said this is a win/win for both sides and he does not see why it will not work. Hall asked if elected officials are affected by this. Commissioner Norden replied yes, everyone who gets a check is affected. Norden said they had considered several options, as they knew what they were getting into. Norden explained the problem is the short turn around time from when the payroll clerk receives time sheets, to generate payroll and get to the bank. Norden noted Fremont County had never missed a payroll. There are deep concerns if something did happen, everyone would go without a paycheck, due to time constraints and the limited staff that can generate payroll. Norden said it was suggested to him to allow the payroll clerk to work on Fridays.

February 22nd, 2011

He said often times when he is here on Fridays, so is she, as was the previous payroll clerk. George Sugars explained that from an operational stand point the first part of the pay period right after a paycheck is issued, there is time to incorporate some of the changes. The problem is when the changes need to occur during an actual pay week, they need the 2 week separation. They have to deal with garnishments, separations, new hires, promotions, demotions, longevity adjustments that are paid on the anniversary year of the employee, sick leave, sick bank, vacation, FMLA, overtime, comp time, workers comp, insurance adjustments, retirement adjustments, holidays, and unemployment. This is why they need a solid 2 weeks in between pay periods. Hall said they understand why the 2 weeks are needed. Pinover said they are not debating the fact the system needs to be changed. It is difficult on the Sheriffs Department to have to turn in timesheets, and then pull them back to readjust them if needed. Pinover explained they are only debating the solution to the problem, and that is why they have suggested other possible solutions. Commissioner Stiehl said the payroll clerk working on Friday would not have any affect at all. As timesheets are not in until Monday and have all of the records ready for the bank on Wednesday, the Friday is not even in there. Stiehl said they had looked at making the next payday a Thursday or a Wednesday, but because the bank is closed on weekends and some holidays all they would gain is a day. So neither of these ideas are solutions. Stiehl said as far as advancing the 40 hours, he is not sure of the legal policy with that. He said it is not wise for the County to become a lending institution, and may not be legal for them to become a lending institution. Stiehl appreciates the comments on the issue, and will investigate the possibilities before they give a real answer to the employees. He thanked them for the thought they had put into the issue and said they are not done looking for a solution. Commissioner Norden agreed with Commissioner Stiehl and said they would have to look into the logistics of how it would work. Pinover asked why it would be legal to get an advance to be paid back over 6 pay periods, but not be legal to advance the 40 hours to be paid back when an employee leaves. Pinover mentioned CRS 8-4-106 which states that nothing contained in this article shall in any way limit or prohibit the payment of wages or compensation of earlier dates or at more frequent intervals or in greater amounts or in full when or before they are due. He said unless there is an exception to this, it sounds like the County could do so. Commissioner Stiehl said they are concerned with paying people for only the hours they work and if they pay in advance, occasionally employees are sick and this would cause a problem. Pinover said he understands this, but it still does not cause as much of a hardship as it would to all 300 County employees if they go through with this. Commissioner Norden said they will take all of this into consideration.

Sheriff Beicker asked if the Board would be willing to allow cash out of vacation time. Commissioner Norden replied that this had been brought up in their discussions.

County Treasurer Pat McFarland said she is not sure why they are saying the banking regulations have changed. She has spoken with the bank that handles the payroll account and she can not find the change. Commissioner Stiehl said they have the letter from the bank. Pat asked when it was dated. Stiehl replied it was 2, 3, or 4 weeks ago. Pat said she has the banks policy and it does not tell her what the board is saying. Commissioner Stiehl believes they can produce the letter. Pat said she did not receive any letter regarding a policy change. She said she does not understand that part of the issue. McFarland explained she is supportive of the finance office and sees the need to reorganize to provide a work environment that allows the clerk to get her job done. She does not see banking regulation as the reason for the change. McFarland does support Dana and his staff, and they do need time to complete their work, just as her staff does. She noted we all have to work on Fridays or Saturdays as we are all under staffed. It is remarkable that we have employees who are willing to do this. She supports the Board in their efforts on this issue.

February 22nd, 2011

County Assessor Stacey Seifert said she would like to support the proposition that Sheriff Beicker brought up of cashing out vacation to make up the difference in pay. This gives the employee a choice of not taking additional funds, or trading off vacation for pay. She said this removes the 40 hours from the books of the County. It does not cost the County any thing, and the County does not have to carry any thing over. She really supports this idea as it puts the decision back in the employee's hands. Commissioner Norden assured everyone there will be further discussions with Staff and the Finance Office. He appreciates everyone being there. Norden said he appreciates the way the presentation was made as it was very well done. He invited both Sergeant Hall and Sergeant Pinover to sit in with them on the discussions. Commissioner Bell thanked everyone for being at the meeting.

OLD BUSINESS

None.

NEW BUSINESS

1. Jane Mannon – Cripple Creek & Victor Gold Mining CO. Annual Update

Jane Mannon introduced the new General Manager, Vice President, Ray Dubois who has been with the company for 7 months. Jane presented the Board with their Annual Update for 2010. She said they are very proud of the re-certifications they received which are: Audit and Recertification SHSAS 18001, International Cyanide Code Recertification, and Monitoring Audit ISO 14001. They received a Special Recognition Award as Senior Participant in the Colorado Mining Association Pollution Prevention Program. Part of this was for their recycling program for household goods and the pallets they distribute through out the community to be re-used. They also received recognition from the Colorado Mined Land Reclamation Board for outstanding reclamation of the Andrews Mine area. In 2010 they produced 233,429 ounces of gold and 51,093 ounces of silver. They moved 22,425,649 tons of ore, and 42,311,564 tons of overburden. They are phasing out the Euclid Hitachi trucks and now have 15 of the 250 ton Caterpillar models. They currently have 8 production drills and 4 of the hydraulic shovels. At the end of 2010 they had 432 employees, not including management which is about 100 more than last year. Total payroll was \$24,343,490 without benefits for 2010. Of these employees, 103 live in Fremont County with \$7,466,147 in payroll including benefits. The average hourly wage for Fremont County is \$26.60 per hour. Jane said they did track down the DOLA report to get the direct distribution from the severance funds. She will be sending that in so they will credit for the Fremont County Employees. Taxes paid for 2010 were \$3,303,910 for Sales and Use, \$1,047,000 for Severance. Jane hopes some of that money will come back in the energy mineral impact grants. Commissioner Stiehl asked if the DOLA form allows for an actual city or county residence to be entered in. Jane replied it goes by zip code of where the check is sent. She said they paid \$825,525 in personal property tax, and \$129,476 in real estate tax. Jane noted the donation of \$25,000 they made to Pathfinder Park. They also bought back packs for the Fremont County Department of Human Services. Other donations included the Fremont County Fair livestock auction, Canon City High School, and the Gold Belt Byway. They also work with the Cripple Creek/Victor School YES (young environmental stewards) club for wetland restoration work. In 2010 they completed the Phase 5 Valley Leach Facility so they can now load ore on it. A portion of County Road 82 relocation was completed. The Historic Forest Queen structure was successfully moved to the area of the Hoosier Headframe and proposed Gold Camp Trailhead. To move this structure and restore it cost \$90,000. The City of Cripple Creek found a contractor to relocate the Bear Caves to another location, moving them stone by stone. Commissioner Bell asked where they are being moved to. Jane said possible locations are the Heritage Center, the District Museum or a site in Victor. The final location has not been determined yet. Mine tours are still being held for school groups and the public.

February 22nd, 2011

The money collected from these tours goes to the Victor Museum. Jane went over the 2011 tour schedule and said the fee is \$7.50 per person. Plans for 2011 include completion of Phase 5 Valley Leach Facility. A public rollout for Mine Life Extension 2, to become a high grade mill to extend their mine life through 2025. Commissioner Norden asked if the mine is at maximum capacity for producing ore. Jane explained the crusher only has a certain capacity which restricts how much ore can be produced, so they are at maximum capacity. Commissioner Norden stated the Cripple Creek and Victor Gold Mine is a bright spot in Colorado's economy. He is thankful of the jobs they provide for Fremont County residents. Commissioner Bell thanked Jane for the update.

2. Bid Award – 1962 Chevy Pickup truck to John Maxwell for \$519.

Tony Adamic Director of the Department of Transportation said the County advertised twice for bids. The first time, no bids were received. The second time 3 bids were received. The bids were opened on February 15th, 2011. One bid was for \$200 from Shelly Poole. The second bid was for \$501 from Dana Angel. The highest bid was \$519 from John Maxwell. Tony recommended the Board accept the highest bid of \$519. Commissioner Bell moved to award the bid for the 1962 Chevy Pickup truck to John Maxwell in the amount of \$519. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Bell, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

3. **REQUEST: TUP 11-001 TEMPLE CANYON HILL CLIMB**

Request approval of a Temporary Use Permit to allow an Auto Hill Climb by the Colorado Hill Climb Association (CHCA). The event will take place at Fremont County Road 3, Temple Canyon Road, off South 1st Street in Canon City. The Hill Climb will take place on May 14th from 7:30 A.M. to 5:00 P.M., and May 15th from 9:30 A.M. to 4:00 P.M.

Rod Moberly President of the Colorado Hill Climb Association explained they have held this event in Canon City for the past 18 years and always have a good turnout. They appreciate the upgrades in the road over the years and the support from the Sheriff's Department. They haul away beds, appliances and other trash out of the Temple Canyon area in addition to their own trash. They bring between 500 to 700 people in to the area buying fuel, meals and hotel rooms while they are here. Rod requested the Board to approve the TUP for another year. Bill Giordano noted they received a complete application as they do every year. Bill said the department needs to receive an approval letter from BLM at least 5 days prior to the event. The applicant must also provide a copy of the liability insurance to the Department at least 5 days prior to the event, this will be a contingency of approval. The applicant is requesting a waiver of the surety for clean up fees. Bill said they have granted this in the past, and have never had a problem. Commissioner Stiehl moved to approve TUP 11-001 Temple Canyon Hill Climb by the Colorado Hill Climb Association with the contingencies and waivers as follows:

1. Approval letter or permit from BLM shall be provided to the Department at least five days prior to the event.
2. Application item #17f: Consider acceptance of the general liability insurance and the amount by the Board of County Commissioners at the Meeting. A copy of the liability insurance shall be provided to the Department at least 5 days prior to the event this will be a contingency of approval.
3. Application item #17g: Consider waiver of the surety at the Board of County Commissioner meeting.

February 22nd, 2011

Commissioner Bell seconded the motion. Commissioner Bell said they truly appreciate the tourism generated for Fremont County by this event. Commissioner Norden thanked them for cleanup efforts as well. Upon vote: Commissioner Stiehl, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

4. **REQUEST: SDP 10-001 ROYAL GORGE RAFTING PARKDALE TAKE OUT EXTENSION OF CONTINGENCY DEADLINE**

Request approval of a six month extension of the deadline for submittal of contingency items in conjunction with Site Development Plan #SDP 10-001 Royal Gorge Rafting Parkdale Take Out. Said SDP was approved on August 10, 2010, contingent upon specified items being provided to the Department of Planning and Zoning within six months after approval of the application by the BOCC.

REPRESENTATIVE: Matt Koch, Cornerstone Land Surveying, LLC.

Matt Koch explained they are requesting a six month extension to complete the drainage requirements on site, and they are still waiting for the signed access permit from the State. All of the improvements have been made for the access, they just have not received the permit yet from the State. The drainage is a swale that needs to be built, but due to weather has not been completed yet. Commissioner Norden asked Matt what CDOT required for access. Matt replied they had to pave the access coming off of the highway as well as moving back the gate. They also had to grade some of the area around the access to support drainage which has been completed. Giordano said he had no objection to grant the extension. Commissioner Stiehl commented the physical work had been completed, but the paperwork still needs completed. Commissioner Bell moved to approve the 6 month extension of the deadline for submittal of contingency items in conjunction with Site Development Plan #SDP 10-001 Royal Gorge Rafting Parkdale Take Out as previously approved on August 10, 2010. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Bell, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

PUBLIC HEARINGS SCHEDULED FOR 10:00 A.M.

None.

Commissioner Norden adjourned the meeting at 10:32 A.M.

Clerk and Recorder