

April 26th, 2011

EIGHTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on April 26th, 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.

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

APPROVAL OF AGENDA

Commissioner Norden stated the minutes from the April 12, 2011 meeting needs removed from the consent agenda. Norden said item #8 under New Business, the Agreement for Inmate Health Care Services, needs removed from the agenda. Commissioner Bell moved to approve the amended agenda removing the approval of the minutes from April 12, 2011 and removing item #8 under new business, the Agreement for Inmate Health Care Services, Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

CONSENT AGENDA

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

ADMINISTRATIVE/INFORMATIONAL

1. Administrative and Elected Officials

Jody Blausen, Deputy Clerk, updated the Board on the status of some of the liquor licensees. Blausen had received an email confirmation from the City Clerk, Becky Walker, regarding attendance at the recent liquor class. Blausen noted the Board had required several licensees to attend this class as part of the local approval. She said Andy Neinus and Jason Smith of 8 Mile Bar & Grill attended the training. Mike and Rene Johnston of Prospectors R.V. Resort attended the training with 5 of their employees. Ty and Anna Seuffer of Whitewater Bar & Grill attended with 5 of their employees as well. Commissioner Norden stated the liquor class was required as part of the approval for all 3 of these licensees. Commissioner Bell thanked Blausen for following through on the class requirement.

Commissioner Norden said he had distributed a news release to the media last week regarding a grant awarded from the Colorado Department of Health and Environment to Fremont County in the amount of \$30,250. This is to help with the cleanup of 10,000 tires on the north side of Canon City.

April 26th, 2011

This is a project that Bill Giordano, our Code Enforcement Officers and the County Attorney have been working on for over 6 years. Norden said he and Robert Sapp drew up their first grant application and were pleased to receive the grant. By the middle of the week the tires will be gone. The property owner will be placing a 6 foot privacy fence around the property. Giordano said they hope to be done with the tire removal by tomorrow. Norden noted the cooperation of Geocycle from Colorado Springs who was on board from the beginning of the process. Once the tires are cleaned up the property owner will be responsible for reimbursing the county \$5,000 for his share of the project cost.

Pat McFarland, County Treasurer and Public Trustee presented her quarterly report to the Board. She said there were 524 releases in the first quarter of 2011. This number is close to the last quarter of 2010 which had 521 releases. The foreclosures commenced were 76 compared to 101 for the last quarter of 2010. McFarland said this was a significant decrease which is normal as foreclosures tend to rise at the end of the year. The total quarterly income was \$40,398.34 less expenses of \$14,316.36 for a net income of \$26,081.98 for the first quarter. Commissioner Bell asked how the number of foreclosures for the first quarter of 2011 compares to the first quarter of 2010. McFarland said she can get that number for Commissioner Bell. Commissioner Stiehl wanted to clarify that it is not the county who is foreclosing on properties. The county is acting as the agent for the lending institutions. McFarland explained the public trustee is the go between for the borrowers, attorneys, and lenders. Commissioner Stiehl moved to accept the Public Trustees report for the first quarter of 2011. Commissioner Bell seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

2. Citizens Not Scheduled:

Ron Hinkle, Director of Starpoint Foundation, said two weeks ago they had a fairy tale reading night at the Spin Preschool. He said Commissioner Norden and Commissioner Bell participated in the event. Hinkle explained this is an annual event where distinguished guests come and read to the children and their families. They had over 135 participants in this year's event. He presented a small token of appreciation to Commissioner Norden and Commissioner Bell for their participation. Commissioner Norden thanked Hinkle for the photo. Norden said the staff of Spin Preschool does a great job. Commissioner Bell said reading is one of her favorite activities and she loved being a part of the evening.

Nancy G. Ward said she is presenting a gift to Fremont County. It is an economic diversity power pack. She calls the proposal Citizen Pride Enterprise. It is a non-profit that will create jobs in Fremont County. She hopes it will increase visitors to attractions and activities in Fremont County. She hopes it will create new businesses and attract new businesses to our area. Ward said this proposal can make Fremont County the "Small Convention Capital of Colorado". This will generate more tax revenue for schools, law enforcement, fire protection, roads, and many other services. Ward plans to deliver this proposal to over 100 people through out the entire county in the next few days. She hopes people will make copies of the presentation and share it with other citizens. Ward stated it doesn't matter if the proposal does not get adopted, as long as it sparks interest for new ideas and actions. Commissioner Norden thanked Ward for her proposal. Commissioner Stiehl said this proposal represents a lot of work and he will read it. Commissioner Bell said she is eager to read the proposal.

OLD BUSINESS

None.

April 26th, 2011

NEW BUSINESS

1. Tom Anderson – Ambulance Licensing

Tom Anderson said the current ambulance licenses expire on April 30th. The first license is for American Medical Response (AMR) of Canon City and Pueblo. They had all of their ambulances inspected. They will be licensing 14 ambulances, 4 in Fremont County and 10 in Pueblo. Anderson said AMR has been billed \$100 for the license and \$140 for the inspections. Arkansas Valley Ambulance had 3 ambulances inspected and have submitted a letter to waive the \$100 application fee and \$30 inspection fee. Florence Volunteer Fire Department had 2 ambulances inspected. They also asked for a waiver of the \$100 application fee and the \$20 inspection fee. The Penrose Fire Department had 2 ambulances inspected. They requested waiver of the \$100 application fee and \$20 inspection fee. Anderson said Northwest Fremont EMS had 2 ambulances inspected. They are requesting a waiver of the \$100 application fee and \$20 inspection fee. Anderson said these are the 5 ambulance companies that are requesting licensing in Fremont County. Commissioner Norden asked if there were any corrective actions against any of the companies. Anderson replied the few small issues were corrected before he left the inspection. He said Arkansas Valley has one ambulance that will need some issues fixed before next year. He was told that particular ambulance will be out of service by next year. Anderson said it is an older ambulance and it will be replaced with a newer ambulance. Arkansas Valley is in process of a FEMA grant to get a new ambulance. Anderson explained the state has implemented some changes that will begin July 1st and will change some items for next year's applications. Commissioner Stiehl asked how the training is going within the volunteer organizations. Anderson answered they just received a grant to provide free or low cost training to anyone in our 5 county region. Stiehl said his concern is that we have enough volunteers so that they do not get burned out. Anderson said this training will help. Commissioner Stiehl moved to grant the renewal ambulance licensing as follows: American Medical Response, 4 licenses; Arkansas Valley Ambulance, 3 licenses; Florence Volunteer Fire Department, 2 licenses; Penrose Fire Department, 2 licenses; and Northwest Fremont EMS, 2 licenses, and waiving the fees for the companies who requested waivers. Commissioner Bell seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

2. Fremont County Board of County Commissioners Proclamation – Foster Care Month in Fremont County for May 2011.

Commissioner Bell read the proclamation which is hereto attached as attachment "A". Commissioner Bell moved to adopt the Proclamation for Foster Care Month for May 2011 in Fremont County. Commissioner Stiehl seconded the motion. Commissioner Stiehl said being a foster parent is very rewarding and challenging. Stiehl said they are always looking for foster parents. He said people interested in becoming a foster parent should contact the County Commissioners or the Department of Human Services. Commissioner Norden said the Department of Human Services will be promoting foster care during the month of May. Commissioner Bell said she knows several foster families in Fremont County and wants to thank them for their commitment to the children. Upon vote: Commissioner Bell, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

3. Appointment to fill a vacancy on Fremont County Planning Commission

Commissioner Norden said they had received four applications for the position, and they were all from the Penrose area. The applicants were all interviewed last week. The appointment will fill a vacancy created when Tom Doxey resigned. It is a 3 year term, and the balance of the term will run through November 2012. Commissioner Bell moved to appoint Steve Smith, a 35 year Penrose resident to fill the vacancy created by Tom Doxey on the Fremont County Planning Commission, ending in November 2012.

April 26th, 2011

Commissioner Stiehl seconded the motion. Commissioner Norden noted that Steve Smith is the director of the Colorado Correctional Industries with the Department of Corrections. Smith oversees 50 different businesses' that generate over 60 million dollars annual revenue for the Correctional Industries. Norden said Smith has a history of water issues, land issues, and legislative issues. Norden believes Smith will serve the county well on the Planning Commission. Commissioner Stiehl thanked all of the applicants for their interest in the position. Commissioner Bell commented it is always a tough decision to choose an applicant and thanked all of those who applied. Upon vote: Commissioner Bell, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

PUBLIC HEARINGS SCHEDULED FOR 10:00 A.M.

Department of Local Affairs/Post Award Public Hearing for the North Canon Sewer Project

Chairman Norden opened the public hearing at 10:02 A.M.

Commissioner Norden said this also relates to item #6 on the agenda, the Community Development Block Grant #07-008 North Canon Sewer Extension Contract Amendment for Fremont Sanitation. Norden said the Board had conducted a public hearing in November 2008 that was preliminary to the North Canon Sewer Project getting under way. After that public hearing the financial structure of that project changed significantly with the availability of Federal Funds. Norden Said Jeff Blue from Fremont Sanitation is here and explained this is an opportunity for any residents to comment on the record regarding the North Canon Sewer Extension.

Chairman Norden asked if any citizens wish to address the Board. Seeing none, Chairman Norden closed the public hearing at 10:05 A.M. Norden said this issue will be further addressed shortly under item #6 on the agenda.

4. Colorado Lottery – Matt Robbins Community Relations Specialist/Presentation on how Fremont County has benefited from Lottery funds and how the county may receive even more funding.

Senator Abel Tapia, Executive Director of the Colorado Lottery, addressed the Board regarding benefits of the lottery. Senator Tapia said it is his duty to go to the communities and inform them of the good things the lottery can share with the communities. His mission is to start in southern Colorado and go through out the entire state to speak with County Commissioners and City Councils. He wants to let them know about grants that may be available to them. Senator Tapia believes this is one of the finest state entities in the state of Colorado. During a time when there are so many cutbacks, the Colorado Lottery continues to have record sales. They just recently surpassed the record sales from previous years. Senator Tapia is so proud to have the lottery headquarters in southern Colorado. He wants people to realize the state headquarters are in Pueblo. The lottery was voted on by the citizens of Colorado and enacted 27 years ago. The voters also defined where the proceeds will go. This is in the Constitution and can not be changed without an initiative from the citizens or a referendum from the state legislature. The lottery is presently \$1,500,000 ahead of last year which means more proceeds to the state of Colorado. The lottery has given back over \$2,200,000,000 to the state of Colorado and \$6,500,000 to Fremont County. The formula is 10% of the proceeds go directly to state parks. The Colorado Trust Fund receives 40% of the proceeds. These funds go to DOLA (Department of Local Affairs) and DOLA gives funds on a per capita basis to counties, cities, and municipalities.

April 26th, 2011

Senator Tapia said most all of the grants are granted, if not on the first round, they are granted on the second round. He said Matt Robins the Community Relations Specialist gets involved helping communities apply for the funds. They also provide resources to help in the grant application process. Senator Tapia hopes that Fremont County will take advantage of the funds that are available.

Matt Robbins, Community Relations Specialist for the Colorado Lottery, gave the Board a copy of the annual review from the Colorado lottery. He said there are 25 to 30 various projects through out the county. He said his job is to educate and assist the county in procuring proceeds. Robbins explained that Fremont County has actually received over \$10,000,000 in proceeds of which \$8,000,000 came directly from the Conservation Trust Fund. Robbins said the GOCO funds have different grants for different areas. One area is wildlife, another is planning and capacity, another is open space grants, the last is local government grants. The GOCO grants are offered twice a year, and the DOLA funds come out quarterly.

Doug Simmons, sales representative for the Colorado Lottery, said his area is Fremont County and Salida. He is in our area at least once a week. Simmons has seen some of the projects that the proceeds have funded. These projects are enjoyed by a lot of people in our area. He is doing all he can to increase sales for his retailers as well as increase commissions for the retailers and increase proceeds for the county.

Commissioner Norden wanted to thank Senator Tapia for noting the lottery headquarters are being kept in southern Colorado. Norden thanked the lottery for the Conservation Trust Funds that we have received. He encouraged them to drive on Colorado Highway 115 on their way back to Pueblo so they will be able to see Pathfinder Regional Park. Fremont County had received a \$200,000 GOCO grant which has just been closed out in the past 2 weeks. The grant helped install restrooms, lighting and bleachers at the arena. The county just completed a water line from the City of Florence to Pathfinder Park using Conservation Trust Fund dollars. Norden explained the other side of the park has also relied on GOCO funds and Conservation Trust dollars. Senator Tapia said he will definitely drive by the park. He said the GOCO Board is appointed by the Governor and has 15 members. Robbins said there are 15 appointed members, plus one member representing the state parks, and another member from the department of wildlife. Senator Tapia said there are three vacancies on the Board right now, one of which may be from Senator Ken Kester. He noted we need more representation from southern Colorado. There are some requirements to be on the Board but he does not want us to pass up the opportunity to represent southern Colorado. Robbins noted you can now register on line if interested in the GOCO Board. He said GOCO is always looking for Peer Reviewers who will get training on what to look for in a grant. This person can help strengthen our grant applications.

5. A resolution determining that the odd-year election to be held in the fall of 2011 shall be a mail ballot election and instructing the election official for Fremont County to conduct the election by mail ballot

County Clerk Barr explained this resolution will help us to continue preparing for the upcoming November election. It will primarily be a Municipal and Special Districts Election. It will be a smaller election since it is an odd-year. Barr is asking the Board to allow her to conduct an all mail ballot election as it is much more cost effective for our county. This will be resolution #20. Commissioner Bell moved to approve resolution #20, a resolution determining that the odd-year election to be held in November 2011 be an all mail ballot election and instructing the election official for Fremont County to conduct the election by mail ballot. Commissioner Stiehl seconded the motion. Commissioner Stiehl noted not only does it save the county money, but it increases voter turnout. Upon vote: Commissioner Bell, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

April 26th, 2011

6. CDBG #07-008- Fremont Sanitation District – North Canon Sewer Extension Contract Amendment

Jeff Blue, District Manager for Fremont Sanitation, said this project has been in the planning stages for over 20 years. The sanitation district did issue the certificate of completion to the contractor on the project last week. Of the 178 properties originally identified in the project 177 have connected. There is one property that chose not to be connected. Blue had presented a project map to Mr. Sugars which shows the one property that chose not to connect, located at 1179 Tennessee Avenue. The original block grant awarded to the county was in the amount of \$1,300,000. There was an additional \$2,000,000 that became available thru the American Recovery and Reinvestment Act. This was considered to be a loan, but it is a loan that does not have to be paid back. This will allow them to use \$702,000 of the \$1,300,000 that was awarded. The paperwork the Board has today is to approve the amendment to the contract with the Community Development Block Grant (CDBG) stating the funds to be used is \$702,000. County Attorney Jackson asked when they anticipate having the inclusion election. Blue said they are looking at doing it themselves in October or going with the Counties election in November. He noted they intend to exclude the property at 1179 Tennessee from the inclusion election. This property will not be included in the Fremont Sanitation boundaries. If at some point this property wants to come into the district it will have to go through the individual inclusion process and pay the fees. Commissioner Stiehl said should the septic on that property fail they would be required to connect to the sewer system. Blue said they have presented 6 letters to that property owner. They intend to record the last letter on the deed so that a new property owner would not be surprised when they have to pay up to \$10,000 in fees to connect to the system. Commissioner Norden said going back to the creation of the public improvement district that got this project under way, he asked if this is the last of the legal obligations for the Board of County Commissioners. He said now it goes to the Fremont Sanitation District for the inclusion election to expand the boundaries. Jackson said we do not have to deal with the election unless they go through the County Clerk. She said we will have to dissolve the local improvement district if the election is successful, assuming there are no liabilities to be paid. Commissioner Bell said she knows how badly this project has been needed. Bell thanked Blue and his staff for getting the project completed. Blue said the project should be completed in June and then he can go on to the next project. Commissioner Norden added that George Medaris was involved in this project at the beginning. Norden also thanked Deb Downs at DOLA for coordinating the flow of money for the project and to make sure the project got completed. Blue said Deb found money when there was no money available. Commissioner Stiehl moved to approve contract amendment #1 to the CDBG #07-008 for the North Canon Sewer Extension Project. Commissioner Bell seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

7. Consideration of an agreement for professional services with L&B for conducting a Compensation and Classification Study and Update

County Manager Sugars said the Commissioners have in front of them the contract from Lee & Burgess (L&B) whom they have contracted with in prior years to do a compensation and classification study and update. The timeline shows they can get started the first part of May and be done by August 2011. Sugars asked for approval of the contract for L&B to complete the compensation and classification update for Fremont County Government employees. Commissioner Bell wanted to verify this is part of an ongoing effort for our employees to be placed in the proper classification and what their appropriate rate of pay should be. Sugars said that is correct. They look at the job descriptions and make sure they are up to date. They also look at other government agencies and private sector entities to compare compensation packages. Commissioner Bell moved to approve the agreement for professional services with L&B for conducting a compensation and classification study and update.

April 26th, 2011

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

8. Award Bids – Rock Chip, emulsion and fog seal

Tony Adamic, Transportation Director, said they solicited bids for the different products they will be using in the 2 projects. For the emulsion bids his department recommends the CRS-2R be awarded to SunCor Energy pending the test results for the compatibility between the rock and the oil. If the results fail they would like to award the bid to Cobitco for the same product. Commissioner Stiehl moved to award the emulsion contract to SunCor for all specs presented with the contingency that the lab tests prove compatibility with our aggregate, if not compatible with our aggregate, the award would go to Cobitco. Commissioner Bell seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

Tony Adamic recommended they award the aggregate bid to Tezak for ¾ inch aggregate chip at \$7.00 per ton and the transportation department will deliver it themselves to the job site. Commissioner Bell moved to award the rock chip bid to Tezak for \$7.00 per ton for the ¾ inch rock to be picked up by Fremont County employees. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Bell, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

Tony Adamic recommended the bid for ½ inch asphalt be awarded to Rocky Mountain Materials from the County Road 112 plant for \$43.75 per ton to be delivered by Fremont County employees. Adamic recommended the tack oil bid be awarded to Suncor at \$2.00 per gallon to be picked up by Fremont County Employees in Pueblo. Commissioner Bell asked Tony if this combination results in the least expensive paving method for the county. Adamic said yes, they try to do the paving as efficiently as possible. He said they will be paving 4.82 miles of road and 6 miles of chip seal this year. Commissioner Stiehl moved to award the bid for ½ inch asphalt to Rocky Mountain Materials for \$43.75 per ton to be picked up at the plant on County Road 112, and the tack oil bid be awarded to Suncor for \$2.00 per gallon to be picked up at the Pueblo plant. Commissioner Bell seconded the motion. Commissioner Norden noted there was about an 8% difference between the bids for Rocky Mountain Materials and the next local bidder. Upon vote: Commissioner Stiehl, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

9. **Request: TUP 11-003 Penrose Chamber of Commerce Flea Market**

Request approval of a Temporary Use Permit to allow a Flea Market by the Penrose Chamber of Commerce. The event will take place in the Gooseberry Patch Restaurant parking lot, at 660 Colorado State Highway #115 in Penrose, Colorado, for 5 consecutive months, on the first Saturday of each month, starting on May 7, 2011. The subject property is located in the Business Zone District. Representative: Bill McGuire, Executive Director, Penrose Chamber of Commerce

Bill McGuire, Executive Director, Penrose Chamber of Commerce, thanked Bill Giordano and his staff for helping them with the request application. He said the flea market is helpful to citizens who need to get rid of items they no longer need. McGuire said many people come out to enjoy the flea market. Giordano said the application is complete, and if there are any food vendors they will need to get with the health department for licensing. McGuire said there will not be any food vendors this year. Giordano said the other contingency is they need to provide the renewed liability insurance. The Board has to accept the amounts of liability which are the same as last year. The applicant is requesting waiver of the clean up fees, and application fee. Commissioner Stiehl asked Giordano if he had seen the proof of liability insurance.

April 26th, 2011

Giordano said the copy he has expires on May 17th and they are requiring to have the new policy 5 days prior to being operational. Commissioner Bell asked what the amounts of the general liability insurance are. Giordano said the liability and medical limit per occurrence is \$1,000,000. General aggregate is \$2,000,000, \$500,000 on damages to premise and \$10,000 medical expense limit per person. Commissioner Stiehl asked how the flea market is structured, who can participate, and what can they sell. McGuire said they can sell almost any item except food. They are provided with a space for trailers and the items. Most people sell household goods and small items. There are 20 to 40 spaces and are \$10.00 per space. Stiehl confirmed the flea market is held on the first Saturday of every month starting May 7th through September. Commissioner Stiehl moved to approve the request for TUP 11-003 Penrose Chamber of Commerce Flea Market, waiving the application fee and clean up deposit with the contingency they provide proof of general liability insurance 5 days prior to the starting event. Commissioner Bell seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

10. Request: MS 10-001 B&K Trogden Subdivision Extension of Contingency Deadline

Request approval of a 6 month extension of the deadline for submittal of contingency items in conjunction with Minor Subdivision #MS 10-001 B&K Trogden Subdivision. Said Minor Subdivision was approved on September 28, 2010, contingent upon specified items being provided to the Department of Planning and Zoning within 6 months after approval of the application by the Board of County Commissioners. Representative: Matt Koch, Cornerstone Land Surveying, LLC.

Matt Koch of Cornerstone Land Surveying, said they need a six month extension to complete the ratification form due to some health problems on the Trogdens side. Koch said they are working on it and should have it any time. Giordano said the Department has no comment and no objection to the extension. Commissioner Bell moved to approve the request MS 10-001 B&K Trogden Subdivision extension of contingency deadline for 6 months. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Bell, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

11. Request: MS 10-002 Lone Eagle Subdivision Extension of Contingency Deadline

Request approval of a 6 month extension of the deadline for submittal of contingency items in conjunction with Minor Subdivision #MS 10-002 Lone Eagle Subdivision. Said Minor Subdivision was approved on September 28, 2010, contingent upon specified items being provided to the Department of Planning and Zoning within 6 months after approval of the application by the Board of County Commissioners. Representative: Matt Koch, Cornerstone Land Surveying, LLC.

Matt Koch explained the applicant is struggling with the ratification. They are trying to get the new lot clear and are working with the mortgage company to get the ratification complete. Giordano said the department has no objection to the extension. Commissioner Bell moved to approve the request MS 10-002 Lone Eagle Subdivision extension of contingency deadline for 6 months. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Bell, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

Commissioner Norden added the public hearing scheduled for Tuesday May 10, 2011 regarding the recreation area at County Road 123 and County Road 67 at Penrose needs to be moved to Tuesday May 24th Board of County Commissioner Meeting to meet the publication requirements. Giordano said the newspaper failed to publish the notice at all. Giordano explained the notifications will not have to go out again if they have been done properly.

April 26th, 2011

He said the sign will need to be updated with the new hearing date. Koch said he explained the situation to his client and they were very understanding. Koch asked if they needed to still be present at the May 10th meeting. County Attorney Jackson said no. Commissioner Stiehl moved to change the public hearing date from May 10, 2011 to May 24, 2011 for the Harris recreation area permit application at County Road 123 and County Road 67 at Penrose. Commissioner Bell seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

Commissioner Norden stated the citizen who spoke earlier, Nancy G. Ward, regarding economic development ideas, said copies of her presentation can be obtained at The Copy Shop in Canon City.

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

Clerk and Recorder

April 26th, 2011



**Board of County Commissioners
Fremont County**

615 Macon Ave., Room 105 - Cañon City, Colorado 81212
Phone: (719) 276-7300 - Fax: (719) 276-7304

**FREMONT COUNTY
BOARD OF COUNTY COMMISSIONERS
PROCLAMATION**

FOSTER CARE MONTH IN FREMONT COUNTY

MAY 2011

RECEPTION#: 884860.
04/26/2011 at 02:23:02 PM, 1 OF 1,
KATIE E. BARR, CLERK AND RECORDER
FREMONT COUNTY, CO

WHEREAS, the citizens of Fremont County have an obligation to ensure that society continues to meet the varying needs of its children and families; and

WHEREAS, the family, serving as the primary source of love, identity, self-esteem and support, is the very foundation of our communities and our county; and

WHEREAS, there are currently more than 200 children in Fremont County whose families are in crisis and who must temporarily rely on the care and protection of foster parents to remain safe and healthy; and

WHEREAS, foster families currently contribute to our society by opening their homes and hearts to help children and families heal and reconnect; and

WHEREAS, citizens of Fremont County have the opportunity to offer their gratitude and support to foster families who unselfishly share their lives and homes with foster children; and

WHEREAS, there remains a continuing need for many more caring and qualified foster parents in Fremont County to further improve our service to children, youth and families; and

WHEREAS, all citizens are encouraged to volunteer their talents and energies on behalf of children in foster care, foster parents and the child welfare professional staff working with them during this month and throughout the year,

Therefore, we, the Fremont County Board of Commissioners, do here proclaim May 2011,

FOSTER CARE MONTH IN FREMONT COUNTY

Michael J. Stiehl
Michael J. Stiehl,
Commissioner Dist. 1

Debbie Bell
Debbie Bell,
Commissioner Dist. 2

Edward H. Norden
Edward H. Norden,
Chairman
Commissioner Dist. 3

April 26th, 2011

Commissioner Stiehl moved the adoption of the following Resolution:

RESOLUTION NO. 15
Series of 2011

RESOLUTION FOR SPECIAL REVIEW USE PERMIT
DEPARTMENT OF PLANNING AND ZONING FILE #SRU 11-001 8 MILE RANCH
(KENNEL)

BE IT RESOLVED by the Fremont County Board of County Commissioners (hereafter "Board"):

THAT WHEREAS, Jeffrey Charles and Kareen Buckner, (hereafter "applicants") have made application for issuance of a Special Review Use Permit pursuant to 8.2 of the Zoning Resolution of Fremont County to allow for a dog kennel which will house up to a total of twenty (20) dogs (no specific breeds) and ten (10) cats for the purposes of day time and overnight boarding and grooming, which application has been designated as file #SRU 11-001 8 Mile Ranch (Kennel);

AND WHEREAS, pursuant to the Fremont County Zoning Resolution previously adopted; the Planning Commission of Fremont County reviewed the application at its March 1, 2011 regular meeting and recommended the **APPROVAL** of such application; and

WHEREAS, a notice containing the specific request, proposed use, date, time, location, telephone number of the Fremont County Department of Planning and Zoning (hereafter "Department"), and a site plan and vicinity map were mailed fourteen (14) days prior to the public hearing, by certified mail, return receipt to the Department, to all property owners within one-thousand (1000) feet of the boundaries of the subject parcel and to appropriate reviewing agencies; and

WHEREAS, a notice containing the specific request, proposed use, date, time, location, and telephone number of the Department where additional information may be obtained, was posted on the property fourteen (14) days prior to the public hearing; and

WHEREAS, a notice of the public hearing was published by the Department, in a newspaper of general circulation in Fremont County, fourteen (14) days prior to the public hearing, and which contained the specific request, time and place of the public hearing, and an explanation of the proposed use and its location; and

WHEREAS, the Board held a public hearing concerning said application on April 12, 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

April 26th, 2011

WHEREAS, it appears that issuance of a Special Review Use Permit is appropriate;

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

1. The Board makes the following findings with respect to the application for issuance of a Special Review Use Permit to Applicant as follows:
 - a. The procedural requirements of Section 8.2 of the Fremont County Zoning Resolution have been met.
 - b. The location of the proposed use is compatible and harmonious with the surrounding neighborhood.
 - c. The proposed use will not have detrimental effects on property values.
 - d. The proposed site and use will not impair public health, welfare, prosperity and safety by creating undesirable sanitary conditions, overburdening of utilities or adverse environmental influences.
 - e. The site will be served by streets and roads of sufficient capacity to carry the traffic generated by the proposed use, and the proposed use will not result in undue traffic congestion or traffic hazards.
 - f. The site is sufficient size to accommodate the proposed use together with all yards, open spaces, walls and fences, parking and loading facilities, landscaping and such other provisions required by this resolution.
 - g. The proposed use, if it complies with all conditions on which approval is made contingent, will not adversely affect other property in the vicinity or the general health, safety and welfare of the inhabitants of the County, and will not cause significant air, water, noise or other pollution.
2. A Special Review Use Permit shall be issued contingent on the acceptance and observance by the Applicant of the following specified conditions:
 - A. Special Review Use Permit shall be issued for life of use.
 - B. The Department shall review the permit annually to determine compliance with the conditions of the permit and forward it to the Board for their review as required by regulations. It shall be the responsibility of the permit holder to provide the Department with copies of other permits, licenses, or other documentation showing compliance with the requirements of any other governmental agency (*to include items such as changes to the documents, updates, renewals, revisions, annual reports*). Further it shall be the responsibility of the permit holder to provide the Department with copies of any

April 26th, 2011

documents that would affect the use of the subject property, such as but not limited to updated or renewed leases for use of or access to the subject property. Copies of these documents shall be submitted to the Department prior to the anniversary date of the approval of the use permit each year. If the Department has to notify the permit holder that the anniversary date has passed and/or request said documentation, then a penalty fee shall be charged to the permit holder. If the required documentation and penalty fee are not submitted to the Department within twenty (20) days following notification to the permit holder, then violation procedures may be commenced, which could result in termination, revocation, rescission or suspension of the use permit.

- C. Each year, at the anniversary date (approval date), the Applicant shall pay a Kennel License Renewal Fee, which includes an inspection of the kennel facilities.
- D. The Applicant shall conform to all plans, drawings and representations submitted with or contained within the application except as may be inconsistent with the other provisions of the permit.
- E. The Applicant shall comply with all laws and regulations of the County of Fremont, its agencies or departments, the State of Colorado, its agencies or departments and the United States of America, its agencies or departments, as now in force and effect or as the same may be hereafter amended.
- F. Applicants shall obtain, prior to operation, and keep in effect, throughout operation, all other permits, licenses or the like, including renewals, required by any other governmental agency and as otherwise may be required by Fremont County and shall provide copies of such to the Department. Revocation, suspension or expiration of any such other permits shall revoke, suspend or terminate the permit authorized hereunder, as the case may be.
- G. If a Special Review Use is abandoned, discontinued or terminated for a period of six (6) months, the approval thereof shall be deemed withdrawn, and the use may not be resumed without approval of a new application. Provided, however, if the holder of the permit intends to or does temporarily cease the use for six (6) months or more without intending to abandon, discontinue or terminate the use, the holder shall file a notice thereof with the Department prior to the expiration of the six-month period stating the reasons thereof and the plan for the resumption of the use. The requirement of a notice of temporary cessation shall not apply to applicants who have included in their permit applications a statement that the use would continue for less than six (6) months in each year and such fact is noted on the permit. In no case, however, shall temporary cessation of use be continued for more than two (2) years without approval by the Board.
- H. If a Special Review Use Permit is to be transferred it shall comply with all applicable Federal, State and County regulations regarding such transfer.

April 26th, 2011

- I. Days and hours of operation shall not be limited.
- J. Documentation from the Colorado Department of Transportation as to an approved access permit from U.S. Highway 50 for the 20 foot access easement, prior to operation.
- K. Documentation from the Colorado Division of Water Resources stating that the existing well permit is adequate for a dog kennel and residence or a copy of the approved well permit which has been issued for the specified uses or a commercial use, prior to operation.
- L. Documentation from the Environmental Health Office as to compliance with the requirements as noted in the memo, dated January 10, 2011, from the Fremont County Environmental Health Officer, prior to operation.
- M. Applicant shall provide to the Department, documentation from the Fremont County Weed Coordinator that the applicant has in place an acceptable weed control plan, if required, (prior to operation), further the applicant shall implement and maintain the plan, yearly.
- N. Copy of a license from the Colorado Department of Agriculture, Pet Animal Care Facilities, to include at a minimum boarding and grooming or documentation from the Colorado Department of Agriculture, Pet Animal Care Facilities that the license is not required, prior to operation.
- O. The County shall retain the right to modify any condition of the permit, if the actual use demonstrates that a condition of the permit is inadequate to serve the intended purpose of the condition. Such modification shall not be imposed without notice and a public hearing being provided to the Applicant at which time applicant and members of the public may appear and provide input concerning the proposed modifications to the conditions of the permit.
- P. Only the named party (applicant / owners) on the permit shall be allowed to operate this Special Review Use Permit. Board approval shall be required prior to allowing any other person or entity to operate at the site under the conditions of this permit. All persons, entities or others requesting Board approval to operate under this Special Review Use Permit must agree to abide by all terms and conditions of this Special Review Use Permit and shall be required to be named on this Special Review Use Permit as additional parties who are bound by the terms and conditions of this Special Review Use Permit.
- Q. A Special Review Use Permit shall not be modified in any way without Department approval for Minor Modifications or approval of Major Modifications by the Board in accordance with Section 8.2 of the Fremont County Zoning Resolution (complete reapplication).

April 26th, 2011

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

Commissioner Stiehl: Aye / Nay / Abstain / Absent

Commissioner Norden: Aye / Nay / Abstain / Absent

Commissioner Bell: Aye / Nay / Abstain / Absent

The Resolution was declared to be duly adopted.

DATE: April 26, 2011



CHAIRMAN, FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS

ATTEST: 

FREMONT COUNTY CLERK AND RECORDER

April 26th, 2011

Commissioner Bell moved the adoption of the following Resolution:

RESOLUTION NO. 16
Series of 2011

RESOLUTION FOR SPECIAL REVIEW USE PERMIT
DEPARTMENT OF PLANNING AND ZONING FILE
#SRU 10-008 AT&T CELL TOWER COTOPAXI

BE IT RESOLVED by the Fremont County Board of County Commissioners (hereafter "Board"):

THAT WHEREAS, AT&T Wireless, (hereafter "applicants") have made application for issuance of a Special Review Use Permit pursuant to 8.2 of the Zoning Resolution of Fremont County to allow for the installation of a one-hundred (100) foot monopole, which will contain six (6) antennas, an equipment shelter, an ice bridge, a meter rack, and a telco cabinet, which application has been designated as file #SRU 10-008 AT&T Cell Tower Cotopaxi;

AND WHEREAS, pursuant to the Fremont County Zoning Resolution previously adopted; the Planning Commission of Fremont County reviewed the application at its March 1, 2011 regular meeting and recommended the **APPROVAL** of such application; and

WHEREAS, a notice containing the specific request, proposed use, date, time, location, telephone number of the Fremont County Department of Planning and Zoning (hereafter "Department"), and a site plan and vicinity map were mailed fourteen (14) days prior to the public hearing, by certified mail, return receipt to the Department, to all property owners within five-hundred (500) feet of the boundaries of the subject parcel and to appropriate reviewing agencies; and

WHEREAS, a notice containing the specific request, proposed use, date, time, location, and telephone number of the Department where additional information may be obtained, was posted on the property fourteen (14) days prior to the public hearing; and

WHEREAS, a notice of the public hearing was published by the Department, in a newspaper of general circulation in Fremont County, fourteen (14) days prior to the public hearing, and which contained the specific request, time and place of the public hearing, and an explanation of the proposed use and its location; and

WHEREAS, the Board held a public hearing concerning said application on April 12, 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, it appears that issuance of a Special Review Use Permit is appropriate;

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

1. The Board makes the following findings with respect to the application for issuance of a Special Review Use Permit to Applicant as follows:

April 26th, 2011

- a. The procedural requirements of Section 8.2 of the Fremont County Zoning Resolution have been met.
 - b. The location of the proposed use is compatible and harmonious with the surrounding neighborhood.
 - c. The proposed use will not have detrimental effects on property values.
 - d. The proposed site and use will not impair public health, welfare, prosperity and safety by creating undesirable sanitary conditions, overburdening of utilities or adverse environmental influences.
 - e. The site will be served by streets and roads of sufficient capacity to carry the traffic generated by the proposed use, and the proposed use will not result in undue traffic congestion or traffic hazards.
 - f. The site is sufficient size to accommodate the proposed use together with all yards, open spaces, walls and fences, parking and loading facilities, landscaping and such other provisions required by this resolution.
 - g. The proposed use, if it complies with all conditions on which approval is made contingent, will not adversely affect other property in the vicinity or the general health, safety and welfare of the inhabitants of the County, and will not cause significant air, water, noise or other pollution.
2. A Special Review Use Permit shall be issued contingent on the acceptance and observance by the Applicant of the following specified conditions:
- A. Special Review Use Permit shall be issued for a thirty (30) year term. *(The lease is for an initial 5 year term with renewal options for five additional 5 year terms.)*
 - B. The Department shall review the permit annually to determine compliance with the conditions of the permit and forward it to the Board for their review as required by regulations. It shall be the responsibility of the permit holder to provide the Department with copies of other permits, licenses, or other documentation showing compliance with the requirements of any other governmental agency *(to include items such as changes to the documents, updates, renewals, revisions, annual reports)*. Further it shall be the responsibility of the permit holder to provide the Department with copies of any documents that would affect the use of the subject property, such as but not limited to updated or renewed leases for use of or access to the subject property. Copies of these documents shall be submitted to the Department prior to the anniversary date of the approval of the use permit each year. If the Department has to notify the permit holder that the anniversary date has passed and/or request said documentation, then a penalty fee shall be charged to the permit holder. If the required documentation and penalty fee are not submitted to the Department within twenty (20) days following notification to the

April 26th, 2011

- permit holder, then violation procedures may be commenced, which could result in termination, revocation, rescission or suspension of the use permit.
- C. The Applicant shall conform to all plans, drawings and representations submitted with or contained within the application except as may be inconsistent with the other provisions of the permit.
 - D. The Applicant shall comply with all laws and regulations of the County of Fremont, its agencies or departments, the State of Colorado, its agencies or departments and the United States of America, its agencies or departments, as now in force and effect or as the same may be hereafter amended.
 - E. Applicants shall obtain, prior to operation, and keep in effect, throughout operation, all other permits, licenses or the like, including renewals, required by any other governmental agency and as otherwise may be required by Fremont County and shall provide copies of such to the Department. Revocation, suspension or expiration of any such other permits shall revoke, suspend or terminate the permit authorized hereunder, as the case may be.
 - F. If a Special Review Use is abandoned, discontinued or terminated for a period of six (6) months, the approval thereof shall be deemed withdrawn, and the use may not be resumed without approval of a new application. Provided, however, if the holder of the permit intends to or does temporarily cease the use for six (6) months or more without intending to abandon, discontinue or terminate the use, the holder shall file a notice thereof with the Department prior to the expiration of the six-month period stating the reasons thereof and the plan for the resumption of the use. The requirement of a notice of temporary cessation shall not apply to applicants who have included in their permit applications a statement that the use would continue for less than six (6) months in each year and such fact is noted on the permit. In no case, however, shall temporary cessation of use be continued for more than two (2) years without approval by the Board.
 - G. If a Special Review Use Permit is to be transferred it shall comply with all applicable Federal, State and County regulations regarding such transfer.
 - H. Days and hours of operation shall not be limited.
 - I. The monopole tower and antenna shall be painted beetle green in color.
 - J. Documentation shall be provided to the Department, prior to operation, as to compliance with the County Reviewing Engineer's recommendation, in his letter dated January 4, 2011, which states: "Upon completion, the lower end of the new roadway must be constructed to divert flow away from the school site, and to prevent ditch flows from eroding the existing dirt roadway."
 - K. Applicant shall provide to the Department, documentation from the Fremont County Weed Coordinator that the applicant has in place an acceptable weed control plan, if required, (prior to operation), further the applicant shall implement and maintain the plan, yearly.

April 26th, 2011

- L. The applicant / owner of the tower shall allow the tower to be used for co-locating purposes, if appropriate. If antenna collocation is proposed, appropriate process through the Department will be required.
- M. The County shall retain the right to modify any condition of the permit, if the actual use demonstrates that a condition of the permit is inadequate to serve the intended purpose of the condition. Such modification shall not be imposed without notice and a public hearing being provided to the Applicant at which time applicant and members of the public may appear and provide input concerning the proposed modifications to the conditions of the permit.
- N. Only the named party (applicant / owners) on the permit shall be allowed to operate this Special Review Use Permit. Board approval shall be required prior to allowing any other person or entity to operate at the site under the conditions of this permit. All persons, entities or others requesting Board approval to operate under this Special Review Use Permit must agree to abide by all terms and conditions of this Special Review Use Permit and shall be required to be named on this Special Review Use Permit as additional parties who are bound by the terms and conditions of this Special Review Use Permit.
- O. A Special Review Use Permit shall not be modified in any way without Department approval for Minor Modifications or approval of Major Modifications by the Board in accordance with Section 8.2 of the Fremont County Zoning Resolution (complete reapplication).

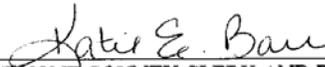
Commissioner Stiehl seconded the adoption of the foregoing Resolution and upon a vote of the Board as follows:

Commissioner Stiehl: Aye / Nay / Abstain / Absent
 Commissioner Norden: Aye / Nay / Abstain / Absent
 Commissioner Bell: Aye / Nay / Abstain / Absent

The Resolution was declared to be duly adopted.

DATE: April 26, 2011


 CHAIRMAN, FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS

ATTEST: 
 FREMONT COUNTY CLERK AND RECORDER

April 26th, 2011RECEPTION#: 884961,
04/26/2011 at 02:23:03 PM, 1 OF 26,KATIE E. BARR, CLERK AND RECORDER
FREMONT COUNTY, CO

Commissioner Bell moved the adoption of the following Resolution:

RESOLUTION NO. 17
Series of 2011
3rd Amendment to the Fremont County Zoning Resolution

BE IT RESOLVED by the Board of County Commissioners of Fremont County:

THAT WHEREAS, effective **December 1, 2008**, the Board of County Commissioners re-adopted the Fremont County Zoning Resolution; and

WHEREAS, certain amendments to said Resolution have been proposed; and

WHEREAS, the Fremont County Planning Commission has promulgate and recommended approval of the proposed 3rd Amendment to the Fremont County Zoning Resolution; and

WHEREAS, the Board of County Commissioners has conducted public hearings on the proposed amendment on **October 12, 2010, October 26, 2010, and April 12, 2011**, pursuant to such publication and notice as may be provided by law; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners that the Fremont County Zoning Resolution be and hereby is amended as set forth in Exhibit A and Exhibit B attached hereto and incorporated herein by reference.

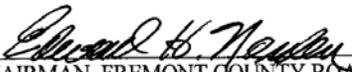
BE IT FURTHER RESOLVED that such amendment shall apply to all new submittals from **April 26, 2011**.

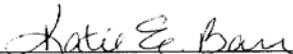
Commissioner Stiehl seconded the adoption of the foregoing Resolution and upon a vote of the Fremont County Board of County Commissioners as follows:

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

The Resolution was declared to be duly adopted.

DATE: April 26, 2011


 CHAIRMAN, FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS

ATTEST: 
 FREMONT COUNTY CLERK AND RECORDER

April 26th, 2011RECEPTION#: 884962,
04/26/2011 at 02:23:04 PM, 1 OF 1.KATIE E. BARR, CLERK AND RECORDER
FREMONT COUNTY, CORESOLUTION NO. 20, SERIES OF 2011

**A RESOLUTION DETERMINING THAT THE ODD-YEAR ELECTION TO BE HELD
IN THE FALL OF 2011 SHALL BE A MAIL BALLOT ELECTION AND INSTRUCTING
THE ELECTION OFFICIAL FOR FREMONT COUNTY TO CONDUCT THE
ELECTION BY MAIL BALLOT**

WHEREAS, C.R.S § 1-7.5-101, et seq. authorizes local governments of any political subdivision of the State of Colorado to conduct elections by mail ballots; and

WHEREAS, the Fremont County Clerk & Recorder, who is the designated election official for Fremont County has requested approval by the Board of County Commissioners to conduct the odd-year election for 2011 by mail ballot; and

WHEREAS, the Board of County Commissioners of the County believes that a mail ballot election for the odd-year election in 2011 is an appropriate and efficient means of conducting the election; and

WHEREAS, the provisions of § 1-7.5-104, C.R.S. require a determination by the governing board of Fremont County that the election shall be conducted by mail ballot.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF FREMONT COUNTY, COLORADO, that the odd-year election to be held in the fall of 2011 shall be conducted by mail ballot. The Fremont County Clerk and Recorder, as the designated election official for Fremont County, is hereby directed to conduct the 2011 election by mail ballot, to submit a plan for the same to the Colorado Secretary of State and conduct the election in accordance with applicable Colorado statutes, rules and regulations.

ADOPTED AND APPROVED this 26 day of April, 2011.

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

Commissioner Bell	<u>AYE</u>	NAY	ABSTAIN	ABSENT
Commissioner Norden	<u>AYE</u>	NAY	ABSTAIN	ABSENT
Commissioner Stiehl	<u>AYE</u>	NAY	ABSTAIN	ABSENT

The Resolution was declared to be duly adopted.

Date: April 24, 2011

[Signature]
Chairman

Attest: [Signature]
Clerk