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EIGHTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on April 27, 2010, 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
Larry Lasha	Commissioner	Present
Brenda Jackson	County Attorney	Present
Norma Hatfield	Clerk and Recorder	Present

Also present Bill Giordano, Planning and Zoning Director; and Tina Taylor, Deputy Clerk.

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

APPROVAL OF AGENDA

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

CONSENT AGENDA

Commissioner Norden stated the Minutes from April 13, 2010 are not completed. **Commissioner Stiehl** moved to strike the April 13, 2010 Minutes from the Consent Agenda. Commissioner Lasha seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Lasha, aye; Commissioner Norden, aye. The motion carried.

1. Approval of Minutes April 13, 2010 **REMOVED**
2. Approval of Bills April 27, 2010 / \$574,027.29
3. LIQUOR LICENSES
Bighorn Liquor LLC
Bighorn Liquor
493 Shannon Rd.
Cotopaxi, CO 81223-9601
Retail Liquor Store License Renewal - malt, vinous and spirituous

Kwik Star Inc.
Kwik Stop #6
3095 E. US Highway 50
Canon City, CO 81212
Retail License Renewal - 3.2 % beer
4. SCHEDULE PUBLIC HEARINGS - NONE

ADMINISTRATIVE/INFORMATIONAL

1. Administrative and Elected Officials

Commissioner Lasha stated that May 8th will be the tire collection at Holcim and it starts at 8:30 A.M.

This weekend there was a recycling program at Willie's Antique Store in Florence for electronic equipment and also a recycling of paint that could be exchanged if someone else wanted it.

He complimented UAACOG for their volunteer work and their continued efforts for recycling in Fremont County.

Commissioner Norden said that they had communication from the U.S. Census that door to door enumeration will be starting for residents who have not responded.

Sheriff Beicker stated they have a staff of off duty personnel who will be working during the Blossom Festival. They will also be joining with the Cañon City Police for any extra needs they may have.

2. Citizens Not Scheduled – None

OLD BUSINESS

WHITEWATER BAR & GRILL LIQUOR LICENSE RENEWAL

Commissioner Norden stated the renewal was tabled from the March 23rd and April 13th meeting. It is our understanding from communications with Sheriff Beicker and Becky Walker, the liquor licensing agent for the City of Cañon City, that they consulted with Mr. Seufer onsite and a lot of the issues have apparently been addressed. We have two (2) issues pending before us. The license renewal and what I understand what Ty Seufer has been trying to get worked out for Modification of Premise. The Board has been provided with written copies of the City Clerk's review of her onsite visit and we also have written communication from Ty Seufer following that meeting.

Ty Seufer stated that they had a real good meeting and the three had met for over two (2) hours. We walked the entire premise. We went over all the maps. He received direction from Ms. Walker on how to make the establishment safer and a more secure bar and grill. In my letter I stated what I agreed to do and have already started to do the work. Ms. Walker also made sure that our Modification for Premise application was complete. Commissioner Norden stated one of the key questions that we need an answer to is the application for Modification of Premises with the new drawings have been submitted for formal application. Mr. Seufer said yes. Commissioner Norden stated the license renewal can take place with the modification application process pending as the County Attorney advised us.

Sheriff Beicker stated that he wanted to publicly thank Becky Walker for her expertise and her up to date knowledge of the state liquor code as it relates to this issue of the Modification of Premises. He was there for the entire visit. Her report to you is very comprehensive and I will recommend that issues that were addressed in that report take place and offer to go for a final inspection. The noise issue was address and I think that Mr. Seufer is trying to very hard to be a good neighbor and address those issues in with this Modification of Premise application as well which was what the original issue was until the other issues came up. I was very impressed with his willingness to be in compliance with the County and State.

Commissioner Norden inquired if the changes would be in place for the renewal as you open for business this weekend. Mr. Seufer stated all of the improvements along the white vinyl fence which is about three hundred and twenty feet (320) is complete. The two closing gates are in place. The other five (5) entrances are blocked off. The mesh wire is up in between the post on the entire white vinyl fence. I picked up the material to make the 6' X 8' privacy fence across the back yesterday. He intends to have it completed by Thursday afternoon. He talked with his surveillance people. We are not going to be able to add any more cameras but we will be able to move the four (4) cameras he has. He wants to make sure he has a view of the person walking into the bar. All the "No Alcohol beyond This Point" signs are up.

Commissioner Norden inquired if the sidewalk outside the front entrance is going to be a no drinking area or is that part of the licensed premises out side the front door. Mr. Seufer stated that has always been part of the licensed premise and it will continue. Sheriff Beicker stated he knows that this was a concern to the Board and us as well. He did not realize it because the first drawings were inadequate and has caused a lot of confusion. That area is very visible to bar staff. There are three (3) large windows there and that is how he monitors that along with the hostess right at the front door. He knows that it is an area of concern but it has always been in the original premise of serving.

Commissioner Norden stated Mr. Seufer as part of the noise control was to make sure that the front door stays closed after a certain hour when there is music. Mr. Seufer said there is a person that is actually placed outside of door that checks all the I.D.'s. Sheriff Beicker stated reviewing the state statute on this as well as sharing with Ms. Walker, there is a legitimate issue because HWY 50 is right there as relates to the neighbor complaints across from the Whitewater I made a point to sit there and listen and although I would assume that obviously there is not as much traffic late at night but the truck traffic is quite loud. I think that based on the statute that Ty is making a good effort to be a good

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neighbor and it may not be reasonable to expect absolute silence from his establishment when the highway is right there. Commissioner Stiehl stated that Ty mentioned that the truckers are using their jake brakes and have you noticed that? Sheriff Beicker said he did. Commissioner Stiehl stated that there are state statutes against them. Engine brake mufflers are required in this state so maybe we could put up some signs since that is a camping area and that might help alleviate the jake brake sound. Sheriff Beicker stated he would be interested to know if the Colorado State Patrol enforces it or if they have ever had any complaints as it relates to the camp grounds in that area. Mr. Seufer stated that he has talked with the State Patrol numerous times about getting the speed limit reduced. There are way too many tourists around to have buses, vans and trucks going by at 55 mph.

Commissioner Stiehl inquired if the outside gates were going to be replaced with self closing gates. Do they lock when closed? Mr. Seufer said no the spring will hold them shut. On Friday and Saturday nights we will be locking them physically with a padlock or monitored. They are all to state fire code where they push out. They are white vinyl six (6) foot gates.

Commissioner Norden inquired if the renewal is approved then the Modification of Premises comes back separately and does he have to post notice. Mr. Seufer stated he turned it into Katie last Wednesday. Deputy Clerk Taylor stated it was mailed to the State. It will be returned because it was not signed by the Chairman. After review by the Board it will be put on the Consent Agenda for signature.

Commissioner Lasha stated that it has been an interesting process for all of us. We know that through this process we need to tighten up what we do also. We appreciate your cooperation on this. We also thank Becky Walker and Sheriff Beicker. Sheriff Beicker has made a commitment to have some officers trained through Becky class. Safety and security issues are always a concern.

Sheriff Beicker stated after contacting the State Liquor Enforcement they will provide training to licensee out there if we get a collective group together. Ms. Walker requires a renewal class every two (2) years for her licensees.

Commissioner Lasha moved to approve the license renewal for Whitewater Bar and Grill. Commissioner Norden inquired if there should be a requirement for training and do we want an inspection of the premise from the Sheriff to make sure things are in compliance. Commissioner Lasha stated he had no objection to adding that to the motion. Commissioner Norden inquired if Mr. Seufer be required to attend the license vendor training. Mr. Seufer stated he had talked with Ms. Walker about it and told her that he will either attend the October meeting or the meeting in the Spring before they open next year. Commissioner Lasha said he would include that also in the motion. Commissioner Norden seconded the motion. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

Commissioner Norden closed the regular session and opened the Public Hearing.

PUBLIC HEARING

ECHO OFFICE REMODEL PROJECT CDBG 08-007

Purpose of the hearing is to allow citizens to review and comment on the performance of Fremont County in carrying out the project which was financed with Federal Community Development Block Grand Funds provided by the State of Colorado.

Pam Walker from Project Echo said that she wanted to thank the County for sponsoring the Community Development Block Grant which was \$375,000.00 of a \$450,000.00 remodel project that is about nine hundred and seventy (970) square feet of the old Harrison School. She is happy to report that it is completed. They have moved in and some of the other colleagues are also occupying the space. The Starpoint Therapist, The Early Intervention Program has moved in as well. We came in with our budget. We completed the project in a very timely manner. The Community Development Block Grant gave us until July 30th to complete it but we are getting ready for the final payouts right now so it is done. We are going to have a grand opening soon. Right now we are working on outside signage and as soon as that is completed and our outside doors are

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painted which is not part of the building project itself we will be having an open house for our funders and the community.

Commissioner Norden stated that this is a Public Hearing and gave an opportunity for anyone who might want to speak on the record in relation to the use of these Community Block Grant monies that were used on the project. There were none.

Commissioner Norden closed the Public Hearing for the ECHO Office Remodel.

PUBLIC HEARING

1st AMENDMENT TO THE BUILDING CODE OF FREMONT COUNTY

Purpose of the hearing is to receive comments regarding an amendment to the International Residential Code establishing provisions for alternative energy systems in one and two family dwellings and townhouses.

Fremont County Building Official Mike Cox stated that we are starting to see more and more renewable energy sources integrated into single family residences. Recently we had a proposal that included battery storage for storage of electric power. Single family residences are regulated by the International Residential Code. The Code is silent on battery storage for renewable energy sources. With the safety of the building applicants in mind it is appropriate to adopt battery storage provisions relative directly to single family residences. The wording to the amendment came directly from the International Building Code, the International Fire Code and the International Mechanical Code. None of are adopted apply to single family residences. He took some wording for the different codes and tried to provide for ventilation, dissipation of hydrogen from the batteries just to eliminate fire explosion hazards. Commissioner Stiehl inquired how the restrictions compare a water heater room. Mr. Cox said it is similar. When we adopted the codes originally the ventilation requirements for safe crawl space and attic space was reduced in the county. For the battery storage rooms we have increase it back to what a typical crawl or attic space would be ventilated. It would relate similar to a water heater or furnace in that we use the high and low perception of ventilation similar to what you would use for combustion air for those appliances. Commissioner Stiehl said then we are not requiring any special type of construction for this. Mr. Cox stated no that all they ask is that the battery storage be separated from direct intergradations to the living space. The separation can be by standard construction framing with sheetrock walls and a closed door or a constructed container in the crawl space with the ventilation directed to the outside. The idea is just to keep the ventilation flowing. We changed the title the chapter that was previously directed to solar panels to Renewable Energy Systems so we can include wind generation, hydro generation or whatever that would require battery storage for electrical supply. Commissioner Norden stated that any of the renewable energy application would still have to comply with the County Zoning Resolution and meet what you have discussed in regards to battery storage ventilation. Commissioner Norden inquired if there was any member of the public who would like to comment. There was none.

Commissioner Norden closed the Public Hearing and returned to the Regular Session.

Commissioner Lasha moved to approve **Resolution #26, Series 2010** 1st Amendment to the Building Code for Fremont County in relation to the International Code establishing provisions for alternative energy systems for one and two family dwelling and townhouses especially for battery storage. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

Commissioner Stiehl stated that one of the comments that he has received since we adopted the Building Code was the requirement for tearing off of roofing down to a single layer. Mr. Cox said that in previous codes you were allowed to go over two (2) layers of existing roof covering. When the International Code first came out they reduced that to go over only one (1) single layer of existing roof covering. In the 2006 Code there is a wind speed map that is color coded. The areas that are shaded can not go over any existing roof covering. The roof has to be torn down to the original decking. He explained that maybe the longer fasteners are not as effective in high winds.

Commissioner Stiehl stated that the government drew a map and included Fremont County is on the map as a windy area and so by Federal mapping we were required to strip our roofs off completely.

NEW BUSINESS

RE-APPOINTMENT OF DEAN SANDOVAL TO THE FREMONT COUNTY PLANNING COMMISSION.

Commissioner Norden stated that they had received a letter from Dean Sandoval that he would like to be reappointed for another three (3) year term. The Board discussed their interest in seeing Mr. Sandoval being reappointed because of current leadership as Chairman of the Planning Commission and in particularly in the rather lengthy detailed process regarding the Fremont County Master Plan.

Commissioner Stiehl moved to re-appoint Dean Sandoval to another three (3) year term on the Planning Commissioner. Commissioner Lasha seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Lasha, aye; Commissioner Norden, aye. The motion carried.

AMBULANCE LICENSING

Tom Anderson who does the ambulance licensing process for Fremont County presented the licenses. Five (5) agencies applied for relicensing transportation. All have filled out the applications and turned in the required insurance forms. The agencies are: American Medical Response, Florence Volunteer Dept., Penrose, Arkansas Valley Ambulance, and Northwest Fremont E.M.S. All agencies included a letter requesting waiver of the application and inspection fees except American Medical Response. The application fee is \$100.00 and the permitting fee is \$10.00 per ambulance for inspection.

Commissioner Stiehl moved to approve the licenses of the five agencies and waive the license inspection fees for Florence, Penrose, Arkansas Valley and Northwest Fremont. Commissioner Lasha seconded the motion. Upon vote: Commissioner Stiehl, aye; Commission Lasha, aye; Commissioner Norden, aye. The motion carried.

CONTRACT WITH US IMAGING, INC. FOR DIGITIZING CLERK AND RECORDER RECORDS

Commissioner Norden stated the Board was briefed by the Clerk's Office on their recommendation for US Imaging after having done research on the vendors that were available to do this type technical work and large project.

Clerk and Recorder Hatfield stated that we need to get the records digitized because this is the only place that we have our original records. If something would happen to this building and they were destroyed it would be terribly expensive to try and replace them. We have been trying to get them digitized for at least ten (10) years. We have partial digitizing now that we have been doing for about five (5) years. Once a week our IT person takes the records to the bank vault. So we have a few records digitized but we need to have all the old ones done that go back to the mid 1800's.

Commissioner Norden said that the financing for this particular contract is part of the finance package that this Board of Commissioners approved several weeks ago through the issue of the certificates with George K. Baum Company. We had a number of capital improvement projects to be taken care of as part of that finance package but none as big and significant to the county as this particular project. The contract is \$262,000.00 with U.S. Imaging and a \$20,000.00 contract to do reconstruction on the actual records as opposed to the digitization.

Commissioner Norden moved to approve the contract with U.S. Imaging, Inc. for the digitization with the Clerk & Recorder records. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried.

Commissioner Norden adjourned the meeting at 10:30 A.M.

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