

May 10th, 2011

NINTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on May 10th, 2011, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Edward H. Norden called the meeting to order at 9:30 A.M.

Edward H. Norden	Commissioner	Present
Michael J. Stiehl	Commissioner	Present
Debbie Bell	Commissioner	Present
Brenda Jackson	County Attorney	Present
Katie Barr	Clerk and Recorder	Present

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

Pastor Benny Soto of Mountain View Community Church and Chaplain for the Fremont County Sheriffs Department gave the morning prayer.

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

APPROVAL OF AGENDA

Commissioner Bell moved to approve the agenda. 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. 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

County Clerk Barr gave her monthly report for April 2011. Barr stated fees collected for the month of April were \$764,576.77. Of this amount the county was able to keep \$381,479.81 which is about 50% of funds collected. Barr stated this is down \$23,690 from last year. Commissioner Stiehl moved to accept the County Clerks Report for April 2011. Commissioner Bell seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

County Manager Sugars gave his monthly report on sales and use tax for April 2011. The total retail tax collected was .93% above where we were last year. The auto use tax was down .50% from last year. The construction use tax was down 28% from last year. If you compare the construction use tax to 2009 it was a similar amount. The total sales and use tax collections combined is down 1% from last year. Sugars noted we are about 1 ½% below the projected budget for 2011.

Commissioner Bell announced that long time Penrose rancher Albert Molello passed away this week. She has known Albert most of her life and said he will truly be missed. Bell also wanted to congratulate everyone associated with the Music and Blossom Festival this past weekend. She said the event was a great success.

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2. Citizens Not Scheduled:

Mike Schnobrich updated the Board regarding Congressional redistricting for our county. He said he is not here representing the Bureau of Prisons, the Department of Justice, or any other Federal Agency. He is here representing the AFGE Local 1112 which represents about 400 of the federal prison employees. They have been testifying to the different committees in the State Legislature to try and get the FCC (Federal Correctional Complex) into the Congressional 3rd District. Right now the 5th Congressional District has 5 different military installations in it and the FCC gets overshadowed in Washington D.C. By being in the 3rd Congressional District we will have much better representation in Washington D.C. He explained there will not be any changes to Fremont County. The inmate population is counted on the Census, but inmates are not allowed to vote. Commissioner Norden said he did hear Schnobrichs testimony before the State Senate Veterans and Military Affairs Committee in Denver on Friday.

OLD BUSINESS

None.

NEW BUSINESS

1. Recognition to Mike Schnobrich for 13 years of service on the Fremont County Planning Commission.

Commissioner Norden thanked Mike Schnobrich for his 13 years of service on the Fremont County Planning Commission. Commissioners Norden, Stiehl, and Bell presented Schnobrich with a plaque of appreciation. Commissioner Stiehl said Schnobrichs name plate will also be retired and presented it to him. Schnobrich said it had been an interesting 13 years. He said Fremont County is one of the finest communities he has ever lived in.

2. Kwik Star Inc.
Kwik Stop #6
3095 E. U.S. Hwy 50
Canon City, Co 81212
Retail 3.2% Beer renewal license – waiving late filing

Commissioner Norden said there had been a problem with the mailing of the renewal from the state to the applicant and this is a request to waive the late filing requirement. Deputy Clerk Blausner explained the renewal form is computer generated from the state and they could not confirm where it had been mailed to. The state recommended the applicant print a blank application from the state website and send it in for renewal. This caused a delay in the renewal request process. Commissioner Stiehl moved to waive the late filing requirement for Kwik Star Inc., Kwik Stop #6 at 3095 U.S. Hwy 50 in Canon City for the Retail 3.2% Beer License renewal and approve the liquor license renewal request. Commissioner Bell seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

3. Fremont Heritage Commission – Celebrate Our Heritage and Proclamation in Honor of the Sesquicentennial of Fremont County.

Carol McNew and Peggy Sorensen, Co-Chairs of the Sesquicentennial Committee of the Fremont Heritage Commission addressed the Board. Sorensen said they were also representing spirits of the past. McNew portrayed Julia Mack from 1885 and Sorensen was Edna Rogers from 1899, both ladies were in period attire.

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Sorensen read the letter provided to the Board about celebrating our heritage. Commissioner Stiehl asked Sorensen if she could show the logo. Sorensen presented the logo that was designed by McNews niece, Megan McNew. This logo is on the flag which is flown at the Fremont County Administration Building as well as the bumper stickers used on County Vehicles. She noted there is a historical map of Fremont County that is for sale at the Price Pioneer Museum. Commissioner Stiehl mentioned the Heritage Commission is inviting vendors and businesses to display the logo and have the rights to the logo in their advertisements. Sorensen said they can provide a hard copy of the logo or email it to interested businesses. Commissioner Norden noted the Heritage Commission is getting ready to work on the adobe bricks of the Historic Garden Park School. McNew explained they will be having an adobe brick making workshop on May 23rd. She said at the last workshop it took all day to make 8 bricks. These bricks are for the west wall of the school that has been supported by a brace since August 2006. The bricks are not what have failed it is the foundation that needs to be re-stabilized. She explained the process for the re-stabilization. Commissioner Bell read the proclamation that was originally read and signed by the Board of County Commissioners in February 2011 in Honor of the Sesquicentennial of Fremont County. The proclamation is Attachment "A" to these minutes. McNew noted the Heritage Committee has been in existence since 2008 and were able to get the Deputy Wardens house placed on the list of endangered places. She mentioned other historical groups in Fremont County; Western Fremont Historical Society, Greenwood Pioneer Cemetery Committee, Fremont/Custer Historical Society, and the Paleontology Society. Commissioner Bell thanked all of the members of the Heritage Commission for the work they have done for Fremont County.

4. Consideration of a resolution to add two new at-large members to the Fremont County Heritage Commission, bringing membership from seven to nine.

Commissioner Bell said the Heritage Commission was requesting to add two more members to work with the group. She said the resolution will change the by-laws to reflect 9 members instead of 7 members. Commissioner Bell moved to approve resolution #21 to increase the members on the Fremont County Heritage Committee from 7 to 9. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Bell, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried. Resolution #21 is Attachment "B" to these minutes.

Commissioner Bell stated the Board of Commissioners has received 3 letters from Fremont County Citizens interested in serving on the 2 new At-Large positions on the Heritage Commission. Bell said there is also a vacancy on the Heritage Commission created by the resignation of Lisa Wood. Commissioner Bell moved to appoint Dorothy Cool as one of the first new at large members of the Fremont County Heritage Commission with a term expiration of September 1, 2013 and appoint Paula Peterson to the second new at large member with a term expiration of September 1, 2012 and to appoint Margaret Storm to replace Lisa Wood as the Florence area Representative with the same expiration as the term held by Lisa Wood. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Bell, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

Commissioner Norden noted they had received a late submission to be added to the agenda today for consideration of the Inmate Health Agreement for January 1, 2011 through December 31, 2011. Commissioner Bell moved to add the Consideration of the Inmate Health Agreement for January 1, 2011 through December 31, 2011 to the Agenda as New Business item #7. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Bell, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

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5. Request: SRU 09-004 Fremont Off Road Recreation Area

This item will be continued until the May 24, 2011 Board of County Commissioners meeting due to the fact that required notice of public hearing was not published in the newspaper in a timely manner. The public hearing will be held at 10:00 A.M. in Room LL3 (lower level) of the Fremont County Administration Building, 615 Macon Avenue, Canon City, Colorado. The request is for approval of a Special Review Use Permit, Department file #SRU 09-004 Fremont Off Road Recreation Area, by Stephen M. Harris and Lynette Harris, to allow for the operation of a Rural Recreation Facility to consist of an off road motorized recreation area that includes a free style training area, a peewee track, an intermediate track, and an ATV track on property owned by Stephen M. Harris and Lynette Harris which is located at the northwest corner of the intersection of Fremont County Roads #67 (aka Phantom Canyon Road) and #123, north of the Fremont County Airport. The Special Review use Permit is intended to allow only "family members and friends" and it will not allow events which are open to the public. Any event will require the issuance of a temporary use permit. Representative: Matt Koch, Cornerstone Land Surveying, LLC.

Bill Giordano explained there had been a problem with the publication notification, but it will be published again today. Commissioner Norden asked if we meet the publication notification requirements for a public hearing on May 24, 2011. County Attorney Jackson said we will be substantially compliant with all of the notices together. Commissioner Stiehl moved to continue the public hearing until May 24, 2011 at 10:00 A.M. for SRU 09-004 Fremont Off road Recreation Area. Commissioner Bell seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

6. Consideration of a letter of support to Fremont Economic Development Corporation regarding potential future uses of the Clark Power Plant in Canon City.

Angela Bellatoni of the FEDC Executive Board said yesterday they had received a formal letter of support from the Mayor of Florence supporting the Clark Power Plant effort. She is trying to get written letters of support from local Government Entities and Business owners to use in their written presentation to the PUC in Denver. Commissioner Norden said this is not a resolution, just a written letter of support. He feels it is important to have letters of support on the Board of Commissioners Meeting Agendas and as part of the minutes for the meetings. Norden read the letter of support. Commissioner Norden moved to sign the letter of support to Fremont Economic Development Corporation regarding potential future uses of the Clark Power Plant in Canon City. Commissioner Bell seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Stiehl, aye. The motion carried. Commissioner Stiehl said we are looking to preserve jobs in our economy as well as protect our environment. This letter of support is Attachment "C" to these minutes.

7. Inmate Agreement

Commissioner Norden explained this item had been on the agenda at the last meeting but was taken off the agenda due to some clarifications needed on the contract. County Attorney Jackson explained what the issue had been. CHM (Correctional Healthcare Management) had changed the contract in a few different ways. They are now imposing a cap on certain out of pocket expenses that they had agreed to pay. These included items such as ambulance fees, hospital costs, and medical costs rendered outside of the jail. The cap is \$50,000. The Sheriffs Department wanted to make sure these costs were reasonable and would run under the cap. Jackson said the highest year had been \$29,000 so the \$50,000 is a reasonable cap. Commissioner Norden asked if this is a 1 year renewal. Jackson said it is for one year starting with the date of agreement and is renewable for one year periods after that.

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Commissioner Bell moved to approve the contract for inmate health care services between CHM and the Sheriffs Department. Commissioner Stiehl seconded the motion. Commissioner Stiehl said this is a huge cost saving effort for the county and he is glad the contract is being renewed. Upon vote: Commissioner Bell, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

PUBLIC HEARINGS SCHEDULED FOR 10:00 A.M.

None.

Chairman Norden adjourned the meeting at 10:15 A.M.

Clerk and Recorder

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Attachment "A"

Proclamation in Honor of the Sesquicentennial of Fremont County

1861-2011



Whereas, on January 28, 1861, the Colorado Territory was created by the U. S. Congress from territories of Nebraska, Kansas, Utah, and New Mexico; and

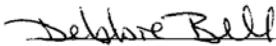
Whereas, Fremont County was one of the original 17 counties declared by the Colorado Territorial Legislature on November 1, 1861; and

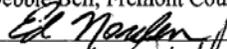
Whereas, the year 2011 thus marks the 150th birthday of Fremont County; and

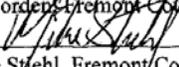
Whereas, the heritage of Fremont County should be celebrated and remembered;

NOW, THEREFORE, on behalf of the Board of County Commissioners and the people of Fremont County, we acknowledge and honor Fremont County for its proud heritage and 150 years of history.

In Witness Whereof, I have here unto set my hand on the 28th day of February, two thousand eleven.


Debbie Bell, Fremont County Commissioner


Ed Norden, Fremont County Commissioner


Mike Stehl, Fremont County Commissioner

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Attachment "B"

RESOLUTION NO. 21, SERIES OF 2011

**A RESOLUTION INCREASING THE NUMBER OF MEMBERS ON THE
FREMONT COUNTY HERITAGE COMMISSION
FROM SEVEN TO NINE**

WHEREAS, on August 26, 2008, the Fremont County Board of Commissioners (the "Board") adopted Resolution Number 54, Series of 2008, establishing the Fremont County Heritage Commission and approving interim by-laws; and

WHEREAS, the Fremont County Heritage Commission presently consists of seven members, selected by the Board of Commissioners, based on appropriate geographic representation of the County, and based on representation of interests in cultural, natural, economic, and recreational resources; and

WHEREAS, the Fremont County Heritage Commission has been actively pursuing efforts to achieve the protection, preservation, and enhancement of the County's cultural, historic, natural, and economic heritage is essential to the public health, safety, and welfare; and

WHEREAS, the members of the Fremont County Heritage Commission have determined that the Heritage Commission would function more effectively if an additional two members were appointed to the Commission and have requested that the membership of the Commission be increased from seven members to nine; and

WHEREAS, the Fremont County Board of Commissioners has considered the request and agrees that the efforts of the Fremont County Heritage Commission would be better served by the addition of two additional members to the Commission.

NOW THEREFORE BE IT RESOLVED BY THE FREMONT COUNTY BOARD OF COMMISSIONERS:

1. Section 3 of the Interim By-laws of the Fremont County Heritage Commission, as set forth in Resolution Number 54, Series of 2008 shall be amended to include an additional two members, bringing the total membership to nine and providing that the two newly created Heritage Commission members shall be selected at-large, and not require any particular representation from specific interests or geographic locations. The Amended Section 3 shall be as follows:

Section 3. Heritage Commission. A Fremont Heritage Commission will be established after interested members of the public submit written letters of interest to the Fremont County Commissioners. The County Commissioners shall appoint nine members from the community at large to provide advice and assistance on matters associated with planning and implementation of the Heritage Commission program.

The Heritage Commission shall consist of seven members demonstrating a representation of the following interests or geographic locations:

- a. Canon City area
- b. Florence area (may include Williamsburg, Rockvale, Coal Creek)
- c. Penrose area

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Attachment "B" (continued)

- d. Western Fremont County
- e. Heritage museum: This consortium of Canon City Museums currently consists of:
 - Royal Gorge Regional/ municipal museum
 - Fremont Center for the Arts
 - Dinosaur Depot Museum
 - Museum of Colorado Prisons
- f. Education (RE-1, RE-2, Cotopaxi, Pueblo Community College, etc)
- g. Tourism industry;

The Heritage Commission shall have an additional two members, who shall be selected from the County at large and shall not be required to represent any particular interest or geographic location.

All members shall be full-time residents of Fremont County. The members shall be selected by the Commissioners, based on appropriate geographic representation of the County, and based on representation of interests in cultural, natural, economic, and recreational resources.

2. The Terms of office for the two Heritage Commission members, whose positions are created by this Resolution, shall be three years after the initial term. To ensure that the terms of all members are staggered so that three Heritage Commission members' terms expire each year, the initial term for the two additional members shall be:

- a. One member shall serve from the date of formal appointment until September 1, 2012;
- b. One member shall serve from the date of formal appointment until September 1, 2013.

3. This resolution shall be in full force and effect immediately upon adoption by the Fremont County Board of Commissioners. All remaining provisions of the By-laws for the Fremont County Heritage Commission shall remain in full force and effect, unless and until modified by Resolution of the Board of Commissioner for Fremont County.

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

Debbie Bell	<input checked="" type="radio"/> AYE	NAY	ABSTAIN	ABSENT
Edward H. Norden	<input checked="" type="radio"/> AYE	NAY	ABSTAIN	ABSENT
Michael J. Stiehl	<input checked="" type="radio"/> AYE	NAY	ABSTAIN	ABSENT

The Resolution was declared to be duly adopted.

Date: 5/10/11

E. H. Norden
Chairman

Attest: Katie E. Barr
Clerk

May 10th, 2011

Attachment "C"



Fremont County Board of Commissioners

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

Michael J. Stiehl
District One

Debbie Bell
District Two

Ed H. Norden
District Three

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Fremont Economic Development Corporation
Energy Committee
402 Valley Road
Cañon City, CO 81212

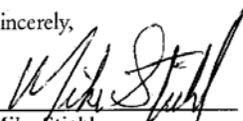
Greetings,

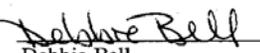
The Fremont County Board of Commissioners attended the April 20th FEDC breakfast meeting and were involved in the discussion regarding creative energy ideas to power the Clark Power Plant in Cañon City and to preserve the jobs in our county.

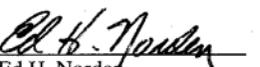
The Commissioners support FEDC's efforts to explore the use of alternate fuels at the power plant that would serve to not only deliver reliable electric power to southern Colorado but do so with an emphasis on protecting our environment. The proposed fluidized bed and gasification plant is certainly an option that we believe should be studied for its potential benefits for producing low cost power, meeting state standards for "green energy", and to provide jobs and an important tax base for all residents of Fremont County.

Our support of FEDC in this venture is also based on the desire to protect the consumers of Fremont County by supporting the consideration of energy alternatives that would seek to keep the costs of electrical production as low as possible for our citizens.

Sincerely,


Mike Stiehl
Commissioner Dist. 1


Debbie Bell
Commissioner Dist. 2


Ed H. Norden
Commissioner Dist. 3