

AUGUST 25, 2009

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SIXTEENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on August 25, 2009, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Michael J. Stiehl called the meeting to order at 9:30 A.M.

Edward H. Norden	Commissioner	Present
Larry Lasha	Commissioner	Present
Michael J. Stiehl	Commissioner	Present
Brenda Jackson	County Attorney	Present
Norma Hatfield	Clerk and Recorder	Absent

Also present Marshall Butler, Planning Coordinator; George Sugars, County Manager and Tina Taylor, Deputy Clerk.

Don Farr from Loaves and Fishes gave the Morning Prayer.

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

APPROVAL OF AGENDA

Commissioner Lasha made an addition to the Agenda under New Business, Item #5 changing Item #5 to #6 and include as #5 Consideration of Adoption Cañon City Urban Growth Boundary Area to be presented by Bruce Redus Community Development Director. **Commissioner Norden** added to New Business, Item #7: To authorize the Chairman's Signature on Electrical Service Agreement at Pathfinder Regional Park with Black Hills Energy. Commissioner Norden stated also to change the punctuation on the Consent Agenda for Item #3, Kwik Stop No ! to Kwik Stop No. 1.

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

CONSENT AGENDA

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

1. Approval of Minutes August 11, 2009
2. Approval of Bills, August 25, 2009 / \$765,640.89
3. LIQUOR LICENSES
Beaver Park Investments Inc.
KWIK STOP NO. 1
916 Hwy. 115
Penrose, CO 81240
3.2 Percent Beer Retail License Renewal

ADMINISTRATIVE/INFORMATIONAL

1. Administrative and Elected Officials

Fremont County Treasurer Pat McFarland presented three (3) requests for resolutions for lost tax lien certificates. Two are for Caughman and one is for Pierce. The tax liens have been redeemed. She is unable to give the money out until she has either original certificate or a resolution that gives her authorization.

Commissioner Lasha moved to approve the request for the tax duplication for the tax certificates for: **Resolution #36, Series 2009**, Caughman; **Resolution #37**, Pierce; **Resolution #38**, Stine. Commissioner Norden seconded the motion. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

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County Manager Sugars stated we received a letter from the Department of Local Affairs State of Colorado granting Fremont County \$200,000.00 from the Energy and Mineral Impact Grant. Initially we applied for \$475,000.00. The \$200,000.00 will have to be match dollar for dollar. This is to be able to purchase some plow trucks for snow removal and our other gravel operations.

County Manager Sugars stated that the Administration Building will be closed Monday, September 7th for Labor Day and also Tuesday, September 8th that is one of the furlough days.

Commissioner Stiehl stated it has been announced by the Dept. of Local Affairs that the State has seized all future grant monies from Energy and Mineral Impact as well as Gaming Impact Funds.

2. Citizens Not Scheduled - None

NEW BUSINESS

RE-SCHEDULE THE NEXT BOARD OF COUNTY COMMISSIONERS MEETING FROM TUESDAY, SEPTEMBER 8TH TO WEDNESDAY, SEPTEMBER 9, 2009.

Commissioner Stiehl stated the reason for this is to align our furlough days with the State.

Commissioner Lasha moved to reschedule the next board meeting of the Commissioners from September 8th to Wednesday, September 9th at 9:30 A.M. Commissioner Norden seconded the motion. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

NOTICE OF BID AWARD – PATHFINDER PARK ARENA LIGHTING TO TERRITORY ELECTRIC IN THE AMOUNT OF \$83,571.00

County Engineer Don Moore stated there were two (2) bids on the project. Fourteen (14) different companies were notified for bids. There were six bid items. The first bid item was for site service equipment. When the power company brings power to the site they will install a transformer. This project provides the pad to mount the transformer. This will provide power to a future bathroom area, provides breakers for a future RV site area, builds the power to the announcers stand but does not wire the stand that will be taken care of by 4-H, provides 30 ft. candle lighting over the arena area and a ten (10) year warranty. The low bid for these items was \$83,571.00 from Territory Electric.

Commissioner Norden stated that is a part of the \$200,000.00 GOCO Grant that the County received earlier this year especially for restrooms, arena lighting and bleachers. The electrical bid came in higher than we anticipated. We decided to go ahead and award a bid rather than rebidding. We are reconstructing the budget to still fit within local dollars available and the grant dollars available for all three aspects of the project.

Commissioner Norden moved to approve awarding the bid to Territory Electric for Pathfinder Park lighting at the arena in the amount of \$83,571.00. Commissioner Lasha seconded the motion. Commissioner Stiehl stated that the matching funds are coming from lottery proceeds which is the Conservation Trust fund that is used only for recreation and open space activities so this is not tax payer dollars. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

NOTICE OF BID AWARD – PATHFINDER PARK BLEACHER FOUNDATION TO LANGSTON CONCRETE IN THE AMOUNT OF \$24,330.00

County Engineer Don Moore stated the County Road and Bridge staff prepared a pad to put the bleachers on of road base and gravel. There will be a concrete slab placed on top. The bleachers have already been purchased. There were five (5) bidders. The low bidder was Langston Construction at \$24,330.00. This will give us about 3,500 square feet concrete pad with a foundation around the outside. The bleachers will seat 650 to 700 people.

Commissioner Lasha moved to approve bid for the foundation for the Pathfinder Park bleachers to Langston Concrete in the amount of \$24,330.00. Commissioner Norden seconded the motion. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

LIQUOR LICENSE – MARTIN, TIMOTHY L AND MARTIN, BARBARA F, THE GOOSEBERRY PATCH RESTAURANT, 660 HWY 115, PENROSE CO 81240

Deputy Clerk Tina Taylor stated the Martin's were looking at the wrong date on their renewal form and requested waiving the 45 day requirement.

Commissioner Norden moved to approve the renewal of the liquor license for Gooseberry Patch Restaurant and waiving the 45 day requirement. Commissioner Lasha seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

ADOPT CHANGES TO THE CAÑON CITY URBAN GROWTH BOUNDARY AREA MAP

Bruce Redus, Cañon City Community Development Director stated there has been a change in the City's Urban Growth Boundary Area. The original UGBA that was approved in 2000 included the 1400 acres east of Fourmile Ranch. It also included an arbitrary line north of the city limits and a distinct area on the south side of the city. There have been changes since the 2000 time frame such as the development of the Royal Gorge Ranch and the Business Park Project proposed on the east side is no longer in consideration. The county continues to grow just outside the city's north border and there may be a future need for the city to supply water. The significant changes that were proposed to you that have been approved by the City Planning Commission are to pull boundary from the Hwy 67 and Hwy 50 to bordering the Fourmile Ranch area. It would also go further west to the proposed area for the Royal Gorge Ranch. It was suggested by the County staff to tie the north and west areas into section lines or prominent geographical areas in those boundaries. This would make it easier for the County to make notifications of any development that would be outside the City boundaries. The new map also details several annexation priority areas. Director Redus requested that the Board approve the recommendations from the County Planning Commission. Also if there needs to be changes to the IGA, that could be worked out between the two legal staffs and brought forward both to the Board and City Council.

Commissioner Stiehl inquired if it is the intent that when development of subdivisions that are made that the City will have input on how they look on the ground and it would make a request to the County to implement curbs and gutters or similar things. Director Redus stated yes. We would only be looking at the areas that are located closer to the city. Commissioner Stiehl said that the final decision would remain with the county as to whether we would require the suggestions that would be coming from your planning department. Director Redus said yes and there would probably be some clarification in the future in the IGA.

Commissioner Norden inquired what would be the motivator to initiate the actual annexation. Director Redus said the main motivator if one looks at it by the bottom line of tax dollars would be any area that is of a commercial nature.

Commissioner Lasha asked County Attorney Jackson if this would require a new IGA or an addendum. **County Attorney Jackson** stated the IGA does not describe the boundaries so you can adopt new boundaries without a new IGA. It will be prudent to look at the IGA to see if it needs updating.

Commissioner Lasha stated that on the map the red area is pretty well surrounding Dozier working its way up to Central south and north from HWY 50. He inquired if Dozier and the county roads would also be part of the annexation. Director Redus stated that would have to be an area of consideration that would be brought forth in the IGA.

Planning Coordinator Marshall Butler stated this was brought before the Planning Commission on August 4th. The Planning Commission moved to recommend approval of the Cañon City UGBA and the recognition of the Cañon City Subdivision and Development Regulations as far as reasonably possible for the annexation priority areas.

Commissioner Norden inquired if the IGA is the document that would address enforcement of the City regulations. Attorney Jackson stated no. The County can't enforce somebody else's regulation. Particularly regarding a subdivision, we do not have a lot of discretion. The IGA at the present time states that we will work toward amending our regulations to be compatible with the City's regulations. We have not done that over the last few years, but we do send all the subdivision applications to the City for recommendations and suggestions. What we are only statutorily required to enforce in a major subdivision application is the road standards. The City's standards can override County standards for the transportation plan. We do not have any authority to enforce

City's regulations unless we adopt them. Commissioner Lasha stated that from past experience on a couple of projects it was difficult for the developer and builders to play both ends of the scale. He is not opposed to this application but we should be cautious on how we proceed. Commissioner Norden stated he has the same concerns. As it has been discussed previously it is always a concern as to whether the developer signing water service agreements with the City could be bound by certain City regulations that may not be part of subdivision approval by the County Planning Commission and Board of Commissioners. Attorney Jackson stated that is an issue between the developer and the City based on their contract. In order to get water service the City does require a lot of things that are not in the County regulations. The water service contracts exercise a lot leverage for the City.

Commissioner Norden stated that one of the other prime motivators that the City also talked about in prior annexations was to clean up some border areas so that there would be a uniform boundary to the City limits. Director Redus stated that in some degree that has been accomplished but there are still some areas that need to be cleaned up and we are going to continue to look at that.

Commissioner Norden moved to approve the Cañon City Urban Growth Boundary Area, recognizing that the County would continue to receive recommendations from City staff, city council and City Planning Commission regarding any developments that take place within these urban growth areas that come before County officials. Commissioner Lasha seconded the motion. Commissioner Stiehl stated it has been moved and seconded to approve the Cañon City Urban Growth Boundary Area with recognition of the Cañon City subdivision and development regulations as far as responsibly for the annexation priority areas. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

A PROPOSAL AND RESOLUTION CONCERNING AN INCREASE OF FIFTY ONE HUNDREDTHS OF A CENT (0.50%) IN THE FREMONT COUNTY SALES AND USE TAX, RAISING THE SALES AND USE TAX FROM ONE AND ONE-HALF PERCENT (1.5%) TO TWO PERCENT (2.0%)

Commissioner Lasha stated that our budget situation and the effect on the Fremont County employees is certainly due to our projections of 2009 and anticipating 2010 problems with the budget. As we move through the process and try resolving some of the issues that we are dealing with, we also have an obligation to look into the future. The sales tax increase that we are requesting is a needed item for our county. The Sheriff's Department continues to have the mandates, pressures and the safety issues that we deal with on a daily basis. This sales tax question will bring in about 1.5 million dollars to help the Sheriff's Department through future years.

Commissioner Norden stated the same tax question that was put to the voters in 2007 when they considered the same sales tax to finance operations, law enforcement, jail and emergency services at the Sheriff's Department. A lot of things have not changed but given the current economic crisis things have worsened. We are in a situation now that I hope it is becoming more apparent to citizens that we are facing critical decisions in county government as to what priorities we place on service. As TABOR allows that at some point if there is a priority to be placed on certain services either to be maintained, approved or in some cases perhaps have some services eliminated, the voters need to be heard from as to what they see as priorities. We are at a crossroads of critical decisions as to what we try to maintain in service and what is eliminated. There are mandates and state laws that must be followed that include operation and maintenance of the county jail and the other public safety issues that come with this. We need to protect citizens and property and how we are going to pay to do that. All these questions are posed to the voters in this particular issue and we are seeking their response at the ballot box.

Commissioner Stiehl stated that the services that the Sheriff provides are mandated by law. The jail that we operate is the only jail available in the county. It is used by Cañon City, Florence, Division of Wildlife, Dept of Correction, Immigrations and internet crimes against children. The Sheriff runs a very lean operation and does well with the budget he has compared to other budgets around the area. Since we are in a crisis with the Sheriff's Department being our biggest expense it really is our duty under TABOR as well as our moral duty to pose this question to the voters with their opinion of which direction we should take.

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Commissioner Norden moved for approval of **Resolution #39, Series 2009** to place a question before the voters in the November General Election asking citizens to consider an increase in the Fremont County Sales and Use Tax from one and one-half percent (1.5%) to two percent (2.0%), a one-half percent (½%) increase, noting that the ballot language is recognizing the same as the original Fremont County sales tax does not tax food or utilities in this ballot language. Commissioner Lasha seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

AUTHORIZING THE CHAIRMAN TO SIGN AN ELECTRICAL SERVICE AGREEMENT WITH BLACK HILLS ENERGY FOR PATHFINDER PARK

Commissioner Norden stated this would authorize the Chairman to sign the contract for Black Hills Energy to initiate the installation of the primary electrical service to Pathfinder Park. The contract amount is \$8,310.00. Noting the labor work for digging the trench will be done by county crews. As part of the GOCO grant application Black Hills Energy put a \$15,000.00 donation on the table to contribute to this electrical service.

Commissioner Norden moved to authorize the Chairman's signature of Black Hills Energy Contract. Commissioner Lasha seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

Commissioner Stiehl adjourned the meeting at 10:15 A.M.

Clerk and Recorder