

NINETEENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Special Session on September 1, 2005, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Canon City, Colorado. The meeting was called to order at 2:00 P.M. by Commissioner Chairman, Larry Lasha.

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

Also present Finance Director, Dana Angel; and Sharon Kendall, Deputy Clerk.

Commissioner Lasha asked for a moment of silence for the victims of Hurricane Katrina and the men and women in the military.

The Pledge of Allegiance to the Flag of the United States of America was recited by those present.

AGENDA

Commissioner Norden stated that Item 5 needed to be added to New Business. That item is the Proclamation for Good Neighbor Day for September 7th. **Commissioner Norden** moved to approve the Agenda with the addition of Item 5. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried.

NEW BUSINESS:

AWARD BID – PATHFINDER PARK OUTDOOR ARENA

Dana Angel, Fremont County Finance Director, submitted a recap of the seven proposals that were received. He stated the recap and worksheet were then submitted to Tommy Covington and Commissioner Norden.

Commissioner Norden stated they had a half-million-dollar grant from Greater Outdoors Colorado that they are sharing with the Recreation District, with \$100,000 committed towards this arena project. The Recreation District will be advertising for bids for the entryway that the County will share in the other portion of that. They are on a tight timeline this fall for the outdoor arena. They proceeded to advertise for bids even while preparation and excavation of the site will be continuing.

Tommy Covington, CSU Extension Service, stated that the Commissioners came to them and the Pathfinder Park Steering Committee and asked them to develop plans for an outdoor arena. That was done over a period of several meetings, and they came up with a draft plan. The plan was submitted for bids to everyone that they could think of to send bids, and went on a couple of websites. Once the bids came in, the Commissioners asked the steering committee to review the bids and go down the spec sheet and make sure each bid met the minimum specs that was in the bid proposal.

Commissioner Norden stated that in the initial review with the Board and the Finance Director, they narrowed it down from seven to three. With some follow up with those three, he stated they were in a position to recommend today an award for a bid of \$89,355, a low bid, to CL Construction of Fountain, Colorado. A contract can be negotiated on the timing. **Commissioner Norden** stated he would make that a motion. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried.

AWARD BID – PAVING HIGH PARK ROAD

Dana Angel stated there were two bids received and opened on August 22nd. They asked for bids on a price per ton basis. A & S Construction's bid was \$50.70/ton and Kiewit Western for \$50.50/ton. There was further review by the consultant on the mix designs.

Commissioner Norden stated they got a follow-up clarification from A & S on the mix design available at their same bid price of \$50.70. They asked Kleinfelder of Pueblo to review that asphalt mix design again. Subsequent mix design offered as an alternative does meet Kleinfelder's approval, and received that in writing. All the clarification the Commissioners were seeking have been met. The question at hand is to whether they would consider a low bid or a 20-cent difference in the per ton price? **Commissioner Norden** stated that because there was very little difference in a contract that would result in maybe a \$1500.00 total difference in price for the entire contract. Although they do not have a specific policy in place, he stated he believed it had been some past practice of Board of County Commissioners to seek, when possible, to award such projects to local bidders, and he would make the motion to award the contract for the asphalt overlay to A & S Construction at the \$50.70 per ton price. The motion was seconded by Commissioner Lasha. **Commissioner Stiehl** stated that this had been a problematic bid process. As far as the local contractor getting a bid preference of five percent, that is kind of a legend. In the past, as best as he could reconstruct, when they have published their bid request, and it included that stipulation that local bidders may receive a five percent favorable treatment, that is when they have invoked that. He stated he had not been able to find an instance where they have allowed a five percent preference unless they have actually included that in the bid request. He stated he really did favor awarding bids and keeping the money locally if at all possible. He stated he also believed they had a responsibility to their tax payers to make sure that they are spending their taxpayer's money in the best possible way. He stated he really did believe in local contractors. The bids, as they were presented, were not prepared as carefully as they might be, and the local contractor's bid was insufficient as far as the asphalt design that was submitted. This would be a double preference here. They have gone back and requested that the local bidder submit another design which was finally approved by their engineers, and they are talking about awarding a contract to someone who was not the low bidder. He stated those were his concern in this particular case. No matter what the outcome here, he stated he thought they needed to tighten up their bid request procedures, need to create higher expectations, be more specific in their bid requests when they publish them, and he intended that to be the case from here on out. **Commissioner Norden** stated that the Board, having discussed those problematic situations at arriving to their decision today, agree that they want to be more specific in future bid projects so that there is not so many questions raised. He stated he thought it was worth note, Mike commented about the five percent local bid preference, while it is not policy, it has been used from time to time. In this particular case, the calculations were of the difference for the local bid preference was well within the five percent at about four tenths of one percent. To keep it with a local company and the local employee base, merits consideration of the twenty cent difference. **Commissioner Lasha** stated there was a motion and a second to award the bid for paving of High Park Road to A & S Construction at \$50.70 per ton. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, no. The motion carried.

UPDATE ON 2006 COUNTY BUDGETING PROCESS

Dana Angel stated they started their budgeting process for 2006 back in mid-July. Budget request forms went to all Department Heads and Elected Officials, and returned to him by August 12th. Since that time, they have scheduled meetings with each Department Head and Elected Official, and have reviewed in detail their requests. They are now listening to requests and justifications. A proposed budget will be put together and available for public inspections, and will be the document that they will hold a Public Hearing on in November. The proposed budget should be presented to the Board by October 10th. There will be more meetings and discussions, and it has to come out where revenues equal expenditures. That will be a tough time this year because in prior years they have

balanced the budget by using reserves. The time has come that the reserves are no longer there, so it could be a very difficult process this year.

Commissioner Stiehl stated they were considering putting an issue on the ballot for this fall to raise the sales tax one-half of one percent. That money was to go specifically to the Sheriff's Department and the Road and Bridge Department for those basic services. Since 2004, a depletion of their reserve fund balance is down to a dangerous level. Since the school bonds had passed in 2003, the revenues ended up decreasing the amount of funds available to the other entities. If it had not been for the school bonds passing and sticking with the budget they had, they would have been at about \$569,000. The reduction due to the specific ownership tax collection by the additional monies collected by the two school district bonds, reduced them from \$569,00 to \$197,000. That was an unforeseen consequence of the school bond election. They started thinking about services and thought about a half-cent sales tax, which would not be a very big one but it would provide \$1.5 million to their reserves, Sheriff's Department and Road and Bridge. By Tuesday they needed to decide if they were going to go forward with that. That was the deadline to actually put that on the ballot. Their decision on Tuesday was "no" They did not have enough information to go forward and they would drop it for now.

Commissioner Norden stated he thought the Board felt that the sales tax was certainly merited. Mail ballots would be going out October 7th and citizens in general are not familiar with this story. It is just too much to ask people to identify with the budgetary and financial issues they are facing. The County Road Foreman and the Central Shop Supervisor have put together a five-year plan that would address how revenues from a new sales tax might be used. They can use that and share with the public what can be accomplished. They plan to continue more town hall meetings this fall in Penrose, Florence, Cañon City and at the west end talking about financial issues with the citizens.

Commissioner Lasha stated that Ed and Mike have brought an expertise to their discussions that will be very beneficial for all. They have the knowledge and background, and it will be an interesting year for all.

Commissioner Stiehl stated this would have been something that would have gone before the voters. They do not know what will transpire over the next 12 months. This is your TABOR at work, and would be going before the voters for the people to decide whether they agree with their proposal or not.

TWIN LANDFILL REQUEST FOR DISPOSAL OF CHRONIC WASTING DISEASED ELK

Gary Fuselier, Vice-President & General Manager, Twin Landfill, stated he had received a call from Dr. Richard Brooster from USDA in Fort Collins, wanting to know if they would be interested or able to dispose of 350 head of elk. Mr. Fuselier stated he then contacted Jerry Henderson from CDPHE, and they did extensive research. There is a critter that causes Chronic Wasting Disease called a prion, which is a malformed protein. Research has shown that this prion to be hydrophobic, it does not like water. In landfills it tends to cling to the waste in the landfill. Jerry Henderson gave them some recommendations, and they developed a plan. They currently have a solidified fly ash disposal area. There is a partial basin that had been filled from one area and somewhat from another area, creating a basin that they were slowly filling in. There is landfill liner and three feet of compacted clay, a minimum of a foot of tire chips, 8-10 feet of trash on top of that and probably about another 6-8 feet of solidified fly ash on top of that. Animals would be placed in this solidified fly ash basin, with a layer of animals, layer of lime, layer of fly ash, and repeated until they are disposed of.

Commissioner Stiehl stated that under their permit, the Landfill can take animals. This was a bigger number and Gary decided to alert the Commissioners that this was a special waste under Paragraphs O, Y and Z of the Resolution. That displays an openness and willingness to cooperate and be compliant. There are about 350 head of animals, and the

USDA is going to compensate the rancher. The animals will be tagged, the heads will be shipped to Fort Collins for testing. If they are found to be positive, he stated he did not like the idea of placing positive testing carcasses in the landfill. If there becomes a concern that those prions are something they need to watch out for, Twin Enviro is going to have to go back to their books and start testing in arrears. He stated he came up with a list of 8 recommendations for requirements for disposal of these carcasses in Phantom Landfill.

Commissioner Norden stated he appreciated Mike's research and agreed that he was not particularly enthused about putting positive testing CWD elk in the landfill. He stated he was not acquainted with the idea that that was now an acceptable disposal option by the researchers in Fort Collins.

Gary Fuselier stated that the plan was to sedate the animals at the Walker Ranch, then loaded on trailers, brought to them and will be euthanized on the trailer. They will be tagged, heads and tissue samples will be loaded on a USDA van, and will go to Fort Collins for analysis. They are expecting to have results back within 24 to 36 hours. Any positive-testing animals would be taken back to CSU, negative-testing animals would be placed in the basin. They are expecting that to take 2 ½ to 3 days. He stated he and Commissioner Stiehl had worked out a plan to store the animals during the night before analysis comes back. They will be covered with plastic, the edges will have a dirt berm around them to hold them down. After they start disposal operations, any time they shut down at night, they will be sure there is a layer of animals, layer of lime, layer of fly ash and a layer of dirt.

Commissioner Stiehl moved to approve the recommendation for Twin Landfill request for disposal of CWD elk with the eight conditions that he had drawn up:

Recommendation: Twin Landfill request regarding disposal of Chronic Wasting Disease elk

BOCC Resolution 97-12 allows Phantom Landfill to receive animal carcasses. However, the Board considers the large size of this project, approximately 350 head, requires approval as Special Waste under paragraphs O, Y, and Z of that resolution.

The Board of Commissioners approves the Twin Enviro request to dispose of Walker Ranch elk carcasses at the Phantom Landfill with the following requirements:

1. All animals subject to the USDA depopulation order shall be tested for Chronic Wasting Disease (CWD). Exclusions are calves born during 2005, since yearlings are known not to be infected by CWD.
2. The carcass and head of each animal shall be matched by tags affixed at time of euthanasia and the heads sent to Colorado State University to be tested for the presence of CWD prions. Carcasses found to be positive shall be shipped to the CSU Alkaline Digesting Facility for disposal.
3. Carcasses shall be stored above ground under waterproof covers, sealed by dirt cover at all edges, while awaiting results. It is anticipated that these results will be obtained within 36 hours.
4. No animal shall be disposed of at the landfill that has tested positive for CWD.
5. As required by Resolution 97-12 paragraphs O, Y, and Z, Profile Forms and Manifest shall be required.
6. Odor control shall be affected by layering the carcasses with lime, and then solidified fly ash that has passed the "Paint Filter Test". Given the biomass being contemplated for disposal, 12 inches of cover material is required between layers.
7. At completion of the project, the final layer of lime and fly ash shall be covered by a final layer of soil. In addition, at the completion of each day's work, the top working layer shall be covered with lime, solidified fly ash, and soil.

8. Should nuisance complaints be received related to the disposal activity, we will require additional cover thickness or other measures to address the situation.

The motion was seconded by Commissioner Norden. Upon vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Lasha, aye. The motion carried.

Commissioner Lasha stated that the next Board meeting is scheduled for September 13th, but on September 10th, Holcim has made an opportunity to residents of Fremont County to dispose of tires. They have a shredder and plenty of tires, and will be doing a drop-off on September 10th. This is in cooperation with the Upper Arkansas Congress of Governments Recycling Program and support of the Commissioners. They will have more information and a press release and on the website.

GOOD NEIGHBOR DAY PROCLAMATION

Commissioner Lasha read the Proclamation in its entirety. **Commissioner Norden** moved to approve the Proclamation for FTD Good Neighbor Day to be September 7, 2005. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Lasha, aye. The motion carried.

Commissioner Lasha adjourned the meeting at 2:52 P.M.

County Clerk