

September 11, 2012

SEVENTEENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on September 11th, 2012, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Debbie Bell called the meeting to order at 9:30 A.M.

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

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

The Morning Prayer was given by Jay Rice of Grandview Christian Church.

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

APPROVAL OF AGENDA

Commissioner Bell amended the agenda by adding item #6; Consideration of a proclamation declaring September 17, 2012 as Constitution Day and Citizenship Day and item #7; Consideration of a bid in the amount of \$45,000 to Mountain Masonry for remodeling office space at the Department of Human Services Building to New Business section of the agenda.

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

CONSENT AGENDA

Commissioner Bell noted the scheduling of a Public Hearing for October 9, 2012 at 10:00 a.m. for a proposed Amendment to the Sketch Plan and Exemptions Sections of the Fremont County Subdivision Regulations.

Commissioner Norden moved to approve the consent agenda. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Bell, aye. The motion carried. Resolutions #33 and #34 are attached.

ADMINISTRATIVE/INFORMATIONAL

1. Administrative and Elected Officials

County Clerk Barr gave her report for August 2012. The total collected was \$881,358.07. The County kept \$428,053.09 of this amount which is about 49% of the total collected. This is down \$46,239.29 from August 2011.

Commissioner Stiehl moved to accept the County Clerks Report for August 2012. Commissioner Norden seconded the motion. Upon Vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried.

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County Clerk Barr announced important deadlines for the upcoming General Election. There are approximately 31,000 registered voters in Fremont County of which only 19,900 are active voters. October 9th is the last day to register to vote for the November Election. October 22nd thru November 1st is early voting at the County Administration Building from 7:30 a.m. until 5:00 p.m. Monday thru Thursday. October 30th is the last day to apply for an absentee ballot. Election Day is Tuesday November 6th. Barr encouraged citizens to make sure they are registered with all of their correct information. Voters can make changes on line at the Secretary of States web site or in the Clerk's office.

County Manager Sugars gave his report on Sales and Use Tax Collections received thru August 31, 2012. The total Sales and Use Taxes collected are up 5.26% from last year. We are 2.84% above the projected budget. Retail Sales Tax is 5.28% above a year ago. Auto Use Tax is 3.40% higher than last year. Construction Use tax is 11.17% more than last August.

Commissioner Norden said the total cost to repair the damages to County Road 103 was over \$20,000. This road was damaged by the same flood waters that washed out the bridge on Highway 67.

Commissioner Stiehl said he has been working with Green Diamond Tire Company in trying to get them to relocate to Fremont County. This company was also considering Pueblo County for their headquarters. The mill levy in Pueblo County is 126 compared to 66 in Fremont County which makes Fremont County more attractive to a manufacturer. This company is hoping to hire 150 to 450 employees. Every day 8,100 people leave Fremont County to commute to work while 2900 people commute into Fremont County to work.

Commissioner Norden reminded citizens that Saturday September 29th from 8:00 a.m. until 1:00 p.m. there will be an Open House and Fly In at the Fremont County Airport.

Commissioner Bell announced this Saturday September 15th is the Florence Pioneer Day Festivities in Florence. The parade begins at 10:00 a.m. and there are numerous activities throughout the day.

2. Citizens Not Scheduled: None.

OLD BUSINESS

None.

NEW BUSINESS

1. Consideration of Professional Services Agreement with Armstrong Consultants, Inc. Representative: Richard Baker, Airport Manager.

Richard Baker said the Airport Board had an advisory meeting on August 28th and reviewed three applicants for engineering services for the next five years. They recommended that Armstrong Consultants be considered for this agreement. The other two applicants were from Denver and Kansas City. This agreement will address upcoming projects for the next five years that are required by the FAA.

Commissioner Norden moved to approve the Professional Services Agreement for Engineering Services from Armstrong Consultants for the Fremont County Airport.

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

2. Consideration of Phase II Airport Fencing, Representative: Richard Baker, Airport Manger.

Richard Baker said the State Aeronautics Division was at the Fremont County Airport on August 3rd. They approved an additional \$30,000 to complete the fencing project on the west side of the airport. He is requesting Taylor Fencing Company complete the project with the additional money received by the state. The grant requires a 10% contribution from Fremont County and the project should be complete by mid October.

Commissioner Norden moved to approve the bid award to Taylor Fence Company for \$38,512 for phase 2 of the fencing project at the Fremont County Airport. Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Bell, aye. The motion carried.

3. Request: TUP 12-006 Deer Mountain Community Organization Fundraising. Request approval of a Temporary Use Permit to allow fundraising events, such as flea markets, farmers markets, bake and craft sales, etc., by the Deer Mountain Community Organization (DMCO). The events will be held at the intersection of Copper Gulch Road and Road Gulch Road in the Deer Mountain Area, on property owned by Fremont County. The events will be held on Fridays and some Saturdays through October 13, 2012, from 8:00 a.m. until 3:00 p.m. Representative: George Dmyterko, Interim Chairman DMCO.

George Dmyterko explained they are a new, smaller organization. They are trying to raise funds to buy land to build a community center on. As they are in a rural area there is a real need for a community center.

Planning and Zoning Director Giordano said these events are to take place on county property so if the Board approves the TUP they would also be approving the use of county property. The proposed dates for the events are: September 15, September 22, September 29, October 6, and October 13, 2012 from 8:00 a.m. to 1:00 p.m. Proof of Liability insurance and the amount still needs to be provided. Mr. Dmyterko said they have been trying since August 15th to obtain the \$1,000,000 liability insurance and should have it within the next few days. Mr. Giordano said proof of the insurance is required before the events can take place. The applicant is requesting a waiver of the cleanup surety. Mr. Dmyterko said they have volunteers who will clean up the lot after each event. Mr. Giordano said the applicant is also requesting a waiver of the application fee. Commissioner Norden said this group has already improved the site by cleaning up trash in the County Right of Way.

Elaine Foster said when they found out the County was unhappy with the trash that was previously collected one of the residents took it to the dump herself. There were 22 volunteers who worked 4 to 5 hours picking up trash along the roadside.

Commissioner Stiehl moved to approve TUP 12-006 Deer Mountain Community Organization Fundraisers contingent upon proof of \$1,000,000 liability insurance, waiving the application fee, and waiving the cleanup surety. Commissioner Norden seconded the motion. Upon Vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried.

4. Consideration of the 2013 Holiday Schedule – George Sugars, County Manager

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County Manager Sugars explained there are two proposed holiday schedules for next year. The total amount of holiday time is 90 hours. The ten hour day holiday schedule would be observed by the administration building and the Department of Transportation. The eight hour day holiday schedule will be observed by the Department of Human Services, the Health Department the Sheriff's Office and the Airport.

Commissioner Stiehl moved to approve the two separate Holiday Schedules for 2013. Commissioner Norden seconded the motion. Upon Vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried.

5. Consideration of a Resolution opposing Amendment 64

Commissioner Bell explained that Amendment 64 would legalize the use of marijuana for persons 21 years of age and over and would be taxed similar to alcohol.

Commissioner Norden moved to adopt Resolution #35 stating formal opposition to Amendment 64 as recommended by Sheriff Beicker and following several other Colorado Counties. Commissioner Stiehl seconded the motion. Commissioner Norden said other counties that have formally opposed Amendment 64 include Weld, Mesa, Delta, Garfield and Logan. As there are no residency requirements out of state users and dealers would be able to come to Colorado to purchase marijuana. Commissioner Stiehl stated the Bill itself is horribly written and would be impossible to enforce. Stiehl said this Bill would cripple state and local agencies with compliance regulations. Upon Vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Bell, aye. The motion carried. Resolution #35 is attached.

6. Consideration of a proclamation declaring September 17, 2012 as Constitution Day and Citizenship Day

Matthew Von Hobe is the Vice President of the Pikes Peak Chapter of the National Society of the Sons of the American Revolution. Matthew introduced Dick Marsh, Pikes Peak Chapter President and past President John Luedecke. Matthew read the proclamation and requested the Board of Commissioners to approve it. Commissioner Bell said our constitution has served us very well for 225 years and may it continue to serve us for another 225 years. Mr. Marsh said they have given portraits of George Washington to Skyline, Lincoln, and Washington Schools in Canon City.

Commissioner Norden moved to proclaim September 17, 2012 as Constitution Day and Citizenship Day. Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Bell, aye. The motion carried.

7. Consideration of a bid in the amount of \$45,000 to Mountain Masonry for remodeling office spaces at the Department of Human Services Building

County Manager Sugars said they received state funding to remodel part of the Department of Human Services Building. The money has to be obligated by September 30th. The bid from Mountain Masonry is for \$45,000 and is 100% grant money from the state.

Commissioner Norden moved to ratify the previous verbal commitment to accept the grant of \$45,000 from the state of Colorado and award the bid to Mountain Masonry. Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried.

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PUBLIC HEARINGS SCHEDULED FOR 10:00 A.M.

1. Request Amendment to Fremont County Subdivision Regulations. Request approval of a proposed amendment to the General Provisions and Definitions Sections of the Fremont County Subdivision Regulations. Representative: Bill Giordano, Director of Planning and Zoning.

Chairman Bell opened the Public Hearing at 10:25 a.m.

Bill Giordano said the amendment was published in the newspaper prior to this meeting and was posted on the Fremont County web page. Bill said this would be the Fourth Amendment to the Fremont County Subdivision Regulations. The attempt here is to be consistent with the changes in the Zoning Regulations. Sections A thru E and Section I remain unchanged. Mr. Giordano discussed the proposed changes to the General Provisions. He noted that in Section J-1-d the word “variance” needs to be changed to the word “exemptions”. He then discussed the proposed changes to the Definitions section of the Amendment that were recommended by the Planning Commission. Giordano noted in Section GG and HH the word “normally” needs to be changed to “usually” and strike the word “most”. In section VV there is one error, the word “zoning” should be “subdivision”. If the Amendment is approved today Mr. Giordano will prepare a Resolution for adoption at the next Board of County Commissioners meeting. He stated that no written comments had been received.

Public Comments: None.

Chairman Bell closed the Public Hearing at 10:41 a.m.

Commissioner Norden moved to approve the Fourth Amendment to the Fremont County Subdivision Regulations as Resolution #36 with the noted language changes above and proposed recommendations from the Planning Commission Minutes. Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Bell, aye. The motion carried.

Chairman Bell adjourned the meeting at 10:47 A.M.

Clerk and Recorder

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RECEPTION#: 899834,
09/11/2012 at 12:07:37 PM, 1 OF 2.

KATIE E. BARR, CLERK AND RECORDER
FREMONT COUNTY, CO

Commissioner Stiehl moved the adoption of the following Resolution:

RESOLUTION NO. 33
Series of 2012

VPR 12-001 FREMONT COUNTY ROAD #9A
(FROM INTERSECTION OF COUNTY ROAD 2 TO TERMINUS)

THAT WHEREAS, *Fremont County Board of County Commissioners* (hereafter “Applicants”) have made application to vacate the Fremont County Public Right-Of-Way, which application has been designated as Department of Planning and Zoning (hereafter “Department”) file #**VPR 12-001 FREMONT COUNTY ROAD #9A**, and is described as:

Fremont County Road #9A, located in the SE¼ Section 33, Township 16 South, Range 73 West, 6th P.M., Fremont County, State of Colorado

Fremont County Road 9A begins ½ mile east of mile marker 23 on Fremont County Road 2 (aka Tallahassee Road), which is also located 0.43 miles east of Autumn Creek Drive. Fremont County Road 9A runs southerly from Fremont County Road 2, for ½ mile to its terminus.

WHEREAS, a notice containing the specific request, proposed vacation, date, time, and locations of the meetings and the telephone number of the Department, and a site plan and vicinity map were mailed fourteen (14) days prior to the Fremont County Planning Commission (hereafter “Commission”) meeting and also provided notice of the Fremont County Board of County Commissioners (hereafter “Board”) meeting, by certified mail, return receipt to the Department, to all property owners who’s property adjoins the boundaries of the public right-of-way, all applicable utility companies, and to appropriate reviewing agencies; and

WHEREAS, a notice containing the specific request, proposed vacation, date, time, and locations of the meetings, and the telephone number of the Department where additional information could be obtained, was posted on the public right-of-way fourteen (14) days prior to the Commission Meeting of August 7, 2012 and the Board Meeting of August 28, 2012; and

WHEREAS, pursuant to the Fremont County Subdivision Regulations previously adopted; the Commission recommended approval of such application; and

WHEREAS, the Board reviewed said application at a public meeting held on **August 28, 2012**, 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, there were no objections to such vacation at the Board Meeting; and the

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Board finds that no land adjoining said roadways to be vacated will be left without an established public road connecting such land with another public road, and that the application should be approved.

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

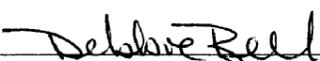
Fremont County Road #9A, located in the SE¼ Section 33, Township 16 South, Range 73 West, 6th P.M., Fremont County, State of Colorado is hereby vacated.

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

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

WHEREUPON the Resolution was declared to be duly adopted.

DATE: **September 11, 2012**



 CHAIRMAN, FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS

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RECEPTION#: 899835,
09/11/2012 at 12:07:38 PM, 1 OF 2.

KATIE E. BARR, CLERK AND RECORDER
FREMONT COUNTY, CO

Commissioner Norden moved the adoption of the following Resolution:

RESOLUTION NO. 34
Series of 2012

VPR 12-002 FREMONT COUNTY ROAD #F5
(FROM INTERSECTION OF COUNTY ROAD 2 TO TERMINUS)

THAT WHEREAS, *Fremont County Board of County Commissioners* (hereafter "Applicants") have made application to vacate the Fremont County Public Right-Of-Way, which application has been designated as Department of Planning and Zoning (hereafter "Department") file #**VPR 12-002 FREMONT COUNTY ROAD #F5**, and is described as:

Fremont County Road #F5, located in the S½ Section 22, NWNW Section 27 & NENE Section 28, Township 51 North, Range 12 East, N.M.P.M., Fremont County, State of Colorado

Fremont County Road F5 begins 0.80 miles east of mile marker 17 on Fremont County Road 2 (aka Tallahassee Road), which is also located 1.0 miles east of Fremont County Road 2A. Fremont County Road F5 runs southwesterly from Fremont County Road 2, for 1.19 miles to its terminus.

WHEREAS, a notice containing the specific request, proposed vacation, date, time, and locations of the meetings and the telephone number of the Department, and a site plan and vicinity map were mailed fourteen (14) days prior to the Fremont County Planning Commission (hereafter "Commission") meeting and also provided notice of the Fremont County Board of County Commissioners (hereafter "Board") meeting, by certified mail, return receipt to the Department, to all property owners who's property adjoins the boundaries of the public right-of-way, all applicable utility companies, and to appropriate reviewing agencies; and

WHEREAS, a notice containing the specific request, proposed vacation, date, time, and locations of the meetings, and the telephone number of the Department where additional information could be obtained, was posted on the public right-of-way fourteen (14) days prior to the Commission Meeting of August 7, 2012 and the Board Meeting of August 28, 2012; and

WHEREAS, pursuant to the Fremont County Subdivision Regulations previously adopted; the Commission recommended approval of such application; and

WHEREAS, the Board reviewed said application at a public meeting held on **August 28, 2012**, 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

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WHEREAS, there were no objections to such vacation at the Board Meeting; and the Board finds that no land adjoining said roadways to be vacated will be left without an established public road connecting such land with another public road, and that the application should be approved.

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

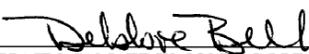
Fremont County Road #F5, located in the S½ Section 22, NWNW Section 27 & NENE Section 28, Township 51 North, Range 12 East, N.M.P.M., Fremont County, State of Colorado is hereby vacated.

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

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

WHEREUPON the Resolution was declared to be duly adopted.

DATE: **September 11, 2012**



 CHAIRMAN, FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS

September 11, 2012

RESOLUTION NO. 35, SERIES OF 2012

**RESOLUTION STATING OPPOSITION OF THE
FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS
TO AMENDMENT 64, PROPOSING LEGALIZATION OF THE USE OF MARIJUANA
FOR PERSONS TWENTY-ONE YEARS OF AGE OR OLDER AND TAXING THE
SAME IN A MANNER SIMILAR TO ALCOHOL**

WHEREAS, on November 6, 2012, the voters of the State of Colorado will vote on Amendment 64, a citizen initiated ballot question proposing that marijuana be legalized in the State of Colorado for persons twenty-one years of age or older and that marijuana be taxed and regulated in the same manner as alcohol; and

WHEREAS, if approved by the voters, Amendment 64 would make Colorado the first state in the United States of America to legalize and regulate marijuana; and

WHEREAS, the proposed Amendment is poorly written and fails to define important terminology; and

WHEREAS, passage of Amendment 64 would likely increase recreational use of marijuana, causing injury to Colorado's image as a healthy places to live, work and raise a family; and

WHEREAS, Amendment 64 is likely in direct conflict with federal law and, if passed, could potentially risk availability of federal funds for projects in the state; and

WHEREAS, Amendment 64 proposes to permit cultivation, preparation and packaging facilities, as well as retail stores in Colorado communities; and

WHEREAS, passage of Amendment 64 could put Coloradoans in danger of increased impaired driving and driving under the influence violations; and

WHEREAS, if marijuana use is legalized, it could be introduced in the workplace in Colorado, potentially affecting the health and safety of the person using it as well as those around them and have an adverse effect on productivity in Colorado's workforce; and

WHEREAS, State Agency resources will be strained by the requirement to regulate, under unreasonably short deadlines, an entire new industry in the state; and

WHEREAS, local governments across Colorado may not have sufficient resources to enact the required regulations by October 1, 2013.

September 11, 2012

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS FOR THE COUNTY OF FREMONT, that the Board OPPOSES Amendment 64 and its proposal to legalize use of marijuana for persons twenty-one years of age or older.

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

Debbie Bell	<u>AYE</u>	NAY	ABSTAIN	ABSENT
Edward H. Norden	<u>AYE</u>	NAY	ABSTAIN	ABSENT
Michael J. Stiehl	<u>AYE</u>	NAY	ABSTAIN	ABSENT

The Resolution was declared to be duly adopted.

Date: September 11, 2012

Attest: Katie E. Bau
Clerk

Debbie Bell
Chairman