

TWENTIETH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on September 13, 2005, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Canon City, Colorado. The meeting was called to order at 9:30 A.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; Marshall Butler, Representative from Planning and Zoning Director and Sharon Kendall, Deputy Clerk.

The Morning Prayer was given by Pastor Jerome Perkins from Christ Life Ministries.

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

AGENDA

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

CONSENT AGENDA

Commissioner Stiehl moved to approve the Consent Agenda:

1. Approval of Minutes August 23 and Special Meeting September 01, 2005
2. Approval of Bills, September 13, 2005
3. LIQUOR LICENSE

Beaver Park Investments Inc.

Kwik Stop No. 1

916 Hwy. 115

Penrose, CO 81240

3.2 Percent Beer Retail License Renewal Application

BDA Enterprises Inc

Ideal Lanes

2970 E Main St.

Cañon City, CO 81212-2730

Hotel and Restaurant Liquor License Renewal – Malt, Vinous, and Spirituous

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

ADMINISTRATIVE/INFORMATIONAL

1. Staff/Elected Officials

Commissioner Norden stated he, Tommy Covington and members of the steering committee for the Pathfinder Park project went to Jefferson and Douglas County's fairgrounds in Golden and Castle Rock last Friday. He stated he was impressed with the facilities. Their primary goal was to check on the arenas because they wanted to know what kind of soil mix to put down on the arena floor at Pathfinder Park. Terry Acton and the District 2 road crew have been working at Pathfinder Park in clearing timber. They

hope they can get moving shortly with the dirt work to build the arena floor so they can get the arena started. Commissioner Norden reported that this Saturday was very busy for Fremont County. The Cañon City Chamber of Commerce is doing their fund raising with the driving of golf balls off Skyline Drive. The Commissioners plan to be in Florence for the Pioneer Day parade at 10:00 A.M. The Council of Government's barbeque at Buckskin Joes is scheduled from 10:00 A.M. to 7:30 P.M.

Commissioner Stiehl stated that the Walker Ranch elk herd that was disposed of last week was found to have Chronic Wasting Disease. Three weeks ago, it was ordered that the herd be destroyed by the U. S. Department of Agriculture. The entire herd was tested, and found that two remaining elk had CWD, and they were transported to Fort Collins to be disposed of there. The elk testing negative were disposed of in the landfill, that number being 292.

2. Citizens Not Scheduled: There were none.

OLD BUSINESS:

RECONSIDERATION OF HIGH PARK ROAD BID

Commissioner Lasha stated that they had a Special Meeting on September 1st, and had a vote of 2-1 on awarding that bid to A & S Construction. Shortly after that meeting, they were notified by the Department of Local Affairs that if there is a qualified low bidder, they are obligated to give the bid to that qualified low bidder. They did have that, and there was a 20-cent difference. They had two options: to award the bid to the qualified low bidder or pay for the \$400,000+ on construction to High Park. He stated they did not have the money to do that, so that is why they are here today.

Commissioner Norden made the motion to award the low bid to Kiewit Construction of Colorado Springs at the bid price of \$50.50 per ton on the asphalt, and rescind the award to A & S Construction. The motion was seconded by Commissioner Stiehl. **Commissioner Norden** added that the Commissioners did contact John Paul Ary of A & S Construction about the situation. While they felt that it merited consideration of local bid preference, under this situation with this State grant, the language required them to award to the lowest responsible bidder. The Board has discussed that they want to look at some sort of policy on local bid preferences and make sure they have more clarification on these type of issues with grants, and whether they want to qualify bidding processes for any kind of local bid preference in the future. **Commissioner Stiehl** stated that the Department of Local Affairs who does disburse the money, said it was acceptable to have local preferences. They could have awarded it locally had they either had a policy in place, which they don't, or had they advertised in the bid solicitation that they were going to offer a local preference of a certain amount, which they did not do. **Commissioner Norden** stated that A & S was aware of the action being taken this morning, as well as Kiewit. They hope to start the overlay of High Park Road, a three-mile section, in the next ten days. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried.

REAPPOINTMENT OF GLEN T. SMITH TO THE BUILDING CODE BOARD OF APPEALS

Commissioner Lasha stated that Glen had been on the Board for quite some time, and has the approval of the Building Department. **Commissioner Norden** made the motion to reappoint Glen Smith to the Building Code Board of Appeals and thanked him for his prior service. Not only do they need qualified willing people to serve on the Building Code Board of Appeals, but they are still looking for someone to fill a vacancy on the Fremont County Board of Zoning Adjustment. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried.

APPOINTMENT OF DIRECTOR OF FREMONT COUNTY FINANCE CORPORATION

Dana Angel, Finance Director, stated that the Fremont County Finance Corporation is a non-profit corporation that was formed in the mid 80's. It is the corporation that is actually the issuer of the Certificates of Participation when they do their financing plans. There are three directors and today's action is a housekeeping measure. They still have James Schauer listed as the president, and the other two directors are Kathleen Barnes and Robert Crider. Action is needed to replace Mr. Schauer. **Commissioner Norden** stated they would take action today, but their intention is to put this on the annual January list of appointments. He stated he would make a motion to appoint Commissioner Mike Stiehl as the Director of the Fremont County Finance Corporation. The motion was seconded by Commissioner Lasha, and he stated they like to keep this position with the Chairman. It does not make sense at this point in the year to appoint him to that position. Since Mike is probably the future Chairman of the Board, his second is for that reason. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

BRASS HORSE HOTEL & RESTAURANT LIQUOR LICENSE RENEWAL

Sharon Kendall, Deputy Clerk, stated that the application was in order, but the applicant filed late. The Board would need to waive the 45-day requirement. **Commissioner Norden** moved to approve the Hotel & Restaurant liquor license renewal for the Brass Horse in Penrose, waiving the 45-day requirement. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried.

APPROVAL OF BRESNAN FRANCHISE AGREEMENT

Brenda Jackson, Fremont County Attorney, stated they had been negotiating with Bresnan for more than two years trying to get a new contract approved. It is a renewal of their franchise agreement. Under the Federal Communications Act, they are required to have a franchise with counties and cities to put their lines in our rights-of-way. The franchise agreement is essentially the same as the one they have been operating under for the past ten years. The term, she believes, has been extended to twenty years. The payment to the County is 3% of gross annual profits as they are defined in the agreement. They have been working with Jerry Parker of Bresnan Communications, and he has been very receptive to the requests of the County. Bresnan agrees to provide to the County standard installation of basic cable to basically public-owned buildings. With this agreement, they have agreed to provide high-speed internet and modem service to three locations as we might designate in the future. They have agreed to make a public access channel available to the County upon request. They have negotiated with Road & Bridge over where they can put their lines, the height of overhead lines and the depth of underground lines. Publication and public notice has been done. Public comment has been requested and there have been none. **Commissioner Stiehl** moved to approve the Bresnan Franchise Agreement. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Lasha, aye. The motion carried.

ASSIGNMENT OF COLORADO STATE HIGHWAY ACCESS PERMIT CDOT PERMIT NUMBER 204042/STATE HIGHWAY 115 IMPROVEMENTS FOR PATHFINDER PARK

Brenda Jackson stated that in conjunction with the Recreation District, plans have been made for improvements on State Highway 115 that runs south of Pathfinder Park. The County, in anticipation that they would be doing these highway improvements, applied to the State Department of Transportation for a highway access permit to improve the access and the highway at that location. The access permit was granted to the County, however, the Recreation District in conjunction with this process has applied for and received Mineral Energy Impact Grant to do the highway improvements. They are going to be letting out the contract and working with the contractor to get those highway improvements done. The entity that is responsible for the construction should be holding the access permit. The County is assigning the access permit to the Recreation District, and that enables them to negotiate directly with CDOT and with the contractor without

any kind of requirements from the County. **Commissioner Norden** moved to approve the assignment of the Colorado State Highway Access Permit #204042 for the Highway 115 access for the Pathfinder Park project from Fremont County to the Cañon City Recreation and Park District. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried.

REQUEST: TUP 05-013 APPLE DAY BY THE PENROSE CHAMBER OF COMMERCE

Skeeter Payson, Penrose Chamber of Commerce, stated they were asking for a waiver of the fees. The event is Apple Day, Saturday, October 1st. They have booths set up, and will have approximately 100 vendors. The Parks and Recreation District will have games for the kids in City Park. The Flight-for-Life helicopter will be parked at the Presbyterian Church for demonstrations. There will be live music in front of the Senior Center, the VFW is bringing in a military mobile kitchen to serve breakfast.

Marshall Butler, Fremont County Planning & Zoning, stated they still needed a final signature on the insurance policy, but seems to be in order and in the amount of \$2 million. They have asked for a waiver of the application fee and surety bond for cleanup. He stated the application was in order.

Commissioner Norden moved to approve TUP 05-013 for the Apple Day festivities for the Penrose Chamber of Commerce, Saturday, October 1st 7:00 A.M. to 4:00 P.M. with the qualification that the signed insurance policy is provided, and waiver of fees. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried.

PROPOSED ACRES OF IRELAND ADDRESS CHANGES

Robert Sapp, Code Enforcement, stated he was asking for support for sending out letters to change addresses in the Acres of Ireland area. The Building Department went out for inspections and they could not find particular addresses. When they looked at it, they found 49 addresses that were addressed incorrectly. They found out that Emergency Services has some difficulty finding those homes in the area. They are proposing to change those 49, 25 of which have structures. The homeowner will only be responsible for giving out the information of their new address to those they wish to have it. The County will give the information to the Assessor, Clerk & Recorder, Treasurer's Office, and Emergency Services. They hope to have this accomplished by the end of October. They are asking for permission to send out the letters to the homeowners. They have the addresses ready.

Commissioner Norden suggested they pick a date and state that date in the letter that the Board of County Commissioners will consider action on the address change at the October 25th board meeting. Even though it will not be a Public Hearing if they have concerns, they know they can make an appearance before the Board and know when it would be formally considered for action. He stated he and Robert had spoke to about 14 members of the Acres of Ireland Homeowners Association two weeks ago. They did not have any particular concerns. **Commissioner Norden** moved to approve the direction to mail those letters with the addition of setting a date of the October 25th Board meeting for formal consideration by the Board of Commissioners of those address changes for Acres of Ireland, and to include that date in the letter. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried.

Commissioner Lasha adjourned the meeting at 10:13 A.M.