

NINETEENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on September 28, 2004, 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
James R. Schauer	Commissioner	Present
Keith McNew	Commissioner	Present
Brenda Jackson	County Attorney	Present
Norma Hatfield	Clerk and Recorder	Absent

Also present Finance Director, Dana Angel; Marshall Butler, Planning and Zoning Representative and Sharon Kendall, Deputy Clerk.

The Morning Prayer was given by Pastor Don Farr from Church Alive.

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

AGENDA

Commissioner Schauer made the motion to approve the Agenda. The motion was seconded by Commissioner McNew. Upon vote: Commissioner Schauer, aye; Commissioner McNew, aye; Commissioner Lasha, aye. The motion carried.

CONSENT AGENDA

Commissioner McNew made the motion to approve the Consent Agenda:

1. Approval of Minutes, September 14, 2004
2. Approval of Bills, September 28, 2004/\$652,299.49
3. Adoption of Resolution #119, Series of 2004, ZC 04-004 Shepard
4. Adoption of Resolution #120, Series of 2004, ZC 04-005 Fletcher
5. **SCHEDULING OF PUBLIC HEARINGS: OCTOBER 12, 2004, AT 10:00 A.M.**
REQUEST: SRU 04-008 PLEASANT VALLEY BED & BREAKFAST
Request approval of a bed and breakfast, by Stephen E. Smith, for property owned by Stephen E. Smith and Vicki Smith, located *at the southwest corner of the intersection of US Highway 50 and Zabrisky Road, in the Howard Area.*

REQUEST: ZC 04-007 FREMONT PAVING & REDI-MIX INC. ZONE CHANGE

Request approval of a **Zone Change from Agricultural Living to Industrial, file #ZC 04-007 Fremont Paving & Redi-Mix, Inc.**, by *Fremont Paving & Redi-Mix, Inc.* for property owned by John L. Ary. The property is *located north and east of the Town of Brookside and west of MacKenzie Avenue.*

The motion was seconded by Commissioner Schauer. Upon vote: Commissioner McNew, aye; Commissioner Schauer, aye; Commissioner Lasha, aye. The motion carried.

ADMINISTRATIVE/INFORMATIONAL

1. Staff/Elected Officials

Commissioner McNew reported that they were completing the second of three stages on the High Park Road, County Road 11 to Cripple Creek, with the Gaming Impact Grants.

He stated that they hoped this would free the maintenance crews for a few years and save the County some money.

Commissioner Schauer stated that the Board members met regarding that gaming impact money the day before in Cripple Creek, and they got a favorable 100% funding for the third phase which would be next summer. He stated that they would have another \$415,000 to finish paving Fremont County's portion of the High Park Road.

Commissioner Lasha stated that they started moving dirt for the new Super Foods east of Florence, and were looking forward to having a new store. Dirt is also being moved on Union Mill Hill for the new school. He complimented John Merriam and people he has worked with getting the sites fixed. Penrose is making quite an improvement on their school. He announced there would be a Public Hearing on the John C. Fremont Library ballot question at Florence Middle School on Thursday night at 7:00 P.M. Commissioner Lasha stated that County employee, Ernie Martinez, had been waiting a long time for an organ transplant. He stated he understood that Ernie was out of surgery and wished he and his family the best.

2. Citizens Not Scheduled

Gary Schenck, Penrose Chamber of Commerce, stated he was present to brag. He stated that the 2004 Home Energy Investigation Contest was an awesome success. During the 2003-2004 school year, more than 100 teachers and over 1500 students from across the state partnered with CESC in the study of energy science, representing 38 middle schools, 20 high schools, 9 elementary schools and one home school. He stated that the competition was extraordinary. The Penrose Middle School students won the contest and new solar panels are installed on the school. He submitted a publication, Smart Energy Living, and on Page 55 is the write-up on these students

Commissioner Lasha acknowledged the students involved as Lacey Molello, Callista Barritt, Justine Bufmack, Megan Shade and Marah Macura. He stated that at any activity at the school in Penrose, the auditorium is filled with students as well as parents who show a lot of support.

NEW BUSINESS:

1. ASSESSOR'S OFFICE/PETITIONS FOR ABATEMENT

Jim Deatherage, Fremont County Assessor, stated that he wanted to clarify that these were not initiated by the Assessor's Office. The same form has to be used for both the Assessor and the Treasurer's Office. These were initiated by the Treasurer, and considered as uncollectible. He stated that since this is an Assessor's form, he had to deny because it was out of his hands.

Virginia Woltemath, Fremont County Treasurer, stated that these were initiated by the Treasurer's Office and they are definitely uncollectible taxes. These are all personal properties and the personal property is no longer in Fremont County. She agreed that there was not a form for the Treasurer to use if she feels a case is uncollectible. She stated that if they continue to keep them on the tax roll, it is anticipated revenue they will never collect.

Commissioner McNew made the motion to approve Petitions for Abatement for two on Four Seasons, one for CIT Group and one RGF Manufacturing, the motion was seconded by Commissioner Lasha. Upon vote: Commissioner McNew, aye; Commissioner Lasha, aye; Commissioner Schauer, aye. The motion carried and carried with it the adoption of **Resolutions #121 through #124:**

**RESOLUTION #121 – FOUR SEASONS #50875P – TAX YEAR 1998 = \$3,149.14
AND TAX YEAR 1999 - \$2,921.44**

RESOLUTION #122 – FOUR SEASONS #50975P – TAX YEAR 2000 - \$1,582.60 AND TAX YEAR 2001 - \$1,479.60

RESOLUTION #123 – CIT GROUP #27051P – TAX YEAR 2002 - \$1,163.82

RESOLUTION #124 – RGF MANUFACTURING - #122900P TAX YEAR 2002 - \$3,983.50 AND TAX YEAR 2003 \$3,995.34

2. RESOLUTION #125 – GRANTING COMMISSIONER LARRY LASHA SETTLEMENT AUTHORITY IN ACTION CONCERNING BUILDING DEPARTMENT TERMINATION LAWSUITS.

Brenda Jackson, Fremont County Attorney, stated that former County employees Larry Schmidt and Pam Foraker had filed suit against the County and had been filed early in 2004. She stated that this summer they had done depositions and other discovery and the Court has set this for settlement conference in the Federal Court in Denver under Judge Nottingham. The settlement conference is set for October 12 at 1:30 P.M. These are required in every case that is filed in Federal Court. Someone from each of the parties is required to be present with settlement authority. Since there will only be one Board member present, there has to be formal authority to settle the case if they get to that point.

Commissioner McNew made the motion to approve **Resolution #125** granting Commissioner Larry Lasha settlement authority in action concerning Building Department termination lawsuits. The motion was seconded by Commissioner Schauer. Upon vote: Commissioner McNew, aye; Commissioner Schauer, aye; Commissioner Lasha, aye. The motion carried and carried with it the adoption of **Resolution #125**.

3. REQUEST: RENAMING AND READDRESSING OF ZABRISKY LANE

Robert Sapp, Fremont County Planning & Zoning, stated that this had come to their attention as a result of an application received. They found that there were several errors in that particular area, several of the homes are addressed off of Highway 50, some off of Zabrisky Road, some off of Zabrisky Lane and some of Zabrisky. They decided that the best way to solve this problem would be to readdress the entire subdivision and are looking at that now. They are looking at renaming the road as you come into the Zabrisky Subdivision as Zabrisky and as you approach the intersection, it would be Zabrisky Lane East and Zabrisky Lane West and the numbers in accordance. This action becomes necessary for first responders and emergency services. He stated he was asking the Commissioners to place a sign at the intersection which will say “Zabrisky East and Zabrisky West”. There is a sign already posted on Highway 50 for Zabrisky Lane and this is a private road. A letter will be going out to the residents informing them of this.

Commissioner McNew made the motion to approve the request of renaming and readdressing of Zabrisky Lane and the Road & Bridge Sign Department will make the sign. The motion was seconded by Commissioner Schauer. Upon vote: Commissioner McNew, aye; Commissioner Schauer, aye; Commissioner Lasha, aye. The motion carried.

4. REQUEST: ADOPTION OF RESOLUTION #126. SERIES OF 2004, ZC 03-006 HEUETT

Marshall Butler, Planning & Zoning Department, stated that this zone change was approved three or four months ago to go along with the Minnesota Subdivision. They did not get a resolution number at that time and that is needed to get this zoning on the map.

Commissioner Lasha made the motion to approve **Resolution #126**, a house cleaning issue on Series 2004 ZC 03-006 Heuett, Minnesota Subdivision. The motion was seconded by Commissioner Schauer. Upon vote: Commissioner Lasha, aye; Commissioner Schauer, aye; Commissioner McNew, aye. The motion carried and carried with it the adoption of **Resolution #126**.

5. REQUEST: TUP 04-009 APPLE DAYS BY THE PENROSE CHAMBER OF COMMERCE

Gary Schenck, Penrose Chamber of Commerce, stated that this was the 69th Apple Days event. He stated they were requesting a waiver of the application fee and he had a full insurance policy.

Marshall Butler stated they had everything and recommended approval.

Commissioner McNew made the motion to approve TUP 04-009 Penrose Chamber of Commerce for Apple Days in Penrose, and waived the application fee. The motion was seconded by Commissioner Schauer. Upon vote: Commissioner McNew, aye; Commissioner Schauer, aye; Commissioner Lasha, aye. The motion carried.

6. REQUEST: EXTENSION OF CUP 93-007 PENROSE EQUIPMENT & TRUCK SALES

Marshall Butler stated that this permit had exceeded it's term and they are asking for another extension until October 21, 2004. This would be a reapplication for their Conditional Use Permit.

Commissioner McNew made the motion to approve the extension for CUP 93-007 Penrose Equipment & Truck Sales until October 21, 2004. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner McNew, aye; Commissioner Lasha, aye; Commissioner Schauer, aye. The motion carried.

7. REQUEST: TRANSFER OF SRU 99-009 VICTORIAN FARMHOUSE BED & BREAKFAST

Joann Grenard, Coldwell Banker Strom & Associates, stated that this was currently owned by Cynthia Elder and she is selling to Stephen Moreau and the closing date is set for October 5th. He will be using this for his personal home and a bed & breakfast.

Marshall Butler stated that this was an established use and had received no complaints about this business and recommended approval of the transfer.

Commissioner Lasha made the motion to approve the transfer of SRU 99-009 Victorian Farmhouse Bed & Breakfast from Cynthia Elder to Stephen Moreau. The motion was seconded by Commissioner McNew. Upon vote: Commissioner Lasha, aye; Commissioner McNew, aye; Commissioner Schauer, aye. The motion carried.

8. CHANGE ORDER #7 (FINAL) NUNN CONSTRUCTION

Dana Angel, Fremont County Finance Director, stated that this was the final change order pertaining to the jail addition and remodeling contract with Nunn Construction. This change order is for \$1,801.00 which makes the final contract amount \$3,746,430.00.

Commissioner McNew made the motion to approve Change Order #7 with Nunn Construction for the total of \$1,801.00. The motion was seconded by Commissioner Schauer. Upon vote: Commissioner McNew, aye; Commissioner Schauer, aye; Commissioner Lasha, aye. The motion carried.

9. CERTIFICATE OF SUBSTANTIAL COMPLETION TO NUNN CONSTRUCTION: CONSTRUCTION OF HOUSING UNIT ADDITION AND RENOVATIONS TO CERTAIN INTERIOR PORTIONS OF THE EXISTING FACILITY

Dana Angel stated that he had submitted a copy of the Certificate of Substantial Completion. It has been approved and signed off by the architect. This is basically the paperwork to formalize a date for commencement of the warranties that were required by the contract documents. There were no time extensions involved in change orders, they met all the time frames. The notice of final settlement has been published and final settlement will be October 20th.

Commissioner McNew made the motion to approve the Certificate of Substantial Completion to Nunn Construction. The motion was seconded by Commissioner Schauer. Upon vote: Commissioner McNew, aye; Commissioner Schauer, aye; Commissioner Lasha, aye. The motion carried.

Commissioner Lasha adjourned the meeting at 10:04 A.M.

County Clerk