

October 9, 2007

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TWENTIETH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on October 9, 2007, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman, Edward H. Norden, 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	Present

Also present Finance Director, Dana Angel; Bill Giordano, Planning and Zoning Director and Kris Lang, Deputy Clerk.

Sean Meaghan of the Living Stone Calvary Chapel 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 moved to approve the Agenda. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

CONSENT AGENDA

Commissioner Stiehl moved to approve the Consent Agenda.

1. Approval of Minutes, September 25, 2007
2. Approval of Bills, October 9, 2007 / \$780,853.20
3. SCHEDULE PUBLIC HEARINGS / None
4. LIQUOR LICENSES / None
5. Adoption of Resolution #45, Series of 2007, Change of Operator and Change of Name for Conditional Use Permit File Number CUP 01-005 Holman Gravel Pit.

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

ADMINISTRATIVE/INFORMATIONAL

1. Staff/Elected Officials

Norma Hatfield, Fremont County Clerk & Recorder, submitted the Clerk's Report for the month of September 2007. She stated that total revenue earned in the Clerk's Office was \$676,185.65 and that figure was up \$2,361.64 from a year ago. The sales tax collected was \$72,443.87 which was a decrease of \$320.70 from a year ago. Money collected for distribution among the entities was \$399,619.92 and that was an increase of \$4,655.70 from a year ago. Ms. Hatfield reported the total remittance to the treasurer has a discrepancy of sixty-cents.

Commissioner Lasha moved to approve the Clerk's Report for September 2007. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

FREMONT COUNTY TREASURER LOST TAX LIEN CERTIFICATES, RESOLUTIONS #47 AND RESOLUTION #48.

Fremont County Treasurer, Patricia McFarland submitted requests for Resolutions on Lost Tax Lien Certificate No. 6867 *James T. and Patsy A. Michaud*, **Resolution #47** and No. 1310 *Leslie and Dorothy Caughman*, **Resolution #48**.

Commissioner Stiehl made a motion to authorize the Fremont County Treasurer to issue duplicate Tax Lien Certificate No. 6867 *James T. and Patsy Michaud*, **Resolution #47** and No. 1310 *Leslie and Dorothy Caughman*, **Resolution #48**. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Stiehl, aye; Commissioner Lasha, aye; Commissioner Norden, aye. The motion carried with the Adoption of **Resolution #47** and **Resolution #48**.

Commissioner Lasha announced that he had participated with Park County Commissioner, Leni Walker and Florence City Manager, Tom Piltingsrud on a presentation given to the Blue Ribbon Transportation Panel in Colorado Springs. He remarked that about 55% of roads in the region are in poor condition and the concern was addressed in the presentation. The region includes Custer, El Paso (with the exception of Colorado Springs) Fremont, Park and Teller Counties. Commissioner Lasha announced the 20/35 draft copy is completed and public hearings are scheduled on October 16th in Fairplay and October 23rd at the Cañon City Hall for public input.

Commissioner Stiehl announced that he attended a ground water storage conference and is on the Upper Arkansas Conservancy District technical panel and they along with the USGS are exploring the option of storing water in the upper Arkansas basin. He remarked that he had attended another conference addressing water shed protection for the drinking water that flows down from the rivers and is accessed by the various municipalities. Commissioner Stiehl advised that local artist, Robert Henderson has loaned his "Just Friends" Louise and Otis sculpture to the county. The sculpture is on display in the lower level atrium of the Fremont County Administration Building and eventually will be displayed at the new Cañon City Library.

Commissioner Norden announced that the 4-H Group Clean-Up Day is scheduled on Saturday, October 13, 2007 from 9:00 am until 12 noon at Pathfinder Park along Highway 115 west of Florence and participation is welcomed. Commissioner Norden announced the Fremont County Tourism Council is accepting applications from community organizations for 2008 tourism funding allocations. Community organizations and non-profit groups that conduct special events which attract tourists and visitors to the area are invited to submit applications for funding assistance. Applications forms are available at the Fremont County Commissioners Office and on-line at the County's web site at www.fremontco.com; the application deadline is 4:00pm on October 31, 2007.

2. Citizens Not Scheduled

Melvin Cole, Training Coordinator at the Department of Corrections, Cañon Minimum Center reported that CMC recently had an opportunity to promote Fremont County during their national audit. Auditors from Louisiana, Texas and Mississippi toured the area and local attractions. Mr. Cole remarked that nine representatives from the Alaska Department of Corrections were also in the area and found Fremont County to be hospitable and remarked on the cleanliness of the county.

OLD BUSINESS:

SECOND READING AND CONSIDERATION OF ADOPTION OF ORDINANCE NUMBER 2, SERIES OF 2007, AN ORDINANCE FOR THE REGULATION OF TRAFFIC BY FREMONT COUNTY, COLORADO; ADOPTING BY REFERENCE THE 2003 EDITION OF THE "MODEL TRAFFIC CODE FOR COLORADO MUNICIPALITIES".

Fremont County Attorney, Brenda Jackson reviewed the Ordinance revisions. The title of the Traffic Code for Colorado Municipalities has been revised to the Traffic Code for Colorado. Ms. Jackson reported Immediate Preservation of Public Safety has been added to the Ordinance as Section 10. Ms. Jackson read Section 10 - The Board of County Commissioners for the County of Fremont, State of Colorado hereby declares that the adoption of this Ordinance is necessary for the immediate preservation to the public safety, as the Model Traffic Code currently in effect (1995 Edition) is inconsistent with Colorado State Statutes regulating and governing vehicles and traffic and therefore this Ordinance shall be deemed to be effective upon final approval by the Board of County Commissioners. She stated the revised Ordinance is scheduled for second publication.

Commissioner Lasha made a motion to approve the Adoption of Ordinance No. 2 Series 2007 Ordinance for the Regulation of Traffic by Fremont County, Colorado; Adopting by Reference the 2003 Edition of the Model Traffic Code for Colorado Municipalities; deleting the word Municipalities and adding Immediate Preservation of Public Safety as Section 10. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried with the Adoption of **Ordinance No. 2, Series 2007**.

NEW BUSINESS:

RE-APPOINTMENT OF BRIAN P. RUPP TO THE FREMONT COUNTY BUILDING CODE BOARD OF APPEALS.

Commissioner Norden shared sympathies with the Garrett Family on the recent passing of Marvin Garrett. Mr. Garrett was a member of the Board of Appeals.

Commissioner Stiehl made a motion to approve the re-appointment of Brian P. Rupp to the Fremont County Building Code Board of Appeals. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Stiehl, aye; Commissioner Lasha, aye; Commissioner Norden, aye. The motion carried.

UPPER ARKANSAS WATER CONSERVANCY DISTRICT INCLUSION COMMITTEE. REPRESENTATIVES: JOHN SANDEFUR, TERRY SCANGA, AND TOM YOUNG.

John Sandefur thanked the Board for the opportunity to discuss the importance of water conservation and explained the Upper Arkansas Water Conservancy District is committed to protecting and preserving for the present and future use all water rights available in the Upper Arkansas Valley, for use within the Valley, whether municipal, agricultural, industrial or domestic.

Terry Scanga explained the upcoming ballot request is for the inclusion of Fremont School Districts RE1 & RE2 into the Upper Arkansas Water Conservancy District. He remarked that the citizens of eastern Fremont County initiated the request and had obtained a verified request from the UAWCD Board. The proposed tax increase is less than a half a mill and will result in funds of \$180,000. **Commissioner Lasha** clarified that although El Paso is mentioned in the ballot question, the RE2 School District involves a little over a hundred citizens and not the entire El Paso County.

Commissioner Stiehl remarked that water issues are extremely complex and often difficult to understand. He stated the Board of County Commissioners support the inclusion of eastern Fremont County into the Upper Arkansas Water Conservancy District and believes it will result in a stronger and unified organization for the protection of our water in the future.

MEMORANDUM OF UNDERSTANDING (MOU) FOR THE COLORADO WORKS PROGRAM AND THE COLORADO CHILD CARE ASSISTANCE PROGRAM JULY 1, 2007 THROUGH JUNE 30, 2008.

Commissioner Norden remarked the CCI negotiated some minor language changes but for the most part, the language is identical to the language contained in last year's Memorandum of Understanding.

Commissioner Lasha made a motion to approve the Memorandum of Understanding for the Colorado Works Program and the Colorado Child Care Assistance Program authorizing the Chairman of the Board of County Commissioners to sign the documents. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

EMERGENCY FOOD ASSISTANCE PROGRAM AGREEMENTS / FREMONT COUNTY AND THE UPPER ARKANSAS AREA COUNCIL FOR GOVERNMENTS AND THE STATE DEPARTMENT OF HUMAN SERVICES.

Commissioner Norden stated the first document is between Fremont County and the State Department of Human Services and is the agreement Fremont County has with the TANF funds for distribution through the Department of Human Services. He remarked the second document is between Fremont County and the Upper Arkansas Area Council of Government and this agreement spells out what duties COG is responsible for in order to get food commodities to the residents of Fremont County.

Commissioner Lasha made a motion to approve the Emergency Food Assistance Program Agreements / Fremont County and the Upper Arkansas Area Council of Governments and the State Department of Human Services and authorize the Chairman to sign the documents. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

UAACOG 2008 RECYCLING AGREEMENT

Finance Director, Dana Angel stated the agreement formalizes Fremont County's participation in the Recycling Program for 2008. The county's estimated cost is \$28,761 and is funded by the surcharge on solid waste dumped at county dumps sites.

Commissioner Stiehl made a motion to approve the UAACOG 2008 Recycling Agreement. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Stiehl, aye; Commissioner Lasha, aye; Commissioner Norden, aye. The motion was carried.

RE-APPOINTMENT OF ANDY NEINAS TO THE FREMONT COUNTY TOURISM COUNCIL RETROACTIVE FROM JANUARY 1, 2007.

Commissioner Norden explained the seat held by Andy Neinas was up for reappointment in January of 2007. He made a motion to reappoint Andy Neinas retroactively from January 1, 2007 to the end of the three year term in 2009. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

BID AWARDS SALT/SAND SHEDS

Finance Director, Dana Angel presented the Fremont County Road and Bridge Fund Bid Recap for four (4) salt-sand sheds. Bid Item #1 is for the concrete walls and floors. Bid Item #2 is for the concrete aprons in front of each facility. He reported due to budget restraints Bid Item #2 for the concrete aprons would be deleted. Mr. Angel proposed awarding Bid Item #1 for the concrete walls and floors to Patch Construction in the amount of \$250,170 and proposed awarding the shed shelter bid to Cover-All in the amount of \$39,528. Finance Director, Angel advised even with the elimination of the concrete aprons in Bid Item #2, the total cost exceeds the revenue sources.

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The project will cost the county almost \$290,000; with a mineral impact grant of \$200,000 through the Colorado Department of Local Affairs, a \$25,000 grant from the Cripple Creek-Victor Gold Mining Company and \$10,000 budgeted from the county. The remainder of the cost will be covered with road and bridge department reserves. He advised the four structure locations would be at the central shop on Red Canyon Road; the Florence South yard; the Tallahassee shop and the Western yard between Coaldale and Howard.

Commissioner Norden remarked the salt and sand mixer is presently exposed to the elements and needs to be protected from the upcoming inclement weather. He advised once the concrete work is finished, road and bridge workers will complete the installation of the structure covers onto the concrete walls

Commissioner Stiehl commended the in-house grant committee's for their efforts in securing the grants. He commented the salt is mixed into the sand to keep the sand from freezing together, and the mixture is spread onto county roads during snow and icy conditions to create a safer driving environment. He stated the sheds have a solid bottom that will prevent the ground water leaching problem and avert potential fines over the water issue. He advised the structures create lower year-round purchasing power of the salt and sand.

Commissioner Lasha made a motion to award Bid Item #1 for the concrete walls and floors to Patch Construction in the amount of \$250,170 and the shelters/sheds to Cover-All in the amount of \$39,528. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

Commissioner Norden adjourned the Meeting at 10:20 A.M.

County Clerk