

OCTOBER 13, 2009

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NINETEENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on October 13, 2009, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Michael J. Stiehl called the meeting to order at 9:30 A.M.

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

Also present Bill Giordano, Planning and Zoning Director; George Sugars, County Manager, and Tina Taylor, Deputy Clerk.

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

APPROVAL OF AGENDA

Commissioner Lasha added Item #4 Under New Business, Proposals for Audit Service for Fremont County.

Commissioner Norden moved to approve the Agenda with the addition of Item #4. Commissioner Lasha seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

CONSENT AGENDA

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

1. Approval of Minutes September 22, 2009
2. Approval of Bills, October 13, 2009 / \$580,868.66
3. **LIQUOR LICENSES**
Rivera Bernie L
Bernies Place
1419 S. 9th St.
Canon City, CO 81212-4801
Tavern Liquor License Renewal - Malt, vinous and spirituous
4. **SCHEDULING OF PUBLIC HEARINGS FOR NOVEMBER 10, 2009**
 1. **REQUEST: SDP 09-001 ECHO CANYON RIVER EXPEDITIONS ADDITIONS & REMODEL**
Request approval of a Site Development Plan, Department file #SDP 09-001 Echo Canyon River Expeditions Site Development Plan, to allow a restaurant and lounge in addition to the existing commercial rafting business, by Andy Neinas, for his property which is located approximately ¼ mile east of the intersection of County Road 3A and U.S. Highway 50, on the north side of U.S. Highway 50, in the Royal Gorge Area.
 2. **REQUEST: SRU 09-001 VERIZON WIRELESS SITE CO4 CAÑON CITY**
Request approval of a Special Review Use Permit, Department file #SRU 09-001 Verizon Wireless Site CO4 Cañon City, by Colorado 4 Park Limited Partnership, d.b.a. Verizon Wireless, to allow for modifications to an existing three-hundred (300) foot unmanned telecommunications guyed tower. The modifications will be to remove three (3) existing Omni antennas, and replace them with three (3) tower arms/sectors with 4 cellular panel antennas on each arm or twelve (12) antennas total. The existing

tower was constructed prior to regulation; therefore approval of the SRU will bring the tower into compliance with current regulations. The property is located on the east side of Fremont County Road #3 a.k.a Temple Canyon Road, approximately 1.7 miles southwest of the intersection of County Road #3 and Mariposa Road, in the Temple Canyon Area.

3. **REQUEST: ZC 09-001 THOMPSON ZONE CHANGE**

Request approval of a **Zone Change from the Industrial Zone District to the Business Zone District, Department file #ZC 09-001 Thompson Zone Change**, by Lonny Thompson, for his property which is *located at the northeast corner of U.S. Highway 50 and K Street, in the Penrose Area.* The proposal is to allow a retail store.

4. **3rd AMENDMENT TO THE SUBDIVISION REGULATIONS**

Request approval of the 3rd amendment to the Fremont County Subdivision Regulations. The amendment exempts multi-business or industrial uses on a single property housed within a single structure if they are to be rented or leased as individual units, adopts the new drainage and roadway impact analysis regulations as adopted in the Zoning Resolution.

ADMINISTRATIVE/INFORMATIONAL

1. Administrative and Elected Officials

Fremont County Clerk and Recorder Hatfield submitted the Clerk's Report for September, 2009. Total fees collected in the Clerk's Office were \$859,533.38 which shows a plus of \$169,315.24. Monies turned over to the County Treasurer were \$388,829.20 which is \$11, 356.83 less than a year ago. Fremont County Sales Tax was \$70,220.86.

Commissioner Norden moved to accept the County Clerk's Report. Commissioner Lasha seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

Finance Director Angel stated that it is important to point out in the Clerk's Report; the Sales Tax was \$76,180.50. That is the largest receipt on Auto Use Tax that we have received since November, 2007. A lot of it is related to Cash for Clunkers program which has now stopped. Also on the Clerk' Report under State Sales Tax Commission shows zero. The State has taken away the commissions that we used to earn for collecting the tax for them.

Sheriff Jim Beicker stated that he is very concerned about the 2010 County Budget situation and the liability that may be potentially coming and placed on the County as it related to the Sheriff's Office. He is worried about the under staffing of the jail and the investigation unit being short of staff. He has also had to cut patrol calls to misdemeanor crimes that is not in progress or has no suspect information. They are requiring people to come to the Sheriff's Office and do counter reports. They will not have escort services for funerals, civil standby, property repossessions, and child exchanges.

Commissioner Norden said the Board of Commissioners, elected officials and department heads have been meeting for more than two weeks going over departmental budgets for 2010. The Sheriff's budget is certainly one of the biggest. It was at the Boards request that the Sheriff attend this meeting today and share some of these concerns.

Commissioner Norden inquired about the importance of renting bed space for 2010 and if he is counting on specifically what was contracted for with the Department of Corrections for parolee beds as well as any bed space that is he gets from I.C.E. Sheriff Beicker stated he is optimistic. D.O.C could figure out another solution for the parolee bed space or can't afford it any more. We have had difficulties with I.C.E. in the past and it is controlled by the Federal Government. Fremont County's responsibility for an incarcerated person is holding steady but at a high mark. **Commissioner Stiehl** stated

that the concern is that if jail fills up with Fremont County inmates we will no longer have a revenue source by renting beds. We expect that sometime in the future but it looks like it is approaching faster than we expected.

Commissioner Norden stated that we opened the ninety-six (96) bed jail addition in October, 2007, trained the people with a workforce grant and we took over the financial responsibility in 2008. The question was posed to Sheriff Beicker if we can't lease beds adequately to generate revenue closing the jail addition or barracks. Sheriff Beicker said we could close the facility but the liability that would come with it would be that we would be putting thirty (30) to forty (40) people back on the floor in overcrowded space. He is responsible for both staff and inmates welfare and thinks that the risk is too great.

Commissioner Stiehl stated that the Sheriff has work hard this year by tracking the liability associated with the cuts that he has had to make. He is in budget this year. If the County receives voter approval for the one-half cent sales tax increase this Commission has pledged not to reduce the current stream of funds to either the Sheriff's Department or the District Attorney.

Commissioner Lasha stated he is concerned about public safety. When the public calls and things are out of control they expect the police and fire departments to come and put some stability into issue. The service calls are not going to lessen in this County and doing more with less creates a real problem on the safety side.

Commissioner Lasha said that this weekend in Florence there is a barbeque event at Pioneer Park. They are expecting about thirty (30) vendors to come compete for prizes and the National Championship. There will also be a cross county event at Pathfinder Park.

Commissioner Lasha announced that he and his wife have decided that he will not compete for the 2010 position for District 2. He will miss the job and loved working here. He waited until today to share this announcement with his fellow commissioners who he has enjoyed working with.

2. Citizens Not Scheduled - None

NEW BUSINESS

AWARD BID FOR PLOW TRUCKS – MHC KENWORTH AND LAYTON TRUCK

County Shop Superintendent Anthony Adamic stated they were awarded \$400,000.00 Mineral Impact Grant. \$200,000.00 would be matched by the County and \$200,000.00 by the Grant. Three vendors were invited to bid. Russ Truck Center, MHC Kenworth and McCandless International. The equipment was bid through Layton Equipment. He recommended going with MHC Kenworth Bid and Layton Equipment for \$123,135.00.

County Manager Sugars stated they looked at purchasing 4 trucks at \$123,135.00 per truck which is \$492,540.00. We will have to come up with \$92,540.00. Road and Bridge has done some extra saving beyond what they did this summer from the furloughs and have extra money in their budget that would cover the \$92,540.00.

Commissioner Norden said the alternative would be to purchase only three trucks and in that in that case we would be losing some grant money. County Manager Sugars stated yes. Three trucks would be \$369,405.00 which would leave \$30,595.00 and we would not be able to use a little over \$15,000.00 of the grant money. **Commissioner Lasha** stated this gives us the opportunity to get rid of five trucks if we purchase the four and there is a savings in that because we will have truck with no mileage and less maintenance. Commissioner Norden said that most of the budget savings that the three road districts have produced to cover the cost of a fourth truck is primarily in the fuel estimates that were put in the 2009 Budget. **Commissioner Stiehl** stated that two years ago the voters approved a Tabor Time Out. The pledge of the Commissioners at that time was to put the first \$250,000.00 toward Road and Bridge and we have each year. Special projects have been accomplished in repair, maintenance and saving some of the roads that we might have lost.

Commissioner Norden moved to approve the bid award for four (4) plow trucks with the combination bid from MHC Kenworth and Layton Equipment for a total of \$492,540.00 taking advantage of the grant money that is available as well budgetary savings in each

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

ADDENDUM TO LEASE AGREEMENT BETWEEN BOARD OF COUNTY COMMISSIONERS AND FREMONT COUNTY REGIONAL GIS AUTHORITY BOARD

Commissioner Lasha stated the original lease is dated March 1, 2006. We are modifying the lease by adding the following paragraph:

2. (C) As of July 1, 2009, Lessee shall pay to Lessor the sum of \$500.00 per month, which shall be designated as payment for IT services provided by Lessor and described herein.

This is the first change we have had and we are making an adjustment to the existing rent of \$500.00 for IT services.

Commissioner Lasha moved to approve the addendum to the lease agreement adding Paragraph C for the \$500.00 per month. Commissioner Norden seconded the motion. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

RESOLUTION FOR AUTHORIZING AN ADDITIONAL TRANSFER OF APPROPRIATED FUNDS BETWEEN VARIOUS FUNDS OF FREMONT COUNTY

Finance Director Angel stated what the resolution will accomplish if approved will transfer funds to the Sherriff Fund from our Self Insurance Fund in the amount of \$281,379.00. That amount represents the expenditures over revenues for the year ending December 31, 2008.

Commissioner Stiehl stated that in 2008 the Sheriff did not go over budget but unfortunately revenue fell short. It was a matter of change in policy in the State and I.C.E. who provide inmates and therefore provides our revenue. The policy change reduced the number of beds rented.

Commissioner Lasha moved to approve **Resolution #47, Series 2009** authorizing transfer of appropriated fund between various funds of Fremont County for \$281,379.00. Commissioner Norden seconded the motion. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

AUDIT PROPOSAL FOR THE COMING YEARS

Finance Director Angel stated Bondi & Co. LLC and Johnson, Holscher & Company, P.C. submitted proposal for audit services that we advertised for. Bondi & Co. proposal was higher. Holscher & Company is our existing auditor. He recommend that we approve the proposal from Johnson, Holscher & Company.

Commissioner Lasha stated the difference is \$105,000.00 for the three year (3) bid from Bondi & Co. and the \$61,500.00 bid from Holscher.

Commissioner Lasha moved to approve the Johnson, Holscher & Company to do the audit for 2009, 2010 and 2011. Commissioner Norden seconded the motion. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

Commissioner Norden stated there are openings that we will be filling on the Planning Commission and the Board of Zoning Adjustment. Two three-year terms are available on each panel. There is more information available on the county's Web site. www.fremontco.com.

Commissioner Stiehl adjourned the meeting at 10:15 A.M.