

October 27, 2015

## TWENTIETH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on October 27, 2015, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Edward Norden called the meeting to order at 9:30 a.m.

Edward H. Norden	Commissioner	Present
Debbie Bell	Commissioner	Present
Tim Payne	Commissioner	Present
Katie Barr	Clerk and Recorder	Present
Brenda Jackson	County Attorney	Present

Also present: George Sugars, County Manager and Matt Koch, Planning and Zoning Director.

The Invocation was given by Scott Chambers of Living Word Four Square Church.

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

### APPROVAL OF AGENDA

**Commissioner Bell** moved to approve the Agenda. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

### CONSENT AGENDA

1. Approval of Minutes / October 13, 2015
2. Approval of Bills October 27, 2015 / \$1,206,939.20
3. Award Bid to Patch Construction, L.L.C. in the amount of \$38,021.50 for County Road 47 Bank Stabilization Project
4. Adoption of Resolution #31, Series of 2015, SRU 15-002 Acord Truck Terminal
5. Adoption of Resolution #32, Series of 2015, 8<sup>th</sup> Amendment to the Fremont County Zoning Resolution
6. Schedule Public Hearing for November 10<sup>th</sup> at 10:00 a.m.:
  - a. Proposed 2016 Fremont County Budget

**Commissioner Payne** moved to approve the Consent Agenda. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

### ADMINISTRATIVE/INFORMATIONAL

1. Staff / Elected Officials:
  - a. County Sales & Use Tax Report, Sunny Bryant, Assistant County Manager / Budget & Finance Officer

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**Sunny Bryant** reported that Retail Sales Tax collected for August was \$388,991, Auto Use Tax for September was \$86,587, Construction Use Tax for September was \$10,947, and Lodging Tax for August was \$2,685. The Sheriff Retail Sales Tax collection for August was \$259,327. For September, the Sheriff Auto Use Tax collected was \$57,724, and the Sheriff Construction Use Tax collected was \$7,170.

**Clerk Barr** reminded voters to return their ballots, and if they would like to vote in person, a Voting Service and Polling Center is available.

**Director Koch** announced a Planning Commission Meeting on November 4<sup>th</sup> at 3:00 p.m. The meeting will be reviewing Amendment 9 which citizens can review on the website.

**Commissioner Norden** reminded citizens in the Howard Area about a meeting Monday, November 16<sup>th</sup>, to have a conversation about the use, maintenance, and possible sale of Acres of Ireland. He announced a Hunger Project follow-up meeting on Wednesday from 6:00 p.m. to 8:00 p.m. at First Christian Church.

2. Citizens who wish to address the Commissioners on a matter not scheduled on the agenda

**John Garrou** encouraged the Commissioners to find an alternative to the current method used for Code Enforcement and Building Permits to eliminate the number of property owners not finishing houses they start to build or moving onto their property to live in their fifth-wheels. He said he had conversations with neighboring counties who have claimed to have cleaned-up this problem. He would like Fremont County to fix the problem as well.

**Commissioner Norden** expressed the County's frustration over the unwillingness of property owners to comply with Code.

**Commissioner Bell** gave the statistics of the number of violations, site visits, and cases being resolved or rolled over in the past two years for Code Enforcement. She would be willing to have a conversation with one of the counties mentioned to see what they have done differently to achieve results.

**Chyriese Marentette** complained that she had submitted 4-5 complaints to Planning & Zoning, but feels her complaints have been ignored or lost.

**Commissioner Norden** encouraged Chyriese to have a conversation with Director Koch after the meeting about specific addresses so that he could further assist her.

**Tina Heffner** explained she has no confidence in Code Enforcement, because she has been submitting complaints against several addresses in Penrose for over a year. These addresses have people residing in campers for longer than 3 months and no way to dispose of waste.

#### **PUBLIC HEARINGS SCHEDULED FOR 10:00 A.M.**

1. SRU 15-003 Deer Mountain Fire Protection District (Fire Station) - (Resolution No. Requested)  
Request approval of a Special Review Use (SRU) Permit, Department file #SRU 15-003 Deer Mountain Fire Protection District (Fire Station) to allow Fire and Emergency Medical Operations, an emergency Heli-Pad, and public meetings, gatherings and fundraisers.  
Representative: Karen McKee – Consultant

**Commissioner Norden** opened the Public Hearing at 10:07 a.m.

**Karen McKee, Barry Cole** and **Joe Watts** explained the fire department had acquired new equipment and needs to expand for proper storage of the equipment. The department

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is requesting the contingencies be extended to 12 months instead of 6 due to the upcoming winter months.

**Director Koch** reported the application was very complete and concise. The Planning Commission recommends the standard conditions and contingencies, most of which have already been met. The waivers being requested are to keep the landscaping as natural as possible while complying with ADA requirements.

**Chyriese Mentette** expressed gratitude for all that the fire department has done.

**Sheriff Jim Beicker** said he is excited for the growth and is thankful for all that Deer Mountain Fire Department has accomplished.

**Richard L. Hilderbrand** would like to see a Sheriff's substation along with the fire department.

**Commissioner Norden** closed the Public Hearing at 10:17 a.m.

**Commissioner Bell** moved to approve SRU 15-003, Resolution #34, Deer Mountain Fire Protection District with recommended Conditions A-M, recommended Contingencies 1-6, and waivers for buffering and landscaping allowing the requested 12-month period for compliance. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

### **OLD BUSINESS**

None.

### **NEW BUSINESS**

1. In consideration of Fremont County Adoption Day Proclamation  
Representative: Steve Clifton, Stacie Kwitek, and Darby Baldwin,  
Department of Human Services

**Steve Clifton, Stacie Kwitek and Darby Baldwin** read the proclamation. There are currently eight children in Fremont County awaiting this event. Seventeen other children have been adopted since last year's event.

**Commissioner Bell** noted the event starts at 9:00 a.m. on November 20<sup>th</sup> and is open to the public. Judge Groome will be presiding.

**Commissioner Norden** moved to adopt the Fremont County Adoption Day Proclamation. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

2. In consideration of Agreement for the Participation with the Upper  
Arkansas Recycling Program  
Representative: Beth Lenz, Upper Arkansas Area Council of Governments

**Beth Lenz** reported that in 2015, the program was able to host two electronic recycling events for old TV's, computers, etc. These events allow the citizens of Fremont County to properly dispose of these items. The 7<sup>th</sup> Annual Recycled Arts Show will be from October 30<sup>th</sup> through November 27<sup>th</sup>, open Friday through Sunday, and is open to the public.

**Commissioner Payne** moved to approve the agreement, authorize the signature of the chairman on the agreement, and appoint himself as representative to the board. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

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3. SRU 15-001 Play Dirty (Recreational Facility, Rural)  
Request approval of a six (6) month extension of the deadline for submittal of contingency items in conjunction with SRU 15-001 Play Dirty (Recreational Facility, Rural), by Jackie Tripp, to allow ATV tours into the Texas Creek Trail System through a BLM lease agreement. The property is located on the southeast side of US Highway 50, 1.67 miles west of the intersection of U.S. Highway 50 and Colorado State Highway 69, in the Texas Creek Area.  
Representative: Jackie Tripp – Owner

**Jackie Tripp** said she is requesting an extension of six months for the deadline on the SRU.

**Director Koch** said there were no problems with the extension.

**Commissioner Bell** moved to approve the six month extension for SRU 15-001. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

4. CUP 05-002 Cooper Pit to Rocky Mountain Excavating, LLC.  
Request approval of a transfer of ownership and name change of Conditional Use Permit, Department file CUP 05-002 Cooper Pit from Cooper Pit to Rocky Mountain Excavating, LLC. The property is located approximately one and a quarter (1¼) miles east of the intersection of County Road 28 (aka Copper Gulch Road) and County Road 1 (aka Iron Mountain Road) approximately seven hundred (700) feet north of County Road 1 in the Glen Vista area. The new file name will be CUP 05-002 Rocky Mountain Excavating, LLC.  
Representative: Shawnee Koch – Owner

**Shawnee Koch** explained operations of the business will stay the same. The request is for a name change.

**Director Koch** said the application is straightforward and simple.

**Commissioner Payne** moved to approve the transfer of ownership and name change on CUP 05-002. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

5. In consideration of an Intergovernmental Agreement between the City of Florence and Fremont County for Exchange of Property and Purchase of a Water Tap.  
Representative: George Sugars, County Manager

**Manager Sugars** said the agreement would allow the County to be able to provide water to the arena in Pathfinder Park. The agreement involves an exchange of \$8700 worth of land parcels, two shares of Union Ditch Water, and \$2500. The funds would be coming from the Conservation Trust from Colorado State Lottery.

**Commissioner Bell** moved to approve the Intergovernmental Agreement between Florence and Fremont County and authorize the signature of the chairman on the agreement. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

6. In consideration of a Resolution Adopting an Amended Policy 1.02 Regarding County Employment not being an Express or Implied Contract – Fremont County Personnel Policies and Procedures Manual

**Attorney Jackson** explained this was a simple word change to the personnel policy.

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**Commissioner Payne** moved to approve Resolution #35, Adopting an Amended Policy 1.02 Regarding County Employment not being an Express or Implied Contract—Fremont County Personnel Policies and Procedures Manual. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

**Chairman Norden** adjourned the meeting at 10:42 a.m.

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Clerk and Recorder

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RESOLUTION NO. 35, SERIES OF 2015

**RESOLUTION ADOPTING AN AMENDED POLICY 1.02  
REGARDING COUNTY EMPLOYMENT  
NOT BEING AN EXPRESS OR IMPLIED CONTRACT  
FREMONT COUNTY PERSONNEL POLICIES AND PROCEDURES MANUAL**

WHEREAS, pursuant to §30-2-104, the Board of County Commissioners is authorized to adopt a classification and compensation plan for all county employees paid in whole or in part by the county; and

WHEREAS, the Board of County Commissioners, with consent of all elected officials, has adopted the March 1, 2010 Fremont County Personnel Policies and Procedure Manual; and

WHEREAS, the Board of County Commissioners has determined that the language of Policy 1.02 regarding the General Policy of the County that employment with the County is not a contractual obligation requires revision to correct a typographical error and clarify the policy to enable employees to understand the purpose, intent and requirements for County Employment;

WHEREAS, a copy of the amended General Policy: Employment Is Not an Express or Implied Contract, number 1.02, is attached to this Resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Fremont County:

1. Amended Policy 1.02 regarding General Policy: Employment Is Not an Express or Implied Contract, number 1.02, is hereby approved and adopted.
2. The Amended Policy 1.02 shall be effective immediately upon adoption of this Resolution.
3. The County Manager, in his Human Resources capacity, shall provide a copy of the Amended Policy 1.02 to all employees at the earliest possible time and in the most expedient manner.

Commissioner Payne moved adoption of the foregoing Resolution, seconded by Commissioner Bell and approved by roll call vote as follows:

Debbie Bell	<u>Aye</u>	Nay	Abstain	Absent
Edward H. Norden	<u>Aye</u>	Nay	Abstain	Absent
Timothy R. Payne	<u>Aye</u>	Nay	Abstain	Absent

Date: 10/27/15

BOARD OF COUNTY COMMISSIONERS  
OF FREMONT COUNTY

ATTEST:

By: E.H. Norden  
Chairman

By: Antie E. Bau  
Clerk to the Board

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**1.02 General Policy: Employment Is Not an Express or Implied Contract**  
(Amended, effective October 27, 2015)

This Personnel Policies and Procedures Manual is a statement of general management policy and is not a grant of specific rights to any employee. **The language, policies, and procedures in this manual are not intended and shall not be construed to create an express or implied contract between the County and any one or more of its employees.** The County and Employee recognize that an employer may terminate employment at any time, for any legal reason including but not limited to lack of confidence or trust in an employee's judgment and/or ability to perform a job based on documented performance issues, reductions in force, layoffs based on lack of funds, lack of resources, lack of further need for the knowledge, skills, and abilities of the position, immediate and critical public safety issues, poor or unacceptable employee performance, unacceptable or unlawful behavior and/or violations of these personnel policies. The County retains the right to change, and may change, the policies and procedures set forth in this manual from time to time, for any reason or no reason.