

November 8th, 2011

TWENTY FIRST MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on November 8th, 2011, 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
Michael J. Stiehl	Commissioner	Present
Debbie Bell	Commissioner	Present
Katie Barr	Clerk and Recorder	Present
Brenda Jackson	County Attorney	Present

Also present: George Sugars, County Manager; Bill Giordano, Planning and Zoning Director and Jody Blausen Deputy Clerk.

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

APPROVAL OF AGENDA

Commissioner Norden said there will be one item added to the agenda as #7 under New Business. The item is consideration of a purchase request from the Emergency Management Department of four base radios to replace existing radios on two digital tower sites. Commissioner Bell moved to approve the amended agenda adding the consideration of a purchase request from the Emergency Management Department of four base radios as item #7 under New Business. Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

CONSENT AGENDA

Commissioner Stiehl moved to approve the consent agenda. Commissioner Bell seconded the motion. Upon Vote: Commissioner Stiehl, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

ADMINISTRATIVE/INFORMATIONAL

1. Administrative and Elected Officials

County Clerk Barr gave her report for the month of October. The total collected was \$798,445.83 of which the County kept \$389,038.73. This is 49% of the total and \$23,049.22 more than last year. Commissioner Bell moved to accept the County Clerk's report for October 2011. Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

County Manager Sugars gave his report on Sales and Use Tax collected through October 31, 2011. The County has received 2.48% more Retail Sales Tax than the previous year. The Auto Use Tax is up 3.11% from last year. The Construction Use Tax is down 30.72% from last year as there were some large construction projects in 2010. Total Sales and Use Tax is .11% more than this time last year and 2.28% above the projected 2011 budget.

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Commissioner Bell announced this Friday is Veterans Day and gave thanks to all of the Veterans who have served our Country. There will be a dedication at noon on Friday at the Fremont County Airport War Memorial. Commissioner Norden will get more information out to the media from our Veterans Service Officer regarding the ceremony.

Commissioner Stiehl noted this is the 50th Anniversary of the County Administration Building which is an award winning structure.

Commissioner Norden spoke about the results of the comprehensive study of emergency services in Fremont County that was recently completed. The team was assembled by Shawn Caffrey from the Department of Public Health. Commissioner Norden, Commissioner Stiehl and Emergency Management Coordinator Steve Morrisey met with the team regarding emergency services in Fremont County. Norden thanked team members Roger Coyt, Associate Professor of E.M.S. at Colorado Mountain College; James Cusak, M.D. at the American College of Emergency Physicians Colorado Chapter; Mike Hill, Emergency Management Coordinator from Mesa County Colorado; Eric Schmidt, Coordinator of the Northwest Colorado Re-tack from Craig Colorado; Scott Scholls M.S. Chief of the Durango Fire Rescue Authority; and Randy Leshner, Chief of Thompson Valley E.M.S. The team will issue a special report with the results of this review.

Commissioner Norden stated the Airport Manager has submitted some economic impact numbers from both helicopter flight trials. A total economic benefit of \$335,387 dollars spent in Fremont County from the Augusta Westland Flight trials and the Euro copter flight trials that were conducted at the Fremont County Airport.

Commissioner Norden said they were notified yesterday in a letter from the Colorado Department of Local Affairs that the application from Fremont County for improvements on Garden Park Road was awarded zero dollars. He said the state legislature took half of the dollars from casino grant programs and used it in the state budget.

2. Citizens Not Scheduled:

None.

OLD BUSINESS

None.

NEW BUSINESS

1. Consideration to re-appoint Larry Baker as the City of Florence's representative on the Fremont County Planning Commission

Commissioner Norden explained that Larry Baker was appointed a few months ago to fill the vacancy as the representative for the City of Florence on the Fremont County Planning Commission. There is a letter of recommendation from Florence Mayor Paul Villagrana in support of Larry Baker. Commissioner Stiehl moved to re-appoint Larry Baker to a three year term to represent Florence on the Fremont County Planning Commission. Commissioner Bell seconded the motion. Upon Vote: Commissioner Stiehl, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

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2. Proclamation Fremont County Adoption Day

Commissioner Stiehl read the Fremont County Adoption Day Proclamation. Commissioner Stiehl moved to adopt the Proclamation for Fremont County Adoption Day. Commissioner Bell seconded the motion. Upon Vote: Commissioner Stiehl, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried. The Proclamation is attached.

3. Consideration of a resolution imposing a moratorium on new leases of airport property; pending completion of Airport Master Plan Update

County Attorney Jackson said FAA requirements state the Airport must stay under the ownership of Fremont County in order to be eligible for Federal Funds. The County leases to private individuals and commercial enterprises for airport related activities. The Airport Advisory Board is in the process of updating rules and regulations for the airport. Fremont County has contracted with Armstrong Consulting to update the Airport Master Plan. Until the Master Plan is complete it is difficult to identify who appropriate tenants would be. The moratorium will expire after one year unless extended by the Board of Commissioners. Commissioner Bell moved to approve Resolution #35 placing a temporary moratorium on new lease agreements at the airport property pending completion of the Airport Master Plan Update and finalization of Airport rules and regulations. Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried. Resolution #35 is attached.

4. Consideration to appoint Dennis Withers to a 3 year term, Stephanie Danielson to a 2 year term, and Mike Drake to a 1 year term to serve on the War Memorial Park Advisory Committee.

Commissioner Norden explained part of the formal policy governing activities, management, spending and development at the War Memorial Park was adopted a few weeks ago. Part of that policy calls for a three to seven member Advisory Committee. Norden said Dennis Withers and Mike Drake have been very active in volunteer work at the park. Commissioner Stiehl said that Stephanie Danielson is the daughter of Colonel Leo Sidney Boston who the park is named after and is very dedicated to the park. Commissioner Bell moved to appoint Dennis Withers to a three year term, Stephanie Danielson to a two year term, and Mike Drake to a one year term to serve on the War Memorial Park Advisory Committee. Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

5. Biker Town Paving Extension

Request approval of an additional twenty-four month extension of hard surfacing requirements for the Biker Town parking lot, by Jeff and Lissa Pinello. The property is addressed as 685 Highway 115, which is located on the west side of State Highway 115, between 6th and 7th Streets, in the Penrose Area. The subject property is located in the Business Zone District. The Site Development Plan was approved on December 11, 2007 with a twenty-four month delay of the paving requirement, and recorded on July 24, 2008. A twenty-four month extension of hard surfacing was granted on December 8, 2009, with a deadline of December 11, 2011. Representative: Jeff and Lissa Pinello, owners of Biker Town

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Terie Morkovsky spoke on behalf of Jeff and Lissa Pinello who are currently in Wyoming. She said it is a monetary issue at this point and they are trying to get the funds together to complete the requirements. Bill Giordano said they did receive the fee with the request from the Pinellos to extend for two years. Giordano noted the property is not currently in use. As there is no traffic dust should not be much of a concern at this point. Giordano said the Planning and Zoning Department has no problem with the extension. Commissioner Stiehl moved to approve the twenty-four month extension of hard surfacing requirements for the Biker Town parking lot. Commissioner Bell seconded the motion. Upon Vote: Commissioner Stiehl, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

6. Request: Revocation of CUP 96-2 Rocky Mountain Materials & Asphalt (8 Mile Creek Gravel Pit). Request approval to revoke Conditional Use Permit, Department file # CUP 96-2 Rocky Mountain Materials & Asphalt Inc. (8 Mile Creek Gravel Pit). The State of Colorado Division of Reclamation, Mining and Safety released Rocky Mountain Materials & Asphalt Inc. from further responsibility for the 8 Mile Gravel Pit on August 12, 2011. Mr. Tom Smith, General Manager, Rocky Mountain Materials & Asphalt, Inc. mailed a letter to the Department dated October 10, 2011, requesting that “all activities under CUP 96-2 be terminated as a result of this release.” The property is located on the North side of U.S. Highway 50 lying East of Fremont County Road #67 along both sides of Eight Mile Creek, just East and North of the Fremont County Airport. Representative: Fremont County Department of Planning & Zoning

Bill Giordano said he had received a letter from Tom Smith, the general manager for Rocky Mountain Materials & Asphalt requesting the CUP be revoked. Giordano said all of the reclamation bond with the State has been released. Commissioner Bell moved to approve resolution #36 the revocation of CUP 96-2 Rocky Mountain Materials & Asphalt Inc. (8 Mile Creek Gravel Pit). Commissioner Stiehl seconded the motion. Commissioner Stiehl said he is pleased with the reclamation on this property. Upon Vote: Commissioner Bell, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried. Resolution #36 is attached.

7. Request for purchase of 4 GTR 8000 Base Radios and surge protectors for \$83,291.68 for the Emergency Management Department

Steve Morrissey, Emergency Management Coordinator said he was contacted by the State Office of Information Technology and they requested new repeaters be placed on two of the towers in our area. This will provide the capability needed. Morrissey was able to secure a grant from Homeland Security for the radios so there will be no cost to the County. Once the radios have been purchased he can request compensation from Homeland Security. Commissioner Norden noted this is an example of an unfunded mandate from the State that would have had to been paid for out of the County budget if Morrissey had not secured the grant. Commissioner Stiehl asked if the surge protectors would be adequate. Morrissey said the surge protectors were what the supplier (WDSL) recommended be used. Commissioner Stiehl moved to approve the purchase order for \$83,291.68 for the purchase of the base radios. Commissioner Bell seconded the motion. Commissioner Stiehl noted this purchase amount exceeds the limit for the County Manager and requires approval by the Board of Commissioners. Upon Vote: Commissioner Stiehl, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

PUBLIC HEARINGS SCHEDULED FOR 10:00 A.M.

1. Proposed 2012 Fremont County Budget

Chairman Norden opened the Public Hearing at 10:04 A.M.

County Manager Sugars gave a power point presentation of the 2012 proposed Fremont County Budget to the Board. Sugars said the County will have to work with revenue reductions while preserving services for citizens and provide a fiscally responsible budget. There is a decline in assessed valuation of \$19,885,590. This means there will be a decline in property tax revenue of \$224,473. The expected revenues for 2012 are \$35,049,326 and expenditures will be approximately \$36,342,928. The County will have to use reserves in the amount of \$1,293,602. Sugars said property taxes account for about 15% of the projected revenue. Intergovernmental revenues account for 31% of revenue. The projected reserve amount at the end of 2012 will be about \$742,012. The goal is to have at least \$1,000,000 for general fund reserves. Commissioner Norden noted the PILT fund is about \$1,000,000 of the budget and is up for approval in Congress again. If not approved we will have a serious problem. He said about 55% of land in Fremont County is government owned. There will be another public hearing on the projected budget on November 22, 2011. The budget is scheduled for adoption at the December 13, 2011 Board of County Commissioners meeting. The 2012 proposed budget is available on the County website.

Public Comments:

None.

Chairman Norden closed the Public Hearing at 10:15 A.M.

Commissioner Stiehl said that citizens pay about \$10,000,000 of the budget and 70% of the money comes from pass through money and grants.

Commissioner Bell said they had tried to give the employees a cost of living raise but unfortunately it is not in the budget this year.

Commissioner Norden commended the Sheriff on his ability to generate funds by leasing jail beds to the state. He welcomed public comments either by email or at the next public hearing.

Chairman Norden adjourned the meeting at 10:20 A.M.

Clerk and Recorder

November 8th, 2011



**Board of County Commissioners
Fremont County**

615 Macon Ave., Room 105 - Cañon City, Colorado 81212
Phone: (719) 276-7300 - Fax: (719) 276-7304

Fremont County Adoption Day Proclamation

WHEREAS: The County of Fremont recognizes the importance of giving children permanent, safe and loving families through adoption; and

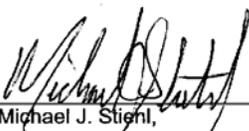
WHEREAS: More than 129,000 children in the United States foster care system are waiting to be adopted; and

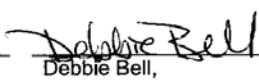
WHEREAS: More than 550 children in Colorado are waiting for permanent families; and

WHEREAS: To help these children find permanent, nurturing families, the Fremont County Court will open their doors on National Adoption Day, Thursday, November 17, 2011 to finalize five adoptions of local children and join other organizations to celebrate all adoptions; and

WHEREAS: This effort along with similar celebrations in all 50 states, the District of Columbia and Puerto Rico will offer children the chance to live with stable and loving families and encourage other dedicated individuals to make a powerful difference in the lives of a child through adoption;

NOW, THEREFORE, we, the Fremont County Commissioners, by virtue of the authority vested in this Board, do hereby proclaim November 17, 2011, as ADOPTION DAY in Fremont County and in so doing, urge all citizens to join in a national effort to raise awareness about the importance of adoption.


Michael J. Sticht,
District 1


Debbie Bell,
District 2


Edward H. Norden,
District 3

November 8th, 2011

RESOLUTION NO. 35, SERIES 2011

**A RESOLUTION PLACING A TEMPORARY MORATORIUM ON
NEW LEASE AGREEMENTS FOR AIRPORT-RELATED OPERATIONS
ON AIRPORT PROPERTY, PENDING COMPLETION OF THE
UPDATE TO THE AIRPORT MASTER PLAN AND APPROVAL OF
FINAL AIRPORT RULES AND REGULATIONS**

WHEREAS, §30-11-107(1)(j), C.R.S. authorizes the board of county commissioners in each county in the state to acquire land for, lay out, construct, maintain and repair airports and landing strips for aircraft, to enter into leases, and to fix and collect charges or fees for the use of such airports and landing strips; and

WHEREAS, the Fremont County Board of County Commissioners has established the Fremont County Airport and has entered into leases for the use of the Fremont County Airport property; and

WHEREAS, the Board of Commissioners has recently contracted with Armstrong Consulting for the purpose of updating the master plan for the airport; and

WHEREAS, the Fremont County Airport Advisory Board is currently engaged in the process of establishing rules and regulations, which if adopted by the Board of County Commissioners, will govern the activities and operations at the Fremont County Airport; and

WHEREAS, the Board of County Commissioners regularly receives requests from interested persons for lease agreements of Fremont County Airport property; and

WHEREAS, the Board of County Commissioners has determined that it would be in the best interests of the citizens of Fremont County, and of all Fremont County Airport patrons and tenants, to refrain from leasing any additional property at the Airport until the update of the Airport Master Plan is completed and until such time that the proposed rules and regulations are either approved, disapproved, or approved with revisions; and

WHEREAS, imposing a moratorium on new lease agreements for airport property until the finalization of the updated master plan and Board of Commissioners consideration of the proposed rules and regulations will ensure that any future development of airport property is consistent with the airport master plan and in compliance with rules and regulations governing the use and operations at the Fremont County Airport.

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NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF FREMONT COUNTY:

1. A moratorium on new lease agreements of airport property is hereby imposed and shall be effective for one year from the date of adoption of this Resolution. No new lease agreements for airport property shall be offered or accepted while the moratorium is in effect:

2. The moratorium imposed by this Resolution shall terminate prior to the one-year expiration noted in paragraph 1, above, upon the occurrence of *both* the final approval of the updated Fremont County Airport Master Plan and Board of Commissioners' final approval, disapproval or approval with revisions of the proposed Fremont County Airport Rules and Regulations, which are currently being considered by the Fremont County Airport Advisory Committee;

3. Additionally, the moratorium imposed by this Resolution may be terminated by formal action of the Board of County Commissioners at any time prior to the expiration of the deadlines imposed above.

4. This moratorium shall be effective as of the date of adoption of this Resolution.

Commissioner Bell moved adoption of the foregoing Resolution, seconded by Commissioner Stiehl 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
Michael J. Stiehl	<u>Aye</u>	Nay	Abstain	Absent

Date: 11-8-11

BOARD OF COUNTY COMMISSIONERS **ATTEST:**
OF FREMONT COUNTY

By: Edward H. Norden
Chairman

By: Katie E. Bann
Clerk to the Board

November 8th, 2011RECEPTION#: 890846,
11/08/2011 at 12:33:21 PM, 1 OF 2,KATIE E. BARR, CLERK AND RECORDER
FREMONT COUNTY, COCommissioner Bell moved the adoption of the following Resolution:RESOLUTION NO. 36
Series of 2011RESOLUTION REVOKING CONDITIONAL USE PERMIT
CUP 96-2 ROCKY MOUNTAIN MATERIALS & ASPHALT INC.
(8 MILE CREEK GRAVEL PIT)

BE IT RESOLVED by the Fremont County Board of County Commissioners (hereafter "Board"):

THAT WHEREAS, the State of Colorado Division of Reclamation, Mining and Safety released Rocky Mountain Materials & Asphalt, Inc. from further responsibility for the 8 Mile Gravel Pit on August 12, 2011;

AND WHEREAS, Tom Smith, General Manager, Rocky Mountain Materials & Asphalt, Inc. (hereafter "applicant") mailed a letter to the Department dated October 10, 2011, requesting that "all activities under CUP 96-2 be terminated as a result of this release":

NOW THEREFORE, BE IT RESOLVED by the Board that:

Approval of Conditional Use Permit CUP 96-2 Rocky Mountain Materials (8 Mile Creek Gravel Pit) to allow the operation of a gravel mine which includes screening, crushing, sizing and possibly washing and asphalt and/or concrete batch plant, (*original approval was via Resolution #25, Series of 1996, [Resolution @ Reception #681577, Permit @ Reception #681576]*), which is legally described as follows:LEGAL DESCRIPTIONThat portion of the W $\frac{1}{2}$ SE $\frac{1}{4}$, lying north of Highway 50 and that portion of the SE $\frac{1}{4}$ SW $\frac{1}{4}$, lying east of the Eightmile Creek, and also a tract described as follows:The NW $\frac{1}{4}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; NW $\frac{1}{4}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ NW $\frac{1}{4}$; S $\frac{1}{2}$ SW $\frac{1}{4}$ north of Highway 50, except that portion East of Eightmile Creek, and excepting a 30 foot easement as reserved by the Seller on and along the East property line and North property line for access by Seller and the public to other properties and the SE $\frac{1}{4}$ NW $\frac{1}{4}$, all in Section 34, Township 18 South Range 69 West of the 6th P.M., together with the right to use easement for ingress and egress on the $\frac{1}{4}$ section lines as reserved in deed from Golden Cycle Land Corporation to Royal Gorge Enterprises, Inc. recorded in Book 611, page 914 Reception #439371.

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is hereby revoked effective **November 8, 2011**, pursuant to Section 8.2.6.4 of the Fremont County Zoning Resolution.

Commissioner Stiehl seconded the adoption of the foregoing Resolution and upon a vote of the Commissioners as follows:

Commissioner Bell: Aye / Nay / Abstain / Absent

Commissioner Stiehl: Aye / Nay / Abstain / Absent

Commissioner Norden: Aye / Nay / Abstain / Absent

The Resolution was declared to be duly adopted.

DATE: November 8, 2011

Edward H. Norden
CHAIRMAN, FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS

ATTEST: Katie E. Ban
FREMONT COUNTY CLERK AND RECORDER