

November 9th, 2010

MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on November 9th, 2010, 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 |
| 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 Jody Blauser, Clerk and Records Office.

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. Commissioner Lasha seconded the motion.

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

ADMINISTRATIVE/INFORMATIONAL

1. Administrative and Elected Officials

Norma Hatfield, County Clerk gave her report for the month of October, 2010. Norma stated the amount taken in for October was \$710,683.34 which was \$40,321.78 less than a year ago. The "Faster" fees turned over to the state were \$95,311 for Road Safety and \$56,643.64 for Bridge Safety. Fees were paid to the County Treasurer for \$311,201.34, City of Canon City \$18,205.44, City of Florence Finance Officer \$9,116.42 and Fremont County Sales & Use Tax \$54,788.17. Checks issued to the State were: State Sales Tax, \$25,870.82, Registration Fees \$284,541.99, Specific Ownership Tax \$2,449.50, Specific Purchase \$4.10, Title, duplicates, Special IDs \$3,404.40 for a total of \$316,270.81. Norma said of the \$710,683.34 about half is what we earn and the rest is sent to other entities that we provide services for. Commissioner Lasha moved to accept the Clerk's report for the month of October. Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

Pat McFarland, County Treasurer announced the tax lien sale will be held at 7:00 a.m. this Thursday, November 11th in the Board meeting room on the lower level of the Administration building. Pat noted that all County employees and their immediate family are not allowed to bid on properties at the tax lien sale per Statute. Pat said there are about

November 9th, 2010

500 properties going to tax sale this year. She stated the duplicate tax lien sale certificate #7020 for Alan and Rebecca Knight had been lost. The Knights are requesting Pat to begin a Treasurers Deed process and she can't begin the process until the Board gives her a Resolution to reinstate the certificate. Commissioner Lasha moved to approve the Treasurers request for Resolution #54, issuance of duplicate tax Sale Certificate #7020 for Alan T. Knight and Rebecca Knight. Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

George Sugars, County Manager updated the Board on Sales and Use Tax figures. He said the retail sales Tax thru October 31st were down 1.4% from last year, and 2.72% from the projected budget for 2010. George noted the auto use Tax is down 2.2% from last year, and is up 2.45% for this year's budget. The construction use Tax is up almost 69% from last year, due to some of the large projects. The total Sales and Use Tax is up 1.58% from a year ago, and up 1.2% from the projected budget. Sugars said we do have heat in the building but it has to be turned on manually until the thermostats can be installed. Some of the lighting in the building will also be replaced in the next few weeks.

Commissioner Norden congratulated all of the candidates elected last Tuesday, and looks forward to working with all of them. Ed remarked that Norma only has a few Board meetings left, as does Commissioner Lasha.

Commissioner Stiehl thanked the candidates who were unsuccessful in their bid for public office as it is important to have good candidates and it makes for a better election.

Commissioner Norden mentioned those organizations wishing to submit applications to the Fremont County Tourism Council need to do so by November 15th. They are accepting grant applications for 2011 tourism funding allocations for events in the County. Ed said the Tourism Council is required to distribute at least 5% of lodging tax proceeds to community groups in support of their events. The application is available on the County Web Page. To be considered for the Grant, the applications must be received by Monday November 15, 2010 at the Commissioners Office.

2. Citizens Not Scheduled:

Chyriese Marentette addressed the Board regarding the Glen Vista, Blazing Saddle Road. She said signs have been put up changing the name to Blazing Saddles from Blazing Saddle Trail and she would like to know if that was done legally. Commissioner Norden asked if they were County signs, or subdivision signs. Chyriese stated the signs are green and white. Norden asked George to have the County Transportation department look into it. Chyriese had asked her attorney what would happen if someone got hurt or killed on the road from Road Gulch to Deer Run. She said the Attorney recommended that if the road belongs to the County, the County would get sued as would Glen Vista because the road is located in the subdivision. The attorney has not gotten back with her on the consequences of an accident. Commissioner Norden wanted it to be clear that it is not a County road, but a public dedicated right of way and there is a distinct difference between the two. Ed said there are many roads the County does not maintain that are public right of ways. Until Glen Vista Subdivision brings their roads up to County Standards they will remain as non maintained County public right of ways. Chyriese asked what exactly a public right of way is. Ed replied the Glen Vista Subdivision Plat had roadways that were dedicated to the public for future roads when the Subdivision was approved. Per County Policy, the roads have to be brought up to a certain standard to be accepted for County maintenance. Chyriese asked if the HOA has to maintain the roads. Norden replied they are not required to maintain them, they choose to do so. Commissioner Lasha stated just because an HOA brings a road up to County standards, does not mean the County will maintain the road; it has to be accepted by the County.

November 9th, 2010

Chyriese asked how to vacate a portion of the land where Blazing Saddle and Deer Run Roads meet in order to put up a gate. Commissioner Norden told her she would have to petition the Board in order to vacate a public right of way. She said the HOA can not afford to keep maintaining these roads as members have not paid there dues, and several homes are vacant or for sale.

Jim Barton asked if he could speak on an issue pertaining to the Black Range Mineral CUP request. After some discussion, Commissioner Norden asked Jim to wait and address the Board when the issue is reached on the agenda.

Edward Holloway, the Road Chairman of the Glen Vista Homeowners Association addressed the Board regarding the memo from the County Attorney to the Board. Edward said the HOA pays to maintain the roads and have spent \$50,000 this year to do so. He said the letter from the County Attorney states the roads will not be maintained by the County until the streets are constructed in accordance with subdivision requirements in effect at the recording date of 1973. Edward said according to that letter, the roads do not have to be up to 2010 standards, only to the standards of 1973. He believes the road is up to standard but needs to see the regulations from the County. Commissioner Norden said George Sugars or Tony Adamic of the Transportation Department would be able to get a copy of the regulations to him. Edward said the County took over maintaining Kerr Road off of Indian Wells Road, and the HOA did not do anything to Kerr Road in order for it to be taken over. Edward said they want to vacate a 4 foot by 30 foot strip of the road where Glen Vista and Colorado Acres meet to install a locked gate. They would allow emergency vehicles access, and residents of Colorado Acres would have access from Boyd Road, Indian Wells or Reed Road. Commissioner Norden told him they would have to petition the Board to vacate a right of way, and a public hearing would have to be held. Edward suggested speed monitors that take pictures be put in, as so many people speed, there is likely to be an accident.

OLD BUSINESS

None.

NEW BUSINESS

George Sugars asked for consideration of the Holiday Calendar for 2011. George said the Holidays that will be observed for 2011 include New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas. Commissioner Norden noted there are 2 different calendars, one for 10 hour work day, and one for 8 hour work days. Norden said this calendar is similar to the 2010 holiday calendar which has 3 fewer holidays than in previous years. George said previously we observed 88 holiday hours and now we only observe 60 holiday hours. Norden stated the holiday calendar reflects budget decisions that were not noted in the budget presentation. In order to cut costs we will not be observing Martin Luther King Day, Presidents Day and Veterans Day. County Employees will work those holidays in 2011. Commissioner Norden agrees with the budget trimming reflected in the holiday schedule, but feels we should return to the 5 day work week. Norden said he would vote against the proposed Holiday calendar, rather than reflect a "No" vote on the budget. Commissioner Stiehl said he is in favor of the four day work week as it does save money on utilities. Stiehl said the public likes the extended hours of operation. A survey of people who use our services showed 75-80% is in favor of longer hours on Monday through Thursday, and only 15% preferred we be open on Fridays. Commissioner Lasha moved to approve the Fremont County 2011 Holiday calendar. Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, nay. The motion carried.

November 9th, 2010

Commissioner Norden read the request from the Fremont County Tourism Council to declare a vacancy on the FCTC Board. The FCTC asked the commissioner to declare Vicky Casey's seat on the FCTC Board vacant as she has left the tourism industry. Commissioner Norden said he will circulate to the media information on the seats that will be coming up for annual appointment. Commissioner Norden moved to approve the request from Fremont County tourism Council to declare a vacancy on the FCTC Board. Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried.

REQUEST: CUP 10-003 TAYLOR RANCH EXPLORATION/BLACK RANGE MINERALS COLORADO, LLC 1ST AMENDMENT

This application was continued from the September 14, 2010 and September 28, 2010 Board of County Commissioners Public Hearings.

The request is for approval of a Conditional Use Permit, Department file # CUP 10-003 Taylor Ranch Exploration/Black Range Minerals Colorado LLC, 1st Amendment to allow for expansion of mineral exploration area by Black Range Minerals Colorado, LLC, for property which is leased from various property owners. The property is located south of Fremont County Road #2 and west of County Roads #21 and #21A, in the Tallahassee Area. The proposed operation is anticipated to be completed within an 8 year time frame. There will be no more than 6 to 8 active drill sites at any given time. The existing Conditional Use Permit file #08-001, Resolution #47, Series of 2008 was recorded on July 14, 2008. If this application is approved it will replace the existing Conditional Use Permit. The property included in this amendment will consist of 2,210 acres combined with the previous acreage of approximately 8,169 acres for a total acreage of 10,379 acres. All properties are zoned Agricultural Forestry.

Commissioner Norden said the Commissioners have spent many hours to determine the direction of this application. It has taken some time for our Hydrologist, Bruce Smith to generate proposed conditions. The Board and staff have had two conference calls with Bruce and staff meetings to discuss conditions. Norden said the Board may proceed differently than they did on the original application. Previously the Board considered action and then drafted conditions. With Mr. Stiehls suggestion, the Board would look at what the conditions are before they approve or deny the amendment. Commissioner Stiehl said if conditions can be crafted in a way to protect the County and its residents, he is more inclined to vote in favor of an issue, if conditions can't be put together, he is less inclined to vote in favor of an issue. He added, these conditions are complex it is important to fully understand them before making a decision. Commissioner Norden noted the Board has operated both ways, with having conditions before approval, or making conditions upon approval of a request. Commissioner Lasha said the public hearings provided a lot of feedback, both for and against the amendment, and voiced concerns of the citizens. Commissioner Norden said Bruce had suggested some of the conditions as late as yesterday afternoon. Commissioner Norden and the Board have not had time to adequately review the conditions to render a decision today. Commissioner Norden said the letter from Bruce Smith to the Board was shared with the public yesterday and has been provided to the applicant. Commissioner Norden asked Ben Vallerine if he wanted to say anything for the record today. Ben asked how the Board is going to develop the conditions. Commissioner Norden would like to give Black Range Minerals (BRM) time to react to the conditions and get Bruce Smiths input again. Ben said he wants to be able to see the conditions in a draft stage and have the opportunity to comment and/or negotiate on the conditions. Commissioner Norden asked if Jim Barton wanted to ask his question on clarification at this time. He instructed Jim to limit his comments to the process, as opposed to the content of the amendment request as it is already on record as part of the public hearing. Mr. Barton feels there should be some way of determining if the conditions are being met as we are attempting to expand and continue a CUP. Commissioner Norden assured Jim that those concerns have been raised by this Board in the discussions of the conditions. Barton said there was a fire protection plan that had

November 9th, 2010

been put together and approved by their volunteer fire department and he was not sure those conditions were being met. Commissioner Norden added the Board will re-examine what the original amendment said to see if the procedures are being followed. Commissioner Stiehl moved to table the request for CUP 10-003 Taylor Ranch Exploration/Black Range Minerals Colorado, LLC 1st Amendment until the November 23rd 2010 Board meeting and have staff provide a copy of the drafted conditions to the applicant for their comment. Commissioner Lasha seconded the motion. Upon Vote: Commissioner Stiehl, aye; Commissioner Lasha, aye; Commissioner Norden, aye. The motion carried.

PUBLIC HEARINGS SCHEDULED FOR 10:00 A.M.

Proposed 2011 Fremont County Budget

George Sugars and Dana Angel the County Finance manager gave an overview of the proposed 2011 Fremont County Budget. The strategy included managing revenue reductions, preserving services for citizens, and providing a fiscally responsible County budget. George said the proposed budget is also on the County website. The projected revenues are \$36,059,659 and projected expenditures are \$36,663,962. To make budget \$604,303 of reserves will have to be used from various funds. The general fund budget is \$10,510,709. The projected reserve amount at the end of 2011 is \$547,620, and the goal for general fund reserves is at least \$1,000,000. Prior to 2010 the County matched the employee retirement fund at 4%. A one year suspension was imposed for 2010. For 2011 the County will restore a 3% match to the employee retirement fund. A 9% increase in health insurance is projected for the 2011 budget. Commissioner Stiehl stated of the \$36 million dollar budget, only 29% of it comes from tax payers. The other money comes from grants and pass through money which is heavily leveraged. Commissioner Norden mentioned 2011 is a reassessment year, so property tax revenue is expected to go down for 2012. He said the Sheriffs budget did show some operational revenue increase because of renting beds to Colorado Department of Corrections for Parolees. Norden warned citizens that these problems do not go away; the Sheriff ended the 2009 budget with a \$281,000 deficit that was filled by the general fund. As detention officer positions will be funded in 2011 the revenues will not be on the plus side for the Sheriffs budget. George said this will hit us in the 2012 budget if there is not an increase in revenues. Commissioner Lasha noted if we do not have adequate staffing of the jail, we do not qualify for the DOC contract. Commissioner Norden added virtually all of the property taxes we collect matches the 3.9 million dollars that is transferred from the general fund to the Sheriffs budget. Commissioner Stiehl said maintaining the jail is a statutory requirement. Commissioner Norden asked for any public comments as this is the first of two public hearings on the 2011 budget.

Public Comments:

Nancy Segar said if some of the stigmas on Fremont County properties would go away property development would increase, then perhaps property tax revenues would grow. Commissioner Norden closed the public hearing and noted a second public hearing will be held at the November 23rd 2010 Board meeting. Commissioner Lasha complimented George, Dana, elected officials, and department heads for their hard work on the budget. He also thanked the voters for not passing amendments 60, 61, and 101 as the budget process would have started over if these amendments had passed.

REQUEST: SRU 10-005 SKYE BOROUGH RANCH KENNEL

The request is for approval of a Special Review Use Permit, Department file #SRU 10-005 Skye Borough Ranch Kennel, by Dale and Janet Walters, to allow for a dog kennel which will house up to a total of 25 animals – 22 small breed dogs, and 3 family pets. Approval of the application will bring the property into compliance with the Fremont County Zoning Resolution. The property contains a single family dwelling, a small animal pen, 9, 90 square foot dog pens, 19,130 square foot dog yard, a corral and large livestock pens.

November 9th, 2010

The property is located on the south side of U.S. Highway 50 (approximately ½ mile south of the highway), 1.4 miles west of the intersection of U.S. Highway 50 and Colorado State Highway 115. The property is zoned Agricultural Forestry and contains approximately 40.2 acres.

Coy Myers addressed the Board to request approval saying many of the contingencies had been met. J.R. Phillips has inspected the property for weeds and Coy is waiting for the written response to give to Bill Giordano. Coy urged the Board to accept their application request. Bill said the applicant did post and publish notification as well as notify property owners within 500 feet of the subject property. Giordano stated the Planning Commission voted unanimously to approve the request at their October 5th meeting, with 6 members being present. The request was approved with conditions A-M and contingencies 1-4. Bill did recommend the applicant be given 9 months to complete the improvements (contingency #4). Bill said the state highway permit has been applied for but not received yet (contingency #1). He said the fire protection district wants the driveway named and numbered (contingency #2). Bill noted the Planning Commission did waive the detailed utility plan, as there is no change in the current utilities. Bill spoke with J.R. Phillips regarding the weed plan, and confirmed there is no need for a weed plan (contingency #3). If documentation is received in time, contingency #M will be removed from the resolution. The Planning Commission did grant a waiver of the buffering landscaping requirements. The surfacing, lighting, and landscaping requirements of the parking area were also waived. Bill will prepare Resolution #55 for approval at the next meeting, if the request is approved today. Commissioner Norden asked for public comments. As there were no other comments Ed closed the public hearing. Bill noted contingencies 5, 6, 7, and 8 have been completed. Commissioner Stiehl made a motion to approve SRU 10-005 Skye Borough Ranch Kennel with conditions A-M, and contingencies 1-4, waiving the utility plan, surfacing, lighting and landscaping requirements. Commissioner Lasha seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Lasha, aye; Commissioner Norden, aye. The motion carried.

Commissioner Norden adjourned the meeting at 10:55 A.M.

Clerk and Recorder