

**November 10, 2014**

**TWENTY-FIRST MEETING**

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on November 10, 2014, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Tim Payne called the meeting to order at 9:35 a.m.

Tim Payne	Commissioner	Present
Edward H. Norden	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 Blauser, Chief Deputy Clerk.

The Invocation was given by Robert Kippley, Shepherd of the Hills Church.

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

Commissioner Norden asked that item #2 from New Business on the Agenda be moved up to item #2 under Administrative/Informational.

**APPROVAL OF AGENDA**

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

**CONSENT AGENDA**

1. Approval of Minutes / Special BOCC Meeting / November 3, 2014
2. Approval of Bills November 10, 2014 / \$677,659.44
3. Schedule of Special Meeting, December 18, 2014 at 9:00 a.m. for consideration of Adopting the 2015 Fremont County Budget and Certification of Mill Levy
4. Schedule Public Hearing for November 25, 2014 at 10 a.m.:
  - a. Amendment to the Fremont County Building Code to Establish a Program for Licensing of Building Contractors

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

**ADMINISTRATIVE/INFORMATIONAL**

1. Staff / Elected Officials:
  - a. County Clerk's Monthly Report, Katie Barr, County Clerk and Recorder

**County Clerk Barr** stated that the total Motor Vehicle and Sales Tax fees collected for October 2014 were \$510,132.55. That is \$25,478.28 more than October 2013 and is 55% of the total fees collected for the Clerk's Office for the month of October.

**Commissioner Norden** moved to accept the County Clerk's Report for October 2014. Commissioner Bell seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

2. Report by UAACOG Area Agency on Aging Director Steve Holland and Nutrition Director Betsy Peschiera on the status of the Congregate Meals and Home Delivery Meal Program in Fremont County, efforts to comply with Title III of the Older Americans Act, and a 2015 budgetary request for \$3,000 to supplement operational costs of the program.

**Commissioner Norden** commented that appearing in person and giving this report, may be beneficial for the board to hear a firsthand report.

**Steve Holland** spoke about the services they offer explaining that they provide services to eligible seniors 60 years of age and older. They currently serve in Fremont, Custer, Lake and Chaffee Counties. He mentioned that in 2014 in Fremont County alone they served 22,469 meals which accumulated to approximately 600 individuals at the Congregate site and an additional 80 individuals had their meals delivered. Mr. Holland said that due to the State of Colorado disallowing staff members under the age of 60 to charge off their own meals they are seeking \$3,000.00 in additional funds to cover this loss as this is the approximate cost per year for 3 staff members and there is no other revenue that allows them to cover this cost.

**Commissioner Norden** asked if they had asked any of the other counties Board of County Commissioners for funds as well. Mr. Holland stated that he had and they are scheduled to meet with them as well.

**Commissioner Bell** asked whether or not the number of meals and individuals served each year increased or decreased. Mr. Holland replied that in Fremont County the Congregate program has slightly decreased while the Home Delivery program has increased. Mr. Holland also noted that "Meals on Wheels" is a trademarked phrase, not to be confused with their program. They deliver meals to the home through Title III of the Older Americans Act.

**Commissioner Norden** wanted to mention an email he received from the Public Health Director, Rick Micklich letting him know that they had been notified from the State Registrar Vital Statistic Office that our Fremont County Department of Health, Vital Statistics Office is 1 of the 6 offices in the State that have qualified for a 5 Star Performance Award for 2014.

**Commissioner Bell** noted that she attended a retirement party for Coal Creek Mayor Connie Higgs and wanted to say what a pleasure it has been to work with her over the past few years and congratulations.

### 3. Citizens Not Scheduled:

**John Garrou** stated that he filed a complaint one year ago on both the Planning and Zoning Department and the Building Department with two residences that neither have building permits or C.O.'s on and would like the County to check into these addresses. He provided the Commissioners with the addresses.

**Commissioner Norden** mentioned that he is going to visit with Robert Sapp of the Planning and Zoning Department to visit the area that is still in violation in 2014 in both the Glen Vista and Colorado Acres areas. Commissioner Norden also noted that using the Helping Hands roll off trash containers to try and clean up some of these areas may create future problems of people saving their trash for months for free pickup.

**Garrou** said that maybe Fremont County should consider a timeline on their building permits. Douglas County gives their residents 180 days to complete the project. In

closing Norden asked for ideas from Garrou on how the Home Owners Association would be able to help “police” using the Helping Hands roll off trash containers.

**Scott Hanlon** said he has heard to avoid this problem we need good enforcement. He has heard there is a “hand off” dictate coming from higher up keeping enforcement officials from being able to do anything regarding trash cleanup, illegal marijuana and code enforcement issues. Commissioner Norden said no such dictates have come from this Board of County Commissioners. Mr. Hanlon stated that he is willing to do his part to help this effort and is part of the Deer Mountain Community Organization as an example.

**Sue Strahl** stated that she is concerned about the trash problem and maybe only doing a few properties at a time instead of trying to do it all at once would help. She asked the County to not give up on this effort.

**Chyriese Marentette** spoke about a specific property, 173 Glen Vista Ln involving 300 or more tires piled on one side of the house which she provided pictures for. She is concerned about how this would affect things if there was a fire. She filed a complaint 7 years ago and was told it was under investigation and it is still under investigation today.

### **OLD BUSINESS**

None.

### **NEW BUSINESS**

1. In consideration of Proclamation Recognizing Veterans Day  
George Sugars, County Manager and Retired Navy Captain

**George Sugars**, County Manager read the Proclamation into the record.

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

2. Building Incentive Request  
Representative: David Reynolds

**David Reynolds** and a group of business members in the community are looking for Fremont County to provide incentives for economic growth. He said it was helpful when the City of Canon City waived building permit fees for 18 months and also did not require prepayment of use taxes. It shows the rest of Colorado that Fremont County is anxious for people to move to our area. He asked the Commissioners to think about waiving the building permit fees for a period of time at least matching what the City of Canon City did of 18 months. He stated that while it may be tough on the County’s budget now, the potential growth of business and revenue will make of for it in years to come.

**Commissioner Payne** asked if he was also requesting that the County not require prepayment of use taxes. Reynolds said yes, they would still have to pay the taxes, just not upfront. County Attorney Brenda Jackson stated that waiving sales tax is not the same as deferring sales tax and no taxes would be due on anything not purchased in Fremont County.

**Mayor Tony Greer** spoke to the fact that he believes these incentives are something we can do and should be looked at as an investment and that it will not cost anything unless it works. He said that building 1 new home will create 3 new full time jobs and 100 new homes would create 53 permanent full time jobs. He says we want to send a message to the region that we are business minded and do not want to sit back and watch things happen.

**Commissioner Norden** stated that Fremont County already has built-in incentives in the building permit fees that were adopted in 2008 and continue today. He also said that our Building Permit Fee Schedule is still being based from the 1994 Uniform Building Code which was adopted in 1996. He explained that Fremont County's fees are 42% lower than that of the City of Canon City. He said that due to Fremont County not updating the Valuation Data since 2008 and not changing the Basic Fee Schedule since 1996 they have saved customers \$318,000.00 in building permit fees over the last 6 years. Norden also pointed out that since they are using Valuation Data from 2008, the amount of use tax being charged is less and have saved approximately \$40,000.00 in use taxes to the citizens. He feels the County is doing their part to encourage new construction in our area.

**Commissioner Bell** commended the City of Canon City for the incentives they have offered but stated that being a Home Rule City may allow them to do things differently than Fremont County can. She said that Fremont County does not have a dedicated sales tax to be able to use for economic development incentives. What they have been able to do under state statute in the past is offer personal property tax incentives. They would rather work with new and existing businesses on a case by case basis rather than offer the same proposal to everyone. They tried to work directly with Green Diamond Tire to offer personal property tax incentives to businesses based on the number of employees the business will employ as to how much of an incentive they receive. She said that people may not be aware of this incentive and she will work with F.E.D.C. to promote this incentive more in the future. She said that the County is budgeting \$180,000.00 in new building permits for 2015. So, to waive those fees would be a big hit against the General fund.

**Commissioner Norden** offered to share all of his figures with David Reynolds to help sell rural construction in Fremont County.

**Reynolds** replied by saying that their competition is not with Canon City, but with Pueblo West, Pueblo and the surrounding areas. He is unaware of what they are currently charging for building permits. They are just looking for ways to get builders and businesses to choose our area over others.

**Harry Kitchen** said that the F.E.D.C. and the City of Canon City have visited with the Board many times about ideas to promote growth in our County with incentives and it has not been feasible. He said that neither the County nor the City can afford to just give away money. He said the County already offers incentives.

**Sara Kitchen** asked that the County not follow the City with the incentives they are asking for. She said our incentives should be our location and our tax rates and waiving fees and losing that revenue will not guarantee a payback in the end.

**Kevin Ditmore** respectfully disagreed with Commissioner Norden about the Regional Building Authority Fees, stating that they did not recommend any increases in building fees and offered to go over those figures with him. He feels that a Regional Building Authority with uniform enforcement of codes is just as important as the incentives they are offering.

**Commissioner Norden** said that if they waive new building permit fees for 2015 it would be a loss of \$63,000.00 in new construction and there is already a loss of \$200,000.00 in property tax collections and cuts of \$273,000.00 in the Road and Bridge Department for chip seal and asphalt projects. He said that 2015 is the first year in five years that they have even been able to consider a benefit increase to Fremont County Employees. He is not willing to balance the budget on the backs of the employees anymore.

3. PS Camping Inc. DBA Prospector RV Park  
43595 HWY 50 West  
Canon City, CO 81212  
Retail Liquor Store License

Transfer from Colorado Holiday Properties LLC DBA Prospectors RV  
Resort  
To PS Camping Inc. DBA Prospector RV Park  
Representative: Michael Schirado

**Michael Shirado** said he moved here in May from Denver and is looking to transfer the liquor license from the previous owners to his business.

**Jody Blausner** stated that they have posted the property and published, all of their paperwork is in order and the Sheriff is aware of the transfer. There are currently no problems and they are currently working under a temporary license.

**Commissioner Bell** asked Mr. Shirado if he and his staff have been trained on the liquor laws of Colorado. He replied that he and his wife had both attended the training that the City provides. He said that their one employee has not attended the training yet, but the next time it is offered they will send her. He did say that they have gone through everything with her including the packet they received from the training.

**Commissioner Norden** asked how much stock of liquor they currently have. Mr. Shirado stated that they have a small cooler stocked with about \$1,000.00 worth of liquor.

**Commissioner Norden** moved to approve the transfer of the retail liquor license from Colorado Holiday Properties to PS Camping Inc. Commissioner Bell seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

4. In consideration to re-appoint Samantha Faoro, Linda Valdez, and Greg Van Riper to the 4-H Sales Committee for three year terms ending January 1, 2018.

**Commissioner Bell** said that the Fair Board has asked the Board of Commissioners to continue to appoint people to the 4-H Sales Committee at this time. The three mentioned members have submitted letters indicating their interest to serve another three years on the Board.

**Commissioner Bell** moved to reappoint Samantha Faoro, Linda Valdez, and Greg Van Riper to the 4-H Sales Committee for additional three year terms ending January 1, 2018. Commissioner Norden seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Norden, aye; Commissioner Payne, aye. The motion carried.

5. In consideration of a bid award for the 911 Call Center renovation on 4<sup>th</sup> Floor Judicial Building – tabled from November 3, 2014.  
Representative: George Sugars, County Manager

**George Sugars** explained that after receiving 7 bids for this project, all of which were over the allotted budget, they picked the bottom two and asked to see if there were areas they could cut back on. Even in doing that they are still quite a bit over the allotted budget. He said that we are probably going to have to seek additional funding for this project. One way would be through the Department of Local Affairs (D.O.L.A.). The County would have to request that and it would be a 50/50 match so the County would still have to come up with their half. Mr. Sugars recommends no action on this item at this time until the funding can get sorted out.

6. In consideration of the Canon City Area Fire Protection District Impact Fee of \$3,249.76 for the Garden Park County Building Remodel.

**Commissioner Norden** moved to approve the expenditure of the Canon City Area Fire Protection District Impact Fee of \$3,249.76. Commissioner Bell seconded the motion.

Upon Vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

7. In consideration of a Resolution Supporting Local Businesses in Fremont County and the Observance of Saturday, November 29, 2014, as "Small Business Saturday".

**Commissioner Norden** spoke about the details of Resolution #36 and the support the Board of County Commissioners has for "Small Business Saturday".

**Commissioner Norden** moved to approve Resolution #36. Commissioner Bell seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

**Harry Kitchen** wanted to thank the County Chamber of Commerce for a successful summer. He also noted his interest in the opening at the airport for the War Memorial Park and was directed to submit a letter to Al Augustine in the Veteran's Office.

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

**Commissioner Payne** opened the Public Hearings at 10:01 a.m.

- a. Request: ZC 14-002 Gifford Zone Change  
Request approval of a Zone Change (ZC #1 application as per the Fremont County Zoning Resolution) from the Manufactured Home Park Zone District to the Agricultural Suburban Zone District, Department file #ZC 14-002 Gifford Zone Change, by Fred & Jane Gifford, for their property which is located on the east side of MacKenzie Avenue, 800 feet south of Grandview Avenue, in the Four Mile Area. The proposal is to allow a hay field pasture for livestock and to sell hay. The existing zone district does not allow agricultural uses. The property is presently used as a hay field pasture for livestock and contains 5.18 acres. It should be noted that the Agricultural Suburban Zone District has an animal unit (FCZR 1.5.14) restriction; only one animal unit per 15,000 square feet can be housed on the property. (5.18 X43, 560 =225,640.8÷15,000=15.04)  
Representative: Fred and Jane Gifford, owners

**Fred Gifford** spoke of the improvements and changes they have made to the property and would like it to be zoned as Agricultural Suburban rather than a manufactured home park. Bill Giordano of the Planning and Zoning Department said that they did do the improvements mentioned and cleaned up quite a bit of trash. He also said that they did post the property, notified property owners within 500 feet and put an ad in the paper which they have proof of publication for. The Planning Commission has already voted in favor of this unanimously.

**Commissioner Payne** closed the Public Hearings at 10:06 a.m.

**Commissioner Bell** moved to approve ZC 14-002 the Gifford Zone Change with Statement of Justification C&D and #2 B, C, D & E. Commissioner Norden seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Norden, aye; Commissioner Payne, aye. The motion carried.

**Commissioner Payne** opened the Public Hearings at 10:52 a.m.

- b. Request: Amendment to Fremont County Zoning Resolution  
Request approval of a proposed amendment to the Fremont County Zoning Resolution to create a new zone district. The purpose of the airport Overlay Zone District is to protect the viability of the Fremont County Airport as a significant resource to the community by encouraging compatible land uses,

densities, and reducing hazards that may endanger the lives and property of the public and aviation users.

Representative: Department of Planning and Zoning

**Bill Giordano** gave the presentation for the Airport Zone District. He explained the area expands down into Florence, into the Four Mile area of Canon City, up into Watersville and out east to The Well. He said the Planning Commission did meet regarding this on July 1, 2014 and did approve the Resolution without any changes. Mr. Giordano went through the proposed changes. He did note that the overlay zone will not replace current allowed usages; this will be more of an “umbrella” over the top of it. He also said that the property was posted, notifications were completed and the publication in the newspaper was completed and it was posted on the internet.

**Commissioner Payne** closed the Public Hearings at 11:00 a.m.

**Richard Baker** stated that protecting the airport and the surrounding area will help for securing F.A.A. grants in the future.

**Commissioner Bell** spoke to the fact that she was skeptical of this project at first because the City of Florence is looking at annexation on some of their properties near and around the airport and did not want to seem as though the County was not being business friendly. After speaking with the project manager of this project and the City of Florence she does not feel there will be any problems.

**Commissioner Norden** said that adopting the Airport Overlay Zone would be the next appropriate step, after adopting the Armstrong Consultants Master Plan which includes this proposal.

**Commissioner Norden** moved to approve the Amendment to the Fremont County Zoning Resolution Creating the New Zone District for Airport Overlay Zone. Commissioner Bell seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

**Commissioner Payne** opened the Public Hearings at 11:05 a.m.

c. Proposed 2015 Fremont County Budget

Representative: Sunny Bryant, Budget and Finance Officer

**Sunny Bryant** gave the presentation of the 2015 Proposed Budget. She noted that the entire presentation and budget are available on the County’s website and any changes between now and the adoption of the budget in December will be listed on the website as well. She mentioned that the County is projecting a 3.9% decrease in the Assessed Valuation, a 2.0% increase in the Sales and Auto Use Tax collections and the Construction Use Tax will be the same amount. She said they are being conservative in their amounts. Property tax collections are at a record low since 2008.

**Commissioner Norden** added that the report they received from Colorado Counties Inc. showed that from 2008 to 2014 that total Fremont County revenues only grew by 0.81%.

**Bryant** said that our Retail Sales Tax amounts have slowly continued to grow since 2009.

**Commissioner Bell** asked if these figures include the Sheriff’s sales tax increase. Bryant replied that no, this does not include that increase, this is only for Retail Sales Tax, 75% goes into the General fund and 25% goes into the Sales and Use Tax fund.

**Mrs. Bryant** went on to say the Auto Use Tax has also slowly continued to grow since 2009 and also does not include the Sheriff’s tax increase. She also said that the Construction Use Tax has stayed pretty steady since 2011 and they are not projecting any changes for this. She said that one of the main focuses has been to come up with a salary plan for Fremont County employees.

**Commissioner Payne** noted that the PILT funding still has to be passed by Congress next year. Sunny Bryant added that they have added \$1.1 million dollars to the budget assuming that this will be passed, so if it doesn't they will have to meet and come up with solutions.

**Bryant** said that the Sheriff's Office is doing a lot of capital improvements next year and a lot of money will be going towards that. She stated that the total available revenue for 2015 is about \$42 million which includes the drop in Specific Ownership Taxes due to some new Mill Levies that were passed for other local governments.

**Commissioner Norden** clarified that the Specific Ownership Tax drop will not just affect Fremont County since every entity that splits out the Specific Ownership Tax will see the change. Bryant agreed.

**Mrs. Bryant** stated that in conclusion, the overall budgeted expenses including inter-fund transfers is \$42 million, the General fund budgeted expenses are \$10.9 million, the General Fund Beginning Reserve Balance was \$1.3 million, the end of 2014 estimate reserve amount is \$1.5 million and the end of 2015 estimate reserve amount is \$1.2 million. The adoption of the 2015 Budget is set for December 18, 2014 at 9:00 a.m.

**Commissioner Norden** said he would like to see the Road and Bridge Department budget restored some day to 1.3 to 1.5 mills of property tax depending on how the sales and use tax and property taxes continue to improve in the future.

**Commissioner Bell** thanked all those involved who worked on the budget.

**Commissioner Payne** agreed and noted that he enjoys the budget process.

**Public Comments:**

**Pat McFarland** wanted to thank Commissioner Norden for working on the debrucing issue and believes he is a big reason it was passed. She also thanked Sunny Bryant for all her hard work on the budget and said that in the last 20 years, this is the easiest and best way they have ever done the budget. She thanked George Sugars for including a salary plan for Fremont County employees as a way to incentivize the long time, hard working employees. She also encouraged citizens to read over the budget to understand where their tax dollars are going.

**Commissioner Payne** closed the Public Hearings at 11:29 a.m.

**Chairman Payne** adjourned the meeting at 11:40 a.m.

RESOLUTION NO. 36, SERIES OF 2014

**A RESOLUTION SUPPORTING LOCAL BUSINESSES IN FREMONT COUNTY  
AND THE OBSERVANCE OF SATURDAY, NOVEMBER 29, 2014, AS  
“SMALL BUSINESS SATURDAY”**

WHEREAS, there are more than 28 million small businesses in the US; and

WHEREAS, small businesses employ over 48 percent of the employees in the private sector in the US; and

WHEREAS, small businesses in Fremont County are the backbone of our local economy; and

WHEREAS, many local businesses provide products and services from local crafts people and artisans, offering unique options that can't be found in large national stores; and

WHEREAS, local businesses typically offer better customer service and customers are more likely to receive a satisfactory resolution from a local business owner than from the big box stores; and

WHEREAS, local businesses provide direct support to community programs, youth projects, local sports teams, churches, and local non-profits which directly benefit friends, family, and neighbors; and

WHEREAS, local businesses help grow the economic base of the community. The dollars spent locally have a ripple effect supporting jobs, other businesses, and families throughout Fremont County; and

WHEREAS, sales tax revenues collected by local businesses support essential local governmental services including public safety, streets, and other infrastructure improvements; and

WHEREAS, the recognition of “Small Business Saturday” should serve as a reminder for Fremont County residents to shop locally for the entire holiday season and throughout the year because supporting local businesses is how we ‘grow’ our economy;

**NOW, THEREFORE, IT IS HEREBY RESOLVED** BY THE BOARD OF COUNTY COMMISSIONERS FOR THE COUNTY OF FREMONT, that Saturday, November 29, 2014, be observed as “Small Business Saturday” and Fremont County residents should always be encouraged to visit area merchants and “shop local first”.

Commissioner Norden moved the adoption of the foregoing Resolution with a second 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
Tim Payne	<u>Aye</u>	Nay	Abstain	Absent

Date: November 10, 2014

BOARD OF COUNTY COMMISSIONERS  
OF FREMONT COUNTY

By: *T. Payne*  
Chairman

Attest: *Katie E. Bau*  
Clerk to the Board