

NOVEMBER 12, 2008

1

TWENTY FIRST MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on November 12, 2008, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Larry Lasha called the meeting to order at 9:30 A.M.

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

Also present Finance Director, Dana Angel; Bill Giordano, Planning and Zoning Director and Tina Taylor, Deputy Clerk.

Pastor Jeff Bennett with River Walk Church gave the Morning Prayer.

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

APPROVAL OF AGENDA

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

CONSENT AGENDA

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

1. Approval of Minutes October 28, 2008
2. Approval of Bills, November 12, 2008
3. **SCHEDULING OF PUBLIC HEARING: DECEMBER 9, 2008 AT 10:00 A.M.**
 1. Upper Arkansas Area Council of Governments' Emergency Funds Program. Public review and comment on the Community Service Block Grant (CSBG) Plan for the upcoming grant year.
 2. **REQUEST: ZC 08-06 RE & AM ZONE CHANGE**
Request approval of a Zone Change from the Agricultural Suburban and Agricultural Rural Zone Districts to the Agricultural Forestry Zone District, department file #ZC 08-006 RE & AM Zone Change, by the Walker Development Company, a Colorado Corporation and Ronald E. Walker and Alidra M. Walker, for their property which is located easterly of the intersection of R Street and US Highway 50, in the Beaver Park Area.

ADMINISTRATIVE / INFORMATIONAL

Commissioner Norden stated there are two seats vacant for new appointees to the Fremont County Tourism Council (FCTC). The deadline for letters of interests from anybody who has a background in tourism related business is 4:00 P.M., Friday, November 28th at the County Commissioners Office, Room 105.

Commissioner Norden said another deadline is November 14th for the Tourism Council. They are accepting from community groups for 2009 Tourism Funding Allocations. Non-Profit Groups and other organizations that conduct special events that attract visitors to the area can submit applications for funding assistance. The dollars available will be down because lodging tax revenues have declined in 2008. There is a funding application link on the main page of the County's website, fremontco.com. The deadline for submitting

the applications is 4:00 P.M., November 14th at the County Commissioners Office, Room 105. The Tourism Council will hear oral presentations from applicants at their December 2nd regular meeting.

Commissioner Norden stated that Bruce Smith with Western Water and Land, our hydrological third party consultant on the Black Range Minerals Uranium exploration permit, has scheduled an informational meeting on Monday, November 24th at 6:30 P.M. here at the Administration Building. They will be discussing what work they have done in the field and with Wetstone Associates the hydro geological consultant to Black Range Minerals.

Commissioner Stiehl expressed thanks to the people who supported him in his successful re-elections bid last Tuesday. He will continue to work hard for Fremont County.

Commissioner Lasha stated he attended the McCandless Veteran's Home Veterans service yesterday. It was an outstanding ceremony and lunch. He also has a grandson in the Marines. The Veterans have always meant a lot to him and the freedom we have in our country because of the sacrifices they have made.

Fremont County Clerk and Recorder Norma Hatfield submitted the Clerk's Report and stated that the revenues earned in the Clerk's Office for October was \$671,388.06 which is \$83,644.04 less than a year ago. County Sales Tax collected was \$71,750.02 which is \$13,721.72 less than a year ago. Overall what goes to the County for distribution to the entities was \$385,688.26 which was \$45,539.65 less to a year ago.

Commissioner Stiehl moved to approve the Fremont County Clerk's Report for the month of October, 2008. Commissioner Norden seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Lasha, aye. The motion carried.

NEW BUSINESS

RECOGNITION OF JOANN ORTIZ FOR TWENTY EIGHT YEARS OF EXCEPTIONAL SERVICE WITH FREMONT COUNTY IN THE CLERK AND RECORDER'S OFFICE

Commissioner Lasha stated they would like to recognize employees that spend time with the County and JoAnn Ortiz has been with the County for 28 years. Our loss to the County is a gain to the family in spending more time with them which is important.

Clerk and Recorder Hatfield stated that she can't retire. JoAnn has been her right hand man and she will certainly miss her. Clerk and Recorder Hatfield did not know anyone who could have had a better employee than JoAnn. She was always willing to do anything and kept track of a lot of task. **Commissioner Lasha** stated that JoAnn's mother worked in the Clerk's Office before she came. So there is a history of the Ortiz's of 48 years working with the County.

AUTHORIZE CHAIRMAN TO SIGN GOLD BELT TOUR SCENIC AND HISTORIC BYWAY COOPERATIVE AGREEMENT

Commissioner Stiehl stated the Gold Belt Tour Scenic and Historical Byway is part of the Federal system of Byways and the County cooperates with it. This agreement is updating the 1996 Agreement. The new agreement gives objectives for our area such as stabilizing the road in Phantom Canyon.

Commissioner Stiehl moved to authorize the Chairman to sign the Gold Belt Tour Scenic and Historic Byway Cooperative Agreement. Commissioner Norden seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Lasha, aye. The motion carried.

JOHN C. FREMONT LIBRARY AMENDED BYLAWS AND SELECTION OF 3 NEW TRUSTEES; FRAN BLACK, TOM JUBAR AND LISA COMERLO

Commissioner Lasha stated that in the old bylaws they had five trustees and the change will be no less than five but no more than seven trustees. They have the recommendation of three Board members which are Fran Black, Tom Jubar and Lisa Comerlo.

Commissioner Norden moved to recognize and adopt the recommended Bylaws for the John C. Fremont Library and so designate the appointees of three new trustees Fran Black, Tom Jubar and Lisa Comerlo. Commissioner Stiehl seconded the motion. Upon vote:

Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried.

REQUEST: TRANSFER OF CUP 03-002 CASTLE CONCRETE/TABLE MOUNTAIN QUARRY

Request for transfer of Conditional Use Permit, Department file # CUP 03-002 Castle Concrete/Table Mountain Quarry, from Castle Concrete Company, to Tezak Heavy Equipment Company, Inc. The existing CUP is for the operation of an Open Pit mine and quartzite quarry on property owned by The Colorado State Land Board, The United States Department of the Interior and Bureau of Land Management. This property is located on the summit of Table Mountain in the northeastern part of Fremont County, approximately eleven (11) miles northeast of the intersection of U.S. Highway 50 and Colorado State Highway 115, on the northwesterly side of CSH 115 then approximately two (2) miles northwesterly along the private roadway known as Table Mountain Road.

REPRESENTATIVE: Daniel Tezak, Tezak Heavy Equipment Company, Inc.

Daniel Tezak stated that they inherited the operation from Castle Concrete. They were a competitor of ours that quarry surfaces. They own a quarry north of our property here in Cañon City. An agreement was made for Tezak to take over operation of the Table Mountain Quarry and in trade for letting them use our property as an access point for future expansion for their operation. This was a good opportunity for us and enabled us to keep local people employed in the operation of that property.

Planning and Zoning Director Bill Giordano stated that Mr. Tezak has provided us with the necessary documentation. The quarry lease transfer from the BLM had been an assigned to Tezak Heavy Equipment Company, Inc. They also have a successor of operator from the Mine Land Reclamation so the bonding is in place. I see no particular reason why this transfer should be held up.

Commissioner Lasha moved to approve the transfer of CUP 03-002 Castle Concrete/Table Mountain Quarry to Tezak Heavy Equipment Company, Inc.

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

AUTHORIZE CHAIRMAN TO SIGN FUNDING DOCUMENTS WITH COLORADO DIVISION OF HOUSING FOR UAACOG HOME IMPROVEMENT GRANTS

County Attorney Jackson stated about a month and half ago the County agreed to act as grantee for State Division of Housing funding. The first home improvement grant is their rehabilitation program for lower income people. They use State funding for their administrative fees and other program funding they lend at a very low interest rate to low income people to rehabilitate their homes to make them habitable. The State has changed all kinds of procedures. When the County agreed to act as a grantee the State did not require a resolution approving signature on the grant application and grant contract but now they want a resolution. This essentially is a resolution to ratify the County as a grantee so that the County has authority to sign the documents.

Commissioner Norden moved adoption of **Resolution #60, Series 2008** to authorize the Chairman to sign the funding documents for the Upper Arkansas Council of Government Home Improvement Grants. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried.

AUTHORIZE CHAIRMAN TO SIGN FUNDING DOCUMENTS WITH COLORADO DIVISION OF HOUSE FOR UAACOG PRAIRIE SAGE DEVELOPMENT (ELIZABETH STREET P.U.D.)

County Attorney Jackson stated that this is the same circumstance where the State has changed its procedures and now requires a resolution. This relates to the Self Help Housing Program. The Council of Governments is looking to buy the entire development at Elizabeth Street and North Reynolds in North Cañon. They are going to make all of those lost available for Self Help Housing.

Commissioner Stiehl moved to approve **Resolution #61, Series 2008** authorizing the Chairman to sign funding documents for the Colorado Division of Housing for UAACOG

Prairie Sage Development Elizabeth Street P.U.D. Commissioner Stiehl stated that this has been successful and the houses certainly do not appear to be low income. The self help and sweat equity invested in the homes that they have been working on has become a very impressive community. Commissioner Norden seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Lasha, aye. The motion carried.

TRANSFER OF PROPERTIES FROM JOHN C. FREMONT LIBRARY DISTRICT TO PENROSE LIBRARY DISTRICT

County Attorney Jackson stated that we do this every year toward the end of the year. This stems from the formation of the Penrose Library District back in 1992 where they tracked the boundaries of the Penrose Park and Recreation District. The problem they encountered is that for the Park and Recreation District certain category of properties are automatically excluded by statute. When John C. Fremont Library District was form in 2004 they tracked the boundaries of RE-2 School District except for those properties in the Penrose Library District. They have picked up the little excluded properties so they are in the John C. Fremont and they should be in the Penrose Library District. Over the past three (3) years the two library districts have cooperated in contacting library users and asking them to petition from one to the other. Each year before the tax rolls become finalized and certified they submit the petitions for the year to transfer properties from one to the other so the people that use the Penrose Library are in the Penrose Library District. This is the resolution for this year and the properties that are affected are attached. There are only about six (6) properties this year.

Commissioner Norden moved to adopt **Resolution 62, Series 2008** approving the exclusion of property from John C. Fremont and for the inclusion of the same property into the Penrose Library District. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried.

County Attorney Jackson stated before the Public Hearing is started for the North Canon Area Sewer Line Extension the Board needs to consider the resolution that begins declaring the intension of the Board of County Commissioners. By statute this resolution precedes the notice to the property owners and the Public Hearing. But because of the timing on the funding the resolution was not adopted. This resolutions needs to be adopted prior to the Public Hearing. It just declares the intention. It does not declare the district. It ratifies the notices that were published in the newspaper and sent to all the property owners.

Commissioner Stiehl moved to approve **Resolution 63, Series 2008** declaring the intention of the Board of County Commissioners to create a local improvement district and therefore ratifying that the notices have been sent out. Commissioner Norden seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Norden; aye; Commissioner Lasha, aye. The motion carried.

Commissioner Lasha closed the regular session and opened the Public Hearing.

NORTH CANON AREA SEWER LINE EXTENSION LOCAL IMPROVEMENT DISTRICT

Fremont Sanitation District Manager George Medaris stated CBDG Department of Local Affairs would give Fremont a grant of \$1.3 million dollars if the project could be done. North Cañon Area 3 is a part of project area that he has been involved with for 25 year. This area was identified as early as 1977 in some of the environmental reports as having problems. It has been an area that has been neglected over the years because of the lack of funding necessary to do the project. The funding for this project which will serve 176 existing homes comes from \$1.3 millions in CBDG Community Development Block Grant Funding and \$2 million dollars CWPDA (Colorado Rural Water Development Power Authority) loan which is actually coming out of the Department of Health. That is a zero percent loan. Between those two funding sources each one of the existing homeowners is going receive a little over \$13,000.00 in grant funding either in direct grant funding or in funding of the zero percent loans. We are very fortunate to get this money in

place for them. The Sanitation District has been working with the County since 2005. We have hired GMS Consulting Engineers to do a study of the area that was partially funded by the County, the Sanitation District, and the Department of Health. They came back with the cost. There has been two Public Hearings up in the area. One meeting was in September, 2006 and the other March 2008 where we described the project area and cost. Contracts were sent out to all the existing homeowners. Out of 176 homeowners that are in the area we have 105 signed contracts which give us about 59%.

NORTH CAÑON PROJECT

Properties with residences within the LID project area:	197
Original Contracts signed by residents (2006-2007):	97
Original contracts properties sold within last two years:	15
New owners of contract properties signed new contracts:	2
New contracts signed after County mail-out:	7
Total contracts as of 11/12/08 (97+7):	104
Majority: $(176/2) + 1 = 89$	
Percentage of properties signed up (106/175)	59%
% of properties less change of ownership (97-15+2+7)	52%

Manager Medaris clarified that grant funds for payment of a system development fee in the sanitation district are only available for existing home in the area. Grant funds are also not available for any businesses that are in the area, only residential properties. Everyone within the area will be required to connect. The reason why the State and the Federal Government is giving us this money is because of the documented cases of septic tank failures. Everyone will still be given the opportunity to sign contracts with the Sanitation District for grants until the project is done. If we have to go through legal proceeding to get the homeowner to connect to the District the grant dollars will be gone. We are here today to ask the County Commissioners to form a Local Improvement District (LID) which will allow us to proceed forward. The CBWG money is actually an application from the County to CBWG to get the funding. The Sanitation District can not seat that money for the residents in that area. We are also asking the County Commissioners (as we establish this) make notice that we will be applying for the full \$2 million that will be available and the zero percent loan funds. The CBWG loan has to be finalized by June, 2009. If the District can not do the project for less than \$45.00 in a monthly fee, they will come back to the residence make an amendment to the contract and ask if you still want to do the project.

Commissioner Stiehl asked Manager Medaris to explain the time frame of the project. Manager Medaris stated they will not to start construction until the funding is in line. We will be pushing hard to get the zero percent funding by June, 2009. This project can not start until we have the funding. We have put the \$45.00 cap in the contract. We know you need to have a number that we have to come back to you and say here is where we are before we move on. **Commissioner Norden** inquired when they will be awarding bids. Manager Medaris said they will not seek bids until they have the money in place. Commissioner Norden inquired at what point in time will the residence know it will be a \$45.00 fee or less or that you would have to come back to them and ask for more. Manager Medaris stated that it will be after the bid are publicized and received back and prior to award if in fact it will be over the \$45.00. **Commissioner Lasha** stated there is \$13,000.00 per resident of the 176 residence that the numbers work out to be. Manager Medaris stated that he didn't want to have the project rejected for being \$0.35 over the bid. He wants to be able to come back to the residents and tell them that it is over \$45.00, here is what the bids are so that you have the opportunity look at your reality and make a decision one way or the other.

Davy Jones stated that he has been a resident in the neighborhood for twenty (20) years. The sewage problem should be taken care of now while they have options or it will be taken care of for them at a later date when the health issue gets out of control and it will cost more. This gives us an opportunity to raise the level standard of living and get out of the ghetto concept that North Cañon has.

Shirley Jones stated she is opposed to the project because she can not afford it. She has lived in the area for eighteen (18) years and has had not problems with her septic system.

Frank Moore has lived in the area since 1988. Mr. Moore inquired if monthly payments could be an option to pay the \$500.00 payment up front cost. Manager Medaris stated they

have never had a monthly up front payment plan but it could be presented to the Sanitation District to put it into their monthly bill. If everybody did that it would be about \$80,000.00 that the District would have to front.

Art Wilson called the Fremont Sanitation because he is out of town and wanted to express his support for the project. He has received several cease and desist orders for his property and he would like to be able to use his property.

Commissioner Norden asked Manager Medaris if this project differs in any way that you have put it together the way the people would be assets in other projects that you have done in the past to bring concerned areas on to sanitary sewer. Manager Medaris stated that none of the local improvement districts that they have done is different than this one other than in the funding sources. All the funding is coming through CBG or state funding sources. Commissioner Norden stated that all the other people in the improvements districts had to sign contract and come on board the same way.

Commissioner Norden asked Manager Medaris to explain in the documents that were mailed out with reference to the "assessment if any for said improvements may be made in twenty (20) equal annual installments". Is that simply language to say that if they want to pay annually as opposed to monthly assessments? **County Attorney Jackson** stated the statute requires that notices be given to the property owners because theoretically (because of the practical things that are happening with respect to the district) but generally with an improvement district the assessments are paid as part of property taxes. This is not a viable project if this is done that way but the statutory language must be in the notice. So the bold face that says alternatively it is anticipated that this is going to be paid as fee to the sewer district. That is why we put that language in so people will not think it is going to be an assessment on the property tax. Everybody is going to pay the same way to the district if formed and the project goes forward. That is through the monthly assessment of \$45.00. However, this unique kind of district called a Local Improvement District in the statute say what you put in your notice and if it is not in there, than the district is not properly formed. What happens is when the district is formed, the project is completed, and everybody is on board with the Sanitation District with their monthly fee then the district is dissolved. The purpose of forming the district is to secure funding for that area of the County otherwise we are looking at the entire County and we do not want to do that. It is one limited area. We define the area, apply the funding to the area and then we dissolve the district because we are not going to be applying for any more funding. The assessments are not going to be done against property taxes. That type of funding would be with interest and over twenty (20) years that interest gets pretty high. What we are looking at now is a grant of \$1.3 million with no interest. That is free money that does not have to be repaid. The \$2 million dollars is interest free for twenty (20) years. There is not interest attached to this project on a payback. Manager Medaris said if the LID were not formed we would not be eligible for the zero percent loan.

Commissioner Norden inquired if the project moves ahead under the Local Improvement District (LID) and the sewer line is constructed. When and how do they become part of the Sanitation District? Manager Medaris stated once the project is actually under contract and started, we will then start the process of doing an inclusion election. We can only hold this type of election at certain times of the year with requirements for notice, etc. Historically what has ended up happening is that the inclusion election is done after the completion of the project. Commissioner Norden stated it is important that the residents not to ignore the notices because if for some reason the project goes ahead and then vote not to become part of the sanitation district they would end up paying more. Manager Medaris stated yes. Under their rules they would pay twice the amount of the monthly. **Attorney Jackson** stated they don't have a mill levy. Manager Medaris stated no. One of the questions that he has asked, is if they are going to be part of the city and the answer is no. The Sanitation District does not have a tax and they are not able to assess a tax without a vote of the residence within the district.

Commissioner Stiehl inquired about the most recent engineering. Manager Medaris stated that engineering for the North Cañon Project has been an ongoing project for 28 years. Since the study was done in 2006 along with the County, GMS looked at it and they proposed a gravity sewer system in the area. We have continually looked at it because of the cost to put in a standard gravity sewer system in the area is extremely expensive because of the soils that are in the area. Low pressure sewers systems where everyone has a pump and it pumps into a grinder pump into an inch and one half pipe

down to the main which goes down to a gravity sewer later on. The numbers that we are talking about now is a combination of gravity sewer in the areas where it is appropriate and a vacuum sewer system the areas where the gravity might not be appropriate. We are also looking at putting in just a gravity system. The vacuum system has to be maintained and we would have to put people on for the maintenance. We would much rather go with the gravity system if we can make it work reasonably and it would cost less. We will put out bids for both systems and see which one comes in at the best price.

Manager Medaris stated that UCOG has grants available for low interest loans available for septic tank abandonment depending upon the financial need of the individual.

Marvin Bisilof inquired how the sewer lines would be laid in to the homes. Manager Medaris said that each home will have an individual service line. There will be a main line down the street, service lines from a couple of homes will come into a communal box in the street which goes into the main in the center of the street and removed.

Commissioner Stiehl stated that all the lines from the home to the street will be grant money. **Attorney Jackson** stated that the only thing not included in the grant monies is the septic tank abandonment. Mr. Bisilof stated he had two vacant lots and asked if he had to pay for them. Manager Medaris stated if you have vacant lots now and they are going to remain vacant, you will not pay any fees on the vacant lots.

Commissioner Norden asked Manager Medaris to explain what happens if an individual has a vacant lot that they want to build on in two years after the district is formed. Manager Medaris stated the owner would be responsible for system development fee, the service line and what is required for the type of system that is put in. At any place that can be reasonably deduced that it is a buildable lot, we will put in facilities to be able to connect into the system. If it is a forty (40) acre tract will not put anything in because we can't guarantee how that property is going to be developed.

Dana Angel, Chairman of the Fremont Sanitation District Board, stated he wanted to encourage approval of the LID today by the County Commissioners in order that Sanitation District can proceed with the funding that is in place now and get going on this project. The funding could disappear at anytime if we do not commit. Another point he wanted to make is that George Medaris our manager for the district has twenty five (25) years of experience in trying to put this together and he will be retiring in June, 2009. We will lose a lot of experience.

Timothy Harper wanted clarification about the inclusion vote. Manager Medaris stated it is only for the people in the district and not the County. Mr. Harper inquired what the cost for the system was based on. Manager Medaris stated the cost was based on the most expensive gravity vacuum system.

Bill McWilliams inquired why the area above his property was reinstated into the district. Manager Medaris stated because of the number of signatures on contracts that were received from that area. Mr. McWilliams stated his septic system is working and he is opposed. Mr. McWilliams stated the condition of York Street was not good.

Commissioner Norden stated he could honestly say from his stand point in discussing some of the engineering estimates with Larry from the Sanitation District is that the Department of Local Affairs who wants to see this project happen as much as any body would not proceeding with these kind of dollars for a small group/neighborhood. They are serious about seeing this project happen but they also recognize that if for some reason costs escalate they still want to proceed even if one of the first things that has to be trimmed from costs would be asphalt. Let's also be realistic and hope that given the current state of the economy that we get a lot of interest in bidders. If everything goes the way we hope, I would like to think that you will end up with a better street than many of the street is now because of the dollars that are included in the grant for paving. If necessary the County would step forward and do some of the labor in order to stretch those dollars. **Commissioner Lasha** stated that he was doing the right thing now by letting the Commissioners know about his concerns for the streets because we will do everything they can to get that situation taken care of before the project starts.

Manager Medaris address the issue of the additional homeowner that were added. He stated that if a property is within four hundred (400) feet of the sewer system and their septic tank fails they will be forced to extend the sewer to their property.

Ed Miles stated that he is a retiree plumber and he has dug into hundreds of septic systems and you can not believe the contamination that is going into the ground. If you want to

put a price on this in dollars and cents it will increase the value of your property and give you a healthier environment.

Commissioner Stiehl read a letter from Mr. Good who is opposed to the project due to cost and his septic system has not given him trouble.

Commissioner Norden asked Manager Medaris clarify if there are vacant lots that are developed within the next five (5) years after the sewer system goes in and the these houses start paying the monthly charge as well as the \$45.00. What happens then to everybody else's payment in that district? Manager Medaris said the \$45.00 charge would be reduced. The way we calculate the payment is the amount of debt service divided by the number of people paying toward the debt service.

Commissioner Norden stated there is help for septic removal through UAACOG grant or loan depending on the financial need. **Commissioner Lasha** stated that this process was used many time in the Rockvale area improvement district with the problems they experienced there. It was very helpful for the residents to take care of the septic situation. Commissioner Norden said the Board recognizes the difficulty that we have before us for the neighbors. There is a serious public health issue as Mr. Miles just pointed out and you have a number of homeowners that are low income that struggle to get through. If we can take a look at the programs available through UAACOG and even the Department Of Human Services to see if there is any dollars for assistance we might be able to put something together to see a way to make money available to some people that would meet eligibility requirements. Commissioner Norden stated he wanted to address where Mr. McWilliam posed the question if the County might be willing to extend itself on streets if that need be. We do not want to stand in the way if the neighbors want this project to happen, then it finally needs to reach a solution. I think Manager Medaris is the best witness to the problems over the last twenty-five (25) years and every resident and neighbor that has dealt with the stench and the water that has surfaced. Commissioner Norden stated he understands that some people do not have septic problems and you are to be congratulated for that but for the other neighbors and our environmental health inspectors that we have heard from there are some serious health concerns that can't be ignored that we are going to have to deal with.

Commissioner Norden moved approval of **Resolution #64, Series 2008** creating a Local Improvement District within the County to be designated as Fremont County North Cañon Area Sewer Line Extension Local Improvement District #2008-1. Commissioner Stiehl seconded the motion. Commissioner Stiehl stated he understands the difficulty of the low income nature of some households. In a large way the reason we are able to get the grant and no interest loan is because of the low income status of the area and we will work hard to see what assistance we can find for those in need. There is a health issue in North Cañon. At the hearing today I had not made my mind up until I had seen that there were no significant reasonable objections to the formation of the LID. We will do the best we can to mitigate the objections that we have had. Well over fifty percent (50%) of the people have indicated a willingness to form the LID which is strong evidence that it is necessary and wanted there. Commissioner Norden stated that in passing such a resolution we will probably need to make some findings. He recognizes that we have, whether you want to use the fifty-nine percent (59%) of the properties that are signed into contracts or the fifty-two percent (52%) that we have before us today, less that change of ownership, that we do have a recognized majority in favor by having signed contracts and I don't think any of us could have spelled out the public health issue better than Mr. Miles who spoke here this morning. This is a public health issue that this Board has recognized for a number of years. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried.

Commissioner Lasha adjourned the meeting at 11:15 A.M.