

November 13, 2007

1

TWENTY-THIRD MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on November 13, 2007, 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
Larry Lasha	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 Kris Lang, Deputy Clerk.

Richard Gott of In His Name Prison and Jail Ministry 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 stated the scheduling of the Western Fremont Fire Protection District Service Plan Public Hearing would be added under New Business as #9. **Commissioner Lasha** made a motion to approve the Agenda as revised. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

CONSENT AGENDA

Planning and Zoning Director, Bill Giordano advised the Request: SDP 07-002 Biker Town Site Development Plan is scheduled for 10:00 A.M. on December 11, 2007. **Commissioner Stiehl** moved to approve the Consent Agenda as revised.

1. Approval of Minutes, October 23, 2007
2. Approval of Bills November 13, 2007/ \$772,303.04
3. SCHEDULING OF PUBLIC HEARINGS

REQUEST: SDP 07-002 BIKER TOWN SITE DEVELOPMENT PLAN

Request approval of a Site Development Plan, Department file #SDP 07-002 Biker Town Site Development, to allow retail stores, professional offices and a motorcycle repair shop, by Jeff and Lissa Pinello, for their property which is located on the west side of State Highway 115, between 6th and 7th Streets, in the Penrose Area.

4. LIQUOR LICENSES/None

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

ADMINISTRATIVE/INFORMATIONAL

1. Staff/Elected Officials

Pat McFarland, Fremont County Treasurer & Public Trustee, submitted the Quarterly Report for the Public Trustee for July thru September, 2007. She reported they did 810 Full Releases and 22 Partial Releases of Deed of Trust with 80 Commenced Foreclosures. The total money collected was \$35,557.26 less \$8,263.54 expenditures. The beginning balance was \$47,329.50 and the ending balance was \$74,623.22.

Commissioner Lasha moved to approve the County Treasurers Quarterly Report. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

FREMONT COUNTY TREASURER LOST TAX LIEN CERTIFICATE, RESOLUTION #49

Fremont County Treasurer, Patricia McFarland submitted a request on a Lost Tax Lien Certificate No. 7034 *Alan T. and Rebecca C. Knight*, **Resolution #49**.

Commissioner Lasha made a motion to authorize the Fremont County Treasurer to issue duplicate Tax Lien Certificate No. 7034 *Alan T. and Rebecca C. Knight*, **Resolution #49**. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried with the Adoption of **Resolution #49**.

Ms. McFarland announced the County Tax Lien Sale is scheduled at 9:00 A.M. on Thursday, November 15, 2007 in the Lower Level Boardroom of the Fremont County Administration Building. She stated the interest rate is at 15% with an anticipated six-hundred (600) sale parcels.

Norma Hatfield, Fremont County Clerk & Recorder, submitted the Clerk's Report for the month of October 2007. She stated that total revenue earned in the Clerk's Office was \$755,032.10 and that figure was up \$51,916.84 from a year ago. The sales tax collected was \$85,471.74 which was increase of \$9,744.72 from a year ago. Money collected for distribution among the entities was \$428,227.94 and that was an increase of \$13,688.78 from a year ago. Ms. Hatfield addressed Clerk Hire #10-5304 of the Fremont County Clerks Report and reported a financial gain following the State's recent authorization to increase the County's retaining fee for operating the Motor Vehicle Department.

Commissioner Stiehl moved to approve the Clerk's Report for October 2007. Commissioner Lasha seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Lasha, aye; Commissioner Norden, aye. The motion carried.

Commissioner Lasha reported he along with representatives Dick Baker and Walt Giffin of the Fremont County Airport Advisory Board traveled to Denver this weekend to receive the Outstanding Airport Award issued by the Colorado Pilots Association.

Commissioner Stiehl acknowledged the continuing plastic recycling efforts of the Upper Area Council of Governments Recycling Committee. The next scheduled plastic recycling is Saturday, January 19, 2008. He advised mixed plastics with numbers one through seven noted in the triangle will be accepted.

2. Citizens Not Scheduled / None

NEW BUSINESS:

CHANGING THE DATE OF THE BOARD OF COUNTY COMMISSIONERS MEETINGS

Commissioner Norden advised the Board of County Commissioners Meeting would be rescheduled from Tuesday November 27, 2007 to Monday, November 26, 2007 due to Annual Winter Conference of Colorado Counties Incorporated in Colorado Springs initiating commencing the evening of November 26, 2007. The Board of County Commissioner Meeting scheduled on Tuesday, December 25, 2007 will be rescheduled to Friday, December 21, 2007 due to the Holiday. He stated both rescheduled meetings will commence at 9:30 A.M.

Commissioner Stiehl made a motion to approve the rescheduled Board of County Commissioner Meetings as proposed. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Stiehl, aye; Commissioner Lasha, aye; Commissioner Norden, aye. The motion carried.

REPORT FROM FREMONT SANITATION DISTRICT MANAGER GEORGE MEDARIS ON THE STATUS OF THE NORTH CAÑON SANITARY SEWER PROJECT

George Medaris, Fremont County Sanitation District Manager submitted a Sewer Improvement System Study Report for the North Canon Area. He stated a soil survey indicated the soils in the area are not conducive with construction and septic tank installation and proposed a vacuum system. He explained a vacuum pump station would be installed at a central location and sewage from each home would drain by gravity to a central vacuum station. From there it will be pumped into the normal gravity sewer system. Mr. Medaris reported they now have the minimal number of homes to make the system cost effective. He outlined the North Canon Area 3 Sewer Improvement Cost Projection. He advised the total figure of \$2,949,417.09 is considerably higher than the preliminary engineering proposal. He remarked the difference was the result of an inaccurate number of homes calculated in the original proposal and the lack of any soil survey sampling. He remarked the initial proposal was based on a lesser number of homes and suitable construction soil for sewage disposal. He advised they had secured a \$600,000 grant from the Department of Local Affairs and presented a table of estimated costs using the Rural Development Loan/Grant Program and Colorado Water Power Development Authority Loan Program. He reported a detailed review and comparison reveals the RD Program would be financially feasible however applications would be submitted to both agencies. Mr. Medaris estimated the final proposal could come before the Board in February or March of 2008 with a tentative construction start in June of 2008.

The Board of County Commissioners expressed appreciation and thanks to Mr. Medaris for all his efforts and accomplishments on this project.

CRIPPLE CREEK AND VICTOR GOLD MINE \$25,000 MATCHING GRANT PRESENTATION

Finance Director, Dana Angel advised the total project will cost the county almost \$290,000 and expressed appreciation for the \$25,000 matching grant from Cripple Creek and Victor Gold Mine. The remaining funds are secure with a mineral impact grant of \$200,000 through the Colorado Department of Local Affairs and the remaining \$65,000 will come from the road and bridge reserves.

Commissioner Norden said when he attended a conference on matching funds recently, it helped for them to know the county has support from the business in the area. He stated they were impressed that the Cripple Creek and Victor Gold Mine were on board for this particular project because the Mineral Impact board has a connection with the business end of it.

Commissioner Stiehl advised the grant will be used to construct four (4) salt and sand sheds and will allow the county to purchase salt and sand during favorable market times and also prevent soil and ground water contamination.

Jane Mannon, Manager of Community Affairs introduced **Larry Newcomer** who has recently been appointed as General Manager. Ms. Mannon said they were glad to be able to participate in the Impact Grant. She presented a \$25,000 matching grant to the Board of County Commissioners.

PUBLIC HEARING
FREMONT COUNTY BUDGET YEAR 2008
NOVEMBER 13, 2007 10:00 A.M.

Finance Director, Dana Angel submitted the proposed Budget for Fremont County Year 2008. He submitted and outlined a prepared Budget Message.

- A. The proposed 2008 Budget, as presented today, DOES NOT include the additional property tax revenue that will be realized for Fremont County local government in the 2008 budget year as a result of passage of Ballot Issue 1 B by the voters on November 6, 2007. The additional property tax revenue estimated to be received is \$487,383 for 2008. It is anticipated that \$250,000 will be earmarked immediately for the 2008 Road and Bridge Fund to assist funding of the projected shortage from the various road district requests for 2008 of \$367,295. The use, or reserve, of the remainder of the additional funds will be discussed by the Board of County Commissioners prior to Budget adoption scheduled for December 11, 2007
- B. Total County proposed spending for 2008 is \$27,311,721, an increase of 4.5% from estimated 2007 spending of \$26,135,903. The total increase of \$1,175,818 is mainly attributed to the Sheriffs Fund and the Department of Human Services Fund. Sheriffs Fund expenditures are proposed to increase \$654,089 as a result of opening the new 96 bed jail and the related costs to operate it. DHS anticipates 2008 increased costs for Child Welfare, Long-Term Care and TANF costs in the amount of \$815,299. The 4.5% increase for 2008 is a decrease of 2.3% from the original 6.8% as proposed on October 23, 2007.
- C. The Sheriffs Fund reflects a deficit of \$54,113 at 2007 year-end which will be changed prior to budget adoption. It is now anticipated that inmate medical costs will not reach 100% as originally estimated and reflected in the budget documents. This is the result of adjustments that will occur prior to 12/31/07 as a result of Medicare charges versus standard charges for inmate medical that had occurred in 2006. The General Fund transfer to the Sheriffs Fund for 2008 has been frozen at the 2007 level of \$3,939,852. The Airport Fund revenue from property taxes has also been frozen for 2008 at the 2007 level of \$134,016. The mill levy has been reduced for 2008 to .312 mills in comparison to .359 in 2007.
- D. The Capital Expenditures Fund reflects a decrease of \$200,000 of property tax revenue for 2008 as a result of an offset of \$200,000 in revenue from the anticipated sale of real property. The property is Lot 39 of the Airport industrial park. It is anticipated that new heavy equipment acquisition for 2008 will be delayed if the sale does not occur.
- E. Salary compensation to employees are proposed to increase in 2008 in varied rates as a result of a salary survey performed during 2007. Minimum market rates as well as compensation for years of service to Fremont County employees in excess of 5 years are proposed to be made to those employees that require the adjustments as a result of the study. Minimum compensation adjustment will be 1.5%. Total costs by Fund are as follows: General Fund 4.00% \$105,452; Road and Bridge Fund 2.88% \$33,220; Sheriffs Fund 4.83% \$112,661; DHS 2.71% \$96,427.
- F. Sales and use tax revenue are projected to increase 3.5% in 2008 from estimated 2007 collections. Total 2008 collections are estimated to be \$5,275,705. Collections for 2007 are estimated to be \$5,097,300, an increase of \$116,344, or 2.3%, over actual 2006 collections of \$4,981,166.
- G. General Fund reserves are anticipated to be \$601,862 at December 31, 2008. This amount is equal to 5.62% of 2008 anticipated spending of \$10,710,418. The goal is to build the General Fund reserve to \$1 million dollars by January 1, 2010. This will be approximately 10% of annual spending. As spending increases, it will be necessary to increase the reserves (fund balance) proportionately to maintain the 10% level. All other special revenue funds are adequately funded for their special purposes in 2008 with consideration to adequate reserve balances for normal business activity.

Commissioner Norden said the Board will consider where to invest and spend the extra dollars as a result of the tax excess provided in 1B before the budget is adopted. He remarked that if 1B had not passed, the county would have had to cut an additional \$250,000 from the road and bridge budget.

Commissioner Stiehl said despite the proposed increase for the sheriff's and human services fund and county pay increases; expenditures have been decreased and he complimented all the departments on their efforts to reduce spending. He advised salaries will increase to varied rates in different departments resulting from the professional salary survey. He commented it is a general policy that the Board do not impose any fee or salary increases without the completion of a thorough professional study.

Commissioner Lasha thanked the public for voting for 1B and said this is the first time in several years that it will be possible to get caught up on road and bridge construction.

Commissioner Norden asked anyone wishing to speak for or against to come forward.

Cy Oenbring, Steven Road Resident expressed concern regarding the detrimental effect on the area roads if the Hanson uranium mine reopens and asked if the Board had considered road repair in the budget.

Commissioner Norden replied that any mining company opening or reopening would be required to submit an application for a conditional use permit. The application addresses traffic impact of the area. He stated that the county has not received an application for the reopening of the Hanson uranium mine. He advised Mr. Oenbring that a public hearing would be a requirement of the CUP and assured him the opportunity to share his concerns at that time. Commissioner Norden said due to the unknown road impact it would be difficult to budget road maintenance at this time.

Commissioner Norden closed the Public Hearing and returned to Regular Session.

Commissioner Norden stated the 2008 Budget is scheduled for consideration and adoption on the December 11, 2008 BOCC meeting. He advised that not only with the final decisions and adjustments be presented on potential spending but will also have a better idea of the actual revenues from 1 B and property tax revenues based on the certified evaluations the assessors office will complete by December 10, 2007.

NEW BUSINESS (CONTINUED)

RESOLUTION # 50 TRANSFER PROPERTIES FROM THE JOHN C. FREMONT LIBRARY DISTRICT TO THE PENROSE LIBRARY DISTRICT.

Fremont County Attorney, Brenda Jackson explained it has come to the attention of the Board of Directors for each library district that certain residents whose properties are located within the boundaries of *John C. Fremont Library District* are currently served by the *Penrose Library District*. The owners of the affected properties have presented a petition to each library district, requesting permission for exclusion from the *John C. Fremont Library District* and inclusion into the *Penrose Library District*. Ms. Jackson reported throughout the year her office has received petition requests from property owners. **Resolution #50** is the cumulative affect of the submitted petitions. She advised the petitions will be submitted at the year end for accuracy on the following years tax rolls and election district.

Commissioner Lasha made a motion to approve **Resolution #50** approving the exclusion of properties from John C. Fremont Library District and the inclusion of the same properties in the Penrose Library District. The motion was seconded by Commissioner

Stiehl. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried with the Adoption of **Resolution #50**.

RESOLUTION #51 AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE THE COVENANT AND AGREEMENT AS TO THE USE OF WATER RIGHT AND DRY UP OF HISTORICALLY IRRIGATED PROPERTY AT PATHFINDER PARK.

Commissioner Norden stated he secured the services of County Surveyor, Matt Koch to review the legal description and language of the proposed agreement. Following Mr. Koch's approval Resolution #51 was prepared.

Commissioner Lasha made a motion to approve **Resolution #51** authorizing the Chairman of the Board of County Commissioners to Execute the Covenants and Agreement. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried with the **Adoption of Resolution #51**.

REQUEST TRANSFER OF SRU 02-002 ARKANSAS RIVER TOURS

Planning and Zoning Director, Bill Giordano explained they were requesting approval of the transfer of Special Review Use Permit, Department file #SRU 02-002 Arkansas River Tours, by Robert A. Hamel, from Reed K. Dils and Karen K. Dils to Robert A. Hamel, LLC. The existing SRU is to allow seasonal employee housing (to consist of six (6) sites for tents or trailer spaces). The property is *located approximately 1/3 mile west of the intersection of U. S. Highway 50 and County Road #12, on the north side of U.S. Highway 10, in the Cotopaxi Area.* He reported the appropriate transfer paperwork has been received, reviewed and authorized.

Commissioner Stiehl made a motion to approve the Transfer of SRU 02-002 Arkansas River Tours. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Stiehl, aye; Commissioner Lasha, aye; Commissioner Norden, aye. The motion carried.

REQUEST REVOCATION OF SRU 98-011 TALLAHASSEE SHOP

Planning and Zoning Director, Bill Giordano explained after reconsideration and review they were requesting an indefinite cessation of the Special Review Use Permit for File #SRU 98-011 Tallahassee Shop. A cessation would preserve the usage in the future if necessary. The existing Special Review Use Permit was issued to allow for the housing of a wild lands fire facility. The fire truck previously housed at the shop has been moved to the Tallahassee Fire Department. The Tallahassee Shop no longer houses any equipment for fighting wild lands fires.

Commissioner Lasha made a motion to approve the indefinite cessation of the Special Review Use Permit SRU 98-011 Tallahassee Shop. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

REQUEST RESCISSION OF SRU 00-003 I.O.O.F. INDIAN WELLS PARK

Planning and Zoning Director, Bill Giordano stated the department is requesting approval to rescind the Special Review Use Permit, for file #SRU 00-003 I.O.O.F. Indian Wells Park. The existing Special Review Use Permit was issued for the operation of a neighborhood park, (to include a game field, volleyball court, horseshoe pit, disc golf course, and playground and toilet facilities). A condition of this permit is to show proof of adequate sewage disposal prior to operation. In the seven years since approval of the permit, adequate sewage disposal has not been installed, and the park has not been operational. The property is zoned Agricultural Rural and contains approximately 17.0 acres. If the permit is rescinded, the property will be subject to the uses as outlined in the

November 13, 2007

7

Agricultural Rural Zone District. Mr. Giordano explained that I.O.O.F. agency has not been able to finance or insure the project and have requested the rescission.

Commissioner Norden made a motion to approve the Rescission of SRU 03-003 I.O.O.F. Indian Wells Park. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried.

SCHEDULE A HEARING FOR THE WESTERN FREMONT FIRE PROTECTION DISTRICT

Commissioner Norden advised the proposed service plan was hand delivered to the County Clerk's office on November 2, 2007 and forwarded to the Board this date. The organizers (especially Coaldale residents) are interested in advancing the movement of this plan so they can more form and develop a new and independent fire district separate from the Deer Mount Fire Protection District. Members of Deer Mountain Fire Protection District requested to be on record in support of the proposed service plan.

Fremont County Attorney, Brenda Jackson advised the organizers were required to submit the service plan no less than 10 days before the next regular BOCC meeting and that is why it is on today's agenda. She said the Clerk is required to notify the Division of Local Affairs of the filing of the plan within five days. The Board will set a public hearing within thirty days from today's date. The petitioner is required to notify every property owners within the boundaries of the proposed district notifying them of the public hearing date and pay a filing fee of no more than \$500 to be determined by the Board. Following the public hearing date, the Board has twenty days to provide a written decision on the service plan.

Commissioner Norden thanked the County Attorney for reviewing Statues so quickly and advising the Board on the appropriate actions.

Commissioner Lasha made a motion to schedule the Public Hearing for the Western Fremont County Protection District at 10:00 A.M. on December 11, 2007 with a filing and processing fee of \$250.00. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

Commissioner Norden adjourned the Meeting at 11:00 A.M.

County Clerk

November 13, 2007