

DECEMBER 9, 2008

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## TWENTY THIRD MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on December 9, 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 Morgan Kerr from the First Southern Baptist 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 Item #1 under New Business to the Consent Agenda, Liquor License for the VFW Penrose Post. All the paper work is in order for that to be on the Consent Agenda. Commissioner Norden moved for approval of the Agenda. 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 with the addition of the liquor license approval. Commissioner Norden seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Lasha, aye. The motion carried.

1. Approval of Minutes November 12, 2008
2. Approval of Bills December 9, 2008 / \$
3. V F W Penrose Post #2788  
402 Broadway  
Penrose, CO 81240-9025  
Tavern Liquor License Renewal - Malt, Vinous and Spirituous
4. SCHEDULE PUBLIC HEARINGS - NONE

### ADMINISTRATIVE / INFORMATIONAL

1. Staff / Elected Officials

**Norma Hatfield, Fremont County Clerk & Recorder** submitted the Clerk's Report and stated that the revenues earned in the Clerk's Office for the month of November, 2008 was \$495,518.45 which is \$93,534.79 less than a year ago. County Sales Tax collected was \$49,295.48 which is \$13,201.77 less than a year ago. Overall what goes to the County for distribution to the entities was \$285,396.83 which was \$63,953.19 less than a year ago.

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

**Commissioner Stiehl** stated that there will be a plastic recycling day this Saturday, November 13<sup>th</sup> from 9:00 A.M. to 12:00 P.M. at the Cañon City Works on South 9<sup>th</sup> Street. This will be the last one for the foreseeable future. Plastic as a commodity has dropped precipitously and we have run out of storage. The price has fallen from \$0.14 per pound that we were receiving in 2006 to \$0.3-1/2 per pound this last August, 2008.

Commissioner Stiehl stated Betty Hanawalt for the month of October initiated new claims for veteran in Fremont County totally almost \$5,500.00.

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Commissioner Stiehl announced that Social Security Disability Survivors Benefits cost of living adjustment will be 5.8% and goes into effect December, 2008. The military pay raise was 3.9% and retirees will see the same increase in January, 2009.

**Commissioner Norden** stated that regarding the Veteran's Service Office, Betty Hanawalt is still taking orders for engraving more bricks for the Veteran's Memorial Wall. This is the second year that she has conducted a holiday campaign. We need a minimum of fifty (50) orders at \$50.00 a piece to engrave the bricks.

2. Citizens not scheduled – None

### **OLD BUSINESS – NONE**

### **NEW BUSINESS**

#### **AUTHORIZE CHAIRMAN TO SIGN AGREEMENT BETWEEN FREMONT COUNTY AND THE FREMONT SCHOOLS FACILITIES CORPORATION BOARD OF DIRECTORS – OLD HARRISON SCHOOL REMODEL PROJECT (ECHO PROJECT)**

**Commissioner Lasha** stated that there are no county dollars involved in this. It is a sponsorship and pass through.

**Commissioner Norden** moved to authorize the chairman to sign the agreement between Fremont County and the Fremont Schools Facilities Corporation for the remodeling project at the old Harrison School for Project ECHO here in Cañon City. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried.

#### **ACS CONTRACT / 2009-2010**

**Finance Director Dana Angel** said that this is a renewal for both computer hardware and software services for the offices of the County Assessor, County Treasurer and Finance Office. The contract has been reviewed by County Attorney Jackson, County Assessor and County Treasurer. **County Attorney Jackson** stated the contract needs Amendment 54 because it is a sole source contract in excess of \$100,000.00 so the motion needs to be made subject to the amendment. Finance Director Angel stated this is a three (3) year contract.

**Commissioner Norden** moved to grant Board approval to the renewal of the ACS Contract for 2009, 2010 and 2011 including the language of Amendment 54. Commissioner Lasha seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

#### **FREMONT COUNTY ASSESSOR STACEY SEIFERT / ABATEMENTS**

**County Assessor Seifert** stated that the abatement is for Mountain Vale Memorial Park LLC. It is the Mountain

Vale Cemetery off of Piñon Street. This should have been partially exempt for a number of years but we are only allowed to go back two (2) years. Assessor Seifert stated that this is a "for profit cemetery" and I have attached the specific statute for that. When the plots are used or sold they have no further value. The abatement is for 2006 and 2007. The tax dollars involved for 2006 is \$1,804.71 and for 2007 \$1,763.10.

**Commissioner Stiehl** moved to approve the abatement for refund of taxes for Mountain Vale Memorial Park LLC, Parcel Number 190-04-350 in the tax amounts of \$1,804.71 for 2006 and \$1,763.10 for 2007 as **Resolution 66, Series 2008**. Commissioner Norden seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Lasha, aye. The motion carried.

#### **RESOLUTION #67, SERIES 2008 SUMMARIZING EXPENDITURES FOR EACH FUND AND ADOPTING A BUDGET FOR THE COUNTY OF FREMONT 2009, BEGINNING ON THE FIRST DAY OF JANUARY 2009 AND ENDING ON THE LAST DAY OF DECEMBER 2009.**

**Finance Director Dana Angel** stated that the Preliminary Budget as it stands now versus our hearing of November 25, 2008 Budget is now approximately \$700,000.00 less in

spending. A big portion of the reduction is in the Sheriff's Department. Revenue estimates were lowered for jail housing. This will require spending cuts in the Sheriff's Department in the approximate amount of \$500,000.00. Also in the November 25<sup>th</sup> Hearing the budget did include COLA. A possible Cost of Living Allowance to employees. At this time we have cut that out of the budget and have decided to review that either at the end of March or June for consideration again.

**Commissioner Norden** moved for **Resolution 67, Series 2008** for adoption of the 2009 Budget. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried.

**Commissioners Norden** stated he has prepared comments on the Budget for some of the problems they have been through. He said that it is a Budget that went through some changes in final minutes of preparation last Friday and hopefully if we get some good news in the first quarter of 2009 it would still allow us to make some additional changes in the New Year. Like lots of other local and state government budgets the 2009 Fremont County Budget is one that reflects the uncertainties of today's economy. Among the negative impacts that we have experienced in 2008 that effect both our current year budget and our 2009 budget is that of sales and use taxes. It is estimated that Fremont County will close out 2008 some \$393,000.00 below sales and use tax collections than what we had budgeted. To be prudent Director Angel budgeted 2009 sales and use taxes at the same level that we would probably collect for 2008 but it is anyone's guess whether sales tax revenue will continue to decline or start recovering. In recent days he has heard predictions from other counties, cities and even some of the local business who believe it may continue to trend downward before we start seeing recovery. The gain that Fremont County saw in 2008 from \$427,000,000.00 that we were able to get in property tax revenue under the Tabor Time Out that the voters approved will be mostly wiped out this year by those reductions in sales tax revenues. Those declines along with less than anticipated revenues at the County Jail are once again cutting into our General Fund Reserves. The Sheriff shared some of his concerns in a newspaper article over the weekend as he is taking some steps to try to cut costs these final weeks to balance his 2008 budget. The Commissioners and the Sheriff knew that is was a lofty goal to try to generate \$980,000.00 in revenues from leasing beds in the new 96 bed jail addition this past year but based on information that we had to lease bed space to other counties due to back logged state inmates along with federal immigrant detainees from ICE, we believed that number could be achieved. In fact it appears that we will probably close out this year with less than 50% of that jail bed revenue realized or under \$500,000.00. That is what Director Angel has commented on some of the adjustments that this final document has in revenues that we estimate for jail revenue in 2009. Reducing jail bed revenues reduces some of the food and medical costs as well that were budgeted. To the Sheriffs credit his department has achieved some costs savings in some other 2008 budget line items. The budget that we have before us today reflects an additional transfer from General Fund Reserves for 2008 for an extra \$118,000.00 into the Sheriff's Budget. As a result a cost of living pay raise we had hoped we have in the budget is suggested for postponement in this resolution until we get a clearer picture of the final 2008 spending and prospects for revenues in the early months of 2009. This year 2008 the Commissioners put into place a longevity pay plan that rewards employees with over five (5) years of service with the County. This 2009 Budget reflects renewed funding for longevity pay. We are hopeful that if we can reap some positive news in the coming months we will still be able to adopt a cost of living pay increase for all employees by the middle of 2009 or earlier.

Some of the positive budget news that we have in 2009 include the fact that the Federal payment in lieu of taxes program (PILT) will be fully funded at one hundred percent (100%) by the Federal Government for the first time in years. That will add over \$300,000.00 more in 2009 plus we will collect \$386,000.00 in more money that is being back billed to get us to one hundred percent (100%) for 2008. If we have a good carry over and perhaps start seeing some positive stabilizing of sales tax collections and if the new Federal ICE facility north of Florence opens and generates more jail bed revenue for the Sheriff we will hopefully be in a position to make some budget amendments that will not only benefit all county employees but hopefully prevent any possible job layoffs.

**Commissioner Lasha** stated he appreciated Commissioner Norden's comments and that his overview pretty well summarizes the many meetings and struggles that the

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Commissioners have had to come up to the budget that we have now. Hopefully 2009 and closing out 2008 will bring some good news.

**Commissioner Stiehl** stated it has been a lengthy process and lot of items to consider. The cost of living increase that we have strived to give to our county employees historically we have made the adjustment in January. Our moving of the potential pay increase to July is prudent for the future and is a good precedent to set. It takes through the month of February to receive all the invoices for goods and services that were delivered to the County during the previous calendar year. February is the first time we really know what our results could be for the previous year but we are required by law to adopt the budget in December. We have made a pledge that we would dedicate the Tabor Time Out monies to Road and Bridge improvements in future years. The commitment to Road and Bridge is included in 2009 Budget.

**RESOLUTION #68, SERIES 2008 LEVYING GENERAL PROPERTY TAXES FOR THE YEAR OF 2008, TO HELP DEFRAY THE COSTS OF GOVERNMENT FOR THE COUNTY OF FREMONT, COLORADO, FOR THE 2009 BUDGET YEAR ENDING DECEMBER 31, 2008**

**Finance Director Dana Angel** stated this resolution is levying the mill levy by fund that the County will be required to arrive at the revenues by fund. The bottom line mill levy of 12.359 mills is pursuant to our question that was approved in November, 2007 to stay at 12.294 but by law we were also able recover our refunds and abatements which adds the \$65,000.00 to the mill difference. The mill levy would be 12.359 and from that derives the revenue that is described by fund above that. The certification by the Assessor is required to be presented to the Board by December 10<sup>th</sup>. The assessed value went down approximately \$3,000,000.00. The total evaluation is \$433,619,093.00. At the same time refunds and abatements went up from what was indicated in August and we are allowed to recover those. **Commissioner Norden** inquired if the mill levy that the Board would be certifying in Resolution #68 needs to be adjusted to produce the same dollars on a lower evaluation? Director Angel stated that mill levy will stay as it is but the dollars will change by about \$37,000.00. The changes will take place in every fund that the mill levy is indicated. We basically froze the mill levies at last years rate to the funds and whatever they produce by the increase or decrease in assessed value is the number we use for revenue.

**Commissioner Norden** moved to approve **Resolution #68, Series 2008**, resolution levying property taxes for the year 2008 for the 2009 Budget year. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried.

**RESOLUTION #69, SERIES 2008 APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNTS AND FOR THE PURPOSES SET FORTH BELOW OF THE COUNTY OF FREMONT, COLORADO, FOR THE 2009 BUDGET YEAR ENDING DECEMBER 31, 2009**

**Finance Director Dana Angel** stated the numbers are the same numbers that were adopted in Resolution #67. This appropriates the money to various funds for spending purposes. This is another resolution required by statute.

**Commissioner Stiehl** moved to approve **Resolution #69, Series 2008** appropriating sums of money to the various funds of the County for the budget year 2009. 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.

**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. The property contains 3 barns (a 40' x 51', a 62' x 90' and a 43' x 59' barn which lies over the southerly property line by approximately 24') a round grain silo, a rectangular building which contains three grain silos and a 16' x 20' shed. The property to be rezoned consists of 13 full tracts and portions of 3 tracts located in the Beaver Land & Irrigation Company's Plat No. 3. The property contains 143.21 acres. The applicant proposes to vacate and or adjust the tract lines and platted rights-of-way and will create one large parcel or parcels of 35 acres or larger.

REPRESENTATIVE: Ron Walker, Owner and Representative

**Ron Walker** stated they have a piece of property on 143 acres that was originally was plated with the Beaver Park ten (10) acre tracts. It adjoins his Ag Forestry property to the south and the Top Rail Ranch which has all been subdivided. The ZC is to put all of his property into Ag Forestry. We also have a vacation of the roads and the lot line adjustment in order to comply with Ag Forestry zone district of a thirty five (35) acre minimum.

**Planning and Zoning Director Bill Giordano** stated the posting of the property, notification of the publication has been completed in accordance with regulation. This application is decreasing the density. Also in conjunction with this application Mr. Walker did note that there would be vacation of the rights-of-ways and there is also is a submitted lot line adjustment that is taking place at this time. The Planning Commission did recommend unanimous approval. The only contingency that they had was lot line adjustment. We do know now that the property will be going from fourteen (14) lots or fifteen if you include the big parcel into two (2) lots. The Planning Commission did grant waivers of the traffic study because this is going down in density. We will prepare the resolution for the next Board meeting to approving the zone change. The vacation will also require a resolution which will be prepared for the same meeting.

**Commissioner Lasha** closed the Public Hearing and returned to regular session.

**Commissioner Stiehl** moved to approve the request for ZC-08-06 RE & AM Zone Change with the contingencies of the lot line adjustment #1 recognized by the Planning Commission be continued with the justification that the proposed zone change would be in conformance with the Master Plan and findings that there will not be any effect on existing traffic and the proposed development will be in harmony and compatible with the surrounding land uses and development in the area. **Resolution #70, Series 2008.** Commissioner Norden seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Lasha, aye. The motion carried.

**RECOMMENDED CONTINGENCIES:**

The approval recommendation is made contingent upon, at a minimum, the following items being provided to the Department, by the applicant, within six (6) months (*no extensions except through regulatory process*) after approval of the application by the Board of County Commissioners:

1. Approval of a lot line adjustment and or vacation of interior lot lines and rights-of-way so as to create a minimum of 35 or larger acre parcel(s).

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

**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.**

**Stephanie Freeman** requested approval for the use of 2009 and 2010 Community Service Block Grant Funds to be used toward emergency services in Fremont County which includes rent, utilities, various transportation, and personal hygiene to be used toward applicants who apply for emergency services via UAACOG. We are looking at receiving \$31,000.00 granted to the Fremont County Emergency Services Fund. **Commissioner Lasha** asked how many people did they service last year and an idea of the dollar amount the recipients did receive. Ms. Freeman stated clients receive up to an amount of \$300.00 and they have helped about 145 clients.

**Commissioner Lasha** closed the Public Hearing and returned to regular session.

**REQUEST: TRANSFER OF SRU 99-4 PIERCE KENNEL**

**Request for transfer of Special Review Use Permit, Department file #SRU 99-4 Pierce Kennel**, from Robert W. Pierce, to Sandra K. Klotz and Samantha Klotz. The existing SRU is to allow a private kennel operation, which will allow the housing of up to 16 dogs, the breeding and training of dogs on property owned by Sandra K. Klotz and Samantha Klotz. This property is located at the northwest corner of U.S. Highway 50 and R Street, in the Beaver Park Area.

REPRESENTATIVE: Sandra K. Klotz and Samantha Klotz

**Planning and Zoning Director Bill Giordano** stated the Koltz's have provided a letter request the transfer of kennel. They train all sizes of dogs and are limited to sixteen. In their letter they stated that they would accept the responsibilities of the SRU. Director Giordano stated that the kennel has been in existence since 1999 and there has never been a complaint.

**Commissioner Norden** moved for approval of the transfer of SRU 99-4 Pierce Kennel license to Sandra and Samantha Klotz. Commission Stiehl seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried.

**REQUEST: WAIVER OF THE APPLICATION PROCESS FOR VACATION OF PUBLIC RIGHT-OF-WAY**

Request approval of a waiver **of the application process for vacation of public right-of-way**, by Ronald E. Walker and Alidra M. Walker. The request is to vacate by resolution the South 25' of 18th Street lying Easterly of R Street and West of V Street; the North 25' of 19th Street lying Easterly of U.S. Highway 50 and West of V Street; the West 25' of V Street between current 18th and 19th Streets; all of S Street, T Street, and U Street between the current 18th and 19th Streets, in the Beaver Park Area. None of the rights-of-way have been opened or are developed.

REPRESENTATIVE: George Hall, Crown Point Land Services

**Ron Walker** stated that with the zone change the north half of 18<sup>th</sup> Street has already been vacated for Top Rail Ranch Estates so there is only a twenty five foot (25') easement there. 19<sup>th</sup> Street dead ends into Highway 50 without an access from Highway 50. The S, T, U and B Street all fit into the subdivision already and have been vacated. This will get them into compliance with contingency for the AZ -8006 RE & AM Zone Change.

**Planning and Zoning Director Bill Giordano** stated that we don't usually go through a resolution process only for vacation of rights-of-way. What is unique about this is that it is all one property owner and none of the roads have ever been developed. Director Giordano noted that there is property that Holcim owns to the north and west of this property are also Beaver Park Tracts. There have been a couple of things done in the Top Rail Subdivision all though they have not made the final submittal on the last filing. In the approval of the preliminary plan there was an agreement that they would provide Holcim access through Top Rail all though obviously Holcim would never want to use that accesses for any of the mining that they propose in the area. He talked with Jason Morin, Plant Manager at Holcim. Mr. Morin stated after looking at the maps that he had no problem and that they would have access from the highway for any future mining. Our County Road Foreman Gary Weirton sent an e-mail that he is in agreement also that there would be no impact by this vacation. All the lots that Mr. Jenkins owns that are adjacent

to this in Top Rail do have access from Top Notch Trail. We would have double fronted lots without the vacation and I prefer that these do get vacated. 19<sup>th</sup> Street was only a half of rights-of-way vacation of twenty-five feet (25') because that is the southern most extreme of the Beaver Park Subdivision when they platted that in the nineteen hundreds so that vacation has taken place. B Street from between 18<sup>th</sup> and 19<sup>th</sup> actually is a total fifty foot (50') rights-of-way and the west side will be vacated only. The continuation of B Street all the way across the Holcim property will still be twenty-five feet (25'). **Commissioner Stiehl** inquired if this actually is asking for the vacation of the rights-of-way. Director Giordano stated yes. They do not have this type of a process. The regulations just require that you go through the entire notification. When this has happened is when the County vacates a road to just relocate it and that is done by resolution. There is one property owner and all the accesses are covered.

**Commissioner Stiehl** moved to approve **Resolution #71, Series 2008** waiving the application process and approving the vacation of public rights-of-way. Commissioner Norden seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Lasha, aye. The motion carried.

**Commissioner Lasha** adjourned the meeting at 10:25 A.M.

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County Clerk