

December 12, 2006

1

### THIRTY-FIRST MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on December 12, 2006, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Michael Stiehl called the meeting to order at 9:30 A.M.

Michael J. Stiehl	Commissioner	Present
Edward H. Norden	Commissioner	Present
Larry Lasha	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.

**Commissioner Stiehl** asked for a Moment of Silence for the men and women in the Military.

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

#### APPROVAL OF AGENDA

**Commissioner Lasha** made a motion to approve the Agenda. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

#### CONSENT AGENDA

**Commissioner Norden** moved to approve the Consent Agenda.

1. Approval of Minutes November 21, 2006 10:00 A.M. & 6:00 P.M. and November 27, 2006.
2. Approval of Bills, December 12, 2006 \$1,688,773.61
3. LIQUOR LICENSES – None
4. **SCHEDULING OF PUBLIC HEARING FOR JANUARY 9, 2007:**  
Request approval of a Conditional Use Permit, Department File # **CUP 06-003 Northfield Coal Mine, to operate an underground coal mine and processing facility**, by Northfield Partners, LLC, for property which is located *approximately 0.5 miles west of intersection of County Road 11A and County Road #79, on the north side of County Road #79 in the Williamsburg Area.*

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

#### ADMINISTRATIVE/INFORMATIONAL

1. Staff/Elected Officials

**Norma Hatfield, Fremont County Clerk & Recorder**, submitted the Clerk's Report for the month of November. She stated that total revenue earned in the Clerk's Office was \$580,820.18 and that figure was down \$19,619.44 from a year ago. The sales tax collected was \$61,822.40, which was up \$2,512.26 from a year ago. Money collected for distribution among the entities was \$ 329,426.31 and that was a decrease of \$ 23,178.14 from a year ago. **Commissioner Norden** moved to approve the Clerk's Report for November 2006. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

**Bill Giordano, Planning and Zoning Director** announced starting December 18, 2006 the public office hours of the Planning and Zoning Department would be revised. He stated the department would be open to the public from 8:30 A.M. to 2:00 P.M. Monday through Friday. Mr. Giordano explained due to the budget constraints the department is presently functioning with one office assistant. The department will continue to be staffed eight hours a day, however, the revised schedule will provide the uninterrupted time necessary to prepare minutes, correspondence and complete time consuming responsibilities. He commented the department would continue to provide the same services; however there may be a delay in processing time due to the budget restraints.

**Commissioner Lasha commented** that paving would begin on the CR 95 Bridge this week. He thanked the citizens of Coal Creek, Rockville, and Williamsburg that travel CR 95 for their patience and support of the construction.

**Commissioner Norden** noted on December 13, 2006 at 6:00 P.M. Room 207 the Board of Commissioners will meet with the Planning Commission regarding the 8.3 and Site Developments Plans. The legislative affairs meeting with area State Legislators to discuss 2007 priorities is scheduled December 14, 2006 at 2:00 P.M. Room 207 of the Fremont County Administration Building.

2. Citizens Not Scheduled. There were none.

#### **OLD BUSINESS:**

#### **REQUEST: SRU 06-003 SEUFER TREE FARM CORRECTION TO RESOLUTION NO. 37, SERIES OF 2006.**

Request approval of corrections to **Resolution No. 37**, Series of 2006, originally adopted on May 23, 2006: The correction is to change the file number from SRU 05-003 to SRU 06-003 in the Resolution Title, in the second paragraph of the Resolution, and in the footer on all three pages. In addition the adoption date will change from May 23, 2006 to December 12, 2006.

**Bill Giordano, Planning and Zoning Director** stated per the request of the County Clerk and Records Office **Resolution No. 37** required correction of the file number from SRU 05-003 to SRU 06-003 in the Resolution Title, in the second paragraph of the Resolution, and in the footer on all three pages. **Commissioner Lasha** moved to approve the corrected **Resolution No. 37** SRU 06-003. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

#### **NEW BUSINESS:**

#### **RECOGNITION OF DONNA HOLLOWAY, DEPARTMENT OF HUMAN SERVICES, FOR THIRTY YEARS OF SERVICE.**

**Steve Clifton, Director** stated that Child Welfare Supervisor, Donna Holloway was an asset to the department. He commended her assistance, support and resourcefulness that benefited the staff and department. She participates in many community committees and organizations both as a representative of this agency and as a private citizen. Commissioner Stiehl read the 2003 recognition of Donna Holloway as the Employee of the Year. The Commissioners with their appreciation presented her with a Fremont County globe.

**Commander Bryce Nelson** stated three Civil Air Patrol Cadets were recognized with Lifesaving Awards for their assistance in the search and rescue of Evan Thompson a missing boy last Memorial Day weekend. He remarked the cadets had spent long, cold and many dirty hours becoming ground search and rescue qualified. **Commander Bryce Nelson** and the Commissioners congratulated and awarded **Civil Air Patrol Cadet Kramer Heckart, Harley Baker and Jon Remillard.**

**CHRISTY LINDSEY/PENROSE LIBRARY PRESENTATION**

**Christy Lindsey** gave an updated report of the fund-raising for the proposed new library building in Penrose. The cost is \$878,000+ and the funds will be acquired through grants, individual donations and fund-raisers. She remarked the citizens and community are strongly supportive of the endeavor. Ms. Lindsey remarked donations are welcomed.

**APPOINT 2 MEMBERS OF THE FREMONT COUNTY TOURISM COUNCIL**

**Commissioner Norden** advised two vacancies required appointment in January of 2007. Vicky Casey of Buckskin Joe and Kerry Ann McHugh of Royal Gorge Route Railroad currently hold these positions. **Commissioner Norden** made a motion to appoint Kerry Ann McHugh of Royal Gorge Route and Elizabeth Katchmar, Co-Owner of Canon Pizza Madness for the three -year terms. He acknowledged Vicky Casey for her time and efforts as Chairperson. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

**REAPPOINT MARGE BOUGHAN, DELORES COMSTOCK, TOMALEE YOUNG, DON GRAY AND TOM MILLER TO THE FREMONT COUNTY FAIRBOARD. ALSO APPOINT NEW MEMBER BERTHA MARRIOTT TO FILL VACANCY.**

**Commissioner Norden** advised the existing Fair Board recommended the retention of he current board members Marge Boughan, Delores Comstock, Tomalee Young, Don Gray and Tom Miller for reappointment also adding Bertha Marriott. **Commissioner Norden** made a motion to approve these appointments. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

**RESOLUTION #73 SUMMARIZING EXPENDITURES FOR EACH FUND AND ADOPTING A BUDGET FOR THE COUNTY OF FREMONT, COLORADO FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY 2007, AND ENDING ON THE LAST DAY OF DECEMBER, 2007.**

**Dana Angel, Fremont County Finance Director** explained this Resolution would formally adopt the Budget for 2007. He advised the comparison on the preliminary budget was based against the 2006 budget and is now compared against 2006 spending increasing the reduction of spending from 2.6% to 5.22%. Mr. Angel advised total revenues were also down and affirmed the revenues are not sufficient to provide the desired services. Commissioner Norden commented that the budget is a complex presentation ad the bottom line figures do not tell the real story of the 2007 figures and each individual line item requires review. Mr. Angel agreed that different things happen in different years yet you have to compare year-to-year and responded a lot of money was being transferred into the General Fund. He felt the budget would require close monitoring to reestablish reserves. **Commissioner Norden** moved to approve the **Adoption of Resolution #73.** The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried with the **Adoption of Resolution #73.**

**RESOLUTION #74 LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2006 TO HELP DEFRAY THE COSTS OF GOVERNMENT FOR THE COUNTY OF FREMONT, COLORADO FOR THE 2007 BUDGET YEAR.**

**Dana Angel, Fremont County Finance Director** explained this Resolution would levy a general property tax rate of 12.315 mills upon each dollar of the total valuation for assessment of all taxable property within the County for the year 2006; collectable in 2007. He commented this figure was down from last year and if property values remain the same individual property tax bills would be reduced. **Commissioner Lasha** made a motion to approve **Resolution #74**. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried with the **Adoption of Resolution #74**.

**RESOLUTION #75 APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES IN THE AMOUNT AND FOR THE PURPOSES SET FORTH BELOW, OF THE COUNTY OF FREMONT, COLORADO, FOR THE 2007 BUDGET YEAR**

**Dana Angel, Fremont County Finance Director** explained this Resolution would appropriate the revenue sums from each Fund, to each Fund, for the 2007 Budget Year. The total amount being \$25,513,666.00 **Commissioner Norden** made a motion to approve **Resolution #75**. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried with the **Adoption of Resolution #75**.

**CMO 2 BRO C140-008 SA 14550 REYNOLDS CONSTRUCTION**

**Finance Director, Dana Angel**, explained CMO 2 was prepared by Short Elliott Hendrickson, Inc. for the additional costs associated with removal of contaminated materials, additional Class A filter material, Class A geotextile and pumping due to project flooding with an additional cost of \$11,879.96. **Commissioner Lasha** made a motion to approve CMO 2. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

**CMO 3 BRO C140-008 SA 14550 REYNOLDS CONSTRUCTION**

**Finance Director Dana Angel** explained Short Elliott Hendrickson, Inc prepared CMO 3. for increasing contract time by nineteen (19) additional calendar days as a result of daily low temperatures, saturated and frozen ground conditions along with washout of construction activities due to the flooding. **Commissioner Stiehl** commented the extended contract date of November 29, 2006 has passed and as a result we are in the penalty phase. **Commissioner Lasha** made a motion to approve CMO 3. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

**CONTRACT FOR ENGINEERING SERVICES – SHORT ELLIOTT HENDRICKSON INC./AMENDMENT NO. 4 FREMONT COUNTY BRIDGE REPLACEMENT FRCO -95-205**

**Dana Angel, Finance Director** explained S E H has been providing construction observation on the CR95 bridge replacement project and will incur additional field inspection costs with the Reynolds Construction extension. He advised Amendment No. 4 would be for the additional engineering services totaling \$17,0404.00. **Commissioner Norden** made a motion to approve Amendment No.4. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

**LGGF 06-479 FREMONT CO. ROAD IMPROVEMENTS/EQUIPMENT CONTRACT**

**Finance Director, Dana Angel** reported Fremont County had received the Local Government Gaming Impact Contract from the State of Colorado, Department of Local Affairs for 2007. The project includes roadwork on Phantom and Red Canyon Road with partial funding for the acquisition of a road grader and snowplow truck to be used on the gaming impact roads. The total Grant is \$500,000. **Commissioner Norden** made a motion for the Chairman to sign the contract with the Department of Local Affairs for the grant allocation. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

**SCHEDULE SPECIAL MEETING – MILL LEVIES CERTIFICATION**

Commissioner Norden made a motion to schedule the Mill Levies Certification Meeting on December 20, 2006 at 2:00 P.M. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

Commissioner Stiehl adjourned the meeting at 10:40 A.M.

---

County Clerk