

TWENTY-SEVENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on December 13, 2005, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. The meeting was called to order at 9:30 A.M. by Commissioner Chairman, Larry Lasha.

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; Planning and Zoning Representative, Marshall Butler and Sharon Kendall, Deputy Clerk.

The Morning Prayer was given by Chaplain Hal Simmons from Hospital Chaplains Ministry of America.

The Pledge of Allegiance to the Flag of the United States of America was recited by those present.

APPROVAL OF AGENDA

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

CONSENT AGENDA:

Commissioner Lasha stated that there needed to be an addition to the Liquor Licenses item. The addition would be the renewals of liquor licenses for Shadow Hills Golf Club and Hilltop Market.

Commissioner Stiehl moved to approve the Consent Agenda with the additions:

1. Approval of Minutes November 22, and Public Hearing County Budget November 22, at 6:00 p.m.
2. Approval of Bills, December 13, 2005/\$1,475,754.11
3. Liquor Licenses: Renewals for Shadow Hills Golf Club and Hilltop Market
4. SCHEDULE PUBLIC HEARING FOR JANUARY 10, 2006 AT 10:00 A.M.

REQUEST: NEW ZONING AND SUBDIVISION FEES

Request consideration of the adoption of fees charged pursuant to the Fremont County Zoning Resolution and Subdivision Regulations.

The motion was seconded by Commissioner Norden. Upon vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Lasha, 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 the total revenues earned were \$600,439.62, which was up \$42,855.57 over a year ago. Sales and use tax was \$59,310.14, and that was \$8,326.80 less than a year ago. Revenues going to the entities were \$352,604.45 which was up \$27,184.30 over a year ago. **Commissioner Norden** moved to approve the Clerk's Report for November. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Norden, aye; Commissioner Norden, aye; Commissioner Lasha, aye. The motion carried.

Commissioner Stiehl stated that as a part of the Consent Agenda, they have scheduled a Public Hearing for January 10th at 10:00 A.M. The request is to look at new zoning and subdivision fees.

2. Citizens Not Scheduled

George Overstreet, Director, Fremont County Human Resources, stated that on behalf of the Human Resources Office presented to the Elected Officials, an award of recognition from the insurance pool, County Technical Services, for the most improved loss experience. Last year there was 104% loss ratio and this year it was down to 7%.

NEW BUSINESS:

ANN OATMAN-GARDNER/PIKES PEAK SUSTAINABLE PROJECT PRESENTATION

Ann Oatman-Gardner, Fort Carson Sustainability Team, Natural Capitalism Solutions, stated that the project was just wrapping up Phase I. There are four main goals: Convene an attractive conversation about the future; align region and Fort Carson goals; lay groundwork for collaborative solutions on the right scale and obtain the benefits of whole systems approaches. The Fort Carson strategy is to look at a system that will drive sustainability performance by making sustainable actions and thinking a part of everyone's daily job responsibilities. The year 2027 is Fort Carson's deadline and there are 12 sustainability goals. There are five Pikes Peak sustainability indicators. Participants are from counties, cities, technical and civic organizations. Four task forces were convened.

J.R. PHILLIPS/WEED MANAGEMENT PLAN PRESENTATION

J.R. Phillips stated he had been reviewing and correcting old plans. One of those plans was the noxious weed management plan for Fremont County including the City of Cañon City and the City of Florence. There are four goals: curb the introduction of new noxious weed species into the State; prevent the establishment of newly introduced noxious weed species into Colorado; stop the spread of noxious weed species that are already so well established within Colorado that statewide eradication is no longer possible and to restore lands of exceptional agriculture and environmental value. Added to the noxious weed plan from the original plan are lists A, B and C, and are based on the four goals as stated earlier. The mapping is quite good in Fremont County, and Paul Telck, the past manager, has been honored twice as Weed Manager of the Year. Their program this year was honored as part of the Upper Arkansas Weed Management Cooperative as the Cooperative of the Year.

BRYCE NELSON/OVERVIEW OF CIVIL AIR PATROL

Bryce Nelson, Squadron Commander, Civil Air Patrol, stated that the CAP has three distinct missions: aerospace education, emergency services and the cadet programs. He stated he would like to bring the aircraft to the airport and show the local people what capabilities are available. They fly homeland security missions, and they have a fleet of about 530 light aircraft. CAP is a private corporation funded by Congress through the Air Force. He stated in Fremont County, they comprise one of the youth activity groups, and he had a corps of about ten young men actively involved in CAP.

CDOT BID AWARD – 9TH STREET BRIDGE TRAILS PROJECT

John Nichols, Director of Parks, City of Cañon City, stated that over two years ago, Fremont County agreed to be the umbrella agency on a contract with CDOT to sponsor an enhancement grant for \$329,000 as part of a larger fund of money to extend the Riverwalk Trail system from 9th Street to 1st Street. The primary goal is to extend this trail system through town and hook it up to Tunnel Drive. Mr. Nichols handed out bid documents, and stated it was more costly than they originally thought. Fremont County is going to supply about \$10,000 in lottery money, as well as the Recreation District. The CDOT enhancement funds, which are Federal funds passed through the State of Colorado and

administered by them is about \$329,000. The City is going to put about \$220,000 of its Conservation Trust Fund money toward this project. When they opened the bids, they were way over the three primary construction areas. The sum of the four schedules was in excess of \$700,000.00, and the available funds was around \$569,000.00. They asked CDOT to approve an award of Schedule A & Schedule C, which has a total combined award amount of \$598,738.60. They want to add a \$30,000.00 contingency to that, and that exceeded their available funds. They decided to cut out Schedule B and D to get the two most primary structures built, which is the 9th Street Underpass and the Arkansas Pedestrian Bridge. They plan to have the City staff and Recreation District staff construct a simple trail underneath Black Bridge if CDOT approves that approach. Any approval will be contingent upon CDOT approving this approach and that the City of Cañon City approves a \$60,000.00 loan to this project. That loan will have to be paid back within their Park Department budget over the next year to get it funded to the full \$628,738.60, which includes the \$30,000 contingency. They still must guarantee to CDOT that they have a viable project all the way from 9th Street to Centennial Park. They have to guarantee that people can walk under Black Bridge also.

Commissioner Norden moved that as Fremont County is the authorizing grant applicant for this project, that they award a bid to the low bidder on this project, Avalanche Excavating, at a total of \$628,738.60. That is a bid award only. Signing of the contract to have the Chairman authorized to sign the contracts with CDOT and the contractor when it is shown that Cañon City Council has approved and appropriated \$60,000.00 in additional funding and when County staff has been assured that the appropriate CDOT authorization has been given for the project, and additional funding from CDOT. The motion was seconded by Commissioner Stiehl. Commissioner Norden stated that as a clarification of his motion, in the bid award to Avalanche, it is for work under Schedule A and Schedule C. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried.

TWO APPOINTMENTS TO THE FREMONT COUNTY TOURISM COUNCIL

Commissioner Lasha stated they had received three letters, and they scheduled interviews. **Commissioner Norden** stated he would make a motion and that Danny DeGeorge is a current member of the Tourism Council, and is with Yogi Bear Campground. The other person who will be part of the motion will be Ryan McCallister of Kwik Stop & Subway Shops in Fremont County. Danny DeGeorge will be a reappointment, and Ryan McCallister will be a new appointee. With the motion to appoint those two to the vacancies, he noted that Ryan would be replacing Peg Piltingsrud and commended her for her work and a job well done on the Council. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried.

JOHN C. FREMONT LIBRARY DISTRICT/APPOINTMENT TO BOARD OF TRUSTEES

Jennifer Miley stated this was their first year and a new appointment for the Board of Trustees. Edgie Walrath has been recommended, and the Board has decided by unanimous vote to appoint him to the Board. This would be a five-year term. **Commissioner Stiehl** moved to appoint Edgie Walrath to a five-year term on the John C. Fremont Library District Board of Trustees. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Lasha, aye. The motion carried.

Jennifer Miley stated it was required by State statute that they give an annual report, and she was prepared to give that report. On Monday, December 5th, the John C. Fremont Library serving Rockvale, Coal Creek, Williamsburg and Florence, officially opened its doors at its new site at 130 West Church St. in Florence. She stated they had done well with the budget and look forward to an audit in January. They are now open 60 hours per week, and it has become a library for all ages.

REAPPOINTMENTS TO THE FREMONT COUNTY FAIRBOARD

Commissioner Lasha stated they had letters of interest from current appointees. **Commissioner Norden** moved to reappoint Kathy Kunselman, Marie Adams, Patsy Michaud and Phil Quattlebaum to the Fremont County Fairboard. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried.

ASSESSORS OFFICE – PETITIONS FOR ABATEMENT OR REFUND

Pamela Gaunt, Deputy Assessor, submitted the petitions for Lillian Wright and Daniel Riggs; Ajak Industries, Inc. and Marion Kederich. **Commissioner Norden** moved to approve the petitions for Abatement or Refund, **Resolution #71** for Lillian Wright and Daniel Riggs, **Resolution #72** for Ajak Industries, Inc. and **Resolution #72** for Marion Kederich. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried, and carried the adoption of **Resolutions #70, 71, and 72**.

ASSIGNMENT OF OUTLOT A IMPROVEMENTS AGREEMENT AND PERFORMANCE BOND FOR HOME DEPOT, USA.

Brenda Jackson, Fremont County Attorney, stated that this was a housekeeping measure with respect to the relocation of MacKenzie Avenue. MacKenzie Avenue was platted in two portions, Outlot A and Outlot B. Outlot A was to be annexed into the City, Outlot B remains in the County. In connection with the road relocation and improvements on Outlot A, the County took an escrow agreement with a performance bond and other security together with an improvements agreement from Home Depot, USA. She stated that since Outlot A has now been annexed into the City, they needed to assign that security and improvements agreement to the City because they will now have the authority to release it. **Commissioner Stiehl** moved to assign the Outlot A Improvements Agreement and Performance Bond for Home Depot, U.S.A. and authorize the signature of the Chairman. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Lasha, 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 2006, AND ENDING ON THE LAST DAY OF DECEMBER 2006.

Dana Angel, Fremont County Finance Director, stated that the total for 14 different funds is \$26,906,390.00. There was a \$40,000 adjustment to the Sheriff's Department in the General Fund. The numbers are there for activation of Year 2 of the Pay Plan to begin January 1st., if so approved by the Board. During the Hearing, the numbers included the possibility of that not happening until April 1st. **Commissioner Lasha** made the motion to approve **Resolution #73**, a Resolution 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 2006, and Ending on the Last Day of December 2006 for a total of \$26,906,390.00. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried, and carried the adoption of **Resolution #73**.

RESOLUTION #74 – LEVYING GENERAL PROPERTY TAXES FOR THE YEAR OF 2005 TO HELP DEFRAY THE COSTS OF GOVERNMENT FOR THE COUNTY OF FREMONT, COLORADO, FOR THE 2006 BUDGET YEAR.

Dana Angel stated the total property tax revenue would be \$4,565,419.00, and that is derived by a mill levy of 12.488 mills applied to the assessed value of the County. The 12.488 mills includes a temporary credit to the taxpayers in Fremont County of .449 as a result of Tabor. Overall there is a .248 reduction in the mill levy compared to this year. This resolution will adopt a mill levy of 12.488. **Commissioner Stiehl** moved to approve **Resolution #74**, Levying General Property Taxes for the Year of 2005 to Help Defray the Costs of Government for the County of Fremont, Colorado for the 2006 Budget Year. The

motion was seconded by Commissioner Norden. Upon vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Lasha, aye. The motion carried and carried the adoption of **Resolution #74**.

RESOLUTION #75 – 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 2006 BUDGET YEAR

Dana Angel stated this was a housekeeping measure and appropriates the funds to the various funds. The numbers are identical as in the adoption resolution. This appropriates funds to the General Fund of \$10,453,046.00, and a total of all funds is \$26,906,390.00. **Commissioner Norden** moved to approve **Resolution #75** 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 2006 Budget Year. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried.

RESOLUTION #76 – AUTHORIZING TRANSFER OF APPROPRIATED FUNDS BETWEEN THE VARIOUS FUNDS OF FREMONT COUNTY, COLORADO, FOR THE BUDGET YEAR ENDING DECEMBER 31, 2005.

Dana Angel stated this was the authorization for the transfers to be made that were planned in the budget for 2005. The transfers to the General Fund are \$730,000; Road & Bridge \$80,000; Capital Expenditures \$50,000 and Weed Fund \$4,000, for a total of \$864,000. Those will come from the General Fund of \$84,000; PILT Fund \$730,000 and Sales & Use Tax Capital Improvement Fund \$50,000. **Commissioner Stiehl** moved to approve **Resolution #76** Authorizing Transfer of Appropriated Funds Between the Various Funds of Fremont County, Colorado, for the Budget Year Ending December 31, 2005. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Lasha, aye. The motion carried, and carried the adoption of **Resolution #76**.

SPECIAL MEETING DATE & TIME FOR CERTIFICATION OF MILL LEVIES AND REVENUES

Dana Angel stated a date and time needed to be set for next week to certify mill levies from all the taxing entities in the County, and their respective revenues. This is due to the State by December 22nd. **Commissioner Norden** moved to set a Special Meeting date of December 20, 2005 at 9:30 A.M. with the agenda item to certify mill levies and revenues. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

FIRST AMENDMENT TO LEASE AGREEMENT – STATE OF COLORADO – CANON CITY WORKFORCE CENTER.

Dana Angel stated this Amendment would change the end date of their lease to the Cañon City Workforce Center as February 1st. It is set up now to end June 30th. This will terminate the lease on February 1st and it will then be active with the Upper Arkansas Area Council of Governments as the Workforce Center will move to that facility. **Commissioner Stiehl** moved to approve the First Amendment to Lease Agreement with the State of Colorado for Cañon City Workforce Center to change the end date of the lease to February 1, 2006. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Lasha, aye. The motion carried.

2006 CONTRACT WITH UAACOG RECYCLING PROGRAM

Dana Angel stated this was their contract for 2006, and the total gross amount is \$34,314. He stated that the County will receive \$4,961 credit against that in 2006, which is the result of the sale of materials. This will authorize their participation in the program next year at a cost of \$29,353.00. **Commissioner Stiehl** stated that they were hoping to maybe make this self-supporting at the end of 2006. They are changing the way their collections

are made and they have a grant to buy a trailer so that they will have less of a contract with an outside supplier. **Commissioner Stiehl** moved to approve the 2006 contract with the Upper Arkansas Area Council of Governments recycling program in the amount of \$29,353.00 over the course of the year. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Lasha, aye. The motion carried.

ADDENDUM TO AGREEMENT FOR PROFESSIONAL SERVICES – GMS, INC.

Dana Angel stated that the original contract for the north Cañon sewer study was \$29,000. This amendment adds \$6,000 to make the total \$35,000. They have a mineral impact grant for \$13,000 and Fremont Sanitation District has committed \$11,550. The net cost to the County is \$10,450, and they have planned for that. **Commissioner Lasha** moved to approve Addendum to Agreement for Professional Services to GMS, Inc. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

Commissioner Norden stated that on the proposed increases in the fees for zoning and subdivisions, with the consent of the Board, he suggested they send copies to the consultants regarding the Public Hearing.

Commissioner Lasha adjourned the meeting at 11:25 A.M.

County Clerk