

December 21, 2007

## TWENTY SIXTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on December 21, 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	Absent

Also present Finance Director, Dana Angel; Assistant Planning and Zoning Director, Marshall Butler and Kris Lang, Deputy Clerk.

Greg Swaringen from the Vineyard 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** stated Authorization for Ratification of the Chairman's Signature to the Resolutions in Support for the Preservations of Historic Resources would be added under New Business, Item 9.

Finance Director, Dana Angel stated that the amount of Bills on the Agenda should be \$1,475,179.98.

**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

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

1. Approval of Minutes December 11, 2007
2. Approval of Bills, December 21, 2007, \$1,475.179.98
3. SCHEDULED PUBLIC HEARNINGS/None
4. LIQUOR LICENSE  
V F W  
PENROSE POST #2788  
402 BROADWAY

PENROSE, CO 81240-9025  
TAVERN LIQUOR LICENSE RENEWAL – MALT, VINOUS AND  
SPIRITUOUS.

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

**ADMINISTRATIVE/INFORMATIONAL**

1. Staff/Elected officials

**Commissioner Norden** recognized Deputy Clerk, Kris Lang and stated this was her last official BOCC meeting. He expressed appreciation for the preparation of the minutes on behalf of the Board.

2. Citizens Not Scheduled/None

**OLD BUSINESS**

**RESOLUTION #58 SDP 07-002 BIKER TOWN SITE DEVELOPMENT**

Assistant Planning and Zoning Director, Marshal Butler requested a Resolution number to approve Site Development Plan, Department File #SDP 07-002 Biker Town Site Development Plan, to allow retail stores, professional offices and a motorcycle repair shop.

**Commissioner Lasha** made a motion to assign **Resolution #58** approving SDP07-002 Biker Town Site Development in Penrose. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried with the Adoption of **Resolution #58**.

**NEW BUSINESS**

**WAIVER TO INSTALL CONVENTIONAL INDIVIDUAL SEWAGE DISPOSAL SYSTEM / CEMEX TROGDEN PERCOLITE**

**Commissioner Norden** adjourned as the *Fremont County Board of Commissioners* and resumed as the *Fremont County Board of Health*.

**Clifford Scribner, Cemex Manager** stated the lateral lines on their septic system collapsed and Cemex wanted to replace them instead of tying into the public sewer system. The septic tank is in good working order with low volume water usage. He said they did not want to tie into the main sewer system due to the cost of having to cross 900' of HWY 67 and obtain a right of way from Rock and Rail Railroad to lay the sewer pipe underneath the track.

**Commissioner Norden** said he spoke with Mike Cox from the Fremont County Building Department and advised they would be getting a letter from George Medaris, indicating Fremont Sanitations Districts' consent and support for the waiver request.

**Commissioner Lasha** made a motion to waive the requirement to connect to the public sanitation system for Cemex near Florence. The business was given permission to repair lateral lines on its current septic system. Commissioner Stiehl seconded the motion and mentioned that they have a letter from the applicant stating their request and also a letter of transmittal from Dan Brixey of the Environmental Health Technician also recommending the approval. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried

**Commissioner Norden** adjourned as *Fremont County Board of Health* and resumed the meeting as the *Fremont County Board of Commissioners*.

**RESOLUTION #59 APPROVING THE SERVICE PLAN SUBMITTED BY PETITIONERS SEEKING ORGANIZATION OF THE WESTERN FREMONT FIRE PROTECTION DISTRICT**

**Commissioner Norden** stated that a public hearing had been conducted on December 11<sup>th</sup> and the record indicates wide spread support from citizens on the Service Plan for Western Fremont Fire District at Coaldale. The Board proposed the preparation of a Resolution in support of the district creation.

**Commissioner Stiehl** made a motion to approve **Resolution #59** for the Service Plan submitted by petitioners seeking organization of the Western Fremont Fire Protection District. Commissioner Lasha seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Lasha, aye; Commissioner Norden aye. The motion carried with the Adoption of **Resolution #59**.

**RESOLUTION #60 CERTIFICATION OF LEVIES AND REVENUE BY FREMONT COUNTY FOR 2008**

**Finance Director, Dana Angel**, summarized the mill levy and revenue figures for 2008 as well as appropriated final figures for the 2007 fiscal year.

**County Assessor, Stacey Seifert**, stated that she had worked out the issue with the Upper Arkansas Water Conservancy District valuation and that the mill levy would remain the same but the value that they will be applying to it would change. The district had certified its 2008 budget before it received the final 2007 valuation, and because of legal constraints, did not have enough time to change its budget to reflect the full county valuation. In addition two protests have been filed against the inclusion of Cañon City and Florence-Penrose school districts, which was approved by voters in November and it was decided that it was in the best interests to pull those funds (the Cañon City, Florence and Penrose valuations) back out and restore the previous evaluation to them. The move

means the UAWCD has a valuation of almost \$55,900.00 which will give it \$205,314.00 of revenue for 2008. She advised the mill levy will remain the same and everyone is in agreement. County Assessor, Stacey Seifert, certified the total county valuation at more than \$429.5 million. With voters approving a mill levy freeze at 12.294 in November, that means the county will have a complete budget of \$5.28 million in 2008.

**Commissioner Lasha**, made a motion to approve **Resolution #60** Certifying the Mill Levy and the Revenue Certification for 2008 and the Supplement to **Resolution #60** County Mill Levy for Tax District 29W and 29Y Holcim, Inc. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried with the **Adoption of Resolution #60 and Supplement.**

#### **RESOLUTION #61 FOR SUPPLEMENTARY 2007 BUDGET**

**Finance Director, Dana Angel**, submitted supporting data changes for the Budget increase. The increase is between last years adopted budget and this years estimated budget. General Fund was \$289,000.00 for Emergency Management.

**Commissioner Stiehl** stated the difference in the Emergency Management Funds is the result of pending grants of the year.

**Director of Finance, Dana Angel**, explained the changes under Road and Bridge were due to: late completion of Bridge 205 Amendment; emergency on CR 132; receipt from the Mineral Impact Funds for salt shed construction. The last significant change was Capital Expenditures Fund that was grant related. The change was due to a CDBG community development block grant to help Starpoint acquire their building. The rest of the changes were operational changes that were not counted and the detail is in the budget document. It is the difference between the estimated column for 2007 and the adopted budget for 2007.

**Commissioner Stiehl** made a motion to approve **Resolution #61** Supplementary 2007 Budget Appropriation. Commissioner Lasha moved to second the motion. Upon vote: Commissioner Stiehl, aye; Commission Lasha, aye; Commission Norden, aye. The motion carried with the Adoption of **Resolution #61.**

#### **RESOLUTION #62 AUTHORIZING TRANSFER OF APPROPRIATED FUNDS BETWEEN THE VARIOUS FUNDS OF FREMONT COUNTY FOR THE BUDGET YEAR ENDING DECEMBER 31, 2007**

**Finance Director, Dana Angel**, advised the transfer was incorporated in the Budget for 2007. **Resolution #62** formalizes the transfer with supporting documents to the transfer of various funds for the year 2007.

**Commissioner Lasha** made a motion to approve **Resolution #62** Authorizing Transfer of Appropriated Funds between Various Funds of Fremont County for the Budget Year ending December 31, 2007. Commissioner Stiehl seconded the motion. Upon vote:

Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried with the Adoption of **Resolution #62**.

### **ACCEPTANCE AND APPROVAL OF GAMING IMPACT CONTRACT GRANT FOR 2008**

**Finance Director, Dana Angel**, summarized the Scope of Services for the Gaming Impact Contract Grant. Fremont County was granted a \$400,000.00 gaming impact contract grant with the State for 2008. As part of the agreement, the county will provide 1 ¼ mile of final asphalt overlay on CR 9, also known as Garden Park Road; 6 ½ miles of chip seal on High Park Road; and pay for some equipment costs.

**Commissioner Norden** stated the county was instructed to obtain estimates for the installation of traffic counters this spring.

**Commissioner Stiehl** commented the placement of traffic counters would further justify the impact of gaming traffic reported to the grant agencies.

**Commissioner Norden** made a motion to approve and accept the Gaming Impact contract Grant for 2008. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha. The motion carried.

### **RESOLUTION #63 FREMONT COUNTY WORKER'S COMPENSATION DESIGNATED MEDICAL PROVIDER LIST**

**Director of Human Resources, George Overstreet** stated that County Technical Services, Inc. is the administrator for the Workers Compensation Group. Under the new law that comes into effect January 1, 2008 for Workers Compensation the County has to designate two (2) providers to treat injured workers and they must be at two (2) distinct locations without common ownership. Our current provider is Dr. Julian Venegas at Centura Health. Dr. Robert McCurry is an accredited physician under Workers Compensation and has accepted being a provider. Director of Human Resources, George Overstreet asked the Board to approve Dr. Julian Venegas of Centura Health for occupational medicine and Dr. Robert Mc Curry as a designated medical provider.

**Commissioner Lasha** made a motion to approve **Resolution #63**, Approving Designated Medical Providers of Dr. Julian Venegas and Dr. Robert McCurry. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried to Adoption of **Resolution #63**.

### **RESCHEDULE DEPARTMENT OF HUMAN SERVICES MEETING**

**Commissioner Norden** advised the Department of Human Services meeting would be rescheduled to January 2, 2008.

**Commissioner Stiehl** made a motion to reschedule the Department of Human Services meeting for December to January 2, 2008 at 1:30 pm. Commissioner Lasha seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Lasha, aye; Commissioner Norden, aye. The motion carried.

**RESOLUTION #64 AUTHORIZING RATIFICATION OF THE CHAIRMANS SIGNATURE IN SUPPORT FOR THE PRESERVATION OF HISTORICAL RESOURCES**

**Commissioner Norden** stated that “Preserve America” will help Fremont County protect our heritage and historical assets. He further stated that the original application was returned, seeking additional proof of local support for the project. Martha Starr and Dan Grenard are leading the local effort and have submitted a grant application to the federal government for the program.

**Commissioner Lasha** made a motion to approve **Resolution #64** Ratification of the Signature of the Chairman Supporting for the Preservation of Historic Resources in Fremont County Colorado. Commissioner Stiehl seconded the motion and commented that preservation is a strength of Fremont County and the Cañon City. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried with the Adoption of **Resolution #64**.

Commissioner Norden adjourned the meeting at 10:15 A.M.

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County Clerk