

DECEMBER 23, 2008

1

TWENTY FOURTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on December 23, 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	Absent

Also present Finance Director, Dana Angel; Bill Giordano, Planning and Zoning Director and Tina Taylor, Deputy Clerk.

Pastor Benny Salvo of the Mountainview Baptist 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 moved to approve the Agenda as submitted. 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 as presented. Commissioner Norden seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Lasha, aye. The motion carried.

1. Approval of Minutes December 9, 2008
2. Approval of Bills, December 23, 2008 / \$ 1,563,261.64
3. Adoption of Resolution #70, Series of 2008, Zone Change File Number ZC 08-006 RE & AM Zone Change.
4. Adoption of Resolution #71, Series of 2008, Vacation of Public Rights-of-way, Portions of 18th Street, V Street, S Street, T Street, and U Street in the Beaver Park Area.
5. **SCHEDULING PUBLIC HEARING FOR JANUARY 13, 2009:**
 1. **REQUEST: SRU 08-005 I.C.E. OFFICE OF REMOVAL & DETENTION - FREMONT COUNTY**
Request approval of a **Special Review Use Permit, file # SRU 08-005 I.C.E. OFFICE OF REMOVAL & DETENTION-FREMONT COUNTY**, for the operation of a removal and detention facility for the processing of illegal aliens, usually not to be detained for more than ten (10) hours, by JIOL, LLC. The property is located in the Airport Industrial Park, *on the west side of Colorado State Highway 67, approximately 0.08 mile south of the intersection of U.S. Highway 50 and Colorado State Highway 67, north of Florence, Colorado. The property is zoned Industrial Park and contains 7.54 acres.*
REPRESENTATIVE: Thomas A. Duke, Architect

ADMINISTRATIVE / INFORMATIONAL

1. Staff and Elected Officials

Commissioner Norden stated we received notice from the Colorado Historical Society that the Garden Park School on Garden Park Road 10 miles north of Cañon City

has been officially added to the Colorado State Register for Historic Properties. Some of the long time residence in the area as well as some of the new neighbors have worked hard to get the listing as well as secure some dollars from the Historical Society to do a design plan to save the building.

Commissioner Norden said there was an article in the Pueblo Chieftain about the Joint Budget Committee conducted a hearing on the supplemental appropriation for an emergency request from the DOC for \$150,000.00 to help District Attorney's Offices in the jurisdictions that have state prison to prosecute inmate crimes in those facilities. The commissioners for Chaffee and Park counties as well as Fremont appreciate the effort of the DOC and Drug Budget Committee to restore the dollars to the District Attorney's Office. It looks as though they may pursue legislation next session to possibly look at how they are going to handle the budgeting of those DOC prosecuting dollars for inmate cases in the future. This is something that we need to follow. Commissioner Lasha stated as tight as the budget is for the State it is must be pretty important for them to take action on this. Commissioner Norden stated it is and Department of Corrections Executive Director Ari Zavarras noted that public safety and staff safety is of utmost importance and that is why they prioritized those dollars.

Commissioner Lasha stated they did a little different procedure in recognizing the Employee of the Year this year. This gives them the opportunity to also recognize other employees that have been recognized by their peers and supervisors in our County. There were eight good employees nominated. The elected officials meet and took all the information on the nominated employees and through a process which is not always easy choose a person for our Employee of the Year. Commissioner Norden and Commissioner Stiehl gave a plaque to each of the people that were nominated who were Betty Hanawalt, Veterans Service Office; Bev Merlino, DHS Food Stamp Supervisor; Carol Weaver, Chief Deputy Assessor; Cathy Galves, Motor Vehicle Director; John Hamilton, Heavy Equipment Mechanic; Pat Smith, Assessments, Tax Splits and Subdivision; Mark Sterling Rife, Sign Technician; Suzie Veatch, Deputy Assessor. Suzie Veatch was awarded the Employee of the Year. Suzie Veatch thanked everyone. Commissioner Lasha thanked all of the nominees but also wanted to thank all of the County employees for the job that they do and for the year 2008.

2. Citizens not schedule – None

OLD BUSINESS – NONE

NEW BUSINESS

2009 FREMONT COUNTY HOLIDAYS

Commissioner Norden moved to adopt the 2009 Fremont County Holidays as published. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried.

FREMONT COUTNY TREASURER – TAX LIEN SALE REDEMPTION

Fremont County Treasurer Pat McFarland stated the schedule number was split into three new numbers by the Assessor's office. When the underlying old number was not deleted from my tax roll system it went unpaid in 2007 and taken to tax lien sale. We need to reimburse the purchaser of the tax lien and have this original schedule number deleted. A resolution has been prepared.

Commissioner Stiehl moved to approve Resolution 72, Series 2008 reimbursing the tax purchaser of Schedule # 99504262 for \$334.05 and Tax Lien # 074389. Commissioner Norden seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Lasha, aye. The motion carried.

REQUEST: REAPPOINTMENT OF MR. TOM PILTINGSRUD TO THE PLANNING COMMISSION

Consider reappointment of Mr. Tom Piltingsrud to the Planning Commission as a representative of the City of Florence, Colorado. Mr. Piltingsrud's term expired on November 11, 2008. The reappointment is for a three-year term, which will expire on November 11, 2011.

Commissioner Lasha stated that Tom Piltingsrud is presently the Chairman of the Planning Commission and also representative for the City of Florence. We try to have a representative from Cañon City and Florence on the Commission. Florence has written a letter in support for the reappointment of Mr. Piltingsrud for a three (3) year term that will expire November 11, 2011.

Commissioner Lasha made a motion to reappoint Tom Piltingsrud to the Planning Commission. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried. Commissioner Lasha stated that Tom has done an outstanding job and shows leadership as the Chair Person on the Commission.

REQUEST: EXTENSION OF LLA 08-002 TUCK LOT LINE ADJUSTMENT

Request approval of a **six-month extension** of a lot line adjustment, Department file #LLA 08-002 Tuck Lot Line Adjustment, **for completion of deficiencies**, by Coy Tuck for his property which is *located on the North side of Grand Avenue, 500 feet East of Flora Drive, in the Lincoln Park Area.*

REPRESENTATIVE: Matt Koch, Cornerstone Land Surveying, Inc

Coy Tuck stated that Wachovia could not get a document done for their approval process that would allow them to send the ratification back in time so that is why we are asking for the extension.

Planning and Zoning Director Bill Giordano stated they request ratification consent to release because there is a mortgage on the property. Wachovia is required by regulation to release any easements or rights-of-ways. In this case it is a utility easement. Wachovia thought they were releasing the entire property but this has been straightened out. They are only releasing the utility easement.

Commissioner Stiehl moved to approve the six month extension for the lot line adjustment LLA 08-002 Tuck Lot Line Adjustment. Commissioner Norden seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Lasha, aye. The motion carried.

APPROVAL OF ROYALTY INTERGOVERNMENTAL AGREEMENT FOR GRAVEL PIT EXTRACTIONS

County Attorney Brenda Jackson stated this involves gravel extraction from the Canterbury Gravel Pit and sharing gravel with Chaffee County.

Commissioner Norden moved for approval of the Intergovernmental Agreement between Fremont and Chaffee County. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried.

2009 CERTIFICATION OF LEVIES AND REVENUE

Finance Director Dana Angel stated Page 2 of 8 is the summary of all the School Districts, Cities and Towns, and other Special Districts within the county. The School Districts will receive \$13,993,213 in property tax. The County's mill levy will provide \$5,393,601. Cities and Towns will receive \$840,671. Special Service District will receive \$5,213,737. This makes a total assessed valuation of \$433,619,100 that provides \$25,441,222 in property tax revenue. The following pages show the breakdown for each entity. This breaks it down to our 12.294 which is the frozen mill levy that gives us the operating funds by fund. We are able to recover \$62,688 in refunds and abatements with the mill levy of .144. This makes the total mill levy 12.438. This will provide the County with \$5,393,602. These totals are all on the summary page. There is one correction. Cañon City in Refunds and Abatements should be .013 and this will be corrected. This number was transposed. All the totals are correct. **Commissioner Norden** stated at the previous BOCC meeting two weeks ago the minutes reflected that we had said the valuation of \$433,000,000 was down by \$3,000,000. We need to note that is down from the preliminary number that was given to us in August as opposed to being down

compared to a year ago. Actually the valuation is up from a year ago but down from the preliminary estimate in August.

Commissioner Stiehl moved to approve **Resolution 73, Series 2008** Certification of Levies and Revenue for 2009. Commissioner Norden seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Lasha, aye. The motion carried.

A RESOLUTION APPROPRIATING ADDITIONAL SUMS OF MONEY TO DEFRAY EXPENSES IN EXCESS OF AMOUNTS BUDGETED AND APPROPRIATED FOR FREMONT COUNTY COLORADO, FOR THE BUDGET YEAR ENDING DECEMBER 31, 2008

Finance Director Dana Angel stated it has been published in the paper with notice that it would be considered by the Board. It accounts for all the differences that have happened throughout the year versus what was planned on with approved budget. There is a correction that is hand written in for \$69,848 for the Public Building and Maintenance Fund that was missed in error. The total budget number amendment is \$2,892,018. \$2.2 million dollars was received in grant monies and was used for special projects. The General Fund had \$1,295,000. The Airport had \$256,000. The Capital Expenditures Fund accounts for the Mineral Impact Fund that was received for equipment was \$405,000. The Conservation Trust Fund had a \$35,000 grant in it to reflect the pass through for the Cotopaxi Ball Fields. The Weed Control Fund is \$97,000 which exceeds the Budget Amendment of \$87,000 because they had other revenues in other lines than what we thought. The difference between the \$2.2 million and \$2.8 million are things that have happened that needed to be taken care of that came from reserves during the year. **Commissioner Stiehl** inquired if the \$630,000 Radio Grant is included. Director Angel stated yes and it is the biggest part of the change in the General Fund.

The main objective of this process today is to make sure that we appropriate the supplemental money. If we go over we are OK such as the Airport Fund that received grants that were not anticipated but if we go under then we usually receive a comment from the State Auditor.

Commissioner Norden moved to approval of **Resolution 74, Series 2008** for the resolution for the Supplementary 2008 Budget. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye, Commissioner Lasha, aye. The motion carried.

A RESOLUTION AUTHORIZING TRANSFER OF APPROPRIATED FUNDS BETWEEN THE VARIOUS FUNDS OF FREMONT COUNTY, COLORADO, FOR THE BUDGET YEAR ENDING DECEMBER 31, 2008

Finance Director Dana Angel stated this is a resolution for documentation of the transfers that need to be made prior to year end. These are all numbers that were approved in last year's budget but we have done this by resolution to document and to give the Treasurer instructions to make the transfers prior to year end.

Commissioner Norden moved to approve **Resolution 75, Series 2008** on the Transfer of Appropriated Fund. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried.

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