

DECEMBER 29, 2009

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TWENTY-FOURTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on December 29, 2009, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Michael J. 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	Absent

Also present Bill Giordano, Planning and Zoning Director; George Sugars, County Manager, and Tina Taylor, Deputy Clerk.

There was a moment of silence for the troops fighting overseas.

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

APPROVAL OF AGENDA

Commissioner Norden removed approval of December 8th minutes and asked for approval of the Agenda. Commissioner Lasha seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

CONSENT AGENDA

Commissioner Lasha moved approved the Consent Agenda as amended. Commissioner Norden seconded motion. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

ADMINISTRATIVE/INFORMATIONAL

1. Administrative and Elected Officials

FREMONT COUNTY EMPLOYEE OF THE YEAR AWARD

Linda Smith was awarded the Fremont County Employee of the year award. Ms. Smith works at the Department of Human Services and is the Finance and Operation Administrator.

Commissioner Norden stated that he wanted to commend George Sugars as our County Manager this past year for the outstanding work that he has done. Sheriff Beicker also wanted to thank the Commissioners for bring Mr. Sugars on because he has been an invaluable asset to the Sheriff in working with the Sheriff's Department and the Commissioners. Commissioner Norden also commended the work the County Attorney does for them during the course of the year.

2. Citizens Not Scheduled - None

OLD BUSINESS

ADOPTION OF RESOLUTION #59, SERIES OF 2009, SPECIAL REVIEW USE FILE NUMBER SRU 09-002 AT&T WIRELESS FACILITY

A condition of approval of File Number SRU 09-002 AT&T Wireless Facility was that no graded or graveled access road is authorized, unless a new drainage plan is submitted. Based on revised drainage information received from the Applicant, the Fremont County Engineer's review was amended and the referenced condition correspondingly modified. Request adoption of Resolution #59, Series of 2009, including the following proposed language: "Construction of an access road will be allowed as long as said construction does not impede storm water drainage sheet flow from the uphill portion of the cultivated field and that the roadway is not constructed with culverts or other construction techniques

that would cause point discharges of storm water flows to the U.S. Highway 50 drainage ditch." (Condition M of the Resolution.) This language is a combination from Don Moore and Black & Veatch.

Planning and Zoning Director Giordano stated the Engineer did a follow up review on the drainage. Our County Engineer Don Moore comments plus the letter that was provided from Black and Veatch gave additional information and Don Moore agreed with them. The change is in quotations above. They actually wanted gravel on the roadway. We were more concerned about the elevating of the roadway.

Commissioner Norden stated the new language simply allows them use basically the same access road that is there but just put some gravel on.

Commissioner Norden moved for formal adoption of **Resolution #59, Series 2009** using the alternative language that Mr. Giordano suggested on Condition M. Commissioner Lasha seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

**ADOPTION OF RESOLUTION #60, SERIES OF 2009, SPECIAL REVIEW USE
FILE NUMBER SRU 09-003 UNIVERSITY OF OKLAHOMA GEOLOGY CAMP
(RECREATIONAL FACILITY, RURAL - Educational Camp)**

During the Public Hearing, a decision was made to include a Condition of Approval of File Number SRU 09-003 University of Oklahoma Geology Camp that stated "Prior to operation, an Affidavit shall be provided by the Owner accepting responsibility for Fire Protection." (Condition L of the Resolution.) This wording is not acceptable to the Applicant.

REPRESENTATIVE: Matt Koch, Cornerstone Land Surveying, L.L.C.

Mr. Koch said at the meeting when we received the approval of the SRU Doug Elmore the Director of the Geophysics' and Geology Dept. for OU stated that he would have to talk with his legal counsel regarding the affidavit for the fire protection. The counsel is uncomfortable signing an affidavit. We would like to have Condition L removed.

Director Giordano stated under Recommended Contingencies #6 this was covered the fire protection and Condition L is asking for additional information.

Commissioner Norden stated that he had no problem. His only interest if it was through an affidavit or making a public record at December 8th meeting and again today that the applicant is fully aware that they are constructing in an area that is covered by wild land fire response and that they are building outside of organized boundaries of any fire protection district.

Commissioner Norden moved for approval of **Resolution #60, Series 2009** dropping any requirement for signed affidavit by the property owner accepting responsibility for Fire Protection Condition L. Commissioner Lasha seconded the motions. Upon vote: Commissioner Norden, aye, Commissioner Lasha, aye, Commissioner Stiehl, aye. The motion carried.

NEW BUSINESS

APPOINTMENTS TO FREMONT COUNTY TOURISM COUNCIL

Commissioner Norden moved to reappoint Beth Katchmar and Rudl Mergelman to another three year term. Move to appoint Dan Brown to a three year term and move to appoint Vicky Casey to fill the remaining two years of Amy Colvin's term. For the remaining one year term of Morrie Aves I move to appoint Mike Johnston. Upon vote: Commissioner Norden, Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

FREMONT COUNTY MANAGER EMPLOYMENT CONTRACT FOR 2010

Commissioner Stiehl stated he is here to make a big difference in our efficiency of the county. We negotiated contract 2010 offering a minor raise and his salary will be \$73,440.00. **Commissioner Lasha** stated we got the opportunity to hire a County Manager because of a vacancy we had in the Human Resource Department.

Commissioner Norden moved for approval of the new contract for 2010 for County Manager George Sugar. Commissioner Lasha seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

REAPPOINTMENT OF BOARD OF ZONING ADJUSTMENT MEMBERS: MIKE WELCH AND JIM JAVERNICK

Planning and Zoning Director Giordano said this is for the Board of Zoning Adjustment. The term is for three (3) years. Attorney Jackson stated it consists of a five (5) member board and requires four (4) of the five (5) members to approve a variance.

Commissioner Lasha moved to reappoint Jim Javernick and Mike Welch to the Board of Zoning Adjustments. Commissioner Norden seconded the motion. Upon vote: Commission Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

RESOLUTION EXPRESSING THE INTENT OF FREMONT COUNTY, COLORADO TO ISSUE BONDS OR ENTER INTO OTHER FINANCIAL OBLIGATIONS IN THE APPROXIMATE AGGREGATE PRINCIPAL AMOUNT OF \$3,500,000 TO FINANCE CERTAIN ROAD AND BRIDGE EQUIPMENT, COUNTY CAPITAL IMPROVEMENTS AND ENGERY SAVINGS IMPROVEMENTS

Finance Director Angel stated this is a resolution to express county's intent to enter into an agreement for issuance of certificates of participation. The largest portion \$2,100,000 is for possible energy conservation improvement of our facilities. **Commissioner Norden** stated that at this point it is an expression of intent to get the wheels turning so that our finance agent can proceed to prepare the necessary finance documents. An over view of the intent is that the past few years we have had some capital improvements that have not been funded and because of the escalating principal on the existing cost of the certificated of participation each year of the Jail, Human Services and the Judicial Building we need to restructure some of the debt over a longer term to include some financing for some equipment, telephone systems and digitizing of records in the County Clerks office.

Commissioner Norden moved to approve **Resolution #67, 2009** and striking in the title "To Issue Bonds Or" and say "To Enter Into". Commissioner Lasha seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

A RESOLUTION AUTHORIZING APPROPRIATION OF FUNDS BETWEEN THE VARIOUS FUNDS OF FREMONT COUNTY, COLORADO, FOR THE BUDGET YEAR ENDING DECEMBER 31, 2009

Finance Director Angel stated the resolution is ratification and documenting what we have done through out the year through the various funds that were approved in the budget documents for 2009.

Commissioner Lasha moved to approve **Resolution #68, 2009** authorizing the transfer of appropriated funds between various funds of Fremont County for the budget year December 31, 2009. Commissioner Norden seconded the motion. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye, Commissioner Stiehl, aye. The motion carried.

A RESOLUTION APPROPRIATING ADDITIONAL SUMS OF MONEY TO DEFRAY EXPENSES IN EXCESS OF AMOUNTS BUDGETED AND APPROPRIATED BY FREMONT COUNTY, COLORADO FOR THE BUDGE YEAR ENDING DECEMBER 31, 2009.

Finance Director Angel stated that it is required that we publish the resolution before action is considered by the court. This is our Annual Supplementary Budget that accounts for things that we did not foresee in 2009 when it was prepared in 2008. The difference between what was actually budgeted and appropriated for 2009 is in the 2010 budget.

Commissioner Norden moved for approval of **Resolution #69, 2009** the supplementary budget for 2009. Commissioner Lasha seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

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