

THIRD MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on January 24, 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	Absent

Also present Finance Director, Dana Angel; Bill Giordano, Planning and Zoning Director 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 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 January 10 and January 12, 2006
2. Approval of Bills, January 24, 2006/\$1,229,051.51

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

ADMINISTRATIVE/INFORMATIONAL

1. Staff/Elected Officials

Virginia Woltemath, Fremont County Treasurer & Public Trustee, submitted the Quarterly Report of the Public Trustee for the period of October 1, 2005 through December 31, 2005. She stated that they did 1,207 Release Deeds of Trust at \$21.00 each for a total of \$25,347, and commenced 53 foreclosures. The beginning balance as of October 1, 2005 was \$61,276.42 and the ending balance as of December 31, 2005 was \$79,275.71. The excess funds transferred to the General Fund was \$79,000, and the balance as of January 10, 2006 was \$422.05. **Commissioner Stiehl** moved to approve the Quarterly Report of the Public Trustee. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Lasha, aye. The motion carried.

Virginia Woltemath also submitted the Semi Annual Report of the Treasurer for the period of July 1, 2005 through December 31, 2005. She stated this report would be published in the Florence Citizen this Thursday, and would also be available in her office. **Commissioner Norden** moved to approve the Semi Annual Report of the Treasurer. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

Commissioner Stiehl reported that their first Commissioner Forum of the year would be held Wednesday evening in the Board meeting room at 6:00 P.M. There will be another one on February 22nd in Florence at 6:00 P.M. in the new City Hall.

2. Citizens Not Scheduled On the Agenda: There were none.

OLD BUSINESS:

REQUEST: APPROVAL OF A SCHEDULE OF ZONING FEES AND SUBDIVISION FEES – Tabled from the January 10, 2006 Board Meeting to Allow Consideration of Input from the Public and Obtain Additional Information from the Department.

Commissioner Stiehl stated that at the January 10th meeting a report was presented from the firm that did the study outlining how much it costs Planning & Zoning to provide the services to those people who use the services. Through the study that was presented, they found they were charging a lot less than it cost to provide those services. There were several written and oral comments at the Public Hearing. The Board wanted time to consider those comments.

Bill Giordano, Planning & Zoning Director, stated the Board's concern was specifically on the area of the subdivision fees, which were line Items 5 through 13. He stated that the Commissioners asked him to look at the fees at a 50% rate. Mr. Giordano read those fees that are to be corrected or readdressed. One of the other changes was the home occupation. The existing cost was \$150, proposed at \$350 and the new proposal is now \$205. Mr. Giordano stated that the only fee that they would charge on an hourly basis would be Temporary Use Permits.

Commissioner Norden stated that the 50% is not intended to show a 50% increase. The 50% relates to that percentage of the actual cost. The fees as proposed were at a level of 90% of what the study showed were their actual costs. When they reconsidered the items 5 through 13 in the subdivision application fees, they go from a 90% cost recovery to a 50% cost recovery. He stated he appreciated the comments made at the Public Hearing.

Commissioner Lasha moved to approve the revised schedule for zone fees and subdivision fees with an effective date of March 1, 2006, **Resolutions #10 and #11**. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried and carried the adoption of **Resolutions #10 and #11**.

CAÑON CITY HIGH SCHOOL PRESENTATION

Mike Geesaman stated they were present today to recognize the County for partnering with Cañon City High School. They wanted to give a special recognition to Planning and Zoning. He called Bill Giordano and Marshall Butler to come forward. He stated that the American Design Drafting Association certifies Cañon City High School to train computer-aid design students. Over the last eight years, Planning and Zoning has partnered to provide meaningful training situations. **Ms. Cheek, a current employee**, presented an Award of Merit to Bill Giordano and a plaque to Marshall Butler for outstanding leadership as their advisor.

AWARD STATIONERY BID

Commissioner Stiehl stated a bid for stationery is required by state statute. They received only one bid, which was from Rocky Mountain Print & Copy for \$3810.00 for the year. **Commissioner Norden** moved to approve the bid for the annual stationery needs to Rocky Mountain Print & Copy in the amount of \$3,810.00. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

RESOLUTION #12 – LIFTING THE FIRE BAN

Commissioner Stiehl stated that the fire ban was imposed at an emergency meeting on January 12th because of continued dry and windy conditions.

Bill Guindon, Chief, Cañon City Fire Protection District, stated that they finally did receive some moisture. Upon discussion with the Sheriff, they agreed to lift the fire ban in the fire district. He stated he wanted to encourage people to be very careful and cautious. They will continue to monitor the weather conditions.

Commissioner Norden moved to approve **Resolution #12**, Lifting the Fire Ban in Fremont County. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

RESOLUTION #13/ISSUANCE OF DUPLICATE TAX SALE CERTIFICATE NO. 8218**RESOLUTION #14/ISSUANCE OF DUPLICATE TAX SALE CERTIFICATE NO. 629**

Virginia Woltemath stated that with both certificates, they are applying for a Treasurer's Deed. She stated she wanted these resolutions in the file, should there be a problem later. **Commissioner Lasha** moved to approve **Resolution #13** Issuance of Duplicate Tax Sale Certificate No. 8218 and **Resolution #14** Issuance of Duplicate Tax Sale Certificate No. 629. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried and carried the adoption of **Resolutions 13 and 14**.

**PUBLIC HEARING
WEED MANAGEMENT PLAN PRESENTATION
JANUARY 24, 2006 10:00 A.M.**

J.R. Phillips, Fremont County Weed Manager, submitted copies of the Noxious Weed Management Plan. He stated that they were recently awarded the Wildlife Habitat Incentives Program award for \$60,000, which they will be spending in eastern Fremont County on tamarisk control this year. With respect to noxious weed management, their vision in Colorado is productive agriculture and a healthy environment. The goals are to: 1. curb the introduction of new noxious weeds into Colorado; 2. prevent the establishment of newly introduced noxious weeds into Colorado; 3. stop the spread of noxious weed species that are already so well established within Colorado, that State-wide eradication is no longer possible; and 4. restore lands of exceptional agricultural and environmental value. The Noxious Weed Management Plan for Fremont County includes the City of Cañon City and the City of Florence. If there are a number of weeds in the County that they declare additional noxious weeds, they have to have a public hearing to include those plus the revisions. In the last two years they have included the revisions into three lists, which are addendums to this Management Plan. The Plan will be modified and brought back before the Board by May 31, 2008.

Commissioner Stiehl asked for anyone wishing to speak for or against to come forward. Seeing none, he closed the Public Hearing and returned to the Regular Meeting.

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

NEW BUSINESS (CONTINUED)**PLANNING AND ZONING CODE ENFORCEMENT YEAR-END REVIEW**

Robert Sapp, Code Enforcement Officer, stated that he wanted to thank the community for their support in what he does. They dealt with 147 cases in 2005, and closed out 105

of those. Nine of those cases had to go into litigation and three of those cases will come to closure soon. He stated it took them an average of four months to work a case from start to finish, and an average of four visits to each site.

Commissioner Lasha stated that Robert and Walter do an outstanding job, and they are making a difference.

REQUEST: MS 05-009 GAFFNEY MINOR SUBDIVISION

Matt Koch, Cornerstone Land Surveying, stated that this was a two-lot minor subdivision located on Locust. They are proposing Lot 1 will have a flag lot, the building will be built on the back portion of the lot. Lot 2 will house the existing house and garage. The final submittal will contain all the contingencies, and they do not have a problem with the requirements.

Bill Giordano, Planning and Zoning Director, stated that the Planning Commission did recommend approval with 16 contingency items.

Commissioner Lasha moved to approve MS 05-009 Gaffney Minor Subdivision with the 16 contingencies:

RECOMMENDED CONTINGENCIES:

It is recommended that this item be approved and referred to the Board of County Commissioners for scheduling of a public hearing, provided the following contingencies are provided within six (6) months (*with no extensions*) after final approval by the Board of County Commissioners:

1. Final plat and copies (*copies to be provided after recordation of the plat*) as required by the Fremont County Subdivision Regulations.
2. **Title Commitment:**
 - a. An updated title commitment issued within 30 days of recording of the final plat. An updated title commitment may result in additional requirements.
 - b. A recorded release of deed of trust document or an executed ratification, consent and release form will be required for deed of trust found under Reception Number 811129 of the land records of Fremont County.
3. **Drainage Plan and Report:**
 - a. Compliance with any drainage requirements as per reviewing engineer.
4. A quitclaim deed to the County for a thirty (30) foot right-of-way, from the centerline of Locust Street, along the entire property frontage.
5. An executed and recorded copy of the Cañon City Water Service Contract.
6. Compliance with the following requirements of the Cañon City Fire Protection District as per form dated 11-28-05, signed by Joel Foster.
 - a. Installation of a fire hydrant at the north corner of proposed lot 1 on Locust Street.
 - b. A turnaround at the end of the driveway on proposed lot 1.
7. If the above improvements are not completed prior to the recording of the final plat the following will be required:
 - a. An estimate for the installation and construction of the fire hydrant and the turnaround.
 - b. An executed improvement and escrow agreement for the above improvements.
8. Prior to release of the escrow agreement or prior to recording of the final plat the following will be required:
 - a. Documentation as to acceptance, from appropriate personnel, of the installation of the fire hydrant and the construction of the turnaround.
9. Information adequate to enable the Department to compute addresses for proposed lots as per the Fremont County Subdivision Regulations (FCSR) Section XII.,I.,1.
10. Closure sheets for each lot and boundary of the subdivision.
11. Removal or relocation of shed to comply with applicable setback regulations.

12. Documentation as to compliance with requirements of the DeWeese Dye Ditch & Reservoir Company Inc. as per letter from Ron Dorn, stamped by Planning and Zoning on November 23, 2005.
13. The final plat shall be corrected to reflect the correct language concerning ownership or documentation as to the existing language being correct. *The title commitment and application indicate that the Gaffneys' are "joint tenants", but the statement of ownership (know all men by these presents) and the dedication statement on the plat would indicate that the Gaffney's own the property as "Tenants In Common".*
14. The final plat shall be corrected by either removing or adding the appropriate symbols for set and found rebar's. *The legend shows a symbol for a found 1/2" rebar and a symbol for a set 1/2" rebar, neither of which are used on the plat drawing.*
15. The final plat shall be corrected to note the proper language for the calculated section corner and a found section corner. *The plat drawing with a revision date of 12-7-2005 has in the legend symbol labeled as "calculated section corner", the symbol is used in two locations on the plat drawing one of which is correct and is a section corner, however the other position in which it is used is a 1/16 monument, certainly an aliquot division of a section, however not truly a section corner.*
16. The final plat drawing shall show a building setback line established for proposed lot 1 which is required by Appendix 1, B., 12., d. of the Subdivision Regulations.

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

REQUEST: WAIVER OF FEE FOR BOZA 05-003 NORTHWEST FREMONT EMS

Ida Zanmiller, Northwest Fremont E.M.S. Board President, stated they were requesting a waiver of the fee because they are a not-for-profit corporation, all volunteer agency, and they do have 501(c) 3 status. Their monies are mostly from donations, grants and their annual fundraiser. They have worked with Tallahassee Fire and the lot would be designated 40% use by Northwest, 40% by the Fire Department and 20% by other emergency services. With Northwest's 40%, they plan to build a building to house their two ambulances and a room to have training classes.

Commissioner Lasha stated that they have a problem with waiving fees because of where it would end. He stated he would recommend that they waive that fee of \$400. He stated that was a motion. The motion was seconded by Commissioner Norden, and stated he was prepared to suggest that they waive 50%. Commissioner Norden moved to amend the motion to allow a 50% waiver. Commissioner Lasha stated there was another option to deny the whole thing, and they could invite them to the fundraiser. **Commissioner Stiehl** stated there was a motion on the table for a waiver and a priority motion for an amendment. The motion for an amendment died for lack of a second. There is still a motion to waive the fee and a second. **Commissioner Norden** stated that they could either vote on that or amend to change or withdraw and agreed with the withdrawal. **Commissioner Stiehl** stated that the motion and the second had been taken off the table. **Commissioner Lasha** stated that he would make another motion with the discussion part of it. He stated he wanted to see them get the \$400 and he was committing himself to the fundraiser. He moved to deny the request for the waiver. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

REQUEST: TRANSFER OF SRU 00-001 BROKEN SPOKE EVENT CENTER

James Boyd Canterbury, Owner, stated he had sent a letter to Planning & Zoning requesting to conduct a flea market. It would be 250 units on Wednesdays, Saturdays and Sundays from 6:00 A.M. to 4:00 P.M. from May through October.

Commissioner Stiehl stated that the initial letter was a request to transfer the Special Review Use as listed on the Agenda. The second letter is asking for the additional activities to be added to the Special Review Use.

Bill Giordano stated that the original application was to transfer the permit. The second letter came in asking for amendment to the existing Special Review Use permit. The zone district is Ag-Living. They issued a Special Review Use permit for the operation of a restaurant, rodeo ground (indoor & outdoor arena and animal housing) a three (3) hole golf course and a golf driving range. This later request would require an amendment because it is not a permitted use in the zone district. An amendment requires a public hearing. He stated he did not see where a flea market would be related to the activities that have been approved. There is nothing in the regulations that would prohibit them from using the same application and only changing the answers. He stated he had no problem with the original request. Mr. Canterbury has provided the necessary documents for the transfer. He stated he would recommend that as a contingency, Mr. Canterbury provide copies of the insurance declarations.

Commissioner Norden moved to approve the transfer of SRU-00-001 Broken Spoke Event Center from Glenn Miller, dba Oro Oso, LLC to Boyd's Broken Spoke Event Center, LLC, contingent upon receiving copies of insurance declarations. The applicant's other requests are not to be allowed until he makes separate application. 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 11:05 A.M.

County Clerk