

January 25<sup>th</sup>, 2011

## SECOND MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on January 25th, 2011, 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
Michael J. Stiehl	Commissioner	Present
Debbie Bell	Commissioner	Present
Brenda Jackson	County Attorney	Present
Katie Barr	Clerk and Recorder	Present

Also present: Bill Giordano, Planning and Zoning Director; George Sugars, County Manager, and Jody Blausser Deputy Clerk.

Pastor Jeremiah Reynolds of the Riverwalk Nazarene 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 Stiehl** moved to approve the agenda, Commissioner Bell seconded the motion.

Upon Vote: Commissioner Stiehl, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

### CONSENT AGENDA

**Commissioner Bell** moved to strike the approval of the minutes from January 11, 2011 from the consent agenda as she had not reviewed them yet. Commissioner Stiehl seconded the motion.

Upon Vote: Commissioner Bell, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

**Commissioner Bell** moved to approve the amended consent agenda. Commissioner Stiehl seconded the motion.

Upon Vote: Commissioner Bell, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

### ADMINISTRATIVE/INFORMATIONAL

#### 1. Staff and Elected Officials

##### a. Treasurers Semi-Annual Report

**County Treasurer, Pat McFarland** stated this report looks much better than the report she gave at the end of last year. Pat said a few of the items are in the negative as they did not get funding. She commended the Board of Commissioners as well as the employees for helping to achieve numbers in the black instead of red. Commissioner Norden asked Pat to explain the negative number on the Gaming Impact Fund. Pat explained we only collected \$5475. Dana Angel, Finance Manager explained the funding is in process from the state. Pat noted once these funds are received, the Gaming Impact Fund should be in the positive as well. Commissioner Stiehl moved to accept the County Treasurers Semi-Annual Report. Commissioner Bell seconded the motion. Upon Vote: Commissioner Stiehl, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

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b. Public Trustees Quarterly Report

**Pat McFarland** said there had been 529 Releases of Deeds of Trust for the fourth quarter of 2010. There were 101 foreclosures for this quarter, slightly more than the previous quarter. Overall for the year, foreclosures were down about 10% from 365 in 2009 to 337 in 2010. So far in 2011 there have been 28 foreclosures. The fourth quarter income for the Treasurers Office was \$40,675.32. Commissioner Bell moved to accept the Quarterly Report of the Public Trustee. Commissioner Stiehl seconded the motion.

Upon Vote: Commissioner Bell, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

c. Approval of Interest to Foxworth-Galbraith on Assessors Abatement of Taxes 2007 and 2008

**Pat McFarland** explained by Statute, she has to pay interest on Abatements at the same rate that is collected on delinquent taxes. Pat gave the Commissioners copies of the Tax Abatement interest calculations to be paid to Foxworth-Galbraith. Commissioner Stiehl moved to approve the expenditure of abatement interest to Foxworth-Galbraith in the amount of \$2,851.38. Commissioner Bell seconded the motion.

Upon Vote: Commissioner Stiehl, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

d. Lost Tax Lien Sale Certificate

**Pat McFarland** has a Tax Lien Holder who is entitled to some redemption money who lost their Certificate. In order to pay them their money there will need to be a Resolution Re-instating the lost Tax Lien Sale Certificate. Pat said the Certificate is #7146 and the Tax Lien Holder is Kathy Robinson. Commissioner Stiehl moved to approve Resolution #7 issuing a duplicate Tax Sale Certificate #7146 to Kathy Robinson. Commissioner Bell seconded the motion. Upon Vote: Commissioner Stiehl, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

**Commissioner Norden** asked Commissioner Bell if she enjoyed her training in Denver. Bell replied she still had a lot to learn after attending the 3 day training course. She said the training was very informative and received useful information.

2. Citizens Not Scheduled: None.

**OLD BUSINESS**

1. **REQUEST: SRU 10-007 ROYAL GORGE ZIP LINE TOURS**

**This application is continued from the January 11, 2011, Board of County Commissioners' Meeting.**

Request approval of a Special Review Use Permit for a Rural Recreational Facility, Department file #SRU 10-007 Royal Gorge Zip Line Tours, by Anna Seufer as the applicant on property owned by AJET Ventures, LLC, to allow up to seven zip line runs, with four line departures a day, seven days a week, on a year round (March through November) basis. The zip line tours will be guided by a minimum of two trained zipping guides. The zip line tour will be structured as a small group experience for eight to ten participants. All participants will be shuttled to the course via a 15 passenger van from 45045 US Highway 50, which is approximately 1.5 miles from site. The property contains a framed dwelling which is being used as a vacation rental and will not be used in conjunction with the zip line operation. The property is located on the south side of U.S. Highway 50, .56 miles east of Fremont County Road 3A (aka Royal Gorge Road), in the Royal Gorge Area.

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The property is zoned Agricultural Rural and Agricultural Estates (There will need to be a similar use designation for the use in AEZD {possibly an athletic field allowed by SRU in the zone district under an Urban Recreation Facility} or a zone change to the ARZD) and contains approximately 126.918 acres.

Representative: Matt Koch, Cornerstone Land Surveying, LLC

**Matt Koch** of Cornerstone Land Surveying said their concern is regarding condition M and N for the Professional Engineers Stamp. He spoke to Mike Cox of the Building Department and a Building Permit will not be required. Sales and Use Tax will still have to be paid on the materials used. As this is a specialized design, it takes specialized people to build it; an engineer may not be familiar with zip lines. The applicant is requesting condition M and N be removed. According to Bonsai Design, they have never used an engineers stamp before as the accreditation of American Challenge Course Technology (ACCT) standards are used for the design. Matt said the ACCT has minimum specification standards for installation and equipment. Matt noted this does go above the standards of a civil engineer. Commissioner Stiehl asked why it would be a problem to get the approval of an engineer. His concern is that a building permit is not required, and that anyone could become accredited. Stiehl said the condition of the engineer's approval makes sense to him. Matt said in the state of Colorado an engineer can practice in any field. He said a nuclear engineer could review the plans, and not understand them, but still give his stamp of approval. Matt explained the ACCT provides the standards for this field. Commissioner Norden asked Bill Giordano how the other zip line applicant had been handled. Bill said the engineer stamp was a condition for them as well, but the applicant had not been able to find an engineer to give a stamp of approval. Commissioner Norden asked if conditions M and N were waived would the County have any liability. Brenda Jackson said it would be a good idea for Don Moore to review the ACCT standards. She is concerned with the fact that Bonsai helps design the standards and they are able to give it their own stamp of approval. She said an expert needs to review the standards to see if they are acceptable. Matt said if Don Moore could review the plans to see if they are acceptable that would be great. Commissioner Norden asked the Board if they would want to amend the wording of conditions M and N to indicate the proposed ACCT standards are reviewed and accepted by the County Engineer. Commissioner Stiehl suggested leaving the language as written and dealing with the Engineers Stamp when the applicant is ready to become operational. Commissioner Bell made a motion to amend condition M to change the language: the applicant shall provide the department with documentation that all structures and construction of the zip lines and towers are designed according to American Challenge Course Technology (ACCT) standards and are reviewed and accepted by the County Engineer. Commissioner Norden seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Norden, aye; Commissioner Stiehl, nay. The motion carried. Commissioner Norden asked Matt how the Board could look upon Bonsai as an accredited inspector. Matt has reviewed Bonsai and said they have done these courses all over the world. They design, build, and inspect the zip line courses. They follow the same guidelines for each course. He would rather have someone who knows what they are doing inspect the course. Commissioner Stiehl asked where ACCT is located. Matt answered he believes they are in Ohio. James Whiteside, who is the applicant's partner, asked if he could give the Board some additional papers to help give the Board some better insight. Commissioner Norden asked Bill and Brenda if the language of condition N is left as written, will it be a problem in the future. Bill said it could cause a problem if the inspection provided to the Board is not signed by a Colorado professional engineer, the applicant would have to come before the Board for a change in the condition. Commissioner Norden moved to amend condition N to change the language from the word "independent" to be an accredited inspection agency under ACCT standards or government agency and all inspection documents shall have inspections signed and sealed by that agency. Commissioner Bell seconded the motion. Commissioner Norden asked Matt if this was acceptable. Matt answered yes. Commissioner Bell said it is extremely important to keep the public safe and feels the yearly inspection will help accomplish this. Upon Vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Stiehl, aye. The motion carried.

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Commissioner Norden asked for comments on the amended Resolution. Bill noted there had been several changes to the conditions since the last meeting. He said Matt had provided a letter addressing the concerns of the Planning Commission. Matt also provided a map of the parking lot showing adequate parking spaces for the additional customers. Bill noted they had calculated the spaces needed for all of the uses on that property; the Bar & Grill, Rafting Business, Single Family Residence, the zip line office and the zip line amusement area. Bill explained 82 parking spaces are needed, and there are 93 spaces provided on the property. He said the parking areas are graveled so there should not be an impact on drainage. Bill read the letter received from the Colorado Department of Transportation, which said they did not anticipate any additional impact from the existing access for Royal Gorge Rafting, or the existing access for the proposed zip line course. Bill explained only the conditions that had been changed. Bill noted condition I had been changed to: hours of operation for tours will be limited to 7:00 a.m. to 9:00 p.m. Condition J will allow for 11 zip lines and 3 training zip lines. Bill said he will amend conditions M and N per the motions today. Condition O had been added since a Building Permit will not be required, that proof of payment of all Fremont County use tax for all materials used in construction of the zip line and gazebo. Bill did receive a letter from Joel Foster of the Canon City Fire Protection District recommending the zip line not be allowed to become operational until they receive and accept the emergency plan. He did state condition T will restrict use of ATV's for maintenance and emergencies, no recreational use by guides or customers will be allowed. Bill noted condition U prohibits smoking and campfires. Bill said contingency 4 waived the proof of water as bottled water is accepted as the source of water. Contingency 6 had been changed to require approval signatures on the utility plan if applicable. Commissioner Bell moved to approve Resolution #8 with the amended conditions, contingencies, and waivers as follows (per SRU 10-007 Royal Gorge Zip Line Tours BOCC Comment Letter):

**REQUIRED CONDITIONS:**

- A. Special Review Use Permit shall be issued for life of use.
- B. The Department shall review the permit annually to determine compliance with the conditions of the permit and forward it to the Board for their review as required by regulations. It shall be the responsibility of the permit holder to provide the Department with copies of other permits, licenses, or other documentation showing compliance with the requirements of any other governmental agency (*to include items such as changes to the documents, updates, renewals, revisions, annual reports*). Further it shall be the responsibility of the permit holder to provide the Department with copies of any documents that would affect the use of the subject property, such as but not limited to updated or renewed leases for use of or access to the subject property. Copies of these documents shall be submitted to the Department prior to the anniversary date of the approval of the use permit each year. If the Department has to notify the permit holder that the anniversary date has passed and/or request said documentation, then a penalty fee shall be charged to the permit holder. If the required documentation and penalty fee are not submitted to the Department within twenty (20) days following notification to the permit holder, then violation procedures may be commenced, which could result in termination, revocation, rescission or suspension of the use permit.
- C. The Applicant shall conform to all plans, drawings and representations submitted with or contained within the application except as may be inconsistent with the other provisions of the permit.
- D. The Applicant shall comply with all laws and regulations of the County of Fremont, its agencies or departments, the State of Colorado, its agencies or departments and the United States of America, its agencies or departments, as now in force and effect or as the same may be hereafter amended.

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- E. Applicants shall obtain, prior to operation, and keep in effect, throughout operation, all other permits, licenses or the like, including renewals, required by any other governmental agency and as otherwise may be required by Fremont County and shall provide copies of such to the Department. Revocation, suspension or expiration of any such other permits shall revoke, suspend or terminate the permit authorized hereunder, as the case may be.
- F. If a Special Review Use is abandoned, discontinued or terminated for a period of six (6) months, the approval thereof shall be deemed withdrawn, and the use may not be resumed without approval of a new application. Provided, however, if the holder of the permit intends to or does temporarily cease the use for six (6) months or more without intending to abandon, discontinue or terminate the use, the holder shall file a notice thereof with the Department prior to the expiration of the six-month period stating the reasons thereof and the plan for the resumption of the use. The requirement of a notice of temporary cessation shall not apply to applicants who have included in their permit applications a statement that the use would continue for less than six (6) months in each year and such fact is noted on the permit. In no case, however, shall temporary cessation of use be continued for more than two (2) years without approval by the Board.
- G. If a Special Review Use Permit is to be transferred it shall comply with all applicable Federal, State and County regulations regarding such transfer.
- H. Days of operation shall not be limited.
- I. Hours of operation for tours will be limited to 7:00 am until 9:00 pm.
- J. The applicant / owner will be limited to the use of a maximum of eleven (11) zip lines plus three (3) training zip lines.
- K. Applicant shall provide to the Department, documentation from the Fremont County Weed Coordinator that the applicant has in place an acceptable weed control plan, further the applicant shall implement and maintain the plan, yearly.
- L. The applicant shall provide to the Department annually, a copy of premises liability insurance in the amount of at least one (1) million dollars for the proposed use and it shall be kept current as long as the business is in operation. The limits of liability may be adjusted by the Board based on a review of coverage no more frequently than every three (3) years.
- M. The applicant shall provide the Department with documentation that all construction of the structures, zip lines and towers are designed according to Association of Challenge Course Technology (ACCT) standards and are reviewed and accepted by the County Reviewing Engineer.
- N. The applicant shall provide the Department with a copy of the annual inspection report of the anchors, cables, towers and pole foundations, etc. which shall be performed by an accredited inspection agency or government agency pursuant to ACCT standards or government agency standards. All inspection documents shall have said inspection signed and sealed by that agency. Failure to immediately correct deficiencies noted by the inspectors shall be cause for operations to cease until remedies are in place and certified by the inspectors.
- O. Proof of payment of all Fremont County use tax for all materials used in construction of zip line and gazebo.
- P. Documentation from the Cañon City Fire Protection District as to receipt of a copy of the emergency plan for evacuation of customers from the zip line, in case of an accident. Documentation from the District as to approval of or comments on the emergency plan. If there are any requirements by the Fire Protection District, the operator, owner or

applicant shall comply with any such requirements and provide the Department with documentation evidencing such compliance, prior to operation.

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- Q. The applicant shall keep and make available, at all times, a log of all customer attendance and customers instructed and trained to ride the zip line.
- R. All Royal Gorge Zip Line Tours personnel that work on site shall be trained in safe operations.
- S. No customer vehicle traffic or parking is permitted. All customers shall be transported to the site only by Royal Gorge Zip Line Tours drivers and vehicles.
- T. Any use of ATVs in the permitted area is restricted to transporting customers within the zip line course, maintenance of the zip lines, or for use in event of emergencies. No ATV recreational uses will be allowed within the permit area by either customers or guides.
- U. Due to the threat of wildfires occurring in the piñon-juniper trees within the course area, smoking and campfires by customers and employees are prohibited.
- V. Documentation as to compliance with the County Reviewing Engineer's recommendation, in his letter dated October 26, 2010, which is as follows: "As long as the builder breaks up roadside flow by diverting storm water into the adjacent natural ground through swales at regular intervals along the driveway, no significant changes to the drainage leaving the site are expected" shall be provided prior to operation.
- W. The County shall retain the right to modify any condition of the permit, if the actual use demonstrates that a condition of the permit is inadequate to serve the intended purpose of the condition. Such modification shall not be imposed without notice and a public hearing being provided to the Applicant at which time applicant and members of the public may appear and provide input concerning the proposed modifications to the conditions of the permit.
- X. Only the named party (applicant / owners) on the permit shall be allowed to operate this Special Review Use Permit. Board approval shall be required prior to allowing any other person or entity to operate at the site under the conditions of this permit. All persons, entities or others requesting Board approval to operate under this Special Review Use Permit must agree to abide by all terms and conditions of this Special Review Use Permit and shall be required to be named on this Special Review Use Permit as additional parties who are bound by the terms and conditions of this Special Review Use Permit.
- Y. A Special Review Use Permit shall not be modified in any way without Department approval for Minor Modifications or approval of Major Modifications by the Board in accordance with Section 8.2 of the Fremont County Zoning Resolution (complete reapplication).

**REQUIRED CONTINGENCIES:**

The approval is made contingent upon, at a minimum, the following items being provided to the Department, by the applicant, within six (6) months (*no extensions except through regulatory process*) after approval:

1. Copy of an executed lease between AJET Ventures, LLC and Royal Gorge Zip Line Tours, Inc.
2. Documentation as to proof of access from the Colorado Department of Transportation.
3. Applicant shall provide to the Department documentation from the Fremont County Weed Coordinator that the applicant has in place an acceptable weed control plan or that one is not required.
4. Requirement of proof of water is waived, and bottled water is accepted as the source of water.

5. Documentation from the Environmental Health Office as to adequate sewage disposal as per memos dated October 14, 2010 and December 28, 2010.

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6. Copy of detailed utility plan including approval signatures from all appropriate utility companies servicing the site, if applicable.

**WAIVERS:**

The BOCC waived the following:

1. **5.2.6 Buffering & Landscaping Requirements:**

The applicant shall be required to provide screening or a buffering strip, which will act as an opaque visual barrier, unless waived by the Board. Where in these regulations, any such screening or buffering strip is required to be provided and maintained, such buffering strip shall consist of a row of trees or continuous un-pierced hedge row of evergreens or shrubs of such species as will produce within three (3) years a screen height of at least six (6) feet and shall be of the following minimum sizes at time of installation:

Deciduous shrubs	4' height
Spreading evergreens	30" spread
Tall evergreens	3' height
Screen planting ( <i>evergreen</i> )	4' height
Trees	2 and ½" caliper
Ground cover	2 and ½" pot

The entire buffer strip shall be immediately adjacent to the lot line or portion thereof, with consideration given to utility or drainage easements. The remainder of the strip shall be used for no other purpose than the planting of shrubs, flower beds, grass, or a combination thereof. The buffer strip shall be at least eight (8) feet in width and shall be graded and planted with grass seed or sod and such other shrubbery or trees. The entire area shall be attractively maintained and kept clean of all debris and rubbish.

In required buffer strips where a natural buffer strip is considered to be impractical or inappropriate, an opaque fence may be substituted in whole or in part for a natural buffer provided its specifications are approved by the Board.

2. **5.3.2 Surfacing:** Surfacing for all business, commercial, or industrial off-street parking areas shall be graded and surfaced so as to control dust and provide proper drainage. The driveway and parking spaces shall be asphalt or concrete surface unless waived by the Board. If asphalt or concrete, spaces shall be clearly marked. Curbs or barriers shall be installed so as to prevent parking vehicles from extending over any lot lines.
3. **5.3.3 Lighting:** All off-street business, commercial or industrial parking spaces may be required to be adequately lighted to protect the safety of the individual using the area. Said lighting shall not cast any glare on the surrounding properties.
4. **5.3.4 Landscaping:** All parking spaces (areas) used for business, commercial or industrial uses may be required to provide appropriate vegetation designed to break up the expanse of the parking area.

Commissioner Stiehl seconded the motion. Commissioner Norden added the letter from Matt Koch dated January 17, 2011 with commitments from the applicant, specifically the property being posted with no trespassing signs be noted as part of the motion. Commissioner Stiehl commented he will do a better job of investigating an organization's accreditation on future applications. Upon Vote: Commissioner Bell, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

**PUBLIC HEARINGS SCHEDULED FOR 10:00 A.M.**

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**PROPOSED 3<sup>RD</sup> AMENDMENT TO THE FREMONT COUNTY ZONING RESOLUTION**

Request approval of a proposed amendment which was tabled from the October 12, 2010 Board Meeting. If approved the amendment would add commercial wind energy systems to the Fremont County Zoning resolution.

**Chairman Norden** re-opened the Public Hearing at 10:15 A.M.

**Bill Giordano** said they had not actually been able to meet on this issue again. He said the information received from other counties was very lengthy and would take a lot of time to review. He is still concerned with the cost of the Environmental Study and Small Wind Energy Systems. Commissioner Norden asked if any citizens wanted to address the Board for Public Comments. There were not any public comments.

**Chairman Norden** closed the Public Hearing at 10:18 A.M. and stated no action was required from the Board at this time.

**NEW BUSINESS**

1. Report from Beth Lenz of Upper Arkansas Area Council of Government  
Reference new plans to reinstitute a plastics recycling program.

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**Beth Lenz** said they had kicked off the new plastic recycling program last Wednesday, and were sold out of the recycling bags by 1:00 that day. She said they should have more bags by this Thursday. Beth explained they are partnering with Loaves and Fishes and are selling the bags to be used for \$3. Of the \$3 she said \$1 goes to the Council of Governments, \$1 goes to Loaves and Fishes, and the other \$1 goes to cover the cost of the program. Beth said the bags can be filled with plastics 1-7. Styrofoam, electronics, or hazardous materials are not accepted. Beth mentioned items not currently accepted in Fremont County can be put in the bags as well. These items include paperboard, magazines, cereal boxes, etc. The drop off place for the filled bags is Loaves and Fishes. The first drop off date is Wednesday February 9<sup>th</sup> from 9:00 a.m. to 3:00 p.m. and will be held every Wednesday after that. The bags can be purchased at the Council of Governments, Loaves and Fishes, City Hall, and Classic Furniture. Plastic may be crushed, but not chopped up. Commissioner Stiehl congratulated Beth on getting the program going. Commissioner Norden commented how great it was to partner with Loaves and Fishes on the project and have a manned drop site.

2. Virginia Patton, 4-H Foundation President; Montana Buckhaults, 4-H Council President

**Virginia Patton** presented a check to the Board in the amount of \$10,000 to be spent on projects for Pathfinder Park. She said the 4-H Foundation was so excited to be able to donate this money. Ralph Kunselman told the Board to spend the money wisely. Montana Buckhaults presented the Board with a check for \$5,000 from the 4-H Council. Commissioner Norden said this was part of the match money for the GOCO grants. Verla Noakes said the \$200,000 GOCO grant was scheduled to be completed in December 2010. This money was for the lighting, bleachers, and restrooms at Pathfinder Park Arena. Once the water is installed the grant work will be completed. Commissioner Norden said they did secure a 6 month grant from GOCO. George Sugars said the County is currently accepting bids to install the water line until 2:00 p.m. until February 3<sup>rd</sup>. George said they are also working on the easements. The Commissioners thanked the 4-H Foundation, and the 4-H Council for their hard work.

## 3. Airport Manager Dick Baker – Hangar Request

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**Dick Baker** said after reviewing the request with the airport consultant, and the master plan he recommends approval of the Hangar Request. The Hangar would be located East of the main office facility in a location already approved by the FAA. The site will be 50 x 56. The applicant already has two airplanes that are actively flying. Dick said this will bring up their numbers close to 90 air craft. Brenda said they have a standard land lease agreement they use for new Hangars once the Board has approved the request. The applicant, James Woolworth thanked the Board for considering his request. James said he is a new resident to Fremont County and had moved here from Michigan. Commissioner Bell asked James when he would start construction. James said he had already contacted a building supplier and would like to begin work within a few weeks. Commissioner Stiehl moved to authorize the Chairman to sign the standard land lease agreement for the airport Hangar. Commissioner Bell seconded the motion. Upon Vote: Commissioner Stiehl, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

4. License Agreement between the City of Canon City and the County of Fremont Regarding maintenance of a paved parking area on the North side of Macon Ave., East side of 6<sup>th</sup> Street, South side of Greenwood Ave., and West side of 7<sup>th</sup> Street.

**Commissioner Norden** explained this parking area for the County Administration Building had previously been maintained by the City. Brenda said the License Agreement allows enforcement by the County as well as maintenance and improvements. Commissioner Stiehl moved to approve the License Agreement between the City of Canon City and the County of Fremont for the North side of Macon Avenue, East side of 6<sup>th</sup> Street, South side of Greenwood Avenue, and the West side of 7<sup>th</sup> Street. Commissioner Bell seconded the motion. Upon Vote: Commissioner Stiehl, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

5. Amended Certification of Levies and Revenue-Budget Year 2011

**Dana Angel**, Finance Manager explained the original Certification of Levies was approved by the Board on December 21, 2010. Several corrections have been pointed out since the approval that did not make a Revenue difference but needed corrected. The Florence Fire Protection District mill levy was correct, but the decimal was in the wrong place. The correct levy is .600 not the .006 that was approved. Fremont Conservation had certified .500 but had been approved at .005 mill levy. Dana explained the Fremont RE-3 School District had submitted information to the Finance Department that belonged to the Treasurers Office, and gave the Treasurers Office the Finance Departments information. The mill levy for the bond was not certified due to this error. The correct mill levy is 21.702 for a revenue of \$1,347,914 which changes the totals for the School District Revenue to \$14,302,458. Dana said the Tax Roll had already been run and the RE-3 notices were incorrect. The Treasurer had to pull all of the RE-3 notices and have the Assessor re-print them, then re-stuff the envelopes. He said this amounted to be a lot of work and extra cost. Re-3 contributed \$1500 for their share of the additional expense. Commissioner Stiehl moved to certify the amended levies and revenue for the budget year 2011. Commissioner Bell seconded the motion. Upon Vote: Commissioner Stiehl, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

6. LIQUOR LICENSE

V.F.W.

PENROSE POST #2788

402 BROADWAY

PENROSE, CO 81240-9025

Tavern Liquor License renewal – Malt, vinous and spirituous

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**Commissioner Norden** said this item had been taken off the Consent Agenda because the applicant had not met the 45 day timely filing requirement and required approval from the Board. Commissioner Stiehl moved to waive the 45 day timely filing requirement and approve the Liquor License for the V.F.W. Penrose Post. Commissioner Bell seconded the motion. Upon Vote: Commissioner Stiehl, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

7. **REQUEST: REVOCATION OF CUP 02-4 D&M ENTERPRISES**

Request approval to revoke Conditional Use Permit, Department file #CUP 02-4 D&M Enterprises. Mr. Donald R. Midkiff, owner of the property at the time the CUP was issued has since sold the property to Mr. Greg Miller, in August of 2010. Mr. Greg Miller stated in a letter dated December 4, 2010 that he does not intend to operate the machine shop located at 5117 Sand Road in Howard, Colorado, therefore he requests that the Conditional Use Permit be revoked. The property is generally located approximately 4.5 miles north of Howard on Sand Road. Representative: Fremont County Department of Planning & Zoning.

**Bill Giordano** said upon annual review of the property, it was found the original owner, Mr. Midkiff had sold the property to Mr. Miller. As Mr. Miller was not aware of the CUP he sent a letter to the Zoning Department requesting the CUP be revoked. Bill said he would prepare a Resolution to be approved at the next meeting if the Board approves this request. Commissioner Bell moved to approve the Request to Revoke CUP 02-4 D&M Enterprises as Resolution #9. Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

**Chairman Norden** adjourned the meeting at 10:45 A.M.

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Clerk and Recorder