

FOURTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on February 14, 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	Present

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

The Morning Prayer was given by Pastor Schwarz of Cañon City Seventh Day Adventist Church.

The Pledge of Allegiance to the Flag of the United States of America was recited by those present.

APPROVAL OF AGENDA

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

CONSENT AGENDA

Commissioner Lasha moved to approve the Consent Agenda:

1. Approval of Minutes January 24, 2006
2. Approval of Bills, February 14, 2006/\$1,234,180.27
3. **LIQUOR LICENSE**
LINCOLN THOMAS H LINCOLN SANDRA J
MARV'S PLACE
103 Broadway
Penrose, CO 81240
Tavern Liquor License Renewal – Malt, vinous and spirituous

ALAN DS LLC
KWIK STOP #8
1410 Elm Avenue
Cañon City, CO 81212
3.2 percent beer retail license renewal
4. Adoption of Resolution #10, Series of 2006, Zoning Application Fees
5. Adoption of Resolution #11, Series of 2006, Subdivision Application Fees
6. **SCHEDULE PUBLIC HEARINGS FOR MARCH 14, 2006 AT 10:00 A.M.**
REQUEST: ZC 05-005 JEWETT ZONE CHANGE
Request approval of a **Zone Change from Agricultural Living to Agricultural Suburban, Department file #ZC 05-005 Jewett Zone Change**, by Russell & Bonita Jewett, Linda, Alicia and Blain Johnson, Julie, Jennifer and Nicolle Wright, for property which is located at the northeast corner of MacKenzie Avenue and Adams Avenue and a portion of land approximately ¼ mile east of the intersection of MacKenzie and Highland Avenue on both sides of Highland Avenue, in the Fourmile Area, Cañon City, Colorado.

7. REQUEST: SRU 05-008 CINGULAR WIRELESS TOWER (WALKER PROPERTY)

Request approval of a **special review use permit to allow for the construction of a 180 foot monopole that will consist of three sectors, each of which will contain four panel antennas, and ground equipment**, by the New Cingular Wireless PCS, LLC, on property owned by Ronald and Alidra Walker. A 100 foot by 100 foot piece of property will be leased for the tower site. The property is located *approximately 1 ½ miles east of the intersection of US Highway 50 and R Street on the north side of US Highway 50, in the Beaver Park Area.*

8. REQUEST: SRU 05-007 FAWN HOLLOW TRANSFER STATION

Request for approval of a **Special Review Use Permit for the operation of a transfer station**, by John and David Howard, dba Howard Disposal (applicant), for property owned by Jim and Katherine Martin. The property is *located approximately 500 feet west of the intersection of Fremont County Road #143 aka Oak Creek Grade Road and McDaniel Boulevard on the north side of McDaniel Boulevard and west of the railroad track, in the South Canon Area.*

9. REQUEST: ZC 05-006 BRILL ZONE CHANGE

Request approval of a **zone change from Agricultural Farming & Ranching to Travel Trailer Park & Campground, Department file #ZC 05-006 Brill Zone Change**, by Douglas & Cathie Brill, for their property which is *located approximately 1 ¼ miles north of the intersection of US Highway 50 & County Road #45 north of the Arkansas River.*

SCHEDULE PUBLIC HEARINGS FOR MARCH 28, 2006 AT 10:00 A.M.

1. REQUEST: 2ND AMENDMENT TO SUBDIVISION REGULATIONS

Request for comments and recommendations concerning the requirement of a traffic impact analysis for all preliminary plan applications, various amendments to the platting requirements for Vacation of Interior Lot Lines, Lot Line Adjustments, and Boundary Line Adjustments, the requirement of a Lot Line or Boundary Line Adjustment for the Vacation of a Public Right-of-Way and other various amendments.

2. REQUEST: 23RD AMENDMENT TO ZONING RESOLUTION

Request for comments and recommendation concerning clarifications to some of the existing definitions, such as animal units, adding new definitions, the public recording of existing violations, various amendments to the existing zone districts, development of regulations and reorganization of temporary uses, amendments to the Home Occupation regulations, change of date concerning establishing a non-conforming use, reorganization and clarifications of the site plan requirements for zone development plan for all commercial (business) and industrial zone changes, additions, expansions etcetera and other general requirements. The proposed project development plan will include a traffic impact analysis, a fire protection plan, site plan requirements and other development requirements.

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

ADMINISTRATIVE/INFORMATIONAL

1. Staff/Elected Officials

Norma Hatfield, Fremont County Clerk & Recorder, submitted the Clerk's Report for the month of January. She stated that the revenues earned in the Clerk's Office were \$593,814.55, and that was an increase of \$37,739.32 over a year ago. The Sales Tax collection increased by \$12,568.88, and the total collected was \$62,637.65. The portion

that goes to the County for distribution to the various entities was \$344,750.41, and that was down \$4,068.26. **Commissioner Lasha** moved to approve the Clerk's Report. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

Commissioner Lasha reported they had met with Florence City Council, and they had a very good turnout. One of the subjects discussed was a possibility of a sidewalk to the new school on Union Mill Hill. RE-2, the City of Florence and the County will be looking at issues with CDOT to come up with solutions for a walkway to the new school.

Commissioner Norden stated they were going to start trucking in the sand for the arena soil on the outdoor arena at Pathfinder Park. The Recreation District is getting set to award a bid for the rest of the entryway project. Hopefully within the next ten days they will receive the notice to proceed for construction of the arena itself.

Jim Beicker, Fremont County Sheriff, stated he was still being cautious regarding fire issues. They are watching the weather closely and asking for anyone wanting to do agricultural burning, to do it as early as possible. They are working on a system for notifying the public on days they are allowed to burn agriculturally.

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

NEW BUSINESS:

BRUCE REDUS/FREMONT ECONOMIC DEVELOPMENT CORPORATION UPDATE

Bruce Redus, stated he had attended the Colorado Aviation Board meeting at CDOT Headquarters, a seminar in Denver and the Community Advisory Board meeting. A company east of Florence had some financial arrangements made for them working through some cash-flow analysis. This is a water recycling operation, and they have about eight stations in the State. He stated he had been doing some comparisons with construction permits. In 2003 the value went from \$12.65 million to \$24.9 million in 2004. He stated they still maintain about 10% of the loan portfolio, and have increased to almost 15% of the value of the portfolio just in Fremont County. They still have three loans to close of the SBA portion. They have been working with the USDA Business and Industry guarantee loans. They were able to get one of those closed and funded for a business in downtown Cañon City.

STARPOINT – PROCLAMATION/DEVELOPMENTAL DISABILITY DAY

Jill Anderson, Starpoint, stated that for nearly 30 years, Starpoint has supported adults with developmental disabilities. They provide residential and day-service programs, and provide 24-hour days, seven day a week staff. Their supported-living services provide essential tools and supports necessary for clients to maintain their current community living situation. Several clients were in attendance with Ms. Anderson.

Commissioner Norden read a Proclamation in its entirety. This proclaimed February 15, 2006 to be Developmental Disabilities Community Centered Day in the State of Colorado. He moved to approve the Proclamation. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

FREMONT COUNTY CLERK & RECORDER/APPROVAL OF 2006 ELECTION POLLING PLACES.

Norma Hatfield, stated that each year the Commissioners must approve the polling places. Because of the requirement to have handicap voting machines in each polling place, they had to combine them in order to afford to purchase these machines. They used to have 30 precincts, but now have 11 polling places. The State was originally going to give \$92,000 for the purchase of the machines, but they are costing over \$200,000. They

raised it up to \$166,900, so the County is trying to get by with combining the precincts. The DRE's (Direct Recording Electronically) are handicap voting machines. There will be a lot of training, especially for the election judges. It is not only the cost for the machines, but there are a lot of associated costs. She stated they would be buying scanning machines that are approved from Sequoia to count the absentee ballots. People will still remain in their same precinct, but will be going to different polling places. Just before the Primary Election, voter registration cards will be mailed out. Those cards will tell voters which precinct they are in and their polling place. Early voting and absentee voting will still be available. **Commissioner Norden** moved to approve the list of combined polling places for the Primary Election August 8, 2006 and the General Election November 7th. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

PUBLIC HEARING
REQUEST: ZC 05-004 HAMILTON ZONE CHANGE
FEBRUARY 14, 2006 10:00 A.M.
RESOLUTION #15

Amy Finger, Bear Basin Ranch, stated she represented Robert Hamilton, owner of the property at 295 10th Street, in the Beaver Park Area. She stated they were requesting a zone change from Agricultural Rural to Business. Mr. Hamilton would like to put in a retail landscape supply store on that site. It is not going to be a contractor's yard or storage area for large amounts of supplies. It is designed to be a store which will have several displays of different landscaping scenes.

Bill Giordano, Planning & Zoning Director, stated that the notifications, publication and posting have been completed. At the Planning Commission meeting on January 3rd, they did recommend approval with six contingency items. The Additional Notifications were taken care of. The Planning Commission waived the hard surfacing on the parking areas, and did not feel lighting and landscaping would be required. As far as justifications, they made two and made three findings. This will require Findings from the Board and a resolution, which will be prepared for the next meeting.

Commissioner Stiehl asked for anyone wishing to speak for or against to come forward.

John Young, C Street Resident, stated he was a neighbor to this property and felt it would add traffic. He stated that he understood Mr. Hamilton owns property to the south that is already zoned Commercial, that has water taps, located right off of Highway 115 and that would be a better display. He also stated he thought Mr. Hamilton's aggregate pit would be a better location.

Commissioner Stiehl closed the Public Hearing and returned to the Regular Meeting.

Commissioner Lasha moved to approve ZC 05-004 Hamilton Zone Change with six contingencies, waiving surfacing, lighting and landscaping and justification d., and Findings a and e. , **Resolution #15**.

RECOMMENDED CONTINGENCY

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. The application shall be corrected to note that the existing zone district is Agricultural Rural.

2. Documentation as to compliance with any requirements of the Fremont County Building Department for conversion of the existing building uses to a commercial or business use.
3. Documentation as to compliance with any requirements of the Fremont County Environmental Health Office for conversion of existing building uses to a commercial or business use.
4. Documentation from the Fremont County, District 2 Road Foreman that the existing driveway access from C Street is acceptable for the proposed business use. A new driveway access may be required.
5. The current zoning of the property known as the north 3/10s of Tract 46 shall be shown on the site plan.
6. Both notes concerning the C Street access shall be written the same. Legend note if to be used shall read as follows: **“Access for this site is to be from C Street.”**

WAIVED:

Surfacing	5.3.2
Lighting	5.3.3
Landscaping	5.3.4

JUSTIFICATIONS:

d. The proposed zone change will be in conformance to the Comprehensive or Master Plan for the area.

FINDINGS:

- a. There is a public need and there will be a County or neighborhood benefit.
- e. The proposed development will be in harmony and compatible with the surrounding land uses and development in the area.

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 **Resolution #15**.

NEW BUSINESS (CONTINUED)

ASSESSOR’S OFFICE – PETITIONS FOR ABATEMENTS

James Deatherage, Fremont County Assessor, stated that three of the abatements were from the Department of Property Taxation granting exemption. They meet the criteria to be a non-taxable entity. Sometimes when a particular property sells, the new owner has not been granted exemption, so they must apply to the DPT. It can take up to two years to have the exemption granted. In the meantime, it has to be on the tax roll and the taxes paid. In the abatement for Schedule #110-08-270, the second floor (which they could not see) was not completed, nor was the basement. They were allowed to physically review the property, and it was determined they were unfinished. The value was adjusted, which resulted in an abatement.

Commissioner Lasha moved to approve **Resolutions #16, #17, #18 and #19**, Petitions for Abatements:

RESOLUTION #16 – PETITION FOR ABATEMENT/VFW, SCHEDULE #120-80-131 – TAX YEAR 2005 - \$3,205.39

RESOLUTION #17 – PETITION FOR ABATEMENT/PATRICIA S. STITES, SCHEDULE #110-08-270 – TAX YEAR 2005 - \$1,246.57

RESOLUTION #18 – PETITION FOR ABATEMENT/GOODWILL INDUSTRIES OF COLORADO SPRINGS – SCHEDULE #981-07-008 - \$2,795.83

RESOLUTION #19 – PETITION FOR ABATEMENT/GRACE BIBLE FELLOWSHIP, SCHEDULE #999-04-163 – TAX YEAR 2005 - \$4,390.54

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 #16, #17, #18 and #19.**

APPOINTMENT OF TAMI MUNDY – PENROSE COMMUNITY LIBRARY BOARD OF TRUSTEES

Commissioner Lasha stated they had a letter of recommendation for Tami Mundy to replace Guy Rush. He thanked Mr. Rush for his service on the Library Board, and moved to approve Tami Mundy to fill that vacancy. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

APPLICATION FOR SPECIAL EVENTS PERMIT – CAÑON CITY RODEO ASSOCIATION

Sheriff Beicker presented the poster as proof of posting the property. He stated that as a board member of the Rodeo Association, he welcomed everyone to the rodeo on May 5th and May 6th. **Commissioner Norden** moved to approve the Special Events Permit for the Cañon City Rodeo Association. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

APPROVAL OF FUEL SUPPLY CONTRACT WITH CITYSERVICE VALCON FOR THE FREMONT COUNTY AIRPORT

Dick Baker, Airport Manager, stated that after much discussion with the Airport Advisory Board, the recommendation was for the CityService Valcon to supply fuel for the Airport. **Commissioner Lasha** moved to approve the Fuel Supply Contract with City Service Valcon for Fremont County Airport. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

APPROVAL OF LEASE PURCHASE AGREEMENT WITH CITYSERVICE VALCON FOR FUEL TRUCK AT FREMONT COUNTY AIRPORT

Dick Baker stated that another fuel truck would enhance the service reliability of disbursing the fuel and make it more mobile. He stated he was anticipating paying for this with additional revenue off the price of the fuel. **Commissioner Norden** moved to approve the Lease Purchase Agreement with CityService Valcon for fuel truck at Fremont County Airport. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

RESOLUTION #20 – REQUEST: REVOKE SRU 96-3 PEDRETTI KENNEL

Bill Giordano stated this permit had been vacated for two years. They sent a letter to Robert Pedretti, and found out he was deceased. They then sent a letter to Rick Pedretti, and have not received a response. Mr. Giordano stated that if the Board revokes this, a Resolution would be prepared for the next meeting. **Commissioner Lasha** moved to revoke SRU 96-3 Pedretti Kennel, **Resolution #20**. 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 **Resolution #20**.

REQUEST: EXTENSION OF CUP 05-001 B&B SEPTAGE (RENEWAL)

Rick Byrd stated he was requesting a 60-day extension to finish putting up a sign and mailbox.

Bill Giordano stated his six-month approval was about to expire and he just needed more time to finish.

Commissioner Lasha moved to approve a 60-day extension for CUP 05-001 B&B Septage. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

REQUEST: APPOINTMENT OF JOE SCRANTON TO BOARD OF ZONING ADJUSTMENT

Commissioner Lasha stated they had a letter and a recommendation from Marshall Butler for Mr. Scranton. **Commissioner Lasha** moved to approve the appointment of Joe Scranton as an associate member to the Board of Zoning Adjustment. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

Commissioner Stiehl adjourned the meeting at 10:55 A.M.

County Clerk