

February 23, 2016

FOURTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on February 23, 2016, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Edward Norden called the meeting to order at 9:30 a.m.

Edward H. Norden	Commissioner	Present
Debbie Bell	Commissioner	Present
Tim Payne	Commissioner	Present
Katie Barr	Clerk and Recorder	Present
Brenda Jackson	County Attorney	Present

Also present: George Sugars, County Manager and Matt Koch, Planning and Zoning Director

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

APPROVAL OF AGENDA

Commissioner Bell moved to approve the Agenda. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

CONSENT AGENDA

1. Approval of Minutes / February 9, 2016
2. Approval of Bills for February 23, 2016/\$832,875.39
3. Approval of 2016 Fremont County Annual Operating Plan for Wildland Fire Management
4. Schedule Public Hearings: None

Commissioner Payne moved to approve the Consent Agenda. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

ADMINISTRATIVE/INFORMATIONAL

1. Staff / Elected Officials:
 - a. County Sales & Use Tax Report, Sunny Bryant, Assistant County Manager / Budget & Finance Officer

Sunny Bryant reported the Retail Sales Tax Collections for December were \$380,039; the Sheriff Retail Sales Tax Collections were \$253,359; and the Lodging Tax was \$16,765. In January, the Auto Use Tax Collections were \$83,215; the Sheriff Auto Use Tax Collections were \$55,477; the Construction Use Tax Collections were \$12,140; and the Sheriff Construction Use Tax Collections were \$6,440.

- b. County Clerk's Monthly Report, Katie Barr, County Clerk and Recorder

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Clerk Barr reported the total Motor Vehicle Fees, Sales Taxes and Recording Fees collected for January 2016 was \$880,462.84, and Fremont County's portion for disbursement is \$506,336.42.

Commissioner Bell moved to accept the County Clerk's Monthly Report. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

Commissioner Bell congratulated the Penrose Park & Recreation District for being recognized as Penrose Chamber of Commerce Business of the Year and Cheryl Carroll and Iona McGuire as the Citizens of the Year.

2. Citizens who wish to address the Commissioners on a matter not scheduled on the agenda

John Garrou voiced his opinion that the County needs to take care of properties that are eyesores due to incomplete buildings and trash. He does not feel the problem should be the taxpayers to clean up. If the problem is ignored it will not go away. He filed over 50 complaints in 2015.

Rich Bandlow said the people in the Copper Gulch area are upset about the unaddressed grow facilities and the trash on properties in the area. The people of the area would like to work with the Commissioners to clean it up.

Commissioner Norden said similar problems are echoed from county to county throughout Colorado. The commissioners share the concerns of the citizens. Roads are substandard in the County and have a higher budgetary priority than more Code Enforcement at this time. Personal pride in ownership needs to occur.

Commissioner Bell said she agrees with the concerned citizens, but she also believes in personal responsibility and due process. She reminded Mr. Garrou that tax dollars pay for Code Enforcement. The problem does not lie just with the County, but Canon City and other municipalities have similar problems as well. People need to take pride in ownership.

Commissioner Payne reiterated the current process does not allow the County to step in and demolish buildings.

PUBLIC HEARINGS SCHEDULED FOR 10 A.M.

1. ZC 15-002 Mountaindale Campground Zone Change.
Request approval of a Zone Change from Agricultural Forestry to Travel Trailer Park & Campground, Department file # ZC 15-002 Mountaindale Campground Zone Change, for their property which is located .25 miles east of the intersection of Barrett Road and August Road, on the North side of Barrett Road. The site is 45.364 acres. The campground has been in existence since 1943 and was in existence prior to the Mountaindale Equestrian Estates Subdivision. The existing Campground is a non-conforming use with 88 existing RV sites and 7 cabins. This application will allow for 26 new RV sites and conversion of the cabins to other uses such as laundry facilities, bathhouses, recreation rooms and maintenance buildings. The application also includes placement of a swimming pool and maintenance building.
Representative: Brian D. Emry, Applicant/Owner

Chairman Norden opened the public hearing at 10:02 a.m.

Brian Emry purchased the campground in 2004. Over the last 10-12 years, the use of the facilities has grown. He has worked hard to clean up and landscape to bring the

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campground into compliance with Planning and Zoning. The recreation park has two areas where expansion and development would be ideal. The expansion would include 16-17 campsites along with a pavilion. Landscaping, public restrooms, washer and dryer units, and a dog park are also included in the expansion plans. The cabins on the grounds will be repurposed or removed.

Director Koch reviewed the application and recommended contingencies from the Planning Commission.

Commissioner Norden presented an email from Ellen Ellson, a certified water professional. She expressed her support of the campgrounds and its efforts of improvement.

Donald Loftis said he had concerns about the expansion. He would like to know the impact on the wildlife in the area. Trespassing, evacuation in the event of an emergency, and erosion problems were also mentioned.

Susan Santorno lives on Kathy Lane. The road is gravel and has a sign that says private drive. Campers use the road frequently.

Monica Loftis said her concerns are safety issues and private property respect. The sheriff's response time is not adequate.

Tony Santorno feels that the trucks that go down Barrett Road in the summer do not have the ability to stop where the campers would be pulling out. He is also concerned about fire safety with one way in and out of the area.

J. Lynn McBride said the traffic increase of the last five or six years and the lack of respect for the speed limit are his biggest concerns with the expansion.

Kim McBride would like the issues of trespassing, traffic management and flooding to be addressed.

Peter Cook said his biggest concerns are trespassing and fire safety with the increase of campfires.

Tony Heslop said his concern with the expansion is water issues. The increased water usage will put a strain on resources for residents.

Mike Babcock said he is not protesting the campground but the expansion. His concerns are water, fire, trespassing, campers feeding wildlife, litter, and marijuana use in a public place. He feels the only one benefitting from the expansion is Mr. Emry, and the property values will drop.

Sheriff Beicker has concerns in the area. The law enforcement attention to the area is not as much as the citizens would like. The area is one where the department would like to expand its services by hiring more deputies.

Director Koch clarified the roads are a road easement in the area.

Chairman Norden closed the public hearing at 11:32 a.m.

Brian Emry addressed the concerns of his neighbors by saying that he would like to know when there is trespassing so that it can be addressed. Signs have been placed on the campgrounds to remind people of boundaries. A professional has been hired to put together an augmentation plan for water usage. The campground is trying to lease water from Pueblo Water and already has a contract with the City of Canon City to haul water. The chief of the Southwest 115 Fire District has approved a fire plan, and the property has a storage facility that stores 30,000 gallons of water for use in the event of a fire.

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Commissioner Bell moved to approve Resolution #10 ZC #15-002 Mountindale Campground Zone Change with Justification #1-A including recommended Contingencies #1-7. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

OLD BUSINESS

None.

NEW BUSINESS

1. In consideration of a Proclamation declaring March 10, 2016 as National Women and Girls HIV/AIDS Awareness Day
Representative: Rick Miklich, Public Health & Environment Director

Rick Miklich said the Public Health Department is sponsoring an event to coincide with the proclamation. They will be offering free HIV and Hepatitis C testing from 9 a.m. to 5 p.m. and free STI testing from 9 a.m. to 2 p.m. in the Garden Park building on March 10, 2016. Mr. Miklich read the proclamation.

Commissioner Payne moved to approve the proclamation. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

2. CUP 04-001 AZCO Pit Resolution to terminate existing Conditional Use Permit

Director Koch said the CUP expired on July 13, 2014 and the necessary reports from Mining Safety and Reclamation have not been received. Certified correspondence has not garnered a response.

Commissioner Bell moved to approve Resolution #11 terminating CUP 04-001 AZCO Pit. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

3. Request waiver of annexation impact report from Board of County Commissioners for Van Loo property owned by Sam Smith and Dawn M. Smith

Director Koch recommended the request be granted. The City of Canon City services the area.

Commissioner Payne moved to grant the request for waiver for an annexation impact report for Van Loo property. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

4. In consideration of an Assignment and Assumption of Lease with Consent of Fremont County Colorado
Representative: Dick Baker, Airport Manager

Manager Sugars explained the lease will be assigned to Dominic Bellino from CTC Trucking.

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Commissioner Bell moved to approve the assignment of lease from CTC Trucking to Dominic Bellino. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

Chairman Norden adjourned the meeting at 12:34 p.m.

Clerk and Recorder

RESOLUTION NO. 11
Series of 2016

RESOLUTION CANCELING CONDITIONAL USE PERMIT
CUP 04-001 AZCO PIT

BE IT RESOLVED by the Fremont County Board of County Commissioners (hereafter "Board"):

WHEREAS, on July 7, 2004, by Resolution 98, Series of 2004, The Board of County Commissioners approved a Conditional Use Permit (CUP) for operation of the AZCO gravel pit; and

WHEREAS, the conditions of the CUP provided that the permit would be valid for a term of 10 years, after which the CUP would expire if not renewed by the Applicant; and

WHEREAS, the Applicant, Ronald E. Walker has been notified through written correspondence dated May 7, 2015, that the CUP was due to expire in accordance with its terms and conditions; and

WHEREAS, no response has been received from the Applicant indicating a desire to continue the CUP through renewal or otherwise.

NOW THEREFORE, BE IT RESOLVED by the Board that in accordance with permit expiration, AZCO Pit, Conditional Use Permit CUP 04-001 AZCO Pit which is legally described as:

LEGAL DESCRIPTION

Beginning at a point in the center of Walker Way from which the East quarter corner of said Section 20 bears S 01°51'00" E a distance of 207.67'; Thence N 36°57'58" W a distance of 912.47' along said centerline; Thence N 14°35'30" W a distance of 672.37' along said centerline; Thence N 89°36'44" E a distance of 238.58' along said centerline; Thence S 65°57'17" E a distance of 312.95' along said centerline; Thence N 46°47'14" E a distance of 257.37' along said centerline; Thence N 01°01'53" E a distance of 1132.37' along said centerline; Thence N 29°23'00" E a distance of 242.36' along said centerline; Thence N 77°21'35" E a distance of 567.14' along said centerline; Thence N 55°46'59" E a distance of 118.66' along said centerline; Thence N 79°54'52" E a distance of 151.25' along said centerline; Thence N 43°06'44" E a distance of 813.88' along said centerline; Thence N 57°41'42" W a distance of 157.86' along said centerline; Thence N 63°55'39" W a distance of 525.67' along said centerline; Thence N 87°27'53" W a distance of 919.88' along said centerline; Thence N 89°42'41" W a distance of 422.94' along said centerline; Thence S 86°27'17" W a distance of 297.93' along said centerline;

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Thence N 80°05'10" W a distance of 855.21' along said centerline; Thence S 63°48'45" W a distance of 296.44' along said centerline; Thence N 52°42'18" W a distance of 366.08' along said centerline; Thence S 33°31'45" W a distance of 237.34' along said centerline; Thence S 74°30'17" W a distance of 430.23' along said centerline; Thence S 66°15'14" W a distance of 354.47' along said centerline; Thence S 57°15'06" W a distance of 271.06' along said centerline; Thence S 09°40'33" W a distance of 401.31' along said centerline; Thence S 00°00'07" E a distance of 192.18' along said centerline; Thence S 33°43'50" W a distance of 134.57' along said centerline; Thence S 16°25'46" W a distance of 154.43' along said centerline; Thence S 36°18'17" W a distance of 440.22' along said centerline; Thence S 47°14'54" W a distance of 235.01' along said centerline; Thence S 86°59'04" W a distance of 351.64' along said centerline; Thence N 68°16'04" W a distance of 318.77' along said centerline; Thence S 64°36'09" W a distance of 534.29' along said centerline to intersect the west line of the N½NE¼ of said Section 19, said point being the Terminus of said Easement at a point which the North quarter corner of said Section 19 bears N 00°04'27" E a distance of 409.13'.

is hereby terminated and canceled, effective **February 23, 2016.**

Commissioner Bell moved adoption of the foregoing Resolution, seconded by Commissioner Payne and approved by roll call vote as follows:

Debbie Bell	<u>Aye</u>	Nay	Absent	Abstain
Edward H. Norden	<u>Aye</u>	Nay	Absent	Abstain
Timothy R. Payne	<u>Aye</u>	Nay	Absent	Abstain

Date: 23 February, 2016

BOARD OF COUNTY COMMISSIONERS
OF FREMONT COUNTY

ATTEST:

By: Ed H. Norden
Chairman

By: Katie E. Bauer
Clerk to the Board