

**February 25, 2014**

**FOURTH MEETING**

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on February 25th, 2014, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Tim Payne called the meeting to order at 9:30 A.M.

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

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

The Invocation was given by Pastor Joe Garkovich from First Christian Church.

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

**APPROVAL OF AGENDA**

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

**CONSENT AGENDA**

1. Approval of Special Minutes / February 13, 2014
2. Approval of Bills / February 25, 2014 / \$1,319,772.59
3. Schedule Public Hearings: None

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

**ADMINISTRATIVE/INFORMATIONAL**

1. Administrative and Elected Officials

- a. Sales & Use Tax Report, Sunny Bryant, Finance Director

**Sunny Bryant** said the Retail Sales Tax collected for 2013 was up \$10,134 from 2012. The Auto Use Tax collected in January was up \$3,965 from January of 2013. The Construction Use Tax collected for January was up \$32,042 from January of 2013. January was the first month collected for the new 1% Sheriff's Sales Tax. The Auto Use Tax collected for the special tax was \$12,943. The Construction Use Tax collected for the 1% Sheriff's Tax was \$22,089.

2. Citizens Not Scheduled:

**Candy Thompson** addressed the Commissioners regarding the marijuana growing facilities in Penrose. She asked what is being done to address this problem.

February 25, 2014

**Commissioner Bell** explained there is a County Ordinance in place banning retail marijuana facilities in Fremont County. There is a Temporary Moratorium on any building or expansion of medical marijuana facilities in Fremont County until the regulations can be put in place.

**Commissioner Payne** explained the County Attorney is currently drafting regulations for the medical marijuana industry. This is a lengthy process that he hopes will be completed by June.

**Commissioner Norden** explained the Ordinance in place outright bans retail marijuana in Fremont County. The Board of Commissioners could revisit the ban in the future but have no plans to do so at this time.

### **OLD BUSINESS**

None.

### **NEW BUSINESS**

1. Cripple Creek & Victor Gold Mining Company update on 2013 activities and 2014 plans. Representative: Jane Mannon, Manager, Community Affairs.

**Jane Mannon** gave a presentation on accomplishments in 2013. The mine currently employs 116 citizens of Fremont County. The annual compensation for these employees is \$10,200,000. The mine has a total of 522 employees now and hopes to have 630 employees by 2015. The mine produced 230,794 ounces of gold and 102,747 ounces of silver in 2013. They are progressing with the new Valley Leach Facility and the Mill. The mine donated 75 ounces of gold to the State of Colorado for repair on the Capitol Dome. The Commissioners thanked The Cripple Creek & Victor Gold Mine Company for their donations at Pathfinder Park and their contributions to the community.

2. Liquor License:  
RePortice Inc.  
The View at Shadow Hills  
1232 County Rd. 143  
Canon City, CO 81212  
Hotel and Restaurant with Optional Premise – Transfer of Ownership  
Representative: Robert Portice

**Robert Portice** said they are going to open the restaurant up to the public. It is vital to the restaurant business to have the liquor license. He is leasing the restaurant and bar from the current owners who hold the liquor license now.

**Chief Deputy Blausner** said the applicant has submitted all of the paperwork that the state requires and has completed the background check process. The applicant has posted the property and published the hearing notice in the newspaper. The petition and letters of reference are in the file as well. The applicant is requesting a Temporary License from the Board of Commissioners so they may operate while the transfer is being processed by the State.

**Commissioner Norden** moved to approve the transfer of the Hotel & Restaurant Liquor License with the Optional Premise from Holt Family Recreation to RePortice Inc. and allow the Temporary Liquor License until the State approves the transfer. Commissioner Bell seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

February 25, 2014

3. Request: Vacation of public right-of-way in conjunction with MS 13-002 J and G Minor Subdivision. Request approval of a Vacation of Public Right-of-way, in conjunction with MS 13-002 J and G Minor Subdivision for that portion of Pisgah Lane (40 foot r-o-w, an approximate distance of 99 feet), lying north of the north line of the right-of-way of Cliff Drive, in the Lincoln Park area. Representative: Matt Koch, Cornerstone Land Surveying, Inc.

**Matt Koch** said the applicant is requesting a vacation of right-of-way for a portion of Pisgah Lane. This is in conjunction with J and G Minor Subdivision that was approved a few months ago. The vacation of right-of-way will show on the plat. The property was posted. The Utility Companies were notified as were adjacent property owners.

**Planning and Zoning Director Giordano** said they did receive a response back from Fremont Sanitation who had no comment. The Lincoln Park Crooked Ditch Company responded and did not object to the vacation of right-of-way. Black Hills Energy stated they need to have access to poles and conductors that are adjacent to the vacation. The Department would recommend the entire right-of-way be dedicated as a utility easement for the purpose of maintenance and access by the utility companies. This will require a resolution to be prepared for the next Board of County Commissioners meeting.

**Eileen Lakey** said she is an adjacent property owner. She does not have any concerns as there are already other right-of-ways in place.

**Commissioner Bell** moved to approve the Vacation of public right-of-way in conjunction with MS 13-002 J and G Minor Subdivision, dedicating the entire right-of-way as a utility easement as Resolution #10. Commissioner Norden seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Norden, aye; Commissioner Payne, aye. The motion carried.

4. Request: ZC 13-001 Mary's rezone extension of contingency deadline. Request approval of a six month extension of the deadline for submittal of contingency items in conjunction with #ZC 13-001 Mary's Zone Change from Agricultural Estates to Industrial Zone District. The Zone Change was approved on September 10, 2013, contingent upon the submission of the contingencies to the Department of Planning and Zoning by March 10, 2014. The property is located approximately 700 feet west of the intersection of High Street and Orchard Avenue, on the south side of High Street, in the North Canon Area. Representative: Matt Koch, Cornerstone Land Surveying, Inc.

**Matt Koch** said the applicant is requesting a six month extension of the contingency deadline. They have had trouble completing the drainage systems and grading due to the cold weather.

**Planning and Zoning Director Giordano** said the Department is not opposed to the contingency deadline extension.

**Commissioner Bell** asked if the applicant is sure six months is enough time to complete the contingencies. Mr. Koch replied a twelve month extension would be great.

**Commissioner Norden** moved to approve a twelve month extension of the contingency deadline for ZC 13-001 Mary's rezone. Commissioner Bell seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

**February 25, 2014**

5. Request: SRU 13-003 Arkansas Valley Ambulance – Texas Creek Ambulance Station (Fire Station) extension of contingency deadline. Request approval of a twelve month extension of the deadline for submittal of contingency items in conjunction with Special Review Use #SRU 13-003 Arkansas Valley Ambulance – Texas Creek Ambulance Station (Fire Station). The Special Review Use was approved on September 10, 2013, contingent upon the submission of the contingencies to the Department of Planning and Zoning by March 10, 2014. The property is located on the south side of U.S. Highway 50, 1.6 miles west of the intersection of U.S. Highway 50 and Colorado State Highway 69, across from Shannon Road, in the Texas Creek Area. Representative: Elaine Foster, Chairman of Arkansas River Emergency Medical Service.

**Elaine Foster** said they are requesting a one year extension and have submitted the fee for the extension. They are in the process of requesting grant money to help with the costs. The grants take a lot of time to obtain. The building is in a central location and does serve the need for the ambulance staff. However the building was not up to code when they bought it and they now need to invest about \$20,000 to come into compliance. Ms. Foster said they submitted a check for \$1800 with the initial SRU request. She said they were only refunded \$900 of the fee and requested they be refunded the remaining \$900 to use as matching funds for the grant.

**County Attorney Jackson** explained the applicant was not charged the double fee of \$3600 for operating in violation. The Board already ruled on this matter and had allowed a refund of \$900 which is half of the application fee with the understanding the \$1800 fee for operating while in violation had been waived.

**Planning & Zoning Director Giordano** said the Department has no objections to the extension of the contingency deadline.

**Commissioner Bell** moved to approve a twelve month extension of the contingency deadline for SRU 13-003 Arkansas Valley Ambulance. Commissioner Norden seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Norden, aye; Commissioner Payne, aye. The motion carried.

6. Request: Amendment to conditions of approval for CUP 12-003 Dawson Gold Project (Exploration). Request approval of an amendment to the conditions of approval for Conditional Use Permit CUP 12-003 Dawson Gold Project (Exploration) to extend the term of the permit for one year beyond the current expiration date of February 26, 2014. The Conditional Use Permit was approved on February 12, 2013. The property (access entrance) is located on the south side of Fremont County Road #3 approximately three miles southwest from the intersection of Fremont County Road #3 and Mariposa Road, thence approximately one mile south from County Road #3 to the claim area. Representative: Angela Bellantoni, Environmental Alternative Inc.

**Angela Bellantoni** said she is representing Zephyr Gold and is requesting a one year extension of the Conditional Use Permit for the exploration project. The price of gold is currently at \$1200 per ounce compared to \$1600 per ounce one year ago. The price decrease has made it harder to secure funding to complete the project. They are on the last phase of the exploration project.

**Planning and Zoning Director Giordano** said the Department has no objections to the one year extension.

**February 25, 2014**

**Commissioner Norden** moved to approve the request for a twelve month extension beyond the term of the permit for CUP 12-003 Dawson Gold Project. Commissioner Bell seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

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

None.

**Chairman Payne** adjourned the meeting at 10:23 A.M.

---

Clerk and Recorder