

March 25, 2014

SIXTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on March 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 Pat McFarland, Fremont County Treasurer.

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

CONSENT AGENDA

1. Approval of Minutes/March 11, 2014
2. Approval of Bills March 25, 2014/1,524,583.45
3. Adoption of Resolution #12, Series of 2014, SRU 13-005 Wellsville Recreational Facility.
4. Approval of an airport land lease with Skydive Colorado, LLC
5. Schedule Public Hearings: None.

County Attorney Jackson noted there was a slight change to Item #4 on the Consent Agenda, an airport land lease with Skydive Colorado LLC, and it needs to be moved to Item #7 under New Business.

Commissioner Norden moved to change Item #4 on the Consent Agenda to Item #7 under New Business and approve the amended consent agenda. Commissioner Bell seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried. Resolution #12 is attached.

ADMINISTRATIVE/INFORMATIONAL

1. Administrative and Elected Officials
 - a. Sales & Use Tax Report, Sunny Bryant

Sunny Bryant presented the Sales and Use Tax Report. Retail Sales Tax collected through January 2014 were down about \$7,800 from January of 2013. The Auto Use Tax collections for February 2014 were up approximately \$14,000 from 2013.

The Construction Use Tax increased over \$38,000 from this time last year. The Lodging Tax increased slightly from \$136,264 in 2012 to \$137,741 in 2013. The Sheriff's Retail Sales Tax Collections in January were \$169,630. The Sheriff's Auto Use Tax collected for February were \$39,606. The Sheriff's Construction Tax Collections were \$8,000 for February. These figures are also available on the website.

Commissioner Bell noted that the Florence Chamber of Commerce Banquet was held over the weekend and the Citizen of the year was Lynn Lemon Oliver.

Commissioner Norden noted the Spring Cleanup is going on. There are 300 free trash vouchers this year for residents who live in the unincorporated areas of the County. They are limited to one per household. The vouchers are available in Room 106 of the Administration Building.

2. Citizens Not Scheduled:

Harry Kitchen thanked the Commissioners for passing the Rivers of Recovery SRU for Veterans use in Wellsville. He asked if the public comment period could be moved to later on the agenda so citizens could have an opportunity to comment on the New Business items that were discussed. Mr. Kitchen had attended the meeting for the Regional Communication Center and was very impressed with what was accomplished.

OLD BUSINESS

None.

NEW BUSINESS

1. Consideration of approval of a DOLA grant application for the Combined Regional Communications Authority. Representative: David DelVecchio, Fire Chief, Canon City Fire District.

David DelVecchio explained the grant application. Some of the numbers had changed due to the budget. This is his first time submitting an Energy and Mineral Grant so some of the wording has been revised. Mr. DelVecchio asked for input on the grant application from the other entities as well. There were two volunteers from Florence who helped with the grant application research. The grant request from DOLA is for \$730,045. The County is the lead agency on the application.

Commissioner Norden moved to approve the grant application to DOLA for the Combined Regional Communications Authority in the amount of \$730,045. Commissioner Bell seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

Chairman Payne suggested moving Item #7 up to Item #2 on the agenda and moving all of the other Items down.

2. Consideration of approval of an airport land lease with Skydive Colorado LLC.

County Attorney Jackson explained this lease has been recommended for approval by the Airport Advisory Board. The lease is for a hangar, a classroom, an office building, an apron to the taxiway, a fuel pad, and a landing area. The landing area is subject to a 5 year lease, as opposed to the 25 year lease. In the event the landing area lease is terminated, the county agrees to provide an alternative landing area.

Commissioner Bell moved to approve the airport lease between Fremont County and Skydive Colorado LLC. Commissioner Norden seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Norden, aye; Commissioner Payne, aye. The motion carried.

3. Consideration of a Resolution designating and approving assignment of Tax Lien Sale Certificate of Purchase. Representative: Pat McFarland, Fremont County Treasurer.

Pat McFarland said this is an assignment of Tax Lien Sale Certificate that was struck off to the County for 2012 taxes. There is an interested party wanting to redeem the amount and have the Certificate assigned to them. The amount is \$84.24. The property is located in Rocky Mountain Fuel Company's Second Addition to Williamsburg.

Commissioner Norden moved to approve Resolution #13 to designate and approve the assignment of Tax Lien Sale Certificate of Purchase. Commissioner Bell seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Norden, aye; Commissioner Payne, aye. The motion carried. Resolution #13 is attached.

4. Consideration of approval of Noxious Weed Management Plan for Fremont County. Representative: J.R. Phillips, Chairman, Weed Advisory Board.

J.R. Phillips explained the Weed Management Plan has been recently revised. Approval of the plan is needed by the Board of Commissioners as changes have been made. Commissioner Norden noted that Statute requires the plan be updated and adopted every three years. Mr. Phillips said this allows for any changes in the law to be updated and if new weeds come into the area, they can be added to the plan. Commissioner Bell stated there are many different partners involved with the plan.

Commissioner Norden moved to approve the updated Noxious Weed Management Plan for Fremont County. Commissioner Bell seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

5. Consideration of approval of Bylaws of Fremont County Weed Advisory Board. Representative: J.R. Phillips, Chairman, Weed Advisory Board.

Commissioner Norden said the bylaws have already been approved by the Weed Advisory Board. The County Attorney has reviewed them as well.

Commissioner Bell moved to approve the revised Bylaws of Fremont County Weed Advisory Board dated January 30, 2014. Commissioner Norden seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Norden, aye; Commissioner Payne, aye. The motion carried.

6. Consideration of a Proclamation for Child Abuse Prevention Month in Fremont County – April, 2014. Representative: Steve Clifton, Department of Human Services Director.

Steve Clifton said the Department believes children need to be kept safe and support needs to be offered to families. The Department is trying to raise public awareness about preventing child abuse.

Janelle Ward is a Resource Supervisor with the Department of Human Services. In 2013, the Fremont County Child Welfare Department received 1236 reports of child abuse. Of these reports 572 were assigned and 58 were founded cases of neglect and abuse. She read the Proclamation.

Commissioner Norden moved adoption of the Proclamation for Child Abuse Prevention Month for April 2014. 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.

1. Request: Amendment to Fremont County Subdivision Regulations. Request approval of a proposed amendment to the Vacation of Public Right-of-Way section of the Fremont County Subdivision Regulations. Representative: Bill Giordano, Department of Planning and Zoning.

Chairman Payne opened the Public Hearing at 10:06 A.M.

Planning & Zoning Director Giordano said the publication has been completed in accordance with the regulations and has been on the website. This amendment was approved by the Planning Commission in January. The Department is trying to make the regulations more consistent and many of the changes are minor. Mr. Giordano discussed the proposed changes to the amendment. On Item H-1 the language would need to be changed to reflect a single notification instead of a notification to the Planning Commission and the Board of Commissioners. The original wording would actually be correct instead of the proposed change of language in the amendment. He would add another sentence to read "The Board Meeting would be the second Board Meeting of the Month". This will allow enough time for the Planning Commission Minutes to be completed. This would also apply to the posting section of the regulations which is Item H-3. If approved he will prepare a Resolution for adoption at the next Commissioners Meeting.

Public Comments: None.

Chairman Payne closed the Public Hearing at 10:17 A.M.

Commissioner Bell moved to approve the Proposed Amendment to the Fremont County Subdivision Regulations with the changes to the Notice Requirements as noted by Mr. Giordano as Resolution #14. Commissioner Norden seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Norden, aye; Commissioner Payne, aye. The motion carried.

7. 2013 Fremont County Accountability Report

Commissioner Bell presented the first ever Accountability Report for Fremont County. She discussed the different accomplishments and projects in 2013 for various departments. These include: the Airport, Pathfinder Park, the Finance Office, the Assessor's Office, Department of Transportation, Veteran Services Office, Building Department, Emergency Management, Department of Human Services, Environmental Health Services, Planning & Zoning Department, Code Enforcement, 4-H and the CSU Extension Office, the Fair Board, Weed Management Department, the Coroner's Office, the Treasurer's Office, and the Clerk & Records Office. The presentation is also available on the website.

Chairman Payne adjourned the meeting at 10:47 A.M.

Clerk and Recorder

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Commissioner Norden moved the adoption of the following Resolution:

RESOLUTION NO. 12
Series of 2014

RESOLUTION FOR SPECIAL REVIEW USE PERMIT
DEPARTMENT OF PLANNING AND ZONING
FILE #SRU 13-005 WELLSVILLE RECREATIONAL FACILITY

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

THAT WHEREAS, Daniel T. Cook, (hereafter "applicant") has made application for issuance of a Special Review Use Permit pursuant to 8.14 of the Zoning Resolution of Fremont County for a Permit to allow providing recreational rehabilitation programs to disabled and severely injured Iraq and Afghanistan combat veterans, which application has been designated as file #SRU 13-005 Wellsville Recreational Facility, to be located on certain real property that the applicant owns; and

AND WHEREAS, pursuant to the Fremont County Zoning Resolution previously adopted; the Planning Commission of Fremont County reviewed the application at its **February 4, 2014**, regular meeting and recommended the **APPROVAL** of such application; and

WHEREAS, a notice containing the specific request, proposed use, date, time, location, telephone number of the Fremont County Department of Planning and Zoning (hereafter "Department"), and a site plan and vicinity map were mailed fourteen (14) days prior to the public hearing, by certified mail, return receipt to the Department, to all property owners within five-hundred (500) feet of the boundaries of the subject parcel and to appropriate reviewing agencies; and

WHEREAS, a notice containing the specific request, proposed use, date, time, location, and telephone number of the Department where additional information may be obtained, was posted on the property fourteen (14) days prior to the public hearing; and

WHEREAS, a notice of the public hearing was published by the Department, in a newspaper of general circulation in Fremont County, fourteen (14) days prior to the public hearing, and which contained the specific request, time and place of the public hearing, and an explanation of the proposed use and its location; and

WHEREAS, the Board held a public hearing concerning said application on **March 11, 2014**, at which time comments and evidence were considered, including all materials contained as part of the application and which were in the Department's file concerning the application; and

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WHEREAS, it appears that issuance of a Special Review Use Permit is appropriate;

NOW, THEREFORE, BE IT RESOLVED by the Board that:

1. The Board makes the following findings with respect to the application for issuance of a Special Review Use Permit to Applicant as follows:
 - a. The procedural requirements of Section 8.14 of the Fremont County Zoning Resolution have been met.
 - b. The location of the proposed use is compatible and harmonious with the surrounding neighborhood.
 - c. The proposed use will not have detrimental effects on property values.
 - d. The proposed site and use will not impair public health, welfare, prosperity and safety by creating undesirable sanitary conditions, overburdening of utilities or adverse environmental influences.
 - e. The site will be served by streets and roads of sufficient capacity to carry the traffic generated by the proposed use, and the proposed use will not result in undue traffic congestion or traffic hazards.
 - f. The site is sufficient size to accommodate the proposed use together with all yards, open spaces, walls and fences, parking and loading facilities, landscaping and such other provisions required by this resolution.
 - g. The proposed use, if it complies with all conditions on which approval is made contingent, will not adversely affect other property in the vicinity or the general health, safety and welfare of the inhabitants of the County, and will not cause significant air, water, noise or other pollution.
2. A Special Review Use Permit shall be issued contingent on the acceptance and observance by the Applicant of the following specified conditions that must be met within six (6) months, if applicable, since the use was previously in operation prior to approval by the Board:
 - A. Special Review Use Permit shall be issued for life of the 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

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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.
- 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 of Planning and Zoning 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 of County Commissioners.
- 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 and hours of operation shall not be limited.

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- I. All customers shall be transported to the site only by Wellsville Recreational Facility drivers and vehicles.
- J. The applicant, as per recommendation by the Fremont County Department of Transportation, shall provide 15 tons of gravel per year to maintain the roadways. The County will bill the applicant each year at the rate of \$4.00 per ton and pricing will be adjusted should the need arise. The County will lay the material on the roadways and the applicant will be billed for the gravel.
- K. The facility shall comply with any requirements of any applicable fire ban or fire restriction.
- L. Applicant shall provide to the Department, documentation from the Fremont County Weed Coordinator that the applicant has in place an acceptable weed control plan, and further the applicant shall implement and maintain the plan, if required.
- M. 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.
- N. Only the named party 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.
- O. 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 8.14 of the Fremont County Zoning Resolution (complete reapplication).
- P. Any gates on the premises that are necessary to contain cattle shall be closed when cattle are present on the property. Alternatively, Applicant may install a cattle guard to prevent cattle from escaping.
- Q. The Application shall be amended to exclude use of the recreational facility by visitors other than veterans and active duty military personnel.

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Commissioner Bell seconded the adoption of the foregoing Resolution and upon a vote of the Board as follows:

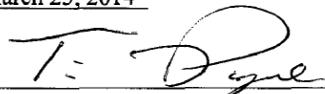
Commissioner Bell: Aye / Nay / Abstain / Absent

Commissioner Norden: Aye / Nay / Abstain / Absent

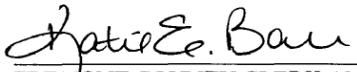
Commissioner Payne: Aye / Nay / Abstain / Absent

The Resolution was declared to be duly adopted.

DATE: March 25, 2014



CHAIRMAN, FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS

ATTEST: 

FREMONT COUNTY CLERK AND RECORDER

March 25, 2014

RESOLUTION NO. 13, SERIES OF 2014

RESOLUTION DESIGNATING AND APPROVING ASSIGNMENT OF TAX LIEN SALE CERTIFICATE OF PURCHASE

WHEREAS, the Fremont County Board of County Commissioners has in its possession various tax lien sale certificates, resulting from the sale of a tax lien on land for the nonpayment of general taxes; and

WHEREAS, §39-11-122, C.R.S. authorizes the Board of Commissioners to assign, sell, or transfer such certificates in such manner, at such times, and on such terms as may be determined by resolution of the board of county commissioners; and

WHEREAS, the Board of Commissioners has had an inquiry from Daniel and Rosa Giem, who have expressed an interest in receiving, by assignment or otherwise, the Tax Lien Sale Certificate of Purchase number 2013-00468, Account Number R021911, Parcel 64000690; and

WHEREAS, the Board of Commissioners is willing to assign the Certificate of Purchase to a private individual and finds that the taxes due are less than \$10,000, and further finds that the subject property is not needed for any public purpose.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS FOR FREMONT COUNTY, that upon receipt by the Fremont County Treasurer of all sums due for taxes, interest and fees, the Tax Lien Sale Certificate of Purchase number 2013-00468, Account Number R021911, Parcel 64000690 shall be assigned to Daniel and Rosa Giem and such assignment is approved by the Board of Commissioners.

Commissioner Norden moved for adoption of this Resolution, with a second by Commissioner Bell. The roll call vote of the Board was as follows:

Debbie Bell	<input checked="" type="radio"/> Aye	Nay	Absent	Abstain
Edward H. Norden	<input checked="" type="radio"/> Aye	Nay	Absent	Abstain
Timothy R. Payne	<input checked="" type="radio"/> Aye	Nay	Absent	Abstain

Date: 3-25-14

T. Payne
Chairman

ATTEST:

Katrina Ban
Clerk to the Board

