

TENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on April 11, 2006, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Canon 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	Absent
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 Reverend William Carson from First Christian 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 March 14, March 28 and Special Meeting April 4, 2006
2. Approval of Bills, April 11, 2006/\$641,158.28
3. LIQUOR LICENSES
4. Adoption of Resolution #28, Series of 2006, 2nd Amendment to the Fremont County Subdivision Regulation
5. **SCHEDULING OF PUBLIC HEARINGS FOR MAY 9, 2006 AT 10:00 A.M.**

REQUEST: SRU 05-006 CODY PARK COMMUNITY CHURCH

Request for approval of a **Special Review Use Permit for the operation of church, Sunday school, charity events, fellowship activities and Christian educational activities and schooling for members and guests and associated uses (religious institution)**, by Cody Park Community Church, for their property which is *located approximately 800 feet north of the intersection of P Path and County Road 27A, aka Cooper Gulch Road, on the north side of County Road 27A, in the Colorado Acres Area.*

REQUEST: CUP 06-001 BYZANTINE QUARRIES

Request approval of a Conditional Use Permit, Department file #**CUP 06-001, Byzantine Quarries, to allow the open pit mining, processing, screening, crushing, blasting and hauling of limestone, granite, sandstone an decorative rock, in multiple pits**, by Larsen Colorado, LLC, for their property which is *located approximately 2 miles north of the intersection of U.S. Highway 50 and Fremont County Road #69, then west approximately ¾ mile, north of Canon City.*

REQUEST: SRU 06-003 SEUFER TREE FARM

Request for approval of a **Special Review Use Permit for the production and sale of trees, flowers and shrubs, (nursery)**, by Thane & Leslie Seufer, for their property

which is *located directly west of the intersection of River Run Court and Reynolds Avenue, in the Fourmile Area.*

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

Commissioner Lasha stated that he and Commissioner Norden attended the graduation for 5th Grade DARE Program in Cotopaxi last week. They have one coming up in Penrose and one in Florence. He complimented Officer Rick Cross on the way he presents his program.

Commissioner Norden reported that the Board had met in Special Session on April 6th for the purpose of the bid award for FRCO-230 the bridge repair project on Phantom Canyon Road. They opened bids on March 30th and had three bids. After review by the County Engineer, Jack Effinger, the Board approved the low bid submitted by Reynolds Construction Company for \$23,967.00. He stated they could not have done this project without the help from Cripple Creek Victor Gold Mine with a \$10,000 donation as well as a \$50,000 Mineral Impact Grant and \$10,000 in County money.

Commissioner Norden noted that regarding the Public Hearing two weeks ago on the 23rd Amendment to the Zoning Resolution, they did continue that Public Hearing. The Board has met in a workshop with the Planning Department staff and took a look at the Ag-Suburban and Ag-Rural zones. The recommendations they will have on the April 25th meeting should solve a lot of those concerns. Since that Public Hearing was continued, other concerns and issues can be heard at 10:00 A.M. on April 25th.

Virginia Woltemath, Fremont County Treasurer & Public Trustee, submitted the Quarterly Report of the Public Trustee for January 2nd through March 31st. She reported that they did 807 Releases, and the total money collected was \$13,719. They commenced 51 foreclosures. The beginning balance as of January 10th was \$422.05 and the balance as of March 31st was \$23,056.64. **Commissioner Norden** moved to approve the Public Trustee's Quarterly Report. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

Norma Hatfield, Fremont County Clerk & Recorder, submitted the Clerk's Report for the month of March. She reported that revenues earned were \$685,236.50, and that figure was an increase of \$32,931.51 over a year ago. The collection of sales tax for the County was \$65,286.09, and that was \$9,107.87 down from a year ago. Fees that go to the County were \$410,635.34, which was an increase of \$30,097.47. One of the checks that go to the State for registration fees was \$122,970.51, and a large portion of that comes back to the County in the way of Highway User's Tax Monies. **Commissioner Lasha** moved to approve the Clerk's Report for March. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

2. Citizens Not Scheduled On Agenda:

William Carson, Sunrise Circle Resident, stated concerns regarding the new housing addition off of Van Loo and a new one off of South and Field. He stated that Dozier would have to be widened and property condemned. He wanted to see some kind of plan addressed and presented to people who live in that area. He stated that Dozier was a hazard area.

NEW BUSINESS:

PRESENTATION – CRIPPLE CREEK VICTOR GOLD MINE

Jane Mannon, Manager of Community Affairs, Cripple Creek Victor Gold Mine, presented an update on operations for 2005. In 2005 they reached two years without a lost-time incident. The total number of people working at the site is 322 and direct earnings from their payroll is about \$14 million. In Fremont County, they have 84 employees, direct wages of about \$4 million. Their production in 2005 was about 330,000 ounces of gold, and about 170,000 ounces of silver. In 2005 they completed some reclamation projects, and in 2006 they are planning about 35 acres of reclamation. They invested about \$3 million in 2005 in exploration, and will invest about that same amount in 2006. They have permit approvals to mine through about 2012. She stated they try to conduct tours for the site.

RESOLUTION #29/PETITION OF ABATEMENT TAX YEAR 2005 – JESS LEDBETTER, 1325 CEDAR AVE., CANON CITY, SCHEDULE #987-04-611/\$1004.36

Pam Gaunt, Deputy Assessor, submitted the Petition for Abatement and stated this was a change of use from residential to agricultural. **Commissioner Norden** moved to approve **Resolution #29**, Petition for Abatement of Taxes for tax year 2005 for Jess Ledbetter in the amount of \$1004.36. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried, and carried the adoption of **Resolution #29**.

PUBLIC HEARING

**REQUEST: SRU 06-001 UPPER BEAVER CREEK RURAL FIRE
PROTECTION ASSOCIATION
APRIL 11, 2006 10:00 A.M.
RESOLUTION #30**

Virginia A. Lindley-Brunn, stated they had been trying to get fire protection in the Upper Beaver Creek Area for about four years. In July of 2002, they petitioned the Florence Fire Protection District to be annexed into their protection area. Florence decided they could not because they were too far away from any fire station. She stated that Mike and Jan Gould own ten parcels of property in Red Rocks at Beaver Creek. They live in Colorado from May to October. They saw the fires last summer and the fire crews camped out in the football field in Florence. Mike Gould offered to build them a building, buy them property and drill a well. They have a parcel and John Harding designed the building and would be the builder. The building is about 3700 square feet, has three bays and a community center that includes a kitchen. She stated she believed the Gould's original intent was to house firefighters in the event of a wild fire. She stated they were on a dead-end road, and it was a safety issue with how to get out.

Bill Giordano, Planning & Zoning Director, stated that publication, notifications and posting had been done per regulations. At the Planning Commission meeting on March 7th, the Planning Commission recommended approval with 11 conditions and 4 contingencies. The Planning Commission took no action on surfacing, lighting and landscaping. He stated that Mr. Sandoval of the Planning Commission commented that it was important that the two entities (UBCRFPD & RR@BCPOA) get together and come up with something that is acceptable to both parties. If approved, this would require a Resolution that will be prepared for the next meeting.

Mrs. Lindley-Brunn stated that it was suggested that if this permit is approved, they would ask for annexation out of RRBC which would alleviate any covenant issues. There are 72 parcels in RRBC, 51 of those parcels have no fire protection as well as the four parcels in the Oaks.

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

Marcy Kelly, CR 132 Resident, stated she had permission to speak for Ann Kelly, Aaron Moore and Gail and David Root. She stated they were very much impressed by the people who are trying to protect themselves. A volunteer group is hard to get together, hard to keep together and hard to find volunteers. While they are supportive, they thought their plans sound very elaborate and suggest that they start small.

John Kazanchy, Vice-President of the Homeowners Association, stated that they had a meeting this week to discuss some of the issues. In general, the biggest issue is about the community center and what it's intent is and what kind of activities. The Fire Board agreed that if this plan is approved, both organizations would work together to come up with terms and conditions of the use of the building.

John Harding, Sherman Avenue Resident, stated he was representing Mike Gould and that he (John Harding) was the designer. The community center is basically a space for the Sheriff to set up, headquarters for the State, and a place for the firemen to rest and eat. It could also be used for Girl Scouts, Boy Scouts and 4-H programs. He stated that the Gould's were very generous and have donated to the Pueblo School, the Dinosaur Association and the Rialto Theatre. They will give their money to someone else if this does not go through.

Evie Sandusky, Treasurer of Fire Protection Board, stated that the Board of Red Rocks POA has instituted this, but even they will tell you that they have not polled the members of the properties to see if they want fire protection. She stated for her this was a safety issue.

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

Bill Giordano stated that nowhere on the drawings or the application do they talk about trails. The definition of a community center is very wide; it's basically a meeting place for members of the community to meet. They are expecting no more than 25 people in this community center. It will be difficult to enforce that 25 people. Some of the things that will control it will be the well permit and kitchen facilities. Traffic will probably be one of the big issues. With a Special Review, you can put special conditions on it.

Commissioner Lasha stated they were dealing with two boards that are trying to work on an issue that he thought was good for the entire community. It would seem that without strict guidelines from the County, this would erupt into a neighborhood conflict. From the County's standpoint, they are not going to make the rules for what goes out in the community. He stated everyone is working in the right direction to get this done, and he thought the two boards could work it out. **Commissioner Lasha** moved to approve SRU 06-001 Upper Beaver Creek Rural Fire Protection Association with 11 conditions, contingencies 1 through 4 and adding #5: An agreement between the two Associations on some guidelines of the fire station, and waiving surfacing, lighting and landscaping. **Bill Giordano** asked for clarification on #5. He asked if he wanted an agreement between the two associations only as related to the community center? **Commissioner Lasha** stated "as conditions of use of the facility". The motion was seconded by Commissioner Norden. Commissioner Stiehl stated that there was a motion and a second to approve SRU 06-001 Upper Beaver Creek Rural Fire Protection Association with 11 conditions, 4 contingencies and adding #5 that there be an agreement between the Fire Protection Association and the Homeowner's Association regarding use of the facility. The requirement for surfacing, lighting and landscaping be waived, **Resolution #30**. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried, and carried the adoption of **Resolution #30**.

RECOMMENDED CONDITIONS

1. Special Review Use Permit shall be issued for life of use.

2. The Department of Planning and Zoning shall review the permit annually to determine compliance with the conditions of the permit and forward it to the Board of County Commissioners for their review as required by regulations.
3. Applicants shall conform to all plans, drawings and presentations submitted with or contained within the application except as may be inconsistent with the other provisions of the permit.
4. Applicants 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.
5. Applicants shall obtain and keep in effect all other permits required by any other governmental agency and as otherwise may be required by Fremont County. Revocation, suspension or expiration of any such other permits shall revoke, suspend or terminate the permit authorized hereunder, as the case may be.
6. 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 conditional 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.
7. If a Special Review Use Permit is to be transferred, it shall comply with all applicable Federal, State and County regulations regarding such transfer.
8. Days and hours of operation will not be limited.
9. 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.
10. 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.
11. A sign shall be placed with each warning light, warning on-coming traffic of emergency vehicles entering on to Fremont County Road #132. The warning lights should flash only during an emergency event.

RECOMMENDED CONTINGENCIES:

It is recommended that this item be approved and referred to the County Commissioners for scheduling of a public hearing, provided the following contingencies are provided within six (6) months (**no extensions**) after final approval by the Board of County Commissioners:

1. Copy of recorded deed if ownership is transferred prior to the recording of the Special Review Use Permit.
2. An approved copy of a well permit for a fire station and community center.
3. A traffic analysis to determine impact of additional traffic.
4. The FEMA floodplain shall be shown on the site plan as to location within the property.
5. An Agreement between the Fire Protection Association and the Homeowner's Association regarding use of the facility.

WAIVED:

- | | |
|-------------|-------|
| Surfacing | 5.3.2 |
| Lighting | 5.3.3 |
| Landscaping | 5.3.4 |

Commissioner Norden added that as the Rural Fire Protection Association organizes, he asked that they please give consideration to making sure that they emphasize the use of 911 and work out their dispatching arrangements. Too many volunteer groups are relying on the seven-digit phone number to report fires.

Commissioner Stiehl stated that would take some coordination with the 911 Authority Board. It is important that they have a well defined area of service.

NEW BUSINESS (CONTINUED)

REQUEST: EXTENSION OF MS 05-007 HEART 4 SUBDIVISION

Matt Koch, Cornerstone Land Surveying, stated that they were requesting a six-month extension to complete the contingencies. The biggest issue they are dealing with is the ratification and consent forms.

Commissioner Lasha moved to approve the extension of MS 05-007 Heart 4 Subdivision for a period of six months. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

REQUEST: FP 06-002 PRT SUBDIVISION

Matt Koch stating they were requesting approval for final plat for PRT Subdivision.

Bill Giordano stated that this had been previously approved as a high-density area. They are now interpreting that the building itself becomes an interest in the land, and that is what creates the subdivision. This was published, and this does not go before the Planning Commission. There are three contingencies from the Department.

Commissioner Norden moved to approve FP 06-002 PRT Subdivision with 3 contingencies:

RECOMMENDED CONTINGENCIES:

The following contingencies shall be submitted to the Department of Planning and Zoning prior to recording and within twelve (12) months (*no extensions*) after final approval by the Board of County Commissioners:

1. Final plat and copies (*copies to be provided after recordation of the plat*) as required by the Fremont County Subdivision Regulations (FCSR).
2. Title Commitment dated within thirty (30) days of recording of the final plat *NOTE: This item may necessitate further requirements of the applicant, by the Department, prior to recording of the final plat*).

3. A copy of a recorded Release of Deed of Trust or an executed Ratification, Consent and Release form for document found at Reception Number 815572 of the Fremont County Clerk and Recorder's records.

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

REQUEST: TUP 06-008 FREMONT COUNTY FLEA MARKET

Nancy Morse submitted posters and stated they were requesting a Temporary Use Permit. They plan to open May 10th and be open Wednesday, Saturday and Sunday until the last weekend in October, from 8:00 A.M. to 4:00 P.M.

Bill Giordano stated that action needed today would be approval of the event, waiver of the clean-up fees and acceptance of the liability insurance. There are a couple of letters from Sid Darden, and he has concerns with the concessions. Mr. Giordano cautioned the applicants to make sure they had the proper licenses and approvals before they sell concessions.

Gary Stendahl stated that they had explained to Mr. Darden that they are not doing concessions.

Ms. Morse stated that they have set aside rules and regulations that nobody is allowed to sell any kind of edible or drinkable materials, and that is all Mr. Canterbury's responsibility. There will be no outside liquor allowed. In reference to sales tax licenses, she stated that each vendor, if they sell more than 5 days, has to get their own license. She has 3000 envelopes from the State of Colorado. Every day they have to claim what they have made and write a check or give cash to put in those envelopes.

Commissioner Lasha moved to approve TUP 06-008 Fremont County Flea Market, waiving the clean-up fee, acceptance of liability insurance and with the understanding that all concessions would be dealt with through the Broken Spoke. 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 11:35 A.M.

County Clerk