

TENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on May 22, 2007, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. The meeting was called to order at 9:30 A.M. by Commissioner Chairman, Edward H. Norden.

Edward H. Norden	Commissioner	Present
Larry Lasha	Commissioner	Present
Michael J. Stiehl	Commissioner	Absent
Brenda Jackson	County Attorney	Present
Norma Hatfield	Clerk and Recorder	Absent

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

Reverend William Carson of the First Christian Church, Disciples of Christ gave the Morning Prayer.

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

APPROVAL OF AGENDA

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

CONSENT AGENDA

Commissioner Lasha made the motion to approve the Consent Agenda:

1. Approval of Minutes May 8, 2007
2. Approval of Bills, May 22, 2007/\$491,170.71
3. LIQUOR LICENSE
4. Adoption of Resolution #29, Series of 2007, 24th Amendment to the Fremont County Zoning Resolution.

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

ADMINISTRATIVE/INFORMATIONAL

1. Staff/Elected Officials

Commissioner Lasha reported drainage has washed out a portion of Siloam Road and bids for the repair are in process. Presently that portion of the road is reduced to one lane and Commissioner Lasha thanked the citizens for their patience.

Commissioner Norden said the high gasoline prices are not only having an affect on the residents but also the County road and bridge budget. The Board of Commissioners and the Road Foreman are hopeful for an upcoming moisture balanced summer; avoiding water deluges that would damage roads and yet sufficient moisture to avoid the threat of wildfires. **Commissioner Norden** reported that **Commissioner Stiehl** is attending the Thirty-Second Colorado Water Workshop in Gunnison, CO.

2. Citizens Not Scheduled

Melvin C. Cole, Training Coordinator at the Department of Corrections, Cañon Minimum Centers reported funding is available for the Incident National Management System and the Community Emergency Response Team. He said there are sixteen (16) participant openings available. The training will take place at the fire station where national instructors will certify community leaders to become emergency trainers. NIMS allows responders from different jurisdictions and disciplines to work together to better respond to large-scale natural disasters and other emergencies including acts of terrorism. Mr. Cole announced the June 29th charity event for the Department of Corrections will be hosted at the Holy Cross Abbey. The "Law Enforcement Fight Night" will include participants from the police departments of Aurora, Westminster, Thornton and Denver along with Four Mile Correctional Center Warden, Ron Leyba. The event will be categorized by weight divisions and classes. A special events permit will not be required since liquor will not be sold or served. He announced all the monies raised during the event will be donated to charities.

Commissioner Norden stated that Frank Miller had organized a community meeting with DOC Executive Director, Ari Zavaras. He said the Board appreciated the time and effort Mr. Zavaras spent with community leaders to discuss various DOC issues in Fremont County.

NEW BUSINESS:

APPOINTMENT TO AIRPORT/INDUSTRIAL PARK ADVISORY BOARD

Commissioner Lasha stated Walter C. Giffin has requested a two-year reappointment and this request is recommended and supported by the Airport Industrial Advisory Board. **Commissioner Lasha** made a motion to reappoint Walter C. Giffin to the Fremont County Advisory Board from June 1, 2007 to June 1, 2009. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye. The motion carried.

FREMONT ECONOMIC DEVELOPMENT CORPORATION QUARTERLY REPORT

Bruce Redus, FEDC Director announced the completion of the sponsorship for Dick Baker to attend the Airport Operator Association Meetings. Mr. Redus will be attending the Aviation Board Meeting on May 23, 2007 and stated that he along with Commissioner Norden and Dick Baker were in attendance for the last meeting at the Centennial Airport in the Denver area. Mr. Redus remarked at the last meeting there was some discussion regarding the industrial and aviation use of the facilities and he is presently researching zoning, infrastructure and new construction for several interested companies. He reported in the east part of the county, Estes is moving products into their facilities and that a revised application for the bio-fuels project with Aquila has been submitted. The revised application provides the same information in an updated format. He advised FEDC is reviewing marketing options with the Cañon City and Penrose Chamber of Commerce as well as the Florence Merchants. Mr. Redus stated funding has been allocated for the website and that although it is presently military focused with the upcoming relocation of soldiers from Fort Hood to Fort Carson, the website will stay in place for future reference. He remarked the present portfolio is about 15% of the value servicing approximately 150 outstanding loans.

Commissioner Lasha said he had recently returned from the Grand Junction area where he observed numerous working oil derricks indicating positive economic activity. He commented a large oil derrick was viewed in the Northfield section. Mr. Redus commented he was researching lease right areas for some local residents and companies which could result in more activity within Fremont County.

CBOE/PETITION FOR ABATEMENT OR REFUND OF TAXES 2003 AND 2004

Stacy Seifert, Assessor explained that the petitioner James W. Gray had been in the assessor's office on several occasions since 2002 requesting that the vacant land at 2675 CR1, Cotopaxi, CO. be reclassified residential after he placed a mobile home on the land and began living there. The property retained the vacant land status until it was reclassified in 2006. She advised the petitioner has confirming documentation from the assessors office on the number of times he made the request without completion. Ms. Seifert stated due to State Statute she and her department are bound to the current year and two years prior. She advised the petitioner to complete the request for abatement and because of the statutory requirement, the abatement was denied, therefore proceeding to the Board of County Commissioners for review.

James W. Gray, Petitioner stated he had a written commitment from the assessor's office dated October of 2004 and feel this falls under the statutory requirements. **County Attorney Jackson** responded the written commitment by the assessors office is considered binding and advised the **County Assessor** to proceed with the abatement.

Commissioner Norden stated no action was deemed necessary by the Board of Commissioners at this time.

REQUEST: EXTENSION OF LLA 06-008 CROIX LOT LINE ADJUSTMENT

Planning and Zoning Director, Bill Giordano stated they were requesting approval of a second **six (6) month extension** to allow completion of the required contingencies (ratification, consent and release forms), by L. Paige Croix, for a four (4) lot, Lot Line Adjustment located on the South side of Fremont County Road #48, approximately one thousand (1000) feet west of the intersections of U.S. Highway 50 and CR #48. He commented that Mrs. Croix become ill and has not been able to submit the deficiency items.

Commissioner Norden made a motion approve the second six (6) month extension due to extenuating circumstances for LLA 06-008 Croix Lot Line Adjustment. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye. The motion carried.

REQUEST: RESOLUTION #30 REVOCATION OF CUP 90-13 FREMONT COUNTY DISTRICT #1 VAN LOO PIT

Planning and Zoning Director, Bill Giordano stated they were requesting approval of a request to revoke the Conditional Use Permit for **File # CUP90-13 Fremont County District #1 Van Loo Pit**. The existing Conditional Use Permit allowed for a ten (10) year storage yard and two (2) year reclamation of the mined land reclamation permit area for Fremont County #1 Van Loo Pit. As of May 18, 2005, the Fremont County District, #1 Van Loo Pit has been released with full reclamation by the State of Colorado, Division of Minerals and Geology (now knows as Division of Reclamation, Mining & Safety). He advised the pit has been closed for awhile; the county completed the reclamation and the area is now a residential development. **Commissioner Lasha** made a motion to approve **Resolution #30** for the Revocation of CUP 90-13 Fremont County District #1 Van Loo Pit. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye. The motion carried with the Adoption of **Resolution #30**.

REQUEST: MS07-002 FIVE POINTS SUBDIVISION

Matt Koch, Cornerstone Surveying stated they were requesting approval for a **three (3) lot minor subdivision, Department file #MS 07-002 Five Points Subdivision**, by Kurtis L. & Trudy J. Zerby, for their *property which is located approximately 850 feet north of the intersection of Field Avenue and Melvina Avenue, on the east side of Field Avenue, in the North Cañon Area*. Proposed lot 1 will consist of 1.00 acre, a frame constructed single-family dwelling and a garage. Proposed lots 2 and 3 will consist of 1.00 and 2.778

acres respectively and both are vacant. The property is being used as residential/agricultural land. The property consists of approximately 4.778 acres and is located in the Agricultural Estates Zone District. He advised they were in agreement with the contingencies proposed but opened discussion on contingency #7b regarding the flag lot access roadway (driveway) that needs to be constructed as an all-weather surface. Mr. Koch stated the County is requiring the installation of the access road (driveway) prior to recording of the plat or as an escrow agreement. He asked if a statement on the plat prior to the issuance of a building permit would suffice since the applicant was not sure when the lots themselves would sell and preferred to keep the area open entitling the property owner the design options. Commissioner Norden asked if the responsibility would than shift from the developer to the purchaser of the lot and Mr. Koch responded yes.

Planning and Zoning Director, Bill Giordano reported at the May 1, 2007 meeting the Planning Commissioner did recommend approval with eleven (11) contingency items. Mr. Giordano revised contingency #4 since there already is an existing water tap; contingency #5, can be eliminated following the updated letter from the County Engineer, Jack Effinger advising there is adequate drainage without a storm water detention pond. Mr. Giordano addressed contingency #7b explaining the planning commissioner chose not to add a notation on the plat that would require enforcement at a later date. He stated the only means of monitoring would be not to issue the permit until it is completed and therefore becomes an issue on the plat. Mr. Koch expressed concern that in the future there would be no legal binding record whereas a note on the plat would be part of the legal document and title requiring the all-weather surface construction **County Attorney, Jackson** stated as an improvement it would have to be part of an escrow prior to the plat. She advised the access roadway (driveway) for fire safety guidelines could only be deferred for a year unless the BOCC authorized an extension. Mr. Giordano also revised the language on contingency #11.

Commissioner Lasha made a motion to approve the Request of a three (3) lot minor subdivision, Department file #MS 07-002 Five Points Subdivision with the ten (10) contingencies; revising contingency #4, removing contingency #5 and language revisions on contingencies #7b and #11.

RECOMMENDED CONTINGENCIES:

The following items shall be provided to the Department within six (6) months (no extensions except through regulatory process) after final approval by the Board of County Commissioners:

1. Final plat and copies (copies to be provided after a recordation of the plat) as required by the Fremont County Subdivision Regulations (FCSR).
2. An updated title commitment issued within 30 days of recording of the final plat. An updated title commitment may result in additional requirements.
3. A copy of a recorded Release of Deed of Trust or an executed Ratification, Consent and release form will be required for Deed of Trust found at Reception #831178.
4. Proof of an additional water tap for two (2) lots. If the water tap is not purchased prior to the recording of the final plat an improvement and escrow agreement, along with actual cost of the water tap will be required.
5. The application and final plat shall be corrected to reflect total acreage after dedication of the additional right-of-way.
6. Compliance with the requirements of the Cañon City Area Fire Protection Authority:
 - a. (1a) Install a fire hydrant on the eastside of Field Avenue at the south boundary of the subdivision as marked on drawing. (2a) Documentation from appropriate authority as to acceptable installation shall be provided.
 - b. (1b) Prior to issuance of the building permit the flag lot access roadway shall be constructed as an all-weather surface. (2b) Statement on the final plat concerning the flag lot access. (3b) Documentation from the Cañon

- City Area Fire Protection Authority as to acceptable installation shall be provided.
- c. If improvements are not completed prior to the recording of the final plat an improvement and escrow agreement along with an engineer's estimate as to costs of the improvements shall be provided.
 7. Information adequate to enable the Department to compute addresses for proposed lots as per the FCSR Section X11., G., 1.
 8. Provide closure sheets for each lot and boundary of the subdivision. (Lot 3 and boundary does not close.)
 9. An executed quitclaim deed with a deed restriction addressing the maintenance of any drainage facilities, drainage easements, rights-of-way, etc., if required.
 10. Statement on the final plat that if the existing building is removed or destroyed the new-replacement structure shall comply with current development requirements.

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

Commissioner Norden commented that May 31, 2007 is the deadline for applications and letters of interest to the County Commissioners Office for anyone interested in being appointed to the Fremont County Tourism Council for the single vacancy seat on the seven (7) members Board.

Commissioner Norden adjourned the meeting at 10:05 A.M.

County Clerk