

THIRTEENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on May 23, 2006, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon 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	Present
Norma Hatfield	Clerk and Recorder	Absent

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

The Morning Prayer was given by Pastor Larry Chell from Christian Family Fellowship.

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

APPROVAL OF AGENDA

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

CONSENT AGENDA:

Commissioner Norden moved to approve the Consent Agenda:

1. Approval of Minutes May 9, 2006
2. Approval of Bills, May 23, 2006/\$540,137.72
3. LIQUOR LICENSES
 - Transfer of Ownership
 - Forge Food Mart & Liquor
 - 105 Forge Road
 - Cañon City, CO 81212
 - Retail Liquor Store

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 - Forge Food Mart & Liquor
 - 105 Forge Road
 - Cañon City, CO 81212
 - Retail 3.2% Beer (Off Premises)
4. Resolution Canceling Certain Taxes Levied on Personal Property
5. Adoption of Resolution #33, Series of 2006, 23rd Amendment to the Fremont County Zoning Resolution
6. Adoption of Resolution #35, Series of 2006, File # SRU 05-006 Cody Park Community Church
7. Adoption of Resolution #36, Series of 2006, File # CUP 06-001 Byzantine Quarries
8. Adoption of Resolution #37, Series of 2006, File # SRU 06-003 Seuffer Tree Farm
9. Adoption of Correction of Resolution #68, Series of 2005, File # SRU 05-005 Mountain Vale Cemetery
10. Adoption of Correction of Resolution #24, Series of 2006, File # SRU 05-007 Fawn Hollow Transfer Station
11. Adoption of Correction of Resolution #66, Series of 2005, File # CUP 05-002 Cooper Pit

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

ADMINISTRATIVE/INFORMATIONAL

1. Staff/Elected Officials

Commissioner Norden stated he would like to commend the work that Reynolds Construction did and their quick effort to get Phantom Canyon bridge repaired and reopened. He noted that on Tuesday, May 30th, the Commissioners and the Sheriff would be holding another Commissioner's Forum at the Deer Mountain Fire Station at 6:30 P.M.

2. Citizens Not Already Scheduled: There were none.

OLD BUSINESS:

SECOND READING OF FIRE BAN ORDINANCE AND DELEGATION OF CERTAIN AUTHORITY TO THE FREMONT COUNTY SHERIFF.

Brenda Jackson, Fremont County Attorney, stated that this was a second reading of Fire Ban Ordinance No. 2006-1, an Ordinance Restricting Open Fires and Open Burning in the Unincorporated Areas of Fremont County by the Board of County Commissioners in the County of Fremont Colorado. This has been published once. The text has not changed since the first reading, so a second reading is not required other than just the title. **Commissioner Norden** moved to approve Ordinance 2006-1 on Second and Final Reading. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

NEW BUSINESS:

RESOLUTION #39/DELEGATING AUTHORITY UNDER ORDINANCE NO. 2006-1, RESTRICTING OPEN FIRES AND OPEN BURNING IN THE UNINCORPORATED AREAS OF FREMONT COUNTY, TO THE FREMONT COUNTY SHERIFF

Jim Beicker, Fremont County Sheriff, stated he thought this would streamline the effort in which to get a ban imposed and change the levels of the new restrictions. It would be used with much discretion. They will get public education done through the local media. He asked people to be patient and understanding.

Bill Guindon, Chief, Cañon City Fire Protection District, stated he and the Sheriff had been working closely on this, and the restrictions are identical. He stated that Level One is a situation where they are limited on water. Stage Three is a very severe type of situation.

Commissioner Lasha moved to approve **Resolution #39**, a Resolution Delegating Authority Under Ordinance No. 2006-1, Restricting Open Fires and Open Burning in the Unincorporated Areas of Fremont County, to the Fremont County Sheriff. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried and carried the adoption of **Resolution #39**.

APPOINTMENT OF RANDY G. ADOLF TO FREMONT COUNTY AIRPORT/INDUSTRIAL PARK ADVISORY BOARD

Commissioner Lasha stated that about two years ago they appointed two alternate board members, Randy Adolf and Eric Johnson. Myron Smith's position just came open and the recommendation of the Airport Board is to appoint Randy Adolf to serve in that position. **Commissioner Lasha** made the motion to appoint Randy Adolf to the Fremont County Airport Industrial Park Advisory Board. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

AUTHORIZE CHAIRMAN TO SIGN CONTRACT WITH COLORADO DEPT. OF PUBLIC HEALTH & ENVIRONMENT FOR THE COUNTY ENVIRONMENTAL HEALTH PROGRAM

Commissioner Stiehl stated this was a contract wherein the State will essentially pay for the operation of the Environmental Health Program, and the amount is \$17,342. **Commissioner Stiehl** moved to approve the authorization of the Chairman to sign the contract with the Colorado Department of Public Health & Environment for the County Environmental Health Program. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Stiehl, aye; Commissioner Lasha, aye; Commissioner Norden, aye. The motion carried.

APPROVAL OF REQUEST TO APPLY \$11,818 OF THE 2005 FUND BALANCE TO TECHNOLOGY IMPROVEMENTS FOR THE OFFICE OF THE DISTRICT ATTORNEY, 11TH JUDICIAL DISTRICT.

Commissioner Lasha moved to approve the request of \$11,818 of the 2005 fund balance to Technology Improvements for the Office of the District Attorney, 11th Judicial District. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

APPROVAL OF AIRPORT SAFETY PLAN

Ray Southard, Fremont County Emergency Management, stated this was the Airport Security Plan, and was written by Dave Thompson. He stated Mr. Thompson had followed the Federal guide for general aviation. This plan will follow the State's plan and the Federal plan. The Fremont County Airport Emergency Plan was written in February, and is tied in with this plan. He stated they plan on including this plan as an annex in their forthcoming emergency operations plan with the new revisions. This plan will be flexible and grow with the airport.

Commissioner Lasha stated that the Airport Advisory Board are a group of people that have an interest in the airport, and Dave has brought some expertise that has been very helpful. They have had some opportunities to look at a Forest Service stationary base for wild land fire fighting that they may not have had without the safety and security issues. **Commissioner Lasha** moved to approve the Airport Security Plan. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

REQUEST: EXTENSION OF MS 05-001 MILAM ACRES SUBDIVISION

Matt Koch, Cornerstone Land Surveying, stated they were requesting another extension. This should be completed within the month, but they need the additional six months. This is mainly for the fire hydrants and there is about 200 feet of water main they have to upgrade. **Commissioner Lasha** moved to approve the six-month request for an extension for MS 05-001 Milam Acres Subdivision. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

REQUEST: EXTENSION OF CUP 05-002 COOPER PIT

Shane Cooper stated he needed another 90 days to finish up some contingencies.

Bill Giordano, Planning & Zoning Director, stated he thought it should be longer than 90 days.

Commissioner Norden moved to approve a six-month extension to CUP 05-003 Cooper Pit. **Bill Giordano** asked that it be backdated to the day of expiration of May 8th. **Commissioner Norden** amended his motion to approve a six-month extension from May 8, 2006. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

PUBLIC HEARING
REQUEST: SRU 06-006 AQUILA'S PORTLAND ELECTRIC SUBSTATION
REPLACEMENT TOWER
MAY 23, 2006 10:00 A.M.
RESOLUTION #40

Christin Cochran, C² Consulting, stated she was speaking on behalf of Aquila and in support of Aquila's Portland Electric Substation replacement tower. She stated that Aquila had operated a substation in this section for over 50 years, and this is run by remote control. The Federal Communications Commission is pulling their license and being forced to move to a different band. They are going to have to relicense at the new frequency. That will require different equipment, and in this case, a higher tower. They want to replace the 55-foot wood tower with an 80-foot self-supporting tower. For a short period of time both towers would be in place until the new tower is operational.

Bill Giordano stated that the applicant had provided proof of publication; the posting has taken place along with the additional notifications and notification of property owners within 500 feet. At the Planning Commission meeting on May 2nd, the Planning Commission did recommend approval with 11 conditions, 6 contingencies and waived the surfacing, lighting and landscaping. If approved, this would require a resolution to be prepared for the next meeting.

Commissioner Stiehl asked for anyone wishing to speak for or against to come forward. Seeing none, he closed the Public Hearing and returned to the Regular Meeting.

Commissioner Norden moved to approve SRU 06-006 Aquila's Portland Electric Substation Replacement Tower, with the conditions A through K, 6 contingencies, waiving the surfacing, lighting and landscaping and this would be **Resolution #40**.

RECOMMENDED CONDITIONS

- A. Special Review Use Permit shall be issued for life of use.
- B. The Department of Planning and Zoning (Department) shall review the permit annually to determine compliance with the conditions of the permit and forward it to the Board of County Commissioners (Board) for their review as required by regulations.
- C. The Applicant 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.
- 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. The Applicant 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.
- 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 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.

- G. If a Special Review Use 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.
- I. The applicant/owner of the tower shall allow the tower to be used for co-locating purposes, if appropriate.
- J. 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.
- K. 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.

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. The vicinity map to the left shall be removed and the plural reference, “vicinity maps”, shall be changed to a singular reference.
- 2. Documentation that a Fremont County access permit has been issued for access from County Road #112 or documentation from the District 2 Road Foreman stating that the existing access is adequate.
- 3. Documentation evidencing that Aquila is the owner. (*The ownership indicated on the deeds submitted is in the name of Central Telephone & Utilities Corporation and Southern Colorado Power Company.*)
- 4. The Sabre Communications letter should note that the tower is in Fremont County, not Pueblo County.
- 5. Correct the spelling of the word substation in the title on the site plan.
- 6. A tower detail shall be shown on the site plan.

WAIVED:

- Surfacing 5.3.2
- Lighting 5.3.3
- Landscaping 5.3.4

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 #40**.

NEW BUSINESS (CONTINUED)

REQUEST: MS 06-001 SNAPP SUBDIVISION

Matt Koch, Cornerstone Land Surveying, stated they were requesting a two-lot subdivision on Lombard Street. He stated they were ok with all of the contingencies.

Bill Giordano stated that at the Planning Commission meeting on May 2nd, they approved this with 7 contingencies.

Commissioner Lasha moved to approve MS 06-001 Snapp Subdivision with 7 contingencies:

RECOMMENDED CONTINGENCIES

The following items shall be provided to the Department of Planning and Zoning, within six (6) months (*with 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.
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. Drainage Plan and Report: As noted in the reviewing engineer's review letter, the following shall be noted in the drainage report:
 - a. The amounts of expected additional runoff are too small to enable adequate storm water detention.
 - b. The site does lie within a one-hundred year floodplain as shown on FEMA map 0800670335B.
 - c. A copy of the FEMA map.
4. A quitclaim deed to the County for a thirty (30) foot right-of-way, from the centerline of Lombard Street, along the entire property frontage.
5. Information adequate to enable the Department to compute addresses for proposed lots as per the Fremont County Subdivision Regulations (FCSR) Section XII.,I.,1.
6. Closure sheets for each lot and boundary of the subdivision.
7. **Additional Contingency: A Tax Certificate issued by the Fremont County Treasurer indicating that all ad valorem taxes for the subject property for all years prior to the year in which the final plat is to be recorded have been paid.**

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 10:21 A.M.

County Clerk