

May 24th, 2011

TENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on May 24th, 2011, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Edward H. Norden called the meeting to order at 9:30 A.M.

Edward H. Norden	Commissioner	Present
Michael J. Stiehl	Commissioner	Present
Debbie Bell	Commissioner	Present
Brenda Jackson	County Attorney	Present
Katie Barr	Clerk and Recorder	Present

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

Pastor Benny Soto of Mountain View Community Church and Chaplain for the Fremont County Sheriffs Department gave the Morning Prayer.

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

CONSENT AGENDA

Commissioner Stiehl moved to approve the consent agenda. Commissioner Bell seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

ADMINISTRATIVE/INFORMATIONAL

1. Administrative and Elected Officials

1a. Tony Adamic, Fremont County Department of Transportation Director gave a project report. The Department placed dust suppressant on 62 miles of road. The budget for this project was \$118,000 and only \$107,000 was spent. Commissioner Norden asked Tony how this compares with previous years. Tony said last year 47 miles of road were covered with the dust suppressant for a cost of \$88,000. The cost is approximately \$1,700 per mile. Commissioner Norden asked what areas are receiving dust suppressant for the first time. Tony said this year they added Siloam Road, County Road 106, County Road 19 and 10 miles on County Road 143, which is the upper end of Oak Creek Grade. Commissioner Norden noted this not only helps suppress dust, but cuts down on maintenance cost as well. Adamic said starting June 6th the Department will start the chip seal project on County Road 28, County Road 1A, and County Road 13. As some of the bids were higher than what they had budgeted, County Road 13A had to be dropped from the chip seal project. Total mileage is 5.2 for the chip seal project. They will be \$6,500 under budget as they had \$133,000 budgeted for chip seal. Commissioner Bell thanked Adamic for coming in under budget on both projects.

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Commissioner Bell announced that she and Commissioner Norden had met with official delegates who are in town from our “Sister City” Valdai, Russia. Their visit here is primarily to focus on protecting children from abuse and neglect. Bell encouraged citizens to welcome the delegates to our community. Bell said all 3 Commissioners attended the Brookside Community Center dedication on Saturday. She congratulated the town of Brookside on the opening of their new Center. Commissioner Bell said she had accepted a certificate of appreciation for the Fremont County Department of Transportation for the work they had done on the parking lot at the Brookside Community Center. Bell presented the certificate to Tony Adamic. Commissioner Norden noted the town of Brookside had celebrated their birthday yesterday as they had been incorporated on May 23rd, 1913.

Commissioner Norden noted the Fremont County Elected Officials met last week. They decided to conduct another public survey of citizens using the Fremont County Administration Building. The survey is for citizens opinions regard a 10 hour 4 day work week, or possibly returning to an 8 hour 5 day work week. The survey will begin on June first and run through the end of August. It will be available in the County Clerks office, the Assessors office, the Treasurers office, the Veterans office, the CSU Extension office, and various other offices in the Administration Building.

2. Citizens Not Scheduled: None.

NEW BUSINESS

1. Department of Local Affairs Limited Gaming Impact Fund Application – Asphalt Overlay for 3.5 miles on County Road #9 (Red Canyon Road)

Commissioner Norden said the Board of Commissioners was not aware of any grant funds that were going to be available this year. Norden said Tony Adamic had done his research and found some available funding. Adamic said hopefully the funds will remain in place for the year, but if it is tabled, the funding will be used in the future. Tony said they are looking at 3 ½ miles of overlay on Red Canyon Road. The total cost of the job will be \$753,000 with \$352,700 coming from DOLA Gaming Impact Fund, \$10,000 cash dollars, and \$390,000 in kind labor and equipment. Commissioner Norden asked which section of the Road will be targeted. Adamic said it will be from mile marker 6.5 to 10. Norden said if the money is awarded it will be for work to be done in 2012 as the application review will not take place until this September. Adamic said the application deadline is June 17th and the review is in September. Norden asked how much grant money was received last fall. Adamic replied \$400,000 was received for 4 miles of overlay on Garden Park Road. Norden noted we are eligible for the Limited Gaming dollars as we are a neighboring county of Cripple Creek in Teller County. Money we receive for road improvements must be used only for roads impacted by casino gaming traffic. These roads include Garden Park Road, Shelf Road, Phantom Canyon Road and County Road 11 Hyde Park Road to Cripple Creek. Commissioner Stiehl moved to authorize the Limited Gaming Impact Fund application for these funds and commit \$10,000 cash contribution, and authorize \$390,000 in kind project match. Commissioner Bell seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

2. Resolution lifting Stage One Fire Ban Restrictions

Sheriff Beicker said there does seem to be an opportunity right now to lift the fire ban. He does not know where Channel 5 News got their information that Fremont County had already lifted the fire ban. Many of our neighbors, BLM and the State Forest Service have lifted their fire bans. Beicker cautioned the residents to use extreme caution when burning, especially in the out lying areas.

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Sheriff Beicker requested the Board of Commissioners to suspend the fire ban. Commissioner Norden noted that even though we have not had any large fires in Fremont County, it has been a very busy fire season so far. Beicker said he had spoken with representatives from the Railroad yesterday concerning the Royal Gorge area. They have done a lot of mitigation from Canon City all the way to Harvey's Bridge. They also built a fire suppression rail car which is larger than the one they had used in previous years. Commissioner Bell moved to approve Resolution #22 to suspend the Stage One Fire Ban Restrictions for Fremont County. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Bell, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

3. Appointment of Councilman Larry Baker to replace Councilman Joe Caruso as the City of Florence representative to the Fremont County Planning Commission

Commissioner Norden said it has been routine for a number of years to have representatives from the City of Canon City and the City of Florence to have seats on the Fremont County Planning Commission. These designees are chosen by the Mayors of those cities, but are appointed by the Fremont County Board of Commissioners to sit on the Planning Commission. Norden recognized that Larry Baker was present in the audience. Norden stated that Joe Caruso had done an outstanding job representing the City of Florence on the Planning Commission. Commissioner Stiehl moved to appoint Councilman Larry Baker to complete the term of Councilman Joe Caruso to represent the City of Florence on the Fremont County Planning Commission. Commissioner Bell seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

4. Steve Morrissey – Emergency Manager/Interagency Agreement for Mutual Aid between Chaffee, Custer, Fremont, Lake and Park Counties and the City of Salida for Emergency Management

Steve Morrissey, Emergency Management Director, explained to the Board that this agreement is between the Counties and City listed to assist them in the event of an emergency. The agreement is for emergency management only, not equipment or the involvement of other agencies. Commissioner Norden asked if this had been done in the past. Morrissey said there had been verbal agreements previously, but nothing in writing. Norden asked what had brought us to have the agreement enacted. Morrissey said they had worked together on multiple small issues in the past. He said this is a formality to be able to assist each other when necessary without calling in state or federal teams. Commissioner Bell stated there was not a written expiration date but that either party could terminate the agreement with 30 days written notice. Morrissey agreed that is correct. Commissioner Norden asked if one party does not agree then it becomes a written agreement between the existing parties. Morrissey said the agreement would then become valid with the remaining parties. Commissioner Bell moved to approve the Interagency Agreement for Mutual Aid between Chaffee, Custer, Fremont, Lake and Park Counties and the City of Salida for Emergency Management. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Bell, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

5. Consideration of a Resolution adopting the Procurement Policy.

Commissioner Norden said this is an issue that County Manager Sugars has pressed the Board of Commissioners to get into place. This will guide Elected Officials, Department Heads and employees of what is expected when purchasing goods and services for Fremont County.

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County Manager Sugars explained the need for the Procurement Policy is not only for the County Employees but for the Vendors as well. Sugars said once the Procurement Policy is adopted he would like it placed on the County web site for vendors to see. Sugars will make sure that all Elected Officials and Department Heads get a copy of the policy. It explains when and how to purchase goods and services and sets forth contractual agreements as well. Sugars recommended the Board to adopt the Procurement Policy. Commissioner Norden said once adopted the Policy will be available for citizens, employees and vendors to view on the web site. Commissioner Bell believes that consistency is key and that most departments were all doing something different for purchasing supplies. The Commissioners had asked Sugars to put together a flow chart to determine where to go depending on the size of the purchase amount. Commissioner Stiehl noted this has been a long time coming. One of the reasons he was in favor of a County Manager is so that we could accomplish things like this that the Commissioners were not able to do. The difficulty in having a Procurement Policy is having control over how goods and services are procured, but doing so in a timely manner. This Policy had input from various departments and honed it to fit our County's needs. Stiehl will feel much more comfortable with where the County money is going once this Policy is in place. Commissioner Norden said this will explain to vendors whether it is a formal or informal bid process. Norden stated it will allow for departments to make reasonable purchases within their budgets. He said as the size of those purchases grow, certain supervisory approval will be required. Commissioner Stiehl moved to approve Resolution #23 adopting the Fremont County Procurement Policy Manual. Commissioner Bell seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

6. 2011-2012 Single Entry Point Home Care Allowance Contract

County Attorney Jackson said this is a Single Entry Point Home Care Allowance Contract for both Chaffee and Fremont Counties. Commissioner Bell moved to approve the 2011-2012 Single Entry Point Home Care Allowance Contract and authorize the Chairman to sign the contract on behalf of Fremont County Department of Human Services with the State of Colorado. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Bell, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

7. Request: TUP 11-004 EPIC ROCKY MOUNTAIN RELAY Request approval of a Temporary Use Permit to allow a team relay foot race that will travel along roads in Fremont County, by EPIC Relays. The event will start in El Paso County; continue on Fremont County Roads through Penrose, Canon City, Cotopaxi, and Howard, then on into Chaffee County. The relay will run on Friday, July 22nd, from 9:00 A.M. until 8:00 P.M. Representative: Rob Eales, VP of Operations, EPIC Relays.

Rob Eales said they are a special event company that put on these foot races in 4 other states besides Colorado. They are proposing a foot race that will start in El Paso County on Highway 115 at Fort Carson and travel through Fremont County and will end in Chaffee County. Rob said they are trying to use several County Roads in order to keep the foot traffic off of Highway 50 as much as possible for safety reasons.

Bill Giordano said the application is complete, however, there are still a few items needed. The applicant needs to provide a signed contract for the trash receptacles at least 5 days prior to the event. The applicant did notify the Deer Mountain Fire District and would need to comply with any recommendations within reason. The General Liability Insurance amount would need to be accepted by the Board of County Commissioners. The applicant is requesting waiver of the surety for the cleanup. Rob said he did receive the contract for the trash receptacles yesterday and he will email it to Bill. Rob said they had notified all 5 of the fire districts in Fremont County. He had heard back from all of them except Deer Mountain.

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Bill noted the applicant is only required to notify the fire districts. He said the applicant had also notified the State Patrol, City Police, Ambulances, and Department of Transportation as well. Rob stated the race will be smaller this first year so they can better control the event. Commissioner Norden asked Rob how many people they are anticipating for the event. Rob said they are anticipating 50 teams that are made up of either 6 or 12 people. This would be a maximum of 600 people. There will be a maximum of 50 people on the road at once as only 1 person from each team is allowed on the road at a time. Rob said the race is spread over 200 miles. Commissioner Norden asked if they have support vehicles along the way. Rob said that is correct, each team has a support vehicle. Norden asked if Rob had notified the Fremont County Sheriffs Department. Rob said yes he had spoke with Bill Dawkins at the Sheriffs Department and had his approval. Commissioner Norden asked who and what is EPIC Relays. Rob explained EPIC Relays had started 3 years ago. The relays they do are 24 hour relays that have people run through the night and span over 200 miles. EPIC has races in Oregon, Utah, Wyoming, and are adding Colorado as their third race of the series. Norden asked if they will be doing advanced publicity to let the community know about the runners on the roadways. Rob said they will have some publicity as well as signage on the roads. He said there are a few other roads they want to use and would speak with Bill about them. Commissioner Bell asked where the race will finish at. Rob replied the race will end in Crested Butte. Commissioner Norden asked where the runners sleep during the event. Rob said mostly in their vehicles, but they also have reserved sleeping areas in parks. Commissioner Bell moved to approve TUP 11-004 EPIC Rocky Mountain Relay to allow a team relay foot race on the Roads of Fremont County on Friday July 22nd with the following conditions: receipt of a signed contract for the trash receptacles at least 5 days prior to the even; documentation of compliance with requirements of the Deer Mountain Fire Department if any; accepting the General Liability Insurance in the amount of \$2,000,000; and granting a waiver of the cleanup surety. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Bell, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

PUBLIC HEARINGS SCHEDULED FOR 10:00 A.M.

1. REQUEST: SRU 09-004 FREMONT OFF ROAD RECREATION AREA

This item was continued from the May 10, 2011 Board of County Commissioners meeting due to the fact that the required notice of public hearing was not published in the newspaper in a timely manner. The request is for approval of a Special Review Use Permit, Department file #SRU 09-004 Fremont Off Road Recreation Area, by Stephen M. Harris & Lynette Harris, to allow for the operation of a Rural Recreation Facility to consist of an off road motorized recreation area that includes a free style training area, a peewee tract, an intermediate track, and an ATV track on property owned by Stephen M. Harris and Lynette Harris which is located at the northwest corner of the intersection of Fremont County Roads #67 (aka Phantom Canyon Road) and #123 north of the Fremont County Airport. The Special Review Use Permit is intended to allow only "family members and friends" and it will not allow events which are open to the public. Any event will require the issuance of a temporary use permit. Representative: Matt Koch, Cornerstone Land Surveying, LLC

Chairman Norden opened the public hearing at 10:10 A.M.

Matt Koch of Cornerstone Land Surveying said they are requesting approval of an SRU for an off road recreation area. It is located on 120 acres in the Watersville area at the corner of County Road #67 and County Road #123. The main courses will lie to the east of the drainage area according to the site plan. The intent is to allow organized practice and training for motor cross and ATV riders many of who are state and national champions. It is not a public course and will be open only to friends and family.

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If the applicant would want to have a public event they know they have to go through the TUP application process. Matt said all of the drainage issues and parking issues have been satisfied. Matt said many of the letters received were in support of the SRU. Some letters from neighbors were concerned about noise and dust. As part of the requirements the applicant will have dust suppression by applying water to the track when dust is created. The SRU will be reviewed once a year and if there are concerns they will be addressed at that time. The operation is only during day light hours, not at night. The riders have to get permission from the owners to use the course and the owners have to be present. Also riders have to wear a helmet and must have an adult present while riding the course.

Bill Giordano said the applicants did post the property and did publish properly. They did notify the property owners within 1500 feet of the property. The Planning Commission did recommend approval of this application at their meeting on April 5th, 2011. The Permit shall be issued for life of the use which 99 years was requested. Bill said conditions B, C, D, E, F, and G are standard conditions. Condition H states the days of the operation shall not be limited. Condition I states the hours of operation shall be limited from sunrise to sunset. The original wording of condition J that required the applicant to maintain a \$1,000,000 liability insurance policy was eliminated. It was replaced with wording that the permit holder will cease operation during high wind events that cause visible dust plumes to leave the property. Condition K states one of the property owners or their designated representative shall be on the premise during use. Condition L says the use shall be limited to no more than 15 off road vehicles at one time. Condition M requires the applicant to obtain a TUP for any public or commercial event. Condition N will require the applicant to limit use and tracks 50 feet away from the property line. The applicant did agree to move the existing tracks to comply with this condition. Condition O states that all access to the property shall be limited to one driveway on Fremont County Road #123. The other proposed entrances will not be allowed. Bill said conditions R, S, T, and U are standard conditions. Bill said there are some contingencies the applicant will have to comply with as well. Contingency #1 will require the applicant to obtain a Fremont County Driveway Access Permit for the driveway off of County Road #123. Contingency #2 requires the 50 foot buffer to be distinctly marked on the drawing and labeled "All recreational use of the property will not be allowed within 50 feet of the property lines". Bill noted contingency #3 requires a turnaround at the north end of the parking detail. Contingency #4 requires an additional label on the west side of the property showing County Road #123. Contingency #6 requires the applicant to provide documentation from the Fremont County Weed Coordinator that an acceptable weed control plan is in place or that one is not required. The Planning Commission did recommend one additional contingency item which is #6 be added; the applicant shall comply with the erosion control and drainage diversion work outlined in the February 15, 2011 edition of the drainage plan. The County Engineer is concerned with silt from the property going into the creek. He has requested either bales of hay be put in place to prohibit this from happening, or the tracks be relocated away from the creek and put drainage ditches that flow away from the creek. The County Engineer needs to inspect this once the work is completed. The applicant did request a waiver of the buffering and landscaping requirements, the surfacing requirements and the lighting requirements in the parking area. As they are not operating at night, lights will not be necessary. The applicant is also requesting a waiver of the buffering and landscaping requirements of the property as there are hills on the property, and vacant land on 2 sides. Bill said the Planning Commission did unanimously approve the application with 5 out of 5 members present. Bill said if the Board approves the SRU today he will prepare a resolution to be signed at the next Board of Commissioner Meeting. Commissioner Norden said they had received emails up until 9:10 this morning regarding this application.

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Public Comments:

David DeWall lives at 718 W. Main Street in Florence and is the father of Lynette Harris. He said there was a quote in the paper saying this was a white trash party place. David said he wants people to understand it is no such thing. He said these are very successful people who race motor cross and it is a very expensive sport to participate in.

Scott T. Smith lives at 2833 County Road 123 directly to the west of the applicant in a million dollar home. He knows Stephen Harris and says he is a good man. Scott is concerned with the dust as there are times he can't see his house when the wind blows from the east. He is not sure if water on the tracks will work or not. Another concern he has is the noise. Scott has motorcycles and quads and has fun riding them. He believes Mr. Harris bought the land and should be allowed to do what he wants with it. Scott wants to be neighborly but is concerned with the recreation area devaluating his home. Daylight to dark in the summer is 16 hours a day. Commissioner Norden asked Mr. Smith how far away his house is from the nearest track. Scott said it is about a quarter of a mile, which is not that far. He said his house is up on a hill about a half mile from the Harris's house. Commissioner Bell asked Mr. Smith if his house is visible from County Road 123. Smith said his home is the only house visible to the Harris' house. Commissioner Norden asked if the applicant has taken any steps to keep the dust and noise down. Smith replied that Mr. Harris has been nothing but neighborly. He said the wind blows constantly out there. Smith said the hours of operation are a concern to him, but there have not been parties taking place. Commissioner Stiehl said the application states from sunup to sundown for hours of operation. Smith had heard that lights were going up, and is relieved to find out that will not be happening.

Priscilla Jarosz and Selena Jarosz live at 420 N. 19th Street in Canon City. Selena said Steve's track is fun to ride and she loves it. Priscilla said she has 4 children who have gotten into motor cross in the past five years. They were sad when the hogbacks closed. They had to go to PMI in Pueblo to ride which the track is not maintained and they have suffered injuries because of it. They are very grateful to the Harris' for letting them ride on their land. She has never been to their track when there have been more than 5 other riders there. Priscilla said there is no riding at night as it is not safe. She said she has pictures on her phone of her 2 daughters riding at the same time that shows a small cloud of dust. It is a positive thing and they feel blessed to be allowed to use their track.

Drew Hoaglund lives at 1202 Doris Drive in Canon City and **Ben Harris**, son of Stephen and Lynette Harris addressed the Board. Drew said motor cross is what kept him out of trouble in school. He is so dedicated and focused on riding. Drew said if this track gets shut down there will not be any place for them to ride since the hogbacks have been shut down. Ben said he can't hear the noise from his house when riders are on the track. Ben said he does hear the noise from the shooting range all of the time. Ben has been riding for 2 ½ years and there have not been any problems. If their track gets shut down Ben thinks many people will stop riding as they won't have the gas money to drive to Colorado Springs or Denver to another track. Commissioner Bell told Ben that there are a lot of adults who will not get up in front of a group and talk the way he just did. Bell thanked Ben for speaking his mind and told him he did an awesome job.

Priscilla Jarosz said she did not see **Anthony Murray** here and she wanted to speak on his behalf. He is a freestyle rider who has his own section of the track. Anthony is in movies and the Harris's have helped him fund his way to the top.

Clarissa Ross lives at 420 N. 19th Street in Canon City. She started riding 4 years ago. She is so thankful to the Harris family for their help. She has gotten first place in state for the women's novice division. She has grown so much in the sport because of the Harris's. When the hog backs closed it broke a lot of kid's hearts. Clarissa said kids are our future and this gives them something positive to do.

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Rusty Spillers lives at 2275 Dakota Lane in Dakota Hideout. He commended the Harris's for helping all of the kids to prosper. He does have several concerns with the recreation area request. Rusty asked if there has been an environmental study done on the property. He wants to know if the property will be re-zoned as it seems like it will be a commercial enterprise. It appears to him that the property has been in violation of storm water management permit for the past 2 or 3 years. He asked if there is a storm water permit on the property as that is a national requirement that passed in 1998 and was amended in 2003. Rusty asked if there would be any provisions to re-vegetate the property if the Harris' move or stop the operation of the track. He noticed there were no BMP's or anything in place for storm water management. The creek is a direct tributary of the Arkansas River and the water does directly go to the Arkansas River. Rusty said builders, developers or anyone who disturbs more than 1 acre of land have to comply with storm water management. Commissioner Norden said after the public testimony they will address the drainage plan. Rusty said the drainage plan is fine if it is part of the storm water permit. Commissioner Norden said the County Attorney has indicated that a storm water permit is not necessary in this rural area. Rusty said that is incorrect as he works for a developer and they were required to have a permit in the county.

Jan Smith lives at 716 Dakota Lane in Dakota Hideout and is the President of the Dakota Hideout Property Owners Association. She said she is the second closest house to this proposed recreational site and she can hear the motorcycles. She is not against motorcycles as she used to ride dirt bikes herself. She rode on 160 acres that did not have houses close by. They rode on trails rather than in circles where the noise is continuous. The owners in Dakota Hideout each have 35 acres and they live there for peace and quiet. Jan asked how large the "family and friends" group is going to get. She knows it is a good activity for the kids but is concerned with the tracks being so close to a housing development. Jan is afraid of the noise and dust causing devaluation to nearby homes. Commissioner Norden asked Jan how close she is to the tracks. Jan estimates her home to be about a half mile from the tracks. Jan asked how come the tracks have been in use for about 3 years and they are just now getting a permit. Commissioner Norden explained the recreation area was already in use when the County learned about it through complaints. Norden asked Jan if she thinks 15 off road vehicles on the track at one time is reasonable. She said that seemed like a large number and is not sure she would enjoy listening to that many motorcycles for 12 hours a day. Jan noted that when just the family was riding on the tracks it was fine.

Jerry Lorenz lives at 649 Dakota Lane in Dakota Hideout and is the third closest house to the track. He is concerned about the expansion of the track. He retired in the area for the peace and quiet. Jerry said he has never complained of the noise in the past, and does not intend to complain if it stays the same. However if more riders are allowed at one time he is concerned what the noise level will be like. Jerry believes the friends and family that are riding the track are expanding. He works outside a lot and is worried if the number of allowed riders continue to grow the noise will be intolerable.

Cheri Hoaglund lives at 1237 Elm Avenue in Canon City which is a cross street of Highway 115. She said living on the highway she hears motorcycles constantly. This is more noise than the motorcycles on the track. She is the mother of Drew Hoaglund who testified earlier. Cheri has been to the Harris place numerous times. She said this gives kids a safe place to go where parents watch out for them. Cheri said the Harris's watch all of the kids using the track very closely. It would be a sad thing to lose this part of our community.

Shadoe White and Caleb White live at 15322 County Lane 1 in Olney Springs Colorado. Shadoe said they had met Steve and Lynette a few years ago and they have helped them out so much. They had even taken the brothers to Las Vegas to compete. Shadoe said even kids that do not ride motorcycles are welcomed to the Harris's home. Caleb said this is his favorite track to ride on and he will be sad if it is closed. He begs his brother to take him there every day to ride.

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Erick Jarosz lives at 420 N. 19th Street in Canon City. Erick explained that there are 2 separate tracks on the property that are about 200 yards apart. While on one track, you can not hear the bikes on the other track. You can only hear the wind which blows constantly. Erick understands the people who live out there want to get away from the hustle and bustle, but it is very hard to get away from everything. He said his kids love going to the track and do not cause any trouble.

Tim Walsworth lives at 792 Chris Court in Dakota Hideout with his wife and son. He did not understand Dakota Hideout to be a retirement community. As all of the roads there are dirt they create dust every time they drive on them. His lot is one of the higher lots in Dakota Hideout and noted if anyone could see the Harris's property it would be him. Tim is a motorcyclist and is teaching his son to ride at the track. He noted of the 2 tracks, the smaller pee wee track is the closest to Dakota Hideout. The Harris's house lies between the 2 tracks and it is about a mile from the track to where homes are located in Dakota Hideout. Tim and his family previously lived next to the hogbacks before they were closed. He is surprised that the Harris's have to get a special permit to allow friends and family to ride on private property. Tim mentioned the military aircraft that fly over frequently are much louder than any noise from the track. Street legal motorcycles require 93 decibels to be street legal. He stated the noise that would reach Dakota Hideout from the closed course track would be half of that. Commissioner Norden asked Tim to point out his home on the map and asked if he can see the track from his house. Tim showed where his home sits and does not believe the track is visible from any of the homes in Dakota Hideout.

Tracy Walsworth also lives at 792 Chris Court in Dakota Hideout and is the wife of Tim Walsworth. She is outside about 75% of the time and said the noise and dust are minimal from the track. Most of the dust they get is generated by their own vehicles. Tracy said not only does riding keep the kids out of trouble, it keeps them in great shape as well. It would be a tragedy if they are not allowed to keep the track going. Whenever they go to the track there are only a few other people riding if any at all.

Judy Minnick lives at 270 Steinmeier in Canon City. Her husband, son, and daughter all ride at the Harris's track. She said her father previously owned a motorcycle shop here in Canon City and people used to ride out back of the shop. Judy said they used to ride out on the Stocks land toward Red Canyon and dust was not an issue. It is a blessing to have a safe riding environment at the Harris's property for people to use. Judy said if this local track is closed they will have to drive to Colorado Springs to practice.

Jan Smith asked if the requirement of the liability insurance was waived. Commissioner Norden said that was a recommendation of the Planning Commission. She is concerned that if someone gets hurt on the Harris's property they will get sued.

Todd Bannister lives at 5309 Del Rey Drive and is a professional motor cross rider for years. He has been hurt many times. Todd said most kids are in the sport for the long haul. He said there will only be a few people on the track at a time. If this track is closed it would be devastating to the local riding community.

Jerry Lorenz is concerned with what kind of limits will be on the track if this permit is passed. If it stays the same as it is now, he can live with that. If there are going to be large events in the future he would like to know. Commissioner Norden said that is a question the Board may want answered as well.

Ashley Minnick lives at 270 Steinmeier in Canon City and has been riding since she was 5 years old. Her dad and brother also ride. They travel around nationally to compete. The Harris's have been gracious enough to let them practice at their track. She said they keep the track groomed and safe.

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Ben Hoaglund said most towns have skate parks, but there is not a place for him to ride his motorcycle. He has never seen more than a few people ride at their track. It never gets so dusty that they can not see.

Chairman Norden closed the public hearing at 11:10 A.M.

Commissioner Norden asked if Matt Koch could address a couple of issues that were brought up during the public hearing. Norden said there is a legitimate concern that there would be events held at the track beyond the family and friends group. He noted if it goes beyond the intended use it would be a commercial use.

Matt Koch said the intent is to leave it as family and friends. Any commercial event would require the Harris's to go through the application process with the County for a temporary use permit (TUP). Matt said the SRU permit will be re-evaluated once a year to make sure they are in compliance. He asked Mr. Giordano to explain the SRU process to the public.

Bill Giordano explained that if his department receives a complaint at any time they review the permit at that time. At the one year review the file is reviewed for complaints and to see if there are any violations of the permit. If a complaint is received it will be investigated. Bill noted they would need a TUP for any kind of event. A TUP does not require a public hearing. It is advertised as a regular agenda item for the Board of Commissioners Meeting. The County Commissioners have the right to require a public hearing if necessary. Bill said if there are any changes to the permit conditions it will have to go back through the public hearing process, unless it is very minor in nature. Commissioner Norden asked if there is an exhibition with only 2 or 3 pro riders on the track with 70 spectators does it require a TUP. County Attorney Jackson said it would require a TUP.

Steve Harris, the applicant, said he grew up in Penrose and then moved to Denver. He moved back to Fremont County to have a quiet place to live. They purchased the 120 acre parcel here. His original intent was to create a safe place for his son to ride motorcycles. Steve said moto-cross is a team sport and family activity. They became friends with many other riders. His track has only one purpose and that is to practice. This allows them to compete at events safely. Steve said his concern is for his only neighbor, Mr. Smith, who he can see from his property. When they first moved to the property it was mostly cactus. He had built some of the track on the west end of the property. As this caused some problems he relocated most of the track to the eastern part of his property. As neighbors he has tried to create an environment that is least disruptive to Mr. Smith. Steve said it is a private training facility; they do not invite people off the street to come there. He said the track goes around in a circle and allows them to practice maneuvers, skills, and timing in a safe environment. Commissioner Stiehl asked what is required as far as mufflers for these types of motorcycles. Steve explained the manufacturers produce a race ready bike. Most of the competitions they go to do not allow them to modify their motorcycles. Generally there is no free pipe; you have to have a muffler as part of your safety equipment. Commissioner Stiehl said asked about the 93 decibels. Steve said that is for street legal motorcycles. Steve noted he does work from home with windows open. He can hear the loaders at the dump all day long, and the noise from the shooting range. If someone wanted to ride the track without a muffler he would not allow it. Commissioner Stiehl asked if someone shows up with 2 or 3 bikes are those being counted as part of the 15 that are allowed to operate. Steve had worked with Bill on those numbers. It is truly the machines that are operating on the property. It is a maximum of 15 ATV's or motorcycles allowed on the tracks at one time. Commissioner Stiehl stated if someone is riding in the parking lot that would count as 1 of the 15. Steve said the number 15 came from the traffic impact statement and is artificially large. Commissioner Bell asked Steve what the earliest time is that someone has been riding on his track.

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Steve replied 8:00 A.M. to 10:00 A.M. is the earliest. Commissioner Bell noted that sunrise in the summer is around 6:00 A.M. and if she was his neighbor she would not want to hear motorcycles that early. Bell asked if changing the hours of operation to 8:00 A.M. until sunset would be suitable. Steve said 8:00 A.M. to 8:00 P.M. would be fine. Commissioner Bell asked Steve if he has any type of liability insurance in place that would cover an accident on the property. Steve explained that each person has to sign an AMA waiver release of liability as the entire facility is hazardous to riders and spectators. He also has an umbrella policy under his corporations insurance. They also have a set of rules in place that requires each rider to have health insurance and an AMA card. Commissioner Bell asked if everyone who comes on the property signs a release whether they are a rider, or transporting a rider. Steve said that is correct. Commissioner Norden noted the site has and will continue to generate dust and produce silt. He is concerned the silt may end up in the river. The County Engineer and the Board of Commissioners take this concern seriously. Norden asked Matt what has been done for the drainage plan on the property. Matt said per the agreement with Don Moore the County Engineer, there will be straw bales put into place. Also drainage cuts on the road ways will be made to lessen the drainage coming off of the roads/tracks. There is not a storm water discharge permit required for this development as it does not fall under the development guidelines. Matt said Don Moore has put the requirements in place that need to be followed. As part of the maintenance of the track the applicant will be able to put bales in place to keep the discharge from entering the drainage. Commissioner Norden asked Bill how soon these items will be in place if the permit is approved. Bill said it is a contingency of approval. As they have already been in operation, the quicker the better. Mr. Harris said this has been done. Bill proposed to the Board to have Don Moore go back out and re-inspect the property to verify the work is complete. Steve said safety is a priority and track maintenance is a continuing process. If he sees any type of pooling or drainage issues he resolves it immediately. Commissioner Norden said the permit calls for dust suppressant to be applied as necessary. This is a broad statement that is open to interpretation. County Attorney Jackson said it is an objective standard in the permit; it is not just when Mr. Harris deems it to be necessary. It is a reasonable standard and you can tell when it is dusty. Jackson said we will probably get phone calls and if what Mr. Harris does to suppress the dust problem does not work he will have to try something else. Steve explained the wind blows constantly and it is a safety hazard when the riders can not see. If it is too dusty to see they will have to provide a dust suppressant or else not ride. Commissioner Norden asked if water on the track is considered a dust suppressant. Bill agreed it is. Commissioner Stiehl said if the water is not effective alternative measures may be required. Commissioner Norden asked if Mr. Smith called Steve on a windy day and asked him to put water on the track would he do it. Steve replied he would do whatever was necessary. Norden asked if complying with condition "N" to move the tracks 50 feet from the property line would be an issue. Steve said all of the tracks have already been moved. There is a road easement for the power company but he has posted it with signs and makes sure nobody rides on it. Commissioner Stiehl commented that he does not like life of use permits as they can run for hundreds of years. His preference is to state a period of time and he would suggest 20 years at which he can reapply at the end of this term. Steve said originally he had put 99 years on the application but it was suggested to change it to life of use. Matt noted if they sell the property the new owners would have to come before the Board again to continue the use. Matt said it is not likely the applicant will live for 99 years, it is more likely they will see a transfer. Commissioner Stiehl said in the past he thought the use automatically continued with a transfer. Jackson said it does not have to be that way. Commissioner Norden said previous Boards of Commissioners have issued 10 year permits and asked if this is a candidate for a 10 year permit. Matt said this is not a commercial operation and the Harris's are not making money off of it. Matt said that would mean the applicant would have to pay \$2,500, complete the application process, and go before the Board every 10 years. Matt said if you need to put a time limit, do it for 45 or 50 years. Steve said he is spending thousands of dollars to develop this track and he is protecting his investment by obtaining the permit. Norden said having the applicant reapply for the permit in 10 years may be in the best interest of the neighboring property owners.

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Commissioner Stiehl moved to approve SRU 09-004 Fremont Off Road Recreation Area accepting the recommended conditions from the Planning Commission with these exceptions: The life of use be 50 years; The hours of operation be from 8:00 A.M. to 7:00 P.M.; and granting the waiver request of the buffering, landscaping, surfacing, and lighting requirements as Resolution #24. Commissioner Bell asked Commissioner Stiehl for a Reconsideration of condition "I"; instead of changing the hours of operation from 8:00 A.M. to 7:00 P.M. they would be from 8:00 A.M. to 8:00 P.M. Commissioner Stiehl agreed to the Reconsideration. Commissioner Bell seconded the motion. Commissioner Bell said she understands the concerns the neighbors have and they will monitor the use of the property. Bell noted that in Fremont County it is virtually impossible to find land that does not have neighbors adjoining it. Bell stated it is a balancing act to balance what a property owners rights are versus what a property owners rights next door are. Commissioner Stiehl commented that he lives in Lincoln Park and he is sensitive to noise and light pollution. He believes this permit will be protective of the neighbors. As this is up for annual review complaints will be considered in the review process. The Harris's need to protect their permit by enforcing noise and dust control. The riders also need to be protective of the permit and respect the rules. Commissioner Stiehl can see the pride in the Harris's eyes when hearing of the kids successes. Commissioner Norden said he agrees with the use of private property and hopes they continue to be good neighbors. Norden commended the youth that appeared today and said it was a great learning experience for them. Upon Vote: Commissioner Stiehl, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

Chairman Norden adjourned the meeting at 11:50 A.M.

Clerk and Recorder

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**RESOLUTION NO. 22, SERIES OF 2011
A RESOLUTION SUSPENDING THE FIRE BAN FOR FREMONT COUNTY
PURSUANT TO ORDINANCES NO. 2006-1 AND 2007-1**

WHEREAS, on July 23, 2006, Fremont County adopted Ordinance number 1, Series of 2006, and on June 26, 2007, Fremont County adopted Ordinance Number 1, Series of 2007, both of which impose a county-wide fire ban in Fremont County; and

WHEREAS, the language of the Fire Ban Ordinances allow for the Board of Commissioners to temporarily suspend the Fire Ban if conditions and circumstances warrant such a suspension; and

WHEREAS, Sheriff James Beicker, in his capacity as fire warden for Fremont County in accordance with §30-10-512, C.R.S., has consulted with other entities sharing jurisdiction concerning fires within the County, has assessed the fire danger for Fremont County and has concluded that the Fire Ban may be temporarily suspended at this time; and

WHEREAS, the Sheriff of Fremont County has requested that the Board of Commissioners adopt a resolution that suspends the Fire Ban Ordinances and the Commissioners hereby defer to his request.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS FOR FREMONT COUNTY, that Fremont County Ordinances Number 2006-1 and 2007-1, restricting open fires and open burning in the unincorporated areas of Fremont County, shall be temporarily suspended in accordance with Section 14 of said Ordinance. This suspension shall be effective as of **11:00 a.m. on May 24, 2011**. The Board of County Commissioners and the Sheriff of Fremont County strongly encourage residents of Fremont County, and visitors to Fremont County, to continue to exercise great caution with fires and sources that contribute to the fire danger to keep Fremont County safe from wild fires.

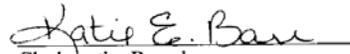
Commissioner Bell moved for adoption of this Resolution, with a second by Commissioner Stiehl. The roll call vote of the Board was as follows:

Debbie Bell	<u>Aye</u>	Nay	Absent	Abstain
Edward H. Norden	<u>Aye</u>	Nay	Absent	Abstain
Michael J. Stiehl	<u>Aye</u>	Nay	Absent	Abstain

Date: 5/24/11

ATTEST:


Chairman


Clerk to the Board

May 24th, 2011RESOLUTION NO. 23, SERIES OF 2011**RESOLUTION ADOPTING THE
FREMONT COUNTY PROCUREMENT POLICY MANUAL**

WHEREAS, §30-11-107, C.R.S. provides the Board of Commissioners with certain powers, including making such orders concerning the property belonging to the county as it deems expedient; and

WHEREAS, §30-11-107(b), C.R.S. further empowers the Board of Commissioners to examine and settle all accounts of the receipts and expenses of the county, to examine and settle and allow all accounts chargeable against the county, and, when so settled, to issue county orders therefor as provided by law; and

WHEREAS, §30-11-107(e), C.R.S. further empowers the Board of Commissioners to represent the county and have the care of the county property and the management of the business and concerns of the county in all cases where no other provisions are made by law; and

WHEREAS, §30-11-107(aa), C.R.S. further empowers the Board of Commissioners to establish policies and procedures regarding entering into contracts binding on the county, and to delegate its power to enter into such contracts pursuant to such policies and procedures, where amounts specified in such policies and procedures and where such contracts otherwise comply with limits and requirements set forth in such policies and procedures; and

WHEREAS, the Board of County Commissioners, with consent of all elected officials, has prepared the Fremont County Procurement Policy Manual, a copy of which is attached hereto and incorporated herein by reference, and desires to adopt the same; and

WHEREAS, the Procurement Policies provide a combined centralized and decentralized procurement program encompassing nationally approved principles and practices; promote and encourage ethical management and efficiency in County procurement procedures; and help to build public confidence that public funds are spent prudently, and on its behalf; and

WHEREAS, the Procurement Policies will help ensure that expenditure of public funds (including Federal and State funds) complies with the terms and conditions of the funding source; and

WHEREAS, the Board of County Commissioners believes it to be in the best interests of the County to implement the Fremont County Procurement Policy Manual; and

WHEREAS, to allow sufficient time for distribution, the effective date for the Procurement Manual shall be June 1, 2011.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Fremont County hereby formally adopts and approves the Fremont County Procurement Policy Manual, effective June 1, 2011. The Board of Commissioners hereby directs the County Manager to distribute copies to all Fremont County Departments and Elected Officials prior to the effective date.