

June 11, 2013

ELEVENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on June 11th, 2013, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Debbie Bell called the meeting to order at 9:30 A.M.

Debbie Bell	Commissioner	Present
Tim Payne	Commissioner	Present
Edward H. Norden	Commissioner	Present
Katie Barr	Clerk and Recorder	Absent
Brenda Jackson	County Attorney	Present

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

The Invocation was given by Pastor Benny Soto of the Mountain View Community Church.

Those present recited the Pledge of Allegiance to the Flag of the United States of America.

APPROVAL OF AGENDA

Commissioner Norden added item #5 to the Consent Agenda, a payment of \$5,500. to Sheldon Roberts, the sculptor for the John C. Fremont statue at Pathfinder Park.

Commissioner Norden moved to approve the Agenda with the addition of item #5 on the Consent Agenda. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

CONSENT AGENDA

Commissioner Payne moved to approve the Amended Consent Agenda. Commissioner Norden seconded the motion. Upon vote: Commissioner Payne, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried.

ADMINISTRATIVE/INFORMATIONAL

1. Administrative and Elected Officials

Chief Deputy Clerk Blauser presented the County Clerk's Report for May 2013. The total collected was \$844,109.03. Of this amount the County kept \$427,978.38 for disbursement. This is about 51% of the total collected. Unfortunately, this was \$35,610.14 less than May of 2012.

Commissioner Norden moved to accept the County Clerk's Report for May 2013. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

Commissioner Bell said the Ride the Rockies Event will take place in Fremont County this weekend. Approximately 6000 people will be coming to town for this event.

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Commissioner Norden said Daryl Robinson submitted a letter of resignation from the Fremont County Planning Commission as he is moving out of state. Daryl was the representative from the City of Canon City and his service was appreciated. Norden said the fund raising effort continues for the artwork at Pathfinder Regional Park. Citizens can make their donation at the Fremont County Finance Office.

2. Citizens Not Scheduled: None.

OLD BUSINESS

None.

NEW BUSINESS

1. Consideration of Community Wildfire Protection Plan in the Tallahassee Fire Protection area. Representative: Marti Campbell, Forester for the Coalition for the Upper South Platte

Marti Campbell said the Upper Platte Watershed hosted the entire Hayman Fire in 2002. The loss of a watershed takes centuries to recover. The Fourmile Current Creek Headwaters is the site of this Community Wildfire Protection Plan. The area does cross over three counties and several communities. The goal is to educate the public on wildfire risk and identify areas that need mitigation. The \$6000 grant was obtained from BLM. The Fire Departments in these areas will be instrumental in informing the public about this plan. Park County and Teller County have already adopted this plan.

Commissioner Norden moved to adopt the Community Wildfire Protection Plan in the Tallahassee Fire Protection Area. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

2. Consideration of Fremont Basic Emergency Operation Plan. Representative: Steve Morrissey, Fremont County Emergency Manager.

Steve Morrissey explained this is the Basic Emergency Operation Plan. He said this is a complete rewrite of the current plan. The plan breaks down the roles and responsibilities municipalities have for different types of incidents. This plan will also require signatures from representatives of the other jurisdictions. The plan has been on the County website since November 2012. FEMA requires planning meetings be held at least once per quarter to go over any changes or updates to the Emergency Operation Plan.

Commissioner Payne moved to approve the Fremont County Basic Emergency Operation Plan. Commissioner Norden seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried.

3. Application to Colorado Division of Housing for funding of the Single Family Owner Occupied Housing Rehabilitation Program.
Representative: Autumn Dever, Regional Housing Director, UAACOG.

Autumn Dever said they are in the process of submitting an application to the Colorado Division of Housing for housing rehabilitation. This program is offered in five counties that include; Custer, Chaffee, Teller, Fremont, and Lake.

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UAACOG is requesting Fremont County to sponsor the application. They are requesting \$194,000 this year and hope to have 16 to 19 homes rehabilitated with the funds.

Commissioner Norden moved to approve Resolution #24 to allow Fremont County to sponsor the Application to the Colorado Division of Housing for Funding of the Single Family Owner Occupied Housing Rehabilitation Program. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried. Resolution #24 is attached.

4. Consideration of a Contract Amendment with Colorado Department of Transportation – Colorado Aeronautical Board.
Representative: Dick Baker, Fremont County Airport Manager

Dick Baker said the State of Colorado Division of Aeronautics realizes the hardship some counties have making their required match for federal funding. The State will now pay 7.5% of the match instead of a 5% match towards the grant. He had submitted a letter to the State requesting the additional match. Fremont County now will only have to pay 2.5% of the matching funds. This saves Fremont County \$83,333.

Commissioner Norden moved to approve the Contract Amendment with the Colorado Department of Transportation Colorado Aeronautical Board for the additional 2.5% matching funds. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

PUBLIC HEARINGS SCHEDULED FOR 10:00 A.M.

1. Request: SRU 13-002 Captain Zip line Adventure Tours (Major Modification) Request for approval of a Special Review Use Permit by Gene M. Holmes, file #SRU 13-001 Captain Zip line Adventure Tours (Major Modification to SRU 07-001), for the addition of two challenge courses (rock climbing and an aerial park i.e. swinging bridges, ladders, obstacle and catwalks) (Recreational Facility, Rural) and a new parking and visitors center, where tours will originate and include six practice zip lines. The existing permit has a maximum capacity limit of ninety-six customers per day and the modification request includes an increase to two hundred guests per day. Customers will be picked up at the new parking and visitor center and will be transported by vans or similar vehicles to the zip-line, rock climbing and challenge course areas. The zip-line property is approximately 1.3 miles from the intersection of US Highway 50 and County Road #7 (Wellsville Road) easterly to County Road #54 (a non-maintained County Roadway) then northwesterly along County Road #54, then westerly along a BLM right-of-way into the property in the Wellsville area. The visitor center, parking lot and practice area property is located on the south side of County Road #45, approximately one mile southeast of the intersection of County Roads #7 & #45, also located in the Wellsville Area. The zip-line property is located in the Agricultural Forestry Zone District and contains approximately 23.68 acres. The visitor center, parking lot and practice area property is located in the Agricultural Rural Zone District and contains approximately 3.04 acres. Representative: Gene Monty Holmes, Property Owner.

Chairman Bell opened the Public Hearing at 10:00 a.m.

Gene Holmes explained he wants to build an Aerial Park that has a series of 75 swinging bridges, ladders, and other obstacles. It will be built on poles not trees. The property is located just over one mile from his zip-line property.

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Customers would be transported from the parking area by van on County Road 45 to the Aerial Park. This will generate revenue for Fremont County and provide an economic boost to the area. He is currently working on the contingencies. Holmes requested he be allowed to continue to shuttle customers for the aerial park and finish the parking lot at a later date. It will take about two months to build the Aerial Park. He hopes to have the park ready to open in July and complete the Visitors Center and parking lot by October.

Planning & Zoning Director Giordano said the posting, publication and notifications have been completed per the regulations. The Planning Commission did unanimously approve the SRU 13-002 request at their May 7th meeting. Giordano discussed the conditions and contingencies recommended by the Planning Commission. He noted the applicant has provided the proof of insurance in the amount of \$1,000,000 aggregate. The only written comments received came from Ellen Miller. Contingencies 1a, 5, and 7 have been met. The Visitors Center and Watchmen's Quarters are in the same building.

Gene Holmes said at this time there are not any handicapped trails. He requested the three handicap parking spaces and pathway to the Visitor Center remain gravel at this time. The terrain is too rough to accommodate handicap people. He hopes to be able to have a handicap harness developed in the future. Commissioner Bell asked Mr. Holmes for an explanation regarding the 500 tons of gravel per year. Mr. Holmes explained he has spoken with Tony Adamic regarding the gravel. He will provide Tony an accurate vehicle count monthly and increase it from 25 tons per year if needed. Mr. Holmes has also agreed to provide dust suppressant annually as well.

Public Comments:

Ellen Miller thanked the Commissioners for their efforts for listening to her concerns. She is concerned with people trespassing onto her property by the applicant, employees or customers from the Aerial Park. The County Road is very rough and people tend to speed on it regularly, perhaps the County could put up additional Speed Limit Signs. Miller hopes if this request is approved the applicant abides by all of the conditions.

Doug Shane, Director of the Canon City Chamber of Commerce, said he is excited to have a new adventure in the area. The zip-line will bring tourists and revenue to Fremont County.

Jim Wilson, State Representative for HD60 appreciates the efforts of the Commissioners in this process. Wilson said the Aerial Park is a tremendous opportunity for the economy and to create jobs. He does understand the trespassing concerns that the Millers have. Wilson is in favor of the Aerial Park and believes it will be a positive adventure for our area.

Gayle Dunavin said Mr. Holmes is doing a great thing for our community. This will provide another form of recreation in addition to rafting. The Aerial Park will create revenue for Fremont and Chaffee Counties. She hopes the application will get approved.

Mike Cox, Fremont County Building Official, explained there may be an issue with handicap parking in the future. Handicap accessibility parking is not just for people in wheelchairs. Employees of the company may require handicap parking as well.

Chairman Bell closed the Public Hearing at 10:55 a.m.

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Gene Holmes said if his company has more than \$1,000,000 in revenue a year, their insurance will require the policy to be increased. The watchmen's quarters are actually a three bedroom house where some of the employees will be staying. The employees have to be able to walk the property and maintain the park at all times. Holmes does not expect to have handicap employees because of the physical constraints required. The "No Trespassing" signs will be redone to be sure they are visible.

Commissioner Payne discussed Condition X regarding the amount of gravel the applicant is to provide. Commissioner Norden said the traffic count will be done this July when the applicant is shuttling customers to the site. Mr. Holmes offered to provide 25 tons of gravel upon approval of the SRU, and 25 more tons of gravel in 2014. Bill Giordano said he has only seen these types of agreements for gravel on Conditional Use Permits in the past. Commissioner Norden asked if Condition X for the amount of gravel could be reviewed in three years. County Attorney Jackson said the Commissioners could make that a condition. Commissioner Bell said she does not believe that growth should have to pay their own way. Bell is pleased that Mr. Holmes is willing to help with the road maintenance.

Commissioner Norden moved to approve Major Modification of SRU 13-002 Captain Zip Line Adventure Tours with the recommended Conditions with the following changes: under Condition R, adding the word "applicant"; under Condition X, applicant to provide 25 tons of gravel per year starting in 2013 with the Fremont County Department of Transportation to review Condition X for road impacts three years from the date of approval; under Condition V-6 changing the wording to "compliance from the South Arkansas Fire Protection District memo dated June 6, 2013 prior to becoming operational; accepting all of the waiver requests including the hard surfacing of the handicap spaces; with the recommended Contingencies noting that 1a, 5, 7, and the additional notifications have been completed; emphasizing the trespass signs are to remain in place as the applicants responsibility as Resolution #25. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

NEW BUSINESS CONTINUED

5. Request: Temporary Cessation of CUP 02-003 Ranch Land Rock Pit#1. Request approval of a two year temporary cessation of the Conditional Use Permit for file #CUP 02-003 Ranch Land Rock Pit #1 by Holcim (US) Inc. The CUP is for the operation of an open pit mine, including removal of landscape material, screening plant, loading and hauling of products. Holcim is currently in the process of evaluating the scope and economic requirements needed to establish the Ranch Land Site as a source of limestone feed for the cement plant. At the end of the two year period, Holcim will either submit a request for an extension of the cessation request and/or plans to re-establish mine operations at the site. The property is located approximately 2 ¼ miles north of Colorado State Highway 96 along the Pueblo/Fremont County boundary Line, Section 24, township 20 South, Range 69 West of the 6th Principal Meridian, in southeast Fremont County. Representative: Joe Lamanna, Quarry Manager, Portland Plant, Holcim (US) Inc.

Joe Lamanna explained the reason for the temporary cessation request. Holcim purchased this property from Ranch Land LLC in September 2011. A piece of property was also purchased at this time from that property to the Holcim plant. They are currently mining in the Bear Creek area. Holcim has owned the Beaver Creek property since 1917. The limestone quality is more favorable then where they are mining now. Some reclamation has been done to the site. Holcim has applied to the state for a temporary cessation as well.

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Bill Giordano said he does not have any issues with the request. As there is ongoing reclamation to the site, it may not even need to go into temporary cessation.

Commissioner Payne moved to approve a Temporary Cessation of CUP 02-003 Ranch Land Rock Pit #1 as a two year Cessation. Commissioner Norden seconded the motion.

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

6. Request: TUP 13-005 2013 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 Canon City, continue westerly on Fremont County roads, into Chaffee County and Gunnison County, ending in Crested Butte. The relay will run on Friday, July 19th, from approximately 6:00 a.m. until 7:00 p.m. Representative: Michael Papworth, EPIC Relays.

Michael Papworth said this is a 24 hour team running relay race. The race will begin in Canon City. It will travel along County Roads in Fremont and Chaffee Counties, over Cottonwood Pass into Crested Butte. This will be the third year of the race. The course is the same as last year. There will be 50 runners on the course at all times. The teams start up to eight hours apart. Commissioner Payne said he was a driver for the event last year and it went very well.

Commissioner Payne moved to approve TUP 13-005 for the 2013 EPIC Rocky Mountain Relay, accepting the liability insurance and waiving the cleanup surety bond. Commissioner Norden seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried.

PUBLIC HEARINGS CONTINUED

2. Request: Amendment to Fremont County Subdivision Regulations. Request approval of a proposed amendment to the Final Plat Section of the Fremont County Subdivision Regulations. Representative: Planning & Zoning.

Chairman Bell opened the Public Hearing at 11:27 A.M.

Bill Giordano explained the amendment will help to become more consistent. He discussed the proposed changes. The final plat application does not need to go before the Planning Commission, only the Board of Commissioners.

Public Comments: None.

Chairman Bell closed the Public Hearing at 11:35 A.M.

Commissioner Norden moved to approve Resolution #26, the Amendment to Fremont County Subdivision Regulations. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

Chairman Bell adjourned the meeting at 11:38 A.M.

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Fremont County Board of Commissioners

615 Macon Ave., Room 105, Cañon City, Colorado 81212
Phone (719) 276-7300 Fax (719) 276-7312

Tim Payne Debbie Bell Ed Norden
District One District Two District Three

RESOLUTION No. 24, SERIES OF 2013

RESOLUTION TO APPLY AND SIGNATORY AUTHORITY AND DELEGATION OF SIGNATORY AUTHORITY

Date: June 11, 2013

WHEREAS, Fremont County has approved an application to the Colorado Department of Local Affairs/
Division of Housing for funds for Single Family Owner Occupied Housing Rehabilitation Program; and

WHEREAS, Fremont County certifies by

Board Resolution Bylaws Policy Other: _____
(please attach backup documentation)

that the person named below has full signatory authority in regard to all contracts and corresponding documents associated with agreements entered into by Fremont County.

Debbie Bell
Name of Authorized Signatory

Chair, Fremont County Board of Commissioners
Title

Debbie Bell
Signature

Furthermore, if applicable, this statement certifies and hereafter delegates Judy Lohnes, UAACOG Executive Director, an agent of Fremont County for the purpose of authorizing and signing:

X	Payment Requests
X	Quarterly Financial Status Reports
X	Quarterly Project Performance Reports
X	Monitoring Documents
	Other

DOH Asset Manager will complete the following

The above designation will commence on the date of this statement and will apply for the duration of the Contract(s):

Contract Encumbrance Number or Reference
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