

**June 24, 2014**

**TWELFTH MEETING**

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on June 24th, 2014, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Tim Payne called the meeting to order at 9:30 A.M.

Tim Payne	Commissioner	Present
Edward H. Norden	Commissioner	Present
Debbie Bell	Commissioner	Present
Katie Barr	Clerk and Recorder	Present
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 Robert Kippley from Shepherd of the Hills Church.

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

**CONSENT AGENDA**

1. Approval of Minutes / June 10, 2014
2. Approval of Bills June 24, 2014 / \$1,162,784.33
3. Adoption of Resolution #21, Series of 2014 – Fremont County On-Site Wastewater Treatment System (OWTS) Regulations
4. Schedule Public Hearings – None

**Commissioner Payne** noted the adoption of Resolution #21 for Fremont County On-Site Wastewater Treatment System Regulations and that no Public Hearings are being scheduled.

**Commissioner Norden** moved to approve the Consent Agenda. Commissioner Bell seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried. Resolution #21 is attached.

**ADMINISTRATIVE/INFORMATIONAL**

1. Administrative and Elected Officials

**Sunny Bryant** presented the Sales and Use Tax Report. The Retail Sales Tax collected in April was \$327,532. So far in 2014 \$1,179,178 has been collected for Retail Sales Tax which is \$41,469 more than 2013. Auto Use Tax collected in May was \$69,900 and is \$335,143 year to date. This is up \$49,591 more than 2013. Construction Use Tax collected in May was \$12,732 and year to date is \$93,493. This is \$32,554 more than 2013. Lodging Tax collected year to date is \$15,773. The Sheriff Retail Sales Tax collected in April was \$218,355 and year to date is \$786,119.

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The Sheriff Auto Use Tax collected in May was \$46,600 and year to date is \$198,965. The Sheriff Construction Use Tax collected in May was \$8,663 and year to date is \$62,606.

**Commissioner Bell** announced there will be a Public Hearing at 3:30 p.m. on Thursday June 26<sup>th</sup> regarding the proposed regulations for medical marijuana.

**Commissioner Norden** reminded citizens that the Department of Transportation will be working on a paving project on Reynolds Avenue from East Main to Reynolds Bridge on June 24<sup>th</sup> and June 25<sup>th</sup>. Another chip seal project will begin next week on Copper Gulch Road (County Road 27A).

**County Clerk Barr** noted today is the Primary Election. Voters can drop off ballots at Florence City Hall by 4:30 p.m. today and by 7:00 p.m. at the Clerk's Office in the County Administration Building.

**Commissioner Payne** stated the County Clerk's Election Department had a compliance audit with the Secretary of State's Office on Friday and was 100% compliant.

2. Citizens Not Scheduled: None.

### **OLD BUSINESS**

None.

### **NEW BUSINESS**

1. Consideration of appointments to fill two vacancies on the Board of Zoning Adjustment.

**Commissioner Norden** said only two letters of interest were received regarding the vacancies on the Board of Zoning Adjustment. This Board only met one time last year as they meet on an as needed basis. The vacant seats were previously held by Joe Scranton who passed away, and by Casey Myers who is unavailable to serve as an alternate.

**Commissioner Norden** moved to appoint Larry Baker to the unexpired term of Joe Scranton that expires on February 14, 2015, and appoint Michael Pullen to the unexpired term of Casey Myers that expires on May 8, 2015. Commissioner Bell seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

2. Consideration of appointment to fill one vacancy on the Fremont County Tourism Board.

**Commissioner Bell** explained there is a vacancy on the Tourism Board as Micah Cantley has moved out of the area. Only one letter of interest was received for the vacant seat.

**Commissioner Bell** moved to appoint Steve Kaverman to replace Micah Cantley on the Fremont County Tourism Board with a term expiring on January 1, 2017. Commissioner Norden seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Norden, aye; Commissioner Payne, aye. The motion carried.

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3. Liquor License:  
Bad Boys Bull Riding  
Pathfinder Park  
20209 Highway 115  
Florence, CO 81226  
Special Events Liquor Permit  
Representative: Boyd Canterbury  
Event Date: July 11<sup>th</sup> and July 12<sup>th</sup> 2014 from 7:00 a.m. until Midnight

**Boyd Canterbury** explained the event that will take place on July 11<sup>th</sup> and July 12<sup>th</sup> at Pathfinder Park. There are numerous events that will take place including live music, bull riding, bike show, car show, dunk tank, mutton busting, and food vendors. There will be 19 staff working security at the event. The Boys and Girls Club will be helping with clean up after the event. Wristbands will be used for those over 21. Discussion was held regarding where alcohol will be served and where the parking will be located. There will be three security guards camping overnight at the event site.

**Commissioner Norden** moved to approve the Special Event Liquor Permit for Bad Boys Bull Riding on July 11<sup>th</sup> and July 12<sup>th</sup>, 2014 and specified alcohol can only be served between the hours of 1:00 p.m. and 11:30 p.m. each day. Commissioner Bell seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

4. Request: SE 14-001 Curnutte Subdivision Exemption  
Request approval of an exemption from the Fremont County Subdivision Regulations, Department file #SE 14-001 Curnutte Subdivision Exemption, by Katherine F. and Gary G. Curnutte, for their property located at the southwest corner of the intersection of Elm Avenue and Locust Street in the Lincoln Park Area. The exemption to the Subdivision Regulations would allow the creation of a 0.315 acre out lot which will contain the existing oil well and storage tanks located on the westerly portion of the property. The out lot will be a non-buildable lot and will be restricted to the uses specified. The creation of the out lot will not require any new accesses or utilities. Lot 1, which will contain 2.558 acres, will continue to be used as a residence with no anticipated changes. As per the applicant the justification for the exemption is that the property has a topography restriction that does not allow for a suitable building area, and that the property lies within the FEMA flood hazard area. The property is zoned Agricultural Suburban and contains a total of 2.873 acres. Representative: Matt Koch, Cornerstone Land Surveying, LLC.

**Matt Koch** explained the owners had originally filed for a Minor Subdivision. The intent was to put the oil well and storage tanks on a separate lot. Upon review by the County Engineer there were concerns the lot would not be buildable due to the floodplain. The purpose of the exemption is to create a separate lot around the oil well and storage tanks that would be on a different lot than the existing residence.

**Planning and Zoning Director Giordano** said the owners are not creating a buildable lot and it is being platted as an out lot. Therefore it cannot be used for any residential purposes and it does qualify for the exemption.

**Commissioner Bell** moved to approve the Curnutte Subdivision Exemption SE 14-001. Commissioner Norden seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Norden, aye; Commissioner Payne, aye. The motion carried.

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5. Request: Transfer of SRU 00-009 Los Pinos Boarding, Training & Events.  
Request approval of a transfer and name change of Special Review use permit, department file #SRU 00-009 Los Pinos Boarding, Training & Events, from Los Pinos Equestrian Center, Inc. to Darby Hage. The property is located at the southeast corner of the intersection of Cholla Circle and Yucca Avenue, in the Los Pinos Subdivision, south of the City of Florence. The existing SRU is for the operation of a stable and riding academy (to include horse boarding, cattle for training, riding practice area, roping competition and practice, trail riding, animal exercise areas, horse shows involving youth, 4-H events, team oriented rodeo events, various animal events occurring year-round and overnight camping in self-contained units for participants of an event). The new file name will be SRU 00-009 Round 2. Representative: Darby Hage, Property Owner.

**Darby Hage** explained he bought the property in February. He would like to keep the current SRU in place. He does not have any current plans for events at this time but would like to keep his options open for the event center.

**Planning and Zoning Director Giordano** said the applicant has filed the proper paperwork and the property has no objections to the transfer. The applicant has agreed to accept all of the conditions of the current SRU. If the permit is inactive for six months the applicant will need to put the Department on notice so that it does not expire. Mr. Hage can request in writing for a two year extension of the SRU.

**Commissioner Norden** moved to approve the transfer request for SRU 00-009 Los Pinos Equestrian Center Inc., to Darby Hage as SRU 00-009 Round 2. Commissioner Bell seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

6. Consideration of Professional Services Agreement for Atkins Consultant for Floodplain Analyses at Pathfinder Park. Representative: George Sugars.

**George Sugars** explained the contract is for professional engineering services with Atkins Consultants in the amount of \$73,690 to provide floodplain and floodway analysis. This will be used to obtain floodplain information for future buildings at Pathfinder Park. The money will come from the Conservation Trust Funds (lottery dollars).

**Commissioner Bell** moved to approve the Professional Services Agreement for Atkins Consultants in the amount of \$73,690 for floodplain analysis at Pathfinder Park. Commissioner Norden seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Norden, aye; Commissioner Payne, aye. The motion carried.

**PUBLIC HEARINGS SCHEDULED FOR 10:00 A.M.**

None.

**Chairman Payne** adjourned the meeting at 10:08 A.M.

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Commissioner Norden moved the adoption of the following Resolution:

RESOLUTION NO. 21, Series of 2014

**A RESOLUTION ADOPTING FREMONT COUNTY ON-SITE WASTEWATER TREATMENT SYSTEM (OWTS) REGULATIONS.**

WHEREAS, that pursuant to §25-1-508(c), CRS, the Fremont County Board of County Commissioners is designated as the Fremont County Board of Health; and

WHEREAS, pursuant to §25-10-104, C.R.S., the Fremont County Board of Health is required to develop and adopt detailed rules for on-site wastewater treatment systems within its jurisdiction; and

WHEREAS, the Fremont County Board of Health held a public hearing to receive public comment on the proposed On-Site Wastewater Treatment System Regulations on May 13, 2014, after having given notice thereof by publication as required by law; and

WHEREAS, the Fremont County Board of Health finds the Fremont County On-site Wastewater Treatment System Regulations to be in the best interests of public health, water quality, safety, morals, convenience, order, prosperity and welfare of the present and future residents, citizens and inhabitants of Fremont County;

NOW, THEREFORE, BE IT RESOLVED by the Fremont County Board of Health that the Fremont County On-site Wastewater Treatment System Regulations are hereby adopted.

BE IT FURTHER RESOLVED that these regulations shall become effective on June 30, 2014, and upon such effective date all former regulations regarding Individual Sewage Disposal Systems shall be repealed.

Commissioner Bell seconded the adoption of the foregoing Resolution and upon a vote of the Fremont County Board of Health as follows:

Commissioner Payne:	<input checked="" type="checkbox"/> Aye / Nay / Absent
Commissioner Norden:	<input checked="" type="checkbox"/> Aye / Nay / Absent
Commissioner Bell:	<input checked="" type="checkbox"/> Aye / Nay / Absent

The Resolution was declared to be duly adopted.

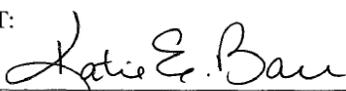
Date: June 24, 2014



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CHAIRPERSON

ATTEST:



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FREMONT COUNTY CLERK AND RECORDER