

FOURTEENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on June 28, 2005, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Canon City, Colorado. The meeting was called to order at 9:30 A.M. by Commissioner Chairman, Larry Lasha.

Larry Lasha	Commissioner	Present
Edward H. Norden	Commissioner	Present
Michael J. Stiehl	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 Stiehl moved to approve the Agenda. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Lasha, aye. The motion carried.

CONSENT AGENDA:

Commissioner Lasha stated on the minutes of June 4th, they had scheduled a Public Hearing for today on the RTA. He stated they tried to have a meeting to set up a grass roots start for campaigning and people to participate. They did not have the turnout, and they as a commission, decided to postpone that for another year. Chaffee County chose to do the same and Custer County is moving forward with theirs on a tax issue.

Commissioner Norden moved to approve the Consent Agenda:

1. Approval of Minutes June 14, 2005
2. Approval of Bills, June 28, 2005/**\$528,013.12**
3. Adoption of Resolution #27, Series of 2005, 22nd Amendment to Fremont County Zoning Resolution.

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

ADMINISTRATIVE/INFORMATIONAL

1. Staff/Elected Officials

Commissioner Stiehl stated he wanted to mention a project they have been working on with the Soil Conservation Service or the National Resource Conservation Service. It is a dam that exists on the southwest corner of Lincoln Park, over by the golf course and is called the C4 Dam. The State inspector gave them a breach order, which means they either need to take the dam out or fix it. It was erected in 1972 and protects a pretty good downstream area into Lincoln Park. They expect there are between 500-800 homes that are saved from having to pay flood insurance because of the existence of that dam. The cost is going to be somewhere between \$600,000 and \$800,000 to fix. They were fortunate in getting two grants, one from last year's \$300,000 and one from this year for \$300,000. The County's matching funds to reconstruct that dam is \$60,000, and they are going to be proceeding on that this fall.

Commissioner Lasha stated that the date of the Public Hearing is July 7th at 7:00 P.M.

Commissioner Norden stated he had received notice that they have marked some trees at the Pathfinder Park on County property. In the next couple of weeks, they anticipate some volunteer activity removing some of that big timber in preparation for the outdoor arena. Anyone who uses that property for fishing access, will need to avoid that area when the heavy equipment work is underway. **Commissioner Norden** stated that hopefully the live telecast and video-taped telecast problems are corrected. They had engineers here last Friday and today to make sure the repairs are working.

2. Citizens Not Scheduled

Calvin Chambers, Grand Avenue Resident, stated he wanted to address the problem with speeders in Lincoln Park. There are a lot of people that are breaking the law, and nobody is doing anything about it. He asked if they would have to have a fatality to get something done?

Commissioner Norden stated he had received a call from another Grand Avenue resident, and he reported to her that the Fremont County Sheriff's Department has a designated deputy for traffic control now. He related to her that it was his intent to contact the Sheriff's Department and let that deputy know that they have had complaints on Grand Avenue.

OLD BUSINESS:

RESOLUTION #28/REQUEST: ZC 04-005 FLETCHER

Wes Fletcher stated he would like to change the access from N Street to 15th Street. He stated he would like to modify a little of what he had submitted. After reviewing the cost and the quality of the road, he wanted to waive the graveling of 15th Street from M to N and would like to include the culverts into the change. Drainage is a serious problem there, and the only way to rectify the problem is by putting in two culverts at the intersection of N and 15th.

Bill Giordano, Planning & Zoning Director, stated that on September 14th and September 28th, the Commissioners approved a Resolution granting the approval of the zoning with four contingencies. One of those was the paving of N Street to Highway 50 from the driveway, both accesses. On December 14th, Mr. Fletcher requested a waiver of the requirement on the paving, and the County did waive that. Mr. Giordano stated that with the potential increased traffic, they would have to have some kind of improvements to those roads.

Commissioner Lasha stated that from his standpoint, if Mr. Fletcher wanted to stand fast with the request for a waiver, he recommended tabling this until they meet with the road foreman to find some alternatives. He stated he would not waive the gravel at this point without having input from the road foreman.

Bill Giordano stated that by improving N Street, the State Highway is going to kick in the acceleration lanes on N Street. Because there was a resolution approved with #4 requiring the paving, they would have to adopt a new resolution. He stated they might want to assign a new number and the three contingencies that are on there continue to stay on there. He stated that those probably have already been done, so the only contingency left is what they do today. Instead of trying to tie it to every item, maybe tie it to Mr. Fletcher's letter of June 8th. He stated he would make sure it gets installed into the resolution.

Commissioner Norden moved to approve **Resolution #28**, calling for the contingencies on three tenths of a mile of gravel, as specified in the letter of June 8th starting at M Street going about 300 feet east of N and about 50 feet of N Street north of 15th, along with

installation of two culverts as specified. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried, and carried with it the adoption of **Resolution #28**.

NEW BUSINESS:

NORTHWEST FREMONT EMS

Virgil Burke stated that Northwest Fremont EMS was formed in August 2001 and became operational April 2004, and they are the only EMS group located in the northwest part of Fremont County. Before they were operational, responses came from Cañon City, with the response times in the 60-minute range. Response time from Northwest Fremont EMS has been less than 15 minutes for most of their calls. He stated they had spent over \$17,000 for training, they have one EMTP, 3 EMT's and 4 first responders. Their goal this year is to provide additional training for EMT's and erect a building so they would have a place to house their ambulances and conduct training. They have a building committee, a building fund and many residents have expressed willingness to donate labor and time. There were several residents in attendance. They would like to erect a building on a parcel of land between Highway 9 and Delilah Peak without placing restrictions on that property owner. They were asking for a waiver of the special use permit process, and as a 501c3 non-profit agency, they were requesting waivers of an ambulance license fee, building fees and inspection fees.

Tonya Hecox, First Responder, stated they had seen a lot of public support from the community for this project. They have people who are willing to donate time and resources to put up this building. She stated they aren't asking for additional funds.

Commissioner Lasha stated that as an old volunteer fire chief, he respected everyone who attended today, and thanked everyone for their support. He stated that as far as any decision on any requests, they would not make any decisions today. They will follow up with some of the residents. It should be a workshop with a few representatives, the commissioners and Planning & Zoning.

Commissioner Norden stated they were willing to keep trying to find solutions and still try to stay within the framework of the limitations they have. They will keep open communication.

RESOLUTION #29/RESOLUTION TERMINATING THE TEMPORARY MORATORIUM ON ISSUANCE OF BUILDING PERMITS FOR TWO-FAMILY DWELLINGS IN ALL ZONE DISTRICTS IN FREMONT COUNTY.

Brenda Jackson, Fremont County Attorney, stated that in May, the Board imposed a moratorium on the issuance of building permits for two-family dwellings. It had come to the attention of the Planning Department, her office and the Board, that their regulations were conflicting with respect to building of two-family dwellings. There were problems with the subdivision regulations and how those interacted with the zoning. They decided to change their regulations, and while that was pending, the Board imposed a temporary moratorium. At the last Board meeting, the Board approved the amendment to the zoning which fixes the conflict in their regulations so the moratorium is no longer necessary.

Commissioner Stiehl moved to pass **Resolution #29** Terminating the Temporary Moratorium on Issuance of Building Permits for Two-Family Dwellings in all Zone Districts in Fremont County. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Lasha, aye. The motion carried, and carried with it the adoption of **Resolution #29**.

RESOLUTION #30/RESOLUTION AUTHORIZING DESIGN AND ENGINEERING SERVICES FOR PATHFINDER PARK WITH DHM DESIGN COMPANY

Commissioner Norden stated they have been waiting for a couple of months on a proposal from DHM Design, which is the design firm along with Matrix Engineering in

Denver that has done the initial design engineering work on the Pathfinder Park in cooperation with the County and the Cañon City Recreation and Parks District on the 178-acre site west of Florence. The timing is vital that they get this contract for services authorized so they can proceed with development of the park. What is at stake is a \$100,000 portion of the half million dollar GOCO grant that they need to try to use by the end of the year to get the outdoor arena built on site with that \$100,000. This resolution is intended to authorize DHM to proceed with certain aspects of the proposal they put forth according to the budgeted amounts that they have in lottery money within the County budget.

Brenda Jackson stated that there was essentially \$60,000.00 in the budget, and at issue was a master drainage plan in the amount of \$17,260.00. Also at issue was some work that has been done by the County Engineer already, and whether or not that could be incorporated into this next phase of the planning and implementation in order to save some county dollars. The Resolution authorizes totally up to \$60,000 for this next phase with DHM Design and Matrix Engineering and sets aside the \$17,260 which is the question on the master plan for the drainage. It provides, in accordance with discussions with DHM representatives, that if any of Mr. Effinger's work can be incorporated in, then their hours will be reduced accordingly.

Commissioner Norden stated that he had an e-mail this morning from DHM Design. Their question in relation to whether the drainage master plan as proposed in the new contractual agreement is a duplication of any other drainage engineering services under Phase 1, Task 3 of the original authorization of \$25,000 by the previous Board of County Commissioners? The memo from DHM says basically that the previous master drainage plan work was for the park portion, the Recreation District portion of the parcel, and that none of the master drainage plan work was done on the County's 47 acres. That memo should explain that there is not a duplication. They may use some of the base engineering established in that previous work to accomplish this master drainage plan. There was a question whether one of the tasks called a preliminary grading and site plan for the outdoor arena is a duplication of the drainage master plan? He stated that he and the County Engineer asked that question in a conference call with Bud Simon. He explained that the drainage master plan is for the entire 47 acres and that the drainage plan for the outdoor arena will reduce it to engineering drawings of one-foot contours for specific design and excavation and grading of the arena site. Until DHM Design receives by mail the coordinates drawn by the County Engineer, they are unable to say what kind of adjustments they may be able to make in that \$3,760 price for the software drafting work that would have to be done by their firm. They won't know if there is any adjustment appropriate until they actually receive those from the County Engineer.

Brenda Jackson stated that her only question on this issue was whether or not they still wish to pull the billing from the Recreation District? The bills were approved under the Consent Agenda, but that bill was in there and it raises some additional questions. That would require a separate motion if they want to pull that out of the approved bills and hold it.

Commissioner Norden moved to approve **Resolution #30** Authorizing Contract with DHM Design for design engineering work of Phase 1 and Phase 2 for the County portion at Pathfinder Park. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried and carried with it the adoption of **Resolution #30**.

Commissioner Norden stated that the County Attorney had suggested that because of the explanation in that memo from DHM Design this morning, that the master drainage plan included only work on the 130 acres or so on the Recreation District side, as to whether we should postpone payment of that Task 3 work until they have a further discussion with the Recreation District. He asked whether they should withhold the \$7,100 right now and determine that or include that as part of their discussion on the remaining \$6,600?

Dana Angel, Fremont County Finance Director, stated that the \$7,100 that is included in the bills today includes some 50% cost sharing on the Matrix costs.

Brenda Jackson stated that she thought the understanding was the first three phases that were approved by the Board would benefit both the Recreation District and the County. She stated she did not think the Board was informed that part of this engineering was being done solely for the benefit of the Recreation District. She stated that this morning is the first time she found out that the drainage master planning that was done benefited solely the Recreation District, and we apparently were invoiced for half of that with no benefit. The easiest way to handle any kind of disputed billing, is to reserve the money and offset, if there was some improper billings earlier. A two-week delay on that one bill is probably a good idea. All of the other planning was on the whole acreage.

Commissioner Norden moved to pull the billing item that Dana had previously detailed, he thought, and had intended to probably pull it from the Consent Agenda earlier and withhold that \$7,190.01 payment until the consideration at the July 12th agenda. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried.

FREMONT COUNTY ASSESSORS WEB SITE SERVICES WITH G.I.S. MAPS D & T VENTURES - \$6,900.00 JUNE 1, 2005 THRU MAY 31, 2006.

Dana Angel submitted copies of the Agreement and stated that he, Commissioner Norden, the Assessor and some of his staff attended a Royal Gorge Association of Realtors meeting last week and discussed the cost for this web site for the Assessor. The Association agreed to pay the costs pursuant to this contract. The funding should be coming in from them this week, and it is a total of \$6,900.00. The County paid the full cost in the prior year, and the Association of Realtors was going to be billed a portion of it, and that never happened. The Association agreed to pay the full cost for this coming year.

Commissioner Stiehl stated that if you visit the County website fremontco.com, you can navigate through the Assessor's Office to search their data base and look up properties by name or address. It is particularly valuable to realtors, and it is a free service.

Commissioner Norden stated that users of this web site should not assume that the County manages that particular section. It is a web site that is managed by a company in Florida. Even though they go through the County web site to get there, the Assessor's Office technically does not manage the day-to-day information. It is forwarded to that company, then it's posted there. It is our data that gets posted, but because it is used by so many people in the industry, the information is being posted through the courtesy of the Board of Realtors and a number of sponsoring businesses that are financing that cost for the coming year. **Commissioner Norden** moved to approve the contract for \$6,900.00 for web site services with G.I.S. maps to D & T Ventures through May 31, 2006. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried.

NORTH CAÑON SANITARY SEWER STUDY GMS, INC. - \$21,000 WITH ENVIRONMENTAL REVIEW + \$8,000 TOTAL = \$29,000

Dana Angel submitted a copy of the cover letter from GMS, Inc., which is the consulting engineer to perform this study. This pertains to the professional services that they will provide in the study of the North Cañon sanitary sewer. The County received a \$13,000 Mineral Impact Grant to help fund this study, and the County committed \$10,000. They have \$23,000 to pay for these services. It is the intent of the County to discuss further with the Sanitation District some sharing of the additional cost. Action is needed today on the contract with GMS so they can get started on the study, which is estimated to take 90 days after approval of the contract.

Commissioner Norden moved to approve the contract with GMS, Inc. for the study in the north Cañon sanitary sewer study for the total contract price of \$29,000.00. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried.

REQUEST: MS 05-003 M7 SUBDIVISION

Michael Stewart, Stewart Surveying, L.L.C., stated they were requesting a two-lot minor subdivision in Penrose. The existing mobile home on the proposed Lot 2, has been removed. He stated he had a water tap contract and the receipt for payment. There were three items to be removed, the barn, shed and mobile home. The barn is on the proposed Lot 1, and that barn has been there for a long time, and currently houses two horses and hay. They are requesting that the barn be considered a non-conforming use and be allowed to stay. The shed is in good condition, located on proposed Lot 2, is permanent and has concrete foundation. They are requesting that the address be changed back to 7th Street, which would change the setbacks. It does not make it comply completely, but it does give a lot more room with the existing house and shed. He stated he was requesting that the shed be allowed to be a non-conforming use and not be removed.

Bill Giordano stated that at the Planning Commission meeting on June 7th, they recommended approval with 7 contingencies. By policy, they attempt on any of these subdivisions that when they find any buildings that are in non-conformance, if it's feasible to tear them down or relocate them, they have asked that to happen. He stated they feel that these probably were both constructed prior to regulation. They are agricultural buildings, and they did not require building permits. That does not give a property owner the right to not comply with the setbacks. He stated he had a feeling that these were probably placed prior to the change in regulations that required the 50-foot setback. They know the house is in non-conformance. They have records from the Assessor's Office back to 1958. As far as changing the address, it may help. Where they consider the front is where you gain access. It does not matter where the house fronts. He stated he thought that was a non-issue. If it gets torn down, it will have to be brought into compliance on any new building permit. This will bring it into compliance because there will only be one use on each lot. All they are doing is looking at non-conforming setbacks, they are not questioning the buildings necessarily. If the Board doesn't want them to be relocated or tore down, you can eliminate #5.

Commissioner Lasha made the motion to approve MS 05-003 M7 Subdivision with removal of #5 on the contingencies and keeping the other six:

REQUIRED 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. (All improvements and address information shall be removed from the mylar).
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. As per the Fremont County Engineer review regarding the submitted drainage report, proposed drainage and detention facilities, etcetera, a drainage basin map shall be provided as part of the drainage report.
4. A quitclaim deed to the County for a twenty-five (25) foot right-of-way, from the centerline of 7th and M Streets, along the entire property frontage.

5. Mobile home placed behind the house shall be removed unless it is proven to be a legal nonconforming use.
6. Proof of purchase of water tap for proposed lot 1. If water tap is not purchased prior to recording of the final plat, an improvement and escrow agreement may be provided. Proof of purchase will be required prior to release of escrow funds and/or recording of the final plat.

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

Commissioner Lasha adjourned the meeting at 10:45 A.M.

County Clerk