

July 12th, 2011

THIRTEENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on July 12th, 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.

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| Edward H. Norden | Commissioner | Present |
| Michael J. Stiehl | 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 Deputy Clerk.

The Morning Prayer was given by Pastor Alex Ackermann of Vineyard Christian Fellowship.

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

APPROVAL OF AGENDA

Commissioner Norden said the agenda needed to be amended to add an item as #8 under new business. Norden said the item is to ratify the Chairman's signature on the contract with the U.S. Forest Service contract for use of Pathfinder Park if needed in the event of a fire through the end of October 2011. Commissioner Stiehl moved to approve the amended agenda adding item #8 under new business, the ratification of the Chairman's signature on the U.S. Forest Service Agreement to use Pathfinder Park. Commissioner Bell seconded the motion. Upon Vote: Commissioner Stiehl, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

CONSENT AGENDA

Commissioner Bell moved to approve the consent agenda. Commissioner Stiehl seconded the motion. Commissioner Stiehl noted the consent agenda is relatively short as almost all of the actions before the Board are on the regular agenda to allow discussion in public. Upon Vote: Commissioner Bell, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

ADMINISTRATIVE/INFORMATIONAL

1. Administrative and Elected Officials

County Clerk Barr gave her report for June 2011. Total collected for the month of June was \$905,762.52. Barr said checks to the treasurer and sales & use tax totaled \$454,113.83 that the County gets to keep. This is 51% of the grand total collected. Barr noted this is \$3,770 less than collected last year. Commissioner Stiehl moved to accept the County Clerks report for June 2011. Commissioner Bell seconded the motion. Upon Vote: Commissioner Stiehl, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

County Manager Sugars gave his report on sales and use tax collections. The total collected to date is 3.11% less than a year ago. Sugars said for budget purposes we are up about .5% from where we need to be for the budget.

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The retail sales tax is up about 2.2% from last year. For the 2011 budget we are about .69% over the projected amount to date. The auto use tax is up 4.3% from a year ago. This is 4.24% more than projected for this year's budget. The construction use tax is down 58% which makes our budget calculations down about 15% for this year. Commissioner Norden commented the retail sales tax collections are .69% not 69% so the amount is not over inflated.

Richard Baker, Fremont County Airport Manager updated the Board on the status of the airport. Baker said on the fire side, there have been 13 events with 113,000 gallons of retardant being hauled out of the airport to fight the fires. Currently there are two air tankers based out of the airport. There is one smoke jumper aircraft with three crews of nine smoke jumpers. There are also three helicopters at the airport. The last fire event was on July 8th which was called the Turtle Fire. He noted that even though we are getting rain in the afternoon, there have been lightning strikes as well. Baker said the helicopter testing program will begin soon by Wesleyan. Commissioner Norden asked if Wesleyan is from Great Brittan. Baker said the firm is from England. He explained there are 22 helicopters that are contracted with the ministry in England. They come to the U.S. to test so they can perform from sea level up to 10,000 feet. It is less expensive for them to test here as well. Baker noted this is a good impact on the economy of our community and the airport as there will be 16 people staying in hotels in our area. Commissioner Norden asked if this is military testing. Baker answered yes. There production run is for 22 machines and is strictly for the ministry of the United Kingdom. Norden said he looks forward to the program coming to our airport and hopes the fires will subside for the season.

Commissioner Bell said several people have asked her if the County will be lifting the current fire ban in light of the monsoon season. Unfortunately there has not been enough rain in the entire county to consider lifting the ban. Bell reminded everyone the fire ban is still in affect.

Commissioner Norden noted we have a new "On Air" light for use during the Board of County Commissioners Meetings. Norden said at the Board of Human Services monthly meeting they took note of some awards. Shelly Poole a fraud investigator with the Fremont County Department of Human Services was honored at the Colorado Welfare Fraud Training Conference a few months ago. Poole has been a fraud investigator with the Department of Human Services since 1999. She has been a member of the Colorado Fraud Council since 1999, currently serving as Treasurer on the Council. Norden said the Fremont County Child Support Division did receive an award from the State that was presented by John Bernhart. The goal for paternity establishment for the state is 90% and Fremont County is at 97.9%. The goal for percent of case load with court orders is 80% and Fremont County is at 94%. The goal for percent of monthly support obligation is 63% and Fremont County collected 64.7%. Norden said John Bernhart presented a certificate of excellence to Wanda Embry and her staff for their success with child support collections. Norden reminded everyone that the Fremont County Fair will be starting soon. The shooting sports will begin later this week. The official start of the Fair begins on Saturday July 30th at Pathfinder Park with the horse show.

2. Citizens Not Scheduled: None.

OLD BUSINESS

None.

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NEW BUSINESS

1. Consideration of the re-appointment of Dan Brixey and the appointment of alternate Larry Brown as full board member to replace Dave Boden on the Fremont County Building Code Board of Appeals. Both terms are for 3 years and are effective August 1, 2011 for three year terms.

Commissioner Norden said Dan Brixey is a re-appointment and Larry Brown is a new appointment to replace Dave Boden. Norden thanked Boden for his years of service on the Fremont County Building Code Board of Appeals. Norden mentioned Dave Boden may become an alternate. Commissioner Bell moved to approve the re-appointment of Dan Brixey and appoint Larry Brown each to three year terms on the Fremont County Building Code Board of Appeals with terms to begin August 1, 2011. Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

2. Consideration by the Board to issue a letter of invitation to the EMS and Trauma Division of the Colorado Department of Public Health and Environment to conduct a countywide EMS consultative visit evaluation of emergency EMS and ambulance services in Fremont County.

Commissioner Norden said they had an initial meeting at the fire department on June 28th to detail what the evaluation would involve. The Fremont County EMS Council met later that evening and endorsed the consultative evaluation. Norden explained this is a free service which would normally cost \$35,000 to \$40,000 for a consultative visit. The state EMS department offers this as a free service and will perform the visit once the formal letter of invitation is received. Commissioner Stiehl moved to invite the EMS and Trauma Division of the Colorado Department of Public Health and Environment to conduct a countywide EMS consultative evaluation of Fremont County and authorize the Boards signatures on the letter of invitation. Commissioner Bell seconded the motion. Commissioner Stiehl said he has a reservation about doing the evaluation. Stiehl said there may be some unforeseen outcomes or sanctions for Fremont County. We need to get a professional opinion on what kind of services are being offered in the County. Commissioner Norden said this will show what strengths and weaknesses there are in the County and offer the Agencies this information. Upon Vote: Commissioner Stiehl, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

3. Consideration of a Professional Services Agreement with Armstrong Consultants for airport consulting services.

County Manager Sugars explained this is a professional services contract with Armstrong Consultants for the airport. It is a two year term agreement with three one year renewal options. One of the major professional services will be to update the master plan at the Fremont County Airport which will have to come before the Board for final approval. Richard Baker said the last master plan they did at the airport was done in 2005. They like to have the master plan updated every five to six years due to all of the changes that occur. They want to update their long range forecasts for runway improvements and other improvements at the airport. Commissioner Norden noted that since he has been on the Board they have worked with Armstrong and he has been impressed with their knowledge of aviation in our area. He feels confident in continuing with Armstrong for these services. Commissioner Bell agreed with Commissioner Norden and said that Armstrong is the company to keep us moving in the right direction. Commissioner Bell moved to approve the signatures on the Professional Services Agreement with Armstrong Consultants for airport consulting services.

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Commissioner Stiehl seconded the motion. Commissioner Stiehl said there is a lot of interest in our airport due to its unique location on the Front Range. He said there were six applicants that responded to our bid for proposal and two were interviewed. He was impressed with the credentials of the applicants. Stiehl feels our airport is important to aviation as well as economic development for Fremont County. Upon Vote: Commissioner Bell, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

4. Consideration of Emergency Management Performance Grant with Colorado Department of Local Affairs.

Steve Morrissey, Emergency Management Director, explained this is an annual grant that we get through the Department of Local Affairs of the state of Colorado. This grant provides financial support for local jurisdictions to provide staffing and opportunities to improve the system. Commissioner Norden asked if this is the same language we see every year on the application. Morrissey believes it is the standard yearly report. Commissioner Stiehl moved to approve the Emergency Management Performance Grant with Colorado Department of Local Affairs. Commissioner Bell seconded the motion. Upon Vote: Commissioner Stiehl, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

5. REQUEST: TUP 11-005 HAPPY APPLE FARM FALL HARVEST Request approval of a Temporary Use Permit File # TUP 11-005 Happy Apple Farm Fall Harvest to allow operation of a pick-your-own harvest, hay ride, and Country Store selling Apple Wood Smoked Brisket and related picnic type items, as well as other crop-related items, by Anthony T. Ferrara. The event will take place at Happy Apple Farm, located at 1190 1st Street, Penrose on Friday, Saturday, and Sunday between August 6, 2011 and October 31, 2011 from 9:00 a.m. to 4:30 p.m. Representative: Anthony T. Ferrara, Happy Apple Farm.

Tony Ferrara of Happy Apple Farms said this is for the annual Fall Harvest. Unfortunately they lost most of their apple crops but still have blackberries, raspberries and pumpkins. Commissioner Norden asked if this is the typical schedule that we have seen in the past. Tony said it is. Bill Giordano, Planning and Zoning Director said the department has reviewed the application and a few items are still needed for the approval. Bill said the contract from Canon Rental needs to be received five days prior to the event. A copy of the liability insurance needs to be received five days prior to the event. Tony said he had last year's insurance in the packet but the department had requested this years copy. Tony did provide a signed copy of the current liability insurance. After reviewing the file Bill said the liability insurance is there. Bill said approval of the Board is needed for the amounts of the liability insurance and the applicant is also requesting a waiver of the cleanup fee. Bill said in the past, the cleanup has never been an issue. Commissioner Stiehl asked Bill if he had a copy of the Canon Rental Contract. Bill replied yes he has it but has not had time to review it. Commissioner Stiehl moved to approve TUP 10-005 Happy Apple Farm Fall Harvest with waiving the surety for cleanup and accepting the insurance. Commissioner Bell seconded the motion with the exception that she believes it should be TUP 11-005. Commissioner Bell thanked Tony for what he is doing in Penrose. Upon Vote: Commissioner Stiehl, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried. Commissioner Norden told Tony the Board will be streamlining some of their regulations so that perhaps after several successful permits he will not have to go before the Board for approval.

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6. **REQUEST: TUP 11-006 FREE FAMILY FUN DAY AT HOOF BEATS**
Request approval of a Temporary Use Permit File #TUP 11-006 Free Family Fun Day at Hoof Beats to allow various entertainment; games, activities, music, and a horse breaking demonstration all free to the public. The event will take place at Hoof Beats Equestrian Center, located at 13158 U.S. Highway 50, Coaldale on Saturday, July 23, 2011 from 1:00 p.m. until 8:00 p.m. Representative: Jay DeMay, Hoof Beats Equestrian Center.

Jay DeMay of Hoof Beats Equestrian Center said they will be having a free family fun day with free hot dogs and games. He said the Pastor of the PBR will be doing a horse breaking demonstration and presenting the gospel at the event. Professional Bull Rider Travis Briscoe has also agreed to come to the event and speak about his life experiences as well. Commissioner Norden stated the event will be on Saturday July 23rd from 1:00 P.M. until 8:00 P.M. at their facility on Highway 50. Bill Giordano said he made note on this application that this is a compromise to allow this event to take place. What is needed will be an SRU and this was worked out with our Code Enforcement Officers. Bill said an SRU application will need to be submitted before any other events can take place. Bill said there were some requirements by the Fremont County Environmental Health Office. The applicant will need to be sure they meet their criteria so they can have a letter from them five days prior to the event. The liability insurance will need to be accepted by the Board. The amounts are three million for the general aggregate, one million on products and one million on personal injury. Bill said the applicant has also requested a waiver of the cleanup fee and application fee as they are a non-profit group. Commissioner Norden asked if the future SRU would be intended to allow any future events. Bill agreed that would be correct as long as the SRU would cover the types of events. Commissioner Norden asked Jay to further explain their non profit status. Jay explained they are an outreach ministry of Crossroads Baptist Church in Poncha Springs. They do not charge for anything. They have installed an arena for the kids. They rescue kids and horses from the same types of environments. The seven horses they have were free and they use them to pair with young people. They teach communication skills and responsibility to the kids. Norden asked how many people they expect to attend the event. Jay hopes to have three hundred people but is not sure as this is their first event of this kind. He said if it goes well they will do this on an annual basis and apply for the SRU. Commissioner Bell moved to approve TUP 11-006 Free Family Fun Day at Hoof Beats on July 23, 2011 from 1:00 P.M. to 8:00 P.M. providing the County receives compliance with the requirements of the Fremont County Environmental Health Officer, accepting the general liability insurance, waiver of the cleanup fee, and waiver of the application fee. Commissioner Stiehl seconded the motion. Commissioner Stiehl said he is reluctant about waiving the application fee as it takes considerable time for staff to review the application. Even though they are not doing this for a profit, Stiehl does not see they have a non profit status. Jay said they are a 501C3 under the Crossroads Baptist Church as an outreach ministry. Stiehl said he had never heard of that tax structure. Jay said all of the Southern Baptist Churches in the State are covered under the same 501C3. Upon Vote: Commissioner Bell, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

7. **REQUEST: TRANSFER AND NAME CHANGE OF SRU 05-002 CHILDREN OF THE SON:** Request approval of transfer and name change of Special Review Use Permit, Department file #SRU 05-002 Children of the Son, from Katrina Madonna to RP on TC, LLC (Neil & Martha Hartman) doing business as Eden West Ranch. The existing SRU is for the purpose of allowing a Child Care Center and Rural Recreational Facility (summer camp), a Convention and Retreat Facility. The name of the SRU will become RP on TC, LLC Eden West Ranch. The SRU is currently in temporary cessation.

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The property is addressed as 5968 & 6131 Highway 69, Cotopaxi which is located approximately ½ mile south of the intersection of Colorado State Highway #69 and County Road #28 aka Road Gulch, on the east side of Colorado State Highway #69, in the Texas Creek area. Representative: Neil Hartman, Eden West Ranch.

Bill Giordano explained the request is to transfer Children of the Son, from Katrina Madonna to RP on TC, LLC in the name of Neil and Martha Hartman. Commissioner Norden asked Bill what date the SRU temporary cessation took affect. Bill said the SRU will be in cessation until September 16, 2012. If the applicant is not ready to do business by that date they will be required to request an additional cessation from the Board at that time. Neil Hartman said he understands this and plans to be operational prior to that date. Neil said it will primarily be a recreation area. They will not have child care it will only be an adult facility. They are in the cleanup stage now and are evaluating what they can do with the property as it is. Commissioner Norden asked Bill if the applicant changed the types of uses would they still be able to operate under the current SRU. Bill explained the applicant is tied to the uses they already have under this SRU. Neil said they will be back if a change of use is needed. Bill said it could be an amendment as a major modification or a minor modification depending on what the changes are. Bill said the information that has been submitted is adequate for the transfer. The regulations require the Board to accept the transfer and that the applicant be able to comply with the permit. Commissioner Bell asked Mr. Hartman if he has any past experience dealing with this kind of business. Neil said he and his wife have been in the restaurant business prior to this and have formed three different firms that have been successful. Neil admits this will be a challenge. Commissioner Norden asked Neil where they moved here from. Neil replied they live in Fort Worth Texas about half of the year and in Colorado the rest of the time. Commissioner Stiehl moved to approve the transfer and name change of SRU 05-002 Children of the Son to RP on TC, LLC doing business as Eden West Ranch. Commissioner Bell seconded the motion. Upon Vote: Commissioner Stiehl, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

8. Ratification of Chairman's signature on documents for the U.S. Forest Service.

Commissioner Norden said he had signed the document on July 4th, 2011 for the U.S. Forest Service use of Pathfinder Park to allow over night camping by wild land firefighters. It will allow the use through the end of October 2011 as long as it does not conflict with any other uses scheduled at the park. Commissioner Bell moved to ratify the Chairman's signature on the documents with the U.S. Forest Service regarding the use of Pathfinder Park. Commissioner Stiehl seconded the motion. Commissioner Bell said Pathfinder Park is more user friendly now that there is running water in the restrooms. This should be more comfortable for the firefighters who help keep us safe. Commissioner Norden noted there will not be any charges assessed to the U.S. Forest Service for the use of the facilities. Upon Vote: Commissioner Bell, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

Commissioner Chairman Norden adjourned the meeting at 10:18 A.M.