

JULY 14, 2009

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THIRTEENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on July 14, 2009, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Michael J. Stiehl called the meeting to order at 9:30 A.M.

Michael J. Stiehl	Commissioner	Present
Edward H. Norden	Commissioner	Present
Larry Lasha	Commissioner	Present
Brenda Jackson	County Attorney	Present
Norma Hatfield	Clerk and Recorder	Present

Also present Bill Giordano, Planning and Zoning Director; George Sugars, County Manager, and Tina Taylor, Deputy Clerk.

Commissioner Stiehl requested a moment of silent prayer for our troops that are overseas.

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

APPROVAL OF AGENDA

Commissioner Norden moved to approve the Agenda as presented. Commissioner Lasha seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

CONSENT AGENDA

Commissioner Lasha moved to approve the Consent Agenda. Commissioner Norden seconded the motion. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

1. Approval of Minutes June 8 and June 23, 2009
2. Approval of Bills, July 14, 2009 / \$1,293,305.06
3. LIQUOR LICENSES
Thuente Mary L
Waterhole NO 1
1503 Elm Ave.
Canon City, CO 81212-4518
Retail Liquor Store License Renewal - Malt, vinous and spirituous

ADMINISTRATIVE/INFORMATIONAL

1. Administrative and Elected Officials

County Clerk Hatfield reported earnings in the month of June, 2009 to be \$778,753.68. The State has taken away the State Sales Tax Commission for the vender fees that we collect for the State which amounted to \$460.49 this month. Last year we collected about \$5,500.00 from vender fees and we are losing that. Fremont County sales tax collect for the county was \$62,731.82 which is a loss of \$4,903.10.

Commissioner Norden stated this was a discussion at the staff meeting yesterday as to returning some of collection fees to business. The County Attorney is going to continue to investigate statutorily what we are allowed to do and what the State is allowed to do.

Commissioner Lasha moved to approve the Clerk's Report. Commissioner Norden seconded the motion. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

County Manager George Sugars stated they have begun the process for the 2010 Budget. He met with Finance Director Dana Angel yesterday. They set a tentative schedule to have the final budget for the Boards consideration at a public hearing for adoption by the end of the year.

Commissioner Lasha stated that everyone did an outstanding job at the Newlin Creek Wildland Fire this past weekend on putting a stop to the fire. There was a potential at one

time for the fire to go in three directions. Rain came and basically put it out. The terrain was difficult to get to and we were fortunate to have air tankers and helicopter support working on it along with the ground firefighter crews.

Commissioner Lasha said Penrose Fire Dept. had an open house Saturday. These are volunteer firefights giving service to their community and putting their lives on the line.

Commissioner Norden stated Friday evening the Newlin fire management was turned over to the fire inter-agencies of Federal and State operations. This gives us the opportunity to emphasize once again the importance of people protecting property and being careful with wildfires. Whether it is state government or local government we are particularly challenged now to meet the most basic of services and yet when these incidents happen, we respond and then gather later to figure out who is going to pay the bill. Fremont County will have part of the bill to pay. We need to emphasize that we need to continue to look toward some long range planning to make sure that we have the available recourses, both financially as well as equipment and personnel within our Sheriff's Department Wildland Fire Fighting Unit so that they can respond appropriately. Homeowners need to take necessary fire mitigation steps as well as everybody else who do recreation in the mountains to be particularly careful with sparks and flames.

Commissioner Stiehl said the Sheriff is our county Wildland Fire Marshal for the areas that are not in fire districts.

2. Citizens Not Scheduled - None

NEW BUSINESS

RE-APPOINTMENTS OF TIM PAYNE AND FRANCIS WILLIAMS TO THE FREMONT COUNTY BOARD OF APPEALS

Commissioner Lasha stated that we have a five (5) member board. Presently we have Dan Brixey, Brian Rupp, Dave Boden, Tim Payne and Francis Williams. Tim Payne and Francis Williams are up for appointment for a three (3) year term that will expire August 1, 2012.

Commissioner Lasha moved to reappoint Tim Payne and Francis Williams to the Board of Appeals. The Board of Appeals give a person the opportunity to appeal the decision of the Building Department. Commissioner Norden seconded the nomination. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

FORMAL APPROVAL TO HONOR THE COMMUNITY CONTRIBUTIONS OF HAROLD L. "MACK" MCCORMICK AND BARBARA LAMBORN BY HAVING THEIR NAMES ADDED TO THE 'OUTSTANDING CIVIC LEADERS OF FREMONT COUNTY' PLAQUE IN THE MAIN ENTRANCE OF THE COUNTY ADMINISTRATION BUILDING

Commissioner Norden stated in 2003 the Board of Commissioners approved creation of the 'Outstanding Civic Leaders of Fremont County' plaque allowing any non-profit service organization to nominate someone posthumously for that honor. He personally has known over the years the names of all of those people presently honored and has admired them individually for their community contributions. The first name that went on the plaque was former Cañon City Mayor Ruth Carter in 2003, in 2004 the names of Frank Romanick and Sharon Cushman, were added and in 2006 Darryl Biggerstaff was added. Most recently we received nomination letters from the Rialto Theater for State Senator Harold McCormick who past away March 28, 2009 and a letter nominating Barbara Lamborn who past away April 4, 2009 by the Fremont County Cattle Women's Group and the Custer County Farm Bureau. Representative from the organizations gave the history of the community service work the nominees have done over the years. Commissioner Norden presented a brass plate for each nominee that will be placed on the plaque at the entrance of the County Administration Building.

Commissioner Norden moved to formally approve the names of Harold McCormick and Barbara Lamborn to be added to the Civic Leaders Plaque. Commissioner Lasha seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

LIQUOR LICENSE

Mountain View Trading Post and Campground, Mountain View RV Park and Café
45606 U.S. Highway 50, Canon City, Co 81212
Hotel and Restaurant New License

Susan Ewing, Owner stated they are changing Mountain View Café from café fare to pizzas and sub sandwiches. The café has been remodeled. The business is doing well but felt they could do better if they could serve beer. She asked for acceptance of her application to get a liquor license. **Commissioner Norden** inquired what preparations have been made to be familiar with Colorado liquor laws and regulation. Ms. Ewing stated she has read them all and has had thirty (30) years of bar management and bartending in Las Vegas. Commissioner Norden inquired how many people would be serving customers. Ms. Ewing stated the customer is served when they place their order at the counter. Commissioner Norden inquired about days of operation. Ms. Ewing replied they operate Wednesday through Sunday from 11:00 A.M. to 8:00 P.M. Commissioner Lasha stated that Cañon City has a very good class presented by City Clerk Becky Walker and encouraged her to attend the class.

Commissioner Stiehl opened the hearing to public comment. There was none.

Commissioner Lasha moved to approve the liquor license for Mountain View Trading Post and Campground with the condition to attend the liquor license training class put on by Cañon City. Commissioner Norden seconded the motion. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

REQUEST: TUP 09-007 HAPPY APPLE FALL HARVEST

Request approval of a Temporary Use Permit File # TUP 09-007 Happy Apple 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. The event will take place every Friday, Saturday, and Sunday between August 8, 2009 and October 31, 2009, from 9:00 a.m. to 4:30 p.m.

REPRESENTATIVE: Anthony T. Ferrara, Happy Apple Farm

Anthony Ferrara stated the farm opens up to the public. Mr. Ferrara stated they have a pick-your-own orchard, blackberries, raspberries and in the fall pumpkins. They will have brisket on the weekends and hayrides to the pumpkin patch. This is a continuation from the event they had last year.

Planning and Zoning Director Giordano stated that all the minimum requirements have been submitted per the application. Action requested today is approval of the application. The applicant is requesting to waive clean up fee which was not problem last year and acceptance of the liability insurance.

Commissioner Lasha moved to approve the TUP 09-007 Happy Apple Fall Harvest with the waiving of the clean up fee and acceptance of the liability insurance. Commissioner Norden seconded the motion. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

REQUEST: TUP 09-006 CROSSROADS EVENT CENTER - CAR SALE

Request approval of Temporary Use Permit File # TUP 09-006 Crossroads Event Center - Car Sale to allow a pre-owned automobile sale, by James Pickart, D.V.M. The event will take place on the parking lot of the Crossroads Event Center grounds located at 13760 State Highway 115 in Penrose. The event will take place from August 10, 2009 through August 15, 2009, from 8:00 a.m. to 8:00 p.m. The Crossroads Event Center operates under an existing Special Review Use Permit, SRU 08-001.

REPRESENTATIVE: James Pickart, D.V.M., Registered Agent
Crossroads Land & Cattle LLC

Registered Agent, James Pickard, D.V.M. stated they are proposing with Spradley-Barickman Motors a pre-owned automobile sale to be held at the Crossroad Event and Veterinarian Center back parking lot area which is about two (2) acres in size. **Commissioner Lasha** inquired how many cars are they anticipating. Mr. Tim Barickman of Spradley-Barickman Motors stated about 125 to 150 cars.

Commissioner Stiehl inquired who would be running the financing. Mr. Barickman stated that the sale would be hosted by Spradley financing network which has close to

eighty (80) financial sources. They can't guarantee financing. They will do spot deliveries on vehicles. Commissioner Stiehl inquired if other dealerships have been invited to participate. Mr. Barickman stated this first one no, but if there are any future events they would invite other Fremont County dealers. Commissioner Stiehl stated he has seen some very heavy tactic done at car sales. Mr. Barickman stated they have a bail man form that the State requires which allows \$0.50 a mile and \$50.00 a day if they have to retrieve the car that has to be signed but they do not enforce it.

Planning and Zoning Director Giordano stated all minimum requirements have been submitted and met. Action requested is approval of the application, acceptance of the liability insurance and waiver of the cleanup fee. We have not had any problems with the Crossroad Event Center. We do not have a history for this event for clean up. Dr. Pickart stated they have roping on the weekends with some 350 teams there which is a lot of horses and trailers and this has not been problem.

Commissioner Norden inquired if they have other events going on at the time of the car sale. Dr. Pickart stated they have a weekly schedule for horse competition events of Wednesday, Thursday, and Sunday. There is over fifteen (15) acres for parking. Commissioner Norden inquired if they were concerned about dust control. Dr. Pickart stated they take care of dust control with their water truck and have had no complaints.

Commissioner Norden stated that this is a one time event only that we are permitting today. If there are future events do they have to come back and reapply? **Director Giordano** stated yes, they have to come back each year. **County Attorney Jackson** stated they do allow a combination of events in a single year on one permit. Commissioner Norden stated that he knew they could not be definitive until they know the success of this event but are they contemplating as to how many they might be doing in one year. Mr. Barickman stated they would like to do three (3). After the first one he would like to go on record with the Board that we will invite any Fremont County dealers to participate. Commissioner Norden inquired who the organizer is. Dr. Pickart said that he is the person who is asking for the use permit because the event is on his property. We manage the sale physically by taking care of the people with food, sanitation and how the vehicles will be placed. The car sales are Spradley-Barickman Motors of Pueblo.

Commissioner Lasha commented that what has been done out at Crossroads has been very pleasant for the residents in Penrose and this area. We know that this weekend both Pathfinder Park and your facility took some of the larger animals that were evacuated from the Newlin Creek Fire. The community side that is very important to us also.

Commissioner Lasha moved to approve TUP 09-006 Crossroads Event Center – Car Sale for August 10th through 15th from 8 A.M. to 8 P.M. with the waiver of the clean up fee and the acceptance of the insurance. Commissioner Norden seconded the motion. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. Commissioner Stiehl commented that he has experienced off-site car sales that were heavy handed and hope that our citizens are treated with respect that they deserve. The motion carried.

Commissioner Stiehl adjourned the meeting at 10:50 A.M.

County Clerk