

July 14, 2015

**THIRTEENTH MEETING**

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on July 14, 2015, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Edward Norden called the meeting to order at 9:30 A.M.

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

Also present: George Sugars, County Manager and Matt Koch, Planning and Zoning Director.

The Invocation was given by David Grooters, Evangelical Free Church.

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

**APPROVAL OF AGENDA**

**Commissioner Payne** moved to approve the Agenda. Commissioner Norden seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

**CONSENT AGENDA**

1. Approval of Minutes / June 23, 2015
2. Approval of Bills for July 14, 2015 \$ 1,152,216.03
3. Schedule Public Hearings for July 28, 2015 at 10 a.m.
  - a. Public hearing to consider adoption of the January 2015 Fremont County Pre-Disaster Mitigation Plan. The plan is available online at <http://www.fremontco.com/emergencyservices> or a hard copy can be reviewed at the County Administration Building - Room 106, 615 Macon Ave, Canon City, CO.
4. Schedule Public Hearings for August 11, 2015 at 10 a.m.
  - a. Request: CDP 15-001 Royal Gorge Dinosaur Center  
Requesting approval of a Commercial Development Plan (CDP), Department file #CDP 15-001 Royal Gorge Dinosaur Center to allow Retail Sales, Exhibits, and Climbing Attractions by David & Zach Reynolds. The property is located on the north side of U.S. Highway 50, 1,000 feet east of the intersection of U.S. Highway 50 and Fremont County Road 3A. The proposed CDP property will contain 36.29 acres and is zoned Business and Agricultural Rural.
  - b. Request: ZC 15-001 Scheer – Business to Agricultural Estates  
Request approval of a Zone Change (ZC #1 application as per the Fremont County Zoning Resolution) from the Business Zone District to the Agricultural Estates Zone District, Department file #ZC 15-001 Scheer Zone Change, by Jaime Kelly and Craig Scheer, for the property which is located on the east side of Copper Gulch Road (aka Fremont County Road 27a), 0.3 miles south of Color Sweet Drive, in the Colorado Acres. The proposal is to allow for a future residence to be

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built on the property. Residences are not permitted in the Business Zone District.

**Commissioner Norden** moved to approve the Consent Agenda. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye. The motion carried.

### **ADMINISTRATIVE/INFORMATIONAL**

1. Administrative and Elected Officials
  - a. County Clerk's Monthly Report, Katie Barr, County Clerk and Recorder

**Clerk Barr** reported that the Fees and Sales Tax collected for the month of June were \$1,161,695.13. Fremont County's portion for disbursement was \$625,938.34 which is 54% of the total fees and \$73,759.33 more than June of 2014.

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

2. Citizens Not Scheduled:

**Nicholas Tolkash** complained about the light emitted from Golden Meds, Inc in Penrose. Commissioner Norden informed Mr. Tolkash that procedurally the complaint must be submitted to Planning and Zoning. Matt Koch commented that Code Enforcement has been out to the site at various hours and found that Golden Meds is not currently in violation of any regulations. The marijuana grow facility has 90 days from approval of the grow license to implement light mitigation, but the indirect light that is being emitted is not a violation.

### **OLD BUSINESS**

1. Liquor License Renewal  
WHP Crossroads LLC  
DBA Crossroads Bar & Grill  
Hotel & Restaurant Liquor License  
13760 State Hwy 115 Penrose, CO  
Representative: William Peetz

**Clerk Barr** reminded the board that everything for the Liquor License was in order, but the renewal had been delayed pending the Food Establishment License approval which Environmental Health Inspector Sid Darden was here to comment on. Mr. Darden said that the list of items that needed completing prior to issuing a Food License was in order. Final approval from the Certified Water Operator is delaying the license, but the operator is in the process of completing the necessary tasks.

**Commissioner Payne** moved to approve the Liquor License Renewal for WHP Crossroads LLC DBA Crossroads Bar & Grill. Commissioner Norden seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

### **NEW BUSINESS**

1. Presentation by Dr. John Kearney on the Colorado Mission of Mercy dental charity event scheduled in Cañon City for August 13-16, 2015.

**Dr. John Kearney** informed the crowd that Cañon City will be the home of Colorado Mission of Mercy's annual dental charity event August 14<sup>th</sup> and 15<sup>th</sup> from 6am-6pm.

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The event will be held at Harrison School. In the two days, volunteer dentists will provide over \$1 million in free dental care to over 1500 patients on a first-come-first-served basis. Other volunteers are needed for registering and various other duties. Dr. Alex VanAcker is co-chairing, and Lisa Hyams has been assisting in organizing the event.

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

1. Request approval of a Conditional Use Permit, Department file #CUP 15-002 B & B Septage Treatment (Renewal of CUPs 05-001,95-5 & 93-13), by Byrd's Sewer Rooter & Septic Service LLC, for property owned by Vaughn R. Byrd. This application is to renew and replace the existing Conditional Use Permit (CUP 05-001, which was a renewal of CUP 95-5, which was an amendment to CUP 93-13), and was approved for a ten (10) year term. The site is located 1.5 miles east of the intersection of U.S. Highway 50 and Colorado State Highway 67, ½ mile north of U.S. Highway 50.  
Representative: Angela Bellantoni Ph.D., Environmental Alternatives, Inc.

**Chairman Norden** opened the Public Hearing at 10:00 A.M.

**Angela Bellantoni**, Ph.D., reported that nothing is changing from the last renewal; the process and number of trucks are consistent with the previous operation. Licensing through the State Land Board Access was renewed for another 10 years. Soil samples are in compliance and given regularly to Environmental Health. Dr. Bellantoni requested that the BOCC grant the CUP for Life of Use rather than 10 years. The expected life of the property depends on the types of plants and if the plants are "nitrogen fixers". All calculations indicate the life of use expectancy is considerable.

**Matt Koch** said the planning commission unanimously recommended approval with conditions. A few of the conditions included are annual compliance reviews, access shall be limited to Highway 50, and the receipt of a written complaint will be handled through the proper channels. The applicant has requested waivers on buffering and landscaping requirements, surfacing, lighting, and landscaping (parking).

**Chairman Norden** closed the Public Hearing at 10:19 A.M.

**Commissioner Payne** moved to approve CUP #15-002 B&B Septage Treatment with recommended conditions, including a ten year term, and all waiver requests granted. Commissioner Norden seconded the motion. Upon discussion Commissioner Payne and Commissioner Norden agreed to amend the motion to approve the CUP for Life of Use. Upon Vote: Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

2. Request approval of a Subdivision Variance (exemption), Department File SV 15-001 Boysen Outlot from strict performance under the Fremont County Subdivision Regulations pursuant to XVII of the Subdivision Regulations of Fremont County, by Fremont County Acquisitions, LLC to allow for the creation of a parcel of land to be used as an outlot for parking and signage purposes only. The deed of the outlot to carry a deed restriction specifying the use to parking and signage only. The findings for the outlot variance are:
  - a) Such relief may be granted only if there is no substantial detriment to the public good.
  - b) Such relief may be granted only if it will not substantially impair the intent and purpose of the regulation.
  - c) The property owner shall clearly demonstrate that a peculiar, exceptional physical condition or topography, or the particular physical surroundings make literal enforcement of one (1) or more of the regulations is impractical, create exceptional, particular and undue hardship upon the

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owner, as distinguished from a mere inconvenience or desire to make money.

After completion of an updated survey it was found that the parking area constructed for Mr. Boysen's property was on the adjacent property owned by Fremont County Acquisitions LLC, and that a judgment for the property was entered by the Combined Court, Fremont County, Colorado Court, County of Fremont in favor of Fremont County Acquisitions, LLC against Dale Boysen. An agreement was reached to allow Mr. Boysen to acquire the property.  
Representative: Dale Boysen

**Chairman Norden** opened the Public Hearing at 10:24 A.M.

**Dale Boysen** requested that the variance be approved to be used for signage and parking for his curio shop on the way to the Royal Gorge. The property has been used for years in this way. When the Buckskin Joe and Railroad properties were sold, it was discovered that the triangular lot belonged to the new owners. The new owners have agreed to deed the outlot to Mr. Boysen at his expense for all legal fees.

**Matt Koch** said that after surveys of the property, the issue was brought to light. He recommends a deed restriction that no structures may be placed on the property. The only contingency Mr. Koch requests is that a final deed with a legal description be reviewed by the department.

**Chairman Norden** closed the Public Hearing at 10:27 A.M.

**Commissioner Payne** moved to approve SV #15-001 Boysen Outlot with the recommended contingency that the final deed contains a restriction, restricting use to parking and signage. Commissioner Norden seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

### **NEW BUSINESS CONTINUED**

2. Ratify approval of signed Application and Resolution to the Colorado Department of Local Affairs / Division of Housing for funds for Single Family Owner Occupied Housing Rehabilitation Program.

**Commissioner Norden** explained that the application was time-sensitive and needed to be completed by the end of June. Mr. Sugars clarified that the Resolution is part of the packet.

**Commissioner Payne** moved to approve Resolution #22 ratifying the Chairman's signature. Commissioner Norden seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

3. In consideration of support of Upper Arkansas Area Council of Governments' efforts to preserve housing for low-to-moderate income families by reducing the building permit fees by \$100 per unit rehabbed within County jurisdiction.

**Commissioner Norden** stated that the Upper Arkansas Area Council of Governments aides in the rehabilitation of homes for low-to-moderate income families and had requested that the County consider reducing cost to these families.

**Commissioner Norden** moved to reduce building permit fees by \$100 per unit for low-to-moderate income families. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye. The motion carried

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4. In consideration of Water Tap Abandonment Request for the address of 201 N. 6<sup>th</sup> Street for a 5/8 inch water tap to a water main situated in Macon Ave.  
Representative: George Sugars, County Manager

**County Manager Sugars** explained that the water tap is on the Macon Avenue side of the old Garden Park Building property and has been used in the past to water grass. In a recently Signed Memorandum of Understanding with the City of Canon City, the City agreed to maintain the grass if the County abandoned the tap.

**Commissioner Payne** moved to abandon the water tap for 201 N 6<sup>th</sup> St. Commissioner Norden seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

5. Ratify approval of signed Southern Colorado RETAC, Inc. Contract for funds Disbursement – Fiscal Year 2015 – 2016.

**Attorney Jackson** said this is the contract that funds the EMS Council. The contract is the same contract as ones in the past.

**Commissioner Payne** moved to ratify approval of the Chairman's signature on the Southern Colorado RETAC, Inc Contract. Commissioner Norden seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

6. In consideration of reappointing Michael Pullen to the Board of Zoning Adjustment for another term ending May 8, 2018.

**Commissioner Payne** said Mr. Pullen has done a good job on the Board of Zoning Adjustment.

**Commissioner Payne** moved to reappoint Michael Pullen to the Board of Zoning Adjustment for another term. Commissioner Norden seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

**Chairman Norden** adjourned the meeting at 10:35 A.M.

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Clerk and Recorder

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### Fremont County Board of Commissioners

615 Macon Ave., Room 105 - Cañon City, Colorado 81212

Phone (719) 276-7300 - Fax (719) 276-7412

Tim Payne  
District 1

Debbie Bell  
District 2

Ed H. Norden  
District 3

RESOLUTION No. 22, SERIES OF 2015

#### RESOLUTION TO APPLY AND SIGNATORY AUTHORITY AND DELEGATION OF SIGNATORY AUTHORITY

Date:

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

Edward H. Norden  
Name of Authorized Signatory

Chairman, Fremont County Board of Commissioners

Title

Edward H. Norden  
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:

<input checked="" type="checkbox"/>	Payment Requests
<input checked="" type="checkbox"/>	Quarterly Financial Status Reports
<input checked="" type="checkbox"/>	Quarterly Project Performance Reports
<input checked="" type="checkbox"/>	Monitoring Documents
<input type="checkbox"/>	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
