

July 23, 2013

FOURTEENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on July 23rd, 2013, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Debbie Bell called the meeting to order at 9:30 A.M.

Debbie Bell	Commissioner	Present
Tim Payne	Commissioner	Present
Edward H. Norden	Commissioner	Present
Katie Barr	Clerk and Recorder	Absent
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 Pastor Benny Soto of Mountain View Community 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; Commissioner Bell, aye. The motion carried.

CONSENT AGENDA

Commissioner Norden moved to approve the consent agenda. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

ADMINISTRATIVE/INFORMATIONAL

1. Administrative and Elected Officials

a. Public Trustee's Quarterly Report – Pat McFarland

County Treasurer Pat McFarland presented the Quarterly Report for the Public Trustee. Foreclosures commenced were 39 for April, May and June of 2013 this is down from 86 in the 2nd quarter of 2012. In the 1st quarter of 2013 there were 75 foreclosures commenced. There were 550 full and partial releases which is slightly up from the first quarter. She mailed out 3455 tax delinquent notices which are down from over 5000 last year. There has been a 15% increase in credit card payments in her office since 2012.

Commissioner Norden moved to accept the Public Trustee's Quarterly Report for the second quarter of 2013. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

b. Treasurer's Semi-Annual Report – Pat McFarland

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County Treasurer Pat McFarland said she will have to give the Treasurer's Semi-Annual Report at the next Commissioners Meeting in August. She encountered some problems with the system when trying to prepare the report.

Commissioner Bell announced the Fremont County Fair runs all of next week. The ribbon cutting will be held at 8:30 a.m. this Saturday at Pathfinder Park.

Commissioner Norden said efforts to plan the dedication for the bricks at the War Memorial at the airport have been delayed. It needs to be dry weather before the bricks can be engraved. The plan is to dedicate the new sound system during the brick dedication as well.

2. Citizens Not Scheduled: None.

OLD BUSINESS

1. Review Status of Deer Mountain Volunteer Fire Department (DMVFD) ambulance license with an update on efforts to secure mutual aid agreements (90 day temporary license issued April 23, 2013). Representatives: Tom Anderson and Steve Morrissey.

Tom Anderson said the applicant has completed the Mutual Aid Agreement with AMR Ambulance Service. Anderson requested that DMVFD comply with the Medical Director's requests that copies of the medical reports be sent within one week of the call, and to comply with any education recommended requirements. Anderson stated the applicant should not be allowed to upgrade from Basic Life Support (BLS) to Advanced Life Support (ALS) at this time. The new County Medical Director should be starting in August. Commissioner Bell said the applicant needs to comply with any requirements made by the Medical Director.

Skip Moreau said he has no complaints on the issue.

Vickie Cline is the Medical Captain for the Deer Mountain Volunteer Fire Department. Their Mutual Aid Agreement with AMR Ambulance went into effect on June 1st, 2013. Currently there are three EMT's and five drivers. In the future they hope to purchase a four wheel drive ambulance as it would be useful in their area. Since May 1st, 2013 they have had 25 runs with 19 total transports to either Salida Hospital or St. Thomas More Hospital. A Mutual Aid Agreement has not been obtained yet from Custer County as they are not willing to provide one.

Commissioner Norden moved to Reaffirm the Ambulance License for Deer Mountain Fire District for a Basic Life Support (BLS) License with the condition that they comply with any requirements made by the Medical Director and submit all reports to the Medical Director within one week of each call, the license is for nine months and the applicant will renew at their regular time. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

2. Ambulance inspection report to consider Advanced Life Support (ALS) upgrade on ambulance license for Arkansas Valley Ambulance. Representative: Tom Anderson and Steve Morrissey.

Tom Anderson has completed his inspection for Arkansas Valley Ambulance (AVA) and they do meet all of the requirements to upgrade to an ALS license.

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He spoke with the Medical Director who recommends they remain at a BLS level for now. This is due to a pending open investigation on a complaint. Anderson agrees the applicant should remain at BLS status until the investigation is complete and the new County Medical Director is in place. The investigation should be completed within a few weeks.

Jay DeMay is the General Manager for Arkansas Valley Ambulance. Since January 15th they have not been out of service and their response time has been cut by one third. Out of the 70 calls received, 20 could have used ALS services. There were 58 transports to the hospital out of the 70 calls. They are still seeking ALS status and he is not aware of any investigation.

Elaine Foster is concerned about response time in the Cotopaxi area. Part of this area is in the Deer Mountain Fire Protection District. It would take an ambulance about 28 minutes to respond from Deer Mountain to this area. It would only take about 8 minutes for Arkansas Valley Ambulance to respond to the Highway 50 area in Cotopaxi.

Vickie Cline said the Mutual Aid Agreement between Deer Mountain Fire and Arkansas Valley Ambulance states Deer Mountain Fire will call out Arkansas Valley Ambulance while in route to a call if they are closer.

Skip Moreau said the Cotopaxi Volunteer Fire Department is working on having an emergency response vehicle staffed with two EMT's. This should help with emergency calls in the Cotopaxi area.

Jay DeMay stated there are three paramedics and one intermediate EMT ready to come on board with Arkansas Valley Ambulance once they are able to upgrade to ALS status.

Commissioner Norden moved to table the Advanced Life Support upgrade request for Arkansas Valley Ambulance to the Board of County Commissioners Meeting on August 27, 2013. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

Commissioner Norden asked Tom Anderson to continue to be involved with this process until the license upgrade has been completed. Steve Morrissey, Emergency Management Director will be taking over the Ambulance Licensing Inspection Process for Fremont County. Norden commended Anderson for a job well done for his years of service in this role.

PUBLIC HEARINGS SCHEDULED FOR 10:00 A.M.

1. Request approval of a proposed Amendment to the Fremont County Zoning Resolution which would amend the Travel Trailer Park and Campground Zone District by adding uses, change size of structures and spaces. Representative: Bill Giordano, Director of Planning and Zoning.

Chairman Bell opened the Public Hearing at 10:16 A.M.

Bill Giordano said notification of this hearing was published in the newspaper and posted on the County web site. Only one written comment was received, it was from Earl Pfeiffer and a copy of his request was provided to the Commissioners. Mr. Giordano discussed the proposed changes to the Zoning Resolution.

Public Comments: None.

Chairman Bell closed the Public Hearing at 10:38 A.M.

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Commissioner Norden moved to adopt the Amendment to the Fremont County Zoning Resolution Amending the Travel Trailer Park and Campground Zone District with all of the Planning Commission recommendations, removing the words “where appropriate” from section 4.11.6.8 as Resolution #30. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

NEW BUSINESS

1. Consideration of a Resolution suspending the fire ban for Fremont County. Representative: Jim Beicker, Sheriff.

Sheriff Beicker said he has spoken with Federal, State, and local fire jurisdictions regarding lifting the fire ban. Due to the recent increase of moisture in the area he believes the fire ban can be lifted. Many resources across the state are now readily available as most of the fires in Colorado have been eliminated. Beicker cautioned citizens to remain careful and be aware of possible fire conditions.

Commissioner Payne moved to approve Resolution #31 Suspending the Fire Ban for Fremont County, effective at 10:00 a.m. July 23, 2013. Commissioner Norden seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried. Resolution #31 is attached.

2. Request to sponsor DOLA grant for Regional Road Project. Representative: Connie Higgs, Mayor of Coal Creek.

Connie Higgs explained this project will go in several phases and they plan to do one phase per year. This application is for Phase D. The request is for \$608,866 with an In-kind match of \$807,321 the total cost for Phase D is \$1,416,187. The Oil Companies, Austin Exploration and Javernick Oil, will be providing cash for equipment fuel. Fremont County will provide equipment and labor. The smaller jurisdictions will also provide labor and equipment for the project as it covers multiple jurisdictions. The grant application is due August 1st, DOLA meets in December. If the grant is awarded, work on the project would begin in the spring of 2014.

Tony Adamic, Director of Fremont County Department of Transportation, said this project will be on County Roads #100, #85A and #84 towards Locke Mountain. The road that is currently chip sealed will be paved upon project completion. The roads that are graveled will have 3” gravel with dust suppressant.

Commissioner Bell said these roads have suffered damage from the large oil and gas rigs that travel these roads. She believes all of the grant applications for each phase of the project should be sponsored by Fremont County as it does cover areas in Coal Creek, Florence, Williamsburg, Rockvale, and Fremont County.

Commissioner Norden moved to approve Sponsorship by Fremont County of the DOLA Grant Application for \$608,866 for the Regional Road Project, and authorize the Chairman to sign the application. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

3. Consideration of Re-appointment of Mr. Byron Alsup to the Fremont County Planning Commission for an additional three year term ending August 1, 2016.

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Commissioner Bell said Mr. Alsup submitted a letter requesting to be Re-appointed to the Planning Commission as he hopes to continue working on the Master Plan.

Commissioner Norden moved to Re-appoint Byron Alsup to the Fremont County Planning Commission for another three year term ending on August 1, 2016. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

4. Consideration of Re-appointment of Mr. Brian Rupp to the Fremont County Board of Appeals for an additional three year term ending August 1, 2016.

Commissioner Bell noted Mr. Rupp submitted a letter requesting to continue to serve on the Fremont County Board of Appeals.

Commissioner Payne moved to Re-appoint Brian Rupp to the Fremont County Board of Appeals for another three year term ending on August 1, 2016. Commissioner Norden seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried.

5. Request: MS 13-001 NW Subdivision. Request approval of a three lot minor subdivision, Department file #MS 13-001 NW Subdivision, by Nancie Wright, for her property which is located on the northwest corner of 3rd Street and N Street, in the eastern portion of the Beaver Park Area. Proposed lot 1, which is vacant, will consist of 4.5 acres. Proposed lot 2 will consist of 30.078 acres, contains a single-family dwelling, three barns, two sheds, three stalls and a mobile home which was previously used as an office. Proposed lot 3 will consist of 4.506 acres and it is vacant. All three properties will be accessed from 3rd Street. An additional five foot right-of-way will be dedicated to the County along 3rd Street in order to comply with the requirement of a sixty foot right-of-way for a Collector Street. The property is zoned Agricultural Suburban and contains a total of 39.08 acres. The property is currently being used for residential and agricultural purposes. Representative: Matt Koch, Cornerstone Surveying.

Matt Koch said they are requesting a three lot subdivision on this 39 acre parcel on Third Street in Penrose. They are proposing one 30 acre lot and two 4.5 acre lots. The owners may possibly build a house for their parents on lot 3. The owners have no problems with the contingencies.

Bill Giordano said the Planning Commission did recommend unanimous approval at their meeting on July 2, 2013. Giordano explained the contingencies and said #3 and #4 have already been completed. The recommended contingencies are listed below:

RECOMMENDED CONTINGENCIES:

It is recommended that approval be made contingent upon, at a minimum, the following items being provided to the Department, by the applicant, within six (6) months (*no extensions except through regulatory process*) after approval of the application 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 (FCSR).
2. An updated title insurance commitment or policy shall be required prior to the recording of the subdivision plat, if said recording date is more than sixty (60) days from the effective date of the title insurance commitment or policy. An updated title commitment may result in additional requirements of the applicant.

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3. A copy of a recorded Release of Deed of Trust or an executed Ratification, Consent and Release form for document found at Reception Number 867282 of the Fremont County Clerk and Recorder's records.
4. Compliance with any requirements from the Colorado Division of Water Resources.
5. Documentation as to compliance with the requirements as recommended by the County Reviewing Engineer in a letter dated May 29, 2012. **The Planning Commission recommended adding the phrase "and any subsequent letters."**
6. Information to enable Department to compute addresses.
7. The N Street right-of-way shall be shown along the property line. Additional right-of-way is required as per regulation, along N Street, including the development or construction of the right-of-way. Due to the fact that there is a cliff along this street right-of-way, dedication and construction of the right-of-way is not practical or feasible, therefore not required.
8. A quit-claim deed to the County for a thirty (30) foot right-of-way from the centerline of 3rd Street, along the entire property frontage. The Fremont County Master Plan, Transportation Plan designates 3rd Street as a Collector Street, which requires a sixty (60) foot right-of-way. The dedication will result in the owner providing an additional five (5) foot of property for future development of the right-of-way.
9. All required improvements (*drainage facilities*) shall be constructed and approved prior to the recording of the final plat or an executed improvement and escrow agreement shall be provided.
10. A cost estimate for the proposed improvements shall be provided and shall be approved by the County Reviewing Engineer.
11. A letter from a Colorado Professional Engineer, who designed the improvements, stating the specified improvements were constructed to the Engineer's design, prior to recording of the plat and/or release of escrow funds from an improvement and escrow agreement.
12. An executed quit-claim deed with deed restriction addressing the maintenance of any drainage facilities, drainage easements, rights-of-way, etc., if required.
13. Documentation as to proof of a water tap for each lot from the Penrose Water District.
14. Owner shall provide an address which shall be posted at the street for Lot 2 prior to recording of the final plat, as required by the Florence Fire Protection District.

Commissioner Norden moved to approve MS 13-001 NW Subdivision with the above recommended contingencies except for contingencies #3 and #4 which are to be stricken from the record. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

Chairman Bell adjourned the meeting at 11:03 A.M.

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**RESOLUTION NO. 31 SERIES OF 2013
A RESOLUTION SUSPENDING THE FIRE BAN FOR FREMONT COUNTY
PURSUANT TO ORDINANCE NO. 2012-1**

WHEREAS, on June 26, 2012, Fremont County adopted Ordinance number 1, Series of 2012, which imposes county-wide fire restrictions in Fremont County; and

WHEREAS, Section 10 of the language of the Fire Ban Ordinance allows for the Board of Commissioners to temporarily suspend the Fire Ban if conditions and circumstances warrant such a suspension; and

WHEREAS, Sheriff James Beicker, in his capacity as fire warden for Fremont County in accordance with §30-10-512, C.R.S., has consulted with other entities sharing jurisdiction concerning fires within the County, has assessed the fire danger for Fremont County and has concluded that the Ordinance imposing Fire Restrictions may be temporarily suspended at this time; and

WHEREAS, the Sheriff of Fremont County has requested that the Board of Commissioners adopt a resolution that suspends the Fire Restriction Ordinance and the Commissioners hereby defer to his request.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS FOR FREMONT COUNTY, that Fremont County Ordinance Number 2012-1, restricting open fires and open burning in the unincorporated areas of Fremont County, shall be temporarily suspended in accordance with Section 10 of said Ordinance. This suspension shall be effective as of **10:00 a.m. on July 23, 2013**. The Board of County Commissioners and the Sheriff of Fremont County strongly encourage residents of Fremont County, and visitors to Fremont County, to continue to exercise great caution with fires and sources that contribute to the fire danger to keep Fremont County safe from wild fires.

Commissioner Payne moved for adoption of this Resolution, with a second by Commissioner Norden. The roll call vote of the Board was as follows:

Debbie Bell	<u>Aye</u>	Nay	Absent	Abstain
Edward H. Norden	<u>Aye</u>	Nay	Absent	Abstain
Tim Payne	<u>Aye</u>	Nay	Absent	Abstain

Date: July 23, 2013

ATTEST:

Debbie Bell
Chairman

Katie E. Bass
Clerk to the Board