

FOURTEENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on July 27, 2004, 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
James R. Schauer	Commissioner	Present
Keith McNew	Commissioner	Present
Brenda Jackson	County Attorney	Absent
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 Don Farr from Church Alive.

The Pledge of Allegiance to the Flag of the United States of America was recited by those present.

AGENDA

Commissioner McNew made the motion to approve the Agenda. The motion was seconded by Commissioner Schauer. Upon vote: Commissioner McNew, aye; Commissioner Schauer, aye; Commissioner Lasha, aye. The motion carried.

CONSENT AGENDA

Commissioner Schauer made the motion to approve the Consent Agenda:

1. Approval of Minutes, July 13, 2004
2. Approval of Bills, July 27, 2004/\$423,921.09
3. LIQUOR LICENSES
CAT'S CORNER LLC
411 BROADWAY
PENROSE, CO 81240
Retail Liquor Store License Renewal – Malt, vinous, and spirituous
4. Adoption of Resolution #94, Series of 2004, ZC 04-003 Vodopich Zone Change.
5. Adoption of Resolution #95, Series of 2004, ZC 04-001 Jordan Subdivision Zone Change.
6. Adoption of Resolution #96, Series of 2004, SRU 04-004 McComb Lumber, LLC.
7. Adoption of Resolution #97, Series of 2004, SRU 04-007 Penrose Great Danes.
8. Adoption of Resolution #98, Series of 2004, CUP 04-001 Azco Pit

The motion was seconded by Commissioner McNew. Upon vote: Commissioner Schauer, aye; Commissioner McNew, aye; Commissioner Lasha, aye. The motion carried.

ADMINISTRATIVE/INFORMATIONAL

1. Staff/Elected Officials

Commissioner McNew presented Floyd Bullard with a County Globe. Mr. Bullard is retiring from District 3 Road & Bridge. Commissioner McNew stated that Floyd has always taken a personal interest in the roads and has done an outstanding job for the County.

Commissioner Schauer stated that Shelf Road did wash out two 6-foot culverts a week ago. He stated it would take some time to replace it and the road was closed to the Teller County line.

Commissioner Schauer stated that County Attorney, Brenda Jackson, has made the final three to be picked by Governor Owens to be the new 11th District Judicial Judge. He stated they would hate to lose her as the County Attorney, and they were very proud of her.

Commissioner Lasha stated that on the horseback ride with the Range Riders, they had a Silver Spur presentation to the military, present and past, and their families. He stated he would like to include Fremont County in that and say how much they are appreciated.

Commissioner McNew stated he was grateful for the moisture and although there were some problems with mud, it was better than fighting fires.

2. Citizens Not Scheduled

Steve Donegan stated he was from the Colorado Workforce Center. He stated he was present as part of a cooperative effort between the Chambers of Commerce for Florence, Penrose and Canon City, the Fremont Economic Development Committee and the Small Business Development Center. He stated they were going to start an employer roundtable in Canon City on September 16th to provide information employers can use, to allow networking, present solutions to common problems and have a question and answer period. Mr. Donegan submitted a flyer with time, place and classes.

Paul Kendall stated he was not in opposition or in favor of the action being taken regarding the Upper Arkansas Water Conservancy District. He stated he wanted to understand it more fully.

NEW BUSINESS:

COLEEN SCHMOYER – WEEDS/WEST NILE

Coleen Schmoyer stated that her main concern was that there was no cure for West Nile. She stated she finally got her weeds cut and asked if they could maintain keeping the weeds cut. **Commissioner Schauer** stated they had two mowing machines for the whole county. With the moisture, they may be doing 2-3 cuttings through the neighborhoods compared to once a year in the past.

RESOLUTION #99/SUPPORTING INCLUSION OF ALL PORTIONS OF FREMONT COUNTY INTO THE UPPER ARKANSAS WATER CONSERVANCY DISTRICT

Commissioner McNew stated that they had been working on this about a year. The Upper Arkansas Water Conservancy District was formed in School District RE-3 to protect the irrigation water rights of the Upper Arkansas River Basin. They are a voice for all of the Arkansas River Basin. In order to get Fremont RE-1, RE-2 School Districts included in the Conservancy District, 25% of the signatures of the water owners and 5% of the property owners of the cities of the incorporated areas is required. It is then taken to District Court to rule. **Commissioner McNew** made the motion to approve **Resolution #99** Supporting Inclusion of all Portions of Fremont County Into the Upper Arkansas Water Conservancy District. The motion was seconded by Commissioner Schauer. Upon vote: Commissioner McNew, aye; Commissioner Schauer, aye; Commissioner Lasha, aye. The motion carried and carried with it the adoption of **Resolution #99**.

COLORADO DEPT. OF HUMAN SERVICES MEMORANDUM OF UNDERSTANDING FOR COLORADO WORKS PROGRAM AND THE COLORADO CHILD CARE ASSISTANCE PROGRAM.

Steve Clifton, Director, Fremont County Human Services, stated that the Agreement was part of welfare reform to the counties to run different programs as well as child care as part of that. He stated this was a vehicle by which they receive funds under certain Federal and State statutes.

Commissioner Schauer made the motion to approve the Memorandum of Understanding for the State of Colorado Department of Human Services and the Fremont County Board of County Commissioners. The motion was seconded by Commissioner McNew. Upon vote: Commissioner Schauer, aye; Commissioner McNew, aye; Commissioner Lasha, aye. The motion carried.

ACS CONTRACT – QPUBLIC WEBSITE JUNE 1, 2004 THRU MAY 31, 2005

Dana Angel, Finance Director, stated that the Qpublic Website was the information from the Assessor's Office. He stated that since the Assessor was on vacation, they could not confirm that all the issues had been resolved. He stated he would recommend approval of the contract contingent upon input from the Assessor.

Commissioner Schauer stated that the Commissioners had budgeted this money for Qpublic and the Assessor would try to sell advertising on the website to cover the costs. Commissioner Schauer made the motion to approve the ACS Contract for Qpublic Website June 1, 2004 through May 31, 2005 contingent upon input from the County Assessor. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Schauer, aye; Commissioner Lasha, aye; Commissioner McNew, aye. The motion carried.

ASPHALT BID APPROVAL – HIGH PARK ROAD IMPROVEMENTS (CR 11)

Dana Angel stated this was for tonnage prices for asphalt on High Park Road. Mr. Angel recommended approval to A & S Construction of Canon City at \$47.70/ton. He stated that the budget for the paving is \$400,000 and at this price they could have approximately 8400 tons installed. They should be able to do 3 ½ to 4 ½ miles this year. **Commissioner McNew** made the motion to award the High Park Asphalt Bid to A & S Construction of Canon City. The motion was seconded by Commissioner Schauer and he added that the \$400,000 is money asked for and received from the gaming impact. Upon vote: Commissioner McNew, aye; Commissioner Schauer, aye; Commissioner Lasha, aye. The motion carried.

REQUEST: SRU 00-001 MCDOWELL SPORTS CLUB/BROKEN SPOKE EVENT CENTER

Stan Hinton, Owner, stated that they were asking for a transfer of the Special Review Use Permit from Howard McDowell.

Bill Giordano, Planning & Zoning Director, stated that Mr. Hinton has provided the necessary documentation proving ownership and accepting the conditions of the existing SRU.

Commissioner Lasha made the motion to approve SRU 01-001 McDowell Sports Club/Broken Spoke Event Center. The motion was seconded by Commissioner McNew. Upon vote: Commissioner Lasha, aye; Commissioner McNew, aye; Commissioner Schauer, aye. The motion carried.

REQUEST: MS 04-003 SULLINGER SUBDIVISION

Matt Koch, Cornerstone Land Surveying, stated they were requesting a two-lot subdivision in the Penrose area at the northeast corner of 5th and I Streets. There is an existing manufactured home on Lot 1 and an existing frame home on Lot 2. There is a barn that sits on Lot 2 that does not meet setback and they are asking for a waiver.

Bill Giordano, stated at the July 6th Planning Commission meeting, they recommended approval with 10 contingency items.

Commissioner McNew made the motion to approve MS 04-003 Sullinger Subdivision with 10 contingencies:

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.
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. A ratification, consent and release form will be required for deeds of trust found at Book 1318, Page 216, and Reception No. 666401 and in Book 1389, Page 125, and Reception No. 705784.
4. Copy of deed for an easement to the Beaver Park Irrigation Company for existing irrigation ditch that crosses the property, if required by the ditch company. If required, the plat shall note the easement reception number. If not required, documentation from the ditch company stating that it is not required.
5. Documentation from the Environmental Health Office that both individual sewage disposal systems are adequate.
6. Copy of a building permit for the existing manufactured home. If a building permit was not issued, then a building permit shall be required.
7. Information adequate to enable the Department to compute addresses for proposed lots as per the Fremont County Subdivision Regulations (FCSR) Section XII.,I.,1.
8. Closure sheets for each lot and the subdivision boundary.
9. A quitclaim deed to the County for a twenty-five (25) foot right-of-way, from the centerline of 5th & I Streets along the entire property frontage.
10. The statement on the final plat concerning the setbacks shall be changed to specify the lot that contains the dwelling which does not meet setbacks. In addition, the statement shall note that any new structure shall comply with all applicable regulations not just setbacks.

The motion was seconded by Commissioner Schauer. Upon vote: Commissioner McNew, aye; Commissioner Schauer, aye; Commissioner Lasha, aye. The motion carried.

REQUEST: MS 04-004 VODOPICH SUBDIVISION FILING NO. 2

Matt Koch stated that this property was located on the northeast corner of Sherman Avenue and Dewey Street in Lincoln Park. There is an existing house, barn and garage located on Lot 1, and the barn would be removed.

Bill Giordano stated that at the July 6th Planning Commission meeting, they recommended approval of this request with 9 contingency items.

Commissioner Lasha made the motion to approve MS 04-004 Vodopich Subdivision Filing No. 2 with 9 contingencies:

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.
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. A ratification consent and release letter will be required for deed of trust found at reception No. 786332.

4. Recorded deed in the name of Ronald C. Vodopich, dba Canon Classic Homes, or change name of owner on final plat. (*Title and current deed of record name Chris Vodopich, dba Canon Classic Homes as the owner*).
5. Information adequate to enable the Department to compute addresses for proposed lots as per the Fremont County Subdivision Regulations (FCSR) Section XII.,I.,1.
6. Closure sheets for each lot and the subdivision boundary.
7. A quitclaim deed to the County for a thirty (30) foot right-of-way, from the centerline of Sherman Avenue and Dewey Street along the entire property frontage.
8. Barn shall be removed prior to recording of the final plat.
9. Correct the dimension on proposed Lot 1 as it measures at 110 feet but is labeled as 100 feet.

The motion was seconded by Commissioner McNew. Upon vote: Commissioner Lasha, aye; Commissioner McNew, aye; Commissioner Schauer, aye. The motion carried.

RESOLUTION #100- TEMPORARILY SUSPENDING THE FIRE BAN FOR FREMONT COUNTY.

Commissioner Lasha stated they had a meeting with the Sheriff on this issue. He stated that they were going to follow with the State in the restrictions and doing it in categories such as Low, Moderate and High. Each of those categories throws a flag out for the way things are treated. Until that is in place, they will temporarily suspend the fire ban. It is very possible that as things dry out, the fire ban could go back on. **Commissioner McNew** made the motion to approve **Resolution #100**, Temporarily Suspending the Fire Ban for Fremont County. The motion was seconded by Commissioner Schauer. Upon vote: Commissioner McNew, aye; Commissioner Schauer, aye; Commissioner Lasha, aye. The motion carried and carried with it the adoption of **Resolution #100**.

Commissioner Lasha adjourned the meeting at 10:12 A.M.

County Clerk