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FIFTEENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on August 9th, 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.

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 Benny Soto of Mountain View Community Church and Chaplain for the Fremont County Detention Center.

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

APPROVAL OF AGENDA

Commissioner Bell moved to approve the amended agenda with the following additions:

Under Scheduling of Public Hearings on the Consent Agenda Item #4, Add a Public Hearing for consideration of Fremont County Commissioner Districts based on 2010 Census at 10:00 A.M. on August 23, 2011; Under New Business Item #6, Add Consideration for the Board of Commissioners to sign a letter opting out of the C.S.U. Extension program's Strategic Sustainability Plan but to continue with the work of the energy program coordinator; Under New Business Item #7, Add Consideration for the Board of Commissioners to sign a letter in support of a grant application for a conservation easement along the Arkansas River at Coaldale to the G.O.C.O. Open Space grant program; Under New Business Item #8, Add Award of a bid for cutting/baling of hay on county owned hay fields at Pathfinder Park.

Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

CONSENT AGENDA

Commissioner Stiehl moved to approve the amended consent agenda with the addition of the Scheduling of Public Hearing for consideration of Fremont County Commissioner Districts based on 2010 Census at 10:00 A.M. on August 23, 2011. Commissioner Bell seconded the motion. Upon Vote: Commissioner Stiehl, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

ADMINISTRATIVE/INFORMATIONAL

1. Administrative and Elected Officials

County Clerk Barr gave her monthly report for July 2011. The total collected for the month of July was \$797,335.14. Of that amount the county got to keep \$388,724.85 which is 49% of the total collected.

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This is \$28,399.79 less than last year. Commissioner Bell asked if that amount is just for July. Barr said that is correct. Bell asked if she had the total for the entire year. Barr said she did not have that figure but could get it for the next meeting. Commissioner Bell moved to accept the Fremont County Clerks' report for July 2011. Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

County Manager Sugars gave his report for the total Sales & Use Tax Collections for the month of July 2011. Retail Sales Tax is about .5% above the projected budget. The Auto Use Tax is 4.78% above the budgeted amount. The Construction Use Tax is about 7.5% above the projected budget. Sugars said the total of all three combined is about 1.5% over the budget amount.

Commissioner Bell said she had spent a lot of time at the Fremont County Fair this past week and it was a big success. Bell wanted to congratulate all of the participants on a great job. She also thanked the adults, volunteers, and the Fair Board for all of their hard work.

Commissioner Stiehl said that the C.S.U. staff, volunteers and the Fair Board had put in a tremendous amount of work on the fair. He said they will be starting on next year's event in a few days.

Commissioner Norden noted the item that was added under the consent agenda for the public hearing is for the Commissioner Districts. They are required to look at the population amounts following the Census to reach as close of a balance as possible for the three Commissioner Districts. He explained that Dave Kimmett of the GIS office has done extensive work over the past months on the proposed new maps. As District #2 was short on numbers the maps will shift the boundary of District #2 just slightly. Commissioner Norden said these maps have been reviewed by County Clerk Barr as well. Norden said the maps will be posted at the County Administration building for the public to view. County Clerk Barr said there is a minor change in one of the lines on Grape Creek that was not labeled and the new maps will be complete. Norden said the new map moves District #2 to extend west of Phantom Canyon Road in the Dakota Hideout area. Norden stated the annual Board of Equalization hearings were held recently and they heard between 40-50 protests. He explained that the County Assessor tries to resolve the protests herself before the hearings. Commissioner Norden commended County Assessor Seifert for all of her hard work and long hours during these hearings. He said Park County hires a referee to conduct their hearings and then their Commissioners rule on the recommendations of the referee. Norden said as long as he can remember Fremont County Commissioners sit on the Board of Equalization to hear the protests directly.

- 1a. Planning and Zoning Code Enforcement & SMM Semi-Annual Report Presentation by Code Enforcement Officer Robert Sapp.

Fremont County Code Enforcement Officer Robert Sapp presented the Board with his report. He said they have done very well with SMM enforcement so far this year. They work hard with Contractors and other residents to come into compliance. Sapp said they have not issued a single ticket or citation since taking the program over and people are still in compliance. Sapp thanked Commissioner Norden and the Board for their help in getting the waste tire grant from the state in the amount of \$32,000. He said the tire cleanup project was a success and all of the tires have been removed from the subject property. They are currently working with two other possible property owners for tire projects as the state has funds available. Sapp noted the citizens of Fremont County have taken the initiative to come into compliance. The County Attorney only has three cases she is reviewing right now which says a lot for the people of this County. So far this year they have had to re-address over 100 properties in Fremont County. As a result emergency services are able to find properties much easier.

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The Post Office will not deliver mail or issue a Post Office Box without proof of an address and will advise people to get a correct address from the County. One of the Post Offices on the West side may be closing within a few years. This will not change addresses, only zip codes. Sapp said the number of violations will continue to grow. Their success would not be possible without the support of the County Attorney, Director Giordano and the Commissioners. They have taken on a new role with SMM Enforcement. County Clerk Barr has provided the tools necessary for them to do their job with SMM Enforcement. They also work well with the Sheriffs Department on a regular basis. Sapp stated the team approach is what works best for this County. Commissioner Norden said the address changes are much appreciated by the E911 Board as this helps clean up the 911 data base. Norden attributed a lot of the success of the tire cleanup program to their partner, Geo-Cycle of Colorado Springs. Sapp said Geo-Cycle will be here in the next few weeks to look at the proposed two cleanup sites. Commissioner Norden said the tire cleanup project in North Canon had been a long time coming and he appreciates all of their efforts on the project. Commissioner Bell thanked Robert and his department for all of the hard work they do. Sapp told Commissioner Bell that the two properties she had called about in Penrose have been cleaned up. Bell said she appreciates their efforts.

2. Citizens Not Scheduled: None.

OLD BUSINESS

None.

NEW BUSINESS

1. Resolution suspending the fire ban for Fremont County pursuant to ordinances No. 2006-1 and 2007-1

Sheriff Beicker said he has gone back and forth on this issue many times. Commissioner Norden asked Sheriff Beicker if his request is to suspend the fire ban totally. Beicker said yes. All of the other agencies have lifted their fire bans and Fremont County is the only one left with a ban still in place. He noted there are no restrictions in surrounding counties right now either. Beicker requested the ban be suspended and if needed, it could be put back in place. He asked the citizens to use caution when burning. Beicker stated they are at 1000 hours of firefighting hours from the Sheriffs Office so far this year. About 300 of those hours have been provided by the Volunteer Fire Department. They have responded to seven fires. The largest fire was the 46 acre fire on Hyde Park. There was a 23 acre fire on Highway 9 and a fire in Deer Mountain which were mutual aid. The rest of the fires were smaller in nature and included lightning strikes. In the last few weeks the Sheriffs Department has not responded to any fires. Beicker said the Duckett Fire was just declared controlled and contained as of yesterday. The county costs for the Duckett Fire are around \$36,000 and do not include suppression. Commissioner Norden asked about the remaining cost incurred for the county on the other smaller fires. The Sheriff has asked Ken DeGarmo who runs the wildfire unit to track these costs. He said it is mostly overtime hours and fuel costs. Norden explained that the emergency funds from the State have already been depleted when the Duckett Fire broke out. Norden said our county is interested in the state building reserves in the fire fund. Sheriff Beicker said work needs to be done on the fire fund but is afraid of the increased cost for each county. Commissioner Bell moved to approve Resolution #29 suspending the fire ban for Fremont County pursuant to ordinances No. 2006-1 and 2007-1. Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

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2. Cats' Corner LLC
411 Broadway
Penrose, CO 81240-9040
Retail Liquor Store License Renewal – Malt, vinous and spirituous

County Clerk Barr explained the application was four days late in being filed with her office as the applicant was on vacation. Barr asked the Board to waive the timely filing requirement for this renewal. Commissioner Stiehl asked if everything else was in order. Barr replied that it is correct. Commissioner Stiehl moved to approve the renewal for a Retail Liquor Store License for Cats' Corner waiving the 45 day filing requirement. Commissioner Bell seconded the motion. Upon Vote: Commissioner Stiehl, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

3. Sugarbush Store & Campground Inc.
9229 Highway 50
Howard, CO 81233
3.2 Percent Beer Retail License Renewal

County Clerk Barr said the applicant had sold to a minor and we were informed by the state of the violation. The state said all of the fines had been paid by the applicant. If the applicant goes a year without any violations the applicants 12 day suspension will be in abeyance and go away. Commissioner Norden asked if the violation was for selling to a minor. Barr said that is correct. Norden read they were ordered a 19 day suspension and after seven days, the 12 day suspension was put in abeyance. Barr agreed and said they had also paid their fine. Commissioner Norden asked if there is another violation the other 12 day suspension will go into effect immediately. Barr stated that is correct and the applicants are present if the Board has any questions for them. Norden asked if the Sheriff was involved in this process. Sheriff Beicker said the State Liquor Enforcement Division had performed the operation. Beicker said selling to a minor is a serious offense. Beicker suggested if the renewal is approved the Board should require the applicant to attend a liquor training class. Thomas Yule, the applicant, said they are attempting to enroll in the next class in Chaffee County or Fremont County but there are no classes available right now. County Clerk Barr noted the City of Canon City will hold a training class in October. Commissioner Norden asked who would be attending the class. Yule said he and his wife operate the store with one part time employee. Yule stated he was the person who sold to an underage person and he will attend the class. If his wife is able, she will also attend the class. Commissioner Bell moved to approve the renewal for a 3.2% Beer Retail License for Sugarbush Store & Campground requiring the applicant to provide proof of attendance at the next alcohol training class. Commissioner Stiehl seconded the motion. Commissioner Norden said the state enforcement division got Mr. Yules attention more so than the Board did today. Commissioner Stiehl noted that although the board has the ability to make additional requirements he believes the applicants actions have been paid for. Stiehl is in favor of granting the renewal. Upon Vote: Commissioner Bell, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

PUBLIC HEARINGS SCHEDULED FOR 10:00 A.M.

REQUEST: SRU 11-002 ROCKY MOUNTAIN GSP RESCUE KENNEL

Request approval of a Special Review Use Permit, Department file #SRU 11-002 Rocky Mountain GSP Rescue Kennel, by Kristen A. & Michael J. Schnobrich, to allow for a dog rescue kennel, which will house up to a total of twenty-five dogs (German shorthair pointers), for the purpose of boarding until adopted. The property contains a single-family dwelling, a storage building (that will be used to house the dogs at night, if necessary and during inclement weather) a shed, a stall (used for three horses) and three enclosed kennels and two fenced dog yards, one only being used for dogs that are recuperating from illness or injury.

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The property is located on the north side of 4th Street, approximately 285 feet west of G Street (677 4th Street), in the Penrose Area. The property is zoned Agricultural Rural and contains 0.5 acres. Representative: Kris Schnobrich

Commissioner Chairman Norden opened the Public Hearing at 10:04 A.M.

Kris Schnobrich said she is applying for a Special Use Permit to operate a Rescue Kennel for the Rocky Mountain German Shorthair Pointer Rescue. She has done this for a number of years and is now applying for a Kennel License.

Bill Giordano, Planning and Zoning Director, said the applicant was required to notify property owners within 500 feet of the property and post the property 14 days prior to the hearing. They are also required to publish notice in the Daily Record. Giordano noted that all three of these requirements have been met per the regulations. At the Planning Commission Meeting on July 6th, the Planning Commission did approve the application with a 3-2 vote. Some of the members were concerned with the number of dogs housed on the property due to noise issues and the small size of the property. Bill noted this request is for life of the use. They are required to pay a kennel license fee annually and have an inspection done annually. The hours and days of the operation are not limited. The applicant shall house all dogs inside at night. As far as recommended contingencies, #1a, the property is not connected to the Penrose Sanitation system. On #1b the applicant has indicated there will not be any floor drains or other plumbing connected to the sewage disposal system. Bill said #2 requires the applicant to provide a copy of a license from the Colorado Department of Agriculture, Pet Animal Care Facilities (PACFA) for the boarding of dogs. Documentation from the Fremont County Department of Transportation as to the requirement of a driveway access permit due to the additional traffic created by the kennel is #3. Bill stated that #4 can be eliminated as he does have a letter from the Penrose Water District to verify the existing water tap is adequate. Contingency #5 is documentation from the Code Enforcement as to compliance with the allowed number of animal units as related to the three horses that are also housed on the property. Mr. Schnobrich has provided a letter that is being reviewed to possibly resolve this problem. They believe the horses were put on the property prior to 1995 which would make it a non-conforming use. The Planning Commission did ask for additional notifications to the following: Fremont County Sheriff's Office, Colorado Division of Wildlife, Fremont/Custer Historical Society, and the State Historic Preservation Office which have all been completed. Bill said the applicant is asking for a waiver of the buffering and landscaping requirements. There is a solid six foot screening fence along the back part of the property. They are also requesting a waiver of the surfacing, lighting and landscaping of the parking area. There may only be a few customers a week so the Planning Commission recommended this requirement be waived. They also asked for a waiver of the utility plan as there are not any utilities being changed. If this request is approved today Bill would prepare a resolution for the next meeting. Commissioner Bell asked Bill about condition #J what the definition of night is considered to be as far as a time frame. Bill said it is assumed that night is at dark but a time could be specified if needed. Bill noted the application is for a specific type of dog and he knows that other types of dogs are housed in the kennel from time to time. Kris said on occasion she does get mixed breed dogs in from Shelters. Sometimes the breed is hard to tell from the picture she gets from the Shelters. Bill realizes this is a technicality but it should be clarified. Commissioner Stiehl asked where it was specified as to the type of breed. Giordano said the application says the kennel will be for German Short Hair Pointers. He does not want there to be a violation based on a technicality. Commissioner Norden asked Schnobrich how long they had been in operation. She answered for a number of years. Norden asked why we are just now seeing an application for kennel license. Kris replied there had been an incident where one of the blend dogs got out of the pen and attacked one of her horses. The neighbors called the police and that is where this has stemmed from. Prior to that incident she had no complaints from anybody. Commissioner Norden asked if she was aware that anything above four dogs requires a kennel license. She answered yes.

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Commissioner Bell said she had looked at the applicant's website last week and found 15 total dogs for adoption, 6 were not German Short Hair Pointers. Bell said some specifically said they were Pit Bulls, some were Labs, and one was a Weimaraner dog. Commissioner Bell does not understand how a Pit Bull can be mistaken for a German Short Hair Pointer. Kris replied in the past she has taken in English Pointers and they look a lot different than a German Short Hair Pointer. Until you see an English Pointer it can really stretch just from the picture. Kris said English Pointers come in a solid liver color like the Weimaraner but not 90 pounds. It is hard to tell from a picture what the size of the dog is until the transporter brings it to her. If you send the dog back with the transporter it will be put down. Commissioner Norden asked Kris about the transporter and how many dogs are coming and going from the kennel each week. Kris said this is an organized transporter that runs out of Denver two times a week. Norden asked if they bring her dogs or take them to her. Kris replied they bring her the dogs and go to 52 different rescue kennels through out the state. Norden asked the highest number of dogs she has ever housed. Kris said 20. Norden said she is asking for 25 dogs on the application and asked if she had ever had 25 dogs before. Kris said including puppies she has had that many. Bill explained that puppies for the first six months do not count in the allowed amount of 25 adult dogs. Norden asked how long the dogs stay before they are adopted out and what the process of adoption is. Kris said it averages from 2 to 3 months but she just placed a dog she had for 2 years. Commissioner Norden asked Kris how far away she goes to place these dogs. Kris said the adoptive owners come to her and they are from Colorado and New Mexico.

Public Comments:

Kathleen McCaslin of 690 4th Street in Penrose said she admires Kris and her family for her hard work and caring for these animals. However she is opposed to the Special Use Permit. She lives caddy corner from the Schnobrachs and has for the past two years. Some times the kennel is so loud that it is miserable to sit on her front porch. Kathleen said the dogs bark constantly. Last night she went to put up her chickens at 8:45 P.M. and the dogs were barking loudly. She said water is very scarce in Penrose and realizes they have already gotten their permits for water usage. There is a large building on the property that is very brightly lit that she believes is the kennel. Her main concern is the size of the property is too small to house that many dogs and it is very noisy. She can hear the dogs all day and into the night hours. The traffic is not an issue to her as people only come sporadically to adopt the dogs. Commissioner Norden asked her if it quiets down at night. Kathleen said last night at almost 9:00 P.M. the dogs were still barking a lot. She said her back porch is less than 125 feet from the applicant's property. Norden asked her if she has an opinion on the number of dogs that should be allowed. Kathleen believes there are 12 to 15 dogs now and to add 10 more dogs would be outrageous. She feels it lowers the property values in the area as people do not want to live next to a dog kennel. Norden asked what she thought of the hours for night time when the dogs should be brought inside. Kathleen said if they are in by 8:30 P.M. that would be reasonable. Commissioner Norden asked if she could hear barking early in the morning. Kathleen replied yes.

Barbara Elliott of 445 "G" Street in Penrose said there are houses within 50 to 100 feet of the kennel. She can hear the dogs barking constantly and it is very irritating. Barbara thinks rescues are a great thing but should be located way out in the country not in a residential area. Barbara suggested the Commissioners go to the site to see what the facility looks like. Commissioner Norden said in the testimony at the Planning Commission Meeting from Mr. Smith he stated there are homes located very close to the kennel. Commissioner Norden asked if she had an opinion about the night hours of the kennel. Barbara said she does not want the kennel there at all. She does not want to have to listen to barking dogs all of the time. Norden asked her how many years this has gone on. Barbara replied it has gone on for a number of years. She has never complained and tries to ignore the noise.

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The first she heard of the application was when she got the registered letter. Commissioner Bell asked how long she has lived there. Barbara responded since 1986.

Angelina Paxton of 20 Iris Lane in Penrose said her concern is the mixed breed dogs. She is the neighbor who had to call the police when the Schnobrich's horses were being attacked by the dogs. Angelina witnessed what the dogs were doing to the horses and it was not nice. Commissioner Norden asked if they were behind the fence. She answered yes. Angelina lives right behind the applicant and can see right into their yard. She said there is no privacy fence there. Commissioner Stiehl asked if she lives in the house directly behind the kennel where the ownership is Simpson. Angelina said yes, he is her husband. The noise is a lot. She has two small children and has seen the dogs get out. One night Angelina was out running with her Saint Bernard and Kris came by in her truck and told her to be careful. Kris told her one of the dogs was out and the loose dog did not like Saint Bernards. Angelina went back inside. She is worried the dogs may attack her kids or dog. Commissioner Bell asked how many dogs attacked the horses. Angelina replied there were two dogs attacking the horses. The rest of the dogs were running around and barking. Commissioner Norden asked if all of the dogs were running loose. Angelina said the kennel is fenced in and there were probably five dogs running loose in the yard. She said some of the dogs are kept in large kennels and some are loose. Norden asked if she had an opinion of the night time hours. She said not really. She knows when you get dogs together they will bark even if inside. Commissioner Norden asked Angelina if she can testify if the dogs can still be heard at night when they are inside. She tries her best to ignore it. She has seen Kris put the dogs in at night but they do still bark at night but not as much as the day time.

Commissioner Chairman Norden closed the Public Hearing at 10:30 A.M.

Mike Schnobrich said the dogs are taken inside at sunset which depends on the time of year. In the winter time is 5:00 P.M. and in the summer runs between 8:30 P.M. and 9:00 P.M. Commissioner Bell asked what time the dogs are let outside in the mornings. Mike said never earlier than sunrise but usually 8:00 A.M. Mike said there are a lot of dogs in the neighborhood that often bark. He thinks they are being targeted for every barking dog in the area. Their dogs are behind a wooden fence inside a steel building in kennels. He said it is not their dogs doing the barking. Mike said the property is very heavily screened to keep the noise down. Mike pointed out that the property is zoned rural agricultural for animals. He said it is a permitted use in that zoning district and with precautions put in place he thinks it will fit in to the community. Commissioner Norden clarified it is only a permitted use with a Special Review Use Permit as with any kennel permit when there are more than four dogs. Commissioner Bell asked what kind of fence is across the back of the property. Mike said across the back is an eight foot high welded wire with a screen of trees along the property. They did not put the fence across the entire back but it is screened in. They have offered to their neighbors to put the dogs inside for a day if needed. The number of dogs they have varies during the year. To maintain a lot of dogs is a huge expense so they like to adopt them out quickly. Commissioner Bell asked if there is shade for the dogs and if the housing is open to them during the day. Hattie Schnobrich is their daughter and helps with the dogs. She said the dogs are housed in a kennel run with a canvas top on it that is weather proof. Hattie said they have dog houses and pools. When they are inside at night the dogs are in a kennel with shavings for bedding. She said her room is facing that garage and the dogs do not bark at night. Commissioner Norden asked how they get ventilation if the doors are closed at night. Hattie said the doors are open during the day to air it out. They close the doors at night but there are fans. Commissioner Bell asked if they had gotten the license from the state yet. Kris replied she has sent in her application to PACFA and has not received anything yet. Kris has called on it several times as she applied the first of March. Commissioner Stiehl said they are requesting a waiver of buffering because of the six foot privacy fence and a row of trees, if this is the case why would the requirement need to be waived. Mike stated he does not believe they need to waive the requirement as the buffering is already in place.

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He said there would be no reason to waive it as buffering is essential to this type of property. Commissioner Norden asked what kind of fence is by Mrs. Paxton's property. Mike said it is set up more for the horses than the dogs. Kris said the fencing is welded wire that is eight feet high. Mike said the buffering is the trees. Bill Giordano clarified the requirement is for an eight foot solid screen or buffering and by granting the waiver you are accepting what the applicant has in place. Commissioner Stiehl does not agree, if it is waived the applicant can let their fence deteriorate in the future. Giordano said instead of a waiver request it is an acceptance of what is there. Stiehl said he would still require the requirements. Giordano said that is also an option. Commissioner Norden asked if the applicant received copies of the letters that were part of the record. Giordano answered yes there was a letter from a Mrs. Johnson and another from 677 4th Street that was not legible. Commissioner Norden said that letter talks about how the dogs are treated. The letter stated the neighbor had fed one of the dogs, returned it home and found it hung over the fence, dead, the next day. Kris said she did receive that letter and she has never had a dog hang over a fence and die. They have had dogs go over the fence and the dogs can do this easily. Many of the rescue dogs she gets are starved, beaten and bruised and want to run away. Their job is to get the dogs to trust people again. They heal the dogs, feed them, and get the dogs vet care. When they place the dogs in new homes they are healthy, happy, well adjusted dogs. Commissioner Bell asked for what purposes would the large flood lights be turned on. Kris said last night at 8:45 P.M. she turned on half of the lights to put the dogs away. She said the lights were on for maybe half an hour. Commissioner Bell asked in the future how they will prevent the dogs from attacking the horses. Hattie explained they have gotten better kennels that are welded wire that can not be chewed through. They are also going to be putting up better horse fencing to keep the dogs out. Commissioner Bell asked when they will put up the new fencing. Hattie replied within a couple of months. Commissioner Stiehl said he has a problem with the life of use for the property. When properties get grandfathered in they can stand in the way of progress and development. Life of use is excessive to him. Stiehl asked if they changed it to 25 or 50 years would that be satisfactory to the applicant. Mike said that would be very satisfactory and he agrees with what Commissioner Stiehl is saying. Since purchasing the property in 1994 the area has gone through a lot of changes. Many of the houses were not there yet. Mike said because they have to go through the county every year to get recertified it may satisfy some of the concerns with the kennel. Commissioner Norden noted that Miss Elliott has lived there since 1986 and out of respect for a neighbor who has lived there that long, a kennel application would have been appropriate. Norden understands why a neighbor like her would be disturbed over the change of use without acknowledgement of the need for a kennel license. Norden said ignoring the neighbors that way is quite frankly disrespectful. Mike said he tends to agree with Commissioner Norden on that matter. He said the rescue kennel kind of evolved, it is not a business. As time progressed more and more dogs came to the rescue. Mike explained it was not meant to be disrespectful to the neighbors but it should have been addressed sooner than it was. Commissioner Norden said the neighbors have acknowledged what they are attempting to do for the dogs but it is still a kennel. Commissioner Bell asked how long they have lived at this property. Mike replied since 1994. Commissioner Stiehl asked the applicant to describe what type of lighting fixtures they have. Kris said they are rectangular halogen bulb lights. Stiehl asked if they are aimed at the ground or out into the yard. Kris said they are aimed downward. Commissioner Stiehl said it would help the neighbors if they would aim the lights downward to reduce the glare. Kris said the lights are not on for very long. Stiehl said even so, the requirements are the glare is not visible to adjacent properties. Mike said they can aim the lights downward as far as needed. Commissioner Stiehl noted the Planning Commission wondered about 25 dogs and he wonders about 25 dogs. Stiehl said according to the Planning Commission Minutes when Kris was asked the maximum number of dogs that were housed at the kennel she responded 40. Kris explained that was including puppies as one time she had two litters of puppies and her adult dogs. Stiehl asked how big a litter is. Kris replied 10 to 12 puppies. Mike said litters are a rare thing as they do not breed the dogs.

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Commissioner Stiehl asked if they could house less than 25 dogs. Kris said they could do less. Stiehl said perhaps 15 dogs. Kris answered yes, she has 15 now. Hattie explained they do implement bark control by way of bark collars and ultrasonic beepers. If dogs do bark constantly they put them away. Commissioner Bell said she grew up just a few houses down from where the applicant is located. She has driven by the kennel a few times twice in the past week during the day and never heard a dog bark from their property. Mike said if the neighbors are having a function at any time they can put the dogs inside. Commissioner Bell said all it should take is a phone call from the neighbors or a knock on the door asking for the dogs to be put inside. Mike said they would be happy to do it. Bell said that would be a common courtesy of a good neighbor. Commissioner Stiehl said for discussion he will make a motion to grant the Request for SRU 11-002 Rocky Mountain GSP Rescue Kennel with the following conditions as written with only the changes that he notes: A, The Special Review Use Permit shall be issued for 25 years; J, Applicant shall house dogs inside from dusk till dawn; Add Condition N, Permit shall be for a maximum of 15 adult dogs of any breed; that we do not grant the request for the waiver of buffering and landscaping; but do grant the request for waiver of surfacing, lighting and landscaping of the parking area. Commissioner Norden asked Commissioner Stiehl under the requirements for landscaping if he is accepting the existing six foot fence and existing hedge row. Commissioner Stiehl said he does not know about existing, as he has not examined the hedge row. Stiehl thinks they should keep with the requirements that we have. Commissioner Bell asked Commissioner Stiehl about the waiver request for #5, the Utility Plan. Stiehl said yes, and waiving the filing of the Utility Plan. Commissioner Norden asked if Commissioner Stiehl wanted to drop Contingency #4 which has already been met. Commissioner Stiehl included all Contingencies except #4 for the Penrose Water District. Commissioner Bell continued discussion and said those were the exact items she had marked on her copies as well for Life of Use to be 25 years, 15 adult dogs, the time frame. Commissioner Bell seconded the motion. Commissioner Norden said the motion is on the table and asked for further discussion. Commissioner Bell told the applicants there will be an annual review. If any type of complaints is received they will be fully investigated by the Code Enforcement Officers. Commissioner Norden said the motion is for approving the Special Review Use Permit for the Kennel modifying the term to 25 years, as Resolution #30, Item #J be amended to read applicant shall house dogs inside from dusk to dawn, Item #N would be added to allow 15 adult dogs of any breed, all contingencies would be adopted except #4, waiving the surfacing requirements, the buffering and landscaping requirements would be left in tact, and waiving the utility plan. Upon Vote: Commissioner Stiehl, nay; Commissioner Bell, aye; Commissioner Norden aye. The motion carried. Commissioner Stiehl said he does not believe the use is compatible with the neighborhood. Stiehl said our responsibilities are to the neighborhood not to the dogs unfortunately which is why he voted no. Commissioner Norden noted it is not in the conditions but there is an expectation of how to get along with the neighbors. Norden said complaints and violations of the kennel will be taken seriously.

NEW BUSINESS CONTINUED

4. Amendment to Food Service 2011-2012 Contract between Fremont County Colorado and CBM Managed Services.

Sheriff Beicker said he has had a good partnership with this food vendor. It is a huge expense to feed the inmates. He said this is a reasonable increase from the vendor based on the cost of doing business. The cost fluctuates daily with the jail population. This vendor has been very attentive to their needs. Sheriff Beicker requested the Board to approve this amendment to the contract. Commissioner Stiehl asked what the cost per meal for how many meals a day is. Beicker said they serve approximately 600 meals per day. Commissioner Stiehl asked if it is about \$1.60 per meal. Beicker said the average cost is \$1.45 per meal. Stiehl thinks it is outstanding that we have this service.

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Commissioner Bell moved to approve the Amendment to Food Service from September 14, 2011 through September 13, 2012 Contract between Fremont County and CBM Managed Services. Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

5. Settlement authorization for County Commissioner Ed Norden regarding 8/19/2011 Settlement Conference on Else V. Fremont County

Commissioner Norden explained this is for his trip to Denver on Friday August 19th for a Settlement Conference. Commissioner Stiehl moved to approve authorization for Commissioner Ed Norden regarding the Settlement Conference on Else V. Fremont County in Denver on August 19, 2011. Commissioner Bell seconded the motion. Upon Vote: Commissioner Stiehl, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

6. Consideration for the Board of Commissioners to sign a letter opting out of the C.S.U. Extension program's Strategic Sustainability Plan but to continue with the work of the energy program coordinator

Commissioner Bell met yesterday with Kimberly Stein who recently took over the Community Energy Coordinator position through C.S.U. Bell said Stein has only been in the position for a few months. The previous Community Energy Coordinator had worked on a Community Sustainability Plan that she hoped the Commissioners would adopt. All three Commissioners have expressed concern with the plan feeling that they may be signing on for some long range consequences. Bell explained it may also become a document that was put on a shelf with nobody looking at it again. The Commissioners feel it is not something Fremont County needs to do at this time. It may be an ineffective use of Ms. Stein's time to continue work on this sustainability plan for Fremont County. Commissioner Bell said they felt Ms. Stein should focus her time on smaller scale projects that would benefit people in the local agricultural community as well as consumers. All of these people would be volunteers who would work with Ms. Stein. Bell said they would like to send this letter to the C.S.U. Extension Office in Salida expressing to them that Fremont County as chosen to opt out of the requirement to approve the plan. Commissioner Bell moved to authorize the Board of County Commissioners to sign a letter opting out of the C.S.U. Extension program's Strategic Sustainability Plan. Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

7. Consideration for the Board of Commissioners to sign a letter in support of a grant application for a conservation easement along the Arkansas River at Coaldale to the G.O.C.O. Open Space grant program

Commissioner Stiehl said this is just upstream of the valley bridge where County Road 45 crosses Highway 50 in Coaldale. The property owners John Walker and Roxanne Moore are working towards a conservation easement to conserve their property that surrounds the river. Stiehl explained the Commissioners support this effort as it is open space that is voluntarily entered into by the land owner. These open spaces that we enjoy through out Fremont County add to our quality of life. If we can assist land owners in preserving these properties for the future it will be a good thing. Commissioner Stiehl moved to authorize the Board of County Commissioners to sign a letter in support of a grant application for the San Isabel Land Trust for a conservation easement along the Arkansas River at Coaldale to the G.O.C.O. Open Space grant program. Commissioner Bell seconded the motion. Commissioner Bell noted she is familiar with these conservation easements and land trusts.

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They have become very popular in the last few years especially with farmers and ranchers who truly care about the land. It is an expensive process. Commissioner Bell said knowing that so many farmers and ranchers are in favor of these trusts makes her want to support them. Upon Vote: Commissioner Stiehl, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

8. Award of a bid for cutting/baling of hay on county owned hay fields at Pathfinder Park

Commissioner Norden explained the county had a request to advertise for bids to bale the hay at Pathfinder Park west of the arena along Highway 115. They had advertised for bids and only one bid was received. Norden said he has one bid from Jimmy Fazzino for \$1 per bale. Commissioner Bell moved to accept the bid from Jimmy Fazzino for \$1 per bale on county owned hay fields at Pathfinder Park for the second and any subsequent cuttings this 2011 season. Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

Commissioner Chairman Norden adjourned the meeting at 11:14 A.M.

Clerk and Recorder