

August 12, 2014

FIFTEENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on August 12th, 2014, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Tim Payne called the meeting to order at 9:30 A.M.

Tim Payne	Commissioner	Present
Edward H. Norden	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, Chief Deputy Clerk.

The Invocation was given by Tom Kilgore from the First Southern Baptist Church.

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

APPROVAL OF AGENDA

Commissioner Bell amended the language of item #1 under Old Business on the Agenda.

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

CONSENT AGENDA

1. Approval of Minutes / July 22, 2014
2. Approval of Bills August 12, 2014 / \$1,319,249.75
3. Schedule Public Hearings – None.

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

ADMINISTRATIVE/INFORMATIONAL

1. Administrative and Elected Officials

County Clerk Barr presented her report for July 2014. The total collected for July was \$1,020,245.25 of which the County kept for disbursement \$533,373.37. This is \$64,970.01 more than last year. Even without the Sheriff's Sales Tax increase, the Auto Use Tax collected was \$9,917.06 more than July 2013.

Commissioner Bell moved to accept the County Clerk's Report for July 2014. Commissioner Norden seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Norden, aye; Commissioner Payne, aye. The motion carried.

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Commissioner Norden said he recently attended a DOLA Grant Hearing for the Combined Communication Center. The grant would be in the amount of \$830,000. This includes an additional match of \$100,000 from the county to help secure the grant funding.

2. Citizens Not Scheduled:

Harry Kitchen addressed the Board regarding the Penrose Recreation District. He claims there are thousands of dollars that are unaccounted for within their budget. The baseball field is in bad condition. There are currently no summer programs being offered through the Penrose Recreation District. He stated none of their Board members were legally elected. He also is making an effort to get the Board Members of the Canon City Recreation District recalled. He requests the County withhold any funding from both of these Special Districts until the Sheriff's Department is able to complete an investigation.

OLD BUSINESS

1. FP14-001 Canon Creek Ranch Filing – Consider acceptance of plat statement language related to Contingency items #3 and #4, and consideration to remove item #11 and re-number items #12 - #20, which addressed future subdivision of the property and development of the streets, that were approved at the July 22, 2014 Board meeting. The property is located between Grandview Avenue and the Arkansas River, in the Fourmile Area.

Planning and Zoning Director Giordano explained there had been some discussion on this request since the approval at the prior Commissioners meeting. The proposed change is regarding the language on the plat statement for any future development. His office has prepared the proposed plat statement for review.

Bill Balhiser is the applicant. He was not provided with a copy of this review and was not able to address these issues at the previous meeting. He requested that item #9 regarding documentation from the Fire Protection District for access be removed from the plat statement.

Mr. Giordano explained this item has already been removed from the comment letter as documentation from the Fire Protection District has been received.

Commissioner Norden said if the subdivision was already approved he did not see why the applicant would need to go back to the building department for review. Norden stated contingency item #11 should be deleted in order to be consistent. The Fire Protection District has already commented on the subdivision plat and should not need to comment on every building permit for that subdivision. If the new owner would want to further subdivide, they would have to comply with any requirements from the Fire Protection District at that time.

County Attorney Jackson said it is assumed that construction will begin once a subdivision is approved. She said the letter from the Fire Protection District states there is no construction planned at this time.

Bill Balhiser said no construction is planned at this time. His request is only to subdivide the parcel so he can sell the three lots. He does not have a problem with the proposed plat statement language.

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Commissioner Norden clarified that this property was originally part of the Canon Creek Ranch Filing. It is now a different subdivision that has two dead end streets. If the property is subdivided again in the future, the owner may be subject to further requirements for paving, sidewalks, curb and gutter and access requirements.

Commissioner Bell moved to accept the Proposed Plat Statement Language for Canon Creek Ranch regarding contingency items #3 and #4, and removal of item #11 and renumber items #12 - #20. Upon Vote: Commissioner Bell, aye; Commissioner Norden, aye; Commissioner Payne, aye. The motion carried.

NEW BUSINESS

1. Doug Price, President and CEO of the Colorado Springs Convention & Visitors Bureau.

Doug Price addressed the Board regarding tourism in the Pikes Peak Region. The occupancy rates are up about 10% from last year. Revenue is up approximately 7%. He announced that Andy Neinas is the incoming Board Chairman for the Colorado Springs Convention & Visitors Bureau.

Andy Neinas said this organization is vital to tourism in our area. They will continue to work vigorously to bring visitors to our county. It is important to understand that Fremont County has a Tourism Council, and both of these organizations work together to increase tourism.

Doug Price explained that Fremont County is mentioned numerous times in their Visitors Guide that is distributed worldwide. He discussed different advertising methods used to promote our area and generate revenue.

Commissioner Bell noted the deadline for submission of letters of interest for the Fremont County Tourism Council is August 21st at 4:00 p.m.

2. Request: TUP 14-008 Penrose VFW Chili Cook-Off and Bazaar – Request approval of a Temporary Use Permit to allow a Chili Cook –off and Bazaar, by VFW Post 2788. The event will take place at 402 Broadway in Penrose, with the Bazaar directly in front of VFW Post 2788 and the Chili Cook-off inside. The event will be held on August 23, 2014 from 10:00 a.m. until 4:00 p.m. The subject property is located in the Business Zone District. Representative: John Sterling, Sr. Vice Commander VFW Post 2788.

John Sterling explained the event. They did have a Chili Cook-off last year and are adding the bazaar this year. There will be vendors outside of the VFW selling items. The Chili Cook-off will be inside of the VFW. There will also be a motorcycle run that day. The event will be on Saturday August 23rd from 10:00 a.m. until 4:00 p.m.

Planning and Zoning Director Giordano discussed the application. All of the minimum requirements have been submitted. The applicant is requesting a waiver of the application fee and surety clean up fee. The liability insurance would also need to be accepted.

Commissioner Bell moved to approve TUP 14-008 Penrose VFW Post 2788 Chili Cook-off, waiving the surety bond fee, waiving the application fee, and accepting the liability insurance. Commissioner Norden seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Norden, aye; Commissioner Payne, aye. The motion carried.

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PUBLIC HEARINGS SCHEDULED FOR 10:00 A.M.

1. The purpose of the hearing is to allow citizens to review and comment on the performance of the Upper Arkansas Area Council of Governments (UAACOG) in carrying out their Single Family Owner Occupied Housing Rehabilitation Program, financed through Community Development Block Grant funds. Representative: Erlin Trekell, Upper Arkansas Area Council of Governments.

Chairman Payne opened the Public Hearing at 10:20 A.M.

Erlin Trekell explained UAACOG operates a government funded, low interest, loan program to help low to moderate income homeowners improve the safety of their home. The Community Development Block Grant Funds spent during the last cycle were \$179,370 for home improvements. This included 19 different jobs in Teller and Fremont Counties.

Commissioner Norden asked if the public hearing is only for the past grant funds or if it is to include the new grant money as well.

Erlin Trekell said the hearing serves as notice to the public for both the past grant funds and the new grant funds that became available in June 2014.

Public Comments: None.

Chairman Payne closed the Public Hearing at 10:24 A.M.

Commissioner Payne noted the Public Hearing is for informational purposes only, and no action is required by the Board.

2. Request: CUP 14-001 Mica White Stockpile Area (for CUP 02-006 Mica White Mine). Request approval of a Conditional Use Permit, Department file #CUP 14-001 Mica White Stockpile Area and load-out facility, for offsite stockpiling of mica, silica and granite taken from the Mica White Mine site (CUP 02-006), by Colorado Quarries, Inc. The proposed CUP property will be leased from the Bureau of Land Management (BLM). The property is located on the north side of Fremont County Road #45. The access road is located approximately ½ mile east of the intersection of County Road #45 and County Road #47, in the Howard Area. The access road is approximately 0.6 of a mile in length from CR #345 to the stockpile / load-out area. The existing stockpile and load-out area has been in use for a number of years. The property is located in the Agricultural Forestry Zone District and contains a total of 33.60 acres. The stockpile / load-out area will consist of 4.62 acres. Representative: Bill Tezak, Colorado Quarries, Inc.

Chairman Payne opened the Public Hearing at 10:25 A.M.

Bill Tezak explained the mine site was opened a few years ago and there has been a slope failure. He thought they would need to get a second Conditional Use Permit to extend the mine site. He had approached the BLM about a stock pile below the mine site. This process took approximately three years to complete. The BLM sent him a letter stating it was ok to use the site so they began placing material on the site. He did not pursue a second Conditional Use Permit as he thought it was covered under the agreement with BLM.

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Planning and Zoning Director Giordano discussed the application. He noted the applicant did submit two different CUP requests and did pay a double fee. The notifications, posting, and publications have all been completed. The Planning Commission heard the application on July 1st and did unanimously approve it. He discussed the conditions, contingencies and waiver requests. The Fremont County Department of Transportation requested a \$500 fee per year to cover the cost of gravel and dust suppressant on County Road #45. Mr. Giordano suggests this be listed as Condition #P for the \$500 fee. The applicant has already paid the \$500 fee for this year. As the applicant did use the stockpile area without a CUP in place, a double penalty fee of \$1,750 can be charged should the Board choose to enforce it. The Planning Commission did recommend the penalty fee be waived as the applicant did already pay two application fees, one for each CUP request.

Public Comments: None.

Chairman Payne closed the Public Hearing at 10:35 A.M.

Commissioner Norden moved to approve CUP 14-001 Mica White Stockpile Area with the Planning Commissions recommended conditions #A thru #O, noting the added condition #P for the annual fee of \$500 payable to Fremont County for dust suppressant on County Road #45, striking contingency #1 for documentation as to whether inspections will be required as a regulated dam, waiving the double penalty fee of \$1750 in contingency #12, and waiving the buffering, landscaping, surfacing, and lighting requirements as Resolution #24. Commissioner Bell seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

Chairman Payne adjourned the meeting at 10:36 A.M.

Clerk and Recorder