

**September 10, 2013**

**SEVENTEENTH MEETING**

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on September 10th, 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	Present
Brenda Jackson	County Attorney	Present

Also present: George Sugars, County Manager; Bill Giordano, Planning and Zoning Director and Jody Blauser, Chief Deputy Clerk.

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

The Invocation was given by Pastor Benny Soto of Mountain View Community Church. Commissioner Bell stated that Benny Soto will be leaving for a 12 month deployment overseas. He is a Naval Second Class Petty Officer and will serve as a Chaplains Assistant attached to Marine Unit. She thanked him for his service.

**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 Bell** noted the scheduling of a Public Hearing at 10:00 a.m. on September 24, 2013 regarding an amendment to the Fremont County Ambulance Regulations. A Special Board of County Commissioners meeting is being scheduled for 1:30 p.m. on September 18, 2013 to discuss the 2012 Audit Report and a Second Amendment to the Lease Purchase Agreement.

**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

**County Clerk Barr** gave her report for August 2013. Total collected was \$1,036,846.06 of which the county kept for disbursement \$568,410.03. This is about 55% of the total and is \$140,356.94 more than last year.

**Commissioner Norden** moved to accept the County Clerk's Report for August 2013. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

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**Commissioner Norden** announced the dedication ceremony of the John C. Fremont sculpture will be held at 11:00 a.m. on Saturday September 7<sup>th</sup> at Pathfinder Park. The fly in at the Fremont County Airport will be at 10:00 a.m. on Saturday September 28<sup>th</sup> with a pancake breakfast at 7:00 a.m. Also the brick dedication at the war memorial will be held at 10:00 a.m. on September 28<sup>th</sup>.

**Sheriff Beicker** thanked Benny Soto for his service. Benny serves on the Search and Rescue Team, the Wild Land Fire Team, and as Chaplain for the Sheriff's Department.

2. Citizens Not Scheduled: None.

### **OLD BUSINESS**

None.

### **NEW BUSINESS**

1. Consideration of an Intergovernmental Agreement for establishment of Regional Emergency Communications Authority for Fremont County by and between the City of Canon City, City of Florence, Canon City Area Fire Protection District, Fremont County E-911 Authority, and the County of Fremont.

**County Attorney Jackson** explained this process began about 20 years ago. Due to the new technology that is available the cost to upgrade equipment is considerable. Currently Fremont County has two PSAP stations to answer 911 calls. It makes financial sense to combine these into one service center. This agreement forms another entity called "The Authority" which is comprised of the five participating entities. The Authority will run and staff a Regional Communications Center. The City of Canon City, the City of Florence, the Canon City Fire Protection District, and the E-911 Authority have all approved this agreement. Fremont County is the only entity that has not approved it yet.

**Commissioner Payne** said this agreement has been a long time coming. In the past, turf wars seemed to stop the five entities from progressing. Work began about 18 months ago on this current agreement. Public safety is the top priority here.

**Commissioner Norden** said the APCO study started a year ago. The study was funded by a grant from DOLA and the participating agencies. The regional dispatch center will improve efficiency and communications between all of the agencies. The E-911 Authority has offered some funding for the project. Another grant application will be submitted to DOLA for additional funding. Norden thanked County Attorney Jackson for her assistance throughout this process.

**Commissioner Norden** moved to approve the Intergovernmental Agreement for establishment of the Regional Emergency Communications Authority. Commissioner Payne seconded the motion.

**Sheriff Beicker** thanked the Commissioners and County Attorney Jackson for pursuing this agreement. This will enhance officer safety and public safety. He asked for clarification on where the money will come from to fund the project manager and executive director of the regional dispatch center. Commissioner Norden explained the E-911 Authority committed to pay the upfront cost of the project manager so the project will not be delayed. The Governance Board will hire the executive director.

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**County Attorney Jackson** said there are several other governmental agencies within the county that are not part of this IGA. They would be allowed to become part of the IGA or they could contract for emergency dispatch services.

**Upon Vote:** Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

2. Designation of county representative and alternate to the General Governance Board for the Combined Regional Communications Authority, and a representative and alternate to the CRCA Technical Advisory Committee.

**County Attorney Jackson** said there should not be an alternate to the Technical Advisory Committee.

**Commissioner Norden** said this is called out in the IGA for appointees to the Governance Board for the Dispatch Authority. Norden suggested that Sheriff Beicker be designated and the Undersheriff as the alternate. Sheriff Beicker asked if it could be the Sheriff or his designee. County Attorney Jackson said he could designate someone to attend the meetings, but the vote would need to be from the Sheriff.

**Commissioner Norden** moved to appoint Sheriff Beicker as the county representative to the General Governance Board with the Undersheriff as the alternate, and appoint Sheriff Beicker as the representative to the Technical Advisory Committee for the Combined Regional Communications Authority. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

**Chairman Bell** recessed the meeting at 9:58 A.M.

**Chairman Bell** called the meeting back to order at 10:00 A.M.

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

1. Request: ZC 13-001 Mary's Rezone. Request approval of a Zone Change from the Agricultural Estates to Industrial Zone District, Department file #ZC 13-001 Mary's Zone Change, by Derick Westback, for property owned by the estate of Donald Lockhart. The property is located approximately 700 feet west of the intersection of High Street and Orchard Avenue, on the south side of High Street, in the North canon Area. The proposal is to allow (84 – 12 ft. by 24 ft. and 12 – 16 ft. by 45 ft. spaces) for the storage of RVs and boats which is an accessory use to a mini-storage facility, which is the principle allowed use. The property presently is vacant. The property to be rezoned contains 2.0 acres. Representative: Matt Koch, Cornerstone Land Surveying, Inc.

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

**Matt Koch** said they are requesting a zone change from Agricultural Estates to Industrial Zone District. The property is located next to other industrial properties and is approximately two acres. The site will be used for boat and RV storage. It will be completely fenced.

**Planning and Zoning Director Giordano** said the posting, publication, and notifications have been completed in accordance with the regulations. Property owners were notified within 500 feet of the property.

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Five additional notifications have also been sent to the Sheriff's Department, City of Canon City, Fremont Historical Society, Colorado Parks and Wildlife, and the Department of Transportation. The Planning Commission did recommend approval unanimously with five members present. They were required to make justifications and the findings are optional. They did state justification that there has been a material change in the neighborhood. He discussed the eight contingencies that the Planning Commission recommended and the waiver requests which are:

1. A list of all service districts in which the property is located.
2. Applicant shall provide to the Department, documentation from the Fremont County Weed Coordinator as to the requirement for an acceptable weed control plan, further the applicant shall implement and maintain the plan, if required.
3. Documentation from the City of Canon City as to compliance with their Urban Growth policies, requirements, etc.
4. Documentation showing compliance with any requirements, as per the County Reviewing Engineer's review.
5. If drainage improvements are required then documentation from the design engineer to evidence that construction of the drainage facilities were completed and built to the specifications of the engineer's design shall be provided.
6. If drainage improvements are required then the property owner shall execute a Quit-Claim deed to the County with a deed restriction addressing the maintenance of any required drainage facilities, easements, rights-of-way, related structures and/or facilities. Such deed shall be recorded at the time of recording of the zone change. Fremont County will not accept maintenance of these facilities.
7. Copy of a Fremont County Driveway Access permit issued by the Fremont County Department of Transportation.
8. Copy of detailed utility plan including approval signatures from all appropriate utility companies servicing the site.

**Public Comments:** None.

**Chairman Bell** closed the Public Hearing at 10:07 A.M.

**Commissioner Norden** moved to approve Resolution #36 ZC 13-001 Mary's Rezone with the recommended contingencies, waiving the buffering, lighting and landscaping requirements, waiving the off street parking requirements, and not requiring opaque fencing. Citing justifications: item b; additional land is needed in the proposed zone district, item c; there has been a material change in the neighborhood which justifies the requested zone change. Citing findings; there will not be any effect on existing traffic, there will be no effect on adjacent uses, and the proposed development will be in harmony and compatible with the surrounding land uses and development in the area. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

2. Request: SRU 13-003 Arkansas Valley Ambulance – Texas Creek Ambulance Station (Fire Station). Request approval of a Special Review Use (SRU) Permit, Department file #SRU 13-003 Arkansas Valley Ambulance – Texas Creek Ambulance Station (Fire Station), by Arkansas Valley Ambulance, for property owned by Douglas and Kathy Sarr, to allow an ambulance station for Arkansas Valley Ambulance, which include housing of a full time staff (there will be 2 staff personnel on site 24 hours a day, 365 days a year), housing of ambulance(s) and similar vehicles, meeting/training room and living quarters for on duty personnel.

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The property is located on the south side of U.S. Highway 50, 1.6 miles west of the intersection of U.S. Highway 50 and Colorado State Highway 69, across from Shannon Road, in the Texas Creek Area. The SRU permit property contains 2.59 acres and is zoned Agricultural Suburban. Representative: Matt Koch, Cornerstone Land Surveying, Inc.

**Chairman Bell** opened the Public Hearing at 10:09 A.M.

**Matt Koch** said they are requesting a special review use for an ambulance station in Texas Creek. The site is approximately 2.5 acres. There is a metal building on the site that was permitted, but the modifications on the inside were not permitted. There will be an addition of a garage and an office. Two full time employees will be at the station. He has received verbal approval from CDOT. The change of ownership still needs to be finalized.

**Planning and Zoning Director Giordano** said the posting, publication and notifications have been completed in accordance with the regulations. He discussed the conditions and contingencies that were recommended by the Planning Commission. The Planning Commission also waived the buffering and landscaping, surfacing and lighting requirements. The Planning Commission unanimously approved the SRU request with four members voting, and Chairman Alsop abstaining. The recommended Contingencies are:

1. A copy of a recorded deed from the current owner Douglas and Kathy Sarr to Arkansas Valley Ambulance or a lease or agreement between Arkansas Valley Ambulance and the Sarr's for use of the property. Note: If a lease is provided it will be a condition of the permit to provide a copy of the renewed lease at least 30 days prior to its expiration.
2. Documentation as to compliance with the Fremont County Environmental Health Officer as per memo dated July 2, 2013.
3. Documentation as to compliance with the Fremont County Building Department's requirements as per memo dated July 1, 2013.
4. Documentation as to compliance with the requirements of the Fremont county Reviewing Engineer as per his letter dated July 3, 2013.
5. Documentation from the design engineer to evidence that construction of the drainage facilities were completed and built to the specifications of the engineer's design.
6. Property owner shall execute a Quit-Claim deed to the County with a deed restriction addressing the maintenance of any required drainage facilities, easements, rights-of-way, related structures and/or facilities. Such deed shall be recorded at the time of recording of the use permit. Fremont County will not accept maintenance of these facilities.
7. Documentation as to compliance with any requirements from the Colorado Division of Water Resources.
8. A Colorado Department of Transportation Access permit is required for the specified use.

**Public Comments:**

**Mark Rowland** lives on Highway 50 in Cotopaxi. He is within 500 feet of the proposed site and will be adversely affected by the ambulance statement. He is representing several neighbors that were afraid to speak out. They are concerned with disturbance to the neighborhood with increased traffic and noise. Another concern is wildfire risk due to the overgrown weeds and lack of maintenance on the property. The history of AVA and the open investigations against this group are also of concern.

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**Barbara Sarkis** lives in Cotopaxi and supports the ambulance station. She said there is a lot of support for AVA in her area. They have newly certified intermediate EMT's on staff and have state of the art equipment. This private organization is funded by donations and is still able to pay their staff.

**Becky Girdler** lives in Cotopaxi on the Deer Mountain side. She said the citizens need a professional, friendly ambulance service close to where they live. She knows AVA will be there when they are called on. She is in favor of the ambulance station.

**Elaine Foster** explained the ambulances average less than one call per day. They do not always have to run with their sirens on until they reach the highway. The noise impact would be minimal as there are no immediate neighbors. Without this central location it would be hard to have 24 hour service. She requests the SRU permit be approved and they will comply with the conditions.

**Chip Foster** has been involved with both organizations, Deer Mountain and AVA. A full time ambulance service with paid employees is needed in Western Fremont County. AVA has been able to move forward and comply with all the state has asked them to do. If the ambulances are centrally located they will be able to have a better response time. His understanding of the zoning regulations are that it already allows for emergency vehicles.

**Commissioner Bell** had received a letter from the Stewarts asking for clarification of why the SRU request also has fire station on it. Matt Koch explained the zoning code has allowed uses a fire station is an allowed use, there is a use for an ambulance station. Bill Giordano said Matt's explanation is correct; it is a similar use as a fire station. The applicant is tied to what the SRU request states; they would not be allowed just to add a fire station. They would go through a major modification process to change the use.

**Matt Koch** said typically fire and ambulance stations are located within residential areas. Also once the facility is staffed, maintenance will improve. There have only been 89 calls for service so far this year, which amounts to a service call about every two days. Commissioner Payne asked what happens if AVA goes away. Matt said if it is sold, a transfer could be done. If the business stops then a new business would have to apply for its own SRU permit. Bill Giordano said the zoning is not changing; it would be able to transfer to another ambulance service only.

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

**Commissioner Norden** moved to approve SRU 13-003 Arkansas Valley Ambulance Station, Texas Creek with the all recommended conditions and contingencies; waiving buffering, landscaping, surfacing, lighting and parking as Resolution #37. 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 10:40 A.M.