

October 14, 2014

### NINETEENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on October 14th, 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 Joe Garkovich, First Christian Church.

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 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 / September 23, 2014
2. Approval of Minutes / Special BOCC Meeting / September 29, 2014
3. Approval of Bills / October 14, 2014 / \$1,211,817.92
4. Ratify approval of signed agreement with H.W. Houston Construction Company
5. Schedule Public Hearings for November 10<sup>th</sup> at 10:00 a.m.:
  - a. Proposed 2015 Fremont County Budget
  - b. Request: ZC 14-002 Gifford Zone Change  
Request approval of a Zone Change (ZC #1 application as per the Fremont County Zoning Resolution) from the Manufactured Home Park Zone District to the Agricultural Suburban Zone District, Department file #ZC 14-002 Gifford Zone Change, by Fred & Jane Gifford, for their property which is located on the east side of MacKenzie Avenue, 800 feet south of Grandview Avenue, in the Fourmile Area. The proposal is to allow a hay field pasture for livestock and to sell hay. The existing zone district does not allow agricultural uses. The property is presently used as a hay field pasture for livestock and contains 5.18 acres.
  - c. Request: Amendment to Fremont County Zoning Resolution  
Request approval of a proposed amendment to the Fremont County Zoning Resolution to create a new zone district. The purpose of the airport Overlay Zone District is to protect the viability of the Fremont County Airport as a significant resource to the community by encouraging compatible land uses, densities, and reducing hazards that may endanger the lives and property of the public and aviation users.

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**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

##### a. County Clerk's Monthly Report, Katie Barr, County Clerk and Recorder

**County Clerk Barr** presented her report for September 2014. The total collected in September was \$561,739.67. This is \$146,154.77 more than September 2013. Even without the Sheriff's Tax increase, it is still \$88,181.19 more than last year.

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

**Commissioner Bell** congratulated the Fremont Heritage Commission on a very successful Heritage Fall Festival.

**Commissioner Norden** noted the Board of Commissioners will hold a Special Public Hearing for all applications received for Medical Marijuana Facilities.

#### 2. Citizens Not Scheduled: None.

### OLD BUSINESS

None.

### NEW BUSINESS

#### 1. Re-vegetation of Royal Gorge Bridge and Park. Representative: Bob Hartzman, Canon City Water Superintendent

**Bob Hartzman** gave a presentation for the Royal Gorge Wildfire Water Quality Impact and Protection Project. The fire last year destroyed 48 buildings and over 1300 acres of land. The cost was nearly \$1,000,000 for the site stabilization and cleanup of debris. Construction of check structures were installed in 10 sub-drainages leading into the Royal Gorge which cost \$25,461. The burn scar was re-seeded with over 28,000 pounds of seed at a cost of \$131,944. The hydro-axing process turned burnt trees into mulch on 1369 acres at a cost of \$491,940. Volunteers helped with planting the 5096 seedling trees at a cost of \$10,855. This project was possible by funding from the CWCB Grant Program. Numerous agencies aided in the project as did volunteers.

#### 2. In consideration of rescheduling the Tuesday November 11, 2014 Board of County Commissioners Meeting to Monday, November 10, 2014 at 9:30 a.m. due to observance of Veterans Day on Tuesday November 11, 2014.

**Commissioner Norden** moved to reschedule the Board of County Commissioners Meeting from Tuesday, November 11, 2014 to Monday, November 10, 2014 at 9:30 a.m. Commissioner Bell seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

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3. In consideration of scheduling a Board of County Commissioners Special Meeting, November 3, 2014 at 1:30 p.m. for consideration of bid award for the 911 Call Center renovations on the 4<sup>th</sup> floor of the Judicial Building.

**Commissioner Norden** moved to approve the Board of County Commissioners Special Meeting on Monday November 3, 2014 at 1:30 p.m. Commissioner Bell seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

4. In consideration of the re-appointment of Larry Baker to the Fremont County Planning Commission with a three year term beginning November 11, 2014 and ending November 11, 2017.

**Commissioner Bell** explained that Larry Baker is currently serving on the Planning Commission as the representative from Florence. The Florence City Manager submitted a letter on behalf of Florence Mayor Keith Ore recommending Mr. Baker be re-appointed.

**Commissioner Bell** moved to re-appoint Larry Baker to the Fremont County Planning Commission for a three year term beginning November 11, 2014 and ending on November 11, 2017. Commissioner Norden seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Norden, aye; Commissioner Payne, aye. The motion carried.

5. Liquor Licenses:

- a. Penrose Family Enterprise  
DBA/Broadways Bar & Grill  
103 Broadway Suites 11 & 12  
Penrose, CO 81240  
Hotel & Restaurant License  
Request for 45 day waiver for timely filing of renewal  
Representative: Michelle Phillips

**County Attorney Jackson** explained the applicant did not receive a renewal from the state. As the applicant submitted the renewal late, it requires a waiver of the 45 day timely filing by the Board.

**Michelle Phillips** said everything on the site is the same, and there are no changes on the renewal application. She stated she did not receive the renewal form from the state.

**Commissioner Norden** moved to waive the 45 day timely filing requirement for the liquor license renewal of Broadways Bar & Grill. Commissioner Bell seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

- b. Fremont Community Foundation  
Canon City Recreation District Halloween "Aftermath" Event  
1200 Ash Street  
Canon City, CO 81212  
Special Event Liquor Permit  
Date: October 24, 2014 from noon to midnight  
Representative: Dan Brown, Fremont Community Foundation and Kyle Horne, Recreation District

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**Dan Brown** explained the event is the same as last year. It will be held at the same location on the Recreation District's property on Ash Street. The serving area is fenced. The event does not begin until 7:00 p.m. They will be selling canned beer. There is a band, bon-fire and haunted house. The event staff has been trained in liquor regulations and procedures.

**Commissioner Bell** moved to approve the Special Event Liquor Permit on October 24, 2014 from noon until midnight for the Fremont Community Foundation. Commissioner Norden seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Norden, aye, Commissioner Payne, aye. The motion carried.

- c. Royal Gorge CO of Colorado & Service System Associates Inc.  
DBA / Royal Gorge CO of Colorado  
4218 County Road 3A  
Canon City, CO 81212  
Hotel & Restaurant License with Optional Premise  
Transfer from Royal Gorge CO of Colorado to:  
Royal Gorge CO of Colorado & Service System Associates Inc.  
As a Joint Liquor License  
Representative: Todd Langfield

**Chief Deputy Blausen** said this is a transfer from the Royal Gorge to Service System Associates and the Royal Gorge as a joint license. All of the paperwork has been submitted for the transfer application. The Royal Gorge is the current license holder and they are currently operating under a temporary permit until the transfer process is completed.

**Todd Langfield** explained that the Royal Gorge has hired Service Systems to operate food, alcohol, and retail sales. They operate as a team with the Royal Gorge staff.

**Commissioner Norden** asked what would happen to the liquor license should they decide not to operate with the Royal Gorge at some point in the future.

**Todd Langfield** answered that the license would revert back to the Royal Gorge.

**Chief Deputy Blausen** stated the two companies have an operating agreement in place as well.

**Commissioner Norden** asked how the serving area will be different from what they were allowed prior to the fire.

**Todd Langfield** said the Visitors Center is the only building open right now. Another restaurant is being constructed on the south side of the bridge. The alcohol will only be served in the approved areas and will be properly controlled.

**Chief Deputy Blausen** said they are licensed with three optional premises that cover both areas on either side of the bridge. The bridge itself is not included in the serving area.

**Commissioner Norden** moved to approve the Hotel & Restaurant License with Optional Premise transfer from the Royal Gorge CO of Colorado to the Royal Gorge CO of Colorado and Service System Associates Inc. Commissioner Bell seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

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6. Consideration of a Resolution in Opposition of Amendment 68

**Commissioner Norden** explained the language of this Resolution is based off of a similar Resolution that was read at a legislative summit a few weeks ago. Commissioner Norden read the Resolution into the record.

**Commissioner Norden** moved to approve Resolution #31 a Resolution in Opposition to Amendment 68 to the Colorado Constitution. Commissioner Bell seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried. Resolution #31 is attached.

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

None.

**Chairman Payne** adjourned the meeting at 10:20 A.M.

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Clerk and Recorder

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RESOLUTION NO. 31, SERIES 2014

A RESOLUTION IN OPPOSITION TO AMENDMENT 68 TO THE COLORADO CONSTITUTION

WHEREAS, The State of Colorado, in a General Election in 1990 approved an amendment to the State Constitution allowing, under strict oversight and control, limited state gaming for the three historic mining towns of Black Hawk, Central City, and Cripple Creek, and subsequently required individual votes of the electors in those towns for implementation of gaming in their jurisdictions, and

WHEREAS, The voters of Colorado have repeatedly rejected a total of seven attempts to expand gaming to other areas of Colorado, and

WHEREAS, Amendment 68 to the Colorado Constitution is being proposed on the November, 2014, general election ballot by out-of-state operators to establish casino gambling at horse racetracks in Arapahoe, Mesa, and Pueblo Counties and is specifically worded to provide for exclusive permission for only one facility in each of the three counties, instantly creating a regional gambling monopoly for the operators promoting passage of the amendment, and

WHEREAS, Amendment 68 does not guarantee a revenue stream to help local governments in the impacted communities or finance any additional costs that might arise from the proven fiscal and social impacts of hosting casinos, and

WHEREAS, the 1990 gaming amendment reserved final voter approval to the three historic mining towns but Amendment 68 will not provide for any local elections and self-governance to permit establishment of casinos in their communities, and

WHEREAS, casinos permitted under Amendment 68 will have an immediate and long lasting negative economic impact upon Fremont County's neighbors in Cripple Creek and Teller County along with potential negative impacts to Fremont County due to the loss of Teller County casino traffic,

THEREFORE BE IT RESOLVED, that the Board of Commissioners of Fremont County resolves to OPPOSE the passage of Amendment 68 and urges the voters of Fremont County to consider the negative impacts of the amendment to Colorado and Fremont County in casting their vote.

Commissioner Norden moved adoption of the foregoing Resolution, seconded by Commissioner Bell and approved by roll call vote as follows:

Debbie Bell	<input checked="" type="radio"/> Aye	Nay	Abstain	Absent
Edward H. Norden	<input checked="" type="radio"/> Aye	Nay	Abstain	Absent
Timothy R. Payne	<input checked="" type="radio"/> Aye	Nay	Abstain	Absent

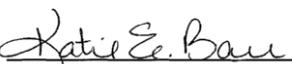
Date: October 14, 2014

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**BOARD OF COUNTY COMMISSIONERS  
OF FREMONT COUNTY**

**ATTEST:**

By:   
Chairman

By:   
Clerk to the Board