

**TWENTY-FOURTH MEETING**

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on October 26, 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	Present
Norma Hatfield	Clerk and Recorder	Present

Also present Finance Director, Dana Angel; Bill Giordano, Planning and Zoning Director and Sharon Kendall, Deputy Clerk.

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

**AGENDA**

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

**CONSENT AGENDA**

**Commissioner McNew** made the motion to approve the Consent Agent:

1. Approval of Minutes October 12 and October 14, 2004
2. Approval of Bills, October 26, 2004/**\$976,625.31**

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

**ADMINISTRATIVE/INFORMATIONAL**

1. Staff/Elected Officials

**Norma Hatfield, Fremont County Clerk & Recorder**, reported that they had 2,717 early voters and they had sent out over 5,000 absentee ballots and almost 3,000 have been returned. She stated that they had removed about 200 duplicate names from the registration list. Information cards were mailed out two weeks ago to all active voters. On election night, the web page will be updated as the results come in from the precincts.

**Virginia Woltemath, Fremont County Treasurer & Public Trustee**, submitted the Quarterly report of the Public Trustee for the period of July 1 through September 30, 2004. She stated that they did 1,041 releases and had commenced 53 foreclosures. The ending balance as of September 30, 2004 was \$73,305.18.

**Commissioner Lasha** stated that there would be a ground breaking at the Florence High School site on Friday at 10:00 A.M. He reported he had attended a FAA grant hearing in Denver last week and were awarded their request for ramp expansion.

2. Citizens Not Scheduled: None

**OLD BUSINESS:**

**RESOLUTION #127/REQUEST: ZC 04-007 FREMONT PAVING & REDI-MIX INC.**

**Commissioner Lasha** stated that this item was approved at the October 12 meeting and the consideration of findings was the only issue to take care of.

**Bill Giordano, Planning & Zoning Director**, stated that at the meeting on October 12, the Commissioners found that there was a material change in the neighborhood which justifies the request for the zone change and that the zoning was not properly zoned when existing zoning was imposed. There was also a finding that there was a public need and there would be a County or neighborhood benefit. He stated that maybe they could add another one on the traffic impact since that has been in existence for a long time and would probably not be any additional impact on traffic. On the justification, there could be another one that additional land for the zone district is as they discussed.

**Commissioner McNew** made the motion to include the findings that were found at the last meeting with the addition that there is additional land needed in the industrial zone and no additional impact on the traffic. 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 #127**.

**NEW BUSINESS:**

**RECOGNITION/MARSHALL BUTLER/20 YEARS OF SERVICE**

**Commissioner Lasha** read a letter of appreciation for Marshall Butler and he was presented with a Certificate of Recognition.

**EMPLOYEE RECOGNITION/RENE TATE**

**Matt Elliason, Fremont County Information Technician**, stated they wanted to recognize Rene Tate for designing and maintaining the web site for Fremont County. He stated that Rene was an outstanding individual and a huge asset for all of the departments. Rene began the design in April and it was completed in July. Rene is currently a senior at Canon City High School and works on the web site in the afternoons. Rene was presented with a Fremont County globe and Certificate of Recognition.

**SUGARBUSH GENERAL STORE/3.2 PERCENT BEER RETAIL LICENSE RENEWAL**

**Sharon Kendall, Deputy Clerk**, stated that this was a late filing and if approved, would require a waiver of the 45-day requirement by the Board. **Commissioner McNew** made the motion to approve the renewal for Sugarbush General Store and waive the 45-day requirement. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner McNew, aye; Commissioner Lasha, aye; Commissioner Schauer, aye. The motion carried.

**INTERGOVERNMENTAL AGREEMENT FOR JOINT DEVELOPMENT AND USE OF PROPERTY.**

**Commissioner Lasha** stated that this was an Intergovernmental Agreement with the City of Florence RE-2 School District and Fremont County. The School District has volunteered to work with the County in putting a million gallon water tank near the airport site, which would help with the volume and fire protection needs at the airport.

**Brenda Jackson, County Attorney**, stated that in Section 8.1 the rate of reimbursement is still blank and she recommended if the Board approved it, it would be contingent upon getting that reimbursement rate completed.

**Commissioner Lasha** made the motion to approve the Intergovernmental Agreement with the City of Florence and RE-2 contingent upon the completion of Section 8.1 of the Agreement, which is the reimbursement rate. The motion was seconded by Commissioner

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

**RESOLUTIONS #128, 129 & 130/ASSESSOR'S OFFICE: PETITION FOR ABATEMENT OR REFUND OF TAXES**

**Suzie Veatch, Assessor's Office**, submitted two State exempted properties and stated that the exemption for the abatements was the reason the State has granted their exemption for Coaldale Community Building and Canon City Lodge. She stated she had another one for personal property for Fremont Lanes. The leasing company has decided to pay for the personal property taxes so it is a trade from one account to the other.

**Commissioner McNew** made the motion to approve **Resolutions #128, 129 and 130** Petitions for Abatement or Refund of Taxes:

**RESOLUTION #128/FREMONT LANES SCHEDULE #532OOP/\$1615.57**  
**RESOLUTION #129/COALDALE COMMUNITY BUILDING ASSOC. SCHEDULE # 995-04-642/\$1,511.70**  
**RESOLUTION #130/CANON CITY LODGE #7 IOOF SCHEDULE #110-04-110/\$2,363.55**

The motion was seconded by Commissioner Lasha. Upon vote: Commissioner McNew, aye; Commissioner Lasha, aye; Commissioner Schauer, aye. The motion carried and carried with it the adoption of **Resolutions #128, 129 and 130**.

**REQUEST: MS 03-005 RODENBECK SUBDIVISION**

**Bill Giordano** stated they had a letter requesting an extension and that he suggested this request be extended for six months. He stated he saw no reason it should not be extended.

**Commissioner McNew** made the motion to approve the six-month extension for MS 03-005 Rodenbeck Subdivision. The motion was seconded by Commissioner Schauer. Upon vote: Commissioner McNew, aye; Commissioner Schauer, aye; Commissioner Lasha, aye. The motion carried.

**REQUEST: LLA 03-002 GLENMOOR ESTATES FILING NO. 6,A LOT LINE ADJUSTMENT APPLICATION**

**Bill Giordano** stated this had expired two or three times and they are asking for a waiver of the \$300 fee for a new application and treat it as a \$100 re-review fee.

**Commissioner Lasha** made the motion to approve the request for a waiver of the fee from \$300 to \$100. The motion was seconded by Commissioner McNew. Upon vote: Commissioner Lasha, aye; Commissioner McNew, aye; Commissioner Schauer, aye. The motion carried.

**SIERRA STEEL/CHANGE ORDER #4 – PLUS \$8,497.00**

**Dana Angel, Fremont County Finance Director**, stated that this was the final change order with Sierra Steel. There was some additional work required that was not outlined in the contract. He stated he recommended the change order in the amount of \$8,497. He stated this was still within the budget. **Commissioner McNew** made the motion to approve Change Order #4 for Sierra Steel in the amount of \$8,497. The motion was seconded by Commissioner Schauer. Upon vote: Commissioner McNew, aye; Commissioner Schauer, aye; Commissioner Lasha, aye. The motion carried.

**RE-APPOINT BRIAN P. RUPP TO THE FREMONT COUNTY BOARD OF APPEALS**

**Commissioner McNew** made the motion to re-appoint Brian P. Rupp to the Fremont County Board of Appeals. The motion was seconded by Commissioner Schauer. Upon vote: Commissioner McNew, aye; Commissioner Schauer, aye; Commissioner Lasha, aye. The motion carried.

**PUBLIC HEARING  
CANON CITY FIRE DISTRICT/IMPACT FEES  
OCTOBER 26, 2004 10:00 A.M.**

**Dave Boden, Chief, Canon City Fire District**, stated he was here to request impact fees. He stated that with the projected growth area, they need to augment the fire fighting resources in order to provide adequate fire protection. The impact fee would help to acquire what the District sees as sufficient facilities and equipment to meet those goals. The impact fee would be a one-time charge for new development that would be collected at the time of application for a building permit. New development is assessed by appropriate shares of capital requirements. Impact fees are comprised of the following characteristics: It can be used only to finance capital expenditures, not fund on-going operations and maintenance costs. The fee must be deposited in a separate account. The fee cannot be imposed to address existing services and deficiencies. An accurate projection of capital improvement costs must be made prior to formation of the impact analysis. The bulk of the fees would be designated to the building in Station 3 and to accommodate the area of the district seeing the most growth.

**Commissioner Lasha** asked for anyone wishing to speak for or against to come forward.

**Paul Kendall, Canon City Resident**, submitted a list of concerns and questions regarding impact fees. He stated that impact fees may become more and more important if we continue to monitor growth.

**Dave Boden** stated that there was a public forum held at City Hall and was on Channel 19 and was run three or four times.

**Commissioner Lasha** closed the Public Hearing and returned to the Regular Meeting.

**Brenda Jackson, Fremont County Attorney**, stated that she also represents the Fire District. She stated she believed that there was legal authority that authorizes the County to do this, but requires a little modification from the original plan. Impact fees have to be adopted by legislative action which requires adoption of an Ordinance rather than a Resolution. An Ordinance, on the County level, requires one reading prior to adoption and before the first reading can occur, there must be a publication at least ten days in advance of the date set for the first reading. She stated she had drafted an Ordinance for review by the Fire District, the Board and the City to make whatever changes. The entire text needs to be published at least once ten days prior to the meeting. The soonest the first reading could be held would be at the November 23<sup>rd</sup> meeting and could be adopted on that day with or without any changes that are recommended by the other entities. An Ordinance cannot take effect for 30 days after the final publication. Final publication comes after adoption by the Board and can be done within a day or two after adoption. The earliest effective date would be January 1 of next year to get the Ordinance property published, adopted and placed into effect. Initially the County was going to have the impact fees paid directly to the Fire District and the applicant for a building permit would need to bring certification that the fees were paid. She stated she thought the safer and more prudent route is for the County to set up the trust fund for the impact fees to be paid into. Impact fees must be separated from all other funds, they must be spent within a certain amount of time after payment of the fees and the Ordinance provides for a six-year window for use of those fees. There is some monitoring of that trust fund that needs to take place. Since the County is adopting the impact fees, the County should properly be the entity to monitor that fund. The County would need to enter into an intergovernmental agreement with the Fire District that provides for the method of payment of the funds from the County to the Fire District and needs to be done at least once per year. The funds cannot be used for purchase of land. The Fire District is free to take contributions of land and then give credit against the impact fees. There would be an administrative fee for the collection which is set at 3% but is negotiable. There is a provision in the statute that

allows the Fire District and the County to waive impact fees to encourage development of low or moderate income housing. That is in the Ordinance as an option but not a mandatory waiver for the impact fees. If a building is altered or modified and a building permit is obtained for remodeling and there is no additional living units created, no impact fee would be charged. If a building is replaced, no impact fee would be charged. The impact fees apply to commercial development as well. All commercial development would be charged an impact fee based on a basic living unit of 2000 square feet. The total square footage is divided by the 2000 unit and multiplied by the \$304 impact fee. For hotels and motels, the same formula would apply but is multiplied by 2.5 because the nature of hotels and motels have a much bigger impact on a fire district.

**Commissioner Lasha** made a motion to approve the concept of this Ordinance and move forward with what needs to be done from a legal standpoint and the publications and set for first reading. The motion was seconded by Commissioner Schauer. Upon vote: Commissioner Lasha, aye; Commissioner Schauer, aye; Commissioner McNew, aye. The motion carried.

**Commissioner Lasha** closed the Public Hearing and returned to the Regular Meeting.

#### **NEW BUSINESS (CONTINUED)**

##### **REQUEST: MS 04-005 STONER SUBDIVISION**

**Matt Koch, Cornerstone Land Surveying**, stated they were requesting a two-lot subdivision located on Chestnut. There is an existing house, two garages and an agricultural building. All the buildings will remain on Lot 1 and Lot 2 would be vacant. They are waiting for CDOT approval for the access.

**Bill Giordano** stated that at the Planning Commission meeting on October 5<sup>th</sup>, they recommended approval with ten contingency items. The applicant has requested a waiver to relocate the outbuildings. If they try to relocate these buildings, they would probably ruin the integrity of them. Mr. Giordano stated that if the Board grants the waiver, a statement be put on the plat that they would have to comply if they ever relocated or tear them down, they would have to bring them into compliance with future regulations.

**Commissioner Lasha** made the motion to approve MS 04-005 Stoner Subdivision with a condition with a statement on the plat that if the outbuildings (the ones built without the building permit or before 1950) are replaced, they will be in compliance with regulations of the County; and the additional ten 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. 778942.
4. Compliance with any drainage requirements as per reviewing engineer.

5. Documentation that existing access is adequate or a Colorado Department of Transportation Permit shall be provided for both lots.
6. A quitclaim deed to the County for a thirty-(35) foot right-of-way, from the centerline of Chestnut Street, along the entire property frontage.
7. Statement on the plat that if the buildings (ones built without a building permit or before 1950) are replaced, they will be in compliance with County regulations.
8. Information adequate to enable the Department to compute addresses for proposed lots as per the Fremont County Subdivision Regulations (FCSR) Section XII.,I.,1..
9. Closure sheets for each lot and the subdivision boundary.
10. The plat subtitle shall contain an appropriate reference to the property being a portion of certain lot(s) and block(s) of the Lucas Subdivision.

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

**Commissioner Lasha** adjourned the meeting at 10:23 A.M.

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County Clerk