

TWENTY-FOURTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on November 8, 2005, 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
Edward H. Norden	Commissioner	Present
Michael J. Stiehl	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.

Commissioner Lasha asked for a Moment of Silence for the men and women in the Armed Services. He stated that this is Veterans' weekend, and there certainly is a price for freedom.

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

APPROVAL OF AGENDA

Commissioner Stiehl moved to approve the Agenda. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Lasha, aye. The motion carried.

CONSENT AGENDA

Commissioner Norden asked to take special note of Item 4. in which they will be scheduling Public Hearings on the 2006 Fremont County budget. There will be two hearings, one to be conducted at the regular board meeting at 10:00 A.M. on November 22nd. As an opportunity for citizens who work during the day, there will be another hearing that same day at 6:00 P.M. The Board of Commissioners have been spending a lot of hours with Finance Director, Dana Angel. This is a difficult process, especially for the two rookie commissioners and their first budget go around, and they appreciate Dana's patience. They encourage public participation at those public hearings on the budget. **Commissioner Norden** moved to approve the Consent Agenda:

1. Approval of Minutes October 25, 2005
2. Approval of Bills November 8, 2005/\$1,188,288.31
3. LIQUOR LICENSE
Boyd's Broken Spoke, LLC
James Boyd Canterbury
13760 Highway 115 Penrose CO
Hotel & Restaurant w/optional premises
Transfer of Ownership
4. SCHEDULE PUBLIC HEARINGS NOVEMBER 22, 2005 10:00 A.M. & 6:00 P.M. –
Budget Hearings Fremont County 2006

The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried.

ADMINISTRATIVE/INFORMATIONAL

1. Staff/Elected Officials

Norma Hatfield, Fremont County Clerk & Recorder, submitted the Clerk's Report for the month of October. She reported that they had an increase of \$14,643.98 over a year ago in revenues earned in the Clerk's Office for the month of October. They saw a decrease of \$2,072.25 in sales tax. Overall monies which went to the County for division among the entities was \$387,179, which was an increase of \$15,420.24 over a year ago. They did have an increase of 9% internal revenues earned through October of \$449,737.54. **Commissioner Norden** moved to approve the Clerk's Report for the month of October 2005. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried.

Norma Hatfield stated that her staff did a tremendous job with the election. They had 62% turnout with the mail ballot election. They had 12,654 who voted, and they sent out 21,239 ballots. The number of ballots returned as undeliverable was 2,039. They still have provisional ballots to count next Tuesday, and she thought there were only 12. They will be doing a lot of testing next week.

Mrs. Hatfield stated that three years ago they were informed that they would have to put handicap voting machines in each one of the polling places. They have 33 precincts, but they have combined some so that they have 26 polling places. The cost for voting machines are \$12,000 each, which would be over \$300,000 for Fremont County. They may be able to combine some precincts to come up with a little smaller area. She stated she would be going to Denver on Wednesday to a legislative meeting. She has talked to several clerks across the State, and will propose to have a mail ballot election during a general election. They can have mail ballot elections during coordinated and off-year elections, but not general elections. A mail ballot election is a lot less expensive, and she cut \$23,000 from a general election to just under \$4,000 for payment of election judges this year. At the meeting Wednesday, she stated she would put forth her proposal for a bill on the ballot this coming year to permit them to do a mail ballot election for the general election. In addition to the costs for the handicap voting machines, Sequoia has emailed that they will only accept orders for no less than 40 machines, and Fremont County only needs 26.

Virginia Woltemath, Fremont County Treasurer and Public Trustee, stated this was the Quarterly Report of the Public Trustee for the period of July 1 through September 30, 2005. They did 835 Release Deeds of Trust and 60 foreclosures were commenced during this period. The beginning balance as of July 1, 2005 was \$41,735.74 and the ending balance as of September 30, 2005 was \$61,276.42. **Commissioner Stiehl** moved to approve the Quarterly Report of the Public Trustee. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Lasha, aye. The motion carried.

Mrs. Woltemath added that a week from Thursday, the Treasurer's Office will be holding the annual Fremont County tax lien sale. It will be held in the Administration Building starting at 9:00, and has employed Dale Ely as the auctioneer.

Commissioner Norden stated that they had scheduled another town hall meeting November 16th at 6:30 P.M. at the Cotopaxi School cafeteria. He thanked the RE-3 School District for accommodating their request to use their facilities. They will be talking about County finance and budget issues. Mr. Leshner, the Chairman of the 911 Authority Board will be there to answer some questions for Coaldale and Cotopaxi residents on how their 911 addresses are established.

The Recreation District did secure a \$75,000 supplemental grant from Colorado Department of Local Affairs to help finance the construction of the Highway 115 access into Pathfinder Park. This is a supplemental grant in addition to the \$300,000 original grant they received this year. The two bids the Recreation District opened came in excess of the \$208,000 budget.

Commissioner Norden announced that the Administration Building would be closed this Friday for Veterans' Day. He stated they certainly wanted to salute all of the Veterans on November 11th. All of the older veterans still look at November 11th as Armistice Day.

2. Citizens Not Scheduled May Address the Board. There were none.

NEW BUSINESS

BRUCE REDUS SCED (SOUTHERN COLORADO ECONOMIC DEVELOPMENT) UPDATE

Bruce Redus stated they were able to get some exposure at the National Business Aviation Association by sending Airport Manager, Dick Baker, to that event in Orlando. He will be working closely with CDOT Aeronautical as well as the Office of Economic Development. They are looking to put a program together at the FEDC meeting in December to give an update on the Airport and the activities there. There have been some preliminary discussions on the Royal Gorge Ranch development. He stated he had been asked to review some information on the fiscal impact statement. He stated that they do have an opportunity for capital investment over a long period of time for Fremont County. This project will be a \$500 million project. The infrastructure development, the water treatment and the waste water treatment with those facilities, also will create some additional primary jobs. This will also help to sustain the construction trades through out a long period of time. He stated they have about 100 citizens who work in the Cripple Creek area. With the development of Royal Gorge Ranch, they have an opportunity for some of those folks if they want to continue to work out of county, or come back home. A powder coating company that is on 115 in the County has been doing some work with CDOT on water recycling with their filtration equipment. They have been able to secure them some additional funding so they can expand their operation. The Cornell facility will be doing a community open house on November 17th from 5:00 to 7:00 P.M. With the SCED, they did have a District meeting this past month. They have two loans out of four that are open that will probably close before the end of the year. They have seen some increases in their referrals over last year, particularly in the area of the real estate brokers and developers.

REAPPOINTMENTS OF DEAN BAIRD AND DAVE THOMPSON TO THE FREMONT COUNTY AIRPORT/INDUSTRIAL PARK ADVISORY BOARD.

Commissioner Lasha stated that they had letters on file stating their desire to continue as Board members.

Commissioner Stiehl stated that both had served tirelessly. The Board is a very effective one, and they rely on them a lot for their input and recommendations. **Commissioner Stiehl** moved to reappoint Dean Baird and Dave Thompson to the Fremont County Airport/Industrial Park Advisory Board. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Stiehl, aye; Commissioner Lasha, aye; Commissioner Norden, aye. The motion carried.

PUBLIC HEARING

**REQUEST: ZC 05-002 RUDDER ZONE CHANGE
NOVEMBER 8, 2005 10:00 A.M.**

Commissioner Lasha stated that Mr. Rudder had withdrawn this request.

PUBLIC HEARING

**REQUEST: CUP 05-002 COOPER PIT
NOVEMBER 8, 2005 10:00 A.M.
RESOLUTION #66**

George Hall, Crown Point Land Services, stated that Shane Cooper was present. This property is actually on BLM property, and is an existing mine pit area which the County

operated for several years. There is a permit that is still in the County's name with the Mine Land Reclamation Board. Part of the plan is to expand this area, modify it slightly and change over that Mine Land Reclamation permit from the County into the new operator. This property is totally screened on the south by a hillside with trees on top; on the west, lots of trees; to the north is good tree cover, and to the east there is a hill with tree cover. The proposed mine area is totally on BLM parcel of land, as well as the access road.

Bill Giordano, Planning & Zoning Director, stated that the posting, publication and notifications, and additional notifications have been done. At the Planning Commission meeting on October 4th, they approved this request with Conditions A through N, 7 Contingencies and waiver of surfacing, lighting and landscaping.

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

Leota Rinehart, Cotopaxi Resident, stated she was requesting that the Board deny the permit. She and her husband live to the east of the proposed extension. She stated she was told that the pit was no longer feasible, it did not have enough gravel. She asked why the County felt it was necessary to move to the new pit? She stated concerns about their property value going down, increase in traffic, and operations until 8:00 P.M.

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

George Hall stated that his client has done some testing and believes there is enough material to make it feasible. This material will be primarily used for private roads and driveways.

Commissioner Stiehl stated that according to Mr. Stone, the gravel that comes out of the pit needs to have binder added to make it suitable for County Road application. The County would do the mixing as appropriate and distribute, and have 600 ton available. He stated this would be for the life of the pit. As far as the dust, the neighbors can call the Department of Health in Denver, and they will come and monitor. He stated he wanted to state as a contingency that dust on the site will be controlled by reasonable measures. He stated they also needed to address the noise and noise suppression or abatement may be required in the future if necessary.

Commissioner Stiehl moved the approve Request CUP 05-002 Cooper Pit with Recommended Conditions A through N, and adding that 600 ton of gravel be made available, in the years that the pit is operational, to the County as well as appropriate binder to mix to County road specifications, which is estimated to be 3 to 1 gravel to binder(O). Condition P: Dust on the site be controlled by reasonable measures. Condition Q: Noise suppression or abatement may be required in the future if necessary. **Commissioner Norden** stated that if he would consider, he would propose that G be Hours of operation will be limited to daylight hours between Sunrise and Sunset, no later than 6:00 P.M. Under I where it says the number of truckloads shall not exceed 624 per year. In the application it said that will not exceed 25 per week. He stated he wanted to add that maximum of 25 per week and to restate their application not to exceed maximum of 25 per week. Also include the 7 Contingencies and waiving the requirements for surfacing, lighting and landscaping. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Lasha, aye. The motion carried, and carried the adoption of **Resolution #66**.

RECOMMENDED CONDITIONS

- A. The term of the Conditional Use Permit shall be issued for a ten(10) year term.
- B. The Department shall review the permit annually to determine compliance with the conditions of the permit and forward it to the Board for their review as required by regulations.

- C. Applicants shall conform to all plans, drawings and representations submitted with or contained within the application except as may be inconsistent with the other provisions of the permit.
- D. Applicants shall comply with all laws and regulations of the County of Fremont, its agencies or departments, the State of Colorado, its agencies or departments, and the United States of America, its agencies or departments, as now in force and effect or as the same may be hereafter amended.
- E. Applicant shall obtain and keep in effect all other permits required by any other governmental agency and as otherwise may be required by Fremont County. Revocation, suspension or expiration of any such other permits shall revoke, suspend or terminate the permit authorized hereunder, as the case may be.
- F. All loads of material transported from the site shall comply with applicable Colorado Revised Statutes.
- G. Hours of operation will be limited to daylight hours between Sunrise and Sunset, no later than 6:00 P.M.
- H. Days of operation will be limited to Monday through Friday.
- I. The number of truckloads shall not exceed 624 per year, maximum of 25 per week. **(A truckload is considered one truck in and out of the site).**
- J. If a conditional use is abandoned, discontinued or terminated for a period of six (6) months, the approval thereof shall be deemed withdrawn, and the use may not be resumed without approval of a new application. Provided, however, if the holder of the permit intends to, or does temporarily cease the conditional use for six (6) months or more without intending to abandon, discontinue or terminate the use, the holder shall file a notice thereof with the Department prior to the expiration of the six-month period stating the reasons thereof and the plan for the resumption of the use. The requirement of a notice of temporary cessation shall not apply to applicants who have included in their permit applications a statement that the use would continue for less than six (6) months in each year and such fact is noted on the permit. In no case, however, shall temporary cessation of use be continued for more than two (2) years without approval by the Board.
- K. If a conditional use permit is to be transferred, it shall comply with all applicable Federal, State and Local regulations regarding such transfer.
- L. If it is found by judicial action or it is determined by any other proper authority that the easement for access into the subject property is not valid, then termination of the Conditional Use Permit will result.
- M. Fremont County shall retain the right to modify any condition of the permit if the actual use demonstrates that a condition of the permit is inadequate to serve the intended purpose of the condition. Such modification shall not be imposed without notice and a public hearing being provided to the Applicant, at which time applicant and members of the public may appear and provide input concerning the proposed modifications to the conditions of the permit.
- N. Only the named party on the permit shall be allowed to operate this Conditional Use Permit. Board approval shall be required prior to allowing any other person or entity to operate at the site under the conditions of the permit. All persons, entities or others requesting Board approval to operate under this Conditional Use permit must agree to abide by all terms and conditions of this Conditional Use Permit and shall be required to be named on this Conditional Use Permit as additional parties who are bound by the terms and conditions of this Conditional Use Permit.

- O. Six hundred (600) tons of gravel to be made available (in the years that the pit is operational) to the County, as well as appropriate binder to mix to County road specifications, which is estimated to be 3-1 gravel to binder.
- P. Dust on the site to be controlled by reasonable measures.
- Q. Noise suppression or abatement may be required in the future if necessary.

RECOMMENDED CONTINGENCIES:

It is recommended that this item be approved and referred to the Board of County Commissioners for scheduling of a public hearing, provided the following contingencies are provided within six (6) months (*with no extensions*) after final approval by the Board of County Commissioners:

1. Provide a copy of the permit or license, or documentation that the following are not required:
 - a. Colorado Division of Minerals & Geology Reclamation Permit.
 - b. Colorado Department of Public Health and Environment Fugitive Dust Permit.
 - c. Colorado Department of Public Health and Environment APEN Permit.
 - d. Colorado Department of Public Health and Environment Storm Water Discharge Permit.
 - e. United States Department of Labor Mine Safety and Health Administration number.
 - f. License or permit to store and use explosives from the State Office of Labor.
2. Documentation of access from County Road #1 to site.
3. Permit to operate from BLM.
4. Documentation as to approval of an acceptable sewage disposal source from the Environmental Health Department.
5. Remove symbols in legend that do not represent anything. (**Large circle does not represent anything**).
6. The site plan and application shall note that the access road into the site is considered a part of the mined land reclamation permit.
7. Documentation as to the release of County Performance Warranty from the Division of Minerals and Geology, Mined Land Reclamation Board, permit #M-1994-092 for all land that was included in CUP 94-1 and in this application.

WAIVED

- Surfacing 5.3.2
- Lighting 5.3.3
- Landscaping 5.3.4

**REQUEST: ZC 05-003 KELLY ZONE CHANGE
 NOVEMBER 8, 2005 10:00 A.M.
 RESOLUTION #67**

Richard Kelly, Owner, stated they wanted to do four units on this property. They now have a propane station. They are going to own the buildings as sole proprietors, and will not sell the buildings.

Bill Giordano stated they were required to do posting, publication and notification and those have been completed. At the Planning Commission meeting on October 4th, the Planning Commission did recommend approval. The Planning Commission did recommend approval of the waiver of surfacing, lighting and landscaping of the parking area. There is a buffering requirement along the east and south sides of the property lines. He stated he had put that as a waiver. Mr. Moore had stated they were not really asking for a waiver totally. They proposed they would put up a six-foot slat screening fence behind the buildings, instead of along the property lines. The Planning Commission did accept that. The Planning Commission did not take any action on the four units within this building. What it should be is that if those units are sold, he will be required to go

through a platting process or subdivision process. We would ask that on the site plan itself, there be a statement placed on it: "Before any units may be individually sold, a subdivision platting process will be required prior to any such sale". They are asking that there be a quit-claim deed noting that the office units will not be individually sold. There are two little parcels that are separated. Somewhere in the future, they should consider breaking those off through a lot line or boundary line adjustment.

Commissioner Lasha asked for anyone wishing to speak for or against to come forward. Seeing none, he closed the Public Hearing and returned to the Regular Meeting.

Commissioner Norden made a motion to approve **Resolution #66** for Cooper Pit CUP 05-002 (A Resolution No. was not assigned as part of the motion) **Resolution #67**, Kelly Zone Change ZC 05-003 with 3 Recommended Contingencies, the two as described by Mr. Giordano; with the Findings I.c. and II.e. and waiving requirements for surfacing, lighting, landscaping and buffering. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried, and carried the adoption of **Resolution #67**.

RECOMMENDED CONTINGENCIES:

It is recommended that this zone change be approved and forwarded to the County Commissioners for scheduling of a public hearing with the following item being 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. Documentation from the Colorado Division of Water Resources for a commercial well permit.
2. Site plan: Before any office units be individually sold, a subdivision platting process will be required prior to any such sale.
3. A quit-claim deed noting that the office units will not be individually sold. A subdivision process will be required before any units may be sold separately.

WAIVED

1. Surfacing 5.3.2
2. Lighting 5.3.3
3. Landscaping 5.3.4
4. The buffering requirement along the south and east property boundaries.

FINDINGS

There has been a material change in the neighborhood which justified the requested zone change.

The proposed development will be in harmony and compatible with the surrounding land uses and development in the area.

**PUBLIC HEARING
REQUEST: SRU 05-005 MOUNTAIN VALE CEMETERY
NOVEMBER 8, 2005 10:00 A.M.
RESOLUTION #68**

Larry Allen stated they originally started this process with inclusion of the Deyon property only. On the recommendation of Mr. Giordano, they added the existing cemetery. This is the 50th year of operation, and Mr. Holt has owned it for about four years. The immediate plans are to use the family residence for a caretaker's residence and not to have agricultural use on the pasture. They could envision at some point in time the possibility of the residence becoming a reception center. The crematory is located at the airport, and there are no immediate plans to move that. They would like to have permission so that they wouldn't have to go through this process again. The mausoleum is the only one in the County, and the columbarium is the only public one. This is the only privately-owned cemetery, and continues to pay property and sales taxes.

Bill Giordano stated that publication, posting and notifications have been completed. He stated it was their suggestion that they include the rest of the property. It is a Special Review Use, but it is permitted under that. We did not require them to come through at the time they did the rezoning, to come in with Special Review Use permit. That is where the nonconformance comes about. They were going to put in that one portion of the property which would be considered an expansion because of the columbarium. As far as use of the building, as a caretaker they would have been able to use it because it is a separate parcel. If they use it as an office, that would require an amendment to the regulation. Originally in the application, the crematorium was noted in the application but it was going to be done at a future date. At the Planning Commission meeting, they decided to ask that it be included in this, probably for the same reason that he asked they include all the additional property so they don't have to go through this process again. There are contingencies. The Planning Commission recommended waiving the surfacing, lighting and landscaping. There are standard conditions.

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

Kathy Trogden, Chestnut Street Resident, stated she lived immediately west of the access to the cemetery. She stated they were concerned with the expansion of the adverse affect on their property value. Their main access is right in front of their home. When there is a service, they have had parcels and mail not delivered. People tend to use their property as parking because there is no designated parking. They would like a contingency where they have parking and access that is not in front of their property. They have had drunks in the cemetery after midnight shouting and shooting guns. They would like to see another access, hours posted or gates.

Gloria Trujillo, Pinion Avenue Resident, stated they moved to their property a month ago. She had questions regarding where the crematorium would be placed and to know if there are any easements between the cemetery and their property? She stated she had concerns regarding their privacy and lower property value. She asked when the expansion would take place and if there is a proposal for a 6-foot or 8-foot privacy fence? **Mr. Trujillo** asked about the proposed trail.

Larry Allen stated that the County might want to consider designating no-parking zones. He stated they could not control what happens on a County road. Having a caretaker would help to alleviate problems with drunks, but with these problems, it's time to call the Sheriff. The no parking on public streets is a very good suggestion. They have a very large cemetery which has been here for half a century, they are adding a few acres right not for a caretaker's residence. Perhaps in the future, convert that over to a reception area. The County may want to move the crematorium from the Industrial Park, but there are no current plans to do that.

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

Commissioner Lasha made the motion to approve SRU 05-005 Mountain Vale Cemetery with Recommended Conditions A through J, 3 Recommended Contingencies and adding #4 Working with the applicant and the County on signs, and have that accomplished in two months and coordinate with the District #1 Road Foreman, for at least two signs; and waiving Surfacing, Lighting and Landscaping, **Resolution #68**. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried, and carried the adoption of **Resolution #68**.

RECOMMENDED CONDITIONS

A. Special Review Use Permit shall be issued for life of use.

- B. The Department of Planning and Zoning shall review the permit annually to determine compliance with the conditions of the permit and forward it to the Board of County Commissioners for their review as required by regulations.
- C. Applicants shall conform to all plans, drawings and presentations submitted with or contained within the application except as may be inconsistent with the other provisions of the permit.
- D. Applicants shall comply with all laws and regulations of the County of Fremont, its agencies or departments, the State of Colorado, its agencies or departments, and the United States of America, its agencies or departments, as now in force and effect or as the same may be hereafter amended.
- E. Applicants shall obtain and keep in effect all other permits required by any other governmental agency and as otherwise may be required by Fremont County. Revocation, suspension or expiration of any such other permits shall revoke, suspend or terminate the permit authorized hereunder, as the case may be.
- F. If a Special Review Use is abandoned, discontinued or terminated for a period of six (6) months, the approval thereof shall be deemed withdrawn and the use may not be resumed without approval of a new application. Provided, however, if the holder of the permit intends to or does temporarily cease the conditional use for six (6) months or more without intending to abandon, discontinue or terminate the use, the holder shall file a notice thereof with the Department of Planning and Zoning prior to the expiration of the six-month period stating the reasons thereof and the plan for the resumption of the use. The requirement of a notice of temporary cessation shall not apply to applicants who have included in their permit applications a statement that the use would continue for less than six (6) months in each year and such fact is noted on the permit. In no case, however, shall temporary cessation of use be continued for more than two (2) years without approval by the Board of County Commissioners.
- G. If a Special Review Use is to be transferred it shall comply with all applicable Federal, State and County regulations regarding such transfer.
- H. Days and hours of operation will not be limited.
- I. The County shall retain the right to modify any condition of the permit if the actual use demonstrates that a condition of the permit is inadequate to serve the intended purpose of the condition. Such modification shall not be imposed without notice and a public hearing being provided to the applicant, at which time applicant and members of the public may appear and provide input concerning the proposed modifications to the conditions of the permit.
- J. Only the named party on the permit shall be allowed to operate this Special Review Use Permit. Board approval shall be required prior to allowing any other person or entity to operate at the site under the conditions of this permit. All persons, entities or others requesting Board approval to operate under this Special Review Use Permit must agree to abide by all terms and conditions of this Special Review Use Permit and shall be required to be named on this Special Review Use Permit as additional parties who are bound by the terms and conditions of this Special Review Use Permit.

RECOMMENDED CONTINGENCIES:

It is recommended that this item be approved and referred to the County Commissioners for scheduling of a public hearing, provided the following contingencies be provided within six (6) months (*no extensions*) after final approval by the Board of County Commissioners:

1. Deeds of record for all properties to ensure ownership.

2. Some of the dimensions on the site plan are too small; therefore, an inset or larger font shall be used.
3. If undeveloped areas are to be used for cemetery purposes, the site plan shall note such.
4. Applicant to work with County Road Foreman, District #1, to erect at least two no-parking signs.

WAIVED:

Surfacing	5.3.2
Lighting	5.3.3
Landscaping	5.3.4

**PUBLIC HEARING
VETERANS OF FOREIGN WARS – POST #2788
CHANGE FROM CLUB TO TAVERN LIQUOR LICENSE
NOVEMBER 8, 2005 10:00 A.M.**

Kelly Smith, Post Commander, stated that the change is not necessarily for more revenues, it is to support the troops. He stated their Post has gotten older, and at least 50% of the membership are life members over the age of 60. That is going to change, and they want to get their Post up and running on the same status as a lot of Posts around this area. They want to participate more in the community.

Sharon Kendall, Deputy Clerk, stated that everything was in order except for a mix up with CBI in getting the background checks. She recommended if the Board approved, it could be contingent upon receiving favorable background checks so the applicant would not have to go through the public hearing process again.

Kelly Smith stated that their violation had been resolved at this point. They have paid the \$200 fine and that rescinded the requirement to be closed for three days. He stated it was the recommendation of a Liquor Investigator, that they procure a tavern license to prevent any further events. The primary requirement of a club license is that you are limited to members and guests of members, and the requirement to sign in. Under a tavern license, that goes away.

Commissioner Lasha asked for anyone wishing to speak for or against to come forward. Seeing none, he closed the Public Hearing and returned to the Regular Meeting.

Commissioner Norden moved to approve the change in the licensing of the VFW Post #2788 in Penrose from Club to Tavern Liquor License, contingent upon favorable background checks from CBI. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried.

NEW BUSINESS (CONTINUED)**REQUEST: EXTENSION FOR MILAM ACRES SUBDIVISION**

Bill Giordano stated that it was not necessary to have the applicant present. The letter is his commitment to submit. He stated the applicant brought the letter and paid the fee.

Commissioner Norden moved to approve a six-month extension for Milam Acres Subdivision, which is set to expire November 28th. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried.

Commissioner Lasha adjourned the meeting at 11:50 A.M.