

NOVEMBER 12, 2013

TWENTY FIRST MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on November 12th, 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.

The Invocation was given by Loren Kolman, Young Life Ministries.

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

APPROVAL OF AGENDA

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

CONSENT AGENDA

Commissioner Bell announced the scheduling of a Public Hearing at 10:00 A.M. on November 26, 2013 for the proposed 2014 Fremont County Budget.

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

a. County Clerk's Monthly Report, Katie Barr, County Clerk.

County Clerk Barr presented her report for October 2013. The total collected was \$968,557.49 of which the county kept \$484,654.27 for disbursement. This is \$35,234.08 more than last year.

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

County Clerk Barr thanked the voters of Fremont County for the excellent turn out this year. There was a 54% turnout on this odd year election. Barr said the Secretary of State conducted a surprise audit on Election Day of which our election department was 100% compliant.

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b. Public Trustee's Quarterly Report, Pat McFarland, County Treasurer.

County Treasurer McFarland gave the Public Trustees Quarterly Report for the third quarter of 2013. There were 45 foreclosures commenced and 31 actually sold. There were 33 foreclosures cured through the Public Trustees office. This is down an average of 17% since 2010. While it is good news that foreclosures are down, this means revenue drops for the Public Trustees Office.

Commissioner Norden moved to accept the Public Trustees Report for the third quarter of 2013. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

Commissioner Norden commended the Veterans from the Penrose VFW Post for their efforts to raise awareness for homeless Veterans over the weekend. They were able to raise cash donations and other needed items.

Commissioner Bell thanked the voters of Fremont County for approving the sales tax increase for the Sheriff's department.

2. Citizens Not Scheduled:

Nicholas Tolkach of Penrose thanked Commissioner Payne for pursuing concerns he had on an issue.

OLD BUSINESS

None.

NEW BUSINESS

1. In consideration of a Proclamation of Adoption day in Fremont County – November 21, 2013. Representative – Nancy Myers, Department of Human Services.

Nancy Myers said there are eleven adoptions scheduled for November 21st starting at 12:30 p.m. Judge Patrick Murphy will be handling the adoptions that day. She read the proclamation for the record. There have been four adoptions so far this year and hopefully five more besides the eleven scheduled for November 21st.

Commissioner Norden moved to proclaim November 21, 2013 as Adoption Day in Fremont County. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

2. In consideration of Annexation Impact Report Waiver Request from the City of Florence.

County Attorney Jackson explained when a municipality wants to annex more than ten acres it requires them to submit an Annexation Impact Report. This is an annexation from the City of Florence for property north of Florence near the airport. They had started this process a few months ago and had already presented the impact report at that time. They are requesting a waiver this time as the report was previously submitted.

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Commissioner Payne moved to approve the waiver for the Annexation Impact Report from the City of Florence. Commissioner Norden seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried.

3. In consideration of Oil and Gas Lease with Incremental Oil and Gas (Florence) LLC.

County Manager Sugars said Incremental Oil and Gas have requested a lease on a County Road Right of Way. The 1.8 acres are located on the north side of Sundance Acres on Coal Creek Road. The lease is for a three year term.

Commissioner Norden moved to approve the Oil and Gas Lease between Fremont County and Incremental Oil and Gas Florence LLC for three years. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

4. In consideration of a Resolution authorizing an additional transfer of appropriated funds between the various funds of Fremont County, Colorado for budget year ending December 31, 2013. Representative: Sunny Bryant, County Budget and Finance Officer.

Sunny Bryant said this is for one transfer from the self funded insurance fund into the general fund. Fremont County had a wellness program for the employees this year and the total cost came to \$27,860. The cost was paid for out of the general fund with the intent that the general fund would be reimbursed. Commissioner Bell said the Commissioners hope the Wellness Program will eventually bring down the costs of the self funded insurance program and benefit employees as well.

Commissioner Norden moved to approve the transfer of \$27,860 from the self funded insurance fund into the general fund as Resolution #44. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried. Resolution #44 is attached.

5. In consideration of an appointment to the Fremont Heritage Commission for a vacant position with a term ending January 1, 2015.

Commissioner Payne said there is an opening on the Heritage Committee for the museum representative. There was only one submittal for the opening and it was from Betsy Denney. The representative for western Fremont County is Carol McNew who could take over as the museum representative. Betsy Denney could then be the representative for western Fremont County.

Commissioner Payne moved to appoint Betsy Denney to the Fremont Heritage Commission for a term ending on January 1, 2015. Commissioner Norden seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried.

Chairman Bell recessed the meeting at 9:57 A.M.

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

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PUBLIC HEARINGS SCHEDULED FOR 10:00 A.M.

1. Request: SRU 13-004 AT&T Cell Tower – Texas Creek
Request approval of a Special Review Use Permit, Department file #SRU 13-004 AT&T Cell Tower – Texas Creek, by New Cingular Wireless PCS LLC dba AT&T Mobility, for property which is owned by Michael & Denise Tezak, to allow for the installation of a 40 foot monopole tower, which will contain twelve antennas, one microwave antenna, and an eight foot lightning rod on top of the tower, an equipment shelter, a LP tank, a LP generator, a meter rack and a long ice bridge, on a 50' x 50' lease area which will be fenced with a 6' high chain link fence. Access to the site will be via a twelve (12) foot easement from U.S. Highway 50. The property is generally located on the southeast side of U.S. Highway 50, approximately 2 miles west of Colorado State Highway 69, in the Texas Creek Area. The tower and two-thousand-five-hundred (2500) square foot lease area inside a 33.93 acre parcel. The property is located in the Agricultural Forestry Zone District. This site was previously issued a permit to house a communication tower and accessory items through approval of SRU 09-006; however, the permit was allowed to expire without construction. Representative: Justin Hadley, Wireless Development Specialist.

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

Justin Hadley said this property is owned by Mike Tezak and located just outside of Texas Creek. The site was previously approved in 2009 for ALLTEL to build the tower. Now AT&T owns ALLTEL and would like to proceed with building the 40 foot tower.

Planning & Zoning Director Giordano said the permit was originally submitted in 2009 and approved in 2010 and did expire. The notification, posting and publication have all been completed as required by regulations. This includes the additional notifications that were also completed. The Planning Commission did approve this request at their meeting on October 1st with Conditions A thru M. The request is for a 30 year term, it is a five year lease with five year extensions. The Planning Commission did recommend tan or brown for the color of the monopole. Giordano discussed the recommended contingencies and waiver requests. If the request is approved today it would require a resolution number be assigned today for approval at the next Commissioners meeting.

Commissioner Bell said the monopoles that are manufactured to look like a tree do not resemble a tree. She believes the pole will be less obvious if painted tan or brown as recommended by the Planning Commission.

Public Comments: None.

Chairman Bell closed the Public Hearing at 10:06 A.M.

Commissioner Payne moved to approve SRU 13-004 AT&T Cell Tower with the Recommended Conditions A-M, Recommended Contingencies 1-5, Waiver Requests, and color choice of either tan or brown as Resolution #45. Commissioner Norden seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried.

2. Request: ZC 13-002 McDermott Zone Change. Request approval of a Zone Change from the Agricultural Suburban Zone District to the Low Density Residence Zone District, Department file #ZC 13-002 McDermott Zone Change, by John & Gail McDermott, for their property which is located on the west side of (715) Pisgah Lane, approximately 270 feet north of Park Avenue, in the Lincoln Park Area.

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The proposal is to allow for the subdivision of the property into three lots which would result in two additional residential lots. The property presently houses a single family dwelling and a shed and contains 2.187 acres. Representative: Matt Koch, Cornerstone Land Surveying.

Chairman Bell opened the Public Hearing at 10:08 A.M.

Matt Koch said the applicant is requesting a zone change from Agricultural Suburban Zone District to Low Density Residence. The property is located on Pisgah Lane in Lincoln Park. The subdivision application has already gone through the Planning Commission. There will be three lots once the subdivision is completed.

Planning & Zoning Director Giordano said notification, posting and publication were completed per regulations. Additional notifications were also completed. The Planning Commission did recommend unanimous approval of the application at the October 1st meeting. The only contingency is for documentation as to compliance with any requirements of the Colorado Division of Water Resources. If the request is approved today, a resolution number would need to be assigned for approval at the next Commissioner meeting.

Public Comments: None.

Chairman Bell closed the Public Hearing at 10:12 A.M.

Commissioner Norden moved to approve ZC 13-002 as Resolution #46 citing Justifications #C, There has been a material change in the neighborhood which justifies the requested zone change; and Justification #D, The proposed zone change will be in conformance to the Comprehensive or Master Plan for the area; and citing the list of other criteria #B, the granting of the zone change will tend to preserve and promote property values in the neighborhood; #D, There will be no effect on adjacent uses; and #E, The proposed development will be in harmony and compatible with the surrounding land uses and development in the area with the Recommended Contingency #1, Documentation as to compliance with any requirements of the Colorado Division of Water Resources. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

3. Request: CDP 13-001 Pikes Peak Motor Company Commercial Request approval of a Commercial Development Plan, Department file #CDP 13-001 Pikes Peak Motor Company (Automobile Graveyard – storage of up to 2000 cars) to allow an automobile graveyard which includes the storing, dismantling, buying and selling of parts with the focus on classic cars; however, all types cars will be parted and crushed, with some cars being restored and then placed in a showroom for sale, by Michael DeVriendt, for his property which is located on the north side of US Highway 50, approximately 1.4 miles west of the intersection of US Highway 50 and Colorado State Highway 115, west of the Town of Penrose. The property contains a 100 ft. by 200 ft. metal building which will be used for storage and display. A 30 ft. by 40 ft. office is proposed. The property is zoned Industrial and Agricultural Forestry and will contain 35.02 upon 25% of the entire property will revert to the Industrial Zone District in accordance with Section 2.4.3 of the Zoning Resolution, which states that: When a boundary lot line is adjusted, the zone district that exists for the property receiving the additional property shall prevail, provided that the parcel gaining the area does not increase the total by more than twenty-five percent (25%). Representative: Matt Koch, Cornerstone Land Surveying, LLC.

Chairman Bell opened the Public Hearing at 10:14 A.M.

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Matt Koch said the 35 acre property is located off Highway 50 just west of Penrose. An eight foot concrete fence is being put up on the property. Autos will be stored and salvaged inside of the fenced area. The drainage has been approved by Don Moore. The applicant is requesting the contingency to plant twelve trees on the west side of the property along the fence be waived. It would be difficult to get these trees to grow.

Planning & Zoning Director Giordano said the publication, posting, and notifications have been completed. All adjacent property owners of the site were also notified. The Planning Commission did approve the request with a 5 to 1 vote. Giordano discussed the contingencies and waiver requests. A building permit has not been issued yet for the renovation of the existing building. If this request is approved today a resolution number would need to be assigned for approval at the next meeting.

Commissioner Norden asked about the building permit and how dust control will be administered on the property.

Matt Koch said they have obtained a building permit for the fence. The plans have an office building that would divide the property into two sides. If the applicant does go ahead with this office building a separate permit would be pulled.

Richard Murr is one of the business partners for the project. He said they intend to gravel the driveways which should take care of the dust issues. He estimates 100 cars a month will be moved onto the property. Efforts will be made to control the dust on site. If the entire area is not eventually graveled, a water truck would be used for dust control.

Commissioner Bell asked why the building permit on the existing building has not been issued yet. She also asked when they would be open for business if the application is approved today.

Richard Murr said they had submitted blue prints to the building department which were rejected. Their architect has re-designed the plans and they have been re-submitted. There are issues with the existing building that are not up to code as it was built in 1982. They are currently working on these issues with the building department. He hopes to be open for business sometime between March and May. They intend to hire 6 to 10 local employees.

Matt Koch discussed the detention pond and utility easement. He said the title work shows a recorded deed for the right of way with ingress and egress and the utility easement. All of the required documentation has been submitted to CDOT for the access permit.

Public Comments:

Allan Tormohlen said he supports the project. Every county needs a salvage yard. He is very confident that the owner will conduct the business in a very professional manner.

Chairman Bell closed the Public Hearing at 10:38 A.M.

Commissioner Bell said she is very concerned with the dust and expects the applicant to control the dust as much as possible.

Michael DeVriendt is the owner of the property. He addressed the concern over dust. He said dust has always been a problem along Highway 50. He noted that calcium chloride, may be a possible solution to the blowing dust. He will use whatever works best for dust suppressant as dust is bad for any business.

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Commissioner Norden discussed making dust control a condition of the permit. Discussion was held about the recommended contingency that 12 trees be planted on the west side of the property as it is not a very viable solution.

County Attorney Jackson said the dust control issue should be put into an amendment to the plan as this is not an Special Review Use (SRU) it is a Commercial Design Plan (CDP).

Commissioner Norden moved to approve CDP 13-001 Pikes Peak Motor Company with the Recommended Contingencies 1-11, striking Contingency #12, with additional language added for dust control on site within the storage area, waiving buffering, landscaping, surfacing and lighting as noted in the application as Resolution #47. 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 10:58 A.M.

Clerk and Recorder

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RESOLUTION NO. 44, Series of 2013

A Resolution Authorizing an Additional TRANSFER OF APPROPRIATED FUNDS Between the Various Funds of Fremont County, Colorado for Budget Year Ending December 31, 2013.

WHEREAS, the Fremont County board of Commissioners did approve the 2013 Budget for the various funds of Fremont County, Colorado, by Resolution No. 43, Series 2012 on December 11, 2012 and

WHEREAS, such approved budget did include certain Transfers and In-Direct Costs between the various Funds; and

WHEREAS, an expenditure for the employee wellness program through Interactive Health was paid from the General Fund, with the express understanding that such health-related costs would be reimbursed to the General Fund from the Self-Funded Health Insurance Fund;; and

WHEREAS, the transfer of funds from the Self-Funded Insurance Fund requires formal Board approval.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Fremont County, Colorado, that the following transfer between the Self-Funded Insurance Fund and the General Fund of Fremont County, Colorado, is hereby approved and the County Treasurer is authorized to perform such transfers:

TRANSFERS TO: GENERAL FUND	\$27,860.00		
TRANSFERS FROM: SELF-FUNDED HEALTH INSURANCE FUND		\$27,860.00	

Commissioner Norden moved for adoption of this Resolution, with a second by Commissioner Payne. The roll call vote of the Board was as follows:

Debbie Bell	<u>Aye</u>	Nay	Absent	Abstain
Edward H. Norden	<u>Aye</u>	Nay	Absent	Abstain
Timothy R. Payne	<u>Aye</u>	Nay	Absent	Abstain

The Resolution was declared to be duly adopted.

Date: November 12, 2013

Debbie Bell
Chairman

Attest: Katie E. Bau
Clerk