

TWENTY-NINTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on December 28, 2004, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon 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	Absent

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

The Morning Prayer was given by Pastor Perry Brickley from First Southern Baptist Church.

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

AGENDA

Commissioner McNew requested an addition to the Administrative/Informational section, adding the Fairboard as the No. 1 item. Commissioner McNew made the motion to approve the Agenda with the addition. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner McNew, aye; Commissioner Lasha, aye; Commissioner Schauer, aye. The motion carried.

CONSENT AGENDA:

Commissioner Schauer made the motion to approve the Consent Agenda:

1. Approval of Minutes December 14 and December 22, 2004
2. Approval of Bills, December 28, 2004
3. Adoption of Resolution #143, Series of 2004, ZC 04-009 Bryan
4. Adoption of Resolution #144, Series of 2004, CUP 04-003 JP Materials
5. Approval of No Fault Settlement Agreement on Sue Wellen

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

ADMINISTRATIVE/INFORMATIONAL

1. Fremont County Fairboard

Ralph Kunselman, Vice President, Fremont County Fairboard, presented Commissioner McNew and Commissioner Schauer with plaques for their support of the 4H programs.

2. Staff/Elected Officials

Commissioner McNew stated that this was his last meeting as an elected official of Fremont County. He stated he would like to say that he had accomplished a lot in the last two terms, but he could not say that, but he could say that we have accomplished a lot. He stated it had been a real pleasure working with the Department Heads and employees of

Fremont County. Commissioner McNew stated that he thought they had an excellent staff and employee base in Fremont County, and they have done a terrific job. He stated he appreciated working with the Commissioners, employees and Department Heads and the support he has had from the people of Fremont County.

Commissioner Schauer stated the past eight years had been a great time. The employees and the citizens of Fremont County are great, and he thought they had accomplished a lot.

Commissioners McNew and Schauer presented Commissioner Lasha with a plaque and gavel for being Chairman of the Board for the last year.

3. Citizens Not Scheduled: None

NEW BUSINESS:

RECOGNITION OF SHERMAN RUONA, RETIREMENT FROM ROAD & BRIDGE DEPARTMENT

Commissioner Schauer stated that Sherman had been a valuable member of Fremont County's Road & Bridge Department and presented him with a Fremont County Globe.

PRESENTATION OF AWARD TO PAUL TELCK – WEED COORDINATOR OF THE YEAR

Commissioner Lasha stated that they were very thankful to have Paul working with Fremont County. He stated that Paul had received the State award from the Colorado Weed Management Association. **J.R. Phillips** stated that Paul had a very good work ethic and has donated his own time to this particular task.

Paul Telck stated that something like this award is never earned alone. He stated that when he started, they had a backpack sprayer and they were using contractors.

RESOLUTION #149/ADOPTION OF PAY PLAN

George Overstreet, Fremont County Personnel Director, stated that they started working this past year on a new pay plan structure for the County employees. With the Commissioners' help and their dedication to the employees, it became possible.

Commissioner Lasha stated this had been a lengthy process. They were trying to get a market value to the positions. He stated that before it is finalized, it would probably be a three-year process. **Commissioner Schauer** made the motion to approve **Resolution #149** Adopting Salary Administration Policies and Procedures for Fremont County. The motion was seconded by Commissioner McNew. Upon vote: Commissioner Schauer, aye; Commissioner McNew, aye; Commissioner Lasha, aye. The motion carried and carried with it the adoption of **Resolution #149**.

RESOLUTION #150/ADOPTING A FEE SCHEDULE PURSUANT TO THE FREMONT COUNTY INDIVIDUAL SEWAGE DISPOSAL REGULATIONS AND §25-10-107, C.R.S.

Dan Brixey, Fremont County Environmental Health Technician, stated he had become aware that their fee structure does not cover the costs that are incurred in performing the job of doing the ISDP inspection program. This Program needs to be self-paying. When they did a survey of surrounding counties, they found that we are under charging tremendously. With the proposed fee increase, they are still going to be one of the lowest counties. Mr. Brixey requested adoption of this resolution. **Commissioner McNew** made the motion to approve **Resolution #150** a Resolution Adopting a Fee Schedule Pursuant to the Fremont County Individual Sewage Disposal Regulations and §25-10-107, C.R.S. 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 #150**.

REQUEST: REAPPOINTMENT OF CHUCK MCINTYRE & MIKE SCHNOBRICH TO PLANNING COMMISSION

Commissioner Lasha stated that Mr. McIntyre's current term expires on January 1, 2005. The reappointment is for a three-year term. Mr. Schnobrich's current term will also expire on January 1, 2005. The reappointment is for a three-year term. **Commissioner McNew** made the motion to reappoint Mr. McIntyre and Mr. Schnobrich to the Planning Commission. The motion was seconded by Commissioner Schauer. Upon vote: Commissioner McNew, aye; Commissioner Schauer, aye; Commissioner Lasha, aye. The motion carried.

REQUEST: LLA 04-008 DEVRIES, KNOX & YOUNG LOT LINE ADJUSTMENT, EXTENSION OF TIME

Bill Giordano, Planning & Zoning Director, stated that they needed more time to meet the contingency, specifically the ratification, consent and release from the mortgage companies. He stated that the standard extension of time is six months. **Commissioner McNew** made the motion to grant the extension of six months for LLA 04-008 Devries, Knox & Young. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner McNew, aye; Commissioner Lasha, aye; Commissioner Schauer, aye. The motion carried.

RESOLUTION #151/MUNICIPAL LEASE AND OPTION AGREEMENT #2005-501.

Dana Angel, Fremont County Finance Director, stated that this resolution authorizes the signatures on the lease agreement. He stated that Brenda had the agreement for review. This will be the lease agreement for the Road & Bridge heavy equipment that will be acquired in early January. The equipment includes two 2005 International 6X4 dump trucks with snow plows and spreaders, a 2005 John Deere tractor and a grader roller. The total cost is \$267,534. **Commissioner Schauer** made the motion to approve **Resolution #151** the resolution approving the Municipal Lease and Option Agreement 2005-501. The motion was seconded by Commissioner McNew. Upon vote: Commissioner Schauer, aye; Commissioner McNew, aye; Commissioner Lasha, aye. The motion carried and carried with it the adoption of **Resolution #151**.

RESOLUTION #152/APPROPRIATING ADDITIONAL SUMS OF MONEY TO DEFRAY EXPENSES IN EXCESS OF AMOUNTS BUDGETED AND APPROPRIATED FOR FREMONT COUNTY, FOR THE BUDGET YEAR ENDING DECEMBER 31, 2004.

Dana Angel stated this was the supplemental budget resolution for 2004. It appropriates additional sums of money to the funds to be in accordance with statutes for spending. The resolution was published. Attached to the resolution is the information that justifies the amounts. The General Fund amendment is \$397,181. There was a small adjustment on the Sales & Use Tax and Capital Expenditures Fund. On the Gaming Impact, there was a small amount left in the fund from previous years of \$4,562 that they combined with this year's grant to expend for the High Park Road project. The Weed Fund has a budget amendment of \$41,000. **Commissioner McNew** made the motion to approve **Resolution #152**, for supplementary budget. The motion was seconded by Commissioner Schauer. **Dana Angel** stated that this Resolution appropriates the funds to be spent, but the other side of it is that there is available fund balance or revenues that were not anticipated that fund this spending. Upon vote: Commissioner McNew, aye; Commissioner Schauer, aye; Commissioner Lasha, aye. The motion carried and carried with it the adoption of **Resolution #152**.

RESOLUTION #153/AUTHORIZING TRANSFER OF APPROPRIATED FUNDS BETWEEN THE VARIOUS FUNDS OF FREMONT COUNTY FOR THE BUDGET YEAR ENDING DECEMBER 31, 2004.

Dana Angel stated that this resolution was basically a housekeeping measure. It is the documentation authorizing the transfer of funds between funds that were planned in the 2004 budget. **Commissioner Schauer** made the motion to approve **Resolution #153** a

Resolution Authorizing the Transfer of Appropriated Fund Balances to Various Funds of Fremont County for the Budget Year Ending December 31, 2004. The motion was seconded by Commissioner McNew. Upon vote: Commissioner Schauer, aye; Commissioner McNew, aye; Commissioner Lasha, aye. The motion carried and carried with it the adoption of **Resolution #153**.

PUBLIC HEARING
REQUEST: CUP 04-004 PENROSE TRUCK SALES (JANSEN)
DECEMBER 28, 2004 10:00 A.M.
RESOLUTION #154

Chuck Rupp, Ponderosa Engineering, stated that this operation was along Highway 115 just south of the Post Office. This application is for a renewal for an existing permit issued in 1993. This is primarily a recycling facility with associated activities, one being a used car sales. Mr. Rupp submitted the Affidavit of Publication.

Bill Giordano stated that the original Conditional Use Permit was issued for a ten-year term. Since that time the property has been zoned business, so a couple of the uses they are proposing are permitted uses. The sign has been posted and the notifications of property owners within 500 feet have been completed in accordance with regulations. This is a Department review, there is not Planning Commission review. A renewal allows it only to come straight back to the Board. The Department has 17 recommended conditions and one contingency. The applicant has requested a waiver of the hard surfacing requirement. Mr. Giordano stated they did not require hard surfacing when this was done originally. He stated if approved, this would require a resolution to be prepared for the next meeting.

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 Schauer stated that this was a life of the use rather than of a ten-year permit. This actually serves well for the County because there is a better opportunity to have a yearly review. **Commissioner Lasha** stated that the applicant provides an asset to the County with having a place to dispose of appliances. **Commissioner Schauer** made the motion to approve Request CUP 04-004 Penrose Truck Sales with 17 conditions, one contingency and waiving the surfacing, lighting and landscaping, **Resolution #154**. The motion was seconded by Commissioner McNew. Upon vote: Commissioner Schauer, aye; Commissioner McNew, aye; Commissioner Lasha, aye. The motion carried and carried with it the adoption of **Resolution #154**.

RECOMMENDED CONDITIONS

1. Conditional Use Permit shall be issued for the life of the use.
2. 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.
3. 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.
4. 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.
5. 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.

6. There was not a number 6 on the Department document.
7. There was not a number 7 on the Department document.
8. Hours of operation will be limited to 7am to 6 pm.
9. Days of operation will be limited to Monday through Friday, and Saturday as needed.
10. Access shall be limited to 8th Street and shall be no closer than 150 feet from the State Highway property line.
11. An 8-foot solid visual screen as required by the zoning resolution. The screening shall be adequately maintained.
12. The designated sales (used vehicles area) area as shown on the drawing shall only be used for the sale of operable vehicles and trailers.
13. No junk or materials shall be stored that exceed the height of the 8 foot fence.
14. 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 of County Commissioners.
15. If a conditional use permit is to be transferred, it shall comply with all applicable Federal, State and Local regulations regarding such transfer.
16. 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.
17. 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.

RECOMMENDED 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. The driveway access shall be relocated to comply with the 150 feet requirement from State Highway property line or the site plan shall be revised to reflect the minimum of 150 feet requirement from State Highway 115 property line.

WAIVED:

Surfacing	5.3.2
Lighting	5.3.3
Landscaping	5.3.4

Commissioner Lasha adjourned the meeting at 10:12 A.M.

County Clerk