

SECOND MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on January 22, 2019 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Chairman Dwayne McFall called the meeting to order at 9:30 a.m.

Dwayne McFall	Commissioner	Present
Tim Payne	Commissioner	Present
Debbie Bell	Commissioner	Present
Debbie Oliver, Deputy	Clerk & Recorder	Present
Brenda Jackson	County Attorney	Present
Sunny Bryant	County Manager	Present
Sean Garrett	Planning & Zoning Director	Present

Invocation: Alicia Swearingen, Royal Gorge Vineyard

Pledge of Allegiance: Those present cited the Pledge of Allegiance to the flag of the United States of America.

APPROVAL OF AGENDA

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

CONSENT AGENDA

1. Approval of Minutes / January 8, 2019
2. Approval of Bills for \$2,457,231.13
3. Approval of the 2018 HUTF verification and signature sheet submittal
4. Schedule Public Hearings: None.

Commissioner Payne moved to approve the Consent Agenda. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, Commissioner McFall, aye. The motion carried.

ADMINISTRATIVE/INFORMATIONAL

1. Staff / Elected Officials:
 - a. County Treasurer's Semi-Annual Report and Public Trustee's Quarterly Report, Kathy Elliott, County Treasurer

County Treasurer Kathy Elliott said that there wasn't a lot to report. She said that we are a head of where we were this time last year.

Commissioner Bell moved to approve the County Treasurer's Semi-Annual Report. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner McFall, aye. The motion carried.

County Treasurer Kathy Elliott gave the Public Trustee's Quarterly Report. She said that there were 475 Releases of Deeds of Trust done and there were 8 foreclosures initiated. She said that the good news was that 2018 ended with only 74 foreclosures.

Commissioner Payne moved to approve the Public Trustee's Quarterly Report. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, Commissioner McFall, aye. The motion carried.

b. County Manager Report, Sunny Bryant, County Manager

County Manager Sunny Bryant said that she had attended the Area Manager's Luncheon. She said it is a good opportunity to reach out to the other Managers to see what is going on throughout the County.

She said that she, Commissioner Bell and Commissioner McFall participated in a conference call to discuss the EPA Brownfields Program. She also said that if anyone knows of a potential site for that program to contact her for a nomination form.

Also, this past week, she said she, Commissioner Payne and Commissioner McFall attended the City/City/County Luncheon hosted by Florence. She said that there is a lot going on throughout the community and it was good to get updates on those projects.

County Manager Bryant said that on Wednesday January 16th she, Commissioner Payne and Commissioner McFall attended a meeting at City Hall in Canon City to discuss the possibility of a Recreation Center. She said that they will continue to be involved in those discussions.

She said that Thursday, January 17th she attended the Penrose Chamber of Commerce breakfast where she was able to interact with the businesses in Penrose and see what is going on throughout the community.

c. Sales & Use Tax Report, Sunny Bryant, County Manager

County Manager Sunny Bryant gave the Sales & Use Tax Report. She said that in the month of November the collections were \$373,590.00 which is up \$10,659.00 from November of 2017 and year to date we are up \$83,878.00. She said that the Auto Use Tax Collections through December 2018 were \$85,542.00. That is up \$7884.00 from December of 2017 and year to date we are up \$101,702.00. She went on to say that the lodging tax for November 2018 came in at \$9,030.00 which is up, year to date, \$755.00. County Manager Bryant then said that the Sheriff – Retail Sales Tax Collections were \$249,060.00 for the month of November 2018 which was up \$7,106.00 from November of 2017. That puts us up \$129,476.00 year to date. She said that the Sheriff – Auto Use Tax Collections for December 2018 was \$57,028.00 making that up \$5,256.00 from December 2017. She said those collections were up \$67,742.00 year to date.

Commissioner Payne said that he was in Denver last Thursday and Friday for the Colorado Counties Incorporated (CCI) legislative sessions. He said that he is the Chairman for the Land Use and Natural Resources Committee for CCI. He said there wasn't a whole lot going on because it is still early in the legislative session. He said the he would be going back to Denver in February when things will heat up.

Commissioner Bell wanted to recognize that the Distinguished Citizen of the Year, Mary Chamberlain, was in attendance.

Commissioner McFall said that he was going to be going to Denver this week for Action 22 which is another legislative group.

2. Citizens who wish to address the Commissioners on a matter not scheduled on the agenda

1. Citizens who wish to address the Commissioners on a matter not scheduled on the agenda

George Storey said that he is against the Government shutdown. He said that he has been through several in the past. He urged people to help the citizens in our area affected by the shutdown. He also voiced his support of the potential Recreation Center.

Commissioner McFall agreed with Mr. Storey and commended the local organizations that have stepped up to help out during the shutdown.

Mary Chamberlain spoke to the Board about the upcoming Tourism Conference, April 3-5, 2019, sponsored by the Colorado Tourism Office.

OLD BUSINESS

1. Resolution No. 5, Resolution Zone Change, Department of Planning and Zoning, File #18-003 10th St. Industrial Zone

Commissioner Bell moved to approve Resolution No. 5, Resolution Zone Change, Department of Planning and Zoning, File #18-003 10th St. Industrial Zone Commissioner Payne seconded the motion Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner McFall, aye. The motion carried.

NEW BUSINESS

1. Resolution recognizing Ian Yelton for his years of service to Fremont County

Commissioner McFall called Ian Yelton to the podium to be recognized for his more than 22 years of service to Fremont County.

Commissioner Bell read the Resolution honoring Ian Yelton.

Commissioner Bell moved to approve the Resolution recognizing Ian Yelton for his years of service to Fremont County. Commissioner Payne seconded the motion Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner McFall, aye. The motion carried.

2. Resolution No. 6, Appointing a County Surveyor

Commissioner McFall explained that in Fremont County the office of Surveyor is an elected office. He went on to say that in the last General Election no one ran for the office. Therefore it is the Board's responsibility to appoint someone to fill the office until the next General Election which will be in November 2020.

Commissioner Payne moved to approve Resolution No. 6, Appointing John Kratz as Fremont County Surveyor. Commissioner Bell seconded the motion with a note that she has spoken with Mr. Kratz and she thinks he is very qualified to do the job. Upon Vote: Commissioner Payne, aye; Commissioner Bell, Commissioner McFall, aye. The motion carried.

County Attorney Brenda Jackson swore John E. Kratz in as the Fremont County Surveyor.

3. A resolution and letter of support with a \$3,000 funding commitment to participate in the Colorado Department of Higher Education's Colorado Opportunity Scholarship Initiative.

Commissioner McFall explained that the county participates in the Colorado Opportunity Scholarship Initiative (COSI). He said that it is open to students entering college as well as students attending Pueblo Community College Fremont Campus. He went on to say that students can get applications from their high school counselor's office or they can get one on the County's website.

Commissioner Bell moved to approve a resolution and letter of support with a \$3,000 funding commitment to participate in the Colorado Department of Higher Education's Colorado Opportunity Scholarship Initiative. Commissioner Payne seconded the motion Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner McFall, aye. The motion carried

4. Approval of the 2019 contract with the Humane Society of Fremont County, Inc. for Impound Services

County Manager Bryant said that this is more of a house keeping item. She said that the contract with the Humane Society, which comes out of the Sheriff's budget, was reviewed during the budget cycle but did not get on the agenda for approval. She went on to say that this is approving that contract beginning January 1st for the 2019 contract year.

Commissioner Payne moved to approve the 2019 contract for \$74,499.00 with the Humane Society of Fremont County, Inc. for Impound Services. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, Commissioner McFall, aye. The motion carried.

PUBLIC HEARINGS

1. Request: MS 18-002 Western Oasis Minor Subdivision
Requesting approval of a Minor Subdivision, Department file # MS 18-002 Western Oasis Minor Subdivision. The site is located near the intersection of S. 9th Street and Poplar Ave in Cañon City, south of Colorado State Highway 115, and east of County Road 143. The parcel is currently zoned Agricultural Living and consists of 32.58 Acres. The subdivision will consist of two lots, lot one comprising 11.27 Acres and Lot 2 comprising of 21.31 acres.
Representative: Angela Bellantoni

Angela Bellantoni said that she is representing Shane Cooper who is doing business as Western Oasis, LLC. She said that Mr. Cooper purchased this parcel of undeveloped land in 2018. Dr. Bellantoni explained that in order for Mr. Cooper to carry out the vision he has for this property, requires it to be divided into two lots. She said that there is a preliminary agreement with the Rodeo Association for access as well as agreements for water and sanitation.

Planning and Zoning Director Garrett gave the staff report that the application has been reviewed and found it to be complete. He did indicate five contingency items as follows:

- 1.) Issuance of a County Department of Transportation Permit
- 2.) An executed deed of easement for access off of 9th Street
- 3.) Executed Ratification and Consent Form
- 4.) Plat Revision to include the following statement: Please refer to the Department of Natural Resources, Colorado Geological Survey Mining and Surface Features, Cañon City Coal Field, Plate 2 of 20, 1985 for underground mining activity in the area
- 5.) Documentation from the Colorado Department of Transportation.

Commissioner McFall opened the public hearing at 10:06 a.m.

Commissioner McFall closed the public hearing at 10:07 a.m.

Commissioner Bell said that although there was no one present to speak at the public hearing, the commissioners did receive a letter from David and Holly Hill opposing the zone change. She said that the Hill's expressed concern about property value lowering.

Angela Bellantoni said that letter was in reference to the zone change and not the minor subdivision and that she would address that in the public hearing regarding the requested zone change.

Commissioner Bell moved to approve Request: MS 18-002 Western Oasis Minor Subdivision Requesting approval of a Minor Subdivision, Department file # MS 18-002 Western Oasis Minor Subdivision. The site is located near the intersection of S. 9th Street and Poplar Ave in Cañon City, south of Colorado State Highway 115, and east of County Road 143. This motion does include all contingency items. Commissioner Payne seconded the motion Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner McFall, aye. The motion carried

2. Request: ZC 18-004 Western Oasis Resort RV Park
Requesting approval of a Zone Change, Department File #ZC 18-004 from Agricultural Living to Travel Trailer Park & Campground. The site is located near the intersection of S. 9th Street and Poplar Ave in Cañon City, south of Colorado State Highway 115, and east of County Road 143. The parcel of land consists of

21.31 acres with a large portion being steep terrain. The development area is a flattened area sitting atop of a hill.

Representative: Angela Bellantoni

Angela Bellantoni once again, representing Shane Cooper, explained that the zone change would be for lot 2 of the property. She went over some of the adjoining property uses. She said that in the area there is the rodeo grounds, agricultural buildings, a convenience store, a railroad line, residential property and land formerly owned by Cotter. Dr. Bellantoni then went on to explain Mr. Cooper's vision of an extended stay resort RV park hoping to attract people wanting to escape the heat in the summer and the cold in the winter. She said that Mr. Cooper is not wanting a one or two day turn around but a two week to 30 day minimum commitment. She said that along with RV spaces there would be a parking area for patrons to use for their ATV's, boats, etc. She said there would also be a patron's services building that would include laundry, showers, trash, etc. She said that Mr. Cooper is also proposing having biking and hiking trails on the property for the patron's to use. She said that access would be off of S 9th St in order for the large RVs to be able to maneuver without any trouble. Dr. Bellantoni addressed the concern of the devaluation of the residential property in the vicinity. She referenced the assessor's records showing that even with all the industrial property in the area, the residential properties have all increased in value.

Commissioner Bell asked Mr. Cooper what assurance he could give that this would not turn into a single night stay facility.

Shane Cooper addressed the question saying that he does not want to run the proposed facility on a night to night business. He said that he wasn't sure what he could provide as a guarantee.

Commissioner McFall clarified with Mr. Cooper that he would be marketing the facility towards the people that would be staying for an extended time.

Commissioner Payne asked Mr. Cooper about the set up for sanitation.

Shane Cooper explained the system that he would be using for that purpose.

Commissioner Bell asked Dr. Bellantoni to address fire protection for the project.

Angela Bellantoni said that a preliminary plan had been given to the Fire Chief and he passed it on to Joel Foster. Upon approval of the zone change the County Surveyor will pin those details down and it will be resubmitted to the local fire department. She also said that there would be hydrants installed and wider roads to accommodate fire trucks, etc.

Planning and Zoning Director Garrett gave the staff report that the application has been reviewed and found it to be complete. He did indicate five contingency items as follows:

- 1.) An executed deed of easement for access off of 9th Street
- 2.) Water and sewer utility acceptance.
- 3.) Site plan revisions as redlined
- 4.) Compliance with County Engineer comments
- 5.) Compliance with Fire Protection District requirements

Chairman McFall opened the public hearing at 10:27 a.m.

Anna Paulino expressed the concern that this would become a low income housing option. She also asked where the proposed hiking trails would be since all of the surrounding property is privately owned.

Chairman McFall closed the public hearing at 10:28 a.m.

Angela Bellantoni addressed Ms. Paulino's concerns about the hiking trails by explaining that the trails would be on Mr. Cooper's property only. She went on to say that Mr. Cooper would be the gate keeper and would have the patrons sign a lease and evaluate who is coming in to the RV/Resort.

Commissioner McFall asked about the lighting plan for the facility.

Angela Bellantoni said that there would be directional lighting around the patron's service building and on the corners of each lot.

Commissioner Payne moved to approve Request: ZC 18-004 Resolution #8 Western Oasis Resort RV Park Requesting approval of a Zone Change, Department File #ZC 18-004 from Agricultural Living to Travel Trailer Park & Campground with the five contingency items. Statement of Justification Item D. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, Commissioner McFall, aye. The motion carried.

3. Request: SRU 18-004 Fremont Storage
Requesting approval of a Special Review Use, Department File #SRU 18-004 for development of a mini-storage permit. The site is located near the intersection of S. 9th Street and Poplar Ave in Cañon City, south of Colorado State Highway 115, and east of County Road 143. The parcel of land consists of 11.27 acres.
Representative: Angela Bellantoni

Angela Bellantoni said that Mr. Cooper would also like to erect typical residential sized mini storage units as well as larger units to store RVs, trailers, boats, etc. She said that there would also be watchman quarters, an office and a shop for maintenance and repairs. She also said that there would be a security gate as well as it being completely fenced in for security.

Planning and Zoning Director Garrett gave the staff report that the application has been reviewed and found it to be complete. He did indicate six contingency items as follows:

- 1.) An executed deed of easement for access off of 9th Street
- 2.) Water and sewer utility acceptance.
- 3.) Site plan revisions as redlined
- 4.) Compliance with County Engineer comments
- 5.) Compliance with Fire Protection District requirements
- 6.) Issuance of a County DOT access permit

Chairman McFall opened the public hearing at 10:43 a.m.

Anna Paulino commented that if this is proposed to be high dollar resort that hiking through mini storage and RV storage is conducive to enjoying the topography.

Chairman McFall closed the public hearing at 10:44 a.m.

Angela Bellantoni explained that the hiking trails would be accessible to the RV park only.

Commissioner Bell asked P&Z Director Garrett about the watchman's quarters that was mentioned. She wanted to make sure this was an allowable use.

Planning and Zoning Director Garrett confirmed that he watchman's quarters are an allowable use.

Commissioner Bell moved to approve Request: SRU 18-004 resolution #9 Fremont Storage Requesting approval of a Special Review Use, Department File #SRU 18-004 for development of a mini-storage permit with the six contingency items. Commissioner Payne seconded the motion Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner McFall, aye. The motion carried.

Commissioner McFall adjourned the meeting at 10:50 a.m.

Clerk and Recorder