

# Cleanup at Steve Bedigian's property in South Park cost about \$80,000

Lynda James, Senior correspondent | Posted: Friday, September 22, 2017 5:14 pm

Before the county commissioners meeting Sept. 14, the commissioners watched a 9news newscast about the cleanup of Steve Bedigian's land in South Park Ranches subdivision.

The lot is north of U.S. Highway 24 not far from the west side of Wilkerson Pass.

According to a press release from Development Services Director Sheila Cross, two acres of the six-acre lot were covered with tattered American flags, appliances, pallets and other items.

The cleanup was the result of a district court order and a jury's guilty verdict of violation of Ordinance Six, accumulating trash and debris.

Bedigian said it was not rubbish or trash, but artistic expression in honor of his military father, according to the newscast.

He lived on the property in a hole covered by a tent, without any sanitation.

The press release stated that after the jury trial in March, Bedigian was ordered to clean up his property within 90 days.

The judgment carried a court penalty of \$1,000 plus \$100 per day that the property wasn't cleaned up. After 90 days, the total was \$10,000.

If Bedigian had complied with the order, the penalty would be waived.

The press release stated that after the 90 day time period expired, the county had offered to do the work for free. Bedigian declined the offer.

Judge Steve Groome signed an order Sept. 7 to allow the county to enter the property and remove everything, which occurred Sept. 13.

The clean up was accomplished using bulldozers and large roll-off containers, after all of the American flags were taken down, according to the press release.

The American Legion had a short ceremony at the Hartsel fire station to retire the flags and burn them.



## Cleanup

These photos show Steve Bedigian's property before the county began the cleanup (left) and when the county finished grading, (right) after everything was removed Sept. 13. American flags were draped over most of the array and flying from posts in other places on the lot. Flags were removed before the cleanup. The photos were taken by a drone belonging to the sheriff's office. (Courtesy Park County Sheriff's Office)

After seeing the newscast, Commissioner Mike Brazell asked how much it cost and if it would be added to Bedigian's property taxes for next year.

County Manager Tom Eisenman said it took 10 roll-offs. He estimated the cost to be around \$80,000. The cost will be a lien on the property and added to the next year's property taxes.

Eisenman said Bedigian owns another lot in the subdivision that is on a hill with trees and farther away from Highway 24.

According to the assessor's website, that lot is northwest of the one just cleaned up and is in Section 24, Township 11 South and Range 74 West.

Commissioner Dick Elsner said he was afraid that Bedigian and his friends would bring in pickup loads of stuff and dump on the cleaned-up property.

County Attorney Lee Phillips said if so, the county would need to begin a separate action in court.

If Bedigian doesn't pay the cleanup costs and court fine, the county could take action to seize the property and sell it to collect the county's costs.

### **Commercial uses**

Commissioner Dowaliby voted no on the resolution to keep restrictions on the commercial zoning of Jason Rayburn's TJ Woods Crow Hill property. (See the Flume article on Sept 8.) The other two commissioners voted yes on the resolution.

Dowaliby said he agreed with the planning commission that uses should remain consistent within any land use zone, in this case commercial zoning.

Dowaliby suggested the planning commission discuss the commercial uses that are currently permitted and consider changing more intensive uses to require a conditional use permit.

He said that may take some of the fear away from adjacent land owners about what uses might occur when a property is rezoned to commercial.

Currently 60 uses are allowed in the commercial zone. Of that, 43 are permitted, 16 are conditional and one, outdoor event, is a temporary use.

### **Special attorney hired**

A special environmental attorney, Elizabeth Temkin, a partner in Davis, Grahon and Stubbs, LLP, was hired to advise the county on environmental issues at the former Park County landfill west of Fairplay.

Temkin's fee is \$400 per hour plus expenses. Fees will increase to \$425 in 2019, if issues aren't resolved by January 2019.

The engagement letter states the county wants assistance resolving a Colorado Department of Public Health and Environment enforcement proceeding and with defense of possible claims by landowners alleging groundwater impacts from the landfill site. (See Feb. 3 The Flume article on monitoring requirements at landfill.)

"The county's liability is huge," Dowaliby said. He added that the state is cracking down on old landfills in neighboring mountainous counties as well.

## **Colorado Open Lands**

Colorado Open Lands received approval for a three year project called Riparian Reconnect to improve stream and wetland functions on specific streams.

The stream reaches or segments were identified in last year's water resource inventory as streams and wetlands that are no longer connected and functioning as they should be.

Some reasons for lack of functionality of streams include erosion, sedimentation, a huge flooding event and/or water loss from diversions.

Benefits of the restoration include increasing natural groundwater storage and aquifer recharge, increasing water quality and better resilience, (quick recovery) to fire, flood and drought.

The project total is \$906,000. COL requested \$216,000 from the Land and Water Trust Fund, the county one percent sales tax.

Other funding includes \$200,200 in-kind services and \$469,000 in cash matches from other agencies.

Partners contributing are Colorado Water Conservation Board's Colorado Watershed Restoration Program, Colorado Parks and Wildlife Wetlands Program, Great Outdoors Colorado, Natural Resource Conservation Service, United States Fish and Wildlife Service Partners for Wildlife, EcoMetrics, COL and the landowners.

If the grants from CWCB, CPW and GOCO aren't received, the program will be scaled back in years two and three.

Four stream segments were identified to begin the project in 2018 and 2019. One is Elk Creek on the Hidden Valley Ranch in northwest Park County, two Fourmile Creek properties on Meier Ridge south of Fairplay and the DM Ranch on the South Fork of the South Platte River.

Three other stream segments will be completed later in the project on county-owned property on Deer Creek, the Sweetwater Ranch on the South Fork, and, if funding allows, two to four other stream segments, according to a timeline in COL's application.

Four phases used on each stream segment are assessment, design, construction and monitoring.

Elsner said he had trouble with whether the project fit criteria for funding by the county sales tax and he wasn't sure the county should fund work on the Hidden Valley Ranch when it is owned by a billionaire.

Dowaliby asked Elsner how rich someone needed to be for the county to not help with stream restoration. Elsner didn't answer him.

According to the spreadsheet of funders provided by COL, the \$162,000 project on Elk Creek includes \$100,000 contributed by Hidden Valley Ranch and a CPW wetland grant of \$25,000. The county's share is

\$30,000 plus \$7,000 spent on the assessment and design phases in a previous LWTF grant approved by the commissioners.

### **Lawsuit filed**

Dukes of Earl, LLC and Nickolas Molin filed an amended complaint in district court alleging the board of county commissioners abused its discretion and acted arbitrarily, capriciously and/or unreasonably with the denial of a marijuana cultivation license.

The facility was to be in a former gravel pit to reduce impacts to others. The property is between the former Reggie's property and the Mountain View Waste site near Pine Junction.

The lawsuit claims the license denial was based solely on the canvas's (survey of neighborhood) results and the commissioners "misinterpreted the substance and significance of the canvassing data."

The lawsuit states that total responses did not represent the majority of residents in the neighborhood. The county sent out 940 surveys to property owners. The county received 635 back with 466 surveys stating they were opposed, 87 supported and 28 were neutral.

Other factors mentioned in the lawsuit were 305 surveys were not returned (32 percent of the total sent) and 54 were returned as undeliverable, but counted in the total received back.

The lawsuit details six reasons for not counting 100 of the opposing responses, such as property owner doesn't live in neighborhood or persons stated opposition to marijuana in general, thus reducing the opposed number to 366 which is only 38.9 percent surveys sent.

It stated that other factors in Park County's regulations of marijuana licenses could be considered in issuing a license, but were not listed in the resolution as factors that were considered.

The complaint asked that the court overturn the commissioners' denial and grant the cultivation license.

Phillips said he will write a brief the week of Sept. 18 asking Judge Groome to dismiss the case. The Flume did not receive a copy of the brief before publication deadline.

### **Sheriff's agreements**

An agreement between the Colorado Department of Corrections and the Park County Sheriff's Office to house state prisoners was approved.

The county will receive \$54.39 per bed per day for up to 100 backlogged transitional prisoners from other county jails or state prisons. All will be low-risk prisoners.

According to the document, the sheriff's office will provide transportation to and from where the prisoners are currently held to Park County's jail, provide clothing and pay all medical expenses except extraordinary expenses, such as emergency medical care.

The commissioners denied an agreement with the City of Pueblo to take prisoners when Pueblo's city jail is overcrowded. The fee was \$45 per bed per day.

Elsner said the rate wasn't as good as the state's rate. Park County would need to transport prisoners which means two deputies would be out of the county for at least five hours on any transport day and the county would be liable for medical care.

Other than price, the Pueblo agreement, including who transports and pays medical, were the same as the state agreement that was approved.

A two-year agreement was signed with Denver Water Board for the Sheriff's Office to patrol Antero Reservoir.

Invoices up to \$20,000 each year will be sent three times a year for the patrols by Peace Officer Standards and Training certified uniformed deputies and expenses involved in the patrols.

Patrols will be on both land and the reservoir surface.

### **Vouchers**

Vouchers were paid in the amount of \$418,558. Of that, \$208,341 was by the county grant fund for the county broadband project.

The general fund spent \$123,199 and public works fund spent \$65,144. The capital expenditure fund spent \$10,095. Human services spent \$6,548 and fleet services spent \$4,985. The remaining \$204 was spent by the conservation trust fund.

An easement agreement for the Lake George Library was postponed.