

February 13, 2007

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### THIRD MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on February 13, 2007, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman, Edward H. Norden, called the meeting to order at 9:30 A.M.

Edward H. Norden	Commissioner	Present
Larry Lasha	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 Kris Lang, Deputy Clerk.

Chaplain Hal Simmons of the Hospital Chaplains Ministry of America gave the Morning Prayer.

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

#### APPROVAL OF AGENDA

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

#### CONSENT AGENDA

**Commissioner Stiehl** moved to approve the Consent Agenda.

1. Approval of Minutes, January 23, 2007
2. Approval of Bills February 13, 2007 \$1,210,926.16
3. LIQUOR LICENSES  
Penrose Plaza Liquor  
Iovinella Gary M  
930 State Highway 115  
Penrose, Co. 81240  
Retail Liquor Store License Renewal – Malt, Vinous and Spirituous
4. SCHEDULING OF A PUBLIC HEARING FOR MARCH 13, 2007  
Request approval of a Conditional Use Permit, Department file #**CUP 06-004 Beedle Quarry**, to allow surface mining and processing of limestone, granite, sandstone and decorative rock, by Charles T. Gutierrez and Jack H. Beedle. Their property is *located approximately 4 miles southeast of the intersection of State Highway 67 and County Road #19, aka Siloam Road, then approximately 1600 feet southwest of the intersection of County Road #19 and County Road #83C, aka Green Valley Ranch Road, then approximately one-hundred (100) feet to the southeast corner of the property. The property is located southeast of the City of Florence, Colorado.*

Commissioner Lasha seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Lasha, aye; Commissioner Norden, 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 January 2007. She stated that total revenue earned in the Clerk's Office was \$614,545.19 and that figure was up \$20,730.64 from a year ago. The sales tax collected was \$71,503.98, which was up \$8,866.33 from a year ago. Money collected for distribution among the entities was \$361,907.81 and that was an increase of \$17,157.40 from a year ago.

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**Commissioner Lasha** moved to approve the Clerk's Report for January 2007. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

**Commissioner Lasha** commented he had attended the Penrose Chamber Banquet on February 9<sup>th</sup> and extended congratulations to Citizen of the Year, John Sandefur and Teacher of the Year, Pauline Steffy.

**Commissioner Stieh** introduced his father Jim Stiehl in the audience who is celebrating his 90<sup>th</sup> birthday.

**Commissioner Norden** presented Commissioner Stiehl with a recognition plaque and gavel for his service as the Chairperson during the year 2006.

2. Citizens Not Scheduled.

**Charles Overton, Auckland Avenue Resident** read and submitted a letter requesting the Public Hearing for the Northfield Mine Conditional Use Permit be reopened after the applicant's response to the County's request for additional information so the public can review the responses for completeness and adequacy and to make appropriate comments to the Board of Commissioners.

**Ron Leyba, Canon Minimum Centers Warden** introduced himself along with Gina Roberts, Administration and Melvin Cole, Staff Development/Training. He commented representatives of the Canon Minimum Centers would attend and participate in future Board Meetings to assist with the needs of Fremont County and the Board of Commissioners.

**OLD BUSINESS:**

**REQUEST: CUP 06-003 NORTHFIELD COAL MINE**

**Commissioner Norden** advised that Northfield Partners, LLC. requested approval of a continuance of the public meeting date scheduled for February 13, 2007 to February 27, 2007. The continuance is requested in order to provide complete and current information in response to the January 22, 2007 County request for additional information. **Planning and Zoning Director, Bill Giordano** confirmed the applicant had submitted the request in writing for the continuance. Commissioner Norden said the applicant intends to submit the additional information on February 14<sup>th</sup> at which time staff will begin a review of that reply; followed by the Board of Commissioners review. He asked if anyone had any procedural questions and stated that Mr. Overton's letter and request for the reopening of the public hearing will be taken into consideration once the formal reply from the applicant has been reviewed.

**Commissioner Lasha** made a motion to approve the Request CUP 06-003 Northfield Coal Mine for a continuance until February 27, 2007. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

**NEW BUSINESS:**

**AWARD 2007 STATIONERY BID**

**Finance Director, Dana Angel** reported two Fremont County Stationery Bids were received: Master Printers \$5,519.00 and Rocky Mountain Copy-Susan Swindler \$5,537.00. He recommended Awarding the 2007 Stationery Bid to Master Printers.

**Commissioner Lasha** moved to approve the 2007 Fremont County Stationery Bid to Master Printers in the amount of \$5,519.00. Commissioner Norden seconded the motion. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

**FREMONT ECONOMIC DEVELOPMENT CORPORATION**

**Bruce Redus, Executive Director of Fremont Economic Development Corporation** gave an updated Fremont County report. He remarked that Downtown Historic Cañon City and the Florence Merchants are preparing tourist marketing literature and assistance of housing and services for the military personnel on the proposed Fort Carson expansion.

**FREMONT COUNTY TREASURER LOST TAX LIEN CERTIFICATES, RESOLUTIONS #9, 10 AND 11.**

**Fremont County Treasurer, Patricia McFarland** submitted requests for **Resolutions** on Lost Tax Lien Certificates and issuance of a duplicate Tax Sale Certificate No. 5689 and 5690 by *Alan T. and Rebecca C. Knight*, **Resolutions #9, 10**. She also requested issuance of a duplicate Tax Sale Certificate No. 1240 by *Leslie and Dorothy Caughman*; **Resolution #11**.

**Commissioner Stiehl** made a motion to approve **Resolutions #9, 10 and 11** for the issuance of duplicate Tax Sale Certificates. Commissioner Lasha seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Lasha, aye; Commissioner Norden, aye. The motion carried with the adoption of **Resolutions #9, 10 and 11**.

**PUBLIC HEARING**

**REQUEST: #CUP 06-005 RED CREEK LAND COMPANY GRAVEL PIT**  
**FEBRUARY 13, 2007 10:00 A.M.**  
**RESOLUTION #12**

**Rick Clark, Red Creek Land Company, LLC.** stated they were requesting approval of a six (6) month Conditional Use Permit, Department File #CUP 06-005, to allow temporary on-site surface gravel mine and crushing. The approximate 15,000 tons of gravel to be mined will be used for the construction of roads within a 35-acre subdivision, which will be created after the mining operation is completed. The property *is located approximately 5.4 miles north of the intersection of State Highway 9 and County Road #2, and then approximately 2.0 miles west of State Highway 9, in the Tallahassee Area.* The property contains approximately 1,000 acres, however, the mine site is 1.75 acres and zoned Agricultural Forestry. Mr. Clark thanked the members of the Planning Commission and the Department of Planning and Zoning for consideration and review of the application and assistance rendered.

**Bill Giordano, Planning and Zoning Director** advised that the property has been posted, the publication has been completed and the property owners notified. At the Planning Commission Meeting on January 2<sup>nd</sup> they recommended approval with Conditions A-L. Condition F was modified to allow gravel hauling on the access road from State Highway 9 to the site. He remarked there were two (2) recommended Contingencies and that leasing documentation of the portable toilet has been received. Mr. Giordano explained that implementation of the final grading or reclamation is the responsibility of the applicant since the State does not require permits. He confirmed the waiver request for the traffic impact analysis since no public roads will be used. The mining site is not near the FEMA flood hazard area. Surfacing, lighting and landscaping were waived as part of the temporary Conditional Use. The additional notifications of the Fremont County District Three Road Foreman, Fremont County Sheriff's Office, Fremont-Custer Historical Society, and Fremont County Weed Control Officer have been completed. **Commissioner Lasha** inquired whether the road being used for the gravel pit would be reclaimed and Mr. Clark responded the access road for hauling would be reclaimed. **Commissioner Stiehl** inquired further regarding the plans for reclamation. Mr. Clark responded their objective is to return the property to its original shape and form, as close to its native state as possible. He remarked they would complete a re-vegetation process with the same seed mixture used by CDOT. Commissioner Stiehl requested the applicant contact Fremont County Weed Management for verification on the appropriate seed mixture for the area.

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

**Rob Posavad, Saddleback Circle Resident** stated he had concerns regarding the overall impact of the mining operation outlining road safety, wildlife habitat, grazing lease and final use and appearance of the property. He referenced letters submitted by *MaryAnne and Ron Melvin as well as Walter and Ida Zanmiller*. Commissioner Norden stated the letters were received, reviewed and entered as part of the public record. He summarized the shared concerns regarding historical uses, grazing leases, BLM property, visibility of the gravel pit and final subdivision appearance.

**Commissioner Norden** closed the Public Hearing and returned to the Regular Session.

**Commissioner Stiehl** inquired whether the burms in the drainage area to retain flow are intact. Bill Giordano stated they were but that the applicant stated he was not venturing into the drainage wash area therefore it should not be an issue. **Commissioner Norden** asked Mr. Clark to address the concerns expressed regarding the road access and visibility of the gravel pit. Mr. Clark replied the gravel pit and road construction application would not affect the entrance of the access road or Highway 9 because the entire operation will transpire within the project area. There will be no offsite transfer of material. He explained a partial view of the road construction might be visible but not the gravel site. He added a traffic analysis was completed and that CDOT has issued a permit and construction plans have been generated for the 35 acres subdivision development. **Commissioner Lasha** requested confirmation of employee traffic. Mr. Clark responded the actual gravel processing operation requires minimal labor and would only require two to three employees.

#### **RECOMMENDED CONDITIONS**

- A. The term of the Conditional Use Permit shall be for a six (6) month term.
- B. The Department of Planning and Zoning shall review the permit at the end of the six (6) month period to determine compliance with the conditions of the permit.
- C. Applicants shall conform to all plans, drawing 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. 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 permit shall revoke, suspend or terminate the permit authorized hereunder, as the case may be.
- F. No gravel will be hauled outside the Conditional Use Permit boundary except for the access road from State Highway 9 to the site.
- G. Days of operation will be limited Monday through Friday from 8am to 5pm.
- H. 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 (6) 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 the Board, if applicable continue temporary cessation of use for more than two (2) years without approval.
- I. If a Conditional Use Permit is to be transferred, it shall comply with all applicable Federal, State and Local regulations regarding such transfer.

- J. If it is found by judicial action or it is determined by any other proper authority that any easement used for access into the subject property is not valid, then termination of the Conditional Use Permit will result.
- K. 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 member of the public may appear and provide input concerning the proposed modifications to the conditions of the permit.
- L. 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 this permit. All persons, entities or others requesting Board approval to operate under this Conditional Use Permit must agree to abide by all the 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.

**WAIVED:**

- Surfacing 5.3.1
- Lighting 5.3.3
- Landscaping 5.3.4

**Commissioner Lasha** made a motion to approve CUP 06-005 Red Creek Land Company Gravel Pit for a six (6) month Conditional Use Permit with the revised Conditions and Waiver requests. He expressed the desire to have the operation completed earlier than the six-month permit if possible. The motion was seconded by Commissioner Stiehl. He thanked the applicant for well-prepared application. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried with the Adoption of **Resolution #12**.

**PUBLIC HEARING**  
**INCREASE IN SOLID WASTE SERVICE CHARGE**  
**FEBRUARY 13, 2007 10:00 A.M.**  
**RESOLUTION # 13**

**Commissioner Norden** advised the Board of Commissioners are proposing an increase from 30 cents to 50 cents per cubic yard for solid waste disposal at the landfill effective April 1, 2007. The increased fee will help offset County costs in developing and maintaining recycling programs as well as recuperate some expenses incurred with enforcement and cleanup associated with solid waste.

**Finance Director, Dana Angel** reported the Fremont County Waste Disposal Fund accounts for the surcharges at the landfill and related recycling and expenditures. The 2007 County budget includes estimated revenues of \$93,500 from the fees, however, this amount would be less because the figures were developed anticipating the fee change would take place January 1<sup>st</sup>. He advised the County has collected \$199,391 in the waste disposal fund while spending \$188,992. Mr. Angel presented the representative of Twin Enviro Services with a copy of the County Waste Disposal Fund Budget.

**Commissioner Stiehl** stated the expenses for the recycling program have decreased because the program is becoming more self-funding and the program is now able to make a small profit. He remarked an expanded recycling program would reduce the need for the landfill.

**Commissioner Norden** opened the Public Hearing and referenced a letter from **Les Linman, President of Twin Environ Services** proposing auditing the activities and surcharge fees collected at each of the transfer stations. He than asked for anyone wishing to speak for or against to come forward.

**Gary Fuselier, Twin Environ Services** said he reviewed the fees collected by the County in the comparison to national averages for the amount of trash each family generates and feels confident the proper revenues are being collected. Twin Environ Services believes an increase of 67% is excessive. This means that homeowners who haul their own loose trash to the landfill or transfer station would pay five times more for the same amount of waste as compacted trash. Mr. Fuselier proposed a separate fee for loose trash and a separate fee for compacted trash.

**Commissioner Norden** closed the Public Hearing and returned to the Regular Meeting.

**Commissioner Lasha** remarked that other Counties charge from 40 cents to \$2 per cubic yard for solid waste disposal and he felt the increase from 30 cents to 50 cents was appropriate. He proposed reviewing a varying fee structure for different types of trash as part of the 2008 budget process. Commissioners Stiehl and Norden agreed.

**Commissioner Lasha** made a motion to approve **Resolution #13** increasing the Solid Waste Disposal from 30 cents to 50 cents per cubic yard beginning April 1, 2007. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried with the Adoption of **Resolution #13**.

#### **NEW BUSINESS CONTINUED**

#### **ASSESSORS OFFICE/PETITIONS FOR ABATEMENT OR REFUND**

**Stacy Seifert, County Assessor** submitted a petition of abatement for *Patrick & Judith Pruum*. She advised the foreclosed property had been sold to the *Priums* for \$100,000 and they felt that was the dollar value of the property. Ms. Seifert explained the first sale after a foreclosure is generally lower than a full market sale and not a reflection of the current market value. This property is currently valued in the Assessors Office at \$151,549.

**Commissioner Lasha** made a motion to accept the County Assessors recommendation and approve **Resolution #14** for the actual value of \$151,549 with a corrected assessment of \$43,950 resulting in tax abatement of \$1,988.30 for the year 2006. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried with the Adoption of **Resolution #14**.

#### **FREMONT SANITATION DISTRICT REPORT**

**George Medaris, Fremont Sanitation District** presented an update report on the proposed North Canon Sewer Project. He stated that historically the area experiences failed septic systems due to the soil content. He commented that the estimated cost of the project is \$1.8 million dollars or approximately \$16,000 per lot. Mr. Medaris announced a Public Meeting is scheduled for March 2<sup>nd</sup> to inform the property owners of the local improvement district. During the initial project contracted property owners would be eligible for monetary grant assistance averaging \$5,000. **County Attorney, Brenda Jackson** proposed the question of vacant properties in the local improvement district that are not part of the original project and build at a later date. Mr. Medaris responded that they could connect to the system; however there will not be any grant monies available for the installation and they would pay the same monthly fee as everyone else. Currently the County enforces the same rules as the Sanitation District, that property within 400 feet of the sanitary sewers are required to hook up and existing septic systems that fail or require upgrades due to construction expansion are required to hook up to the public sewer system. **Commissioner Norden** stated it was the obligation and role of the Board of Commissioners to form the project for the acquisition of the grants and loans since it is outside the boundaries of the Fremont Sanitation District. **Commissioner Stiehl** remarked that decisions would be required to solve the boundary limitations and not exclude surrounding areas. **Commissioner Lasha** remarked that it was imperative to let the property owners and residents know that the Board of Commissioners are committed to the project and it would behoove them to participate. **Commissioner Norden** stated since this is being viewed as a viable project the public meeting on March 2<sup>nd</sup> is very important to the property owners. Mr. Medaris said that he would follow-up on the public notifications.

**FREMONT COUNTY AIRPORT APPROVAL OF THE CONTRACT WITH ARMSTRONG CONSULTANTS**

**Richard Baker, Fremont County Airport Manager** stated the \$19,000 contract with Armstrong Consultants is to oversee a \$141,770 project to preserve the asphalt at the airport. He summarized that of the \$19,000 fee; \$12,000 is appropriated for engineering and administrative services and \$7,000 for inspection services. The project will fill more than 22,000 running feet of cracks in the asphalt and seal coat all asphalt except the runway. **Commissioner Stiehl** made a motion to approve the contract with Armstrong Consultants. Commissioner Lasha seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Lasha, aye; Commission Norden, aye. The motion carried.

**REQUEST: TRANSFER OF SRU 00-001 BOYD'S BROKEN SPOKE**

**Bill Giordano, Planning and Zoning Director** stated this was a request for the transfer of Special Review Use Permit, Department file #SRU 00-001 Boyd's Broken Spoke by The Pueblo Bank & Trust Company, from James Boyd Canterbury to the Pueblo Bank & Trust Company following foreclosure on the property. The existing SRU allows the operation of a restaurant, rodeo ground (indoor & outdoor area and animal housing), a three (3)-hole golf course and a golf driving range. The property is located *approximately ¼ mile south of U.S. Highway 50 and Colorado State Highway 115, on the east side of Colorado State Highway 115, just south of the Beaver Park Area.* He stated the required letters of cessation have been received. **Commissioner Lasha** expressed concern regarding fire protection and proof of water service for the proposed operation. **Bill Giordano** proposed having the Planning and Zoning Department reinstate the adequacy of the fire protection as a requirement of the transfer. **Commissioner Lasha** made a motion to approve the Transfer of SRU 00-001 Boyd's Broken Spoke to Pueblo Bank and Trust, from James Boyd Canterbury to the Pueblo Bank & Trust Company with the requirement that the Planning and Zoning Department complete an additional review and follow up on the fire suppression issue. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

**JUDICIAL CENTER ELECTRONIC SECURITY SYSTEM BID AWARD**

**Commissioner Norden** explained the present security system at the Fremont County Judicial Center has been failing. He remarked it has been a continuous struggle with maintenance and repairs since the original installation vendor is no longer in business and the system was designed and installed with proprietary equipment limiting service and maintenance options. For those reasons it has been determined the security system requires replacement. He advised that Informational Technologist, John Papen, secured two bids. ADT's bid is \$49,692 with a \$559 monthly maintenance contract. Simplex Grinnell's bid is \$52,900 with a five-year maintenance contact of \$23,800. **Commissioner Norden** made a motion to approve the Electronic Security System Bid Award to ADT in the amount of \$49,692 for the installation plus the \$559 monthly maintenance. Commissioner Stiehl seconded the motion with the additional comment that the bids received specified the use of universal Honeywell equipment allowing optional service and maintenance in the future if necessary. Commissioner Norden advised the initial bid received was \$64,000 and the Board of Commissioners requested the Informational Technologist, Sheriff and Court Personnel revisit the Judicial Center to confirm the quantity of electronic readers required. The review eliminated the installation of fourteen (14) electronic readers, thus reducing the cost about \$14,000. Upon vote: Commissioner Norden, aye; Commissioner Stiehl; aye, Commissioner Lasha. Motion carried.

**Commissioner Norden** adjourned the meeting at 11:33 A.M.