

February 14, 2012

### THIRD MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on February 14th, 2012, 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
Michael J. Stiehl	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 Blausen Deputy Clerk.

The Morning Prayer was given by Loren Kolman of 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 Stiehl seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Bell, aye. The motion carried.

#### CONSENT AGENDA

**Commissioner Stiehl** moved to approve the consent agenda. Commissioner Norden seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried. Resolutions #9 and #10 are attached.

#### ADMINISTRATIVE/INFORMATIONAL

##### 1. Staff and Elected Officials

Pat McFarland, Fremont County Treasurer and Public Trustee:

##### 1a. Treasurer's Semi-Annual Report

**Pat McFarland, County Treasurer** presented the Semi-Annual Report to the Board. She explained that almost everyone is in the black. The negatives for RE-2 and the John C. Fremont Library have to do with the Holcim Abatement. Commissioner Stiehl moved to accept the Fremont County Treasurers Semi-Annual Report. Commissioner Norden seconded the motion. Upon Vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried.

##### 1b. Public Trustee's Quarterly Report

**Pat McFarland, County Public Trustee** presented the Public Trustee's Quarterly Report for the last quarter of 2011. There were 102 Foreclosures commenced and 419 Releases. In 2010 there were 337 Foreclosures and 294 Foreclosures in 2011. This brings Foreclosures down by 0.87% for 2011. Pat explained the Public Trustee is the agent between the foreclosing party (the Bank) and the property owner. Commissioner Norden moved to accept the Public Trustee's Quarterly Report.

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Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Bell, aye. The motion carried.

**County Clerk Katie Barr** presented her monthly report for January 2012. The total collected was \$845,694.42. The County kept \$430,879.48 of the total which was about 51% of the amount collected. This is \$44,469.13 more than last year. Commissioner Norden moved to accept the County Clerks report for January 2012. Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Bell, aye. The motion carried.

**County Manager George Sugars** gave his report on Sales and Use Tax. The Retail Sales Tax is up about 2% from one year ago. The Auto Use Tax is down 14.26% from last year. The Construction Use Tax is down 18.71% from 2011. The total Sales and Use Tax is down 1.78% from a year ago. He noted the Retail Sales Tax was collected from the businesses in November. The Auto Use Tax is collected in December and submitted to the County in January.

2. Planning and Zoning Code Enforcement Annual Review-Presentation of annual review by Code Enforcement Officer Ronald Zenisky.

**Ronald Zenisky County Code Enforcement Officer** said there were 50 new code violation cases in 2011. This is down from 63 in 2010. The Department resolved 26 cases which is 52%. There are currently 57 total cases that are still active from 2009 thru 2011. Many of the recent cases are much larger than in the past such as tire removal. There were 131 new addresses and 138 address changes in 2011. There was a large tire cleanup project that was coordinated with the Town of Coal Creek and several other agencies. It was a successful cleanup and the property is now fenced. Another tire project was completed on Vermont Avenue in Canon City and this property is fenced now. The estimated savings to Fremont County is \$47,811 due to grant money and other cooperating agencies. Commissioner Bell commended Mr. Zenisky and his department for all of their hard work. Commissioner Stiehl asked Ronald to explain the process of how complaints are handled. Ronald said they try to work with the individual property owners as each case is different. Commissioner Norden said Fremont County uses the waste tire grant program very effectively. Ronald said for 2011 SMM (Special Mobile Machinery) fees they collected were \$8,467.23 more than last year.

**Commissioner Norden** said we have found a new vendor to make our County Flags and they are available for \$52.00 per flag should anyone want to purchase one.

3. Citizens Not Scheduled:

**Colleen Schmoyer** addressed the Board regarding Law Enforcement issues. She wants to see more Police Officers on foot. Colleen said there is too much drug activity in our community. Our kids need to be kept safe. Commissioner Bell pointed out that the Police Department is under the City jurisdiction, not the County jurisdiction.

### **OLD BUSINESS**

None.

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**PUBLIC HEARINGS SCHEDULED FOR 10:00 A.M.**

1. Request: CUP 11-001 Canon Dolomite Quarry

Request approval of a Conditional Use Permit, Department file #CUP 11-001 Canon Dolomite Quarry for mining of dolomite and rock and gravel, which may include drilling, blasting, on-site crushing and screening and hauling rock from the site, by Rocky Mountain Landscape Materials (applicant) for property owned by Castle Concrete Company (lessor). The property is located on the west side of U.S. Highway 50, approximately 0.8 miles north of Tunnel Drive, west of Canon City. The property is vacant; however it was previously mined prior to County regulation. The property contains approximately 481 acres. The property is located in the Agricultural Forestry Zone District and the Agricultural Farming & Ranching Zone District. Representative: Kenneth Klco, Azurite, Inc.

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

**Ken Klco of Azurite, Inc.** said he is a Consulting Geologist representing the Rocky Mountain Landscape Company. They have obtained a lease on the historic site that has been actively mined since 1927. Ken explained this is a 481 acre property but the mining site encompasses 26 acres. A CUP had not previously been in place as the Dolomite Quarry property had been under the grandfather clause. The current operator has met all of the requirements of permitting and wants to proceed with the CUP request.

**Planning and Zoning Director Giordano** said the applicant did notify all property owners within 500 feet of the Quarry as well as additional notifications that were required by the Planning Commission. Publication and Posting requirements have also been met. The Planning Commission unanimously approved the request with several conditions at their January 4<sup>th</sup> meeting. The term of the permit is for the life of the mine which is estimated for 70 years. The hours of operation shall be from 7:00 A.M. to 7:00 P.M. Monday through Friday. Condition K has been changed to allow the number of haul trips for trucks not to exceed 48 per day and 10 employee trips per day. Also a valid license to store and use explosives from the State Office of Labor is required. The applicant is requesting a waiver for buffering, landscaping, lighting, and surfacing. If this is approved today Bill will prepare a resolution for the next Board of Commissioners meeting.

**Commissioner Bell** asked if the 10 employee positions are already filled or will this bring new jobs to our area. Mr. Klco explained this is an estimate of how many employees may be needed during the crushing process. This process will only last three to four months of the year. This is a local company that will hire locally when possible.

**Commissioner Norden** asked Mr. Klco to point out the Quarry on the map. Mr. Klco did and said the new area can produce up to 150,000 tons of rock per year for the next 70 years. He said the view of the site should not change much over time. Mr. Klco explained the reclamation will take place as the rock face is exposed over time. The re-vegetation process can take five to ten years.

**Commissioner Stiehl** asked how much of the mining site is visible from Highway 50. Mr. Klco said the high wall behind the site will be visible and so will the trucks traveling on the road. Stockpiles and vehicle emissions may be visible periodically.

**Public Comments:**

**Sheriff Beicker** asked if explosives will be stored on site as he is concerned with wild land fire and the possibility of vandalism.

**Chairman Bell** closed the Public Hearing at 10:20 A.M.

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**Kenneth Klco** responded to the Sheriffs concerns. He said the operator, Mr. Tezak, will not typically store explosives on site. If explosives are temporarily stored on site they will be in a locked box that meets all Federal Agency standards.

**Commissioner Norden** asked Mr. Giordano what the final language needs to be for Condition K. Bill responded 48 haul truck trips and 10 employee trips. He said Contingency 1 can be deleted as well as Condition O and P. Commissioner Norden moved to approve CUP 11-001 for Canon Dolomite Quarry adopting the recommended Conditions and changing Condition K to read "48 haul truck trips per day and 10 employee trips per day", deleting Conditions O and P, deleting Contingency 1, and granting the waivers for buffering, landscaping, surfacing and lighting as Resolution #12. Commissioner Stiehl seconded the motion. Commissioner Stiehl said he wants to add a condition for inspection of the powder magazine and compliance with the Sheriff's Department for security measures. Sheriff Beicker said if Mr. Tezak is conducting the operation he has already inspected it. Commissioner Norden said he did not want to make the Sheriffs inspection a condition. Mr. Giordano said if it is put in as a condition the Department will require documentation every year regarding the inspection. County Attorney Jackson said if explosives are not stored on site it is not an issue. Mr. Klco said if explosives are stored on site they are subject to inspection by the ATF. Commissioner Norden asked if the language could be "if explosives are stored on site for more than six months they would be subject to inspection by the Sheriff". Commissioner Bell said she would be willing to accept the inspections from the ATF. Mr. Giordano suggested the language be added under condition M-6 "and to provide copies of ATF inspections". Commissioner Norden amended his motion to include adding to condition M-6 "and to provide copies of ATF yearly inspections". Commissioner Stiehl seconded the amended motion. Upon Vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Bell, aye. The motion carried.

### NEW BUSINESS

1. Upper Arkansas Cooperative Weed Management Area/Standard Operating Procedures and Agreement for Managing Noxious Weeds – J.R. Phillips

**J.R. Phillips, Weed Department Director**, explained the Upper Arkansas Cooperative Weed Management Area is composed of nine Counties who come together to manage noxious weeds in our region. This group has been together since 1998 and has been quite successful. J.R. asked the Board to consider approval of this document that does require the Chairman's signature. Commissioner Bell asked if the agreement is good for five years. J.R. answered yes and that is how it was in the past. Commissioner Norden moved to approve the Chairman's signature on the Upper Arkansas Cooperative Weed Management Area/Standard Operating Procedures and Agreement for Managing Noxious Weeds through December 31, 2016. Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Bell, aye. The motion carried.

2. Fremont County Tourism Council Report – Doug Shane

**Doug Shane** presented the annual report from the Fremont County Tourism Council. Tourism Revenue is down by \$21,742 in Fremont County which is the lowest since 2007. The Revenue total for 2011 was \$116,929 compared to \$138,671 in 2010. They launched their free phone application for the Royal Gorge area that gives visitors information on activities, restaurants, hotels and much more. The Tourism Council maintains a positive balance for their yearly budget with about a \$30,000 carryover and will continue to do so. Commissioner Norden requested an electronic copy of this report including the budget figures. Doug said he will also include their Treasurers report in the Commissioners copy.

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3. Consideration of a Grant Agreement and Resolution with CDOT – Aeronautics Division – Dick Baker

**Dick Baker, Airport Manager**, explained they have a grant application to the State Aeronautics Division that would be for fencing and to update the auto weather station. The State will give \$166,500 (90%) and the local match will be \$18,500 (10%) for a project total of \$185,000. The weather station update should be \$50,000. The fencing will be \$135,000. Commissioner Norden moved to approve Resolution #13 accepting the Grant from the Colorado Aeronautics Division. Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Bell, aye. The motion carried. Resolution #13 is attached.

4. Updated Fremont County Precinct Maps

**County Clerk Barr** explained this year the Redistricting Committee changed state house district lines. The House Districts for Fremont County that were affected by this are 47 and 60. House District 21 is no longer in Fremont County. There cannot be two House Districts in one precinct which is what occurred when the State moved their lines. This forced Fremont County to change some of their Precinct lines. The Precincts affected were numbers 1, 4, 5, 7, 19, 20, 21, 25, 26, 28, and 30 which had people moved into or out of. Some Precincts only changed House Districts these are precinct numbers 2, 3, 8, 9, 10, 27, and 29. Katie commended the Fremont County Regional GIS Authority for helping with the maps and legal descriptions. These maps are available in the Clerk's Office for viewing. Commissioner Stiehl moved to approve the new Fremont County Precinct Maps as presented. Commissioner Norden seconded the motion. Upon Vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried.

5. Consideration for approval of payment of \$3,750 (\$2,500 Fremont County's share) to Gerald L. Mullins for the purchase of a small piece of property adjacent to the Fremont County Department of Transportation (DOT) Shop at Cotopaxi to resolve a boundary line problem.

**Commissioner Norden** said in December of 2011 the Board voted to abandon County Road #50 on the Mullins property to resolve a boundary line issue. This would allow the County to purchase a small piece of property to resolve the dispute involving the Deer Mountain Fire Protection District, the County DOT shop and Mr. Mullins. Deer Mountain Fire Protection District has already paid Fremont County \$1,250 for their share of the purchase. Commissioner Norden moved to approve the payment of \$3,750 to Gerald L. Mullins for the purchase of this property to be handled by a Quit Claim Deed. Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Bell, aye. The motion carried.

6. Resolution determining that the primary election to be held June 26, 2012 shall be a mail ballot election and instructing the election official for Fremont County to conduct the election by mail ballot.

**County Clerk Barr** said this Resolution will allow the primary election to be a mail ballot election. This saves the County money and generally produces a better voter turnout. There was a 30 day public comment period held and no comments were received. She explained that voter information cards are sent to unaffiliated registered voters that will give them the opportunity to designate a party affiliation for the primary election. Commissioner Norden moved to approve Resolution # 14 authorizing mail ballot use for the June 26, 2012 primary election. Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Bell, aye. The motion carried. Resolution #14 is attached.

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7. Dissolving the Gem Street Local Improvement District No. 200-1 created by Fremont County Commissioners Resolution No. 33 Series of 2000.

**County Attorney Jackson** said in 2000 the County created a Local Improvement District to pave a portion of Gem Street. The project was completed at the expense of the County. The landowners in that District are assessed the cost. The last payment to the County Treasurer was received in 2011. Now the District must be dissolved as the assessments have been paid. Commissioner Stiehl moved to approve Resolution #15 dissolving the Gem Street Local Improvement District No. 2000-1. Commissioner Norden seconded the motion. Upon Vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried. Resolution #15 is attached.

8. Request: SRU 10-004 River Mountain Recreation Extension of Contingency Deadline

Request approval of an additional six month extension of the deadline for submittal of contingency items in conjunction with SRU 10-004 River Mountain Recreation. Said Special review Use Permit was approved on July 13, 2010.

**Matt Koch of Cornerstone Land Surveying** said the applicant is requesting a six month extension. They are having trouble with the water rights and the well requirements on the property. When the applicant purchased the property the well was not designated as a commercial use well. Mr. Giordano said he has no objections to the request. Commissioner Stiehl moved to approve the six month extension of the contingency deadline for SRU 10-004 River Mountain Recreation. Commissioner Norden seconded the motion. Upon Vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried.

**Chairman Bell** adjourned the meeting at 11:12 A.M.

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Clerk and Recorder