

March 13, 2007

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FIFTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on March 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
Michael J. Stiehl	Commissioner	Present
Larry Lasha	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.

Pastor Larry Chell of Christian Family Fellowship 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 made a motion to accept the Agenda. The motion was seconded by Commissioner Stiehl. 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 February 27, 2007
2. Approval of Bills, March 13, 2007 / \$734,586.58
3. Approval of Correction Plat, file #CP 06-001 Correction Plat of Lamborn Mini Storage Lot Line Adjustment, as per review by Planning Director.
4. LIQUOR LICENSES
FORGE FOOD MART & LIQUOR LLC
SHEILA KIMMEL
105 FORGE ROAD
CAÑON CITY, CO 81212
Retail Liquor Store License Renewal – Malt vinous and spirituous

FORGE FOOD MART & LIQUOR LLC
SHEILA KIMMEL
105 FORGE ROAD
CAÑON CITY, CO 81212
3.2 Percent Beer Retail License Renewal

ALAN DSS LLC
KWIK STOP #8
1410 ELM AVENUE
CAÑON CITY, CO 81212
3.2 Percent Beer Retail License Renewal
5. Schedule of Public Hearings / None

The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Stiehl, aye; Commissioner Lasha, aye; Commissioner Norden, aye. The motion carried.

ADMINISTRATIVE/INFORMATIONAL

1. Staff/Elected Officials

Commissioners Norden, Lasha and Stiehl extended birthday wishes to **Norma Hatfield, Clerk and Recorder** on the celebration of her birthday, March 12, 2007.

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Norma Hatfield, Fremont County Clerk & Recorder, submitted the Clerk's Report for the month of February 2007. She stated that total revenue earned in the Clerk's Office was \$618,618.71 and that figure was down \$135.78 from a year ago. The sales tax collected was \$56,909.07 which was down \$8,170.76 from a year ago. Money collected for distribution among the entities was \$389,982.51 and that was a decrease of \$2,984.27 from a year ago.

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

Commissioner Lasha reported representatives of the County and Communities attended an open house at Fort Hood.

Commissioner Norden announced a public hearing for the White Water Bar and Grill liquor license renewal is scheduled on April 10, 2007.

Commissioner Norden commented the spring clean-up campaign is underway and trash vouchers are available for rural residents. He advised that Holcim, Inc. will accept passenger tires with a fifteen tire limit per household on Saturday April 14th from 8am until 12noon. **Commissioner Stiehl** announced household hazardous waste can be disposed on April 14th at the City Public Works Facility. **Commissioner Lasha** reported the clean-up week for Florence is April 23rd – April 28th and trash vouchers are available.

2. Citizens Not Scheduled / None

OLD BUSINESS:

DETERMINE CONDITIONS OF APPROVAL, FILE #CUP-06-003 NORTHFIELD COAL MINE (CONTINUED FROM FEBRUARY 27, 2007 BOCC MEETING)

Commissioner Norden reported following review and staff discussions the Board of Commissioners and Department of Planning and Zoning have comprised proposed conditions for CUP-06-003 Northfield Coal Mine. These conditions were forwarded to the applicant on March 12, 2007.

Susan Aldridge, Attorney representing Northfield Partners thanked the Board for the approval of the Conditional Use Permit. She expressed concern regarding the conditions received on March 12, 2007 and felt some were new and unfamiliar and it appears they were the result of the recent public written comments. She specifically mentioned conditions #7,12-14,17-24,26-27 and 29-30. She expressed concerns on whether the county has the expertise to deal with several of the condition issues and if the resolutions enacted by the county even address the issues. She proposed the issues were under the State's jurisdiction.

Angela Bellatoni, Environmental Services addressed conditions #7, and #12-14 reviewing the proposed draft language.

**PUBLIC HEARING
MARCH 13, 2007 10:00 A.M.
CUP 06-004 BEEDLE QUARRY**

Jack Beedle stated they were requesting 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. The 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. The proposed hours of mining, crushing, stockpiling, etc. is from 6am to 6pm. The property contains 40 acres and is zoned Agricultural Forestry.

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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 February 6th they did recommend approval. He reviewed the twenty-three (23) conditions and the six (6) contingencies. The eight (8) additional notifications have been completed. The department did grant a waiver of surfacing, lighting and landscaping. The Planning Commission recommended consideration of a traffic study and silk control measures for the nearby Hardscrabble Creek Drainage area.

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

J. R. Phillips, Sherman Avenue Resident stated in the capacity of Fremont County Weed Manager he had conversations with the applicant regarding the on-going tamarisk weed research on the property and Mr. Beetle has agreed to allow continued research on the property. Mr. Phillips read a letter from the Phillips Ranch family sharing concerns regarding; air quality, surface, sub-surface water control and storm water management.

Joe Balazs, Bear Paw Court Resident stated he was against the development of Beedle Quarry and shared concerns over the increased truck traffic on the development roads regarding weight, speed and safety.

Tim Jordan, Sumo Avenue Resident shared the same concerns as Mr. Balazs and added concern regarding the safety of the school children at the bus stops.

Rusty Spillers, of Sumo Development shared concern regarding the road deterioration in the development as a result of the additional truck traffic. He stated the by-pass road to Highway #67 was based on marketing sales and at this time Sumo Development sales have not warranted the expense.

Dale DeBlieck, CR #19 Resident stated he was against the development of Beedle Quarry and shared concerns over the road deterioration as a result of the substantial increased truck traffic. He expressed concern regarding the disturbances with truck hauling through the development from sunrise to sunset. Mr. DeBlieck stated the County presently has fifty-six (56) gravel pits and he does not feel fifty-seven (57) are needed.

Sheldon Cummins, CR #19 Resident asked if there has been any consideration given to the fact that the static ground water level in that area is only thirty feet and could be less in the flood area being reviewed. He stated there is fifty feet or less of overburden gravel that sits on a 3,000-foot thick shale slab and all the ground water in that area rest on the shale. He requested more surface, geographical and ground water studies. Mr. Cummins inquired on the proposed use of the pit afterwards. **Brenda Jackson, Fremont County Attorney** responded the State regulates reclamation.

Bryan Meadows, CR #19 Resident stated he was not against development of the quarry but requested it be accomplished under the good neighbor policy.

Roger McKissack, Wetmore Vista Road Resident stated his concerns were regarding noise, dust, safety, traffic road deterioration and water management. As a real estate agent, he stated property values in the community would decrease and was against the development of the quarry.

Rich Thatcher, Lobach Avenue Resident stated he shared the previous concerns and emphasized his concern over the deterioration of the roads from the gravel pit traffic.

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Jack Beedle responded that CR #835C is a non-maintained road and that road would be substantially improved. He advised the engineered test holes indicate fifteen (15) to twenty (20) feet to reach ground water and State guidelines prohibit reaching ground water. Excavation would be approximately twelve (12) to fifteen (15) feet at a 30 percent slope reclamation from the property line.

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

Commissioner Lasha expressed empathy for the citizens utilizing the deteriorated CR #835C and adding truck traffic is a serious issue. His stated his main concern is the quarry operating in the middle of a flood area creek bed and proposed the Fremont County Engineer review the storm management plan, flood damage permit and the ground water study. **Commissioner Stiehl** agreed and shared concern regarding the on-site sewage disposal. He further stated the Florence City Council has voiced concerns regarding the traffic, road deterioration and are considering posting a weight limit. **Commissioner Norden** stated the sunrise to sunset truck hauling schedule-required clarification. He confirmed the by-pass road is the responsibility of Sumo Development to the City of Florence.

Commissioner Lasha made a motion to table the request CUP #06-004 for Beedle Quarry until March 27, 2007 allowing the Fremont County Engineer to review the storm water management plans, flood damage prevention permit and ground water study. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried

OLD BUSINESS CONTINUED

Angela Bellatoni, continued to address conditions #7, and #12-14 reviewing and revising the proposed draft language.

Susan Aldridge, Attorney addressed conditions #17-24, #26-27 and #29-30. She proposed removing #17-24 stating those conditions are within the State agencies and outside the County's jurisdiction. She continued with review and revisions of the proposed draft language.

Commissioners Norden, Lasha and Stiehl, along with County Attorney Brenda Jackson and Planning and Zoning Director Bill Giordano reviewed and worked through each of the proposed conditions with the **Northfield Representatives**.

Brenda Jackson, County Attorney advised the Board of Commissioners the conditions require a Resolution and proposed the board and staff finalize the conditions, subject to review by the applicant and draft a Resolution for formal consideration at the next Board of Commissioner meeting.

Commissioner Norden stated the finalized conditions in Resolution form would appear on the agenda of the Board of County Commissioner Meeting scheduled on March 27, 2007.

NEW BUSINESS:

FREMONT COUNTY TOURISM COUNCIL 2006 ANNUAL REPORT

Mike Bandara, Representative had to excuse himself as a result of the extended preface meeting. The presentation of the 2006 Annual Report will be rescheduled.

MATTHEWS MOUNTAIN HOMES REFERENCE T&S ENTERPRISES MARV'S BAR IN PENROSE

Mike Mathews, Representative - Absent

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REAPPOINTMENT AND APPOINTMENT OF MEMBERS TO THE FREMONT COUNTY WEED ADVISORY BOARD

J. R. Philips, Weed Coordinator announced the reappointment of Gary Martin and the appointment of Phil Thomas and Fred Smith to the Fremont County Weed Advisory Board for a two (2) Year Term.

Commissioner Lasha made a motion to approve the appointments as presented. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

RESOLUTION #15 UPPER ARKANSAS WORKFORCE BOARD APPOINTMENTS

Commissioner Norden referenced a letter from Linda (Lu) Watson of the Upper Arkansas Colorado Workforce requesting adoption of **Resolution #15**. He explained the Resolution Approves the Appointments of Members to the Upper Arkansas Regional Workforce Development Board and Appointment of the Local Elected Official to the Colorado Rural Workforce Consortium Board of Local Elected Official for Chaffee, Custer, Fremont and Park Counties.

Commissioner Lasha specified a revision on Page 2 revising the Chairman from Larry Lasha to Edward J. Norden and made a motion to approve **Resolution #15** Upper Arkansas Workforce Board Appointments for 2007. The motion was seconded by Commissioner Stiehl. He commented that additional members to serve on the Board would be welcomed and appreciated. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried with the Adoption of **Resolution #15**.

RESOLUTION #16 DISSOLVING NORTH STREET LOCAL IMPROVEMENT DISTRICT

County Attorney, Brenda Jackson stated that a portion of North Street had been a paving district. She advised the county provided the paving and was reimbursed through property tax assessment over the last ten years and the district can be dissolved since the purpose has been completed.

RESOLUTION #17 DISSOLVING FOUR MILE AREA LOCAL IMPROVEMENT DISTRICT AND RESOLUTION #18 DISSOLVING 1997 FREMONT COUNTY SEWER EXTENSION LOCAL IMPROVEMENT DISTRICT.

County Attorney, Brenda Jackson stated these were local improvement districts setup by the County for loan and grant qualifications. Assessments were not required since loans, grants and service fees from the Fremont Sanitation District covered the cost of the construction and the districts can be dissolved since the purpose has been completed.

Commissioner Lasha made a motion to approve **Resolution #16, 17 and 18** dissolving North Street, Four Mile Area and 1997 Fremont County Sewer Extension Local Districts. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion was carried with the Adoption of **Resolution #16, 17 and 18**.

REQUEST: FP07-001 COYOTE RIDGE

John Sell stated they were requesting Final Plat FP07-001 Coyote Ridge approval for their property, which is *located on the west side of Illinois Avenue approximately 1600 feet north of Smith Street, in the North Canon Area*. Lots 1-5 and 7-17 will average in size from 0.35 to 0.58 acres, with lot 6 being 12.03 acres. Lot 6 has a residence under construction. All other proposed lots are vacant. The property is zoned Agricultural Suburban and contains approximately 19.60 acres. He reported the sewer; water and gas lines were in place. Mr. Sell remarked they hope to have the subdivision built out in the next three years.

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Bill Giordano, Planning and Zoning Director reported the Final Plan was in order with the twelve (12) contingencies. Mr. Sell requested the contingency requiring the 5' sidewalks in place prior to final plat be delayed enabling him to install the sidewalks as the buildings are built. Mr. Giordano responded the defer of sidewalks prior to the final plat would require an improvement and escrow agreement along with a letter of credit.

Commissioner Norden clarified the language requiring two-inch asphalt ten (10) feet south of Smith Road and Illinois Avenue going north to the end of sewer.

Commissioner Lasha made a motion to approve FP07-001 Coyote Ridge with the twelve (12) contingencies. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

RESOLUTION #19 REVOCATION OF SRU 95-8 FLORO ROMANO NURSERY SPECIAL REVIEW USE PERMIT

Bill Giordano, Planning and Zoning Director requested the revocation of the Special Review Use Permit. The existing SRU 95-8 was issued for the operation of a nursery, which consisted of planting stock (trees, shrubs and flowers), cultivation, irrigation and occasional pesticide application. The property changed hands in 2003 and repeated attempts to contact the new owner have received no response. An on-site inspection revealed the nursery no longer exists on the property. The property is zoned Agricultural Suburban and contains approximately 1.7 acres. After the permit is revoked, the property will be subject to the uses as outlined in the Agricultural Suburban Zone District.

Commissioner Stiehl made a motion to approve **Resolution #19** Revocation of SRU 95-8 Floro Romano Nursery Special Review Use Permit. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Stiehl, aye; Commissioner Lasha, aye; Commissioner Norden, aye. The motion carried with the Adoption of **Resolution #19**.

LETTER FROM THE BOARD OF COUNTY COMMISSIONERS TO FREMONT SANITATION DISTRICT REGARDING PROPOSED AREAS FOR NORTH CANON SEWER LOCAL IMPROVEMENT DISTRICT

Commissioner Norden advised the Board of Commissioners drafted a letter to the Fremont Sanitation District with the final proposed boundaries. The overall view of residents who publicly voiced their opinions were favorable of the local improvement district recognizing the short term and long range health impacts from failing septic systems in the area. The sanitation district will apply for grants and loans to help finance the project. Commissioner Norden advised the Board of Commissioners are requesting the district prepare engineering studies and cost estimates. He advised once the research is complete, a public hearing will be scheduled to determine if a local improvement district will be formed. **Commissioner Lasha** outlined the initial and expanded proposed boundaries on the map.

Commissioner Norden made a motion to adopt the language in the Board of Commissioners letter advising the public of their intent. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

Commissioner Norden adjourned the meeting at 12:50 P.M.

County Clerk