

**March 26, 2013**

**SIXTH MEETING**

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on March 26th, 2013, 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
Tim Payne	Commissioner	Present
Edward H. Norden	Commissioner	Present
Katie Barr	Clerk and Recorder	Present
Brenda Jackson	County Attorney	Present

Also present: George Sugars, County Manager and Bill Giordano, Planning and Zoning Director.

The Invocation was given by Pastor Benny Soto of Mountain View Community Church.

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

**CONSENT AGENDA**

**Commissioner Payne** moved to approve the consent agenda. Commissioner Norden seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried.

**ADMINISTRATIVE/INFORMATIONAL**

1. Administrative and Elected Officials: None.
2. Citizens Not Scheduled: None.

**OLD BUSINESS**

None.

**NEW BUSINESS**

1. Consideration of Bid Award to SunCor Energy for Emulsion Oil and Tack Oil. Representative: Tony Adamic, Director of Department of Transportation.

**Tony Adamic** asked the Commissioners to award the bid to SunCor Energy for the CRS-2P Emulsion and CRS-2P Fog Seal. The Emulsion is \$2.54 per gallon and the Fog Seal is \$1.42 per gallon. The Patching Oil is HFMS-2P and is \$2.57 per gallon.

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The only Tack Oil bid received was from SunCor at \$2.32 per gallon. These prices are less than last year. The plan is to chip seal three miles of County Road 28 (Copper Gulch Road) this year.

**Commissioner Payne** moved to approve the bid award to SunCor Energy for the Emulsion Oil and Tack Oil. Commissioner Norden seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried.

2. Consideration of Bid Award to Tezak Heavy Equipment for ¾" Aggregate Chip. Representative: Tony Adamic, Director of Department of Transportation.

**Tony Adamic** explained the aggregate is used in the chip seal project. The lowest bid came from Rocky Mountain Materials and was .50 cents per ton less than the Tezak bid. However the rock would have to be trucked in from their location on Highway 120 which would cost more. The bid from Tezak is \$7.75 per ton.

**Commissioner Norden** moved to approve the bid award to Tezak Heavy Equipment for the ¾" Aggregate. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

3. Consideration of Bid Award to Rocky Mountain Materials for Asphalt Material. Representative: Tony Adamic, Director of Department of Transportation.

**Tony Adamic** said there currently are no planned paving projects. This will primarily be used for patching projects. The bid is for \$48.50 per ton and would come from the plant located on County Road 112.

**Commissioner Payne** moved to approve the bid award to Rocky Mountain Materials for asphalt material. Commissioner Norden seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried.

4. Consideration of Bid Award to EnviroTech for Dust Suppressant. Representative: Tony Adamic, Director of Department of Transportation.

**Tony Adamic** said the dust suppressant is a magnesium chloride product called Road Saver. The cost is \$0.506 per gallon. The product will be delivered by Rail Car and stored at Colorado Quarries in Canon City. The Department of Transportation will apply the material to the roads. The plan is to apply dust suppressant to 66 miles of road during 2013.

**Commissioner Norden** moved to approve the bid award to EnviroTech for Dust Suppressant. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

5. Consideration of Task Order A, to the Professional Services Agreement between Fremont County and Armstrong Consultants, Inc. Representative: Dick Baker, Airport Manager.

**Dick Baker** explained the Airport Advisory Board approved this agreement. Funding from the state has not yet been approved for the project.

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He hopes to receive official notification from the state for the \$3,300,000 funding within the next 30 days. This task order will authorize Armstrong to design and engineer the parallel taxiway. Work will not begin until funding is in place.

**Commissioner Norden** moved to approve Task Order A to the Professional Services Agreement with Armstrong Consultants for the parallel taxiway at the Fremont County Airport. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

6. Consideration to approve and authorization for the Chairman to sign a contract agreement with artist Sheldon Roberts for initiation of John C. Fremont sculpture at Pathfinder Regional Park and payment of an initial \$5,000.

**Commissioner Norden** noted the artwork displayed by John Alderman is of the proposed sculpture of John C. Fremont. The sculpture will be made by artist Sheldon Roberts. The 20 foot tall sculpture will be located at Pathfinder Regional Park. The sculpture should be visible to motorists on Highway 115. The \$5,000 initial payment represents public funds from the Canon City Recreation District and the County of Fremont. Each of these two entities will pay \$2,500. The artist is to raise the remaining balance of the \$20,000 to complete the project. Pledges and donations total \$11,000 so far. Anyone who contributes \$100 or more will have their name inscribed on a pedestal near the sculpture. The agreement spells out the payment schedule based on phases of completion.

**Commissioner Norden** moved to authorize the Chairman to sign the agreement with artist Sheldon Roberts for the John C. Fremont sculpture at Pathfinder Regional Park and approve the \$5,000 initial payment. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

7. Ratification of action by the Fremont County Weed Advisory Board to amend the Board's By-laws regarding clarification of a quorum. Article VI, Section 2 currently reads: "A quorum of membership shall consist of a majority of those members present at the date and time of the regular meeting." Amended language will read: "A quorum of membership shall consist of a majority of the ten voting members (6) present at the date and time of the regular meeting."

**Commissioner Bell** read Article VI, Section 2 of the by-laws for the Weed Advisory Board as it currently is written. The amended language will be "A quorum of membership shall consist of a majority of the ten voting members (6) present at the date and time of the regular meeting. Bell stated the Weed Advisory Board has already approved the new language.

**Commissioner Payne** moved to approve the amended language as presented by Commissioner Bell. Commissioner Norden seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried.

8. Consideration of an appointment to the Southern Colorado Economic Development District.

**Commissioner Bell** explained the Southern Colorado Economic Development District is an organization of many Southern Colorado Counties. The headquarters are located in Pueblo. Fremont County is designated three seats to fill on the Board. Currently two seats are filled.

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One seat is held by Commissioner Bell and the other by Judy Lohnes, Director of the Upper Arkansas Council of Governments. Only one letter of interest was received to fill the vacant seat. This letter was from Angela Bellantoni of Canon City.

**Commissioner Norden** moved to appoint Angela Bellantoni to represent Fremont County on the Southern Colorado Economic Development District Board. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

9. Request: Estes-Cox Permanent waiver or extension of temporary waiver of hard surfacing. Request approval of a permanent waiver or extension of surfacing and buffering for paving the additional parking area related to the construction of the warehouse addition completed in May, 2007, by Estes-Cox Corporation. A three year deferral of the hard surfacing of the new parking area was approved by the Board on February 27, 2007, and an additional three year extension was granted on March 23, 2010. The property is located west of H Street and North of Highway 50, in the Penrose area. Representative: Joe Seiberlich, Director of Operations, Estes-Cox Corporation.

**Joe Seiberlich** said he is requesting a permanent waiver or at least another three year extension for the parking area of the warehouse addition. There are currently 47 parking spaces located there that are utilized by only 15 employees. Additional parking is available on the other side of the building. The driveway in front of the loading docks is paved. The dirt parking lot is on the west side of the building and utilized by four employees. The dirt lot on the south side of the building is not used for parking. The area that is not paved has road base.

**County Attorney Jackson** suggested the waiver not be permanent, in case the property is transferred to another owner. The Board should reserve the right to require the parking area to be paved.

**Planning and Zoning Director Giordano** said in the future, the property could fall under the commercial development plan portion of the regulations. As long as Estes is the owner of the property, it would be by a permanent waiver. Once the property changes ownership or type of use, the Board would retain the right to review the waiver.

**Commissioner Norden** moved to grant a waiver of the hard surfacing requirement for the permit of the warehouse addition parking area until such time Estes is sold or the buildings are sold. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

10. Request: CUP 06-001 Byzantine Quarries Change of Ownership, Succession of Operator, and change of file name. Request approval of change of ownership and succession of operator from Larsen Colorado, LLC DBA Byzantine Quarry, LLC to Byzantine Quarry, LLC along with a change of file name from CUP 06-001 Byzantine Quarries to CUP 06-001 Byzantine Quarry. The property is located approximately two miles north of the intersection of U.S. Highway 50 and Fremont County Road #69, then west of Fremont County Road #69 approximately  $\frac{3}{4}$  of a mile, north of Canon City.

**Dan Tezak** explained the reason for the request is due to his father unexpectedly passing away. He has been handling the estate of his father. This is the final step to getting all of the permitting out of the previous owners name and into an LLC that was in his father's estate. Everything is in place with DRMS for the succession of operator to occur.

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**Planning and Zoning Director Giordano** said the Department has received all of the necessary paperwork. As the property went through a foreclosure, a copy of the Confirmation Deed is still needed. Any approval of the transfer should be contingent upon receipt of the deed.

**Commissioner Norden** asked Mr. Tezak if he plans to make the quarry operational again. Tezak replied he does not intend to open it at this time. Giordano said there are requirements in the original resolution regarding dust abatement and gravel for the road if the quarry is operational.

**Commissioner Norden** moved to approve the change of ownership, succession of operator, and change of file name for CUP 06-001 Byzantine Quarries. Commissioner Payne seconded the motion. Commissioner Bell noted the applicant is accepting all of the conditions of the original CUP with this transfer of ownership. Mr. Giordano informed the applicant a letter would need to be provided to his department if the quarry will be in cessation for more than six months. The cessation can be for up to two years. Mr. Tezak acknowledged these conditions. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

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

None.

**Chairman Bell** adjourned the meeting at 10:13 A.M.

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Clerk and Recorder