

May 12, 2015

NINTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on May 12th, 2015, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Edward Norden called the meeting to order at 9:30 A.M.

Edward H. Norden	Commissioner	Present
Debbie Bell	Commissioner	Present
Tim Payne	Commissioner	Present
Katie Barr	Clerk and Recorder	Present
Brenda Jackson	County Attorney	Present

Also present: George Sugars, County Manager; Matt Koch, Planning and Zoning Director and Jody Blausen, Chief Deputy Clerk.

The Invocation was given by Larry Kettle, Bridge to Life Church.

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

APPROVAL OF AGENDA

Commissioner Payne added an item as New Business #4; authorization of the County Managers signature to the Underfunded Courthouse Facility Commission Grant.

Commissioner Payne moved to approve the Amended Agenda. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

CONSENT AGENDA

1. Approval of Special Medical Marijuana Licensing Board Minutes / April 20, 2015.
2. Approval of Minutes / April 28, 2015
3. Approval of Bills for May 12, 2015 / \$867,540.97
4. Approval of amendment for Task Orders #2 to the Master Contract dated January 17, 2012 between Colorado Department of Public Health & Environment Office of Planning & Partnerships.
5. Approval of the Treasurer's request for reimbursement to a Tax Lien Holder for expenses incurred from an invalid Treasurer's deed.
6. Schedule Public Hearings: None

Commissioner Payne moved to approve the Consent Agenda. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

ADMINISTRATIVE/INFORMATIONAL

1. Administrative and Elected Officials
 - a. County Clerk's Monthly Report, Katie Barr, County Clerk and Recorder

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County Clerk Barr presented her report for April 2015. Total fees collected were \$952,369.85 of which the County kept \$516,044.30 for disbursement. This is \$20,401.25 less than April 2014.

Commissioner Bell moved to accept the County Clerk's Report for April 2015. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

Commissioner Bell noted the Canon City Music and Blossom Festival was held a few weeks ago and was a huge success.

2. Citizens Not Scheduled: None.

OLD BUSINESS

None.

NEW BUSINESS

1. In consideration of appointing Tony Adamic to fill a vacant seat on the governing board of the Fremont County Regional GIS Authority with a term that will expire on April 30, 2016.

Commissioner Norden said this vacancy is due to the retirement of Bill Giordano. Tony works closely with the GIS Department and has agreed to this appointment.

Commissioner Bell moved to appoint Tony Adamic to the vacant seat on the Fremont County Regional GIS Authority with a term expiring on April 30, 2016. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

2. In consideration to commit \$5,000 in 2015 to the Golden Age Center to help provide the funding to continue transportation service to our community.

Commissioner Norden explained the Executive Director of the Golden Age Center had submitted a letter requesting \$5,000 for the current year to aid in transportation costs for citizens. They are the only transportation system in the state of Colorado that operates with all volunteer drivers. The service has recently expanded to include Penrose, Florence, Rockvale, Coal Creek, and Williamsburg.

Commissioner Payne moved to approve the \$5,000 expenditure to the Golden Age Center to help with transportation costs. Commissioner Bell seconded the motion. Commissioner Norden noted the funding comes from the General Fund Reserves. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

3. In consideration of a CDBG-DR grant application request to Colorado Division of Homeland Security in the amount of \$56,950.75 for the September 2013 County Road Flood Recovery. Sunny Bryant, Assistant County Manager / Budget & Finance Officer

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Sunny Bryant explained the state received additional federal funding for the declared disaster areas in 2013. The Royal Gorge Fire in June and the flooding in September both qualify for the disaster recovery funds. This is the first grant application of two that will be submitted. There was \$455,606 in road funds used for the flood recovery projects. FEMA paid 75%, the State paid 12.5% and the County paid 12.5% of the cost. This grant will reimburse the County for their 12.5% portion of the funds spent.

Commissioner Bell moved to approve the grant application request to Homeland Security in the amount of \$56,950.75 for the September 2013 County Road flood recovery. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

4. In consideration of authorization of the County Manager's signature on the grant application from the Underfunded Courthouse Facility Fund in the amount of \$25,000.

County Manager Sugars said the County had applied for this grant in February. This is for architectural services for space planning on the second floor of the Judicial Building. The \$25,000 grant was awarded to Fremont County.

Commissioner Payne moved to authorize the signature of County Manager Sugars on the grant to accept the \$25,000 award from the Underfunded Courthouse Facility Fund. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

Chairman Norden recessed the meeting at 9:51 A.M. until the Public Hearing at 10:00 A.M.

Chairman Norden called the meeting back to order at 10:00 A.M.

PUBLIC HEARINGS SCHEDULED FOR 10:00 A.M.

1. Request: CUP 15-001 Phillips Ranch Property Gavel Pit #2 (Major Modification to CUP 97-003 Pioneer Sand and Gravel). Request approval of a Conditional Use Permit, Department file #CUP 15-001 Phillips Ranch Property Gravel Pit #2 (Major Modification to CUP 97-003), which will add one hundred and thirty-five (135) acres to the existing Conditional Use Permit Area, which contains forty (40) acres, by Pioneer Sand Company Inc., for property owned by Hardscrabble, LLC. The existing use is for a gravel mine and aggregate production operation, a crushing facility and possible asphalt and cement batch plant. The property is located on the north side of Fremont County Road #19 (aka Siloam Road) approximately five (5) miles southeast of the intersection of Colorado Highway 67 and Fremont County Road 19, southeast of the City of Florence. The actual mine site is approximately two hundred (200) feet north of the intersection of the mine access road and County Road 19. The property is located in the Agricultural Forestry Zone District and contains one hundred and seventy six (176) acres, including access road. Representative: Angela Bellantoni Ph.D., Environmental Alternatives, Inc.

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

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Dr. Angela Bellantoni discussed the application. It has been permitted since 1997 and operated by Pioneer Sand and Gravel exclusively. This request will add 135 acres to the existing permitted area. She discussed the recommended Conditions and Contingencies. The owner of the property has met with the Colorado Parks and Wildlife Department and is in compliance with their requests noted in Condition #M.

Commissioner Norden stated the record should reflect the correct spelling of Mr. Ausburn's name as it was not spelled correctly in the Planning Commission Minutes.

Planning & Zoning Director Koch said the Planning Commission did recommend approval of this CUP request at the April 7th meeting. All of the notifications were completed and the property was posted as required. He discussed the recommended Conditions and Contingencies from the Planning Commission. Mr. Koch also discussed the Waiver Requests.

Public Comments:

Leslie Novoa is concerned with the number of the large trucks traveling on the roads through her neighborhood. She passed three gravel trucks just this morning. The roads through Bear Paw were not engineered to handle heavy trucks full of gravel. The trucks do not slow down even though there are children playing in the neighborhood. Many of her neighbors are upset with the conditions of the roads and the truck traffic. She suggests the trucks use another route.

Chairman Norden closed the Public Hearing at 10:35 A.M.

Angela Bellantoni responded to the concerns. She said these are 15 ton trucks with a 25 ton load. Pioneer has agreed to fix the road through Sumo even though it is not their responsibility. There will be no more than six truck loads per day from Pioneer. She is not sure what other trucks are using this road, but Pioneer does not have any trucks operating today.

Mr. Ausburn said he addresses any issues with his drivers. They do slow down and have even stopped to assist drivers who were broken down on the side of the road. None of his trucks are on the road today.

Commissioner Norden noted the problems on that road are not the responsibility for the applicant to bear. He has had conversations with Florence City Council regarding an alternative haul route to the south of the Sumo access. The CDOT access permit has expired and the City of Florence is looking at the possibility of renewing it. The County will do what it can to help reduce the truck traffic.

Commissioner Bell stated the Florence Mayor has an appointment to meet with the other two gravel companies that are utilizing this road. The goal is to have an alliance with the City of Florence, Fremont County, and all of those who use the road.

Commissioner Bell moved to approve CUP 15-001 Phillips Ranch Property Gravel Pit #2 with the Recommended Conditions A-R with the following changes:

Condition L to be changed to read – Any updated weed control plan shall be submitted promptly to the county.

Condition M to be changed to read – As per letter dated April 10, 2015 from Pioneer Sand.

Including Recommended Contingencies #1-#3.

Deleting Recommended Contingency #4 as it has been resolved by Condition N.

Deleting Additional Consideration #1 thus making Additional Consideration #2 as #1 which is included.

Approving the Waivers as requested.

Commissioner Payne seconded the motion.

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Commissioner Bell revised the motion to change Additional Consideration (now #1) to read – Determine whether the recommendations of the City of Florence in the City Council Minutes dated April 20, 2015 shall be required of the applicant.

As Resolution #18.

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

Chairman Norden adjourned the meeting at 10:50 A.M.

Clerk and Recorder