

July 8, 2008

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THIRTEENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on July 8, 2008, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Larry Lasha called the meeting to order at 9:30 A.M.

Larry Lasha	Commissioner	Present
Edward H. Norden	Commissioner	Present
Michael J. Stiehl	Commissioner	Present
Brenda Jackson	County Attorney	Present

Also present Finance Director, Dana Angel; Marshall Butler, Planning and Zoning Coordinator and Tina Taylor, Deputy Clerk.

Scott Simpson from the First Baptist Church gave the Morning Prayer.

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

APPROVAL OF AGENDA

Commissioner Norden added to the Consent Agenda for July 22, 2008 at 10:00 A.M. a Public Hearing for Project Echo.

Commissioner Stiehl added the May 27, 2008 BOCC Meeting Minutes to the Consent Agenda for approval.

Commissioner Stiehl made a motion for the approval of the Agenda as presented with the additions. Commissioner Norden seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Lasha, aye. The motion carried.

CONSENT AGENDA

Commissioner Norden moved approval of the Consent Agenda as amended.

1. Approval of Minutes June 9 and June 24, 2008
ADDED: May 27, 2008 BOCC Minutes
2. Approval of Bills July 8, 2008 / \$748,493.64
3. LIQUOR LICENSES
Thunte Mary L
Waterhole No. 1
1503 Elm Ave.
Canon City, CO 81212-4518
Retail Liquor Store License Renewal - Malt, vinous, and spirituous

SugarBush Store & Campground Inc.
SugarBush Store & Campground
9229 Highway 50
Howard, CO 81233
3.2 Percent Beer Retail License Renewal
4. SCHEDULING OF PUBLIC HEARING FOR AUGUST 12, 2008

REQUEST: ZC 08-003 BROWN ZONE CHANGE

Request approval of a **Zone Change from the Business Zone District to the Agricultural Suburban Zone District, Department file # ZC 08-003 Brown Zone Change**, by Matthew S. Brown, for his property which is located on the north side of US Highway 50, approximately 675 feet east of Swissvale Road (private road), in the Swissvale Area. The property currently contains two storage buildings. The applicant proposes to construct a new single-family dwelling on the property upon receiving

approval of the zone change. The property to be rezoned contains 3.5 acres.

5. **SCHEDULING OF PUBLIC HEARING FOR JULY 22, 2008**

Community Development Block Grant For The Proposed Remodeling Project At Old The Harrison School In Canon City For Project Echo And The Family Center Early Childhood Programs And Offices.

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

ADMINISTRATIVE/INFORMATIONAL

1. Staff /Elected Officials

Commissioner Norden stated that there was the Crampton Mountain Fire a week ago and one on the Nash Ranch that was hit really hard with air tankers to extinguish. The Sheriff's Department Wild Land Fire Unit was out four days steady and was assisted by the Tallahassee Volunteer Fire Department. The Stage One Restrictions remains in effect.

2. Citizens Not Scheduled: None

OLD BUSINESS

REQUEST: CUP 08-001 TAYLOR RANCH EXPLORATION / BLACK RANGE MINERALS COLORADO, LLC

Consider adoption of a Resolution for CUP 08-001 Taylor Ranch Exploration/Black Range Minerals Colorado, LLC. **The CUP application was previously approved at the June 9, 2008 meeting, and the item was tabled to finalize the Conditions, after allowing a two (2) week public comment period.**

REPRESENTATIVE: Cathy Cutrell, Black Range Minerals Colorado, LLC

Commissioner Lasha stated a period of two weeks was allowed for submission of written comments regarding the conditions for the permit.

Commissioner Norden moved to approve **Resolution 47, Series 2008**. Commissioner Stiehl seconded the motion.

Commissioner Norden inquired about the status of the concerns with the volunteers of the Tallahassee Fire Department. **County Attorney Jackson** stated it is not added as a Condition because we had governmental entities as Condition and the Tallahassee Fire Department is not a Special District.

Commissioner Norden stated that there are some things that are not in the Conditions that he and Commissioner Stiehl want to comment on.

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

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS FOR THE COUNTY OF FREMONT THAT PURSUANT TO THE JUNE 8, 2008 APPROVAL AND ADOPTION OF FINDINGS BY THE BOARD, THAT THE FOLLOWING CONDITIONS ARE HEREBY APPROVED AND ADOPTED AND SHALL BE IMPOSED AS CONDITIONS APPLICABLE TO BLACK RANGE MINERALS, LLC, UNDER CUP 08-001:

- A. The term of the Conditional Use Permit shall be for an eight (8) year term.
- B. The Department of Planning and Zoning ("Department") shall review the permit annually in July or more frequently if required or appropriate, to determine compliance with the conditions of the permit and forward it to the Board for their review as required by regulations.
- C. Applicant shall conform to all plans, drawings and representations submitted with or contained within the application except as may be inconsistent with the other provisions of the permit.
- D. Applicant 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. Applicant shall obtain and keep in effect all other necessary permits, licenses or the like required by any other governmental agency and as otherwise may be required by Fremont County. The revocation, suspension or expiration of any such other necessary permits, licenses or the like may in the discretion of the Board result in the revocation, suspension or termination of the permit authorized hereunder, as the case may be.
- F. The applicant shall be entitled to conduct operations pursuant to this permit seven days a week from sunrise to sunset, except that in each calendar year it shall be allowed an aggregate of not more than 60 days per calendar year when it may conduct operations after sunset. Further, in the case of emergency, the applicant may operate at any hour to ameliorate, mitigate or resolve such emergency. Applicant shall be required to report, on a quarterly basis, the number of days on which it conducted operations after hours.
- G. 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-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 temporary cessation of use be continued for more than two (2) years without approval by the Board. So long as applicant continues with exploration activities related to the land covered by this permit, including such activities as exploration drilling, base line studies, water monitoring operations or reclamation activities under this permit, it shall not be deemed to be abandoned, discontinued, terminated or in a state of cessation.
- H. The applicant shall notify the Department prior to commencing any exploration drilling (but not including water monitoring drilling) which is to occur outside the proposed area of exploration as identified within the CUP boundaries and shown on the site plan drawing. Applicant shall not conduct any exploratory drilling within 600 feet of an existing, lawfully permitted water well, absent the consent of the water well owner.
- I. The applicant shall maintain legal water rights or other lawful, adequate source of water, for the duration of any exploration drilling activities or consumptive use under this permit. During times it intends to conduct drilling activities or consumptive use of water, the applicant shall keep in effect and provide copies of the following documents to the Department:
 - 1. documentation as to the water source and right of use of any on-site or off-site water rights to be used in the exploration drilling operation;
 - 2. written notice of any changes to the water source and documentation as to right of use;
 - 3. all updated leases or newly acquired leases for any water to be used in the exploration drilling operation;
 - 4. if water is not drawn out of North Tallahassee Creek within the CUP boundary as detailed in the letter dated May 20, 2008, a copy of which was provided to the Department, between the applicant and the Colorado Division of Water Resources ("DWR"), applicant will give written notice to the Department as to the location of where water will be drawn from the source or hauled from off-site, to enable the county to determine if it will create an impact through increased truck traffic on County roads. In addition written notice specifying any changes is required. If water is to be drawn from a source along a County right-of-way such activity must have prior approval from the County Road Foreman, which may result in additional requirements or conditions.

5. Any modifications from the original representations and any changes may result in additional conditions being imposed.
- J. The applicant shall reimburse the County an amount not to exceed \$35,000 in the aggregate over a three year period, and \$5,000 each year thereafter for the duration of the CUP, commencing on the effective date of the issuance of this permit by the County for all professional fees associated with the hiring by the County of an independent hydro geologist or firm (the "Independent Consultant"), chosen by the County from the list of Consultants attached hereto as Exhibit A, to review, and make comment and recommendations as to the adequacy of the applicant's surface and groundwater baseline monitoring program. The Independent Consultant shall be an individual or a firm with extensive experience and understanding of drilling, mineral exploration, permitting and baseline hydro geologic studies. The applicant's reimbursement of the Independent Consultant's fees shall include, but not be limited to, those fees associated with the Independent Consultant's: (a) discussions with applicant's water consultants regarding the baseline water monitoring program to be submitted to State agencies, (b) review of applicant's baseline water monitoring program to confirm that applicant is complying with the baseline monitoring plan that is approved by the Division of Reclamation, Mining and Safety ("DRMS") and/or CDPHE, (c) review of reports generated from the baseline data gathered by the applicant to confirm applicant has collected that data and prepared its reports in conformance with the State agency approved baseline water monitoring program and in compliance with industry best practices for administrating such baseline monitoring programs, and (d) preparing and submitting reports to the Department of its review of applicant's work associated with items (a), (b) and (c). County may, in its discretion, request the Independent Consultant to assist and advise concerning other matters contemplated within the scope of this CUP, but under no circumstance shall applicant be held responsible or liable for consulting costs in excess of the amounts set forth herein. It is understood that applicant shall prepare, or has prepared, a baseline monitoring program that shall be subject to approval by Colorado State agencies, including DRMS and CDPHE. The County recognizes that these agencies have primary jurisdiction over the applicant's monitoring programs. In addition, the DWR oversees the permitting of monitoring wells. The applicant shall submit copies to the County and the Independent Consultant of all State agency approved water monitoring related filings and otherwise keep the Independent Consultant abreast with the applicant's efforts concerning its baseline water monitoring program.
- K. The applicant shall have a geologist convey to the driller the exploration drill well plugging and sealing requirements necessary to meet the standards established by the State and agreed upon in the applicant's approved notice of intent to prospect ("NOI"). In addition, for each drill hole the geologist will provide to the driller any specific plugging and sealing requirements that may be required for that hole based on the geologist's knowledge of that hole. The geologist shall provide written documentation to the Department that all prospecting drill holes have been plugged, sealed and capped in accordance with the DRMS approved NOI for the applicant's exploration drilling activities. This information will be submitted in the form of a written quarterly report from the applicant's geologist to the Department, noting the number and general location of all prospecting holes that have been drilled and the number of plugged, sealed and capped prospecting drill holes.
- L. The applicant shall provide the Department with a copy of all DRMS inspections, within 20 days after receipt by applicant.
- M. Compliance with any requirements of the Fremont County Weed Control officer, if applicable.
- N. Except in the case of emergency or the existence of hazardous or life threatening conditions, ingress and egress to the site by drilling equipment and other related heavy truck exploration traffic will be limited to the use of Fremont County Road #9A; provided, however, the installation and servicing of portable toilets may occur by use of Fremont County Road #26. Personal vehicles may enter the area using either roads #9A or #26.
- O. If dust pollution on those portions of Fremont County Roads adjacent to and as they enter the Taylor Ranch becomes an unreasonable problem due to increased

exploration drilling heavy equipment traffic or other related heavy truck exploration traffic then the applicant may be required by the County Road Foreman to apply an adequate dust suppressant on the affected portions of those County roads.

- P. The applicant, if lighting is to be used after sunset in the prospecting operations, will be required to use lighting directed to avoid casting light onto other properties.
- Q. The applicant, operator, etc. shall comply with all applicable requirements of the Colorado Division of Wildlife, as per letter dated May 6, 2008 and any subsequent recommendations and provide written documentation that applicant has attended any required classes recommended by the Division of Wildlife.
- R. Prior to the commencement of the regulated or notification activity, the applicant shall provide to the Department a copy of the following permits, licenses, notification forms, or the like, if required for its operations:
 - 1. Colorado Department of Public Health and Environment, Water Quality Control Division for submission of SWMP form before commencing operations to confirm that an SWMP is on file at the site.
 - 2. DRMS:
 - (a) Current NOI and any ongoing modifications;
 - (b) Approval of groundwater sampling analysis plan when initiating or conducting this program.
 - 3. Fremont County Flood Prevention Damage Permit if drilling is to occur in any FEMA designated flood hazard area.
 - 4. DWR, before drilling or completing monitoring wells:
 - (a) Monitoring well permit before drilling;
 - (b) Monitoring well permit at well completion.
 - 5. There is no requirement by any State or Federal agency for filing of the Spill Prevention Control and Countermeasures ("SPCC") for an aboveground storage tank. At such time as applicant elects to install the diesel aboveground storage tank described in its CUP application within the CUP site, the SPCC report must be on file at the site and a copy provided to the County and containment/cleanup equipment must be on site as outlined in the SPCC report (in the event of a reportable spill.)
- S. The applicant shall conform its Storm Water Management Permit ("SWMP") to the requirements of CDPHE which has jurisdiction of SWMP. Applicant's SWMP will consist of a combination of silt fences, berms and roughening of surfaces depending on the slope of the specific drill site. Silt fences, to the extent used as part of a SWMP, shall be inspected every two weeks and after every significant precipitation or snow melt event that creates runoff at the site.
- T. If applicant intends to transfer this conditional use permit to a third party or transfer any other Federal, State or county permits or licenses held by applicant to operate on the lands included in this permit, such transfers shall be in compliance with applicable Federal, State and Fremont County laws and regulations. All persons, entities or others requesting Board approval to operate under this Conditional Use Permit, or as a transferee of applicant, must agree to abide by all terms and conditions of this Conditional Use Permit and shall be required to be named on this Conditional Use Permit as additional parties or the transferee who are bound by the terms and conditions of this Conditional Use Permit.
- U. The County to the extent allowed by its Zoning Resolution shall retain the right to modify any condition of the permit, if the actual exploration drilling operation demonstrates that a condition of the permit is inadequate to serve the intended purpose of the condition. Such modifications shall not be imposed without notice and a public hearing being provided to the applicant at which time applicant and members of the public may appear and provide input concerning the proposed modifications to the conditions of the permit.
- V. The applicant shall be considered the operator under this permit. Only the applicant or contractors or agents authorized by applicant shall be allowed to conduct activities pursuant to this Conditional Use Permit. Applicant shall be responsible for all activities conducted by its contractors or agents.
- W. Within 60 days following commencement of drilling activities, applicant shall develop and submit a fire safety plan for operations on site.

- X. Any documentation submitted by applicant that is designated as confidential by applicant and which is required to be held as confidential pursuant to §34-32-113, C.R.S., and regulations implemented by DRMS, shall be held as a confidential document by Fremont County and shall not be considered or treated as a public record absent the express written consent of applicant.

WAIVER REQUESTS:

Waivers of the following have been requested and are **granted:**

1. **5.3.2 Surfacing**
2. **5.3.3 Lighting**
3. **5.3.4 Landscaping**

BE IT FURTHER RESOLVED that all applicable provisions of the Fremont County Zoning Resolution, particularly Section 8.2, shall apply to all activities conducted pursuant to this permit and shall govern the process for enforcement, violations and other issues arising under the permit.

Commissioner Stiehl stated that this decision to allow exploration for Uranium has turned out to be the most difficult one he has faced as a Commissioner. On one hand, he has worked hard to preserve working farms and ranches, and he believes strongly in individual landowners' property rights. On another hand, he has worked long and hard to protect water quality in Colorado. He is skeptical about the nuclear industry's ability to safely extract, process, and dispose of its fuel. He lives in the Cotter Superfund site. He is actively supporting mining reform, including the 1872 Mining Act. He stated when an application comes before the Board; he is required by law to put aside his prejudices and to decide the issue solely based on information that is brought forward in public hearings or during designated written comment periods. He does however give us his personal knowledge and judgment when deciding. He is sympathetic to the concerns of nearby residents about peace and quiet, property values, and the water quality that supplies their wells. He stated together with the conditions that are being imposed today these concerns have been addressed. Many residents will not agree with him at this moment but he believes that exploration will go a long way towards answering questions and putting an end to the stigma associated with having bought property near a known uranium deposit. The process we have initiated for the County to hire an independent, third party Hydro geologist to evaluate and monitor the applicant's activities will be protective of the aquifers. He stated that the Master Plan, County Zoning Regulations and State laws have been honored. The concerns that our decision has opened the door for mining, even a processing mill, are absolutely unfounded. Each and every application that comes before the Board must stand on its own merits.

Commissioner Stiehl stated that he personally assembled a list of hydro geologist firms. He consulted with Dr. Eileen Poeter and Dr. Dave Nelson of the Colorado School of Mines and with Ken Watts of the Pueblo USGS office. The Board met with Black Range last week to clarify the conditions and to make sure the language made our intent clear. At that time we showed them our list of firms, and they agreed that the list consisted of reputable firms that would do good science. Black Range will give the County \$60,000 over the course of the permit, \$35,000 for the first three years, to review the applicant's Water Plan, add conditions if needed and perform field monitoring as necessary. The findings of our third party hydro geology firm will be incorporated into the Water Plan that is submitted to the State for approval.

Commissioner Stiehl stated that he wanted to thank the community for the thoughtfulness they put into their testimony before them, and the comments that have been submitted.

Commissioner Norden stated the Conditions are intended to represent a compromise between what the opponents, supporters and the applicant wanted to see in the Conditions. To an extent what you see in the Conditions is also a compromise between the Commissioners. One of the issues that came up repeatedly in the comments was enforcement. Questions on how and when it would take place. The Planning and Zoning Department is in charge of enforcement for all issues specifically within the County's jurisdiction. Fremont County has no authority to monitor the water diversion out of Tallahassee Creek by Black Range. Water enforcement is strictly done by the State Engineer and the Water Commissioner.

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Commissioner Norden stated it is imperative to create Community Relations Board to establish communications between the neighborhood and Black Range. He is willing to facilitate the group and feels it is important to keep communication open.

Commissioner Norden asked Ben Vallerine to comment on what has been resolved about the concerns of the Tallahassee Fire Department that were not put in the Condition but were assured by Black Range were being addressed.

Ben Vallerine, Black Range Minerals Exploration Manager, stated they had received the letter listing the concerns from Fred Arnold of the Tallahassee Fire Protection and have replied to the letter. We have not received comments back. The concerns we will not address involve the property rights of the Boyer's and Taylor's. We are only tenants on the land and not the owners. There will be tools on board all vehicles specifically designed for fighting fire, connectors for the water trucks will be on site so they can be connected to the fire departments machines, an evacuation plan and a fire prevention plan. We will provide them with a map of all the roads on the property and some level of street labeling to designate major intersections to assist in navigating around the ranches. Once rigs are on site he will take Fred Arnold and Jim Barton around to show them the fire fighting equipment.

Commissioner Norden stated they have had a good conversation with Black Range regarding expectation of their water expert as well as our third party water expert. It became apparent to the Board in getting the permit issued by the Planning and Zoning Department that we need to allow Black Ranges' water expert, Susan Wyman, to resume her work because not only did exploratory drilling halt but under the terms of the permit, her work of any water monitoring in relation to the surface and ground water monitoring plan was also halted. It is important that her work resume in this water season of 2008. Susan Wyman has expressed concern about losing data. It is important to us also to get the third party expert on board and the scope of work defined to get the surface and ground water monitoring underway. From all of the comments the water issue was the most critical complaint. The process needs to get set up with the third party expert to get neighbors wells signed up who want to participate and be part of the baseline monitoring. The perimeter of the CUP has been expanded to include wells outside the CUP area.

Commissioner Stiehl stated well test data will be held confidential. A meeting will be set up to share the information that Susan Wyman has acquired with the participants and the third party expert.

Commissioner Lasha stated that some issues that come before the Board are controversial and some people will be please while some unhappy. He thanked everyone involved from the County for the research done and time expended. It was an important issue.

NEW BUSINESS

COMPLAINT OF CONSTRUCTION OF A GRAVEL PIT ON THE TAYLOR RANCH IN THE TALLAHASSEE AREA

Vince Capozzella stated he is withdrawing his complaint. The pit has been filed back in. He questioned if this had been a gravel pit on private property and a third from another country was paying for the gravel would that required a permit even though it was being used on that property. **Commissioner Stiehl** stated this is an issue that we have never had to enforce specifically. Our current interpretation of the regulation that we have in place is primarily focused on activities to remove gravel from the property. Current enforcement of regulations is for improper use.

Commissioner Lasha closed the regular session and opened the Public Hearing.

PUBLIC HEARING BRADFORD'S REQUEST FOR A RETAIL LIQUOR STORE JULY 8, 2008 10:00 A.M.

Jan Bradford stated she and her husband own the Bradford's convenience store located at 1400 East Highway 50, Penrose, CO. Their beer vendors stated if the state law ever

passed that liquor stores could be open on Sunday that 3.2% beer would not be sold any more in Colorado. People have asked them for years to open a liquor store. The store has a space with a separate entrance that is currently use for storage. As a business we feel that this is another opportunity to make money. Mrs. Bradford submitted her poster and legal notice. She submitted a map showing the distance from the other two liquor store in Penrose that are protesting the opening of their store. She expressed that their store was closer for the people on their side of town.

Deputy Clerk Taylor stated the store does have a separate entrance for the liquor store. The CBI report is not in. Colorado State Liquor Division said to submit the documents now and we can hold issuing the County certificate until the CBI report is in and favorable.

Commissioner Lasha stated there was a question of hours of operation. Jan Bradford replied they will be open seven (7) days a week from 10:00 A.M. to 10:00 P.M. She said the two liquor stores in Penrose and one in Florence choose not be open on Sunday.

Gary Ivonella, Owner, Penrose Plaza Liquors, submitted petitions against another liquor store in Penrose stating it is a small community. He said he has not seen anything that 3.2% will not be for sale any longer. He stated the other three stores choose to be closed on Sunday to not compete against the 3.2% beer sellers on Sunday and the community bars. **Commissioner Norden** inquired about the number of signatures he obtained. Mr. Ivonella stated about seven (7) pages.

Commissioner Norden stated in the case of liquor licenses in the past, the responsibility is on the applicant to identify that they are fulfilling a community need. This is complicated by the new legislation for Sunday liquor sales based on comments by both the applicant and Mr. Ivonella opposing it. Commissioner Norden asked if the thrust of Mr. Ivonella's opposition primarily that there is not a community need for a third outlet or that he didn't agree with the new legislation and prefer that everybody be closed on Sunday?

Mr. Ivonella said no but when you have a large community one would have to be open because of the competition.

Jan Bradford stated the new liquor store is separate business from the convenience store and does not relate. They want to open a liquor store on their end of town that sells spirits only and choose to be open on Sunday.

Commissioner Norden stated Mr. Ivonella phoned him at the office and asked him procedurally how one could go about protesting. He related to him that the applicant has an obligation to present a petition of support. Mr. Ivonella asked if he could do a petition of opposition. Commissioner Norden indicated that was up to him. Mr. Ivonella asked about the language on the petition. Commissioner Norden stated the language on the petition was up to him.

Commissioner Lasha closed the Public Hearing and returned to regular session.

Commissioner Lasha stated he understood the issue of competition and in business it is real. Currently Penrose is a community that presently has two liquor stores. We have two major corridors, HWY 115 and HWY 50 which brings in different issues for locations in Penrose. Commissioner Lasha moved to approved Bradford Handi-Mart liquor license.

Commissioner Norden seconded the motion stating that he understands that Mr. Ivonella has a petition in opposition but the applicant met her obligation in presenting a petition of support. Commissioner Norden also explained that the other thing that is important if there was a citizen's desire of residence in the area that did not want a liquor store that their presence would speak louder than any competitive advantage or disadvantage. Mrs. Bradford's map of the area is indicative that there perhaps is a different client base being on HWY 50. **Commissioner Stiehl** stated that he felt competition causes all business to thrive and if the establishments are well run their business does better.

Commissioner Lasha amended his motion to hold issuance of the County certificate until the CBI report comes in.

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

NEW BUSINESS – CONTINUED

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RESOLUTION ADOPTING MILEAGE REIMBURSEMENT RATE FOR EMPLOYEES USING PERSONAL VEHICLES FOR COUNTY BUSINESS

Finance Director Angel stated the resolution will increase the mileage rate from \$0.36 per mile to \$0.50. This equates to a thirty-nine percent increase. The County's total budget for mileage for 2008 is \$13,500.00. A thirty-nine percent increase of that is approximately \$5,200.00. This increase will go into effect July 1, 2008 which will amount to \$2,600.00 for this year.

Commissioner Norden stated it is important that we don't transfer the expense to County employees to do County business and moved to approve **Resolution 48, Series 2008**. Commissioner Lasha seconded the motion.

Commissioner Stiehl explained the Federal reimbursement rate is \$0.58.5 cents. We do not have very many people claiming mileage. We try to keep employee travel in County staff vehicles low whenever we can. **Finance Director Angel** stated the staff cars are already incurring that type of mileage cost because fuel and maintenance has increased.

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

FREMONT COMMUNITY NON-PROFIT CENTER FOUNDATION, 1330 ELM AVE., SPECIAL EVENTS LIQUOR PERMIT FOR BLUES FESTIVAL

Michael Merlino, President, Fremont Community Non-Profit Center Foundation, stated they do business as the Belvedere Blues Festival and just completed the Holy Smoke Barbeque Showdown. The Barbeque Showdown was successful and made about \$4,000.00 which will go to non-profits organizations in Fremont County. He is requesting approval for the Liquor Permit and the Temporary Use Permit for the Belvedere Blues Festival on September 5, 6, 7, 2008. The goal is to raise money and provide it to non-profit organizations within Fremont County because we do not have a United Way. Secondly we want to stimulate the economy with the festival benefiting the hotels, gas stations, etc.

Commissioner Norden inquired if all the beer sales were in the tent. Mr. Merlino stated yes. They have the Colorado Rangers and about 30 volunteer firemen for security. Raft Masters are donating their personal time to give people rides home.

Commissioner Stiehl moved to approve the application for the Special Events Permit for the Blues Festival for malt, spirituous and vinous liquor. Commissioner Norden seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Lasha, aye.

REQUEST: TUP 08-006 BELVEDERE BLUES FESTIVAL IX

Request approval of a Temporary Use Permit File # **TUP 08-006 Belvedere Blues Festival IX** to allow a 3-day music festival with motorcycle ride and car show by Fremont Community Non-Profit Center Foundation. The event will take place at *1130 Elm Avenue behind (south) and West of Merlino's Belvedere Restaurant*. The event will take place *Friday, September 5, 2008 from 4:00 p.m. to 2:00 a.m., Saturday, September 6, 2008, from 8:00 a.m. to 2:00 a.m., and Sunday September 7, 2008, from 9:00 a.m. to 7:00 p.m.*

REPRESENTATIVE: Michael A. Merlino, Fremont County Non-Profit Center Foundation

Planning and Zoning Coordinator Marshall Butler stated they are asking for a waiver of the application fee and clean up fee. The insurance needs to be evaluated which is one million. **Michael Merlino** stated the insurance is in the package. Previously they had an expiration date on the policy. Now it runs from January 1st to December 31st.

Commissioner Stiehl moved to approve the request for TUP 08-006 Belvedere Blues Festival IX, Friday, September 5th through 7th, waiving the application and clean up fees, and accept their insurance of one million dollars. Commissioner Norden seconded the motion.

Commissioner Stiehl complimented Mr. Merlino on his leadership and the volunteers with the work they do to put the program together. Commissioner Stiehl congratulated Mr. Merlino on his timeliness in getting the applications to the County well in advance to process.

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

REQUEST: TUP 08-005 HAPPY APPLE FALL HARVEST

Request approval of a Temporary Use Permit File # **TUP 08-005 Happy Apple Fall Harvest** to allow operation of a pick-your-own harvest, hay ride, and Country Store selling Apple Wood Smoked Brisket and related picnic type items, as well as other crop-related items, by Anthony T.Ferrara. The event will take place at Happy Apple Farm, located at *1190 1st Street, Penrose. The event will take place every Friday, Saturday and Sunday between August 9, 2008 and October 19, 2008, from 9:00 a.m. to 4:30 p.m.*

REPRESENTATIVE: Anthony T. Ferrara, Happy Apple Farm

Anthony Ferrara stated that he and his father have a pick your own apple orchard. Three of the last four years they have lost their apple crop. This year the apple crop loss was due to a freeze. They would like to supplement their income by having hay rides and a country store selling apple wood smoked briskets and picnic items as well as their other crops of pumpkins and blackberries.

Planning and Zoning Coordinator Marshall stated the application is for eleven (11) consecutive three day weekends from August 9, 2008 thru October 19, 2008. They have liability insurance policy. They have requested a waiver bond for clean up.

Commissioner Lasha inquired if the activities were behind a fenced area. **Mr. Ferrara** stated yes, the activities will be surrounded by an eight (8) foot deer fence that protects their crops on twenty-five (25) acres of their forty (40) acres farm. He has also checked with the fire department and state patrol.

Commissioner Norden moved to approve TUP 08-005 Happy Apple Fall Harvest and waive the clean up fee. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried.

Commissioner Lasha adjourned the meeting at 10:45 A.M.

County Clerk