

July 12, 2016

THIRTEENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on July 12, 2016, 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: County Manager Sunny Bryant and Planning and Zoning Director Matt Koch

Bill McDowell of First Southern Baptist Church gave the Invocation.

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

APPROVAL OF AGENDA

Commissioner Bell moved to approve the Agenda with addition of New Business items #8 Disaster Declaration for Hayden Fire and #9 Imposing a Fire Ban in Fremont County. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

CONSENT AGENDA

1. Approval of Minutes / June 28, 2016
2. Approval of Bills for \$ 974,376.99
3. 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. Staff/Elected Officials Reports:
 - a. County Clerk's Monthly Report, Katie Barr, County Clerk and Recorder

Clerk Barr reported the total Motor Vehicle Fees, Sales Taxes and Recording Fees collected for June 2016, were \$1,114,257.90, and Fremont County's portion for disbursement is \$610,208.88.

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

- b. County Sales & Use Tax Report, Sunny Bryant, County Manager

Manager Bryant reported for the month of April, Retail Sales Tax collections were \$368,513; Sheriff-Retail Sales Tax collections were \$245,674; and Lodging Tax was

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\$7,254. For May, Auto Use Tax collections were \$79,547; Sheriff-Auto Use Tax collections were \$53,032; Construction Use Tax collections were \$16,837; and Sheriff-Construction Use Tax collections were \$11,224.

c. County Manager Report, Sunny Bryant, County Manager

Manager Bryant reported on attending the Upper Arkansas Water Conservancy District meeting and the War Memorial Park brick dedication. She reported on the progress of projects including the Road & Bridge road maintenance, the Sheriff's laundry and kitchen upgrade, and the annual audit.

2. Citizens who wish to address the Commissioners on a matter not scheduled on the agenda

George Storey expressed his concern for the fire near Coaldale. He wished the firefighters luck in fighting the fire.

Barbara Jameson voiced her concerns over AirBnB affecting businesses such as her own bed and breakfast. She feels these online businesses are taking money from established lodging units in the county and avoiding taxes such as Lodging Tax.

Commissioner Norden explained the Assessor's Office has someone assigned to check the websites and reevaluate these properties from residential to commercial with assessed taxes. He reassured Ms. Jameson that the County is being diligent in examining the situation.

OLD BUSINESS

None.

NEW BUSINESS

1. Update on the John C. Fremont Library District
Representative: Tabby Selakovich, Director

Tabby Selakovich reported that in 2015, the library district obtained 450 new patrons, circulated 22,359 books and 245 ebooks, hosted many projects and programs such as family movie nights, and was the first library to host AspenCat regional training.

Commissioner Bell commented on how the programs provided are fabulous.

PUBLIC HEARINGS SCHEDULED FOR 10 A.M.

1. The purpose of the hearing is to allow citizens to review and comment on the performance of the Upper Arkansas Area Council of Governments in carrying out their Single Family Owner Occupied Housing Rehabilitation Program, financed through Community Development Block Grant funds. Representative: Autumn Dever, Upper Arkansas Area Council of Governments

Chairman Norden opened the Public Hearing at 10:00 a.m.

Autumn Dever reported on the contract from May 1, 2014 through February 29, 2016. UAACOG received \$180,000 in CDBG funds for administration of the program in five counties. They performed 25 jobs—22 in Fremont County, 1 in Chaffee County, and 2 in Teller County—during the contracted period. Twelve of the jobs were for emergency rehab.

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Chairman Norden closed the Public Hearing at 10:03 a.m.

NEW BUSINESS cont.

2. Consideration to appoint Bill McDowell of Atmos Energy to the Southern Colorado Economic Development District

Commissioner Bell moved to appoint Bill McDowell to the Southern Colorado Economic Development District. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

3. Ratification of Signatures on a Letter of Support for the Upper Arkansas Water Conservancy District Water Supply Reserve Account
Representative: Tim Payne, County Commissioner

Commissioner Payne explained the letter is in support of a grant application for Phase 2 of the project for a water-storage reserve account.

Commissioner Payne moved to ratify the Board's signatures on a letter of support for a Phase 2 water study by the Upper Arkansas Water Conservancy District. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

4. Martin-Marietta has acquired sole interest in Rocky Mountain Materials and Asphalt, Inc. therefore they are requesting a Change of Operator and Change of Name for CUP 01-009 Red Canyon Quarry to CUP 01-009 Martin-Marietta Red Canyon Quarry. The quarry is located at the end of Barrett Road on the Fremont/El Paso County line in the northeastern area of Fremont County, containing six hundred eight (608) acres.
Representative: David Hagerman, Martin-Marietta

Dave Bieber, property surveyor for Martin-Marietta, explained that Martin-Marietta recently acquired Rocky Mountain Materials and Asphalt, Inc., which included the Red Canyon Quarry, the Penrose Pit, and the Coyote Ridge Quarry. Martin-Marietta would like to change the operator and name on each CUP.

Director Koch said the applications are very straightforward. The Coyote Ridge Quarry includes a 2-year temporary cessation application as well.

Commissioner Bell moved to approve the Change of Operator and Change of Name for CUP 01-009 Red Canyon Quarry to CUP 01-009 Martin-Marietta Red Canyon Quarry. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

5. Martin-Marietta has acquired sole interest in Rocky Mountain Materials and Asphalt, Inc. therefore they are requesting a Change of Operator and Change of Name for CUP 02-05 Rocky Mountain Materials Penrose Pit to CUP 02-05 Martin-Marietta Penrose Pit which is located on both sides of Colorado State Highway 120, two (2) miles east of the intersection of Colorado State Highway 115 and Colorado State Highway 120 in the Portland area, containing two thousand two hundred twenty acres more or less.
Representative: David Hagerman, Martin-Marietta

Commissioner Payne moved to approve the Change of Operator and Change of Name for CUP 02-05 Rocky Mountain Materials Penrose Pit to CUP 02-05 Martin-Marietta Penrose Pit. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

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6. Martin-Marietta has acquired sole interest in Rocky Mountain Materials and Asphalt, Inc. therefore they are requesting a Change of Operator and Change of Name for CUP 00-2 Rocky Mountain Materials Coyote Ridge Quarry to CUP 00-2 Martin-Marietta Coyote Ridge Quarry they are also requesting a temporary cessation for two (2) years which will allow the applicant to evaluate the resources on the site to determine how they best fit in with their other operations. Depending on the results of the findings Martin-Marietta will either mine the site for landscape and other decorative products, or start reclamation and closure of the site. The quarry is located on the east side of Colorado State Highway 67 approximately three quarters (3/4) of a mile south of Fremont County Road 100, containing five hundred fifty eight acres more or less.
Representative: David Hagerman, Martin-Marietta

Commissioner Bell moved to approve the Change of Operator and Change of Name for CUP 00-2 Rocky Mountain Materials Coyote Ridge Quarry to CUP 00-2 Martin-Marietta Coyote Ridge Quarry along with a 2-year cessation. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

7. Consideration of a Resolution supporting “Raise the Bar, Protect Our Constitution”

Commissioner Bell explained that the goal is to increase the requirements for amending Colorado’s Constitution. The initiative would require a 55% majority vote to make future changes to the constitution.

Commissioner Bell moved to approve Resolution #23 supporting “Raise the Bar, Protect Our Constitution”. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

8. Disaster Declaration for Hayden Pass Wildland Fire, A Resolution Declaring Local Disaster

Commissioner Bell read the resolution.

Commissioner Bell moved to approve Resolution #24, Disaster Declaration Hayden Pass Wildland Fire. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

9. Removing the Suspension of the Fire Ban for Fremont County pursuant to Ordinance No. 2012-1 and Imposing the Fire Ban as provided in Ordinance No. 2012-1

Sheriff Beicker said in light of recent dealings and future weather forecasts, a fire ban would help to prevent future events such as the Hayden Fire. The Sheriff will determine which fire ban stage is most appropriate, but believes he will start with Stage 1.

Commissioner Bell moved to approve Resolution #22, imposing the Sheriff recommended fire ban. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

Chairman Norden adjourned the meeting at 10:21 a.m.

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**RESOLUTION NO. 22 SERIES OF 2016
A RESOLUTION REMOVING THE SUSPENSION OF THE FIRE BAN FOR
FREMONT COUNTY PURSUANT TO ORDINANCE NO. 2012-1
AND IMPOSING THE FIRE BAN AS PROVIDED IN ORDINANCE NO. 2012-1**

WHEREAS, on June 26, 2012, Fremont County adopted Ordinance number 1, Series of 2012, which imposes county-wide fire restrictions in Fremont County; and

WHEREAS, Section 10 of the language of the Fire Ban Ordinance allows for the Board of Commissioners to temporarily suspend the Fire Ban if conditions and circumstances warrant such a suspension; and

WHEREAS, on July 23, 2013, in accordance with the request of the Fremont County Sheriff, the Board of County Commissioners approved Resolution 31, Series of 2013, suspending the Fire Restriction Ordinance; and

WHEREAS, Sheriff James Beicker, in his capacity as fire warden for Fremont County in accordance with §30-10-512, C.R.S., has consulted with other entities sharing jurisdiction concerning fires within the county, has assessed the fire danger for Fremont County and has concluded that the Ordinance imposing Fire Restrictions may be temporarily suspended at this time; and

WHEREAS, on July 10, 2016, the Hayden Pass Fire began in Fremont County, which has consumed more than 14,000 acres of drought-stricken forest, is not contained in any manner and threatens many structures in the Coaldale and Cotopaxi communities; and

WHEREAS, the sale, use and possession of fireworks shall be specifically prohibited, as provided in Ordinance Number 2012-1, to reduce the threat and risk of wild fires within the County; and

WHEREAS, the weather conditions in Fremont County have been windy with above-average temperatures and little or no precipitation, and such conditions are predicted to continue for at least the next ten days and perhaps for several weeks.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS FOR FREMONT COUNTY, that the temporary suspension of Ordinance Number 2012-1, restricting open fires and open burning in the unincorporated areas of Fremont County, shall be and hereby is removed and the provisions of Ordinance Number 2012-1 shall hereby be placed in full force and effect, restricting fires and open burning in the unincorporated areas of Fremont County in accordance with the terms of such Ordinance. The Sheriff of Fremont County shall have authority to determine the effective Stage of the Fire Restrictions and shall provide full and adequate public notice of the effective Stage. The Board of Commissioners and the Sheriff of Fremont County strongly encourage residents of Fremont County, and visitors to Fremont County, to comply with all terms and conditions of the Fire Restrictions, and to exercise great caution with fires and sources that contribute to the fire danger to keep Fremont County safe from wild fires.

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RESOLUTION NO. 23
Series of 2016

BE IT RESOLVED by the Fremont County Board of County Commissioners (hereafter "Board")

WHEREAS, the Board has a unique role in governance with both legislative and executive duties; and

WHEREAS, the Board are the elected officials closest to the constituents in Fremont County; and

WHEREAS, Colorado law requires the same citizen initiative process to amend our Constitution as our state statutes creating a framework for one of the most easily amended Constitutions in the country; and

WHEREAS, under the current initiative process, there is no incentive to seek a statutory change as opposed to a constitutional amendment since the standard to change both is the same; and

WHEREAS, Since 2005, special interests have presented Colorado voters with over two dozen constitutional amendments, measures that have triggered expensive, and frequently unproductive and harmful political fights; and

WHEREAS, the Board believes that the ease of amending Colorado's constitution leaves the state vulnerable to out of state special interest groups; and

WHEREAS, the Board believes that amendments to the Constitution should be broadly and not narrowly supported; and

WHEREAS, the Board believes that broad support would be shown by including all Coloradans in the signature gathering process with signatures obtained from all 35 state senate districts before a measure qualifies for the ballot; and

WHEREAS, the Board believes that once on the ballot, broad support would be shown by achieving 55 percent of the vote to pass instead of the current requirement of a simple majority; and

WHEREAS, the Board believes that the Raise the Bar, Protect Our Constitution initiative preserves voters' rights to propose changes and place an initiative on the ballot; now

THEREFORE, BE IT RESOLVED THAT the Board of Commissioners of Fremont County supports Raise the Bar, Protect our Constitution's measure that makes it harder to amend the Colorado Constitution.

APPROVED AND ADOPTED, by Fremont County Board of County Commissioners of this 12th day of July of 2016.

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RESOLUTION NO. 24, SERIES OF 2016

DISASTER DECLARATION HAYDEN PASS WILDLAND FIRE

RESOLUTION DECLARING LOCAL DISASTER

WHEREAS, the Fremont County Emergency Manager and/or Public Health Directory has advised the Board of County Commissioners of Fremont County ("the Board") of a disaster (as that term is defined in Part 7 of Article 33.5 of Title 24, C.R.S.) currently present in the unincorporated area of Fremont County, to wit, the occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from wild land fire requiring emergency action to avert danger or damage, which started on July 10, 2016 through the duration of the wild land fire, herein referred to as the Hayden Pass Fire; and

WHEREAS, the cost and magnitude of responding to the Hayden Pass Fire on July 10, 2016 and thereafter, and the cost of the recovery from the impact of the Hayden Pass Fire is far in excess of the county's available resources; and

WHEREAS, as of the morning of July 12, 2016, the Hayden Pass Fire had burned approximately 14,000 acres, after only two days of activity and has zero containment;

WHEREAS, the fire presently poses a threat to approximately 206 structures in the Cotopaxi, Coaldale and surrounding communities, and the number of threatened structures may increase depending on how and where the fire spreads and moves; and

WHEREAS, the Emergency Manager has recommended that the Board declare a local disaster; and

WHEREAS, it would be appropriate and in the interests of the public health and safety, and would further protect property, for the Board to implement said recommendation; and

WHEREAS, pursuant to C.R.S. § 24-33.5-709 and the emergency management and operations plans and resolutions of Fremont County, Colorado the Board is authorized to declare a local disaster.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS FOR FREMONT COUNTY THAT:

1. The Board of County Commissioners for Fremont County hereby declares that there is a local disaster in the unincorporated area of Fremont County, to wit, the occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from wild land fire requiring emergency action to avert danger or damage.

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