

July 26th, 2011

### FOURTEENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on July 26th, 2011, 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
Debbie Bell	Commissioner	Present
Katie Barr	Clerk and Recorder	Present
Brenda Jackson	County Attorney	Present

Also present: George Sugars, County Manager; Bill Giordano, Planning and Zoning Director and Jody Blauser Deputy Clerk.

Pastor Benny Soto of Mountain View Community 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 Bell** moved to approve the amended agenda, removing item #3 under New Business; Approval to transfer Fremont County's 2011 Private Activity Bond (PAB) allocation to the Colorado Department of Local Affairs and replacing it with a new item #3 under New Business with a letter of support for the town of Coal Creek concerning a G.O.C.O. Grant. Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

### CONSENT AGENDA

**Commissioner Stiehl** moved to approve the consent agenda as presented. Commissioner Bell seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

### ADMINISTRATIVE/INFORMATIONAL

#### 1. Administrative and Elected Officials

1a. Fremont County Treasurer Pat McFarland – Treasurers semi-annual report and Public Trustee's quarterly report

**Pat McFarland, County Treasurer** said she had provided a copy of her semi-annual report to the Board previously, and if there were no questions, would the Board approve the report. Commissioner Norden said they had discussed the report with her and she had some comparisons from 2011 to 2010 numbers. Commissioner Stiehl moved to accept the Treasurers semi-annual report. Commissioner Bell seconded the motion. Upon Vote: Commissioner Stiehl, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

**Pat McFarland** gave the Public Trustees quarterly report for the second quarter of 2011. The releases have gone up which means people are either refinancing or paying off their loans.

July 26<sup>th</sup>, 2011

If you look at foreclosures semi-annually compared to last year were at 76 and are at 64 this year. Foreclosures are down about 18.5% for the semi-annual report. If you compare the first quarter to the second quarter of 2011 the foreclosures are up about 20.6%. Pat said more people who are paying on owner carry loans are deeding the properties back in lieu of foreclosure. She knows of four such properties that are now rentals. Commissioner Bell moved to accept the Public Trustees quarterly report. Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

2a. J.R. Phillips – Semi-annual Report to the Board

**J.R. Phillips, Fremont County Weed Control Director**, presented his semi-annual report to the Board. J.R. explained they had primarily worked on the Four Mile project during the winter. They had completed their annual training during the spring. They continue to work with the Fremont Conservation District regarding funding for numerous projects. A very effective tool used for mapping weeds was purchased in the spring and is used daily. A new herbicide was used in the arena at Pathfinder Park and was very effective. They continue to work with Tommy Covington at Pathfinder Park. Van Diest Supply is a new herbicide company in the county that they continuously use. J.R. said he has gone to other communities on the western slope and down to Las Animas to inform people of the successful programs used in Fremont County. J.R. said that Jana had worked on a Forest Service Grant that was quite substantial. The Upper Arkansas Cooperative Weed Management Area is a group of ten counties, soon to be eleven when Las Animas joins the group. They managed to get about \$110,000 in funding this year compared to \$25,000 in previous years. The weed department has also worked with local land owners and mining operation on weed control plans. They have worked with gravel quarries in Custer County and Fremont County. J.R. said they had submitted their comments on the “Over The River” project to Bill Giordano to be submitted with other comments from Fremont County Departments. There will be between 1200 to 1400 acres of Tamarisk for this year’s project which will go through out the South Eastern part of the state. J.R. noted he has had help from County Attorney Jackson on getting land owners to comply with regulations. The Beetle Kill Species that was brought into our area years ago has been successful in killing off some Tamarisk in Fremont County.

**Tom Grette** told the Board that the Weed Department continues to make progress on the Four Mile Water Shed Project. The project was started in 2008 with the goal of controlling Tamarisk and Russian Olive along the Four Mile Creek. The other project goal was to control secondary invaders. There are a lot of partners on the project. They include private land owners along the Creek, BLM, State Association of Conservation Districts, Fremont Conservation District, N.R.C.S. through the Equip Program, Colorado Water Conservation Board, U.S. Fish and Wildlife Service, and Colorado State University (C.S.U.). Many of these partners have provided funding as well as cooperation. C.S.U. continues to evaluate the treatment methods the County uses. So far this year they have completed 63 acres of mechanical treatment of the Salt Cedar and Russian Olive, mostly along Four Mile Lane. In this same area five acres of land were spot treated. Seeding of grass that is drought worthy will be planted later this year in the Four Mile area. Tom explained the process requires moisture to help the seeds germinate. As the Four Mile Project is so successful they will continue to use the water shed approach in other parts of the County. Work is also being done in Western Fremont County on County Road 28 near Parkdale and Howard. They have been working for the past three years on County Road 2 in Tallahassee with BLM and private land owners.

**Jana Gregg** said over 100 weed records have been completed so far this year. She said \$85,000 worth of weed control work has been billed to cooperating landowners so far this summer with about \$50,000 still outstanding. The new Van Diest warehouse has made it easier for their department to assist land owners. They have had about \$12,000 in herbicide sales so far and are anticipating about \$100,000 more for work that is to be performed. They have had some education and outreach opportunities.

July 26<sup>th</sup>, 2011

Jana and J.R. wrote an article about the Four Mile Water Shed Project that was published in the Colorado Weed Management Association Newsletter a few months ago. They also were interviewed on the radio recently regarding their weed program. Last Friday they had a weed tour in Fremont County that started at the Administration Building. There were several master gardeners in attendance. The tour was headed up by Paul Telck, President of the Weed Board. On August 3<sup>rd</sup> Jana will be doing a presentation for the Custer County weed tour. Jana serves on the Board of Directors for the Colorado Weed Management Association (C.W.M.A.). They helped co-sponsor a bill to remove sales tax from herbicides which did pass. The C.W.M.A. annual conference will be held in Colorado Springs this winter. The conference offers continuing education that is needed for their licensing. The E.P.A. was mandated to further regulate what the weed department does even though they are already regulated by F.I.F.R.A. This will cause duplicate record keeping and reporting to multiple agencies. She has been told that this may double or even triple the cost of weed management due to the increased administrative load. This bill to eliminate duplicate regulation has already passed the House and is currently in the Senate. If no action is taken by October, they will be required to do the extra permitting through the E.P.A. Jana handed out the 2012 Colorado weed calendars to the Board. Commissioner Bell moved to accept the semi-annual report from the Fremont County Weed Control Coordinator. Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

**Commissioner Bell** announced she had attended a G.E.D. graduation ceremony a few weeks ago. There were about 150 people from Fremont County who received their G.E.D.'s at the ceremony and she wanted to congratulate them. Commissioner Bell also reminded the citizens that the Fremont County Fair kicks off at 8:30 A.M. this Saturday at Pathfinder Park. The Fair runs till Sunday August 7<sup>th</sup> with events daily at the fair grounds. Many children and adults have put a lot of work into the event and she hopes for a good turn out. The Grand Champions award ceremony is at noon on Sunday August 7<sup>th</sup>, followed by the livestock sale at 4:30 p.m.

## 2. Citizens Not Scheduled:

**Colene Schmoyer** addressed the Board regarding a utility pole at the corner of Ash and Poplar Street in Canon City. She said it is a hazardous pole as it blocks your view. Traffic coming to that intersection has an obstructed view. Colene has called Black Hills Energy and spoke with two different people about the utility pole. She will give the Commissioners their phone numbers. Colene asked the Board if they can help her to get the pole removed before someone is killed.

**Ronald Byerly** was present to support of Colene Schmoyer.

## OLD BUSINESS

1. Special Events Permit  
Canon City Rodeo Association  
1595 S. 9<sup>th</sup> Street  
Canon City, CO 81212  
Malt, vinous and spirituous liquor

**Deputy Clerk Blauser** explained the reason for the corrected application. The applicant had marked the wrong date on the application. The event is on August 20<sup>th</sup> and 21<sup>st</sup>. The application had the 20<sup>th</sup> and the 29<sup>th</sup> on it, and that is the date the state issued the permit for. The applicant had posted the wrong date as well. The applicant had to reapply and re-post the property with the correct date of the 21<sup>st</sup> on it.

July 26<sup>th</sup>, 2011

Commissioner Bell moved to approve the Special Events Liquor Permit for the Canon City Rodeo Association on August 21, 2011. Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

### **NEW BUSINESS**

1. Special Events Permit September 9, 2011  
Canon City Rodeo Association  
1595 South 9<sup>th</sup> Street  
Canon City, CO 81212  
Malt, vinous and spirituous liquor

**Deputy Clerk Blausner** presented the Board with the new application for the Canon City Rodeo Association. Commissioner Norden asked if the applicant was present. Blausner said she had notified him of the meeting date and was told he would be present today. Commissioner Norden asked what kind of event they were having. Blausner said it is going to be midget wrestling event to be held inside the rodeo arena. Commissioner Norden asked if we could request the applicant to put the type of event on the application for special events. Blausner explained the application is a state form, but she could make a cover letter with the information for the Commissioners. Norden said this would be helpful especially if the applicant is not going to appear at the meeting. Commissioner Bell asked if the time typically includes set up and tear down. Blausner replied it normally does. Commissioner Stiehl moved to approve the Special Events Liquor Permit for the Canon City Rodeo Association on September 9, 2011 from 10:00 A.M. until Midnight. Commissioner Bell seconded the motion. Commissioner Stiehl noted they normally do not approve a Special Events Permit if the Applicant is not present. However the Rodeo Association has had several permits this year and they have acted in a responsible manner. Upon Vote: Commissioner Stiehl, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

2. Authorization for the Chairman to sign an extension agreement with the Colorado Department of Human Services to the Memorandum of Understanding currently in place for the Colorado Works Program and the Colorado Child Care Assistance Program covering the period from July 1, 2011 through June 30, 2012.

**Commissioner Norden** explained this is a simple one page document as the original agreement remains the same. This will extend the current agreement for one year. Commissioner Stiehl moved to authorize the Chairman to sign an extension agreement with the Colorado Department of Human Services to the Memorandum of Understanding currently in place for the Colorado Works Program and the Colorado Child Care Assistance Program covering the period from July 1, 2011 through June 30, 2012. Commissioner Bell seconded the motion. Upon Vote: Commissioner Stiehl, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

3. Authorization for the Board to sign a Letter of Support for the Town of Coal Creek.

**Commissioner Bell** said she was contacted by Mayor Connie Higgs of Coal Creek regarding this letter of support. The Town of Coal Creek is in the process of applying for a G.O.C.O. grant from lottery funds to enhance its park. They are looking to construct a building that would contain a restroom, concession stand and announcers booth. Also included in their plans are concrete seating, grass, sprinkler system, and covers for the dugouts. Sidewalks throughout the park will be added to make it handicap accessible.

July 26<sup>th</sup>, 2011

Commissioner Bell moved to authorize the Commissioners to sign the letter of support to G.O.C.O. for the Town of Coal Creek. Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

4. REQUEST: EXTEND CESSATION OF CUP 06-003 NORTHFIELD COAL MINE

Request approval to extend cessation of the Conditional Use Permit for file #CUP 06-003 Northfield Coal Mine for an additional two years. The facility (to include hauling), originally approved February 27, 2007 with an initial two year cessation period. This cessation was extended for two years at the March 10, 2009 BOCC meeting. The property is generally located approximately 0.5 mile west of the intersection of County Road #11A and County Road #79, on the north side of County Road #79 in the Williamsburg Area. Representative: Angela Bellantoni, Environmental Alternatives

**Angela Bellantoni** asked the Board if they had any questions for her. She said Scott Linhart is present as well to answer questions. Commissioner Norden said he would like to hear from Bill Giordano first. Bill Giordano said he has no concerns regarding the extension request. Commissioner Norden asked if the Company is still optimistic that they will be able to become operational. Angela agreed they are hopeful. Commissioner Bell hopes they are able to get up and running soon and hire some of the local people who are currently unemployed. Commissioner Bell moved to approve the request to extend the cessation of CUP 06-003 Northfield Coal Mine. Commissioner Stiehl seconded the motion. Commissioner Stiehl asked Bill to clarify that the extension is for two years from today's date or two years from the expiration. Bill said it would be two years from today's date. Upon Vote: Commissioner Bell, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

5. REQUEST: MS 11-001 PORCH SONG MINOR SUBDIVISION

Request approval of a two lot minor subdivision, Department file #MS 11-001 Porch Song Minor Subdivision, by Erik A. and Jennifer L. Lang, for their property which is located on the south side of U.S. Highway 50 approximately 800 feet west of Swissvale Road (3244 East U.S. Highway 50), in the Swissvale Area. Proposed lot 1 will consist of 6.18 acres, a single-family dwelling and two garages. Proposed lot 2 will consist of 4.58 acres and it is vacant. Both properties will be serviced from an existing driveway access from U.S. Highway 50. A twenty foot wide access and utility easement will be provided, by plat, for access to Proposed Lot #2. The property is currently zoned Agricultural Suburban with a total acreage of 10.76 acres. The property is currently being used for residential and agricultural purposes. Representative: Sydney A. Schieren, PLS, Landmark Surveying & Mapping

**Sydney Schieren of Landmark Surveying and Mapping** said he has been working with the County Staff on a few minor plat revisions which have been listed in the staff report. Sydney has been assured by C.D.O.T. that they will issue their permit upon plat approval. He said the existing well still needs to be re-permitted and otherwise believes all of the conditions have been met. Bill Giordano said the Planning Commission approved the request unanimously at the July 6<sup>th</sup> Planning Commission meeting with all five of the members present. Bill said there are ten recommended contingency items with the first three items being standard contingencies. Bill said #4 requires documentation from C.D.O.T. for the existing driveway from Highway 50 for both proposed properties. Bill noted #5 regarding the Colorado Division of Water Resources is different from in the past. The state is requesting that before they issue any well permits they have a copy of a recorded plat. Bill explained the Planning Department requires proof of water, and the State is requiring the recorded plat.

July 26<sup>th</sup>, 2011

He anticipates working with the Division of Water Resources and provide them with a copy of the minutes along with a letter from his department and a copy of the plat. If the state requires the plat to be recorded there will have to be a statement placed on the final plat concerning the well. The one lot that will be created will have proof of water at the time a building permit is issued. On item #6 the County Reviewing Engineer is asking for diversion cuts at 200 foot intervals along the uphill side of the proposed driveway to divert flow into the adjacent property. He is also asking for a plat statement that "All new driveways shall have shallow berms or cuts along the uphill side to divert storm flow into adjacent area at intervals not exceeding 200 feet of driveway length" or a new engineered drainage plan. Bill said this will depend on whether the applicant builds a driveway prior to recording the drawing otherwise this statement needs to be on the plat. Sidney said they are happy to add that plat note. Bill said #7 is standard to be able to issue an address. Bill noted #8 is acknowledgement and acceptance of plat statement since there are no public right of ways and they are all private accesses. The Division of Water Resources will not issue a well permit unless the County treats the minor subdivision as an exemption, which it is. The language has been modified to read: "The undersigned Chairman of the Board of County Commissioners of Fremont County, Colorado hereby certifies that the subdivision exemption as depicted by this plat was approved as a minor subdivision and all easements for public purposes are hereby accepted". This is the language they are asking to be approved by the Board. Item #9 is removing the setback lines from plat drawing as the setback can change from time to time. Bill said item #10 is to label right-of-way width for Highway 50 along property frontage. Commissioner Stiehl asked about the wording of condition #5a that says "It is recommended that the applicant provide a copy of the re-permitted well as part of the approval". Sydney replied it was his understanding that the State wants to see the plat approved before issuing a new well permit or re-permitting the well. Commissioner Stiehl said he understands that is a separate issue for the new well but what about the existing well. Sydney said he believes the same applies to that well. His understanding is the reason to re-permit the well is for accurate acreage for the lot it will service. Bill said the well does not need to be re-permitted if the subdivision does not get approved. If it does get approved the state wants it re-permitted because of acreage and ownership. Commissioner Stiehl said for our purposes we should strike that sentence. Bill asked County Attorney Jackson if this wording is needed as the well will still exist if the subdivision does not take place. Commissioner Stiehl said he does not like making recommendations he would rather it be a requirement if needed. Bill told Commissioner Stiehl he could change the recommendation to a requirement if needed. Commissioner Stiehl moved to approve the request for MS 11-001 Porch Song Minor Subdivision for Erik and Jennifer Lang with the 10 recommended contingencies and changing the wording on item #5a to read: the applicant will provide a copy of the re-permitted well as part of the approval upon issuance of the permit. Commissioner Bell seconded the motion. Upon Vote: Commissioner Stiehl, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

**Commissioner Chairman Norden** adjourned the meeting at 10:20 A.M.

---

Clerk and Recorder