

**FIFTEENTH MEETING**

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on August 10, 2004, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Canon City, Colorado. The meeting was called to order at 9:30 A.M. by Commissioner Chairman, Larry Lasha.

Larry Lasha	Commissioner	Present
James R. Schauer	Commissioner	Present
Keith McNew	Commissioner	Present
Brenda Jackson	County Attorney	Present
Norma Hatfield	Clerk and Recorder	Present

Also present Finance Director, Dana Angel; Bill Giordano, Planning and Zoning Director and Sharon Kendall, Deputy Clerk.

The Pledge of Allegiance to the Flag of the United States of America was recited by those present.

**AGENDA:**

**Commissioner McNew** made the motion to approve the Agenda. The motion was seconded by Commissioner Schauer. Upon vote: Commissioner McNew, aye; Commissioner Schauer, aye; Commissioner Lasha, aye. The motion carried.

**CONSENT AGENDA:**

**Commissioner McNew** made the motion to approve the Consent Agenda:

1. Approval of Minutes, July 27, 2004
2. Approval of Bills, August 10, 2004/**\$610,741.74**
3. LIQUOR LICENSES  
JEE ENTERPRISES INC.  
GATEWAY LIQUOR  
710K W. 4<sup>th</sup> St.  
Pueblo, CO 81003-2304  
Retail Liquor Store License Renewal – Malt, Vinous and Spirituous
  
- TEMPLETON TROY E  
BRASS HORSE  
506 9<sup>th</sup> St.  
Penrose, CO 81240-9703  
Hotel and Restaurant Liquor License Renewal – Malt, Vinous and Spirituous

**4. SCHEDULE PUBLIC HEARINGS SEPT. 14, 2004 AT 10:00 A.M.**

**REQUEST: ZC 04-005 FLETCHER ZONE CHANGE**

Request approval of a **Zone Change from Agricultural Estates to Business, file #ZC 04-005 Fletcher**, by Weston Fletcher for property owned by George Kenneth Fletcher. The property is *located at the southeast and southwest corner of US Highway 50 and N Street, in the Beaver Park Area.*

**REQUEST: ZC 04-006 PARK CENTER WATER DISTRICT ZONE CHANGE**

Request approval of a **Zone Change from Agricultural Rural to Agricultural Suburban, file #ZC 04-006 Park Center Water District, by Park Center Water District and Larry & Judith Leathers.** Their property *lies on the west side of Field Avenue, south side of Phenix Street (not open), east of Red Canyon Road and north of Mountain View Drive, in the North Canon Area.*

The motion was seconded by Commissioner Schauer. Upon vote: Commissioner McNew, aye; Commissioner Schauer, aye; Commissioner Lasha, aye. The motion carried.

### **ADMINISTRATIVE/INFORMATIONAL**

#### 1. Staff/Elected Officials

**Norma Hatfield, Fremont County Clerk & Recorder**, submitted the Clerk's Report for the month of July 2004 and stated that the revenues earned in the Clerk's Office for that month was \$690,024.86, which was \$41,464.54 less than a year ago. The sales tax collected for Fremont County was \$66,449.23, which was \$15,946 less than a year ago. She stated that \$395,971.39 was turned over to the Treasurer's Office to be divided among all the entities, and that was \$25,823 less than a year ago.

**Commissioner Schauer** made the motion to approve the Clerk's Report for the month of July 2004. The motion was seconded by Commissioner McNew. Upon vote: Commissioner Schauer, aye; Commissioner McNew, aye; Commissioner Lasha, aye. The motion carried.

**Norma Hatfield** stated that they had issued 1,137 absentee ballots and 923 had been returned. They had 660 early voters for a total of 1,583 firm votes. She stated they would have to go a long way to meet the turn out two years ago, which was 4,401 voters. She stated that they had over 1,000 more registered voters this year than in 2002. Mrs. Hatfield explained that if a voter is considered inactive, it means that they did not vote two years ago. They are still eligible to vote in this election, and need to vote once every four years to keep the active status.

**Commissioner McNew** stated that school would soon be starting so drivers need to drive carefully. He stated that enrollment for RE-3 was down, and that they were still improving their CSAP scores. He stated that District 3 had a little road damage with the flooding.

**Commissioner Schauer** stated that because of the rains, the weeds were really growing along the right-of-ways and road crews are busy. He stated they did not go on private property to cut weeds. The weed control officer does not go on private property, but will spray noxious weeds.

#### 2. Citizens Not Scheduled

**Commissioner Lasha** stated he would take this time to introduce Carla Reeves. He stated that he drove by Wilcox Field one evening and there were about 75 cars in the parking lot and baseball players on the field. All summer the parents have stepped up and worked with the kids.

**Carla Reeves** stated that all the parents and kids had really helped with Wilcox Park. She stated that it had not been used in awhile and they did a lot of mowing and weeding. This year a team of ten years and under and a team of 12 years and under both made it to a State competition. The 11 years and under team just won a State competition and are moving on to Missouri for the regional competition. Mrs. Reeves stated that they have had car washes, bake sales and yard sales to help with expenses to Missouri.

### **NEW BUSINESS**

#### **BRUCE REDUS – FREMONT ECONOMIC DEVELOPMENT COMMITTEE REPORT**

**Bruce Redus** stated that there was a new owner at one of the businesses at the Airport and added some additional equipment to be able to expand his operation and bring

another small profit center into that operation. Cottonwood Manufacturing is in production, and they recycle newspaper materials for insulation as well as sound proofing. They may be able to have a recycled product that will be used in some portion of construction in two school districts. The first meeting was a good experience with the Sangre DeCristo RC&D council meeting. With Action 22, they have completed two committee summits, one in Canon City and one in Trinidad. He stated that he attended the Colorado Rural Development Council conference. The focus was taking a look at county profiles, rural demographics, trends and changes. FEDC coordinated a finance seminar and had business, industry as well as accountants and attorneys. They had discussions on the SBA loans, USDA business and industry guarantee program, the Upper Arkansas Gap Financing was discussed as well as a Colorado Enterprise Fund. The Federal Home Loan Bank Board Topeka, of which Rocky Mountain Bank & Trust is a member, held a housing technical assistance program. He stated that they were looking at the Florence area for rehabilitation programs for housing. In regard to the SBA loans, they have 14 loans in the portfolio which represents 11 % of the total District portfolio. He stated that they had about \$2.8 million to close and the majority of that is in new construction.

**JUDY LOHNES – UPPER ARKANSAS AREA COUNCIL OF GOVERNMENTS REPORT.**

**Judy Lohnes** stated they were still working on trying to pass a rural transit authority. They will be meeting August 19<sup>th</sup> in Westcliffe, and are hoping to have more local elected officials there. On the self-help housing program, they are currently doing a group in Poncha Springs and coming back to Fremont County with the next group. She stated that the grant cycles she was aware of are that GOCO does have local government grants due in early September and the Energy Impact and Community Development Block Grant deadline is now December 1<sup>st</sup>. She stated that Philanthropy Days is coming October 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> and over 30 funders have already confirmed. They are expecting over 200 participants representing non profits.

**PUBLIC HEARING  
REQUEST: CUP 04-002 RANCH LAND ROCK PIT #2 AMENDMENTS  
AUGUST 10, 2004 10:00 A.M.  
RESOLUTION #101**

**Angela Bellantoni, Environmental Alternatives, Inc.,** stated that she was representing Mr. Peetz who had submitted an amendment for a previous CUP for mining activity in eastern Fremont County southeast of the Holcim Plant. She stated it was down to two phases as opposed to six. The amendment increases from 240 acres to 920 acres. The State has asked that they include the brand new access road and include that acreage, and it would come to about 930 acres. She stated that Mr. Peetz is also requesting increase in traffic from an average of 10 trucks per day to an average of 300 trucks per day. She stated that Mr. Peetz is trying to establish a rail load out site in Fremont County and on the north end. She stated that there was a draft agreement regarding the maintenance of the County Road.

**Bill Giordano, Planning & Zoning Director,** stated that at the July 1<sup>st</sup> meeting, the Planning Commission recommended approval. The Planning Commission took no action on the surfacing, lighting and landscaping. He stated that this would take a resolution to be prepared for the next meeting.

**Commissioner Lasha** asked for anyone wishing to speak for or against to come forward. Seeing none, he closed the Public Hearing and returned to the Regular Meeting.

**Commissioner McNew** stated he had concerns regarding the partnership on the maintenance of the road and the 300 trucks per day.

**Commissioner Schauer** stated he also had a concern with the 300 trucks per day.

**Mr. William Peetz** stated that maybe they could limit it to 100 trucks per day during the day and 200 at night. He stated the whole objective is to be on the same playing field as Rocky Mountain. He stated he would agree to 200 trucks per day total.

**County Attorney, Brenda Jackson**, stated that she had reviewed the first draft and rejected it and they are back to the drawing board.

**Commissioner Schauer** made the motion to approve **Resolution #101** CUP 04-002 Ranch Land Rock Pit #2 (Amendment) with 15 conditions and #15 being 200 trucks per day; 2 contingencies and waiving the surfacing, lighting and landscaping:

#### **RECOMMENDED CONDITIONS**

1. The term of the Conditional Use Permit shall be for the life of the use.
2. The Department shall review the permit annually to determine compliance with the conditions of the permit and forward it to the Board for their review as required by regulations.
3. Applicants 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.
4. Applicants 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.
5. Applicant shall obtain and keep in effect all other permits required by any other governmental agency and as otherwise may be required by Fremont County. Revocation, suspension or expiration of any such other permits shall revoke, suspend or terminate the permit authorized hereunder, as the case may be.
6. All loads of material transported from the site shall comply with applicable Colorado Revised Statutes.
7. The following will be required prior to mining in the expanded areas:
  - a. Colorado Stormwater Discharge Permit – Colorado Department of Public Health and Environment (CDPH&E)
  - b. Fugitive Dust Permit – CDPH&E
  - c. APEN Permit (CDPH&E)
  - d. Colorado Division of Minerals & Geology Reclamation Permit.
  - e. Colorado Department of Transportation Access Permit.
  - f. Colorado Division of Water Resources Well Permit specific for the proposed use or documented evidence that another legal source of water for the wash plant will be used.
  - g. MSHA permit.
8. Hours of operation will be limited to daylight hours between Sunrise and Sunset.
9. Days of operation will not be limited.
10. 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 Planning 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.

11. If a conditional use permit is to be transferred, it shall comply with all applicable Federal, State and Local regulations regarding such transfer.
12. If it is found by judicial action or it is determined by any other proper authority that the easement for access into the subject property is not valid, then termination of the Conditional Use Permit will result.
13. Fremont County shall retain the right to modify any condition of the permit if the actual use demonstrates that a condition of the permit is inadequate to serve the intended purpose of the condition. Such modification 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.
14. Only the named party on the permit shall be allowed to operate this Conditional Use Permit. Board approval shall be required prior to allowing any other person or entity to operate at the site under the conditions of the permit. All persons, entities or others requesting Board approval to operate under this Conditional Use permit 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 who are bound by the terms and conditions of this Conditional Use Permit.
15. Limit 200 trucks per day.

#### **REQUIRED CONTINGENCIES**

The following items shall be provided to the Department of Planning and Zoning, within six (6) months (*with no exceptions*) after final approval by the Board of County Commissioners:

1. The vicinity map does not accurately locate the access road from State Highway 120. (It should be located on the west side of Holcim.)
2. A written agreement between Ranch Land LLC and Rocky Mountain Materials & Asphalt regarding the shared use of a one-mile section of County Road #112. The agreement shall contain specific information as to the percentage each company will pay for maintenance of the shared section based on per-truck usage per month.

#### **WAIVED**

Surfacing	5.3.2
Lighting	5.3.3
Landscaping	5.3.4

The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Schauer, aye; Commissioner Lasha, aye; Commissioner McNew, aye. The motion carried, and carried with it the adoption of **Resolution #101**.

**PUBLIC HEARING**  
**REQUEST: ZC 04-004 SHEPARD ZONE CHANGE**  
**AUGUST 10, 2004 10:00 A.M.**

**Bill Giordano** stated that it did not get published in the newspaper and it would have to be extended to September 14<sup>th</sup>. He stated that they would not ask the consultant to notify property owners or post the property again.

**Commissioner Lasha** closed the Public Hearing and returned to the Regular Meeting.

**NEW BUSINESS (CONTINUED)**

**ASSESSOR'S OFFICE – PETITIONS FOR ABATEMENT OF TAXES**

**Commissioner McNew** made the motion to approve **Resolutions 102 through 109**, Petitions for Abatement or Refund of Taxes:

**RESOLUTION #102 – WALTER, WALTER/SCHEDULE #110-80-125**

**RESOLUTION #103 – MATA, DAVE & MARGARET VIGIL/SCHEDULE #610-07-070**

**RESOLUTION #104 – HAGER/SCHEDULE #984-05-003**

**RESOLUTION #105 – GIDEON LLC/SCHEDULE #999-04-519**

**RESOLUTION #106 – COPPER/SCHEDULE #990-04-314**

**RESOLUTION #107 – TEZAK C/O WASTE MANAGEMENT/SCHEDULE #993-04-830**

**RESOLUTION #108 – STRINGER/RESOLUTION #987-04-056**

**RESOLUTION #109 – GREENLEE/SCHEDULE #110-79-004**

The motion was seconded by Commissioner Lasha. Upon vote: Commissioner McNew, aye; Commissioner Lasha, aye; Commissioner Schauer, aye. The motion carried and carried with it the adoption of **Resolutions #102 through #109**.

**Commissioner Lasha** adjourned the meeting at 10:35 A.M.

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County Clerk