

September 12, 2006

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## TWENTY-THIRD MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on September 12, 2006, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Michael Stiehl called the meeting to order at 9:30 A.M.

Michael J. Stiehl	Commissioner	Present
Edward H. Norden	Commissioner	Present
Larry Lasha	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 Kris Lang, Deputy Clerk.

The Morning Prayer was given by Reverend William Carson of the First Christian Church, Disciples of Christ.

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

### APPROVAL OF AGENDA

**Commissioner Norden** moved to approve the Agenda. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

### CONSENT AGENDA

**Commissioner Lasha** moved to approve the Consent Agenda.

1. Approval of Minutes August 8 and August 22 and Special Meeting August 31 and September 8, 2006
2. Approval of Bills, September 12, 2006/ \$1,127,287.18
3. LIQUOR LICENSES  
NRC Cañon City Lanes LLC  
2970 E. Main Street  
Cañon City, CO. 81212  
Transfer of Ownership  
  
Beaver Park Investments Inc.  
Kwik Stop No. 1  
916 Hwy 115  
Penrose, CO. 81240  
3.2 Percent Beer Retail License Renewal  
  
Sugarbush General Store and Campground  
9229 Hwy 50  
Howard, CO. 81223  
Transfer of Ownership
4. SCHEDULING OF PUBLIC HEARINGS FOR OCTOBER 10, 2006  
Request: SRU 06-002 Verizon Wireless Tower (Cornella Property)  
Request: ZC 06-004 Hadley Zone Change  
Request: ZC 06-005 Cranberry Park Zone Change

The motion was seconded by Commissioner Norden. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, 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 August. She stated that the total revenues earned in the Clerk's Office was \$800,578.23 and that was an increase from a year ago by \$15,356.22. The sales tax collected was \$96,990.37, which was up \$14,587.23 from a year ago. Money collected for distribution among the entities was \$434,279.17, which was down \$27,443.93 from a year ago. **Commissioner Norden** moved to approve the Clerk's Report for August. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

**Norma Hatfield** reported there are 7 Amendments and 7 Referendums on the ballot for the November election. Each household will receive the State and the County blue book outlining the Amendments, Referendums and Proposals and she encouraged voters to review the information since this year's election provides some very important questions on the ballot. She reported both the HAVA voting machines and SEQUOIA paper ballots would be available for voters.

**Commissioner Lasha** reported that CR 132 required additional wash -out repairs from the recent rains. He stated attempts to obtain assistance from the Army Corp of Engineers have been unsuccessful. Commissioner Lasha acknowledged the passing of Rosemary Scutti who had been a past mayor of Williamsburg.

**Commissioner Norden** reported the chip-sealing project from the gaming impact grant for 2006 has been competed by the Road and Bridge Department. He reported the commissioner's office has received complaints from motorists regarding of the timing of the new signal at Hwy 50 and Evans Road and stated the CDOT engineers have been notified.

**Commissioner Stiehl** reported the roads repairs in the Lincoln Park Area from the replacement and installation of water and sewer lines is near completion and final paving would be forthcoming.

2. Citizens Not Scheduled. There were none.

**NEW BUSINESS**

**IVAN WINDOM – 211 INFORMATION**

In the absence of Ivan Widom, **Commissioner Stiehl** reported the 211 Information Line was designed for the assistance of human resource inquiries ranging from a suicide hot line to guidance on where to obtain food stamps. After several years in progress the 211 Information Line is functioning and available for usage.

**REQUEST: TUP 06-017 PENROSE CHAMBER OF COMMERCE APPLE DAY**

**Roberta Newton, Penrose Chamber of Commerce** stated they were requesting approval of a Temporary Use Permit to allow the Apple Day Festivities by the Penrose Chamber of Commerce. The events will be held in downtown Penrose (*Broadway from Elm to Illinois and ½ block south on Grant, and Fremont Street from Broadway to one block north*) on Saturday, October 7, 2006, from 6:00 a.m. to 5:00 p.m.

**Bill Giordano** stated the application was in order. They have asked for a waiver of the application fee and surety bond for cleanup. He stated the liability insurance submitted states the coverage is effective until cancelled and therefore prior to the event an enforced statement of liability would be required.

**Commissioner Lasha** moved to approve TUP 06-0917 Penrose Chamber of Commerce Apple Day. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

**REQUEST: FP 05-007 KERNAL ESTATES FILING NO. 1**

**George Hall, GR Hall and Associates** stated he was representing Kernal Management Inc., A Nevada Corporation, Ross M. Blanchard, President and they were requesting approval of a Final Plat (Phase 1) for a nine (9) lot and two (2) out lots to be platted in future phases for the property which is *located at the northeast corner of North Street and Minnesota Avenue in the North Canon Area*. The property is vacant and is zoned Agricultural Suburban. He stated a preliminary plan was previously approved in 1998 and again in 2001, however due to financial and medical setbacks his client was not able to proceed with the construction and therefore was granted reinstatement of the previous preliminary plan and plat by the Board of Commissioners at the March 28, 2006 meeting. Mr. Hall reported all the required Contingencies have been met and stated he would be happy to answer any questions.

**Bill Giordano** reported the traffic analysis had been waived from the original Contingencies and that all the other Contingency Items have been met. He stated that he had received a letter from the County Engineer Mr. Effinger reporting that completion of the detention pond was not required until the second filing.

**Commissioner Stiehl** asked for anyone wishing to speak for or against to come forward.

**Frank Moore, York Street Resident** shared concerns regarding the water-flow of the ditches and culverts in the area however he felt the detention pond was functioning. He stated he was concerned that an open detention pond would create a nuisance situation being used as road tracks for motorcycles and dirt bikes and proposed fencing the area or posting signs for trespassing. Mr. Moore also expressed concerns over the dust and noise factors involved with the construction.

**Charlotte Schwinn, Melvina Street Resident** expressed concerns over the grinder pump sewer system and its reliability during a power outage.

**Loretta Burgess, Minnesota Avenue Resident** questioned the number of phases being developed and stated that she relocated from New York to live a rural lifestyle and was not in favor of paved roads and a sewer system. Ms. Burgess expressed concerns that a formal public hearing will not be scheduled for the future phases.

**Commissioner Stiehl** announced a scheduled meeting with the Fremont Sanitation District this evening and encouraged citizens to attend and address their questions and inquiries to the Board. He also commented construction practices throughout the county address the need for dust abatement and noise control.

**Bill Giordano** explained that even though future phases of construction did not require a public hearing; newspaper publications, property owner notices along with web page announcements would be issued. He reported that formal public hearings are not required if the proposed development meets the zoning restrictions for that area. Mr. Giordano explained that citizen input is not restricted to a public hearing. A public hearing only schedules a specific time for citizen input.

**Commissioner Norden** made a motion to approve the Final Plat 05-007 Kernal Estates Filing 1 with the comment that a more detailed drainage plan will be presented for review at the next filing. The motion was seconded by Commissioner Lasha requesting the developer address the dust, noise and security of the job site as a priority. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

**AWARD BID UNION MILL HILL QUARRY**

**Dana Angel, Finance Director** reported two (2) bids were received on August 31, 2006. Valco Incorporated, Rocky Ford submitted a bid of \$2.50 per ton for landscape and decorative mined aggregate and \$1.00 per ton for construction mined aggregate. Pioneer Sand and Gravel, Colorado Springs submitted a bid of \$.60 per ton for landscape and decorative mined aggregate and \$.60 per ton for construction mined aggregate. Commissioner Lasha reported the quarry was owned by the City of Florence and is leased by the County of Fremont. The City of Florence will receive \$.50 per ton royalty in addition to 1500 tons of gravel per year for construction use. Commissioner Stiehl stated the original structure plan was to retain the assets for a long period of time with the maximum benefits to the taxpayers however due to the County financial situation it is necessary to sell off some of the gravel assets. Commissioner Norden reported one of the designs of the quarry was to stretch out the cash flow to the County. If all the gravel had been mined out initially the revenues would have gone against the tabor calculation resulting in the need for tabor refunding. He noted for the record they were in receipt of a letter from Rocky Mountain Materials and Asphalt requesting a hold on the bidding process until the Board of Commissioners reviewed the notations submitted by the County Engineer, Jack Effinger and Project Manager, J. R. Philips. Commissioner Norden stated the Board of Commissioners did meet on more than one occasion for review. The Board of Commissioners feel confident and comfortable with the process that was utilized in acquiring bids and acknowledged the efforts of Jack Effinger and J.R. Phillips. Commissioner Norden asked County Attorney Brenda Jackson to comment on a specific paragraph where Rocky Mountain Materials and Asphalt alleged that the business lease agreement was not part of the public record. Ms. Jackson stated a contract is a public document and part of the public record. She said the bid stated it would not be recorded in the Clerk and Records Office, however it is still a public record subject to disclosure on request. Commissioner Norden read a written recommendation from JR Philips "pursuant to Jack Effinger's and my review of the bid documents regarding the operation and mining of resources owned by the City Florence and leased by the County of Fremont, we recommend that Valco, Inc. be selected as the successful bidder".

**Commissioner Lasha** made a motion to award the bid for the Union Hill Mill Quarry to Valco, Inc. for the price of \$2.50 per ton for landscape and decorative mined aggregate and \$1.00 per ton for construction mined aggregate. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

**FOREIGN OBJECT DAMAGE (F.O.D.) PLAN APPROVAL-FREMONT COUNTY AIRPORT**

In the absence of Richard Baker, **Commissioner Lasha stated** a safety plan for the airport was recently reviewed to meet the Homeland Security Issues. He reported a formalized Foreign Object Damage plan was developed for the protection of planes from flying object damage. He announced the appointment of Dave Thompson and Dean Baird to the Airport Board of Directors. **Commissioner Lasha** made a motion to approve the Foreign Object Damage Plan. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Lasha, aye; Commissioner Norden aye; Commissioner Stiehl, aye. The motion carried.

**Commissioner Stiehl** adjourned the meeting at 10:40 A.M.

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