

SEPTEMBER 22, 2009

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EIGHTEENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on September 22, 2009, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Michael J. Stiehl called the meeting to order at 9:30 A.M.

Edward H. Norden	Commissioner	Present
Larry Lasha	Commissioner	Absent
Michael J. Stiehl	Commissioner	Present
Brenda Jackson	County Attorney	Present
Norma Hatfield	Clerk and Recorder	Present

Also present Bill Giordano, Planning and Zoning Director; George Sugars, County Manager, and Tina Taylor, Deputy Clerk.

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

Commissioner Stiehl stated that Commissioner Lasha is the Chairman of the Central Front Range Committee and they are working on grants in Pueblo for CDOT.

APPROVAL OF AGENDA

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

CONSENT AGENDA

Commissioner Norden moved to approve the Consent Agenda. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

1. Approval of Minutes September 9, 2009
2. Approval of Bills, September 22, 2009, \$434,466.54
3. LIQUOR LICENSES
CROSSROADS GRILL & BAR
James A Pickart DVM
PO Box 1360, Fairplay, CO 80440-1360
Bs. Location: 13760 State Hwy. 115
Penrose, CO 81240
Hotel and Restaurant Liquor License Renewal with Optional Premises -
Malt, vinous and spirituous
4. **SCHEDULE PUBLIC HEARING OCTOBER 27, 2009 AT 10:00 A.M.**
Setting of Public Hearing for Consideration of Amendments to the Fremont County Flood Damage Prevention Regulations.

ADMINISTRATIVE/INFORMATIONAL

1. Administrative and Elected Officials

Fremont County Clerk and Recorder Hatfield submitted the Clerk's Report for August, 2009. Total revenues earned for the Clerk's Office was \$854,673.11 and that is up \$110,877.30. County Sales Tax collected \$47,712.09 which is down \$24,906.27. What was turned over to the County Treasurer for distribution to the various entities \$400,156.28 which down \$2,072.83. Registration Fees collected was \$10,457.50 which was up \$192.50.

Commission Stiehl stated that there are a lot of complaints being made in the Motor Vehicle Department from residents that are seeing the new State fees for the first time. These fees, including the late fees for late registration, are State fees that the county is required to collect.

Commissioner Norden moved to approve the County Clerk's Report. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

Commissioner Norden congratulated John Maxwell of the Tallahassee District 3 Road and Bridge employee who finished first place in the State in the Colorado State Equipment Rodeo. Mr. Maxwell also finish tenth place in the Motor Grader Rodeo.

Commissioner Stiehl stated the Census Bureau had working in this County this year. They are doing address canvassing now. Every canvasser has an office identification badge and a hand held computer.

Commissioner Stiehl said that there is a new service for all Fremont County Veterans. The Colorado Spring Veteran Service will have from 9:00 A.M. to 3:00 P.M., every Thursday, counseling services at the American Legion Post 13 in their mobile unit.

2. Citizens Not Scheduled – None

OLD BUSINESS – None

NEW BUSINESS

MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CAÑON CITY AND THE COUNTY OF FREMONT FOR THE UPGRADE OF CAPITAL EQUIPMENT

Commissioner Norden stated that this is an agreement that was drafted by City Administrator and Attorney that basically uses the Franchise Fee revenues that the City of Cañon City collects from Bresnan cable television to improve the facilities of the government access channel. We have continued to have technical issues with the broadcasts on the County portion. The City is agreeing to replace the equipment so we can improve the broadcast on the access channel. The City has authority through the Federal Communications Commission. The agreement enables the County to arrange for the purchase or replacement of camera, modulator, necessary switching equipment and audio equipment for this room to improve to quality of the telecast on the government access channel. The agreement does call that once the equipment is purchased it will be the property of Cañon City because it is their fee dollars that are being used and it is their facility that broadcasts the government access.

Commissioner Norden moved to approve the Memorandum of Understanding with Cañon City. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

INTERGOVERNMENTAL AGREEMENT BETWEEN THE COUNTY OF FREMONT AND THE FREMONT SANITATION DISTRICT REGARDING CONSTRUCTION AND OPERATION OF AN EXTENSION OF SEWER LINES AND RELATED FACILITY

County Attorney Jackson stated that this agreement is between the Sanitation District and the County. The IGA sets out the relationship between the County and the Sanitation District with respect to who is in charge of what part of the North Cañon Sewer Project. Also happens when it is completed and all of the costs have been paid. The County agrees to dissolve the local improvement district once the properties become part of the Sanitation District.

Commissioner Norden stated the Sanitation District will be announcing the Notice to Proceed on the construction. The bid that was awarded is well within the \$3.3 million budget. There were attempts made to extend the boundaries but because we had already approved the improvement district, the grant from Department of Local Affairs was already made and repaying the loan through the Colorado Power and Water Local Development Authority was in place they were unable to use the additional dollars.

Commissioner Stiehl said this is the culmination of a lot of work over a lot of years by a lot of people.

Commissioner Norden moved to approve the IGA between Fremont County and Fremont Sanitation District relating to the actual construction and extension of the sewer for the North Cañon Sewer Project. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

FREMONT COUNTY ASSESSOR / ABATEMENTS

Fremont County Assessor Stacey Seifert stated there is a refund due to the Royal Gorge Company for Possessory Interest for 2007 and 2008. The actual agreement we did not have until recently treats the lease as a commercial possessory lease which includes the discount rate and roll back rate. This is a refund because the taxes have been paid.

Commissioner Norden moved to approve **Resolution #40, Series 2009** a Petition for a refund of taxes for 2007 of \$3,270.04 and \$3,997.97 for 2008 to the Royal Gorge Company. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

Fremont County Assessor Seifert stated the next two abatements are for incorrect land codes entered into the system. Dandyland Sales, LLC for 2008 and Maegan Ceasar for 2008.

Commissioner Norden moved to approve two (2) resolutions. **Resolution #45, Series 2009** for Dandyland Sales, LLC a 2008 abatement for \$3,016.45 and **Resolution #46, Series 2009** for Maegan Ceasar for 2008 abatement of \$1,224.32. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

REQUEST: TRANSFER OF CUP 06-004 BEEDLE QUARRY

Request for transfer of Conditional Use Permit, Department file #CUP 06-004 Beedle Quarry, from Charles T. Gutierrez and Jack H. Beedle, to Yevoli Cobblestone Inc. The existing CUP is for the operation of an open pit sand and gravel mine (to include hauling, screening, crushing and blasting). The name of the CUP will become Yevoli Cobblestone Pit. This property is located approximately 4 miles southeast of the intersection of State Highway 67 and County Road #19, aka Siloam Road, then approximately 1600 feet southwest of the intersection of County Road #19 and County Road 835C, aka Green Valley Ranch Road, then approximately one-hundred (100) feet to the southeast corner of the property. The property is located southeast of the City of Florence, Colorado.

REPRESENTATIVE: Mark Yevoli, President, Yevoli Cobblestone Inc.

Mark Yevoli stated their intent is to continue operations of making decorative and construction aggregate. There will be no blasting. It is a dry screen operation with no water involved. There will be a water truck on-site to take care of dust control.

Commissioner Stiehl inquired about Cobbleston Inc. Mr. Yevoli stated he has been in the mining business since 1981 and he also owns a landscape materials yard in Littleton, CO. This would be the only active mining permit that they will be operating at this time. He has also operated mines in Cripple Creek and Brighton and they have been reclaimed.

Planning and Zoning Director Bill Giordano stated that Mr. Yevoli has provided the necessary documents. They have an updated ownership deed, a letter stating they are assuming the responsibility of the existing CUP and the Succession of Operators from the State. The mining permit has all been transferred and taken care of. The only item left will be paying for recording of the new CUP. We will notify you of that fee when it is ready to record.

Commissioner Norden inquired if Beedle removed any material from the site. Mr. Yevoli said they were not sure of the quantities. When they were in the process of purchasing the property he was reclaiming it because he didn't think he would have a sale and was hoping to get the bond back from the state.

Commissioner Norden inquired if this was a dry creek bed. Director Giordano stated that the CUP did not allow any operation in the creek bed. Commissioner Norden said that then there should be a no concern about any washing material off of the excavation site. Mr. Yevoli stated yes. There is no washing on this property. It is a dry pit.

Commissioner Norden moved to approve the transfer of CUP 06-004 the Beetle Quarry to Yevoli Cobblestone Inc. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

Commissioner Stiehl adjourned the meeting at 9:56 A.M.