

September 26, 2006

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TWENTY-FOURTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on September 26, 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

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

Pastor Larry Chell of Christian Family Fellowship gave the Morning Prayer.

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 September 12, 2006
2. Approval of Bills, September 26, 2006/ \$650,622.60
3. LIQUOR LICENSES / None
4. SCHEDULING OF PUBLIC HEARINGS / None

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

Commissioner Lasha introduced Dick Baker of the Fremont County Airport. **Dick Baker** announced the airport had received an Honorary Proclamation signed by Governor Bill Owens for Spreading Wings Day on September 25, 2006. He reported they had received preliminary approval of a State Aeronautics Grant for the seal coat and crack field project and the final presentation to the State is scheduled for October 13th. Mr. Baker announced numerous activities with touring of the facility by local fifth graders and military jumps usage.

Commissioner Lasha reported he had the opportunity to meet and discuss the drainage issues with the new Director of the Colorado Department Of Transportation and felt confident that future rapport and interaction would be positive.

Commissioner Norden announced that the Fremont County 4H Club would be providing clean-up services at Pathfinder Regional Park on Saturday September 30th and that the Pathfinder Arena is completed. He reported Penrose Apple Days starts on Friday October 6th with the majority of the activities and parade scheduled on Saturday October 7th.

2. Citizens not scheduled. There were none.

NEW BUSINESS:

IVAN WIDOM – 211 INFORMATION

Ivan Widom reported after eighteen months in the process the 211 Information Phone Service was now in effect. The State of Colorado Public Utilities Commission authorized this phone service. Fremont and Pueblo Counties are the first two of eleven Counties known as the Colorado Region 7 to have this important service available. The 211 Information Service will connect the caller to a referral specialist who will assist and access the needs and forward the caller to the appropriate service available. Additionally an on-line database will be available at www.211help.net. Mr. Baker stated at this time 211 assistance is available Monday through Friday 8 A.M. to 5 P.M., however expanded coverage will be available in the future. He requested the public check the 211 numbers from their phones to ensure the service is available to them and to report any concerns to their local phone service. **Commissioner Stiehl** commended Ivan Widom for his extensive work and effort in developing this call center.

BOARD OF COUNTY COMMISSIONERS AS THE BOARD OF HEALTH – REQUEST FOR VARIANCE, LARSEN COLORADO, LLC (CUP)

Commissioner Stiehl adjourned as the *Fremont County Board of Commissioners* and resumed as the *Fremont County Board of Health*.

Bill Williams, Larsen Colorado, LLC / Byzantine Quarry located on CR 69 reported that all the required contingencies have been completed except the sewage disposal source for employees at the Byzantine Quarry location. He advised they are in the startup and beginning phases of operation and at the present time they only have five employees working during business hours. Mr. Williams stated and they are requesting a variance for use of portable and chemical toilets as a means of sewage disposal until the demand for additional material is received by Larson Colorado, LLC requiring more employees' and/or extended working hours. In addition they do not intend to place any permanent structures at the site during this time frame because the work area will not be stationary and will move as the mining operations move. He reported they are operating under a State Permit #110 (small acreage site) and anticipate full capacity and finalization with a geological study under a State Permit #112 (full site) within a year.

Roland Smith, Larsen Colorado, LLC remarked that it is important to their operation to have the use of portable chemical toilets even after the installation of a vault privy. He stated that due to the different phases and locations construction would be spread over 175 acres and in this situation portable toilets would be utilized in the permitted areas. **Brenda Jackson, Fremont County Attorney** responded that portable chemical toilets could be used in addition to the vault privy with permission from the *Fremont County Board of Health*.

Commissioner Norden referenced a letter received from Dan Brixey, Fremont County Environmental Health Technician expressing concerns regarding the regulations of portable chemical toilets usage as a means of sewage disposal at a permanent facility.

Brenda Jackson, Fremont County Attorney advised that before the variance could be granted the Board would need to determine a finding that it is a temporary site. State Statute and County Regulations mandate the use of portable chemical toilets for temporary sites or emergency conditions and are prohibited on permanent commercial/business site. Mrs. Jackson state Larsen Colorado, LLC. /Byzantine Quarry is a permanent commercial/business facility for the life of the mine. She explained that a vault privy has been used as a compromise between public sewer and septic systems when neither option was suitable.

Commissioner Norden asked the applicant for comments. **Bill Williams** replied under these regulations they would request a temporary use of portable chemical toilets until they are ready to finalize and construct buildings under State Permit #112. The State Permit #112 requires a final plat for the entire acreage designating the placement of the buildings and reclamation of the entire mining area.

Bill Giordano, Planning and Zoning Director explained if the Board approved the temporary use of portable chemical toilets the applicant would be required to obtain approval or authorization from the Fremont County Environmental Health Department and that approval would meet the requirements of the Planning and Zoning Department as part of the CUP.

Commissioner Norden made two motions (1) Allowing Larsen Colorado, LLC/Byzantine Quarry the usage of portable chemical toilets on a temporary basis with the following stipulations: July 1, 2007 or earlier deadline to submit to the Fremont County Environmental Health Service Department their plans for permanent location of a vault privy as required by regulations and that the permanent vault privy facility shall be in place no later than September 1, 2007. (2) The Board hereby grants variance for a vault privy at that time.

The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

Commissioner Stiehl adjourned as the *Fremont County Board of Health* and resumed the meeting as *Fremont County Board of Commissioners*.

**PUBLIC HEARING
COMMUNITY DEVELOPMENT BLOCK GRAND APPLICATION FOR THE
NEW STARPOINT FACILITIES
SEPTEMBER 26, 2006 10:30 A.M.**

Roger Jensen, Starpoint Executive Director reported \$350,000 is being requested from the Community Developmental Block Grant to assist with the purchase of the former Centura Centers for Occupational Medicine located at 700 South 8th Street, Cañon City. The purchase will allow the consolidation of three current locations under one roof for community development and housing needs, including the needs of low and moderate income persons, as well as other needs in the community that might be addressed through the CDBG program. The building offers 16,000 square feet of space for \$1.168 million and Starpoint is working on a lease with an option to buy. Starpoint has bridge loans available until the purchase can be completed.

Commissioner Stiehl submitted a letter from Cara D. Fisher supporting the acquisition of a new facility. She further recognized and thanked Starpoint for the high quality of services offered to her daughter Mary Ann as well as developmentally disabled persons in the area. Commissioner Stiehl 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.

NEW BUSINESS CONTINUED

REVISED AMENDMENT NO. 3 FREMONT COUNTY BRIDGE REPLACEMENT FRCO-95-205

Dana Angel, Finance Director submitted the revised amendment No. 3 Fremont County Bridge Replacement FRCO-205 in the amount of \$10,000 from the Fremont County

Engineering Firm SEH. He reported a proposed amendment was received in August 2006 of \$40,000 for the additional construction observation service. Mr. Angel advised over the course of several meetings the proposed amendment was reduced by \$30,000 with the final revised amendment reflecting the estimated needs and cost of \$10,000 of which 20 percent (\$2,000) is Fremont County's participation for the additional related to the Fremont County Bridge 95-205 had been submitted. He reported the entire project is funded with local funds of 20% and CDOT grant of 80%.

Commissioner Lasha made a motion to approve Revised Amendment No. 3 FRCO-95-205 to SEH Inc. in the amount of \$10,000 of which 20 percent (\$2,000) is Fremont County's participation. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

REQUEST: EXTENSION OF MS 05-010 LONE EAGLE SUBDIVISION

Douglas and Cathie Brill are requesting approval of a six (6) month extension to allow completion of the required contingencies (ratification, consent and release form and state approval of septic designs for campground) for a two (2) lot minor *subdivision located approximately 1/1/4 north of the intersection of US Highway 50 and County Road #45 north of the Arkansas River*. Representative: Matt Koch, Cornerstone Land Surveying.

REQUEST: EXTENSION OF ZC 05-006 BRILL ZONE CHANGE

Douglas and Cathie Brill are requesting approval of a six (6) month extension to allow completion of the required contingencies (ratification, consent and release form and state approval of septic design for campground) for a zone change from Agricultural Farming and Ranching to Travel Trailer Park and Campground for property which is *located 1 1/4 miles north of the intersection of US Highway 50 and County Road #45 north of the Arkansas River*. Representative: Matt Koch, Cornerstone Land Surveying.

In the absence of Matt Koch, Cornerstone Land Surveying **Bill Giordano, Planning and Zoning Director** stated Mr. Koch was requesting an extension on the Lone Eagle Subdivision and Brill Zone Change. He explained that Lone Eagle Subdivision is contingent upon the Brill Zone Change therefore both requests are required. Mr. Giordano reported Mr. Koch is experiencing difficulties obtaining the ratification consent and release from the mortgage company on the Lone Eagle Subdivision. He is also experiencing a delay on the Brill Zone Change since the septic systems exceeds 2000 gallons and requires a lengthy state approval process.

Commissioner Stiehl inquired if the remaining contingencies were in place and Mr. Giordano responded that the contingencies have not been brought in however, the Planning and Zoning Department prefers receipt of all the contingencies at one time. He stated that Matt Koch assured him there was no problem meeting the remaining contingencies. **Commissioner Lasha** asked if the two requests can be approved together and Mr. Giordano responded yes.

Commissioner Lasha made a motion to approve the request for a six month extension MS 05-010 Lone Eagle Subdivision and a six month extension of ZC-05-006 Brill Zone Change. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

REQUEST: APPROVAL OF A SCHEDULE OF ZONING FEES

Bill Giordano, Planning and Zoning Director stated his department was requesting approval of a schedule of the following zoning fees. Site Development Plan \$800 plus publication fee; Collocation of Antenna on Existing Tower \$250; Zone change with Site Development Plan \$2,150 plus publication fee. He advised when the Board Of Commissioners approved Amendment #23 requiring a site development plan for various

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zone districts the application fee forum was overlooked. Mr. Giordano explained **Resolution #68** was an administrative procedure that corrects this oversight and addresses the Collocation of Antenna on Existing Tower. He advised these zoning fees were based on similar fees since no reference was available at this time. The site development plan on both the zone change and the plan itself will need to be resubmitted to the Board at a future date for a fee reevaluation that will be associated with conditional use and special review. Mr. Giordano stated at that time his department will have more exact figures of hours, expenses incurred for review.

Commissioner Stiehl commented the public is generally notified in advance giving them a chance to comment, however, **Resolution #68** is an immediate procedure that corrects the oversight. He stated the County had completed a professional study to determine what the fees should be prior to approving the fee schedule; whereas, the costs of the zoning would be borne by those responsible for the rezoning, not by the taxpayers; an example of development paying for itself.

Commissioner Norden made a motion to approve **Resolution #68** adding the comment that typically there is a two week proposal time before actual adoption but since the fees were left off the original zoning fee's considered earlier this year, moved to approve the Resolution effective this date. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried with the adoption of **Resolution #68**.

Commissioner Stiehl adjourned the meeting at 11:00 A.M.

County Clerk