

TWENTY-SECOND MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on October 11, 2005, 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
Edward H. Norden	Commissioner	Present
Michael J. Stiehl	Commissioner	Absent
Brenda Jackson	County Attorney	Absent
Norma Hatfield	Clerk and Recorder	Present

Also present Bill Giordano, Planning and Zoning Director and Sharon Kendall, Deputy Clerk.

The Morning Prayer was given by Chaplain Hal Simmons from Hospital Chaplains Ministry of America.

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

APPROVAL OF AGENDA

Commissioner Norden stated that the Consent Agenda has the scheduling of Public Hearings for November 8, 2005. He stated that last night's edition of the Daily Record indicated that those Public Hearings would be held this morning. Those hearings are scheduled for November 8 and not today. **Commissioner Norden** made the motion to approve the Agenda. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye. The motion carried.

CONSENT AGENDA

Commissioner Norden noted that on the minutes for the September 27th meeting on the motion he made in reference to Cañon Creek Ranch Filing IV, the motion did not state that he was including the 15 contingencies, but that was his intent. With the adoption of the minutes, the record will be correct as to his intent. **Commissioner Norden** moved to approve the Consent Agenda:

1. Approval of Minutes September 27, 2005
2. Approval of Bills October 11, 2005/\$656,274.65
3. **LIQUOR LICENSE**
 Bradford Jim Bradford Jan M
 Bradford's Handi-Mart
 1400 E. Hwy. 50
 Penrose, CO 81240
 3.2 Percent Beer Retail License Renewal
4. **SCHEDULING OF PUBLIC HEARINGS FOR NOVEMBER 8, 2005 AT 10 AM:**
 1. **REQUEST: CUP 05-002 COOPER PIT**
 Request approval of a Conditional Use Permit, Department file #CUP 05-002, **Cooper Pit, to allow the open pit mining, screening, crushing, blasting and hauling of sand and gravel**, by Shane L. Cooper, for property which is owned by BLM. The property is located *approximately 1 ¼ miles east of the intersection of County Road #28, aka Cooper Gulch Road and County Road #1 aka Iron Mountain Road, approximately 700 feet north of County Road #1, in the Glen Vista Area.*
 2. **REQUEST: ZC 05-003 KELLY ZONE CHANGE**

Request approval of a **Zone Change from Agricultural Estates to Business, Department file #ZC 05-003 Kelly Zone Change**, by Richard & Jamie Kelly, for their property which is *located approximately 300 feet south of the intersection of County Road #27A and D Path on the east side of County Road #27A, in the Colorado Acres Area.*

3. **REQUEST: ZC 05-002 RUDDER ZONE CHANGE**

Request approval of a **Zone Change from Agricultural Estates to Business, Department file #ZC 05-002 Rudder Zone Change**, by James Michael Rudder for his property which is *located between Third Street, aka County Road #142 and State Highway 115 and on both sides of High Street which is platted but not opened, in the Rainbow Park Area east of the City of Florence, Colorado.*

4. **REQUEST: SRU 05-005 MOUNTAIN VALE CEMETERY**

Request approval of a **Special Review Use Permit for the expansion and operation of a cemetery, which will include a mausoleum, columbarium, crematorium, offices, storage and a caretaker's residence**, by William C. Holt (applicant) for property owned by Deyon D. Boughton. The property is *located at the southeast corner of State Highway 115 and Chestnut Street, in the Lincoln Park Area.*

The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Norden, 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 September and stated that revenues earned for the month were \$713,170.62, which was up \$30,044.78 over a year ago. Sales tax earned was \$81,444.92, and that was up \$37,246.68 over a year ago. Revenues that go directly to the County to the various entities was \$410,617.59, and that was up \$22,699.04 over a year ago. **Commissioner Lasha** made the motion to approve the Clerk's Report for September. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye. The motion carried.

Norma Hatfield stated that the coming election would be a mail-ballot election. Mail-ballot elections are allowed during odd-year elections. She stated they have a 60-65% return on the ballots and people voting in a co-ordinated election. They used to have about 30-35% and sometimes only 12% voters turning out to the polls. The mail ballots have been mailed, and all active voter should receive a ballot sometime next week. Active voters are people who have voted within the last two years. She stated they have 4 to 5,000 inactive voters, who have changed their name or address. They are eligible to receive a ballot, however, they must report to the Clerk's Office, and show an ID. If people have moved, it may change their ballot style. To return the ballot by mail, it will cost 60 cents. They are required by HAVA (Help America Vote Act) to make several tests of their ballots. They will be having an open-to-the-public testing on October 20th at 10:00 A.M. until Noon in the Commissioner's Board Room. The testing is to give confidence to the public that the ballots are correct and the machine counts them correctly. There will be five to six tests before the election and after the election. There will be no precinct voting for this election.

Commissioner Norden stated he had issued a press release dealing with the grant award that they had notification from the Department of Local Affairs that Fremont County is getting a \$400,000 gaming impact grant for 2006 from a requested \$484,000. That \$400,000 will be used to do the final 1.2 miles of asphalt overlay on County Road 11, the High Park Road next summer. They just completed 3 miles of asphalt overlay on the High Park Road last week.

The Recreation District is the administrator of the grant for the Highway 115 access to Pathfinder Park west of Florence. They met with the engineers yesterday, and two bids were received. The bids came in over their budgeted amount for the grant, so the County and the Recreation District are trying to figure places where they could cut some costs on the low bid before it is actually awarded. They will see if they can get some supplemental grant money to cover the higher-than-expected low bid.

This Friday morning at 10:00, Senator Ken Salazar is coming to Cañon City to conduct an energy independents forum. It will be in the Commissioner's Board Room.

Commissioner Lasha stated that this was the 5th year of a program to do High Park Road with gaming impact dollars. Gaming impact dollars for High Park Road can only be spent for that road.

Commissioner Norden stated that the money for next year was targeted for not only completing that asphalt, but chip sealing a section of the existing pavement on High Park, but also 15 miles of Red Canyon and Garden Park Roads north of Cañon City. There will also be some winter maintenance for Phantom Canyon, Garden Park and High Park Roads.

Commissioner Lasha stated they have a mineral impact grant that will take care of a bridge on Phantom Canyon. The money is targeted for projects, and cannot be used anywhere else. He stated they would like to continue the town hall meetings in Florence, Cañon City, Penrose and the rest of the County. They have scheduled the 18th of October at 7:00 P.M. at the Apple Shed. They encourage people to come and ask questions.

2. Citizens Not Scheduled

Frank Jaquez, Cañon City Councilman, presented an award to Commissioner Lasha and apologized that CNN was unable to travel here due to weather. The award appeared to be associated with a Dr. and football.

NEW BUSINESS:

RECOGNITION OF KAREN HAWVER FOR 30 YEARS OF SERVICE

Commissioner Lasha stated that Karen is an employee with DHS, and read a letter of appreciation. She was presented with a Certificate of Recognition and a Fremont County globe.

Steve Clifton, Director, Department of Human Services, stated that Karen was not afraid to speak up. She has always been concerned about services, clients and what works and doesn't work, and been very willing to work as an advocate in that area.

J.R. PHILLIPS – WRAP-UP ON WEST NILE VIRUS

J.R. Phillips submitted a report on the background and current statistics regarding the West Nile Virus. This virus got here from New York City in 1999. In 2003 there were 250 deaths in this Country attributed to West Nile, and 25% of that number were in the State of Colorado. Birds are the main reservoir for this particular virus. Humans basically do not transfer this disease from one to another. The main thing is to reduce the risk by avoiding the mosquito. It has been their job to inform the public through presentations, the County website and to seek out the mosquito habitat. Colorado has had in the area of 75 cases to the present date. There have been 4500 birds sampled this year, and most of the birds that tested positive for the West Nile Virus were in the Western side of the County, from the Rocky Mountains on west. Colorado does not spray for the adult mosquitoes, but simply go after the juveniles. Illinois, Louisiana and Texas are now showing higher numbers of the neuroinvasive disease. Fremont County has had 3 cases of the mild fever cases, and the hot spot has been Larimer County with 13 reported cases. With the age groups, 54 to 66 is the dangerous age and the gender indications are about

the same. He stated they put Paul Telck on a part-time basis and he has spent considerable time making sampling devices and live traps. They were unable to collect one infected mosquito this season.

PETITIONS FOR ABATEMENT OR REFUND OF TAXES – ASSESSOR’S OFFICE

Donna Tollis, Assessor’s Office, stated that Front Range Aggregates LLC probably needed to be addressed. One of the reasons they denied is they did not attach a Letter of Agency to their petition. In the Chapter 11 Bankruptcy Plan, all taxes due from Agile Stone were to be paid, and that would include the taxes for this year. None of the companies protested any of the Notices of Valuation. There are 7 accounts with Front Range with the one blanket Petition.

Commissioner Norden moved to approve **Resolutions #54 through #65** for Agenda items 1 through 12 adopting the recommendations of the Assessor’s Office for either denial or approval of Abatements or Refunds of Taxes:

RESOLUTION #54 – FRONT RANGE AGGREGATES LLC – SCHEDULES #440-00-1640, #994-04-442, #995-04-432, #994-04-885, #994-08-886, #994-04-889 AND #994-04-890 – “0”.

RESOLUTION #55 – COOL, STEPHEN - #110-02-680 – “0”

RESOLUTION #56 – KELLY-VOSS, KATHERINE - #110-16-610 – “0”

RESOLUTION #57 – JEFFERY, ROSS - #D9-9-23-253 – ABATE \$1,073.06

RESOLUTION #58 – WANDREY, LAURA M. - #110-80-128 – ABATE \$2,534.54

RESOLUTION #59 – TABASCO, STANLEY A. -- #995-04-718 – ABATE \$1,527.28

RESOLUTION #60 – SMITH JR., WILLIAM LANCASTER -- #999-23-321 – ABATE \$1,676.12

RESOLUTION #61 – KINDERHAUS -- #999-24-060 – ABATE \$4,345.24

RESOLUTION #62 – FREMONT COUNTY FAMILY CENTER -- #995-04-267 – ABATE \$8,503.95

RESOLUTION #63 – INTERNATIONAL CHURCH OF THE FOURSQUARE GOSPEL -- #988-04-409 – ABATE \$3,258.02

RESOLUTION #64 – PARK AVE. PRE SCHOOL -- #999-23-248 – ABATE \$3,714.56

RESOLUTION #65 – INTERNATIONAL CHURCH OF THE FOURSQUARE GOSPEL -- #988-04-044 – ABATE \$1,093.28

The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye. The motion carried and carried the adoption of **Resolutions #54 through #65**.

REQUEST: TRANSFER OF CUP 04-003 JP MATERIALS

Bill Giordano, Planning & Zoning Director, stated that everything was in order for the transfer. The company has been sold from Mr. Palitor to Entrust New Direction. They are requesting that the name be changed and the operator be changed to Las Rocas, LLC.

Commissioner Norden moved to approve the transfer of CUP 04-003 JP Materials to new ownership of Entrust New Direction IRA. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye. The motion carried. **Bill Giordano** asked if they approved the operator? **Commissioner Lasha** stated they did not. **Commissioner Norden** stated that with the consent of the Chairman’s second, he would include language in his motion to approve Las Rocas, LLC as the Operator. **Commissioner Lasha** said “Yes”.

Commissioner Lasha adjourned the meeting at 10:21 A.M.