

October 13, 2015

**NINETEENTH MEETING**

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on October 13, 2015, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Edward Norden called the meeting to order at 9:30 a.m.

Edward H. Norden	Commissioner	Present
Debbie Bell	Commissioner	Present
Tim Payne	Commissioner	Present
Katie Barr	Clerk and Recorder	Present
Brenda Jackson	County Attorney	Present

Also present: George Sugars, County Manager and Matt Koch, Planning and Zoning Director.

The Invocation was given by Loren Kolman of Young Life Church.

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

**APPROVAL OF AGENDA**

**Commissioner Bell** moved to approve the Agenda with the addition of item #6 to New Business. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

**CONSENT AGENDA**

1. Approval of Minutes / September 22, 2015
2. Approval of Bills for October 13, 2015 / \$1,144,558.83
3. Approval of 2016 Emergency Management Performance Grant Agreement with Colorado Department of Public Safety, Division of Homeland Security and Emergency Management.
4. Schedule Public Hearing for October 27, 2015 for 10:00 A.M.:  
Request: SRU 15-003 Deer Mountain Fire Protection District  
Request approval of a Special Review Use (SRU) Permit, Department file #SRU 15-003 Deer Mountain Fire Protection District, to allow Fire and Emergency Medical Operations, an emergency Heli-Pad, and public meetings, gatherings and fundraisers. The property is located at the northeast intersection of Fremont County Road 28 (aka Copper Gulch Road) and Fremont County Road 31 (aka Indian Wells Road), in the Glen Vista Area.
5. Schedule Public Hearing for November 10, 2015 for 10:00 A.M.:  
VPR 15-001 Parkman Street & Alley  
Request approval of a Vacation of Public Right of Way, Department file #VPR 15-001 Parkman Street & Alley, by Gary McWilliams. All of Parkman Street lying south of the southerly right-of-way line of Frazier Avenue (formerly platted as Alabaster Avenue) and lying north of the northerly right-of-way line of Johnson Street, and the alley in Block 4 according to the recorded plat of The United Oil Co's Pike View Subdivision, recorded September 22, 1900 at Reception No. 55083.

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**Commissioner Payne** moved to approve the Consent Agenda. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

**ADMINISTRATIVE/INFORMATIONAL**

1. Staff / Elected Officials:
  - a. County Clerk's Monthly Report, Katie Barr, County Clerk and Recorder

**Clerk Barr** reported for the month of September, the total Motor Vehicle fees and sales tax collected was \$1,053,473.27. Fremont County's portion is \$582,459.39 which is \$20,719.72 more than September 2014.

**Commissioner Bell** moved to accept the County Clerk's Monthly Report. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

2. Citizens who wish to address the Commissioners on a matter not scheduled on the agenda

None.

**OLD BUSINESS**

None.

**NEW BUSINESS**

1. In consideration to re-appoint John Marietta to the Fremont County Airport Advisory Board for another three-year term ending October 1, 2018.

**Commissioner Norden** noted John Marietta's multiple terms served on the Airport Advisory Board. Mr. Marietta has a vested interest in the airport and always manages to make the airport a priority.

**Commissioner Payne** moved to re-appoint John Marietta to the Fremont County Airport Advisory Board. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

2. In consideration of an appointment to the Fremont County Airport Advisory Board with a three year term beginning October 1, 2015 and ending October 1, 2018.

**Commissioner Norden** explained that during a previous vacancy for the Airport Advisory Board, the candidate had made an excellent impression and just barely missed being appointed at that time.

**Commissioner Norden** moved to appoint Bruce Claremont to the Fremont County Airport Advisory Board. Commissioner Bell seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

3. Special Events Liquor License Request  
Fremont Community Foundation  
Special Event Liquor License Request  
901 Main Street, Canon City, CO 81212  
Representative: Dan Brown – Fremont Community Foundation  
Kyle Horne or John O'Dell – Canon City Park & Recreation District

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**Kyle Horne** explained the event will be October 30<sup>th</sup> from 8:00 p.m. to midnight at the Canon City Area Recreation and Park District building on Ash Street. For this third annual event, the foundation will be using the same format with existing fencing and lighting as previous years. Access to the event will be limited to adults over the age of 18 with the use of wristbands for people of drinking age.

**Commissioner Payne** moved to approve the Special Events Liquor License request for Fremont Community Foundation. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

4. In consideration of an Intergovernmental Agreement for Colorado County Coroners and Medical Examiners Mutual Aid and Assistance

**Coroner Randy Keller** explained this is a proactive agreement that will assure faster assistance from surrounding counties and the state in the event of a mass casualty in Fremont County.

**Commissioner Payne** moved to approve an Intergovernmental Agreement for Colorado County Coroners and Medical Examiners Mutual Aid and Assistance. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

5. In consideration of a Memorandum of Understanding between Canon City Area Recreation and Park District and Fremont County for the Repair of the Arkansas River Bank Stabilization Project

**Attorney Jackson** explained how the County came to be in possession of easements and structures when the Fremont County Flood Conservancy District was dissolved in the late 90's. The County now has a responsibility to fix damage in the large wash-out area along the Arkansas Riverwalk west of the Reynolds Avenue Bridge. The concrete wall protecting the levy was damaged and this project will take care of the problem.

**Manager Sugars** said the project will cost around \$200,000, and FEMA has indicated a grant will cover 75% of the cost once the project is complete.

**Commissioner Payne** moved to approve the Memorandum of Understanding. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

6. Consideration to sign a letter to federal elected officials expressing concern about the proposal to move Guantanamo Bay detainees to a prison in Fremont County.

**Commissioner Bell** explained the concerns for public safety by local government if the detainees from Guantanamo Bay were moved to the federal prison outside of Florence. A letter has been drafted to explain the matter to the President and other federal elected officials and request assistance if the detainees are sent to Fremont County.

**Commissioner Bell** moved to adopt the letter and authorize the signatures of the Board. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

**PUBLIC HEARINGS SCHEDULED FOR 10:00 A.M.**

1. Request: SRU 15-002 Acord Truck Terminal – (Resolution No. Requested)  
Request approval of a Special Review Use (SRU) Permit, Department file #SRU 15-002 Acord Truck Terminal, by Acord Land Company, LLC, to allow a maximum of twenty (20) trucks to be parked overnight and weekends, a

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maintenance shop, and an office to be located on site. The property is located in the Airport Industrial Park on Skyland Drive. The SRU permit property contains 3.85 acres and is zoned Industrial Park.

Representative: Angela Bellantoni, Ph.D. / Environmental Alternatives, Inc.

**Chairman Norden** opened the Public Hearing at 10:00 a.m.

**Dr. Angela Bellantoni** explained the site will mainly be a dispatching center for trucks to haul propane between wholesale and retail facilities. The site will provide the opportunity for truckers to park their rigs between loads. All tanks will not have a load when parked. A maintenance shop will eventually be added to the site for light maintenance such as oil changes, tire repair, batteries and windshield wiper changes. Of the original waiver requests, Acord Trucking would like to withdraw the lighting request.

**Director Koch** reviewed the recommended conditions and contingencies by the Planning Commission and waiver requests by the applicant. After careful review of the information for the first contingency regarding the access permit from Colorado Department of Transportation, he recommended removing the item since there is a large impact to the area from all the other uses and a minimal impact from this application. The Planning Commission would like to add Condition P as well.

**Daniel Trujillo** works for Compact Ceramics in the Airport Industrial Park. He brought up concerns he has about the truck terminal including the hauling of hazardous and non-hazardous materials and ground contamination and the emergency response resources required for a catastrophic event at the site.

**Chairman Norden** closed the Public Hearing at 10:25 a.m.

**Matt Hobby**, Site Manager, assured the Board that the proposal is for no other hazardous materials than propane. Propane is a gas that has to be contained and pressurized to liquefy. If the tanks were to leak, the propane would vaporize and enter the atmosphere before it would contaminate the ground. Mr. Hobby also assured the Board that the likelihood of an explosion at the site is very minimal, but Florence and Canon City Fire Departments have been through extensive training to handle such an event.

**Commissioner Bell** moved to approve SRU 15-002 Acord Truck Terminal, Resolution #31, with recommended conditions a-p, removing contingency #1 and renumbering contingencies #2-8, and granting and renumbering waiver requests #1, 2, and 4. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

2. Proposed 8<sup>th</sup> Amendment to the Fremont County Zoning Resolution – (Resolution No. Requested)
  - a. Adding rafting to the allowed uses in the Business Zone District
  - b. Changing the Cabin, Recreational to a building footprint not to exceed 550 sq. ft.
  - c. Placing the AP-O Airport Overlay Zone District under its own zone section

Representative: Matt Koch / Director of the Department of Planning & Zoning

**Chairman Norden** opened the Public Hearing at 10:36 a.m.

**Director Koch** explained all changes the amendment would make. The change from the original square footage to a building footprint would allow a second story to be added to the cabins. The original petitioner for the change had recently requested the footprint be expanded to 600 sq. ft. to accommodate a staircase being added to the floor plan. Director Koch had canvassed the entire Planning Commission Board about the last-minute change, and they had agreed that the Board of County Commissioners could make that change.

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**Andy Neinas** feels that the change to the building footprint will allow the community to be more competitive for traveling tourism. He requested the 600 sq ft. footprint to allow a full-size staircase be added to the floor plan instead of the more common ship's ladder.

**Chairman Norden** closed the Public Hearing at 10:45 a.m.

**Commissioner Payne** moved to accept the 8<sup>th</sup> Amendment to the Fremont County Zoning, Resolution #31, with the recommended amended 600 sq. ft. building footprint. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

3. Consideration of a Proposal to Modify the Service Fee Schedule for Solid Wastes Disposal at Transfer Stations and Landfills in Fremont County.

**Chairman Norden** opened the Public Hearing at 10:47 a.m.

**Sunny Bryant** said during a Solid Waste Program audit, the County found many companies have the ability to weigh solid waste. These companies were having to convert the weight to cubic yards for reporting purposes. The modification to the fee schedule will eliminate the need for the conversion.

**Chairman Norden** closed the Public Hearing at 10:54 a.m.

**Commissioner Bell** moved to adopt the modified service fee schedule for solid waste disposal. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

**Chairman Norden** adjourned the meeting at 10:55 a.m.

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Clerk and Recorder

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RESOLUTION NO. 33, SERIES OF 2015

**RESOLUTION MODIFYING THE SERVICE FEE SCHEDULE FOR  
SOLID WASTE DISPOSAL AT TRANSFER STATIONS AND LANDFILLS  
IN FREMONT COUNTY**

WHEREAS, C.R.S. § 30-20-115 authorizes the County, after a public hearing, to fix, modify and collect service charges from users of solid waste disposal sites and facilities or transfer stations for the purpose of financing solid waste management in the County; and

WHEREAS, the Board of County Commissioners for the County of Fremont (Board) has determined and declared that it is in the best interest of the inhabitants of the County for the Commissioners to adopt a fee schedule imposing service charges on solid waste deposited in transfer stations and landfills in the County, to be used for the purpose of financing solid waste management in the County; and

WHEREAS, on December 8, 1997, the Board of County Commissioners adopted Resolution Number 56, Series of 1997, which imposed a service charge on solid waste deposited in transfer stations and landfills; and

WHEREAS, on February 13, 2007, the Board of County Commissioners adopted Resolution Number 13, Series of 2007, which increased the amount of the service charge on solid waste deposited in transfer stations and landfills; and

WHEREAS, the Board of County Commissioners has determined that a change in the method of calculating the service charge is necessary to meet and address the change in the industry from measuring solid waste in cubic yards to measuring solid waste by tonnage; and

WHEREAS, the amount of the service charge shall remain the same, but be changed to a tonnage charge pursuant to the conversion formula used by the Colorado Department of Public Health and Environment; and

WHEREAS, the Board of County Commissioners is of the opinion that calculating the solid waste service charge based on tonnage is more accurate and fair than calculating the service charge based on estimated cubic yards; and

WHEREAS, notice of a public hearing concerning adoption of the modification to the service charge for Transfer Stations and Landfills has been given by publication in the *Canon City Daily Record* and *The Florence Citizen*, at least 14 days prior to the date of hearing; and

WHEREAS, at the time and place set forth in the notice, the Board met in open session for the purpose of hearing and considering any objections or protests presented in writing or by appearance at the hearing; and

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WHEREAS, the Board considered any objections or protests presented in writing or by appearance at the hearing; and

WHEREAS, the Board, pursuant to the laws of the State of Colorado, hereby finds and determines that there exists a necessity for an increase in the service charges to be paid by users who deposit solid waste in transfer stations or landfills in the County. Said increase in the service charge is in the best interests of the inhabitants of the area.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS FOR THE COUNTY OF FREMONT, COLORADO:

A. That the service charge for the deposit of solid waste in transfer stations or landfills in the County is hereby modified from to \$.50 per cubic yard to \$1.67 per ton of solid waste.

B. That the service charge for the deposit of fly ash in transfer stations or landfills in the County is hereby modified from to \$.10 per cubic yard to \$0.13 per ton of fly ash.

C. That the service charge set forth herein shall be collected by the owner/operator of the landfill or transfer station from the user depositing solid waste in the landfill or transfer station.

D. That the service charge set forth herein that are collected by the owner/operator of the landfill or transfer station shall be made available to County, by delivery of the same to the County in the manner prescribed by policy of the Board of Commissioners.

E. That the County shall place the service charges collected pursuant to the fee schedule into a County fund, designated and used for costs of solid waste disposal inspection, monitoring, testing, review and for costs of recycling programs and other programs and purposes related to solid waste management as provided by C.R.S. § 30-20-115 and other applicable Colorado and County statutes and regulations.

F. That any future increases or modifications to service charges shall comply with the procedures set forth in C.R.S. §30-20-115.

G. That, in order to avoid payment of service charges twice for the same solid waste, the service charges set forth in the fee schedule shall not apply to the depositing of solid waste into a landfill where the solid waste was first deposited into a transfer station in the County and a service charge was paid at the time of the transfer station deposit.

H. That the owner/operator of the landfill or transfer station shall provide to County a quarterly accounting and payment reflecting the total solid waste deposited at the facility, calculated in tons.

I. That the fee schedule set forth herein is to be effective January 1, 2016, and shall continue in full force and effect thereafter, subject to amendment or revision by the Board from time to time after public hearing.

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J. That this resolution modifying the service charge on solid waste shall be published one time in the *Canon City Daily Record* and *The Florence Citizen*, on or before November 1, 2015.

Commissioner Bell moved for adoption of this Resolution, with a second to the motion by Commissioner Payne and approved by roll call vote as follows:

Debbie Bell	<u>Aye</u>	Nay	Absent	Abstain
Edward H. Norden	<u>Aye</u>	Nay	Absent	Abstain
Timothy R. Payne	<u>Aye</u>	Nay	Absent	Abstain

Date: October 13, 2015

BOARD OF COUNTY COMMISSIONERS  
OF FREMONT COUNTY

ATTEST:

By: Edward H. Norden  
Chairman

By: Katie E. Baur  
Clerk to the Board