

THIRD MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on February 11th, 2020 615 Macon Avenue, Room LL3, Fremont County Administration Building, Canon City, Colorado. Chair Debbie Bell called the meeting to order at 9:30 a.m.

Debbie Bell	Commissioner	Present
Dwayne McFall	Commissioner	Present
Tim Payne	Commissioner	Present
Justin Grantham	Clerk & Recorder	Present
Brenda Jackson	County Attorney	Present
Sunny Bryant	County Manager	Present
Sean Garrett	Planning & Zoning Director	Present

INVOCATION

Joe Garkovich, of Mercy Today Ministries, gave the invocation.

PLEDGE OF ALLEGIANCE

Those present cited the Pledge of Allegiance to the flag of the United States of America.

APPROVAL OF AGENDA

Commissioner McFall moved to approve the Agenda with the following corrections.

Add Consent Agenda Item 7(c), Schedule a Public Hearing: March 10, 2020 at 10 a.m.

Amendment to the Fremont County Ambulance Regulations

Remove Agenda Item # 2 from new business

Approval of a Fremont County Procurement Policy

Commissioner Payne seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

CONSENT AGENDA

1. Approval of Minutes / January 28, 2020
2. Approval of Minutes / February 3, 2020 Special Meeting
3. Approval of Bills for \$1,218,888.00
4. Ratification of Chairman's signature on a Property Access Agreement with the CV II Cañon City, LLC for EPA Brownfield Assessments for The Abbey
5. Ratification of Chairman's signature on a Property Access Agreement with Monika Kubacka for EPA Brownfield Assessments for Holiday Motel
6. Approval of Resolution #10, Series of 2020: 15th Amendment to the Fremont County Zoning Resolution
7. Schedule Public Hearing: March 10, 2020 at 10:00 a.m.
 - a. Single-Family Owner-Occupied Housing Rehabilitation Program—
UAACOG

Upper Arkansas Area Council of Governments has closed out the Community Development Block Grant funds through the Colorado Division of Housing for the Single-Family Owner-Occupied Housing Rehabilitation Program in Fremont, Chaffee, Custer, Lake, Park, and Teller Counties with Fremont County as the lead party

- b. Request: SRU 20-001: Phantom Canyon Estates
Requesting approval for Department File # SRU 20-001 Phantom Canyon Estates for a Special Review Use for a Travel Trailer Park & Campground. The site will contain 40 sites for travel trailers/RV's and is located off of County Road 67 North of U.S. Hwy 50. *This item is being rescheduled and removed from the agenda for February 25th 2020.*

- c. Amendment to the Fremont County Ambulance Regulations

Commissioner Payne moved to approve the Consent Agenda. Commissioner McFall seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner McFall, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

ADMINISTRATIVE/INFORMATIONAL

- 1. Staff / Elected Officials:

- a. County Clerk's Monthly Report

County Clerk and Recorder Grantham notified citizens that Presidential Primary Ballots were placed in the mail on Monday (February 10th) and should start arriving on doorsteps and mailboxes on Wednesday.

More information can be found at www.fremontco.com

County Clerk's Report for the Month of January 2020

Total MV Fees, Sales Taxes and Recording Fees collected for January 2020- **\$1,122,491.47**

Fremont County's portion for disbursement is- **\$634,150.17**

Which is 56% of the total fees and is **\$26,108.32** more than January 2019

Year to date our office is up **\$26,108.32** from last year

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

- b. County Manager Report, Sunny Bryant, County Manager

County Manager Bryant gave her report, which is posted on the County website, www.fremontco.com. She also stated that due to a recent website update, citizens have the option to receive updates via e-mail from various county departments.

Commissioner McFall said he was thankful for the snow and cautioned citizens to drive safe.

Commissioner Bell spoke about serving on the board of Fremont Exceptional Women (FEW). FEW has decided and released their 15 top candidates and they will be holding the annual banquet on March 13th at E-Free Church. Tickets are required.

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

George Story-addressed everyone about the recent Coronavirus outbreak in China.

OLD BUSINESS

None.

NEW BUSINESS

1. Recognition of a former Sheriff's Deputies for their life-saving efforts through the administration of Narcan
Representative: Allen Cooper, Fremont County Sheriff

Sheriff Allen Cooper said that last meeting he recognized deputies for their life saving efforts of the use of Narcan. This meeting he wanted to recognize Jeremy Amendola for his life saving efforts in the use of Narcan.

Commissioner Bell recessed the BoCC meeting at 9:40am

PUBLIC HEARING

Commissioner Bell reopened the BoCC meeting for the Public Hearing at 10:00am. She also frontloaded expectations to citizens that would be speaking at the meeting.

Public Hearing was opened at 10:00am

1. Request: CUP 12-003 Dawson Gold Major Modification
(Resolution #13 requested)
Requesting approval for a Major Modification to CUP 12-003 to expand the boundary area of the existing CUP granted for exploration. The expansion will add acreage to the west of the current boundary of the CUP.
Representative: Angela Bellantoni

Dr. Angela Bellantoni started off her presentation by talking about the history of mining and exploration starting in Fremont County in 1898. She then described the three different types of mining claims Patented Lode Mining Claims, Patented Placer Claims, and Unpatented Claims. Using a slide presentation, she showed the area map of current area and proposed expansion, setbacks, buffers, mining area. She stated that because this is on BLM lands, they have massive oversight, assessments and requirements that Zephyr has to meet. She also stated that the Colorado State Land Board also has lease conditions including mitigation when it comes to Section 16. Division of reclamation and mining safety also has oversight of the exploration.

Dr. Bellantoni then continued her presentation and talked about the current CUP and the proposed expansion. Property extends to the west on both Federal and State lands. 4.89 acres disturbed within the current CUP. Disturbance to date 7078 ft have been disturbed and they proposed 9805ft. 4.89 acres of the proposed 6.77 acres have been disturbed to date. Used her presentation to show drilling sites, setbacks, and other area of interest. She then explained the differences between a drill pad and a drill platform. She showed pictures off the lighting that happens at night on a drill platform. Concluding she respectfully requested the approval of CUP 12-003.

Mr. Will Felderhof, Executive Chairman of Zephyr Minerals has been drilling since 1979 and has a local office where they store geological samples from drilling since the beginning of the original CUP 2012. He thinks there is a lot of potential in Fremont County. He talked about his company not having significant cash flow, but when they need money, they raise it through their investors and shareholders.

Mr. Felderhof presented and focus on three sections; Dawson Section, El Plomo Section and Green Mountain Section where there is a mineralized trend. All three are considered a "broken hill sections". Main focus will be on the El Plomo Section. El Plomo has Ag (silver), Pb (Lead), and Zn (zinc) deposits. Magnet survey and mineral surface surveys have been completed. 35 prospects identified for follow-up in the El Plomo Section.

Power Point available on Zephyr Minerals website. www.zephyrminerals.com

Planning and Zoning Director Garrett gave his staff report. He stated that the department finds that the application is complete and a true representation of the request.

Contingency Items:

1. Approved Fremont County Dept. of Transportation Access permit for County Road 20x
2. NOIs approval from BLM
3. Approval from DRMS and other state agencies
4. Helicopter company name and licenses

Waiver Requests:

1. Hard Surfacing for parking area
2. Landscaping of the parking area
3. Lighting plan

Recommended Conditions:

1. All conditions set forth in original approval
2. Surface disturbance shall not exceed two (2) acres annually
3. Locations of disturbance area shall be provided annually
4. Adherence to all conditions set forth by the State Land Board regarding Section 16 property.

Commissioner McFall asked if there was any US Forest Service Land.

Dr. Bellantoni replied stating there was not.

Commissioner Payne said the BoCC received a letter about locking gates and if that should be a condition.

Director Garrett said that is up to the board, but there is a plan in place to have it locked and closed.

Commissioner McFall asked about how the company would dispose of human waste.

Dr. Bellantoni replied stating there is a sanitation closet with a removable tank that will be serviced through helicopter use.

Commissioner McFall told Zephyr they needed approval from the Board of Health. He then said they needed a noxious weed plan and to coordinate with the Weed Department.

Commissioner Bell transitioned the meeting to public input at 10:55

Gary Peterson- end result is the mining will have to happen eventually. Zephyr states economic benefits will happen. Zephyr doesn't have money to cover administration costs for the next 12 months. Possible boom and bust during construction phase if no minerals found. Wants citizens to be fully informed of all aspects of Zephyr coming into the community if nothing is found, influx of people and other reasons. Against

Jim Lockhart, President of Wild Connections said the CUP is largely within a wildlife study area. There are restrictions in the area of Section 16 and BLM and those restricts should be removed by Congress before Zephyr can explore. Not all requirements are being met. Meeting with BLM tomorrow. Can they operate if they don't have permission from the federal government first? Against

James Merson (*Gave maps submitted to county commissioners.*) talked about abandoned road access vs helicopter access is his main concern. County Road 20X is a jeep track or trail according to his appraisal from 1996. Glen-Vista moved the road and the road stops at his property. His concerns were as follow:

1. Does not seemed to be prepared by a licensed professional
2. Does not identify site accesses
3. Doesn't state max CR 20X capacity of extra traffic.
4. Estimated width of road not realistic.
5. They assume CR 20X will be maintained and the county doesn't plan on maintaining it.

Possible solution would be for the BoCC to abandon County Road 20X. Has been a private road and locked for 60 years because the county doesn't take care of it. Against

Roxanne Bradshaw appreciates Wild Connection presentation as it shows her concerns. Use to serve on the HOA for Dawson Ranch. Enjoys coming into town from the east and sees the beauty on the mountain side. Not sure if the exploration will have control of what happens if valuable minerals are found. Against

Tom Lambrecht said he came to speak on behalf of neighbors from South Canon. Has a geology degree and another degree. From Gilpin County and is now a transplant here. Mining has changed a lot turn of the century and is heavily regulated. However, there is no guarantee of what happens after they find gold or not. No guarantee of money for reclamation. We have a beautiful place and multiple groups have worked to make it that way. If this happens, it should happen in a responsible matter. Helicopter use will be expensive. Against

Mary Dondlinger said she was here to speak on behalf of the wildlife. Vibrations and noise affect everyone. Animals can't deal with these. They would have to leave and abandon their areas. Animals are severely affected during the time the drilling, helicopters, and other practices that may be performed. Zephyr may give money to local schools but what happens when schools and kids go hiking and there are no animals to observe. She doesn't think giving the CUP to Zephyr would benefit our community and way of life. Someone has to speak for the animals. Against

Susan Vines showed article from the paper about tourism coming to Fremont County. She said she represents a Fremont County hiking group and told everyone what the group has to offer. She stated she wants the land to stay the way it is. Please consider that once this area is mined the area is gone. This will affect Grape Creek. It does affect ditches and food grown by farmers. Against

Jim Javernick, local business owner said he supports Zephyr minerals. The economy will do great. Brings in people, workers, money, taxes, and other things for the community. Zephyr will have to follow massive federal, state and local rules. This is a great opportunity for Fremont County instead of staying stagnant. For

Susan Gordon talked about the amount of work that has gone into trails. Sees a lot of vehicle with hiking and biking equipment coming here to use the trails. Read a passage from book written by Temperance Williams. Passage focused on nature preservation and they are gifts to us and for everyone for all time. Protection of all life and nature is what we are supposed to do and stave off the destruction of our nature. Against

Rita Everett thanked everyone who has been against this CUP. She didn't hear much about water from the presenters. How will this CUP affect the water table, the river, drinkability, and other water sources? Talked about high winds in area, what happens when this becomes a huge mining area and dust picks up and blows. Worried about heavy metals blowing in the air. Waste water worries as well, about how mining for gold is done and heavy metals contaminating the water. Against

Bill Moore said he lives in Dawson Ranch. Has questions trying to understand what is going on. They mentioned they were doing something east of the current CUP. Wanted to know about directional drilling. Are they going to use water for drilling? Zephyr is exploration, what will happen when Zephyr sells could they do open pit mining. Against

Commissioner McFall said that all meetings are available for full video viewing at www.fremontco.com and televised live locally.

Carl Clink said he lives behind the Royal Gorge. Talked about the light pollution from the Royal Gorge and the Quarry. If the wind blows the right way, he can hear noise pollution. He is worried about visible impact. He conveyed his concerns over which roads will be used for access. He is against now after seeing the presentation. He talked about what it brings too much pollution to the area. Against

Rae Jean talked about water used for agricultural and wondered if it will be contaminated by the mine. Her concern is the pollution and residue to the south canon ditch. Against

Commissioner Bell prompt the audience to come forward. There being no further speakers, she closed the public hearing.

Public hearing closed at 11:43am

Dr. Bellantoni addressed waiting for BLM approval before the BoCC approval. BLM has a time approval process. One of the conditions to explore is to have BLM approval. The only place exploration can happen is on State Property (Section 16) County Road 20X was constructed for the Green Mountain Claim. There is a bond taken out of 92,000 dollars for reclamation if Zephyr closed its doors. Restrictions are imposed for the protection of wildlife, trails, hiking, and nature. Zephyr does police the areas where people leave behind firepits and trash. Water is settled and reused. Zephyr limits the amount of water used for drilling. Zephyr has a lease with upper Arkansas for 1-acre foot. Only can take water out of Grape Creek if it is a good year. Pump water from creek to tanks could be up to a mile long. Helicopter use is approximately a thirty-minute round trip. The CUP is exploration only. Explained there is minimal traffic trips.

Commissioner Bell called upon the applicant to come forward to answer some of the concerns of the audience and Commissioner questions.

Commissioner McFall asked how much water does it take to drill a hole.

Mr. Felderhof said it takes a tank to drill a hole approximately 600ft. He did not know the exact number of gallons.

Commissioner McFall asked how they will pump water.

Dr. Bellantoni said they will have a small hose going from Grape Creek and pump water from the creek to the tank's location. It could be a minimum of one mile to the tank's location.

Dr. Bellantoni gave her closing arguments. She explained length, duration, time of the when the drilling would happen. She explained when and what times traffic would happen.

Gave her background of moving and being a business owner. Explained what Zephyr would be exploring for and the importance and necessity of the minerals.

Commissioner McFall asked, how does directional drilling work?

Mr. Felderhof mineral direction drilling drills approximately 2500ft and costs approximately \$600,000 per hole, no fracking involved. Drilling company has to clean and meet regulations before a hole is abandoned.

Commissioner McFall asked, how the water would be disposed of?

Mr. Felderhof explained that after the water is used it is recycled. Once exploration is completed the water is sent back down the exploration hole and buried as the hole is sealed. There are no chemicals in the water so it is clean water.

Commissioner Bell asked the applicant to address the claims of possible drilling to the east.

Mr. Felderhof explained that there would not be any exploration happening to the east. All the claims to the east are a buffer for the exploration.

Director Garrett clarified the road impact analysis form does have to be completed by an engineer, and the CUP talks about a max of 15 vehicles per day.

Commissioner Payne moved to table CUP 12-003 Dawson Gold Major Modification to the February 25th, 2020 BoCC meeting. Commissioner McFall seconded the motion.

Commissioner Bell clarified that it is a normal practice to table public hearing when there is a massive amount of public opinion and letters given to the Board. The Board needs time to review all of the information and testimony before coming to a decision.

Upon Vote: Commissioner McFall, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

Meeting was adjourned at 12:10pm.


Clerk to the Board of County Commissioners

