

FOURTEENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on July 12, 2022, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Chair Debbie Bell called the meeting to order at 9:30 a.m.

Debbie Bell	Commissioner	Present
Kevin Grantham	Commissioner	Present
Dwayne McFall	Commissioner	Present
Talia Smith	Recording Technician	Present
Brenda Jackson	County Attorney	Present
Sunny Bryant	County Manager	Present
Mica Simpleman	Planning & Zoning Director	Present

INVOCATION

Joe Garkovich, Mercy Today Ministries

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

CONSENT AGENDA

1. Approval of Minutes /June 28, 2022
2. Approval of Bills for \$1,386,314.27
3. Approval of Victim Assistance & Law Enforcement 2023 Grant Application
4. Approval of Grandview Bridge Contract Modification Proposal
5. Approval of URA Agreement to add two commercial lots on the Fire District property on East Main to the URA boundary
6. Ratify Release and Settlement Agreement; Estate of Clint Long v. Natcore Healthcare and Fremont County.
7. Approval of Colorado Works Hardship Extension Policy
8. Approval of Colorado Works Other Assistance & Supportive Services Policy
9. Approval of Colorado Works Diversion Policy
10. Approval of Colorado Works Domestic Violence Policy
11. Approval of Colorado Works Workforce Requirements & Employment Outcomes Policy
12. Approval of Colorado Works County Approved Settings Policy
13. Approval of Colorado Works Disaster Assistance Policy
14. Schedule Public Hearing for August 9th, 2022 at 10:00a.m.:

- a. SRU 21-005 Observer Ranch Campground. Requesting approval of a Special Review Use Permit for a travel trailer campground and learning center located at 4509 County Road 123
- b. Revised ADU Amendment #17 to the Fremont County Zoning Resolution section 9 ADU – Accessory Dwelling Unit

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

ADMINISTRATIVE & INFORMATIONAL

Ref. Fremont County BOCC Meeting 7/12/2022 - 3:54

1. Staff / Elected Officials:

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

County Manager Bryant gave the County Manager's Report which can be found in its entirety at www.fremontco.com.

Commissioner McFall spoke about fire safety then about the upcoming County Fair, which will take place July 22nd through 30th.

Commissioner Grantham thanked the Elections staff and those who participated in election functions for their work during the recent Primary Election.

Commissioner Bell mentioned that some county officials will be attending the upcoming National Association of Counties annual meeting in Adams County. She then relayed highlights from the 2021 Accountability Report, which can be found in its entirety at www.fremontco.com. Commissioner Bell recognized Veterans Service Officer Marty Keen for his work in 2021, then recognized work done by the Weed Management Program lead by Brittany Pierce.

2. Citizens who wish to address the Commissioners on a matter not scheduled on the agenda.
 - a. There were none.

OLD BUSINESS

1. None.

NEW BUSINESS

Ref. Fremont County BOCC Meeting 7/12/2022 – 11:32

1. Florence FFA is requesting an issuance of a Special Events Permit for Malt, Vinous and Spirituous Liquor at Pathfinder Park Event Center, 6655 Hwy 115 Florence, CO 81226 for events in 2022 as follows: July 22 and July 23 from 5 PM to 12 AM both days, and July 30 from 12 PM to 8 PM.

Representative: Crissy L Hollenbeck

Crissy Hollenbeck explained that they are looking to get licensed to sell liquor at events in the County Fair.

Commissioner Bell asked Ms. Hollenbeck which events she referred to.

Crissy Hollenbeck replied that the events are the Junior Rodeo on Friday night, a Ranch Rodeo and Ranch Romp Riding on Saturday, and a Livestock Sale on the following Saturday, the 30th.

Commissioner Bell asked about the setup and how things will be fenced off.

Ms. Hollenbeck explained that alcohol would be allowed within a beer garden and inside the grand stands. She added that they will have three TIPS-certified servers.

Commissioner Bell asked how they will assure that nobody under 21 year of age is served.

Ms. Hollenbeck said they will have wristbands when they enter the premise, different from those to enter the fair.

Commissioner Bell asked if they will be contracting out for servers.

Ms. Hollenbeck said FFA Alumni parents will be serving and Cody West will be checking IDs. She added that there will be security walking around the premise making sure people have wristbands and nobody underage is being served.

Commissioner McFall asked how they will ensure people don't leave the grandstand area.

Ms. Hollenbeck said there will be monitoring at each of the three entrances and admitted it may be difficult to police. She also mentioned that they will be serving alcohol in specific cups for easier monitoring.

Commissioner McFall asked if they will be fencing the exits.

Ms. Hollenbeck said they considered having snow fence on either end, but decided to have people policing it instead.

Recording Technician, Talia Smith gave the staff report.

Commissioner Bell asked why the application was late.

Ms. Hollenbeck replied that the previous events coordinator did not take care of the application and she was asked to take care of it at the last minute.

Commissioner McFall asked where the livestock sale is taking place.

Tami Ratkovich said it will take place under one of the large tents where they will be showing.

Commissioner McFall explained that there will need to be another plan for the sale of liquor in the parking lot area.

Ms. Hollenbeck explained that there was a miscommunication about where alcohol was to be served.

Commissioner McFall reinforced that the premise where alcohol will be served must be controlled.

Ms. Ratkovich offered to discuss the issue during the Fair Board meeting later that evening.

Attorney Jackson pointed out that the third day's location is within the applied premise, then recommended that they figure out details for serving in the tent, and make the third day's permit contingent on the submission of a satisfactory plan.

Commissioner McFall moved to approve the issuance of a Special Events Permit for Malt, Vinous and Spirituous Liquor for Florence FFA at 6655 Hwy 115 Florence, CO 81226 for events in 2022 as follows: July 22 and July 23 from 5 p.m. to 12 a.m. both days, and July 30 from 12 p.m. to 8 p.m., the third day contingent on the submission of a proper control plan for serving inside the tent. Commissioner Grantham seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Grantham, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

2. Approval to Continue Professional Services Agreement with Armstrong Consultants, Inc.
Representative: Wes Brandt, Airport Manager

Mr. Brandt explained that the contract with Armstrong Consultants is due to expire in September and recommended continuing to contract with them.

Commissioner Bell asked about the cost of the agreement and pointed out that it is a 5-year contract.

Mr. Brandt explained that the agreement doesn't show a cost of services, but shows the services available to the County.

Commissioner Grantham agreed that it's not a usual RFP and the agreement provides a list of experts and services.

Commissioner Bell confirmed that Fremont County has been happy working with Armstrong Consultants in the past.

Commissioner Grantham moved to approve to Continue the Professional Services Agreement with Armstrong Consultants, Inc. Commissioner McFall seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner McFall, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

Commissioner Bell called the meeting to recess at 9:54 a.m.

Commissioner Bell called the meeting back to order at 10:00 a.m.

PUBLIC HEARINGS

Ref. Fremont County BOCC Meeting 7/12/2022 - 30:48

1. CUP 22-001 Fremont Paving and Redi Mix, Inc. is requesting approval of an expansion of their Penrose pit located between Florence and Penrose on Highway 115, from 791 acres to 1,021.4 acres, for the purpose of mining activity, dust suppression and aggregate washing
Representative: Jodi Schreiber

Commissioner Bell opened the public hearing at 10:00 a.m.

Jodi Schreiber explained that Fremont Paving and Redi Mix has been mining at the site for years and they are requesting an increase of acreage west of the creek. She noted that they are expanding in advance so land is available for to them in the future.

Commissioner Grantham asked how much land is open at any given time.

Ms. Schreiber replied that the State permits the company to have up to 200 acres active at a time, so 100 acres is under reclamation while the other 100 acres is used for active mining.

Commissioner Grantham clarified that the expansion won't be to open up another 220 acres, but to have future material available.

Ms. Schreiber agreed and spoke about the expansion as discussed with the State and about phases of the operation, while referring to a map on the CUP request.

Commissioner McFall seeking clarification, said phases 4, 8, and 9 are within the current permitted boundaries, while phases 6 and 7 are part of the extension.

Ms. Schreiber confirmed and said that phases 5, 6, and 7 include the area being requested for expansion. She added that the 76 acres between phases is the creek area, which the company wanted to avoid, then pointed out the Texas Creek Crossing.

Commissioner McFall asked about the elevation of the area versus the elevations of the river and properties south of the location.

Ms. Schreiber said she wasn't sure about the exact elevation, but explained that there are higher bluffs on either side.

Director Simpleman gave the staff report, which included standard conditions and waivers.

Commissioner McFall asked whether those conditions were in the original CUP as well.

Director Simpleman confirmed that they were.

Mike Mueller said he recently purchased a lot across from the mine. He requested more clarity regarding the expectations and extent of the expansion, and voiced concern regarding the proximity of the expansion to the river.

Ariel Nery requested more time to understand more about the expansion before approving it. He added that one of his neighbors declined attending the meeting in fear of retaliation for speaking out.

Kara Pierce brought up concerns about the environmental impacts of the extension, as well as the possibility of an increase in noise and dust.

Commissioner Bell asked what steps Ms. Pierce has taken to learn about the operation and request.

Ms. Pierce replied that Mr. Mueller had done most of the research and they've had only limited time to research. She requested that there be acreage on the west side along the river to act as a buffer.

David Barberena told the Board that he is planning to build on a property about 30 yards south of the river. He mentioned his concerns regarding real estate value and how the expansion will affect homeowners.

Commissioner Bell commended Mr. Barberena for choosing to settle in Colorado.

Jimmie Hudson lives at 1667 Co Rd 119, west of the edge of furthest expansion. He spoke about the flooding in the area north of Highway 50 and his concern regarding how in mining they might strip the land bare. He also wondered about the quality of the mine's reclamations.

Pamela Hudson explained that they have lived at the property since 1985 and bought eight additional lots by the property with the intention to sell them after retirement. She voiced her concern that the property values may drop due to increased noise and dust from the operation.

Mike Mueller returned to the podium and added that the subdivision was originally plotted in 1912; long before the mine began operating.

Commissioner Bell closed the public hearing at 10:24 a.m.

Ms. Schreiber said if the location of the crossing would cause an issue, they can move it north, and explained that they chose the original location of the crossing to limit impact and transportation distance. Ms. Schreiber said the concerns for environmental impacts have been assessed by the Water Control Division and Air Pollution Control. She also addressed the flooding concern, sound mitigation procedures, and an assessment that was done of wildlife habitats and low-impact strategies. Ms. Schreiber pointed out that Colorado requires reclamations to be done and the operation is held at a very high standard, which includes a topographical plan and specific seeding mixture.

Commissioner Bell asked Ms. Schreiber to address dust mitigation.

Ms. Schreiber replied that there is water on site for suppressing dust on roads and to spray material while it's processed. The mine is only allowed certain amounts of dust emissions per state regulations.

Commissioner Grantham asked how close to the river the operation will approach on the south side.

Ms. Schreiber informed him that they will operate up to the berms, which protect the river and also limit dust and noise.

Commissioner Grantham reinforced what Ms. Schreiber had mentioned earlier about State-involvement with reclamation and water-ways.

Ms. Schreiber agreed with Commissioner Grantham and elaborated on procedures for mitigating storm water and reducing the operation's impact on neighbors and the local environment.

Commissioner Grantham asked how long the whole mining and reclamation process takes.

Ms. Schreiber explained that performance is not consistent as it is driven by market. The longest part of reclamation is growth of vegetation and they backfill so that 100 acres isn't open at any one time.

Commissioner Grantham asked which agency in charge of monitoring the reclamation process.

Ms. Schreiber replied that the process is overseen by the Department of Natural Resources through the Division of Mining and Safety and added that they monitor for weeds and enforce weed mitigation.

Commissioner Grantham asked about any increase in traffic.

Ms. Schreiber reiterated that the expansion does not increase the load as it is only market-driven.

Commissioner Grantham asked Ms. Schreiber about the possibility of the Texas-crossing moving farther north.

Ms. Schreiber said they are willing to adjust its placement.

Commissioner Grantham asked if there have been any complaints from the residential community south of the river.

Ms. Schreiber said there have been no complaints in quite some time.

Commissioner McFall added that the Fremont Conservation District is also involved in the release of a reclamation. He asked what the current truck haul is.

Ms. Schreiber said traffic is fairly consistent.

Commissioner McFall asked about the hours of operation.

Ms. Schreiber replied that they operate between 8:00 a.m. and 5:00 p.m. or 6:00 p.m.

Commissioner Bell said the hours per the original CUP conditions are Monday through Saturday from 7:00 a.m. to 6:00 p.m.

Commissioner McFall asked how long it would be until the land within the CUP expansion is used.

Ms. Schreiber estimated that they would begin see the phases within a 5 to 10 year timeframe.

Commissioner McFall pointed out that there will be no mining in the creek. He also mentioned that most people don't know the pit is there because it's well-hidden.

Ms. Schreiber agreed and said they don't want to disturb any neighbors.

Commissioner McFall spoke about the high bluffs and asked about the frequency of water trucks.

Ms. Schreiber said the water trucks are in use full-time.

Commissioner Bell asked what the mined materials are used for.

Ms. Schreiber responded that it is used for road base, aggregate for landscaping, and concrete.

Commissioner Bell asked how easy is it for people to reach Fremont Paving & Redi Mix given they have any questions or concerns.

Ms. Schreiber said that their contact information is on the letter that was mailed out and that the sign in front of the business has their contact information as well.

Commissioner McFall asked about the buffer against the river is in phases 6 and 7.

Ms. Schreiber replied that an earthen berm goes to the edge of the Arkansas for phases 5, 6, and 7.

Commissioner McFall asked whether it is a natural berm.

Ms. Schreiber replied that it's a natural berm made from landscape materials.

Commissioner Bell asked for clarification regarding the visual boundary.

Ms. Schreiber agreed that nobody would see the operation from south of the berm, per current CUP conditions.

Commissioner Bell told the public that a letter that was received is also being taken into consideration.

Commissioner McFall maintained that the original conditions still apply to this CUP.

Commissioner Grantham moved to approve CUP 22-001 Fremont Paving and Redi Mix, Inc. for their Penrose pit located between Florence and Penrose on Highway 115, from 791 acres to 1,021.4 acres, for the purpose of mining activity, dust suppression and aggregate washing, which includes waivers for landscaping and lighting, as well as a condition that the Texas Crossing moves further north as possible. Commissioner McFall seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner McFall, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

Commissioner Bell adjourned the meeting at 10:49 a.m.


Clerk to the Board of County Commissioners

