

## THIRTEENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on July 14, 2020 615 Macon Avenue, Room LL3, Fremont County Administration Building, Canon City, Colorado. Chairperson 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	Absent
Sean Garrett	Planning & Zoning Director	Present

### INVOCATION

Todd Luce, Grandview Christian Church, 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. Commissioner Payne seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

### CONSENT AGENDA

1. Approval of Minutes / June 23, 2020
2. Approval of Bills for \$3,938,617.82
3. Resolution for Extension of Conditional Use Permit File Number CUP 90-012 Desert Reef Beach Club (resolution # requested)
4. Approval of Agreement with 3 Rocks Engineering for engineering services for the Fremont County Airport
5. Schedule Public Hearing: None.

**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:

County Clerk's Monthly Report

**County Clerk Grantham** gave the June 2020 monthly report. This report can be found on the county's website at [www.fremontco.com](http://www.fremontco.com).

**Commissioner McFall** moved to accept the County Clerk's Monthly Report for June 2020. Commissioner Payne seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

**Commissioner Bell** welcomed Deputy Villagrana as the full time Sheriff's Deputy stationed at the Fremont County Administration Building.

**Commissioner McFall** said that Fremont County is still in a Stage 1 Fire Ban. He also commented that there was a high probability of the County going into Stage 2 Fire Ban due to the lack of moisture.

**Clerk Grantham** told the Board that the Risk Limiting Audit for the June 30, 2020 Fremont County Primary Election had been completed with zero discrepancies.

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

**George Storey** addressed the Board saying that there were several companies currently trying to develop a vaccine for COVID-19. He said that he hopes a safe, effective vaccine will be available by the time school starts in the fall.

### **OLD BUSINESS**

There was no old business.

### **NEW BUSINESS**

1. Appoint two new members to the Airport Advisory Board to fill vacant seats with terms ending October 1, 2021

**Commissioner Bell** said that three people showed interest in being considered for the two vacant seats on the Airport Advisory Board and were interviewed. She also said that the appointees would be eligible for reappointment when their term ends if they are interested in reapplying.

**Commissioner Payne** moved to appoint Rusty Wardlow and Grant Schemmel to fill the two vacant seats on the Airport Advisory Board with terms ending October 1, 2021. Commissioner McFall seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner McFall, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

**Commissioner Bell** called for a recess at 9:40 a.m.

**Commissioner Bell** reconvened the meeting at 10:00 a.m.

### **PUBLIC HEARINGS**

1. Request: SRU 20-003 Southwest Energy  
Requesting approval of a Special Review Use, Department file # SRU 20-003 Southwest Energy for a contractor's yard for storage and sales of blasting and similar items associated with mining and gravel pit operations. The site is located off of HWY 50, near the Fremont County Airport. The parcel(s) are currently Zoned Agricultural Forestry and consists of 640 Acres.  
Representative: Angela Bellantoni, Environmental Alternatives, Inc.

**Dr. Angela Bellantoni** introduced to the Board Tony Sendek of Southwest Energy from Tucson, AZ and Matt Miller who is the area superintendent for Southwest Energy. Dr. Bellantoni said that the parcel in question consists of 640 Acres. She said that Southwest Energy owns 40 acres and they are leasing 600 acres from the Colorado State Land Board. Dr. Bellantoni explained that approximately 4.13 acres, of the 40 acres owned by Southwest Energy, will be developed as a contractor yard. She went on to say that 2.86 acres, within the 600 acres being leased by Southwest Energy, will be a magazine area. Utilities will be an onsite water treatment system the engineering, for which, has been submitted. Dr. Bellantoni said that even though Mr. Sendek has had some encouragement from the Division of Water Resources and from a local well driller that there might be a



reliable source of water on the property, Southwest Energy intends on designing and installing a cistern system. There will be motion activated lighting on the building in the contractor yard and solar security lights on the magazine area. Perimeter fences, as required by code, on the contractor yard will be opaque on three sides and six feet tall. The fencing around the magazine area will be 10 feet high and topped with barbed wire and concertina razor wire. Fremont County Department of Transportation has granted an emergency access to the North as an alternative access in case of emergency. There will be 5-6 drivers employed that are trained in loading, handling, and transporting the materials sold by Southwest energy. There will also be one office employee.

**Tony Sendek** gave a presentation on how the site will be developed, as well as, a brief history on Southwest Energy and its founder. Mr. Sendek said that currently Southwest Energy has a distribution facility in Empire, CO that the company would like to relocate to Fremont County.

**Commissioner Bell** asked Mr. Sendek about plans for installing security cameras.

**Tony Sendek** assured the Board that security cameras would be installed as part of setting up the operation.

**Commissioner Bell** asked Mr. Sendek what material would be used for the building on the access roads.

**Tony Sendek** said that gravel would be used for the access roads.

**Commissioner McFall** asked what the safety record at the other Southwest Energy distribution facilities.

**Tony Sendek** said that Southwest Energy is below the industry standard for the mining and explosives industry.

**Commissioner McFall** asked if there had been any mishaps with the explosive materials.

**Tony Sendek** said that there had not been any incidences with the materials that they sell.

**Commissioner McFall** asked what agencies other than the ATF oversees their industry.

**Dr. Angela Bellantoni** said that section 3.28 of the application referenced all the agencies that oversee Southwest Energy.

**Planning and Zoning Director Sean Garrett** gave a staff report stating that the application was in order. He said there are three contingency items; 1) approval of the drainage plan by the county engineer 2) cistern design 3) approval of a fire protection plan from the district. Director Garrett also said that Southwest Energy was requesting two waivers; 1) landscaping of the parking area 2) hard surfacing of the parking area. There are also three recommended conditions; 1) access from County Rd 123 is limited to employee and emergency vehicles only 2) adherence to any fire protection district comments or requirements 3) adherence to CDOT requirements and submittal of Notice to proceed when that begins.

**Commissioner Bell** asked what would be the course of action if the Penrose and Florence Fire District is not responsive to requests for their review and approval.

**County Attorney Jackson** said that in the past the County has not allowed other agencies to hold applicants hostage, if they don't respond it is presumed to be approved. She went on to say that the contingency could be left in for a reasonable amount of time but if the district in question does not respond it is deemed approved.

**Commissioner Bell** asked if the handicapped accessible parking place would need to be hard surfaced.



**P & Z Director Garrett** said that the handicapped accessible parking place would need to be hard surfaced.

**Commissioner Bell** opened the Public Hearing at 10:39 a.m.

**Richard Murr** expressed concerns of being close to that amount of explosives since his property borders the area in question. Mr. Murr also said he is concerned because while he was researching Southwest Energy he discovered that they may be in the gravel mining business.

**Commissioner Bell** told Mr. Murr that Southwest Energy would have to go through an entirely different process to be permitted to mine gravel.

**Mike DeVriendt** said that he is concerned about the impact having an explosive company next to his business. Mr. DeVriendt also said that he was apprehensive about the increased amount of traffic.

**Dr. Angela Bellantoni** said in response to Mr. Murr that the 40 acres is all that is owned by Southwest Energy. She said that the 600 acres being leased is owned by The Colorado State Land Board and is being leased for storage only. She also reassured Mr. Murr that Southwest Energy is not in the gravel mining business. In response to Mr. DeVriendt's concerns, Dr. Bellantoni said that CDOT is requiring substantial improvements in both the acceleration and deceleration lanes on Highway 50.

**Tony Sendek** in addressing Mr. Murr's concerns said that although gravel mining was done in that area in the past, Southwest Energy is not in the gravel mining business and has no intention of expanding in that direction. He then addressed Mr. DeVriendt's question about the vehicle count giving the approximate amount of vehicles going in and out of the facility on a daily and weekly basis. Mr. Sendek then asked the board for clarification on the time limit for a response from the fire protection district.

**Commissioner Bell** told Mr. Murr that it would be the Board's intention to give the fire district 30 days from today (July 14, 2020) to respond to correspondence sent to them by Southwest Energy. She went on to say that if there was no communication at that time, the Board would consider it approved.

**Commissioner Bell** closed the Public Hearing at 10:48 a.m.

**Commissioner McFall** asked Mr. Sendek if products would be mixed onsite.

**Mr. Sendek** explained that packaged product would be received into the facility and stored until it is delivered to customers in the area.

**Commissioner Payne** asked how often deliveries to customers would take place.

**Matt Miller, Area Superintendent for Southwest Energy** said that deliveries were made at the customer's request. He said that they try to deliver to each of their consumers on a monthly basis.

**Commissioner McFall** moved to approve a Special Review Use, Department file # SRU 20-003 Southwest Energy for a contractor's yard for storage and sales of blasting and similar items associated with mining and gravel pit operations with contingencies being 1) approval of the drainage plan by the county engineer 2) cistern design 3) approval of a fire protection plan from the district within 30 days from July 14, 2020. The motion included granting the two waivers Southwest Energy request; 1) landscaping of the parking area 2) hard surfacing of the parking area (with the exception of the handicapped parking space). Three recommended conditions also were included; 1) access from County Rd 123 is limited to employee and emergency vehicles only 2) adherence to any fire protection district comments or requirements, if any 3) adherence to CDOT requirements and submittal of Notice to proceed when that begins. The site is located off of HWY 50, near the Fremont County Airport. Commissioner Payne seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

**Commissioner Bell** adjourned the meeting at 10:54a.m.



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Clerk to the Board of County Commissioners

