

The board met in regular session on Tuesday September 18, 2018 at 9:08 A.M.

Present were:

Terry Hart, Chair  
Garrison Ortiz, County Commissioner  
Cynthia Mitchell, County Attorney  
Marci Day, Assistant County Attorney  
Joan Armstrong, Director, Planning and Development  
Peggy Pleasant, Clerk to the Board

Excused:

Sal Pace, County Commissioner

*Cynthia Mitchell: Led the Pledge of Allegiance.*

*The minutes for September 5 and 10, 2018 were approved.*

*Commissioner Ortiz: Moved to approve the minutes for September 5 and 10, 2018.*

*Commissioner Hart: Confirmed motion and seconded. There being no further discussion or objection,*

*All in Favor:*

*ORTIZ-AYE*

*HART-AYE*

*The motion passed unanimously.*

*The Agenda for Tuesday September 18, 2018 was approved as Amended.*

*Commissioner Ortiz: Requested the County Attorney portion of the Agenda be placed before the Planning and Development portion of the Agenda.*

*Commissioner Ortiz: Moved to approve the Amended Agenda for Tuesday September 18, 2018.*

*Commissioner Hart: Confirmed motion and seconded. There being no further discussion or objection,*

*All in Favor:*

*ORTIZ-AYE*

*HART-AYE*

*The motion passed unanimously.*

### **PUBLIC COMMENTS**

*Emily Price, Human Relations Committee Member: Commented that there is a Public Forum on Discrimination to be held at Rawlings Library on the 4<sup>th</sup> floor tomorrow at 6 pm; all are welcome.*

### **COMMISSIONER COMMENTS**

*Commissioner Ortiz: Commented on the 10 County Budget Conference he attended last week. He stated it provided a good opportunity to do some benchmarking with other counties and he found the last session to be the most useful which covered culture, management and purpose of the organization. Secondly, he attended the Parkview Gala held on Friday then spoke of Mike Baxter, CEO Parkview, who is stepping down; he stated what a good leader and steward he is as well as how well he knew his job and the employees. He told a story how Mr. Baxter mentored him when he was young student thinking about a career in health care stating he hopes to exemplify that type of leadership one day.*

*Commissioner Hart: Echoed Commissioner Ortiz's comments on Mr. Baxter then stated how he filled the shoes of his predecessor and then some. Commissioner Hart commented that he was easy to talk to and will be truly missed.*

*Commissioner Hart also spoke on the 10 County Conference stating they discussed budgeting and transportation. He spoke on 2 ballot questions and encouraged everyone to read them very carefully, 1) the first one refers to fixing the roads, one is a tax and the other is not, 2) the second refers to the Gallagher Amendment regarding property tax. He suggested simplifying the questions for people to better understand and will seek help from PACOG to accomplish this.*

### **SPECIAL ISSUES OF PUBLIC INTEREST**

#### *1. Presentation by Elissa Ball, Friendly Harbor Community Center*

*Dr Elissa Ball: Passed out information to the BOCC then presented a power point along with Stephanie Hager regarding the center, who they are what they offer and who they serve. Dr. Ball stated they are hosting their 3rd Annual Open House on Thursday October 11<sup>th</sup> from 5:00-7:30pm, located at 2713 N. Grand Ave and submitted a Letter of Request for \$750 to help with this event, then invited the BOCC to attend. Dr. Ball asked the BOCC to spread the word about their facility.*

*Commissioner Ortiz: Thanked them for being here and he plans on being at the event next month. He also commented how this program ties into the LEAD Program.*

*Commissioner Hart: Thanked Dr. Ball and her staff for all they do to help this community with their facility as well as the presentation today.*

## PROCLAMATIONS

1. “Colorado Youth Awareness Week” – September 23-29, 2018

*Jesse Sena, Child Welfare Division, Department Human Services: Spoke to this annual proclamation stating this is the first year that it is a statewide event; he touched on the list of events and the kickoff which will be Monday September 24<sup>th</sup> at 10am on the Pueblo County Courthouse steps. Mr. Sena invited the BOCC as well as the Governor.*

*Commissioner Ortiz: Thanked Mr. Sena for always being here for this Proclamation stating he will be at the kickoff to read the proclamation then jokingly stated, unless he is pushed aside for the governor. He commented what a good cause this is and thanked Mr. Sena for helping our youth.*

*Commissioner Hart: Also thanked Mr. Sena for hosting this program every year and helping the youth in our community.*

*Commissioner Ortiz: Moved to approve the Colorado Youth Awareness Week Proclamation.*

*Commissioner Hart: Confirmed motion and seconded. There being no further discussion or objection,*

*All in Favor:*

ORTIZ-AYE

HART-AYE

*The motion passed unanimously.*

2. “Creek Week 2018” – September 29 – October 7, 2018

*Larry Smalling, Fountain Creek: Spoke on the 5<sup>th</sup> annual event to be held Sunday October 7<sup>th</sup> at Runyon Lake. Mr. Smalling stated this is a citizen driven project then stated a few facts.*

*Sherie Caffey, CSU Extension Office: Offered additional information regarding this event as well as Jamie Valdez, Sierra Club.*

*The BOCC thanked them all for this project and mentioned the challenges that come along with it. Commissioner Hart stated he plans on being out there again this year.*

*Commissioner Ortiz: Moved to approve the Creek Week 2018 Proclamation.*

*Commissioner Hart: Confirmed motion and seconded. There being no further discussion or objection,*

*All in Favor:*

ORTIZ-AYE

HART-AYE

*The motion passed unanimously.*

## REPORTS

*1. Pueblo County Treasurer Statement of Fees Collected – July 2018*

*Commissioner Ortiz: Moved to receive and file the Pueblo County Treasurer Statement of Fees.*

*Commissioner Hart: Confirmed motion and seconded. There being no further discussion or objection,*

*All in Favor:*

ORTIZ-AYE

HART-AYE

*The motion passed unanimously.*

## **CONSENT AGENDA ITEMS**

## NO CONTRACTS/RESOLUTIONS

**NO ABATEMENTS**

## REGULAR AGENDA ITEMS

## CONTRACTS/RESOLUTIONS

**RESOLUTION NO. 18-241**

**THE BOARD OF COUNTY COMMISSIONERS**

**OF PUEBLO COUNTY, COLORADO**

**APPROVING THE GRANT AGREEMENT BETWEEN THE COLORADO DEPARTMENT OF PUBLIC  
SAFETY, DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT, AND PUEBLO  
COUNTY ON BEHALF OF THE SOUTH REGION FOR FUNDING THROUGH THE 2018 STATE  
HOMELAND SECURITY GRANT PROGRAM**

**WHEREAS**, the Colorado Department of Public Safety, Division of Homeland Security and Emergency Management announced the availability of funding for the 2018 State Homeland Security Program (SHSP) that provides funds to build emergency response preparedness capabilities at the State and local levels through planning, equipment, training, and exercise activities; and

**WHEREAS**, this Board, by Resolution No. 18-150, dated June 11, 2018, approved the submission of a regional grant application to the Colorado Department of Public Safety, Division of Homeland Security and Emergency Management for funding from the FY 2018 State Homeland Security Grant Program (SHSP); and

**WHEREAS**, the Colorado Department of Public Safety, Division of Homeland Security and Emergency Management has awarded to Pueblo County, for the Colorado South Region, which consists of five Counties (Pueblo, Custer, Fremont, Huerfano and Las Animas), funding in the amount of \$205,807.00 to continue support for emergency response and preparedness throughout the South Region, and has submitted a Grant Agreement to acknowledge the grant award and define the obligations of Pueblo County on behalf of the South Region under this program, which does not include a cash match by Pueblo County or the Pueblo County Sheriff's Office; and

**WHEREAS**, this Board has determined it is in the best interests of the citizens of Pueblo County and the South Region to approve said grant award, wherein the Colorado Department of Public Safety, Division of Homeland Security and Emergency Management will provide the aforementioned funding under the FY 2018 State Homeland Security Grant Program (SHSP).

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Pueblo County, Colorado, that:

1. The Grant Agreement between the Colorado Department of Public Safety, Division of Homeland Security and Emergency Management and Pueblo County, for funding in the amount of \$205,807.00, under the FY 2018 State Homeland Security Grant (SHSP), on behalf of the Counties in the South Region, the terms and conditions of which are incorporated herein by this reference, is hereby approved and the Chair of the Board of County Commissioners of Pueblo County, Colorado, is authorized to execute said Grant Agreement on behalf of Pueblo County.
2. The officers, employees and agents of the County are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

**PASSED AND ADOPTED** this 18<sup>th</sup> day of September 2018, in Pueblo County, Colorado.

**THE BOARD OF COUNTY COMMISSIONERS  
OF PUEBLO COUNTY, COLORADO**

By: \_\_\_\_\_  
Terry A. Hart, Chair

**ATTEST:**

By: \_\_\_\_\_  
Gilbert Ortiz, County Clerk

*Chief Mark Mears, Sheriff's Office, Emergency Services Bureau: Presented information regarding this Resolution.*

*Commissioner Ortiz: Moved to approve this Resolution.*

*Commissioner Hart: Confirmed motion and seconded. There being no further discussion or objection,*

*All in Favor:*

ORTIZ-AYE

*HART-AYE*

*The motion passed unanimously.*

**RESOLUTION NO. 18-242**

**THE BOARD OF COUNTY COMMISSIONERS  
OF PUEBLO COUNTY, COLORADO**

**APPROVING CONTRACT AMENDMENT #1 TO THE SINGLE ENTRY  
POINT (SEP) AGENCY CONTRACT BETWEEN THE STATE OF COLORADO, DEPARTMENT OF HEALTH  
CARE POLICY AND FINANCING, AND PUEBLO COUNTY, COLORADO, ON BEHALF OF THE PUEBLO  
COUNTY DEPARTMENT OF HUMAN SERVICES, FOR THE PROVISION OF CASE MANAGEMENT  
SERVICES FROM JULY 1, 2018 THROUGH JUNE 30, 2019**

**WHEREAS**, pursuant to C.R.S. § 26-2-122.3, the State of Colorado, for the use and benefit of the Department of Human Services/Division of Aging and Adult Services (the “State Department”), is authorized to contract with designated

Single-Entry point agencies to serve as independent contractors for the case management services of the Single-Entry Point System, which coordinates client access to home care allowance and adult foster care programs and services; and

**WHEREAS**, this Board, by Resolution No. 94-164, dated April 20, 1994, designated the Pueblo County Department of Social Services as the Single-Entry Point Agency for the case management services of the home care allowance and adult foster care programs in Pueblo County, and the State Department has approved the Pueblo County Department of Human Services as such; and

**WHEREAS**, this Board, by Resolution No. 18-138, dated May 21, 2018, approved Contract No. 19-110375 between the State of Colorado, Department of Health Care Policy and Financing and Pueblo County, d.b.a. Pueblo County Department of Human Services; and

**WHEREAS**, the State has notified the Pueblo County Department of Human Services that the Agency Contract has been amended and has submitted Contract Amendment No. 1, attached hereto, to the Department for approval by Pueblo County; and

**WHEREAS**, the purpose of this Amendment No. 1 is to modify Exhibit B, Statement of Work, Section 2.14, by deleting in its entirety the State of Colorado Information Technology Requirements.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Pueblo County, Colorado, that the Contract Amendment No. 1 to the Single Entry Point Agency Contract between the State of Colorado, acting by and through the Department of Health Care Policy and Financing, and Pueblo County, Colorado, on behalf of the Pueblo County Department of Human Services, the terms and conditions of which are incorporated herein by this reference, is hereby approved, and that the Chair of the Board is hereby authorized to execute said Amendment on behalf of Pueblo County.

**PASSED AND ADOPTED** this 18<sup>th</sup> day of September 2018, in Pueblo County, Colorado.

**THE BOARD OF COUNTY COMMISSIONERS  
OF PUEBLO COUNTY, COLORADO**

By: \_\_\_\_\_  
Terry A. Hart, Chair

**ATTEST:**

By: \_\_\_\_\_  
Gilbert Ortiz, County Clerk

*Russ Guerrero, Adult Protection Services Administrator, Department of Human Services: Presented information regarding this Resolution.*

*Commissioner Ortiz: Moved to approve this Resolution.*

*Commissioner Hart: Confirmed motion and seconded. There being no further discussion or objection,*

*All in Favor:*

ORTIZ-AYE

HART-AYE

*The motion passed unanimously.*

**RESOLUTION NO. 18-243**

**THE BOARD OF COUNTY COMMISSIONERS  
OF PUEBLO COUNTY, COLORADO**

**APPROVING THE CONTRACT AMENDMENTS TO THE TITLE III-C1/SFSS CONGREGATE MEALS  
PROGRAM, TITLE III-B/SFSS TRANSPORTATION PROGRAM, AND TITLE III-C2/SFSS HOME DELIVERED  
MEALS PROGRAM CONTRACTS**

**WHEREAS**, the County, as the designated Area Agency on Aging for Planning and Service Area 7 of the State of Colorado, is mandated under the provisions of the Older Americans Act, the State Funding for Senior Services, and the Administration on Aging Program to develop a comprehensive coordinated service delivery system to help older person maintain themselves in their homes with maximum independence; and

**WHEREAS**, this Board, by Resolution No. 17-309 and No. 17-176, approved Agreements for the Title III-B/SFSS/Transportation Program, Title III-C1/SFSS Congregate Meals Program and Title III-C2/SFSS Home Delivered Meals Program pursuant to RFP No. 15-21 to deliver certain services to seniors; and

**WHEREAS**, this Board, by Resolution No. 18-177, approved Amendments to the Agreements to extend the expiration dates to August 31, 2018; and

**WHEREAS**, the parties to these Agreements desire to amend the contracts to further extend the expiration dates to October 31, 2018; and

**WHEREAS**, the Board of County Commissioners has determined it is in the best interest of Pueblo County and its citizens to amend the aforementioned Agreements to extend the termination dates to October 31, 2018; and

**PASSED AND ADOPTED** this 18<sup>th</sup>, day of September 2018, in Pueblo County, Colorado.

BY: \_\_\_\_\_  
Terry Hart, Chair

BY: \_\_\_\_\_  
Gilbert Ortiz, County Clerk

*Commissioner Ortiz: Moved to approve this Resolution.*  
*Commissioner Hart: Confirmed motion and seconded. There being no further discussion or objection,*

ORTIZ-AYE

HART-AYE

*The motion passed unanimously.*

**APPROVING THE PARTICIPATION WITH THE LOCAL GOVERNMENT COALITION OF THE COUNTY OF BOULDER AND THE CITY AND COUNTY OF DENVER TO PETITION FOR PARTY STATUS IN THE AIR QUALITY CONTROL COMMISSION RULEMAKING HEARING REGARDING REGULATION NUMBER 7**

**WHEREAS**, by adopting Advanced Clean Car Standards in Colorado, we can continue to protect the health of our residents and the environment in the State of Colorado; and

**WHEREAS**, this Board on behalf of Pueblo County desires to join the Local Government Coalition to support participation in this rulemaking process, as this matter raises important legal issues for local governments, and because local public health officials are responsible for the health and well-being of their citizens.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Pueblo County, Colorado, that the participation with Local Government Coalition between the County of Boulder and the City and County of Denver to Petition for Party Status in the Air Quality Control Commission rulemaking hearing to consider proposed changes to Regulation Number 7 and Advanced Clean Car Standards is hereby approved and that the County Attorney is authorized to sign said Petition for Party Status on behalf of Pueblo County, Colorado.

**PASSED AND ADOPTED** this 18<sup>th</sup> day of September 2018, in Pueblo County, Colorado.

BY: \_\_\_\_\_  
Terry A. Hart, Chair

BY: \_\_\_\_\_  
Gilbert Ortiz, County Clerk

*Commissioner Ortiz: Moved to approve this Resolution.*  
*Commissioner Hart: Confirmed motion and seconded. There being no further discussion or objection,*

*All in Favor:*

ORTIZ-AYE

HART-AYE

*The motion passed unanimously.*

**NO ORDINANCES**

**NO OTHER ISSUES**

**PLANNING AND DEVELOPMENT**

**BOARD OF COUNTY COMMISSIONERS CONSENT AGENDA ITEMS**

*Marci Day: The Consent Agenda contains items for which the staff is recommending approval and as of publications of the agenda there was no known opposition. The applicants are in agreement with staff recommendations of conditions for approval. I will present the Consent Agenda in summary format and if any member of the Board of County Commissioners or and member of the audience would like to remove an item from the Consent Agenda to facilitate a full public hearing they may request that and it will be moved to the end of the Regular Agenda.*

**1. HOUSE BILL 1041 PERMIT NO. 1041 2018-001**  
(If removed, Public Hearing)

*Morning Light Solar Facility, EDF  
Renewable Energy, Inc. (Applicant), R.  
Lewis Fillmore (Owner)*

*Marci Day: Staff requested this item be continued to the November 7, 2018 Public Hearing at 9am.*

*Commissioner Hart: Asked if any Commissioner or anyone from the public would like any of the items removed from the Consent Agenda which no one came forward.*

*Commissioner: Moved to continue House Bill 1041 Permit No. 2018-001 to November 7, 2018. then requested staff to have clarification listed on the agenda of action required.*

*Commissioner: Confirmed motion and seconded. There being no further discussion or objection,*

*All in Favor:*

ORTIZ-AYE

HART-AYE

*The motion passed unanimously.*

**BOARD OF COUNTY COMMISSIONERS REGULAR AGENDA ITEMS**

**HEARING**

**RESOLUTION NO. P&D 18-030**

**THE BOARD OF COUNTY COMMISSIONERS  
OF PUEBLO COUNTY, COLORADO**

**A RESOLUTION APPROVING EASEMENT VACATION NO. 2017-002  
VACATING THE PLATTED TEN (10) FOOT PUBLIC UTILITY EASEMENT  
LOCATED WITHIN PARCEL A OF LOT LINE VACATION NO. 2016-015,  
PUEBLO COUNTY, COLORADO**

**WHEREAS**, Frank M. and Melanie J. Palcic (Owners/Applicants) submitted an application to vacate the platted ten (10) foot wide Public Utility Easement located within Parcel A of Lot Line Vacation No. 2016-015 in Colorado City; and

**WHEREAS**, the easement to be vacated was originally dedicated on the plat of Colorado City Unit No. 34 filed for record December 2, 1970 at Reception No. 400047 in Book 1681 at Pages 925-928 in the Office of the Pueblo County Clerk and Recorder; and

**WHEREAS**, the ten (10) foot easement was five (5) feet on each side of the common lot lines of Lots 9, 10, 18, and 19 of said Unit 40. These lots have since been rearranged (Lot Line Rearrangement No. 97-01) and interior lot lines vacated (Lot Line Vacation No. 2016-015). The parcel is legally described as Parcel A of Lot Line Vacation No. 2016-015 filed for record August 30, 2016 at Reception No. 2046677 in the records of the Pueblo County Clerk and Recorder's Office; and

**WHEREAS**, the purpose for vacating the public utility easement will make a building area for construction of a pavilion; and

**WHEREAS**, a public meeting was opened by the Pueblo County Planning Commission on February 21, 2018, then continued to March 28, 2018, then to May 16, 2018, then to June 20, 2018, then to July 18, 2018, and then to August 15, 2018, at which time the Planning Commission voted on the consent agenda to forward a recommendation of **APPROVAL** of Easement Vacation No. 2017-002 to the Board of County Commissioners with the following comments and conditions:

**COMMENTS:**

- a) The requested vacation is completely within the boundaries of Pueblo County and is not within the limit of any incorporated city or town.
- b) The requested vacation is not a boundary with any other county or incorporated city or town or if it is a boundary, the vacation is approved by joint action of the Board and the duly constituted authority of the other county, city, or town.
- c) The requested easement vacation will not adversely impact the development or redevelopment of the surrounding properties or neighborhood.

**CONDITIONS:**

1. The plat of Easement Vacation No. 2017-002 shall be modified to include all technical wording and corrections as requested by the Department of Planning and Development.

Upon notification that all corrections have been reviewed and approved, the final version of the plat of Easement Vacation No. 2017-002 shall be submitted in both hard copy (mylar) and in the appropriate digital format (i.e., .pdf) to the Department of Planning and Development for recordation.

2. The payment of all fees associated with the recordation of the plat and associated documents (i.e., resolution) will need to be submitted by the applicant.

**WHEREAS**, the Board of County Commissioners is authorized to approve the vacation of a street, alley, easement, or public way, pursuant to Section 16.20.020 of the Pueblo County Code; and

**WHEREAS**, a public hearing, preceded by proper public notice, was opened by the Board of County Commissioners on March 14, 2018, then continued to April 11, 2018, then to June 13, 2018, then to July 11, 2018, then to August 8, 2018, then to August 17, 2018, then to September 17, 2018, and finally continuing to the September 18, 2018 BOCC hearing date and, at which time, all those who desired to be heard were heard and their testimony recorded; and

**WHEREAS**, the Board has reviewed and taken administrative notice of the recommendation of the Planning Commission and also the testimony, application, evidence, and documents submitted at the public hearing, and the contents of the Planning Director's file; and

**WHEREAS**, the Board makes the following findings:

- The requested easement vacation is completely within the boundaries of Pueblo County and is not within the limits of any incorporated city or town.
- The requested vacation is not a boundary with any other county or incorporated city or town.
- The requested easement vacation will not adversely impact the development or redevelopment of the surrounding properties or neighborhood.

**NOW, THEREFORE, BE IT RESOLVED** that Easement Vacation No. 2017-002, to vacate the platted ten (10) foot public utility easement located within Parcel A of Lot Line Vacation No. 2016-015, is hereby approved with the following comments and conditions:

**COMMENTS:**

- a) The requested vacation is completely within the boundaries of Pueblo County and is not within the limit of any incorporated city or town.
- b) The requested vacation is not a boundary with any other county or incorporated city or town or if it is a boundary, the vacation is approved by joint action of the Board and the duly constituted authority of the other county, city, or town.
- c) The requested easement vacation will not adversely impact the development or redevelopment of the surrounding properties or neighborhood.

**CONDITIONS:**

1. Mr. Palcic shall submit a Road Vacation application for Alondra Drive and/or a Zoning Variance for structure setback violations and/or remove the structures that are the violations, and shall obtain zoning authorization for a building permit through Pueblo Regional Building Department for all structures including the retaining walls that require permitting by the Building Department no later than November 1, 2018. If this date is not attainable as the time gets closer, Mr. Palcic shall submit evidence documentation to the Department of Planning and Development on why the requirements cannot be fulfilled. If Mr. Palcic does not pursue any of the requirements, staff will pursue Zoning Violation No. 2018-003 with the Board of County Commissioners requesting legal action through the County Attorney's Office.
2. The plat of Easement Vacation No. 2017-002 shall be modified to include all technical wording and corrections as requested by the Department of Planning and Development.

Upon notification that all corrections have been reviewed and approved, the final version of the plat of Easement Vacation No. 2017-002 shall be submitted in both hard copy (mylar) and in the appropriate digital format (i.e., .pdf) to the Department of Planning and Development for recordation.

3. The payment of all fees associated with the recordation of the plat and associated documents (i.e., resolution) will need to be submitted by the applicant.

**PASSED AND ADOPTED** this 18th day of September 2018, in Pueblo County, Colorado.

**THE BOARD OF COUNTY COMMISSIONERS  
OF PUEBLO COUNTY, COLORADO:**

By: \_\_\_\_\_  
Terry A. Hart, Chairman

**ATTEST:**

By: \_\_\_\_\_  
Gilbert Ortiz, County Clerk

*Marci Day: Requested staff reports and summary be made part of the official record.*  
*Commissioner Hart: Opened the hearing and stated staff reports and summary will be made part of the official record.*

*Joan Armstrong: Informed the BOCC of a packet from the opposition which will be handed out when she gives her testimony.*

*Commissioner Hart: Informed the public on the rules and format of these hearings.*

*Frank Palcic, Applicant: Presented information supporting his application and what he is trying to accomplish. He gave a brief history leading up to today.*

*Commissioner Hart: Asked if staff or Commissioner Ortiz had any questions for Mr. Palcic, which they did not. He asked if anyone else would like to speak in favor which no one came forward; anyone in opposition.*

*Joan Armstrong: Passed out the packet of information from Ms. Romero which she asked to be added to the record.*

*Commissioner Hart: Stated the packet of documents will be added to the official record.*

*Telesforo & Ronald Romero, Neighbor, Colorado City: Spoke in opposition of this application. Ms. Romero went over the packet of documents in detail regarding their main concerns.*

*Darryl Stewart, COO, San Isabel Electric: Spoke as a neutral party giving a brief history of the transaction involving Mr. Palcic.*

*Commissioner Ortiz: Clarified that Mr. Stewart was COO of San Isabel Electric and that he appeared at the Lower Board providing testimony primarily regarding whether this would adversely affect electric service to the Romero’s property, which Mr. Stewart stated yes regarding the testimony and no that it would not affect the Romero’s property.*

*Mr. Stewart: Continued his history regarding Mr. Palcic.*

*A brief discussion took place between the BOCC, Mr. Stewart, Ms. Armstrong and Ms. Day regarding electrical services, the easement, maps, platted easement and service easement whether or not it had been recorded.*

*Commissioner Hart: Asked if anyone else would like to speak in opposition or neutral which no one came forward.*

*Frank Palcic: Spoke in rebuttal on some of the things stated by Ms. Romero.*

*A question/answer session took place between Commissioner Hart and Ms. Armstrong regarding setbacks, department decisions, compliance and business application then discussion ensued on the setback issue.*

*Commissioner Hart: Asked if there were any further questions which no one had; the hearing was closed.*

*Commissioner Ortiz: Thanked the applicant, opposition and Mr. Stewart for being here. He commented on the time they had to consider this as well as the lower board doing a thorough review stating he appreciated Ms. Romero for being here and her concerns then mentioned the criteria they have to go by in making these decisions. He spoke on criteria #6 which states that this easement vacation will not adversely impact the development or redevelopment of the surrounding properties or neighborhood, with that said he made a motion.*

*Commissioner Ortiz: Moved to approve Easement Vacation No. 2017-002.*  
*Commissioner Hart: Confirmed motion and seconded.*

*Commissioner Hart: Stated he was appalled at a statement made by Mr. Palcic during his testimony regarding functioning government, violations he has admitted doing and cautioned him on violating the law then requested staff to take a closer look at Mr. Palcic actions in the future to ensure he is not violating the law. Commissioner Hart also suggested to the Romero’s that they work close with our staff regarding other issues raised here that is not being considered today.*

*Commissioner Ortiz: Appreciated and echoed Commissioner Hart’s comments stating it is imperative to follow the rules.*

*Commissioner Hart: There being no further discussion or objection,*

*All in Favor:*



*The motion passed unanimously.*

*Commissioner Hart: Called for a recess.*

**THE BOCC RECESSED AT 10:57 A.M.**

**THE BOCC RETURNED FROM RECESS AT 11:16 A.M.**

*After the recess the following staff returned to the meeting:*

Terry Hart, Chair,  
Garrison Ortiz, County Commissioner  
Cynthia Mitchell, County Attorney  
Marci Day, Assistant County Attorney  
Joan Armstrong, Director, Planning and Development  
Peggy Pleasant, Clerk to the Board

1. **PUBLIC HEARING**  
**TEXT AMENDMENT NO. 2018-001**

*Pueblo County Department of Planning and  
Development (Applicant/Representative)*

*Marci Day: Requested staff reports dated September 2, 2018 and summary be made part of the official record.*

*Commissioner Hart: Opened the hearing stating staff reports dated September 2, 2018 and summary will be made part of the official record.*

*Joan Armstrong: Staff requested this item be withdrawn to further discuss concerns and do further research.*

*Commissioner Ortiz: Commented that they will need time to discuss property values as well as concern for other items.*

*Commissioner Hart: Let the record reflect Text Amendment No. 2018-001 has been withdrawn.*

**RESOLUTION NO. P&D 18-031**

**THE BOARD OF COUNTY COMMISSIONERS  
OF PUEBLO COUNTY, COLORADO**

**A RESOLUTION APPROVING TEXT AMENDMENT NO. 2018-006 AMENDING  
THE PUEBLO COUNTY CODE, TITLE 17, LAND USE, DIVISION I. ZONING, BY AMENDING CHAPTER  
17.120 SUPPLEMENTARY REGULATIONS, SECTION 17.120.270 SPECIAL EVENT**

**WHEREAS**, the Board of County Commissioners is authorized, after public notice and a public hearing, to adopt and amend regulations governing the zoning of land within the unincorporated area of Pueblo County, Colorado; and

**WHEREAS**, Tommy G. Productions, and Pueblo County Department of Planning and Development are proposing to amend the Pueblo County Code, Title 17 Land Use, Division I. Zoning, Chapter 17.120 Supplementary Regulations, Section 17.120.270 SPECIAL EVENT; and

**WHEREAS**, Text Amendment No. 2018-006 proposes to amend the Pueblo County Code in Title 17 Land Use, Division I. Zoning as follows (*italics* to be added; ~~strikethrough~~ to be deleted; CAPS for staff’s comments):

**17.120.270 Special Event**

**B. Definition, Applicability**

2. A Special Event Permit is not required for the following:
  - Parades
  - Wedding and funeral ceremonies
  - Events or gatherings that attract or are intended to attract less than 500 2,500 people (AT THE REQUEST OF TOMMY G. PRODUCTIONS – STAFF DOES NOT SUPPORT THIS REQUEST)
  - Election activities and political rallies
  - Farming and harvest related events (e.g., corn mazes, pumpkin patches and similar) which are held on a working farm

**C. Special Event Permit Application Requirements**

1. An application for a Special Event shall be filed with the Pueblo County Department of Planning and Development, including an application form provided by the Pueblo County Department of Planning and Development. The application shall include and address the following:

w. ~~Certified mail receipts~~ (AT THE REQUEST OF TOMMY G. PRODUCTIONS AND THE DEPT. OF PLANNING & DEVELOPMENT) *A mailing list of property owners and map (e.g., Assessor’s property owner list and map)* providing documentation of Special Event notice mailing to all property owners within 300 feet of the property boundary of the Special Event site (per Section 17.120.270 E. f.).

**D. Process (AT THE REQUEST OF THE DEPT. OF PLANNING & DEVELOPMENT)**

- ~~1. During the first year following the adoption of these Special Event Permit Regulations, applications shall be submitted no less than forty-five (45) days, nor more than 12 months prior to the Special Event. Thereafter,~~  
aApplications shall be submitted no less than seventy-five (75) days, nor more than 12 months prior to the Special Event. Upon receipt of a complete application, the Pueblo County Department of Planning and Development will route the application to applicable review agencies or individuals for comment and recommendations.
- ~~2. During the first year following the adoption of these Special Event Permit Regulations, the Planning Director shall make a decision (approval, approval with conditions, denial) no less than twenty (20) days prior to the beginning of the scheduled Special Event. Thereafter,~~†The Planning Director shall make a decision (approval, approval with conditions, denial) no less than thirty (30) days prior to the beginning of the scheduled Special Event.

**E. Minimum Special Event Standards and Criteria for Review**

1. The Planning Director shall approve a Special Event Permit application if it meets the following standards and criteria:
  - f. The applicant has properly notified all property owners within 300 feet of the property boundary of the Special Event site. With submittal of the application for the Special Event, the applicant shall provide the Department of Planning and Development with ~~Certified Mail receipts~~, (AT THE REQUEST OF TOMMY G. PRODUCTIONS AND THE DEPT. OF PLANNING & DEVELOPMENT) *a mailing list of property owners and map (e.g., Assessor’s property owner list and map)* verifying that notice of the Special Event was provided to all property owners within 300 feet of the property boundary of the Special Event site. Applicant shall also provide a copy of the notice that was mailed to the property owners.

**WHEREAS**, a public meeting was opened by the Pueblo County Planning Commission on March 21, 2018 and then continued to April 18, 2018 at the request of Tommy Giodone of Tommy G. Productions, and, at the conclusion of the April 18, 2018 meeting, the Planning Commission voted unanimously to recommend approval of Text Amendment No. 2018-006 to the Board of County Commissioners with the denial of the proposed language increasing the attendance count to 2,500; and

**WHEREAS**, a public hearing, preceded by proper public notice, was opened by the Board of County Commissioners at its April 11, 2018 public hearing, continued to May 9, 2018, continued to May 16, 2018, continued to July 9, 2018, continued to August 8, 2018, continued to September 17, 2018, and then continued to September 18, 2018 and, at said hearings, all those present who desired to be heard were heard and their testimony recorded; and

**WHEREAS**, the Board has reviewed and taken administrative notice of the recommendation of the Planning Commission and also the testimony, application, evidence, and documents submitted at the public hearings, and the contents of the Planning Director’s file.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Pueblo County, Colorado, that Text Amendment No. 2018-006 is hereby approved as written and proposed by the Department of Planning and Development with the DENIAL of the proposed language increasing the attendance count to 2,500 as proposed by Tommy G. Productions, amending the Pueblo County Code, Title 17, Land Use, Division I. Zoning as attached and incorporated herein by this reference labeled EXHIBIT “A”.

**BE IT FURTHER RESOLVED**, Text Amendment No. 2018-006 is effective upon adoption.

**PASSED AND ADOPTED** this 18th day of September 2018, in Pueblo County, Colorado.

**THE BOARD OF COUNTY COMMISSIONERS  
OF PUEBLO COUNTY, COLORADO:**

By: \_\_\_\_\_  
Terry A. Hart, Chairman

**ATTEST:**

By: \_\_\_\_\_  
Gilbert Ortiz, County Clerk

**EXHIBIT “A”**

**TEXT AMENDMENT NO. 2018-006**

**Pueblo County Code – Title 17 – Chapter 17.120 SUPPLEMENTARY REGULATIONS**

**17.120.270 Special Event**

**A. Purpose and Intent**

This Section is applicable to all zone districts in the unincorporated area of Pueblo County. The purpose and intent of this Section is to provide for the temporary use of land for Special Events by establishing requirements and regulations.

**B. Definition, Applicability**

1. A Special Event is defined as a temporary commercial, promotional, or festive activity, at a specific location that is open to the public and is planned for or expected to attract a large assembly of persons.

2. A Special Event Permit is not required for the following:
  - Parades
  - Wedding and funeral ceremonies
  - Events or gatherings that attract or are intended to attract less than 500 people
  - Election activities and political rallies
  - Farming and harvest related events (e.g., corn mazes, pumpkin patches and similar) which are held on a working farm
3. Special Events that are not exempted under Subsection 17.120.270, B.2. shall require review and approval of a Special Event Permit per Subsections 17.120.270, C through I.

### **C. Special Event Permit Application Requirements**

1. An application for a Special Event shall be filed with the Pueblo County Department of Planning and Development, including an application form provided by the Pueblo County Department of Planning and Development. The application shall include and address the following:
  - a. A detailed site plan showing all information necessary to demonstrate the Special Event will comply with all applicable codes and regulations. The site plan shall be drawn to scale and shall depict all infrastructure and existing uses on the Special Event property (and any adjacent property to be used for parking or camping), and depict location of rest rooms, trash receptacles, tents, stages and staging areas, spectator areas, seating, vendor areas, entrances/exits, use of public right-of-way, fencing, screening and buffering, camping areas, parking areas.
  - b. Information detailing all activities to be conducted at the Special Event.
  - c. Specific dates and times the Special Event will be held.
  - d. Estimated attendance, including total attendance and peak time attendance.
  - e. Number of employees and staff.
  - f. Number and type of vendors.
  - g. Noise levels and noise mitigation measures. For events with bands/music, application shall specify times music will end.
  - h. Lighting of Special Event site, including types, areas, and hours site will be illuminated.
  - i. Electrical source(s), with details of proposed safety measures for electrical cords, cables, generators, and the like.
  - j. Traffic control and parking. Include traffic control measures and details of parking areas and adequacy of parking for the Special Event.
  - k. Use of County Roads and/or State Highways, including access to the Special Event, as well as details of any road restrictions and closures, with documentation of approval of any necessary permitting or requirements from the Pueblo County Department of Public Works and/or the Colorado Department of Transportation (CDOT).
  - l. Dust control.
  - m. Waste disposal, including solid waste and wastewater, with documentation of Pueblo Department of Public Health and Environment approval for waste disposal.
  - n. Food preparation and sales, with documentation of Pueblo Department of Public Health and Environment approval for food preparation.
  - o. Alcohol sales and documentation of licensing approval for any alcohol sales.
  - p. Proposed signage, including size, type, height, and location of any signs or banners.
  - q. Proof of insurance.
  - r. A cleanup/site restoration plan for the Special Event site.
  - s. Security/law enforcement. Include type and level of security from private security provider, as well as documentation from any applicable law enforcement agency, showing that agency has reviewed and is in agreement with proposed security and law enforcement measures to be in place for the Special Event. Applicant shall address proposed law enforcement and security measures proposed for the Special Event, as well as for any associated camp sites, access and pedestrian areas, and parking areas. Applicant shall address security measures for controlling access and trespass by Special Event attendees onto driveways and property in the vicinity of the Special Event.
  - t. Fire protection and hazardous materials. Provide documentation from applicable fire protection district, showing that the fire district has reviewed and is in agreement with proposed plans for fire protection, hazardous materials, medical service, emergency evacuation of Special Event area, and that the crowd capacity and projected attendance meets the district's standards for the Special Event area and facilities.
  - u. Copy of deed, lease, and written letter of authorization from property owner (if applicant is not property owner) showing permission for use of the Special Event premises including the Special Event site and any adjacent properties used for parking or camping.
  - v. Letter(s) of consent from property owner(s) on whose property any off-premises directional signs will be located.
  - w. A mailing list of property owners and map (e.g., Assessor's property owner list and map) providing documentation of Special Event notice mailing to all property owners within 300 feet of the property boundary of the Special Event site (per Section 17.120.270 E. f.).
  - x. The applicant shall furnish the County with any additional information that may be necessary to adequately review and make a decision.
  - y. Application materials shall be submitted in .pdf format.
  - z. An application fee of \$150.00

### **D. Process**

1. Applications shall be submitted no less than seventy-five (75) days, nor more than 12 months prior to the Special Event. Upon receipt of a complete application, the Pueblo County Department of Planning and Development will route the application to applicable review agencies or individuals for comment and recommendations.
2. After review of all required information and comments, and documentation, the Planning Director shall approve, conditionally approve, or deny the application. Approval shall be given only when in the judgment of the Planning Director such approval is in compliance with any applicable regulations.



3. The Planning Director shall make a decision (approval, approval with conditions, denial) no less than thirty (30) days prior to the beginning of the scheduled Special Event.

#### **E. Minimum Special Event Standards and Criteria for Review**

1. The Planning Director shall approve a Special Event Permit application if it meets the following standards and criteria:
  - a. The Special Event site location shall be on property which can accommodate the proposed Special Event with regard to land area, attendance, and existing and proposed infrastructure and facilities. Parking and camping may be on neighboring property, and may be separated by a roadway. The Planning Director shall determine whether a proposed Special Event site can accommodate the Special Event, given the Special Event nature, size, and duration.
  - b. The operation of the requested event at the location proposed and within the time period specified shall not create significant adverse impacts, including but not limited to environmental, visual, glare, traffic, noise, or odor impacts, on adjacent properties or in the surrounding area.
  - c. A Special Event shall be separated and fenced off from any adjoining property by a minimum distance of twenty (20) feet. Fencing and signs shall be installed to prevent access and trespass onto properties that adjoin or are near the Special Event properties.
  - d. The proposed Special Event shall not create an unreasonable risk of:
    - i. Significant damage to public or private property, beyond normal wear and tear;
    - ii. Injury to persons;
    - iii. Public or private disturbances or nuisances;
    - iv. Unsafe impediments or distractions to, or congestion of, vehicular or pedestrian travel;
    - v. Additional police, fire, maintenance, or other public services demands, unless substantially mitigated by the applicant or operator.
  - e. The applicant has received or complies with any other required permits, such as liquor licensing, Health Department permits, Public Works permits, Pueblo Regional Building Department permits, any necessary law enforcement or fire department standards or permits, or other federal, state or local regulations.
  - f. The applicant has properly notified all property owners within 300 feet of the property boundary of the Special Event site. With submittal of the application for the Special Event, the applicant shall provide the Department of Planning and Development with a mailing list of property owners and map (e.g., Assessor's property owner list and map) verifying that notice of the Special Event was provided to all property owners within 300 feet of the property boundary of the Special Event site. Applicant shall also provide a copy of the notice that was mailed to the property owners.
2. The Planning Director may impose reasonable conditions necessary to assure compliance with the standards in this Section, to ensure that operation and maintenance of the special event mitigate potential adverse impacts on existing uses on adjoining properties and in the surrounding area, and to protect the public health, safety and general welfare. Conditions may address, but are not limited to, provisions for adequate parking, storage, and lighting; provisions for security, traffic safety, fire and life safety; conditions limiting hours of operation; provisions for adequate sewage disposal; provisions for site cleanup and restoration; and any other health and safety concerns the Planning Director may deem necessary.

#### **F. Term of Approval/Permit**

1. A Special Event shall be limited to a maximum of three (3) consecutive days, unless otherwise specifically authorized or extended by the Planning Director. A permittee may request an extension beyond the three (3) days, up to a maximum of seven (7) consecutive days. The Planning Director may authorize an extension if the Planning Director finds the extension will not create adverse impacts on adjacent properties. Any request for an extension shall be submitted in writing with a Special Event Permit application.
2. Within any single calendar year, the same property may host no more than three (3) Special Events that require a Special Event Permit pursuant to this Section. A minimum of fourteen (14) days shall lapse between Special Events on any one property.

#### **G. Signs for Special Events**

1. Temporary signs to promote or identify an approved Special Event are not subject to a separate permitting requirement, but are subject to the following restrictions:
  - a. All signs advertising the Special Event (Special Event Signs) must be located on the property that is the site of the Special Event. Off-premises directional signs may be permitted, with approval of the Planning Director, with a maximum size of 10 square feet and a maximum height of 2½ feet. Directional signs shall not be located in a public right-of-way and shall not impede traffic visibility. Off-premises directional signs shall include a letter of consent from the property owner on whose property the directional sign will be located.
  - b. The maximum size of a Special Event Sign size is 32 square feet, with a maximum height of 12 feet.
  - c. Each approved Special Event is limited to one Special Event Sign per street frontage of the property that is the site of the Special Event.
  - d. Banners are permitted, in addition to Special Event Signs. Sponsorship and product advertising banners, vendor banners, and the like are permitted within the interior boundaries of the Special Event, provided the banners do not impede traffic visibility, and comply with the requirements within Section 17.120.270 G. 1. e. and f.
  - e. Signs and banners may not be attached to utility structures, street signs, traffic control devices, or be located in a public right-of-way.
  - f. All signs and banners must be removed from the site within 24 hours of the end of the approved Special Event.

#### **H. Enforcement**

1. Inspections: County staff may enter and inspect the Special Event site from time to time to ensure compliance with the Special Event Permit conditions.

- ## I. Appeals

- The Board of County Commissioners' decision shall be final and shall become effective immediately. Notice of the decision shall be mailed to the applicant at the address shown on the Special Event Permit application. (Res. P&D 14-12, app. 4-28-2014)

*Joan Armstrong: Briefly explained the changes to Text Amendment No. 2018-006.  
The BOCC: Clarified cleanup of language, notification and capacity of 500.*

*Commissioner Ortiz: Moved to approve Text Amendment No. 2018-006 then made a couple of comments regarding the changes and possible changes in the future.*

*All in Favor:*

ORTIZ-AYE

HART-AYE

*The motion passed unanimously.*

*Stem Beach Solar Energy, LLC, c/o James Williams and Ben Turner(Applicant), Pueblo SF Grazing, LLC; Scanio Family, Ltd.; and the Scanio Family GP, LLC (Owners)*

*Marci Day: Applicant is requesting a continuance due to the fact there is not a full board which raises concern over a split vote and asked for a date certain when all commissioners are present.*

*Commissioner Hart: Stated they are not in hearing yet so they will discuss it.*

*A brief discussion took place between the BOCC and Ms. Day regarding the applicant's request to continue, timeline, scheduling and protocol that refers to whether or not Commissioner Pace will be able to participate in this hearing once it has started which Ms. Day confirmed, yes he will be able to study all the documents, testimony given today and participate in future hearing on this matter.*

*Commissioner Hart: Stated the continuance is denied.*

*Commissioner Hart: Clarified that anyone who testified here today will be able to come back and answer any questions Commissioner Pace may have and that he will be involved in the voting process.*

*Commissioner Hart: Opened the hearing.*

*Marci Day: Requested staff reports and case summary both dated September 3, 2018 be made part of the official record as well as late correspondence received be added to the record.*

*Commissioner Hart: Accepted staff reports, case summary, documents and a number of emails dated up to September 18, 2018 will be made part of the official record. He informed the public of the signup sheets available if they wish to testify and the process and rules of this hearing.*

*Ben Turner, Applicant: Gave a brief history on the company then presented a 13 slide power point describing the company, project overview, permitting timeline, economic benefits, local impacts/safety and why this project should be approved.*

*A question/answer session took place between the Commissioner Ortiz and Mr. Turner regarding remote monitoring then*

*Mr. Turner continued his presentation.*

*A question/answer session took place between the BOCC and Mr. Turner regarding the site, transmission capacity, transmission line, power supply and property values. Also discussed was the Wind Farm located East of Calhan in regards to housing subdivision.*

*The BOCC: Discussed having a hard stop of the meeting at 12:30pm.*

*Commissioner Ortiz: Asked a follow up question, when monitoring what type of things have happened in other projects. Mr. Turner introduced his Project Engineer, Brock to explain what can happen, the 24/7 monitoring and converter failure.*

*Commissioner Hart: Asked if anyone else would like to speak in favor; opposition of this application.*

*Rocky Mangini, President Home Owners Association, St. Charles River Estates: Requested all the people in opposition please stand which they did. He submitted a petition with signatures and a power point presentation to the BOCC.*

*Commissioner Hart: Labeled the Petition, Opposition-Exhibit A and the Power Point Presentation, Opposition-Exhibit B.*

*Mr. Mangini: Spoke in opposition on the fire danger impact to include the trees and weeds that can't be maintained. A brief discussion took place between the BOCC and Mr. Mangini regarding the plat plan and stated he would provide the PUD in an email to the BOCC which show the entire location involved then he continued to speak on the fire danger as well as the scenic corridor.*

*Jack Rink, Resident, St. Charles River Estates: Spoke in opposition reviewing slide 7-10 regarding violation of Pueblo's comprehensive plan and long term impact to vegetation and wildlife.*

*Bob Ross, Board of Director, St. Charles River Estates: Spoke in opposition reviewing slides 11-18 regarding non-existent fire protection resources, battery storage hazards, first responder/emergency response plan and ground water contamination.*

*Jack Rink: Spoke again reviewing slides 19-26 regarding traffic/road disruptions, economic and social impacts and sound levels and summarized why this application should be denied.*

*A brief discussion took place between the BOCC, Ms. Day and Ms. Armstrong regarding a date certain to reschedule. October 17 and next Tuesday September 25th was proposed and discussed.*

*Commissioner Hart: After discussion it was proposed to continue it to next Tuesday for the sole purpose of setting a date certain and requested anyone that would like to be notified please leave their information.*

*Mr. Turner: Submitted a copy of the power point presented today to the BOCC.*  
*Commissioner Hart: Labeled the Stem Beach Solar Power Point, Applicant-Exhibit 1.*

*Commissioner Hart: Moved to continue House Bill 1041 Permit No. 1041 2018-003 to September 25, 2018 at 9am for the sole purpose to set a date.*

*Commissioner Ortiz: Seconded the motion. He commented that he appreciated everyone's patience here today then stated they receive a lot of correspondence and explained why sometime they are not answered.*

*Commissioner Hart: Suggested that House Bill 1041 Permit No. 1041 2018-003 be put at the beginning of the Agenda.*

*Commissioner Hart: Confirmed motion and second. There being no further discussion or objection,*

*All in Favor:*

ORTIZ-AYE

HART-AYE

*The motion passed unanimously.*

*The next meeting will be Wednesday September 19, 2018.*

*Commissioner Ortiz: Moved to adjourn.*

*Commissioner Hart: Confirmed motion and seconded. There being no further discussion or objection,*

*All in Favor:*

ORTIZ-AYE

HART-AYE

*The motion passed unanimously.*

Attest: \_\_\_\_\_  
Pueblo County Clerk and Recorder

By: \_\_\_\_\_