

APRIL 13, 2010

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SEVENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on April 13, 2010, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Edward H. Norden called the meeting to order at 9:30 A.M.

Edward H. Norden	Commissioner	Present
Michael J. Stiehl	Commissioner	Present
Larry Lasha	Commissioner	Present
Brenda Jackson	County Attorney	Present
Norma Hatfield	Clerk and Recorder	Present

Also present Bill Giordano, Planning and Zoning Director; George Sugars, County Manager, and Katie Barr, Deputy Clerk.

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

APPROVAL OF AGENDA

Commissioner Lasha moved to approve the agenda. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

CONSENT AGENDA

Commissioner Stiehl stated the applicant for CUP 10-001 Northfield Coal Loadout has requested reschedule the on Public Hearing for May 11, 2010 to May 25, 2010. Commissioner Stiehl moved to approve the Consent Agenda with that change. Commissioner Lasha seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Lasha, aye; Commissioner Norden, aye. The motion carried.

1. Approval of Minutes March 23, 2010 and March 30, 2010
2. Approval of Bills April 13, 2010 / \$836,475.34
3. **LIQUOR LICENSES**
Quality Inn & Suites Canon City
C/O 1st Pacific Invt
2195 N. Hwy 83 Suite 14-B
Franktown, CO 80116
Hotel and Restaurant Liquor License Renewal - Malt, Vinous and Spirituous
4. **SCHEDULE PUBLIC HEARING FOR APRIL 27, 2010 AT 10:00 A.M.**
 1. **Echo Office Remodel Project CDBG 08-007**
Purpose of the hearing is to allow citizens to review and comment on the performance of Fremont County in carrying out the project which was financed with federal Community Development Block Grant funds provided by the state of Colorado.
 2. Hear Public Comment on the 1st Amendment to the Building Code of Fremont County 2006 International Residential Code

SCHEDULING OF PUBLIC HEARINGS FOR MAY 11, 2010:

REQUEST: SDP 09-002 ALL ABOUT STORAGE SITE DEVELOPMENT PLAN

Request approval of a **Site Development Plan, Department file #SDP 09-002 All About Storage Site Development Plan, to allow a one-hundred and thirty (130) unit mini storage facility**, by Eagle Peaks Investments LLC, for their property which is *located on the west side of Werner Road, south of 7th Street, on the west side of Colorado State Highway 115, in the Penrose Area.*

REQUEST: CUP 10-001 NORTHFIELD COAL LOADOUT RESCHEDULED FOR MAY 25, 2010

ADMINISTRATIVE/INFORMATIONAL

1. Administrative and Elected Officials

Fremont County Clerk and Recorder Norma Hatfield submitted the Clerk's Report of Total revenues collected for the Clerk's Office was \$378,683.90 which was \$3,784.70 less than a year ago. County Sales Tax collected was \$54,079.01 which was \$2,560.16 less than a year ago. Overall collections were \$839,869.93 and the total collected last year was \$643,547.78 which is \$196,269.15 less. Commissioner Norden inquired how much went to the State. Ms. Hatfield stated that \$112,220.00 went to the State for Road surcharge and \$44,532.25 for Bridge surcharge. We kept \$5,440.00

Commissioner Lasha moved to accept the County Clerk's Report for the month of March, 2010. Commissioner Norden seconded the motion. Commissioner Stiehl commented that of the \$196,269.15 we were only able to keep \$5,440.00. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

Fremont County Public Trustee Pat McFarland stated the report is for the first quarter of 2010. The releases numbers were 482. Foreclosed were 77. Overall less our expenses our income was \$26,933.19.

Commissioner Stiehl moved to approve the Public Trustee's Quarterly Report. Commissioner Lasha seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Lasha, aye; Commissioner Norden, aye. The motion carried.

Fremont County Treasurer Pat McFarland presented a Tax Lien Certificate regarding an out lot that was erroneously assessed on the tax roll. She is requesting \$2,104.57 to repay the owner Mr. Price \$2,104.57 and have Fremont County apply for the treasurer's deed.

Commissioner Lasha moved to approve the payment to Mr. Price of \$2,104.57. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

Commissioner Lasha stated that on May 8th Holcim is doing the tire drive. They will accept ten tires per individual.

Commissioner Stiehl said that the census forms are due on April 15th. This is an important time because it will determine many of the grants that we will apply for during the course of year and the next decade will be supported by the population that we have here.

2. Citizens Not Scheduled - None

OLD BUSINESS

WHITEWATER BAR & GRILL LIQUOR LICENSE RENEWAL

Commissioner Norden stated that the owner, Ty Seuffer was present. The license renewal was tabled from the meeting of March 23, 2010 when they had heard issues from some of

the neighbors about noise. There are other issues that have come to their attention in the last few weeks in relation to the serving areas. Commissioner Norden inquired if Mr. Seufer had an opportunity to review the comments that were made at the prior meeting. Mr. Seufer stated yes. Mr. Seufer stated that two (2) years ago he had agreed to turn off any outdoor band music at 12:00. There were no laws or regulation for him to do this. Out of 365 days of the year he is open for four (4) to five (5) months. He has twenty (20) days that are what he calls a real band days with three (3) to (4) people that play music. Of that it is possibly ten (10) nights a year that they play outside. Last summer the weather was cold so they only played outside three (3) or four (4) times. Commissioner Norden inquired where the location outside is for the band. Mr. Seufer stated there are three (3) places in the back where they can set up. Unfortunately bars make their money from 8:00 P.M. until 2:00 A.M. He has tried to keep the sound reasonable. The Sheriff did come up this summer and he was amazed on how quiet it was. When people come in and out of the front door the sound bellows out. The camp grounds around him are right on Highway 50 with cars going 55 mph 24/7 365 days a year. He lives right across the street so he knows how loud some of the cars can be.

John Zimmerman stated he lives one-half a mile away. He stated that Ty has had a very good attitude about the sound and wanted to say thank you. An idea that might help mute the sound would be make a sound barrier out of vegetation. He has asked customers and they like that the music is outside and they can smoke. Not one person said it is because of loud music that they come to your restaurant. I am just asking that you turn the sound down.

Commissioner Norden stated the secondary issue regarding the restaurant after reviewing what the County Clerk's office had on file for the original approval and then subsequent renewal application is a concern that the existing serving areas around Whitewater do not seem to match the licensed premise for the original drawing. The Commissioners have some concerns about the white perimeter fence and what your original serving premises are to compared where signs exists that say "no alcohol beyond this limit". From all appearances now, you would be under violation. Mr. Seufer disagreed. The drawings were strictly for Sid. All we did was amend them. No one said that they had to be engineered drawing by a surveyor or to scale. The fence has been there for thirty-five (35) years. he put it up himself. Commissioner Norden inquired if it was the six (6) foot privacy fence. Mr. Seufer said yes, originally there was a stage there and the stage is shown in the drawing. Commissioner Norden stated for the renewal purposes we have to work from these drawing because under state liquor code for you to expand beyond this drawing you have to apply for Modification of Premises. Commissioner Norden stated the drawing does not have to be to scale but it does have to show all the dimensions of the areas. We have serious concerns that there are eight (8) entrance/exit areas in the white fence that have basically no controlled access that is considered a wide serving area and there is just no possible way your staff can be at every break in the fence to control people from coming and going from a serving area. Mr. Seufer stated that there are eight (8) entrance and all have signs. Commissioner Norden asked how they are controlled. We believe an application needs to be made for a Modification of Premises. Commissioner Stiehl stated that we are looking at the drawings that you provided and based on the drawing that you provided does not include what you are using as a serving area now. Your drawing has no indication of fences around the outside the white fences on the south, east and west. Commissioner Norden inquired if the drawing shows that the fence goes to the edge of the concrete patio with a gate on each side. Mr. Seufer said yes. Commissioner Norden stated the drawing does not depict a door on the west side. Mr. Seufer stated that they added a door. Commissioner Norden inquired why he did not seek a Modification of Premises. Mr. Seufer stated he didn't know he had to. Commissioner Norden stated this is his obligation as a liquor licensee. Commissioner Lasha inquired if Mr. Seufer has new drawings. Mr. Seufer said yes. Commissioner Lasha stated that we should be looking at the new drawing and proceed on starting with those drawing so that we understand and the owner understands what is required of him. Commissioner Norden stated based upon our review with the Clerk's Office and the County Attorney we do not believe that your current drawing reflects where alcohol is being served. What we are here to decide today is if we want to renew your liquor license based on this drawing and then what you need to do is submit a Modification of Premises. Based upon the photos we have we are not going to license that entire area for serving of alcohol with eight (8) exits

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where there is no control of alcohol leaving or coming in. We need to see drawings that show a higher fence so that you do not have to staff people at the gate. The gate should exit only and lock when they leave. Sheriff Beicker stated their inspections do not include a site plan inspection. We currently are only researching our records to see there are any assaults, wrecks, noise complaints and non cooperative establishment owners. Commissioner Lasha inquired if this issue could be tabled until April 27th BOCC meeting when they have the appropriate drawings. County Attorney Jackson stated yes. The drawings do not have to be to scale but to dimensions.

Commissioner Lasha stated that the Board needs the new drawings and to table the issue until April 27th until we received the boundaries and dimensions in an updated drawing of the serving area. Commissioner Norden seconded the motion with the understanding that if Mr. Seuffer comes back with drawings excluding the front sidewalk and show some sort of control with the fence exits. Deputy Clerk Barr made clarification about the door. It is an entrance and exit so anything on the map we need to know because alcohol can go in and out. The new drawing has to be submitted to the State with the current openings as shown they will not approve it because it is not monitored. Commissioner Stiehl stated that he is disappointed in your knowledge of the liquor code and that you are only trying to run a business. You clearly do not demonstrate that you have any knowledge of the liquor code by saying that you didn't know that you had to. Come back here and show that you clearly deserve a license. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

NEW BUSINESS

FREMONT SEARCH AND RESCUE 2010 INSURANCE FUNDING REQUEST

Jody Enderle attended the March 9th meeting requesting fund to pay for the increase of their insurance coverage. Commissioner Norden stated that the expenditure was not included in the budget. County Manager Sugars and Finance Director Angel presented us with final numbers for the 2009 Budget year. Our reserves were a little better than anticipated due to some of the steps that were taken last year. This volunteer group people that go out and assist the various law enforcement agencies and we recognize the hard work that you do. Ms. Enderle stated that if anyone would like to make a donation they can go to their website fremontsar.com or contact us by mail at P.O. Box 461, Canon City, CO 81215.

Commissioner Norden moved to take from the General Fund Reserves \$37,000.00 to pay the insurance fees for Fremont Search and Rescue. Commissioner Lasha seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

Commissioner Norden closed the regular session and opened the Public Hearing.

PUBLIC HEARING

Commissioner Norden stated at the March 9th meeting we put into place temporary regulations regarding medical marijuana. Parts of the requirement were that we had to conduct Public Hearing. The process now would be to conduct the formal hearing on the temporary regulations which possibly could lead to either rejection, approval regulations as they exist for temporary use, temporary regulations with amendments and if so desired eventually moving toward adopting of permanent regulation which would go through a formal process of Planning Commission review and another formal Public Hearing. The meeting on March 9th people could submit comments in writing. We have received e-mail or letters from Carol Ellis, Beverly Tigart, Sensible Colorado Action, Beverly Kinard and Duncan Northrop. All the comments are duly noted.

Beverly J. Kinard stated she is representing herself and that is to protect herself legally because the two (2) initiative, Number 43 and Number 47 which has to do with pot dispensaries and legalizing marijuana. Those have been both backed by the Secretary of State. So it is important whether it is legislation or not. I attended all the meetings in Denver. The University of Colorado provided testimony from their Violence Department that has been studying marijuana and violence. They are extremely concerned. I would encourage you to get that documentation because marijuana does increase the amount of

violence with a great many people. Not all of them but a great many of them. It will increase your law enforcement costs and treatment costs. I would like to read you something this morning from Importing Drugs/Exporting Violence. Talking about tourism and what happens to a community like Cañon City, Royal Gorge where billboards very well may go up as a "keep your children out of this county because of their health, welfare and safety will not be protected". Juarez Mexico used to be a regular tourist haven. A story came out in the paper showing that only two (2) people were crossing the bridge because of all of the murders, violence, and drug cartel. What I want to read you this morning was a paragraph that the Obama administration wants to up the anti. Obama told Congress that there office is drawing up plans to put the U.S. Military in action against drugs not is some far off third world country but here in America, we have seen the future and it is Juarez. So we know what happened in California. We know what happened to all the gangs. We know that San Diego closed down head shops and pot dispensaries because ninety-eight (98) percent of the people using that medical marijuana card did not have debilitating illness. We know violence has occurred in threats toward me, pool of blood on my front porch when I was in Pueblo testifying in November that outrage from the people in the audience was so horrible that they had to pound the gavel to stop the meeting and offer to clear the room if they were not quiet. Now if we have freedoms in this country then our side should have a right to speak but as it turned out the Chief of Police asked escort to me to my car. We had one hundred (100) and some phone calls harassing us in one day. The person who instigated that went on television in Denver and bragged about he wished he could have threatened and harassed me more. That same man was arrested by multiple law enforcement agencies. He was a marijuana care giver; he bragged in court how he went into the nursing home and gave patients marijuana without their doctors knowing about it. He was convicted on many felony counts of selling marijuana to children. Ms. Kinard showed a picture of the man and showed the anger on that mans face. The Attorney General in the debate had to have an armed escort. I want you to understand what you are opening up your community to. The Attorney General, the Colorado Association of District Council and the Sheriff's Association have all testified in Denver against pot dispensaries. That bill is now held up. Why are we not listening to what the Attorney General has to say? What all of these other people have to say. Do not expand what Amendment 20 said.. Amendment 20 does not call for pot dispensaries and what you are doing is enabling the illegal act of selling marijuana when it is against the Federal law. Doctor Thurston who is the psychiatrist in charge of Denver Health in Denver testified that after the pot dispensary is opened treatment for teens increase three hundred (300) percent and there is a three month waiting period. Residential treatment is not available here. You may take a look at a treatment center east of town but when I try and put somebody in there I can not do that with private insurance. First the child has to be booted out of the house and then put in a foster home. That has to fail. Then they have to make the child a ward of the State in order to get treatment. These children do not have brain development completed until around age twenty-five (25). Up until age twenty (20) their decisions are based upon emotions. Their decision making skills do not development until between age twenty (20) and twenty-five (25). When you put the four hundred and sixty (460) chemicals in their body from one joint of marijuana and it is light and smoked it turns into two thousand (2,000), collects in the fatty tissue of the brain. The brain is one-third (1/3) fat. It splits the learning network apart and we end up with children who drop out of school who have learning disabilities. In Vail, CO they got really tough. They came out in the paper and said that they were really tired of the drug scene. They already had in Eagle County (not in Vail) a couple of dispensaries. They came out with a resolution that was later past and it prohibited dispensaries from locations so many feet from any residence. My recommendation on this temporary that you have to allow it be one thousand (1,000) feet from any resident, public school, private school, public park or playground, licensed child care facility, church or religious institutions because we have a multitude of children attending those facilities, drug or alcohol rehabilitation facility or any public community center or any public owned or maintained building open for use to the general public. Also prohibit dispensaries at home occupations or home business as well as within any residential or agricultural property. They needed to get tough and they did.

In Denver the testimony the Adams County formed a major school collation. The head of that collation was the Chief of Police from Thornton, CO who clearly stated that

marijuana now has created such a problem that it was difficult for a lot of teachers to even teach because of behavior problems in the classroom.

Pregnant mothers who smoke marijuana during pregnancy children have eleven (11) times greater change of lymphocytic leukemia, learning disabilities on into school and behavior problems. I have provided a packet that I sincerely hope that you were able to read a lot of it. Science Daily reported daily consumption of cannabis in teens can cause depression and anxiety and have an irreversible long term effects on the brain. I have provided you documentation on the brain. They say that marijuana is not a killer but it is a killer. The drug abuse warning network documentation it is death by marijuana overdoses only. When you look at cost you think about money coming into the county but I am going to give you an example. In California they spent \$19.9 billion dollars on substance abuse. They were talking about drug, alcohol and tobacco. The State of California collected \$1.4 billion dollars of revenue but they spent \$19.9 billion dollars. We are not talking about what you are going to get as far as taxes. There is no health, welfare or safety for our children or families if you continue on this road and to give them what they want when we could be joining the other cities that have banded it.

Lissa Pinello of Penrose stated that she read the proposed regulations and I think that you are working on a pretty good outline. I see one area of confusion and that is with the caregiver definition. On the actual application for registry it does not use the term "primary caregiver" it just uses "caregiver". From what I have read that is referring to the person who actually grows medicine for their patients. It does not actually talk about the people who take care of other medical services. My understanding is that it refers to the number of marijuana plants that a person either grows from himself or if they are a caregiver for another person if another person has assigned their rights. Commissioner Norden inquired if the constitution amendment itself does not use the word primary caregiver or just the application documents. Ms. Pinello stated she knows that application does but she believes that it does not say "primary caregiver". She feels that this will impact its legal growing operations. If they are limited on the product that they can grow it and it is going to add to a lot of confusion. Commissioner Stiehl questioned the regulatory aspect. Does that mean a patient identifies a dispensary and that is their dispensary? Ms. Pinello said no. They can shop anywhere. Dispensaries are the ones that are interpreting the law and making it up on their own. When a person assigns their caregiver rights to a dispensary, especially mine, I give them a cash discount on all dispensary items. My benefit is that I can carry more product. If I only had my card I could only have two ounces at a time. We only have the caregiver rights. It is a form. They put the person who is the caregiver, with a copy of their picture, and to goes to the state. A person can go around and give every dispensary their caregiver rights to get their discounts and there is not a lot of communication on the state side as to who has that.

Duncan Northrop stated that he has been researching the issue of medical cannabis. He has limited his research to verifiable sources and those to which are suspect to bias. The statistics that I site involve the consumption of illegal marijuana. I am only in favor of protecting adult medical marijuana rights. According to SANDA (Substance Abuse Data Archives) which has compiled data since 1972 cannabis users are three (3) to six (6) percent likely to have respectable tax paying, socially contributing jobs than non users. Even among chronic users represented by a lower three (3) percent number cannabis users seems more capable of remaining employed and in fact are willing to take jobs which many of us prefer to avoid. The average cannabis user in America is well educated, highly skilled and in their late 30's to early 50's. The Surgeon General under President Nixon reported that after extensive study it was determined that death by overdoses was basically impossible. According the Colorado's Medical Marijuana Registry access to medical marijuana by minor at total of eight (8) certifications have been granted for patients under eighteen (18) and only in cases that appear to be terminal.

Debbie Glem said that she was a care provider. She takes care of people in their home. It has nothing to do with drugs or marijuana but people. She has also observed being given medical marijuana patient cards. Her concern is that she has seen children walking into the dispensaries with their parents. She has talked to pharmacies that actually have marijuana for dispensing and it can have the same effect.

Lisa Pinnello said they do have a physician that comes out to their facility on Saturday to interview people. He refuses to see anyone less than 21 years of age. No children enter

our building. The building is under lock and key. No one without a medical marijuana registration enters the building.

Debbie Glem stated that if she needed to take pictures to prove to the county what is happening she will definitely do it.

Donna Woodward stated that she was against marijuana dispensaries. She stated that marijuana contributed to her son's death. She tried to get treatment for him and it is very difficult to find treatment centers that will accept insurance for the treatment of marijuana.

Commissioner Norden closed the Public Hearing and returned to regular session.

Commissioner Lasha said that they have heard a lot of people speak and there is some good information on both sides. We put our temporary regulations in because it is a State issue that everyone is dealing with. We felt it is necessary to move forward with the regulations that we do have. He stated there were some things today that he needs to look at before making a permanent decision on our regulations. Commissioner Stiehl agreed that there are some things that we might want to review about where we go with this and not take action today but consider this over a short period of time as to what to do. County Attorney Jackson stated the temporary regulation expires today. If the Board wants them to remain in place it has to be done by motion, otherwise they will be expired as of today. Commissioner Stiehl stated his recommendation would be to extend and allow us revisit what we have. Commissioner Norden stated that these regulations go to the point of zoning issues where they can be setting up shop, how much distance from church and schools, etc. Commissioner Norden inquired if we would vote to reject temporary regulations now and say that we do not want medical marijuana because we do not want dispensaries what is the effect. Would that allow them to go anywhere because we do not have any regulations? County Attorney Jackson said yes. The State does not have anything in place right now and our zoning does not address it. Essentially it would be unregulated. Technically if it is not listed as a permitted use it is not allowed but we allow similar uses to greenhouse for growing operations and retail stores for dispensaries. But without regulations in place we have no way to control them. Commissioner Norden stated that it is his hope eventually that this would be sorted out by the voters of Colorado at the ballot box. He does think some regulations are needed. Commissioner Stiehl stated he thinks the Health Department is leading the way with the regulatory environment that they are putting together and that we have to consider the actions that they are taking and the things that are being put into effect to accommodate the Amendment 20. County Attorney Jackson said that it can be called up for a hearing even if you extended it for six (6) months sooner and do a public announcement that it was going to be done sooner assuming that the legislature gets something in place. There already are some rules that the Health Department has adopted.

Commissioner Stiehl moved to extend the temporary regulations as written through October 31, 2010 with the explanation that this it may be some time sooner depending upon the outcome of the legislature session. Commissioner Lasha seconded the motion. Commissioner Lasha stated that the rules that are in place are fair and he has no problem staying with the temporary rules. Commissioner Norden also wanted to keep caregivers with home occupations limit to three patients. We will put it on the October 26, 2010 Agenda.

Upon vote: Commissioner Stiehl, aye; Commissioner Lasha, aye; Commissioner Norden, aye. The motion carried.

APPOINTMENT OF THE MEMBERS OF THE FREMONT FAIRS & SHOWS ASSOCIATION

County Attorney Jackson stated the Fremont Fairs & Shows Association is a non-profit entity and they are responsible for the 4-H Livestock Sale at the County Fair. That is the major fund raising part of the County Fair. For years they have operated independently and issue has arisen regarding their insurance and liability with the operation that they have. I prefer that the Fairs & Shows be a subcommittee of the Fair Board. The Fairs & Shows Association does not agree so they have changed their by-laws to allow the Board of Commissioners to appoint all voting members of the Fair & Shows Association. By

doing that they are illegible for county insurance or at least to be covered under the county insurance policy for the 4-H Livestock Sale. This is a requirement that our insurance company has put out. They will still be a non-profit entity but all voting members will be appointed by the Board of Commissioners. Commissioner Norden said that the names that we are considering today are already members of the Fremont Fair & Shows Assoc. we are just creating a structure of staggered appointments. One year term expiring at the end of December 2010 is Marie Adams, Michelle Marriott, Kathleen Shoemaker and Tom Young. Two year term expiring in December 2011 is Betsy Denney, Ralph Kunselman, Bob Masse, and Linda Valdez. Three year term expiring in December 2012 is Tuffy Lawson, Tami Ratkovich, LeeAnn Willbanks, and Tomalee Young.

Commissioner Stiehl moved to appoint the names read for the terms with the expirations that you have read and essentially we are giving them a three (3) year terms with one third of the Board expiring each year and available for reappointment. Upon vote: Commissioner Stiehl, aye; Commissioner Lasha, aye; Commission Norden, aye. The motion carried.

A RESOLUTION AUTHORIZING AN ADDITIONAL TRANSFER OF APPROPRIATED FUNDS BETWEEN THE VARIOUS FUNDS OF FREMONT COUNTY, COLORADO FOR BUDGET YEAR ENDING DECEMBER 31, 2009

County Manager Sugars stated each year the County Finance Department reviews the actual revenue and expenditures for the year. The transfer of \$243,645.00 is necessary to supplement the Sheriff's Budget to achieve that balance fund for the budget year ending December 31, 2009. Even though the revenues have increased in certain area and certain expenditures in some area have decreased, the additional revenues were not sufficient enough to cover the increase cost of placement of inmates in the jail and other sheriff operations. We did anticipate this in the 2010 Budget so that is in there for you to transfer the funds.

Commissioner Lasha moved to approve **Resolution #23, Series 2010** a Resolution Authorizing an Additional Transfer of Appropriated Fund between the Various Funds of Fremont Colorado for Budget Year Ending December 31, 2009. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

A RESOLUTION APPROVING THE EXCLUSION OF PROPERTY FROM THE JOHN C. FREMONT LIBRARY DISTRICT AND THE INCLUSION OF THE SAME PROPERTY INTO THE PENROSE LIBRARY DISTRICT

County Attorney Jackson stated that we do this once a year and we usually do it in November. Because of the Assessors cutoffs and deadline November does not work for the next year so any inclusion and exclusions have to be completed by May 1st of each year in order to go on for that year so that as of the first of next year they will be collecting the right tax revenues. We are going to switch this from the normal November resolutions we have done in the past to April. This dates back to when the Penrose Library District was originally formed they followed the boundaries of the Penrose Recreation District. The problem that came out of that was that the Penrose Recreation District, by statute, excluded certain large agricultural parcels and then did not include additional parcels in the future. They missed a lot of big parcels of land that are now developed into residential. They are trying to straighten it out so that their boundaries are contained in the Penrose area. When John C. Fremont was form they said they were going to have their boundaries all of RE-2 except what was in the Penrose Library District. Those scattered parcels had been inadvertently omitted and then got pulled into the John C. Library District. The two are working cooperatively to straighten out their communities and get their residences in the right library districts.

Commissioner Stiehl moved to approve **Resolution #24, Series 2010**, and approving the exclusion of Property from the John C. Fremont Library District and the inclusion of the same property into the Penrose Library District. Commissioner Lasha seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Lasha, aye; Commissioner Norden, aye. The motion carried.

PROCLAMATION – CHILD ABUSE PREVENTION MONTH APRIL 2010

Commissioner Norden stated that there is a long term effect of child abuse that is a community problem. Approximately one million children are reported abused and neglected in the country every year. We call all citizens and agencies of the community to increase participation in efforts to prevent child abuse and neglect.

Commissioner Stiehl moved to proclaim April, 2010 as Child Abuse Prevention Month in Fremont County. Commissioner Lasha seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Lasha, aye; Commissioner Norden, aye. The motion carried.

PROCLAMATION – FOSTER CARE MONTH IN FREMONT COUNTY MAY 2010

Commissioner Norden said that the citizens of Fremont County have an obligation to see that currently more than 200 children in the county families are in crises and must temporarily rely on care of foster parents. If you are interested in becoming a foster care family contact Fremont County Dept. of Human Services for more information.

Commissioner Lasha moved to approve the Proclamation for Foster Care in Fremont County May 2010. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden aye. The motion carried.

CONSIDERATION OF AN ENERGY PERFORMANCE CONTRACT WITH ENNOVATE CORPORATION FOR THE PURPOSE OF THE SALE AND INSTALLATION OF CERTAIN ENERGY AND WATER SAVING EQUIPMENT, AND PROVISION OF OTHER SERVICES DESIGNED TO SAVE ENERGY AND REDUCE RELATED COSTS FOR CERTAIN PROPERTY AND BUILDINGS OWNED BY FREMONT COUNTY

Commissioner Norden stated that this Energy Ennovate contract financing was part of the finance package that the Board of Commissioners approved a couple of weeks ago in relations to the George K. Baum Certificate of Participation issuance. County Manager Sugars stated in February, 2009 we sent out request for proposals to have a technical energy audit of about fifteen (15) buildings that we own. The purpose of the audit was to evaluate ways to reduce energy consumption in utilities and provide reliable heat, ventilation, air conditioning and improve occupant comfort. In May we did award the contract for the audit to Ennovate Corporation from Aurora, CO. The audit was completed in February, 2010 and they made some recommendation for energy conservation measures for a number of our buildings. In March, 2010 we did approve the authorization of Certificates of Participation which amounted to \$2,120,196.00. We have the contract today that implements the conservation measures. In this building we are particularly looking at replacing the heating and air conditioning. County Attorney Jackson stated that the funds were wired this morning and the funds have been received.

Andrea Massey from Ennovate Corporation stated what they have guaranteed as a company through the Governor's Energy office and working with the county \$253,622.00 of saving per year off your utility bills. Commissioner Stiehl stated that amount should pay the C.O.P. payments.

Commissioner Lasha moved to approve the Energy Performance Contract with Ennovate Corporation. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

AUTHORIZATION OF EXPENDITURE WITH PUEBLO WINTRONIC FOR PURCHASE OF AUDIO-VIDEO EQUIPMENT UPGRADES TO THE COUNTY COMMISSIONERS MEETING ROOM

Commissioner Norden stated this is connected to an inter-governmental agreement that the Commissioners entered into with the City of Cañon City in which the city's surcharge will be actually paying for the equipment. The equipment will be technically the property of the City of Cañon City through their franchise agreement with Bresnan. Derick Westback of S.C. & T. was hired as a consultant and installer. He contacted various vendors to price quotes. Pueblo Electronic gave a bid for \$59,750.00. It will probably be about a \$63,000.00 costs by the end of the project. We will finance this by the county periodic payments with the City of Cañon City over the next four (4) years.

Commissioner Lasha moved to authorize the purchase. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

LOCAL GOVERNMENT LIMITED GAMING IMPACT FUND APPLICATION

County Manager Sugars stated that a few weeks ago we received word that they are going to restore the \$5.1 million dollar Gaming Fund that they suspended. We are making our reapplication of the road that we would like to see improved. It would be Red Canyon Road for an asphalt overlay and High Park Road for chip and seal and paint striping. The estimated costs \$600,000.00. We are requesting \$486,000.00 state money. \$108,000.00 would come out of the Road and Bridge Fund. Commissioner Lasha stated that the road foreman went through a grant writing class and has been very active in preparing grants and actually the last presentation made in Cripple Creek was done by the road foreman on their own.

Commissioner Stiehl moved to authorize the submittal of the application for the Limited Gaming Impact. Commissioner Lasha seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Lasha, aye; Commissioner Norden, aye. The motion carried.

APPROVAL OF FORM 8038-G RE: COP FOR SIGNATURE BY CHAIRMAN

County Attorney Jackson stated that this is a revised tax form in relation to the issuance of the COP's that we just discussed. Out bond council sent this. It needs another signature for authorization.

Commissioner Stiehl moved to authorize the Chairman to sign the amended form. Commissioner Lasha seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Lasha, aye; Commissioner Norden, aye. The motion carried.

REQUEST: TUP 10-002 TEMPLE CANYON HILL CLIMB 2010

Request approval of a **Temporary Use Permit** to allow an **Auto Hill Climb** by the Colorado Hill Climb Association (CHCA). The event will take place at Fremont County Road 3, Temple Canyon Road, off South 1st Street in Cañon City. The Hill Climb will take place on May 8 from 8:00 AM to 5:30 PM, and May 9 from 9:30 AM to 4:00 PM.

REPRESENTATIVE: Trudy Adamovich, CHCA Race Director

John Wells stated this will be their nineteenth (19) event. We are hoping that this will be the last race at this side of the mountain on Temple Canyon. We will move the race to the Grape Creek side if we are able to get all the approvals. Nobody lives there.

Planning and Zoning Director Giordano stated a couple of actions for the Commissioners to consider would be to accept the liability insurance. They are proposing the same amount. It needs to be provided five (5) days prior to the event. The applicant is also requesting a waiver of the clean up fees and we have never had any problems with cleanup. We are asking for a permit from the BLM because they are using BLM properties.

Commissioner Lasha stated that they have done a good job through the years although we do have some input from the community at different times on the event you always do what you tell us one the cleanup and managing your event with safety issues.

John Wells stated it will be on television on May 8th and 9th.

Commissioner Lasha moved to approve TUP 10-002 Temple Canyon Hill Climb for 2010 for the waiver of cleanup fee, the proof of the general liability five days prior to the event and a copy of the BLM permit. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

REQUEST: TUP 10-003 PENROSE CHAMBER OF COMMERCE FLEA MARKET

Request approval of a **Temporary Use Permit** to allow a **Flea Market** by the Penrose Chamber of Commerce. The event will take place in the Gooseberry Patch Restaurant parking lot, in Penrose, Colorado, for *five (5) consecutive months, on the first Saturday of each month, starting on May 1, 2010*. The subject property is located in the Business Zone District.

REPRESENTATIVE: *Bill McGuire, Executive Director,
Penrose Chamber of Commerce*

Bill McGuire said the Flea Market is basically to raise funds for their news letter and it helps people in the region to sell items which cleans up our community.

Planning and Zoning Director Giordano stated the applicant is requesting a waiver of the application fee in addition to the waiver of the clean up fee. This has been done every year. Action that is needed is acceptance of the liability insurance which will have to be renewed because it expires on May 17th and be provided to us prior to the event.

Commissioner Stiehl moved to approve TUP 10-003 for the Penrose Chamber of Commerce Flea Market waiving all fees with the requirement that they show proof of acceptable insurance five (5) days prior to May 1st. Commissioner Lasha seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Lasha, aye; Commissioner Norden, aye. The motion carried.

REQUEST: ADOPTION OF A RESOLUTION AMENDING THE FREMONT COUNTY ZONING FEES

Request adoption of a Resolution to amend the fees associated with the Fremont County Zoning Resolution, specifically to add a fee to be charged for review of a proposed Medical Marijuana Dispensary.

REPRESENTATIVE: *Department of Planning & Zoning*

Commissioner Norden said that these fees will deal with the proposed medical marijuana dispensary application.

Planning and Zoning Director Giordano stated because they created the temporary regulations we did not put in to place any review of the application. This particular instance will not only result in a review of the application but we will probably take a visit to the site itself to determine the footage, the setback of a thousand (1,000) feet between any other dispensaries and then five hundred (500) feet from school and all the list that we had on that. We based this fee of \$250.00 before the temporary regulations were done. Since the temporary regulations came into place, we have had a couple of applications so the fee is an estimate of the time that will be spent. We are not too sure of what we are going to have to deal with. We may have to have additional inspections. We felt that this fee was pretty adequate to cover some of the costs that we would have in reviewing any application for a marijuana dispensary. Commissioner Lasha stated that we have done basically in the past was we have approved the application on one inspection but now we will possibility have two (2). Director Giordano said what they are thinking is that they will have to do an initial inspection to determine the distances before we can make the approval and then there is some sign requirements etc. and other things that we will have to investigate. What will probably end up happening is that we will probably come back at a later date maybe for a second fee. We just want to see where we are at with the first fee. Obviously we have not adopted permanent regulations so it would be a temporary fee. We will keep evaluating it. Commissioner Lasha stated the fees would be from \$205.00 to \$250.00. Director Giordano stated the \$205.00 fee is for the home occupation since we do have part of the medical marijuana dispensaries under that. The \$250.00 is because we are anticipating two (2) inspections for dispensaries versus one (1) inspection for home occupation.

Commissioner Lasha moved to approve the Adoption of a Resolution Amending the Fremont County Zoning Fee for Medical Marijuana Inspection as **Resolution #25, Series 2010**. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

Commissioner Norden adjourned the meeting at 12:00 P.M.

County Clerk