

July 28, 2015

FOURTEENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on July 28, 2015, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Edward Norden called the meeting to order at 9:30 a.m.

Edward H. Norden	Commissioner	Present
Debbie Bell	Commissioner	Present
Tim Payne	Commissioner	Present
Katie Barr	Clerk and Recorder	Present
Brenda Jackson	County Attorney	Present

Also present: George Sugars, County Manager and Matt Koch, Planning and Zoning Director.

The Invocation was given by Tom Killgore, First Southern Baptist Church.

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

APPROVAL OF AGENDA

Commissioner Bell moved to approve the Agenda. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

CONSENT AGENDA

1. Approval of Minutes / July 14, 2015
2. Approval of Bills July 28, 2015 / \$1,187,021.31
3. Ratify approval of the Chairman's signature on a Coldwell Banker-Fremont Realty Contract Amendment dated 7-15-15 for purchase of a hangar at the Fremont County Airport
4. Adoption of Resolution #23, Series of 2015, CUP 15-002 B & B Septage
5. Schedule Public Hearings: None

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

ADMINISTRATIVE/INFORMATIONAL

1. Administrative and Elected Officials
 - a. County Sales & Use Tax Report, Sunny Bryant, Assistant County Manager / Budget & Finance Officer

Sunny Bryant reported that Retail Sales Tax collected for May was \$369,554, Auto Use Tax for June was \$93,304, Construction Use Tax for June was \$15,209, and Lodging Tax for May was \$2,039. The Sheriff Retail Sales Tax collection for May was \$246,369. For June, the Sheriff Auto Use Tax collected was \$62,203, and the Sheriff Construction Use Tax collected was \$10,139.

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Commissioner Bell reminded everyone that the Fremont County Fair is currently in full swing with the culmination of events being a buyer's barbecue and the livestock sale on Sunday afternoon. She encouraged all to attend the different events.

Steve Morrisey, Emergency Management Director, reported a meeting will be held August 4th in the Garden Park Conference Room with the Federal Emergency Management Agency and the State Office to review documentation of damages from the May and June flooding at government agencies.

2. Citizens Not Scheduled:

Nicholas Tolkash thanked the Commissioners for assistance in the regulations for the medical marijuana grow operation in Penrose. The lighting issues that he complained about have been resolved.

Cyrus Youngs complained about a discrepancy in communication about a pay-scale for the Sheriff's Office that was adopted in February of 2014 that allowed step-raises at 1, 4, 7, 10, 15, and 20 years of service. He was under the impression that the pay-scale was permanent, and he was greatly disappointed when a new pay-scale was adopted at the beginning of 2015 with different benchmarks. Commissioner Norden informed Deputy Youngs that the Board has a fiscal responsibility to tax payers that must address the long-term. Deputy Youngs was encouraged to speak with Sheriff Beicker in regards to the matter.

Russ Hickmon introduced himself as the Regional President of the Fraternal Order of Police. He came before the Board on behalf of members from the Sheriff's Department who have complained about the new pay-scale. Clarification on the matter is needed to allay the concerns of the deputies. The Commissioners encouraged Mr. Hickmon to follow protocol and speak with Sheriff Beicker first.

Darrell Cool explained he had lost his license for a traffic violation and wanted to get his license reinstated. Attorney Jackson suggested he visit the Driver's License office to find out the necessary steps to remedy the situation.

PUBLIC HEARINGS SCHEDULED FOR 10:00 A.M.

1. Public hearing to consider adoption of the January 2015 Fremont County Pre-Disaster Mitigation Plan. The plan is available online at <http://www.fremontco.com/emergencyservices> or a hard copy can be reviewed at the County Administration Building-Room 106, 615 Macon Ave, Canon City,CO.
Representative: Steve Morrisey, Emergency Management Director

Chairman Norden opened the Public Hearing at 10:09 a.m.

Steve Morrisey stated that the plan has gone through the proper channels with the State and with FEMA and now requires the local level to adopt it. The 5-year plan has already been adopted by Florence and Brookside, while Canon City is in the process of doing the same. A copy has been available for public viewing on the County website and at the Administration building for over six months.

Chairman Norden closed the Public Hearing at 10:14 a.m.

Commissioner Payne moved to adopt Resolution #24, the 2015 Fremont County Pre-Disaster Mitigation Plan. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

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2. Request approval of a Temporary Use Permit, Department file #TUP 15-005 Diana's Pumpkin Patch to allow pumpkin picking, corn maze, hayrides, hay slide, grain barn and snack bar. To run September 19th through October 31st, 7 days a week. The site is located at 1649 Poplar Ave., being at the northwest corner of Poplar Ave., & Locust St., in the Lincoln Park Area. This is the first submittal of this request for the TUP.
Representative: Sue Madone

Chairman Norden opened the Public Hearing at 10:15 a.m.

Sue Madone presented her plan to address parking, trash and traffic issues. She addressed complaints that neighbors have had in the past and explained that she would address other complaints to the best of her ability.

Matt Koch reported that all required information has been provided. The Department of Transportation has agreed to the proposed traffic plan, and the Board of Health has approved portable toilets. A vendor's license will need to be obtained closer to the event if food is being served.

Jennifer Bailey said the simplicity and purity of Canon City is maintained by events such as Diana's Pumpkin Patch and solidifies her family's love of the area.

Norma Jean Fouche explained how the event is not the issue she has. Parking on the road, parking in private driveways, unruly people, and mail not being delivered due to blocked mailboxes are her concerns. She stressed that not having enough parking is compounding the other concerns and addressing the issue will alleviate some of the problems.

Jan Massey declared that the event has grown considerably in the past two years. The parking along the road-side has blocked traffic to a one-lane road at times. He is concerned that emergency vehicles will not be able to traverse the area if needed.

David Bunker stated his only concern is the traffic affected by the parking. There has not been enough off-road parking provided in the past. He feels people will act as they will, but the focus should be on the parking. Opportunities like this that allow kids to have fun are needed in our community, and he would like to see the event continue to thrive.

Chairman Norden closed the Public Hearing at 11:11 a.m.

Commissioner Norden said his concern is the growth of the event has been beyond expectations. He stressed the fact that the TUP will be before the Board for three years to work out any issues, especially traffic and parking. Commissioner Bell and Commissioner Payne agreed that the parking is the issue that needs the most attention.

Commissioner Bell moved to approve TUP #15-005 including Contingency #1—Compliance with the requirements of the Fremont County Department of Public Health & Environment and Contingency #2—Utilize personnel and erect temporary directional signage to alleviate parking issues. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

OLD BUSINESS

None.

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NEW BUSINESS

1. In consideration of reappointments of Michael Pullen and Francis Williams to the Building Code Board of Appeals for an additional three-year term ending August 1, 2018.

Commissioner Payne moved to reappoint Michael Pullen and Francis Williams to the Building Code Board of Appeals. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

2. In consideration of Water Tap Abandonment Request for the address of 201 N. 6th Street for a 3/4 inch water tap to a water main situated in Greenwood Ave.
Representative: George Sugars, County Manager

County Manager Sugars explained there is no fiscal advantage to keeping the water tap. The County has no use for the tap, and a \$19 per month fee is associated with keeping it.

Commissioner Bell moved to approve the Water Tap Abandonment Request. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

3. Presentation of 2014 Audit Report
Representative: Sunny Bryant, Assistant County Manager / Budget & Finance Officer

Sunny Bryant reviewed the 2014 Audit Report, noting that John Cutler & Associates gave a clean opinion. A meeting with the Commissioners will be August 11th at 2:30 to examine the details of the report.

Commissioner Payne moved to approve the 2014 Audit Report. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

Chairman Norden adjourned the meeting at 11:42 A.M.

Clerk and Recorder

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RESOLUTION NO. 24, SERIES OF 2015

**RESOLUTION ADOPTING AND APPROVING THE FREMONT COUNTY
PRE-DISASTER MITIGATION PLAN DATED JANUARY 2015, (HAZARD
MITIGATION PLAN UPDATE) FOR FREMONT COUNTY, COLORADO**

WHEREAS, the Disaster Mitigation Act (DMA) was authorized by §203 of the Robert T. Stafford Disaster Assistance and Emergency Relief Act (Stafford Act), 42 USC, as amended by §102 of the Disaster Mitigation Act of 2000; and

WHEREAS, funding is provided through the National Disaster Mitigation Fund to assist States and local governments in implementing cost-effective hazard mitigation activities that complement a comprehensive mitigation program; and

WHEREAS, 44 CFR Part 201, Hazard Mitigation Planning, establishes criteria for State and local hazard preparedness and mitigation planning authorized by §322 of the Stafford Act, as amended by §104 of the DMA; and

WHEREAS, after November 1, 2003, local governments applying for DMA funds through the States will have to have an approved local mitigation plan prior to the approval of local mitigation project grants which makes the development of a local multi-hazard mitigation plan essential to maintaining eligibility for future DMA funding; and

WHEREAS, in 2003, the Upper Arkansas Area Council of Governments (UAACOG) coordinated the development and drafting of a pre-disaster mitigation plan for the four county region of Lake, Chaffee, Custer and Fremont Counties; and

WHEREAS, on August 12, 2003, the Board of Commissioners adopted Resolution 33, Series of 2003, adopting and approving the "Natural Hazard Risk Analysis and Pre-disaster Mitigation Plan for Upper Arkansas Area" which included all Portions of Fremont County; and

WHEREAS, the 2003 pre-disaster mitigation plan was not specific to Fremont County, but rather was a regional plan and issues regarding local implementation and oversight have persisted; and

WHEREAS, Steve Morrissey, Director of the Office of Emergency Management, together with the expert assistance of Terra Tech, has gathered and prepared the Fremont County Pre-Disaster Mitigation Plan, dated January 2015; and

WHEREAS, the Fremont County Pre-Disaster Mitigation Plan has been prepared in accordance with FEMA requirements of 44 C.F.R. 201.6; and

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WHEREAS, Fremont County is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; and

WHEREAS, a public hearing on the proposed pre-disaster mitigation plan was held on July 28, 2015, after duly published notice, at which time public input was heard and considered by the Board of Commissioners; and

WHEREAS, the Board of Commissioners for Fremont County has determined that development and implementation of a pre-disaster mitigation plan is in the best interests of the citizens of Fremont County; and

WHEREAS, Fremont County Board of Commissioners has reviewed the Plan and affirms that the Plan will be updated no less than every five years.

NOW THEREFORE, BE IT RESOLVED BY THE FREMONT COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS, that Fremont County hereby adopts the Fremont County Pre-Disaster Mitigation Plan dated January, 2015, and resolves to execute the actions in the Plan.

Commissioner Payne moved for adoption of this Resolution, with a second by Commissioner Bell. The roll call vote of the Board was as follows:

Edward H. Norden	<u>Aye</u>	Nay	Absent	Abstain
Debbie Bell	<u>Aye</u>	Nay	Absent	Abstain
Timothy R. Payne	<u>Aye</u>	Nay	Absent	Abstain

Date: 7/28/15

ATTEST:

Edward H. Norden
Chairman

Katie E. Barr
Clerk to the Board