

November 22, 2016

TWENTY-SECOND MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on November 22, 2016, 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: County Manager Sunny Bryant and Planning and Zoning Director Matt Koch

Joe Garkovich of First Christian Church gave the invocation.

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 / November 8, 2016
2. Approval of Bills for \$922,760.45
3. Approval of 2017 Annual Water Lease with Upper Arkansas Water Conservancy District for a temporary supply of replacement water to meet out-of-priority depletions used in County road maintenance
4. Approval of 2017 Annual Water Lease with Carles Davis for the purpose of a temporary water supply plan for the maintenance of County roadways
5. Approval of 2017 participation agreement with the Upper Arkansas Area Council of Governments for the Upper Arkansas Recycling Program
6. Consideration of approval for ThyssenKrupp to perform work to modernize elevator in the amount of \$62,745.00
7. 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. Staff / Elected Officials:
 - a. County Manager Report, Sunny Bryant, County Manager

Manager Bryant reported on the progress of the budget, and she reported on meetings throughout the county she has attended. She will be attending, along with the

November 22, 2016

Commissioners, the Colorado Counties Incorporated Conference the week of November 28.

b. Sales & Use Tax Report, Sunny Bryant, County Manager

Manager Bryant reported through the month of September, Retail Sales Tax Collections were \$413,124; Sheriff-Retail Sales Tax Collections were \$275,416; and Lodging Tax was \$82,296. Through the month of October, Auto Use Tax Collections were \$93,719; Sheriff-Auto Use Tax Collections were \$62,479; Construction Use Tax Collections were \$16,203; and Sheriff-Construction Use Tax Collections were \$10,802.

Commissioner Bell reported the tourism council will have two positions to fill at the beginning of the year. Those interested must submit a letter of interest by 12:00 p.m. December 16. Friday, November 25, will be the community tree lighting in Depot Park and December 3 is the annual Christmas parade at 7:00 p.m. She reminded the public that the Administration Building will be closed for Thanksgiving.

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

Lisa Hyams invited citizens to attend the Christmas tree lighting in Depot Park. She also encouraged all to shop locally on Small Business Saturday. Sunday, November 27, is Deck the Halls where the live Christmas trees will be decorated and displayed for the Christmas Season on Main Street. On behalf of the Canon City Chamber of Commerce, she wished all a “Happy Thanksgiving”.

Clarice Roney asked that extra dollars be allocated to the Sheriff’s Department to help fight the drug problem in Fremont County.

George Storey wished everyone a Happy Thanksgiving.

OLD BUSINESS

None.

NEW BUSINESS

1. Consideration of Resolution #35 designating certain roads in Fremont County as a section of the Pike Trail, in Colorado, a Pioneer Trail
Representative: Harvey Hisgen, President Pike National Historic Trail Association

Harvey Hisgen gave a history on Zebulon Pike and the Pike Organization. The designation will cross several counties following the path that Zebulon Pike explored. There are two designations being requested—one for biking and hiking and one for automobiles. Signs will be posted on the designated roads in the future.

Commissioner Payne moved to adopt Resolution #35 designating certain roads in Fremont County as a section of the Pike Trail, in Colorado, a Pioneer Trail. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

PUBLIC HEARINGS SCHEDULED FOR 10 A.M.

1. 2017 Fremont County Budget

Chairman Norden opened the Public Hearing at 10:00 a.m.

November 22, 2016

Manager Bryant gave an overview of the budget. The public can review the budget online or in the Finance Office. A special meeting will be held December 20, 2016 at 9:30 a.m. for finalization and adoption.

District Attorney Thom LeDoux asked the Commissioners to reconsider the line item for the District Attorney. Due to a State Legislative Funding change the office is losing approximately \$100,000 per year. Park and Chaffee Counties approved the increase, and he expects Custer County to do the same. The number of felony cases has increased by nearly 25% from 2014 to 2015 with the county being on pace to have 780 felony cases by the end of 2016. The District Attorney suggested the money could come from the sheriff's portion of the general fund.

Commissioner Norden explained the board had pledged to voters to continue the base funding level of \$3.9 million from the General Fund to the Sheriff. The board has a fiduciary responsibility to maintain the budget for the entire county and an increase in the budget would dip into reserves that are already short for the size of the county. He encouraged a conversation between the sheriff's office and the district attorney's office.

Commissioner Bell clarified that the board promised the voters that the sales tax would not supplant the existing funding of the sheriff's office since a sunset was placed on the tax increase. She also encouraged a conversation between the two agencies

Lisa Hyams is in favor of increasing the budget for the District Attorney's office.

Sheriff Beicker said every agency has seen an increase in case loads. He said he is open to further discussion between agencies including the local police departments.

District Attorney Thom LeDoux reiterated that the caseload has doubled and still needs to be prosecuted. He feels he has been running a severely underfunded office, and the cut in state funding, if not subsidized by the counties, will result in a necessary cut in services.

Manager Bryant said another budget workshop may be necessary if the board chooses to make changes before final adoption.

George Storey said the stock market is up and wished the commissioners luck with fixing the elevator.

Jim Hoar asked about the 1-, 3-, or 5-year plan for the Conservation Trust Fund budget and if the plan is in writing for the public to view.

Commissioner Bell explained the future plan for the Conservation Trust Fund is to obtain matching funds from grants for buildings necessary to move the 4-H County Fair to Pathfinder Park from the Canon City Rodeo Grounds.

Clarice Roney said she understands the budgetary problems, but would like the money to be available for the district attorney's office to prosecute cases.

Chairman Norden closed the Public Hearing at 11:31 a.m.

NEW BUSINESS cont.

2. Ratification of Chairman's Signature on Change Order #16, #17 and #18 for the Fremont County Justice Center Kitchen and Laundry Remodel

Manager Bryant explained change order #16 is for \$17,490.32 for roof and drain rework. The change will add seven working days to the contract. Change order #17 is a

November 22, 2016

decrease of \$369.00 for wallboard protectant, and change order #18 is for \$1,115.46 for fire alarm devices.

Commissioner Bell moved to ratify the Chairman's signature on the Change Orders #16, #17, and #18 for the Fremont County Justice Center Kitchen and Laundry Remodel for a total of \$18,236.78 and seven working days. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

3. Request approval of a two (2) lot minor subdivision, Department file #MS 16-002 Divine Acres Subdivision, by Collette Divine, for her property which is located North East of the intersection of Grand Ave. and Willow Street. Proposed Lot 1, contains 2.86 acres, is vacant and planned for a future residence. Proposed Lot 2 contains 2.14 acres and has an existing residence. Both properties will be accessed from Grand Ave. via an existing driveway. The property is zoned Agricultural Suburban and contains a total of 5.00 acres
Representative: Michael Winey

Michael Winey said the request is for a 5-acre parcel to be split into two lots. An existing structure will be on one parcel, and a structure will be added to the second lot.

Director Koch reviewed the contingencies. Fremont Sanitation District has waived the tie-in requirements for the second lot, allowing the structure to have a septic system.

Commissioner Payne moved to approve MS 10-002 Divine Acres Subdivision with the five contingencies as outlined. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

4. OPC 14-010 Maggie's Farm, LLC dba Maggie's Farm, LLC (Optional Premises Cultivation license-Outdoor Grow Major Modification requesting the approval and issuance of a Modification of Optional Premises Cultivation license, to allow the placement and use of 12 metal storage containers for secure plant drying areas
Representative: Niels Hyder, Maggie's Farm, LLC

Niels Hyder is requesting a modification of premises for the addition of twelve steel storage units.

Director Koch reviewed the contingency items. Code enforcement found the place clean and well-organized. The modifications were in place prior to the application for modification.

Commissioner Bell moved to approve the OPC 14-010 Maggie's Farm, LLC 2016 modification with the six contingencies as outlined. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

5. Consideration of adoption of the Heritage Commission By-Laws

Commissioner Payne explained the update to the by-laws simplifies the qualifications for members. The commission will now consist of nine members who are residents of Fremont County. The membership will consist of one representative from Re-1, Re-2 and Re-3 school districts with the remainder being at-large members.

Commissioner Payne moved to approve adoption of the Heritage Commission By-Laws. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

November 22, 2016

6. Consideration of an Agreement between Fremont County and the Royal Gorge Dinosaur Experience Concerning Personal Property Tax Incentive Credits

Dave Reynolds said the savings would be reinvested into the business.

Attorney Jackson explained that the incentives are tied to the attraction's ability to attain 100,000 annual visitors over a ten to twelve year period. The incentive applies only to business personal property tax and only on the obligation to the county government portion of the tax.

Commissioner Payne moved to adopt an agreement between Fremont County and the Royal Gorge Dinosaur Experience concerning personal property tax incentive credits. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

7. Consideration of Adoption of the County Equal Employment Opportunity Plan

Manager Bryant explained that in order to apply for some grants, the County is required to have adopted an Equal Employment Opportunity Plan.

Commissioner Bell clarified that the adoption of the plan is only a formal procedure since the practices have already been in place.

Commissioner Bell moved to adopt the County Equal Employment Opportunity Plan. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

Chairman Norden adjourned the meeting at 12:00 p.m.

Clerk and Recorder