

**December 9, 2014**

**TWENTY-THIRD MEETING**

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on December 9, 2014, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Tim Payne called the meeting to order at 9:30 A.M.

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

Also present: George Sugars, County Manager; Bill Giordano, Planning and Zoning Director.

The Invocation was given by Pat McFarland, County Treasurer.

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 with the addition of Item 8 under New Business. Commissioner Norden seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Norden, aye; Commissioner Payne, aye. The motion carried.

**CONSENT AGENDA**

1. Approval of Minutes / November 25, 2014
2. Approval of Bills December 9, 2014 / \$1,171,998.12
3. Adoption of Resolution #35, Series of 2014, 7th Amendment to the Fremont County Zoning Resolution
4. Schedule Public Hearings for January 13, 2015 at 10 a.m.: a. Request: ZC 14-003 Kerr - Ritter Zone Change

Request approval of a Zone Change (ZC #1 application as per the Fremont County Zoning Resolution) from the Agricultural Rural Zone District to the Agricultural Suburban Zone District, Department file #ZC 14-003 Kerr-Ritter Zone Change, by William & Claire Kerr and Timothy & Margaret Ritter, for their property which is located on the north side of Elm Avenue, 0.30 miles east of the intersection of Elm Avenue and Willow Street, in the eastern Lincoln Park Area (Lots 1 & 2, J & K Smith Subdivision).

b. Request: SRU 14-003 Royal Gorge Paintball (Recreational & Outdoor Amusements or Amusement Facility)

Request approval of a Special Review Use (SRU) Permit, Department file #SRU 14-003 Royal Gorge Paintball (Recreational & Outdoor Amusements or Amusement Facility), by Michael Pond, to allow a paintball course, which is an allowed use and an existing heli-port which is a non-conforming use. The reason for the requirement of SRU is to allow two primary uses on the property. The

property is located on the north side of U.S. Highway 50, 0.5 miles east of the intersection of U.S. Highway 50 and Fremont County Road 3 A, in the Royal Gorge Area. The SRU permit property contains 2.16 acres and is zoned Business. c. OPC 14-004 Thressor, LLC (Optional Premises Cultivation License – Indoor grow – Greenhouse, Commercial)

Request for approval of and issuance of an Optional Premises Cultivation license, to allow for the operation of an Optional Premises Cultivation – Indoor Grow –

12/4/2014 4:32 PM

(Greenhouse, Commercial), by Thessor, LLC (Chris Haight), for property formerly known as The Apple Shed, addressed as 1508 Fremont Street, is located on the east side of Fremont Street where Fremont Street intersects with State Highway 115, between 4th Avenue on the south side and 7th Street on the north side and the west side of Grant Street in the Penrose Area.

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

#### ADMINISTRATIVE/INFORMATIONAL

1. Administrative and Elected Officials
  - a. County Clerk's Monthly Report, Katie Barr, County Clerk and Recorder

**Clerk and Recorder Katie Barr** gave her monthly report stating that total Motor Vehicle fees and sales tax collected in November 2014 was \$404,693.25. This is a 56% increase over November 2013. However, this increase includes the Sheriff's Tax increase, and without that tax increase the total would have been down \$13,162.87 from last year.

**Commissioner Norden** moved to approve the Clerk's Monthly Report. Commissioner Bell seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

- b. Sales and Use Tax Report, Sunny Bryant, Budget and Finance Officer

**Sunny Bryant** gave a follow-up report to the last Commissioner's Meeting with revenue numbers from the Medical Marijuana Industry. In 2012, sales tax generated was \$31,736; in 2013, the revenue was \$39,960; and in 2014, the revenue was \$55,818. The increase in 2014 is due to the 1% Sheriff's Tax. Without the Sheriff's Tax, the County is on target to match the revenue from 2013. Through October of 2014, the licenses for the Medical Marijuana industry have generated \$150,250 in revenue. Since 2012 through October of 2014, the Medical Marijuana Industry has generated a total of \$276,250 between taxes and licenses.

2. Citizens Not Scheduled:

**Rich Bandler** addressed the issue of marijuana growing in Fremont County. He brought up the Rule of Law and the duty of the County to uphold it. He felt that the issue of illegal growers needs to be addressed, and licensed growers need to be held to the law. He believes that inspection and enforcement are necessary locally. He would like to rezone growers to uninhabited areas. Resources to accomplish this should be obtained through the growers.

**Harry Kitchen** questioned the Commissioners on the convention in Colorado Springs from the week before and if each stayed overnight. He suggested that next time the Commissioners consider travelling each day. He would like to see more people attend Commissioners' Meeting in the future. He feels that the Sheriff's Department does the best that they can, but he would still like to see them employ an extra person just to

oversee the marijuana growth. He also felt that Planning and Zoning could use extra staff for the marijuana issue. Pueblo has a five member board to oversee just the marijuana board, and he would like to see one in Fremont County. He also requested to see how the revenue from the Marijuana Industry is being spent.

**Terry Barragree** represented CLH Construction. He read a letter from Kelly Carroll, owner of CLH Construction, addressing the issue of licensing contractors. The letter stated that the Building Department does a fine job of protecting the public. Licensing of contractors does not guarantee the customers will be working with a quality contractor, and the letter stated that CLH Construction feels licensing would create a loss in revenue because it would cause more people to not permit work that requires permitting. The letter also stated that maybe Fremont County needs to ask why the county has one of the slowest growth rates, and why businesses are not moving to our county. The letter states that small businesses are barely making it and licensing would further affect that.

**Becky Girdler** presented the Commissioners with a copy of an article from the Sentinel addressing the issue of marijuana growing in Silvercliffe which is experiencing similar issues to Fremont County in regards to water. She would like the Commissioners to read the article and consider that each plant requires 700 gallons of water in its six month growth cycle when issuing licenses to growers.

### **OLD BUSINESS**

None.

### **NEW BUSINESS**

1. Recognition of 2014 Fremont County Employee of the Year and nominees.

**Aaron Brodis, Lisa Collins, David Gall, Marty Keen, Linda Leggitt, Francie Mattson, Carla Roybal, and Amber Warman** were nominated for employee of the year. **Marty Keen** was chosen as 2014 Fremont County Employee of the Year.

2. In consideration of a Resolution recognizing Pat McFarland, Fremont County Treasurer / Public Trustee for her twenty-one and a half years of service to Fremont County.

**Commissioner Bell** read the resolution into record. Pat McFarland thanked everyone for the privilege of working for the county and the recognition.

**Commissioner Bell** moved to approve the resolution. Commissioner Norden seconded the motion. Upon vote: Commissioner Bell, aye; Commissioner Norden, aye; Commissioner Payne, aye. The motion carried.

3. In consideration of adopting a new Fremont County seal and logo.

**Commissioner Norden** said that with the new logo and seal, the county would like to recognize the heritage of Fremont County and what John C. Fremont would have encountered when first coming here. Sharon Connor created the original artwork at the center of the logo. Kristy Gotham was the graphic designer who put the logo together. Commissioner Norden expressed that the board appreciates the efforts of the two artists and that they feel that it has captured the essence of what the board had in mind.

**Commissioner Norden** moved to officially adopt the new Fremont County Logo. Commissioner Bell seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

4. In consideration of a resolution appointing Matt Koch as the Fremont County Surveyor.

**Commissioner Norden** moved to adopt Resolution #39. Commissioner Bell seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

5. In consideration of a bid award to H.W. Houston Construction Company in the amount of \$649,943 for the Fremont County Emergency and E911 Center Remodel project located on the 4<sup>th</sup> floor of the Judicial Center.  
Representative: George Sugars, County Manager

**George Sugars** noted that in October the county received seven bids ranging from \$807,700 to \$948,889 which were all over budget. After working with architect Reilly Johnson, Sheriff Jim Beicker and Under Sheriff Ty Martin with the Combined Regional Dispatch Center, and the counties contractors, they were able to bring the bid down to \$649,943 which is within budget.

**Commissioner Norden** made procedural notes that the grant awarded was to Fremont County from the Department of Local Affairs. The home of the join dispatch center is in a building owned by the county, so the county is responsible for awarding the bid for the renovation. Once the remodel is complete, the operation will be handed over to the governing board of the Combined Regional Communications Authority.

**Commissioner Bell** moved to award the bid for the Fremont County Emergency and E911 Center Remodel to H.W. Houston Construction Company. Commissioner Norden seconded the motion. Upon vote: Commissioner Bell, aye; Commissioner Norden, aye; Commissioner Payne, aye. The motion carried.

6. Scheduling a Special Meeting on January 5, 2015 at 9:30 a.m. for consideration of issuance of a Fremont County Medical Marijuana Licenses for the following existing State Licenses:
  - a. MMC 14-001 JMC Enterprises, Inc. dba Fremont Cannabis, address as 1505 Elm Street (State Highway 115), Lincoln Park Area.
  - b. OPC 14-001 Today's Health Care, LLC/Today's Health Care II, LLC dba Today's Health Care/Today's Health Care II, addressed as 1934 C Street in the Beaver Park/Penrose Area.
  - c. OPC 14-002 High Mountain Medz, LLC dba Levity Wellness, addressed as 3000 County Road 103 B, south of Florence, Colorado.
  - d. OPC 14-003 The Organic Seed, LLC dba Cannasseur, addressed as 1785 Kit Carson Trail, which is generally located in Glen Vista/Colorado Acres Area.

**Commissioner Norden** moved to set a Special Meeting on January 5, 2015 at 9:30 a.m., for consideration of issuance of a Fremont County Medical Marijuana Licenses. Commissioner Bell seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

7. In consideration of closure of County Administration Building December 18, 2014 at 2:30 p.m. for the Annual Administration Christmas Party.

**Commissioner Bell** moved to close the County Administration Building December 18, 2014, at 2:30 p.m. for the Annual Administration Christmas Party. Commissioner Norden seconded the motion. Upon vote: Commissioner Bell, aye; Commissioner Norden, aye; Commissioner Payne, aye. The motion carried.

8. In consideration of an appointment to the Fremont County Tourism Council.

**Commissioner Bell** noted that Larry Oddo is stepping down from his position on the council.

**Commissioner Bell** moved to appoint Heidi Anderson to the Fremont County Tourism Council for the term December 14, 2104 through December 31, 2017. Commissioner Norden seconded the motion. Upon vote: Commissioner Bell, aye; Commissioner Norden, aye; Commissioner Payne, aye. The motion carried.

**PUBLIC HEARINGS: None**

**Chairman Payne** adjourned the meeting at 10:30 a.m.

---

Clerk and Recorder

923900 Pages: 1 of 1  
12/09/2014 02:00 R Fee: \$0.00  
Katie E. Barr, Clerk and Recorder, Fremont County, CO

RESOLUTION NO. 39, SERIES OF 2014

RESOLUTION APPOINTING THE FREMONT COUNTY SURVEYOR

WHEREAS, the Fremont County Board of County Commissioners is authorized by C.R.S. §30-11-117 and §30-10-904 to fill, by appointment, a vacancy occurring in any county office, including the office of County Surveyor; and,

WHEREAS, because no person ran for election to the office of Fremont County Surveyor in the November 2014 election, the Fremont County office of the Surveyor shall become vacant as of January 13, 2015; and

WHEREAS, Fremont County Board of County Commissioners has determined that the office of the Fremont County Surveyor should be filled by appointment and that Matthew James Koch is a professional land surveyor (License PLS-37907) as provided by Colorado law and is duly qualified for the office and is willing to serve in the office of the Fremont County Surveyor.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS FOR THE COUNTY OF FREMONT, that Matthew James Koch is hereby appointed to the office of the Fremont County Surveyor, and shall commence his duties after being duly sworn to the office and posting the appropriate bond as required by state law. Mr. Koch's appointment shall continue until the next general election (November, 2016).

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

Debbie Bell	<u>AYE</u>	NAY	ABSTAIN	ABSENT
Edward H. Norden	<u>AYE</u>	NAY	ABSTAIN	ABSENT
Timothy R. Payne	<u>AYE</u>	NAY	ABSTAIN	ABSENT

The Resolution was declared to be duly adopted.

Date: 12/9/14

T. Owen  
Chairman

Attest: Katie E. Barr  
Clerk