

December 22, 2015

## TWENTY-FOURTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on December 22, 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 Ethan McClaugherty of Evangelical Free 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 / December 8, 2015
2. Approval of Bills for December 22, 2015 / \$869,782.54
3. Ratification of Chairman's signature on the Colorado Security System's Contract
4. 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 Sales & Use Tax Report, Sunny Bryant, Assistant County Manager / Budget & Finance Officer

**Sunny Bryant** reported through November the Auto Use Tax Collections were \$81,347; the Construction Use Tax Collections were \$13,674; the Sheriff Auto Use Tax Collections were \$54,231; and the Sheriff Construction Use Tax Collections were \$9116. For October the Retail Sales Tax Collections were \$350,609; the Lodging Tax was \$2,534; and the Sheriff Retail Sales Tax Collections were \$233,739.

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**Commissioner Bell** reported Larry and Beryl Baker of Florence pledged \$50,000 to be matched for the Rialto Theater. Future fundraisers will be held to raise the matching funds.

**Commissioner Norden** noted a year after the adoption of the new county logo, the original artwork has been hung in the board room. He thanked Sharon Connor for the contribution and hard work.

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

None.

### **OLD BUSINESS**

1. Second Reading and Adoption of Ordinance 2015-1, Banning The Establishment and Operation of Marijuana Consumption Club Facilities in the Unincorporated Area of Fremont County, Colorado

**Attorney Jackson** said the ordinance was published December 10, 2015, and no changes have been made since the first reading on December 8, 2015.

**Commissioner Bell** moved to adopt Ordinance No. 1, Series of 2015, An Ordinance Banning the Establishment and Operation of Marijuana Consumption Club Facilities in the Unincorporated Area of Fremont County, Colorado. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

### **NEW BUSINESS**

1. Request approval of SV 15-002 Indian Springs Outlot, a variance (exemption) from strict performance under the Fremont County Subdivision Regulations pursuant to XVII of the Subdivision Regulations of Fremont County, by Indian Springs Landowners Association to allow for the creation of a parcel of land to be used as an outlot for fire station purposes only.  
Representatives: Pete Sardaczuk & Nancy Reed

**Pete Sardaczuk** explained Indian Springs Subdivision is in a high-risk wildland fire zone that consists of homes, vacant land, and BLM land. The closest substation is 8.5 miles away. One homeowner has offered an acre of land to be used for a substation that would house a brush truck, gear, and water. A new building will need to be constructed on site.

**Director Koch** said the homeowner will deed the land to the HOA.

**Nancy Reed** said a house fire in November 2014, brought the situation to the attention of the residents since outside water storage systems had already been drained for the winter.

**Commissioner Norden** moved to approve SV 15-002 Indian Springs Outlot. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

2. Liquor License Renewal waiver of late submission  
Holt Family Recreation LLC  
DBA Shadow Hills Golf Course  
Hotel & Restaurant Liquor License  
1232 County Rd 143, Canon City, CO 81212  
Representative: Carrie Klassen

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**Carrie Klassen** explained they were in negotiations to sell the facility during the renewal period for the liquor license, but the deal fell through. Shadow Hills has continued to book special events and would like to renew the license. She requested a waiver of the \$100 late fee due to the circumstances.

**Commissioner Payne** moved to approve the Liquor License Renewal for Holt Family Recreation LLC DBA Shadow Hills Golf Course and waive the \$100 late fee. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

3. In consideration of Bid Award for the Arkansas Riverwalk Trail Streambank Stabilization Project.  
Representative: George Sugars, County Manager

**Manager Sugars** presented a bid from Avalanche Excavating for \$267,413, a bid from Tezak Heavy Equipment for \$216,168, and a bid from Whinnery Construction for \$147,235. The County Engineer Don Moore and S2O, a separate engineering firm, submitted letters recommending the Whinnery Construction bid. FEMA will reimburse 75% of the cost of the project.

**Commissioner Bell** moved to award the bid to Whinnery Construction for \$147,235. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

4. In consideration to re-appoint Mary Chamberlain, Judy McCormick, and Elizabeth Denney to the Fremont County Heritage Commission for an additional three-year term ending January 1, 2019.

**Commissioner Payne** moved to re-appoint Mary Chamberlain, Judy McCormick, and Elizabeth Denney to the Fremont County Heritage Commission for an additional three-year term ending January 1, 2019. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

5. In consideration of an appointment of Nancy Huber on the John C Fremont Library Board of Trustees to fill a vacant seat on the board with a term expiring December 31, 2018.

**Commissioner Norden** referenced a letter from the library board of trustees recommending the appointment of Nancy Huber to fill a seat vacated by Angela Jones.

**Commissioner Bell** moved to appoint Nancy Huber to the John C Fremont Library Board of Trustees with a term expiring December 31, 2018. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

6. In consideration to appoint Commissioner Edward Norden to an Alternate Position on the Board of Zoning Adjustments for a term ending December 31, 2018.

**Commissioner Bell** noted the circumstances are not unusual for a commissioner to be on the Board of Zoning Adjustments, and the position is only an alternate position.

**Commissioner Payne** moved to appoint Commissioner Norden to an alternate position on the Board of Zoning Adjustments for a term ending December 31, 2018. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

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**PUBLIC HEARINGS SCHEDULED FOR 10 A.M.**

1. Request approval of CDP 15-002 Waterhole #1 (Professional Office and Liquor Store) requesting approval of a Commercial Development Plan (CDP), to allow Professional Office and Liquor Store, existing building w/ existing professional office and to relocate existing Liquor Store to 1503 Elm Ave. The property is located on the south side of Elm Ave and north of Colorado State Highway 115 in Cañon City. Representative: Michael Abbott

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

**Michael Abbott** said the new location is more cost effective for the business. The new location is 600 feet up the road from the current location. Mr. Abbott said the drive-thru window option that had been discussed at the Planning Commission meeting is being withdrawn. He is still requesting a waiver for the surfacing of the parking lot since CDOT is requiring a 4-foot apron along the highway be paved.

**Director Koch** reviewed the contingencies and waiver requests. CDOT had issued permits for the access and egress to the property based on the 4-foot extension of the roadway. Director Koch said the County Engineer Don Moore had commented that increasing the negative area by surfacing the parking lot may be impervious to drainage issues and cause problems.

**Devin Ames** lives across the street from the new location. His concern is for the increased traffic and possible safety issues that may arise from having a liquor store there.

**Corie Ames** is upset about the amount of traffic that uses the intersection and the easement on the edge of her property to turn around. She feels that privacy is also an issue and allowing a liquor store in the location will exacerbate the issues.

**Chairman Norden** suggested having Fremont County Department of Transportation measure her easement to give her a definitive answer on where she could plant trees to help with the privacy issues.

**Commissioners Bell and Payne** noted that since CDOT had re-worked the intersection, safety concerns have been reduced.

**Chairman Norden** closed the Public Hearing at 10:30 a.m.

**Commissioner Bell** moved to approve Resolution #40 CDP 15-002 Waterhole #1 with contingencies #1-3 and approving all waiver requests. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

2. Liquor License Change of Location  
McGill's Wine and Spirits Inc.  
DBA Waterhole #1  
Liquor Store  
1503 Elm Ave., Canon City, CO 81212  
Representative: Mike W. Abbott

**Chairman Norden** opened the Public Hearing at 10:33 a.m.

**Mike Abbott** said the establishment has been in business for 40 years. 322 signatures had been collected to allow the change of location, and the move would be 600 feet up the road. The longest hours of operation are on Friday and Saturday from 10:00 a.m. to 10:00 p.m.

**Chairman Norden** closed the Public Hearing at 10:35 a.m.

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**Commissioner Payne** moved to approve the Liquor License Change of Location for McGill's Wine and Spirit Inc. DBA Waterhole #1 from 1503 Elm Ave to 1532 Elm Ave. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

7. In consideration of a Resolution summarizing expenditures for each fund and adopting a budget for the County of Fremont, Colorado, for the calendar year beginning on the first day of January, 2016, and ending on the last day of December, 2016.

Representative: Sunny Bryant, Assistant County Manager/Budget & Finance Officer

**Sunny Bryant** said the total estimated expenditures for 2016 is \$43,558,390. \$11,252,133 of that total is General Fund; \$11,201,977 is for the Sheriff Department; and \$8,519,135 is Human Services Fund. The remainder consists of various funds throughout the County.

**Commissioner Norden** moved to approve Resolution #41 Summarizing Expenditures for Each Fund and Adopting a Budget for the County of Fremont for 2016.

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

8. In consideration of a Resolution Levying General Property Taxes for the Year of 2015, to help defray the costs of Government for the County of Fremont, Colorado, for the 2016 Budget Year.

Representative: Sunny Bryant, Assistant County Manager/Budget & Finance Officer

**Sunny Bryant** explained the total assessed value of property is \$431,555,639. The total Mill Levy is 12.322 Mills.

**Commissioner Payne** moved approve Resolution #42 Levying General Property Taxes for the Year of 2015. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

9. In consideration of a Resolution appropriating sums of money to the various funds and spending agencies, in the amounts and for the purposes set forth below, of the County of Fremont, Colorado, for the 2016 Budget Year beginning January 1, 2016, and ending December 31, 2016.

Representative: Sunny Bryant, Assistant County Manager/Budget & Finance Officer

**Sunny Bryant** said the total amount being appropriated is \$43,558,390 for 2016.

**Commissioner Bell** moved to approve the Resolution #43 Appropriating Sums of Money to the Various Funds and Spending Agencies for the 2016 Budget Year. Commissioner Norden seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Norden, aye; Commissioner Payne, aye. The motion carried.

10. In consideration of Certification of Levies and Revenue

Representative: Sunny Bryant, Assistant County Manager/Budget & Finance Officer

**Sunny Bryant** said the total valuation for revenue throughout the county for all governmental agencies is \$2,956,036,859. The total of all funds received is \$26,716,083.

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Over \$21,000,000 is distributed to other agencies with the school districts receiving \$13,689,420.

**Commissioner Payne** moved to certify Levies and Revenue. **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 10:46 a.m.

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Clerk and Recorder

RESOLUTION NO. 41, SERIES OF 2015

A RESOLUTION SUMMARIZING EXPENDITURES FOR EACH FUND AND  
ADOPTING A BUDGET FOR THE COUNTY OF FREMONT, COLORADO,  
FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF  
JANUARY, 2016, AND ENDING ON THE LAST DAY OF DECEMBER, 2016

WHEREAS, the Board of County Commissioners of the County of Fremont has appointed George Sugars, County Manager, to submit a proposed budget to said governing body at the proper time; and

WHEREAS, a proposed budget was submitted to this governing body on October 12, 2015, for its consideration; and

WHEREAS, upon due and proper notice, published in accordance with the law, said proposed budget was open for inspection by the public at a designated place and displayed on the County web-site, a public hearing was held on November 10, 2015, and interested taxpayers were given the opportunity to file or register any objections or comments to said proposed budget; and

WHEREAS, whatever increases may have been made in the expenditures, like increases were added to the revenues so that the budget remains in balance, as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Fremont, Colorado:

1. That Estimated Expenditures, Revenues, and Balances for each fund are as follows:

GENERAL FUND	\$ 11,252,133
SHERIFF'S FUND	\$ 11,201,977
DEPARTMENT OF TRANSPORTATION	\$ 3,919,128
PUBLIC HEALTH & ENVIRONMENT	\$ 539,238
WASTE DISPOSAL FUND	\$ 87,825
LODGING TAX FUND	\$ 164,797
AIRPORT FUND	\$ 1,053,548
CAPITAL EXPENDITURES FUND	\$ 304,500
PUBLIC BUILDING MAINT FUND	\$ 75,000
PILT FUND	\$ 1,025,000
SALES AND USE TAX IMPROV FUND	\$ 1,767,494
HUMAN SERVICES FUND	\$ 8,519,135
CONSERVATION TRUST FUND	\$ 263,000
SELF-FUNDED GROUP INSURANCE FUND	\$ 3,025,294
WEED FUND	\$ 165,231
RESTRICTED FUNDS	\$ 195,090
TOTAL ALL FUNDS	\$ 43,558,390

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- 2. That Estimated Revenues and Balances for each fund are equal to Estimated Expenditures.
- 3. That the budget as submitted, amended, and hereinabove summarized by fund, hereby is approved and adopted as the budget of the County of Fremont for the 2016 Budget Year.
- 4. That the budget hereby approved and adopted shall be signed by the Board of County Commissioners and made part of the public records of the County of Fremont, Colorado.

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

The Resolution was declared to be duly adopted.

Date: 12/22/15

Ed H. Norden  
Chairman

Attest:

Katie E. Bauer  
County Clerk and Recorder

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RESOLUTION NO. 42, SERIES OF 2015

## A RESOLUTION LEVYING GENERAL PROPERTY TAXES FOR THE YEAR OF 2015, TO HELP DEFRAY THE COSTS OF GOVERNMENT FOR THE COUNTY OF FREMONT, COLORADO, FOR THE 2016 BUDGET YEAR.

WHEREAS, the Board of County Commissioners of the County of Fremont has adopted the annual budget in accordance with the Local Government Budget Law, on December 22, 2015, and

WHEREAS, the amount of revenue necessary from property taxes to balance the budget for each fund is as follows:

GENERAL FUND	\$ 3,634,562
REFUNDS & ABATEMENTS	\$ 11,919
DEPARTMENT OF TRANSPORTATION	\$ 366,822
HUMAN SERVICES FUND	\$ 1,165,632
AIRPORT FUND	\$ <u>138,529</u>
<b>TOTAL PROPERTY TAX REVENUE</b>	<b>\$ <u>5,317,464</u></b>

AND WHEREAS, the 2015 valuation for assessment for the County of Fremont (for 2016 Budget Year) is certified by the County Assessor to be \$ 431,555,639.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of the County of Fremont, Colorado:

1. That for the purpose of meeting all expenditures of the various funds, as listed above, during the 2016 budget year, there is hereby levied a General Property Tax Rate of 12.322 mills upon each dollar of the total valuation for assessment of all taxable property within the County for the year 2015 (payable in 2016), distributed as follows:

GENERAL FUND	8.422 MILLS
REFUNDS & ABATEMENTS	.028
DEPT OF TRANSPORTATION	.850
HUMAN SERVICES FUND	2.701
AIRPORT FUND	<u>.321</u>
<b>TOTAL MILL LEVY</b>	<b><u>12.322 Mills</u></b>

2. That the Board of County Commissioners hereby certify to the County Commissioners of Fremont County, Colorado, the mill levies for the County of Fremont as herein above determined and set.

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

The Resolution was declared to be duly adopted.

Date: 22 December, 2015

Ed H. Norden  
Chairman

Attest:

Natie E. Bau  
County Clerk and Recorder

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RESOLUTION NO. 43, SERIES OF 2015

A RESOLUTION APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNTS AND FOR THE PURPOSES SET FORTH BELOW, OF THE COUNTY OF FREMONT, COLORADO, FOR THE 2016 BUDGET YEAR BEGINNING JANUARY 1, 2016, AND ENDING DECEMBER 31, 2016

WHEREAS, the Board of County Commissioners of Fremont County has adopted the annual budget in accordance with the Local Government Budget Law, on December 22, 2015, and

WHEREAS, the Board of County Commissioners has made provision, therein, for the revenues and balances to be equal , or greater, than the total proposed expenditures as set forth in said budget; and

WHEREAS, it is not only required by law, but also necessary, to appropriate the revenues and balances provided in the budget, to and for the purposes described below, so as not to impair the operations of the County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Fremont, Colorado:

That the following sums are hereby appropriated, by fund, from the revenue and balances of each Fund, for the 2016 Budget Year:

GENERAL FUND	\$ 11,252,133
SHERIFF'S FUND	\$ 11,201,977
DEPARTMENT OF TRANSPORTATION	\$ 3,919,128
PUBLIC HEALTH & ENVIRONMENT	\$ 539,238
WASTE DISPOSAL FUND	\$ 87,825
LODGING TAX FUND	\$ 164,797
AIRPORT FUND	\$ 1,053,548
CAPITAL EXPENDITURES FUND	\$ 304,500
PUBLIC BUILDING MAINT FUND	\$ 75,000
PILT FUND	\$ 1,025,000
SALES AND USE TAX IMPROV FUND	\$ 1,767,494
HUMAN SERVICES FUND	\$ 8,519,135
CONSERVATION TRUST FUND	\$ 263,000
SELF-FUNDED GROUP INSURANCE FUND	\$ 3,025,294
WEED FUND	\$ 165,231
RESTRICTED FUNDS	\$ 195,090
<b>TOTAL ALL FUNDS</b>	<b>\$ 43,558,390</b>

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

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

The Resolution was declared to be duly adopted.

Date: 12/22/15

Ed H. Norden  
Chairman

Attest:

Katie E. Bass  
County Clerk and Recorder