

December 23, 2014

TWENTY FOURTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on December 23rd, 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	Absent
Brenda Jackson	County Attorney	Present

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

The Invocation was given by Stephanie Luck, Salt & Light Global Church.

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

APPROVAL OF AGENDA

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

CONSENT AGENDA

1. Approval of Minutes / December 9, 2014
2. Approval of Bills December 23, 2014 / \$885,038.37
3. Adoption of Water Lease Agreement by and between the Board of County Commissioners of Fremont County and the Upper Arkansas Water Conservancy District through its water activity enterprise, known as Upper Arkansas Water Activity Enterprise.
4. Approval of the Colorado Department of Transportation Annual Mileage Change Report
5. Approval of the Eleventh Judicial District Victim Assistance and Law Enforcement Board (VALE) 2015 Contract.
6. Schedule Public Hearing for January 27, 2015 at 10:00 a.m., a. Request approval of a Commercial Development Plan for the approval of various retail stores, a mini-storage facility, personal services [barbershop, clinic], a restaurant, bar/lounge, auto sales, carwash and a watchman's quarters, Department file #CDP 14-002 The Outpost at Texas Creek, by Phillip & Teresa Poindexter, for their property which is located on the south side of U.S. Highway 50, 0.17 miles east of Fremont County Road 37 (aka McCoy Gulch Road) in the Texas Creek Area.

Commissioner Bell requested to amend the Consent Agenda Item #6 to reflect the new date of February 10, 2015 for the Public Hearing. This will allow time for the Planning Commission minutes to be completed for the Public Hearing. Commissioner Bell moved to approve the amended Consent Agenda. Commissioner Norden seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Norden, aye; Commissioner Payne, aye. The motion carried.

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ADMINISTRATIVE/INFORMATIONAL

1. Administrative and Elected Officials

a. Sales & Use Tax Report, Sunny Bryant, Finance Officer

Sunny Bryant presented the Sales & Use Tax Report through the month of October for the Retail Taxes and the month of November for the Use Tax. In the month of October, the county collected \$316,055 in Retail Sales Tax, which is up \$20,049 from October of 2013 and up \$139,400 year-to-date. The Auto Use Tax Collections for the month of November were \$56,230 for the month of November, which is up \$465 from November of 2013 and up \$113,161 year-to-date from last year. The Construction Use Tax for the month of November was \$6,866, \$4730 more than November 2013, and year-to-date an increase of \$39,978. Lodging Tax collected for the month of October was \$3,824 which is better than the zero reported October of 2013. Year-to date, Lodging Tax collected is \$114,520, a decrease of \$11,000 from 2013. The Sheriff-Retail Sales Tax Collections for the month of October were \$210,000, year-to-date \$2,192,715, which is 18.5% above the budget of \$1.8. The Sheriff-Auto Use Tax collected in November was \$37,487 with a year-to-date total of \$502,000 which is over the budget by 14.18%. The Sheriff-Construction Use Tax collected \$4,577 in the month of November, year-to-date \$131,455. This is over the budgeted amount by 23.57%. The final sales tax numbers for December will be available in February.

Commissioner Bell reported that the Commissioners, the County Manager, the County Attorney, and the Sheriff had a conversation a week prior which resulted in the decision to create a full-time position within the Sheriff's Department to handle illegal marijuana growth and enforcement. The officer will work closely with Code Enforcement. Commissioner Norden added that the new deputy will keep open the lines of communication with the general public without divulging details of investigations. The new resources will be funded by taxes collected from the marijuana industry.

Commissioner Norden has been participating in the ongoing discussions through Colorado Counties, Inc on how Boards of County Commissioners interface with Special Districts. A meeting on December 12, 2014 with two representatives from Colorado Special Districts Association resulted in a short-term goal of keeping open communications between Commissioners and Special Districts. The current intention is to inform County Commissioners as to what roles they have and what steps they can take to aide\ Special Districts to stay in compliance.

2. Citizens Not Scheduled:

Rich Bandlow commented on the impending marijuana grow license for OPC 14-003, the operation on Kit Carson Trail. He requested that the Commissioners deny the application. The area is intended to promote a rural residential environment according to the Fremont County Zoning Resolution 4.4.1, and marijuana growth does not fall into this category. State regulations require proper fencing, and there is none on the property. Mr. Bandlow reminded the Commissioners that they have control over the issuance of the license.

Gloria Decker reiterated to the Commissioners that county residents do not have the ability to vote on issuing marijuana licenses. Residents depend on the Commissioners' votes. Local residents feel that growers appear to snub the law because penalties do not outweigh the profits. Ms. Decker requested that the information for the growers be made public. She would like the Commissioners to consider what it would be like to have a marijuana operation next door to each of them affecting property values and perceived personal security. She also felt that despite the new Sheriff's Deputy, the Sheriff's Department will be overwhelmed with this issue.

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Commissioner Norden informed Ms. Decker that she can review the applications for marijuana licenses in the Planning and Zoning Department to obtain the information she requested about the companies involved.

John Garrou would like the Commissioners to be aware that the marijuana grow facility on Kit Carson Trail has a building that was erected without proper licensing. His other concern is the sanitation of the facility. Commissioner Norden informed Mr. Garrou that a formal complaint has been submitted in regards to the building license.

Barry Cole submitted a letter and pictures the previous day to the Commissioners in regards to the marijuana grow facility on Kit Carson Trail and a building that was erected without proper licensing. His concerns are that the new Sheriff's Deputy will be overwhelmed and that zoning is not being enforced in the area.

Kay Chambers owns 1,320 feet of property next to the marijuana grow facility on Kit Carson Trail, and is concerned with the facility. The people running the facility have misrepresented themselves to obtain an electrical easement. Compliance with State rules has not been followed by the facility including proper fencing and ground water being used in the past to water the plants. Ms. Chambers reminded the board how Fremont County residents have voted in the past on marijuana issues on the ballot. She also informed the Commissioners that Kit Carson Trail is gated and blocked off on the property. She would like the commissioners to deny the permit. She has submitted in writing her concerns to the Planning and Zoning Department.

James Chambers stated that with the marijuana grow facility on Kit Carson Trail everything changed on September 1, 2014. In October, the security dog for the facility appeared on Mr. Chambers' property and attacked his dog. When Mr. Chambers went to confront the people at the grow facility, a confrontation occurred.

Commissioner Norden would like the concerns for the application to be put into writing and submit the items to the Planning and Zoning Department. Without the applicant present, the Commissioners would like to limit the amount of complaints for one particular applicant.

Commissioner Bell reminded everyone that the voters in Colorado were the ones that voted for marijuana, but that the Commissioners at this time have denied applications for recreational marijuana.

Commissioner Payne agreed that one deputy may not be enough for the county, but that citizens' concerns are being taken into account and are being addressed.

OLD BUSINESS

None.

NEW BUSINESS

1. In Consideration of an agreement with T.A. Duke & Associates for Design Documentation for Improvements to Pathfinder Park.
Representative: George Sugars, County Manager

George Sugars said the agreement is for designs for five buildings at Pathfinder Park. The County received a grant from Department of Local Affairs at the end of November. The project will cost \$86,497.

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\$43,248 of the cost will be paid for by an Energy and Mineral Impact Grant, and the other half of the money will come from local match funds. The project will take five to six months to complete.

Commissioner Payne stated that this is a significant step that the needs to be taken to erect buildings for the 4-H children. The current 4-H buildings on the rodeo grounds are owned by the Rodeo Association which does not allow the county control over maintenance and upkeep of the buildings.

Commissioner Norden moved to approve the contract with T.A. Duke & Associates. Commissioner Bell seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

2. In Consideration of a grant application for Noxious Weed Management along Fremont County Rights-of-way.
Representatives: Jana Gregg, County Weed Management Director

Jana Gregg presented a grant application for the management of noxious weeds on County rights-of-way for \$9,600 through the state's Noxious Weed Fund. If obtained the Fremont County Department of Transportation will match the funds, and Fremont County Weed Management will perform the work. The grant is for the grow season in 2015.

Commissioner Norden moved to approve the application for the Noxious Weed Grant. Commissioner Bell seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

3. In Consideration of appointments to the Fremont County Fair Board

Commissioner Bell expressed thanks to the applicants for the open positions on the Fremont County Fair Board and those currently serving for their willingness to work for only a thank you.

Commissioner Bell moved to appoint to 3-year terms beginning January 1, 2015 and ending December 31, 2017, Kathy Kunselman, Shari Johnson, Virginia Green, Mark Masar, Marie Adams, and JoAnne Ary. Commissioner Norden seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Norden, aye; Commissioner Payne, aye. The motion carried.

4. In Consideration of a Resolution appropriating additional sums of money to defray expenses in excess of amounts budgeted for and appropriated by Fremont County, Colorado for the budget year ending December 31, 2014.
Representative: Sunny Bryant, Budget & Finance Officer

Sunny Bryant presented the Resolution explaining that the majority of the amended expenses are from grant funding received that was not originally budgeted. The Sheriff's Fund, the Lodging Tax Fund, and the Capital Expenditures Fund amended amounts are due to grants. The Airport Fund amended amount is due to the runway project crossing fiscal years.

Commissioner Norden moved for the adoption of Resolution 44. Commissioner Bell seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried. Resolution #44 is attached.

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PUBLIC HEARINGS SCHEDULED FOR 10:00 A.M.

None.

Chairman Payne adjourned the meeting at 10:26 A.M.

Clerk and Recorder

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RESOLUTION NO. 44 2014
RESOLUTION FOR SUPPLEMENTARY 2014 BUDGET

**A RESOLUTION APPROPRIATING ADDITIONAL SUMS OF MONEY TO DEFRAY
 EXPENSES IN EXCESS OF AMOUNTS BUDGETED FOR AND APPROPRIATED BY
 FREMONT COUNTY, COLORADO, FOR THE BUDGET YEAR ENDING DECEMBER 31,
 2014.**

WHEREAS, various expenditures have occurred during the current budget year that were not planned or anticipated at the time of the adoption of the 2014 budget, and....

WHEREAS, unanticipated revenues and available Fund Balance Reserves, not assured at the time of the adoption of the 2014 budget, are the providing resource for the various additional expenditures, by Fund, as follows:

GENERAL FUND	\$ 220,000
SHERIFF FUND	\$ 600,000
LODGING TAX FUND	\$ 52,000
AIRPORT FUND	\$ 218,000
CAPITAL EXPENDITURES FUND	\$ 120,000
PUBLIC BUILDING & MAINTENANCE	\$ 10,000
WEED FUND	\$ <u>1,000</u>
 TOTAL	 \$ <u>1,221,000</u>

NOW, THEREFORE BE IT RESOLVED, by the Fremont Board of County Commissioners that 2014 Appropriations for the following Funds are hereby increased from the Original adopted budget to the Supplemental budget as follows:

	TOTAL ORIGINAL BUDGET	TOTAL SUPPLEMENTAL BUDGET	INCREASE
GENERAL FUND	\$ 10,862,908	\$ 11,082,908	\$ 220,000
SHERIFF FUND	\$ 7,342,908	\$ 7,942,908	\$ 600,000
LODGING TAX FUND	\$ 119,032	\$ 171,032	\$ 52,000
AIRPORT FUND	\$ 629,942	\$ 847,942	\$ 218,000
CAPITAL EXPENDITURES FUND	\$ 753,295	\$ 873,295	\$ 120,000
PUBLIC BUILDING & MAINT FUND	\$ 12,719	\$ 22,719	\$ 10,000
WEED FUND	\$ 141,091	\$ 142,091	\$ <u>1,000</u>
 TOTAL SUPPLEMENTAL APPROPRIATION			 \$ <u>1,221,000</u>

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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: 12/23/14

T. Payne
Chairman

Attest:

[Signature]
County Clerk and Recorder