

April 11, 2017

SEVENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on April 11, 2017, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Debbie Bell called the meeting to order at 9:30 a.m.

Debbie Bell	Commissioner	Present
Tim Payne	Commissioner	Present
Dwayne McFall	Commissioner	Present
Katie Barr	Clerk and Recorder	Present
Brenda Jackson	County Attorney	Present
Sunny Bryant	County Manager	Present
Matt Koch	Planning & Zoning Director	Present

Chris Bower of The Village at Cañon City gave the Invocation.

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

APPROVAL OF AGENDA

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

CONSENT AGENDA

1. Approval of Minutes / March 28, 2017
2. Approval of Bills for \$1,167,250.07
3. Ratify Chairman's Signature on State Historical Fund Grant Application
4. Authorization of Chairman's signature on an Amendment to the Administrative Services Agreement and Monthly Aggregate Accommodation Agreement with Meritain Health Inc. to act as the Administrator for the Fremont County Self-Funded Insurance effective from April 1, 2017 to March 31, 2018
5. Schedule Public Hearing: May 9, 2017 at 10:00 a.m.
 - a. CDP 17-001 Dollar General
Request approval of Commercial Development Permit, #CDP 17-001, Dollar General, by Vaquero Penrose Partners, LP, for the development of a retail store located at 895 Marilyn Dr, Penrose CO 81240.
6. Consideration of a professional agreement with Reilly Johnson Architecture for the architecture/engineering services for the Detention Center Security Electronics Upgrade in the amount of \$163,800 and \$6,000 for Reimbursable Expenses.

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

ADMINISTRATIVE/INFORMATIONAL

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

Clerk Barr reported for the month of March the total Motor Vehicle Fees, Sales Taxes and Recording Fees collected was \$1,171,381.18. Fremont County's portion for disbursement was

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\$651,377.06. This is 56% of the total fees and is \$53,305.49 more than March of 2016. Year to date our office is up \$153,696.05 from last year.

Commissioner McFall moved to accept the County Clerk's Monthly Report. Commissioner Payne seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

b. County Treasurer's Semi-Annual Report and Public Trustee's Quarterly Report-Kathy Elliott, County Treasurer

Treasurer Elliott reported in the Quarterly Report the number of foreclosures initiated for the period of October, November, and December 2016 were 27. Her office processed 489 Release of Deeds of Trust. The total Public Trustee Fees collected were \$21,525.81 and the total expenses of the operation of the Public Trustee Office were \$8,898.97. Treasurer Elliott reported they finished 2016 with 110 foreclosures.

Commissioner Payne moved to accept the County Treasurer's Semi-Annual Report and Public Trustee's Quarterly Report. Commissioner McFall seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner McFall, aye; Commissioner Bell, aye. The motion carried.

c. County Manager Report, Sunny Bryant, County Manager

Manager Bryant reported on March 31st she and the Commissioners attended the Boys and Girls Club breakfast and fundraiser. On April 3rd she went on a tour showcasing the project of clearing out noxious weeds in east Florence. On April 5th she attended a wellness committee for employees. There will be a county health fair coming up soon. On April 6th the Finance Office moved from room 101 to room 106. Manager Bryant gave a special thanks to her department, the Clerk's Office for helping with the move and the facilities department.

Commissioner Bell shared the Motor Vehicle department was closed April 6th due to the state computer system being down. On April 15th from 10 a.m. to 1 p.m., the Recycling Group through the Upper Arkansas Area Council of Governments will be putting on an electronics recycling event at Florence City Hall, 600 W 3rd St. There will be a fee but will cost less than at the land fill. The difference in price is due to Fremont County donating funding to help pay for the recycling.

Clerk Barr shared the State refreshed the Motor Vehicle department with new computers. The office was unable to open until 12:45 p.m. on April 6th due to technical difficulties. She apologized for any inconveniences this may have caused. The office is back open and operational.

Commissioner McFall shared there will be a recycling event in Cañon City sometime in late September as well as one on the west end of the county sometime between now and September.

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

Kay Denniston shared her follow up with the railroad cars on Forge Road. As citizens, they have tried to negotiate with the company on storing railroad cars near the area. She believes the Commissioners have some leeway in speaking with the company and is asking for their help.

George Storey likes what he sees around Fremont County and wishes everyone a Happy Easter.

OLD BUSINESS

None.

NEW BUSINESS

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1. Consideration of a Letter of Support for the Arkansas Riverwalk Trail Extension

Commissioner Payne went with Commissioner McFall and Manager Bryant to a meeting where the Recreation District displayed a presentation for the project.

Paul Trentzsch is the Vice President of the Board of Directors for the Recreation District. The estimated budget for the 7.3 mile project is \$2,390,000. The Recreation District is requesting the support of the Commissioners for the grant application with a letter of support along with approval of \$50,000 in match funding. The match funding will not be needed until 2018 with a successful grant application.

Dan Slater, attorney for the Recreation District, wanted to refocus what the Board is asking for. The Recreation District Board is asking for a letter of support for the concept of connecting Cañon City and Florence. The Board is also asking for a \$50,000 commitment which can be rescinded at any time. They would like the County to be a partner with no role requiring land ownership or liability. The land ownership would be the Recreation District up to a certain point and then become the City of Florence's.

Commissioner Payne asked how the Recreation District will be able to own land outside of their jurisdiction and did they consider an easement over certain parcels to be ownership of land. There are concerns about an email which specifically states where the trail will go on the west side.

Dan Slater stated the law allows a Recreation District to own land outside their jurisdiction as long as it benefits people who are tax payers of that district. He stated an easement is owning an interest in the property. The results from the experts of the Colorado Department of Transportation are needed in making the final decision on the placement of the trail.

Commissioner Bell asked how \$50,000 can be committed now and then in the near future be rescinded. She also wanted a clear definition as to what kind of partnership the Recreation District is asking for.

Dan Slater stated at this time he doesn't believe a commitment of \$50,000 made now would necessarily have to be spent a year from now. The partnership would be the County supporting this project and extending funds.

Commissioner Payne shared the deadline for the concept letter is Monday, April 17, 2017, and based upon the outcome of the concept letter will determine whether the grant application can be turned in by its deadline of August.

Joelyn McConnell appreciates the idea of connecting the two towns, however with owning Rainbow Dairy in Florence she feels the trail would be detrimental to the business. She has many concerns with the trail being near the property and opposes the idea.

Tony Telck stated about a quarter mile from the proposed trail will border his property. He feels it will be a detriment to his property and agricultural operation. He has many concerns and opposes the idea.

Doug Koehn representing Farm Bureau and himself has many concerns about the proposed trail. He believes there are other routes for the trail to be placed. He is against the trail going through any agricultural property.

Dave Jones thanked the Commissioners for the opportunity to speak. He has many concerns and feels it would put a hardship on agricultural owners. He is strongly against the trail going through any farm or ranch land.

Angie Jones suggested placing the trail along State Highway 115. She believes the money could be better used for the residents of Fremont County by building a Young Men's Christian Association or indoor pool. She has many concerns and is strongly against the trail going through agricultural land.

Carol Adamic stated her entire family likes the trail system however does not want the trail going through their hay and ranching operation. She is not opposed to the trail system, has even offered

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to donate property. She has many concerns and believes it will destroy their way of life. She is strongly against the trail and pleaded to the Commissioners to please use alternate routes.

Mike Patterson representing the City of Florence stated they are working with the Recreation District on this project. The City of Florence's perspective is there are alternative routes and would like a partnership with the Commissioners for help in determining this objective. The City of Florence supports agricultural owners.

Wade Broadhead representing the City of Florence is looking for opportunities to succeed. He would like to meet with agricultural owners to discuss the trail project. In the future he can see reaching an agreement on a final design. He believes this project is a great economic benefit.

Lisa Hyams believes there needs to be a viable solution for the trail project. She is in support of the trail connecting Cañon City and Florence.

Pete DelDuca does not agree with the trail going through his property and is against the project.

Ed H. Norden suggested the removal of the guardrails on State Highway 115. He has many concerns about the project. Norden cautioned the Commissioners on their wording of the letter and the financial commitment. He supports the trail and a more reasonable solution of an alternate route near State Highway 115.

Megan Merry stated it was nice to hear all the different perspectives. She is in support of the trail.

Josh Hawk believes it is very important to protect the farming and ranching in our community.

Commissioner Bell stated to complete their due diligence the County Attorney is doing research on this project that is not yet complete. At this time she deems it necessary to wait for the County Attorney's results before proceeding.

Commissioner Payne stated they should take into account former Commissioner Norden's advice. He understands there is a time limit; however, they need more time to discuss how they will proceed.

Commissioner McFall agreed with Commissioner Bell and Commissioner Payne. He also thinks there should be some type of connectivity between Cañon City and Florence but they need to be very careful how they proceed.

Commissioner Bell moved to approve no action on the Letter of Support for the Arkansas Riverwalk Trail Extension. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner McFall, aye. The motion carried.

PUBLIC HEARINGS SCHEDULED FOR 10 A.M.

1. Community Development Block Grant—The purpose of the hearing is to allow citizens to review and comment on the performance of the Upper Arkansas Area Council of Governments in carrying out their Single Family Owner Occupied Housing Rehabilitation Program, financed through Community Development Block Grant funds
Representative: Autumn Dever, Upper Arkansas Area Council of Governments

Chairman Bell opened the Public Hearing at 10:56 a.m.

Autumn Dever reported on the contract from February 7, 2016, through December 31, 2016. UAACOG received \$120,000 in CDBG funds for administration of the program in six counties. They performed 14 jobs—10 in Fremont County, 1 in Teller County, 1 in Custer County, 1 in Lake County and 1 in Park County—during the contracted period.

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Chairman Bell adjourned the meeting at 10:58 a.m.

NEW BUSINESS cont.

2. Consideration of a Proclamation for National Public Safety Telecommunications Week during the week of April 9 – 15, 2017

Manager Bryant read the proclamation.

Commissioner McFall thanked everyone who is directly involved for all their help in the community.

Commissioner Payne moved to approve the Proclamation for National Public Safety Telecommunications Week during the week of April 9 – 15, 2017. Commissioner McFall seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner McFall, aye; Commissioner Bell, aye. The motion carried.

3. Special Event Permit
Royal Gorge Rodeo / Canon City Rodeo Assoc.
1595 S 9th St, Canon City Co 81212
Representative: Georgie Smith

Josh Hawk explained the Royal Gorge Rodeo will be May 5-6, 2017, from 5:00 p.m. to 12:00 a.m. It will be run the same way as last year. The Royal Gorge Rodeo plans to have deputies and additional security to patrol the event. There will be servers with previous bartending experience supervising alcohol distribution. Last year was a great turnout with zero incidents.

Commissioner McFall reiterated the dates of the event. One of the letters has May 5-6, 2016.

Josh Hawk stated there was a typographical error in the letter and clarified the event will be held May 5-6, 2017.

Attorney Jackson stated the letter needed to be changed and initialed or a new letter with correct dates turned in.

Clerk Barr stated all paperwork was submitted complete, minus the typographical error. There are zero incident reports and recommends approval.

Commissioner McFall moved to award the Special Event Liquor Permit for Royal Gorge Rodeo/Canon City Rodeo Assoc. Commissioner Payne seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

4. Request the Renewal of an Optional Premises Cultivation OPC 14-004 license for Thressor LLC, doing business as Colorado Concentrate, for property which is owned by Nations Own LLC. The address of the property is 708 Fremont Street, Penrose, CO 81240. The property contains 10 acres more or less.
Representative: Chris Haight

Chris Haight stated business is doing well, has designed a new machine for the water-based products and is selling it nationwide. Has bought the property from the previous owner.

Director Koch reported the application was submitted complete and dispersed to Sheriff's Deputy Sterling Jenkins for review who noted no violations. Code Enforcement found no violations. There is a state license that has been administratively extended for both licenses. There have been no complaints on the property. This will be the 3rd renewal for the business.

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Commissioner Payne moved to approve the 2017 Renewal of OPC 14-004 Thressor, LLC, doing business as Colorado Concentrate. Commissioner McFall seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner McFall, aye; Commissioner Bell, aye. The motion carried.

5. Request the Renewal MIP 14-001 of a Marijuana Infused Products license for Thressor LLC, doing business as Colorado Concentrate, for property which is owned by Nations Own LLC. The address of the property is 708 Fremont Street, Penrose, CO 81240. The property contains 10 acres more or less.
Representative: Chris Haight

Chris Haight stated he has switched from a butane extraction to a water-based extraction.

Commissioner McFall moved to approve the Renewal of MIP 14-001 Thressor LLC. Commissioner Payne seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

6. Presentation of 2016 Accountability Report

Commissioner Bell stated this is the 4th Accountability Report and was put together by one of the interns working for the County.

Manager Bryant presented the 2016 Fremont County Accountability Report.

Commissioner Bell thanked the intern, department heads, and elected officials for all their hard work. She invited all to take a look at the report on the County's website at www.fremontco.com.

Commissioner Payne thanked the intern and acknowledged all the hard work it takes to put this report together.

Commissioner McFall thanked all the department heads and elected officials for getting all the information turned in.

7. Consideration of a contract with Nunn Construction for the Fremont County Detention Center Security System Upgrade Project and authorization of Chairman's signature

Manager Bryant stated this is the contract bid that was awarded to Nunn Construction.

Commissioner Payne moved to approve and authorize the Chairman's signature on the contract with Nunn Construction for the Fremont County Detention Center Security System Upgrade Project. Commissioner McFall seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner McFall, aye; Commissioner Bell, aye. The motion carried.

8. Authorization for the Chairman to sign the Right of Way Grants with the Bureau of Land Management for County Road 31 (Indian Wells Rd)

Manager Bryant stated this is an indefinite agreement allowing entrance for a piece of property that the Bureau of Land Management owns.

Commissioner McFall moved to authorize the Chairman to sign the Right of Way Grants with the Bureau of Land Management for County Road 31 (Indian Wells Rd). Commissioner Payne seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

Chairman Bell adjourned the meeting at 11:38 a.m.