

SEVENTEENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on September 11, 2018, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Chairman Tim Payne called the meeting to order at 9:30 a.m.

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

Steve Holcomb, of the Canon Community Baptist 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 McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Payne, aye. The motion carried.

CONSENT AGENDA

1. Approval of Minutes / August 28, 2018
2. Approval of Bills for \$1,108,216.81
3. Schedule Public Hearing: September 25, 2018 at 10:00 a.m.
 - a. TUP 18-005 Skyline Mennonite Benefit Auction
Request approval of a Temporary Use Permit, Department file #TUP 18-005 Skyline Mennonite Benefit Auction, to allow an auction benefiting children locally and globally. The auction will take place on October 6, 2018 at 155 Shoop Drive, in the Airport Industrial Park on the Innovative Structures lot.
 - b. ZC 18-001 – Marilyn & 9th Zone Change Request
Request approval of a Zone Change, Department file #ZC 18-001 Marilyn & 9th by Vaquero Penrose Partners, LP, for the property which is located at the northwest corner of the intersection of Marilyn Drive and 9th Street in Penrose. The property is currently a portion of the Dollar General Lot and is under review for a Lot Line Adjustment combining the portion being rezoned to an existing lot being owned by Russell & Alice Sanders, at 509 9th Street.

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

ADMINISTRATIVE/INFORMATIONAL

1. Staff / Elected Officials:
 - a. County Manager Report, Sunny Bryant, County Manager

County Manager Bryant said that on September 5th, she, Commissioner McFall, County Engineer Don Moore and several potential engineers visited the Hayden Pass project. Bids are due on September 19th. County Manager Bryant said that the bids will be reviewed and she hopes to have a recommendation at the next meeting for an engineer.

County Manager Bryant said that she and the Commissioners met with representatives from the City of Florence on September 10th.

County Manager Bryant also said that she was starting the 2019 budget process. She has been compiling requests submitted by all departments. She plans to start meeting next week with the Commissioners.

Commissioner Bell wanted to congratulate the City of Florence on the annual Tour de Coal Towns in conjunction with Coal Creek, Rockvale and Williamsburg. She said it was a great Celebration.

Commissioner Bell also wanted to inform the public that Pioneer Day will be held in Florence, on Saturday, September 18, 2018. She encouraged everyone to attend.

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

George Storey said that on this Patriot's Day we should all work together. He has heard that Syria may be considering a chemical attack. He feels that chemical warfare shouldn't be used on humans.

Joshua Hinton said he wanted to address the odor permeating the Lincoln Park neighborhood. He indicated that emails had been sent to the Commissioners, Sheriff Martin and Department of Public Health Director Emma Davis, asking, "Is our neighborhood in danger?" Mr. Hinton said he spoke with Sheriff Martin on Saturday. His understanding of what Sheriff Martin said was that the Sheriff's Department is more concerned with the ammonia supposedly being held at Cotter. Mr. Hinton is rather alarmed with that statement. He indicated that Commissioner Payne had visited the Cotter site along with code enforcement and did not believe that was the source of the odor. Mr. Hinton also said that representatives from the Fremont County Department of Public Health as well as representatives from the State Department of Public Health have visited Cotter and they do not feel that is the source of the odor either. It is the belief of Mr. Hinton that this is a drug related problem. Mr. Hinton said there are scouts out on the streets at night to report when law enforcement enters the area. People walking around that appear to be high, blatant daylight theft and he personally witnessed a vapor cloud pouring out of a residence that stopped as soon as 911 was called. He would like to know if this is a possible major environmental issue or whether there is some kind of illegal activity. He is asking on behalf of the residents of Lincoln Park, that Fremont County make an official statement on the current conditions of the Lincoln Park neighborhood.

Commissioner Payne said that he also lives in that neighborhood and also gets woken up at night because of the odor. Commissioner Payne said that this is a well-established problem and that the county has people trying to find a solution.

Sheriff Martin said, in response to Mr. Hinton, that he was not stating anything to be fact when they spoke on Saturday. Sheriff Martin said that his department has given more resources in the past month toward this issue than anything else that has been going on in the community. Sheriff Martin said that nothing is being ruled out. He stated that the fire department, the county code enforcement, county health department, and state health department have all been working towards finding a solution. Sheriff Martin said that although there is no known cause, the issue continues to be investigated.

OLD BUSINESS

1. Hotel & Restaurant Liquor License Renewal
WHP Crossroads LLC
3925 Hill Circle
Colorado Springs, CO 80904
Representative: Billy Peetz

Chief Deputy Gardunio said that Mr. Peetz had submitted his letter for termination of his liquor license and his food license.

County Attorney Jackson said that no action was required.

NEW BUSINESS

1. Resolution in Recognition and Appreciation of the Vital Emergency Services Provided by First Responders in Fremont County, Colorado

Commissioner Bell recalled the day 17 years ago when the World Trade Center was destroyed in a terrorist attack. She said that act changed the face of America. Commissioner Bell also said that the good thing that came from this tragedy is our appreciation for first responders.

Commissioner Bell read the resolution recognizing the First Responders across Fremont County. Fremont County appreciates the First Responders that have committed themselves to a life of serving and helping others with professionalism and calm assurance in times of greatest need.

Commissioner Bell moved to adopt and approve Resolution #32. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Payne, aye. The motion carried.

2. Resolution Denying Reconsideration of Request for Modification of Medical Marijuana Optional Premises Cultivation License, OPC 14-001 Pure Medical, LLC Modification of Premises (#2)

Commissioner McFall moved to approve Resolution #33. Commissioner Bell seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Payne, aye. The motion carried

3. Approval of an Employee Assistance Program/Work-Life Contract with Health Management Systems of America
Representative: Tammy Childs, Fremont County Human Resources Director

Tammy Childs, Fremont County Human Resources Director, said that it has been recognized by the Commissioners that in addition to our annual health fair, that we have a need for an official program to help our employees with things from financial difficulties to traumatic events either at work or in their personal life. Ms. Childs said that she and Emma Davis, Public Health Director, set out to find someone to give us an employee assistance program. Ms. Childs said that the County has entered into a contract with Health Management Systems of America effective October 1, 2018. Ms. Childs said that County employees will be able to make contact with a counselor on the phone or up to 3 face to face visits.

Commissioner Bell feels like Fremont County has done a lot in terms of health events for the employees. She said that this is the next step in that assistance. Commissioner Bell said that up until now it has been geared more towards physical health but this adds a layer of mental health support that may be helpful to some, if not all, employees.

Commissioner Bell moved to approve the Employee Assistance Program/Work-Life contract with Health Management Systems of America. Commissioner McFall seconded

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

4. 2019 Holiday Schedule

Commissioner Bell stated that there are two Holiday Schedules, one for 10 hour employees and one for 8 hour employees. She said that they are both equal in the amount of holiday pay.

Commissioner McFall moved to approve the 2019 Holiday Schedule. Commissioner Bell seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

Public Hearings Scheduled for 10:00 a.m.

None

Chairman Tim Payne adjourned the meeting at 9:55 a.m.



Clerk and Recorder

RESOLUTION NO. 32, SERIES OF 2018

**A RESOLUTION IN RECOGNITION AND APPRECIATION OF THE
VITAL EMERGENCY SERVICES PROVIDED BY FIRST RESPONDERS
IN FREMONT COUNTY, COLORADO**

WHEREAS, Police, fire, medical, and other emergency services are a fundamental cornerstone of civil society; and

WHEREAS, First Responders, professional and volunteer alike, are the first line of defense for the public against threats that may put our communities and citizens at risk; and

WHEREAS, First Responders accept the challenges and responsibilities that go along with their chosen field; performing their duties without second thought or personal regard, to serve and protect others in their time of need; and

WHEREAS, First Responders across Fremont County stand ready, twenty-four hours a day, to come to the aid of all citizens; and

WHEREAS, First Responders have committed themselves to a life of serving and helping others with professionalism and calm assurance in times of greatest need; and

WHEREAS, First responders not only deal with emergencies but also volunteer many hours of service to schools, governmental and community organizations; and

WHEREAS, Public Safety Communication Officers are the first link between the citizen and the First Responder; and

WHEREAS, the safety of both citizens and First Responders is dependent upon the highly trained and skilled Public Safety Communication Officers; and

WHEREAS, all citizens should take some time to reflect on the job that is done by emergency services first responders - the emergency medical services providers, the police and the firefighters that seldom take the awards and accolades home with them, but instead take the memories with them that members of the public rarely see because of those men and women who dedicate their lives to help others.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS FOR THE COUNTY OF FREMONT, that we join with the citizens of Fremont County in saluting the work and efforts of the First Responders who answer the calls for emergency services and express our heartfelt gratitude for their dedicated service.

Commissioner Bell moved the adoption of the foregoing Resolution with a second by Commissioner McFall. Approved by roll call vote as follows:

Debbie Bell	<u>Aye</u>	Nay	Absent	Abstain
Dwayne McFall	<u>Aye</u>	Nay	Absent	Abstain
Timothy R. Payne	<u>Aye</u>	Nay	Absent	Abstain

The Resolution was declared to be duly adopted this 11th day of September, 2018.

TDP
Chairman

Attest: [Signature] Chief
Clerk to the Board Deputy

RESOLUTION NO. 33, SERIES OF 2018

RESOLUTION DENYING RECONSIDERATION OF REQUEST FOR MODIFICATION OF MEDICAL MARIJUANA OPTIONAL PREMISES CULTIVATION LICENSE

OPC 14-011 PURE MEDICAL, LLC, MODIFICATION OF PREMISES (#2)
440 8TH STREET, PENROSE, CO

WHEREAS, on October 25, 2016, the Board of County Commissioners adopted Resolution No. 22, Series of 2016, enacting Amended Fremont County Medical Marijuana Business Licensing Regulations within the unincorporated areas of Fremont County; and

WHEREAS, on May 1, 2018, Pure Medical, LLC submitted an application for modification of a Medical Marijuana Business License, requesting addition of a 90' X 60' building to the licensed premises, which presently contains various structures and an outdoor cultivation area; and

WHEREAS, following proper public notice, as required by the Business Licensing Regulations, the Board of County Commissioners, as the Local Licensing Authority for Medical Marijuana Business Licensing, held a public hearing on July 24, 2018, for consideration of the Modification Application; and

WHEREAS, on August 14, 2018, the Authority adopted and approved Resolution 28, Series of 2018, denying the request for modification of premises by Pure Medical; and

WHEREAS, on August 23, 2018, Pure Medical submitted a formal Request for Reconsideration of the denial set forth in Resolution 28, Series of 2018; and

WHEREAS, the Authority has no legal or regulatory obligation or requirement to reconsider a decision on a medical marijuana business license application; and

WHEREAS, the Request for Reconsideration presents Pure Medical's argument regarding the findings of the Authority, but the Authority is disinclined to engage in such an argument under the guise of reconsideration.

THEREFORE, the request for reconsideration of the Authority's denial of Pure Medical's Request for Modification of Premises (OPC 14-011) is denied. This Resolution shall constitute final, formal action for purposes of judicial review.


Commissioner McFall moved adoption of the foregoing Resolution, seconded by Commissioner Bell and approved by roll call vote as follows:

Debbie Bell	<u>Aye</u>	Nay	Absent	Abstain
Dwayne McFall	<u>Aye</u>	Nay	Absent	Abstain
Timothy R. Payne	<u>Aye</u>	Nay	Absent	Abstain

Date: 9/11/18

BOARD OF COUNTY COMMISSIONERS
OF FREMONT COUNTY

ATTEST:

By: 
Chairman

by:  Chief Deputy
Clerk to the Board