

TWENTIETH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on October 23, 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

A moment of silence was observed.

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, adding item #8 and item #9 to the end of New Business. 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 / October 9, 2018
2. Approval of Bills for \$1,171,102.41
3. Schedule Public Hearings: November 13, 2018 at 10:00 a.m.
 - a. Request: OPC 14-011 Pure Medical, LLC, dba Pure Medical (Optional Premises Cultivation license-Indoor Grow-Greenhouse, Commercial) Requesting the approval and issuance of a MODIFICATION of an Optional Premises Cultivation license, to allow for the operation of an Optional Premises Cultivation-Indoor Grow-Greenhouse, Commercial, at 440 8th Street, Penrose, Colorado. This modification request is to allow the construction of a 60'x70', metal building for vegetation, propagation, flowering, harvest, drying and storage. The new building will also include an employee restroom. The previous approval of canopies over the grow area was approved but the canopies have not been erected.
 - b. Request: SRU 18-002 Deer Mountain Fire Protection (Fire Station No.4) Request approval of a Special Review Use, Department file #SRU 17-002 Deer Mountain Fire Protection District (Fire Station No.4). The site is located at the southwest corner of the intersection of "P" path and C.R. 27 (Copper Gulch Road) in the Colorado Acres area. The site is 2.24 acres. The site will consist of a new apparatus garage.
 - c. Proposed 2019 Fremont County Budget

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 reported the following:

- On Thursday, October 11th, she attended the Area Manger's Luncheon. They had a productive discussion on topics that each entity is working on.
- On Thursday, October 16th, Commissioner McFall and she attended a discussion on the Hayden Pass Project and are working to compile the various funding sources and information. The project is under way and will be moving along quickly.
- On Thursday, October 18th, Commissioner McFall, Commissioner Payne and she attended a community breakfast hosted by Newmont Mine. The mine provided information about their operations, ways they are working to improve their mining, and things that they do throughout the community.

She noted a few projects that they are working on:

- They are finalizing the 2019 budget process. The budget will be posted on the County Website or available for review in the Administration Department.
- They continue to move forward on the Hayden Pass Project. The Engineer is going to start surveying the area within the next week.
- She has sent proposed Memorandum of Understandings to the City of Florence and the City of Cañon City for the EPA Brownfields Grant. They are finalizing the agreement with Stantec and plan to have a kickoff meeting scheduled in the next few weeks.

b. Sales & Use Tax Report, Sunny Bryant, County Manager

County Manger Bryant reported that the Retail Sales Tax collections for the month of August were \$457,772 which is up \$25,145 from last year and year-to-date is up \$142,952. The Construction Use Tax collections for the month of September were \$26,572 up \$8,574 from last year and up \$4,438 year-to-date. Lodging Tax for August was \$5,542 down \$6,667 from last year but up \$1,619 year-to-date. The Sheriff Retail Sales Tax collections were \$305,182 for the month of August which is up \$16,764 from last year and year-to-date is up \$95,301. The Sheriff Construction Use Tax collections were \$17,715 for the month September which are up \$5,716 from last year and up \$2,970 year-to-date.

Commissioner McFall mentioned that Newmont Mine allows their employees to take a percentage of their check that the mine will match 100% to be contributed to a Legacy Fund that has eight to ten non-profit organizations which can benefit our county even though the mine is not in Fremont County. He said they have always been great supporters of Fremont County and have even purchased animals at the county fair. McFall also talked about the three UAACOG recycling events that took place this year. This is an annual event where the county subsidizes fees and offers residents to be able to properly dispose of electronics at a reduced cost. The City of Florence event collected 12,125 pounds of electronics, the Copper Gulch event collected 3,837 pounds and the Canon City event collected 15,750 pounds. Residents from Penrose, Florence and the west end all participated in these events. Currently, Beth Lenz is working on creating another recycling event for the week after Christmas. McFall said there is no date or time set yet but it would be a great time of year to have one as people getting new electronics for the holidays will be looking to dispose of old ones.

Commissioner Bell wanted to remind everyone that it is election time and it is very important to be informed of what is on the ballot. She said that ballot language can be confusing and to remember that a "yes" vote is to change current law and a "no" vote is

to leave it the way it is. She asked for Chief Deputy Gardunio to explain all of the voting times and locations.

Chief Deputy Gardunio gave a list of all the times, days and locations that residents can visit to either drop off a ballot or vote in person.

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

George Storey wanted to mention how important fiber optics are and while Wells Fargo is closing tomorrow, the City of Canon City Water Department just patched an eight inch main. He said they also did a fiber optic patch by Valley Wide Health Center and have also tied in the Social Security Office. He said Charter Communications has been working on the roof and he has seen them at the Library working also. Lastly, he wished every a Happy Halloween.

OLD BUSINESS

None.

NEW BUSINESS

1. Proclamation for Adoption Day in Fremont County on November 16, 2018
Representative: Carrie Porter, Department of Human Services

Carrie Porter of DHS read the proclamation.

Commissioner Bell said that she has had the opportunity to attend this event and it is a wonderful celebration to see children being put in to their forever homes. She thanked the employees at DHS and the families involved. Carrie Porter said that it ties in to Kinship Care Month and that five of these children are being adopted by family.

Commissioner Bell moved to approve the proclamation, making November 16, 2018, Adoption Day in Fremont County. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Payne, aye. The motion carried.

2. Presentation from the Fremont County School and Public Employees Retirement Association
Representative: Roxanne Bradshaw, President

Donna Murphy and Leonard Nelson presented a symbolic check to the Commissioners in the amount of \$132,281.50 to represent the amount of unpaid volunteer hours the employees on behalf of the Fremont School & Public Employees Retirement Association. She said these are contributed by public employee retirees from the State of Colorado, Department of Corrections, all school districts including community colleges, firefighters, the judicial system and state troopers. There are 5,400 that reside in Fremont County. She said she is a retiree from the Department of Corrections but has joined up with school retirees who lobby to protect PERA. She said that other retirees should join up and help. They meet on the second Friday of every month at the Abbey at noon. She invited anyone who is retired PERA to attend.

Ms. Murphy also wanted to mention that the Fremont County Valdai Sister City Association is having a fundraiser tonight at Pizza Madness from 5:00 p.m. until 9:00 p.m. All the tips given during this time will go to the association. She said they are in the process of selecting some students to visit Valdai next summer.

Commissioner Bell said she has been to Valdai and it was an incredible experience. She said that Fremont County gets a lot out of it and encourages residents to support the organization. Bell said that you find out when you go to places such as Russia that you have more in common than you do in difference.

3. SRU 02-2 Arkansas River Tours

Change of operator from Bob Hamel to William Marquis, Wilamar Outfitters, Inc. dba Arkansas River Tours. The property is located approximately 1/3 mile west of the intersection of U.S. Highway 50 and County Road #12, on the north side of U.S. Highway 50, in the Cotopaxi Area.

Representatives: Bob Hamel and William Marquis

Bob Hamel said that they have had this special use permit since 2002. He said they sold their business in January of 2017 and this permit has allowed employees to camp onsite. This request is just to change operators to the new owner, William Marquis.

Planning and Zoning Director Koch said that everything is in order, there hasn't been any concerns or complaints so the change in operator shouldn't be an issue.

Commissioner McFall moved to approve SRU 02-2. Commissioner Bell seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

4. Liquor License Renewal

Deadline & Late Fee Waiver/Application Review

My Sister's Place at the Royal Gorge

19 County Road 3A

Canon City, CO 81212

Representative: Diana Drake

Diana Drake said that the reason for the late remittance was that they have new mailboxes that were installed out by her business and there have been several mix ups with other businesses getting each other's mail. As to the recent DUI charge, she said it was during a Mark Chestnut concert that was held at the Royal Gorge. She had one drink and drove home. She was pulled over and blew a 1.1 alcohol level. She said this was actually from 2016 and it was finally resolved in April of 2018.

Commissioner McFall asked if this had really been going on for two years. Ms. Drake said, yes, she went through four public defenders and the whole situation was a mess.

Commissioner Bell said that there were no issues reported with the Sheriff's department and that Sheriff Martin recommended approval.

Commissioner Bell moved to approve the deadline waiver but deny the waiver of the late fee. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Payne, aye. The motion carried.

5. Appoint a new member to the Fremont County 4-H Fair Board to fill a vacant position with a term ending December 31, 2021

Commissioner McFall said that a letter of interest had been submitted from Laura Taylor to fill an open position. He also mentioned that there are three more opening for the Fair Board. He feels Laura will make a good addition.

Commissioner Bell said that this position is a year-round position but it is an amazing opportunity.

Commissioner McFall moved to appoint Laura Taylor to the Fremont County 4-H Board with a term ending December 31, 2021. Commissioner Bell seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

6. Ratification of Chairman's signature on Division of Homeland Security and Emergency Management, Colorado Department of Public Safety Grant Agreement for the Hayden Pass Fire

Commissioner McFall said they reached out to the Division of Homeland Security and were awarded \$453,850 to help with the Hayden Pass burn scar. This is a match to the federal money that we received.

County Manager Bryant said that when Fremont County originally when through the process with NRCS they applied for 1.8 million dollars. She said the split was going to be 75% NRCS, 25% local funds. The \$453,000 was secured to meet that 25% obligation which is what this grant agreement is for.

Commissioner Payne wanted to commend Commissioner McFall for all of his time and effort he has put into the Hayden Pass Fire recovery process.

Commissioner McFall moved to approve the ratification of the Chairman's signature. Commissioner Bell seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

7. Ratification of Chairman's signature on a corrected Application for Federal Assistance SF-424 with the USDA Natural Resources Conservation Services for the Hayden Pass Fire

Commissioner McFall said that the split with NRCS went from 75/25 to a 90/10 split which takes the County's portion down to 10% instead of 25%. He said there was also more money added to that which takes the total to around 3 million dollars. McFall said this will be a huge project that will get started this week.

Commissioner Bell moved to approve the ratification of the Chairman's signature. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Payne, aye. The motion carried.

8. Ratification of Chairman's signature on the professional services agreement with OTAK for Hayden Pass Flood Recovery Design Services

County Manager Bryant said that they went through the process of requesting qualifications for engineers that would be interested in this project. Two firms submitted qualifications and proposals. The Commissioners chose OTAK and this is to ratify the signature on the agreement. Bryant explained that the reason for the last three items having to be ratified is because they wanted to complete all the paperwork necessary so that work could start this week. They don't want to further delay this project as there is a 220 day deadline with the NRCS funds. The agreement with NRCS was signed August 24, 2018 so we are already two months in to the agreement.

Commissioner McFall moved to approve the ratification of the Chairman's signature. Commissioner Bell seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

9. Approval of a professional services agreement with Stantec for the EPA Brownfield Grant Application and Implementation Assistance

County Manager Bryant said that we were approached by a group for applying for the EPA grant to assess Brownfield projects. It was a short timeline and Commissioner Bell was instrumental and rallied everyone together to getting it moving forward. They put out a request for proposals to find a company to come in and help with this type of project. The bid was awarded to Stantec. They assisted with the application process and the county was awarded the grant of \$600,000 over a three year period. Stantec will coordinate with the County, the City of Canon City and the City of Florence to come up with a list of projects. MOU's have been sent to Canon and Florence and a kickoff meeting will be setup soon.

Commissioner Bell said the Fremont Economic Development Corporation is the group that reached out to them to apply for this grant as it has to go through a government agency and could not have simply been applied for by FEDC. She said that the

application process was crazy and Diana Armstrong was instrumental in getting those completed.

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

PUBLIC HEARINGS SCHEDULED FOR 10:00 a.m.

None.

Chairman Tim Payne adjourned the meeting at 10:10 a.m.

Clerk and Recorder