

TWENTY FIRST MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on November 13, 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
Debbie Oliver (Deputy)	Clerk and Recorder	Present
Brenda Jackson	County Attorney	Present
Sunny Bryant	County Manager	Present
Marshall Butler	Planning & Zoning Coordinator	Present

Invocation: Todd Luce, Grandview Christian Church

Pledge of Allegiance

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 / October 23, 2018
2. Approval of Bills for \$3,660,853.74
3. Schedule a Special Meeting at 9:30 a.m. on Tuesday, December 18, 2018, to certify the mill levy and adopt the 2019 Budget
4. Ratification of Chairman Pro-Tem's signature on an Agreement for Professional Services with Short Elliott Hendrickson, Inc. for Special Bridge Fund Grant Support
5. Schedule Public Hearing: December 11, 2018, at 10:00 a.m.
 - a. Request approval of a proposed amendment to the Fremont County Medical Marijuana Business Licensing Regulations

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 Clerk's Monthly Report – August, September

Deputy Oliver reported that the total MV Fees, Sales Taxes and Recording Fees collected for August 2018 was \$1,302,820.85. Fremont County's portion for disbursement was \$756,014.89 which is 58% of the total fees and is \$47,298.83 more than August of 2017. She also reported that year to date the Clerk's office is up \$379,812.62 from last year

Deputy Oliver continued with the County Clerk's report for the Month of September 2018. She reported that the total MV Fees, Sales Taxes and Recording Fees collected for

September 2018 was \$1,040,778.19. Fremont County's portion for disbursement was \$594,696.69 which is 57% of the total fees and is \$33,789.25 less than September of 2017. Deputy Oliver stated that year to date the Clerk's office is up \$346,023.37 from last year.

Commissioner Bell explained that the reason for the delay in the Clerk's reports is because of the recent changes that the state has made to the software used in Motor Vehicle. Commissioner Bell further explained that these changes have been a struggle for the whole state not just Fremont County. She went on to say how proud the Board is of the employees in the Clerk's office for working through these issues.

Commissioner McFall also commended the staff in Motor Vehicle for their hard work during the transition to the new software implemented by the state.

Commissioner Bell moved to approve the County Clerk's Report for the Month of August 2018 and the Month of September 2018. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Payne, aye. The motion carried.

b. County Manager Report, Sunny Bryant, County Manager

County Manager Bryant reported updates on a few projects:

- The 2019 budget process is being finalized. Included in today's agenda is will be a public hearing on the proposed budget. If anyone would like to view the entire proposed budget, it is posted on the county's website.
- The Hayden -Ppass project continues to move forward. Commissioner McFall and County Manager Bryant will attend a meeting this evening at 6:00 p.m. up in that area to have discussions with the citizens that will be impacted in the first portion of that project.
- The Kick off meeting for the EPA Brownfields Grant will be on December 6, 2018. We are meeting with our Coalition partners and are excited about getting that project up and running.
- The Phantom Canyon Tunnel Rehab project is scheduled to begin on December 3, 2018. The contractors are hoping to have that done in the month of December. Phantom Canyon Road will be closed during that time. We received a grant from the Department of Local Affairs for \$100,000.00 to go towards that project. We are very grateful for those funds.
- There is a shade structure in the process of being built at the War Memorial Park to cover the In God We Trust display. Hopefully that will be done in the month of November. The sun has beat down on the display and has taken its toll on the memorial. The structure will be a great addition to the War Memorial Park as well as providing shade to protect the display from the sun's harmful rays.

Commissioner Bell wanted to recognize and thank all of the Veteran-'s for their service to our Country.

Commissioner McFall was thankful for the moisture we received.

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

Bradley Harris stated that he is a lifelong resident of Fremont County. He said he is wanting to build a self-sustaining home. He has been frustrated in the process with several different obstacles but, the one he spoke about today was the issue of getting a permit for a composting toilet. Mr. Harris' understanding is that he cannot get a permit

for a composting toilet which would permit him to be totally off grid as well as saving on water usage.

Commissioner Payne said that he would talk with the building department about Mr. Harris' questions and concerns.

Richard Hollabaugh said that he had recently been at a road block due to a terrible vehicle accident on Highway 50. He stated that as he was sitting in the line of cars he noticed all of the first responders rushing to the scene with their lights and sirens. As stated by Mr. Hollabaugh, a little while later the Coroner came by with no lights on his vehicle. Mr. Hollabaugh was wondering why the Coroner did not have the same emergency lights that the other first responders had.

Commissioner Payne said there is a difference of opinion on state statute between the Commissioners and the Coroner. Commissioner Payne stated that the Coroner wants red and white emergency lights but according to state statute he should have yellow and white.

Commissioner McFall added that the Coroner is not a first responder. He said that is for Police and Ambulance vehicles. Commissioner McFall said that approximately four months ago the Board put it in the Coroner's hands to get quotes for the appropriate emergency lights for his vehicle. Commissioner McFall said that the Board has not heard back from the Coroner so that is the reason there are no emergency lights on his vehicle at this time.

OLD BUSINESS

None.

NEW BUSINESS

1. Request: CUP 10-003 Taylor Ranch Exploration/Black Range Minerals Colorado, LLC

Request approval of an extension of Conditional Use Permit, Department file #CUP 10-003 Taylor Ranch Exploration/Black Range Minerals Colorado LLC, to allow for a four (4) year extension of CUP by Black Range Minerals Colorado, LLC, for property which is leased from various property owners. The property is located south of Fremont County Road 2 and west of County Roads 21 and 21A in the Tallahassee Area.

Representative: Michael Rutter, Exploration Manager-USA, Black Range Minerals

Commissioner Payne asked how the reclamation was going.

Michael Rutter stated that the reclamation is about 90% on all the wells not being used. There should be eight wells totally reclaimed by spring. Mr. Rutter would like to keep the rest of the wells going to collect data. Mr. Rutter said that there are some wells that are going to be drilled out in the next couple of years and instead of filing for new permits he would like to extend the current permits.

Commissioner McFall said that he was a little confused when Mr. Rutter said that he wanted to keep the permits for when the project "gets going".

Michael Rutter said there are quite a few wells out there. The wells that are being reclaimed are no longer needed. The rest of the wells will be kept for the future.

Commissioner Payne asked when the last time any drilling was done.

Michael Rutter indicated that the last time any drilling was done was in 2014.

Planning and Zoning Coordinator Butler gave a staff report. Black Range Minerals has requested a four year extension of the exploration activity. The property is located in the Tallahassee area. Through correspondence, we found out that they have decided at this point

not to renew their lease with the Boyer Ranch on the property which would be a considerable reduction in size.

County Attorney Jackson clarified, with Mr. Rutter, that it is his understanding that in order to keep some of the wells open the permit needs to still be in place.

Bob Wellott wanted to speak in opposition to the extension. He feels that Black Range Minerals has had plenty of time to obtain the information they are looking for. The property that is being explored by Black Range Minerals is right across the road from his Mr. Wellott's home. He noted that he has neighbors that have radiation problems with their water. Mr. Wellott believes that there is no reason to increase potential radiation contamination to the water wells in this area. He said that the citizens in close proximity to this area have spent a lot of money to get filtration systems to use the water and they still don't drink the water.

Commissioner Bell commented that in the letter from Black Range Minerals, it explains that it is "not feasible to continue exploration at this time". If the CUP is not continued we will not be able to look at the wells that are there. She is concerned about that simply because she would hate to see the CUP stopped and then two years from now have them come in with a brand new CUP application to re-drill all those wells.

Commissioner McFall said the letter states that they are removing service materials. What does that mean?

Michael Rutter said that the old system is being taken out, other than the piping. This spring they will pull out the piping and close those wells out. The monitor wells he would like to keep open in case we want to do something else with it. Or give a couple of more years to decide what needs to be done.

County Attorney Jackson asked Mr. Rutter if he had considered a modification of the CUP for just monitoring as opposed to the full range of exploration.

Michael Rutter said that was an option he was looking into. He has talked with the state about filing for a modification. He didn't realize this permit was set to expire so he wanted to get the extension to give them additional time to file a modification.

Commissioner McFall has concerns that the area has changed since the first application.

Commissioner Bell said that she wasn't looking kindly on an extension of an entire CUP simply for monitoring.

Commissioner McFall moved to table the request for approval of an extension of Conditional Use Permit, Department file #CUP 10-003 until December 11, 2018
Commissioner Bell seconded the motion. Upon Vote: Commissioner McFall, aye;
Commissioner Bell, aye; Commissioner Payne aye. The motion carried.

2. Approval of a Memorandum of Agreement between the City of Cañon City, the City of Florence, and Fremont County for the Brownfields Assessment Coalition

County Manager Bryant said that the City of Canon City and the City of Florence have approved this. This is establishing the coalition. We are all going to determine the Brownfields sites and then assess and work towards reclamation.

Commissioner Bell said that she is excited to see this project get going.

Commissioner Bell moved to approve the Memorandum of Agreement between the City of Cañon City, the City of Florence, and Fremont County for the Brownfields Assessment Coalition
Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Payne aye. The motion carried.

3. Acceptance of a proposal for a three-year engagement for the Fremont County Financial Audit and authorization for Chairman's signature on an Engagement Letter

County Manager Bryant said that after putting out the Request for Proposals there were three proposals received. The lowest bidder and what we feel is a very responsible bidder was Logan and Associates. The fees for a full audit for 2018 is \$26,000.00 for 2019 it is \$24,900.00 and for 2020 it is \$24,900.00.

Commissioner Bell added that although we have not had Logan and Associates do a full audit for the County we have done some work with them and have been very impressed and happy with the work they have done.

Commissioner McFall moved to accept the recommendation from County Manager Bryant and approve Logan and Associates LLC for a three-year engagement for the Fremont County Financial Audit and authorization for Chairman's signature on an Engagement Letter. 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.:

1. 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.
Representative: Jason Vanstrom

James Marks said he understands the pressure put on the board by the community. He said that he does not take this lightly. He stated that this is something that this business requires to prosper and support the community.

Karlie Van Arnam presented a diagram of the property that shows the new building they are wanting to construct. This would be a two story building that would house restroom facilities for employees, a harvest room, a multi-use room that would be for additional drying room and storage. The second story would house an office for the surveillance equipment, storage and drying racks.

Commissioner Bell asked if Pure Medical already had permission to build an employee restroom with a harvest room.

James Marks indicated that they have not asked for this before because the full time employees were at the facility in Colorado Springs, which they no longer have. Now, in order to provide restrooms for the remaining employees, Mr. Marks has to leave his house unlocked or rent a portable restroom which they did for the last harvest season.

Commissioner Payne wanted to know if this will add any employees.

James Marks said that it would. He said that he had to lay off several employees because of the denial earlier in the year. He said these employees were from the Fremont County area.

Planning and Zoning Coordinator Butler said that this is the third request for modification. This modification would allow for the construction of a 60 X 70 square foot building which is about 600 square feet less than what was requested in the second modification.

Chairman Payne opened the public hearing at 10:32 a.m.

Tyler Hearn said that these were great people that kept him employed when he needed employment. When the expansion was denied he lost his employment. He is a lifelong Fremont County resident and he feels that the county has taken away his employment by denying the expansion of the facility.

Bradley Harris said he was all about having health conscious growers in the community. He appreciates better product. He supports Pure Medical being part of this community.

Roger McKissack said he is concerned with the parking issue on 8th Street. Another issue that concerns him is the campers on the property. Mr. McKissack said that there are a lot of people there all the time. Mr. McKissack was wondering how tall the building will be. Another concern that Mr. McKissack voice is the lights being on all night long. He also voiced concern over how many plants are grown or brought in to that facility.

Chairman Payne closed the public hearing at 10:39 a.m.

Karlie Van Arnam said that the parking can be reconfigured especially during their seasonal influx for harvest. Ms. Van Arnam said there is a camper stored on the property but not in use. Regarding the concerns about the lighting she explained that this is not a greenhouse so there will not be 24 hour lighting required. The roof will be constructed of metal. Ms. Van Arnam explained that the state has a real time count of every plant.

Commissioner Bell said that she understands the frustration of everyone concerned. She knows that everyone concerned wants an answer. Commissioner went on to say that there are times when the board has to discuss among themselves to create a set of findings that supports the decision they make.

Commissioner Payne said that in the past Pure Medical has been accused of not being forth coming but he feels that there has been vast improvement.

Commissioner Bell moved to table request OPC 14-011 until the November 26, 2018 board meeting. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Payne aye. The motion carried.

Commissioner Bell added that the meeting on Monday November 26, 2018 will not be a public hearing.

2. 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.
Representative: Elaine Foster

Karen McGee said that Deer Mountain Fire Protection District would like to eventually build an apparatus garage on the site on Copper Gulch Road in the Colorado Acres area.

P & Z Coordinator Butler said that this application has been before the planning commission. After having lengthy discussions about location and priority with in the protection district, the commission recommended denial with a six to nothing vote. The department review of the application found it to be complete. All requirements to be satisfied. Contingency items driveway access permit from DOT any requirements by the Fremont County Engineer.

Chairman Payne opened the public hearing at 10:53 a.m.

Lester Limon said that he is the chairman of the station 3 building committee. He is in opposition to the request due to Station 3 located in Indian Springs not being completed.

Joseph Cascarelli president of the Cody Park Property Owner's Association. He is in favor of the request and said that the Cody Park Property Owner's Association is willing to donate money for the completion of the station 4 building.

Nancy K Reed is on the Indian Springs Land Owners Association Board. She is in opposition of the request due to the Deer Mountain Fire Protection District not complying with the MOU they have with Indian Springs.

James Potter said he was in opposition to the request. He feels like one project should be completed before another project is started

Jim Bradbury has been a homeowner for 14 years in the Cody Park area and is in support of the Station 4 project.

Bob Mayer has been a property owner for 19 years and is in favor of the proposed station.

Peggy Kavookjian lives in Cody Park as well and is in favor of the Station 4 proposal.

Joe Watts wanted to emphasize that this about Station 4 only and has nothing to do with the Station 3 site.

Jan Clopton is a full time resident of Cody Park. She is in favor of the board approving the request.

Omeria Elkins is a Cody Park property owner. She is also in support of Station 4.

Mike Banks is also a Cody Park property owner and wanted the board to see the support that the project has from the community.

Chairman Payne closed the public hearing at 11:29 a.m.

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

3. Proposed 2019 Fremont County Budget

County Manager Bryant went over the 2019 budget with a PowerPoint presentation. County Manager Bryant said that the next step is for the budget to be adopted at a special meeting scheduled for December 18, 2018 at 9:30 a.m. She said that the 2019 proposed budget is posted on the County's website and a paper copy is available for review in the Administration Department in Room 106.

Commissioner Bell wanted to address the .50 an hour raise for the county employees. She explained that this came up in 2017 because of the changes to minimum being voted in by the Voters in 2016. She said the board had several conversations on how to implement the increases. Commissioner Bell said that the board thought that giving everyone a .50 an hour raise instead of a percentage was fairer for the majority of the employees. Commissioner also thanked County Manager Bryant and the finance staff for working so successfully on the 2019 budget.

County Manager Bryant said that she appreciated the department heads, elected officials, and staff that helped get information and numbers in such timely manner. She is grateful for the help in making this a smooth process for such a big budget.

Commissioner Payne said that the residential assessment rate with the Gallagher amendment will hit us in 2020 along with other special districts. He said that it is a very complicated issue but that we need to look at that in 2020 if legislature doesn't come up with a solution. Commissioner Payne said that he enjoys the budget process and takes it very serious that the board is spending other people's money.

Chairman Payne opened the public hearing at 11:52 a.m.

Rich Hildebrand was wondering if the county had put any of their investments in high interest banks that pay 2 – 3 % more. He said that had made a big difference at Penrose water.

County Manager Bryant said that the treasurer does the investments but that there had been substantial increase this year in interest income from transferring funds from regular checking accounts into Colotrust which pays a higher rate of interest.

Chairman Payne closed the public hearing at 11:54 a.m.

NEW BUSINESS, continued

4. Appoint a new member to the Fremont County Airport Advisory Board for a three-year term ending October 1, 2021

Commissioner Bell moved to appoint Skip Moreau to the Fremont County Airport Advisory Board for a three-year term ending October 1, 2021. 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 Fair Board for a three-year term ending December 31, 2021

Commissioner McFall moved to appoint Grant Ary to the Fremont County Fair Board for a three-year term ending December 31, 2021. Commissioner Bell seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried.

6. Reappoint Larry Brown to the Fremont County Planning Commission for a four-year term ending December 31, 2022

Commissioner Bell moved to reappoint Larry Brown to the Fremont County Planning Commission for a four-year term ending December 31, 2022. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Payne, aye. The motion carried.

7. Closure of the Fremont County Administration Building and the Garden Park Building on December 12 at 3:00 p.m. for the Annual Administration Christmas Party

Commissioner McFall moved to approve the closure of the Fremont County Administration Building and the Garden Park Building on December 12 at 3:00 p.m. for the Annual Administration Christmas Party. Commissioner Bell seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

Chairman Tim Payne adjourned the meeting at 11:58a.m.

Clerk and Recorder