

## TWENTY SECOND MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on November 26, 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	Absent
Sean Garrett	Planning & Zoning Director	Present

**Invocation:** Tom Kilgore, 1<sup>st</sup> Southern Baptist Church

### **Pledge of Allegiance**

### **APPROVAL OF AGENDA**

**Commissioner Bell** added an item to the agenda under New Business for Consideration. It will be item number 4, approval of Department of Local Affairs grant application for the Judicial Center Courtroom Project.

**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 / November 13, 2018
2. Approval of Bills for \$3,249,363.73
3. Approval of fee waiver for half the application fee for SRU 18-004 Deer Mountain Fire Protection District (Station 4)
4. Request Resolution Number for SRU 18-004 Deer Mountain Fire Protection District (Station 4)
5. Ratification of Chairman's Signature on a Special Bridge Fund—Bridge Project Cost Estimates for structures FRCO 105-GRV AV and FRCO 302-CHERRY
6. Schedule Public Hearings:

**Commissioner Payne** made note that item four will be Resolution Number 38. He also said that item number five is to get a cost estimate for the replacement of a couple of bridges.

**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. Public Trustee's Quarterly Report, Kathy Elliott, County Treasurer

**County Treasurer Kathy Elliott** said that from the month of July through September there were 467 Release Deeds of Trust processed. She went on to say that there have been 25 foreclosures initiated during that same time frame. County Treasurer Elliott gave some history in regards to foreclosures saying that in 2015 there were 136, 2016 there were 113, 2017 there were 95 and so far for this year there have been 74 started.

**Commissioner Bell** remembered that prior to 2015 foreclosures were over 300 so these numbers are looking much better.

**County Treasurer Elliott** also wanted to add that they have hired Minnette Viall. Since Debbie Chess is looking to retire in the next two years, the Treasurer's office is training Minnette to eventually step in to the Public Trustee roll.

**Commissioner Bell** moved to approve the Public Trustee's Quarterly Report. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Payne, aye. The motion carried.

b. County Clerk's Monthly Report

**Deputy Debbie Oliver** gave the County Clerk and Recorder's Report for the Month of October 2018. She stated that the total motor vehicle fees, sales taxes and recording fees collected for October 2018 was \$1,509,877.02. Fremont County's portion for disbursement is \$855,391.66 which is 57% of the total fees and is \$144,542.20 more than October of 2017. She went on to say that the Clerk's office is up \$490,565.57 from last year.

**Commissioner Bell** made note that with this report it appears that the Clerk's office has overcome the challenges that the office faced with the implementation of the new state system. She commended the staff on their hard work and perseverance.

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

**Commissioner Bell** would like to encourage the community to shop small this holiday season rather than going to the large box stores or online.

**Commissioner McFall** welcomed the new Planning and Zoning Director Sean Garrett. Commissioner McFall said that the previous P & Z Director resigned to go back in to the private sector.

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

None

**OLD BUSINESS**

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.

**Commissioner Bell** read number 8 and number 13 of the Board's findings.

**Commissioner Payne** read item D from the Board's findings as well as item 2 and 3. He also said that Pure Medical addressed a lot of the concerns from the last denial.

**Commissioner McFall** said that although he may not personally agree with the approval, there is no legal reason to deny the request. He hopes that everything happens the way it was presented. The people of Penrose deserve respect.

**James Marks** said that all of these modifications address the communities concerns. He also wanted clarification on the last finding read by Commissioner Payne.

**County Attorney Jackson** said that the board does not want an indoor cultivation facility for flowering plants. County Attorney Jackson also suggested that Mr. Marks take a look at the board's resolution and if he thinks that board does not have complete information come back and ask for a reconsideration on a single issue.

**Commissioner Bell** thinks that the new building will make it easier for the neighbors to deal with this facility in their neighborhood. It should be a good thing for the community.

**Commissioner Bell** moved to approve resolution number 39, a request for approval and issuance of an OPC 14-011 Pure Medical, LLC, dba Pure Medical (Optional Premises Cultivation License-Indoor Grow-Greenhouse, Commercial). Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Payne, aye. The motion carried.

#### **NEW BUSINESS**

1. Re-appointment of Jim Javernick and Michael Pullen to the Board of Zoning Adjustment for three-year terms ending November 30, 2021

**Commissioner McFall** moved to re-appoint Jim Javernick and Michael Pullen to the Board of Zoning Adjustment for three-year terms ending November 30, 2021. Commissioner Bell seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried

2. Appointment of a new member to the John C Fremont Library District Board to fill a vacancy with a term ending December 31, 2019

**Commissioner Bell** moved to appoint Kevin Mahmalji to the John C. Fremont Library District Board to fill a vacancy with a term ending December 31, 2019. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Payne, aye. The motion carried.

3. Appointment of a new member to the John C Fremont Library District Board to fill a vacancy with a term ending December 31, 2023

**Commissioner McFall** moved to appoint Barbara Clark to the John C. Fremont Library District Board to fill a vacancy with a term ending December 31, 2023. Commissioner Bell seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried

4. Approval of Department of Local Affairs grant application for the Judicial Center Courtroom Project.

**Commissioner McFall** said that when the judicial building was built there were rooms that were not completed but designed for future growth. There is now need for another court room. He said that the county will be submitting a grant to the Department of Local Affairs for \$272,500.00 to complete the construction.

**Commissioner McFall** moved to approve a Department of Local Affairs grant application for the Judicial Center Courtroom Project. Commissioner Bell seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried

**PUBLIC HEARINGS**

None

**Chairman Tim Payne** adjourned the meeting at 9:52a.m.

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Clerk and Recorder