

TWENTY THIRD MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on December 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	Clerk and Recorder	Present
Brenda Jackson	County Attorney	Present
Sunny Bryant	County Manager	Present
Sean Garrett	Planning & Zoning Director	Present

Invocation: Pat McFarland

Pledge of Allegiance

APPROVAL OF AGENDA

Commissioner Bell noted a minor change in the agenda. She pointed out that there was a typographical error and that it is the 2018 Employee of the Year not 2017.

Commissioner Payne let everyone know that two items on the agenda are not public hearings and that we will not be taking any comments on those items.

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

CONSENT AGENDA

1. Approval of Minutes / November 26, 2018
2. Approval of Bills for \$3,945,151.14
3. Ratification of Chairman's signature a grant agreement with the Colorado Department of Public Safety, Division of Criminal Justice for the Victims of Crime Act (VOCA) Grant
4. Approval of Department of Local Affairs grant application for the Gray and Black Market Marijuana Enforcement Grant Program
5. Approval of a Community Development Block Grant Business Loan Fund Application by Chaffee County and UAACOG for Fremont, Chaffee, Custer, Park, Teller, and Lake Counties and authorization of Chairman's signature on a Citizen Participation Plan, a Residential Anti-displacement and Relocation Assistance Plan, and an IGA
6. Schedule Public Hearings: None

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

Chief Deputy Dotty Gardunio said that the total MV Fees, Sales Taxes and Recording Fees collected for November 2019 were \$935,123.25. She then said that Fremont County's portion for disbursement was \$540,650.16 which is 58% of the total fees and is \$130,791.21 less than November of 2017. Chief Deputy Gardunio ended the report saying that the Clerk's office is up \$359,774.36 from last year.

Commissioner Bell moved to accept the County Clerk's Report for the Month of November, 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 Sunny Bryant gave an update on some of the projects that are ongoing in Fremont County.

- She said that the 2019 budget process is being finalized. She said that there would be a special meeting next Tuesday, December 18, 2018 at 9:30 a.m., for the consideration of adoption of the 2019 budget.
- She talked about the Hayden Pass Project. She said that the draft plans are being sent to the homeowners in that area so they are kept informed of the work being done.
- She said that there was a kickoff meeting for the EPA Brownfields grant. She explained that this grant looks at property that may have some kind of environmental risk factor. She said that the groups involved are Fremont County Canon City, City of Florence, and Fremont Economic Development Corporation with Fremont County the grant recipient. The grant is for \$600,000.00 over a three-year period. County Manager Bryant indicated that if you have property that you think might qualify you can reach out to the County to get a nomination form.
- She said that the work on the Phantom Canyon tunnel rehab project continues. The work started December 3, 2018 and they hope to be done the beginning of January, 2019. County Manager Bryant explained that an inspection of the tunnel failed so, they are getting it secured and stable.
- She said that the shade structure covering the "In God We Trust" display at the airport has been completed to prevent the sun from damaging the pennies.
- County Manager Bryant said that she was notified this week that we have been awarded \$200,000.00 after she and Commissioner McFall attended an underfunded courthouse hearing. She said that the County is also applying for a DOLA grant to finish courtroom space on the second floor of the judicial building.

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

County Manager Sunny Bryant said that the Retail Sales Tax Collections through October, 2018 were \$395,753 which is up \$17,690 from last year and year to date it is up \$183,555.

She said the Auto Use tax Collections through November 2018 were \$84,081 which is down from last year but year to date it is up \$93,819.

She went on to say that the Construction Use Tax Collections through October 2018 were \$77,262 which is up \$7,876 from last year and year to date is up \$12,315.

She said that the Lodging Tax through October 2018 was \$335 which is down from last year and year to date down \$1,967.

She stated that the Sheriff Retail Sales Tax Collections were \$263,836 which is up \$11,793 from last year and up \$122,370 year to date.

County Manager Bryant said that the Sheriff Auto Use Tax Collections were \$56,054 which is up \$9,636 from last year and year to date they are up \$62,486

Lastly, she said that the Sheriff's Construction Use Tax was \$51,508 which is up \$5,043 from last year and year to date up \$8,012.

Commissioner Bell said that the commissioners were able to surprise County Manager Sunny Bryant with a special award two weeks ago. She said that they had nominated County Manager Bryant for the County Administrator of the Year Award and out of the whole state of Colorado, County Manager Bryant was chosen as the 2018 recipient of the award. Commissioner Bell read some of what they had said about Sunny in the nomination.

County Manager Bryant wanted to publicly thank all the department heads, the staff and employees, and the elected officials. She said that she feels that she works with an amazing group of people and that she sincerely respects everyone. She said that Fremont County is full of amazing people.

Commissioner McFall wanted to thank everyone for coming to today's meeting and being involved.

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

None

OLD 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 Fremont County Roads 21 and 21A, in the Tallahassee Area.

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

Planning and Zoning Director Garrett gave a staff report explaining that the applicant had agreed to modify the conditions to limit it to water sampling and reclamation of disturbed area for that extension period.

Commissioner McFall wanted to elaborate on the fact that this is a win/win situation for everyone involved.

Commissioner Bell moved to approve resolution number 40 to modify and extend the CUP 10-003 for Taylor Ranch Exploration/Black Range Minerals Colorado, LLC to allow them to only take water samples and reclaim that property. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall aye; Commissioner Payne, aye. The motion carried.

NEW BUSINESS

1. Recognition of the 2018 Fremont County Employee of the Year and nominees

Commissioner Bell, Commissioner McFall, and Commissioner Payne took turns reading all of the nomination letters, and all nominees were recognized with certificates. Jon Grayson was selected and recognized as the 2018 Fremont County Employee of the Year.

2. Request: CUP 12-003 Dawson Gold Project (Exploration) Extension of Exploration

Request approval to extend exploration for Conditional Use Permit (CUP) 12- 003 Dawson Gold Project (Exploration) for a three year extension from February 26, 2019 to February 26, 2022. The amended Conditional Use Permit was approved on February 25, 2014 and the original approval was February 12, 2013. The property (access entrance) is located on the south side of Fremont County Road 3 approximately three miles southwest from the intersection of Fremont County Road 3 and Mariposa Road, thence approximately one mile south from Fremont County Road 3 to the claim area.

Representative: Angela Bellantoni, Environmental Alternatives, Inc.

Angela Bellantoni said that this is a repeat of what happened three years ago. She said the methods are consistent with those approved in 2012. Dr. Bellantoni stated that over the last 6 years there have been 250 days of actual drilling exploration on the site. She went on to say that the proposed extension is for three years with the same methods and anticipation for exploration.

Commissioner Payne said he has heard of new claims being staked outside of this CUP. He wanted to confirm that this extension does not include expanding the area to take those in.

Commissioner Bell clarified that this extension is for the current footprint, current borders, with no expansion.

Commissioner McFall said that the current boundaries are 593 acres with only 4.89 acres disturbed.

Planning and Zoning Director Garrett gave a staff report saying everything was in order and recommend approval with the condition that proof of access being used is set in place and adequate is provided.

Commissioner McFall moved to approve CUP 12-003 Dawson Gold Project (Exploration) Extension of Exploration Request approval to extend exploration for Conditional Use Permit (CUP) 12- 003 Dawson Gold Project (Exploration) for a three-year extension from February 26, 2019 to February 26, 2022 with the contingency that they provide proof of access. Commissioner Bell seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

PUBLIC HEARINGS

1. Request approval of a proposed amendment to the Fremont County Medical Marijuana Business Licensing Regulations

Planning and Zoning Director Garrett gave a staff report stating that the changes would be 1) requesting a total plant count with application, 2) regarding renewals; if it is the fourth request and the previous three renewals were approved by the BOCC and no confirmed complaints have been made then the annual renewal may be approved administratively; 3) regarding modifications; one modification to premises may be applied for in a 12 month period, whether approved or denied.

Commissioner Bell said that the since the regulations for Medical Marijuana have been put into effect there have been modifications made. She said that this is something every county across Colorado is trying to sort out. These are some points that have been talked about for a few months.

Chairman Payne opened the public hearing at 10:14 a.m.

Karlie Van Arnam is pleased with most of the modifications. She said that the one she is concerned about is the modification to premise being limited to once in a 12 month period. She informed the board that in the state code very minor things require a modification of premise even though they do not impact the property or ask for expansion but still require a modification of premise. She suggested that maybe the regulation be made more detailed such as limiting expansion modification or anything that increases capacity to one every 12 months but not limiting minor or non-impacting modifications be approved administratively more frequently.

County Attorney Jackson said that those two provisions could be separated out.

Chairman Payne closed the public hearing at 10:17 a.m.

Commissioner Bell agreed with County Attorney Jackson about separating the two provisions out. She went on to ask the Attorney if that could be done today with a motion today.

County Attorney Jackson said that the motion could be approved with those revisions.

Commissioner Bell moved to approve the proposed amendment to the Fremont County Medical Marijuana Business Licensing Regulations with the proposed revisions discussed. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall aye; Commissioner Payne, aye. The motion carried.

2. New Liquor License
Prickly Pear Lounge LLC
Beer and Wine License
9236 US Hwy 50, Howard, CO 81233
Representative: Danielle Oliver

Danielle Oliver said that besides coffee, local community events and an art gallery they have recently added a food truck on the premises.

Commissioner Bell asked Ms. Oliver to explain where the business is located.

Ms. Oliver indicated that they are located next to the Howard Post Office and close to historic downtown.

Chief Deputy Gardunio gave a staff report stating that everything was in order with the Clerk's office. She said they had posted and published and the Sheriff has recommended approval by his inspection.

Chairman Payne opened the public hearing at 10:20 a.m.

Dick Carney spoke in favor of the proposed license. They have done a lot of hard work to develop what they have got so far. It is a meeting place for the local people.

Commissioner Bell wanted to add to Mr. Carney's support that in the application package there are signatures from many people from Howard, Coaldale, and Salida.

Andy Waldbart spoke in favor of the proposed license. He said he applauds Ms. Oliver for bringing in new life to the community.

Alan Rule spoke in favor of the proposed license.

Jane Browning spoke in favor saying that the owners of the Prickly Pear Lounge are professional and mature.

Chairman Payne closed the public hearing at 10:24 a.m.

Commissioner Bell asked Ms. Oliver about staff training for service staff.

Ms. Oliver said that she has taken a serving training courses. Looking at hands on training offered in Denver in mid-January. She also said that she has two employees that also have experience in the service industry.

Commissioner Bell asked Ms. Oliver about the hours that the lounge would be open.

Ms. Oliver said that the hours of operation are from 7:00 a.m. until 7:00 p.m. They would start serving beer and wine at 1:00. She said that they are closed on Wednesdays and Thursdays.

Commissioner McFall moved to approve a new liquor license for Prickly Pear Lounge, LLC. Commissioner Bell seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

NEW BUSINESS CONTINUED

3. Colorado Springs Regional Joint Land Use Study Presentation
Representative: Ann Werner, Pikes Peak Area Council of Governments

Brian Potts from Pikes Peak Area Council of Governments gave a presentation to the board of the Joint Land Use Study that encompasses Fremont, Teller, El Paso, and Pueblo Counties.

4. Re-appointment of Ed Norden and Rick Romano to the Weed Advisory Board for three-year terms ending December 31, 2021

Commissioner McFall said that there is still an open position on the Weed Advisory Board so, if anyone is interested in filling that position please send a letter of interest.

Commissioner Bell added that the Board members did send letters expressing interest in remaining on the board for another term.

Commissioner McFall moved to re-appoint Ed Norden and Rick Romano to the Weed Advisory Board for three-year terms ending December 31, 2021 Commissioner Bell seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

5. Re-appointment of Mark Masar, Tami Ratkovich, and Ralph Kunselman to the 4-H Sales Committee for three-year terms ending December 31, 2021

Commissioner Bell said that this was a board that the Commissioners reorganized a few years ago. She said that this board does so much for Fremont County but especially for 4-H and the livestock sales. Commissioner Bell also said that these three individuals did submit letters stating they were interested in serving another three-year term.

Commissioner Bell moved to re-appoint Mark Masar, Tami Ratkovich, and Ralph Kunselman to the 4-H Sales Committee for three-year terms ending December 31, 2021. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Payne, aye. The motion carried.

6. Re-appointment of Keith Berry and Lisa Studts to the Fremont County Heritage Commission for three-year terms ending December 31, 2021

Commissioner McFall moved to re-appoint, with letters of interest, Keith Berry and Lisa Studts to the Fremont County Heritage Commission for three-year terms ending December 31, 2021. Commissioner Bell seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried

7. Re-appointment of Ed Norden as an alternate to the Board of Zoning Adjustment for a three-year term ending November 30, 2021

Commissioner Bell moved to re-appoint Ed Norden as an alternate to the Board of Zoning Adjustment for a three-year term ending November 30, 2021. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Payne, aye. The motion carried.

8. Appointment of a new member to the Fremont County Fair Board for a three-year term ending December 31, 2021

Commissioner McFall said that notification was sent out via radio and newspaper seeking interested parties to serve on the Fair Board. He said that a letter of interest was received from Kelsey Larsen.

Commissioner Bell said that Kelsey comes highly recommended from the Fair Board and the extension office staff. She has young children that are in 4-H so Commissioner Bell thinks that this is a really great appointment.

Commissioner McFall moved to appoint Kelsey Larsen 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 Payne, aye. The motion carried

9. Appointment of John Hamrick as the Cañon City representative on the Fremont County Planning Commission for a term beginning January 1, 2019 and ending December 31, 2022

Commissioner McFall also wanted to note that the City of Florence also has a representative on the Fremont County Planning Commission.

Commissioner Bell moved to appoint John Hamrick as the Cañon City representative to the Fremont County Planning Commission for a term beginning January 1, 2019 and ending December 31, 2022. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Payne, aye. The motion carried

Chairman Tim Payne adjourned the meeting at 10:45 a.m.

Clerk and Recorder