

FIRST MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on January 8, 2019 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	Clerk and Recorder	Present
Brenda Jackson	County Attorney	Present
Sunny Bryant	County Manager	Present
Sean Garrett	Planning & Zoning Director	Present

Invocation: None

Pledge of Allegiance: Those present sited 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 / December 26, 2018
2. Approval of Bills for \$1,346,271.38
3. Authorization for Chairman to sign the Storm water Discharge Annual Report for the Airport
4. Schedule Public Hearing: January 22, 2019 at 10:00 a.m.
 - a. Request: MS 18-002 Western Oasis Minor Subdivision
Requesting approval of a Minor Subdivision, Department file # MS 18-002 Western Oasis Minor Subdivision. The site is located near the intersection of S. 9th Street and Poplar Ave, in Cañon City, south of Colorado State Highway 115, and east of County Road 143. The parcel is currently zoned Agricultural Living and consists of 32.58 Acres. The subdivision will consist of two lots, lot one comprising 11.27 Acres and Lot 2 comprising of 21.31 acres.
 - b. Request: ZC 18-004 Western Oasis Resort RV Park
Requesting approval of a Zone Change, Department File #ZC 18-004 from Agricultural Living to Travel Trailer Park & Campground. The site is located near the intersection of S. 9th Street and Poplar Ave, in Cañon City, south of Colorado State Highway 115, and east of County Road 143. The parcel of land consists of 21.31 acres with a large portion being steep terrain. The development area is a flattened area sitting atop of a hill.
 - c. Request: SRU 18-004 Fremont Storage
Requesting approval of a Special Review Use, Department File #SRU 18-004 for development of a mini-storage permit. The site is located near the intersection of S. 9th Street and Poplar Ave, in Cañon City, south of Colorado State Highway 115, and east of County Road 143. The parcel of land consists of 11.27 acres.

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

ADMINISTRATIVE/INFORMATIONAL

1. Staff / Elected Officials:

a. County Clerk's Monthly Report

Chief Deputy Gardunio gave the County Clerk's Report for the month of December, 2018. She stated that the total MV fee, sales taxes and recording fees collected were \$1,127,925.87. Fremont County's portion for disbursement was \$652,659.35, which was 58% of the total fees collected and \$147,402.67 more than December of 2017. Year-to-date, the office is up \$507,177.03 from last year.

Commissioner Bell moved to accept the County Clerk's Report, December, 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

- On Thursday, January 3rd, she attended an Opioid Summit put on by SolVista Health. It was an educational presentation. This group is working on addressing the opioid epidemic in our community.
- A few projects that they are working on: They continue to move forward on the Hayden Pass Project. They have sent out the request for bids and did a walkthrough yesterday. They are working with property owners on the Operation and Maintenance Agreements.
- The Phantom Canyon Tunnel Rehab project is finished and the road is back open.

Commissioner Bell gave congratulations to the two newly sworn-in elected officials, Sheriff Allen Cooper and County Clerk and Recorder Justin Grantham.

Commissioner McFall gave his thanks to Ty Martin who was appointed as Sheriff when Sheriff Jim Beicker resigned. He appreciates all he did for the four months he was in office and said he did a good job.

County Attorney Jackson extended her congratulations to Commissioner Debbie Bell, Treasurer Kathy Elliott, Assessor Stacy Seifert and Coroner Randy Keller for starting their new terms as elected officials.

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

Jason Dawson, of Royal Gorge Skydive, expressed his concerns and would like an explanation of why his recent proposal for a new hangar was denied at the Fremont County Airport. He said that he received an email from Commissioner McFall and that one of the reasons listed for denial was the master plan. He said that he provided a revised layout to better illustrate his plans and that it benefits the intent of the master plan. Their intent was to install a full training facility, a beautifully landscaped perimeter and open a fly-in café to delight aviators all over. They chose this location because it's the best location to accommodate the sport aviation nature of their business and not impede any future development on the airport. He asked the Board to reconsider his request for the site.

Commissioner Payne said that they would get a meeting set up with Mr. Baker and take another look at this.

OLD BUSINESS

1. Amend the appointment of Tami Mundy and Diana Armstrong to the Penrose Community Library District Board from three years to five years with an expiration date of December 31, 2023

Commissioner McFall moved to change the terms from three years to five years, making the expiration date December 31, 2023. **Commissioner Bell** seconded the motion with a note that they had some confusing paperwork in front of them two weeks ago when they appointed them for three year terms instead of five and this is simply a modification to that appointment. Upon Vote: **Commissioner McFall**, aye; **Commissioner Bell**, aye; **Commissioner Payne**, aye. The motion carried.

NEW BUSINESS

1. Organization of the Board of County Commissioners

Commissioner Payne moved to appoint **Commissioner McFall** as Chairman for 2019. **Commissioner Bell** seconded the motion. Upon Vote: **Commissioner Payne**, aye; **Commissioner Bell**, aye; **Commissioner McFall**, aye. The motion carried.

Commissioner McFall moved to appoint **Commissioner Bell** as Chair Protem for 2019. **Commissioner Payne** seconded the motion. Upon Vote: **Commissioner McFall**, aye; **Commissioner Payne**, aye; **Commissioner Bell**, aye. The motion carried.

Commissioner Bell and Commissioner McFall presented **Commissioner Payne** with plaque for his term as Chairman for 2014 and 2018.

2. Appointment of County Attorney

Commissioner Payne moved to appoint **Brenda Jackson** as the County Attorney for 2019. **Commissioner Bell** seconded the motion. Upon Vote: **Commissioner Payne**, aye; **Commissioner Bell**, aye; **Commissioner McFall**, aye. The motion carried.

3. Resolution No. 1, Designating and Approving Official Depositories for Fremont County for 2019

Commissioner Bell explained that this is something that is done every year, approving official depositories for the finances of Fremont County. **Commissioner Bell** moved to approve Resolution #1, designating and approving official depositories for Fremont County for 2019 as follows, Sunflower Bank of Canon City, Colorado Surplus Asset Fund Trust (CSAFE), Colotrust and Bank of the San Juans/Glacier Bank. **Commissioner Payne** seconded the motion. Upon Vote: **Commissioner Bell**, aye; **Commissioner Payne**, aye; **Commissioner McFall**, aye. The motion carried.

County Attorney Jackson noted that the County Treasurer **Elliott** has reviewed them and approved the depositories listed.

4. Resolution No. 2, Designating Schedule for Regular Meetings for the Fremont County Board of Commissioners

Commissioner Payne moved to approve Resolution #2, to designate the schedule for regular meetings for the Fremont County Board of County Commissioners to the second and fourth Tuesdays of each month, 2019 at 9:30 a.m. **Commissioner Bell** seconded the motion. Upon Vote: **Commissioner Payne**, aye; **Commissioner Bell**, aye; **Commissioner McFall**, aye. The motion carried.

5. Resolution No. 3, Designating Official Newspaper for Fremont County

Commissioner Bell explained this is something that is done every year as part of their obligations and duties assigned by state statute. Commissioner Bell moved to approve Resolution #3, to designate the Canon City Daily Record as the official newspaper for Fremont County official publications with the note that while there are two other newspapers who publish in Fremont County, the Florence Citizen and the County Crusader, they feel a daily newspaper is better equipped to provide that public notice of official actions. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner McFall, aye. The motion carried.

6. Resolution No. 4, Designating Official Posting Place for Notice of Public Meetings for the Fremont County Board of Commissioners

Commissioner Payne moved to approve Resolution #4, to designate Fremont County Administration Building, room 105, the bulletin board located at the south entrance of the Administration Building and the main entrance to the Administration Building as the official posting places. Commissioner Bell seconded the motion with a note that while these are the official posting places, the admin team does a really good job of letting everyone know when and where the meetings are, special publications and notices. They are also listed on the county website, fremontco.com and on the Facebook page as well. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried.

7. Liquor License Renewal
BLJ Incorporated DBA KWIK-e-MART
3.2% Beer Off Premises
1503 Elm Ave. Canon City, CO 81212
Rep: Brenda Howard

Brenda Howard explained that construction is still in progress and there are some Health Department regulations that they are dealing with. She does not have an anticipated timeline for opening the store. She stated that she has had some major setbacks, delaying the opening of the store.

Commissioner Payne asked what the Health Department concerns were and Ms. Howard explained that there has to be a three compartment sink and a floor drain and then also getting the commissary ready since they will be serving fountain drinks.

Commissioner Bell asked what her plans were for staff training related to selling alcohol. Ms. Howard said that they conduct monthly meetings and she goes over the rules and regulations with them every once in a while. She said she is in no hurry to open the store. It is not ready and to be successful, it needs to be ready first. She said that it should definitely be opened sometime this year.

Chief Deputy Gardunio stated that the application and fees were submitted and in order for the liquor license renewal.

County Manger Bryant asked if there is an active building permit on the project or if one is even needed for the changes being made. Ms. Howard said that no changes are being made that would require a building permit.

Commissioner Payne moved to approve the liquor license renewal for BLJ Incorporated dba KWIK-e-MART. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried.

8. Appoint a new member to the Weed Advisory Board for a three-year term ending December 31, 2021

Commissioner Bell explained that they did advertise for new members for the Weed Advisory Board and received at least one letter of interest that they felt would be a good fit for this Board. Commissioner Bell moved to appoint Justin Kurth to the Weed Advisory Board for a three year term. Commissioner Payne seconded the motion. Upon Vote:

Commissioner Bell, aye; Commissioner Payne, aye; Commissioner McFall, aye. The motion carried.

Chairman McFall recessed the meeting at 9:52 a.m. for eight minutes until 10:00 a.m. for the public hearing.

Chairman McFall called the meeting to order at 10:00 a.m.

PUBLIC HEARINGS

1. Request: ZC 18-003 Agricultural Rural Zone District to Industrial Zone District Requesting approval of a Zone Change for three parcels, Department file #ZC 18-003 10th Street Zone Change. The site is located at the intersections of 10th Street & A Street, in Penrose, north of U.S. Highway 50 and west of Colorado State Highway 115. The site and parcels were originally zoned Agricultural Rural, however the land-use was more aligned with commercial/industrial. The applicant wishes to continue the current use.
Representative: Angela Bellantoni

Angela Bellantoni explained that Richard Guy purchased parcel 2 within the proposed zone change and learned that the development and use of the property did not align with the zoning. In being proactive, Mr. Guy proposed the zone change so that the three parcels within this zone change will now align with their use. Bellantoni said the site development is to remain consistent with the uses and development today and there are no plans for changes.

Richard Guy explained that he purchased the property and was told it was zoned commercially but upon doing research found that it is actually zoned as rural/AG and there have been businesses on this property since the buildings were built and he is simply trying to bring it into compliance. He presented letters of supports from some surrounding neighbors.

Commissioner Bell asked Mr. Guy what the current use of the property is if there is a business there. Mr. Guy said that they had signed a lease with an RV company to do remote RV repairs but the partnership with that business fell apart and the lease is no longer in place. He stated that while in the process of rezoning, he has just been using it for storage. They do have a prospective tenant that is a manufacturer that would need the property to be zoned industrial. They manufacture a part for some company. There are five to six family members that run the business.

Mr. Guy also explained that in speaking with Matt Koch, it would be advisable to approach his neighbor to join his industrial zone property by incorporating his two other parcels during his and then he could rezone his into industrial. His neighbor agreed to rezone his also and that is why the other two parcels are included in this zone change.

Planning and Zoning Director Garrett said that his department has reviewed the application and found it to be complete and that all zoning regulations and requirements will be satisfied. He stated there is one contingency to provide all pages of the fire protection form, reviewed and signed by the local authority. Garrett said that the applicant has given the documents to the local authority numerous times and have not received a response back.

Chairman McFall opened the public hearing at 10:05 a.m.

Lynne Oliver said that her husband and she live on 10th Street in Penrose and they have concerns with the zone change. She said that when Mr. Guy talked to them initially, they weren't too concerned but once they received the map and started looking at it, they have questions. She explained that 10th Street is a one block, one way dirt road with all residences on it. She said at the end of the street there will now be 18 acres of an industrial park/zone. They are concerned for the potential of more traffic and all the other things that

could happen. She said that what bothers them about this zone change is the access and the traffic to an 18 acre industrial zone through a primarily residential area.

Chairman McFall closed the public hearing at 10:08 a.m.

Mr. Guy wanted to clarify that Joe Kahnke has 10 acres of industrial property at the end of the street today and has for over 40 years, so industrial use has already been going on. He said Mr. Kahnke was just nice enough to allow him to rezone his other two parcels into industrial so it would be bordering his property. He said the traffic counts today are low and are lower today than they were five years ago, according to Mr. Kahnke. He said they don't anticipate any changes or developing anything. He is just trying to make the use of his buildings legal and the opportunity to lease them in the future.

Commissioner McFall said that the vehicle study says there are 27 trips per day between the a.m. hours to the p.m. hours. He asked Mr. Guy if a manufacturer were to lease his buildings, what would that do to the traffic. Mr. Guy said that there are only five to six employees for the prospective lessee. He also explained that the sizes of his buildings would not allow for a big corporation with a lot of employees to move in.

Commissioner Bell asked Director Garrett if there is any industrial business happening on the parcel currently. Director Garrett said, no, that there are a couple of little structures, but no businesses. Commissioner Bell then asked if a new industrial operation wanted to open after this zone change, would the application come before the Board for approval. Director Garrett said, yes, it would require a commercial development plan for future development. He said that would apply to all three parcels in this zone change.

County Attorney Jackson said that this is the reason why the Board put into place a commercial development plan, so that upon zone changes, really intensive uses that haven't been there before need to be reviewed and approved first. She said it would come before the Board again for any significant, intensive use to the property in the industrial zone.

Commissioner Payne moved to approve Resolution #5, with no contingencies but with findings items B and D. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried.

Chairman Dwayne McFall adjourned the meeting at 10:15 a.m.


Clerk and Recorder

RESOLUTION NO. 1, SERIES OF 2019

RESOLUTION DESIGNATING AND APPROVING OFFICIAL DEPOSITORIES FOR
FREMONT COUNTY FOR 2019

WHEREAS, the Fremont County Board of County Commissioners is required by C.R.S. §30-10-708 to designate and approve, by written resolution, all depositories for Fremont County funds; and

WHEREAS, Kathy Elliott, the Fremont County Treasurer has submitted a recommendation for designation and approval of depositories for Fremont County funds, based upon the Fremont County Treasurer's investment policy, a copy of which is available for review in the Fremont County Treasurer's Office; and

WHEREAS, it appears to the Board of County Commissioners the depositories recommended by the Treasurer are appropriate for the investment of County funds and that each of the depositories meet the requirements of the provisions of C.R.S. §30-10-708 and of article 47 of title 11, C.R.S. and article 75, title 24, C.R.S.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS FOR FREMONT COUNTY, that the following depositories are hereby approved and designated as the official depositories for Fremont County funds:

1. SUNFLOWER BANK OF CAÑON CITY
2. COLORADO SURPLUS ASSET FUND TRUST (CSAFE)
3. COLOTRUST
4. BANK OF THE SAN JUANS/GLACIER BANK

BE IT FURTHER RESOLVED, that the Fremont County Treasurer is hereby authorized to use these designated depositories for the deposit and investment of the funds of Fremont County.

Commissioner Bell moved for adoption of this Resolution, with a second by Commissioner Payne. The roll call vote of the Board was 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: 1/8/19

ATTEST:

D. McFall
Chairman

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Clerk to the Board

RESOLUTION NO. 2, SERIES OF 2019

**RESOLUTION DESIGNATING SCHEDULE FOR REGULAR MEETINGS FOR THE
FREMONT COUNTY BOARD OF COMMISSIONERS**

WHEREAS, the Fremont County Board of County Commissioners is required by C.R.S. §30-10-303 to designate and publish a schedule for regular meetings of the Board; and

WHEREAS, the Board currently meets on the second and fourth Tuesdays of each month, commencing at 9:30 a.m. to conduct the regular business of Fremont County and finds that such schedule is widely known and accepted to the members of the public in Fremont County.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Fremont County hereby designates the second and fourth Tuesdays at 9:30 a.m. as the time for regular meetings of the Board of County Commissioners for Fremont County. All regular meetings shall be held in Cañon City, the county seat, and at the Fremont County Administration Building, 615 Macon Ave., Room LL3, Cañon City, CO 81212, unless otherwise previously publicized. The designation of the regular meeting schedule shall in no manner affect the ability of the Board of Commissioners to schedule and hold special or emergency meetings, as deemed necessary for best serving the public interest.

Commissioner Payne 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: 1/8/19

BOARD OF COUNTY COMMISSIONERS
OF FREMONT COUNTY

ATTEST:

By: Dy mi-PA
Chairman

By: R. Garduno
Clerk to the Board

RESOLUTION NO. 3, SERIES OF 2019

RESOLUTION DESIGNATING OFFICIAL NEWSPAPER FOR FREMONT COUNTY

WHEREAS, the Fremont County Board of County Commissioners is required by statute to designate an official newspaper for the purpose of legal notices, publication of ordinances and regulations, and announcement of requests for bids, as well as other official County publications; and

WHEREAS, there currently exist three legal publications or newspapers in Fremont County, as defined in C.R.S. §24-70-102, those being the *Cañon City Daily Record* (six day-a-week publication), the *Florence Citizen* (weekly publication), and the *Fremont County Crusader* (weekly publication); and

WHEREAS, the Board finds that a daily newspaper is better equipped to provide public notice of official actions such as special meetings, public hearings, and unexpected events on short notice, which is essential for effective notice to the public; and

WHEREAS, the Board is authorized, without official designation, to publish notices in any of the legal publications in the County to provide additional or supplemental notice to the public, if deemed appropriate.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Fremont County hereby designates the *Cañon City Daily Record* as the official newspaper for Fremont County official publications.

Commissioner Bell moved adoption of the foregoing Resolution, seconded by Commissioner Payne 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: 1/8/19

BOARD OF COUNTY COMMISSIONERS
OF FREMONT COUNTY

ATTEST:

By: D. McFall
Chairman

By: [Signature]
Clerk to the Board

RESOLUTION NO. 4, SERIES OF 2019

RESOLUTION DESIGNATING OFFICIAL POSTING PLACE FOR NOTICE OF PUBLIC MEETINGS FOR THE FREMONT COUNTY BOARD OF COMMISSIONERS

WHEREAS, the Fremont County Board of County Commissioners is required by C.R.S. §24-6-402 to designate a public place for posting notice of all public meetings at which the adoption of any proposed policy, position, resolution, rule, regulations, or formal action occurs, or at which a majority or quorum of the Board is in attendance or expected to be in attendance; and

WHEREAS, the Board currently maintains a calendar system for notice of all Board of Commissioners meetings and other scheduled events at which one or more Commissioners plans to attend; and

WHEREAS, the Board of Commissioners intends to continue the practice of posting the current calendar of Commissioner schedules as a means of providing public notice of all meetings.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Fremont County hereby designates the bulletin board in the hallway outside of the offices of the Board of County Commissioners, Fremont County Administration Building, 615 Macon Ave., Room 105, Cañon City, CO 81212, and the bulletin board located at the main (south) entrance of the Fremont County Administration Building, as the official posting places for notice of Fremont County Commissioner public meetings. The posting place inside the building is open to the public during normal Fremont County business hours. The main entrance posting place is visible to the public from the outside of the building at all times.

Commissioner Payne 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: 1/8/19

BOARD OF COUNTY COMMISSIONERS
OF FREMONT COUNTY

ATTEST:

By: [Signature]
Chairman

By: [Signature]
Clerk to the Board