

January 10, 2017

FIRST MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on January 10, 2017, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chair Pro Tem Debbie Bell called the meeting to order at 9:30 a.m.

Debbie Bell	Commissioner	Present
Tim Payne	Commissioner	Present
Dwayne McFall	Commissioner	Present
Katie Barr	Clerk and Recorder	Absent
Brenda Jackson	County Attorney	Present
Sunny Bryant	County Manager	Present
Matt Koch	Planning & Zoning Director	Present

Grant Adkisson of Canon Cowboy Church gave the invocation.

Those present recited the Pledge of Allegiance to the Flag of the United States of America.

APPROVAL OF AGENDA

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

CONSENT AGENDA

1. Approval of Minutes / December 27, 2016
2. Approval of Special Meeting Minutes / December 29, 2016
3. Approval of Bills for \$1,596,719.16
4. Approval of the 2016 HUTF verification and signature sheet submittal
5. Consideration to reappoint Larry Hill in lieu of Michael Huxley to the Fremont County Tourism Council with a three-year term ending January 1, 2020
6. Schedule Public Hearing: None

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

ADMINISTRATIVE/INFORMATIONAL

1. Staff / Elected Officials:
 - a. County Clerk's Monthly Report, Katie Barr, County Clerk and Recorder

Dotty Gardunio, Chief Deputy Clerk, reported the total Motor Vehicle Fees, Sales Taxes, and Recording Fees collected for December 2016, were \$847,928.23.

Commissioner Payne moved to accept the County Clerk's Monthly Report. Commissioner McFall seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner McFall, aye; Commissioner Bell, aye. The motion carried.

- b. County Manager Report, Sunny Bryant, County Manager

January 10, 2017

Manager Bryant reported that a tour of the Sheriff's Detention Center Kitchen and Laundry Renovation Project revealed the project is nearly finished. She attended the General Government Meeting at the City of Canon City and the quarterly luncheon with Canon City and Florence City Councils.

Commissioner Bell reminded citizens that the Administration Building will be open on Martin Luther King Day.

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

Lisa Hyams, Executive Director of the Canon City Chamber of Commerce, invited the public to an open forum with Senator Kevin Grantham at the Canon City City Hall at 7:30 p.m. on Monday, January 16. The event is to honor his new position as the President of the Colorado Senate.

OLD BUSINESS

None.

NEW BUSINESS

1. Organization of the Board of County Commissioners

Commissioner Payne moved to appoint Commissioner Bell as Chairman of the Board and Commissioner Payne as Chairman pro-tem. Commissioner McFall seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner McFall, aye; Commissioner Bell, aye. The motion carried.

2. Appointment of County Attorney

Commissioner McFall moved to appoint Brenda Jackson as County Attorney for 2017. Commissioner Payne seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

3. Resolution No. 1 Designating and Approving Official Depositories for Fremont County for 2017

Commissioner Bell explained the official depositories will be Sunflower Bank of Canon City, Colorado Surplus Asset Fund Trust, COLOTRUST, and Bank of the San Juans/Glacier Bank.

Commissioner Payne moved to adopt Resolution #1 Designating and Approving Official Depositories for Fremont County for 2017. Commissioner McFall seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner McFall, aye; Commissioner Bell, aye. The motion carried.

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

Commissioner Bell noted the regular scheduled meetings will be 9:30 a.m. on the second and fourth Tuesdays of each month.

Commissioner McFall moved to adopt Resolution #2 Designating Schedule for Regular Meetings for the Fremont County Board of Commissioners. Commissioner Payne seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

January 10, 2017

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

Commissioner Bell said the primary official newspaper will be Canon City Daily Record, and the secondary official newspaper will be Florence Citizen.

Commissioner McFall moved adopt Resolution #3 Designating Official Newspaper for Fremont County. Commissioner Payne seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Payne, aye; Commissioner Bell, 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 Bell noted that although the official posting places will be the two bulletin boards at the Administration Building, one outside the main south entrance and the other in the hallway outside of the Commissioner offices in Room 105, the website and local media are utilized for posting as well.

Commissioner Payne moved to adopt Resolution #4 Designating Official Posting Place for Notice of Public Meetings for the Fremont County Board of Commissioners. Commissioner McFall seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner McFall, aye; Commissioner Bell, aye. The motion carried.

7. Recognition of Weed Manager of the Year

Commissioner Bell presented Jana Rapetti with a plaque and explained how Jana was named 2016 Weed Manager of the Year by the Colorado Weed Management Association for her unstoppable determination.

8. Weed Management 2016 Report
Representative: Jana Rapetti, Weed Management Director

Director Rapetti gave a presentation on the accomplishments of the Fremont County Weed Management Department in 2016. Major accomplishments for the year include a reduction in Elongated Mustard, Fremont County's Restore the Gorge event, and education and training provided.

9. Consideration to re-appoint Gardner Fey to the Fremont County Planning Commission for an additional three-year term ending December 31, 2019

Commissioner Payne moved to re-appoint Gardner Fey to the Fremont County Planning Commission for a term ending December 31, 2019. Commissioner McFall seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner McFall, aye; Commissioner Bell, aye. The motion carried.

10. Consideration to re-appoint Gina Grisenti to the 4-H Sales Committee for an additional three-year term ending December 31, 2019

Commissioner McFall moved to re-appoint Gina Grisenti to the 4-H Sales Committee for a term ending December 31, 2019. Commissioner Payne seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

11. Consideration to re-appoint Paul Garrett and Steve Oswald to the Fremont County Weed Advisory Board for an additional three-year term ending December 31, 2019

Commissioner Payne moved to re-appoint Paul Garrett and Steve Oswald to the Fremont County Weed Advisory Board for a term ending December 31, 2019.

January 10, 2017

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

12. Consideration to appoint a member to the Fremont County Weed Advisory Board to fill a vacancy for a term ending December 31, 2018

Commissioner Bell explained former Commissioner Ed Norden submitted a letter of interest to fill the vacancy. He has served on the board in the past.

Commissioner McFall moved to appoint Ed Norden to the Fremont County Weed Advisory Board to fill a vacancy for a term ending December 31, 2018. Commissioner Payne seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

13. Consideration to appoint a County Surveyor for a term ending January 8, 2019

Commissioner Payne moved to approve Resolution #5, appointing Matthew Koch as the County Surveyor for a term ending January 8, 2019. Commissioner McFall seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner McFall, aye; Commissioner Bell, aye. The motion carried.

14. CUP 98-3 Energy Fuels Southfield Mine terminate existing Conditional Use Permit

Director Koch recommended the termination of the CUP. He said a letter had been submitted by Energy Fuels Southfield Mine requesting termination. The bond from Colorado Division of Reclamation, Mining, and Safety has been released except for the \$10,000 for the long-term reclamation.

Commissioner Payne moved to approve Resolution #6 to terminate CUP 98-3 Energy Fuels Southfield Mine. Commissioner McFall seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner McFall, aye; Commissioner Bell, aye. The motion carried.

PUBLIC HEARINGS SCHEDULED FOR 10 A.M.

None.

Chairman Bell adjourned the meeting at 10:17 a.m.

Clerk and Recorder

January 10, 2017

RESOLUTION NO. 1, SERIES OF 2017

**RESOLUTION DESIGNATING AND APPROVING OFFICIAL DEPOSITORIES FOR
FREMONT COUNTY FOR 2017**

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 CANON CITY
2. COLORADO SURPLUS ASSET FUND TRUST (CSAFE)
3. COLOTRUST
4. CANON BANK/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 Payne moved for adoption of this Resolution, with a second by Commissioner McFall. 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: 10 January, 2017

Debbie Bell
Chairman

ATTEST:

Opodunio
Clerk to the Board

January 10, 2017

RESOLUTION NO. 2, SERIES OF 2017

**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 Canon City, the county seat, and at the Fremont County Administration Building, 615 Macon Ave., Room LL3, Canon 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 McFall 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: 10 January, 2017

BOARD OF COUNTY COMMISSIONERS
OF FREMONT COUNTY

ATTEST:

By: Debbie Bell
Chairman

By: Opardunis
Clerk to the Board

January 10, 2017

RESOLUTION NO. 3, SERIES OF 2017

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 two legal publications or newspapers in Fremont County, as defined in C.R.S. §24-70-102, those being the Canon City Daily Record (six day-a-week publication), and the Florence Citizen (weekly publication).

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Fremont County hereby designates the following newspapers as the official newspapers for Fremont County publications:

Primary official newspaper: Canon City Daily Record

Secondary official newspaper: Florence Citizen

Commissioner McFall 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: 10 January, 2017

BOARD OF COUNTY COMMISSIONERS
OF FREMONT COUNTY

ATTEST:

By: Debbie Bell
Chairman

By: Oparduno
Clerk to the Board

January 10, 2017

RESOLUTION NO. 4, SERIES OF 2017

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. §24-6-401 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, Canon 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 McFall 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: 10 January, 2017

BOARD OF COUNTY COMMISSIONERS
OF FREMONT COUNTY

ATTEST:

By: Debbie Bell
Chairman

By: Opardunio
Clerk to the Board

January 10, 2017

RESOLUTION NO. 5, SERIES OF 2017

RESOLUTION APPOINTING THE FREMONT COUNTY SURVEYOR

WHEREAS, the Fremont County Board of County Commissioners is authorized by C.R.S. §30-11-117 and §30-10-904 to fill, by appointment, a vacancy occurring in any county office, including the office of County Surveyor; and,

WHEREAS, because no person ran for election to the office of Fremont County Surveyor in the November 2016 election, the Fremont County office of the Surveyor shall become vacant as of January 10, 2017; and

WHEREAS, Fremont County Board of County Commissioners has determined that the office of the Fremont County Surveyor should be filled by appointment and that Matthew James Koch is a professional land surveyor (License PLS-37907) as provided by Colorado law and is duly qualified for the office and is willing to serve in the office of the Fremont County Surveyor.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS FOR THE COUNTY OF FREMONT, that Matthew James Koch is hereby appointed to the office of the Fremont County Surveyor, and shall commence his duties after being duly sworn to the office and posting the appropriate bond as required by state law. Mr. Koch's appointment shall continue until the next general election (November, 2018).

Commissioner Payne moved for adoption of this Resolution, with a second by Commissioner McFall. The roll call vote of the Board was as follows:

Debbie Bell	<u>AYE</u>	NAY	ABSTAIN	ABSENT
Dwayne McFall	<u>AYE</u>	NAY	ABSTAIN	ABSENT
Timothy R. Payne	<u>AYE</u>	NAY	ABSTAIN	ABSENT

The Resolution was declared to be duly adopted.

Date: 10 January, 2017

Debbie Reel
Chairman

Attest: [Signature]
Clerk

January 10, 2017

RESOLUTION NO. 6
Series of 2017

RESOLUTION CANCELING SPECIAL REVIEW USE PERMIT
CUP 98-3 ENERGY FUELS COAL, INC (SOUTHFIELD MINE)

BE IT RESOLVED by the Fremont County Board of County Commissioners (hereafter "Board"):

THAT WHEREAS, Mine Manager Allen S. Weaver has requested through written correspondence to terminate the Conditional Use Permit that was approved on April 14, 1998, by Resolution 18, Series of 1998.

NOW THEREFORE, BE IT RESOLVED by the Board that in accordance with the request of Applicant, Energy Fuels Coal, Inc. (Southfield Mine) Conditional Use Permit CUP 98-3 Energy Fuels Coal, Inc. (Southfield Mine) which is legally described as:

LEGAL DESCRIPTION

The following described lands situate in Sections 23, 24, 25, 26 and 36, Township 20 South, Range 70 West., 6th P.M., also Sections 19, 30, and 31, Township 20 South, Range 69 West., 6th P.M., in Fremont County, Colorado.

Starting at the S.W. corner of said Section 25,
thence (Az. 88°-04'-02") a distance of 4,447.53',
thence (Az. 179°-10'-30") a distance of 625.06',
thence (Az. 89°-13'-54") a distance of 671.06',
thence (Az. 179°-20'-45") a distance of 1,314.09',
thence (Az. 90°-00'-00") a distance of 3,511.00',
thence (Az. 0°-04'-55") a distance of 6,997.01',
thence (Az. 67°-00'-41") a distance of 286.78',
thence (Az. 275°-50'-22") a distance of 265.38',
thence (Az. 360°-00'-00") a distance of 124.00',
thence (Az. 313°-53'-25") a distance of 584.18',
thence (Az. 11°-02'-27") a distance of 334.19',
thence (Az. 32°-21'-08") a distance of 332.63',
thence (Az. 10°-56'-32") a distance of 152.78',
thence (Az. 290°-50'-00") a distance of 120.90',
thence (Az. 200°-14'-37") a distance of 150.28',
thence (Az. 202°-17'-32") a distance of 390.16',
thence (Az. 290°-08'-11") a distance of 63.91',
thence (Az. 200°-58'-59") a distance of 377.00',
thence (Az. 0°-10'-37") a distance of 4,859.02',
thence (Az. 269°-30'-14") a distance of 5,658.21',

January 10, 2017

thence (Az. 179°-36'-48") a distance of 2,668.06',
thence (Az. 269°-31'-37") a distance of 5,088.17',
thence (Az. 180°-25'-12") a distance of 1,364.04',
thence (Az. 269°-44'-14") a distance of 1,308.01',
thence (Az. 179°-15'-23") a distance of 1,310.11',
thence (Az. 269°-09'-07") a distance of 1,554.17',
thence (Az. 179°-50'-38") a distance of 2,570.01',
thence (Az. 89°-08'-37") a distance of 2,833.32',
thence (Az. 180°-00'-00") a distance of 1,386.00',
thence (Az. 88°-34'-41") a distance of 1,410.43',
thence (Az. 180°-22'-19") a distance of 770.02',
thence (Az. 89°-33'-57") a distance of 1,320.04',
thence (Az. 180°-00'-00") a distance of 610.00' to the point of beginning, Fremont
County, Colorado.

Generally described as follows: Approximately 5 miles south of the City of Florence along
Colorado Highway 67 and approximately 2½ miles southwest of the intersection of Colorado
Highway 67 and County Road #15, thence south approximately 1 mile along County Road #92.

is hereby terminated and canceled, effective **January 10, 2017**.

Commissioner Payne moved adoption of the foregoing Resolution, seconded
by Commissioner Mc Fall 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: 10 January, 2017

BOARD OF COUNTY COMMISSIONERS
OF FREMONT COUNTY

ATTEST:

By: Debbie Bell
Chairman

By: Mardunio
Clerk to the Board