

SEVENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on April 9, 2019 615 Macon Avenue, Room LL3, Fremont County Administration Building, Canon City, Colorado. Chairman Dwayne McFall called the meeting to order at 9:30 a.m.

Dwayne McFall	Commissioner	Present
Tim Payne	Commissioner	Present
Debbie Bell	Commissioner	Present
Justin Grantham	Clerk & Recorder	Present
Brenda Jackson	County Attorney	Present
Sunny Bryant	County Manager	Present
Sean Garrett	Planning & Zoning Director	Present

INVOCATION

Todd Luce, of Grandview Christian Church, gave the invocation.

PLEDGE OF ALLEGIANCE

Those present cited the Pledge of Allegiance to the flag of the United States of America.

APPROVAL OF AGENDA

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

CONSENT AGENDA

1. Approval of Minutes / March 26, 2019
2. Approval of Bills for \$3,089,863.63
3. Ratification of Chairman's signature on an IGA with the Colorado Department of Transportation for the 4 Mile Creek Bridge Replacement.
4. Authorization of Chairman's signature on the 2019 Meritain's Summary of Material Modification and Amendment #6 to the Fremont County Employee Benefit Plan.
5. Schedule Public Hearing: None.

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

ADMINISTRATIVE/INFORMATIONAL

1. Staff / Elected Officials
 - a. County Clerk's Monthly Report

Clerk Grantham gave the monthly report. The Total MV Fees, Sales Taxes and Recording Fees collected for March 2019 - \$1,218,175.32. Fremont County's portion for disbursement is - \$725,784.65, which is 60% of the total fees and is \$57,931.77 more than March 2018. Year-to-date, the office is down \$49,079.70 from last year.

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

b. County Manager Report, Sunny Bryant, County Manager

County Manager Bryant gave the following report

- Construction kick off meeting for the Hayden Pass Emergency Watershed Protection Project was held on April 1, 2019. The Contractor has mobilized and they are getting construction underway. The deadline for that construction is May 20, 2019.
- The Commissioners and the County Manager attended the Boys and Girls Club breakfast on Thursday April 4, 2019. County Manager Bryant said that it is always a great event and good to hear what they have planned for the upcoming year.
- Also, on Thursday April 4, 2019, Public Health had an open house. Emma Davis and her staff did a fantastic job of getting information out and letting the public know what all they have to offer.
- The Commissioners and the County Manager meet with the City Councils from Florence and Canon City on Monday April 9, 2019. County Manager Bryant said that it is always good to work with those groups on projects and see what they have going on in their municipalities.
- The County did receive the grant from the Department of Local Affairs for the courthouse project. County Manager Bryant said that space on the second floor of the courthouse will be renovated. The County also has the Underfunded Courthouse grant. The County has approximately \$400,000.00 in grant funds for this project.
- The final year-end audit will be next week. County Manager Bryant said that her department has been getting everything pulled in and ready for that as well.

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

County Manager Bryant reported the Retail Sales Tax collections for February 2019 were \$354,110 which is up \$29,363 from February 2018 and year-to-date it is up \$56,436. The Auto Use Tax collections for February 2019 were \$84,154. Year-to-date those collections are down \$59,100. The Construction Use Tax collections for February 2019 were \$4,271, down from last year by \$2,928. Lodging Tax collections for February 2019 were \$366, year-to-date up by \$2,750. The Sheriff Retail Sales Tax collections for the month of February 2019 were \$236,073, up year-to-date by \$37,624. The Sheriff Auto Use Tax collections for February 2019 were \$56,103, down from last year by \$10,998 and down year-to-date by \$39,400. The Sheriff Construction Use Tax collections for February 2019 were \$2,847, down year-to-date \$1,952.

County Manager Bryant went on to explain that overall everything is alright. She said that they did budget fairly conservative so she is not too worried about some of those numbers being down.

Commissioner Bell said that the County has issued 300 trash vouchers to citizens that are for a free load of trash to Twin Enviro land fill. She also said that Canon City has given 335 vouchers for the citizens living inside the Canon City, city limits. Commissioner Bell went on to say that next week is Florence clean up week. Commissioner Bell stated that on April 27, 2019, Holcim and Geo-cycle would be holding their annual tire collection. She said that from 8 -12 that day, citizens can bring up to 20 tires to Holcim for disposal. Since the inception of this program in 2005, Holcim has kept 35,000 tires out of local landfills. Commissioner Bell said that UAACOG, the City of Florence, Florence Grass Roots Clean-up and Fremont County would be sponsoring their electronics recycling event in Florence on April 20, 2019.

Commissioner McFall added that there will also be an electronics recycling day in Canon City and on the West end of the County in a couple of months as well as after Christmas.

Commissioner McFall also wanted to encourage citizens to be mindful of fire danger as they get out and enjoy the nicer weather.

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

There were none.

OLD BUSINESS

None.

NEW BUSINESS

1. Heritage Commission Report

Betsy Denney gave the semi-annual report from the Heritage Commission. She said that they have put out a self-guided tour book called "Rocks & Fossils". The booklet was funded by a Tourism Council grant. Ms. Denney said that the website, www.fremontheritage.com, is up and going and has been getting several views. She said that they have ordered new plaques for a number of the landmark designations. The Commission has also taken over the responsibility of providing displays for the display case in the lobby of the County Administration Building.

Commissioner Bell mentioned that she sees people all the time, looking at the display case.

Commissioner Payne said that he attends the Heritage Commission meetings.

2. Florence Clinic Lease Agreement
Representative: Emma Davis, Fremont County Public Health and Environment Director.

Emma Davis said that the Board of Health, the City of Florence and Fremont County Public Health and Environment have been in discussions about how the low immunization rate in Florence could be addressed. The Florence City Planner approached Ms. Davis about using space that is available in the city hall. After deliberations, a lease agreement has been drawn up for the Fremont County Public Health to provide a clinic in Florence one Friday a month. The lease agreement is basically to cover the utilities for the time the space is being used. Appointments can be made by calling the Public Health department at the Garden Park Building. Upon approval, the first date would be April 26, 2019.

Commissioner Payne moved to approve the Florence Clinic Lease Agreement with the City of Florence. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried.

PUBLIC HEARINGS

1. Amendment of the On-site Wastewater Treatment System Regulations. The proposed revisions are to allow and regulate the use of composting and incinerating toilets.

Wyatt Sanders-Fremont County Building Department stated that the revision to the regulation was to adopt composting and incinerating toilets. Mr. Sanders said that they were taken out of the regulations approximately 4 years ago due to the conflict of individuals not understanding that you still need a septic system. In order to accommodate the increasing interest in these types of toilets, the Building Department has proposed the following requirements:

- The toilet must be NSF approved
- The toilet must be installed per manufacture's recommendations

- There must be an on-site waste water treatment system to treat gray water
- The building where the toilet is installed must be heated
- Approval from the Board of Health
- Permit is also required

Chairman McFall opened the public hearing at 10:02 a.m.

Jason Dawson asked what the impact would be on current users.

County Attorney Jackson said that at this time composting toilets are illegal so there should not be any current users.

Chairman McFall closed the public hearing at 10:03 a.m.

Commissioner Bell moved to approve the On-site Wastewater Treatment System Regulations as described to allow and regulate the use of composting and incinerating toilets by resolution #16 effective June 1, 2019. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner McFall, aye. The motion carried.

2. Amendments of the Fremont County Zoning resolution:
 - a. Lowering the Minimum Dwelling size to four-hundred (400) square feet (FCZR 5.1)
 - b. Reducing the number of initial applications submitted (FCZR 8.3)
 - c. Changing the requirements regarding hearings for CUP renewals (FCZR 8.14.62)

Sean Garrett- Planning and Zoning Director gave a staff report. He explained that the first amendment would lower the minimum dwelling size from seven hundred fifty (750) square feet to four-hundred (400) square feet and eliminating the minimum 24 feet width.

Commissioner Payne asked if this came about because of the tiny house movement.

Sean Garrett- Planning and Zoning Director said that it was because of the interest in tiny houses and people wanting smaller houses along the 400-500 square foot range.

Commissioner McFall said he understood that the 400 square foot limit came about because that is on which lenders will loan funding.

Sean Garrett- Planning and Zoning Director confirmed this by consulting with local lenders.

Commissioner McFall clarified by saying that these dwellings are stick built homes not on trailers.

Sean Garrett- Planning and Zoning Director continued with his staff report explaining that the second portion would eliminate how many paper copies would be required when applying for a permit. Going forward, only one original will be required and one electronic copy.

Sean Garrett- Planning and Zoning Director stated that the third portion of the amendment is changing the requirement where an applicant is asking for a renewal of a CUP and there is no evidence of non-compliance, conditions of the original permit exists, and no modifications or changes being proposed, the board, at its discretion may, but is not required to schedule a public hearing.

Chairman McFall opened the public hearing at 10:09 a.m.

Gary Peterson representing the Royal Gorge Preservation Project, stated that the group he represents is against the third portion of the proposed amendment. He stated that Conditional Use Permits are required for land uses that tend to be controversial and

unpopular because they can damage property values and cause harm to the environment. Mr. Peterson went on to say that these are commission actions that should invite not limit public input.

Steve Kaverman said he sees the amendments as three separate issues having different impacts. He sees the first two as being housekeeping measures but the third one goes beyond housekeeping. He feels reducing opportunity for public comment is always a bad idea. Steve urged the Commissioners to leave the requirement for a public hearing for a CUP renewal in the code.

Susan Vines feels that if public input is stopped there would be problems starting at grass level.

Greg Dondlinger agrees with the other citizens that have commented. He said he would like to have input if something effects our community.

Paula Svincek wondering if along with the 400 feet, is there a minimum lot size.

Sean Garrett- Planning and Zoning Director said that lot development is per zone district and none of that will be changed.

Niki Bedell supports what the previous speakers said. She feels that even if someone isn't in agreement with the conditions of a CUP there is a deadline. By allowing these permits to be renewed without public input, it seems contradictory to the nature of a CUP.

Chairman McFall closed the public hearing at 10:20 a.m.

Commissioner Bell reminded citizens that the meetings are well posted and publicized.

Chairman McFall said that public hearings are published fourteen days prior to the hearing.

Commissioner Payne moved to table the Amendments to the Fremont County Zoning Resolution until the April 23, 2019 BOCC meeting at 9:30 a.m. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried.

Commissioner Bell said that when this comes up in the next meeting it will not be a Public Hearing and will not have public comment.

Commissioner McFall adjourned the meeting at 10:23 a.m.



Clerk and Recorder

RESOLUTION NO. 16, SERIES OF 2019

A RESOLUTION AMENDING THE ONSITE WASTEWATER TREATMENT SYSTEM REGULATIONS FOR FREMONT COUNTY

WHEREAS, the Board of Commissioners for Fremont County, pursuant to §25-1-508©, C.R.S., is designated as the Fremont County Board of Health; and

WHEREAS, pursuant to §25-10-104 the Fremont County Board of Health adopted Onsite Wastewater Treatment Regulations on June 30, 2018; and

WHEREAS, the adopted regulations did not include provisions for composting toilets and incinerating toilets; and

WHEREAS, the citizens of Fremont County have requested that composting toilets and incinerating toilets be included in the regulations; and

WHEREAS, a public hearing was held before the Board of County Commissioners of Fremont County on April 9, 2019, after notice of same was published in a newspaper of general circulation in the county at least fourteen days prior to said hearing; and

WHEREAS, the State of Colorado allows for such systems; and

WHEREAS, the Board of County Commissioners for Fremont County hereby finds that the provisions for composting toilets and incinerating toilets take into consideration the public health, safety, morals and general welfare; and the safety, protection and sanitation of dwellings, buildings and structures within the county.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Fremont County that the provisions for composting toilets and incinerating toilets are hereby adopted and approved to be included in the Onsite Wastewater Treatment System regulations for the unincorporated areas of Fremont County.

BE IT FINALLY RESOLVED that the amended regulations, shall become effective the FIRST DAY OF JUNE, 2019, and shall remain in full force and effect thereafter, except as may be modified from time to time by formal action of the Board of Commissioners for Fremont County.

Commissioner Bell moved the adoption of the foregoing Resolution with a

second by Commissioner Payne

Commissioner Payne	AYE	NAY	ABSTAIN	ABSENT
Commissioner Bell	AYE	NAY	ABSTAIN	ABSENT
Commissioner McFall	AYE	NAY	ABSTAIN	ABSENT

The Resolution was declared to be duly adopted.

Date: April 9th, 2019

Dwight McFall
Chairman



Attest: [Signature]
Clerk