

EIGHTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on April 23, 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	Absent
Brenda Jackson	County Attorney	Present
Sunny Bryant	County Manager	Present
Sean Garrett	Planning & Zoning Director	Present

INVOCATION

Tom Killgore, of First Southern Baptist 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 with a new addition to New Business. Item number one will now be Approval of the Chairman's signature on a Grant Award Letter from the Electronic Recording Technology Board, Colorado Department of State, for the Clerk and Recorder's office. 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 / April 9, 2019
2. Approval of Bills for \$1,515,830.75
3. Approval of the Airport Improvement Program (AIP) "Agreement for Transfer of Entitlements" for the transfer of \$150,000 of fiscal years 2017 and 2018 AIP funds from Fremont County Airport to Kit Carson County Airport
4. Ratification of the Chairman's signature on the Meritain Plan Document effective 04/01/2019
5. Ratification of the Chairman's signature on the Meritain Amendment for Administrative Services effective 04/01/2019
6. Ratification of the Chairman's signature on the Software as a Service Agreement with Tyler Technologies, Inc.
7. Schedule Public Hearings: May 14, 2019 at 10:100 a.m.
 - a. Request TUP 19-002 – Howard Creek Farm
Request approval of a Temporary Use Permit, Department file #TUP 19-002 Howard Creek Farm to allow a Wedding Venue, including a 4000 square foot hay barn on 11 acres adjacent to the Arkansas River in Howard. The Site will host 6 to 12 events a year from May to October each year, primarily on weekends. The events will be restricted to 200 maximum guests and will run from 10:300 a.m. to 10:30 p.m. All catering will be outsourced. The site is located at 356 County Road 4 in Howard

Commissioner McFall noted that a public hearing is scheduled for May 14, 2019 at 10:00 a.m. for a request for a Temporary Use Permit for Howard Creek Farm.

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 Manager Report, Sunny Bryant, County Manager

County Manager Bryant gave the following report:

- April 11th County Manager Bryant participated in an EPA Conference call. The County along with the City of Florence, the City of Canon City and various members of the community on an EPA Brownfields grant. If you are interested in getting more information about this grant, there is a page on the County website that includes information and a nomination form. If you know of any parcels that would benefit from this, you can fill out the nomination form.
- For the past two weeks the Auditing Company Kyle Logan and Associates have been here doing the annual audit for the County. This is a new firm so there has been a lot of transition. The department heads and elected officials have done a lot of work getting the requested information to the auditors.
- Last week County Manager Bryant attended the Area Managers Luncheon. It is good to see what the area managers in the County are doing.
- County Manager Bryant also attended a COSI (Colorado Opportunity Scholarship Initiative) meeting. Commissioner McFall and County Manager Bryant are on the board.

Commissioner Bell reminded citizens that tire day is this Saturday at Holcim. She said that the event will be held from 8:00 a.m. until noon. The limit is 20 passenger tires per person and proof of residence in Fremont County is required. Commissioner Bell also reminded citizens that the Blossom Festival will take place before the next scheduled County Commissioner Meeting. She said that the parade would be held on Saturday May 3rd but that other festivities are beginning on May 1st such as the carnival.

Commissioner McFall encouraged citizens to be safe in the upcoming seasons and be aware of fire danger.

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

There were none.

OLD BUSINESS

1. 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)

Commissioner McFall explained that there is a process of how these amendments come before the board. He said that there is a lot of discussion that happens before these items are presented at a Commissioner Meeting.

Planning and Zoning Director Garrett gave a staff report. He stated that portion a) of the amendments is lowering the minimum dwelling size from seven-hundred-fifty (750) square

feet to four-hundred (400) square feet and it would take away the minimum width of twenty-four (24) feet. He went on to explain that portion b) of the amendments is reducing the number of applications required when applying for permits to one hard copy and one electronic copy. Then he said that portion c) would change the requirements for CUP renewals from a required public hearing to a public hearing being at the discretion of the Board.

Commissioner Bell pointed out that this is the reason for public hearings. She said that not only did the Commissioners hear from the public during the last public hearing regarding the amendments in question but, they also received emails after the meeting that they took time to read and go over. One of the reasons item c) was proposed is because rarely does the public show up to a public hearing for a CUP renewal. But, the commissioners have heard loud and clear that the public wants the opportunity to do so.

Commissioner Payne explained that sometimes there are things presented that are to streamline processes but, sometimes those ideas are not acceptable.

Commissioner McFall stated that he also believes in transparency and doesn't ever want to hide anything or be accused of hiding anything. He said that this was not intended to do that but that is how it was perceived by the public. The other two changes are changes that go along with what is happening in our community.

Commissioner Bell moved to approve items a) and b) under the amendments of the Fremont County Zoning resolution. Item a) lowering the minimum dwelling size to four-hundred (400) square feet and item b) reducing the number of initial applications submitted and therefore ignoring and not approving item c) changing requirements regarding hearings for CUP renewals. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner McFall, aye. The motion carried.

NEW BUSINESS

1. Approval of the Chairman's signature on a Grant Award Letter from the Electronic Recording Technology Board, Colorado Department of State, for the Clerk and Recorder's Office.

Clerk Grantham explained that a few weeks into his term he attended a conference where he learned about the Electronic Recording Technology Board. This board offers a grant to enhance, digitize, or do technological upgrades. Clerk Grantham said that the Clerk's office applied for this grant in February and in March the office was notified that they had been approved for a grant in the amount of \$221,949.13. He said that with this grant his office was able to purchase a new wide format printer to scan and print plats and surveys, as well as, purchasing new computers and monitors. Clerk Grantham went on to say that because of these funds his office will be able to digitize filed documents, plats, and ditch plats which have not been digitized before. His office will be able to complete the indexing of real estate records, upgrade the web based platform which will make it easier for user interface and better access of our records off site. This process will happen over a period of time. Clerk Grantham said that they would be using US Imaging to actually index and copy the images. Once that is done the records will be easily accessed online. When the project is completed the instruments will no longer need to be handled so the Clerk's office will need a way of preserving them. Clerk Grantham will be applying for this grant again in the future so that those fragile documents can be preserved.

Commissioner McFall thanked Clerk Grantham for applying for the grant.

Commissioner Bell congratulated Clerk Grantham.

Commissioner Payne moved to approve the Chairman's signature on a Grant Award Letter and Contract from the Electronic Recording Technology Board, Colorado Department of State, for the Clerk and Recorder's Office. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried.

2. Annual Ambulance Licensing Renewals

Representative: Mykel Kroll, Fremont County Emergency Manager

Mykel Kroll, Fremont County Emergency Manager said that he started the first week of April doing ambulance inspections. He said he would like to get the Board's approval and signatures on the agencies licenses. AMR has four ambulances that serve Canon City and other areas in Fremont County. They are fully staffed with ALS (Advanced Life Support) 24 hours a day, 7 days a week, and 365 days a year. Flight for Life Colorado has two ambulances and are based out of St. Mary Corwin in Pueblo. They are staffed with nurses as well as ALS and EMT's. They run from noon until midnight.

Commissioner McFall asked Mr. Kroll to explain the difference between Advanced Life Support (ALS) and Basic Life Support (BLS).

Mykel Kroll, Fremont County Emergency Manager explained that ALS is the highest level of care that consist of EMT intermediate, EMT advanced, and Paramedics. Mr. Kroll then said that BLS would consist of EMT basic and they may have an IV certification. Mr. Kroll went on to say that Florence Volunteer Fire Department run three ambulances out of Florence Fire Station one and they are staffed ALS and BLS depending on the time of the day. Penrose Volunteer Fire Department is also ALS and BLS depending on the time of day. Deer Mountain Fire Protection District also runs two ambulances that are staffed with ALS and BLS personnel. Arkansas Valley Ambulance District also run ALS and BLS staffing. Mr. Kroll said that all of the agencies were very well prepared.

Commissioner Bell said that since they all have the capability to run at ALS although, at times, they run at BLS, they are licensed at ALS.

Commissioner Bell moved to approve AMR for an ALS license expiring April 30, 2020. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner McFall, aye. The motion carried.

Commissioner Payne moved to approve Flight for Life for an ALS license expiring April 30, 2020. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried.

Commissioner Bell moved to approve Florence Volunteer Fire Department for an ALS license expiring April 30, 2020. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner McFall, aye. The motion carried.

Commissioner Payne moved to approve Penrose Volunteer Fire Department for an ALS license expiring April 30, 2020. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried.

Commissioner Bell moved to approve Deer Mountain Fire Protection District for an ALS license expiring April 30, 2020. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner McFall, aye. The motion carried.

Commissioner Payne moved to approve Arkansas Valley Ambulance District for an ALS license expiring April 30, 2020. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried.

Commissioner McFall thanked Mr. Kroll for his work inspecting the ambulances.

Commissioner Bell said that the process seemed to go smoother than it has in previous years and commended Mr. Kroll on his professionalism

3. Approval of Task Order D Attachment to the Professional Services Agreement with Armstrong Consultants, Inc., for the Taxiway Project
Representative: Wes Brandt, Airport Manager

Wes Brandt, Airport Manager brought to the Board a taxiway rehabilitation project. He explained that there would be two different portions of the project. The first portion would be to rehabilitate the taxiway between Alpha one and Alpha two. The second portion would be to rehabilitate taxiway Alpha two. Mr. Brandt went on to say that this year would be the design phase of the project.

Commissioner Bell asked Mr. Brandt if there was a grant to help cover the cost.

Wes Brandt, Airport Manager said that 90% would be covered by the FAA, 5% is a CDOT grant, and the County would be responsible for the other 5%.

Commissioner Bell moved to approve Task Order D Attachment to the Professional Services Agreement with Armstrong Consultants, Inc., for the Taxiway Project in the amount of \$93,550.00 Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner McFall, aye. The motion carried.

4. Appointment of a new member to the John C. Fremont Library District Board of Trustees to fill a vacancy with a term expiring December 31, 2021

Commissioner McFall said that the board had received a letter from the John C. Fremont Library District Board to fill a vacancy on the board.

Commissioner Bell made note that this appointment is to replace Sherry Skye Stuart who did submit a letter of resignation from the John C. Fremont Library District Board of Trustees.

Commissioner Payne moved to approve the appointment of Lorenzo Torres to the John C. Fremont Library District Board of Trustees. The term will expire December 31, 2021. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried.

5. Resolution to pay or settle punitive damage claims and judgments against nine current and former Fremont County Sheriff's Office employees in the matter of O'Neal v. Fremont County Sheriff, et al.

County Attorney Jackson gave an overview of the case involving Sheriff's office personnel. She voiced that the Board of County Commissioners, past and present, and all County officials have been completely in support of these deputies and their actions. Given the County's support and the lack of willful and wanton conduct the resolution before the Board is to make clear that the County accepts responsibility for the judgments.

Commissioner McFall said that the Board backs the Sheriff's Office 100%.

Commissioner Bell read a portion of the resolution.

County Manager Bryant said that over the past six years, all of the County officials and department heads have worked very hard to be conservative in expenses to grow the County balances. It is for this reason that the County will be able to absorb the cost, if any, to pay these damages without passing the cost on to the public.

Commissioner Bell moved to approve a resolution to pay or settle punitive damage claims and judgments against nine current and former Fremont County Sheriff's Office employees in the matter of O'Neal v. Fremont County Sheriff, et al. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner McFall, aye. The motion carried.

PUBLIC HEARINGS

1. Special Event Liquor Permit
Canon City Rodeo Association
1595 S 9th St, Cañon City CO 81212
Representative: Shelli Tezak

Shelli Tezak Canon City Rodeo Association Representative asked the Board for a Special Event Liquor Permit for the 147th Annual Rodeo May 3-4, 2019 from 4:00p.m. to midnight.

Debbie Oliver, Deputy Clerk gave the staff report stating that all necessary paperwork and fees have been submitted.

Commissioner Bell asked Ms. Tezak if the servers would be receiving any training.

Ms. Tezak said that all the servers are licensed bartenders.

Commissioner McFall asked about the security that would be on site.

Ms. Tezak said that the Sheriff's Department would have a couple of deputies on site as well as a security company that is being hired to provide six security guards.

Commissioner Bell noted that the Sheriff's report and the Health Department report both recommended approval.

Commissioner McFall opened the public hearing at 10:13 a.m.

No one from the public wished to comment.

Commissioner McFall closed the public hearing at 10:13 a.m.

Commissioner Payne moved to approve the Special Event Liquor Permit for the Canon City Rodeo Association. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried.

2. Special Event Liquor Permit
Fremont Adventure Recreation
At Eastridge Campground
County Road 389B, Cañon City, CO 81212
Representative: Ashlee Sack

Ashlee Sack, representative for Fremont Adventure Recreation asked for a Special Event Liquor Permit for a bike ride held at Eastridge Campground. The twelve hour bike ride will begin at 7:30 a.m. The beer tent will be open from noon until 8:00 p.m. The area for consumption will be fenced off. FAR is partnering with Florence Brewing Company so the servers will either be employees of the Florence Brewing Company or tips trained and will be under the supervision of the Brewing Company employees.

Debbie Oliver, Deputy Clerk gave the staff report stating that all necessary paperwork and fees have been submitted.

Commissioner Bell noted that the Sheriff's report and the Health Department report both recommend approval.

Commissioner McFall opened the public hearing at 10:19 a.m.

No one from the public wished to comment.

Commissioner McFall closed the public hearing at 10:19 a.m.

Ms. Sack said that this event is in conjunction with Zia Rides which is an out of state company.

Commissioner Bell moved to approve the Special Event Liquor Permit for May 18, 2019 at Eastridge Campground on County Road 389B for Fremont Adventure Recreation. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner McFall, aye. The motion carried.

Commissioner McFall adjourned the meeting at 10:22 a.m.

Clerk and Recorder