

NINETH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on May 8, 2018, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner 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
Katie Barr	Clerk and Recorder	Absent
Brenda Jackson	County Attorney	Present
Sunny Bryant	County Manager	Present
Matt Koch	Planning & Zoning Director	Present

Bill Korf of Village Missions gave the invocation.

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

APPROVAL OF AGENDA

Commissioner Bell moved to approve the Agenda, making the change to add Sheriff Beicker's fire ban to number 1, and renumbering 1-8 to 2-9. 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 / April 24, 2018
2. Approval of Special Meeting Minutes / May 1, 2018
3. Approval of Bills for \$1,501,100.94
4. Request: OPC 14-009 Golden Meds, Inc., dba Green Around You LLC (Optional Premises Cultivation – Commercial Greenhouse) 2018 Renewal
OPC 14-009 Golden Meds, Inc., dba Golden Meds, Inc. & Green Around You LLC (Optional Premises Cultivation license-Indoor Grow-Greenhouse, Commercial) requesting the Renewal of an Optional Premises Cultivation license, to allow for the operation of an Optional Premises Cultivation-Indoor Grow-Greenhouse, Commercial, at 890 7th Street, Penrose, Colorado. This is the fourth renewal.

Dale Carroll was allowed to speak regarding the renewal of this license. He voiced his concerns as a resident who lives nearby about the odor/smell mitigation. He feels there should be more regulations regarding this.

5. Ratification of Chairman's signature on an Agreement for Services Between the Fremont County Coroner and Holt Family Funeral Home
6. Schedule Public Hearing: May 22, 2018 at 10:00 a.m.
 - a. SRU 18-001 Whitehorn Kennels

Commissioner McFall moved to approve the Consent Agenda, changing the Public Hearing scheduled for May 22, 2018 to June 12, 2018 at 10:00 a.m. 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 Gardunio reported that the total MV fees, sales taxes and Recording fees collected for April 2018 were \$1,224,335.06. Fremont County's portion for disbursement was \$685,902.09, which was 56% of the total fees collected and was \$113,840.36 more than April of 2017. Year-to-date the office is up \$270,095.04.

Commissioner Bell moved to accept the County Clerk's Monthly Report. 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

- She reported that the Sheriff Jail improvement is almost complete. They are working on the final change orders and are hoping to have the project finalized and closed out in the next month.
- She said that Fremont County was awarded \$600,000 in EPA Brownfields Assessment Grant. The grant period will start October 1st, so they will be gearing up for that project soon.
- Fremont County was tentatively awarded \$1,361,500 in Emergency Watershed Protection Program funds from Natural Resources Conservation Service and \$453,850 in Colorado Division of Homeland Security & Emergency Management funds for the Hayden Pass Recovery. They are hoping to finalize the agreements and get the project started in the next few months.
- The new Fremont County website will be launching in the next month or so. She said Jon Grayson has been putting a lot of time in building it and they are excited to get it out to the public.
- She wanted to remind everyone that they have a county wide Facebook page. They also have department pages for the Sheriff's Department, Planning & Zoning Department, Public Health Department, Department of Human Services, and the Airport.
- They are moving forward with the roof replacement project. The project will be starting in the next couple of weeks.

Commissioner Bell wanted to congratulate and thank everyone involved for a fun and successful Blossom Festival. She also wished everyone a Happy Mother's Day.

Commissioner McFall also wished everyone a Happy Mother's Day and mentioned how this was one of the quietest Blossom Festivals for our law enforcement for quite some time.

Commissioner Payne along with Commissioner McFall presented Commissioner Bell with an award for doing such a great job as last year's chairperson for the Board.

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

George Storey wanted to wish all the mothers a Happy Mother's Day and to say that he is part of the Canon apartments Pike Park Housing and is excited to see it get up and running.

John Hamrick wanted to remind everyone about Wigs for Kids. He also said that there are still scholarships available.

Edward Vazquez wanted to speak about Apple Valley Greenhouse and how they try very hard to be good neighbors in the community and to control the odors from their property. They go above and beyond being compliant in this area. He is always available to talk with anyone that has concerns.

OLD BUSINESS

None

NEW BUSINESS

1. Imposing Stage 1 Fire Ban for unincorporated Fremont County
Representative: Sheriff Jim Beicker

Sheriff Beicker said that although we have received some moisture, we are still at risk for fire danger. He said surrounding counties have already imposed some kind of fire ban, so he is asking to have a Stage 1 (the lowest level) approved. He mentioned that he spoke with Fire Chief Delvecchio, who said he would probably follow suit. He said if approved this only encompasses unincorporated Fremont County and does not include any areas in a special district or within city limits.

Commissioner Bell moved to approve resolution #15, imposing the Stage 1 fire ban. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Payne, aye. The Motion Carried.

2. Proclamation for Foster Care Month in Fremont County – May 2017
Representative: Stacie Kwitek-Russell, Director of Department of Human Services

Carrie Porter said that they are trying to come up with an elevator speech regarding foster care and will be creating some kind of poster to put up around the County to make people aware of how it works. She then read the proclamation.

Commissioner McFall moved to adopt May 2018 as Foster Care Month. Commissioner Bell seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Payne, aye. The Motion Carried.

3. A resolution recognizing Brenda Rall for her 35 years of service to Fremont County

Commissioner Payne read the resolution honoring Brenda Rall's 35 years of service.

Commissioner Bell moved to approve the resolution. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Payne, aye. The Motion Carried.

4. Heritage Commission Annual Report

Betsy with the Heritage Commission said that they have published their 7th guide and it was a big success. You can pick up copies or download a copy from their website. She said that after 9 years, Carol McNew has retired and Judy McCormick has replaced her. They are fine tuning their application for a landmark site to conform to the requirements of History Colorado.

5. Approval and authorization of Chairman's signature on a Natural Resources Conservation Service Damage Survey Report (DSR) Emergency Watershed Protection Program – Recovery for Hayden Pass Flood
Representative: Jill Filer, Fremont County Emergency Management Director

Commissioner McFall explained that we received 1.8 million for the Hayden Pass Fire Recovery from NRCS. This will help rehabilitate and stabilize the area below the burn scar. He also said that the matching funds required of the County are coming from the Department of Public Safety.

Commissioner McFall moved to approve the Chairman's signature. Commissioner Bell seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Payne, aye. The Motion Carried.

6. Liquor License Renewal
Deadline Waiver/Late Fee Waiver
Service System Associates Inc.
4218 County Rd. 3A, Canon City, CO 81212
Optional Premises License

Chief Deputy Gardunio explained that SSA is asking for the deadline and late fee waiver because they never received their renewal notice/application from the State and that is required to proceed. They had to wait for a duplicate before continuing with the process and everything else was in order.

Commissioner Bell moved to approve the deadline/late fee waiver and the renewal. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Payne, aye. The Motion Carried.

7. OPC 14-001 Today's Health Care II Today's Health Care DBA (Today's Health Care II. (Optional Premises Cultivation – Commercial Greenhouse) Transfer of Ownership to National Green Source Request Transfer of Ownership of an Optional Premises Cultivation license, Department file #OPC 14-001 Today's Health Care II & Today's Health Care (Optional Premises Cultivation-Commercial, greenhouse), by Today's Health Care II, LLC & Today's Health Care LLC, doing business as Today's Health Care, to National Green Source, LLC for property which is owned by Osceola Green Equity Holdings, LLC. The address of the property is 934 C Street in the Beaver Park/Penrose Area, which is located on the east side of C Street, approximately 978 feet to the center of the property, from the intersection of State Highway 115 and C Street, in the Beaver Park/Penrose Area. The property is zoned Agricultural Rural and contains 10 acres more or less. The current owners, Natalie Romolt and Angela Morton to transfer to Natalie Romolt, doing business as National Green Source, LLC. The department file name will be OPC 14-001 National Green Source #2.
Representative: Natalie Romolt

Natalie Romolt explained that she has purchased this business and would like to have OPC 14-001 transferred to National Green Source.

Planning and Zoning Director Koch said that she is currently listed as a co-owner on the State license. Code Enforcement did visit this location and found an odor violation. He also said that he personally drove by late on a Saturday night and noticed that the blackout was not operational on one of the buildings.

Ms. Romolt said that the odor issue has been taken care of. She said that it was not operating properly and they had to replace the lines. She said they are currently looking for some kind of monitoring system that would notify them right away in case this were to happen again. She said she was not aware of the blackout system not working, but would check on it.

Commissioner McFall moved to approve the transfer of ownership. Commissioner Bell seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Payne, aye. The Motion Carried.

8. OPC 14-005 Today's Health Care, LLC DBA (Today's Health Care (Optional Premises Cultivation – Commercial Green House) Transfer of Ownership To OPC 14-005 National Green Source Request for Transfer of an Optional Premises Cultivation license for an indoor grow operation, Department file #OPC 14-005 Today's Health Care, LLC (Optional Premises Cultivation-Commercial, Greenhouse), by Today's Health Care, LLC, (dba Today's Health Care) to National Green Source, LLC for property which is owned by COAZ North, LLC. The address of the property is 1015 Highway 115, in the Beaver Park/Penrose Area, which is located on the north side of State Highway 115, approximately 492 feet to the center of the driveway, from the intersection of State Highway 115 and C Street, in the Beaver Park/Penrose Area. The property is zoned Business and contains 2.65 acres more or less. The current owners, Natalie Romolt and Angela Morton to transfer to Natalie Romolt, doing business as National Green Source, LLC. The department file name will be OPC 14-005 National Green Source #1.
Representative: Natalie Romolt

Natalie Romolt said this is the same request as the one before, it's just another location. She mentioned at this location they do the genetics, cloning and have non-flowering plants.

Planning and Zoning Director Koch said this location is all enclosed and since they are non-flowering plants, there is no need for lighting or odor mitigation. His office recommends approval.

Commissioner Bell moved to approve the transfer of ownership. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Payne, aye. The Motion Carried.

9. Resolution #__17__ appropriating additional sums of money to defray expenses in excess of amounts budgeted for and appropriated by Fremont County, Colorado for the budget year ending December 31, 2017

County Manager Bryant explained that it was recommended by the auditors for a few more adjustments to the 2017 budget. She is asking for one additional entry of \$100,000 to go to Self-Funded Insurance.

Commissioner McFall moved to approve resolution #17. Commissioner Bell seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Payne, aye. The Motion Carried.

PUBLIC HEARING

1. Proposed Service Plan for the Arkansas Valley Ambulance District

Dan Slater said that they are asking the Board to approve the Service Plan for Arkansas Valley Ambulance District so that they can move forward with the process of getting on the ballot in November for the voters to decide whether or not to form this Ambulance District. He said that they are having a hard time as just a donation based 501C3 and are not receiving enough support as they have grown and stabilized. He said they should find

that the Service Plan meets all the requirements and they would like to start collecting signatures for their petition. He read all of the objections he had received from residents and why they did not want to be included in the district area, but found no valid ones.

Byron Alsup spoke in favor of the district, noting that bake sales cannot sustain an ambulance organization.

Ryan Canterbury said he was one of the residents who asked to not be included in the district's area. He wanted to know how the taxes were going to be calculated. He wanted to know if it was from the assessed value or from the land value.

County Attorney Jackson explained it would be the assessed value.

Commissioner McFall said he understood their objective and that it essentially would be up to the public to vote on.

Commissioner Bell said that she is aware there are many steps to this process and this is the first one.

Commissioner Payne asked if this was under Title 32 and would the 501C3 dissolve if the district was approved.

Mr. Slater said that, yes, it was Title 32 and that the fate of the 501C3 was not yet decided. They may keep it to help supplement fees/costs.

Commissioner Bell moved to approve the Service Plan, May 22, 2018 was set for the adoption of findings and a resolution. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Payne, aye. The Motion Carried.

2. Request: CDP 18-001 Penrose Auto Salvage

Request approval of a Commercial Development Plan, Department file #CDP 18-001 Penrose Auto Salvage by Elizabeth Schlup, for the property which is located on the south side of Colorado State Highway 120, approximately 1600 feet west of the intersection of Colorado State Highway 120 and "R" Street in Penrose. The property has been used as an auto salvage yard for over 40 years. The purpose of this application is to bring the site into compliance with the current regulations and allow for the construction of a 5000 sq. ft. steel warehouse building.

Representative: Angela Bellantoni, PhD

Angela Bellantoni said that the owners are looking to add a building on their property. They have had one complaint from the neighbor to the north regarding buffering. She explained that a fence will be put up, taking care of this issue.

Elizabeth Schlup said that this business has been here since 1940 and her family took it over in 1996. She has been involved with it since 2014. This new building will give them a covered area to break down the vehicles that come in and give them a storage area for the parts recovered. Currently, they do not have a covered area and parts are often ruined due to weather. She explained that everything from the vehicle, including fluids, are recycled.

Planning and Zoning Director Koch said that they have posted and published and that their application is in order. He said upon meeting all contingency items his office recommends approval.

Monika Jordan said that she is the daughter to the neighbor north of the property that made a complaint about buffering. She said that as long as they are going to be putting up a fence, they have no objections to this building.

Commissioner McFall moved to approve resolution #16. Commissioner Bell seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Payne, aye. The Motion Carried.

Chairman Payne adjourned the meeting at 10:49 a.m.


Clerk and Recorder

RESOLUTION NO. 17 2018
 RESOLUTION FOR SUPPLEMENTARY 2017 BUDGET

A RESOLUTION APPROPRIATING ADDITIONAL SUMS OF MONEY TO DEFRAY EXPENSES IN EXCESS OF AMOUNTS BUDGETED FOR AND APPROPRIATED BY FREMONT COUNTY, COLORADO, FOR THE BUDGET YEAR ENDING DECEMBER 31, 2017.

WHEREAS, various expenditures have occurred during the current budget year that were not planned or anticipated at the time of the adoption of the 2017 budget, and....

WHEREAS, unanticipated revenues and available Fund Balance Reserves, not assured at the time of the adoption of the 2017 budget, are the providing resource for the various additional expenditures, by Fund, as follows:

SELF FUNDED INSURANCE	\$ 100,000
TOTAL	\$ 100,000

NOW, THEREFORE BE IT RESOLVED, by the Fremont Board of County Commissioners that 2017 Appropriations for the following Funds are hereby increased from the Original adopted budget to the Supplemental budget as follows:

	TOTAL ORIGINAL BUDGET	TOTAL SUPPLEMENTAL BUDGET	INCREASE
SELF FUNDED INSURANCE	\$ 4,302,079	\$ 4,402,079	\$ 100,000
TOTAL SUPPLEMENTAL APPROPRIATION			\$ 100,000

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

Debbie Bell	Aye	Nay	Absent	Abstain
Dwayne McFall	Aye	Nay	Absent	Abstain
Timothy R. Payne	Aye	Nay	Absent	Abstain

The Resolution was declared to be duly adopted.

Date: 5/8/18

T. Payne
Chairman

Attest:

Shardine Chief Deputy
County Clerk and Recorder