

ELEVENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on June 12, 2018, 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 for Katie Barr	Clerk and Recorder	Present
Brenda Jackson	County Attorney	Present
Sunny Bryant	County Manager	Present
Matt Koch	Planning & Zoning Director	Present

No invocation was given.

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 adding items 1 & 2 to New Business and renumbering items 1-5, also removing item number 2a under Administrative/Informational. **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 / May 22, 2018
2. Approval of Bills for \$2,463,760.35
3. Ratify Resolution #19, Series of 2018, A Resolution Clarifying the Effective Date of the Approval of the Service Plan for Organization of the Arkansas Valley Ambulance District
4. Schedule Public Hearing: June 26, 2018 at 10:00 a.m.
 - a. SRU 18-003 Whitehorn Kennels
Request approval of a Special review Use Permit, Department file #SRU 18-003 Whitehorn Kennels, by Allison Brown., for the property which is located on the south side of Fremont County Road 2, 2.2 miles east of the Chaffee/Fremont County line. The proposed kennels will house up to 26 foxhounds. The foxhounds are used for hunting in the National Forest. The applicant owns the hounds and uses them personally for hunting. The site contains 21.25 acres.
 - b. CUP 18-001 SH69 Gravel Pit
Request approval of a Conditional Use Permit, Department file #CUP 18-001 SH69 Gravel Pit, by Fremont County Department of Transportation., Tony Adamic. BLM is the owner for the property which is located 2.5 miles south of Texas Creek, on the east side of Colorado State Highway 69. The pit will be a surface mine producing material for road maintenance. Operation times will be Monday through Thursday 6:00 a.m. to 4:30 p.m. The site is for Fremont County use only, no public use will be allowed.

- c. CDP 18-002 George Clark Auto
Request approval of a Commercial Development Plan, Department file #CDP 18-002 George Clark Auto by George Clark, for the property which is located on the south side of 3rd Street, approximately 320 feet east of the intersection of Colorado State Highway 115 and "3rd" Street in Penrose. The property has been used for professional business uses and a church. The proposed use will be an auto repair garage, auto sales lot and professional office space. A watchmen's quarters will be located within the office building.

Commissioner McFall moved to approve the Consent Agenda. **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 gave the Clerk's report. The total MV fees, Sales Taxes and Recording fees collected for May 2018 were \$1,297,907.50. Fremont County's portion for disbursement was \$721,435.92, which was 56% of the total fees collected and was \$75,460.18 more than May of 2017. Year-to-date the office is up \$345,555.22 from last year.

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

Manager Bryant reported that:

- Commissioner Payne, Commissioner McFall, Stacie Kwitek-Russell, and she attended the annual CCI Summer Conference. They had great sessions and it was a good time to network with other County Managers.
- She is working on the RFP for the Hayden Pass Fire. She is hoping to have the funds in a month or so and is trying to get as much work done ahead of time as she can.
- She wanted to remind everyone that Pathfinder Park is available for open riding on Tuesdays from 8:00 a.m. – 4:00 p.m. She said the vandalism has been rising out there, so be mindful and take care of the park.
- She said that Jon Grayson is finishing up the new County Website and they are planning to launch it at the next BOCC meeting.

Commissioner Bell wanted to let everyone know that Action 22, which consists of the 22 southeast counties, is hosting a meet and greet on Wednesday, June 13, 2018 at 5:30 p.m. at Whitewater Bar & Grill. She also said that they will be dedicating more bricks to the war memorial park at the airport on Saturday, June 30, 2018.

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

George Storey said that he hoped all was going well with construction around Fremont County, such as Valley View, Pike View Apartments, possibly Starbucks and the chip seal being put down on the highway. He also urged everyone to help in any way with the water crisis in South Africa.

OLD BUSINESS

None.

NEW BUSINESS

1. Transparency Statement by Board of County Commissioners

Commissioner Payne was the first commissioner to read from the Statement of Transparency regarding the County Clerk, Katie Barr, and the check cashing issues. Each commissioner took a turn in reading from the 4 page document, outlining what happened, how it happened, how it was discovered, what was done to correct the problem and prevent future occurrences. They read an overview of the duties required of the County Clerk, the County Attorney and the Board of County Commissioners. They concluded saying that they still hold the opinion that Clerk Barr should resign.

2. Approval of Resolution No. __, a Resolution Prohibiting the Sale, Use and Possession of Fireworks in the Unincorporated Areas of Fremont County in Accordance with Fremont County Ordinance Number 1, Series of 2012

Sheriff Beicker spoke to the Board, saying that normally fireworks are exempt for a certain time period from fire bans, unless he provides further proof that they should be included to not be allowed. He said that he believed he has provided the Board with such proof and is asking to approve these restrictions, saying "it is the safe thing to do". He noted that BLM has historical concerns with this year's fire issues. He also asked that the Board move the Stage 1 fire ban, approved previously, to a Stage 2 fire ban. He warned all, that they will not give much consideration to those ignoring these restrictions.

Commissioner McFall moved to approve Resolution #20. **Commissioner Bell** seconded the motion. Upon Vote: **Commissioner McFall**, aye; **Commissioner Bell**, aye; **Commissioner Payne**, aye. The Motion Carried.

3. Consideration of a Proclamation for Elder Abuse Awareness Day in Fremont County, June 15, 2018
Representatives: Kelly Broomfield, Department of Human Services

Kelly Broomfield read the proclamation. She urged everyone, that if you suspect elder abuse at all, to call either DHS or law enforcement.

Commissioner Bell asked her if she knew approximately how many elder abuse cases there were.

Ms. Broomfield said that in the 2 ½ years she has been with DHS, she has handled about 251.

Commissioner Bell moved to approve the Proclamation, making June 15, 2018, Elder Abuse Awareness Day in Fremont County. **Commissioner McFall** seconded the motion. Upon Vote: **Commissioner Bell**, aye; **Commissioner McFall**, aye; **Commissioner Payne**, aye. The Motion Carried.

4. 3.2 Beer License Renewal
Deadline Waiver/Late Fee Waiver
Kwik Star Inc. dba Kwik Stop #6
3095 E US Hwy 50, Canon City, CO 81212
3.2% Beer off Premise License

Chief Deputy Gardunio said that this license renewal is still in a lease negotiation between Kwik Star Inc. and Pester Marketing. While they were notified several times about their renewal, they did not submit it by the deadline. In order for the eventual transfer of the

license to go through, Kwik Star Inc.'s license must still be active. She mentioned all the paperwork was now in order and ready to submit to the State upon approval from the Board.

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

5. Approval of an Intergovernmental Agreement with the Town of Brookside for the application of chip and seal to Willow Street

County Manager Bryant said that the Town of Brookside approached the County, asking them if they could pay the County to include them in the chip seal projects. They said they have checked outside sources and they are too expensive. She said that they spoke with Fremont County's Department of Transportation and they said they would be able to fit it in to their schedule just fine.

Commissioner McFall wanted to note that approving this would not mean the County would be putting off other already scheduled projects to fit this in. They made time to add this project.

Commissioner Bell moved to approve the IGA with the Town of Brookside.

Commissioner McFall seconded the motion. Upon Vote: **Commissioner Bell**, aye; **Commissioner McFall**, aye; **Commissioner Payne**, aye. The Motion Carried.

6. Approval of a Memorandum of Understanding with the State of Colorado Department of Human Services from July 1, 2018 through June 30, 2021 for the Colorado Works Program and the Colorado Child Care Assistance Program

County Attorney Jackson said that this is a standard contract with the State of Colorado, even though there were quite a few changes to the contract. She said that DHS has to contract with the State and this allows the State to reimburse the County.

Commissioner McFall moved to approve the MOU between the State of Colorado and DHS. **Commissioner Bell** seconded the motion. Upon Vote: **Commissioner McFall**, aye; **Commissioner Bell**, aye; **Commissioner Payne**, aye. The Motion Carried.

7. Approval of an Intergovernmental Agreement with the Upper Arkansas Area Council of Governments and Participating Counties regarding Regional Housing Study

County Manager Bryant said that she was approached about a year and a half ago regarding this study. It would include Fremont, Custer and Park counties and would show the full housing needs, such as what kind of needs and issues we have and give recommendations. She said our costs are not to exceed \$13,356.

Commissioner McFall said that this would include all levels of housing needs and is a vital study which is very detailed.

Commissioner Bell said that developers will use this report when coming in to our area to build.

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

Public Hearing Scheduled for 10:00 a.m.:

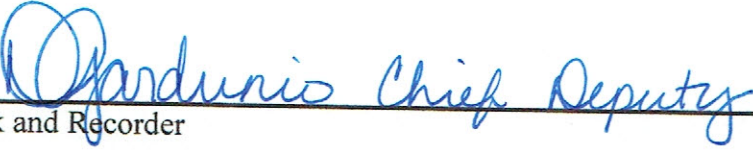
1. Special Event Liquor Permit
Held at Pathfinder Park
Early Connections Learning Centers
104 E Rio Grande

Colorado Springs, CO 80901
Representative: Liz Denson

Liz Denson said that this will be for a beer tent at their rodeo being held on June 30, 2018 – July 1, 2018. While they have had many rodeos, this will be their first one here at Pathfinder Park. They are anticipating approximately 300-500 people to attend along with a lot of sponsorships. The beer garden will be 24' x 24', surrounding by big fence panels. They will issue wrist bands to those consuming alcoholic beverages.

Chief Deputy Gardunio said that they have submitted all required paperwork and the property was posted, recommending approval.

Chairman Tim Payne adjourned the meeting at 10:19 a.m.


Clerk and Recorder

RESOLUTION NO. 19, SERIES OF 2018

A RESOLUTION CLARIFYING THE EFFECTIVE DATE OF THE APPROVAL THE SERVICE PLAN FOR ORGANIZATION OF THE ARKANSAS VALLEY AMBULANCE DISTRICT

WHEREAS, On May 22, 2018, the Board of Commissioners for the County of Fremont adopted Resolution No. 18, Series of 2018, which approved, without conditions, the proposed service plan for the Arkansas Valley Ambulance District; and

WHEREAS, at the May 8, 2018 public hearing on the proposed service plan held by the Board of County Commissioners for Fremont County, the Board unanimously voted to approve the service plan, without conditions, and set the matter for May 22, 2018 for formal adoption of findings relevant to the approval; and

WHEREAS, at the May 8, 2018 public hearing, the Board indicated that its approval and findings would be effective as of the date of the May 8, 2018 public hearing; and

WHEREAS, the language of Resolution No. 18, Series of 2018 does not contain the effective date of May 8, 2018, which was an oversight and requires clarification.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS FOR FREMONT COUNTY THAT THE EFFECTIVE DATE FOR THE APPROVAL OF THE SERVICE PLAN FOR THE PROPOSED ARKANSAS VALLEY AMBULANCE DISTRICT SHALL BE MAY 8, 2018, THE DATE ON WHICH THE BOARD VERBALLY APPROVED SUCH SERVICE PLAN.

Commissioner Bell moved the adoption of the foregoing Resolution with a second by Commissioner McFall.

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

The Resolution was declared to be duly adopted.

Date: 5-29-2018

T. Payne
Chairman

Attest: Katie E. Barr
Clerk

RESOLUTION NO. 20, SERIES OF 2018

**A RESOLUTION PROHIBITING THE SALE, USE AND POSSESSION
OF FIREWORKS IN THE UNINCORPORATED AREAS OF FREMONT COUNTY
IN ACCORDANCE WITH
FREMONT COUNTY ORDINANCE NUMBER 1, SERIES OF 2012**

WHEREAS, on June 26, 2012, Fremont County adopted Ordinance Number 1, Series of 2012 (2012-1), which imposed county-wide fire restrictions in Fremont County; and

WHEREAS, Section 6 of the Fire Restrictions Ordinance and Section 30-15-401(1)(n.7), C.R.S., allows for the Board of County Commissioners to prohibit the sale, use and possession of fireworks between May 31 and July 5, provided the Board makes a written express finding that all, or a portion of Fremont County is in a state of high fire danger, based on competent evidence; and

WHEREAS, On May 8, 2018, the Board of Commissioners lifted the suspension of the Fire Restriction Ordinance, thereby imposing fire restrictions throughout the unincorporated areas of Fremont County, which are presently in Stage One; and

WHEREAS, Sheriff James Beicker has consulted with other entities sharing jurisdiction concerning fires within the county, has assessed the fire danger for Fremont County and has concluded that the sale, use and possession of fireworks should be banned to reduce the threat and risk of wild fires within the County and the Board of Commissioners defers to his determination; and

WHEREAS, according to the National Interagency Fire Center, the intensity of the drought for Fremont County and the State of Colorado is presently in the moderate range and is expected to persist or intensify in future months; and

WHEREAS, within the past week, Fremont County has experienced several small fires, and there is significant wildfire activity in the Southwest region of the United States and in several locations in Colorado; and

WHEREAS, the Bureau of Land Management has reported the status of the Remote Automated Weather Stations (RAWS), which indicates that the RAWS in Fremont County are at or about the 97%, which means that only 3% of the time has that station been that high in the stations life; and

WHEREAS, the RAWS have been in place at least 5 years, and Willis Creek, Copper Gulch and Four Mile have been in place for at least 25 years; and

WHEREAS, the RAWS information for Fremont County indicates:

Four Mile - Current 92 Max 96
Fort Carson - Current 90 Max 94
Red Creek - Current 87 Max 99
Willis Creek -Current 76 Max 87
Bear Creek - Current 86 Max 95; and

WHEREAS, the Bureau of Land Management is considering imposing Stage 2 fire restrictions in Fremont County, due to the RAWS information; and

WHEREAS, the National Weather Service has placed Fremont County under Red Flag warnings for fire danger frequently over the past several weeks and this level of fire danger is expected to continue for an indefinite period of time; and

WHEREAS, natural fuels contributing to high fire danger are prevalent throughout Fremont County.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS FOR FREMONT COUNTY that based upon the findings and competent evidence set forth herein, and pursuant to Ordinance Number 2012-1 the SALE, USE and POSSESSION of all fireworks, including those deemed permissible under §12-28-103, C.R.S., in the unincorporated areas of Fremont County, are hereby PROHIBITED and BANNED.

The Board of Commissioners and the Sheriff of Fremont County strongly encourage residents of Fremont County, and visitors to Fremont County, to comply with all terms and conditions of the Fire Restrictions, and to exercise great caution with fires and sources that contribute to the fire danger to keep Fremont County safe from wildfires.

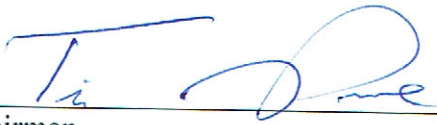
This Resolution shall become effective at 10:00 a.m. on Tuesday, June 12, 2018.

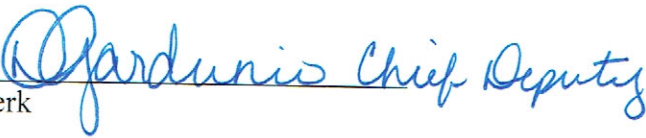
Commissioner McFall moved for adoption of this Resolution, with a second by Commissioner Bell. The roll call vote of the Board was as follows:

Debbie L. 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: 6/12/18 Time: 10:56 am


Chairman

Attest: 
Clerk