

## FOURTEENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on July 24, 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

David Almanzar of the Community Baptist Church, 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. 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 / July 10, 2018
2. Approval of Bills for \$1,728,478.14
3. Schedule Public Hearings: None

**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 Treasurer's Semi-Annual Report and Public Trustee's Quarterly Report, Kathy Elliott, County Treasurer

**County Treasurer Elliott** gave her Semi-Annual Report. She noted that totals are down \$600,000 mainly due to self-insurance claims. She also gave the Public Trustee's Report. There have been 445 Deeds of Trust released and 16 foreclosures started. As of the end of June there are 42 foreclosures which is one more than last year.

**Commissioner Payne** wanted to know if someone was reviewing the reconciliations other than the person who had prepared them, as recommended from the special review report given by Logan & Associates.

**County Treasurer Elliott** replied that yes, she is reconciling and Kelly Janis, her chief deputy, is verifying them. She is getting familiar with them and how to enter them and

will eventually take over reconciling, which she said will take Kelly out of doing the daily work due to the line of accountability that she, along with other county treasurer's, believe that the person doing the daily work and handling the cash should not be reconciling. This is why she is currently not doing the daily work.

**County Manager Bryant** asked what the logic was to that theory, because as long as someone was reconciling and someone else was reviewing that reconciliation that is the double check that is needed and doesn't understand why the person reconciling could not also perform daily transactions.

**County Treasurer Elliott** said that then creates the issue of a whole month going by and trying to figure out issues. She currently does not have that problem. She said it is something that could be discussed, but the line of accountability is huge.

**Commissioner Payne** also said the report stated that journal entries should not be used and wanted an update as to whether or not journal entries are still being made and why.

**County Treasurer Elliott** replied that journal entries are being used solely for transferring of treasurer's fees from their special assessments to general fund on a monthly basis. She said they are also being used for transferring money from the warrant account, the operating account when bills are paid and for payroll.

**Commissioner Payne** replied, saying the recommendation was not to do this and Elliott agreed that was the recommendation. He wanted to know if there was any head way on trying to get away from this process. She said that it is her hopes that once the import gets going from the Finance Office, she can cut back on a lot of those. Commissioner Payne said that he does commend Kelly from the Treasurer's Office for working so hard trying to reconcile the Treasurer's Office with the Finance Office.

**Commissioner Bell** said that in the recommendations, it was also mentioned that she should start documenting the procedures performed in recording transactions in the Treasurer's side of the accounting system. She wanted to know if those procedures have been documented.

**County Treasurer Elliott** said yes, it is being worked on but is not done. She said she is documenting them for the month and the next month Kelly processes them. She said if adjustments are needed they do the adjustments and the next month Kelly does them with the adjustments. If all goes smoothly, it gets uploaded in to their policy manual on Tyler.

**Commissioner Bell** wanted to know if the reconciliations of the bank statements are being done in the accounting system, as recommended by the annual auditor John Cutler & Associates for the last four years.

**Treasurer Elliott** said all but two, which is the Finance Office and DHS, which are the problems they are having with the import. She said they have discussed writing out the checks, but there is a lot of room for error in writing out checks. Plus, she said she does not have the staff to write out 300+ checks a month. So, she is looking at changing their fund numbers so that they will import with the Finance Office and then will be able to reconcile them with the software. Commissioner Bell said it seems like there is a lot of work that is ongoing and some things that are being changed.

**Commissioner McFall** wanted to know what she meant by changing the names of the accounts. She said that it's not changing the names, it is changing the numbers. County Manager Bryant said that the two departments have completely different numbering structures. McFall commented that it doesn't matter what you call it, as long as you put it in the right place when it's transferred over and doesn't think changing the numbers is going to affect that.

**Treasurer Elliott** said that yes, it will affect it, if the numbers are matching it will work. The problem is if the Treasurer's Office is the one to change their numbers, they are going to have to do some kind of software update to tie in any other transactions they've

previously done in that fund to read it. Commissioner Payne asked if this was something Tyler could do.

**County Manger Bryant** said that she has actually suggested that during this interim, they put something in Excel to do an “if/than” statement. This would allow Excel to change one account number into something different. She said at any point, they could try this to see if this is the end result, but so far, it has not happened. She said they are still waiting and that Charlene has already spoken to their IT department, who is more than happy to help with the process. She asked Elliott if she has heard of any other county whose Finance Department is working with Encode version 10 that is working with the Treasurer’s Office. Elliott said she has not asked that specifically but she has asked Philip Kerr with the Tyler accounting software, why they would have import warrants if they’re not able to use it. She said she asked him if there were other counties that were able to do this and if so how.

**Commissioner Payne** said they are just trying to make sure things are moving forward with all of this since a lot of money was spent of the special review.

**Commissioner McFall** asked if all transactions are occurring in the current period to make bank reconciliations accurate. Elliott said that they are, the only time since February was this month and that was due to the airport not getting her what she needed in time and she cannot hold up distributions because of this.

**Commissioner Bell** moved to accept the County Treasurer’s Semi-Annual Report and the Public Trustee’s Quarterly 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 said that we have experienced flooding and damage to roads throughout the county. The Fremont County Department of Transportation crews are out assessing the damage and cleaning up the areas.
- She said the Fremont County Fair is from July 27 – August 5. For a list of events visit [www.fremontcountyfair.com](http://www.fremontcountyfair.com).
- She said we will receive our EPA Grant on October 1, 2018 so, we will be working on coming up with brownfields projects that we will assess.

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

**County Manager Bryant** reported that the Retail Sales Tax collected for May, 2018 was \$447,659 which is up \$29,849 from last year. The Auto Use Tax Collection for June of 2018 was \$85,544 which is up \$29,849 from last year. The Construction Use Tax Collections for June of 2018 were \$17,432 which is up \$14,754 from last year. The Lodging Tax for May of 2018 was \$2,433 which is down \$1,920 from last year. The Sheriff’s Retail Sales Tax Collected for May of 2018 were \$298,440 which is up \$19,899 from last year. The Sheriff Auto Use Tax Collections for June of 2018 were \$57,030 which is down \$7,619 from last year. The Sheriff’s Construction Use Tax Collections for June of 2018 was \$11,622 which is up \$699 from last year.

**Commissioner McFall** said the fair starts this Friday with the Jr. Rodeo at Pathfinder Park and then the Ranch Rodeo on Saturday. It is \$5.00 to get into the Ranch Rodeo. As of this morning Sheriff Beicker returned the county into a Stage 1 fire ban.

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

There were none

### OLD BUSINESS

None

### NEW BUSINESS

New Business for Consideration:

1. Presentation of the Joint Land Use Study (JLUS)  
Representative: Brian Potts or Ann Werner, Pikes Peak Area Council of Governments

**Brian Potts** started the study in fall of 2015 and discussed pertinent information through a PowerPoint presentation. He is currently drafting a document and getting as much public input as he can through this process. When the study is finished it will provide a road map for Chaffee, Custer, El Paso and Fremont Counties to work with the military bases located in the area to find mutually satisfying alternatives for issues that arise.

**Commissioner Bell** asked if the group would disband or continue to meet.

**Brian Potts** stated that nothing has been officially decided but, there is a desire to continue to meet.

2. Approval of grant agreement with the Upper Arkansas Area Council of Governments for a shade structure at War Memorial Park- HWY 50

**County Manager Bryant** said that the "In God We Trust" memorial at the War Memorial Park is constructed of pennies and with the sun constantly shining on them, the structure is suffering undue wear and tear. The shade would help alleviate this.

**Commissioner Bell** moved to approve the grant agreement with the Upper Arkansas Area Council of Governments for a shade structure at War Memorial Park. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Payne, aye. The motion carried.

3. Re-appointment of Michael Pullen and Francis Williams to the Building Code Board of Appeals for terms ending August 1, 2021

**Commissioner McFall** moved to re-appoint Michael Pullen and Francis Williams to the Building Code Board of Appeals for terms ending August 1, 2021. Commissioner Bell seconded the motion Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

4. Rescheduling of the Tuesday, December 25, 2018 Board of County Commissioners meeting to Wednesday, December 26, 2018, at 9:30 a.m.

**Commissioner Bell** moved to approve rescheduling the Tuesday, December 25, 2018 Board of County Commissioners meeting to Wednesday, December 26, 2018, at 9:30 a.m., because the meeting falls on the Christmas Day holiday. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Payne, aye. The motion carried.

D) Public Hearings Scheduled for 10:00 a.m.:

1. OPC 14-011 Pure Medical, LLC – Modification of Premises  
OPC 14-011 Pure Medical, LLC, dba Pure Medical (Optional Premises Cultivation license-Indoor Grow-Greenhouse, Commercial) requesting the approval and issuance of a MODIFICATION of an Optional Premises Cultivation

license, to allow for the operation of an Optional Premises Cultivation-Indoor Grow-Greenhouse, Commercial, at 440 8th Street, Penrose, Colorado. This modification request is to allow the construction of a 60'x80' (the application states 90'x65', that has been modified) metal building for Vegetation, propagation, flowering, harvest, drying and storage. The new building will also include an employee restroom. The previous approval of canopies over the grow area was approved but the canopies have not been erected. The question of lot coverage came up with this application and the applicant provided an ILC to verify the lot coverage. Any amount of lot coverage over the regulatory amount will be deducted from the canopy area. No expansion of the grow area is proposed.  
Representative: Jason Vanstrom

**James Marks**, the Property Manager of Pure Medical LLC, said they no longer operate out of Colorado Springs. He also noted that the business has operated complaint free and always tries to work with planning and zoning. Mr. Marks also mentioned that this modification will encourage growth in the community by providing jobs.

**P&Z Director Koch** said that the property had been posted and published in the local paper. Code Enforcement visits once a week, with no substantiate complaints. Director Koch stated that there are some transient odors but does not meet the threshold so there is no violation there. This will not increase their grow area or plant count. He said that the application was in order and approval is recommended.

**Marks** explained how they are only allowed to grow a certain number of plants relevant to their number of patients.

**Commissioner Payne** asked if plants were started at the location in Colorado Springs, which is no longer being used, and brought down to this location. Marks said only cuttings were transported as you are only allowed to transport clones.

**Commissioner Payne** said a new update letter from the Penrose Water District would need to be provided. Mr. Marks said they had received the letters in May. At the time Planning and Zoning reviewed the application, the letter had not been provided so, it was listed as a contingency, but has now been fulfilled.

**Commissioner McFall** asked about the contingency for odor mitigation. Director Koch explained that the odor mitigation needed to be installed and operational on the new building before they could start putting plants in it. The odor mitigation system is the same one as what is on the current building.

**Commissioner McFall** clarified that the size of the new building would in fact be 90'x60'.

**Commissioner Bell** wanted to know if the adult plants would be grown outdoors. Mr. Marks explained that outdoor fenced in facility would stay exactly the same way. The new building is so that they can be moved in to it. Commissioner Bell clarified her question wanting to know if this building would allow what was a seasonal grow in to a year round grow. Mr. Marks said yes, partially, so that they are able to keep their genetics alive. They do not grow from seed.

**Commissioner McFall** said it can't be partially, you either are or you are not. Marks explained that most of the area of the new building will not be for this purpose. They will no longer have to close up the operation in November like they have been doing.

**Commissioner Payne** questioned about growing from seed. Mr. Marks explained they don't grow their plants from seed, but from cuttings from other plants. Commissioner Payne clarified that the mother plants are the ones that would be kept in the new building. He wanted to know how big they get. Marks said get to be about 3-4 feet and the count varies as to how many strains he has. He currently has 36 strains and likes to have 5-6 mother plants of each strain.

**Commissioner McFall** wanted to know how these plants figure in to the patient count of plants. Mr. Marks said that he doesn't even come close to growing the number of plants his license allows him to.

**Planning and Zoning Director Koch** said that when this was first submitted, they reviewed it and there was a question as to lot coverage of all the structures. It was requested that Mr. Marks provide a survey and that has been done. Director Koch said that the lot coverage is close and the discussion was that to meet the lot coverage, if necessary, the canopies would be reduced.

**Commissioner Payne** asked if the plants could still be grown where the canopies are supposed to be built, even if they are not built. Mr. Marks said, yes, plants can still be grown there but they have not received the odor complaints.

**Commissioner McFall** said that there have been odor complaints. They may not reach the level to be substantiated but the neighbors that live there have complained. Mr. Marks said that there have been complaints, but there have been times they have had complaints, but there were no plants on the property. He also said none of the complaints were even from bordering neighbors. Commissioner McFall said it is hard to figure out which direction the smell is coming from.

**Commissioner McFall** wanted to know how many employees Mr. Marks has. Marks replied that he currently has 7 but during harvest time it will jump up to about 30. He said the new building will provide 7 additional full time jobs.

**Clarice Roney** said she is very opposed to having a 12 month grow and can smell marijuana from his property.

**Tyler Hearn** said this expansion will bring more jobs to the community and he is thankful for the job is has provided him.

**Scott Weisenberger** said he had no objections to the new building. They have been great neighbors and he smells cow manure more than marijuana.

**Commissioner Payne** did make the note that they received 5 emails opposed to the modification.

**Commissioner McFall** wanted to know how this would increase employment if plant count is not increasing. Mr. Marks said that it would due to it being year round and the maintaining of the plants.

**Commissioner Bell** wanted to make sure that Mr. Marks knew that their regulations for marijuana grows have been to have them located in remote areas. Mr. Marks said that their operation doesn't receive the complaints and they try to lay low and fit in with the community. Commissioner Bell commented that he is asking them to allow a very big building to be constructed. He explained that most indoor grows, like in the Denver area, are in upwards of 20,000 square feet.

**Commissioner McFall** said he agreed with Commissioner Bell. He said this is Penrose, Fremont County, which is not the same as Denver or Colorado Springs. Commissioner McFall said he is also concerned for the potential for odors year round now.

**Commissioner Payne** said that they have had a lot of consternation over the several requests for new structures to be put on this property for marijuana. Mr. Marks said he is simply trying to use his property to the fullest, the way it was zoned.

**Commissioner Bell** moved to table the Modification of Premises for findings on August 14, 2018 at 9:30a.m., during the regularly scheduled BOCC meeting. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Payne, aye. The motion carried

2. CDP 18-003 Home Nation

Request approval of a Commercial Development Plan, Department file #CDP 18-003 Home Nation. The site is located on Werner Road, in Penrose, north of Bonnie's Car Crushers. The site was originally approved for a mini-storage facility, which was never constructed. The applicant proposes displaying and selling manufactured homes. One unit will be use as the office and will be connected to water and septic system.

Representative: Laura Comino

**Laura Comino**, representative for Home Nation, said that there will be five manufactured homes on permanent display. Home Nation is a family-owned business that is focused on affordable housing. Ms. Comino said that they usually only deal with manufactured homes, but occasionally have modular homes as well.

**P&Z Director Koch** said the property had been posted, published in the local paper, and the application was in order.

**Commissioner Payne** asked if the four parking spaces would be for ADA. Director Koch explained that ADA is required to be paved. This would be the parking adjacent to the office. He said there will be one handicap along with three other spots that will be paved.

**Commissioner McFall** said he would assume the skirting on the models would be the same as normal so they can see what they look like. Ms. Comino said, yes, that is their intentions with the models. It looks more appealing.

**Commissioner Payne** asked if they were going to be skirting the entire manufactured home. He would think customers would like to see underneath the home. Ms. Comino said that they intend to skirt the fronts and leave the backs exposed.

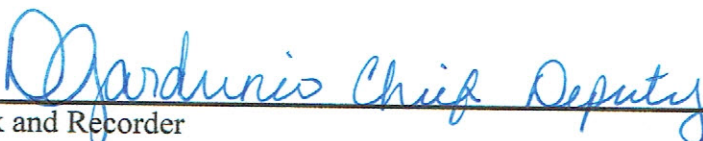
There were no public comments.

**Commissioner Bell** wanted to know what the time line would be for sales if this is approved. Ms. Comino said that everything is lined up and their tentative start date would be in October. Commissioner Bell also wanted to know about lighting. Comino said that they are planning on having lighting on all the exterior doors.

**Commissioner Payne** explained that they are not asking a lot of questions because a lot of the questions they have are answered from the Planning Commission meeting.

**Commissioner McFall** moved to approve CDP 18-003 Home Nation with the contingency items. Commissioner Bell seconded the motion Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

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

  
Clerk and Recorder