

NINETEENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on October 9, 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

Todd Luce, of Grandview Christian 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, moving item #1 to item #6 and renumbering the items accordingly. 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 / September 25, 2018
2. Approval of Bills for \$1,277,696.76
3. Ratification of Chairman's Signature on the Chafee Foster Care Independence Program collaborative plan for October 1, 2018 through September 30, 2019
4. Schedule Public Hearing: 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 Manager Report, Sunny Bryant, County Manager

County Manager Bryant reported the following:

On Thursday, October 4th, the Commissioners, the Planning & Zoning Director, one of the Code Enforcement Officers, and she participated in the Business 2 Business event hosted by the Fremont Economic Development Council. She said it was a good way to interact with businesses throughout the county.

On Monday, October 8th, the Commissioners and she attended the City/City/County Luncheon hosted by Canon City. She said it is a good way to learn about things happening in both municipalities.

She listed a few projects that they are working on:

They are finalizing the 2019 budget process. They have compiled the requests and are putting the final numbers together. She said they will have a draft budget by October 15th.

They have selected an engineer for the Hayden Pass Fire Recovery Project and are finalizing the Professional Services Agreement and will be doing their kickoff meeting for introductions with them next week.

She has sent the proposed Memorandum of Understandings to the City of Florence and the City of Canon City for the EPA Brownfields Grant. They will get the kickoff meeting scheduled in the next few weeks.

They have sent out an RFP for a financial auditor. The County has been with the same auditor for six years so they are going to get updated proposals.

Finally, they have posted three lots for sale out on Highway 67, west of the Airport for sale. They will be posting more information on the County Facebook Page and County Website.

Commissioner Bell said that this Friday she will be in Pueblo with Action 22. It is their annual summit and they will discuss topics such as water, energy and broadband issues. They can and usually have state representatives at these meetings and it is also open to the public. She invited anyone who would like to attend to let her know. There is a registration charge and notice would need to be given in the next couple of days.

Commissioner McFall wanted to make mention and share his thanks for the moisture we are getting.

Commissioner Payne said that similarly to Commissioner Bell, he will be in Denver on Friday with CCI. They will be going over legislative issues and topics for the next legislative session in 2019. He also mentioned the luncheon that they all attended with the cities and how great the dialog and communication was. He hopes to continue to do more of these in the future.

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

George Storey said that the midterm election was coming up and he encourages everyone to be educated about what will be on the ballot, the issues are important. He said that he personally has received aid from first responders and the sanitation district.

OLD BUSINESS

None

NEW BUSINESS

1. Award bid for the Phantom Canyon Tunnel Repair Project

County Manager Bryant said that all of the bridges and tunnels in Fremont County have been inspected and the first one to be taken care of will be Phantom Canyon. The Department of Transportation applied for a grant through DOLA and received \$100,000 in grant money which the County matched and set aside for the project. She said they sent out an RFP for bids and received three back, ranging from \$221,000-\$406,000. So, the project is underfunded by about \$50,000 with the cost of the engineer. If they can't get other help to fund the project, they will use some money from the funds of SB 18-001. She said they do recommend to award the bid to GeoStabilization International LLC for a total of \$221,700.

Commissioner Bell moved to award the bid to GeoStabilization noting that if the tunnel doesn't receive the repairs it needs, it would more than likely have to be closed.

Commissioner McFall seconded the motion, also noting that they initially thought the south end of the tunnel only needed repairs, but after inspection the north side does as well. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Payne, aye. The motion carried.

2. Ratification Of Chairman's Signature on a Memorandum Of Understanding Between Fremont County, Colorado and Colorado Legacy Land Regarding Air Quality Assessment in the Lincoln Park Area

Commissioner Payne said that they are partnering with Colorado Legacy Land and Quest Environment to try and find the source of the smell in Lincoln Park. He said hopefully with the tests they are conducting, they can find a resolution to the issue.

Commissioner McFall moved to approve the ratification of the chairman's signature. Commissioner Bell seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

3. Resolution #35, A Resolution Supporting Passage of Fremont County Ballot Issue 1A, Canon City Ballot Issue 2B, and Florence Ballot Issue 2C, Returning Local Control to the County and Cities and Authorizing These Governments to Provide High Speed Internet Services, Telecommunications Services, and/or Cable Television in Accordance with and as Permitted by §§ 29-27-101 to 304, C.R.S.

Commissioner Bell said that in 2005 all of the counties in Colorado were revoked of their privileges to make local decisions regarding internet, telecommunication and television services. Many surrounding counties have already opted out of this but it does require a vote of the people. She said voting "yes" on issue 1A, 2B or 2C would allow us to enter into agreements with other companies and in no way increases the taxes of the citizens, nor means the current companies we have can no longer do business in Fremont County. Commissioner Bell read the resolution.

Commissioner Bell moved to approve Resolution #35. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Payne, aye. The motion carried.

4. Resolution #36, A Resolution Opposing State Ballot Amendment 74, a State Citizen Initiative Proposing to Amend the Colorado Constitution to Drastically Limit State and Local Government Regulatory Authority

Commissioner Payne said that all three commissioners have read and researched this amendment and all agree that it is too loosely written. The language is terrible and not written very well. They feel it will limit what they can do. Commissioner Payne read the resolution.

Commissioner Payne moved to approve Resolution #36. Commissioner McFall seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner McFall, aye; Commissioner Bell, aye. The motion carried.

5. Resolution #37, A Resolution Opposing State Proposition 112 ("Setback Requirement for Oil and Gas Development")

Commissioner McFall told everyone to do their research for this coming election. He said that these issues are important to the citizens. Commissioner McFall read the resolution.

Commissioner McFall moved to approve Resolution #37. Commissioner Bell seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

6. Presentation of the 2017 Audit Report

Representative: John Cutler, Cutler & Associates

John Cutler said that they do the annual audits for Fremont County and that Sunny Bryant, the County Manager, does most of the work. After they reviewed everything, he said things looked good and they will be issuing a separate letter to Sunny with some items.

Commissioner McFall asked if the items addressed in the separate letter had to do with software issues. Mr. Cutler said he wasn't exactly sure but that he would get his consultants involved and make sure that the letter was easy to understand and everyone was on the same page.

Commissioner Bell said our financial processes have changed quite a bit over the past several years and from previous audits. She said Sunny has been diligent and there have been many conversations and cooperation's with department heads and elected officials. She said citizens can rest assured that they know where their money is and the County is doing a good job. Mr. Cutler said that this year's audit went very smoothly and he appreciated all the changes and hard work of the staff.

Manager Bryant wanted to tell her staff member, Charlene Halstead, thank you for taking on all the extra duties and responsibilities and for all her help with the audit. She said that the County is in good financial shape and all the accounts have healthy fund balances. The audit will be posted on the website for anyone interested in looking at it.

No motion was made until everyone has a chance to review the final draft of the audit.

Public Hearings Scheduled for 10:00 a.m.

1. Liquor License Transfer of Ownership
ALJS LLC DBA Apple Valley Liquor
Retail Liquor Store
930 Hwy 115
Penrose, CO 81240
Representative: Alan Drake

Commissioner Payne opened the public hearing.

Alan Drake said that they would like to transfer the liquor license from Pester Marketing to ALJS LLC, also known as Apple Valley Liquor.

Commissioner Bell asked for a better explanation since this license was just transferred from Alan Drake to Pester Marketing a few months ago. Mr. Drake explained that due to the multiple liquor licenses they now hold from all of the purchases they have made, they have decided to transfer this one back over so they don't exceed their limit. Commissioner Bell then asked if any changes would be made to the way things are set up or to the existing business processes and if staff would be trained. Mr. Drake said things would be ran the same and his staff would be trained and sent to ongoing trainings throughout the year.

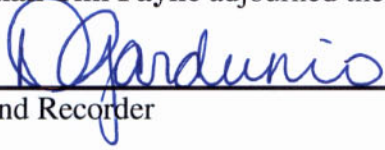
There were no public comments, so Commissioner Payne closed the Public Hearing.

Commissioner McFall moved to approve the liquor license transfer. Commissioner Bell seconded the motion, noting that Sheriff Martin did recommend approval. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

County Attorney Jackson said that the final review of the audit was included in the file, but it was not labeled as such. Upon finding the audit, a motion could be made.

Commissioner Bell moved to accept the 2017 Audit Report. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Payne, aye. The motion carried.

Chairman Tim Payne adjourned the meeting at 10:09 a.m.

A handwritten signature in blue ink, appearing to read "R. Gardunio", is written over a horizontal line.

Clerk and Recorder

RESOLUTION NUMBER 35 SERIES OF 2018

SUPPORTING PASSAGE OF FREMONT COUNTY BALLOT ISSUE 1A, CAÑON CITY BALLOT ISSUE 2B AND FLORENCE BALLOT ISSUE 2C, RETURNING LOCAL CONTROL TO THE COUNTY AND CITIES AND AUTHORIZING THESE GOVERNMENTS TO PROVIDE HIGH SPEED INTERNET SERVICES, TELECOMMUNICATIONS SERVICES, AND/OR CABLE TELEVISION IN ACCORDANCE WITH AND AS PERMITTED BY §§ 29-27-101 TO 304, C.R.S.

WHEREAS, in 2005 the general assembly of the State of Colorado removed the right of local government to engage in providing internet and telecommunications services and, limited the ability of counties and municipalities from improving local broadband capabilities; and

WHEREAS, Ballot Issues 1A, 2B (Cañon City), and 2C (Florence) would allow the people of the County of Fremont to return control of this important technology issue back to local governments; and

WHEREAS, these Ballot Issues, if approved, will allow Fremont County and municipalities in the county to establish business partnerships with private companies to increase access to high-speed broadband Internet; and

WHEREAS, citizens in at least 28 Colorado counties and more than 70 Colorado municipalities already have approved similar ballot questions for their local governments; and

WHEREAS, Ballot Issues 1A, 2B and 2C, will not prevent any private business, including existing broadband providers, from initiating or continuing to provide these services; and

WHEREAS, passage of this measure will allow and present a variety of opportunities for Fremont County, in partnership directly or indirectly with public or private sector partners or providers, to make efforts to improve coverage and availability of such services and to access grant funding to offset and defray the cost for delivery of such services; and to make assets available to serve the broadband needs of residents, businesses, and students alike; and

WHEREAS, voter approval of 1A, 2B and 2C could lead to better access to high-speed broadband; intensified innovation by local businesses and entrepreneurs; affordable Internet access; a more connected community; and improved quality of life; and

WHEREAS, 1A, 2B and 2C, expressly do not allow increases in taxes nor the expenditure of any taxpayer funds.

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS FOR FREMONT COUNTY, COLORADO, THAT:

Section 1. The above recitals are hereby incorporated as findings by the Board of County Commissioners for Fremont County, Colorado.

Section 2. The Board of Commissioners for Fremont County SUPPORT Ballot Issues 1A, 2B and 2C, which will return local control to the county and cities and authorize these governments to provide high speed internet services, telecommunications services, and/or cable television, and finds the same to be in the best interests of the citizens and residents of the County.

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

Debbie 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: 10/9/18

Tim Payne
Chairman

Attest: Opardunio
Clerk Chief Deputy

RESOLUTION NUMBER 30, SERIES OF 2018

OPPOSING STATE BALLOT AMENDMENT 74, A STATE CITIZEN INITIATIVE PROPOSING TO AMEND THE COLORADO CONSTITUTION TO DRASTICALLY LIMIT STATE AND LOCAL GOVERNMENT REGULATORY AUTHORITY

WHEREAS, on November 6, 2018, state voters will be asked to vote on Amendment 74, which seeks to amend the Colorado Constitution to require that "just compensation" be paid for any government law or regulation deemed to reduce the fair market value of private property; and

WHEREAS, local government services are essential to the residents of Fremont County; and

WHEREAS, Amendment 74 has been written and is being funded by the oil and gas industry to amend the Colorado Constitution and threaten the ability of state and local governments to provide basic governmental services; and

WHEREAS, Amendment 74 declares that any state or local government law or regulation that "reduces" the "fair market value" of a private parcel is subject to "just compensation;" and

WHEREAS, under the current Colorado Constitution, Article II, Section 15, a property owner already has the right to seek compensation from state or local governments if forced to bear "public" burdens that, in all fairness, should be borne and paid for by the public as a whole; and

WHEREAS, Amendment 74 would expand this well-established concept by requiring the Taxpayers, through their local governments to compensate private property owners for virtually any decrease whatsoever in the fair market value of their property, even if temporary or incidental, if the decrease is traceable to any government law or regulation; and

WHEREAS, Amendment 74 would create uncertainty because it is not clear what the language actually means or how it can be applied; and

WHEREAS, Amendment 74 would severely limit the ability of Colorado's state and local governments to take actions that might indirectly, unintentionally, or minimally affect the fair market value of any private property; and

WHEREAS, Amendment 74 would drastically diminish the ability of our state and local governments to adopt - let alone attempt to enforce - reasonable regulations, limitations, and restrictions upon private property; and

WHEREAS, Amendment 74 would place laws, ordinances, and regulations designed to protect public health and safety, the environment, our natural resources, public infrastructure, and other public resources in jeopardy; and

WHEREAS, Amendment 74 would make inherently dangerous or environmentally damaging activities prohibitively costly to attempt to limit or regulate, even in the interest of the public; and

WHEREAS, any arguable impact upon fair market value - however reasonable or justified or minimal or incidental or temporary - resulting from state or local government action could trigger a claim for the taxpayers to pay; and

WHEREAS, governments would be vulnerable to lawsuits for almost every decision to regulate or not to regulate, making regular governmental functions prohibitively expensive for the taxpayer; and

WHEREAS, similar efforts have been attempted and defeated in other states, such as the states of Washington and Oregon; and

WHEREAS, the fiscal impact for similar language in Washington was estimated at \$2 billion dollars for state agencies and \$1.5 billion for local governments over the first six years; and

WHEREAS, there were \$4 billion dollars in claims filed against the state and local governments in Oregon before the residents repealed the takings initiative three years after its passage.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Fremont County, Colorado:

Section 1. The above recitals are hereby incorporated as findings by the Board of County Commissioners for Fremont County, Colorado.

Section 2. The Board of Commissioners for Fremont County opposes Amendment 74 and finds the same to be contrary and detrimental to the interests of the citizens and residents of the County.

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

Debbie 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: 10/9/18

T. Payne
Chairman

Attest: [Signature]
Clerk Chief Deputy

RESOLUTION NUMBER 37, SERIES OF 2018

**A RESOLUTION OPPOSING STATE PROPOSITION 112
("SETBACK REQUIREMENT FOR OIL AND GAS DEVELOPMENT")**

WHEREAS, the Board of County Commissioners of Fremont County, Colorado, pursuant to Colorado statutes, is vested with the authority of administering the affairs of Fremont County, Colorado, and

WHEREAS, Colorado is a major energy-producing state, ranked fifth in the nation for natural gas production and seventh in oil production, according to U.S. government data; and

WHEREAS, Colorado is widely recognized as a national leader in developing health, safety and environmental protections; and

WHEREAS, oil and natural gas development is a critical sector of the Colorado economy, supporting jobs and supplying locally produced and affordable energy to households and businesses across Colorado; and

WHEREAS, a study conducted by the REMI Partnership, a coalition of state business groups, found the setback initiative would eliminate over \$26 billion annually in state Gross Domestic Product (GDP), more than \$1 billion in state and local tax revenue per year, and almost 150,000 Colorado jobs by 2030; and

WHEREAS, more than 232,000 jobs in Colorado are supported by oil and natural gas development, equivalent to 6.5 percent of total employment in the state, according to a 2017 study by globally renowned accounting firm Price Waterhouse Coopers; and

WHEREAS, according to the same study, oil and natural gas development in Colorado supports more than \$31 billion in economic activity, equivalent to almost 10 percent of the state economy; and

WHEREAS, oil and natural gas development in Colorado generates almost \$1.2 billion in tax revenue, according to a 2015 study by the University of Colorado's Leeds School of Business; and

WHEREAS, the oil and gas industry sent \$615 million in severance tax to municipalities and counties for everything from new parks and recreational centers to funding public safety of local police and fire departments and road improvements; and

WHEREAS, the loss of Colorado's energy sector would devastate the state economy, cripple state and local budgets, and threaten the livelihoods of hundreds of thousands of working families; and

WHEREAS, anti-oil and gas proposals would dramatically increase the cost of doing business in the State of Colorado, creating a hostile business climate that scares away investment from all sectors of our economy; and

WHEREAS, out-of-state environmental activist groups are leading a campaign to ban oil and natural gas development in Colorado, showing a total disregard for the devastating economic impacts they will leave behind if they succeed; and

WHEREAS, Proposition 112 ("Setback Requirement for Oil and Gas Development") is a one-size-fits-all, blunt instrument that would create a de facto ban on oil and gas production, even in communities that embrace responsible energy development, showing that the proponents of the Proposed Initiative do not support local control as they claim; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Fremont County, Colorado:

Section 1. The above recitals are hereby incorporated as findings by the Board of County Commissioners for Fremont County, Colorado.

Section 2. The Board of Commissioners for Fremont County opposes Proposition 112 and finds the same to be contrary and detrimental to the interests of the citizens and residents of the County.

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	<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: 10/9/18

T. Payne
Chairman

Attest: R. Duronio
Clerk Chief Deputy