

TWENTIETH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on October 24, 2017, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Debbie Bell called the meeting to order at 9:30 a.m.

Debbie Bell	Commissioner	Present
Tim Payne	Commissioner	Present
Dwayne McFall	Commissioner	Present
Katie Barr	Clerk and Recorder	Absent
Brenda Jackson	County Attorney	Present
Sunny Bryant	County Manager	Present
Matt Koch	Planning & Zoning Director	Present

Karen Hunter, of The Universal Life Church gave the invocation.

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

APPROVAL OF AGENDA

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

CONSENT AGENDA

1. Approval of Minutes / October 10, 2017
2. Approval of Bills for \$2,232,649.70
3. Ratification of Chairman's signature on Change Order #7 for the Fremont County Justice Center Security Electronics Renovation
4. Resolution for Special Review Use Permit for File # SRU 17-005 South Forty Recreation Canon East Pit
5. Schedule Public Hearings: November 14, 2017 10:00 a.m.
 - a. Request name change of 4th Ave, East of Highway 115 in Penrose to be renamed to Park Place. The street is located to the East from Colorado State Highway 115 to the West line of Beaver Park & Water Company's Plat No. 4, just east of Illinois Ave.
 - b. Proposed 2018 Fremont County Budget

Commissioner McFall moved to approve the Consent Agenda, issuing item #4, SRU 17-005 Resolution #31. Commissioner Payne seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

ADMINISTRATIVE/INFORMATIONAL

1. Staff / Elected Officials:

a. County Manager Report, Sunny Bryant, County Manager

- On Monday, October 16 the Commissioners and Manager Bryant met with the Emergency Management Director, Steve Morrisey, individuals with NRCS, and various individuals involved in the Hayden Pass Fire Recovery efforts to discuss the potential for Emergency Watershed Protection Funds. She said they are moving forward with applications and hopefully can begin working on some projects over the next few months.
- On Wednesday, October 18 Commissioner Payne and Manager Bryant attended a meeting in Florence with the Technical Working Group for the Arkansas Riverwalk Trail Extension Project. This was the first meeting to allow the group to interact and begin the planning process.
- On Thursday, October 19 Manager Bryant attended the Penrose Chamber of Commerce meeting. She said that it looks as of right now that the Chamber will be staying in the Wells Fargo Bank building and that whoever buys the building will let them continue their lease.
- On Saturday, October 21 Commissioner Bell and Manager Bryant volunteered at the Fremont County Department of Public Health Flu Clinic. She said there was a great turnout of citizens who received vaccines and they appreciate all of the people who volunteered their time to help with the clinic.
- She also said that they continue to work on the 2018 Budget, everything is coming together, and they will have a draft available for public review on October 26th.
- She said they are working on several grant projects as well.

Commissioner Bell made mention of the flu clinic that Manager Bryant and she attended and that they had record numbers show up for vaccinations. She said it is a great use of public funds.

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

Manager Bryant reported that the retail sales tax collected through the month of August was \$432,627 which is down \$595 from last year and year-to-date is up \$153,848. The auto use tax collected through the month of September was \$110,572 which is up \$21,953 from last year and year-to-date is up \$56,159. The construction use tax collected through the month of September was \$17,999 which is down \$6,807 from last year and year-to-date is up \$23,586. The lodging tax collected through the month of August was \$12,109 which is up \$6,380 from last year and year-to-date is up \$100,958. The Sheriff retail sales tax collected through August was \$288,418 which is down \$396 from last year and year-to-date is up \$102,566. The Sheriff auto use tax collected through the month of September was \$73,714 which is up \$14,636 from last year and year-to-date is up \$37,500. The Sheriff construction use tax collected through the month of September was \$11,999 which is down \$4,538 from last year and year-to-date up \$14,107.

Commissioner Payne said there have been a lot of discussions regarding storm water issues. He said Matt Koch, Planning and Zoning Director, and he have had several discussions with the City of Canon City and have been telling them that there is more than just North Canon on storm water, there is also Hayden Pass.

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

Tina Heffner made two announcements, one that Royal Gorge Remax and the Penrose Park & Rec District are sponsoring a Trunk or Treat event to be held on Saturday, October 28th, 2017 from 4:00-7:00 p.m. at Penrose Park. There will be games, prizes, hay rides, etc.

Second, **Tina Heffner** said that the Canon City Chili's is doing a "give back" event for the Penrose Park. Every Monday in November if a customer eats there and mentions that they are there for the Penrose Park & Rec District or the Penrose Fishing Pond, Chili's will give 10% of the proceeds to the Penrose Park & Rec District.

OLD BUSINESS

None

NEW BUSINESS

1. Acceptance of bid for the special audit of the Fremont County Treasurer's Office

Manager Bryant said that for the past few years during the annual audit, the Treasurer's Office has not properly reconciled between the Tyler software program and the checking accounts. They are bringing in the auditors to see if it was a conversion error or what else it might be. She said there are discrepancies but that no money is missing.

Bryant said that 5 auditing firms put in for the bid and she is recommending to award the bid to Logan & Associates. They will charge \$91 per hour not to exceed \$8200. If they work less hours, the cost will be less and if they there is a need for more hours, that can be discussed at a later date.

Commissioner Bell mentioned that this company came with a reference from the Fremont County Sanitation District and that they were very happy with them.

Commissioner Payne said that this discrepancy is too much money, that it is just a double entry that they are having a hard time trying to find and it is time to get it fixed.

Commissioner Payne moved to accept the bid for the special audit of the Treasurer's Office. Commissioner McFall seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner McFall, aye; Commissioner Bell, aye. The motion carried.

2. Authorization to enter into a contract for services with St. Thomas More Hospital for operation of the Fremont County Sobering Center

Commissioner Bell said that this discussion started last September with around 30 community partners to tackle the community-wide problem of helping residents who are in need of a safe place to sober up without requiring medical assistance.

Working with Jim Woodard, vice president and chief nursing officer at St. Thomas More Hospital, they found Sobering Center models from other states and adapted it to their needs. She said that this center will provide a clean, safe place for residents to sober up, but that the most important part is that they will continue that care and help them to stay sober. Fremont County will provide a Care Manager, Pat Cox, who will offer them various assistance after leaving the Sobering Center.

Commissioner Bell made a motion to enter in to the contract with St. Thomas More Hospital for the operation of the Fremont County Sobering Center. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner McFall, aye. The motion carried.

Commissioner Bell adjourned the meeting for an 11-minute recess at 9:49 a.m., resuming the meeting at 10:00 a.m. for the Public Hearing.

PUBLIC HEARING

1. SRU 17-003 Mobilitie Tower – Dozier Ave.

Request approval of a Special review Use Permit, Department file #SRU 17-003 Mobilitie Tower, by Mobilitie. The site is located within the Dozier Ave. right-of-way, on the East side, approx. 80' north of the northerly entrance to Wal-Mart. The pole will be set behind the curb 3' and consist of a wood pole, 58'-10" tall. The county will sign an agreement for use of the rights-of-way and will be paid an annual fee of \$200.

Representative: Charmaine Dregalla

Charmaine Dregalla with Mobilitie said that they are doing a nation-wide data connection across the country. This will provide continuous data services for things like GPS and internet connections.

She said that these are small cell towers and will take the signal from bigger towers and boost it so that customers have continuous Wi-Fi.

Dregalla also said that everything that is needed to run the data network is on the pole. The only thing that will come from the ground is the electricity and they will have their own meter installed.

In closing, she said that the goal is to have everything running on 5G. This will be a tower for Sprint carriers but that it is possible to add one maybe two more carriers for coverage. She explained that you may benefit from the tower even if you are not with a carrier that uses the tower, but that particular carrier may charge you a fee in doing so, depending on your contract with them.

Planning & Zoning Director Koch said that the application was in order and they have published and posted as required. He said that the only response his office received was from the Fremont County Department of Transportation who reviewed and found no issues with the location. He recommends approval of this SRU.

Commissioner Payne moved to approve Resolution #32, SRU 17-003. Commissioner McFall seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner McFall, aye; Commissioner Bell, aye. The motion carried.

Chairman Bell adjourned the meeting at 10:08 a.m.

Clerk and Recorder

RESOLUTION NO. 31
Series of 2017

RESOLUTION FOR SPECIAL REVIEW USE PERMIT
DEPARTMENT OF PLANNING AND ZONING
FILE # SRU 17-005 SOUTH FORTY RECREATION CANON EAST PIT

BE IT RESOLVED by the Fremont County Board of County Commissioners (hereafter "Board"):

THAT WHEREAS, South Forty Recreation LLC, (hereafter "applicant") has made application for issuance of a Special Review Use Permit pursuant to 8.14 of the Zoning Resolution of Fremont County for a Permit to allow a to allow for private recreation use, which application has been designated as file #SRU 17-005 South Forty Recreation Canon East Pit to be located on certain real property that the applicant owns; and

AND WHEREAS, pursuant to the Fremont County Zoning Resolution previously adopted; the Planning Commission of Fremont County reviewed the application at its September 5, 2017, regular meeting and recommended the **APPROVAL** of such application; and

WHEREAS, a notice containing the specific request, proposed use, date, time, location, telephone number of the Fremont County Department of Planning and Zoning (hereafter "Department"), and a site plan and vicinity map were mailed fourteen (14) days prior to the public hearing, by certified mail, return receipt to the Department, to all property owners within five-hundred (500) feet of the boundaries of the subject parcel and to appropriate reviewing agencies; and

WHEREAS, a notice containing the specific request, proposed use, date, time, location, and telephone number of the Department where additional information may be obtained, was posted on the property fourteen (14) days prior to the public hearing; and

WHEREAS, a notice of the public hearing was published by the Department, in a newspaper of general circulation in Fremont County, fourteen (14) days prior to the public hearing, and which contained the specific request, time and place of the public hearing, and an explanation of the proposed use and its location; and

WHEREAS, the Board held a public hearing concerning said application on October 10, 2017, at which time comments and evidence were considered, including all materials contained as part of the application and which were in the Department's file concerning the application; and

WHEREAS, it appears that issuance of a Special Review Use Permit is appropriate;

NOW, THEREFORE, BE IT RESOLVED by the Board that:

1. The Board makes the following findings with respect to the application for issuance of a Special Review Use Permit to Applicant as follows:
 - a. The procedural requirements of Section 8.14 of the Fremont County Zoning Resolution have been met.
 - b. The location of the proposed use is compatible and harmonious with the surrounding neighborhood.
 - c. The proposed use will not have detrimental effects on property values.
 - d. The proposed site and use will not impair public health, welfare, prosperity and safety by creating undesirable sanitary conditions, overburdening of utilities or adverse environmental influences.
 - e. The site will be served by streets and roads of sufficient capacity to carry the traffic generated by the proposed use, and the proposed use will not result in undue traffic congestion or traffic hazards.
 - f. The site is sufficient size to accommodate the proposed use together with all yards, open spaces, walls and fences, parking and loading facilities, landscaping and such other provisions required by this resolution.
 - g. The proposed use, if it complies with all conditions on which approval is made contingent, will not adversely affect other property in the vicinity or the general health, safety and welfare of the inhabitants of the County, and will not cause significant air, water, noise or other pollution.
2. A Special Review Use Permit shall be issued contingent on the acceptance and observance by the Applicant of the following specified conditions that must be met within six (6) months, if applicable, since the use was previously in operation prior to approval by the Board:
 - A. Special Review Use Permit shall be issued for life of the use.

- B. The Department shall review the permit annually to determine compliance with the conditions of the permit and forward it to the Board for their review as required by regulations. It shall be the responsibility of the permit holder to provide the Department with copies of other permits, licenses, or other documentation showing compliance with the requirements of any other governmental agency (*to include items such as changes to the documents, updates, renewals, revisions, annual reports*). Further it shall be the responsibility of the permit holder to provide the Department with copies of any documents that would affect the use of the subject property, such as but not limited to updated or renewed leases for use of or access to the subject property. Copies of these documents shall be submitted to the Department prior to the anniversary date of the approval of the use permit each year. If the Department has to notify the permit holder that the anniversary date has passed and / or request said documentation, then a penalty fee shall be charged to the permit holder. If the required documentation and penalty fee are not submitted to the Department within twenty (20) days following notification to the permit holder, then violation procedures may be commenced, which could result in termination, revocation, rescission or suspension of the use permit.
- C. The Applicant shall conform to all plans, drawings and representations submitted with or contained within the application except as may be inconsistent with the other provisions of the permit.
- D. The Applicant shall comply with all laws and regulations of the County of Fremont, its agencies or departments, the State of Colorado, its agencies or departments and the United States of America, its agencies or departments, as now in force and effect or as the same may be hereafter amended.
- E. Applicants shall obtain, prior to operation, and keep in effect, throughout operation, all other permits, licenses or the like, including renewals, required by any other governmental agency and as otherwise may be required by Fremont County and shall provide copies of such to the Department. Revocation, suspension or expiration of any such other permits shall revoke, suspend or terminate the permit authorized hereunder, as the case may be.
- F. If a Special Review Use is abandoned, discontinued or terminated for a period of six (6) months, the approval thereof shall be deemed withdrawn, and the use may not be resumed without approval of a new application. Provided, however, if the holder of the permit intends to or does temporarily cease the use for six (6) months or more without intending to abandon, discontinue or terminate the use, the holder shall file a notice thereof with the Department of Planning and Zoning prior to the expiration of the six-month period stating the reasons thereof and the plan for the resumption of the use. The requirement of a notice of temporary cessation shall not apply to applicants who have included in their permit applications a statement that the use would continue for less than six (6) months in each year and such fact is noted on the permit. In no case, however, shall temporary cessation of use be continued for more than two (2) years without approval by the Board of County Commissioners.

- G. If a Special Review Use Permit is to be transferred it shall comply with all applicable Federal, State and County regulations regarding such transfer.
- H. Days and hours of operation shall not be limited.
- I. Hours for shooting shall be limited to daylight hours only.
- J. Shooting of firearms shall be only in directions that will not leave the property or impact adjacent uses. No shooting towards or along the Arkansas River will be permitted.
- K. Applicant shall provide to the Department, documentation from the Fremont County Weed Coordinator that the applicant has in place an acceptable weed control plan, and further the applicant shall implement and maintain the plan, if required.
- L. The County shall retain the right to modify any condition of the permit, if the actual use demonstrates that a condition of the permit is inadequate to serve the intended purpose of the condition. Such modification shall not be imposed without notice and a public hearing being provided to the Applicant at which time applicant and members of the public may appear and provide input concerning the proposed modifications to the conditions of the permit.
- M. Only the named party on the permit shall be allowed to operate this Special Review Use Permit. Board approval shall be required prior to allowing any other person or entity to operate at the site under the conditions of this permit. All persons, entities or others requesting Board approval to operate under this Special Review Use Permit must agree to abide by all terms and conditions of this Special Review Use Permit and shall be required to be named on this Special Review Use Permit as additional parties who are bound by the terms and conditions of this Special Review Use Permit.
- N. A Special Review Use Permit shall not be modified in any way without Department approval for Minor Modifications or approval of Major Modifications by the Board in accordance with Section 8.14 of the Fremont County Zoning Resolution (complete reapplication).
- O. Only the owners and those with permission directly from the owners shall be permitted to use the property. No commercial or public use of the property is allowed.

Commissioner McFall moved the adoption of the foregoing Resolution, seconded by Commissioner Payne and approved by roll call vote as follows:

Commissioner Bell: Aye / Nay / Abstain / Absent

Commissioner McFall: Aye / Nay / Abstain / Absent

Commissioner Payne: Aye / Nay / Abstain / Absent

The Resolution was declared to be duly adopted.

DATE: 10/24/17

Debbie Bell
CHAIRMAN, FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS

ATTEST: Quarunio Chief Deputy
FREMONT COUNTY CLERK AND RECORDER