

## **KIT CARSON COUNTY COMMISSIONERS**

**MINUTES  
APRIL 10, 2013**

**8:00 A.M. TED FOTH & TOM RIDNOUR – FLAGLER TOWER**  
**8:00 A.M. WORK SESSION FOR COMMISSIONERS**  
**8:30 A.M. DEPARTMENT HEAD MEETING**  
**10:00 A.M. WORK SESSION FOR COMMISSIONERS**  
**10:30 A.M. READ MINUTES**  
**11:00 A.M. MEETING WITH JUWI WIND FORM – KELLY’S OFFICE**  
**12:00 P.M. LUNCH**  
**1:00 P.M. MEET WITH TOWN OF FLAGLER – re: FLAGLER TRANSFER SITE**  
**1:30 P.M. REVIEW CONSENT AGENDA FOR APPROVAL**  
**2:00 P.M. VETERANS OFFICER QRTLTY REPORT**  
**5:00 P.M. MEETING TO ADJOURN WHEN BUSINESS IS COMPLETE**

### **NEW ITEMS:**

- Policy RE: concealed weapons in county buildings
- High Plains Highway
- Bid for Assessor Car
- Veteran Service Officer Conference

### **SIGNATURES:**

- Sign – Amendment 64 Ordinances
- Treasurer’s March Report
- Admin. Finance Report

### **OLD ITEMS:**

- Last Chance – Dirt
- Flagler Tower
- Noxious Weed Ordinances
- MSHA
- Centurylink E911 billing

### **FYI:**

### **NOTES:**

Meeting called to order by Chairman Dave Hornung. Those present were Dave Hornung, Dave Gwyn, Gary Koop, Paula Weeks, and Patty Witzel, Deputy County Clerk.

### **GENERATOR FLAGLER TOWER**

Ted Foth and Tom Ridnour presented to the Board of County Commissioners a bid from Complete Wireless Technologies to hook up monitor system. The generator at present site needs to be looked at to see how efficient it is and if it is burning oil. Tom Ridnour, Ted Foth and Dave Hornung will work together to make sure the generator does not need to be replaced. No action was taken on the bid.

Ted Foth did have a call from Dr. Hoppe’s office stating that if they want to sell the existing ambulance shed, he is interested.

## **DEPARTMENT HEAD**

Host was Dave Hornung. Dave Hornung stated that the Board of County Commissioners will be signing ordinances concerning marijuana in Kit Carson County. Tom Ridnour, Kit Carson County Sheriff will be the law enforcement officer. Dave also explained the Board of County Commissioners meetings will have a work session in the morning and would vote on matters in the afternoon.

Dave Gwyn stated that District 2 sold two tractors and received more money than expected.

Gary Koop also sold 1 tractor in District 1 and received a fair price. Gary also stated that he is now the Hwy 385 Coalition Board Vice Chairman. Dave Hornung and Gary had just attended a meeting. Hwy 385 will be under construction from Road BB to the county line north of Burlington. There will be one lane traffic this summer.

Dave Weber is staying busy, not sure whether to get out the lawn mower or snow blower.

Darcy Janssen presented a weather spotter class and presented storm weather certificates to 36 people. The USDA grant for Sheriff's office was approved. The Energy Impact Grant is still waiting for a reply.

Tom Ridnour stated that things are moving along well and the grants have been a big help.

Kindra Mulch's office will be working with the 9 Health Fair doing only blood draws on April 30<sup>th</sup> and May 1<sup>st</sup>. There are 140 slots available. If more slots are needed will also do some on May 2<sup>nd</sup>. Kit Carson County Health Insurance does pay for this service.

WIC will be impacted with the federal cuts just not sure when yet or what will be affected. The WIC program will be having an Audit from the Federal Government. The Hugo grocery store is the location for the audit. This is the first time since the program has been in effect since 1982.

Big changes are coming down with health care.

Paula Weeks is getting ready for audit and making changes to personnel policies as needs arises.

Ron Meyer stated that CSU does not give out any information on marijuana. CSU plot this year for cover crop is near the local airport. Getting the corn planted equipment ready as it will soon be time to plant.

Molly Witzel has been visiting all the 4-H clubs with leaders and kids.

Training on animal health is underway with all kids that have livestock and must be enrolled for the training.

## **WORK SESSION**

**Work Session 10:00 A.M. – 12:00 P.M.**

**CONSENT AGENDA**

- Accounts Payables
- Clerks Payables
- Resolution to Rescind Resolution
- Monthly Reports:
- Clerks Report
- Treasurers Report
- Minutes
- Ordinances on Amendment 64

**OTHER ITEMS:**

- Alert System for the K9 Unit
  - Can't always take the dog out of the car
  - Pager will notify driver that the car is too hot
- Easement Hitchcock's
- Bid on Assessor vehicle
- Hart Election Equipment Contract
- Sheriff's Dept-Certified Vin inspection class in Brush, Co
- Daniel Electric

Meeting called to order at 1:00 P.M. by Chairman Dave Hornung.

**ACCOUNTS PAYABLES**

The Board of County Commissioners reviewed expenditures for all funds. Motion to approve expenditures for all funds were made by Dave Gwyn, seconded by Gary Koop, motion carried.

**ACCOUNTS PAYABLES COUNTY CLERK**

The Board of County Commissioners reviewed the accounts payables for the County Clerk's office for the month of March, 2013 as follows:

Colo. Dept. of Revenue (MV Remittance/License Fees)	\$85,556.78
Colo. Dept. of Revenue (State & Flagler Sales Tax)	\$17,244.33
City of Burlington Sales Tax	\$4,722.73
Town of Seibert Sales Tax	\$463.03
Town of Stratton Sales Tax	\$135.33
State Treasurer (Drivers License)	\$2,078.00
Colorado Dept of Health June Marriage License	\$15.00
State Treasurer (Domestic Abuse) Marriage License	\$100.00
	\$110,315.20

**MONTHLY REPORTS**

- County Clerk Month of March
- Treasurer – March Activity in various county funds
- Admin Finance Report

### **KIT CARSON COUNTY FAIR QUEENS**

Would like for Talana Davis to come in September to go over the budget for 2014 for this program.

### **MINUTES**

The Board of County Commissioners read and made corrections to the March 27, 2013 and April 3, 2013 minutes.

## **13-12258**

### **ORDINANCE**

On April 10, 2013, the Board of County Commissioners reviewed an Ordinance Prohibiting the use of possession of Marijuana in or on County owned buildings, facilities, properties and vehicles. Motion made by Gary Koop, seconded by Dave Gwyn, motion carried by unanimous vote of Dave Hornung.

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF KIT CARSON    )

At a regular meeting of the Board of County Commissioners for Kit Carson County, Colorado, held at the Kit Carson County Courthouse, 251 16<sup>th</sup> Street, Burlington, CO 80807 on Wednesday the 10th day of April, 2013, there were present:

- Dave Hornung .....Chairman
- Dave Gwyn.....Commissioner
- Gary Koop.....Commissioner
- Patty Witzel.....Deputy County Clerk
- Paula Weeks.....Administrator

when the following proceedings, among others, were had and done, to-wit:

**AN ORDINANCE PROHIBITING THE USE OR POSSESSION OF MARIJUANA IN OR ON COUNTY OWNED BUILDINGS, FACILITIES, PROPERTIES AND VEHICLES**

**WHEREAS**, the Kit Carson County Commissioners, hereinafter referred to as the "County", by and through its Board of County Commissioners, hereinafter referred to as the "Board", has the authority, pursuant to C.R.S. 30-11-101 (2), to adopt and enforce ordinances regarding health, safety and welfare issues as otherwise prescribed by law; and

**WHEREAS**, the County has the authority to exercise control and implement rules pertaining to the use of County owned properties and facilities, pursuant to C.R.S. 30-11-101 (1) (c); and

**WHEREAS**, on November 6, 2012, the voters of Colorado approved the adoption of Amendment 64, *Personal Use and Regulation of Marijuana*; and

**WHEREAS**, said Amendment 64 became effective on December 10, 2012 upon the proclamation of the Governor, pursuant to Section 1(4) of Article V, of the Colorado Constitution; and

**WHEREAS**, Amendment 64 has added a new section 16 to Article XVIII of the Colorado Constitution; and

**WHEREAS**, nothing in Amendment 64 requires an employer to permit or accommodate the use, consumption, possession, transfer, display, sale or growing of marijuana in the workplace; and

**WHEREAS**, nothing in Amendment 64 precludes an employer or entity who occupies, owns or controls a property from prohibiting or otherwise regulating the use, consumption, possession, transfer, display, sale or growing of marijuana in that property; and

ORDINANCE 13-12258

**WHEREAS**, at the November 6, 2012 election approximately Sixty-two Percent (62%) of County voters rejected the proposed adoption of Amendment 64; and

**WHEREAS**, consistent with the authority granted to the Board of County Commissioners in Amendment 64 and the will of Kit Carson County voters, the Board of County Commissioners desires to adopt this ORDINANCE prohibiting the use, consumption, possession, transfer, display, sale or growing of marijuana in all County owned buildings, facilities, properties and vehicles.

**NOW, THEREFORE BE IT ORDAINED BY THE KIT CARSON COUNTY BOARD OF COMMISSIONERS as follows:**

**THAT**, the purpose of this ORDINANCE is to promote the general public welfare and safety throughout Kit Carson County, Colorado by prohibiting the use, consumption, possession, transfer, display, sale or growing of marijuana in County owned buildings, facilities or property to enhance the day-to-day operations of said buildings and facilities and to ensure those using our facilities are not impeded.

**THAT**, unless otherwise specified or the context otherwise requires, any terms used herein shall have the same meanings as provided in Article XVIII, Section 16 of the Colorado Constitution. Definitions for this ORDINANCE include the following:

(1) "Marijuana" or "Marihuana" means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marihuana concentrate. "Marijuana" or "Marihuana" does not include industrial hemp, nor does it include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

(2) "Marijuana Accessories" means any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.

(3) "County owned buildings, facilities, vehicles and property" means any and all structures owned, leased, or otherwise controlled by the County of KIT CARSON or any of its agents, Board of County Commissioners, assigns, or entities, and all COUNTY vehicles. This definition shall not include secured personal vehicles located within such areas.

**THAT**, the use, consumption, possession, transfer, display, sale or growing of marijuana and marijuana accessories are hereby prohibited in all County owned buildings, facilities, vehicles and property.

ORDINANCE 13-12258

**Enforcement.** This ORDINANCE shall be enforced by the KIT CARSON COUNTY Sheriff's Office;

**Violation.** Pursuant to C.R.S. 30-15-402, any person who violates this ORDINANCE commits a class 2 petty offense. This ORDINANCE applies to all employees, agents, visitors and all other persons when they are in County owned buildings, facilities, vehicles and property. It shall be unlawful for any person to violate any provision of this ORDINANCE. All violations of this ORDINANCE shall be brought before the Kit Carson County Court. Furthermore, anyone in violation of this ORDINANCE shall be required to leave and may be precluded from using the County owned buildings, facilities, vehicles and properties. Those failing to do so, may be deemed trespassers. Employees and agents of the County violating this policy may also be subject to further disciplinary action as may be allowed by law. This ORDINANCE shall not apply to law enforcement officers and agencies who may possess marijuana or marijuana accessories in County owned buildings and facilities pursuant to a legitimate law enforcement function.

**Disposition of Fines and Forfeitures.** Unless otherwise provided by law, all fines and penalties, and the surcharge thereon, for the violation of this ORDINANCE shall be paid into the treasury of the County of Kit Carson. The fine for a first offense and for any subsequent offense shall not exceed one thousand dollars (\$1000.00) per violation and each day shall be deemed a separate violation.

**Surcharges.** In addition to the fines and penalties prescribed in this ORDINANCE, any person convicted of a violation of this ORDINANCE shall be subject to the statutory surcharges as may be adopted and imposed by the Kit Carson County Court. These surcharges shall be paid to the Kit Carson County Court Clerk by each person convicted of violating this ORDINANCE.

**Scope.** This ORDINANCE shall apply within all of Kit Carson County. This ORDINANCE applies to all employees, agents, and visitors when they are in County owned buildings, facilities, properties and vehicles. This ORDINANCE shall in no way limit application and enforcement of any statutes of the State of Colorado, but shall be in addition thereto.

**Severability.** If any part or parts of this ORDINANCE are for any reason held to be invalid, such provision shall not affect the validity of the remaining portions of this ORDINANCE. The Kit Carson County Board of Commissioners hereby declare that it would have passed this ORDINANCE and each part or parts hereof, irrespective of the fact that any one part or parts be declared invalid.

**Immediate Effect Upon Adoption.** This ORDINANCE is necessary to the immediate preservation of the public health or safety. In accordance with the requirements of C.R.S. 30-15-406, C.R.S., this ORDINANCE has been previously introduced and read at a preceding regular meeting of the Board of County Commissioners on the 20th day of March, 2013, and has been published in full in one newspaper of general circulation in Kit Carson County, Colorado, at least ten days before its adoption. This ORDINANCE is effective immediately upon adoption.

**DONE AND ADOPTED THIS** 10th day of April, 2013, at Burlington, Colorado.

ORDINANCE 13-12258

Motion made by Gary Koop, seconded by Dave Gwyn, Motion carried by unanimous vote of Dave Hornung.

Board of County Commissioners

By: Dave Hornung  
Dave Hornung, Chairman

By: Dave Gwyn  
Dave Gwyn, Commissioner

By: Gary Koop  
Gary Koop, Commissioner

ATTEST:

Patty Witzel  
Patty Witzel, Deputy County Clerk

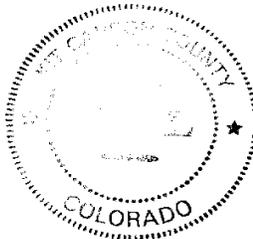


STATE OF COLORADO        )  
  ) ss.  
COUNTY OF KIT CARSON)

I, Patty Witzel, Deputy County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid, do hereby certify that the annexed and foregoing ORDINANCE is truly copied from the Records of the Proceedings of the Board of County Commissioners of said Kit Carson County, now in my office. I hereby certify that this ORDINANCE has been previously introduced and read at a preceding regular meeting of the Board of County Commissioners on the 20th day of March, 2013, and has been published in full in one newspaper of general circulation in Kit Carson County, Colorado, at least ten days before its adoption.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the County at Burlington, this 10th day of April, 2013.

Patty Witzel  
Patty Witzel, Deputy County Clerk



## **13-12259**

### **ORDINANCE**

On April 10, 2013, the Board of County Commissioners reviewed and Ordinance prohibiting the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities or retail marijuana stores, within unincorporated Kit Carson County, State of Colorado. Motion made by Gary Koop, seconded by Dave Gwyn, motion carried by unanimous vote of Dave Hornung.

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF KIT CARSON    )

At a regular meeting of the Board of County Commissioners for Kit Carson County, Colorado, held at the Kit Carson County Courthouse, 251 16<sup>th</sup> Street, Burlington, CO 80807 on Wednesday the 10th day of April, 2013, there were present:

- Dave Hornung .....Chairman
- Dave Gwyn.....Commissioner
- Gary Koop.....Commissioner
- Patty Witzel.....County Clerk
- Paula Weeks.....Administrator

when the following proceedings, among others, were had and done, to-wit:

**AN ORDINANCE PROHIBITING THE OPERATION OF MARIJUANA CULTIVATION FACILITIES, MARIJUANA PRODUCT MANUFACTURING FACILITIES, MARIJUANA TESTING FACILITIES OR RETAIL MARIJUANA STORES, WITHIN UNINCORPORATED KIT CARSON COUNTY, STATE OF COLORADO.**

**WHEREAS**, the Kit Carson County Commissioners, hereinafter referred to as the "County", by and through its Board of County Commissioners, hereinafter referred to as the "Board", has the authority, pursuant to C.R.S. 30-11-101 (2), to adopt and enforce ordinances regarding health, safety and welfare issues as otherwise prescribed by law; and

**WHEREAS**, on November 6, 2012, the voters of Colorado approved the adoption of Amendment 64, *Personal Use and Regulation of Marijuana*; and

**WHEREAS**, said Amendment 64 became effective on December 10, 2012 upon the proclamation of the Governor, pursuant to Section 1(4) of Article V, of the Colorado Constitution; and

**WHEREAS**, Amendment 64 has added a new section 16 to Article XVIII of the Colorado Constitution; and

**WHEREAS**, Amendment 64 defines a "locality" in part in section 2(e) of Section 16 to include a county; and

**WHEREAS**, part 5(f) of Section 16 provides the following:

ORDINANCE 13-12259

(f) A locality may enact ordinances or regulations, not in conflict with this section or with regulations or legislation enacted pursuant to this section, governing the time, place, manner and number of marijuana establishment operations; establishing procedures for the issuance, suspension, and revocation of a license issued by the locality in accordance with paragraph (h) or (i), such procedures to be subject to all requirements of Article 4 of Title 24 of the Colorado Administrative Procedure Act or any successor provision; establishing a schedule of annual operating, licensing, and application fees for marijuana establishments, provided, the application fee shall only be due if an application is submitted to a locality in accordance with paragraph (i) and a licensing fee shall only be due if a license is issued by a locality in accordance with paragraph (h) or (i); and establishing civil penalties for violation of an ordinance or regulation governing the time, place, and manner of a marijuana establishment that may operate in such locality. A locality may prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores through the enactment of an ordinance or through an initiated or referred measure; provided, any initiated or referred measure to prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores must appear on a general election ballot during an even numbered year, and;

**WHEREAS**, at the November 6, 2012 election approximately Sixty-two Percent (62%) of County voters rejected the proposed adoption of Amendment 64; and

**WHEREAS**, consistent with the authority granted to the Board of County Commissioners in Amendment 64 and the will of Kit Carson County voters, the Board of County Commissioners desires to adopt this ORDINANCE prohibiting the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities or retail marijuana stores.

**NOW, THEREFORE BE IT ORDAINED BY THE KIT CARSON COUNTY BOARD OF COMMISSIONERS as follows:**

**THAT**, the purpose of this ORDINANCE is to promote the general public welfare and safety throughout Kit Carson County, Colorado by prohibiting the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities or retail marijuana stores.

**Definitions.** Unless otherwise specified or the context otherwise requires, any terms used herein shall have the same meanings as provided in Article XVIII, Section 16 of the Colo. Constitution. These definitions include, but are not limited to the following:

(1) "MARIJUANA" OR "MARIHUANA" means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every

compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. "Marijuana" or "marihuana" does not include industrial hemp, nor does it include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

- (2) "MARIJUANA ACCESSORIES" means any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.
- (3) "MARIJUANA CULTIVATION FACILITY" means an entity of any kind which is used, intended to be used, or designed to be used to cultivate, prepare, and package marijuana and sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.
- (4) "MARIJUANA ESTABLISHMENT" means a marijuana cultivation facility, marijuana testing facility, a marijuana product manufacturing facility, or a retail marijuana store. This shall also include retail sales from residences.
- (5) "MARIJUANA PRODUCT MANUFACTURING FACILITY" means an entity of any kind which is used, intended to be used, or designed to be used to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.
- (6) "MARIJUANA PRODUCTS" means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.
- (7) "MARIJUANA TESTING FACILITY" means an entity of any kind which is used, intended to be used, or designed to be used to analyze and certify the safety and potency of marijuana.
- (8) "MEDICAL MARIJUANA CENTER" means an entity licensed by a state agency to sell marijuana and marijuana products pursuant to Section 14 of this Article and the Colorado Medical Marijuana Code.

- (9) "RETAIL MARIJUANA STORE" means an entity of any kind which is used, intended to be used, or designed to be used to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers.

Section 1.    **APPLICABILITY:**

- 1.1 This Ordinance shall apply throughout unincorporated Kit Carson County, Colorado, including but not limited to public, county and state lands.
- 1.2 If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases are declared unconstitutional or invalid.

Section 2.    **UNLAWFUL ACTS:**

**Elements of Offenses.** Any of the following shall be a violation of this Ordinance and shall be subject to the remedies and penalties provided for in this Ordinance:

- (a) Maintaining an entity of any kind which is used, intended to be used, or designed to be used to cultivate, prepare, and package marijuana and sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.
- (b) Maintaining an entity of any kind which is used, intended to be used, or designed to be used to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.
- (c) Maintaining an entity of any kind which is used intended to be used, or designed to be used to analyze and certify the safety and potency of marijuana.
- (d) Maintaining an entity of any kind which is used, intended to be used, or designed to be used to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers.

ORDINANCE 13-12259

**Enforcement.** This ORDINANCE shall be enforced by the KIT CARSON COUNTY Sheriff's Office.

**Violation.** Pursuant to C.R.S. 30-15-402, any person who violates this ORDINANCE commits a class 2 petty offense. It shall be unlawful for any person to violate any provision of this ORDINANCE. All violations of this ORDINANCE shall be brought before the Kit Carson County Court.

**Disposition of Fines and Forfeitures.** Unless otherwise provided by law, all fines and penalties, and the surcharge thereon, for the violation of this ORDINANCE shall be paid into the treasury of the County of Kit Carson. The fine for a first offense and for any subsequent offense shall not exceed one thousand dollars (\$1000.00) per violation and each day shall be deemed a separate violation.

**Surcharges.** In addition to the fines and penalties prescribed in this ORDINANCE, any person convicted of a violation of this ORDINANCE shall be subject to the statutory surcharges as may be adopted and imposed by the Kit Carson County Court, including but not limited to the statutory surcharges of ten dollars (\$10.00) for the Victims and Witnesses Assistance and Law Enforcement Fund, and (\$15.00) for the Colorado Traumatic Brain Injury Trust Fund.. These surcharges shall be paid to the Kit Carson County Court Clerk by each person convicted of violating this ORDINANCE.

**Injunctive Relief.** The County may seek an injunction or other equitable relief in court to stop any violation of this Ordinance of any acts outlined in section 2 above and may recover costs of any such action.

**Severability.** If any part or parts of this ORDINANCE are for any reason held to be invalid, such provision shall not affect the validity of the remaining portions of this ORDINANCE. The Kit Carson County Board of Commissioners hereby declare that it would have passed this ORDINANCE and each part or parts hereof, irrespective of the fact that any one part or parts be declared invalid.

**Immediate Effect Upon Adoption.** This ORDINANCE is necessary to the immediate preservation of the public health or safety. In accordance with the requirements of C.R.S. 30-15-406, C.R.S., this ORDINANCE has been previously introduced and read at a preceding regular meeting of the Board of County Commissioners on the 20th day of March, 2013, and has been published in full in one newspaper of general circulation in Kit Carson County, Colorado, at least ten days before its adoption. This ORDINANCE is effective immediately upon adoption.

**DONE AND ADOPTED THIS** 10th day of April, 2013, at Burlington, Colorado.

Motion made by Bary Koop, seconded by Dave Gwyn, Motion carried by unanimous vote of Dave Hoschung.

Board of County Commissioners

By: *Dave Hornung*  
Dave Hornung, Chairman

By: *Dave Gwyn*  
Dave Gwyn, Commissioner

By: *Gary Koop*  
Gary Koop, Commissioner

ATTEST:

*Patty Witzel*  
Patty Witzel, Deputy County Clerk



STATE OF COLORADO        )  
  ) ss.  
COUNTY OF KIT CARSON)

I, Patty Witzel, Deputy County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid, do hereby certify that the annexed and foregoing ORDINANCE is truly copied from the Records of the Proceedings of the Board of County Commissioners of said Kit Carson County, now in my office. I hereby certify that this ORDINANCE has been previously introduced and read at a preceding regular meeting of the Board of County Commissioners on the 20th day of March, 2013, and has been published in full in one newspaper of general circulation in Kit Carson County, Colorado, at least ten days before its adoption.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the County at Burlington, this 10th day of April, 2013.

*Patty Witzel*  
Patty Witzel, Deputy County Clerk



## **13-12260**

### **RESOLUTION – RESCIND #22155**

A resolution to Rescind resolution #13-22155 that was determined to be unnecessary because the original transfer request was not fulfilled. Motion made by Dave Gwyn, seconded by Gary Koop, motion carried by unanimous vote of Dave Hornung.

RESOLUTION NO. 13-12260

STATE OF COLORADO )  
 ) ss.  
COUNTY OF KIT CARSON )

At a regular meeting of the Board of County Commissioners for Kit Carson County, Colorado, held at the Court House in Burlington on Wednesday the 10th day of April, 2013, there were present:

- Dave Hornung ..... Chairman
- Dave Gwyn..... Commissioner
- Gary Koop..... Commissioner
- Patty Witzel.....Deputy County Clerk
- Paula Weeks.....Administrator

when the following proceedings, among others, were had and done, to-wit:

**A RESOLUTION TO RESCIND RESOLUTION #13-22155 THAT WAS DETERMINED TO BE UNNECESSARY BECAUSE THE ORIGINAL TRANSFER REQUEST WAS NOT FULFILLED**

**NOW THEREFORE**, be it resolved by the Board of County Commissioners of Kit Carson County that the County Treasurer transfer \$6,004.00 from the Conservation Trust Fund to the impressed checking account to cover this error.

**BE IT FURTHER RESOLVED THAT THIS RESOLUTION IS EFFECTIVE IMMEDIATELY THIS 10th day of April, 2013.**

**DONE THIS** 10th day of April, 2013, at Burlington, Colorado.

Motion made by Dave Gwyn, seconded by Gary Koop, Motion carried by unanimous vote of Dave Hornung.

Board of County Commissioners

By: Dave Hornung  
Dave Hornung, Chairman

By: Dave Gwyn  
Dave Gwyn, Commissioner

By: Gary Koop  
Gary Koop, Commissioner

ATTEST:

Patty Witzel  
Patty Witzel, Deputy County Clerk

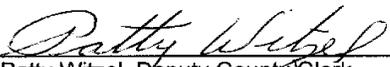


RESOLUTION NO. 13-12260

STATE OF COLORADO            )  
  ) ss.  
COUNTY OF KIT CARSON)

I, Patty Witzel, Deputy County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid, do hereby certify that the annexed and foregoing Resolution is truly copied from the Records of the Proceedings of the Board of County Commissioners of said Kit Carson County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the County at Burlington, this 10th day of April, 2013.

  
Patty Witzel, Deputy County Clerk



ACCOUNT CONSERVATION  
PAMELA J. MILLS  
KIT CARSON COUNTY TREASURER  
P.O. BOX 396  
BURLINGTON, CO 80807

2013 MISCELLANEOUS RECEIPT

# 7639

2013 0090.7100 CONSERVATION TRUST

WARRANTS

6,004.0000 (TRANSFER)

TRANSFER FROM 04/04/12

TRANSACTION DATE 04/08/2013 15:31

AMOUNT

\$6,004.0000

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### **EASEMENT OF RIGHT OF WAY – HITCHCOCK INC.**

The Board of County Commissioners reviewed an Easement of Right of Way. This is for Hitchcock Inc. in the SE ¼ of Section 18, Township 6S, Range 43W. Crossing Road 50 into SW ¼ of Section 17, Range 6S, Township 43W.

### **RENEWAL HART LICENSE AGREEMENT**

Agreement was presented by Hart InterCivic and Kit Carson County, Co entered into an addendum to the warranty, support, and license agreement on or about April 13, 2006. This agreement extends the addendum into the second term of April 13, 2013 – April 12, 2016 at the rate of \$9,965.00 per year. Gary Koop made motion to renew agreement with Hart InterCivic, seconded by Dave Gwyn, motion carried by Dave Hornung.

### **SHERIFF'S DEPARTMENT – CERTIFIED VIN CLASS**

Motion was made by Gary Koop to approve Shane Laverenz for the 2013 Certified VIN Inspection class, seconded by Dave Gwyn, motion carried by Dave Hornung.

### **K-9 HEAT ALERT AND DEPLOYMENT SYSTEM – SHERIFF**

Motion made by Dave Gwyn to purchase tactical K-9 heat alert system with pager for \$799.99, seconded by Gary Koop, motion carried by Dave Hornung.

### **ASSESSOR CAR**

Two bids for car for Assessor office were received. Bid from Ford for a 2012 Ford Escape XLT for \$18,000.00. Bid from Vince's Center for 2013 Chevy Equinox for \$22,925.00. After discussion Dave Gwyn made motion to purchase the 2012 Ford Escape XLT. Seconded by Gary Koop, motion carried by Dave Hornung. Abbey will have control of the book and keys for the 2012 Ford. Contact Abbey for scheduling.

### **ESTIMATE – TOWER LIGHT CONTROL PANEL**

Estimate by Daniel Electric to replace the existing H&P tower light control panel with a new H&P 9LC series panel is \$1820.00. This price includes the panel (\$1,300.00) misc parts and labor. Motion was made to accept estimate by Daniel Electric was made by Dave Gwyn, seconded by Gary Koop, motion carried by Dave Hornung.

### **FLAGLER TRANSFER SITE – TOWN OF FLAGLER**

The Board of County Commissioners met with members of the Town of Flagler, Chuck Kinkel, Charlie Crisp, Tom Bredehoft, Justin Crisp and Doris King along with Randy and Charlene Gorton with discussion of the Flagler Transfer Site. Kit Carson County has been paying the town of Flagler a fuel subsidy of \$1000.00 a month for the last few years. Kit Carson County has agreed with the town of Flagler to continue paying \$1000.00 a month for the rest of 2013. On January 1, 2014 the fuel subsidy will drop to \$666.66 a month for the year of 2014. On January 1, 2015 the fuel subsidy will drop to \$333.33 a month for the year 2015. After 2015 a fuel subsidy will no longer be paid to the Town of Flagler. An agreement between Kit Carson County and the Town of Flagler concerning tree branches, tree trunks or tree roots plus cornet will be in the near future after talking with the Town of Stratton and Town of Seibert. All three Transfer Sites need to be uniform.

## **VETERANS OFFICER QUARTERLY REPORT**

David and Charles Litteral came in and talked about a \$1000.00, grant they had applied for to help local veterans pay for things they need to become self sufficient again in this community. Also a computer Kiosk for Veterans-Morgan Community College will provide the IT Support and internet service for the Kiosk. Grant award will be announced in July. This is for a one year period, will have to reapply annually.

State Training Conference (National VSO Accreditation) is in the near future and David and Charles would like to attend. They are asking for \$1115.00 to attend, this includes travel, lodging and meals.

Town hall meeting is still in the works for the Veterans in the fall and get a congressman as a speaker. The grant money should be available to let the veterans know what is available for them.

Discussion on some type of letter from Board of County Commissioners/VSO for cases of deceased Kit Carson County Veterans. David or Charles would write the letter, email to Kit Carson County and then put on letterhead, have the Board sign and then determine case by case on who delivers.

David and Charles wanted the Kit Carson County Commissioners to know what Angela Berry, Kit Carson County Employee, did by going to extraordinary lengths to help a very needy Veteran in the area. It took her over a month to get him into a facility.

## **MATERNITY LEAVE – ALISA JAMES**

Alissa James is asking the Kit Carson County Commissioners to accept 240 hours donated hours so that she can get a pay check in March and April. Alissa is to come back to work on April 22<sup>nd</sup> after a 6 week maternity leave. A doctor's note was received stating that Alissa needed an extra 6 weeks after the baby was born. After discussion Gary Koop made motion that is Alissa James comes back to work on April 22<sup>nd</sup>, the donated hours along with the accrued vacation and sick leave for March and April will cover pay for March and April. If she doesn't come back then, she will be docked the hours for April and will lose her accrual for April (vacation and sick leave), seconded by Dave Gwyn, motion carried by unanimous vote of Dave Hornung.

Meeting adjourned.

(SIGNED BY DAVE HORNUNG)

(4-17-2013)

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Dave Hornung, Chairman

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Date