

FIRST MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on January 9th, 2024, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Chair Kevin J Grantham called the meeting to order at 9:30 a.m.

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|-----------------|----------------------------|---------|
| Kevin Grantham | Commissioner | Present |
| Dwayne McFall | Commissioner | Present |
| Debbie Bell | Commissioner | Present |
| Justin Grantham | Clerk and Recorder | Present |
| Eric Bellas | County Attorney | Present |
| Tony Carochi | County Administrator | Present |
| Dan Victoria | Planning & Zoning Director | Present |

INVOCATION

Greg Swearingen from Royal Gorge Vineyard Church gave the invocation.

PLEDGE OF ALLEGIANCE

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 Grantham, aye. The motion carried by unanimous consent.

CONSENT AGENDA

1. Approval of Minutes / September 26, 2023, October 10, 2023, October 24, 2023, November 14, 2023, December 12, 2023, and December 26, 2023
2. Approval of Bills for \$1,230,947.61
3. Ratification of Chairman Signature on Annual Reaffirmation of Department of Human Services Memorandum of Understanding for the Colorado Works Program
4. Resolution No.1, Series of 2024 Approving CUP for Tallahassee Resources
5. 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 Grantham, aye. The motion carried by unanimous consent.

ADMINISTRATIVE & INFORMATIONAL

Ref. Fremont County BOCC Meeting 1/10/2024 3:18

1. Staff / Elected Officials:
 - a. County Clerk's Monthly Report for November, Justin Grantham, County Clerk

Clerk Grantham gave the County Clerk's Monthly Report, which can be found in its entirety at www.fremontco.com.

Commissioner Bell moved to accept the County Clerk's Monthly Report. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

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b. County Manager Report, Tony Carochi, County Administrator

County Administrator Carochi gave the County Administrator Report, which can be found in its entirety at www.fremontco.com.

Commissioner Bell announced that Mr. Carochi's title will change from County Manager to County Administrator. After consideration, administrator sounded more appropriate for the job that he performs.

Commissioner McFall said that next week a legislative session will take place in Denver. He also stated that, thankfully, last year's land use bill 213 failed, but this year they are going to attempt to sneak it through in small separate bills to gain control of land use instead of it being locally controlled.

Commissioner Grantham also mentioned bill 213 from last year's legislation and said that it would have caused drastic changes to the structure of how land use is administered, giving power to the state. He said the Board of Fremont County Commissioners, *CCI Colorado Counties Incorporated*, and *CML Colorado Municipal League* are obviously against this, stating the municipalities could be impacted the most considering the bill is aiming to change land use to be denser. Grantham said that CCI and CML will lock arms in the fight against these bills, because this year they are going to attempt to get multiple small bills passed that, collectively will be the 213 bill from last year. Legislation is hoping to get at least some of it passed with the strategy of divide and conquer.

Clerk Grantham wanted to remind everyone that the election is in March. He also wanted it to be known that President Trump will be on the ballot, it has been certified. The Supreme Court will be having a hearing in February to decide if Trump is eligible to be a presidential candidate, so things may change. This is the time to update your voter registration if it is needed. If you are registered as non-affiliated, you will receive a Democratic and Republican ballot, but only turn in one because if both are turned in, neither will count. Every person is only allowed one vote.

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

John Zimmerman said that he is concerned about the 224 unit or 50-megawatt battery storage system they are wanting to build up at 8 Mile, which is located next to his house. He said the location is in a fire shed and Fremont County really needs to investigate this because there are no regulations for this, and there is a huge risk of fire. There is access to WAPA *Western Area Power Administration* line giving them incentive to build this battery storage. The WAPA line services all the hydroelectric powers in the Western United States, that's why it is so appealing for them. Mr. Zimmerman asked the fire department what the plan is if this gets built next to his house and then inevitably catches on fire. He believes that it isn't just a danger to him, but the whole city since it is only four miles out of town. Based on how fast the Royal Gorge fire spread, seven miles in four hours, it would reach Canon City in a matter of a couple hours. He said there were 34 events last year of these storage places spontaneously catching on fire, and that one is burning in Alaska right now.

Liane "Buffie" McFadyen also spoke about the battery storage system, saying that the Planning and Zoning Department has been very receptive and helpful explaining the process, and she believes it should stay within local government, considering that most counties have unique areas. Considering 8 Mile is close to a substation, and if a moratorium was developed it would give the very knowledgeable people in Planning and Zoning Department the time to develop criteria for citing and reviewing a master plan to make sure it coincides with the Fremont County master plan. It would also allow time for them to consider the health, safety, and welfare of Fremont County citizens. Not to mention the physical, economic, and social impact on Fremont County. Ms. McFadyen worries about the amount of toxins that would be released if a fire were to occur. These lithium-ion batteries leak toxins and at the least a reporting mechanism needs to be created and regulated by the Air Quality Control Commission.

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Ashlee Sack said she works for Fremont Adventure Recreation and believes Fremont County is one of the luckiest counties in the state because of the amount of public land it has, such as federal land, city parks, county parks, and centennial ranches. She believes Governor Polis created executive order B2020-008 to give communities the ability and responsibility to start protecting the future of the wildlife and land of Fremont County. The idea is to come together from different communities and counties and put together a comprehensive list of priorities, whether that be historic ranches, wildlife, or farms. Ms. Sack is inviting the Commissioners to their very first meeting, which be held on January 25th, 2024, at 4:00 pm located at The Hive.

Kyle Horne added to Ms. Sacks's comments that the true importance lies in the funding, and the intention was to apply for the National Park Service Grant, but they are not eligible. In other grants, the problem being brought up a lot, is that the district, the city, or the county needs to apply for that. Mr. Horne is asking for there to be a collaboration because that is the key to getting this funding.

UNFINISHED BUSINESS: None.

NEW BUSINESS

Ref. Fremont County BOCC Meeting 1/09/2024 29:50

1.Reorganization of Board of County Commissioners

Commissioner Grantham moved to appoint Commissioner McFall as Chairman for 2024. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

Commissioner McFall and **Commissioner Bell** awarded Commissioner Grantham with a plaque for being a great Chairman this past year.

Commissioner Grantham moved to appoint Commissioner Bell as ProTem chair. Commissioner McFall second the motion. Upon Vote: Commissioner Grantham, aye; Commissioner McFall, aye; Commissioner Bell; aye. The motion carried by unanimous consent.

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1. Appointment of County Attorney

Commissioner Grantham commented that he appreciates the knowledge Attorney Bellas is bringing to the county coming from DHS.

Commissioner Bell moved to appoint Eric Bellas as the new County Attorney as of January 9th, 2024. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

Attorney Bellas said that he is honored to be selected to serve the citizens of Fremont County and he is under no illusion that he knows everything and that he is grateful that former County Attorney Brenda Jackson is remaining part time so he can continue to learn from her.

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2. Resolution No. 2, Series of 2024 Designating and Approving Official Depositories for Fremont County, Colorado in 2024.

Commissioner Grantham moved to approve Resolution #2, designating Sunflower Bank, of Canon City, Colorado, the Colorado Surplus Asset Fund Trust, COLOTRUST, and Bank of the San Juans/Glacier Bank, as the official Depositories for Fremont County. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

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3. Resolution No. 3, Series of 2024 Designating Schedule for Regular Meeting for the Fremont County, Colorado, Board of County Commissioners.

Commissioner Bell wanted to clarify the reason for the schedule changing from 9:30 am to 9:00 am is because some meetings can become very long, and in those instances, some citizens must leave for various reasons and lose their chance to stand and speak.

Commissioner Bell moved to approve Resolution # 3, designating the schedule for regular meetings for the Fremont County Board of County Commissioners be the second and fourth Tuesday of each month. They will begin at 9:00 am with public hearings beginning at 9:30 am at 615 Macon Avenue LL3. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

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4. Resolution No. 4, Series of 2024 Designating Official Newspaper for Fremont County, Colorado.

Commissioner Bell said that they will be using the Daily Record for legal notices. They will also share information with the Florence Reporter and the Fremont Crusader.

Commissioner Grantham moved to approve Resolution # 4, designating the official newspaper for Fremont County to be the Canon City Daily Record. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

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5. Resolution No. 5, Series of 2024 Designating Official Posting Place for Notice of Public Meetings for the Fremont County, Colorado Board of County Commissioners.

Commissioner Bell moved to approve Resolution # 5, designating the official posting places for the notice of public meetings for the Board of County Commissioners. The three places are the website fremontco.com, the bulletin board outside the County Commissioners office, and another bulletin board located by the main south entrance of the County Administration Building, 615 Macon Ave.. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

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6. Requesting the issuance of a Malt, Vinous and Spiritous Liquor Special Events Permit for The Canon City Music & Blossom Festival event at 4807 State Highway 9, Canon City, CO 81212 on the following date: January 26th from 6:00p.m. to 11:00p.m. in 2024
Representative: Holly Harp

Ms. Harp said that her organization was invited by the event center owner to use her space for an event to get involved in some community work. To help generate funds for Blossom, the plan is to have a Yellowstone themed party which will include some line dance lessons.

Commissioner Bell asked who will be serving the alcohol, if they are trained, and how they will determine who is allowed to drink, and who is not.

Ms. Harp responded, saying that a few people on their board are TIP *Training for Intervention Procedures* certified. For security they will have two gentlemen from a nearby church helping with parking, checking ID's, and then giving them a wristband if they are allowed to drink.

Clerk Grantham gave the staff report, saying the Clerk's office sees no issues with the application, and all necessary documentation was submitted on time. The Clerk's office recommends approval, contingent on receiving the Sheriff's Report that was sent December 12th, 2023, as the office has not received it back yet.

Commissioner McFall asked if the poster was posted inside of the building.

Ms. Harp said that she believes it was posted inside.

Commissioner McFall expressed his concern about the legality of the sign being posted inside the building and not outside, where the public could view it.

Attorney Bellas said that it is a requirement that the sign be posted on the premises outside where the public can view it.

Clerk Grantham suggested tabling approval or denial until the next meeting, where the public notice can be re-posted properly, and by then we will hopefully get the Sheriff's Report returned.

Commissioner Bell moved to table this request for a malt, vinous, and spiritous liquor license, a special event permit for the Canon City Music & Blossom Festival until the next meeting on January 23rd, 2024. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

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7. Resolution No. 6 summarizing expenditures for each fund and adopting a budget for the County of Fremont, Colorado, for the calendar year beginning on the first day of January 2024, and ending on the last day of December 2024
Representative: Shawn Sutton, Budget, and Finance Officer.

Budget and Finance Officer Sutton's report on summarizing expenditures for each fund can be found in its entirety on <https://www.fremontco.com/files/commissioners/additional/9.8%20Resolution%20-%20Adopt%20Budget.doc%202024.pdf>

Commissioner Grantham said the projected assessment for 2024 is roughly \$647 million in total, after the special session it was moved down to \$599 million. The mill levies prior to the special session had a projected revenue from property tax at \$5.4 million. After the board decided to reduce it, it sits just under \$5 million. Commissioner Grantham wanted to note that they are not making bank on the big tax bills, the county is only staying level for the third year in a row on property tax revenue.

Commissioner Grantham moved to approve Resolution # 6, summarizing the expenditures for each fund, and adopting a budget for the county of Fremont Colorado for the calendar year beginning on the first day of January 2024, ending on the last day of December 2024. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

Ref. Fremont County BOCC Meeting 1/10/2024 1:02:50

8. Resolution No. 7 levying General Property Taxes for the year of 2023, to help defray the costs of government for the County of Fremont, Colorado, for the 2024 Budget Year
Representative: Shawn Sutton, Budget and Finance Officer

Budget and Finance Officer Sutton's report on general property taxes for the year 2023 can be found in its entirety on <https://www.fremontco.com/files/commissioners/additional/9.9%20Resolution%20-%20Mill%20Levy.doc2024.pdf>

Commissioner Bell moved to approve Resolution # 7, levying general property taxes for the year of 2023 to help defray the costs of government for the County of Fremont, Colorado, for the 2024 budget year. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

Ref. Fremont County BOCC Meeting 1/10/2024 1:06:10

9. Resolution No. 8 appropriating sums of money to the various funds and spending agencies, in the amounts and for the purposes set forth below, of the County of Fremont, Colorado, for the 2024 Budget Year beginning January 1, 2024, and ending December 31, 2024
Representative: Shawn Sutton, Budget, and Finance Officer

Budget and Finance Officer Sutton's report on appropriating sums of money to the various funds and spending agencies can be found in its entirety on

<https://www.fremontco.com/files/commissioners/additional/9.10%20Resolution%20-%20Appropriating%20Money.doc%202024.pdf>

Commissioner Grantham moved Resolution # 8, appropriating the sums of money to the various funds and spending agencies. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

Ref. Fremont County BOCC Meeting 1/10/2024 1:07:58

10. Certification of Levies and Revenue

Representative: Shawn Sutton, Budget, and Finance Officer

Budget and Finance Officer Sutton said the finance department sends out 37 different requests to municipalities, special districts, and other entities for mill levy certification. It is typically due December 15th; however it was extended to January 10th, 2024, due to the special session. The mill levy requires a lot of collaboration, verifying the numbers, and reaching out to stray entities. The final step is to certify the mill levies from the different entities. The certificate is typically due back to the state by December 22nd; however, it was also extended due to the special session to January 17th, 2024. He said they have received 24 of the 37 certificates back. The other 13 have been contacted and those are believed to be coming in tomorrow, January 10th, at 5pm, and to the state by January 17th. The next step is to have it certified by Tony Carochi, County Administrator, then it will be given to the commissioners, and finally sent to the state. No resolution is required.

Commissioner Bell moved to approve this certification of levies and revenues. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

Ref. Fremont County BOCC Meeting 1/10/2024 1:07:58

11. Resolution No. 9, Series of 2024 Concerning the Disposition of Abandoned Property Held By The County

County Attorney Bellas said that from time to time the county will end up in possession of some personal property that has value, or some utility, at which the county cannot find the owner. At that point, the Board of Commissioners has the authority to determine the disposition of that property. It should be made clear that the commissioners are not interested in taking people's property, this only applies when the owner of the property cannot be found, or if the property cannot be returned to its rightful owner because it is an illegal property to possess. This resolution will basically allow an elected official and county department head who comes into possession of that property, to determine whether they believe it is in the best interest of the county to retain it for use if it cannot be returned to the owner. It does not apply, for example, to a motor vehicle. Mr. Bellas said there is an example of such a property currently. It is being held by the Sheriff's Office. It was originally owned by a business entity which has ceased all business operations with no successor, and that property could be useful to the Sheriff's Office, or to other county departments. This resolution will allow the Sheriff to make the determination if the property is useful and to notify the County Administrator of a desire to retain it.

Commissioner Grantham moved to approve Resolution # 9, concerning the disposition of abandoned property held by Fremont County. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

12. Appointment of new member to the Penrose Community Library District Board of Trustees with a term expiring December 31, 2024.

Commissioner Bell moved to appoint the new member, Karen Olmen, to the Penrose Community Library District Board of Trustees, with a term expiring on December 31, 2024. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

13. Appointment of new member to the Fair Board with a term ending December 31, 2026

Commissioner McFall moved to appoint Cody West to the Fair Board, with a term ending on December 31, 2026. Commissioner Bell seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

PUBLIC HEARING SCHEDULED 10:00 a.m.

Ref. Fremont County BOCC Meeting 1/10/2024 1:18:19

1. **Request: Rewrite Chapter 2**

Planning and Zoning has recognized the need for a review and update to the regulations. Staff has made no changes to the following chapter 2 besides a new format and referenced the new proposed chapter.

To view Director Victoria's full staff report please visit the link:

<https://www.fremontco.com/files/commissioners/additional/10.1%20EST.%20of%20Zone%20Districts%20BOCC%20%20Packet.pdf>

Commissioner McFall opened the public hearing at 10:50 am.

Commissioner McFall closed the public hearing at 10:51 am.

Commissioner Bell moved to approve the request from Planning and Zoning for the rewrite of chapter 2. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

2. **Request: Rewrite Chapter 5 General Requirements**

Planning and Zoning has recognized the need for a review and update to the regulations. Staff has made a few changes, deletions, and additions to this chapter.

To view Director Victoria's full staff report please visit the link:

<https://www.fremontco.com/files/commissioners/additional/10.2%20General%20Regs.%20Packet%20BOCC.pdf>

Commissioner McFall opened the public hearing at 11:01 am.

Commissioner McFall closed the public hearing at 11:02 am.

Commissioner Grantham moved to approve the changes made in the rewrite of Chapter 5 general requirements. In addition, he moved to approve the planning commission's recommendation to remove the section on building permits with just reference to the building department. Commissioner Bell seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

3. **Request: Rewrite Chapter 7 - B.O.Z.A.**

Planning and Zoning has recognized the need for a review and update to the regulations. Staff has made no changes to the following chapter 7 besides a new format, and referenced the new Colorado Rev. Stat.

To view Director Victoria's full staff report please visit the link:

<https://www.fremontco.com/files/commissioners/additional/10.3%20BOZA%20BOCC%20Packet.pdf>

Commissioner McFall opened the public hearing at 11:04 am.

Commissioner McFall closed the public hearing at 11:05 am.

Commissioner Bell moved to approve the rewrite of Chapter 7. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

Commissioner McFall adjourned the meeting at 11:06 am.

To view the YouTube Video for Commissioner Minutes, go to the following website:

<https://www.youtube.com/watch?v=olYG8uG5vrg>

Clerk to the Board of County Commissioners