

SECOND MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on January 23rd, 2024, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Chairman McFall called the meeting to order at 9:30 a.m.

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

INVOCATION

Loren Kolman from the Free 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 Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

CONSENT AGENDA

1. Approval of Minutes / January 9, 2024
2. Approval of Bills for \$ 1,933,437.97
3. Ratification of letter of support with a \$3,000 funding commitment to participate in the Colorado Department of Higher Education's Colorado Opportunity Scholarship Initiative
4. Resolution No. 10, Series of 2024. Ratification of letter of support for a \$3,000 funding commitment to participate in the Colorado Department of Higher Education's Colorado Opportunity Scholarship Initiative.
5. Ratification of CDOT H.U.T.F. Fremont County Signature Sheet
6. Schedule Public Hearings: None.

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

ADMINISTRATIVE & INFORMATIONAL

Ref. Fremont County BOCC Meeting 1/23/24 3:25

1. Staff / Elected Officials:

- a. Semi-Annual Treasurer's Report and Public Trustee Quarterly Report, Kathy Elliott, County Treasurer & Public Trustee

Treasurer Elliott began the report by saying that Fremont County ended the year with 1.4 million more than last year, part of what attributed to it was the interest through C-Safe and Colo Trust collecting more than 1.2 million.

County Treasurer Elliott gave the semi-annual treasurer report, which can be found in its entirety at <https://www.fremontco.com/files/commissioners/additional/7.1.a%20SA%20DEC%202023.pdf>

Commissioner Bell moved to accept the semiannual Treasurers report. 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 1/23/24 5:10

Public Trustee Elliot said that the year finished with 64 total foreclosures, which is 18 more than last year. Most were withdrawn, meaning the people were able to sell.

County Public Trustee Elliott gave the quarterly trustee report, which can be found in its entirety at <https://www.fremontco.com/files/commissioners/additional/7.1.a%204th%20Qtr%20Pt%20Report%202023.pdf>

Commissioner Grantham moved to accept the Public Trustee quarterly report. 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 1/23/24 6:38

- b. Sales & Use Tax Report, Shawn Sutton, Budget & Finance Officer

Budget & Finance Officer Sutton gave the Sales & Use Tax Report, which can be found in its entirety at <https://www.fremontco.com/files/commissioners/additional/7.1.b%20BOCC%20Auto%20Use%20%26%20Sales%20Tax%20Report%20January%202024.pdf>

Commissioner McFall commented that Fremont County always budgets conservatively especially knowing sales tax could decrease at any moment, but they have been on the rise for the last several years.

Commissioner Bell wanted to confirm that at the next meeting the year-end numbers will be presented.

Budget and Finance Officer Sutton confirmed that they will be.

Ref. Fremont County BOCC Meeting 1/23/24 13:09

c. County Manager Report, Tony Carochi, County Administrator

Administrator Carochi announced that the chiller will be completely installed at the Sheriff's office by January 31st. The DHS department will be closed January 31st for staff training.

County Administrator Carochi gave the County Administrator Report, which can be found on its entirety at <https://fremontcountyco.gov>.

Commissioner Grantham said that the legislature is back in session and a new bill is going after short term rentals and increasing the assessment rates. They are wanting them to be appraised in the assessor's office as residential instead of income which would essentially double taxes. Last year when the Senate Bill 213 was introduced and defeated attempting to make land use be controlled by state instead of county. They have now broken it up into multiple Bills causing us to fight it on multiple different fronts. The Fremont County Commissioners, Colorado Counties, and Colorado Municipal Leagues will be at the forefront helping to defeat those again.

Commissioner McFall said that Thursday and Friday the Commissioners will be involved in Colorado County's Incorporated meetings to discuss the bills that have already been introduced, to take a position on them as a bipartisan group.

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

UNFINISHED BUSINESS

Ref. Fremont County BOCC Meeting 1/23/24 21:45

1. 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

Commissioner McFall said this was tabled at the last meeting because of the public notice poster not being posted properly and that issue was fixed the same day.

BOCC Clerk Samantha Ryan said that the only thing to add to the Staff Report is that the Sheriff's Report was received January 11th and they also recommended approval.

Commissioner Grantham moved to approve the request for the issuance of a malt, vinous, and spirituous liquor special events permit for the Canon City Music & Blossom Festival event at 4807 State Highway 9 Canon City on January 26th from 6:00 pm to 11:00 pm. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

NEW BUSINESS

Ref. Fremont County BOCC Meeting 1/23/24 24:00

1. MS 23-005 T&L Minor Subdivision

Requesting approval for minor subdivision that will create a total of 2 lots. Lot 1: 4.68 acres
203,860.8 square feet

Lot 2: 4.68 acres 203,860.8 square feet

The subject property is located in the Agricultural Rural Zone District, at the intersection of P Street and 11th Street in Penrose.

Applicant(s): Travis & Rebecca Jenkins

Consultant: George Hall- Crown Point Land Services

Mr. Jenkins said that he owns a 10-acre property and would like to split it into two 5-acre lots in Penrose off 11th and P street, two unmaintained County Roads. The goal is to put in two affordable housing units from Clayton Homes, they will be putting in two manufactured homes. The water tap and power have already been hooked up on both lots. Mr. Jenkins is requesting a variance to the spec that the road must be built up. He believes it is unjust due to the financial burden to him and potential buyers, he believes that this area is not up and coming and the adjacent properties are already developed. The bids from Avalanche Construction, Mors Excavating, Langston, and Aries are all in the range of 48 thousand for 660 feet of road, that bid doesn't include engineering and drainage. When those factors are included, it would be close to 60 thousand dollars for lots only worth approximately 85 thousand dollars. Mr. Jenkins states that this isn't only his financial burden, that if he must pay this it pushes the cost to the buyers, forcing him to raise the price of the property. He expressed concern for affordable housing saying you can't buy a house in Penrose for less than 300 thousand and with interest rates being 7 % nobody is going to be able to afford housing. It is also beneficial to the community for future taxes purpose. Mr. Jenkins said it's the local government's obligation to the community to use land beneficially, this land cannot be used for commercial, agricultural, or industrial purposes.

Commissioner Grantham wanted clarity on where the access to the properties is.

Mr. Jenkins said that you can access the properties from both 11th and P Street. The roads are 30 – 40 ft wide, flat shale roads. Accessible to firetrucks, garbage trucks, and semis.

Director Victoria started the staff report off with the specs of the property and that the drainage plan is deferred until the time of construction. Fremont County Department of Transportation is requesting the drainage and utility plan be supplied to them prior to improvements. The Fremont County Building Department is requesting to have both lots tested because only lot 2 has been tested and the soil conditions

are so poor and change drastically in Penrose. The soil conditions are important to have an OWTS *On-site Wastewater Treatment System*. The Planning and Zoning Department recommend approval with contingencies. Contingencies being that P Street be upgraded to the rural local street standards along the front edge of P Street per the subdivision regulations. The planning department recommends approval with the following conditions, that the drainage plan report be deferred until the time of development and a note be added on the plat that Fremont County Department of Transportation be notified when the drainage plan is available prior to construction. That the standard address issuance and driveway access be applied at the time of construction. The last condition is a plat note indicating that lot 2 shall take access from P Street to accommodate the access and exit being on the upgraded road. The Planning Commission agreed and recommended approval with the conditions and contingencies that were just read.

Commssioner Grantham requested that Michael Witt give his opinion on the situation.

Director of Fremont County Department of Transportation Michael Whitt said the issue is that the more people move out there and build subdivisions and then more people are going to expect DOT to start building roads. Those roads are not Fremont County maintained roads so the burden will be on the homeowners. DOT is fine with whatever the Board decides as long as those homeowners understand that the roads they live on will not be maintained by the county and they are fully responsible for the upkeep.

Mr. Hall said originally the plan was to split the lot North to South but realized that would make one lot unusable because it was fully shale which caused them to split the lot East to West so both lots could have a septic, water, and pass a percolation test.

Mr. Jenkins said every hill in Penrose is shale at the top and dirt at the bottom when Rich Ownes came out to do the perk test and the soil profile, we dug out both sides, but the initial regulations was only 25%, but if a stipulation is doing a perk test on both lots that isn't an issue. The profile was done on both sides. It is the same dirt, dug as far down as the backhoe would go and never hit shale, it is the same adobe dirt that the rest of Penrose is built on. There are other houses 200 feet away with a regular septic system so he is not worried that this lot will be any different.

Mr. Hall suggested that just like the deferment for the drainage plan is on the plat that an additional note can be added that states it is a county road but not a county-maintained road.

Director Victoria said that there is no harm with adding that note to the plat. The subdivision regulations state that the road must be done unless waved by the board.

Commissioner Bell said that's the benefit of having the board is that we all understand the rules and regulations but can say that in this case it just does not make sense.

Commissioner McFall asked Mr. Jenkins that since another perk test is required on the other lot, if it doesn't perk is he prepared to pay for an engineered system because it is expensive and it may nullify his affordable housing plan.

Mr. Jenkins answered that he is prepared to do that but is not worried that it is going to be required based off his previous build experience in the area.

Commissioner Bell moved to approve minor subdivision 23-005 TNL Minor Subdivision located at the intersection of P Street and 11th Street in Penrose. The motion does include the waiver of our own requirement to upgrade the portion of P Street and it also includes five conditions from the Planning and Zoning Department. One being the drainage plan and report. Two; the drainage and utility plans be submitted to our DOT prior to building. Three; the address issuance application applied for and time of development for each lot. Four; the driveway access applied for and approved at time of development for each lot. Five; a note on the plat that it is a county road but not maintained by the county. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

To view the entire T&L Minor Sub packet they are available on the website
<https://www.fremontco.com/files/commissioners/additional/9.1%20MS%2023-005%20T%26L%20Minor%20Sub%20Packet%20PART%201.pdf>
<https://www.fremontco.com/files/commissioners/additional/9.1%20MS%2023-005%20T%26L%20Minor%20Sub%20Packet%20PART%202.pdf>

2. Resolution No. 11, Series of 2024 for an Ambulance License Extension Representative: Mykol Kroll, Fremont County Director of Emergency Management

Mr. Kroll said that this year for the first time the State of Colorado is taking over ambulance licensing, it is no longer under local control. The normal license expires April 30th but with the new change ambulance companies that are doing transport need to have a valid license that is presented to State when all their paperwork is turned in, they must have a current license, if one is not presented, they will not get approved by the state. So, the local transport agencies need to have the expiration date extended to meet the deadlines. They need the time to review all their paperwork to see if any corrections need to be made and if they have everything required.

Commissioner McFall said the proposed resolution extends until June 30th, the case may that it needs to be extended even further because the transfer to state may be delayed because of them being overloaded. Not only does it take revenue away from the county but the oversight where Mr. Kroll goes out and does the ambulance inspection but what happens when an ambulance falls out of compliance, it's a two-year process and if an ambulance fails to keep up compliance an injury could occur.

Commissioner Grantham moved to approve resolution 11 series of 2024 for the ambulance license extension to June 30th, 2024. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

3. Appointment of new member to the John C Fremont Library District Board of Trustees with a term expiring December 31, 2028.

Commissioner Bell moved to appoint Carol Eblen as the new member to the John C Fremont Library District Board of Trustees. Commissioner Grantham seconded the motion. Upon Vote: Commissioner

Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

4. Update from CSU Extension Office

Representative: Julianne Shoup Dinkel, Fremont County Extension Director

Ms. Dinkel presented all the new staff and their job duties. Beginning with Alli Spinuzzi she is the Office Manager. Some of her responsibilities include Front office management and administration, finances, and 4-H enrollments. Next is Kassy Tracy, she is the 4-H Program Coordinator. Her duties include recruitment, advertising, contest management, and communications. Shanan Davey is the Agricultural, Natural Resource, and 4-H Extension Agent. The programs she runs include agriculture such as livestock, land management, horticulture. She also runs the 4-H is the horse council, state fair nominations, and livestock judging. She started a new program called Master Gardeners Coordination which holds monthly meetings. They also have two Part Time Educational Program Facilitators they are Jennifer Stewart and Emily Rambo.

To View more information about this CSU Extension office please visit:

<https://fremont.extension.colostate.edu/>

PUBLIC HEARING SCHEDULED: None.

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

<https://www.youtube.com/watch?v=Ag1dOm2Rbek>

Clerk to the Board of County Commissioners