

## TWENTY-SECOND MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on November 14, 2023, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Chairman Kevin J Grantham 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	Present
Brenda Jackson	County Attorney	Present
Tony Carochi	County Manager	Present
Dan Victoria	Planning & Zoning Director	Present

### INVOCATION

Bradley Buck from Bridge to Life 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 except for striking number five considering it is already done and making number six number five. 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 12, 2023, and September 21, 2023
2. Approval of Bills for \$2,576,210.24
3. Ratification of submittal of a Department of Local Affairs Gray & Black-Market Marijuana Enforcement Grant Application to provide financial assistance to local law enforcement agencies and district attorneys for the investigation and prosecution costs associated with unlicensed marijuana cultivation or distribution operations.
4. Resolution No. 36, Series of 2023 Adopting the 18<sup>th</sup> Amendment to the Fremont County Zoning Resolution for Fremont County, Colorado
- ~~5. Resolution No. \_\_\_\_\_, Series of 2023 Adopting the 19<sup>th</sup> Amendment to the Fremont County Zoning Resolution for Fremont County, Colorado~~
5. Schedule Public Hearing: 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 11/14/2023 4:08

#### 1. Staff / Elected Officials:

- a. County Manager Report, Tony Carochi, County Manager

**County Manager Carochi** gave the County Manager's Report, which can be found in its entirety at [www.fremontco.com](http://www.fremontco.com).

b. County Clerk's Monthly Report, Justin Grantham, County Clerk and Recorder

**Clerk Grantham** wanted to thank the staff for their support during the election. Clerk Grantham also announced that if your signature was rejected by the bipartisan team of judges, Wednesday is the last day to get your signature cured for your ballot to count. The certified results from the election should be in no later than Wednesday after Thanksgiving.

**Clerk Grantham** gave the Clerk's Monthly Report, which can be found in its entirety at [www.fremontco.com](http://www.fremontco.com).

**Commissioner McFall** explained that he is attending this Board meeting via videochat because he had the opportunity to testify to a congressional subcommittee, he is the vice chair of the Colorado County's Public Lands and Vice Chair of NACO *National Association of Counties* Public Land Subcommittee for land management. Commissioner McFall's testimony would be about the lack of health in Colorado forests.

**Commissioner Bell** thanked Commissioner McFall for being there and representing Fremont County. Commissioner Bell added that she attended the NACO Rural Action Caucus Symposium last week in West Virginia. There is 50 members from all 50 states in rural areas some of the items discussed were flood recovery and how to deal with state and national parks, discussing how it's difficult to interface with these folks and what can be done to make it easier for everyone. Another issue discussed was ways the county can help citizens that are struggling with addiction and pondering what can be implemented here in Fremont County that will make a difference.

**Commissioner Grantham** announced a special meeting will be held at the end of this week for three to five days to discuss Proposition HH and have a budget hearing.

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

**George Goodwin** stated that he is requesting a personal meeting with Chairman Grantham and County Manager Carochi to discuss personal issue that might result in a lawsuit.

**Commissioner Grantham** responded that he appreciates the discretion, and he will give him a call to set something up.

**UNFINISHED BUSINESS:** None.

**NEW BUSINESS**

Ref. Fremont County BOCC Meeting 11/14/2023 18:00

1. Veterans Day Proclamation

**Commissioner Bell** moved to accept this Veterans Day Proclamation, specifically naming, and honoring each of the 33 County employees who are veterans. Many of those honored were in the room and stood for recognition. Commissioner McFall seconded the motion. All three Commissioners expressed their utmost respect and appreciation for the veterans who continue to serve the public through their work with the County. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

2. Requesting the issuance of a Malt, Vinous and Spiritous Liquor & Fermented Malt Beverage Special Events Permit for Royal Gorge Chamber Alliance Foundation DBA for an event at Pathfinder Park Event Center 66550 CO-115 Florence, CO 81226 on the following date: November 18, 2023, from 4:00p.m. to 9:00p.m.

Representative: Emmaly Dennehy

**Ms. Dennehy** said that this Special Event License is for the Chamber of Commerce annual scholarship fundraiser. Helping students attending Pueblo Community College giving \$1,000 dollars to six different students in the Fremont County area.

**Commissioner Bell** asked who will be serving the drinks, how have they been trained, and how will they recognize who is over 21 years of age.

**Ms. Dennehy** explained that three of the people serving at this event have gone through the city and state for training.

**Commissioner Bell** made it known that the Sheriff department and environmental health recommends approval and confirmed that this event took place last year with no issues.

**Clerk Grantham** said the application was full and the Clerk's office provided necessary documentation to the county attorney, Health Department, and Sheriff's Office. The Clerk's office recommends approval.

**Commissioner McFall** moved to accept the issuance of a Malt, Vinous and Spiritous Liquor & Fermented Malt Beverage Special Events Permit. Commissioner Bell seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

3. Resolution No. 37, Appointing Patricia Hill as Veteran's Service Officer for a two-year term ending January 13, 2026.

**Commissioner Bell** moved to approve resolution 37, noting VSO Hill's significant contributions to the County during her short time in the office. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

4. Resolution No. 38, Acknowledging That Fremont County is a Broadband Ready Certified Community by the Colorado Broadband Office in the Governor's Office of Information Technology  
Representative: Rachel Miller, Fremont County Grants Administrator

**Ms. Miller** said the State of Colorado recognizes the critical importance of fast, reliable, and affordable internet. It is a necessary tool for communities to engage in work, education, healthcare, and commerce. Governor Polis has a goal of connecting 99 percent of Colorado households with access to high-speed broadband internet by the year 2027.

**Commissioner McFall** moved to approve resolution number 38. 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.**

**Commissioner Grantham** opened the public hearing at 10:10 a.m.

Ref. Fremont County BOCC Meeting 11/14/2023 41:20

1. **Zone Change #1 Berry 23-002**

The purpose of this rezone is to change the zone district from Low Density Residential to Agricultural Suburban. The applicant believes this property was improperly zoned as livestock was being raised on the property when the zoning was established. Livestock is not allowed in the Low-Density Residential zone district.

Additionally, the applicant has a separate application submitted with the Planning and Zoning office for a Boundary Line Adjustment. The applicant's lot, located at 1422 Walnut Street, is currently 1.02 acres in the Low-Density Residential zone district. The additional acreage which the applicant wishes to add is in the Agricultural Suburban zone district.

**George Goodwin** explained that the owner of this property wanted to sell the irrigated hayfield considering he has no use for it. For the field to be purchased it needed a boundary line adjustment and then it was discovered that it was zoned low density, so a zone change is also necessary because he is adding over 25 percent to his lot. Another issue is that a house on the property is not up to code but since it was built before 1968 Mr. Goodwin believes it should be grandfathered in. The request is for the zone to be changed from low to high density so it can be utilized for agricultural purposes.

**Director Victoria** said that Fremont County Department of Transportation, Fire Protection, and the Engineer have no concerns. No waivers are being asked for. The Department of Planning and Zoning recommends approval of changing the property from low density residential to Agricultural Suburban with no contingencies or conditions considering the application is in full compliance.

**Commissioner Bell** moved to approve zone change #1 Berry -002. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

**Commissioner Grantham** – closed the public hearing at 10:18 a.m.

Ref. Fremont County BOCC Meeting 11/14/2023 51:18

## 2. **Fremont County Road Naming and Site Address Regulations**

**Request:** Add section XXIV to the Fremont County Subdivision regulations.

Planning and Zoning has recognized the need for a road naming and addressing section within the Subdivision Regulations. We have identified numerous driveways servicing a large number of homes or driveways with multiple intersections which would otherwise be considered new roadways. This creates a significant obstacle to first responders and public safety.

**Director Victoria** said that this new regulation would allow the Planning and Zoning Department the ability to find a solution to the road naming issue that would allow First Responders to find addresses more efficiently. Director Victoria also reassured the Board that every effort would be made to make sure citizens would be notified about the address changes.

**You can find Director Victoria's full Staff Report:**

[https://www.fremontco.com/files/commissioners/additional/PC%20Packet%20XXIV%20Roads\\_0.pdf](https://www.fremontco.com/files/commissioners/additional/PC%20Packet%20XXIV%20Roads_0.pdf)

**Commissioner Grantham** opened the public hearing at 10:27 a.m.

**Clerk Grantham** addressed the issue of changing addresses in the middle of election time and requested it be done in mid-July to not interfere.

**Commissioner Grantham** closed the public hearing at 10:30 a.m.

**Commissioner Grantham** moved to approve resolution 39 for the Fremont County Road naming and site address regulations which would add section 24 to the Fremont County subdivision regulation. 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 11/14/2023 1:01:45

## 3. **Proposed 2024 Fremont County Budget**

**Finance Officer Shawn Sutton's** full report is available to view

<https://www.fremontco.com/commissioners/commissioner-meeting-tue-11142023-930am>

**Mr. Sutton** started off by thanking the department heads, elected officials, the BOCC, Charis and Alicia, with help it made the 2024 budget much easier. The 2024 draft budget strategy began with wanting to provide quality services to Fremont County Citizens, be fiscally responsible, preserve Fremont County assets, maintain fund balance, and address the increased requests and increased expenses. The Commissioners elected to declare all funds from ARPA (American Rescue Act Plan) as loss of revenue and therefore the full award is eligible to be used for governmental services under the Treasurer final rule. Fremont county received \$9,292, 165.00 dollars. \$4,483,517 dollars have been

given to Special Districts, grant programs, small businesses, churches, and nonprofits. The proposal for the additional 4.45 million is going to be spread over various projects such as Grandview Bridge, a new playground, and other improvements at Pathfinder Park. A housing assessment study, broadband project, and airport drainage.

**Commissioner Grantham** said that hopefully dependent on legislation, the county portion can reduce property taxes.

**Commissioner Grantham** opened the public hearing at 11:06 a.m.

**Zoe Katsulos** stated that she works in other countries on stray animal issues, and Ms. Katsulos believes it is wrong to view the problem as only an animal issue because it is also a human health issue considering stray animals don't get vaccinations and are most likely not nurtured so they are reproducing.

**John T. Carper** said that he is a resident of Oak Creek and Hellgate Road and wanted to discuss the Fremont County Department of Transportation budget. Mr. Carper said that the 30 mile an hour speed limit is not enforced, and people are tearing up the road. As well as construction and weather damaging the road, he and a lot of his neighbors would be happy to pay a little more for a better road to drive on.

**Commissioner Grantham** – closed the public hearing at 11:19 a.m.

**NEW BUSINESS continued at 11:20 a.m.**

Ref. Fremont County BOCC Meeting 11/14/2023 1:50:05

5. Resolution No. 40, Reinstating and Extending a Moratorium of Enforcement of Certain Provisions of the Fremont County Zoning Resolution Regarding Commercial Development Plans

**Director Victoria** explained that the purpose of this resolution is to allow for expansion for already existing business to expand their company without having to go through the entire application process again.

**Commissioner Grantham** wanted clarification that this is only for improvements on currently open businesses, that change of use will not qualify.

**Director Victoria** said that would be the new policy. Building permits would still have to be pulled zoning department is still obligated to look over the whole project to make sure it complies but it would bypass having an audience with the Planning Commission and the BOCC, as well as taking months and thousands of dollars.

To View **Director Victoria's** full Resolution No. 40:

<https://www.fremontco.com/files/commissioners/additional/9.5%20Moratorium%20Extension.Commercial%20Development.07%20Nov%202023.pdf>

**Commissioner Grantham** moved to approve Resolution 40 reinstating and extending a moratorium on enforcement of certain provisions of the Fremont County zoning resolution regarding commercial development plans. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

6. Resolution No. 41, Reinstating and Extending the Moratorium on Enforcement of Certain Provisions of the Fremont County Zoning Resolution Regarding Minimum Lot Size for Siting of Emergency Services Public Facilities for Fremont County, Colorado

To View **Director Victoria** full Resolution No. 41:

[https://www.fremontco.com/files/commissioners/additional/9.6%20Moratorium%20extension.lot%20size%20for%20emergency%20services%20facilities.REV\\_.7%20Nov%202023.pdf](https://www.fremontco.com/files/commissioners/additional/9.6%20Moratorium%20extension.lot%20size%20for%20emergency%20services%20facilities.REV_.7%20Nov%202023.pdf)

**Commissioner Bell** moved to approve resolution number 41 reinstating and extending the moratorium on enforcement of certain provisions of the Fremont County zoning resolution regarding minimum lot size for siting of emergency services public facilities for Fremont County Colorado. Commissioner

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

7. Sheriff Building Chiller Bid Approval

Representative: J Bunderson, Fremont County Engineer

**Mr. Bunderson**, Fremont County Engineer, presented the bids for the new air conditioning unit on the Sheriff's building and recommended that the commissioners approve the bid from Freedom Mechanical.

**Commissioner Grantham** moved to approve the bid awarding that job to Freedom Mechanical in the amount of \$208,000. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

8. Re-appointment of Lynn Adamic to the Fremont County 4H Sale Committee for a term ending December 31, 2026

**Commissioner Bell** moved to reappoint Lynn Adamic to the Fremont County 4H sale committee. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham. The motion carried by unanimous consent.

4. Re-appointment of Linda Valdez to the Fremont County 4H Sale Committee for a term ending December 31, 2026

**Commissioner Grantham** moved to reappoint Linda Valdez to the Fremont County 4H sale committee. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

5. Re-appointment of Nick Montanez to the Fremont County 4H Sale Committee for a term ending December 31, 2026

**Commissioner Bell** moved to reappoint Nick Montanez to the Fremont County 4H sale committee. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

6. Reappointment of Donna Landrum to the Fremont County Weed Advisory Board for a term ending December 31, 2026

**Commissioner Grantham** moved to reappoint Donna Landram to the Fremont County Weed Advisory Board. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

7. Appointment of new member to the Fremont County Tourism Council with a term ending December 31, 2024

**Commissioner Grantham** moved to appoint Kevin Cundiff to the Fremont County Tourism Council. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

**Commissioner Grantham** adjourned the meeting at 11:35 a.m.

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

<https://www.youtube.com/channel/UCuxNBR3UWq0vV2T2Rgyl6rA>

Clerk to the Board of County Commissioners