

THIRD MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on February 13th, 2024, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Chair Pro Tem Bell called the meeting to order at 9:00 a.m.

Kevin Grantham	Commissioner	Present
Dwayne McFall	Commissioner	Absent
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

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

CONSENT AGENDA

1. Approval of Minutes / January 23, 2024
2. Approval of Bills for \$4,916,119.92
3. Approval of the 2024 Organizational Charts for Fremont County
4. Approval of Intergovernmental Agreement between Fremont County, Colorado and the Fremont Conservation District for the Storage and Use of a “No Till Drill.”
5. Resolution No.12, Series of 2024 Adopting the 20th Amendment to the Fremont County Zoning Resolution for Fremont County, Colorado
6. Approval of Fremont County Tourism Council By-Laws
7. Schedule Public Hearings for February 27, 2024, at 9:30 a.m.
 - a. Request an amendment to the Fremont County Subdivision Regulations, Section XXIII General Requirements. Proposing updating the existing Drainage Plan & Report regulations
 - b. Request an amendment to the Fremont County Zoning Regulations, Chapter 1, Provisions, Definitions, & Violations, proposing new definitions and revising existing definitions with a new format
 - c. Request an amendment to the Fremont County Zoning Regulations, Chapter 3, General Regulations, proposing new regulations and revising existing regulations with a new format

- d. Request an amendment to the Fremont County Zoning Regulations, adding a new chapter. Chapter 6, Review Procedures, proposing new procedures and revising existing procedures with a new format
- e. Request an amendment to the Fremont County Zoning Regulations, Chapter 6, sections 5.6, 5.7.15, 8.7, 8.10, 8.11, 8.14, 8.15, 8.16 proposing a new Chapter 8, Land Use Permits and revising existing regulations and proposing new regulations, and deletions with a new format
- f. Request an amendment to the Fremont County Zoning Regulations, Chapter 8, section 8.12 & 8.13 adding a new chapter. Chapter 9, Zone Changes, proposing new procedures and revising existing procedures with a new format
- g. Request an amendment to the Fremont County Zoning Regulations, adding a new Chapter 10, Drainage Plan & Report, to match the updated Subdivision Drainage Plan & Report
- h. Request an amendment to the Fremont County Zoning Regulations, deleting section 4.12 Neighborhood Business Zone District and rezoning 2 properties in Fremont County
 - i. 1605 South Street, Cañon City to Residential One Zone District.
 - ii. 105 Forge Road, Cañon City to Business Zone District.

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

ADMINISTRATIVE & INFORMATIONAL

Ref. Fremont County BOCC Meeting 2/13/2024

1. Staff / Elected Officials:

County Administrator Carochi said that today was his one-year anniversary as County Administrator. He is very appreciative of the County Commissioners for providing him with the opportunity to work with all the employees of Fremont County. Carochi also announced the website domain is changing from fremontco.com to fremontcountyco.gov.

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

Commissioner Bell said that the reason Commissioner McFall is not present at the meeting is because he is in Washington D.C. attending a National Association of Counties Legislative Conference.

Commissioner Grantham said there are going to be eight Public Hearings at the next board meeting. He invited everyone to the legislative forum on Saturday in the Fremont County Board Room to be able to hear from Colorado's Senator Baisley at 1:00 pm. Senator Baisley will give an update on how legislation is going in Denver. The municipalities and the counties are facing real uphill battles this year when it comes to some laws about land use regulation. They are intending to strip the power from local authority and give it to the state. Senate Bill 213 ultimately was defeated last year; this year it has been broken up into multiple bills. One of them is called Accessory Dwelling Unit which means a unit that can be put somewhere on an already existing site. It is problematic because it essentially allows the population density to double in a small area whether infrastructure is built for it or not. Infrastructure develops and evolves over 150 years and to effectively ignore our rules and our development with those new regulations is how years of infrastructure is destroyed. From sewage systems, water system, even the way the streets are set up. It is being passed under the guise of affordable housing. Another land use problem is the solar and wind energy siting authority, the state is trying to gain control over where the production facilities will be built. The problem lies with the Democratic counties and not Republican ones like they claim. House Bill 1174 is in a committee hearing today, it will practically make the ability to conceal and carry legally impossible. Everyone can go online and testify or make the trip to Denver to testify in person.

Commissioner Bell said Colorado Countie’s Incorporated, and the Fremont County Commissioners do a lot of work together. Sometimes it’s Zoom calls, traveling up to Denver for discussions every month, or two full days of meetings. It is worth the while because all of us believe in local control regardless of political views.

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

Kathy Madonna said she wanted to let the Board know that she appreciates all the work the Commissioners do. Since she moved to Fremont County in 2013, she has seen a lot of positive changes. Even though she doesn’t agree with everything that they do, she is appreciative of everything they do.

UNFINISHED BUSINESS None.

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NEW BUSINESS

Ref. Fremont County BOCC Meeting 2/13/2024 19:55

1. Requesting the issuance of a Malt, Vinous, and Spiritous & Fermented Malt Beverage Special Events Permit

Royal Gorge Chamber Alliance for an event at Marchand Ranch Wedding & Event Center 4807 CO-9 Canon City, CO 81212 on the following date: February 23, 2024, from 3:00 pm to 12:00 am.

Representative: Emmaly Dennehy

Emmaly Dennehy said it is the annual banquet that the organization holds every year. A new award will be given out called Tourist Champion. It is to publicly recognize an organization that has worked hard to create more tourism in Canon City.

BOCC Clerk Sammy Ryan said that all documentation has been provided on time and that the Sheriff, Public Health, and Clerk’s office recommends approval.

Commissioner Bell asked what the security will be like and what kind of training the people serving the alcohol have.

Ms. Dennehy said the ambassadors and volunteers will help mediate and most of them went through liquor training with the City of Canon City. Thunder Road staff have gone through the state level training for serving alcohol and they will have full control of the bar.

Commissioner Bell asked what the plan is to ensure nobody underage drinks.

Ms. Dennehy said everybody will have to show their ID.

Commissioner Grantham moved to approve the issuance of a Malt, Vinous, Spiritous and Fermented Malt Beverage special events permit for the Royal Gorge Chamber Alliance for an event at the Marchand Ranch Wedding & Event Center at 4807 CO-9 Canon City, CO on February 23rd, from 3:00pm to Midnight. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

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2. Requesting the issuance of a Malt, Vinous, and Spiritous & Fermented Malt Beverage Special Events Permit

Fremont Community Foundation for an event at Pathfinder Park Event Center 66550 CO-115 Florence, CO 81226 on the following date: February 24, 2024, from 3:30 pm to 11:59 pm.

Representative: Kevin Brown

Kevin Brown said that Ducks Unlimited, a national chapter, asked Fremont Community Foundation to just run the bar for the event. The reason they chose Pathfinder venue is because the Abbey closed. He stated everyone is *TIP Training for Intervention Procedures* certified. The organization has a lot of experience doing these events.

BOCC Clerk Sammy Ryan said the Clerk's office recommends approval because all paperwork was turned in on time and Sheriff and Public Health recommended approval.

Commissioner Bell asked how the alcohol will be controlled so no minors will consume it.

Mr. Brown answered that everyone will have to show their ID and that they have card scanners. There will be a separate area for the children's drinks.

Commissioner Bell moved to approve the issuance of a Malt, Vinous, Spiritous and Fermented Malt Beverage special events permit for the Fremont Community Foundation for an event at Pathfinder Park Event Center 6655 CO-115 Florence, CO 81226 on February 24th, from 3:30pm to 11:59pm. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

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3. Requesting the issuance of a Malt, Vinous, and Spiritous & Fermented Malt Beverage Special Events Permit
Fremont Community Foundation for an event at Pathfinder Park Event Center 66550 CO-115 Florence, CO 81226 on the following date: March 2, 2024, from 2:00 pm to 11:59 pm. Representative: Kevin Brown

Kevin Brown said that it is almost the same situation besides this is for the Cattlemen's Association, they approached their nonprofit.

Sammy Ryan said that the staff report states that all documentation was provided, and all offices once again recommended approval.

Commissioner Bell wanted to confirm that ID's will be checked, and all servers are TIP certified.

Mr. Brown confirmed that all ID's will be checked, and all servers are TIP certified.

Commissioner Grantham moved to approve the issuance of a Malt, Vinous, Spiritous and Fermented Malt Beverage special events permit for the Fremont Community Foundation for an event at Pathfinder Park Event Center at 6655 CO-115 Florence, CO 81226, on March 2nd, 2:00pm to 11:59pm 2024. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

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4. Resolution No.13, Series of 2024. Re-Authorization of the Colorado New Energy Improvement District to Conduct its New Energy Improvement Program, called Colorado Commercial Property Assessed Clean Energy (C- PACE), within Fremont County

Attorney Bellas said in 2010 the legislature approved a statewide special district called the New Energy Improvement District. This district was designed to facilitate implementation of the Colorado Commercial Property Assessed Clean Energy financing program. The program facilitates private funding for businesses to make investments in energy efficiency by securing private loans and buying special assessment. The financing is available for commercial, agricultural, and nonprofit business property owners who desire to invest in energy efficiency improvements to their property. The county previously participated in the program but withdrew from it because at the time it was not successful. This program is not for every business and the ones that were trying to use it were not the right fit. There are some businesses that can use CPACE in terms of attracting businesses or encouraging expansion of existing businesses. It can be a helpful incentive if it's available in Fremont County. If the Commissioners decide to authorize participation it would make CPACE available in Fremont County and it would also allow the Board of County Commissioners to review businesses who are interested in applying for CPACE funding and either approve the application or not approve. There is an administration burden with this program even though there is no direct cost, establishing service fee

would offset that burden that the Treasurer will take on by basically adding that special assessment to the tax rolls, collecting, and making sure that it gets to the right place.

Commissioner Bell commented that Fremont County did participate in this program and three organizations were trying to take advantage of it. One of them fell through the cracks and despite previous assurances from the State of Colorado, and the organizers of this program, that in any event something happened that the state would be there to step in and help to take care of the problem. That isn't what took place at all. Two full years were spent in conversation, setting up meetings, arguing, having more conversations and discussions. Since nothing progressed Fremont County had enough and decided to discontinue the program. That finally gained the state's attention and resulted in a discussion being reassured once again that there would no longer be an issue. This agreement will include the Board of County Commissioners having authority to look at a project and give it preliminary approval before the state approves it.

Commissioner Grantham wanted to state that the last time this program was discussed in this chamber was the deauthorization of the program. The lines of communication have certainly improved, they recognized where the problems were and remedied them. This program will be helpful to citizens of Fremont County. This program can be instrumental in bringing more jobs into the community.

Commissioner Bell moved to approve Resolution No. 13 series of 2024 the reauthorization of the Colorado New Energy Improvement District to conduct its new energy improvement program called the Colorado Commercial Property Assessed Clean Energy or CPACE withing Fremont County. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

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5. C-PACE County Participation Agreement

Attorney Bellas said the reason it is a good idea to reauthorize this program is because all the concerns have been addressed and implemented in the new participation agreement, assuring the same issues will not take place again. The Chair and County Attorney will authorize the finalization of the contract by approval by signature and execution. The document that is included in the board's meeting packet for today is in its final form. The purpose is to vote on approval for the participation agreement as it currently exists. It gives the board the right to look at any application that's submitted in Fremont County and to give either preliminary approval to the state to proceed or to withhold preliminary approval on any application that may be received. With these rules in place, it solves the issues that the Board had with the program in the beginning.

Commissioner Grantham questioned what action is being taken. If it's just simply approving the participation agreement or approving the exhibit being resolution 14.

Attorney Bellas responded by explaining the form looks the way it is because it is the states form and he chose to leave it that way, so it looks familiar to them when they look back on it. It still contains the language the commission required and contained all the necessary changes requested and they approved. What this is about is authorizing the Chair and County Attorney to execute the agreement today and move forward

Commissioner Bell moved to approve the participation agreement with the State of Colorado for the CPACE program including resolution 14. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

To view the full CPACE agreement please visit:

https://fremontcountyco.gov/files/commissioners/additional/9.5%20C-PACE%20Amended%20and%20Restated%20Participation%20Agreement%20%28Fremont%20County%29_with%20PQS%20form%20v2%20%28002%29.pdf

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6. Appointment of new member to the Fremont County Fair Board for a term ending December 31, 2024

Commissioner Bell moved to appoint Tammy Ratkovich as a new member to the Fremont County Fair Board for a term that will end on December 31st of 2024. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

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7. Reappointment of Ralph Kunselman to the Fremont County Weed Advisory Board for a term ending December 31, 2026

Commissioner Grantham moved to reappoint Ralph Kunselman to the Fremont County Weed Advisory Board for a term that will end on December 31st of 2026. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

PUBLIC HEARING SCHEDULED 9:30 a.m.

None.

Commissioner Bell adjourned the meeting at 9:53 am.

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

<https://www.youtube.com/watch?v=V7q7noHPDMA>

Clerk to the Board of County Commissioners