

TWELFTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on June 27, 2023, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Chair Kevin Grantham called the meeting to order at 9:30 a.m.

Kevin Grantham	Commissioner	Present
Dwayne McFall	Commissioner	Present
Debbie Bell	Commissioner	Present
Talia Smith	Recording Technician	Present
Brenda Jackson	County Attorney	Present
Tony Carochi	County Manager	Present
Dan Victoria	Planning & Zoning Director	Present

INVOCATION

Joe Garkovich, Mercy Today Ministries

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 including the following changes:

Item 1 Item under the Consent Agenda: *Approval of Minutes / June 13, 2023, REMOVED*
Item 2 Item under the New Business: **Resolution # 21**, *Amending the March 2019 Edition of the Fremont County Personnel Policies and Procedures Manual, Chapter 3, Types of Employees; Chapter 7, Leave; and Chapter 8, Benefits. ADDED* 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 / June 13, 2023
2. Approval of Bills for \$2,912,728.74
3. Schedule Public Hearings: 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 6/27/2023 – 4:20

1. Staff / Elected Officials:
 - a. Sales & Use Tax Report, Shawn Sutton, Budget & Finance Officer

Budget & Finance Officer Shawn Sutton gave the Sales & Use Tax Report which can be found at www.fremontco.com.

- b. 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.

Commissioner Bell – expressed her excitement for celebrating 247 years as a country and wished for everyone to stay safe on the upcoming Independence Day holiday.

Commissioner McFall – conveyed his excitement for the Fourth of July and gave an update on Pathfinder Park Pavilion. Pictures were shown during the update and are available at pathfinderparkeventcenter.com.

Commissioner Grantham – followed up by inviting folks to stop by and see the pavilion then go to Florence to eat.

Commissioner McFall – talked about Fourth of July and being safe with fireworks.

Commissioner Grantham – reiterated about being careful while burning and fireworks.

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

Randi Esquibel – representing Citizens for a Pool, started with giving her history and talked about raising her family in Fremont County. She brought up her concern regarding the closing of the pool and decided that she needed to run a grassroots initiative and a 501C3 group (which now has over 400 members). She was requesting help from the knowledge and expertise of the Board to help them continue their effort to raise funds for a new pool. Gave information and contact information for help and support from the board.

Elizabeth Soscia – said that a public pool would be beneficial for all members of the community.

Commissioner Grantham – thanked the group for talking and encouraged them to continue their efforts.

Mike Banker – is a retired physician and is concerned for the safety of children. Children and youth going to the river to swim instead of a pool is incredibly dangerous. Children need to have a safe place to learn to swim. He talked about it is the duty of community leaders and others to do whatever they can to provide a safe place for children, youth, and adults to swim. He believes it is an important issue for all ages and that it isn't just a city problem but a county problem too.

OLD BUSINESS

Ref. Fremont County BOCC Meeting 6/27/2023 – 23:05

1. **Resolution #20**, Zone Change #2 With Final Development Plan Permit Department of Planning & Zoning File #ZC#2 23-001 Yoder Storage Sheds

Commissioner Bell – moved to approve **Resolution #20**, Zone Change #2 With Final Development Plan Permit Department of Planning & Zoning File #ZC#2 23-001 Yoder Storage Sheds. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

NEW BUSINESS

Ref. Fremont County BOCC Meeting 6/27/2023 – 24:10

1. Award bid for Judicial Center Roof
Representative: Erik Sebek, County Facilities Director

County Facilities Director, Erik Sebek – gave a report on the two types of roofing work. A bid review committee of county management evaluated all bids and selected Vendetti's Roofing in the amount of \$318,500. The bid was evaluated for a high-performance roofing or total roof replacement. The committee took into consideration multiple variables and decided that a full roof replacement was necessary.

Commissioner McFall – conveyed that the committee did a thorough job of researching and believe getting the full substructure and top is the way to go.

Commissioner Bell – said that the board learned a difficult lesson with the county administration building when replacing its roof. There were multiple layers of roofing and coatings which is why it took so long to replace. Now the County has the available funds necessary, through the American Rescue Plan Act, so the work can be performed.

Commissioner Grantham – reiterated that companies had the ability to submit reasonable bids for and Vendetti’s Roofing supplied a sufficient bid for the total roof replacement.

Commissioner McFall – reminded the public that the funds available are the ARPA (American Rescue Plan Act) funds from the federal government. A portion of those funds were set aside for this project.

Commissioner Bell – conveyed that Vendetti’s Roofing is a local company located in Florence and they (the BoCC) appreciate working with local companies.

Commissioner McFall made the motion to approve the bid to Vendetti’s Roofing for the replacement of the Judicial Building Roof in the amount of \$318,500. Commissioner Bell second the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

2. **Resolution #21**, Amending the March 2019 Edition of the Fremont County Personnel Policies and Procedures Manual, Chapter 3, Types of Employees; Chapter 7, Leave; and Chapter 8, Benefits.
Representative: Alicia Stone, HR Director

Ref. Fremont County BOCC Meeting 6/27/2023 – 29:25

Human Resources Director Alicia Stone – said that she had to update the County Policy due to the Healthy Family and Workplace Act which allows for temporary, seasonal, and paid intern employees to accrue sick leave. Had to update the pay and the sick leave to follow the HFWA.

County Attorney Jackson – clarified that the amendments are for those *previous mentioned* employees will earn 2 hours of sick time for every 40 hours of work.

Director Stone – agreed with Attorney Jackson’s comment.

Commissioner Grantham – asked if this was a Federal or State law.

Director Stone – answered saying it is a new state law.

Commissioner McFall – clarified that Colorado law requires 1 hour for every 30 hours of work. And that the County is giving 2 hours of sick leave for every 40 hours of work.

Commissioner Grantham – stated that we (Fremont County) are more generous than the state. He also clarified that the amendment is focusing only on those chapters that need to be updated.

Commissioner Bell – moved to approve Resolution #21 Amending the March 2019 Edition of the Fremont County Personnel Policies and Procedures Manual, Chapter 3, Types of Employees; Chapter 7, Leave; and Chapter 8, Benefits. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

3. Secure Transportation Service License and Secure Transportation Vehicle Permit for American Medical Response
Representative: Mykel Kroll, Emergency Management Director

Ref. Fremont County BOCC Meeting 6/27/2023 – 32:07

Emergency Management Director Mykel Kroll – usually the county does ambulance licensing and inspections, but there are new procedures with the state. Secure Transport keeps ambulances in service. If there is an ambulance that needs to be taken out of service *with AMR*, then secure transport covers it until the ambulance is brought back into service. They will provide all services necessary and meet the minimum requirements.

Commissioner Bell – mentioned that they *American Medical Response* is a good one to start with.

Director Kroll – indicated that the permit is good for a year, licensing good for three years.

Commissioner Bell – asked if the permit and licensing is good starting today.

Director Kroll – answered the question with a yes.

Commissioner McFall – clarified that this is specific to that vehicle.

Director Kroll – answered the question with a yes.

Commissioner Grantham – clarified Commissioner McFall’s question about the permit and asked if it was on the permit and the license.

Director Kroll – answered the question with a yes.

Commissioner McFall made the motion to Secure Transportation Service License for AMR for a three-year license. Commissioner Bell second the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

Commissioner McFall made the motion to Secure Transportation Service Permit for AMR for a one-year permit. Commissioner Bell second the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

4. Requesting the issuance of a Fermented Malt Beverage Special Events Permit for Colorado Trappers & Predator Hunters Association for an event at the Pathfinder Event Center 6655 State Hwy 115 Florence, CO 81226 on the following dates: August 11th, from 2:00p.m. to 8:00p.m., and August 12th, from 2:00p.m. to 9:00p.m. in 2023.
Representative: Daniel Gates

Ref. Fremont County BOCC Meeting 6/27/2023 – 35:30

Daniel Gates – Event will take place on August 11th and 12th. In cooperation with other non-profits conservation-oriented organizations. *Approached the stand to give the Board flyers with information including sponsors.* Spoke about all the aspects of the two days including; security, vendors, participants, plan, etc.

Commissioner Grantham – inquired if the event is open to anyone.

Mr. Gates –\$5 entry fee per vehicle; limited vendors, food vendors, and advertisement. The two days are more activities based for participants. Banquet fee is \$45. All money made from the banquet will used for lobbying at State for representation for conservation efforts in Colorado.

Commissioner McFall – said that the proposed beer station is inside building, while the map only shows an area inside. He then inquired about the outdoor area.

Mr. Gates – responded saying that because smoking isn’t allowed indoors, that an outdoor area was being provided for those who wish to smoke and have alcohol too.

Attorney Jackson – explained that the map needed to show all areas where alcohol would be allowed, and a new map should be submitted. She also said that the new map could be submitted after the meeting.

Commissioner McFall – stated that the reason the map should show all locations is because the Board approves permits based on control mechanisms for alcohol being served at any location.

Commissioner Bell – agreed with Commissioner McFall with his excitement of the event.

Mr. Gates – indicated that Pathfinder Park is a good place for outdoor events and has multiple different components that can be utilized for so many outdoor events.

Recording Tech Talia Smith – conveyed the staff report and said the Clerk’s Office recommends approval.

Commissioner Bell – asked if liability insurance was needed as it is stated in the facility agreement.

Mr. Gates – responded that he had communicated with Director Jeramy McNeely and that he did purchase liability insurance.

Commissioner Bell – asked about TIPS training of the staff.

Mr. Gates – stated that he is aware of the requirement and is working with all the entities that are participating and trying to figure out who is already TIPS certified and trained.

Commissioner Grantham – opened the microphone for comments from the public at 10:19 a.m.

Kathy Young – lives at 220 6th St in Florence. She asked if people would be carrying guns.

Mr. Gates – responded by saying the firearms that will be at the event are those provided by Colorado Parks and Wildlife for the multiple certification programs that will be happening. The only firearms allowed from outside the event will be law enforcement and security.

Commissioner Grantham – reminded everyone that conceal carry and open carry are by state law.

Mr. Gates – conveyed that no alcohol will be allowed in areas where events that involve the discharge of a weapon is happening.

Commissioner Grantham – did remind everyone that it is illegal to carry firearms and consume alcohol.

Commissioner Bell – moved to approve issuing a Fermented Malt Beverage Special Events Permit for Colorado Trappers & Predator Hunters Association for an event at the Pathfinder Event Center 6655 State Hwy 115 Florence, CO 81226 on the following dates: August 11th, from 2:00p.m. to 8:00p.m., and August 12th, from 2:00p.m. to 9:00p.m. with a revised map. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

5. Community Development Block Grant Business Loan Funds Application UAACOG/UAADC Pass Through
Representative: Dave Paul

Ref. Fremont County BOCC Meeting 6/27/2023 – 54:00

Dave Paul – passthrough that will come through the County. It is a renewal of a passthrough grant Cooperation between *the Colorado Office of Economic Development and International Trade (OEDIT)* and Department of Local Affairs (DOLA). The previous block grant was through Chaffee County, and it expired in 2022. This grant is for \$300,000 and will be used for the business loan fund. Other money also comes from the forest service, primarily for forest activities. Once the \$300,000 is depleted then they can ask for more. It is a two-year grant and can be renewed in one-year terms for two additional years. Next steps will be to have a public hearing in the 6 counties they represent, which are Custer, Chaffee, Lake, Fremont, Teller, and Park. This is an important component to provide financing for businesses that can’t go to a bank. The purpose of the grant is to fill the void and help businesses get off the ground.

Commissioner McFall – mentioned an action for this would require a public hearing with public input and a decision for the board.

Attorney Jackson –What kind of public hearing or meeting are you thinking of doing?

Mr. Paul – explained the process of the public hearing and the grant process. He continued explaining that the public hearing would be conducted via Zoom and that all counties will place notice on their websites about the public hearing. He further explained that the county *Fremont County* will be the grantee of the grant and that UUADC will be the sub-grantee.

Attorney Jackson – indicated that two commissioners out of the three should participate in the public hearing because the county would be the recipient of the funds.

Mr. Paul – said that he would keep the board apprised of when the public hearing will be.

Commissioner Grantham – clarified that the action before the board would approve the county being the pass-through entity for the grant.

Commissioner McFall – further clarified that UAADC would manage the grant and take care of all administrative procedures.

Mr. Paul – agreed with both commissioners.

Commissioner Bell – conveyed that it was a great idea to conduct the public hearing by Zoom as it is difficult to convene multiple different counties into one public hearing because of the distance needing to be traveled.

Commissioner McFall made the application for the pass-through grant for the Community Development Block Grant Business Loan Funds Application UAACOG/UAADC and that two commissioners must be present for the public hearing. Commissioner Bell second the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

6. Request for Transfer of Ownership for CUP 06-001 Byzantine Quarry to Holcim
Representative: Wyatt Webster

Ref. Fremont County BOCC Meeting 6/27/2023 – 1:05:10

Wyatt Webster – said he is from the West Central Region Holcim Office located in Golden and asked the board if they had any questions.

Commissioner Bell – asked Mr. Webster if he understands that all conditions outlined in all CUP's accompany the transfer and Holcim will be held to all original standards.

Mr. Webster – said that he understood.

Director Victoria – said that he was in contact with Holcim, and they have conveyed they will uphold all CUP requirements.

Commissioner Bell – moved to approve Request for Transfer of Ownership for CUP 06-001 Byzantine Quarry to Holcim. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

7. Request for Transfer of Ownership for CUP 11-001 Cañon Dolomite Quarry (CUP held by Rocky Mountain Landscape Materials) to Holcim
Representative: Wyatt Webster

Ref. Fremont County BOCC Meeting 6/27/2023 – 1:07:50

Commissioner McFall – moved to approve Request for Transfer of Ownership for CUP 11-001 Cañon Dolomite Quarry to Holcim. Commissioner Bell seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

8. Request for Transfer of Ownership for CUP 12-001 T.H.E. Aggregate Source Quarry to Holcim
Representative: Wyatt Webster

Ref. Fremont County BOCC Meeting 6/27/2023 – 1:08:20

Commissioner Grantham – moved to approve Request for Transfer of Ownership for CUP 12-001 T.H.E. Aggregate Source Quarry to Holcim. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

9. Request for Transfer of Ownership for CUP 03-002 Table Mountain Quarry to Holcim
Representative: Wyatt Webster

Ref. Fremont County BOCC Meeting 6/27/2023 – 1:08:50

Commissioner Bell – moved to approve Request for Transfer of Ownership for CUP 03-002 Table Mountain Quarry to Holcim. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

Commissioner McFall – conveyed to the public that we *the Board of County Commissioners* do have packets in front of us with information to study on every agenda item so that we can make decisions.

10. Dryup Covenant and Agreement for Pathfinder Regional Park water tap
Representative: Brenda Jackson, County Attorney

Ref. Fremont County BOCC Meeting 6/27/2023 – 1:10:05

Attorney Jackson – City of Florence approved a 2-inch tap in exchange for 7 shares of union ditch stock and payment of money of which some will be in 26 Union Ditch. Of those only seven of the ditch shares require dry-up ground. This resolution describes the dry-up and legal descriptions of the dry-up areas. This agreement and resolution increase the previous resolution, *Resolution #10 Series 2023*, for water tap size and increased number of transferred shares.

Attorney Jackson – the application has already been approved. The dry-up agreement is approved by resolution, the resolution authorizes the dry-up agreement.

Commissioner McFall – The payment to the City of Florence will be \$48,721.32.

Commissioner Grantham – opened up the agenda item for comments from the public.

Tim Jordan – inquired about getting copies of the agreement and resolution with the City of Florence.

Commissioner McFall – moved to approve the Dry-up Covenant as Resolution #22 and the Agreement for Pathfinder Regional Park water tap. Commissioner Bell seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

11. Resolution No. 23, Reinstating SRU 20-002 Reynolds Annex 11
Representative: Dan Victoria, Planning and Zoning Director

Ref. Fremont County BOCC Meeting 6/27/2023 – 1:14:20

Director Victoria – explained that the applicant couldn't get the project started when they had hoped and then approached Planning and Zoning to start their project again. Based off the original resolution, *Resolution #37 Series 2020*, that if the SRU is abandoned, discontinued, or terminated for a period of 6 months the SRU is deemed withdrawn. The applicant submitted a letter requesting to reactivate permit.

Commissioner Bell – requested clarification about the SRU. Is it Reynolds annex II (two) or 11 (eleven)?

Director Victoria – Clarified and said it was Reynolds annex II. This is located at 3134 Maple Ln.

Commissioner McFall – Asked if any of the contingencies; drainage plan, DOT access, site plan completed.

Director Victoria – responded saying that all of the requirements have been met.

Commissioner Grantham – clarified that this is a special circumstance and then asked if there were any circumstances or major changes that would bring up concerns.

Director Victoria – answered say that there no significant changes that would raise an alarm and that all they were asking for the reinstatement of the SRU.

Commissioner Bell – expressed her appreciation for Planning and Zoning being flexible with applicants and are willing to work with them in situations such as this.

Commissioner Bell – moved to approve **Resolution No. 23** to reinstating SRU 20-002 Reynolds Annex II, which includes the waiver of landscaping in the parking areas. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

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

Ref. Fremont County BOCC Meeting 6/27/2023 – 1:19:25

Commissioner McFall – moved to approve the appointment of Priscilla Haines to the Penrose Community Library District Board of Trustees with a term expiring December 31st, 2024. Commissioner Bell seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

Commissioner Bell – noted that she will be eligible for re-appointment at the time of expiration if she decided.

Commissioner Grantham adjourned the meeting at 10:50 a.m.

Clerk to the Board of County Commissioners