

## **TWENTY-FIFTH MEETING**

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session On November 12th, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Chairman McFall called the meeting to order at 9:00 a.m.

Dwayne McFall	Commissioner	Present
Debbie Bell	Commissioner	Present
Kevin Grantham	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**

Craig Cavalier from the Bureau of Prisons Chaplain 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 as presented. 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: None
2. Approval of Bills for \$3,028,747.00
3. Ratification of Chairman's Signature on Colorado Division of Homeland Security & Emergency Management Signature Authorization Form
4. Ratification of Chairman's Signature on Colorado Judicial Department Underfunded Courthouse Facility Commission - Statement of Grant Award – Amendment
5. Ratification of Chairman's Signature on NEOGOV Service Agreement
6. Ratification of Chairman's Signature on Engagement Letter with Frasca, Joiner, Goodman and Greenstein, P.C. for Representation in Water Rights Matter

7. Ratification of Chairman's Signature on Contract for Sale of Beverage Services at Pathfinder Park Event Center
8. Ratification of Chairman's Signature on Boston Mutal Life Insurance Company Cancellation Letter
9. Ratification of Chairman's Signature on Cigna Application for Group Coverage
10. Ratification of Chairman's Signature on American Fidelity Cancellation Letter
11. Ratification of Chairman's Signature on Consulting Services Agreement with Alliant Insurance Services
12. Ratification of Chairman's Signature on GIS Services Agreement
13. 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 11/12/2024 4:35

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

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

**Commissioner Bell** moved to accept the County Clerk's monthly report for the month of September. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

- b. County Administrator Report, Tony Carochi, County Administrator

**County Manager Carochi** gave the County Manager Report such as job opportunities, which can be found on in its entirety at [www.fremontco.com](http://www.fremontco.com).

Ref. Fremont County BOCC Meeting 11/12/2024 10:40

- c. Jeff Lindsey, District Attorney for the 11<sup>th</sup> Judicial District

**Mr. Lindsey** is the elected district attorney appointed for the rest of the year and will begin serving his elected four-year term in January of 2025. He said he looks forward to the challenging and fun opportunity of being the prosecutor for the 11th Judicial District. He believes being a prosecutor is one of the best jobs considering you get to do the right thing everyday for the right reasons. He also knows that there is a lot of things that need to be repaired from the last four years.

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

**Kevin Mahmalji** from the Florence Reporter wanted to personally invite the commissioners, elected officials, and staff to attend a public convening concerning the animal control issue that the community is experiencing. Mr. Mahmalji said the goal of this discussion is to create a resource guide for citizens for whenever an issue of animal control comes up.

### **UNFINISHED BUSINESS**

Ref. Fremont County BOCC Meeting 11/12/2024 21:40

1. Consideration and adoption of Fremont County Zoning Resolution.  
Dan Victoria, Planning & Zoning Director

**Planning and Zoning Director Victoria** said that all the significant changes were discussed at the special meeting. The changes made since the last meeting were a result of a workshop with the commissioners and the others. Some of the changes include removing the definition of Special Mobile Machinery, adding the definition of an Agricultural Building, and clarified the parking requirements in the R1, R2, and R3 zone districts for agricultural uses. He also said that language was added to non-conforming uses when it comes to restoration, and solid waste disposal sites and facilities, in regard to materials that emit radiation in excess of naturally occurring background levels. Staff also removed all references to Colorado Department of Transportation having a 500ft jurisdiction in the regulations to clarify and align with CDOT's regulations.

**Commissioner Bell** moved to adopt Fremont County zoning **Resolution No. 35** repealing the Fremont County Zoning Resolution adopted January 15<sup>th</sup>, 2009, together with all amendments and adopting a new Fremont County Zoning Resolution that will take effect December 1<sup>st</sup> of 2024. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

2. Consideration and adoption of Official Fremont County Zoning Maps Resolution.  
Dan Victoria, Planning & Zoning Director

**Planning and Zoning Director Victoria** said the main change is to the consolidation of Zone Districts and removing a classification. He said the department worked very closely with GIS, asking them to redraft the maps to match the zoning changes as well as using different colors in hopes the lines and areas are easier to see and eliminate property conflicts. Director Victoria also explained that when there is a zone change a new zoning map must be adopted.

**Commissioner Grantham** moved to adopt **Resolution No. 36** reappealing the official Fremont County zoning maps and adopting the new official Fremont County Zoning Maps to be implemented December 1<sup>st</sup> concurrently with out Zoning **Resolution No. 35**. 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 11/12/2024 34:11

1. Florence High School Howling Husky Marching Band State Champions Proclamation

**Commissioner Bell** recited the Florence High School Howling Husky Marching Band State Champions Proclamation which can be found in its entirety at the bottom of these minutes.

**Commissioner McFall** asked if the drum major had any words they would like to say today.

**Logan Wood** introduced himself as the drum major for the Howling Huskies for the past two years, he said it was truly an honor to bring back the state championship back and that it wouldn't have been possible without help of the community, parents, the school district staff, students, and miscellaneous people in the community.

**Commissioner Bell** moved to accept this Howling Husky Pride Matching Band Proclamation naming today November 12<sup>th</sup> of 2024 as Howling Husky Pride Day throughout all of Fremont County. 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 11/12/2024 46:50

2. Fremont County Adoption Day Proclamation  
Representatives: Amanda Koehn, Brenda Rall and Amy Brott

**Ms. Rall** recited the Adoption Day Proclamation which can be found in its entirety at the bottom of these minutes.

**Ms. Brott** said that the two boys that are going to be adopted have been waiting two years for this day. She said they have been in the same home the whole time, and this is the same family's fifth adoption including one of the boys' biological sister.

**Commissioner McFall** asked how many children are up for adoption in Fremont County.

**Ms. Rall** said there are currently 11 children that need to be adopted including a family of five.

**Commissioner Grantham** moved to approve this proclamation for Fremont County Adoption Day as November 22<sup>nd</sup>, 2024, Fremont County Adoption Day. 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 11/12/2024 52:45

### **3. TUP 24-009 Venue at Oak Creek**

The applicant is requesting a Temporary Use Permit to host private, indoor events such as weddings, reunions, memorials, holiday parties, meetings, celebrations, banquets, birthday parties, classes and art presentations/ showcases. Date of approval to January 1, 2025. The applicant states the events can be held 7 days a week. Events can have a start time of 10am and end at midnight with the exception of 1/1/25, which will end at 1am. The duration of each event is dependent on the type of event. Located at 800 North Frazier Avenue, Florence CO 81226. Applicant: Amy & Jason Hilterbran

**Mrs. Hilterbran** said that her and her husband 14 months ago invested in the property located at 800 North Faiser Avenue. She said it has been an extensive renovation and remodel project which spans a 4,000 square foot barn that is now an event center. The change of use for the building is done as well as the certification of occupancy has been issued which has a limit of 225 people. The purpose of this venue is to host reunions, birthday parties, weddings, memorials, and small banquets. Mrs. Hilterbran also explained that the reason or the variations in hours of operation is because that will mainly be determined by the clients who rent the venue. For example, if someone rents the venue for an evening wedding, after the ceremony, reception, dinner and drinks it most likely be midnight. They anticipate larger events only taking place on the weekend when the school nearby is not in session. The only events anticipated to happen during school hours are small meetings with a total of 20 to 25 people occurring about once a month. Mrs. Hilterbran went on to explain that they will continue to seek TUP's until they file the special review use permit, and they are not able to file for one until they officially buy the property because they are currently only in a lease and do not want to continue investing money into the property until it is officially theirs.

**Planning and Zoning Director Victoria** began the staff report by saying the applicants are asking for a TUP to be able to host weddings, reunions, memorials, holiday parties, meetings, celebrations, banquets, birthday parties, classes, art presentations, and showcases. The permit duration will be until January 1<sup>st</sup>, 2025. The hours of operations will be seven days a week with an open time of 10:00am and close time of midnight except for New Year's Eve which will end at 1:00am. The water is from the Public Water Supply City of Florence for drinking and other services. The Colorado Department of Public Health and Environment have no concerns they just ask that all caterers are appropriately licensed. The Fremont County Sanitation District will handle all things sanitation. The Florence Fire Station number 2 will respond to any emergency calls, the Chief Bill Ritter approved the fire plan that was submitted. The department received five letters from surrounding neighbors in support of this venue opening officially for business. Staff from planning and zoning requested comments from various review agencies including Fremont County Department of Transportation, Engineering, Environmental Health, Fire Protection, Sheriff's Department, and Emergency Management. The applicants are properly insured so the department is not requesting any conditions or contingencies. The applicants are requesting a wavier of the surety bond. The only concern the department is the fact of the noise ordinance in place for the City of Florence, although the property is not in the city limits and isn't enforceable the property is adjoined on two sides to properties that are inside the city limits. The applicant has expressed the

willingness to comply and that all noise pertaining to the active event will stop by midnight. Director Victoria said that the application follows the Fremont County Zoning Resolution, and the department is recommending approval provided the commissioners wave the surety bond per the applicant's request. **Sue Tierney** said she is resident of Cañon City and a Merchant President for the association in Florence as well as being on the Executive Board of Chamber of Commerce, so she is speaking on behalf of those agencies in support of this TUP.

**Commissioner Bell** asked if they would provide music for the outdoor spaces.

**Mrs. Hilterbran** said she anticipates in the summer months that some events will want to fully utilize the outside space with lights, music, etc. She also explained that the event center sits 180 feet back from the road and has two other buildings on either side as well as a decibel reader at the front gates to monitor the noise level.

**Commissioner Grantham** requested clarification on where they are at in the process of buying the property and if they are prepared to file the SRU once the property is bought.

**Mrs. Hilterbran** said they are negotiating the acquisitions terms as they speak. They are anticipating the acquisition to be finalized in 2025. Regarding the SRU she said that have already gathered all the paperwork and finished the drainage study, the site plan, and they have been in communication with CDOT.

**Commissioner Bell** asked County Attorney Bellas if they are legally allowed to set different end times depending on the day of the week for TUP's and if so, would that be a condition they would have to set.

**County Attorney Bellas** said that the board has the discretion to specify end times for different days.

**Commissioner Grantham** asked if they expect to submit the SRU application by January 1<sup>st</sup>.

**Mrs. Hilterbran** said no they expect to ask for at least one more extension of the TUP. She also explained that 14 months ago when they entered the lease, they were under the impression that all the correct permits were pulled and the projects were then inspected and it was a viable event center, they were unaware that all that information was false.

**Commissioner Bell** moved to approve Temporary Use Permit 24-009 for the Venue at Oak Creek for events which can be held seven days a week starting at 10:00am. This motion includes an end time of midnight for Fridays and Saturdays only, 10:00pm for Sunday through Thursday event except for New Year's Eve with an end time of 1:00am. This motion also includes the waiver of the surety bond and the end date of the TUP being May 11<sup>th</sup>, 2025. 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 11/12/2024 1:14:55

4. Reappointment of Rick Romano to the Fremont County Weed Advisory Board with a term expiring December 31, 2027.

**Commissioner Grantham** moved for the reappointment of Rick Romano to the Fremont County Weed Advisory Board with a term expiring December 31<sup>st</sup>, 2027. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent

5. Reappointment of Ed Norden to the Fremont County Weed Advisory Board with a term expiring December 31, 2027.

**Commissioner Bell** moved to reappointment Ed Norden to the Weed Advisory Board with the term expiring on December 31<sup>st</sup> of 2027. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent

6. Veterans Day Proclamation

**Commissioner Grantham** recited the Veterans Day Proclamation, to view in its entirety please refer to the bottom of these minutes.

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

### **PUBLIC HEARING SCHEDULED 9:30 a.m.**

1. Proposed 2025 Fremont County Budget

**Budget and Finance Officer Shawn Sutton** presented the proposed budget. Mr. Sutton began the presentation with an overview of a decrease in revenue in Assessed Property Valuation, Social Services, Retail Sales Tax, and Auto Use Tax Collection. Some of the expected expenses include an increase in the salary scale and entry level pay. Mr. Sutton explained that they are plans to continue making improvements in all county owned buildings, with hopes that some funds will come from grants. The county is now funding long term disability for all county employees on the other side of things, the health insurance rate has increased 4.4%. The American Resue Plan Act is federal funding that the commissioners decided to treat the full amount as lost revenue enabling the funds to be used for government services that the treasurer's office allocates. This funding has been spent on Special Districts, churches, non-profits, and small grants for local businesses. In the fiscal year 2025 there are Fremont County projects that are expected to be completed, including judicial building improvements supported by grant money. Several departments are needing equipment and vehicle upgrades, as well as the sheriff's department getting new carpet, key fobs, and other miscellaneous things. Mr. Sutton goes on to explain the percentages of where Fremont County's revenues come from, 28% sales and use tax, 21% intergovernmental revenues, 14% internal transfers, 12% property taxes, and a few other miscellaneous sources. These funds will then get separated again into various departments such as 30% to general funds to take care of administrative duties, 20% goes to the sheriff's department, 17% to social services, 9% for road and bridge, the department of health gets 2%, and the airport fund receives 3%. Mr. Sutton said that if anyone in the

community would like to view or have a copy of the draft budget, they can view it on the website or come into the administration building.

**Commissioner McFall** – opened the public hearing at 10:51 am.

**Commissioner McFall** said they have tried helping the citizens by lowering the property taxes by half a mil. He also said they have been weaning the county from using the PILT levy, this was due to the fact that it was never a guarantee that the payment would be received. Now that money goes to things like bridge repairs.

**Commissioner McFall** reminded the audience that is an open public hearing, and anybody is welcome to express their opinion or ask questions.

**Commissioner McFall** – closed the public hearing at 11:01 am.

**Commissioner McFall** adjourned the meeting at 11:02 am.

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

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

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Clerk to the Board of County Commissioners



DIRECTOR  
Barry D. Acton  
Phone: (719) 275-2318  
Fax: (719) 275-5206

# FREMONT COUNTY

## Department of Human Services

172 Justice Center Rd.  
Canon City, CO. 81212

COUNTY BOARD  
Kevin Grantham Dist. 1  
Debbie Bell Dist. 2  
Dwayne McFall Dist. 3

### Fremont County Adoption Day Proclamation

WHEREAS: The County of Fremont recognizes the importance of giving children permanent, safe and loving families through adoption; and

WHEREAS: Colorado is recruiting for 369 children who are free for adoption and Fremont County has 11 children waiting to be adopted; and

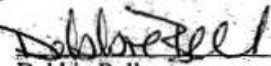
WHEREAS: To help these children find permanent, nurturing families, the Fremont County Court will open their doors for National Adoption Day on November 22, 2024 to finalize the adoption of 2 local children and join other organizations to celebrate adoptions; and

WHEREAS: This effort along with similar celebrations in all 50 states, the District of Columbia and Puerto Rico will offer children the chance to live with stable and loving families and encourage other dedicated individuals to make a powerful difference in the life of a child through adoption;

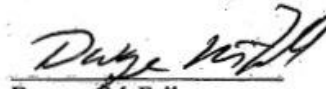
NOW, THEREFORE, we, the Fremont County Commissioners, by virtue of the authority vested in this Board, do hereby proclaim November 22, 2024, as Adoption Day in Fremont County and in so doing, urge all citizens to join in a national effort to raise awareness about the importance of adoption.



Kevin Grantham  
District 1



Debbie Bell  
District 2



Dwayne McFall  
District 3

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**The mission of the Fremont County Department of Human Services is to provide support and essential services to enrich the quality of life for members of our community.**



## Fremont County Board of Commissioners

### Howling Husky Pride Marching Band Proclamation

**WHEREAS**, the Florence High School Howling Husky Pride Marching Band recently defended their title and again took first place at the Colorado Bandmasters Association State Championships; and

**WHEREAS**, the repeat champion band now has been named state champions twice in school history, in 2023 and 2024; and

**WHEREAS**, Fremont County has deep respect for the hard work, long hours, dedication, and talent displayed all season by the Howling Husky Pride members; and

**WHEREAS**, the state championship is the culmination of an incredibly successful 2024 campaign during which the Huskies placed first in every competition; and

**WHEREAS**, the Florence Band Boosters supported the Howling Huskies by providing food and all forms of assistance at every event throughout 2024; and

**WHEREAS**, Howling Husky Pride parents share in the success of their students by hauling trailers; building and moving props; sewing, fitting, and washing band uniforms; feeding band members and driving them to every practice and event; and otherwise giving their time, talents and treasure; and

**WHEREAS**, community sponsors generously supported the band and its endeavors throughout this championship season; and

**WHEREAS**, the Re-2 District, administration, staff, students, and especially the marching band staff and transportation department, all supported the Howling Husky Pride throughout the year; and

**WHEREAS**, the entire Fremont County Community cheered the Howling Husky Pride on to its many successes in 2024;

**NOW, THEREFORE, LET IT BE PROCLAIMED** by the County Commissioners of Fremont County, Colorado, that in observance of the 2024 Colorado Bandmasters Association State Champion Howling Husky Pride Marching Band, November 12, 2024, is officially proclaimed as Howling Husky Pride Day throughout Fremont County. The Fremont County Commissioners ask the entire community to proudly join in giving special honor and recognition to these dedicated students.

Signed this 12<sup>th</sup> day of November 2024.

Kevin Grantham  
District 1

Debbie Bell  
District 2

Dwayne McFall  
District 3



## Fremont County Board of Commissioners

### Veterans Day Proclamation

**WHEREAS**, the greatest acknowledgement of our freedom is to honor our armed forces Veterans who have sacrificed and in many instances paid the ultimate price for our freedom; and

**WHEREAS**, in 1919, President Wilson proclaimed November 11 as the first commemoration of Armistice Day stating "To us in America, the reflections of Armistice Day will be filled with solemn pride in the heroism of those who died in the country's service and with gratitude for the victory, both because of the thing from which it has freed us and because of the opportunity it has given America to show her sympathy with peace and justice in the councils of the nations..."; and

**WHEREAS**, Fremont County citizens, along with millions of other Americans, can attest to the importance of Veterans' sacrifices for and contributions to our freedom and security; and

**WHEREAS**, Fremont County realizes many veterans who gave so much of themselves came home without any recognition and were denied educational and occupational opportunities; and

**WHEREAS**, Fremont County recognizes and respects the more than 5,400 Veterans who live here for their many contributions; and

**WHEREAS**, both men and women of our armed forces continue to be an inspiration to all of us through their demonstration of courage, leadership and commitment in service to our community and country; and

**WHEREAS**, we in Fremont County always will remember and pay respect to our military community, both active and inactive, for their contribution, dedication and commitment to the cause of our freedom; and

**WHEREAS**, Fremont County would like to specifically recognize the Veterans who currently serve as Fremont County Employees:

Christopher Belfield, Specialist, US Army  
Lee Cook, Specialist Five, US Army  
Kristi Jo Corey, Master Sergeant, US Army  
Chad Curtis, Private, US Army  
William Erskine, Specialist, US Army  
Robert Griswold, Sergeant, US Army  
Jordan Gunter, Seaman Recruit, US Coast Guard  
Tricia Hill, Major, US Army  
Alejandro Jimenez, Specialist, US Army  
John Keller, Staff Sergeant, US Army  
Andrew Lewis, Technical Sergeant, US Air Force



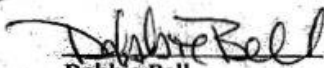
## Fremont County Board of Commissioners

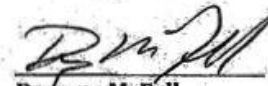
Kyle Mahoney, Staff Sergeant, US Air Force  
Erica Mallett, Sergeant, US Army  
Joshua Miller, Private, US Army  
Joe Moffitt, Major, US Army  
Alasdair Nolen, Petty Officer 2<sup>nd</sup> Class, US Navy  
Alan Oliver, Staff Sergeant, US Marine Corps  
Brett Osborne, Sergeant, US Army  
Lance Pearcey, Sergeant, US Army  
Martin Peek, Sergeant, US Marine Corps  
Tasha Perez, Private Second Class, US Army  
William Podrybau, Petty Officer 2<sup>nd</sup> Class, US Navy  
Brenda Rall, Seaman, US Navy  
Richard Rodenbeck, Private First Class, US Army  
William Schweim, Specialist Four, US Army  
Dale Thresher, Staff Sergeant, US Army  
Kayla Warddell, Seaman, US Navy  
Dustin Zoltay, Petty Officer 3<sup>rd</sup> Class, US Navy

**NOW, THEREFORE, LET IT BE PROCLAIMED** by the County Commissioners of Fremont County, Colorado, that in observance of Veterans' Day, on Monday, November 11, 2024, Fremont County proudly joins the rest of our nation to salute and give special honor and recognition to the men and women who served us in our armed forces.

Signed this 12<sup>th</sup> day of November, 2024.

  
Kevin Grantham  
District 1

  
Debbie Bell  
District 2

  
Dwayne McFall  
District 3