

FOURTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on February 19th, 2026, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Chairwoman Bell called the meeting to order at 9:00 a.m.

Debbie Bell	Commissioner	Present
Dwayne McFall	Commissioner	Present
Kevin Grantham	Commissioner	Present
Justin Grantham	Clerk and Recorder	Present
Eric Bellas	County Attorney	Present
Tony Carochi	County Administrator	Present

INVOCATION

Todd Luce from Grandview Christian 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 announced that under administrative and informational, item 1A, Sales & Use Tax Report, will be removed from the agenda since it was presented at the last meeting.

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

CONSENT AGENDA

1. Approval of Minutes / February 10, 2026
2. Approval of Bills for \$2,762,164.26
3. Approval of Fremont County Phantom Canyon Tunnel Rehabilitation DOLA Grant Application
4. Schedule Public Hearings: None.

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

ADMINISTRATIVE & INFORMATIONAL

1. Staff / Elected Officials:

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

~~Shawn Sutton gave the Sales & Use Tax Report, which can be found in its entirety at www.fremontcountyco.gov.~~

Ref. Fremont County BOCC Meeting 2/19/2026 3:22

- a. County Clerk's Monthly Report, Justin Grantham, County Clerk

Clerk Grantham gave the County Clerk's Monthly Report, which can be found in its entirety at www.fremontcountyco.gov.

Commissioner McFall moved to accept the County Clerk's Monthly report from the month of January 2026. Commissioner Grantham seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Grantham, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

Ref. Fremont County BOCC Meeting 2/19/2026 5:50

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

County Administrator Carochi gave the County Administrator Report, which can be found in its entirety at www.fremontcountyco.gov.

Commissioner Grantham expressed gratitude for the facilities department hanging all the flags in the building, which celebrates America's 250th anniversary and Colorado's 150th anniversary [resented are more disappointing than ever. He said in the light of the fact that they say their goals are attainable housing. The legislature instead focuses energy on blaming the federal government for their budget woes and running legislation taking away second amendment rights and decriminalizing prostitution. Commissioner Grantham concluded that he and the other commissioner will continue to fight against legislative overreach.

Commissioner Bell said next week she and Commissioner McFall will be in Washington DC to hold meetings with the representatives and senators from Colorado.

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

UNFINISHED BUSINESS

None.

NEW BUSINESS

1. Requesting the issuance of a Malt, Vinous, and Spiritous & Fermented Malt Beverage Special Event Permit Royal Gorge Chamber Alliance for an event at Observer Ranch 4509 CR 123, Penrose, CO 81240 on the following date: March 12, 2026, 4:00pm to 8:00pm.
Representative: Emmy Dennehy

Ms. Dennehy said that the event at Observer Ranch is for Business After Hours for the month of March. It is a very neat facility with a campground, a gaming area, and they also offer a lot of education pertaining to homesteading and gardening.

Commissioner Bell asked Ms. Dennehy about the security expected to be there as well as prevention for underage drinking.

Ms. Dennehy answered that the ambassadors will serve the alcohol and they have been through the city training, they will also be using wristbands and of course checking all identification.

Commissioner McFall asked if the no alcohol signs on the diagram represent exits.

Ms. Dennehy said yes, they are.

BOCC Clerk Sammy Ryan said that Ms. Dennehy submitted the application on January 21st, 2026, for an event at Observer Ranch on March 12th from 4:00 to 8:00pm. The application was fully filled out with the check and supporting documents. The Public Health report came back recommending approval. The Sheriff's Office report came back recommending approval. The Count Attorney received the application on January 29th and recommended approval. Ms. Dennehy submitted the proof of posting more than 10 days before the meeting. After reviewing the file and hearing the other recommendations, the Clerk's office also recommends approval of the special event liquor permit.

Commissioner McFall moved to approve the malt, vinous, and spirituous fermented malt beverage special events permit for the Royal Gorge Chamber Alliance for an event at Observer Ranch located at 459 County Road 123 in Penrose on March 12th from 4:00pm to 8:00pm. Commissioner Grantham seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Grantham, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

2. Recognition of Mykel Kroll, Fremont County Emergency Management Director and Public Information Officer, recipient of the Colorado Emergency Management Association Regional Emergency Manager of the Year for the South Region

Commissioner Bell recited the letter sent from Colorado Emergency Management Association honoring Mykel Kroll as South Region Emergency Manager of the Year Award. The letter can be found in its entirety at: <https://fremontcountyco.gov/content/february-19-2026>.

Commissioner Grantham said they are very grateful to have such a dedicated and knowledgeable person running the emergency management division. They receive numerous compliments from surrounding counties and internal agencies.

Mykel Kroll said he is very appreciative for his position because he loves his job and the citizens of Fremont County. He works with a lot of smart people, which makes his job possible and the other managers in the state are great to collaborate with.

Considering all the agenda items except the 9:30am public hearing had been completed and the time read 9:27, **Commissioner Bell** called a three-minute recess.

Commissioner Bell called the meeting back to order at **9:30am**.

PUBLIC HEARING SCHEDULED 9:30 a.m.

1. SRU25-002 Diana's Pumpkin Patch

This application is for an Agritainment permit for Diana's Pumpkin Patch & Corn Maze. They will have a corn maze, pumpkin picking, tractor hayrides and other attractions.

Applicant: Sue Madone

Address: 1649 & 1629 Poplar Ave., Canon City, CO 81212

Mrs. Madone said she and Tim Madone own Diana's Pumpkin Patch located at the corner of Locust and Poplar Avenue. The property is 10 acres and was zoned for suburban agriculture. After the revision and of the zoning regulations it was rezoned as R1. The land use has not changed for 25 years; they previously would apply for a Temporary Use Permit annually, but now they must apply for a single Special Review Use to continue the entertainment use of the property.

Commissioner McFall said that he feels sympathy for the applicants that the process takes so long but this will bring everything into compliance while protecting her neighbors and themselves.

Planning and Zoning Director Victoria said SRU 25-002 Diana's Pumpkin Patch for an Agritainment permit. The property is located at 1649 and 1629 Poplar Ave, which are adjoining lots. On these lots they offer a corn maze, skill building, pumpkin patching, tractor hayrides, and reading journeys for students. They allow social gatherings, event parties, club meetings, prayer meetings, photography, and weddings during their already requested hours of operation. This permit will be good for the use of life. The requested hours for operation are September 20th, to October 31st. Monday through Thursday, 9:00am to noon, Friday and Saturday will be from 10:00am to 9:00pm. Sundays will be from 10:00am to 6:00pm and reservations will be allowed for after hours at the weekends but will always close at 9:00pm.

They will have six to ten employees and two contracted security guards at the weekends as well as three volunteers as needed. They expect a range of 65-75 guests a day from Monday through Thursday. Friday through Sunday has approximately 800 to 1,000 guests a day. The estimated traffic count is one to two buses daily as well as 30-34 trips daily throughout the week and 288 trips or about 91 cars every four hours. The proposed parking spaces are 66 nine feet by 18 feet gravel parking spaces, 103 grass surfaced

parking spaces, and six nine feet by eight feet with a four-foot aisle ADA parking space for public comment.

Director Victoria said they have received two letters of support in the last few days although they do have a few concerns about noise levels, parking, and trash that has been left, especially the corn husks. Staff requested comments from various review agencies. Fremont County Public Health said that the dumpster must be set on a non-absorbent surface; however, they aren't over concerned since the patch is only open for six weeks. If the applicants decide to keep food services around longer than the permitted six weeks they will be required to follow this policy. Fremont County Department of Transportation has a few requirements such as requiring all debris be removed, the applicant cannot block the roadways or interfere with the line of sight for the traveling public. The applicant will be responsible for material costs of approximately 34 tons of $\frac{3}{4}$ gravel, approximately 28 tons of $\frac{1}{2}$ gravel, and 1,600 gallons of oil. The applicant will end up being responsible for an average 10-year period which breaks down to an annual cost of \$578. Fremont County Code Enforcement performed an inspection which discovered stacks of building material including brick, lumber, and plywood. There was also a section of storage that is being used for wheels and tires. There are a large amount of scaffolding and four cement mixers consistent with a masonry company. During the planning commission meeting it was settled that the tools are for personal use and just need to be put away and the tractor discovered is a farm tool, so it doesn't require an SMM (special mobile machinery) permit.

Waivers requested by the applicant are:

1. Hard surface to place dumpster on.
2. Surfacing requirements for standard parking spaces located in agricultural areas. Planning and zoning staff support not surfacing the 13 parking spaces to preserve agricultural lands.
3. The surfacing requirements for ADA parking, they are proposing road base instead of hard surfacing. Staff don't support this request as it goes against zoning regulations.
4. The applicant has requested 24 months' timeline to correct any code violations that exist on the property. The staff also does not support this request as the mess would not require 24 months to clean up. Staff believe it could be properly handled by the opening of the farm for the 2026 season.

The department of planning and zoning recommends approval of the special review use with the following waivers, contingencies, and conditions. The waivers that are supported are number one and two. The waivers not supported by staff are numbers three and four.

Regarding the contingencies, the department will grant full approval in six months upon the following items being met:

1. Code compliance being met which means proper storage for tools.
2. Minor red lines need to be added to site plan to provide more detail.
3. The hard surfacing of the six ADA parking spaces prior to the 2026 season.

Conditions should be as follows:

1. Carport number one must be moved to meet setback requirements.
2. Carport number two must be moved to meet setback requirements.
3. The shipping containers must be relocated to meet setbacks.
4. Chemical toilet permits must be renewed annually and submitted by the applicant.
5. The applicant will be responsible for trash and debris removal and disposal from county right of ways because of SRU activities.
6. Applicants cannot block roadways or interfere with the line of sights for the traveling public.

7. The applicant will pay the calculated impact fees on an annual basis, which is averaged over a 10-year period. The cost will be \$87 annually with maintenance of the roadways being performed by the Fremont County DOT every 10 years.

8. The applicant will no longer be responsible for impact fees if the permit is relinquished or revoked.

9. The applicant will need to maintain the county right of way along the applicant's property lines as needed or when maintenance is required as determined by Fremont County DOT.

Commissioner Grantham asked if waiver request number four refers to the storage of the masonry tools.

Director Victoria responded that it also includes lumber and other miscellaneous items.

Commissioner Bell asked the County Attorney if there was some kind of language that could be added during the motion to make it where the chemical toilet permit was approved indefinitely instead of making them have it renewed every year, as this board also serves, the Board of Health, which approves chemical toilet permits.

Commissioner Bell opened the public hearing at **9:50am**.

Kathleen Gamble-Hughes said she is an adjoining neighbor, and she really appreciates what this farm offers to students. Teaching them about gardening and large-scale agriculture as most of these children have not been exposed to it before this experience. She also expressed concern about making the ADA parking spaces cement. She has been a nurse for the past 50 years and she has seen countless injuries sustained from the hard to soft transition wheelchair falls. She believes the safest option is to do the applicants' suggestions of hard packed gravel.

Charles Plunker lives to the north of the pumpkin patch and his main concerns are the traffic and parking impediment this event creates, such as not being able to leave his driveway or the hazards of wagons and children everywhere. He also has caught young people climbing the fence touching his livestock on numerous occasions. He suggested requiring proper fencing be built around the entire property

Commissioner Bell – closed the public hearing at **10:01am**.

Mrs. Madone explained that they have ample parking spaces on all sides of the property, she can't control that people would rather park on the street close to the entrance instead of in one of the side parking lots. She explained they have no problem cleaning up after themselves, while they are open, they do a trash sweep of the property every morning. She then passed out copies of personal research showing that the federal ADA requirement says that concrete or asphalt isn't required, it says accessible parking spaces must have surface that's firm, stable, and slip resistant. Her opinion is whether the federal government requires what she is willing to offer and the fact that they are a small business that is only open for six weeks and that pouring concrete would be a major request, that they should grant their waiver request.

County Attorney Bellas interjected that these print outs are from Chat GPT which does not always accurately reflect what the law states, but he was willing to explain what it says if the commissioners would like him to.

Commissioner McFall said that he would like to mandate Madone's to assist all neighbors inflicted by the debris from their property year-round.

Tim Madone approached the podium to add that due to his wrist injury he hasn't been able to keep up as well as usual. They also purchased a vacuum device which allows them to easily suck up debris from fencelines.

County Attorney Bellas said the phrase is correct that the surface must be stable, firm and slip resistant. These are federal guidelines and the state has stricter rules to ADA parking spaces.

Commissioner Grantham moved to approve SRU 25-0002 for Diana's Pumpkin Patch. This is an Agritainment permit located at 1649 and 1629 Popular Avenue in Canon City. This motion includes the approval of waiver number one, two, and three but the spaces must be adequate to federal ADA standards. Waiver number four is also approved except for the masonry equipment and various piles of wood and does not void any other current or future code violations. Regarding contingencies, number three is included with addition of hard surfacing for the 68 ADA parking spaces. Conditions numbers one, two, three, five, six, seven, eight, and nine are included. Condition number four regarding chemical toilets, this motion will include approval of chemical toilets during the life of this SRU. Commissioner McFall seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner McFall, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

Commissioner Bell adjourned the meeting at **10:47am**.

To view the YouTube Video for Commissioner Meeting, go to the following website:
<https://www.youtube.com/watch?v=CajJy7LnAZ0>

Clerk to the Board of County Commissioners