

TWENTYFIRST MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Special Session on September 28th, 2026, at 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Chair Pro Tem McFall called the meeting to order at 9:00 am.

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

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

NEW BUSINESS

9/28/2026 :53

1. Requesting the issuance of a New Liquor License for a Malt, Vinous, and Spiritous License for a Tavern at 708 Fremont St, Penrose, CO 81240.
The Apple Shed
Representative: Amy Bourlon-Hilterbran

Mrs. Bourlon-Hilterbran said she represents Sam and Cooper Banning, owners of the Penrose Apple Shed. They are pursuing the approved uses as a restaurant, bar, and mercantile. The property has a 134-person occupancy, and they are in the final stages for all other applications submitted to open the building for business. The health department has approved retail food service, and they are actively working with the Colorado Department of Transportation (CDOT) to submit a highway access permit. CDOT should be able to complete the traffic study now; they had difficulty getting accurate numbers because of nearby construction. They plan to serve beer and wine with a moderate bar, serving drinks such as mimosas, Bloody Marys, and their signature appletinis. They will be open Thursday through Monday from 7:00 am to 8:00 pm, closed Tuesdays and Wednesdays. They will serve traditional breakfast, plus lunch and dinner entrees such as chicken baskets, pizza, and sandwiches.

Commissioner McFall asked if there were any questions; since there were none, he proceeded to the staff report.

BOCC CLERK Sammy Ryan presented the application that Mrs. Burlon Hilterbran submitted on behalf of Sam Banning on August 25th, 2026. All documents, including fees, proof of ownership, and background checks, were completed. The Sheriff and Public Health reports were sent on August 31st, 2026. On September 9th, the sheriff's report came back, with Captain Green noting that the map matched the actual layout and recommending approval. The Public Health and Building report first came back on September 3rd, not recommending approval since the last reported use of the building was for a completely different use and the applicants need to obtain a new access permit. On September 15th, the Clerk's office received another report from the Building Department, and now all departments recommended approval. County Attorney Bellas reviewed the entire file on September 14th and recommended approval with a simple fix to the application. The public notice poster was posted, and proof was sent on September 15th. The public posting in the Daily Record was published on September 18th, meeting the mandatory 10-day notice requirement before today's meeting. After thorough review, the clerk's office recommends approval.

Commissioner McFall commented that it doesn't appear that any of the persons' signatures on the petition have Penrose addresses; all of them list Canon City or Florence. He also expressed excitement that original-type activity will happen in the building for the first time in over 20 years. He also noted that they have the world's largest rocking chair.

Mrs. Bourlon-Hilterbran interjected that they had lost the title to another newly constructed rocking chair, but they can still claim it was the former biggest in the world.

Commissioner Grantham asked for specific details regarding the complications with CDOT.

Mrs. Bourlon-Hilterbran reported that the building's last use was a marijuana extraction facility, and its permit allowed only 20 trips per day in and out of the property; this business would exceed that within an hour. Because of this, CDOT requested a traffic study, but construction delays made it nearly impossible to obtain an accurate one. Finally, CDOT completed the traffic analysis, and the applicant can submit their highway access permit to CDOT. This will allow them to use the West gate instead of only the East gate off Grant Street.

Commissioner McFall asked Attorney Bellas whether the board needs to include a contingency for the access permit or whether this would prevent them from opening completely anyway.

Attorney Bellas answered that he does not deem it necessary to impose a contingency.

Commissioner Grantham moved to approve the request for the issuance of a new malt, vinous, and spiritous liquor license for a tavern located at 708 Fremont Street in Penrose for the Apple Shed. Commissioner McFall seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

Commissioner McFall adjourned the meeting at 9:08 am.

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

<https://www.youtube.com/watch?v=GgyHT1w7S5g>

Clerk to the Board of County Commissioners