

TWELFTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on June 10, 2021, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Chairman Dwayne McFall called the meeting to order at 9:30 a.m.

Dwayne McFall	Commissioner	Present
Debbie Bell	Commissioner	Present
Kevin Grantham	Commissioner	Present
Justin Grantham	Clerk & Recorder	Present
Brenda Jackson	County Attorney	Present
Sunny Bryant	County Manager	Present

INVOCATION

Todd Luce, Grandview Christian Church

PLEDGE OF ALLEGIANCE

Those present cited the Pledge of Allegiance to the flag of the United States of America.

APPROVAL OF AGENDA

Commissioner Bell moved to approve the Agenda with the addition of the request under item 5 on the Consent Agenda to approve a 6% Retail Liquor License for DKRB LLC dba Sugarbush Campground for a public hearing at 10:00 a.m. on June 22, 2021. 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 / May 25, 2021
2. Approval of Bills for \$1,502,206.09
3. Ratification of Chairman’s Signature on the Works Program and the Colorado Child Care Assistance Program Colorado Department of Human Services Memorandum of Understanding
4. Change Order #1 for the Pathfinder Park Community Center
5. Schedule Public Hearing for June 22, 2021 at 10:00 a.m.:
 - a. Request OPC 21-00 Rocky Mountain Bud Company for an Optional Premise Cultivation License to cultivate medical marijuana on property located at 2911 CR 103.
 - b. Request Special Event Liquor Permit for the Canon City Rodeo Association
 - c. Request 6% Retail Liquor License for DKRB LLC dba Sugarbush Campground
6. Schedule Public Hearing for July 14, 2021 at 10:00 a.m.:
 - a. Request to designate a portion of Fremont County Road 45 open to off-highway vehicle traffic
 - b. Request SRU 13-002 Captain Zipline Major Modification to allow Play Dirty ATVs to operate from the parking area and that customers may follow

employees to the zip line area rather than park at the parking area and be shuttled.

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

1. Staff / Elected Officials:

a. County Clerk's Monthly Report

Clerk & Recorder Justin Grantham gave the County Clerk's Monthly Report, which can be found in its entirety at www.fremontco.com.

Commissioner Bell moved to accept the County Clerk's Monthly Report. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

b. County Manager Report, Sunny Bryant, County Manager

County Manager Bryant gave the County Manager Report, which can be found in its entirety at www.fremontco.com.

Commissioner Bell congratulated the Built for Zero group for ending Veteran Homelessness in Fremont County and thanked Fremont County Veterans Services Officer Marty Peek. She added that at a Colorado Counties Incorporated (CCI) conference earlier this week they discussed affairs such as the Opioid Litigation Settlement and American Rescue Funds. Commissioner Bell noted the value of networking with other counties and congratulated Commissioner Dwayne McFall for being elected as the new President of CCI Mountain District.

c. Public Health Update, Kayla Marler, Director

Director of Fremont County Public Health and Environment (FCDPHE) Kayla Marler gave the County Public Health Update and listed Fremont County Covid-19-related figures as follows: 31 active cases, 9 active hospitalizations, 62 deaths, FCDPHE has administered 12,484 doses, Fremont County has provided a total of 28,702 vaccinations and is 32% vaccinated according to the FCDPHE dashboard, and MAKO's contract has been extended until October. She added that the FCDPHE clinic is running once per week on Tuesdays, but individuals can walk in on Wednesdays to get vaccinated. She noted that Colorado Mission of Mercy will be at Harrison School in Cañon City on September 24th and 25th.

Commissioner McFall asked if CDPHE had sent her the updated data regarding DOC and county numbers that they were supposed to send.

Director Marler said they were still working on it.

Commissioner McFall explained that the community numbers are becoming skewed because of State and Federal involvement.

Director Marler addressed how the CDPHE posting incorrect data has indicated that Fremont County has relatively low vaccination numbers, but the County's numbers are not that low.

Commissioner McFall discussed the preliminary plan for the Opioid Litigation Settlement, which provides the State with 10% of the settlement and the other 90% given

to 17 regions to disperse among local governments. He said the money will be used to support opioid-related programs and enforcement and provide treatment facilities.

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

- a. Marina Weir speaking on variance requirements on building permit

Marina Weir explained that she is trying to build a home but the building permit had been denied by the building inspector and that the planning & zoning director indicated that a permit was not allowed. She discussed how the house is a factory-built modular on a concrete foundation, not a single-wide. Ms. Weir said there had been another modular home built in the same zoning district, which was allowed a permit and mentioned that an agreement was proposed for the addition of a 7' x 8' mudroom, which is expected to cost at least another \$20,000.

Commissioner McFall said the situation had been brought to their attention previously and they are working to take care of it.

Commissioner Grantham mentioned the Colorado State Legislature adjourned Sine Die for the year.

OLD BUSINESS

None.

NEW BUSINESS

1. Review and discussion of Fremont County Local Disaster Emergency Declaration

Commissioner McFall explained that the Fremont County Local Disaster Emergency Declaration is in place and will automatically renew until the Board decides to end or amend it and how it functions to provide State and Federal funds.

Commissioner Grantham clarified that keeping the declaration in place does not put restrictions on individuals or businesses.

PUBLIC HEARINGS

1. Requesting approval of a Modification of a Special Review Use, Department File # SRU 98-007 Twin Enviro Major Modification to allow for a vertical and lateral expansion of the landfill. The expansion includes expanding the limits of waste by approximately 100 feet along the current waste limit Southern boundary, and includes raising the final waste/cover grades along the southern portion of the landfill. The 77.82 acres site is located off of County Road 67 in Penrose and is within the Agriculture Forestry Zone District.
Representative: Chris Brochu

Commissioner McFall summarized the public hearing on February 9th, 2021 requesting approval of Twin Enviro Major Modification for a Special Review Use, Department File # SRU 98-007. He explained that the request has been tabled twice for further review.

Commissioner McFall opened the public hearing at 10:00 a.m.

Commissioner McFall recalled contingencies and conditions that were previously discussed including: approval of the State and Local modification of the certificate of designation, approval of the storm water drainage plan, the south berm to increase in conjunction with the vertical expansion where it exceeds the height of the work-area, the use of interior fencing and other measures to reduce debris leaving the site, increase in

frequency of clean-up of the surrounding area (specifically east of site), and the increase of the berm on the east to limit visibility from County Rd 67.

Chris Brochu detailed on the upgraded fencing surrounding the property including a mobile fence, a kicker fence located along the northeast corner of the site, and a fence on the eastern side of the property made of ¼ inch mesh. He said that the western berm is green now from the rain, but they are worried about maintaining it. They are mitigating mud with a tracking pad.

Commissioner McFall noted there would need to be maintenance on the tracking pads to keep mud off the roads.

Mr. Brochu addressed the vegetation of the berms and said they have implemented means to keep it vegetated, by drilling seeds into the ground, placing a coconut blanket and waddles on top for erosion control, and changing the hill to a 3:1 slope.

Susan Lapiers lives nearby the landfill. She thanked the Commission and discussed her concerns with the location of the landfill. Ms. Lapiers explained how it sits in the only low elevation entrance to Phantom Canyon, how no reclamation has occurred, and how neighbors are exposed to fly ash. She conveyed her concern regarding already heavy traffic on the road and the possibility that it might increase with this modification, negatively impacting Fremont County's tourist industry and making the road hazardous for bicyclists.

Commissioner McFall asked Ms. Lapiers why she thinks traffic would increase with the modification.

Ms. Lapiers replied that if the landfill's size increases they may bring in more trucks.

Commissioner McFall explained that the modification is meant to increase the life of the landfill.

Ms. Lapiers asked Commissioner McFall if he does not expect truck-traffic to increase.

Commissioner McFall reiterated that the modification is meant to increase the life of the landfill and that they don't plan on bringing in more trucks.

Ms. Lapiers showed concern that they couldn't guarantee the traffic wouldn't increase.

Commissioner Bell asked Ms. Lapiers how long she has lived here.

Ms. Lapiers said they purchased the property six years ago and built the house four years ago. She has lived in Colorado for about twelve years.

Esther Horseman conveyed her concerns regarding the possibility of serious health risks to hundreds of residents within a couple miles of the landfill.

David Rooks said Twin Enviro's road never has water on it for dust suppression when the company is using "utes," the fence that Mr. Brochu mentioned at the northeast corner is not finished, and displayed concern for the modification bringing the landfill above the height of state property behind it.

Quinn Slade owns a property to the east of the landfill. He said eight-foot fencing is not adequate to contain garbage carried by the wind. He said that it is dangerous for the surrounding cattle operations and added that the site is dusty and not aesthetically pleasing. He apologized for not attending the last public hearing.

Commissioner Bell assured him that his testimony matters in the Board's decision just as much as it would have if he had attended the previous meeting.

Clare Horseman lives in Williamsburg and can see the landfill from his home. He said the berm will not be pleasing to look at and touched on how without the modification the landfill has ten years to establish a different location.

Joe Rall discussed how the landfill is a benefit and a corporate citizen. He noted that Fremont County is windy, then added that the landfill has not had any major out-of-compliances, has met all regulations, and is in the process of improvement. Mr. Rall mentioned that the state prison is unattractive, but provides jobs and utility like the landfill does.

Commissioner McFall closed the public hearing at 10:31 a.m.

Mr. Brochu addressed some of the above concerns and said the location of the landfill is perfect, they don't plan to raise the Hogback, the blowing trash is under control, and they are not in violation of any state regulations besides one regulatory inspection, which they are actively fixing. He offered to submit the state inspections to the Board.

County Attorney Jackson requested that Mr. Brochu submit the documents to Planning & Zoning for the landfill's master file.

Commissioner McFall asked him to address Mr. Rook's concern regarding how high they are going to stockpile the berm.

Mr. Brochu said the highest they will go is 50' and it won't block the hogback.

Commissioner McFall referred to Mr. Rooks statement about the unfinished fence and asked Mr. Brochu to address his concern.

Mr. Brochu said the fencing was not done this morning but when it is finished it will go down the road and across the gate.

Commissioner Grantham asked Mr. Brochu if they have a trash-pickup schedule in place.

Mr. Brochu replied that they have employees pick up trash five days of the week around the bull-fence and the exterior fence.

Commissioner Grantham inquired about the water plan for the vegetation.

Mr. Brochu has considered using a native grass seed mixture.

Commissioner Grantham asked Mr. Brochu to address the citizens' concerns about the landfill's use of fly ash.

Mr. Brochu said they bring in four loads of fly ash per day for non-hazardous liquid waste.

Commissioner McFall asked if the business had a way to suppress dust on the road.

Mr. Brochu said they don't use water because the road gets slick, but he makes sure his drivers go slow on the road to reduce dust.

Commissioner Grantham asked Mr. Brochu if he expects traffic to increase.

Mr. Brochu answered that there won't be extra trucks coming through besides possibly some from Howard Disposal.

Commissioner McFall inquired about the drainage of sedimentation ponds.

Mr. Brochu explained that the ponds are cleaned yearly.

Commissioner Bell asked what the timeframe for closing is with and without the modification.

Mr. Brochu replied that currently the landfill is due to close in seven to ten years. With this modification it would give the landfill another ten years.

Commissioner McFall noted that the mud mat needs to be maintained in the future to keep mud off of roads.

Commissioner Bell mentioned how additional time would be appreciated in order to make a set of findings that will help the Board determine whether or not to approve the modification.

Commissioner Grantham reiterated the importance of taking time to think about what decision to make.

Commissioner Bell indicated that there is a lot of information to process through before making the final decision.

Commissioner McFall stated that all comments from Twin Enviro and the public are on record.

Commissioner Bell moved to table the request for the approval of a Modification of a Special Review Use, Department File #SRU 98-007 Twin Enviro Major Modification to June 22, 2021 at 9:30 a.m. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

NEW BUSINESS

2. Resolution supporting redistricting and the drawing of two rural districts in Colorado

Commissioner Grantham talked about the redistricting per the preliminary results of the 2020 census and explained how redistricting and drawing two rural congressional districts in Colorado would keep rural interests together. He explained how redistricting in this way will help Fremont County and then read aloud Resolution #26 supporting redistricting and the drawing of two rural districts in Colorado.

Commissioner Bell thanked Commissioner Grantham for his work on the matter and added that if we don't fight for what we need, we won't get what we need.

Commissioner McFall noted that if the districts aren't separated by rural and urban, the urban population will outweigh the rural, so rural ideas may not be supported.

Commissioner Grantham identified that the needs of El Paso County are different than the needs of rural counties.

Commissioner McFall mentioned the importance of supporting rural and agricultural communities.

Commissioner Grantham moved to approve Resolution #26 supporting redistricting and the drawing of two rural districts in Colorado. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

Commissioner McFall adjourned the meeting at 10:55 a.m.


Clerk to the Board of County Commissioners



RESOLUTION NO. 26, SERIES OF 2021

A RESOLUTION FOR THE FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS, FREMONT COUNTY, COLORADO, CONCERNING REDISTRICTING AND THE DRAWING OF TWO RURAL DISTRICTS IN COLORADO

WHEREAS, every ten years the State of Colorado needs to redraw all of the congressional districts to equalize population between them; and

WHEREAS, rural Colorado has unique interests that are sometimes contrary to the interests of Front Range communities; and

WHEREAS, Colorado is expected to receive an eighth congressional district through the reapportionment process; and

WHEREAS, the Western Slope has historically been considered a community of interest; and

WHEREAS, the Eastern Plains and Southern Colorado is an easily defined community of interest; and

WHEREAS, agriculture is a primary driver of the economy in many rural counties; and

WHEREAS, energy production is a primary driver of the economy in many rural counties; and

WHEREAS, both agriculture and energy are historically considered a community of interest; and

WHEREAS, rural communities' water interests sustaining agriculture and recreation are often counter to the water interests of urban/suburban communities; and

WHEREAS, Western Slope counties are often over 50% made up of publicly owned lands, with some approaching 90% publicly owned; and

WHEREAS, rural communities have unique infrastructure needs, including telecommunications, public transportation and utilities; and

WHEREAS, tourism is a primary driver of the economy in many rural counties; and

WHEREAS, roughly one fourth of the population of the State of Colorado lives in these rural counties that rely on agriculture, energy production, and tourism to drive their economy; and

WHEREAS, drawing two rural districts allows the Congressional Redistricting Commission to better meet Constitutional requirements for compact districts with the remaining six congressional districts;

NOW, THEREFORE, BE IT RESOLVED, that the Western Slope of Colorado is a community of interest that deserves to be made whole within one congressional district; and

BE IT FURTHER RESOLVED, that the Eastern Plains and Southern Colorado is a community of interest that deserves its own congressional district; and

FINALLY, BE IT RESOLVED, that we, the Fremont County Board of Commissioners, encourage the Congressional Redistricting Commission to ensure Colorado's rural population is effectively represented through the creation of two fully rural (or as near as possible) districts.

Commissioner Grantham moved the adoption of the foregoing Resolution with a second by Commissioner Bell. The roll call vote of the Board was as follows:

Debbie Bell	<input checked="" type="radio"/> AYE	<input type="radio"/> NAY	<input type="radio"/> ABSTAIN	<input type="radio"/> ABSENT
Kevin Grantham	<input checked="" type="radio"/> AYE	<input type="radio"/> NAY	<input type="radio"/> ABSTAIN	<input type="radio"/> ABSENT
Dwayne McFall	<input checked="" type="radio"/> AYE	<input type="radio"/> NAY	<input type="radio"/> ABSTAIN	<input type="radio"/> ABSENT

The Resolution was declared to be duly adopted.

Date: June 10th, 2021

Dwy McFall

Chairman

Attest: [Signature]
Clerk to the Board

