

**TWENTY-FIRST MEETING**

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on October 26, 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
Talia Smith	Recording Technician	Present
Brenda Jackson	County Attorney	Present
Sunny Bryant	County Manager	Present
Mica Simpleman	Planning & Zoning Director	Present

**INVOCATION**

Alicia Swearingen, Royal Gorge Vineyard

**PLEDGE OF ALLEGIANCE**

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

**APPROVAL OF AGENDA**

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

**CONSENT AGENDA**

1. Approval of Minutes / September 28, 2021
2. Approval of Minutes / October 12, 2021
3. Approval of Bills for \$3,967,664.06
4. Amended Resolution to Correct Errors in Resolution No. 19 Series 2020, a Resolution for Special Review Use Permit Department of Planning and Zoning File #SRU20-001 Phantom Canyon Estates
5. Approval of Resolution No. 39 Series 2021 for a Zone Change from Agricultural Forestry Zone District to Industrial Zone District Department of Planning and Zoning File #21-002 Pikes Peak Motors
6. Approval of Resolution No. 40 Series 2021 for Modification of Commercial Development Plan Department of Planning and Zoning File CDP #13-001 Pikes Peak Motors Commercial Development Plan
7. Schedule Public Hearing for November 9, 2021:
  - a. Proposed 2022 Fremont County Budget

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

**ADMINISTRATIVE/INFORMATIONAL**

1. Staff / Elected Officials:

- a. 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](http://www.fremontco.com).

- b. Sales & Use Tax Report, Sunny Bryant, County Manager

**County Manager Bryant** gave the Sales & Use Tax Report which can be found in its entirety at [www.fremontco.com](http://www.fremontco.com).

**Commissioner Bell** notified the public about the Public Input Page at [www.fremontco.com](http://www.fremontco.com) where people can make suggestions regarding the spending of Fremont County's portion of American Rescue Plan Act (ARPA) Funding, consisting of about \$9.3 million.

**Commissioner McFall** spoke about the County being under stage 1 fire restrictions and mentioned that the Bureau of Land Management is doing prescribed burns. He also notified the public that there are volunteer openings for County boards and people can apply for those positions by submitting a letter of interest or visiting [www.fremontco.com](http://www.fremontco.com).

2. Citizens who wish to address the Commissioners on a matter not scheduled on the agenda.
  - a. There were none.

#### **OLD BUSINESS**

1. None.

#### **NEW BUSINESS**

1. Proclaiming November 19, 2021 as Adoption Day in Fremont County

**Commissioner Bell** read the Adoption Day Proclamation, which can be found in its entirety at [www.fremontco.com](http://www.fremontco.com).

**Commissioner Bell** moved to approve the proclamation to make November 19, 2021 Adoption Day in Fremont County. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

**Commissioner Bell** She then congratulated Fremont County Department of Human Services and spoke about the upcoming adoptions.

2. Request approval for minor subdivision MS 21-009 that will create a total of 2 lots. The subject property is located in the Agricultural Rural Zone District, on 3<sup>rd</sup> and L Street in Penrose  
Representative: Matt Koch

**Matt Koch** explained the minor subdivision will split one lot into two and said there were two contingencies as follows: the verification of an existing driveway and the executed ratification and consent form, which have both been taken care of. He added they are asking for a waiver of the drainage plan to be deferred to Lot 1.

**Planning & Zoning Director** Mica Simpleman reported that the application satisfies Planning & Zoning requirements and spoke about the contingencies and waiver request mentioned previously by Mr. Koch.

**Commissioner McFall** asked for clarification about the access permit.

**Mr. Koch** said the concern about an existing driveway for Lot 2 had been taken care of.

**Commissioner Bell** clarified to the public that the Board takes time to read and understand the application and request. She then thanked Mr. Koch for the complete application.

**Commissioner Grantham** moved to approve MS 21-009 that will create a total of 2 lots, which includes a waiver request to defer the drainage plan of Lot 1 until development and contingencies as follows: the verification of a driveway access permit for Lot 1 and the executed ratification consent and release form. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

3. Award Bid for Administration Building Roof Replacement

**County Manager Bryant** explained that there are two top bids for the replacement of the Administration Building roof as follows: Trinity Commercial Roofing and JRC Commercial Roof Services. She explained that JRC Commercial Roof Services has a great reputation, while Trinity Commercial Roofing has necessary building materials available to them.

**County Engineer Lucas Teigan** approached the Board and reported that JRC Commercial Roof Services is the preferred for school roofing, while Trinity Commercial Roofing has access to insulation that JRC does not have access to. He noted that the insulation is anticipated to be backed-up until June.

**Commissioner McFall** thanked County Engineer Teigan.

**Commissioner Grantham** said the time and materials are of high consideration and Trinity Commercial Roofing has a good reputation and is a qualified contractor.

**Commissioner McFall** clarified that although Trinity Commercial Roofing is the lowest bidder they are also qualified and responsible.

**Commissioner Bell** thanked County Engineer Lucas Teigan for his research.

**Commissioner Bell** moved to approve the award bid for the Administration Building Roof Replacement to Trinity Commercial Roofing for \$232,912.15. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

4. Reappointment of Laura Taylor to the Fremont County Fair Board for a term ending December 31, 2024

**Commissioner McFall** said Laura Taylor did a great job in her last term and recommends approving her for a new term.

**Commissioner Grantham** moved to reappoint Laura Taylor to the Fremont County Fair Board for a term ending December 31, 2024. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

5. Appointment of a new member to the Fremont County Fair Board for a term ending December 31, 2024

**Commissioner McFall** said the Board received a letter of interest from Cody Hall.

**Commissioner Bell** added that she was impressed by Mr. Hall's letter.

**Commissioner McFall** talked about Mr. Hall's interest in increasing the number of students involved in 4-H.

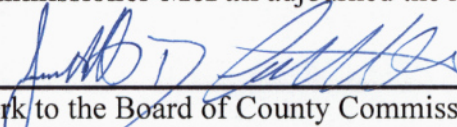
**Commissioner Bell** noted Colorado State University (CSU) extension's outreach has supplemented 4-H with more than 50 new kids this year.

**Commissioner Bell** moved to appoint Cody Hall to the Fremont County Fair Board for a term ending December 31, 2024. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

**PUBLIC HEARINGS**

1. None

**Commissioner McFall** adjourned the meeting at 9:56 a.m.

  
\_\_\_\_\_  
Clerk to the Board of County Commissioners





FREMONT COUNTY  
BOARD OF COUNTY COMMISSIONERS

**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 342 children who are free for adoption; and*

*WHEREAS: To help these children find permanent, nurturing families, the Fremont County Court will open their doors for National Adoption Day on November 19, 2021 to finalize the adoption of 4 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 19, 2021, 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 Commissioner

Debbie Bell, District 2 Commissioner

Dwayne McFall, District 3 Commissioner

RESOLUTION NO. 39, SERIES OF 2021

RESOLUTION ZONE CHANGE FROM AGRICULTURAL FORESTRY ZONE  
DISTRICT TO INDUSTRIAL ZONE DISTRICT  
DEPARTMENT OF PLANNING AND ZONING  
FILE # 21-002 PIKES PEAK MOTORS

WHEREAS, Michael Devriendt, (hereafter "Applicant") has made application for an amendment of the zoning map of Fremont County to change from the ZONE CHANGE FROM THE AGRICULTURAL FORESTRY DISTRICT TO THE INDUSTRIAL ZONE DISTRICT for the following described real property owned by Michael Devriendt:

\_\_\_\_\_A parcel located within Section 1 and Section 2, Township 19 South, Range 69 West of the 6th P.M., Fremont County Colorado, being more particularly described as follows:

Beginning at the Northwest corner of the SW1/4NW1/4, Section 1; thence N 89°36'40" E, 30 feet along the north line of the SW1/4NW1/4 and the extension thereof; thence N 00°01'51"W, 321.83; thence N 79°44'46" W, 1375.00 feet; thence S 00°00'00" W 575.79 feet; thence N 89°36'40" E, 1323.83 feet to the point of beginning. Containing 13.94 acres more or less.

County of Fremont, State of Colorado; and

WHEREAS, pursuant to the Fremont County Zoning Resolution previously adopted; the Planning Commission of Fremont County reviewed the application at its September 7, 2021 regular meeting and recommended the **APPROVAL** of such application; and

WHEREAS, a notice containing the specific request, proposed use, date, time, and location of the public hearing, telephone number of the Fremont County Department of Planning and Zoning (hereafter "Department"), and a site plan and vicinity map were mailed fourteen (14) days prior to the public hearing, by certified mail, return receipt to the Department, to all property owners within five-hundred (500) feet of the boundaries of the subject parcel; and to the appropriate reviewing agencies; and

WHEREAS, a notice containing the specific request, proposed use, date, time, and location of the public hearing, and telephone number of the Department where additional information may be obtained, was posted on the property fourteen (14) days prior to the public hearing; and

WHEREAS, a notice of the public hearing was published by the Department, in a newspaper of general circulation in Fremont County, fourteen (14) days prior to the public hearing, and which contained the specific request, time and place of the public hearing, and an explanation of the proposed use and its location; and

WHEREAS, the Board held a public hearing concerning said application on October 12, 2021 at which time comments and evidence were considered, including all materials contained as part of the application and which were in the Department's file concerning the application; and

Commissioner Grantham moved adoption of the foregoing Resolution, seconded by  
Commissioner Bell and approved by roll call vote as follows:

Commissioner Bell:

Aye /  Nay /  Abstain /  Absent

Commissioner Grantham:

Aye /  Nay /  Abstain /  Absent


Commissioner McFall :

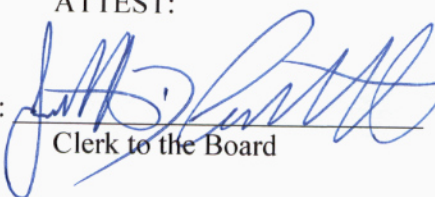
Aye /  Nay /  Abstain /  Absent

Date: October 26<sup>th</sup>, 2021

BOARD OF COUNTY COMMISSIONERS  
OF FREMONT COUNTY

ATTEST:

By:   
Chairman

By:   
Clerk to the Board

RESOLUTION NO. 40  
Series of 2021

RESOLUTION FOR MODIFICATION OF COMMERCIAL DEVELOPMENT PLAN

FREMONT COUNTY DEPARTMENT OF PLANNING AND ZONING FILE  
#CDP 13-001 PIKES PEAK MOTORS COMMERCIAL DEVELOPMENT PLAN

BE IT RESOLVED by the Fremont County Board of County Commissioners (hereafter "Board"):

THAT WHEREAS, Michael DeVriendt (hereafter "Applicant") has made application for a modification of an approved Commercial Development Plan to allow for an enlargement of the existing automobile graveyard/salvage yard and incorporate a used car sales area in the front parking lot. This modification is also removing 6.56 acres from the original Commercial Development Plan which will remain vacant. Said application has been designated as file #CDP 13-001 Pikes Peak Motors Modification; and

WHEREAS, pursuant to the Fremont County Zoning Resolution previously adopted; the Planning Commission of Fremont County reviewed the application at its **September 7, 2021** meeting, and recommended the **APPROVAL** of such application; and

WHEREAS, a notice containing the specific request, proposed use, date, time, and location of the public hearing, telephone number of the Fremont County Department of Planning and Zoning (hereafter "Department"), and a site plan and vicinity map were mailed fourteen (14) days prior to the public hearing, by certified mail, return receipt to the Department, to all property owners within five-hundred (500) feet of the boundaries of the subject property, and to the appropriate reviewing agencies; and

WHEREAS, a notice containing the specific request, proposed use, date, time, and location of the public hearing, and telephone number of the Department where additional information may be obtained, was posted on the property fourteen (14) days prior to the public hearing; and

WHEREAS, a notice of the public hearing was published by the Department, in a newspaper of general circulation in Fremont County, fourteen (14) days prior to the public hearing, and which contained the specific request, time and place of the public hearing, and an explanation of the proposed use and its location; and

WHEREAS, the Board held a public hearing concerning said application on **October 12, 2021** at which time comments and evidence were considered, including all materials contained as part of the application and which were in the Department's file concerning the application; and



NOW THEREFORE, BE IT RESOLVED that the above and foregoing application and request for modification of the commercial development plan be and is hereby approved; and that the legal description of the real property so affected is described as follows:

LEGAL DESCRIPTION

A parcel located within Section 1 and Section 2, Township 19 South, Range 69 West of the 6<sup>th</sup> P.M., Fremont County, Colorado, being more particularly described as follows:  
Beginning at the Northwest corner of the SW1/4NW1/4, Section 1; thence N 89°36'40" E, 1343.83 feet along the north line of the SW1/4NW1/4 and the extension thereof; thence S 00°01'51" E, 1146.50 feet to a point on the north right-of-way line of U.S. Highway 50; thence along said right-of-way N 71°31'08" W, 1926.77 feet; thence N 00°00'00" E, 523.33 feet; thence N 89°36'40" E, 483.00 feet to the point of beginning.  
Containing 35.018 acres.

A. All previous conditions of CDP 13-001 shall remain in full force and effect, except to the extent that such conditions are superseded by this approval.

B. Applicant shall comply with the recommendations of the County Project Engineer regarding drainage.

CONTINGENCY ITEMS:

1. Applicant shall submit and complete a Lot Line Adjustment to combine the parcels used for the commercial operation on a single lot.

2. Depict natural landscape and vegetation areas surrounding the parking areas on the Commercial Development Plan and add a note that the area shall be attractively maintained and kept clean of debris, rubbish, and wrecked/inoperable vehicles.

Commissioner Bell moved the adoption of the foregoing Resolution, seconded by Commissioner Grantham and approved by roll call vote as follows:

- Commissioner Bell:  Aye /  Nay /  Abstain /  Absent
- Commissioner McFall:  Aye /  Nay /  Abstain /  Absent
- Commissioner Grantham:  Aye /  Nay /  Abstain /  Absent

The Resolution was declared to be duly adopted.

DATE: October 26<sup>th</sup>, 2021

Doug McFly

CHAIRMAN, FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS

ATTEST:

[Signature]  
FREMONT COUNTY CLERK AND RECORDER

