

## NINTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on April 27, 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
Sean Garrett	Planning & Zoning Director	Present

### INVOCATION

Loren Kolman, Evangelical Free 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. 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 Bills for \$967,352.15
2. Approval of Amendment to Airport Land Lease – Justin Time Cargo LLC
3. Schedule Public Hearing for:  
May 11, 2021 at 10:00 a.m.:
  - a. Zone Change I #ZC21-001 Self to change the zone district for property located at state Highway 115 and Telck Road from Agricultural Living to Agricultural Suburban
  - b. OPC 14-011 Pure Medical Modification of Premise to replace one existing building and construct another building that connects two existing buildings.
  - c. TUP 21-002 VFW Post 2788 Loyalty Day Parade for issuance of a Temporary Use Permit for a parade to be held May 15<sup>th</sup> 2021 from Illinois Ave to Broadway Ave

**Commissioner Grantham** moved to approve the Consent Agenda which includes the approval of the amendment of the Airport Land lease and three public hearings scheduled for May 11, 2021. 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 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).

- 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: 91 active cases, 4 active hospitalizations, through MAKO they have tested 15,534 individuals, FCDPHE has administered 11,215 doses, Fremont County has provided a total of 23,721 total vaccinations. Director Marler also mentioned that FEMA is going to have a clinic at the Cañon City High School and are working to set one up in RE-2.

**Commissioner McFall** asked if they can sign up online.

**Director Marler** said people will register through Centura's system and they will provide a link once FEMA sends all the information over. Mentioned how activity in the ER has increased and Kristi Olsen from St. Thomas More Hospital will look into how many cases are Covid-related.

**Commissioner Bell** asked Director Marler whether testing has increased because people are showing symptoms or because of contact-tracing.

**Director Marler** explained that they are seeing both and advised people to stay home if they are feeling sick.

**Commissioner McFall** mentioned how Blossom Festival is coming up and urged people to be careful.

**The Board of County Commissioners** thanked Director Marler and her team.

**Commissioner McFall** spoke about how the BOCC meeting on Tuesday, June 8, 2021 has been rescheduled to **Thursday, June 10, 2021**, and noted that scheduled that day is a public hearing for a Major Modification of Twin Enviro Land Fill. He added that the meeting from Tuesday, July 13, 2021 has been rescheduled to **Wednesday, July 14, 2021**.

**Commissioner Bell** discussed the importance of taking personal responsibility at outdoor events like Blossom Festival.

**Commissioner Grantham** brought up how the meeting packet information is online for public accessibility. He thanked County Manager Sunny Bryant, the Information Technology Department, and Shannon Espinoza for their help. This material can be found at [Meeting Agendas and Minutes | Fremont County, Colorado](#).

**Commissioner McFall** mentioned his concerns regarding fire-safety and urged people to be diligent and safe.

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. Service Recognition Resolution for Marshall Butler, Planning Coordinator

**Commissioner Bell** talked about how long Marshall has served Fremont County and read aloud the Service Recognition Resolution, which can be found in its entirety at [www.fremontco.com](http://www.fremontco.com).

**Marshal Butler** explained why he enjoyed working at Fremont County for so many years.

**Commissioner Bell** moved to approve the Service Recognition Resolution for Marshall Butler, Planning Coordinator. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

### 2. Annual Ambulance Licensing Renewals

Representative: Mykel Kroll, Fremont County Emergency Manager

**Mykel Kroll** mentioned Frecom911 Emergency Alerts which can be found at [www.fremontco.com](http://www.fremontco.com).

**Commissioner Bell** noted that if you have signed up for the service in the past but not within the last six months, you will have to reregister.

**Mykel Kroll, Fremont County Emergency Manager** said he would like to get the Board's approval of the licenses for the seven ambulances that serve Fremont County. He explained that ALS is Advanced Life Support, BLS is Basic Life Support, and Critical Care Transport is a level above ALS.

**Commissioner Grantham** moved to approve Florence Volunteer Fire Department for an ALS license expiring April 30, 2022. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried.

**Commissioner Bell** moved to approve Penrose Volunteer Fire Department for an ALS license expiring April 30, 2022. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried.

**Commissioner Grantham** moved to approve Flight For Life Colorado for an ALS license expiring April 30, 2022. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried.

**Commissioner Bell** moved to approve Security Fire Department for an ALS license expiring April 30, 2022. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried.

**Commissioner Grantham** moved to approve American Medical Response for an ALS license expiring April 30, 2022. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried.

**Commissioner Bell** moved to approve Arkansas Valley Ambulance District for an ALS license expiring April 30, 2022. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried.

**Commissioner Grantham** moved to approve UC Health Lifeline for an ALS license expiring April 30, 2022. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried.

**Commissioner McFall** asked Mr. Kroll to talk about Deer Mountain Fire Department's ambulance.

**Mykel Kroll** explained that the Deer Mountain's ambulance program has shown operational issues and they have not been inspected.

**Deer Mountain Fire District Vice President, Sharon Zudema** claimed that Dr. Numsen approved the license in March 2021, but there was an error in communication. She added that they have hired new employees.

**Commissioner McFall** confirmed the miscommunication by email and mentioned that Dr. Numsen will give them permission to buy medicines. He suggested that once medicines are on the ambulance to have Mykel Kroll do an inspection.

**Sharon Zudema** asked if she would have to come back to have the license approved.

**Commissioner McFall** replied that she would not and that Mykel would come back and request the license if everything went well. He also reminded Sharon that until it is licensed, the ambulance cannot run.

3. US Forest Service Update  
Representative: Destiny Chapman, US Forest Service

**San Carlos Ranger District, Destiny Chapman** introduced herself and mentioned that she would also be speaking on Salida Ranger District Ranger Jim Pitts' behalf. She thanked Commissioner McFall for attending the Stake Holder meeting that was held a couple weeks before and mentioned fire impacts from the Hayden Pass Fire and the Decker Fire. She also talked about concerning forest health mainly caused by disease and insects.

**San Carlos Ranger District, Jeff Outhier** explained the impacts of the increased number of people in forests. He said they are planning on working on the Newlin Trail and mentioned two proposed wilderness areas within Fremont County that have passed through the House of Representatives. David mentioned that they had a new concessionaire and revisited the impacts of the recent fires on the Rainbow Trail.

**Commissioner McFall** elaborated more on the work being done on the Rainbow Trail.

**Destiny Chapman** discussed their desire to educate people and help with responsible, sustainable recreation. She brought up the proposed land exchange with the Rainbow Trail Lutheran Camp.

**Rainbow Trail Lutheran Camp, David Jarvis** spoke about the history, recreational programs, and local support that the Rainbow Trail Lutheran Camp provides. He explained that owning the land would make be proactive for the camp and clarified that the public would continue having access to the land behind them. He also explained that the land that would be given to the Forest Service has high recreational use and that the land for the camp will have a perpetual conservation easement under the San Isabel Land Protection Trust. They are requesting a letter from the Board of County Commissioners in support of the exchange.

**Commissioner McFall** mentioned how both the Decker Fire and Hayden Fire avoided the property.

**Commissioner Bell** pointed out that many of the camps there this summer are already full. She also asked Mr. Jarvis for a sample letter so that the Board could discuss writing them a letter.

**Destiny Chapman** added that the exchanged land would become federally owned so the County will receive a small payment in lieu of taxes.

**Commissioner McFall** mentioned his opposition to the wilderness that they are trying to put in place and how it can create forest fire hotspots and increase fire hazards.

**Jeff Outhier** touched on how the Forest Service does not propose wilderness.

**Commissioner McFall** conveyed his appreciation for their work and cooperation.

4. Noxious Weed Management Plan/Priorities & Procedures  
Representative: Brittany Pierce, Weed Management Director

**Weed Management Director, Brittany Pierce** explained the Amendments made to the Noxious Weed Management Plan/Priorities & Procedures, which can be found in its entirety at [Meeting Agendas and Minutes | Fremont County, Colorado](#).

**Commissioner Bell** moved to approve Noxious Weed Management Plan for Fremont County, CO including the cities of Cañon City and Florence. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

**Commissioner Grantham** moved to approve the Fremont County Noxious Weed Priorities & Procedures for 2021. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

5. FCTC Annual Report  
Representative: Ashlee Sack

**FCTC Board Chair, Ashlee Sack** spoke about how the Fremont County Tourism Council (FCTC) has a renewed commitment for sustainable tourism regarding outdoor recreation with the Careful Colorado Coalition. She said they are also working on showing the community what the FCTC does.

**Bryan Jordan** compared tourist spending in Colorado versus just in Fremont County. He said that in the last decade Lodging Tax has doubled and listed other statistics within the last 10 years as follows: \$646 Million in Travel Spending in the last 10 years, 21% Increase in Travel Spending, and explained that for every dollar that was spent \$345 came back as revenue to Fremont County. He mentioned their website, visitor's guide, and marketing grants.

**County Attorney Brenda Jackson** asked Bryan what a bounce-back rate is.

**Bryan Jordan** replied that it shows how often a person visits a site and leaves it without opening any other pages.

**Ashlee Sack** clarified that the presentation is what they have been showing to represent the County and the FCTC.

**Bryan Jordan** touched on the impact of tourism within the community.

**Commissioner McFall** referred to a link on the County's website that helps people navigate to the FCTC's website. He also noted that the lodging tax revenues for 2020 were not that bad considering what we went through.

**Commissioner Grantham** estimated that 2020 is around 15-20% lower than we would have usually been if the trend continued.

6. Stifel Underwriter Engagement Agreement

Representative: Alan Matlosz

**County Manager Bryant** said Alan Matlosz from Stifel reviewed the County's 2013 Certificates of Participation (COPs) and indicated that refinancing could save the County up to \$3.3 Million. She requested entering the Stifel Underwriter Engagement Agreement.

**Commissioner Bell** asked County Manager Bryant to clarify the relationship between COPs, Sales Tax, and the Voter Mandate partially spent on capital expenditures.

**County Manager Bryant** explained that in 1982 the county-wide sales tax was voted in, and with it COP issuances backed by a portion of the sales tax would be placed in a fund sometimes utilized for capital expenditures. She noted that with the agreement there will be no increase in revenues from the citizens thanks to the Sales & Use Tax Fund.

**Commissioner Grantham** pointed out a spelling error on the first page of the agreement.

**County Manager Bryant** said they would have it corrected.

**Commissioner Bell** moved to approve signatures for the Stifel Underwriter Engagement Agreement. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried.

#### 7. Fair Board By-Laws 2021

**Commissioner McFall** referred to the 2021 Fair Board By-Laws and elaborated on amendments made to it. He noted that Fair Board approved the changes. The amended 2021 Fair Board By-Laws, in its entirety, can be found at [Meeting Agendas and Minutes | Fremont County, Colorado](#).

**Commissioner McFall** moved to approve the amended 2021 Fair Board By-Laws. Commissioner Grantham seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Grantham, aye; Commissioner Bell, aye. The motion carried.

8. Approval for Minor Subdivision #21-002 that will create a total of 3 lots. Property is located off of State Highway 115 and Telck Rd and is currently in the process of a Zone Change request from AL to AS.  
Representative: Matt Koch

**Fremont County Planning & Zoning Director Garrett** pointed out that Matt Koch was absent so that per resolution the request must be tabled until the next meeting.

**Commissioner Grantham** moved to table the approval for Minor Subdivision #21-002. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

### PUBLIC HEARINGS

1. Review of SRU 20-001 Phantom Canyon  
Representative: Mitch Slatin, Sagar Singh

**Commissioner McFall** opened the public hearing at 10:08 a.m.

**Director Garrett** gave a staff report on SRU-001 Phantom Canyon and said that as discussed in a previous public hearing, there were three violations, but as of yesterday all the violations have been corrected and is now operating in compliance.

**Commissioner Bell** mentioned how patient the Planning & Zoning Department has been.

**Phantom Canyon RV Ranch, Dr. Angela Bellantoni** introduced the new members involved in the business.

**Commissioner Bell** noted that it should not take a Notice of Violation to comply.

**Sagar Singh** thanked the Board of County Commissioners and Director Garret. He said that they are working to actively fix issues and mentioned that the previous owner caused these problems and that they will be fixed in the future.

**Susan Lapiers** said that she lives down the road from the business and disapproves of Phantom Canyon's sewer use.

**Commissioner McFall** closed the public hearing at 10:16 a.m.

**Commissioner McFall** adjourned the meeting at 11:02 a.m.



  
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Clerk to the Board of County Commissioners



# Resolution

**WHEREAS,** *The Board of County Commissioners of Fremont County, Colorado, regretfully accepts the retirement of Mr. Marshall Butler as Fremont County Planning Coordinator for the Fremont County Department of Planning and Zoning; and*

**WHEREAS,** *Marshall Butler has been a loyal and valued employee of Fremont County from August 27, 1984, until April 29, 2021 (and five years of previous county employment), earning much respect and admiration for his extraordinary level of dedication and professionalism for the County; and*

**WHEREAS,** *Marshall Butler provided Fremont County with his expertise in reviewing zoning and subdivision applications and medical marijuana licensing, drafting county regulations, and ensuring stability and fairness regarding land uses within the County; and*

**WHEREAS,** *Marshall Butler has served as the Fremont County government liaison and coordinator on numerous Bureau of Land Management committees, task forces, and projects; and*

**WHEREAS,** *Marshall Butler has freely and pleasantly shared and related regulatory, historical and anecdotal information garnered over almost 37 years of service to Fremont County officials, employees and members of the public, to ensure consistency and wisdom in decision-making and in the exercise of discretionary judgment for the betterment of citizens and their County government; and*

**WHEREAS,** *Marshall Butler's accomplishments are many and include the following:*

- *Assisted in developing the 1995 Fremont County Zoning Resolution*
- *Development of four Fremont County Master Plans including 2002 and 2015*
- *Coordination with municipalities on planning and rural/urban growth issues*
- *Assisted members of the public with land use issues and projects*
- *Served on committees and Boards including Arkansas Headwaters Citizens Task Force, Over the River, Scenic Byways, and various others, always demonstrating a sincere, dedicated and professional attitude*
- *Served as the longest standing local government representative for the Colorado Oil and Gas Commission*
- *Department representative and liaison for the Board of Zoning Adjustment and the Planning Commission*
- *Worked with citizens to pursue and correct Zoning Violations*
- *Provided invaluable assistance, training and information to four Planning Directors, numerous County Officials, Department Heads, private consultants and Fremont County residents*
- *Provided training, education and expertise to the Fremont County Attorney*

**NOW, THEREFORE, BE IT RESOLVED** that the Board of County Commissioners of Fremont County, Colorado, hereby publicly recognizes and expresses its deep appreciation and that of the residents of Fremont County, to Marshall Butler for more than four decades of devoted service to Fremont County.

**AND BE IT FURTHER RESOLVED** that this resolution shall be read into the record of the Board of County Commissioners as a tribute to Marshall Butler's service and that the official seal of Fremont County shall be affixed thereto and delivered to him.

**DONE THIS 27th day of April, 2021, at Cañon City, Colorado.**

**THE BOARD OF COUNTY COMMISSIONERS  
OF FREMONT COUNTY, COLORADO**

Kevin Grantham, District 1 Commissioner

Debbie Bell, District 2 Commissioner

Dwayne McFall, District 3 Commissioner

**ATTEST:**  
  
Justin Grantham  
County Clerk and Recorder

