

THIRTEENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on June 22, 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

Tom Kilgore, Connect 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 \$2,511,490.90
2. Schedule Public Hearings: None.

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 Manager Report, Sunny Bryant, County Manager

County Manager Bryant gave the County Manager Report and noted that the Pathfinder Park calendar is available to the public. Both her report in its entirety and the calendar can be found at 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.

Commissioner McFall thanked County Manager Bryant and touched on his interest in comparing the figures to those of other years.

- c. Public Health Update, Kayla Marler, Director

Fremont County Public Health and Environment Communicable Disease and Emergency Preparedness Response Program Coordinator, Sarah Miller gave the County Public Health Update and listed Fremont County Covid-19-related figures as

follows: 13 active cases, 3 active hospitalizations, 63 deaths, FCDPHE has administered 12,529 doses, and MAKO's contract has been extended through the end of October. She noted that the Colorado Mobile Unit was in Fremont County June 8th through the 10th, and are scheduled to return June 30th and July 1st.

Commissioner McFall asked Program Coordinator Miller whether the amount of people getting tested has decreased.

Program Coordinator, Sarah Miller said there are fewer people and estimated that they probably test about 100 people per week.

Commissioner McFall addressed how normal illnesses like the common cold are returning.

Commissioner Bell thanked the Health Department and noted the good numbers, especially the decreasing incidents rate.

Commissioner Grantham discussed the Supreme Court's denial of the PAUSE Act.

Commissioner Bell said the initiative will return and noted the importance of public awareness concerning the matter.

Commissioner McFall talked about how the PAUSE Act execrates common animal husbandry practices. He also touched on the importance of fire diligence as well as the County's recent lack of gasoline. He explained that there are not enough drivers to transport gas currently, and asked locals to stop buying in excess.

Commissioner Bell said per the Colorado Counties Incorporated Legislative Recap more than 500 bills have been passed in Denver this session. She mentioned the passing of a transportation bill that increases state fees at the DMV. Commissioner Bell reminded the community that the next BOCC meeting is scheduled for Wednesday July 14th, 2021 at 9:30 a.m. She noted that there is no active fire ban for unincorporated areas of Fremont County but to stay aware of any changes for the Fourth of July.

Clerk & Recorder Grantham elaborated on Commissioner Bell's statement concerning the Transportation Bill for county fees. He also mentioned the implementation of the Opt-Out bill for Parks & Wildlife that will automatically apply a State Parks Pass when you register your vehicle in 2024. He noted that the bill will increase state fees during annual vehicle registration. Clerk & Recorder Grantham invited the community to contact the State Legislators regarding concerns about bills that have been passed. Pointed out that an elections bill that was passed is not great, but is better than what it had been previously.

Commissioner McFall mentioned that the State couldn't get anything passed by voters so they passed it as fees.

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

OLD BUSINESS

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.

Commissioner McFall talked about the information and testimonies that were disclosed in previous meetings.

Commissioner Bell explained the necessity of findings so that the Board can communicate their motivations to the community. She referred the list of findings, which can be found in its entirety at www.fremontco.com.

Commissioner McFall thanked everyone who came to the public hearings and noted that in the future, the County will be holding Twin Enviro to the necessary requirements. He thanked Twin Enviro for their hard work and continued efforts.

Commissioner Grantham agreed that the County will be more diligent in the enforcement of the SRU. He thanked those who attended the public hearings and noted that most complaints made were based upon the existence of the landfill, rather than its proposed expansion.

Commissioner Bell moved to approve Resolution #27 for a Modification of a Special Review Use Permit and Certificate of Designation for Department File #SRU 98-007 Twin Enviro Services Major Modification. 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. Special Event Permit
Canon City Rodeo Association
1595 S 9th St, Cañon City CO 81212
Representative: Andy Phillips

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

Andy Phillips explained they will have two beer trailers and four qualified bartenders, one of which is TIP-certified.

Commissioner McFall noticed that there is a perimeter fence.

Mr. Phillips said there will also be security to verify that all beverages will be distributed by the event.

Commissioner Bell asked how employees will be TIP-trained and whether there will be age-checking.

Mr. Phillips said upon entrance, all parties will receive wristbands and those over 21 will receive a second one. Beer tokens would be obtained upon the checking of ID. The TIP-trained employees will know protocols such as how to respond to excessive drinking.

Commissioner Bell asked if security is contracted out.

Mr. Phillips confirmed and said he is working with a military group for security and checking with the Sheriff's Office to see what assistance they can provide.

Commissioner Grantham asked about the purpose of the tokens.

Mr. Phillips explained that the purpose of the tokens is to reduce theft and increase security at the event.

Tom Kilgore asked Mr. Phillips why there are two trailers at the event.

Commissioner McFall touched on the location of the trailers.

Mr. Phillips added to Commissioner McFall's point and said the trailers are at their locations for accessibility and efficiency.

Commissioner Bell noted that an inspection by the sheriff's office had been done.

Commissioner McFall inquired about vendors.

Mr. Phillips said they are working to get a list of vendors for the Health Department.

Commissioner McFall asked when the event will be.

Mr. Phillips explained that it will be July 16th and 17th.

Commissioner McFall closed the public hearing at 10:12 a.m.

Commissioner Grantham moved to approve the Special Event Permit for Canon City Rodeo Association for July 16th and 17th. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

2. Request for New Liquor License
DKRB LLC dba Sugarbush Campground
9229 Hwy 50
Howard, CO 81233
Representative: Dara Kort

Commissioner McFall opened the public hearing at 10:13 a.m.

Dara Kort purchased the campground in April and wants to open a liquor store since one across the street closed down.

Commissioner Bell asked about staff-training.

Ms. Kort said her staff of three would be completing online vendor training.

Commissioner McFall asked Ms. Kort if they would be adding onto the office.

Ms. Kort said they will not and added that the Sheriff's office did an inspection.

Recording Clerk Talia Smith gave the staff report and said the applicant had provided all necessary documentation and submitted proof of publication at least ten days before the public hearing.

Commissioner McFall closed the public hearing at 10:17 a.m.

Commissioner Bell commented on how straightforward the application is.

Commissioner Bell moved to approve a 6% Retail Liquor License for DKRB LLC dba Sugarbush Campground. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

3. Request approval of OPC 21-001 Rocky Mountain Bud Company to operate an Optional Premise Cultivation license to cultivate medical marijuana on property located at 2911 CR 103
Representative: Nathan Lehn

Commissioner McFall opened the public hearing at 10:18 a.m.

Nathan Lehn introduced himself as the caregiver of the operation and said that all inspections have resulted in no violations. He added that the company is located in an ideal location and it is not viewable from the road.

Commissioner McFall said there are 500 plants and agreed that it is located in an ideal location.

Commissioner Bell noted that in the past the Board has pushed for marijuana cultivation to occur outside of populated areas.

Mr. Lehn repeated his high regard for the location.

Commissioner McFall added that there is a waiver requiring association with the license to a medical marijuana center based on the State changing their requirements.

Commissioner Grantham discussed how the state regulations and variances change and the County has to stay in accordance.

Code Enforcement Officer Daniel Victoria affirmed that the site is clean and accommodating.

Bill Gaurouff asked the board to consider how the transportation of water might impact the road. He also mentioned the lack of emergency access in the event of a fire. He said Mr. Lehn had already invested \$12,000 in the road and would like to see it maintained. He added that he has been a great neighbor.

Mr. Lehn replied to Mr. Gaurouff and said so far transportation has had a low impact on the road, but traffic may increase on it in the future and he does want to keep the road maintained.

Commissioner McFall mentioned a well on the property that cannot be used commercially. He added that the Road Department will periodically assess the road on County Road 103.

Commissioner Bell asked Mr. Lehn if he was aware that dated logs of water loads must be submitted to the Department of Transportation.

Mr. Lehn was not aware.

Commissioner McFall asked if Mr. Lehn had ever considered fire-danger.

Mr. Lehn said they have a pre-evacuation plan in place.

Commissioner McFall asked if he had reached out to the Emergency Manager to have an assessment done.

Mr. Lehn said he had taken fire mitigation measures to qualify for insurance.

Commissioner McFall inquired about whether the whole property is mitigated.

Mr. Lehn affirmed that it is.

Commissioner Bell asked Mr. Lehn if he plans to use chemical toilets and whether he knows he must appear before the Fremont County Board of Health to have that approved.

Mr. Lehn was not aware.

Commissioner McFall added that he can go through the Building Department for a septic system.

Commissioner McFall closed the public hearing at 10:27 a.m.

Commissioner Grantham moved to approve Optional Premise Cultivations license 21-001 for Rocky Mountain Bud Company to cultivate medical marijuana on property located at 2911 County Road 103, with the approval of the waiver requiring association with a licensed medical marijuana dispensary, maximum of 500 plants, the approval from the Board of Health prior to use of chemical toilets, and the submission of water transportation logs to the Department of Transportation. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

NEW BUSINESS

1. Elder Abuse Awareness Proclamation
Representative: Amanda Whitt-Wright, Department of Human Services

Mick Stumph, DHS, talked about social isolation due to Covid-19 and noted creative ways those in Fremont County used to limit this.

Amanda Whitt-Wright read the first portion of Elder Abuse Awareness Proclamation, which can be found in its entirety at www.fremontco.com.

Commissioner Bell read the rest of Elder Abuse Awareness Proclamation.

Commissioner Grantham noted the import of elder abuse awareness and recognition and thanked the Department of Human Services for their work.

Commissioner McFall thanked the Department of Human Services for their work.

Commissioner Bell moved to approve a proclamation to make June 2021 Elder Abuse Awareness Month 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.

2. Approval of Retail Liquor License Renewal for Fun Country LLC dba Royal Gorge KOA

Commissioner McFall explained that the renewal application was turned in late and they are requesting a waiver of the late fee and the renewal of the license.

Commissioner Bell noted that the late fee is \$100 and they turned in their application just two days after it was due.

Commissioner Grantham moved to approve the Retail Liquor License Renewal for Fun Country LLC dba Royal Gorge KOA, including the waiver of the \$100 late fee. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

3. Approval of MS 21-003 Powell to divide one parent parcel into two lots located in the Howard area
Representative: Dr. Angela Bellantoni

Dr. Angela Bellantoni explained that Mr. Powell is the property owner and Mr. Garcia is the applicant. The subdivision will divide the original parcel into two lots; one for a residence and the other for an existing workshop. She said the neighborhood is mainly single-family residential, agricultural land, and open space.

Commissioner McFall noted a contingency of a closure sheet and a request for a drainage waiver.

Commissioner Bell added that the Department of Planning & Zoning has reviewed the application and found it to be complete and true, and it has met all necessary requirements.

Commissioner Bell moved to approve MS 21-003 Powell to divide one parent parcel into two lots, including the contingency of closure sheets, a waiver request for drainage plan and features. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

4. Approval of MS 21-004 SS Subdivision to divide one parent parcel into two lots located in Penrose off of K Street south of U.S. Highway 50
Representative: Matt Koch

Matt Koch explained that the subdivision will divide the original parcel into two lots and that it had been done before and at one time someone deed them back together. They are asking for a waiver of the drainage report. Lot one has an existing house and lot two is vacant, but it is planned to be built on.

Commissioner McFall listed contingencies as follows: access permit for Lot 1, onsite water treatment, soil analysis, design and copy permit for existing system, executed ratification of consent and release form, minor changes to the site plan, addition of notes in a new vicinity map, and the drainage plan, which was accepted by the engineer.

Commissioner Bell referred to the staff report by Planning & Zoning, which said the application was found to be good and complete.

Commissioner McFall asked if there is an access required for Lot 2.

Matt Koch replied that there is not an access for Lot 2 but that there will be in the future when they build.

Commissioner Grantham moved to approve MS 21-004 SS Subdivision to divide one parent parcel into two lots including the following contingencies access permit for Lot 1, onsite water treatment, soil analysis, design and copy permit for existing system, executed ratification of consent and release form, minor changes to the site plan, addition of notes in a new vicinity map, and the drainage plan waiver. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

5. Agreement for Professional Services with McCool Development Solutions, LLC for Planning and Zoning

County Manager Bryant explained that they are requesting to contract out temporarily with McCool Development Solutions to assist the Planning & Zoning Department while the vacancies are open.

Commissioner McFall said there are two vacancies in the Planning & Zoning Department.

Commissioner Bell thanked County Manager Bryant and Tammy Childs for their work.

Commissioner Bell moved to approve the agreement for Professional Services with McCool Development Solutions, LLC for the Planning & Zoning Department. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

6. Resolution imposing a moratorium prohibiting and staying enforcement of certain provisions of the Fremont County Zoning Resolution regarding manufactured homes-single wide in certain zone districts

Commissioner McFall said all homes must meet current International Building Codes (IBC), Housing and Urban Development (HUD) regulations, or International Residential

Code (IRC). Because of those factors, single-wides cannot go in some zoning districts. He also read from the moratorium.

Commissioner Bell analogized modular homes to stick-built homes. She thanked the Planning & Zoning Director and County Attorney Jackson for their work on the matter.

Attorney Jackson said the resolution is meant to fix the immediate problem, before amendments are put in place to fix the problem for good.

Commissioner Grantham noted that the code has needed to be updated for the good of the citizens and landowners of the County.

Commissioner Bell noted that the resolution is immediate upon approval.

Marina Weir thanked the Board for listening and making their decision to approve the moratorium.

Commissioner McFall mentioned how resolutions make sense when they are first made and until a conflict occurs, they often fall through the cracks.

Commissioner Bell congratulated Ms. Weir on her new home.

Commissioner Grantham moved to approve Resolution #28 imposing a moratorium prohibiting and staying enforcement of certain provisions of the Fremont County Zoning Resolution regarding manufactured homes-single wide in certain zone districts. 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 11:02 a.m.

Commissioner Grantham mentioned that he is going to post information about the PAUSE Act on his social media.

Clerk to the Board of County Commissioners