

SIXTEENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on August 22, 2023, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Chair Pro Tem Dwayne McFall called the meeting to order at 9:30 a.m.

Kevin Grantham	Commissioner	Absent
Dwayne McFall	Commissioner	Present
Debbie Bell	Commissioner	Present
Justin D Grantham	Clerk and Recorder	Present
Brenda Jackson	County Attorney	Present
Tony Carochi	County Manager	Present
Dan Victoria	Planning & Zoning Director	Present

INVOCATION

Joe Garkovich, Mercy Today Ministries

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

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

CONSENT AGENDA

1. Approval of Minutes: June 27, 2023
2. Approval of Bills for \$3,302,626.00
3. Resolution Amending Resolution No.70, Series of 2020 for Vacation of Public Right-of-Way, Department of Planning and Zoning File #20-001, Aetna Street & Phenix Street to be recorded now that the Contingencies of this Application have been met. (Resolution #25)
4. Schedule Public Hearings:
 - a. Public Hearing scheduled for September 12, 2023
Proposed Regulations
 - i. Residential 1-Zone Consolidation and Rewrite
Agricultural Suburban and Agricultural Estates Zone Districts
 - ii. Residential 2-Zone Consolidation and Rewrite
Agricultural Rural and Agricultural Living Zone Districts.
 - iii. Residential 3-Zone Consolidation and Rewrite
Agricultural Farming and Ranching and Agricultural Forestry Zone Districts.

Commissioner McFall – confirmed the Public Hearing scheduled for September 12, 2023, will be held at 10:00 am and further explained the proposed regulations.

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

ADMINISTRATIVE & INFORMATIONAL

Ref. Fremont County BOCC Meeting 8/22/2023 – 2:35

1. Staff / Elected Officials:

- a. Sales & Use Tax Report, Shawn Sutton, Budget & Finance Officer

Budget & Finance Officer Shawn Sutton gave the Sales & Use Tax Report which can be found at www.fremontco.com.

- b. County Clerk's Monthly Report, Justin Grantham, County Clerk

Ref. Fremont County BOCC Meeting 8/22/2023 – 6:55

Clerk Grantham – gave the Clerk's Monthly Report which can be found on the county's website.

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

- c. County Manager Report, Tony Carochi, County Manager

Ref. Fremont County BOCC Meeting 8/22/2023 – 8:50

County Manager Carochi -- gave the County Manager's Report, which can be found in its entirety on the county's website.

Commissioner McFall – commented on the construction of the Grandview Bridge and the traffic effects for Colon Orchards as well as residents driving through the area.

Clerk Grantham – reminded that there is an upcoming election and encouraged citizens to update their voter registration. Ballots will be sent out in two months. There will be a full ballot with state and municipal questions. The website is www.govotecolorado.gov or vote in person.

Commissioner McFall – reminded citizens about Proposition HH and to vote NO. He also reminded everyone in the upcoming election to be aware of fire danger with the abundance of fuel present.

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

UNFINISHED BUSINESS

1. Reconsideration of Malt, Vinous and Spiritous Liquor Special Events Permit
Nature's Educators for an event at 1194 County Rd. 110, Florence, Co 81226 (*Desert Reef*)
on August 26th from 4:00 p.m. to 10:00 p.m. in 2023
Representative: ~~Chris McLaughlin~~

Ref. Fremont County BOCC Meeting 8/22/2023 – 13:50

Building Department Director Wyatt Sanders – discussed the ongoing concerns with the venue's sanitation system during events with the increase in the number of people attending. He confirmed that he had spoken with the state plumbing inspector and was told the venue had been denied again due to mixing valves and a potable water test not being completed. Mr. Sanders also spoke with the contractor repairing the septic system. The contractor noted that all items listed on the engineer of record's inspection have been taken care of. The engineer was not able to verify the work completed. The intention was not to suspend the license but to get the sanitation portion of the site taken care of. Mr. Sanders suggested the use of chemical toilets.

Commissioner McFall – questioned the number of chemical toilets recommended for an event of this size hosting approximately 100 guests.

Director Sanders -- deferred to the company that would supply the chemical toilets as its requirements may differ.

Commissioner Bell – reiterated that it is not appropriate to punish Nature's Educators for holding a fundraiser at a venue with issues beyond their control.

Commissioner McFall – requested that Attorney Jackson send a letter to Nature’s Educators stating the contingency and requirement.

Commissioner Bell moved to lift the suspension and restore the license of the Malt, Vinous and Spiritous Liquor Special Events Permit for Nature’s Educators for an event at 1194 County Rd. 110, Florence, Co 81226 (*Desert Reef*) on August 26th from 4:00 p.m. to 10:00 p.m. in 2023 with the contingency and requirement of sufficient portable chemical toilets. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

Ref. Fremont County BOCC Meeting 8/22/2023 – 19:55

NEW BUSINESS

1. Suicide Prevention Awareness Month Proclamation
Representatives: Jessica Cobler ~~and Jill Anderson~~

Jessica Cobler – read the Suicide Prevention Awareness Month Proclamation aloud and thanked Carie Canterbury for preparing the proclamation every year. She explained that this is the seventh year of the proclamation and Ms. Cobler’s seventh year of sharing the story of her son Dalton. She invited everyone to participate in the Seventh Annual Fremont County Out of the Darkness Community Walk organized by the American Foundation for Suicide Prevention on Saturday, Sept 9th at Centennial Park. There are also silent auctions and memory boards for photos and messages. More information can be found at www.AFSP.org/Fremont.

Commissioner Bell – thanked Ms. Cobler for keeping the memory of Dalton alive. She reflected on the support available locally and encouraged citizens to reach out for help for those struggling.

Commissioner McFall – communicated that suicide is a problem nationally, not just locally. He also shared that a new suicide hotline 988 is available and Solvista is a local help center that is available.

Commissioner Bell moved to approve the Suicide Prevention Awareness Month Proclamation for the month of September 2023. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

PUBLIC HEARING SCHEDULED 10:00 a.m.

1. SRU 23-001 Major Modification Captain Zipline – Play Dirty ATV Tours
Captain Zipline and Play Dirty ATV Tours is proposing a Major Modification to their existing permit to move the existing operations from the 1500 County Road 45 location and the 520 County Road 54 location which are the current permitted zipline locations to strictly the 520 County Road 54 Location. The operations will include check-ins, office type work associated with the business, all traffic and parking associated with the business plus be the starting/ending point for the ATV tours. This modification also includes a proposed restroom that is 10’x20’.

Ref. Fremont County BOCC Meeting 8/22/2023 – 32:25

Commissioner McFall opened the public hearing at 10:04 a.m.

Diane Spomer – explained the major modification requested and further clarified that it will alleviate the current traffic on County Road 45.

Planning and Zoning Director Dan Victoria – confirmed there were no public concerns or comments. He reported that his department submitted the application to various agencies for review and incorporated their comments. Fremont County Department of Transportation has no concerns at this time but requested ability to comment for annual reviews. Fremont County Engineer discussed monitoring places where ATVs will be parked for future erosion. The Building Department believed the use of portable chemical toilets is acceptable for now, but recommended an approved septic or bulk privy system should be installed within 3 years. Fire Protection requested that address labels be visible from the county road and a minimum of 4 inches in height. The Bureau of Land Management cautioned about ATV and UTV use near the Badger Creek area due to an invasive weed species. The BLM recommended regular decontamination of the ATVs and UTVs. Colorado Parks & Wildlife commented on wildlife encounters

and how to minimize these occurrences. The applicant requested a waiver of the landscaping plan. Staff recommends approval of SRU 23-001 Major Modification Captain Zipline – Play Dirty ATV Tours Captain Zipline with the following contingencies:

- 1) the approval of the use of chemical toilets for a period to not exceed three years from the date of this application and
- 2) the approval of the waiver of the landscaping plan.

This application was reviewed by the Planning Commission on July 5th and it recommended approval with the conditions as previously mentioned.

Commissioner McFall – asked a question of Attorney Jackson regarding an existing resolution for the use of a section of County Road 45 by Play Dirty ATV.

Attorney Jackson – confirmed that the existing resolution for the use of a section of County Road 45 will have to be rescinded in a separate resolution.

Ms. Spomer – confirmed that she has met with the weed management group three times this year and they have sprayed the area for the invasive weed.

Commissioner McFall – closed the public hearing after no public comments at 10:14 a.m.

Commissioner Bell moved to approve SRU 23-001 Major Modification Captain Zipline – Play Dirty ATV Tours consolidating operations to one site and alleviating traffic. This includes a waiver of the landscaping plan and a contingency that chemical toilets will be permitted for a period not to exceed three years during which actual built facilities will be made available. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

NEW BUSINESS – continued

2. Adoption of the 2024 Fremont County Holiday Schedules

Ref. Fremont County BOCC Meeting 8/22/2023 – 44:40

County Manager Carochi – explained that there are two different holiday schedules, a 10 hour and an 8-hour holiday schedule. Both holiday schedules are for a total of 80 hours of holiday leave and 10 hours of floating holiday leave. The schedules will be posted once approved.

Commissioner McFall moved to approve the adoption of the 2024 Fremont County Holiday Schedules for the 8-hour and 10-hour schedules. Commissioner Bell seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

3. Requesting Transfer of Ownership for SRU 20-002 - 3134 Maple Lane, Legal Description: Lot 5 Dozier Park Filing II from David Reynolds to Stan Yoder
Representative: Stan Yoder

Stan Yoder – spoke regarding the transfer of ownership of 3134 Maple Lane, Cañon City, and requested a change of ownership for the SRU to continue construction.

Planning Director Dan Victoria – reported that Mr. Yoder has been in contact with his department and is aware of the permitting. He will be in contact with Planning and Zoning if any changes are requested.

Commissioner Bell moved to approve the Transfer of Ownership for SRU 20-002 - 3134 Maple Lane, Legal Description: Lot 5 Dozier Park Filing II from David Reynolds to Stan Yoder leaving all terms original terms of the original SRU in place. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

Commissioner McFall -- adjourned the meeting at 10:19 a.m.

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

<https://www.youtube.com/channel/UCuxNBR3UWq0vV2T2Rgyl6rA>

Clerk to the Board of County Commissioners