

## FIFTEENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on August 8th, 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

Jeff Mcelhattan, First Baptist

### 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 13, 2023
2. Approval of Bills for \$2,325,518.41
3. Resolution Amending **Resolution No. 42**, Series of 2020 for Special Review Use Permit Department of Planning and Zoning File # SRU 20-003 Southwest Energy to Correct the Approved Use from Rural Recreational Facility to Contractor's Yard (Resolution #24)
4. Schedule Public Hearings: None

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

### ADMINISTRATIVE & INFORMATIONAL

Ref. Fremont County BOCC Meeting 8/8/2023 – 3:00

1. Staff / Elected Officials:
  - a. County Manager Report, Tony Carochi, County Manager

**County Manager Carochi** -- gave the County Manager's Report.

**Commissioner Bell** – spoke about the upcoming Colorado Outdoorsmen Days, a hunting, fishing, and trapping exposition co-sponsored by Fremont County being held at Pathfinder Park (*Aug 11th-12th*). She provided the website [www.coloradooutdoorsmensdays.com](http://www.coloradooutdoorsmensdays.com) for additional information.

**Commissioner McFall** – discussed the success of the 99<sup>th</sup> Annual Fremont County Fair held July 28th through August 5<sup>th</sup> at Pathfinder Park.

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

Ref. Fremont County BOCC Meeting 8/8/2023 – 11:00

**Sue Madone** – expressed her concerns regarding how Planning and Zoning regulations are affecting her ability to run her business, Diana’s Pumpkin Patch. She explained how she has been denied permits for various building improvements to her property. Ms. Madone mentioned that she had spoken with Planning and Zoning Director Dan Victoria, and he explained to her the reasons why her building improvements are not compliant. Ms. Madone asked the commissioners to review the regulations to assist small agricultural businesses.

**UNFINISHED BUSINESS None**

**NEW BUSINESS**

Ref. Fremont County BOCC Meeting 8/8/2023 – 18:50

1. Proclamation for September 5<sup>th</sup> through October 30<sup>th</sup> as Fremont Fall Heritage Days throughout Fremont County  
Representative: Maj. Gen. John C. Fremont

**Maj. Gen. John C. Fremont** (courtesy of **Mike Madone**) – read a historical account of his life. He then described the Fremont Fall Heritage Days and named sponsors. Gen. Fremont also encouraged local businesses, groups, and organizations to host a heritage related event. Applications and events schedules can be found online at [www.fremontheritage.com](http://www.fremontheritage.com). Gen. Fremont read the Proclamation for September 5<sup>th</sup> through October 30<sup>th</sup> as Fremont Fall Heritage Days.

**Commissioner McFall** moved to approve the Proclamation for September 5<sup>th</sup> through October 30<sup>th</sup> as Fremont Fall Heritage Days throughout Fremont County. Commissioner Bell seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

2. Requesting the transfer of ownership Colorado Liquor Retail License  
Transfer ownership Korner Liquor LLC 411 Broadway Penrose, Co 81240  
Representative: Howard McDowell

Ref. Fremont County BOCC Meeting 8/8/2023 – 28:10

**Howard McDowell** – explained that the previous owner of Cat’s Corner is retiring, and that he wanted to purchase the business to help keep the Penrose economy alive.

**Commissioner Bell** –inquired how the serving of alcohol will be controlled, specifically how the staff will be trained.

**Mr. McDowell** – explained that the previous manager is trained, and the new employees will also be trained. Mr. McDowell stated that he will be available and is also trained. He is purchasing a new Point of Sale system that will check IDs. He confirmed that the existing manager will stay on for a transition period and all employees will be TIPS certified.

**Clerk Grantham** – provided the staff report and recommended approval.

**Commissioner Bell** moved to approve the transfer of ownership Colorado Liquor Retail License Transfer ownership Korner Liquor LLC 411 Broadway Penrose, Co 81240. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

3. Reconsideration of Malt, Vinous and Spiritous Liquor Special Events Permit  
Nature’s Educators for an event at 1194 County Rd. 110, Florence, Co 81226 on August 26<sup>th</sup> from 4:00 p.m. to 10:00 p.m. in 2023.  
Representative: ~~Chris McLaughlin~~

Ref. Fremont County BOCC Meeting 8/8/2023 – 32:00

**Building Department Director Wyatt Sanders** – presented background information regarding the Desert Reef Hot Springs expansion planned in different phases. Director Sanders met with the manager of Desert Reef in August 2022. The manager, Chris McLaughlin, requested during that meeting to reduce the occupancy load for phase one (pool area only) to 60 occupants. Director Sanders encouraged the State of Colorado Plumbing Board to inspect accordingly. Director Sanders included John McGee

with the State Plumbing Board in this original correspondence. As of this meeting (*August 8, 2023*) Desert Reef Hot Springs has not been approved by the state. Director Sanders also stated concerns pertaining to the septic system or onsite wastewater treatment system (OWTS). The septic system was installed but never approved by either the Building Department or by the engineer of record. The engineering firm of record inspected the septic system and had issues with the pump tank. Director Sanders established that for special events Desert Reef Hot Springs would not be following the occupancy load of 60 occupants. There is currently a red tag posted from the state plumbing inspector for non-compliance. Director Sanders is not in favor of a special event at this venue due to concerns regarding the possible failure of the septic system.

**Commissioner Bell** –verified with Director Sanders what the current issues are at Desert Reef. She also asked if it would be possible to get the necessary permits and approvals prior to the event scheduled for August 26, 2023.

**Director Sanders** – confirmed the current issues at Desert Reef are that the toilets have no permit from the State Plumbing Board, and the OWTS has a permit that is not approved. He explained that it is possible to rectify all issues by August 26, 2023, but that there has been little cooperation from Desert Reef.

**Commissioner Bell** – stated that it is difficult to punish an organization that has no fault in the situation but at the same time, Fremont County cannot allow gatherings with no sanitation.

**Commissioner McFall** – expressed concerns regarding the sanitation and the potential failure of the system. He was also concerned about the ability to get the venue in compliance by the event on August 26<sup>th</sup>.

**Commissioner Bell** – asked Attorney Jackson if it would be appropriate for a motion to approve this permit only with the condition of a working, permitted, and approved system.

**Attorney Jackson** – explained that the liquor license has already been approved and suggested suspending the license upon review at the next BoCC meeting being held on August 22, 2023.

**Commissioner Bell** moved to suspend the Malt, Vinous and Spiritous Liquor Special Events Permit Nature’s Educators for an event at Desert Reef on August 26<sup>th</sup> with a review again on the next agenda at the meeting being held Tuesday August 22, 2023, at 9:30 a.m. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

#### **PUBLIC HEARING SCHEDULED None**

**Commissioner McFall** -- adjourned the meeting at 10:18 a.m.

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

[www.youtube.com/watch?v=wubAxa7uZxg](http://www.youtube.com/watch?v=wubAxa7uZxg)