

## FIRST MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on January 12, 2021 615 Macon Avenue, Room LL3, Fremont County Administration Building, Canon City, Colorado. Chairperson Debbie Bell called the meeting to order at 9:30 a.m.

Debbie Bell	Commissioner	Present
Dwayne McFall	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

Todd Luce of Grandview Christian Church, gave the invocation.

### PLEDGE OF ALLEGIANCE

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

### APPROVAL OF AGENDA

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

### CONSENT AGENDA

1. Approval of Minutes / December 8, 2020
2. Approval of Minutes / December 17, 2020 Special Meeting
3. Approval of Minutes / December 22, 2020
4. Approval of Bills for \$4,191,983.75
5. Ratification of Chairman's signatures on 2021 contracts of employment for County Manager, County Attorney, Department of Human Services Director, and two Assistant County Attorneys
6. Ratification of Chairman's signature on a Memorandum of Understanding between Board of County Commissioners for Fremont County and Martin Marietta Materials, Inc. for replacement of a roadway bridge Fremont County Road 157 over the Arkansas River
7. Schedule a special meeting on January 21, 2021, at 9:00 a.m., to extend the local disaster emergency declaration
8. Authorization of Chairman's signature on Agreement with Farrington Construction Management LLC for the Pathfinder Community Center
9. Schedule Public Hearing: February 9, 2021 at 10:00 a.m.
  - a. SRU 98-007 Twin Enviro Services  
Requesting approval for modification of Special Review Use, Department File # SRU 98-007 Twin Enviro Services for a solid waste disposal site/landfill. The expansion includes areas to the east, south, and vertically



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

#### **ADMINISTRATIVE/INFORMATIONAL**

1. Staff / Elected Officials:

a. County Clerk's Monthly Report

**County Clerk Grantham** gave the monthly report for December, 2020. The report, in its entirety, can be found on the County's website [www.fremontco.com](http://www.fremontco.com).

**Commissioner McFall** moved to accept the County Clerk's Monthly Report for December 2020. Commissioner Grantham seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Grantham, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

b. County Treasurer's Semi-Annual Report and Public Trustee's Quarterly Report

**County Treasurer Kathy Elliott** gave the Semi-Annual Treasurer's Report. The report in its entirety can be found on the County's website [www.fremontco.com](http://www.fremontco.com).

**Commissioner Grantham** moved to accept the County Treasurer's Semi-Annual Report. Commissioner McFall seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner McFall, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

**County Treasurer Kathy Elliott** gave the Public Trustee's Quarterly Report. The report in its entirety can be found on the County's website [www.fremontco.com](http://www.fremontco.com).

**Commissioner McFall** moved to accept the Public Trustee's Quarterly Report. Commissioner Grantham seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Grantham, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

**Commissioner Bell**, in regards to an item later on the agenda, asked Ms. Elliott how many more uncollectable taxes there are in Fremont County and if that is something that needs to be looked at on a wider basis.

**County Treasurer Kathy Elliott** said that her office has been trying to clean some of that up and would get a list of the remaining items and possibly get it on the agenda for the next meeting.

c. County Manager Report, Sunny Bryant, County Manager

**County Manager Bryant** said that the CARES Act Funds have been closed out. She said that the county was able to give out over \$1.8 million in grants to small businesses, and recovered over \$400,000.00 in expenses for various departments in the county. Ms. Bryant also stated that the construction of the second-floor courtroom in the Judicial Center is scheduled to start this month and should be completed by the end of March 2021.

**Commissioner Bell** reminded citizens that the commissioners along with CCI (Colorado Counties Incorporated) and the Colorado Municipal League worked diligently to secure \$4.2 million in CARES Act Funds for Fremont County. She said that of those funds the county retained and dispersed, as County Manager Bryant stated, \$2.2 million. Ms. Bell took the opportunity to thank County Manager Bryant and her entire staff for all the time and work it took to review the grant applications and release the funds to the qualified businesses and non-profits.



**County Manager Bryant** added that even though one of the eligible expenses for the CARES Act Funds is salaries to over-see the managing of the funds, the finance department did not retain any of the funds for this purpose.

**Commissioner Bell** noted that the newly elected district 1 Commissioner, Kevin Grantham, was sworn in to office earlier in the day as well as the re-elected district 3 Commissioner, Dwayne McFall.

**Commissioner Grantham** thanked Commissioner Bell and congratulated Commissioner McFall for his re-election. Mr. Grantham also thanked the citizens of Fremont County for placing their trust in him. He said that former Commissioner Payne left big shoes to fill.

**Commissioner McFall** congratulated Commissioner Grantham and also thanked Fremont County citizens for re-electing him. He said that he is excited to complete some projects that he has been working on for the past four years including the community building at Pathfinder Park. Mr. McFall also thanked County Manager Bryant and her department for the work they put in on the CARES Act Grants.

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

There were none.

#### **OLD BUSINESS**

None.

#### **NEW BUSINESS**

1. Appointment of Commissioner Dwayne McFall as Chairman for the year 2021 and appointment of Commissioner Debbie Bell as Chair Pro Tem for the year 2021.

**Commissioner Bell** said that although 2020 presented unforeseen issues, she feels that the Board did the best job that they could have done given the circumstances.

**Commissioner McFall** said that Commissioner Bell did a great job leading the Board through such a difficult time.

**Commissioner Bell** moved to appoint Commissioner Dwayne McFall as Chairman for the year 2021. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

**Commissioner McFall** moved to appoint Commissioner Debbie Bell as Chair Pro Tem for the year 2021. Commissioner Grantham seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Grantham, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

At this time, Commissioner McFall assumed his position as Chairman.

2. Appointment of County Attorney

**Commissioner Bell** thanked Brenda Jackson for her more than 20 years with Fremont County.

**Commissioner Bell** moved to appoint Brenda Jackson as the County Attorney for 2021. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.



3. Resolution No. 1 Reappointing John Kratz, County Surveyor, and swearing-in ceremony

**Commissioner Grantham** moved to approve resolution No.1 Reappointing John Kratz, County Surveyor. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent. Mr. Kratz was unable to attend this meeting, so County Attorney Jackson will perform his swearing-in ceremony at a later date.

4. Resolution No.2 Designating and Approving Sunflower Bank of Canon City, Colorado Surplus Asset Fund Trust (CSAFE), COLOTRUST, and Bank of the San Juans/Glacier Bank as Official Depositories for Fremont County for 2021.

**Commissioner Bell** moved to approve Resolution No.2 Designating and Approving Sunflower Bank of Canon City, Colorado Surplus Asset Fund Trust (CSAFE), COLOTRUST, and Bank of the San Juans/Glacier Bank as Official Depositories for Fremont County for 2021. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

5. Resolution No.3 Designating the second and fourth Tuesday of the month as the Schedule for Regular Meetings of the Fremont County Board of Commissioners.

**Commissioner Bell** mentioned that in the event a special meeting is scheduled, it will be, if possible, on the previous meeting's consent agenda and noticed in all of the appropriate places.

**Commissioner Grantham** moved to approve Resolution No.3 designating the second and fourth Tuesday of the month as the Schedule for regular meetings of the Fremont County Board of Commissioners. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

6. Resolution No.4 Designating the Canon City Daily Record the Official Newspaper for Fremont County.

**Commissioner McFall** said that of the three newspapers in Fremont County, the Canon City Daily Record is the only daily publication and for that reason is designated as the official newspaper for Fremont County.

**Commissioner Bell** moved to approve Resolution No. 4 designating the Canon City Daily Record as the Official Newspaper for Fremont County. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

7. Resolution No.5 Designating The bulletin board in the hallway outside of the offices of the Board of County Commissioners, Fremont County Administration Building, 615 Macon Ave., Room 105, Cañon City, CO 81212 (physical notice); The bulletin board located at the main (south) entrance of the Fremont County Administration Building (physical notice); and The website of Fremont County, Colorado <https://www.fremontco.com/> (online notice) as the Official Posting Places for Notice of Public Meetings for the Fremont County Board of Commissioners

**Commissioner Bell** mentioned that as well as the designated posting places, the County also utilizes social media and radio to keep the public informed.

**Commissioner Grantham** moved to approve Resolution No.5 Designating The bulletin board in the hallway outside of the offices of the Board of County Commissioners, Fremont County Administration Building, 615 Macon Ave., Room 105, Cañon City, CO 81212



(physical notice); The bulletin board located at the main (south) entrance of the Fremont County Administration Building (physical notice); and The website of Fremont County, Colorado <https://www.fremontco.com/> (online notice) as the the Official Posting Place for Notice of Public Meetings for the Fremont County Board of Commissioners. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

8. Approval of Water Structure Augmentation Contract with Upper Arkansas Water Activity Enterprise  
Representative: Tony Adamic, Director of Fremont County Department of Transportation

**County Manager Bryant** said that this is the standard agreement for supplemental water for the county's Department of Transportation.

**Commissioner McFall** explained that it is necessary for the Department of Transportation to use supplemental water in order to maintain dirt roads in the county.

**Commissioner Bell** moved to approve the Water Structure Augmentation Contract with Upper Arkansas Water Activity Enterprise. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

9. 2020 Noxious Weed Year End Report  
Representative: Brittany Pierce, Weed Director

**Brittany Pierce, Weed Director** gave an interesting and detailed report of the Noxious Weed program in Fremont County. Citizens are encouraged to contact Ms. Pierce if they are interested in participating in any of the programs her department offers.

**Commissioner McFall** congratulated Ms. Pierce for receiving the newcomer of the year award from the Colorado Weed Management Association (CWMA) for 2020 and thanked her for the work she does for Fremont County.

**Commissioner Bell** also gave Ms. Pierce recognition for receiving a statewide award.

**Commissioner McFall** took a moment to recognize Commissioner Bell for serving as Chair of the Fremont County Board of Commissioners for 2020 and present her with a plaque to show the county's appreciation.

10. OPC 17-001 JMC Enterprise dba Fremont County Cannabis  
Request for renewal of an Optional Premises Cultivation license for OPC 17-001 JMC Enterprises, doing business as Fremont County Cannabis, for property which is owned by Marcia Greene. The address of the property is 1800 C.R. 835C, south of Florence off of Siloam Road.  
Representative: Jeff Cain

**Jeff Cain** came before the board requesting the renewal of an optional premises cultivation license for OPC 17-001.

**Planning and Zoning Director Garrett** gave a staff report stating that the application is complete. He said that the facility is in compliance with state regulations. Mr. Garrett said that there have been no complaints received regarding the facility and they have no violations.

**Commissioner McFall** said that the board appreciates there being no complaints or violations.

**Commissioner Grantham** moved to approve OPC 17-001 a request for renewal of an Optional Premises Cultivation license JMC Enterprises, doing business as Fremont County



Cannabis, for property which is owned by Marcia Greene. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

11. Liquor License Transfer  
CF Altitude LLC DBA Alta #6326  
Fermented Malt Beverage Off Premise  
3095 East US Hwy 50, Canon City, CO 81212

**County Clerk Grantham** gave a staff report stating that the application had been received and forwarded on to the County Attorney.

**County Attorney Jackson** said that an approval would be contingent on receiving a signed lease.

**Commissioner Bell** moved to approve a Liquor License Transfer for CF Altitude LLC DBA Alta #6326 Fermented Malt Beverage Off Premise 3095 East US Hwy 50, Canon City, CO 81212 contingent on receiving a signed lease. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

12. Liquor License Transfer  
CF Altitude LLC DBA Alta# 6328  
Fermented Malt Beverage Off Premise  
1410 Elm Ave, Canon City, CO 81212

**Commissioner Grantham** moved to approve a Liquor License Transfer CF Altitude LLC DBA Alta# 6328 Fermented Malt Beverage Off Premise 1410 Elm Ave, Canon City, CO 81212 contingent on receiving a signed lease. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

13. Resolution No. 6 Cancelling Uncollectible Personal Property Taxes for Lincoln Park Tavern, Inc

**Commissioner Bell** said that the commissioners had been contacted by the new owner of the property in question and told that through the whole purchase and closing process they were not made aware of the delinquent taxes that accompanied the property. She said that after several conversations with the new owners and the county treasurer it was determined that the delinquent taxes in question were not the new owner's responsibility nor are they collectible from any previous owner.

**Commissioner Bell** moved to approve Resolution No.6 Cancelling Uncollectible Personal Property Taxes for Lincoln Park Tavern, Inc for the years of 2016, 2017, 2018 and 2019. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

14. Ordinance 1-2020—Second Reading and Adoption of Amendments to the Residential Cultivation of Marijuana, Ordinance 1-2017

**County Attorney Jackson** noted that other than minor typographical errors there have been no changes since the first reading of the ordinance on December 1, 2020. She said that the changes in this ordinance prohibit combined care giver grows in Fremont County.

**Commissioner Grantham** moved to approve Ordinance 1-2020—Second Reading and Adoption of Amendments to the Residential Cultivation of Marijuana, Ordinance 1-2017 Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.



15. Reappoint Daniel Petersen to the John C. Fremont Library District Board of Trustees for a five-year term ending December 31, 2025

**Commissioner Bell** said that the board had received a recommendation from the John C. Fremont Library District Board of Trustees to reappoint Daniel Petersen to the John C. Fremont Library District Board of Trustees for a five-year term ending December 31, 2025.

**Commissioner Bell** moved to reappoint Daniel Petersen to the John C. Fremont Library District Board of Trustees for a five-year term ending December 31, 2025. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

16. Authorization of the Chairman's signature on an amendment to the contract with Intellectual Technology, Inc. for kiosk and POD devices for the Fremont County Department of Motor Vehicle

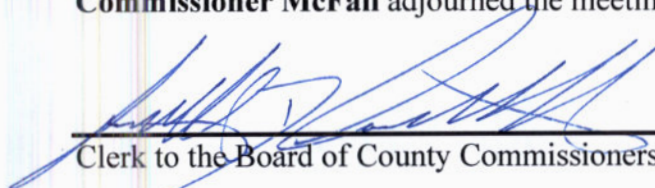
**County Clerk Grantham** explained that the kiosk pilot program was started by Arapahoe County, with participation from the Fremont County motor vehicle department, is now being transferred to the State of Colorado. Mr. Grantham said that the contract would need to be changed from Arapahoe County to the State of Colorado. He added that the kiosk will eventually be able to offer many more services to citizens. Mr. Grantham also said that this program is at no cost to Fremont County.

**Commissioner Grantham** moved to approve the Authorization of the Chairman's signature on an amendment to the contract with Intellectual Technology, Inc. for kiosk and POD devices for the Fremont County Department of Motor Vehicle. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

**PUBLIC HEARINGS**

None

**Commissioner McFall** adjourned the meeting at 10:34a.m.

  
Clerk to the Board of County Commissioners



**ORDINANCE NO. 1 SERIES OF 2020**

**AN ORDINANCE AMENDING CERTAIN PROVISIONS OF ORDINANCE NO. 1, SERIES OF 2017 REGULATING THE CULTIVATION OF MARIJUANA ON RESIDENTIAL PROPERTIES; IN RESIDENTIAL STRUCTURES; IN ACCESSORY STRUCTURES ON RESIDENTIAL PROPERTY; ON VACANT OR UNOCCUPIED LAND; AND ON NON-RESIDENTIAL PROPERTY**

WHEREAS, Fremont County, Colorado has the authority pursuant to C.R.S. §30-11-101(2) to adopt and enforce ordinances and resolutions regarding health, safety and welfare issues; and

WHEREAS, the Colorado Constitution Article XVIII, Section 14 and the Colorado Medical Marijuana Code, C.R.S. §§25-1.5-101, *et seq.*, recognize that local governments retain authority to regulate the cultivation of medical marijuana; and

WHEREAS, the Colorado Constitution, Article XVIII, Section 16 and the Colorado Marijuana Code, C.R.S. §§44-10-106-106.5, recognize that local governments may regulate the personal use of marijuana to serve the purpose and intent of the constitutional and statutory provisions regarding such use; and

WHEREAS, no person is allowed to possess, cultivate, grow, use or distribute marijuana in any manner or for any purpose other than that allowed by the Colorado Constitution and Colorado State Statutes, and local laws and regulations; and

WHEREAS, the Board of County Commissioners for the County of Fremont has determined that the adoption of regulations governing the residential cultivation of medical and personal-use marijuana is necessary and desirable for the health, safety and welfare of the citizens of Fremont County; and

WHEREAS, Fremont County currently has in effect Ordinance 1-2017, approved on December 12, 2017 to govern and regulate residential cultivation of medical and personal use marijuana in the unincorporated areas of Fremont County; and

WHEREAS, the Colorado Legislature has enacted certain changes to the Colorado medical marijuana program which require the amendment of Fremont County Ordinance 1-2017, regulating cultivation of marijuana on residential properties; and

WHEREAS, pursuant to the provisions of this Ordinance, 1-2020, certain provisions of Ordinance 1-2017 shall be amended, as provided herein.



NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREMONT COUNTY, COLORADO:

**1. Section 6 of Ordinance 1-2017 is hereby amended as follows:**

**Section 6. General Provisions for Indoor or Outdoor Cultivation of Medical and Personal use Marijuana on Residential Property in Unincorporated Fremont County.**

E. Medical marijuana caregivers may cultivate on residential property for up to five (5) persons who do not reside at the property, if the property is the caregiver's primary residence and the caregiver has been designated as caregiver by the medical marijuana patient. In no event, shall a caregiver be allowed to cultivate for more than five (5) patients without obtaining a valid medical marijuana business license from the County. Two or more primary caregivers shall not join together for the purpose of cultivating medical marijuana.

H. Plant Count Limit.

(1) No more than 12 marijuana plants may be grown on any single-family dwelling residential property at any one time, regardless of the number of persons residing, either temporarily or permanently, at the property.

(3) No more than 24 marijuana plants may be grown by a primary caregiver, or combination of patients and/or caregivers on any single-family dwelling residential property at any one time, except under the authority of a valid, Extended Plant Count Permit.

(4) No more than twenty-four (24) medical marijuana plants may be grown by a patient, primary caregiver, or combination of patients and/or caregiver on any vacant, unoccupied, or non-residential property at any given time,

L. Marijuana cultivation under this Ordinance shall not be for the use of any licensed Marijuana Establishment, as that term is defined in the Colorado Medical Marijuana Code and Colorado Retail Marijuana Code.

M. It shall be unlawful for any person who is not licensed to sell marijuana. A caregiver may be reimbursed for the costs involved in marijuana production pursuant to C.R.S. 25-1.5-106.

**2. Section 8 of Ordinance 1-2017 is hereby amended as follows:**

**Section 8. Provisions for Outdoor Cultivation of Medical and Personal Use Marijuana on Residential Property.**

D. Cooperative, joint, collective, or other combined grows on a single parcel by more than one primary caregiver are not permitted. Cooperative, joint, collective, or other



combined grows on a single parcel by more than one patient are permitted, subject to the plant count restrictions in this Ordinance, and provided at least one of the patients engaged in the cultivation operation has a 50% or more fee-simple ownership interest in and resides on the parcel used for cultivation.

**2. Section 9 of Ordinance 1-2017 is hereby amended as follows:**

**Section 9. Cultivation of Medical Marijuana on Vacant, Unoccupied Property or Non-Residential Property.** Cultivation of medical marijuana by a caregiver or one or more patients on vacant, unoccupied, or non-residential property is allowed, subject to the provisions of this Ordinance and the following requirements and restrictions:

E. A primary caregiver for one or more patients with extended plant counts may exceed the 24 plant count only upon approval and issuance of a Fremont County Extended Plant Count Permit. A primary caregiver shall not cultivate, transport or possess more than thirty-six plants unless the primary caregiver has one or more patients who, based on medical necessity, have an extended plant count.

F. Cooperative, joint, collective, or other combined grows on a single parcel by more than one primary caregiver are not allowed. Cooperative, joint, collective, or other combined grows on a single parcel by more than one patient are allowed, if at least one of the patients engaged in the cultivation operation has a 50% or more fee-simple ownership interest in the parcel used for cultivation.

**3. Section 10 of Ordinance 1-2017 is hereby amended as follows:**

**Section 10. Extended Plant Count Permit (EPCP) for Medical Marijuana Only.**

B.

(3) The plant count shall be a minimum of 13 plants and a maximum of 99 plants.

(10) Cooperative, collective, or combined patient cultivation is permitted, subject to the combined maximum plant count of 99. Each cultivator's plants shall be separated, with ownership readily identifiable.

**4. General Provisions.**

A. Retail/Recreational Marijuana for Commercial Purposes. The adopting of this Ordinance 1-2020, shall have no effect upon Fremont County Ordinance No. 1-2013, Prohibiting the Operation of Retail/Recreational Marijuana Cultivation Facilities, Retail/Recreational Marijuana Product Manufacturing Facilities, Marijuana Testing Facilities and Retail Marijuana Stores Pursuant to Article XVIII, §16 of the Colorado Constitution.



B. Repealer. Any prior Fremont County Ordinances, Regulations, Resolutions, or Enactments regarding Residential Property Cultivation, Vacant or Unoccupied Property Cultivation and/or Caregiver Cultivation of medical or personal use marijuana that are inconsistent with the provisions of this Ordinance, specifically those provisions in Ordinance 1-2017 that are amended by this Ordinance are repealed and shall have no further relevance or effect after the effective date of this Ordinance 1-2020.

C. Severability Clause. If any section, subsection, clause, or phrase of this Ordinance is for any reason held to be invalid, such holding shall not affect the validity of the remaining portions of this Ordinance.

**5. Publication and Effective Date.**

The foregoing text is the authentic text of Fremont County Ordinance No. 1-2020. The first reading and public hearing of the Ordinance took place on December 8, 2020. It was published in full in the Cañon City Daily Record on December 16, 2020.

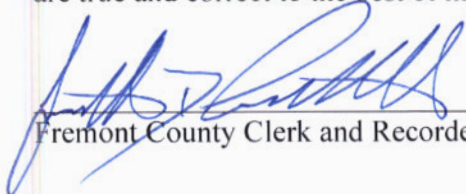
Second Reading was January 12, 2021, at 9:30 a.m. at the Fremont County Administration Building, Room LL-3, 615 Macon Ave., Cañon City, CO 81212.

It was adopted without amendments on January 12, 2021, and shall take effect upon adoption, January 12, 2021.

Done and signed this 12<sup>th</sup> day of January, 2021, at Cañon City, Colorado.

  
\_\_\_\_\_  
Dwayne McFall, Chairman  
Board of County Commissioners of  
Fremont County, Colorado

I hereby testify and attest that the provisions of Ordinance 1-2020 as set forth hereinabove are true and correct to the best of my knowledge, information and belief.

  
\_\_\_\_\_  
Fremont County Clerk and Recorder





RESOLUTION NO. 1, SERIES OF 2021

RESOLUTION APPOINTING JOHN E. KRATZ  
AS THE FREMONT COUNTY SURVEYOR

WHEREAS, the Fremont County Board of County Commissioners is authorized by C.R.S. §30-11-117 and §30-10-904 to fill, by appointment, a vacancy occurring in any county office, including the office of County Surveyor; and,

WHEREAS, because no person ran for election to the office of Fremont County Surveyor in the November 2020 election, the Fremont County office of the Surveyor became vacant as of January 12, 2021; and

WHEREAS, Fremont County Board of County Commissioners has determined that the office of the Fremont County Surveyor should be filled by appointment and that John E. Kratz, is a professional land surveyor (License PLS-0020142) as provided by Colorado law and is duly qualified for the office and is willing to serve in the office of the Fremont County Surveyor.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS FOR THE COUNTY OF FREMONT, that John E. Kratz is hereby appointed to the office of the Fremont County Surveyor, and shall commence his duties after being duly sworn to the office and posting the appropriate bond as required by state law. Mr. Kratz's appointment shall continue until the next general election and shall perform all the duties of such office until his successor is duly qualified as required by law.

Commissioner Grantham moved for adoption of this Resolution, with a second by Commissioner Bell. The roll call vote of the Board was as follows:

Debbie Bell	<u>AYE</u>	NAY	ABSTAIN	ABSENT
Kevin J. Grantham	<u>AYE</u>	NAY	ABSTAIN	ABSENT
Dwayne McFall	<u>AYE</u>	NAY	ABSTAIN	ABSENT

The Resolution was declared to be duly adopted.

Date: January 12<sup>th</sup>, 2021

Dugan  
Chairman

Attest: [Signature]  
Clerk





RESOLUTION NO. 2, SERIES OF 2021

RESOLUTION DESIGNATING AND APPROVING OFFICIAL DEPOSITORIES FOR  
FREMONT COUNTY FOR 2021

WHEREAS, the Fremont County Board of County Commissioners is required by C.R.S. §30-10-708 to designate and approve, by written resolution, all depositories for Fremont County funds; and

WHEREAS, Kathy Elliott, the Fremont County Treasurer has submitted a recommendation for designation and approval of depositories for Fremont County funds, based upon the Fremont County Treasurer's investment policy, a copy of which is available for review in the Fremont County Treasurer's Office; and

WHEREAS, it appears to the Board of County Commissioners the depositories recommended by the Treasurer are appropriate for the investment of County funds and that each of the depositories meet the requirements of the provisions of C.R.S. §30-10-708 and of article 47 of title 11, C.R.S. and article 75, title 24, C.R.S.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS FOR FREMONT COUNTY, that the following depositories are hereby approved and designated as the official depositories for Fremont County funds:

1. SUNFLOWER BANK OF CAÑON CITY
2. COLORADO SURPLUS ASSET FUND TRUST (CSAFE)
3. COLOTRUST
4. BANK OF THE SAN JUANS/GLACIER BANK

BE IT FURTHER RESOLVED, that the Fremont County Treasurer is hereby authorized to use these designated depositories for the deposit and investment of the funds of Fremont County.

Commissioner Bell moved for adoption of this Resolution, with a second by Commissioner Grantham. The roll call vote of the Board was as follows:

Debbie Bell	<u>Aye</u>	Nay	Absent	Abstain
Kevin J. Grantham	<u>Aye</u>	Nay	Absent	Abstain
Dwayne McFall	<u>Aye</u>	Nay	Absent	Abstain

Date: 1-12-21

[Signature]  
Chairman

ATTEST:  
[Signature]  
Clerk to the Board





RESOLUTION NO. 3, SERIES OF 2021

RESOLUTION DESIGNATING SCHEDULE FOR REGULAR MEETINGS FOR THE  
FREMONT COUNTY BOARD OF COMMISSIONERS

WHEREAS, the Fremont County Board of County Commissioners is required by C.R.S. §30-10-303 to designate and publish a schedule for regular meetings of the Board; and

WHEREAS, the Board currently meets on the second and fourth Tuesdays of each month, commencing at 9:30 a.m. to conduct the regular business of Fremont County and finds that such schedule is widely known and accepted to the members of the public in Fremont County.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of County Commissioners of Fremont County hereby designates the second and fourth Tuesdays at 9:30 a.m. as the time for regular meetings of the Board of County Commissioners for Fremont County. All regular meetings shall be held in Cañon City, the county seat, and at the Fremont County Administration Building, 615 Macon Ave., Room LL3, Cañon City, CO 81212, unless otherwise previously publicized. The designation of the regular meeting schedule shall in no manner affect the ability of the Board of Commissioners to schedule and hold special or emergency meetings, as deemed necessary for best serving the public interest.

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

Debbie Bell	<u>Aye</u>	Nay	Absent	Abstain
Kevin J. Grantham	<u>Aye</u>	Nay	Absent	Abstain
Dwayne McFall	<u>Aye</u>	Nay	Absent	Abstain

Date: 1-12-21

BOARD OF COUNTY COMMISSIONERS  
OF FREMONT COUNTY

ATTEST:

By: [Signature]  
Chairman

By: [Signature]  
Clerk to the Board





RESOLUTION NO. 4, SERIES OF 2021

RESOLUTION DESIGNATING OFFICIAL NEWSPAPER FOR FREMONT COUNTY

WHEREAS, the Fremont County Board of County Commissioners is required by section C.R.S. §24-70-103, to publish in a "legal newspaper" all legal notices, publication of ordinances and regulations, and announcement of requests for bids, as well as other official County publications; and

WHEREAS, there currently exist three legal publications or newspapers in Fremont County, as defined in C.R.S. §24-70-102, those being the *Cañon City Daily Record* (six day-a-week publication), the *Florence Citizen* (weekly publication), and the *Fremont County Crusader* (weekly publication); and

WHEREAS, the Board finds that a daily newspaper is better equipped to provide public notice of official actions such as special meetings, public hearings, and unexpected events on short notice, which is essential for effective notice to the public; and

WHEREAS, the Board is authorized, without official designation, to publish notices in any of the legal publications in the County to provide additional or supplemental notice to the public, if deemed appropriate.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of County Commissioners for Fremont County hereby designates the *Cañon City Daily Record* as the official newspaper for Fremont County official publications.

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

Debbie Bell	<u>Aye</u>	Nay	Absent	Abstain
Kevin J. Grantham	<u>Aye</u>	Nay	Absent	Abstain
Dwayne McFall	<u>Aye</u>	Nay	Absent	Abstain

Date: 1-12-21

BOARD OF COUNTY COMMISSIONERS  
OF FREMONT COUNTY

ATTEST:

By: [Signature]  
Chairman

By: [Signature]  
Clerk to the Board



RESOLUTION NO. 5, SERIES OF 2021

**RESOLUTION DESIGNATING OFFICIAL POSTING PLACE FOR NOTICE OF PUBLIC MEETINGS FOR THE FREMONT COUNTY BOARD OF COMMISSIONERS**

WHEREAS, the Fremont County Board of County Commissioners is required by C.R.S. §24-6-402 to designate a public place for posting notice of all public meetings at which the adoption of any proposed policy, position, resolution, rule, regulations, or formal action occurs, or at which a majority or quorum of the Board is in attendance or expected to be in attendance; and

WHEREAS, in 2019, the Colorado legislature approved C.R.S. §24-6-402(2)(c)(II), declaring the intention for local governments to transition from posting physical notices of public meetings to posting notices on a website, social media account, or other official online presence to the greatest extent practicable; and

WHEREAS, the Board of Commissioners intends to continue the practice of posting the current calendar, physically and online, of Commissioner schedules as one means of providing public notice of all meetings.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of County Commissioners of Fremont County hereby designates the following official posting places for the posting of notices for public meetings of the Board of County Commissioners for Fremont County, Colorado:

1. The bulletin board in the hallway outside of the offices of the Board of County Commissioners, Fremont County Administration Building, 615 Macon Ave., Room 105, Cañon City, CO 81212 (physical notice);
2. The bulletin board located at the main (south) entrance of the Fremont County Administration Building (physical notice);
3. The website of Fremont County, Colorado <https://www.fremontco.com/> (online notice)

The posting place inside the building is open to the public during normal Fremont County business hours. The main entrance posting place is visible to the public from the outside of the building at all times.

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

Debbie Bell	<u>Aye</u>	Nay	Absent	Abstain
Kevin J. Grantham	<u>Aye</u>	Nay	Absent	Abstain
Dwayne McFall	<u>Aye</u>	Nay	Absent	Abstain

Date: 1-12-21

BOARD OF COUNTY COMMISSIONERS  
 FOR FREMONT COUNTY

By: [Signature]  
 Chairman

ATTEST:

By: [Signature]  
 Clerk to the Board



RESOLUTION NO. 6, SERIES OF 2021

**RESOLUTION CANCELLING UNCOLLECTIBLE LINCOLN PARK TAVERN, INC  
PERSONAL PROPERTY TAXES FOR TAX YEAR 2016, 2017, 2018, AND 2019**

WHEREAS, the predecessor in title to the property now owned by Lincoln Park Tavern, Inc., owed unpaid personal property taxes for tax years 2016, 2017, 2018, and 2019 on commercial furniture and office equipment located at 1208 South 9<sup>th</sup> Street, Cañon City; and

WHEREAS, it is common knowledge in the community that the business operating in this location recently closed and has not operated since that time; and

WHEREAS, the Fremont County Treasurer and Fremont County Attorney are responsible for collection of the personal property taxes and have recommended that the taxes for the years 2016, 2017, 2018 and 2019 be determined to be uncollectible, as the previous business operation is no longer viable and there is no means of determining if the personal property subject to the taxes is still being used at the business location; and

WHEREAS, pursuant to C.R.S. §39-10-114(2)(a), the Fremont County Board of Commissioners is authorized to cancel personal property taxes that are determined to be uncollectible after a period of one year after the date of their becoming delinquent; and

WHEREAS, the Board of Commissioners is of the opinion that the Lincoln Park Tavern, Inc. delinquent personal property taxes for tax years 2016, 2017, 2018 and 2019 are, in fact, uncollectible.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS FOR FREMONT COUNTY, that the delinquent personal property taxes of Lincoln Park Tavern, Inc., Account P156690 for tax years 2016, 2017, 2018, and 2019 are hereby cancelled, including accrued interest and fees assessed on the same, in the amounts as shown on Exhibit A, attached hereto and incorporated herein by reference.

Commissioner Bell moved for adoption of this Resolution, with a second by Commissioner Grantham. The roll call vote of the Board was as follows:

Debbie Bell	<u>AYE</u>	NAY	ABSTAIN	ABSENT
Kevin J. Grantham	<u>AYE</u>	NAY	ABSTAIN	ABSENT
Dwayne McFall	<u>AYE</u>	NAY	ABSTAIN	ABSENT

The Resolution was declared to be duly adopted.

Date: 1-12-21

D McFall  
Chairman

Attest: [Signature]  
Clerk





## Fremont County Treasurer Statement of Taxes Due

Account Number P156690

Parcel

Legal Description  
19001700

Situs Address  
1208 S 9TH ST

Account: P156690  
LINCOLN PARK TAVERN INC  
C/O:GREG DI RITO  
231 MAIN STREET  
CANON CITY, CO 81212-3729

Year	Tax	Interest	Fees	Payments	Balance
<b>Tax Charge</b>					
2020	\$974.48	\$0.00	\$0.00	\$0.00	\$974.48
2019	\$962.20	\$76.98	\$60.00	\$0.00	\$1,099.18
2018	\$986.80	\$197.36	\$60.00	\$0.00	\$1,244.16
2017	\$918.96	\$294.07	\$60.00	\$0.00	\$1,273.03
2016	\$636.68	\$280.14	\$60.00	\$0.00	\$976.82
Total Tax Charge					\$5,567.67

**Grand Total Due as of 12/30/2020** **\$5,567.67**

DCLPEN

\$50.00

Tax Billed at 2019 Rates for Tax Area 11G - 11G

Authority	Tax Rate	Amount	Values	Actual	Assessed
SCHOOL DISTRICT RE-1	0.0443530000	\$514.49	COMMERCIAL	\$40,000	\$11,600
CANON CITY RECREATION DISTR	0.0035130000	\$40.75	FURNITURE & OFFICE EQUIP PP		
S.E. COLO WATER CONS DISTRI	0.0009020000*	\$10.46			
UPPER ARKANSAS WATER CONS D	0.0004350000*	\$5.05	Total	\$40,000	\$11,600
FREMONT COUNTY	0.0119590000	\$138.72			
CITY OF CANON CITY	0.0033160000*	\$38.47			
CANON CITY FIRE PROTECTION	0.0184710000*	\$214.26			
Taxes Billed 2019	0.0829490000	\$962.20			

\* Credit Levy