

## ELEVENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on May 24, 2022, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Chair Pro-Tem Kevin Grantham called the meeting to order at 9:30 a.m.

Debbie Bell	Commissioner	Absent
Kevin Grantham	Commissioner	Present
Dwayne McFall	Commissioner	Present
Justin Grantham	Clerk & Recorder	Present
Brenda Jackson	County Attorney	Present
Sunny Bryant	County Manager	Present
Mica Simpleman	Planning & Zoning Director	Present

### INVOCATION

Steve VanWinkle, Cañon Community Baptist Church

### 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. The motion carried by unanimous consent.

### CONSENT AGENDA

1. Approval of Minutes / May 10, 2022
2. Approval of Bills for \$2,487,834.89
3. Resolution No. 20 for Zone Change File #ZC 21-005 Caselden
4. Approval of Memorandum of Agreement between Fremont County and Nichols Land and Timber Management Company
5. Approval of The First Amendment to the Region 15 Opioid Settlement Facilitation Scope of Work and Agreement
6. Approval of Ground Lease for Heli Tack Office Modular at the Fremont County Airport
7. Schedule Public Hearings: None.

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

### ADMINISTRATIVE & INFORMATIONAL

1. Staff / Elected Officials:
  - a. County Clerk's Monthly Report

**Clerk & Recorder Grantham** gave the Clerk's Monthly Report which can be found in its entirety at [www.fremontco.com](http://www.fremontco.com).

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

**Commissioner Grantham** asked about the fee reduction that Clerk Grantham mentioned in his report.

**Clerk & Recorder Grantham** responded that the State is utilizing a federal grant to reduce FAFSA fees for the next 2 years.

**The Board** discussed future fee increases.

b. County Manager Report, Sunny Bryant, County Manager

**County Manager Bryant** gave the County Manager's Report which can be found in its entirety at [www.fremontco.com](http://www.fremontco.com).

c. 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).

**Commissioner McFall** spoke about how the Auto Use Sales Tax has decreased due to lack of vehicles.

**Commissioner Grantham** expanded on Commissioner McFall's comment and pointed out that inventory is low.

**Commissioner McFall** spoke about fire safety and explained that the Sheriff can control what level of fire restrictions the County is at.

**Commissioner Grantham** said they have reached the end of the 2022 Legislative Session, and said SB-230 for Collective Bargaining was passed.

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

a. Citizens speaking about Cañon City's Homeless SOS proposition

**Mike Short** approached the Board and mentioned the 16 or 17 other people in the room for the same reason. He explained that he lives on Grandview and is impacted by the homeless who are rejected by Loaves & Fishes and Journey Home. He spoke about the City of Cañon City wanting to establish SOS (Safe Outside Spaces), which he maintained would be unsafe for his neighborhood. Mr. Short claimed that many homeless are not from the local community, but travel to the area for easier and more efficient services. He also spoke about a neighbor's recent encounter with a group of five men camping on their property. He then gave his condolences to Commissioner Bell and said he spoke about conversations he had with her previously and asked why the Board hadn't discussed the issue with the city and hadn't attended stake-holders' meetings.

**Commissioner McFall** said they didn't know anything about the stake-holders' meetings.

**Mr. Short** said when the concerned citizens addressed it with the city, they were told to speak to the BOCC.

**Commissioner McFall** spoke about the misinformation between the city and county.

**Mr. Short** shared that they have been working with Loaves & Fishes to negate the issues, but the it's getting beyond that.

**Cathy & Larry Finney** spoke about a recent attempted break-in to their home on the opposite side of the county, which the SO (Sheriff's Office) was unable to do anything about. Mrs. Finney said that homelessness brings in violence and drug abuse and they asked the Board how they can protect themselves as homeowners.

**Commissioner McFall** asked what Mrs. Finney was referring to when she was talking about bringing something here.

**Mrs. Finney** said she was referring to the tent cities and wants the BOCC to stand with the citizens of the county and city.

**Mr. Finney** displayed concern about protecting themselves.

**William Colon** approached the Board and said the city owns the Justice Center Road area, which is surrounded by County. He said his family property is one there in the County. Mr. Colon claimed that property invasion happens two and three times per week, so they have discontinued calling the SO. He said there is confusion regarding where the SO and City have jurisdiction, and said when they do have jurisdiction, they can't do anything. Mr. Colon continued and said ranch staff aren't comfortable going outside because of the invasiveness of some homeless people and that patrols are necessary to keep them from camping on the property. He presented images to the Board and referred to them as follows:

1. Cañon City's experimental tent city, adjacent to Colon ranch property. Mr. Colon noted that a stabbing and rape were reported there.
2. Drug paraphernalia in his ranch's alfalfa fields.
3. A camp set up beneath a bridge next to the ranch.
4. A hand-dug latrine for defecation which flows into Four-Mile Creek.

**Ty Shepard** has owned Express Laundry for the last 25 years and has only experienced problems with the homeless within the last two years. He said people are using the laundromat without the intention of washing laundry, and told the Board about an occurrence where a woman was using the facility's restroom to bathe and showed hostility when asked to leave. Mr. Shepard questioned why Cañon City needs a tent city if the mayor's numbers are so good and urged that it needs to be addressed by the County.

**Commissioner Grantham** told Mr. Shepherd there is a public meeting this Thursday with City of Cañon City at 2:00 p.m.

**Mr. Shepard** spoke about the effect of tent cities in Denver.

**Commissioner Grantham** agreed that they don't want to see what's happening in Denver happen locally.

**Lisa Hyams** gave condolences to Commissioner Bell and her family then expanded on the issue at hand. She said Cañon City is causing a problem and inflicting it on the County. She noted that all those hired by their farm who are homeless are from out-of-County. Ms. Hyams then spoke about the crime in Denver caused by SOS, then added to Mr. Short's mention of the men camping on a neighbor's property and pointed out they were starting a campfire during a fire-ban and had suspicious bags of tools. She referred to Resolution 40 of 1998 attempting to minimize conflicts between agricultural and non-agricultural users of land in Fremont County.

**Todd Luce** is a Minister at Grandview Christian Church and said the church also does not call the police anymore when someone trespasses unless there is a physical threat and that they have a security team, cameras, and alarm systems in place instead. Mr. Luce also referred to a study that showed when a city installed an SOS camp, homelessness increased by 53% within two years. He told the Board that allowing an SOS camp to be here will affect the County's bottom-line cost.

**John Barnhart** explained that he is familiar with seeing the effects of homelessness. He discovered local law enforcement can do nothing to enforce situations regarding homelessness/involving the homeless. Mr. Barnhart then spoke about potential arguments made based on decisions of the Supreme Court Circuit Court of Appeals, and recommended the Board review those.

**Commissioner Grantham** urged Mr. Barnhart to send the BOCC any helpful material to review.

**John Verneti** lives at 3235 Highland Avenue and offered to provide the Board with any resources that he has.

**Mr. Colon** approached the Board again and asked that now that they've had several inches of snow and rain, the fire restrictions be lifted so agricultural burning can be done.

**Commissioner Grantham** said they will reach out to the Sheriff.

**Ms. Hyams** approached the Board again and clarified that the Police Chief and Sheriff Cooper have asked that they call whenever there is an incident, but it has taken up to 45 minutes for law enforcement to respond in the past.

**Commissioner McFall** clarified that her call isn't less important than anyone else's.

**Ms. Hyams** conveyed that the Sheriff's time theoretically saving a life is more valuable than addressing a trespasser. She assured the Board that they do support the Police and SO, but waiting for them to respond puts people in a very difficult situation. Ms. Hyams added that Cañon City had not discussed the effects of the potential SOS with the SO.

**Mr. Finney** asked whether the Board knew anything about the homeless problem.

**Commissioner McFall** confirmed that they are aware.

**Commissioner Grantham** assured Mr. Finney that they have had updates on the SOS meetings from the homeless coalition, and the Board is aware that Cañon City hasn't consulted with the SO or BOCC regarding recent developments.

**Mr. Finney** said he will be at the meeting on Thursday.

**Commissioner McFall** announced again that the meeting is on Thursday the 26<sup>th</sup> at 2:00 p.m.

#### **OLD BUSINESS**

1. None.

#### **NEW BUSINESS**

1. Acceptance of Letter of Intent to Purchase Real Property Lots 35, 36 and 37 at the Airport Industrial Park, Filing I, Fremont County

**County Manager Bryant** said the County owns three parcels in the Airport Industrial Park, which have been on the market for many years now. She is requesting that the Board approves the letter of intent for the sale of these parcels to Greener Pastures Meat and Processing for \$155,000 for a total of 19.3 acres contingent upon a zone change for a meat processing facility and feed lot.

**Commissioner McFall** mentioned that it's good having new business using unusable land.

**Commissioner Grantham** agreed that the land didn't have much potential use.

**Commissioner McFall** moved to accept the Letter of Intent for the Purchase of Real Property Lots 35, 36 and 37 at the Airport Industrial Park, Filing I, Fremont County. Commissioner Grantham seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

2. Boys & Girls Club of Fremont County is requesting an issuance of a Special Events Permit for Malt, Vinous and Spirituous Liquor at Pathfinder Park Community Center 6655 Hwy 115 Florence, CO 81226 for an event on June 7, 2022 from 5:30pm to 10:30pm.

Representative: Eric Thompson

**Eric Thomson** told the Board that the event date for June 7<sup>th</sup> should be June 17<sup>th</sup>.

**Recording Technician Smith** pointed out that the date specified on the application is June 7<sup>th</sup>.

**Eric Thomson** asked if the date could be amended.

**The Board** considered Mr. Thomas' inquiry and reviewed the application, while discussing with Attorney Jackson.

**Attorney Jackson** determined that Mr. Thompson would be allowed to fix the date on the application without consequence, because the event date is not mentioned on the hearing posting.

**Eric Thompson** amended the application then spoke about the '80s-themed event.

**Commissioner McFall** asked about staff and those serving.

**Mr. Thompson** confirmed that Coyotes Ridge employees will be managing the bar.

**Commissioner McFall** asked whether those serving will be trained and TIPs certified.

**Mr. Thompson** conveyed that he thought so.

**Recording Technician Smith** reported that the application was submitted on April 21<sup>st</sup> and that it was reviewed by the County Attorney and recommended for approval by the Sheriff's Office and Health Department.

**Commissioner Grantham** asked where the public could purchase tickets.

**Mr. Thompson** said tickets can be bought at Eventbrite.

**Commissioner McFall** directed Mr. Thompson to verify whether those serving from Coyotes Ridge are TIPs certified.

**Mr. Thompson** confirmed that he will verify this.

**Commissioner McFall** moved to approve the issuance of a Special Events Permit for Malt, Vinous and Spirituous Liquor for the Boys & Girls Club of Fremont County at Pathfinder Park Event Center 6655 Hwy 115 Florence, CO 81226 for an event on June 17, 2022 from 5:30 p.m. to 10:30 p.m. with the condition that they show verification that servers are TIPs certified. Commissioner Grantham seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

## PUBLIC HEARINGS

2. None.

**Commissioner Grantham** adjourned the meeting at 10:53 a.m.



  
Clerk to the Board of County Commissioners

**RESOLUTION NO. 20, SERIES OF 2022**

**RESOLUTION ZONE CHANGE  
DEPARTMENT OF PLANNING AND ZONING  
FILE # 21-005 CASELDEN**

BE IT RESOLVED by the Fremont County Board of County Commissioners (hereafter "Board"):

THAT WHEREAS, James Caselden, (hereafter "applicant") has made application for an amendment of the zoning map of Fremont County to change from the BUSINESS ZONE DISTRICT TO THE AGRICULTURAL SUBURBAN ZONE DISTRICT for certain described real property owned by James Franklin Caselden and Carole Christine Caselden; and

WHEREAS, pursuant to the Fremont County Zoning Resolution previously adopted; the Planning Commission of Fremont County reviewed the application at its April 5, 2022 regular meeting and recommended the **APPROVAL** of such application; and

WHEREAS, a notice containing the specific request, proposed use, date, time, and location of the public hearing, telephone number of the Fremont County Department of Planning and Zoning (hereafter "Department"), and a site plan and vicinity map were mailed fourteen (14) days prior to the public hearing, by certified mail, return receipt to the Department, to all property owners within five-hundred (500) feet of the boundaries of the subject parcel; and to the appropriate reviewing agencies; and

WHEREAS, a notice containing the specific request, proposed use, date, time, and location of the public hearing, and telephone number of the Department where additional information may be obtained, was posted on the property fourteen (14) days prior to the public hearing; and

WHEREAS, a notice of the public hearing was published by the Department, in a newspaper of general circulation in Fremont County, fourteen (14) days prior to the public hearing, and which contained the specific request, time and place of the public hearing, and an explanation of the proposed use and its location; and

WHEREAS, the Board held a public hearing concerning said application on May 10, 2022 at which time comments and evidence were considered, including all materials contained as part of the application and which were in the Department's file concerning the application.

NOW THEREFORE, BE IT RESOLVED by the Board that:

The Board makes the following findings and justification with respect to the application for Zone Change:

- a. The property was not properly zoned when existing zoning was imposed.
- b. Additional land is needed in the proposed zone district.
- c. There has been a material change in the neighborhood which justifies the requested zone change.
- d. The proposed zone change will be in conformance to the Comprehensive or Master Plan for the area.

NOW THEREFORE, BE IT RESOLVED that the above and foregoing application and request for change be and is hereby approved; that the zoning classification of the hereinafter described real property is changed from the BUSINESS DISTRICT TO THE AGRICULTURAL SUBURBAN ZONE DISTRICT and that the zoning map of Fremont County be and is hereby amended to show and record such change of classification and that the legal description of the real property so affected is described as follows:

Lot 3, Pruett Boundary Line Adjustment, Fremont County, State of Colorado

And commonly known as 71 Arkansas Blvd. Howard, CO.

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

Commissioner Bell:  Aye / Nay / Abstain / Absent  
 Commissioner McFall:  Aye / Nay / Abstain / Absent  
 Commissioner Grantham:  Aye / Nay / Abstain / Absent

Date: May 10<sup>th</sup>, 2022

BOARD OF COUNTY COMMISSIONERS  
OF FREMONT COUNTY

By: [Signature]  
Chairman

ATTEST:

By: [Signature]  
Clerk to the Board

