

## FOURTEENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on July 14, 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
Debbie Oliver	Deputy Clerk & Recorder	Present
Brenda Jackson	County Attorney	Present
Sunny Bryant	County Manager	Present
Dan Victoria	Planning & Zoning Director	Present

### 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 with the removal of Item 4 on the Consent Agenda and the addition of a Public Hearing on Item 9 for a request for a Special Event Permit for Fremont Adventure Recreation to be held at 10:00 a.m. on July 27, 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** noted the Public Hearings for OPC 21-002 by Fremont's Finest LLC to be held at 10:00 a.m. on July 27, 2021 and for CUP 07-003 for Front Range Aggregates to be held at 10:00 a.m. on August 10, 2021.

### CONSENT AGENDA

1. Approval of Minutes / June 10, 2021
2. Approval of Minutes / June 22, 2021
3. Approval of Bills for \$2,695,113.49
4. ~~Right of Way and Easement—Atmos Energy at Pathfinder Regional Park~~
5. Request for Release of Funds for Single Family Owner Occupied Grant
6. Approval of Change Order 2 for Low Voltage Added Scope Including AV, Security and Access Control at Pathfinder Regional Park Community Center
7. Approval of Change Order 3 for Upsize new water main from 6" to 8" at Pathfinder Regional Park Community Center
8. Approval of Change Order 5 for Natural Gas Line & 3-Phase Power at Pathfinder Regional Park Community Center
9. Schedule Public Hearing for July 27, 2021 at 10:00 a.m.:
  - a. Request OPC 21-002 Fremonts Finest LLC  
Requesting approval of OPC 21-002 Fremonts Finest LLC to operate an Optional Premise Cultivation license to cultivate medical marijuana on property located at 251 Dawn Ridge Trail, Penrose, CO.

- b. Request Malt, Vinous, and Spirituous Liquor Special Event Permit for Fremont Adventure Recreation for an event at Cañon City Dinosaur Experience on September 11, 2021.

10. Scheduling of Public Hearing for August 10, 2021 at 10:00 a.m.:

- b. Request CUP 07-003 Front Range Aggregates – Parkdale Pit Major Modification  
Request approval of a Conditional Use Permit Major Modification for an expansion of a mining operation. The property is located at 112 County Road 157 in Canon City, CO.

**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 Clerk’s Monthly Report

**Deputy Clerk & Recorder Debbie Oliver** gave the County Clerk’s Monthly Report, which can be found in its entirety at [www.fremontco.com](http://www.fremontco.com).

- b. County Manager Report, Sunny Bryant, County Manager

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

- c. Public Health Update, Kayla Marler, Director

**Fremont County Public Health and Environment (FCDPHE) Covid-19 Specialist, Dani Santilli** gave the County Public Health Update and listed Fremont County Covid-19-related figures as follows: 20 active cases, 5 active hospitalizations, 64 deaths, the vaccination rate for both doses is 34.4%, the total amount of administered vaccinations in Fremont County is 30,349, and FCDPHE has administered 12,573 of those doses. Noted that FCDPHE is doing walk-in appointments and clinics every-other Tuesday and Colorado Mission of Mercy will be in Fremont County September 24<sup>th</sup> and 25<sup>th</sup>.

**Commissioner McFall** asked if the 34.4% vaccination rate is from the State.

**Specialist Santilli** confirmed that it is.

**Commissioner McFall** mentioned the State inaccuracies concerning Fremont County Covid-19 figures.

**Commissioner Bell** suggested they remove inmate numbers from the County’s base populace.

**Commissioner McFall** estimated the current status of the County is actually about 50% are vaccinated.

**Commissioner Grantham** recognized FCDPHE for their work and explained how the State did not correct the numbers until they were contacted by the press, but the public-facing information still has not been fixed.

**Commissioner McFall** talked about the County Fair at the Rodeo Grounds and mentioned that besides 4-H and Future Farmers of America (FFA), the Fair Board is also taking public entries for the Open Fair.

**Commissioner Bell** added that more information on the subject can be found at [www.fremontco.com](http://www.fremontco.com).

**Commissioner McFall** put in that the Fair Board has a Facebook page.

**Commissioner Bell** discussed the time Commissioner McFall and she spent at the National Association of Counties Annual Conference. She mentioned that Commissioner McFall serves as voting member on the Public Lands Policy Steering Committee and Commissioner Bell serves as voting member on the Agriculture and Rural Affairs Policy Steering Committee. She invited those in the community to access information through the local press and online at NACO.org.

**Commissioner McFall** spoke on how the conference brought together people around the nation with similar goals to communicate effectively with Congress.

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

#### **OLD BUSINESS**

1. None

#### **NEW BUSINESS**

1. Service Recognition Resolution for Don Alder

**Commissioner Bell** delivered the Service Recognition Resolution.

**Commissioner McFall** thanked Mr. Alder for his service.

**Commissioner Bell** moved to approve the Service Recognition Resolution for Don Alder. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

2. Re-appointment of Michael Pullen and Francis Williams to the Building Code Board of Appeals for terms ending August 1, 2024

**Commissioner McFall** noted that both men put in letters of interest in continuing to serve.

**Commissioner Grantham** moved to approve the re-appointment of Michael Pullen and Francis Williams to the Building Code Board of Appeals for terms ending August 1, 2024. 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 a twelve month extension to complete improvements of Hangar 5 at the Fremont County Airport

**Commissioner McFall** said they received this request from Jason Dawson and due to lack of supplies caused by Covid-19, they were unable to complete the project as intended.

**Commissioner Bell** noted that the permit expired on May 31, 2021 and his request to renew for another twelve months is late, but the extension only prolongs to May 31, 2022.

**Commissioner Bell** moved to approve a twelve month extension to complete improvements of Hangar 5 at the Fremont County Airport. 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. Request to designate a portion of Fremont County Road 45 open to off-highway vehicle traffic

**Commissioner McFall** opened the public hearing at 10:00 a.m.

**Commissioner McFall** said the mile marker on County Road 53 (CR53) is  $\frac{3}{4}$  of a mile and asked Director Adamic what the mile marker on County Road 45 (CR45) is.

**Fremont County Director of Transportation, Tony Adamic** replied that it is probably 0.7 to 2.5. He referred to the junction of CR53 and CR45 to the end of maintenance.

**Commissioner McFall** explained that there has been a request to designate a portion of Fremont CR45 open to off-highway vehicle (OHV) traffic.

**Commissioner Grantham** requested that County Attorney Jackson speak about the State's and the Board's responsibilities on the matter.

**County Attorney Brenda Jackson** explained that OHV access on County roads is up to the discretion of the Board, but not for State highways and this is a County road without impact on any State highway. Attorney Jackson elaborated, saying that generally in the past, the Board has approved OHV access on unmaintained roads that are not heavily trafficked and provide access onto BLM lands and trailheads. She asked Director Adamic to address the traffic frequency on the road.

**Director Adamic** said the road averages about 230 cars per day and the speed is slow.

**Commissioner Bell** asked whether the road is gravel and if there is dust suppressant.

**Director Adamic** said it is gravel and there is dust suppressant.

**Rachel McMillan** said she lives on CR45 and is against the allowance of OHV traffic.

**Bill McMillan** is concerned about traffic increasing.

**Mrs. McMillan** addressed her concern about visibility on the road.

**Paul Garrett** asked the Board why the access isn't from the parking lot to CR53.

**David Pruyne** said he represents Play Dirty ATV Tours, which is where the request came from. He added that there are no homes along the portion of the road, the road is straight, there is a dust suppressant, and they have informed their ATV guides to travel at a slow speed.

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

**Commissioner Bell** addressed the request for opening of portions of two County roads, but it from the County Department of Transportation it seems like one road is necessary for the request.

**Commissioner McFall** explained that CR45 is maintained and CR53 is not.

**Director Adamic** said a portion of CR53 will be open at the right of way.

**Commissioner Grantham** the approval would be access from the parking lot to the intersection on CR45 and from the intersection to the trailhead on CR53.

**Commissioner McFall** discerned that the total portions of the roads would be approximately 1.18 miles.

**Commissioner Grantham** mentioned that allowing OHV access at the location would allow not just businesses, but the rest of the community to use the road and noted that there are no

residences or establishments on the roads besides the businesses who plan to utilize it for OHV traffic.

**Commissioner Grantham** moved to approve the request to designate the Captain Zipline parking lot to the intersection on CR45 and from the intersection to the trailhead on CR53 to be open to off-highway vehicle traffic. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

2. Request SRU 13-02 Captain Zipline/Play Dirty ATV Major Modification  
Requesting approval of SRU 13-02 Captain Zipline/Play Dirty ATV Major Modification. This is a major modification to an existing Special Review Use Permit, property located at 1500 County Road 45, Wellsville, CO.

Representative: David Pruyne

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

**Mr. Pruyne** said the SRU for Play Dirty ATV Tours would provide ATV storage and parking for their customer in the Captain Zipline parking lot.

**Jessica Halasz** from Captain Zipline introduced the request for the modification to allow customers of the business to follow commercial vehicle with personal vehicles on CR 45. She noted that there are no residences in the area.

**Commissioner McFall** asked about the size of the parking area.

**Ms. Halasz** replied that the permit said 16 parking spaces plus additional parking.

**Commissioner Grantham** noted that since most people are in groups, each customer does not have their own car so there might be four or five vehicles at a time.

**Ms. Halasz** agreed and said it would be four or five vehicles at most.

**Commissioner McFall** asked if the modification will increase traffic.

**Ms. Halasz** said there would not be an increase in traffic on CR45 because when they leave they don't go back towards the office and said it may increase traffic on the unmaintained County Road 54.

**Commissioner McFall** asked for a staff report and noted that their department recommends denying the modification.

**Planning & Zoning Director Dan Victoria** said initially when the review was done the department thought the modification would increase traffic and had concerns for safety and trespassing issues. He added that as the applicant has explained, the vehicle count will not cause an increase in traffic.

**Commissioner McFall** asked if there was more information on the modification regarding Play Dirty ATV Tours.

**Director Victoria** recalled that the initial review of having ATVs on the roadway was not recommended and said the department has requested more parking at Play Dirty ATV Tours, but with vehicles parking at Captain Zipline, this would not be necessary.

**Commissioner McFall** discussed the unusual dynamics of the request.

**Commissioner Bell** welcomed Director Victoria as new Planning & Zoning Director and thanked him for looking further into the request. She added that the request stemmed from the effects of Covid-19.

**Commissioner Grantham** also thanked Director Victoria and asked about chemical toilets.

**Director Victoria** replied that they are in use and annual renewals will be required.

**Commissioner Grantham** asked about changes to the site plan.

**Director Victoria** said those changes referred to the addition of parking spaces at Captain Zipline to accommodate more vehicles, but it will no longer be necessary.

**Commissioner McFall** closed the public hearing at 10:25 a.m.

**Commissioner McFall** said they had received notifications from Fremont County Sheriff Department, Tezak, and Parks & Wildlife

**Director Victoria** said they had received green cards dated June 21<sup>st</sup>. He said the applicant reached out to the Sheriff's Office, Tezak, and the Arkansas Headwaters Recreation Area. Parks & Wildlife recommended reducing impacts and protect winter rains, not allowing tours between September 1<sup>st</sup> through April 30<sup>th</sup> to reduce the impact on elk and deer.

**Commissioner McFall** urged that the businesses take measures to reduce the spread of noxious weeds, especially elongated mustard.

**Commissioner Bell** asked whether they had bear-proof trash at the site.

**Mr. Pruyn**e said his business doesn't use outdoor trash receptacles.

**Ms. Halasz** said Captain Zipline has a dumpster with Lone Wolf that is metal and has a bar.

**Commissioner Bell** asked **Mr. Pruyn**e if the time of the year that Parks & Wildlife recommended that the business close is a time they would normally run.

**Mr. Pruyn**e said the Texas Creek location is year-round, but not running the business at this location for that amount of time is no problem.

**Commissioner Bell** noted that the feeding of wildlife is prohibited and asked **Mr. Pruyn**e to make sure people are aware of that.

**Mr. Pruyn**e explained that this is addressed in the safety briefing.

**Commissioner McFall** mentioned Resolution 24 of 2013 and listed conditions as follows: the application for the annual permits for chemical toilets, reevaluation of the road three times per year by the County's Department of Transportation. He then listed contingencies as follows: permit for the chemical toilets, waivers for buffering and landscaping, lighting of the parking lot, and landscaping of the parking lot.

**Commissioner Bell** corrected **Commissioner McFall**'s statement on Resolution 24 of 2013 to Resolution 25.

**Commissioner Grantham** moved to approve the request for SRU 13-02 Captain Zipline/Play Dirty ATV Major Modification with conditions as follows: the application for the annual permits for chemical toilets, reevaluation of the road three times per year by the County's Department of Transportation; and contingencies as follows: permit for the chemical toilets, waivers for buffering and landscaping, lighting of the parking lot, and landscaping of the parking lot. **Commissioner Grantham** seconded the motion. Upon Vote: **Commissioner Bell**, aye; **Commissioner Grantham**, aye; **Commissioner McFall**, aye. The motion carried by unanimous consent.

**Commissioner McFall** adjourned the meeting at 10:33 a.m.

  
Clerk to the Board of County Commissioners





# Resolution

**WHEREAS,** the Board of County Commissioners of Fremont County, Colorado, regretfully accepts the retirement of Mr. Donald Alder from the Fremont County Department of Transportation as Equipment Operator; and

**WHEREAS,** Donald Alder has been a loyal and valued employee of Fremont County. He began his employment on August 6, 1987 as a Patrolman; then promoted to Sergeant on May 1, 1989; then promoted to Lieutenant on March 1, 1997. He resigned from employment on September 14, 2001, and quickly returned to County employment with the Department of Transportation on February 4, 2002, to retire on June 24, 2021, earning much respect and admiration for his extraordinary level of dedication and skills in operating equipment for the County; and

**WHEREAS,** Donald Alder provided Fremont County and its citizens with his expertise in law enforcement duties for more than 14 years, and in road maintenance for more than 19 years; and

**WHEREAS,** Donald Alder's accomplishments are many and include the following:

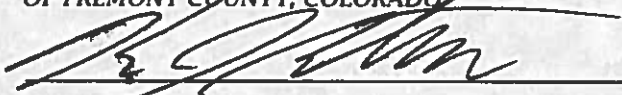
- Performing equipment operation to maintain County roads,
- Always operating equipment in a manner showcasing his vast experience and expertise,
- Operating equipment to overlay County roads with asphalt or chip seal materials,
- Providing leadership and knowledge through example of character and skills to those who are subordinate,
- For being a valuable Senior Operator and a relied upon leader for projects.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of County Commissioners of Fremont County, Colorado, hereby publicly recognizes and expresses its deep appreciation and that of the residents of Fremont County, to Donald Alder for his decades of devoted service to Fremont County and its citizens.

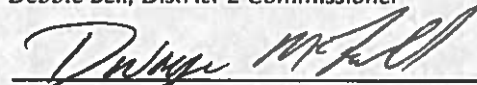
**AND BE IT FURTHER RESOLVED** that this resolution shall be read into the record of the Board of County Commissioners as a tribute to Donald Alder's service and that the official seal of Fremont County shall be affixed thereto and delivered to him.

**DONE THIS** 14th day of July, 2021, at Cañon City, Colorado.

THE BOARD OF COUNTY COMMISSIONERS  
OF FREMONT COUNTY, COLORADO

  
Kevin Grantham, District 1 Commissioner

  
Debbie Bell, District 2 Commissioner

  
Bwayne McFall, District 3 Commissioner

ATTEST:

  
Justin Grantham  
County Clerk and Recorder

