

**FIFTEENTH MEETING**

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on July 27, 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
Justin Grantham	Clerk & Recorder	Present
Brenda Jackson	County Attorney	Present
Sunny Bryant	County Manager	Present
Alicia Stone	Planning & Zoning Coordinator	Present

**INVOCATION**

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

**CONSENT AGENDA**

1. Approval of Minutes / July 14, 2021
2. Approval of Bills for \$3,166,555.47
3. Ratification of Chairman’s signature on SDGA Award Letter of Acceptance
4. Ratification of Chairman’s signature on Prime Change Order #2 for Pathfinder Regional Park Community Center
5. Ratification of Chairman’s signature on the Right of Way and Easement – Atmos Energy at Pathfinder Regional Park
6. Approval of Resolution #29 for Designating a Portion of Fremont County Road 45 and Fremont County Road 53 Open to Off-Highway Vehicle Traffic
7. Approval of Resolution #30 for SRU 13-002 Captain Zipline Tours/Play Dirty ATV Tours Major Modification
8. Schedule Public Hearings: None.

**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. Semi-Annual/PT Quarterly Report, Kathy Elliott, Treasurer

**County Treasurer Kathy Elliott** gave the Semi-Annual and PT Quarterly Reports, which can be found in their entirety at [www.fremontco.com](http://www.fremontco.com).

**Commissioner McFall** asked County Treasurer Elliott how many locals may have been affected before the moratorium was put in place.

**County Treasurer Elliott** said she is not aware of how many and that four were privately backed.

**Commissioner Bell** asked County Treasurer Elliott to address financial information regarding income.

**County Treasurer Elliott** said releases have sustained the office, including electronic releases.

**Commissioner McFall** asked about the people who hadn't paid personal property taxes mentioned during the reports at the beginning of the year.

**County Treasurer Elliott** said she has contacted credit agencies to transfer people to collections. She noted that they have collected taxes from Javernick Oil.

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

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. 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).

d. Public Health Update, Kayla Marler, Director

**Fremont County Public Health and Environment** Director Kayla Marler gave the County Public Health Update and listed Fremont County Covid-19-related figures as follows: 16 active cases and 6 active hospitalizations. She noted that they are working on the School Guidance with school officials based on the recommendations from Colorado Department of Health and Environment (CDPHE) and Center for Disease Control and Prevention (CDC).

**Commissioner McFall** asked when the recommendations will be finalized.

**Director Marler** replied that they will be completed by Thursday after being reviewed by the County Attorney. She clarified that they are recommendations, not mandates.

**Commissioner Grantham** asked if the School Board has the authority to make requirements.

**Director Marler** said they would have the authority. She noted that masks will not be required in school except during transportation per Federal mandate.

**Commissioner McFall** asked about a vaccination clinic for students.

**Director Marler** said Colorado Mobile Unit will be going to local schools to provide vaccines for students and walk-ins at the Health Department.



**Commissioner McFall** inquired about the usual school immunizations.

**Director Marler** replied that they are taking appointments and discussed how the School Guidance provides more than just information about Covid-19.

**Commissioner Bell** commented that she assumed Commissioner McFall was referring to Covid-19 vaccines.

**Commissioner Grantham** said he looks forward to not assuming.

**Director Marler** talked about a beneficial call for vaccine data with the State. The State said Fremont County is at 47.7% vaccinated for those over 18. She added that they requested the public to be educated on the sudden change from about 38% on the dashboard to the 47.7%.

**Commissioner McFall** gave a background on the vaccine data provided by the CDPHE. He said Commissioner Grantham and him were able to discuss this with Governor Polis.

**Commissioner Bell** asked how Fremont County's increased rates are comparable to those of other Colorado counties.

**Director Marler** said metro areas are vaccinated at about 72-80%. She noted that the mobile unit has been successful.

**Commissioner Grantham** asked if Fremont County was within the top 20 in Colorado.

**Director Marler** said she could not give an accurate answer.

**Commissioner Grantham** commented on how the County's numbers have increased.

**Commissioner McFall** said they expect honesty, consistency, and transparency from the State. He then spoke about the County Fair and mentioned that Colorado Country Music Association will be performing and listed other events that will be happening.

**Commissioner Bell** clarified that the livestock day, sale day, barbecue day, and other events for the Fair will be on Saturday rather than the usual Sunday. She also noted the County's participation with Colorado Counties Incorporated (CCI) and the National Association of Counties (NAC). She said they will be attending the CCI Mountain District Meeting and she will be attending all other CCI district meetings in the next six weeks.

**Commissioner Grantham** recognized the advocacy work done by Director Marler with the State. He noted that correcting the numbers would also be helpful to the State.

**Clerk & Recorder Grantham** spoke about a tabletop meeting of Elected Officials that ran scenarios concerning local election infrastructure and staff. In January the County Clerks Association will run a meeting to be observed by the Secretary of State.

\* It being 10:00 a.m. the Public Hearings commenced with the remainder of the agenda to resume subsequently.

#### **PUBLIC HEARINGS**

1. Requesting approval of OPC 21-002 Fremont's Finest LLC to operate an Optional Premise Cultivation license to cultivate medical marijuana on property located at 251 Dawn Ridge Trail, Penrose, CO  
Representative: Philipe Jenkins

**Commissioner McFall** opened the public hearing at 10:03 a.m.



**Philippe Jenkins** explained that this is an expansion of a business in Denver. He said it is an outdoor grow in living soil, they will attain water from Florence, and the security is in compliance with State standards.

**Commissioner McFall** asked how many loads of water will be used with regard to the impact on the road.

**Mr. Jenkins** said they have provided funding assistance for an easement up to the property. He said they anticipate one load per week currently and up to two loads per week next season.

**Commissioner McFall** noted that the Road and Bridge Department has requested logs with the information.

**Mr. Jenkins** said they keep track of water with a meter, the water-hauler has to keep records, and so will the business.

**Commissioner McFall** mentioned the storage tanks.

**Commissioner Bell** asked Mr. Jenkins to discuss the location of the property.

**Mr. Jenkins** said the property backs up to raw land and the nearest neighbors are 1247ft and 1259ft away. The farming land is about a quarter of an acre.

**Planning & Zoning Coordinator Stone** said the applicant falls into Tier 1 allowing for a maximum of 500 plants. They are requesting a waiver of drainage, with approval from the County Engineer.

**Dwayne Baur** introduced himself as the landowner who is leasing out to the business and is in support of the OPC.

**Mark Hodges** is a neighbor and said he supports the OPC because it is an appropriate use of the land.

**Randy Kidd** is a neighbor and said he was concerned about the easement on his property until attending the Hearing and learning more about their plans.

**Commissioner Bell** noted that is good to know that the postings work to notify people of upcoming hearings.

**Commissioner McFall** asked Mr. Jenkins to address traffic.

**Mr. Jenkins** replied that traffic will be low in volume and they will only need a larger crew when planting and harvesting.

**Commissioner McFall** mentioned the shipment of plants.

**Mr. Jenkins** said they will bring in a freezer truck for transportation to the processing facility.

**Commissioner McFall** closed the public hearing at 10:13 a.m.

**Commissioner Grantham** moved to approve OPC 21-002 Fremont's Finest LLC to operate an Optional Premise Cultivation license to cultivate medical marijuana with the waiver of the drainage plan. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

**Commissioner Bell** emphasized that the OPC is for a medical marijuana site, not for recreational or retail purposes.

**Commissioner Grantham** thanked the landowner for coming in and having spoken with the neighbors before the hearing.



2. Special Event Liquor Permit for Fremont Adventure Recreation (FAR) We Are All Made of Stars Event to be held on September 11, 2021 at 44895 W US Hwy 50, Cañon City  
Representative: Ashlee Sack

**Commissioner McFall** opened the public hearing at 10:15 a.m.

**Ashlee Sack** explained that they held successful a gala event at the Royal Gorge Dinosaur Experience in 2019 and they want to host one this year but with the additional admission of those under 21 by carding and banding as necessary.

**Commissioner McFall** asked Ms. Sack which individuals would have bands.

**Ashlee Sack** said in the past they had banded those 21 and over and marked a black "X" on hands of those under 21. She added that an alternative would be having two different bands; one for those 21 and older, and the other for those underage.

**Commissioner Bell** suggested banding those 21 and over and marking a black "X" on hands of those under 21. She touched on the applicant's report and how it has been recommended for approval by the Health Department and Sheriff's Office. She added that the posting for the hearing was posted on time. Commissioner Bell asked Ms. Sack how the formal attire works at the location of the event.

**Ms. Sack** replied that the Wild Walk is a crushed-refined trail and last year most people stayed indoors.

**Commissioner Bell** asked if the ropes course would be open.

**Ms. Sack** told Commissioner Bell that just the building and Wild Walk would be open.

**Recording Clerk, Talia Smith** reported that all necessary documentation had been received in a timely manner and reiterated that the proof of posting was made on time for the hearing.

**Zack Reynolds** introduced himself as the co-owner of the Royal Gorge Dinosaur Experience and proclaimed his support for FAR and this fundraising event. He mentioned that during the event in 2019 the Wild Walk was not open for security purposes, but now the area is fenced in. Zack also noted that they will commemorate 9/11 since the event falls on its 20<sup>th</sup> anniversary. FAR will also be donating a portion of the proceeds to the 9/11 Memorial so that those involved will receive official recognition for the support of the memorial.

**Rich Hildebrandt** conveyed his support for the event.

**Commissioner McFall** closed the public hearing at 10:28 a.m.

**Commissioner Bell** moved to approve a Special Event Liquor Permit for Fremont Adventure Recreation We Are All Made of Stars Event to be held on September 11, 2021 at 44895 W US Hwy 50 in Cañon City. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

#### **ADMINISTRATIVE/INFORMATIONAL**

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

**Rich Hilderbrand** conveyed his concerns regarding Penrose having no long-term EMS district and the threat that other residential areas face concerning EMS services. He



explained that Penrose has three options to re-establish EMS services, but the one being proposed is that Florence Fire District takes over by increasing the mill levy.

**Commissioner Bell** noted that the Board is aware of the issue but unable to fix it because it must be resolved by those affected and thanked him for pursuing the problem.

### **OLD BUSINESS**

None.

### **NEW BUSINESS**

1. Colorado Mission of Mercy update and request for funds  
Representative: Pam Dinkfelt, PhD

**Dr. Pam Dinkfelt** presented a video about the Colorado Mission of Mercy (COMOM) then described how the purpose of COMOM is to provide people with affordable dental care and requested a donation of \$10,000.

**Commissioner McFall** commented on how beneficial and accessible the program is.

**Commissioner Bell** thanked Dr. Dinkfelt for COMOM's work.

**Dr. Dinkfelt** said they will provide over \$1 million in care and are able to demonstrate exactly what has been accomplished.

**Commissioner Grantham** described how the work is not only helpful to the individual receiving care, but also to the community.

**Commissioner McFall** noted that last year COMOM saw 1,196 patients, performed nearly 7,000 dental procedures, and provided \$1,151,113 of donated care.

**Dr. Dinkfelt** claimed that generally each patient receives at least \$1000 in care.

**Director Marler** relayed how during the pandemic COMOM was unable to run their clinic and so donated all of their PPE to other departments.

**Dr. Dinkfelt** continued on about donating the PPE in 2020.

**Commissioner Grantham** moved to approve donate \$10,000 to COMOM for the 2021 event. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

2. Humane Society of Fremont County shelter update  
Representative: Doug Rae, Director

**Fremont County Humane Society Director, Doug Rae** gave the Fremont County Humane Society Update. For the full report please contact the Fremont County Humane Society.

**Commissioner Bell** asked Mr. Rae if Custer County, Silver Cliff, and Westcliffe participate in funding Fremont County's shelter since they also receive services.

**Mr. Rae** confirmed that they do.

3. Requesting approval for MS21-005 K Smith Minor Subdivision that will create a total of two lots. The subject property is located in the Agricultural Suburban Zone District, on the corner of South Street and Rockafellow Avenue in Cañon City.  
Representative: George Hall



**George Hall** explained they are splitting the parcel into two. The north parcel is vacant.

**Planning & Zoning Coordinator Stone** reported that the applicant met all minimal requirements per Fremont County regulations. She listed three contingency items: 1) access permit required for Lot Two, 2) an executed ratification of release and consent, and 3) a minor change to the dedication statement on the plat. She added that there is a deferral request for drainage until time of development.

**Commissioner McFall** asked if the executed ratification is still being processed.

**Mr. Hall** confirmed that it is.

**Commissioner Bell** determined that there is nothing concerning surrounding the request.


**Commissioner Bell** moved to approve MS 21-003 Powell to divide one parent parcel into two lots, including the contingencies for access to Lot Two, closure sheets, plat correction, and a waiver request for drainage plan and features. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

4. Extension of Agreement with SEH on Grandview Bridge and amendment of contract to add additional design services for city water line

**County Manager Bryant** explained that the request is to extend the contract to replace the Grandview Bridge, which is being funded by a grant through the Off-highway Systems Bridge Fund. She said it has to meet CDOT requirements but due to being understaffed processing is taking more time than anticipated. County Manager Bryant also mentioned the water line agreement with City of Cañon City.

**Commissioner Grantham** moved to approve the Extension of Agreement with SEH on Grandview Bridge and amendment of contract to add additional design services for city water line. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

**Commissioner McFall** adjourned the meeting at 11:02 a.m.

  
Clerk to the Board of County Commissioners



RESOLUTION NO. 30

Series of 2021

RESOLUTION FOR SPECIAL REVIEW USE PERMIT  
DEPARTMENT OF PLANNING AND ZONING FILE #SRU 13-002 CAPTAIN ZIPLINE  
ADVENTURE TOURS (Major Modification)

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

THAT WHEREAS, Gene M. Holmes, DJHM LLC, and Play Dirty ATV Tours (hereafter "applicant") has made application for modification of a Special Review Use Permit pursuant to 8.2 of the Zoning Resolution of Fremont County to allow for Play Dirty ATVs to operate from the parking area, and also allowing Captain Zipline customers to follow employees to the zipline area rather than park at the parking area and be shuttled, which application has been designated as file #SRU 13-002 Captain Zipline Adventure Tours (Major Modification);

AND WHEREAS, pursuant to the Fremont County Zoning Resolution previously adopted; the Planning Commission of Fremont County reviewed the application at its June 1, 2021 regular meeting and a motion was made to recommend **APPROVAL** of such application; and

WHEREAS, a notice containing the specific request, proposed use, date, time, location, 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 appropriate reviewing agencies; and

WHEREAS, a notice containing the specific request, proposed use, date, time, location of the public hearing to be held by the Board, 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 July 14, 2021, 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; and

WHEREAS, it appears that issuance of a Special Review Use Permit is appropriate;

NOW, THEREFORE, BE IT RESOLVED by the Board that:

1. The Board makes the following findings with respect to the application for issuance of a Special Review Use Permit to Applicant as follows:
  - a. The procedure requirements of 8.2 of the Fremont County Zoning Resolution have been met.
  - b. The location of the modification is compatible and harmonious with the surrounding neighborhood.
  - c. The proposed modification will not have detrimental effects on property values.
  - d. The proposed modification will not impair public health, welfare, prosperity and safety by creating undesirable sanitary conditions, overburdening of utilities or adverse environmental influences.
  - e. The site is of sufficient size to accommodate the modification together with all yards, open spaces, walls and fences, parking and loading facilities, landscaping and such other provisions required by this resolution.
  - f. The site will be served by streets and roads of sufficient capacity to carry the traffic generated by the modification, and the proposed use will not result in undue traffic congestion or traffic hazards.
  - g. The proposed modification, if it continues to comply with all conditions on which this approval is made contingent, will not adversely affect other property in the vicinity or the general health, safety and welfare of the inhabitants of the County, and will not cause significant air, water, noise or other pollution.
2. The application for modification of Special Review Use Permit 13-002 subject to continued acceptance and observance of Resolution #25 series of 2013 by the Applicants of the conditions in effect shall be issued contingent on the acceptance and observance by the



Applicant of the following specified conditions in effect as of the date of this approval, including the following conditions:

- A. Applicants shall provide annual permits for the chemical toilets.
  - B. A re-evaluation of the County Road Impact fees will be completed annually to include adjustments as necessary.
  - C. Tours for the ATV's will be prohibited between December 1<sup>st</sup> and April 30<sup>th</sup> to minimize impact on wildlife.
  - D. All existing conditions of operation imposed under SRU 13-007, as modified and amended from time to time since the date of initial approval, shall remain in full force and effect and shall continue to govern the operations.
3. In addition, the following items shall be required prior to issuance and recording of the permit. Documentation of completion of said items must be completed and delivered to the Department by January 14, 2022 or the application and any granted approvals will be considered expired, with reapplication required if the use is still proposed.
- a. A copy of a permit for chemical toilets.

**WAIVER REQUESTS:** Waivers of the following have been requested and granted:

5.2.4: **BUFFERING & LANDSCAPING REQUIREMENTS:** The applicant shall be required to provide screening or a buffering strip, which will act as an opaque visual barrier, unless waived by the Board. Where, in these regulations, any such screening or buffering strip is required to be provided and maintained, such buffering strip shall consist of a row of trees or continuous un-pierced hedge row of evergreens or shrubs of such species as will produce within three (3) years a screen height of at least six (6) feet and shall be of the following minimum sizes at time of installation:

5.3.3 **Lighting:** All off-street business, commercial, or industrial parking spaces may be required to be adequately lighted so as to protect the safety of the individual using the area. Said lighting shall not be directed toward surrounding properties.

5.3.4 **Landscaping:** All parking spaces (areas) used for business, commercial or industrial uses may be required to provide appropriate vegetation designed to break up the expanse of the parking area.



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

Debbie Bell:  Aye / Nay / Abstain / Absent

Kevin J. Grantham:  Aye / Nay / Abstain / Absent

Dwayne McFall:  Aye / Nay / Abstain / Absent

The Resolution was declared to be duly adopted.

DATE: July 14<sup>th</sup>, 2021

By: *D. McFall*  
Chairman

Attest: *[Signature]*  
Clerk





RESOLUTION NO. 29, SERIES OF 2021

**DESIGNATING A PORTION OF FREMONT COUNTY ROAD 45 AND  
FREEMONT COUNTY ROAD 53  
OPEN TO OFF-HIGHWAY VEHICLE TRAFFIC**

**WHEREAS**, the Fremont County Board of County Commissioners has been presented with a citizen request to open a portion of Fremont County Roads 45 and 53 to “off-highway vehicle” traffic, as defined in C.R.S. §33-14.5-101 (3); and

**WHEREAS**, the Board of Commissioners considered the request at a public hearing held during the regular meeting of the Board, on July 14, 2021; and

**WHEREAS**, Designation of roads for such off-highway vehicle traffic is authorized by C.R.S. §33-14.5-108; and

**WHEREAS**, the Board of Commissioners has determined that it is appropriate and beneficial for the citizens of Fremont County that County Road 53 (no county maintenance road) and a portion of Fremont County Road 45, beginning at the intersection with County Road 53, and continuing southeast approximately .7 miles to the parking area at the property located at 1500 Fremont County Road 45, be open to travel by off-highway vehicles; and

**WHEREAS**, travel by off-highway vehicles will not impede the safe travel of other vehicles on the designated portion of the roadway due to the limited amount of vehicle traffic on this portion of County Roads 45 and 53; and

**WHEREAS**, this designation only pertains to the section of Fremont County Roads 45 and 53 specifically set forth in this resolution and that no other county roadway shall be open to off-highway vehicle traffic, unless specifically designated by resolution of the Board.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of County Commissioners of Fremont County hereby designates a portion of Fremont County Road 45 and all of County Road 53 to be open for off-highway vehicle travel as described on the Fremont County Road Inventory, attached hereto and incorporated herein by reference:

All of County Road 53 (no county maintenance road) and a portion of Fremont County Road 45, beginning at the intersection with County Road 53, and continuing southeast for approximately .7 miles to the parking area located at 1500 Fremont County Road 45.

The use of such roads by off-highway vehicles shall continue to be governed and regulated by all applicable Colorado statutes and corresponding regulations.

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

Debbie Bell	<input checked="" type="radio"/> Aye	Nay	Abstain	Absent
Kevin J. Grantham	<input checked="" type="radio"/> Aye	Nay	Abstain	Absent
Dwayne McFall	<input checked="" type="radio"/> Aye	Nay	Abstain	Absent

Date: July 14<sup>th</sup>, 2021

BOARD OF COUNTY COMMISSIONERS  
OF FREMONT COUNTY

ATTEST:

By: Dwayne McFall  
Chairman

By: [Signature]  
Clerk