

SEVENTEENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on August 24, 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
Talia Smith	Recording Technician	Present
Brenda Jackson	County Attorney	Present
Sunny Bryant	County Manager	Present

INVOCATION

Matt Koch.

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 including the tabling of Items #2 and #8 on New Business. 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 / Tuesday, August 10, 2021
2. Approval of Bills for \$ 2,748,457.43
3. Ratification of Chairman's Signature on the Victim Assistance and Law Enforcement Grant Application
4. Approval of Resolution #32 for CUP 07-003 Front Range Parkdale Pit Major Modification
5. Approval of Rocky Mountain E-Purchasing System Agreement for Bid Services for Fremont County Projects
6. 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. 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.

- b. 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.

Commissioner McFall commented on the great numbers in County Manager Bryant's report.

Commissioner Bell noted the additional traffic in Cañon City. She then added that at the last Colorado Counties Incorporated (CCI) meeting they discussed proposed 2022 legislation that will help Fremont County as well as other counties in Colorado. Commissioner Bell also mentioned her recent and upcoming travels.

Commissioner Grantham discussed how Fremont County and Cañon City held a meeting regarding the reapportioning and redistricting of the maps in Colorado.

OLD BUSINESS

None.

NEW BUSINESS

1. Proclaiming September 2021 as Suicide Awareness Month throughout Fremont County
Representative: Jessica Cobler

Jessica Cobler read the 2021 Suicide Awareness Proclamation and gave a testimony about her son Dalton, who died by suicide. She read a poem written by one of Dalton's friends and talked about AJ, another young man who died of suicide. Ms. Cobler also included suicide-related figures such as suicide being the 7th leading cause of death in the world, and the 5th in the United States; and that there are an estimated 130 deaths by suicide per day.

Commissioner McFall told Ms. Cobler she is a warrior mom.

Commissioner Bell referred to a line in the poem "...wished he could feel friends' and family's love," and suggested that he had. She also conveyed that in pictures and stories, Dalton's personality shines through to those who did not know him.

Commissioner Grantham thanked Ms. Cobler and said he wished he had gotten to know Dalton better.

Commissioner Bell moved to approve a proclamation to make September 2021 Suicide Awareness Month throughout Fremont County. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

~~2. Proclaiming October 3 through October 9 as DiNardo's Cider Week throughout Fremont County~~

3. Proclaiming September 7 through November 7 as Fremont Fall Heritage Days throughout Fremont County

Linda Skinner introduced the Heritage Board to the BOCC and mentioned that 2021 marks the 160th anniversary of Fremont County.

Commissioner Bell mentioned the Heritage Board's self-guided tour books, which can be found in Room 105 of the Fremont County Administration Building.

Commissioner McFall added that the tour books can also be found at the Chamber of Commerce.

Ms. Skinner included that the books can be found at the Royal Gorge Regional Museum.

Commissioner Grantham noted that on the date of the anniversary, November 1st, they hope to have a celebration at the Fremont County Administration Building. He added that the State will be celebrating its 150th anniversary in 2026, so Fremont County predates Colorado by about 15 years. Commissioner Grantham thanked the Heritage Board for providing historical knowledge for the whole county, and not just for Cañon City.

Commissioner Grantham moved to approve a proclamation to make September 7 through November 7, 2021 Fremont Fall Heritage Days throughout Fremont County. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

PUBLIC HEARINGS

1. SFOO Rehab Grant Close Out for UAACOG
Representative: Amanda Morelli

Amanda Morelli said due to the effects of Covid-19 they were unable to fulfill the grant.

Commissioner McFall opened the public hearing at 10:07 a.m.

Commissioner Bell thanked Ms. Morelli

Commissioner McFall asked if they were able to help those on the remaining 40 applications.

Ms. Morelli said other programs provided help and UAACOG is reaching out to those applicants again for assistance.

Commissioner Grantham asked why the state would not allow it.

Ms. Morelli suggested that the value of the mobile homes is less than a loan.

Commissioner Grantham asked Ms. Morelli if the restriction came down through DOLA.

Ms. Morelli replied that it had.

Commissioner McFall closed the public hearing at 10:09 a.m. with no public input.

2. Request approval of a Temporary Use Permit #21-005 We Are All Made of Stars Black Tie Gala Fundraiser Event to be held on Saturday, September 11th from 5:00pm – 10:00pm.
Representative: Ashlee Sack

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

Ashlee Sack discussed the event and explained that there will be 150-200 people in attendance to stay within the fire department's safety guidelines. She added that the area is fenced, food will be provided, and members from the Colorado Springs Symphony Orchestra will perform.

Commissioner McFall addressed dress code concerns.

Ms. Sack talked about how there is a dress code to show respect and perspective. Ms. Sack added that they will be donating a cobblestone to the 9/11 memorial.

Commissioner Bell mentioned the difficulty in convincing some husbands to dress formally.

Ms. Sack noted that attendees do not have to come with formal dates.

Commissioner McFall relayed from the Planning & Zoning Department that there are no contingencies and one waiver request for a surety bond.

Commissioner Bell moved to approve TUP #21-005 We Are All Made of Stars Black Tie Gala Fundraiser Event to be held on Saturday, September 11th from 5:00 p.m. – 10:00 p.m. with the waiver of the surety bond. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

Commissioner McFall closed the public hearing at 10:14 a.m.

NEW BUSINESS

4. Special Event Liquor Permit for Community Resource Center's Heart of Colorado Rural Philanthropy Days
44895 W US Hwy 50, Canon City, CO 81212 on
September 22, 2021 between 6:00-10:00 pm
Representative: Maretta Characky

Maretta Characky explained that Heart of Colorado Rural Philanthropy Days is a networking event for nonprofits. She said it will be catered by several companies including Florence Brewing Company and The Abbey Winery.

Commissioner McFall asked if the event is formal.

Ms. Characky replied that it is business casual.

Commissioner Bell noted that the event is very beneficial to the community.

Recording Technician, Talia Smith reported that the application was received on July 26, 2021, they have provided all necessary documentation, and they submitted proof of posting on August 9th.

Commissioner McFall added that the Health Department and Sheriff Department recommend approval for the event.

Commissioner Grantham moved to approve the Special Event Liquor Permit for Community Resource Center's Heart of Colorado Rural Philanthropy Days on September 22, 2021 between 6:00-10:00 p.m. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

5. Special Event Fermented Malt Permit for Early Connections Learning Centers' National Senior Pro Rodeo, September 17th, 18th, & 19th
Representative: Liz Denson

Liz Denson explained that the 2020 event was postponed and this year they are having it in September with an additional night because they anticipate people will come to town sooner.

Recording Technician Smith reported that the applicant is requesting a Fermented Malt Beverage Special Events Permit, their application was received August 2, 2021, and they submitted proof of posting on August 12th.

Commissioner McFall added that the Health Department and Sheriff Department recommend approval and asked Ms. Denson whether the bleachers are going to be fenced off.

Ms. Denson explained they will be using livestock paneling and security between the bleachers.

Commissioner Bell asked Ms. Denson who will be serving drinks, how they will be trained, and how IDs will be checked.

Ms. Denson confirmed that the servers will be TIP certified and trained and the woman in charge of the beer garden area is experienced with the event. The Pueblo Budweiser distributor will provide wristbands for those over 21.

Commissioner McFall asked whether beer would be provided in the shaded area.

Ms. Denson said the covered area would have beer available. She provided further explanation regarding the mapped area.

Commissioner Bell noted the benefit in sitting while drinking rather than confining drinking to a standing area.

Commissioner Bell moved to approve a Special Event Fermented Malt Permit for Early Connections Learning Centers' National Senior Pro Rodeo, September 17th, 18th, & 19th. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

6. Special Event Liquor Permit for Fremont Adventure Recreation's Royal 50 Mountain Bike Race on October 16th from 12:00pm – 8:00pm.
Representative: Ashlee Sack

Ashlee Sack explained the race is a mountain bike event with a beer garden and they will institute proper precautions to check IDs and serve alcohol to those over 21.

Recording Technician Smith reported that the application was received on July 29, 2021, they have provided all necessary documentation, and they submitted proof of posting on August 11th.

Commissioner McFall added that the Health Department and Sheriff Department recommend approval.

Commissioner Bell asked Ms. Sack if they will use wristbands.

Ms. Sack said they will.

Commissioner Bell asked Ms. Sack if there would be fencing.

Ms. Sack replied that they use snow fencing.

Commissioner McFall noted that if it's like the last event, it will be secure.

Ms. Sack explained that it will be a small event and therefore easy to monitor.

Commissioner Grantham moved to approve a Special Event Liquor Permit for Fremont Adventure Recreation's Royal 50 Mountain Bike Race on October 16th from 12:00pm – 8:00pm. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

7. Request Approval for Hermosa Minor Subdivision 21-007 that will create a total of 2 lots. The subject property is located in the Agricultural Suburban Zone District on Grand Avenue in Canon City, Colorado
Representative: Matt Koch

Matt Koch explained there is a house on Lot 2 and Lot 1 is vacant. He said no improvements are needed and they have 3 contingencies for Lot 2: wait for an access permit until the time of the building permit, closure sheets, and a ratification consent and release

form. They are requesting a waiver of the drainage plan and features, approved by the County Engineer.

Commissioner Grantham requested clarification of the location of the lots.

Commissioner Bell talked about the purpose of requiring minor subdivisions.

Commissioner McFall provided Planning & Zoning Department's report and they recommend approval with the contingencies and waiver.

Commissioner Bell noted that the County Engineer determined there would be no flood risk to neighboring properties with regard to the drainage plan waiver.

Commissioner Grantham moved to approve Hermosa Minor Subdivision 21-007 that will create 2 lots, including 3 contingencies for Lot 2: no access permit until the time of the building permit, closure sheets, and a ratification consent and release form and a waiver request 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.

~~8. Presentation of the 2020 Audit Report~~

~~Representative: Kyle Logan, Logan and Associates, LLC~~

9. Adoption of Pathfinder Regional Park Facility Usage Policies and Agreement

Commissioner McFall said they are still determining how they will charge fees for uses at the facility.

Commissioner Grantham touched on the good work done to make good use of the facility once it is running.

Commissioner Bell continued on about the fees and applications and said they are available online at www.fremontco.com.

Commissioner McFall thanked County Manager Bryant.

Commissioner Bell moved to adopt the Pathfinder Regional Park Facility Usage Policies and Agreement. **Commissioner Grantham** seconded the motion. Upon Vote: **Commissioner Bell**, aye; **Commissioner Grantham**, aye; **Commissioner McFall**, aye. The motion carried by unanimous consent.

10. Reappointment of Dana Sweatland to Fair Board for a term ending December 31, 2024

Commissioner Bell moved to reappoint Dana Sweatland to Fair Board for a term ending December 31, 2024. **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 10:40 a.m.




Clerk to the Board of County Commissioners

RESOLUTION NO. 32

Series of 2021

RESOLUTION FOR CONDITIONAL USE PERMIT - FILE NUMBER CUP 07-003 FRONT RANGE AGGREGATES PARKDALE PIT MAJOR MODIFICATION

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

THAT WHEREAS, Front Range Aggregates, LLC c/o Martin Marietta Materials, Inc. (hereafter "Applicants") have made application for a major modification of an existing Conditional Use Permit CUP 07-003 pursuant to 8.2 of the Zoning Resolution of Fremont County to expand mining onto BLM lands North of the current operation and comply with condition Y of Resolution #31 Series of 1997 for their mining operation. Said application has been designated as file #CUP 07-003 Front Range Aggregates Parkdale Pit Major Modification;

AND WHEREAS, pursuant to the Fremont County Zoning Resolution previously adopted; the Planning Commission of Fremont County reviewed the application at its July 6, 2021, regular meeting and recommended the **APPROVAL** of such application; and

WHEREAS, a notice containing the specific request, proposed use, date, time, location of the public hearing, telephone number of the 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 agencies, in accordance with regulations; and

WHEREAS, a notice containing the specific request, proposed use, date, time, 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 August 10, 2021, at which time comments and evidence were considered, including all materials contained as part of the application and which were in the county's file concerning the application; and

WHEREAS, it appears that the issuance of a Conditional Use Permit is appropriate;

NOW THEREFORE, BE IT RESOLVED by the Board that:

1. The Board did make the following findings with respect to the application for a Conditional Use Permit as follows:

- a) The procedural requirements of 8.2 of the Fremont County Zoning Resolution have been met.
 - b) The location of the proposed use is compatible with other land uses in the area and does not place an undue burden on existing transportation, utilities, and service facilities in the vicinity, except as otherwise noted in these findings.
 - c) The site is of sufficient size to accommodate the proposed use together with all yards, open spaces, walls and fences, parking and loading facilities, landscaping and such other provisions required by this resolution.
 - d) The site will be served by streets and roads of sufficient capacity to carry the traffic generated by the proposed use, and the proposed use will not result in undue traffic congestion or traffic hazards.
 - e) The proposed use, if it complies 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 Conditional Use Permit 07-003 subject to continued acceptance and observance of Resolution #23 series of 2008 and Resolution #31 series of 1997 by the Applicants of the conditions in effect shall be issued contingent on the acceptance and observance by the Applicant of the specified conditions in effect as of the date of this approval, including the following conditions:
- A. All existing conditions of operation imposed under CUP 07-003 and CUP 97-005, 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.

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

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.

CONTINGENCY ITEMS TO BE COMPLETED PRIOR TO COMMENCING OPERATIONS:

1. Minor revisions to the site plan.
2. Copy of the DRMS permit.
3. Copy of contract for waste disposal.

Commissioner Bell moved the adoption of the foregoing Resolution, with a second by Commissioner Grantham 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: August 10th, 2021

By: Dwayne McFall

Chairman

Attest: [Signature]

Clerk

