

EIGHTEENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on September 24, 2019, 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
Tim Payne	Commissioner	Present
Debbie Bell	Commissioner	Present
Justin Grantham	Clerk & Recorder	Present
Dotty Gardunio	Chief Deputy C & R	Present
Brenda Jackson	County Attorney	Present
Sunny Bryant	County Manager	Present
Sean Garrett	Planning & Zoning Director	Present

INVOCATION

Guy Burford, of Connect 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 Bell moved to approve the Agenda. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner McFall, aye. The motion carried.

CONSENT AGENDA

1. Approval of Minutes / September 9, 2019
2. Approval of Bills for \$2,527,172.04
3. Request for Resolution #26 for 12th Amendment to the Fremont County Zoning Resolution
4. Schedule Public Hearings: October 22, 2019 at 10:00 a.m.
 - a. Amendment to the Fremont County Zoning Resolution to allow for Limited Wineries in Agricultural Forestry, Agricultural Farming & Ranching, Agricultural Living, and Agricultural Rural Zone Districts

Commissioner Payne moved to approve the Consent Agenda. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried.

ADMINISTRATIVE/INFORMATIONAL

1. Staff / Elected Officials:
 - a. County Manager Report, Sunny Bryant, County Manager

County Manager Bryant gave her monthly report.

- b. Sales & Use Tax Report, Sunny Bryant, County Manager

County Manager Bryant reported the sales and use tax figures.

Commissioner Payne explained that they asked for permanent P.I.L.T. funding when on their trip to Washington D.C.

Commissioner McFall also spoke about the impacts of P.I.L.T. funding.

Commissioner Bell warned Fremont County citizens of a new scam circulating.

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

Frank Rhodes, of 505 County Road 67, Penrose, Colorado expressed his concerns with the rezoning and classification of his property in Phantom Canyon from a travel trailer park to a campground.

Christine Everett, of 2907 Locke Mountain Road, Florence, Colorado, expressed her concerns for the condition and upkeep of County Road 84.

Bob Wellott had a follow-up question for the commissioners about their trip to Washington D.C. regarding BLM land.

OLD BUSINESS

None.

NEW BUSINESS

1. Resolution appointing the Veteran's Service Officer for a term from October 10, 2019 to January 10, 2022

The Board of County Commissioners called Al Augustine to the podium to thank him for his years of service to Fremont County as the Veteran's Service Officer.

Commissioner McFall read resolution #27.

The Board of County Commissioners called Martin Peek forward to welcome him to the new position.

Commissioner Bell moved to approve Resolution #27, appointing Martin Peek to a term of October 10, 2019 until January 10, 2022. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner McFall, aye. The motion carried.

2. Presentation of the 2018 Audit Report
Representative: Kyle Logan, Logan and Associates, LLC

Kyle Logan, of Logan and Associates, LLC, gave the report for the 2018 audit.

Commissioner Payne moved to accept the audit report for 2018. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried.

3. OPC 14-009 Green Around You Transfer of Ownership
Requesting transfer of ownership for Department file #OPC 14-009 Green Around You to Penrose Management Co Ltd. Property is located at 890 7th Street, Penrose, CO 81240 and owned by 7th ST LLC.
Representative: Edward Vasquez

Edward Vasquez, of Green Around You, explained this is just a structural change due to law changes effective in July. This is collapsing two licenses in to one. It is a name change only, no other operations will change.

Planning and Zoning Director Garrett gave a staff report, stating all is in order.

Commissioner Bell moved to approve OPC 14-009 Green Around You transfer of ownership. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner McFall, aye. The motion carried.

4. Selection of an engineering firm for the Grandview Avenue Bridge Replacement FCRO 105-Grv Av, Fremont County, CO

County Manager Bryant said that they recommend awarding the bid to S.E.H., Short, Elliott & Hendrickson Inc. out of the three proposals that were received.

Commissioner Payne moved to award the bid to S.E.H. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried.

5. Approval of contracts with Qless for October 1, 2019 thru December 31, 2019 and for January 1, 2020 thru December 31, 2020 for a queuing system in the Motor Vehicle Department, Clerk and Recorder's Office

County Clerk Grantham explained the Qless system would reduce confusion, wait times and allow customers to schedule appointments in the Motor Vehicle Department. The first contract is for the remainder of 2019 along with all the equipment and hardware needed, and the second contract is for services with Qless for the 2020 year.

Commissioner Bell moved to approve the contract with Qless for October 1, 2019 through December 31, 2019 in the amount of \$5,067.50. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner McFall, aye. The motion carried.

Commissioner Payne moved to approve the contract with Qless for January 1, 2020 through December 31, 2020 in the amount of \$6,600.00. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried.

PUBLIC HEARING

There were none.

Commissioner McFall adjourned the meeting at 10:40 a.m.


Clerk and Recorder



RESOLUTION NO. 26
Series of 2019

12th Amendment to the Fremont County Zoning Resolution

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

THAT WHEREAS, effective **September 9, 2019**, the Board of County Commissioners adopted amendments of the Fremont County Zoning Resolution; and

WHEREAS, certain amendments to said Resolution have been proposed; and

WHEREAS, the Fremont County Planning Commission has promulgated and recommended approval of the proposed 12th Amendment to the Fremont County Zoning Resolution; and

WHEREAS, the Board of County Commissioners has conducted a public hearing on the proposed amendment on **September 9, 2019**, pursuant to such publication and notice as may be provided by law; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners that the Fremont County Zoning Resolution be and hereby is amended as set forth in Exhibit A attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that such amendment shall apply to all new submittals from **September 24, 2019**.

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

Commissioner Payne: Aye / Nay / Abstain / Absent

Commissioner McFall: Aye / Nay / Abstain / Absent

Commissioner Bell: Aye / Nay / Abstain / Absent

The Resolution was declared to be duly adopted.

DATE: 9/24/2019

Dwayne McFall
CHAIRMAN, FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS

ATTEST: [Signature]
FREMONT COUNTY CLERK AND RECORDER



**EXHIBIT A – 12TH AMENDMENT
TO THE FREMONT COUNTY ZONING RESOLUTION**

ADDED

DELETED

- 8.16.1.9 Address means of security and crowd control. The security and crowd control plan shall include copies of any agreements and or contracts with appropriate agencies or companies, if applicable.
- 8.16.1.10 Address how vehicular and pedestrian traffic will be handled. The vehicular and pedestrian traffic control plan shall include copies of any agreements and or contracts with appropriate agencies or companies, if applicable.
- 8.16.1.11 A drinking water plan which includes documentation of agreements and / or contracts with companies providing necessary facilities. NOTE: This will require review and approval by the Fremont County Environmental Health Officer.
- 8.16.1.12 A sanitation plan (*restroom facilities*) which includes documentation of agreements and/or contracts with companies providing necessary facilities. NOTE: This will require review and approval by the Fremont County Environmental Health Officer.
- 8.16.1.13 A concession plan, if any, which includes a list of food and or beverage vendors and permits, licenses or the like required. If vendors are used, please provide documentation of sales tax license. NOTE: This will require review and approval by the Fremont County Environmental Health Officer.
- 8.16.1.14 An emergency service operation plan addressing what emergency services are proposed for the proposed event. The emergency services plan shall include any agreements and or contracts, with appropriate agencies or companies.
- 8.16.1.15 Documentation as to acceptance of a fire protection plan from an appropriate fire protection agency along with a copy of said plan. A blank fire protection plan and district comment form is available at the Department.
- 8.16.1.16 Address how event parking will be handled. The event parking plan shall include copies of any agreements and or contracts with appropriate agencies or companies, if applicable.
- 8.16.1.17 Address any street closures in connection with the event. Any closure of a County roadway will require approval by the Board. Proposed closures of roadways not controlled by the County will require closure approval by the appropriate authority. Describe how closures will be conducted, where the closure will occur and the time frames for closure.
- 8.16.1.18 The applicant shall provide a list of agencies that require the issuance of a permit, license or the like for the event.
- ~~8.16.1.19 Sheriff's Office (SO) Notification:~~

~~8.16.1.19.1~~ There are two (2) options for notification which are as follows:

~~8.16.1.19.1.1~~ The applicant may contact the SO and obtain a written statement that contains the SO acknowledgement of notification and any recommendations and or comments regarding the event the SO may have.

~~8.16.1.19.1.1.1~~ Proof of such notification shall accompany the application submittal.

~~8.16.1.19.1.2~~ The applicant may send notice of the event through the US Postal Service to the SO by certified mail, return receipt requested a minimum of twenty (20) working days prior to a regularly scheduled Board meeting, at which the applicant is requesting to be heard:

~~8.16.1.19.1.2.1~~ The notice shall state that written comments, recommendations, etcetera from the SO must be received by the Department at least ten (10) days prior to the Board meeting and if the SO fails to provide written comments prior to the ten (10) day deadline it will be the determination of the Department, for its review, that the SO had no recommendations and or comments regarding the application.

~~8.16.1.19.1.2.2~~ Representatives of the SO may attend the Board meeting to present recommendations and or comments regarding the application.

~~8.16.1.19.1.2.3~~ Proof of such notification shall accompany the application submittal.

~~8.16.1.19.2~~ SO Notification shall include at a minimum the following:

~~8.16.1.19.2.1~~ A description of the event;

~~8.16.1.19.2.2~~ The location, date, time and duration of the event;

~~8.16.1.19.2.3~~ A detailed description of all proposed roadway closures;

~~8.16.1.19.2.4~~ A copy of the proposed traffic control plan;

~~8.16.1.19.2.5~~ A detailed description of proposed signage and sign locations;

~~8.16.1.19.2.6~~ A copy of the emergency services plan;

~~8.16.1.19.2.7~~ A detailed description of the proposed crowd control.

~~8.16.1.20~~ Colorado State Patrol (CSP) Notification:

~~8.16.1.20.1~~ There are two (2) options for notification which are as follows:

Temporary Use Permit 8.16-8.16.6

~~8.16.1.20.1.1 The applicant may contact the CSP and obtain a written statement that contains the CSP acknowledgement of notification and any recommendations and or comments regarding the event the CSP may have.~~

~~8.16.1.20.1.1.1 Proof of such notification shall accompany the application submittal.~~

~~8.16.1.20.1.2 The applicant may send notice of the event through the US Postal Service to the CSP by certified mail, return receipt requested a minimum of twenty (20) working days prior to a regularly scheduled Board meeting, at which the applicant is requesting to be heard:~~

~~8.16.1.20.1.2.1 The notice shall state that written comments, recommendations, etcetera from the CSP must be received by the Department at least ten (10) days prior to the Board meeting and if the CSP fails to provide written comments prior to the ten (10) day deadline it will be the determination of the Department, for its review, that the CSP had no recommendations and or comments regarding the application.~~

~~8.16.1.20.1.2.2 Representatives of the CSP may attend the Board meeting to present recommendations and or comments regarding the application.~~

~~8.16.1.20.1.2.3 Proof of such notification shall accompany the application submittal.~~

~~8.16.1.20.2 CSP Notification shall include at a minimum the following:~~

~~8.16.1.20.2.1 A description of the event;~~

~~8.16.1.20.2.2 The location, date, time and duration of the event;~~

~~8.16.1.20.2.3 A detailed description of all proposed roadway closures;~~

~~8.16.1.20.2.4 A copy of the proposed traffic control plan;~~

~~8.16.1.20.2.5 A detailed description of proposed signage and sign locations.~~

~~8.16.1.21 Fremont County Department of Transportation (FCDOT) Notification:~~

~~8.16.1.21.1 There are two (2) options for notification which are as follows:~~

~~8.16.1.21.1.1 The applicant may contact the FCDOT and obtain a written statement that contains the FCDOT acknowledgement of notification and any~~

~~recommendations and or comments regarding the event the FCDOT may have.~~

~~8.16.1.21.1.1.1 — Proof of such notification shall accompany the application submittal.~~

~~8.16.1.21.1.2 — The applicant may send notice of the event through the US Postal Service to the FCDOT by certified mail, return receipt requested a minimum of twenty (20) working days prior to a regularly scheduled Board meeting, at which the applicant is requesting to be heard.~~

~~8.16.1.21.1.2.1 — The notice shall state that written comments, recommendations, etcetera from the FCDOT must be received by the Department at least ten (10) days prior to the Board meeting and if the FCDOT fails to provide written comments prior to the ten (10) day deadline it will be the determination of the Department, for its review, that the FCDOT had no recommendations and or comments regarding the application.~~

~~8.16.1.21.1.2.2 — Representatives of the FCDOT may attend the Board meeting to present recommendations and or comments regarding the application.~~

~~8.16.1.21.1.2.3 — Proof of such notification shall accompany the application submittal.~~

~~8.16.1.21.2 — FCDOT Notification shall include at a minimum the following:~~

~~8.16.1.21.2.1 — A description of the event;~~

~~8.16.1.21.2.2 — The location, date, time and duration of the event;~~

~~8.16.1.21.2.3 — A detailed description of all proposed roadway closures;~~

~~8.16.1.21.2.4 — A copy of the proposed traffic control plan;~~

~~8.16.1.21.2.5 — A detailed description of proposed signage and sign locations.~~

~~8.16.1.22 — Colorado Department of Transportation (CDOT) Notification will be required if the property gains direct access from a roadway under the jurisdiction of CDOT or if deemed necessary by the Department:~~

~~8.16.1.22.1 — There are two (2) options for notification which are as follows:~~

~~8.16.1.22.1.1~~ The applicant may contact the CDOT and obtain a written statement that contains the CDOT acknowledgement of notification and any recommendations and or comments regarding the event the CDOT may have.

~~8.16.1.22.1.1.1~~ Proof of such notification shall accompany the application submittal.

~~8.16.1.22.1.2~~ The applicant may send notice of the event through the US Postal Service to the CDOT by certified mail, return receipt requested a minimum of twenty (20) working days prior to a regularly scheduled Board meeting, at which the applicant is requesting to be heard.

~~8.16.1.22.1.2.1~~ The notice shall state that written comments, recommendations, etcetera from the CDOT must be received by the Department at least ten (10) days prior to the Board meeting and if the CDOT fails to provide written comments prior to the ten (10) day deadline it will be the determination of the Department, for its review, that the CDOT had no recommendations and or comments regarding the application.

~~8.16.1.22.1.2.2~~ Representatives of the CDOT may attend the Board meeting to present recommendations and or comments regarding the application.

~~8.16.1.22.1.2.3~~ Proof of such notification shall accompany the application submittal.

~~8.16.1.22.2~~ CDOT Notification shall include at a minimum the following:

~~8.16.1.22.2.1~~ A description of the event;

~~8.16.1.22.2.2~~ The location, date, time and duration of the event;

~~8.16.1.22.2.3~~ A detailed description of all proposed roadway closures;

~~8.16.1.22.2.4~~ A copy of the proposed traffic control plan;

~~8.16.1.22.2.5~~ A detailed description of proposed signage and sign locations;

8.16.1.23 Proof of general liability insurance for the event in amounts deemed appropriate by the Board.

8.16.1.24 Requirements as to cash, surety or other bond deemed necessary and appropriate by the Board to ensure that the property affected by the event will be cleaned to the reasonable satisfaction of the County and that damage associated with the conduct of the event may be repaired or remedied without cost to the County.

8.16.1.19 The Department shall notify the Sheriff's Office (SO), Fremont County Department of Transportation (FCDOT), Colorado State Patrol (CSP), Fremont County Environmental Health, Colorado Department of Transportation (CDOT), if access is directly off a CDOT controlled road, and Fremont County Search & Rescue of the event.

8.16.1.19.1 Notification shall include the date of the next scheduled board meeting and state that written comments, concerns, recommendations, etcetera must be received at least 10 days prior to the scheduled Board Meeting. And, that representatives from the respective agency may attend the meeting to present recommendations or provide comments regarding the application.

8.16.1.19.2 Notification shall include the following:

- 8.16.1.19.2.1 A description of the event;
- 8.16.1.19.2.2 Location, date(s) and times of the event(s);
- 8.16.1.19.2.3 Detailed description of any proposed road closures;
- 8.16.1.19.2.4 Proposed traffic control plan;
- 8.16.1.19.2.5 Detailed description of signage and sign location(s);
- 8.16.1.19.2.6 Emergency Service Plan;
- 8.16.1.19.2.7 Crowd control plan;
- 8.16.1.19.2.8 Date of scheduled Board Meeting

8.6 EXTENSIONS: The Board may extend the time period for submittal of contingency items of application approval upon documented showing of good cause.

8.6.1 No extensions may be granted unless a written request, detailing the reasons and justification for extension, and required fee is submitted to the Department a minimum of ten (10) working days prior to the expiration of the initial six (6) month period or previous extension granted.

8.6.2 ~~The Department shall schedule the request for extension for the next regular Board meeting at which time the Board will consider the request.~~ The Department may administratively approve one six-month extension.

8.6.3 For all additional requests the Department shall schedule the request for extension for the next regular Board meeting; at which time the Board will consider the request.

8.6.4 Without explicit justification warranting a longer time frame, extensions shall not be granted for more than six (6) months from the date of the original deadline date or previous extension

8.6.5 In circumstances where extensions have been granted that exceed an eighteen (18) month time period from the original Board date of approval of the application, the Board may require further review by the Commission.

4.10.6.17 Detailed utility plan: A detailed utility plan showing the proposed location of all utilities (water, sewer, electric, gas, cablevision lines, irrigation ditches and lines, horizontal and vertical), as proposed by the developer. ~~The plan shall be accompanied by the signatures of all the utility companies noting their approval of the plan.~~ Plan shall be accompanied by documentation from the utility providers that service can be provided, and any necessary upgrades as determined by the utility provider

4.11.6.10 Detailed utility plan: A detailed utility plan showing the proposed location of all utilities (water, sewer, electric, gas, cablevision lines, irrigation ditches and lines, horizontal and vertical), as proposed by the developer. ~~The plan shall be accompanied by the signatures of all the utility companies noting their approval of the plan.~~ Plan shall be accompanied by documentation from the utility providers that service can be provided, and any necessary upgrades as determined by the utility provider

8.13.4.17 Detailed utility plan: A detailed utility plan showing the proposed location of all utilities (water, sewer, electric, gas, cablevision lines, irrigation ditches and lines, horizontal and vertical), as proposed by the developer. ~~The plan shall be accompanied by the signatures of all the utility companies noting their approval of the plan.~~ Plan shall be accompanied by documentation from the utility providers that service can be provided, and any necessary upgrades as determined by the utility provider

8.14.2.23 Detailed utility plan: A detailed utility plan showing the proposed location of all utilities (water, sewer, electric, gas, cablevision lines, irrigation ditches and lines, horizontal and vertical), as proposed by the developer. ~~The plan shall be accompanied by the signatures of all the utility companies noting their approval of the plan.~~ Plan shall be accompanied by documentation from the utility providers that service can be provided, and any necessary upgrades as determined by the utility provider

8.15.10.10 Detailed utility plan: A detailed utility plan showing the proposed location of all utilities (water, sewer, electric, gas, cablevision lines, irrigation ditches and lines, horizontal and vertical), as proposed by the developer. ~~The plan shall be accompanied by the signatures of all the utility companies noting their approval of the plan.~~ Plan shall be accompanied by documentation from the utility providers that service can be provided, and any necessary upgrades as determined by the utility provider

8.16.5.1.2 Detailed utility plan: A detailed utility plan showing the proposed location of all utilities (water, sewer, electric, gas, cablevision lines, irrigation ditches and lines, horizontal and vertical), as proposed by the developer. ~~The plan shall be accompanied by the signatures of all the utility companies noting their approval of the plan.~~ Plan shall be accompanied by documentation from the utility providers that service can be provided, and any necessary upgrades as determined by the utility provider

RESOLUTION NO. 27, SERIES OF 2019

**RESOLUTION APPOINTING THE VETERAN'S SERVICE OFFICER FOR
A TERM FROM OCTOBER 10, 2019 THROUGH JANUARY 10, 2022**

WHEREAS, the Fremont County Board of County Commissioners is authorized by C.R.S. §28-5-801-805 to establish a county veterans service office and to appoint a county veterans service officer for such county; and

WHEREAS, on December 26, 2017, the Board of Commissioners approved Resolution 39, Series of 2017, which appointed Albert Augustine as the Fremont County Veterans Service Officer for a term ending January 14, 2020; and

WHEREAS, Albert Augustine has performed well in his position as Veterans Service Officer, and has notified the Board of Commissioners of his intent to retire, effective October 10, 2019; and

WHEREAS, the Board of Commissioners expresses deep appreciation for the service Albert Augustine has provided to the veterans of Fremont and Custer Counties and wishes him good health and happiness in his retirement; and

WHEREAS, the Board of Commissioners has conducted a search for a new Veterans Service Officer by advertising for interested applicants to fill the position of Veterans Service Office, interviewing interested applicants, and seeking the advice and counsel of the chief officer of each post of the regularly established and existing veterans organizations of Fremont County; and

WHEREAS, the Fremont County Board of Commissioners has determined that Martin Peek, an applicant for the position, is well-qualified based on his education and experience to perform the duties of county veterans service officer and is confident that Martin Peek will successfully perform the duties and assume the responsibilities of veterans service officer and should be appointed to serve in such position for the completion of the current term of Al Augustine, and thereafter for a two-year term of office commencing January 14, 2020 and ending January 10, 2022.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS FOR THE COUNTY OF FREMONT, that Martin Peek is hereby appointed to the office of Veterans Service Officer for completion of the current two-year term commencing October 10, 2019 and ending January 14, 2020, and thereafter for a full two-year term commencing January 14, 2020 and ending on January 10, 2022. The duties and responsibilities of the office shall be as set forth in Colorado State Statutes and as may be requested from time to time by the Board of County Commissioners. The effective date of the appointment shall be October 7, 2019.

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

Debbie Bell	<u>Aye</u>	Nay	Absent	Abstain
Dwayne McFall	<u>Aye</u>	Nay	Absent	Abstain
Timothy R. Payne	<u>Aye</u>	Nay	Absent	Abstain

Date: 9/24/2019

BOARD OF COUNTY COMMISSIONERS
OF FREMONT COUNTY

ATTEST:

By: Dwayne McFall
Chairman

By: [Signature]
Clerk to the Board

