

## **FIFTEENTH MEETING**

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on December 8, 2020 615 Macon Avenue, Room LL3, Fremont County Administration Building, Canon City, Colorado. Chairperson Debbie Bell called the meeting to order at 9:30 a.m.

Debbie Bell	Commissioner	Present
Dwayne McFall	Commissioner	Present
Tim Payne	Commissioner	Present
Justin Grantham	Clerk & Recorder	Present
Brenda Jackson	County Attorney	Present
Sunny Bryant	County Manager	Present
Sean Garrett	Planning & Zoning Director	Present

### **INVOCATION**

Todd Luce, Grandview Christian 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** noted that on item #5 of the agenda, there will be an additional appointee, Marie Adams.

**Commissioner McFall** moved to approve the Agenda with the addition to item #5. Commissioner Payne seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

### **CONSENT AGENDA**

1. Approval of Minutes / November 10, 2020
2. Approval of Minutes / November 24, 2020
3. Approval of Bills for \$2,040,543.06
4. Ratification of Chairman's signature on VOCA Grant effective January 1, 2021 through December 31, 2022
5. Schedule Public Hearing: December 22, 2020 at 10:00 a.m.
  - a. Request: VPR 20-001 Aetna St & Phenix St  
Requesting approval of a Vacation of Public Right of Way Department File # VPR 20-001 Aetna & Phenix Street. Application is to vacate two platted roadways between Field Ave & Red Canyon Road. Neither right-of-way is currently installed or utilized.

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

### **ADMINISTRATIVE/INFORMATIONAL**

1. Staff / Elected Officials:

a. County Clerk's Monthly Report

**County Clerk Grantham** gave the monthly report for October, 2020 and November, 2020. The report, in its entirety, can be found on the County's website [www.fremontco.com](http://www.fremontco.com).

**Commissioner McFall** moved to accept the County Clerk's monthly report for October, 2020 and November, 2020. Commissioner Payne seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

b. County Manager Report, Sunny Bryant, County Manager

**County Manager Bryant** updated the Board on the final round of the CARES Act Grant. She said that this round is for revenue recovery. Ms. Bryant said that the application for the grant can be found on the County's website [www.fremontco.com](http://www.fremontco.com) and that the deadline for submissions is Thursday December 12, 2020 at 5:00 p.m. She then went on to say that the auditors are here this week for their interim audit doing preliminary work for the year end audit which will be in April, 2021. Lastly Ms. Bryant said that Monday December 7, 2020 was the kickoff meeting for the Pathfinder Park Community Building which will hopefully break ground in March, 2021.

**Commissioner McFall** wanted to thank all of the citizens that volunteer on the boards and commissions throughout the County. He wanted to make special mention of some people that are resigning from their duties. Mr. McFall said that Peggy Gair has resigned from the Tourism Council as well as Ralph and Kathy Kunselman have resigned from the Fair Board. He said that the vacancies are posted on the County's website [www.fremontco.com](http://www.fremontco.com) and in the newspaper if anyone is interested in serving on any of the various boards.

**Commissioner Bell** said that work has been ongoing at the Fremont County Emergency Response Center on Main St. She said that this building will house Search and Rescue as well as other County departments. She said Thank You to all the County staff that have been instrumental in getting that building ready.

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

**Tim Jordan** asked if there was a way that the public could join or view meetings held with the State Department of Public Health and Environment (CDPHE).

**Commissioner Bell** told Mr. Jordan that those meetings are posted on the county's website [www.fremontco.com](http://www.fremontco.com) as well as on the posting boards at the Fremont County Administration Building.

**OLD BUSINESS**

None.

**NEW BUSINESS**

1. Recognition of the 2020 Fremont County Employee of the Year and nominees

**Commissioner Bell, Commissioner McFall, and Commissioner Payne** took turns reading all of the nomination letters, and all nominees were recognized with certificates. Due to the challenges 2020 has presented, the Commissioners and Elected Officials made the decision to designate two individuals for Employee of the year. Mike Miller of the Sheriff Department and Sara Miller of the Public Health Department were both selected and recognized as the 2020 Fremont County Employee of the Year.

2. MS 20-005 McCumber Subdivision

Requesting approval for minor subdivision that will create a total of 2 lots. The subject property is located in the Agricultural Suburban Zone District, on Dozier Ave, across from Serenity Lane  
Representative: Matt Koch

**Matt Koch** came before the Board requesting approval for a minor subdivision that will create a total of 2 lots.

**Planning and Zoning Director Garrett** said that the application was complete. He said that the one contingency item is the driveway access permit for lot one. Mr. Garrett also said that they are deferring the drainage plan until the time of development.

**Commissioner Payne** moved to approve MS 20-005 McCumber Subdivision with the contingency of driveway access permit for lot one. Commissioner McFall seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner McFall, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

3. CUP 90-012 Desert Reef Beach Club Transfer of Ownership  
Requesting a transfer of ownership for CUP 90-012 Desert Reef Beach Club

**Chris McGlothlin** said that he has purchased the property and business and is requesting a transfer of ownership of the existing conditional use permit.

**Planning and Zoning Director Garrett** said that his department has received the letter requesting the transfer of ownership and has no issues with the approval of CUP 90-012. He said that the new owners have agreed to abide by the existing conditions of the current conditional use permit. Director Garrett added that there have been no violations of the conditions.

**Commissioner McFall** moved to approve the request for a transfer of ownership for CUP 90-012 Desert Reef Beach Club. Commissioner Payne seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

4. Reappoint Donna Landrum, Tony Telck, and Ralph Kunselman to the Fremont County Weed Advisory Board for three-year terms ending December 31, 2023

**Commissioner Bell** said that the Board received letters from each person expressing interest in being reappointed to the Fremont County Weed Advisory Board.

**Commissioner McFall** moved to reappoint Donna Landrum, Tony Telck, and Ralph Kunselman to the Fremont County Weed Advisory Board for three-year terms ending December 31, 2023. Commissioner Bell seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

5. Reappoint Mark Masar, JoAnne Ary, Shari Johnson and Marie Adams to the Fremont County Fair Board for three-year terms ending December 31, 2023

**Commissioner Bell** said that the Board received letters from each person expressing interest in being reappointed to the Fremont County Fair Board.

**Commissioner Bell** moved to reappoint Mark Masar, JoAnne Ary, Shari Johnson and Marie Adams to the Fremont County Fair Board for three-year terms ending December 31, 2023. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

**PUBLIC HEARINGS**

1. SRU 20-008 Central Colorado Concrete

Requesting approval of a Special Review Use, Department File # SRU 20-008 Central Concrete for a Contractor's yard for a concrete business. The proposal includes a shop and outside storage area. The .56-acre site is located off of Maple Lane, North of Walmart and is within the Business Zone District. Representative: Dr. Angela Bellantoni, Environmental Alternatives, Inc.

**Commissioner Bell** opened the public hearing at 10:02 a.m.

**Dr. Angela Bellantoni** said that she is representing Stan Yoder of Central Colorado Concrete. She said that Mr. Yoder purchased .56 acres in order to erect a metal building for a small business office, an employee restroom and storage of tools and equipment. Ms. Bellantoni said that no vehicle fluids would be held at the site. She said that utilities on site consist of Fremont Sanitation and Canon City water. She also indicated that Mr. Yoder would be installing motion sensor lights on the building. Ms. Bellantoni then gave an overview of the visual barriers on the property.

**Commissioner Bell** said that the Planning Commission had mentioned concerns about the surfacing of the parking area.

**Dr. Angela Bellantoni** said that the parking would be to the North behind the building and would be for employees only. She said that the area for parking would consist of four inches of gravel.

**Planning and Zoning Director Garrett** stated that the application is complete and meets all minimum requirements. He said that there is a waiver request for hard surfacing of the parking area and a waiver request for landscaping of the parking area.

**Michael Wattawa** said that he is happy to welcome Mr. Yoder to the area. He said that his concern is about the drainage ditch on Mr. Yoder's property that Mr. Wattawa's irrigation water flows into. He said he would like for there to be verbiage on the site plan that protects that right of way.

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

**Dr. Angela Bellantoni** said that Mr. Yoder is aware of the ditch. She said that it would not be a problem to make a modification to the site plan prior to recording.

**Commissioner McFall** moved to approve a Special Review Use, Department File # SRU 20-008 Central Concrete for a Contractor's yard for a concrete business along with a waiver request for hard surfacing of the employee parking area and landscaping of the parking area. There is also a contingency item for a revised site plan to show the irrigation drainage ditch. Commissioner Payne seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

2. CUP 02-003 Ranch Land Rock Pit #1 Major Modification  
Requesting approval of a Major Modification of CUP 02-003 Ranch Land #1 Major Modification to add a section of ground to the existing permit boundary for the purpose of exploration. The site is located south of State Highway 120 and borders the Pueblo County Line.  
Representative: Dr. Angela Bellantoni, Environmental Alternatives, Inc.

**Commissioner Bell** recused herself from conversation and from the vote on CUP 02-003 to avoid any appearance of impropriety due to her husband being employed by the entity requesting approval of this modification. She said that she would still conduct the public hearing.

**Commissioner Bell** opened the public hearing at 10:13 a.m.

**Dr. Angela Bellantoni** said that Holcim LaFarge is requesting permission for eight exploration holes on an additional 640 acres of section 25.

**Commissioner McFall** asked Dr. Bellantoni about a weed control plan.

**Dr. Angela Bellantoni** said that Holcim LaFarge recognizes that there are weeds there prior to any disturbance. She said that the total surface disturbance will be less than one quarter of an acre.

**Planning and Zoning Director Garrett** said that the application has been reviewed and meets all minimum requirements. He said that they are requesting a waiver of the hard surface parking area and a waiver of the landscaping of the parking area.

**Commissioner Bell** closed the public hearing at 10:22 a.m. with no public input.

**Commissioner McFall** moved to approve a Major Modification of CUP 02-003 Ranch Land #1 Major Modification to add a section of ground to the existing permit boundary for the purpose of exploration. This includes waiver requests for hard surface parking and landscaping of the parking area as well as a chemical toilet permit provided prior to operations. Commissioner Payne seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Payne, aye; Commissioner Bell, abstain. The motion carried by majority consent.

**Commissioner Payne** excused himself from the meeting.

3. Ordinance 1-2020—First Reading of Amendments to Residential Cultivation of Marijuana, Ordinance 1-2017

**Commissioner Bell** opened the public hearing at 10:25 a.m.

**County Attorney Jackson** said that this is making some amendments to the current ordinance in regards to cultivation of marijuana on residential property for both medical and recreational use. She said that the Colorado Legislature passed legislation that eliminates care givers to have collective grows. Ms. Jackson went on to explain that care givers can only grow for their patients and cannot combine with other care givers.

**Commissioner Bell** closed the public hearing at 10:30 a.m. with no public input.

**County Attorney Jackson** then read the ordinance into record as required.

**Commissioner Bell** noted that this is a non-action item. She said that the Board would be taking action on this item in January, 2021.

**Commissioner Bell** adjourned the meeting at 10:41 a.m.

  
Clerk to the Board of County Commissioners

