

TWENTY-FOURTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on December 24, 2019, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Canon 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	Absent
Debbie Oliver	Deputy Clerk	Present
Brenda Jackson	County Attorney	Present
Sunny Bryant	County Manager	Present
Sean Garrett	Planning & Zoning Director	Present

INVOCATION

Tom Killgore from 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 by unanimous consent.

CONSENT AGENDA

1. Approval of Minutes / December 10, 2019
2. Approval of Special Meeting Minutes / December 19, 2019
3. Approval of Bills for \$3,662,413.28
4. Authorization of Chairman's signature on Water Lease Agreement No. 1181 with the Upper Arkansas Water Activity Enterprise
5. Ratification of Chairman's signature on 2020 11th Judicial District Victim's Assistance and Law Enforcement Grant Award Contract
6. Approval of the Chairman's signature on the Humane Society of Fremont, Inc. Impound Agreement
7. Schedule Public Hearings: January 14, 2020 at 10:00 a.m.
 - a. OPC 14-011 Pure Medical, LLC – Modification of Premises
OPC 14-011 Pure Medical, LLC, dba Pure Medical (Optional Premises Cultivation License) requesting the approval and issuance of a MODIFICATION of an Optional Premises Cultivation license. This modification request is to expand the grow area to the east and south.
Representative: Jason Vanstrom
8. Schedule Public Hearings: January 28, 2020 at 10:00 a.m.
 - a. Amendment to the Fremont County Zoning Resolution sections 4.11, 4.1, 4.2, 4.3, 4.4, 4.13, 4.14, 5.6 & 8.13. Making Travel Trailer Park &

Campground an obsolete Zone District and converting it to a Special Review Use in certain Zone districts.

Commissioner McFall noted that in the consent agenda schedules public hearings for the January 14th modification of Premises OPC 14-011 and for the buy out program for the Upper Arkansas Area Council of Governments.

Commissioner McFall also stated that there is another public hearing scheduled at 10 o'clock on January 28th for amendments to the Fremont County zoning code resolution.

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 by unanimous consent.

ADMINISTRATIVE/INFORMATIONAL

1. Staff / Elected Officials:

a. County Manager Report, Sunny Bryant, County Manager

County Manager Bryant gave the following report:

On Thursday last week we had our Grandview Avenue Bridge Design Kickoff meeting. That design project is scheduled over the next 12 months. We have finalized the budget for 2020. We will have it posted on the county website sometime next week.

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

County Manager Bryant gave a comprehensive sale and use tax reports for the month of November.

Commissioner Bell noted that the Special BoCC meeting last week did set all the mill levies for the county and other government entities and that the proposed budget for 2020 is on the county's website.

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

Mike Patterson, Florence City Manager gave a report on the Dry Creek Flood project that the County partnered with the city of Florence on last year. Mr. Patterson also gave a partial reimbursement check to the County since a majority of the cost for the project was covered by a grant.

Commissioner McFall clarified that the \$18,082.52 check was match money for the Dry Creek Flood grant.

OLD BUSINESS

None.

NEW BUSINESS

1. Proclamation recognizing Ralph Frank Janousek of Foreign Wars Post 2788, Penrose, 50th anniversary

Commissioner Bell stated that they are not recognizing Mr. Janousek of Foreign Wars Post 2788 but that is just the name of the proclamation.

Representative from VFW Post #2788- Ralph Frank Janousek was the founder of the post 2788. January 4th, 2020 the VFW Post 2788 is having a celebration in the morning

for veterans. The representative thanked the County Commissioners for the proclamation, their support and continued support of veterans.

Commissioner McFall thanked all veterans for their service and what the VFW does for the community and veterans who live in the community.

Commissioner Bell thanked the veterans for their service.

Commissioner Bell read the proclamation and moved to approve a proclamation naming January 4th, 2020 The Ralph Frank Janousek of Foreign Wars Post 2788 Day. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

2. OPC 17-001 JMC Enterprises (OPTIONAL PREMISES CULTIVATION-COMMERCIAL GREENHOUSE) 2020 renewal
Request for renewal of an Optional Premises Cultivation license for JMC Enterprises, doing business as Fremont County Cannabis, for property which is owned by Marcia Greene. The address of the property is 1800 C.R. 835C, south of Florence off of Siloam Road. The property contains 100 acres more or less. The grow area including structures contains 2 acres more or less. The grow area will use an existing metal agricultural building and 2 new green houses. The grow will utilize metal containers for grow rooms inside the agricultural building for starting the plants, which will then be transplanted to the green houses and the outdoor grow area. The property is zoned Agricultural Forestry.
Representative: Darlene Sue, JMC Enterprises

Planning and Zoning Director Garrett gave the staff report and recommends approval of OPC 17-001.

Commissioner Payne moved to approve OPC 17-001 JMC Enterprises (OPTIONAL PREMISES CULTIVATION-COMMERCIAL GREENHOUSE) 2020 Request for renewal of an Optional Premises Cultivation license for JMC Enterprises, doing business as Fremont County Cannabis. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

3. Resolution Designating a Portion of Fremont County Road 69 Open to Off-Highway Vehicle Traffic

Commissioner McFall stated that the BoCC had a request from the Royal Gorge ATV club to allow ATV's to travel on a section of County Road 69 a mile long in between the 6.2 mile marker and 7.2 mile marker. The mile stretch is in between two BLM parking areas which allows ATV's access to trails. Their request would make it legal for ATVs to travel on the road without an Off-Highway Vehicle permit in this mile section of road. The ATV club helps police public areas and hold projects through the year to clean up public areas in Fremont County.

Commissioner Bell acknowledged the fact the vehicles that are on this stretch of road will experience increased traffic of smaller vehicles. The BoCC has directed Fremont County DOT to place signage in this area just to make drivers aware of the off-road traffic vehicles.

Commissioner McFall moved to approve Resolution #40 designating a Portion of Fremont County Road 69 Open to Off-Highway Vehicle Traffic. Commissioner Bell seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried by unanimous consent.

4. Approval of a Federal Aviation Administration Grant Application for the Airport Runway Maintenance Project
Representative: Wes Brandt, Airport Manager

Fremont County Airport Manager Wes Brandt stated that an airport consulting firm has been working on a taxi way rehabilitation location project which includes the portion of the runway that needs repaired and now they are looking to start construction.

Manager Brandt continued to state that this FAA grant application would be for the construction and rehabilitation of the area. He believes it will cost roughly \$700,000 and the FAA will pay 90% of the costs which is roughly \$630,000. He also stated the State would pay \$35,000 and the county would have to pay the remaining amount of \$35,000.

Commissioner Bell asked if this has been budgeted for the year 2020 and when the project would take place.

Manager Brandt responded that it is budgeted for 2020 and it would take place in the summer.

Commissioner Bell moved to approve a Federal Aviation Administration Grant Application for the Airport Runway Maintenance Project. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

5. Appoint Larry Baker as the Florence Representative to the Fremont County Planning Commissioner with a four-year term ending December 31, 2023

Commissioner Payne moved to appoint Larry Baker as the Florence Representative to the Fremont County Planning Commissioner with the term ending December 31, 2023. Commissioner Bell seconded the motion.

Commissioner Bell note that the appointment of Larry Baker was recommended by newly elected mayor of Florence, Dick Upton

Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

6. Reappoint Jay Adamic and Paul Garrett to the Fremont County Weed Advisory Board for three-year terms ending December 31, 2022

Commissioner Bell stated that the BoCC did receive letters of interest from both Jay Adamic and Paul Garrett to continue serving on the Weed Advisory Board

Commissioner Bell moved to reappoint Jay Adamic and Paul Garrett to the Fremont County Weed Advisory Board for three-year terms ending December 31, 2022. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

7. Appoint a new member to the Fremont County Weed Advisory Board for three-year term beginning January 1, 2020 and ending December 31, 2022

Commissioner McFall said that there was a vacancy for the Weed Advisory Board and that a letter of interest from Paul Telck was received for the vacant position.

Commissioner Payne moved appoint Paul Telck to the Fremont County Weed Advisory Board for three-year term beginning January 1, 2020 and ending December 31, 2022.

Commissioner Bell noted to remind the BoCC that Mr. Telck has served on the Board in previous years, was a very effective member and is really excited to have him back.

Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

8. Reappoint Denise Faoro, Gina Grisenti, and Kathy Kunselman to the Fremont County 4-H Sales Committee for three-year terms ending December 31, 2022

Commissioner Bell -stated that the three ladies have done an incredible job over the past 3 years.

Commissioner Bell moved to reappoint Denise Faoro, Gina Grisenti, and Kathy Kunselman to the Fremont County 4-H Sales Committee for three-year terms ending December 31, 2022. Commissioner Payne seconded the motion.

Commissioner McFall noted that each lady had submitted their letter of intent to serve another 3 years.

Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

County Attorney Jackson interjected and asked the BoCC to revisit the term for the planning commission appointment

County Attorney Jackson continued to state that the terms are three-year terms rather than four-year terms.

County Manager Bryant stated that in the past the city council members are appointed in even number intervals because of the mayor terms.

County Attorney Jackson stated that she is not sure if that is in the bylaws and it can be revisited in January if necessary.

9. Reappoint John Daniels, Ralph Kunselman, Tami Ratkovich, and Linda Valdez to the Fremont County Fair Board for three-year terms ending December 31, 2022

Commissioner Payne moved to reappoint John Daniels, Ralph Kunselman, Tami Ratkovich, and Linda Valdez to the Fremont County Fair Board for three-year terms ending December 31, 2022. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

10. Appoint new members to the Fremont County Fair Board for three-year terms beginning January 1, 2020 and ending December 31, 2022

Commissioner McFall said that there was a notice sent out and there were letters of interest that came back for interested citizens.

Commissioner Bell talked about all of the interested citizens are very interested and have a vested interest in serving on the Fremont County Fair Board.

Commissioner Bell moved to appoint Krystina Del Duca, Robin Dilger, Tay Jeffords and Joyce Simpleman to the Fremont County Fair Board for three-year terms beginning January 1, 2020 and ending December 31, 2022. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

11. Reappoint Kevin Mahmalji to the John C. Fremont Library District Board of Trustees for a five-year term ending December 31, 2024

Commissioner Bell moved to reappoint Kevin Mahmalji to the John C. Fremont Library District Board of Trustees for a five-year term ending December 31, 2024. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

12. Appoint a new member to the John C. Fremont Library District Board of Trustees for a five-year term ending December 31, 2024

Commissioner Payne moved to appoint Andrew Carr to the John C. Fremont Library District Board of Trustees for a five-year term ending December 31, 2024. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

Return to agenda item 5

Appoint Larry Baker as the Florence Representative to the Fremont County Planning Commissioner with a four-year term ending December 31, 2023

County Attorney Jackson returned to the previous Planning and Zoning Board motion and stated that the terms for the Planning and Zoning Board are three-year terms with no exceptions made for city council appointed members.

Commissioner McFall stated that the appoint should then be revised to reflect a three-year term instead of a four-year term for Larry Baker.

Commissioner Bell moved to revise the appointment of Larry Baker as the Florence representative to the Fremont County Planning and Zoning Commissioner with a term that will end on December 31st, 2022. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner McFall, aye. The motion carried by unanimous consent

Commissioner McFall adjourned the meeting at 10:07 a.m.

PUBLIC HEARING

None.


Clerk to the Board of County Commissioners



RESOLUTION NO. 40, SERIES OF 2019

**DESIGNATING A PORTION OF FREMONT COUNTY ROAD 69
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 Road 69 to “off-highway vehicle” traffic, as defined in C.R.S. §33-14.5-101 (3); and

WHEREAS, the Board of Commissioners has considered the request at a regular meeting of the Board, held December 24, 2019; 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 this section of Fremont County Road 69, beginning at the Seep Springs parking area, located approximately 6.2 miles north of the intersection of County Road 69 and U.S. Highway 50, and ending at the intersection of County Road 69 and the BLM access road located approximately 7.2 miles north of the intersection of County Road 69 and U.S. Highway 50, 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 extremely limited vehicle traffic on this portion of County Road 69; and

WHEREAS, this designation only pertains to the section of Fremont County Road 69 specifically set forth in this resolution and that no other county roadways 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 the following section of Fremont County Road 69 to be open for off-highway vehicle travel as described on the Fremont County Road Inventory, attached hereto and incorporated herein by reference:

Fremont County Road 69, beginning at the Seep Springs parking area, located approximately 6.2 miles north (traveling along County Road 69) of the intersection of County Road 69 and U.S. Highway 50, and ending at the intersection of County Road 69 and the BLM access road located approximately 7.2 miles north of the intersection of County Road 69 and U.S. Highway 50.

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

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

Date: 12-24-19

BOARD OF COUNTY COMMISSIONERS
OF FREMONT COUNTY

ATTEST:

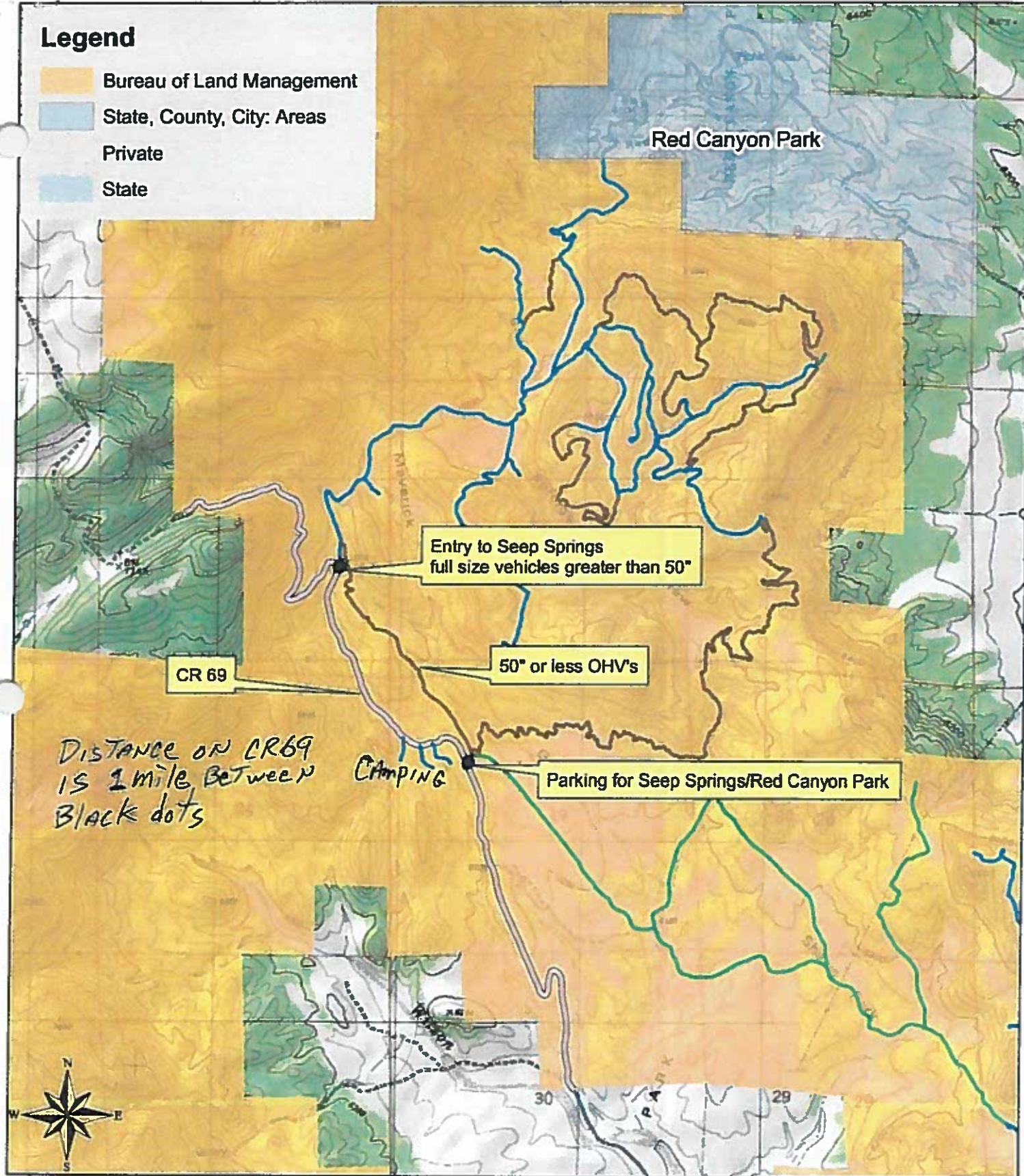
By: *Dwayne McFall*
Chairman

By: *[Signature]*
Clerk



Legend

- Bureau of Land Management
- State, County, City: Areas
- Private
- State



Seep Springs OHV area
CR69 is PINK
BLM ATV route is BROWN
BLM full size vehicles in BLUE
10/29/2019



0 0.225 0.45 0.9 Miles

NOTE TO MAP USERS
No warrantee is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of the data layers shown on this map. The official land records of the data providers should be checked or current status on any