

SEVENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on April 11, 2023, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Chair Kevin Grantham called the meeting to order at 9:30 a.m.

Kevin Grantham	Commissioner	Present
Dwayne McFall	Commissioner	Present
Debbie Bell	Commissioner	Present
Justin Grantham	Clerk & Recorder	Present
Brenda Jackson	County Attorney	Present
Tony Carochi	County Manager	Present
Dan Victoria	Planning & Zoning Director	Present

INVOCATION

Loren Kolman, Free Church

PLEDGE OF ALLEGIANCE

Those present recited the Pledge of Allegiance to the flag of the United States of America.

APPROVAL OF AGENDA

Commissioner Bell moved to approve the agenda. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

CONSENT AGENDA

1. Approval of Bills for \$1,411,461.88
2. Schedule Public Hearing: None

Commissioner McFall moved to approve the consent agenda. Commissioner Bell seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

ADMINISTRATIVE & INFORMATIONAL

Ref. Fremont County BOCC Meeting 4/11/2023 – 3:42

1. Staff / Elected Officials:
 - a. County Clerk's Monthly Report, Justin Grantham, County Clerk

Clerk Grantham gave the monthly reports for January, February, and March 2023, which can be found in their entirety at www.fremontco.com.

Commissioner Bell moved to accept the County Clerk's Monthly Reports for January, February, and March 2023. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

- b. County Manager Report, Tony Carochi, County Manager

County Manager Carochi gave the County Manager Report, which can be found in its entirety at www.fremontco.com.

- c. Public Trustee Quarterly Report, Kathy Elliott, Treasurer

Treasurer Elliot gave the Public Trustee Quarterly Report, which can be found in its entirety at www.fremontco.com.

Commissioner McFall moved to accept the Public Trustee Quarterly Report. Commissioner Bell seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

Commissioner Bell spoke about Holcim hosting their annual Tire Day at the Portland Plant. She also mentioned that quarterly, the Board has an opportunity to discuss common issues with officials from the City of Florence and the City of Cañon City. She thanked the County's other elected officials, as well as local city managers and city administrators.

Commissioner McFall announced that it is Public Safety Telecommunications Week and thanked local 911 operators. He also spoke about fire safety and reminded those in fire districts to communicate with local fire districts when carrying out agricultural burning.

Commissioner Grantham reminded the public that the Fremont County Commissioners participate in Colorado Counties Incorporated and National Association of Counties (NACo), which gives the Board the ability to lobby for local issues. He spoke about SB-213, which would give the state authority over land use. He also mentioned proposed gun-control bills.

2. Citizens who wish to address the Commissioners on a matter not scheduled on the agenda.
 - a. RMW Extreme Motorcycle Track

Mark Hodges told the Board about a motorcycle business running illicitly. He asked the Board who is doing what in regard to the issue and what can the concerned neighbors do to help. He added that the business is trashing neighboring properties purposefully in response to complaints made against them.

Commissioner Grantham asked Mr. Hodges for a copy of his list of the concerned neighbors.

Mr. Hodges also offered a letter from Debbie Chess.

The Board confirmed that they have the letter already.

Michael Macey approached the Board and spoke about his concerns regarding the RMW Extreme Motorcycle Park. He mentioned bikes riding on private driveways and neighbors concerned about the amount and type of traffic that the business is bringing to the neighborhood.

Sean Baber approached the Board and explained that his wife and he purchased property off County Road 132 for the purpose of being in a quiet area. He told the Board that they were run off the road by a truck with dirt bikes in the truck bed going 50-60 mph down County Road 132. He mentioned his concern for fire hazards and emergency service response time.

Jady Weiss approached the Board and expressed his concerns regarding fire danger, fire department response-time, emergency service response-time and access, the severe damage to County Road 132 due to heavy traffic, potential environmental damage, mudslides, noise, and reckless drivers who endanger those traveling on the County Road. He added that the track is operating without a business license while charging patrons. Mr. Weiss pointed out that nearby residents do not want track in the area.

Commissioner Grantham thanked everyone for bringing the matter to the Board's attention and asked that they continue to do so. He explained that the County has to go through legal processes before anything can be done to alleviate the situation, and assured the public that they will solve the issue as quickly and efficiently as possible.

OLD BUSINESS

1. There was none.

NEW BUSINESS

Ref. Fremont County BOCC Meeting 4/11/2023 – 33:34

1. Proclamation Recognizing Veterans of Foreign Wars Warriors and Designating Saturday, April 22, 2023, as VFW Warriors Memorial Highway Day
Representative: Jim Sheridan

Jim Sheridan approached the Board and told them that he is the Colorado State Vice President of the VFW Warriors and the Department Chief of Staff to State VFW Commander and Post Commander in Penrose and District 2 Commander. He thanked the Board for the proclamation, explained its purpose, and invited them to attend the unveiling of the sign on April 22nd.

Commissioner Bell read the Proclamation Recognizing Veterans of Foreign Wars Warriors Memorial Highway Day as Saturday, April 22, 2023.

Commissioner McFall thanked veterans in the room for their military service.

Commissioner Grantham also thanked Mr. Sheridan for his work.

Mr. Sheridan thanked the Board for their help.

Commissioner Bell pointed out that it generally takes 2 to 3 years to go through the entire process, but this took only one.

Commissioner Bell moved to approve the Proclamation Recognizing Veterans of Foreign Wars Warriors and Designating Saturday, April 22, 2023, as VFW Warriors Memorial Highway Day. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

Commissioner Grantham announced that the public hearing scheduled for 10:00 a.m. will happen at the end of the agenda, following New Business.

The Board then posed for a picture with Mr. Sheridan.

2. Requesting the issuance of a Fermented Malt Beverage Special Events Permit for Castle Rock Professional Firefighters Foundation for an event at Royal Gorge Bridge East Ridge Campground Cañon City, CO 81212 on May 13th, 2023, from 4:00 p.m. to 9:00 p.m.
Representative: Caleb McNeil

Caleb McNeil explained that the event is a bike race called the Royal Six & Twelve. They will be serving locally donated beer to collect tips for the foundation.

Commissioner Bell asked about training for those serving alcohol.

Mr. McNeil said there will be TIPS-trained servers present and everyone who enters the designated 40' x 80' drinking area must show ID and those 21 and over will be given wristbands.

Commissioner Bell asked for clarification regarding whether everyone serving has been TIPS trained.

Mr. McNeil replied that those overseeing have been TIPS certified.

Assistant Clerk to the BoCC, Talia Smith gave the staff report which included no concerns.

Commissioner Grantham invited those in the public to speak on the matter. None approached.

Commissioner McFall moved to approve the issuance of a Fermented Malt Beverage Special Events Permit for Castle Rock Professional Firefighters Foundation for an event at Royal Gorge Bridge East Ridge Campground Cañon City, CO 81212 on May 13th, 2023, from 4:00 p.m. to 9:00 p.m. Commissioner Bell seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

3. Requesting approval of a modification of premises for Lincoln Park Liquor Inc. dba Waterhole #1, a retail liquor store at 1532 Elm Ave Cañon City, CO 81212.
Representative: Angela Cecil

Angela Cecil told the Board that she is interested in holding outdoor tastings at her business. She has been exploring new and exciting ideas to attract customers to her store, such as the tasting permit that was recently approved and has been successful thus far.

Commissioner Grantham said that per a previous discussion, the outdoor area is a grassy space off the southeast side of the building.

Ms. Cecil agreed with Commissioner Grantham.

Commissioner Bell pointed out that during the hearing for the tasting permit, Ms. Cecil mentioned her interest in extending the premises outdoors to hold tastings.

Commissioner McFall asked Ms. Cecil about fencing.

Ms. Cecil discussed the potential to use event fencing and asked whether it must be permanent.

Assistant Clerk to the BoCC, Smith pointed out that since it's a modification of the whole premises, it may have to be permanent fencing.

County Attorney Jackson added that the whole premises must be controlled.

Commissioner McFall told Ms. Cecil to be aware of State Highway easements and wasn't sure about regulations on fence height.

Attorney Jackson said there are Building Code Regulations on the height of a fence.

Planning & Zoning Director Victoria said the building permit recently changed from 6' to 7'.

Attorney Jackson said if the fence is below 7' then Ms. Cecil won't have to apply for a building permit and also mentioned that the type of fence isn't regulated.

Clerk Grantham commented that State Highway setbacks are usually 100' easements.

Commissioner McFall explained that this one is 60'.

Ms. Cecil assured the Board that even if approved, she will not operate outdoors until everything is in compliance.

Commissioner Grantham recommended that Ms. Cecil speak with Director Victoria after the meeting.

Director Victoria agreed to speak with Ms. Cecil on the matter and then take her to the Building Department for further discussion.

Commissioner Bell asked Attorney Jackson if they should approve this pending the appropriate fencing.

Attorney Jackson said Ms. Cecil can put in modifications after approval.

Commissioner Grantham invited the public to speak on the matter. None approached.

Commissioner Bell moved to approve the modification of premises for Lincoln Park Liquor Inc. dba Waterhole #1, a retail liquor store at 1532 Elm Ave Cañon City, CO 81212. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

4. Requesting the issuance of a Malt, Vinous, and Spirituous Special Events Permit for American Medical Refugees Foundation at the Pathfinder Park Event Center 6655 Hwy 115 Florence, CO 81226 for events on April 22nd and 23rd of 2023 from 8:00 a.m. to 10:00 p.m. on both dates.
Representative: Amy Bourlon-Hilterbran

Commissioner Grantham moved to table the request to issue a Malt, Vinous, and Spirituous Special Events Permit for American Medical Refugees Foundation at the Pathfinder Park Event Center 6655 Hwy 115 Florence, CO 81226 for events on April 22nd and 23rd of 2023 from 8:00 a.m. to 10:00 p.m. on both dates. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

5. Requesting the issuance of a Fermented Malt Beverage Special Events Permit for Cañon City Rodeo Association at 1595 South 9th St. Cañon City, CO 81212 for events on May 5th and 6th of 2023 from 5:00 p.m. to 11:00 p.m. on both dates.
Representative: Andy Philips

Andy Philips explained to the Board that the event being applied for is the 150th Annual Rodeo. He said that besides being held the same as in the past, there will be more volunteers with more education. He added that there will be four TIPs certified people and the premises will be monitored, likely by the Sheriff's Office, and contained by temporary fencing.

Commissioner McFall asked Mr. Phillips about the permanent fence on the north side of the arena.

Mr. Philips said the temporary fencing will control everything at the south side of the rodeo.

Commissioner McFall pointed out that he will want security to be aware of that boundary as well.

Mr. Philips said the Sheriff's Office did a great job with security at the event last year.

Commissioner McFall asked if they will have food vendors again.

Mr. Philips explained that one vendor cancelled so they are looking for a replacement who is also certified with the Health Department.

Commissioner McFall said the Health Department's concern is to make sure the vendors are certified.

Mr. Philips replied that he had received the paperwork from the Health Department yesterday.

Assistant Clerk to the BoCC, Smith gave the staff report, which included the request for an Event Coordinator Application from the Health Department and a request by the Clerk & Recorder's Office to meet the County's 45-day submittal requirement for Special Events Permits for future events.

Clerk Grantham further explained the importance of meeting the County's submittal date.

Commissioner McFall clarified that the 45-day guideline applies to everyone applying for a Special Events Permit through Fremont County.

Commissioner Grantham agreed with Commissioner McFall and discussed that late submittals are a common occurrence, and the Board will begin to take a more effectual approach in determining whether to approve applicants who are habitually late.

Assistant Clerk to the BoCC, Smith asked whether Mr. Phillips was aware that they applied for a Fermented Malt Beverage Permit rather than the Rodeo Association's usual Malt, Vinous, and Spirituous Liquor Permit.

Mr. Philips explained that they applied for a Fermented Malt Beverage Special Event on purpose.

Commissioner Bell congratulated Mr. Phillips for his achievement as Grand Marshall and asked him about the notion that it's the longest-running rodeo west of the Mississippi.

Mr. Philips conveyed that the hearsay is debatable.

Commissioner Bell remarked that 150 years is, however, impressive.

Commissioner Grantham invited the public to speak on the matter. None approached.

Commissioner Bell noted that she will not make the Health Department's request part of the motion but suggested he get that done to stay in compliance.

Mr. Phillips assured the Board that they will take care of things with the Health Department.

Commissioner Bell moved to approve the issuance of a Fermented Malt Beverage Special Events Permit for Cañon City Rodeo Association at 1595 South 9th St. Cañon City, CO 81212 for events on May 5th and 6th of 2023 from 5:00 p.m. to 11:00 p.m. on both dates. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

Mr. Phillips spoke to the Board about considering having a packet that includes a list of requirements for Fremont County special events to streamline the application process.

Assistant Clerk to the BoCC, Smith responded that she would be happy to put something together but explained that it may be ineffective because most applicants get their Special Events Permit applications from DOR's website.

Mr. Phillips asked what the State's website says about the submittal date requirement.

Assistant Clerk to the BoCC, Smith explained that on DOR's website and DOR's application form, the 30-day requirement is all that is mentioned, while the 45-day requirement is set by the Clerk's Office.

Attorney Jackson clarified that the application forms are provided by Colorado DOR, but they no longer do reviews for Fremont County's special events, and they have no way to notify applicants of County regulations.

Commissioner Grantham said they will make an effort to communicate the deadline more effectively.

Mr. Phillips thanked the Board.

6. Appointment of new member to 4-H Sale Committee with a term ending December 31, 2023.

Commissioner McFall told the public that Lynn Adamic showed interest in joining the 4-H Sale Committee.

Commissioner McFall moved to approve the appointment of Lynn Adamic to 4-H Sale Committee with a term ending December 31, 2023. Commissioner Bell seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

7. Proposal to change Precinct Maps
Representative: Justin Grantham, County Clerk

Clerk Grantham told the public that every 10 years the State has to go through redistricting and spoke about the importance of keeping communities in mind while redrawing precinct lines. He referred to proposed boundary maps, which can be found at www.fremontco.com. He mentioned that the County won't have to redistrict again until 2031.

Commissioner Bell asked about concerns that the local major political parties may have had while discussing these changes.

Clerk Grantham explained that nobody has been showing up to certain areas for caucus and with the proposed changes, many representatives are anticipating better participation in their central committees and at caucus.

Commissioner Grantham pointed out that having 20 precincts versus 30 would be much more manageable and claimed that 100% from 20 precincts is better than 50% from 30.

Clerk Grantham noted that Fremont County has about 31,000 registered voters and that this change won't change the number of voters but reallocate them amongst different precincts.

Commissioner Grantham gave an example of a newly proposed district made of the 15th and 16th precincts, which he expects will produce more participation in caucus meetings.

Brenda VanEgmond asked about what districts the Commissioners will be in.

Commissioner Grantham said they will be talking about the redistricting of the Commissioner Districts after this.

Clerk Grantham clarified that the precincts are based off of active voter registration while the Commissioner Districts are based off of population, and that precinct lines do not have to follow the boundaries of the Commissioner Districts.

Commissioner Grantham added that the precinct and Commissioner District lines don't have to match because the County elects at large.

Commissioner Bell moved to approve the proposal to change the Fremont County Precinct Maps as presented and assign it as Resolution #14. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

PUBLIC HEARINGS

Ref. Fremont County BOCC Meeting 4/11/2023 – 1:29:36

1. Proposal to change the boundaries of Commissioner Districts
Representative: Justin Grantham, County Clerk

Commissioner Grantham opened the public hearing at 10:59 a.m.

Commissioner Grantham referred to the proposed and existing Commissioner District maps and pointed out the details of their major differences.

Clerk Grantham added that the town of Brookside changed from District One to District Two

Commissioner Grantham explained that it should be a better way to shift districts to appeal to changing population.

Clerk Grantham agreed with Commissioner Grantham.

Commissioner Bell thanked Clerk Grantham for thoughtfully redrawing the lines of the map.

Clerk Grantham acknowledged Keith Berry and the Fremont County GIS Authority for helping with the redoing of the district and precinct maps.

Commissioner McFall also thanked GIS and Mr. Berry for their work.

Commissioner Grantham also thanked Mr. Berry and Clerk Grantham then spoke more about the representation of neighborhoods and the efficiency of the Clerk's Office while running elections.

Commissioner Grantham invited the public to speak.

Commissioner McFall announced that the public actually has at least 30 days to comment on the proposed changes before action is taken.

Commissioner Grantham asked Attorney Jackson for clarification.

Attorney Jackson said a final motion will be made on May 23rd.

Commissioner Grantham agreed with Attorney Jackson.

Ms. VanEgmond asked whether the Commissioners live within their particular districts and asked which one is which.

The Board explained that Commissioner McFall represents District 1 on the west end of County, Commissioner Bell represents District 2 on the east end of County, generally Penrose and Florence, and Commissioner Grantham represents District 3 located centrally in Canon City and south. The proposed Commissioner District Maps can be found at www.fremontco.com.

NEW BUSINESS CONTINUED

Ref. Fremont County BOCC Meeting 4/11/2023 – 1:41:20

4. Requesting the issuance of a Malt, Vinous, and Spirituous Special Events Permit for American Medical Refugees Foundation at the Pathfinder Park Event Center 6655 Hwy 115 Florence, CO 81226 for events on April 22nd and 23rd of 2023 from 8:00 a.m. to 10:00 p.m. on both dates.
Representative: Amy Bourlon-Hilterbran

Assistant Clerk to the BoCC, Smith gave the staff report, including a request by the Clerk & Recorder's Office to meet the County's 45-day submittal requirement for Special Events Permits for future events and noted that it's the first time the foundation has applied with Fremont County.

Commissioner Bell spoke about the Southern Colorado Rock & Mineral Show and elaborated on what she learned about the event from speaking with the applicant at the Pathfinder Park Event Center weeks ago. She said the show expects to bring in a couple thousand people, has booked a dozen bands, and will host events for both adults and children.

Commissioner McFall brought up his concern that their boundary should not be the construction fence.

Attorney Jackson said the Board can choose to set parameters that the applicant would have to comply with.

Commissioner Grantham invited those from the public to speak on the matter. None approached.

Commissioner McFall requested that the temporary fencing should be at least 20 feet away from the construction fence. He also mentioned his concern regarding security of the outdoor area.

Commissioner Grantham added a point about notifying the applicant.

Assistant Clerk to the BoCC, Smith asked if the Board wants her to notify the applicant and whether the Event Coordinator for Pathfinder Park will be present at the event.

Commissioner Bell said he will be present.

Commissioner McFall agreed they would need to be notified.

Commissioner Grantham told Smith to notify the applicant of the conditions of their permit.

Commissioner McFall said he can mention the conditions at a meeting with Ms. Bourlon-Hilterbran.

Commissioner Grantham noted that the applications cannot continue to come in late as the 45-day due date is a County requirement.

Commissioner Bell moved to approve the issuance of a Malt, Vinous, and Spirituous Special Events Permit for American Medical Refugees Foundation at the Pathfinder Park Event Center 6655 Hwy 115 Florence, CO 81226 for events on April 22nd and 23rd of 2023 from 8:00 a.m. to 10:00 p.m. on both dates, including conditions as follows: To move the outside fence 20 or more feet away from the construction fence, the boundary of the outside area must not be a rope, but a fence, and all servers must be certified before being allowed to serve. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

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Commissioner Grantham adjourned the meeting at 11:21 a.m.

Clerk to the Board of County Commissioners

DRAFT