

EIGHTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on April 25, 2023, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Chairman 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	Interim County Manager	Present
Daniel Victoria	Planning & Zoning Director	Present

INVOCATION

Joe Garkovich, Mercy Today Ministries

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

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

CONSENT AGENDA

1. Approval of Minutes / March 28, 2023
2. Approval of Bills for \$2,841,679.96
3. Ratification of Chairman's signature on Memorandum of Understanding between Department of Interior, Bureau of Land Management and Fremont County
4. Ratification of Chairman's signature on Agreement for Services Between Fremont County Coroner and Harwood Funeral Services
5. Resolution #14 Approving Reduction in Number of Precincts and New Precinct Boundaries for Fremont County, Colorado
6. Schedule Public Hearings: None.

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

ADMINISTRATIVE & INFORMATIONAL

Ref. Fremont County BOCC Meeting 4/25/2023 – 3:03

1. Staff / Elected Officials:
 - a. Sales & Use Tax Report, Shawn Sutton, Budget & Finance Officer

Budget & Finance Officer Sutton gave the Sales & Use Tax Report, which can be found in its entirety at www.fremontco.com.

Commissioner Grantham clarified that the Budget Over/Under amount on the Sales & Use Tax Report is based on the 12-month average of County revenue.

Commissioner McFall observed that the retail sales tax is increasing, likely due to inflated costs of retail goods, not because sales are flourishing.

Commissioner Bell pointed out that the figures may change since tourist season is coming up.

b. County Clerk's Monthly Report, Justin Grantham, County Clerk

Clerk Grantham gave the County Clerk's Monthly Report, which can be found in its entirety at www.fremontco.com.

Commissioner Grantham suggested that Fremont County's portion for disbursement as collected by the Clerk's Office is a one-to-one correspondence to last year.

Clerk Grantham agreed with Commissioner Grantham.

Commissioner Bell added that though the Fremont County portion for disbursement is over \$850,000.00, it's not solely for the County, but allocated amongst all the special districts and other entities.

Clerk Grantham elaborated on Commissioner Bell's point and explained that specific ownership tax collected by the Clerk's Office is collected proportionately and dispersed based on the mill levy percentages collected by the County on all taxing entities, including special districts, school districts, and other entities. He added that the school districts collect the majority of Fremont County's portion for disbursement.

Commissioner McFall moved to accept the County Clerk's Monthly Report. Commissioner Bell seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

c. 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.

Commissioner Bell told the public that she attended the renaming of Colorado State Highway 115 from mile marker 15 to 27 as the VFW Warriors Memorial Highway and relayed Jim Sheridan's hard work on the achievement.

Commissioner McFall shared the status of the covered pavilion that is being built at Pathfinder Park. He also reminded the public about the importance of fire safety and noted that along with Fremont County, the Bureau of Land Management and U.S. Forest Service are also in Stage 1 fire restrictions.

Clerk Grantham explained to those who want to know whether a recall is happening for a district-level office to go to www.govotecolorado.gov or contact the Secretary of State's Elections Division.

Commissioner Grantham mentioned the effects of time constraints as Colorado enters the last days of 2023 Colorado Legislative Session. He spoke about proposed bills that would have adverse impacts Fremont County, including the "Assault Weapons" Ban, which was rejected; SB-213 regarding land-use authority, which is currently focused on municipalities but expected to be directed at counties in the future; and a bill affecting property taxes and notices of evaluation going out on May 1st.

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

a. Rocky Mountain Way Extreme

Commissioner Grantham updated the public on the situation regarding the property they have come to address and said that the property is under lawsuit and actions are underway.

Randy Kidd told the Board that he owns the property that provides the ingress or egress for Rocky Mountain Way Extreme. He mentioned his concern that although the place does not have a license to operate, they are still an active business. He also addressed concern regarding the security of his family as Mr. Lopez, the owner of Rocky Mountain Way Extreme, is hostile and aggressive. Mr. Kidd added that

Mr. Lopez is disrespectful to neighbors and has been known to display vulgar gestures. He explained that he moved to the area a couple years ago for the peaceful environment and community, and wants it to stay that way.

Mark Hodges told the Board that a woman was assaulted by Mr. Lopez and said that Dwayne and Cheryl Bower ended up moving away because of the issue.

Sean Baber chose to defer his statements.

Michael Floren had a neighboring property intended to be a veteran's retreat. He told the Board how a rider who trespassed his property was almost shot on his shooting range and when he spoke with the owners of the business, they claimed that they had already attained permission from neighbors, including Michael Floren, to let riders on their properties. Mr. Floren described Mr. Lopez as hot-headed and aggressive and had concerns about the safety of veterans at the retreat, which he ultimately ended.

Eric Kragen owned a neighboring property. He explained that forested acres of the property being discussed have been bulldozed into a mud pit and the owners are actively promoting their unlicensed business. He said that he sold his property because of Mr. Lopez.

Mr. Baber said he lives in Red Rocks and told the Board that the business has ruined the tranquility of an amazing community.

Commissioner Grantham told the public that there are things in the works.

Mr. Hodges asked if he could give the Board his email address so that he can communicate updates with neighbors.

Mr. Baber asked how the community can help.

OLD BUSINESS

1. There were none.

NEW BUSINESS

Ref. Fremont County BOCC Meeting 4/25/2023 – 41:28

1. Proclamation naming May as Foster Care Awareness Month
Representatives: Tonia Sutton and Brie Meadows, Department of Human Services

Tonia Sutton approached the Board to explain the gravity of foster care awareness in Fremont County. She mentioned that the majority of children in care are displaced outside of Fremont County and 23 children are currently with non-certified kin. Ms. Sutton pointed out that Fremont County currently has five certified foster families as opposed to 33 families 15 years ago. She read the Proclamation naming May as Foster Care Awareness Month then invited the Board and the public to attend the Superhero Picnic to celebrate foster families on May 12th at 3:00 p.m. at Pathfinder Park.

Commissioner Bell thanked Fremont County Department of Human Services (DHS) for caring for these children.

Commissioner McFall asked Ms. Sutton what people can do if they are interested in becoming a foster family.

Ms. Sutton replied that those interested can visit DHS or contact the department at 719-275-2318 and ask about the Foster Care Program.

Commissioner Grantham pointed out that this proclamation is another great opportunity to brag about DHS and mentioned that other counties are jealous of Fremont County's operations.

Commissioner Bell moved to approve the proclamation naming May as Foster Care Awareness Month. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

2. MS 22-002 Bison Ridge Minor Subdivision. Requesting approval for minor subdivision that will create a total of 2 lots.
Lot 1: 5.04 acres 219,542.4 square feet
Lot 2: 4.5 acres 196,020 square feet
The subject property is located in the Agricultural Rural Zone District, on 6th Street and G Street, in Penrose.
Representative: Renee Still Day

Renee Still Day approached the Board and explained that she wants to divide her property into two parcels, one being her own residence and the other being property to sell in order to supplement her income. She also thanked Director Victoria and Commissioner Bell for their assistance through the process of applying for the subdivision.

Planning & Zoning Director Victoria gave the staff report, which included waiver requests as follows: topographic and soil information, the drainage plan map and report, an individual wastewater treatment report, and a detailed utility plan. Due to concerns from the contracted engineer, the Planning & Zoning Department recommends *not* waiving the Drainage Plan and Report requirements, *nor* the Topographic and Soil requirements.

Commissioner McFall pointed out that the Board has quite a bit of information in front of them to look through.

Commissioner Bell asked why the boundary isn't a straight line between the lots.

Ms. Day told the Board that the boundary isn't a straight line to avoid having to tear down an outbuilding.

Commissioner Grantham asked Director Victoria to clarify what he mentioned about a contingency.

Director Victoria explained that the Board has the option to include a contingency for the drainage plan in the motion.

Ms. Day told the Board that the waiver was approved at the last meeting. She explained that the drainage plan will cost another \$5,000, though the buyer would be changing the topography at time of development anyway.

Commissioner Grantham pointed out that drainage plans are necessary.

Ms. Day explained that nothing will be altered in any way until the buyer chooses to develop.

Commissioner Grantham explained his concerns regarding waiving the drainage requirements and said the Board has been inconsistent about waiving the requirements in the past, but determined that they are necessary upfront in the process.

Ms. Day added that it was her responsibility as a buyer to have those things done at time of building.

Commissioner Grantham asked staff if there are drainage studies required for the building permit process.

Attorney Jackson responded that drainage studies aren't required for residential properties through the Building Department.

Director Victoria explained the building permit process.

Commissioner Grantham mentioned the requirement for a commercial development plan.

Victoria explained that business and industrial are different than residential.

Commissioner McFall pointed out that the Board has approved these with the condition that the drainage requirements be notated on the plat, but some have come through without those notations.

Commissioner Bell asked about the department's waiver of topographic and soils report.

Director Victoria replied that a topographic report was not submitted so the engineer was unable to determine anything about the drainage.

Ms. Day asked how long it will take once the reports are done.

Director Victoria explained the process to Ms. Day.

Ms. Day told the Board about the difficulty and time of going through this process.

Commissioner Grantham said the topographic report won't be required since she is doing the drainage report.

Commissioner McFall moved to approve MS 22-002 Bison Ridge Minor Subdivision, including the following: a contingency to include a drainage report and deferment of the driveway access and utility plan until development. Commissioner Bell seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

Commissioner Bell explained to the public that Planning & Zoning offers a pre-application meeting and encouraged anyone looking into applying for anything through the department to take advantage of the service.

Commissioner Grantham thanked Director Victoria and those working with Planning & Zoning.

3. MS 23-001 Canon Farms Minor Subdivision. Requesting approval for minor subdivision that will create a total of 2 lots.
Lot 1: 0.74 acres 32,234.4 square feet
Lot 2: 13.87 acres 604,177.2 square feet
The subject property is located in the Agricultural Suburban Zone District, on Adams Avenue, in Canon City.
Representative: Matt Koch

Matt Koch explained the request including a request of deferment of the drainage plan by a note on the plat.

Commissioner Grantham responded that he is not sure how the drainage plan would be necessary on the back end.

Mr. Koch gave an example of why this would be beneficial.

Commissioner Grantham discussed this with Mr. Koch.

Director Victoria gave the staff report. Planning & Zoning recommends approval with the following recommendations: a request for a deferment of the drainage plan and report, and address issuance and access permits to be applied for at time of development.

Commissioner Bell asked Director Victoria if anything about Mr. Koch's argument or the applicants' circumstances would make the department consider deferring the drainage plan.

Director Victoria explained the purpose of building with a drainage pond in mind. He also brought up a point that Mr. Koch had with the Planning Commission: that it is beneficial to know the square footage and roof pitch of a structure before doing a drainage plan. He agreed that knowing this before would make the drainage plan more accurate but explained that without a drainage plan being done at the time of subdivision, the department is potentially approving an unusable plot.

Mr. Koch added that they can make a reasonable assumption based on topography.

Director Victoria agreed that topography was submitted.

Commissioner McFall asked Director Victoria to address the topography.

Director Victoria addressed the topography report and determined that the department still recommends a drainage plan.

The Board discussed the necessity of a drainage report with Director Victoria and Mr. Koch.

Attorney Jackson explained that the drainage plan acts as a guide for development when establishing historic flows.

Mr. Koch argued that those developing could potentially build anywhere on the property and a drainage plan limits this advantage.

Attorney Jackson clarified that either the developer or the buyer has to do the report.

The Board continued to discuss the necessity of a drainage report with Director Victoria and Mr. Koch.

Ron Dudley approached the Board and asked if there is a requirement after evaluation of mitigation to drainage.

Commissioner Grantham explained that the question does not have to do with the subject matter.

Commissioner Bell moved to approve MS 23-001 Canon Farms Minor Subdivision, including a contingency of the drainage plan. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

4. TUP 23-002 Marchand Ranch Wedding & Event Center. Requesting approval of a Temporary Use Permit for a wedding and event venue to last for the duration of one year from date of approval. The subject property is located at 4807 County Road 9, in Canon City. The property consists of 215 acres located in the Agricultural Forestry Zone District.
Applicant(s): Tiffany Foster
Consultant: N/A

Tiffany Foster told the Board that Marchand Ranch Wedding & Event Venue is intended to be a classy, elegant space for events, especially weddings. She added that the property has been in her family's name for roughly a century.

Director Victoria gave the staff report, which included a request of chemical toilets and a waiver of the surety bond.

Ms. Foster clarified that the chemical toilets would be temporary until onsite facilities are complete.

Commissioner McFall asked if the property is in the Tallahassee Fire Protection District.

Ms. Foster confirmed this and added that the property is 2.3 miles away.

Commissioner Bell asked Director Victoria why the TUP is for one year and what will happen after its expiration.

Director Victoria explained that it is standard practice to operate with a TUP while in the process of applying for an SRU (Special Review Use), and that if the applicant doesn't have an SRU by the expiration of the TUP, they can choose to apply for a one-year extension.

Commissioner Bell asked whether an SRU requires a public hearing.

Director Victoria agreed that it does.

Commissioner McFall moved to approve TUP 23-002 Marchand Ranch Wedding & Event Center for a wedding and event venue at 4807 County Road 9 in Canon City, to last for the duration of one year from date of approval, including a waiver of the surety bond and approval of use of chemical toilets. Commissioner

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

Ty Foster clarified that the property address should be State Highway 9, not County Road 9, per the agenda.

5. Annual Ambulance Licensing Renewals

Representative: Mykel Kroll, Fremont County Emergency Manager

Fremont County Emergency Manager, Mykel Kroll approached the Board and explained that he is requesting renewals of emergency vehicle licensing, effective April 30, 2023 through April 30, 2024. He noted that there will be only one BLS (Basic Life Support) License in the County, while the rest will be ALS (Advanced Life Support) Licenses.

Commissioner Bell moved to approve American Medical Response for an ALS License. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

Commissioner McFall moved to approve Arkansas Valley Ambulance for an ALS License. Commissioner Bell seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

Commissioner Bell moved to approve Deer Mountain Fire Protection District for a BLS License. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

Commissioner McFall moved to approve Flight for Life for an ALS License. Commissioner Bell seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

Commissioner Bell moved to approve Florence Fire Protection District for an ALS License. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

Emergency Manager Kroll reminded the Board and the public that Florence Fire Protection District now covers Penrose and Florence.

Commissioner Bell thanked Emergency Manager Kroll for the reminder.

Commissioner McFall pointed out that the Fire Protection District has been very busy, demonstrating the need for those services.

Commissioner McFall moved to approve Security Fire Department for an ALS License. Commissioner Bell seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

Commissioner Bell moved to approve UC Health Lifeline for an ALS License. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

Commissioner Bell thanked Emergency Manager Kroll for his hard work.

Emergency Manager Kroll responded that the process was a team effort, since the previously mentioned emergency response teams are prepared and well-organized.

6. Fremont County Fair Board By-Law approval

Commissioner McFall explained that the Fair Board made changes to their bylaws. He said the Board is changing their name to Fremont County Fair and Rodeo and mentioned that the Colorado Pro Rodeo and the Ranch Rodeo will be performing this year. He said other changes included the number of Board participants from 7 to 13 members and meetings to be held at Pathfinder Park.

Commissioner McFall moved to approve the Fremont County Fair and Rodeo Board By-Laws as presented. Commissioner Bell seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

PUBLIC HEARINGS

1. There were none.

Commissioner Grantham adjourned the meeting at 11:24 a.m.

Clerk to the Board of County Commissioners

DRAFT