

## NINTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on May 9, 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
Talia Smith	Assistant Clerk to the Board	Present
Brenda Jackson	County Attorney	Present
Tony Carochi	County Manager	Present
Danielle Adamic	Planning & Zoning Coordinator	Present

### INVOCATION

Luke Canady, Vineyard Canon City

### 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, which includes the removal of Item 4 of New Business and renumbering the following items. 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 Minutes / April 11, 2023
2. Approval of Bills for \$2,600,699.89
3. Lease agreement between Fremont County and State of Colorado
4. 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 5/9/2023 – 2:32

1. Staff / Elected Officials:
  - a. County Manager Report, Tony Carochi, County Manager

**County Manager Carochi** gave the County Manager's Report, which can be found in its entirety at [www.fremontco.com](http://www.fremontco.com).

**Commissioner Grantham** asked about the construction in Penrose that County Manager Carochi mentioned.

**County Manager Carochi** responded that it was a paving project.

**Commissioner Grantham** notified the public that the Motor Vehicle Division will be providing limited services while in construction during the week of May 15<sup>th</sup> and anticipates being open for regular business by the 22<sup>nd</sup>.

**Commissioner McFall** spoke about the construction of the pavilion at Pathfinder Park. He then told the public that Commissioner Bell and him will be attending the Western Interstate Region Conference so that they can discuss land issues with the Federal Government. Commissioner McFall also reminded the public that Fremont County is under Stage 1 fire restrictions.

**Commissioner Grantham** announced that the Colorado Legislative Session is over as of last night at 10:00. He told the public about the following bills:

SB23-213 - a land-use authority bill that was rejected.

HB23-1230 - a bill concerning assault weapons ban that was rejected.

HB23-1165 - a bill concerning local authority over firearm discharge that was rejected.

SB23-108 - a bill allowing taxing districts to temporarily reduce mill levies for tax relief, which passed.

SB23-303 - a bill that temporarily lowers property taxes, backfilled by TABOR refunds, which passed and will be followed by Proposition HH in November.

He asked that people be kind when protesting at the Assessor's Office and explained that the Gallagher Amendment is the cause of high tax assessments on this year's Notice of Valuations.

**Commissioner Bell** paid tribute to Lori Aves, Bruce Claremont, Roger Duncan, and Kathryn Duncan and read the poem "high flight" by John Gillespie Magee Jr. in their memories.

2. Citizens who wish to address the Commissioners on a matter not scheduled on the agenda.
  - a. There were none.

#### **OLD BUSINESS**

1. There was none.

#### **NEW BUSINESS**

Ref. Fremont County BOCC Meeting 5/9/2023 – 18:48

1. Service Recognition Resolution Paul Garrett

**Commissioner McFall** asked Paul Garrett to approach the Board and read the service recognition resolution.

**Commissioner Bell** thanked Mr. Garrett for his leadership and expertise.

**Commissioner McFall** moved to approve the Service Recognition Resolution for Paul Garrett. Commissioner Bell seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

**The Board** had a picture taken with Mr. Garrett and asked if he would like to say anything.

**Mr. Garrett** declined the offer to speak.

2. Requesting the issuance of a Hotel & Restaurant Liquor License for Riverside Grill LLC DBA River Runners Bar & Grill/Royal Gorge Bar & Grill at 44641 US Hwy 50, Cañon City, CO 81212.  
Representative: Travis Hochard

**Travis Hochard** told the Board that River Runners has been in business since 1972 and the Riverside Grill located south of Buena Vista in 2007, which has been a successful source of revenue. He explained that in the past few years the business has lost market share in Fremont County, since not providing after-rafting experiences like some competitors.

**Commissioner Bell** asked Mr. Hochard about server training.

**Mr. Hochard** explained their security processes and assured the Board that those serving will be properly trained.

**Assistant Clerk to BOCC, Talia Smith** gave the staff report.

**Commissioner McFall** asked about there being the indication of signs on the map of premises rather than fencing.

**Mr. Hochard** said they planned to put up signs to control the area and no fences.

**Commissioner McFall** pointed out that people don't stop for signs.

**Mr. Hochard** replied that they will have employees monitoring the entrances and exits.

**Commissioner Grantham** asked if their intent is to provide containers or to serve drinks from cans.

**Mr. Hochard** said they want to start with canned beverages and later provide logoed cups.

**Commissioner McFall** stressed that the Board's concern is people leaving the premises with alcohol.

**Mr. Hochard** offered to put some type of barrier up to prevent customers from taking beverages off the premises.

**Commissioner Grantham** brought up sidewalk seating as an example of businesses providing physical and visual barriers of their premises.

**Commissioner Bell** referred to the map of the premises and asked if the open indoor space by the bar is intended for seating.

**Mr. Hochard** explained that the bar past the retail shop will offer seating. He added that offices and employee kitchen are located further back.

**Commissioner Bell** moved to approve the issuance of a Hotel & Restaurant Liquor License for Riverside Grill LLC DBA River Runners Bar & Grill/Royal Gorge Bar & Grill at 44641 US Hwy 50, 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.

3. **MARTIN MARIETTA (CUP 07-003)**

Request for temporary increase in trips (additional 40) from the Parkdale Quarry.  
Representative: Phillip Courtney

**Mr. Courtney** is the Land Manager at Martin Marietta and explained their request for a temporary increase in truck traffic. He said their current CUP allows for 48 trips per day and they want to be allowed an additional 40 trips per day for 120 days beginning in June in order to service a particular job that they were not able to finish the previous year.

**Commissioner Bell** thanked Mr. Courtney for the letter requesting the change and asked if Martin Marietta received any comments or complaints about the traffic last year.

**Mr. Courtney** said they did not receive any direct complaints.

**Commissioner McFall** commented that the new bridge probably helped to alleviate the traffic volume.

**Planning & Zoning Director Victoria** gave the staff report.

**Commissioner Bell** recalled that the previous year Martin Marietta came back for a 2-week extension, so this time the extension is built into the 120-day time frame.

**Mr. Courtney** agreed that the extension will provide them with flexibility.

**Planning & Zoning Director Victoria** added that Martin Marietta will notify the County of when their temporary increase starts.

**Commissioner McFall** moved to approve the request for a temporary increase in trucks at 40 trips (20 trucks) per day for 120 days beginning in June for Martin Marietta CUP 07-003. Commissioner Bell seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

4. **TUP 23-005 DEER MOUNTAIN COMMUNITY ORGANIZATION**  
Requesting a waiver for the Surety Bond and return of Application fee of \$175 and the Sanitation Permit fee of \$30.  
Representative: Elaine Foster
  
4. **TUP 23-004 TEMPLE CANYON HILL CLIMB**  
Requesting approval for a Temporary Use Permit for a racing event. Vehicles consist of cars, quads, trucks, and motorcycles. Event dates are May 20<sup>th</sup> & 21<sup>st</sup>, 2023 and August 26<sup>th</sup> & 27<sup>th</sup>, 2023.  
Representative: Jerry Brady

**Jerry Brady** is President of the Hill Climb Association and explained that there are two events this year and that last year, the second date was conditional on the first date, which was snowed out in late May.

**Commissioner McFall** asked about the plan for road access for both races.

**Mr. Brady** said for residents and patrons of road, it will take them about 5 minutes to shut down and within 10 minutes they will be able to traverse the road, specifically for the Keller family and the Jeep Tours. He said the biggest concern is for normal traffic coming from Parkdale into Temple Canyon and explained that the race sends two groups of racers through at different times and during the break between groups, they will let normal traffic on the road.

**Commissioner McFall** asked about the wait time.

**Mr. Brady** responded that for normal traffic the wait will be 45 minutes and they will post signage for the delay.

**Commissioner Grantham** pointed out that they will want to give people a fair warning that there will be a delay.

**Mr. Brady** gave an example of a situation last year when a citizen wanted to use the road and didn't know there was a delay until he got to the site.

**Commissioner Grantham** suggested that the man likely would have turned around given enough notice.

**Commissioner McFall** agreed that it would better to know before reaching the track.

**Mr. Brady** said they will have two sets of signage on the back side: at the split on County Road 3A and on County Road 3.

**Commissioner Grantham** suggested putting a sign at the Copper Gulch Intersection and the 3A intersection.

**Commissioner McFall** agreed to definitely have signage at Copper Gulch.

**Mr. Brady** said in 32 years that was the first time they had an issue with someone coming through on the backside.

**Commissioner McFall** suggested that the concern arose because the event fell during hunting season.

**Planning & Zoning Director Victoria** gave the staff report, including a recommendation to post additional signage at Copper Gulch, County Road 3A, the Temple Canyon side, and the Cañon City side with the verbiage "Through Traffic Only" and "Expect Road Delays [with anticipated time frame]".

**Commissioner McFall** thanked Mr. Brady for working with the Kellers and Jeep Tours. He added that the second date should still be conditional on the first.

**Commissioner Bell** mentioned her concern regarding a race official's demeanor when someone tried to traverse the road last year. She suggested that Mr. Brady communicate with his race officials so that they will be cordial with people and conveyed that her vote for next year will depend on their conduct.

**Commissioner McFall** described the frustration when getting onto public land is made difficult.

**Commissioner Grantham** suggested that conspicuous signage should mitigate issues.

**Mr. Brady** expressed understanding.

**Commissioner Bell** proposed having some sort of public relations a couple weeks in advance.

**Commissioner Grantham** mentioned that it may be beneficial to post more than three signs.

**Commissioner Bell** moved to approve TUP 23-004 Temple Canyon Hill Climb requesting a Temporary Use Permit for a racing event on May 20th & 21st, 2023 and August 26th & 27th, 2023 including a contingency for signs as discussed with verbiage as suggested by Planning & Zoning. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

**Commissioner McFall** told Mr. Brady that hunting season begins September 2<sup>nd</sup>.

**Mr. Brady** thanked the Board.

**Commissioner Bell** wished Mr. Brady good luck.

5. Resolution No. 15 Granting an Exemption from the Subdivision Regulations for a Tract of Land in Fremont County

**Commissioner McFall** explained that the resolution grants an exemption to allow an ambulance site in western Fremont County site to apply for a well permit since it is located on nonconforming land.

**Commissioner Bell** said the address of the site 11998 County Road 45 in Coaldale.

**Commissioner McFall** moved to approve Resolution No. 15 Granting an Exemption from the Subdivision Regulations for a Tract of Land in Fremont County. Commissioner Bell seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

**Commissioner Grantham** adjourned the meeting at 10:27 a.m.