

NINETEENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on September 28, 2021, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Chairman Dwayne McFall called the meeting to order at 9:30 a.m.

Dwayne McFall	Commissioner	Present
Debbie Bell	Commissioner	Present
Kevin Grantham	Commissioner	Present
Justin Grantham	Clerk & Recorder	Present
Brenda Jackson	County Attorney	Present
Sunny Bryant	County Manager	Present
Alicia Stone	Planning & Zoning Coordinator	Present

INVOCATION

Joe Garkovich, Mercy Today Ministries

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 with the addition of Item #1 on New Business for a resolution to impose fire restrictions, and the renumbering of items thereafter. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

CONSENT AGENDA

1. Approval of Bills for \$2,670,512.01
2. Ratification of Chairman’s Signature on PCO 10.1 for Pathfinder Community Center
3. Partial waiver of fee for TUP 21-011 for Penrose Apple Days
4. Right of Way and Easement – Atmos Energy at Pathfinder Regional Park
5. Easement agreement across Outlot B Austin #2 Subdivision, Fremont County, Colorado – Assessor’s parcel number 3821213101052 with Black Hills Energy
6. Schedule Public Hearings: None.

Commissioner Grantham moved to approve the Consent Agenda. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, 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 County Manager Report which can be found in its entirety at www.fremontco.com.

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

County Manager Bryant gave the Sales & Use Tax Report which can be found in its entirety at www.fremontco.com.

Commissioner Grantham said budget meetings are public and can be found at www.fremontco.com.

Commissioner Grantham discussed the redistricting of Colorado maps.

Commissioner Bell introduced Tonya Sutton as the Family Services Program Administrator for Fremont County's Department of Human Services (DHS) and recognized her achievements as a fellow in the Minority Professional Leadership Development Program and as an employee of Fremont County DHS.

Tonya Sutton thanked the Board.

Clerk & Recorder Grantham reminded citizens that they can update their voter registrations and added that ballots for the upcoming election will be mailed out on October 11th.

Commissioner McFall mentioned Penrose Apple Days, Starpoint's upcoming Rim to Rim Race, and the new community building at Pathfinder Park. He also communicated the importance of wildfire safety.

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

OLD BUSINESS

1. None.

NEW BUSINESS

1. Resolution to impose the fire ban
Representative: Undersheriff Derick Irvine

Undersheriff Derick Irvine explained that with the low humidity levels and the US Forest Service going into fire restrictions, the Sheriff's Office is requesting the approval of a resolution that allows the County Sheriff's Department to go into fire restrictions.

Commissioner McFall observed that surrounding counties are also in Stage 1 and that typically the US Forest Service and BLM do not go into restrictions unless it is necessary. He continued and said the imposition of the fire ban would allow Fremont County to enter into Stage 1 fire restrictions.

Commissioner Bell noted that the lifting of the suspension would occur at 10:00 am on September 28th, 2021.

Commissioner McFall added that information on fire restrictions can be found at www.fremontco.com.

Commissioner Bell moved to approve Resolution No. 35 removing the suspension of the fire ban and imposing the fire ban. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

2. MS 21-0106 Wellsville Springs Subdivision

Requesting approval for minor subdivision that will create a total of 2 lots. The subject property is located in the Agricultural Rural Zone District, in Wellsville between US HWY 50 and Fremont County Road 45.

Representative: Dan Cook

Dan Cook explained that they are requesting approval for a minor subdivision that will create a total of 2 lots with an existing structure on Lot 1. He mentioned there is a drainage waiver request for the potential building site.

Planning & Zoning Coordinator, Alicia Stone reported that the application satisfied Planning & Zoning requirements and noted there is one contingency item, which affects the current SRU on the same property. She explained the request was to change the SRU boundaries or cancel the SRU. She said the applicant would prefer to cancel the SRU if the minor subdivision is approved. Coordinator Stone added that the applicant is requesting a deferment of the drainage plan until the time of building.

Commissioner Grantham moved to approve MS 21-0106 Wellsville Springs Subdivision including both the deferment of the drainage plan until time of building and the contingency item to cancel the SRU. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

3. Cancellation of SRU 13-005 Wellsville Recreational Facility

Requesting approval to cancel the Special Review Use Permit for file # SRU 13-005 Wellsville Recreational Facility. The Special Review Use Permit was approved on March 11, 2014 and recorded on June 5, 2014 under resolution #12 series of 2014. The property owner requests for the SRU Permit to be cancelled upon approval of a minor subdivision on the property. The property is located at 1544 County Road 45 in Wellsville between US HWY 50 and Fremont County Road 45. Request Resolution # 36
Representative: Dan Cook

Mr. Cook spoke about the Wellsville Recreational Facility for disabled veterans.

Commissioner McFall thanked Mr. Cook for his work for veterans over the years.

Commissioner Bell also thanked Mr. Cook for his work on the project.

Commissioner Bell moved to approve Resolution No. 36 the cancellation of the Special Review Use Permit for file # SRU 13-005 Wellsville Recreational Facility. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

Mr. Cook spoke about his collaboration with the County and thanked the Board.

4. Resolution No. 37 a Resolution of the Board of County Commissioners providing for support of the SOCO Broadband Project; providing for a letter of support to be issued for SCEDD's grant request to DOLA to partially fund the creation of a Comprehensive Implementation Blueprint; providing for a letter of support to be issued for SCEDD's grant request to the EDA to largely fund the hiring of a Broadband Coordinator and support staff for three years; and providing for commitment by Fremont County of \$139,382 of its American Rescue Plan Act (ARPA) funds for these purposes

Commissioner Bell described Fremont County's relationship with Southern Colorado Economic Development District (SCEDD) and the County's need for Broadband. She explained that the need for broadband includes internet access for mountain-dwelling students as well as those pursuing online employment. Commissioner Bell said SCEDD is asking counties for a 1.5% commitment of funds from the American Rescue Plan Act (ARPA) to participate in the Southern Colorado (SOCO) Broadband Project, which will finance the installation of a Comprehensive Implementation Blueprint. She added that with

that, Fremont County is looking to become a full member of SCEDD once again and anticipates three new positions for Broadband sustained by grant monies.

Commissioner Grantham spoke about the benefit of local regions and counties coming up with solutions for the issues they face.

Commissioner McFall conveyed that he has done work on Broadband through National Association of Counties and agreed with Commissioner Bell that it is a necessity for Fremont County.

Commissioner Bell noted that they also are looking at other Broadband partnerships.

Commissioner Bell moved to approve Resolution No. 37 a Resolution of the Board of County Commissioners providing for support of the SOCO Broadband Project through SCEDD. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

PUBLIC HEARINGS

1. TUP 21-009 Royal 50 Mountain Bike Races & Point Alta Vista 5K
Requesting approval of Temporary Use Permits for Point Alta Vista 5K to be held Saturday, October 9th, 2021 and Royal 50 Mountain Bike Race to be held Saturday, October 16th, 2021
Representative: Ashlee Sack

Commissioner McFall opened the public hearing at 10:03 a.m.

Ashlee Sack noted that they cancelled the October 9th event and said for the event on the 16th they have been working closely with the Health Department to avoid issues with Covid-19. She added that food service will be provided by a food truck.

Planning & Zoning Coordinator Stone reported that the application satisfied Planning & Zoning requirements and noted there is a waiver request for the surety bond.

Commissioner Bell referred to the same event a couple years before.

Ms. Sack talked about the possibility of poor weather.

Commissioner McFall closed the public hearing at 10:06 a.m.

Commissioner Grantham moved to approve TUP 21-009 Royal 50 Mountain Bike Races & Point Alta Vista 5K with the waiver of the surety bond. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

2. OPC 14-002 High Mountain Medz, LLC, dba Levity Wellness (Optional Premises Cultivation License)
Requesting the approval to allow for the Modification of an existing Optional Premises Cultivation, at 3000 CR 103 Florence, Colorado.
Representative: Ryan Foster

Commissioner McFall opened the public hearing at 10:07 a.m.

Ryan Foster explained they are not expanding the location, just adding three greenhouses and two storage buildings. He added that they have approval from the State.

Commissioner Bell thanked Mr. Foster that the operation has not been under any violations and that no complaints have been made about them.

Mr. Foster mentioned the favorable location of the grow.

Planning & Zoning Coordinator Stone reported that the minimal Planning & Zoning requirements have been met and that there were no violations at the time of inspection.

Commissioner McFall asked Coordinator Stone whether the drainage plan had been rectified.

Planning & Zoning Coordinator Stone said the drainage plan was approved.

Commissioner McFall asked if it was the Atencio drainage plan.

Planning & Zoning Coordinator Stone confirmed that it was.

Commissioner McFall discussed the modification of the On-Site Wastewater Treatment System then asked Mr. Foster if the plant count would increase from 500 to 1500.

Mr. Foster replied that the plant count had already increased but the modification will allow the operation to stay at that count year-round.

Commissioner Bell pointed out the operation's plan to have water delivered and clarified that Fremont County Department of Transportation currently has no issues with the plan, but they will monitor the roadway impact and re-evaluate the plan at the next review.

Mr. Foster said the business maintains the roads.

Commissioner McFall asked whether those were private roads.

Mr. Foster confirmed they maintain private roads not the County road.

Commissioner Bell pointed out that the facility is not lit up at night.

Mr. Foster said it may be something they do in the future with approval.


Commissioner McFall closed the public hearing at 10:11 a.m.

Commissioner Bell moved to approve OPC 14-002 High Mountain Medz, LLC, dba Levity Wellness. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

Commissioner Bell introduced Mica Simpleman in the audience as the new Fremont County Planning & Zoning Director.

Commissioner Grantham introduced Cañon City Mayor Pro Tem John Hamrick, also in the audience.

Commissioner McFall adjourned the meeting at 10:14 a.m.


Clerk to the Board of County Commissioners

