

THIRD MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on February 14, 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	Absent
Debbie Bell	Commissioner	Present
Talia Smith	Assistant Clerk to the Board	Present
Brenda Jackson	County Attorney	Present
Tammy Childs	Interim County Manager	Present
Daniel Victoria	Planning & Zoning Director	Present

INVOCATION

Greg Swearingen, Royal Gorge Vineyard

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 the approval of the *January 24, 2023* Meeting Minutes to the Consent Agenda. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

CONSENT AGENDA

1. Approval of Minutes / *January 24, 2023*
2. Approval of Bills for \$5,043,354.51
3. 2022 Audit Engagement Letter to Logan and Associates
4. Colorado Division of Aeronautics Discretionary Aviation Grant Resolution for flight simulator
5. Schedule Public Hearing; March 14, 2023, at 10:00 a.m.:
 - a. ZC 22-001 Wood, 25305 US HWY 50, Cotopaxi, CO 81223, requesting approval to rezone this 2.34 acre property from TTP&CG zone district which is obsolete to Agricultural Suburban so she can build a residence.

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

ADMINISTRATIVE & INFORMATIONAL

Ref. Fremont County BOCC Meeting 2/14/2023 – 3:48

1. Staff / Elected Officials:
 - a. Semi-Annual Treasurer's Report and Public Trustee Quarterly Report, Kathy Elliott, Treasurer

County Treasurer Elliot gave the Semi-Annual Treasurer's Report, which can be found at www.fremontco.com.

Commissioner Bell asked about last year's collections.

County Treasurer Elliot explained that last year, collections came in early because notices were sent out early, but this year the notices were sent later than usual, so they expect collections to arrive late as well.

Commissioner Bell mentioned the remodel of the Treasurer's Office and informed the public that they are temporarily located upstairs.

County Treasurer Elliot thanked the Board for providing them with the opportunity to update the Treasurer's Office.

Commissioner Grantham said that after some discussions it seems like the Treasurer's Office will be able to move back to their office before the end of the month.

County Treasurer Elliot replied that her staff won't be able to move to their usual office before the first half of taxes are due at the beginning of the month.

Commissioner Grantham informed public to continue going upstairs to reach the Treasurer's Office.

County Treasurer Elliot informed the public that the best way to reach the Treasurer's Office is by emailing treasurer@fremontco.com due to limited access to phones.

Commissioner Grantham added that many offices will be doing remodels and updates in the near future. He also thanked the public for their patience during this time.

Commissioner Bell moved to accept the Semi-annual Treasurer's Report for July 1, 2022, through December 31, 2022. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

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

Commissioner Bell pointed out that before Covid-19 there were over a couple hundred foreclosures annually, as compared to the 21 that Treasurer Elliot just reported on.

Commissioner Grantham suggested that those numbers are getting back to normal.

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

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 pointed out that the numbers are reflective of the spike in 2021.

Clerk Grantham said it also had to do with the lack of vehicle inventory at the time.

Commissioner Bell moved to accept the County Clerk's Monthly Report for December 2022. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

c. County Manager Report

Interim County Manager Childs gave the County Manager's Report, which can be found in its entirety at www.fremontco.com.

Commissioner Bell thanked County staff for the work Interim County Manager Childs mentioned done at the Pathfinder Park Event Center.

Commissioner Grantham also thanked staff for their work on the facility.

Commissioner Bell explained that Commissioner McFall is absent at the meeting because he is attending an Annual National Association of Counties Legislative Conference in Washington D.C. She reminded the public about fire safety on his behalf. She also mentioned the Broadband study and survey that was recently approved by the Board and informed the public that a public survey will have a separate project website where local internet users can report the quality of their internet service. Commissioner Bell said they will get the word about the survey out to the public as best as possible.

Commissioner Grantham added that the Board will be discussing the matter throughout the next few months as it progresses. Remind the citizens of Fremont County that legislature is back in session and spoke particularly about a bill that will affect constitutional rights. He explained that the proposed legislation would give County Commissioners the authority to prevent citizens from discharging weapons on their own private property. He assured the public that the Fremont County Board of Commissioners will never exercise that right if it passes, assuming it will. He mentioned that there are proposed land-use bills also under the guise of local control.

Clerk Grantham told the public that while the Elections Office is being remodeled the elections staff can be found in Room 102 and can be reached by emailing Elections@fremontco.com or calling 719-276-7336. He also reminded the public that Parks Passes cost an extra \$29 per vehicle for those who do not choose to opt out. He also said Recording is up next for a remodel, including an asbestos abatement and carpet replacement.

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 2/14/2023 – 21:07

1. Requesting the issuance of a Special Events Permit for Special Forces Motorcycle Club Inc. for an event at 6639 Hwy 115 in Florence, CO 81226 from 5:30 p.m. to 11:30 p.m. on Friday, March 31st, 2023.
Representative: Brent Bendell

Brent Bendell explained that the event at Pioneer Park won't be operated any differently than it was in the past and said it's a charitable National Rifle Association (NRA) event. He mentioned that they will have licensed bartenders serving at the event.

Commissioner Grantham asked about server training and pointed out that they applied for the event to be at the Pathfinder Park Event Center, not at Pioneer Park.

Mr. Bendell agreed that he meant Pathfinder Park.

Commissioner Bell asked how they plan to control alcohol service so that nobody underage is served.

Mr. Bendell replied that there will be security at all entrances and exits and that those entering the Event Center will be IDed and those of drinking age will receive a wristband.

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

Commissioner Bell said the Sheriff's Office and Health Department's recommendations mean a lot and are very helpful in reaching a conclusion.

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

Commissioner Bell moved to approve the issuance of a Special Events Permit for Special Forces Motorcycle Club Inc. for an event at 6639 Hwy 115 in Florence, CO 81226 from 5:30 p.m. to 11:30 p.m. on Friday, March 31st, 2023. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

2. Re-appointment of Larry Brown to the Fremont County Board of Appeals for a term ending August 1, 2026

Commissioner Grantham said Larry Brown has been on the Board for a while and wants to continue to serve. Commissioner Grantham expressed appreciation for those who participate on the various boards.

Commissioner Grantham moved to accept the re-appointment of Larry Brown to the Fremont County Board of Appeals for a term ending August 1, 2026. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

3. Notice of Award to DocuTek, Inc. for Fremont County Document Digitization Project
Representative: Tammy Childs, Interim County Manager

Interim County Manager Childs explained that various county departments showed interest in the digitization of their archival documents using ARPA funding. She said they posted an RFP December 15th, 2022, through January 16, 2023, which got four bids. The County prefers to award the bid to DocuTek, Inc., a company with 27 years of experience, numerous references, great reviews, and more flexibility than the other applicants.

Commissioner Bell clarified that the quoted cost is per page or per box and not a total price.

Commissioner Grantham explained that many offices are looking to preserve their records by digitizing.

Commissioner Bell added that DocuTek, Inc. employees have had background checks, will sign non-disclosure agreements, and have law enforcement backgrounds.

Commissioner Grantham said they will have a secure system as far as the company's possession of documents.

Commissioner Bell moved to approve the award to DocuTek, Inc. for Fremont County Document Digitization Project. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

4. Resolution to Deauthorize Participation in CPACE Program
Representative: Brenda Jackson, County Attorney

Attorney Jackson explained that the legislature approved the New Energy Improvement District in 2010, which was designed to give loans to entities to improve their energy efficiencies. The County opted into the program to get funding for energy improvements and energy-efficient buildings. The program has not been successful in Fremont County and Attorney Jackson explained that the first business sponsored by the program defaulted. She said that neither of the two other pending projects understood the payment obligations of the program. She concluded that since the program seems to be struggling and taxpayers are bearing the brunt of the program, the County can choose to deauthorize it so no future projects can be done within Fremont County for commercial businesses.

Commissioner Bell thanked County Attorney Jackson for the explanation and thanked staff and elected officials for their involvement and time in figuring out how to solve the issues caused by the program. She confirmed that because the program doesn't work the way it was intended to, the County is no longer interested in investing such time.

Commissioner Grantham added that the Board does not want to further jeopardize taxpayer dollars.

Commissioner Grantham moved to approve Resolution #8 to deauthorize participation in CPACE Program. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

5. Notice of Transfer of Approved CUP
CUP 16-002 J & J Stone Pit #1 (Holcim is taking over operations at this site.)
CUP 04-002 Ranch Land Rock Pit #2 (Holcim is taking over operations at this site.)

CUP 15-001 Phillips Ranch Property Gravel Pit #2 (Holcim is taking over operations at this site.)

Representative: Derrick Dease

Derrick Dease approached the Board and explained that Holcim acquired the properties under consideration on January 20th and they applied to transfer the CUPs so they can continue to operate at those locations.

Director Victoria explained that the applicant is aware of the original conditions of the permits.

Commissioner Grantham clarified that a CUP is Conditional Use Permit.

Commissioner Bell pointed out the letters from Holcim that guarantee the understanding of the operation agreement.

Commissioner Bell moved to approve CUP 16-002 J & J Stone Pit #1 transfer to Holcim. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

Commissioner Grantham moved to approve CUP 04-002 Ranch Land Rock Pit #2 transfer to Holcim. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

Commissioner Bell moved to approve CUP 15-001 Phillips Ranch Property Gravel Pit #2 transfer to Holcim. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

6. MS 22-004 BARNSTORMERS SUBDIVISION, Requesting approval for minor subdivision that will create a total of 3 lots.
 - Lot 1: 11.82 acres 514,689 square feet
 - Lot 2: 6.79 acres 295,656 square feet
 - Lot 3: 6.88 acres 299,831 square feetRepresentative: Matt Koch

Matt Koch explained that the 25.49 acre plot will be divided into three lots, which will each need a Commercial Development Plan (CDP) in the future, so they are requesting a deferment of the CDP until development. He added that there are wells on each property, but no other structures.

The Board listed the deferrals that are mentioned in the report as follows: water, drainage, address, driveway access, and septic.

Mr. Koch said there will be a note on the plat that will address those deferrals.

Commissioner Bell asked about the deferral of the drainage plan.

Mr. Koch repeated the list of requested deferrals.

Director Victoria gave the staff report. He mentioned that the County Engineer recommends that deferment of the drainage plan and that Fremont County Department of Transportation said Driveway Access Permits will be required for each lot, and the County Attorney determined that water should be addressed at time of development. Director Victoria also listed the department's requested conditions as follows: the Drainage Plan Report, the deferment to be noted on the plat, Address Issuance and Driveway Access to be applied for at time of development, and sanitation to be addressed during the Commercial Development process.

Commissioner Bell asked if there is a single address for the property in question.

Director Victoria said there is not.

Commissioner Grantham asked about the water deferral.

Commissioner Bell mentioned drainage and septic.

Mr. Koch said the businesses will have to address water at time of development.

Commissioner Bell moved to approve MS 22-004 BARNSTORMERS SUBDIVISION, a minor subdivision that will create a total of 3 lots, including deferrals until time of development as follows: drainage plan, issuance of address, driveway access, septic, and water. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

PUBLIC HEARINGS

1. There was none.

Commissioner Grantham adjourned the meeting at 10:13 a.m.

Clerk to the Board of County Commissioners

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