

## **TWENTIETH MEETING**

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session On September 24th, 2024, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Chairman McFall called the meeting to order at 9:00 a.m.

Kevin Grantham	Commissioner	Present
Dwayne McFall	Commissioner	Present
Debbie Bell	Commissioner	Present
Justin Grantham	Clerk and Recorder	Absent
Eric Bellas	County Attorney	Present
Tony Carochi	County Administrator	Present
Dan Victoria	Planning & Zoning Director	Present

### **INVOCATION**

Jeff McElhattan from the First Baptist Church gave the invocation.

### **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 as presented. 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 Minutes / September 3, 2024, Special Meeting
2. Approval of Bills for \$3,492,073.07
3. Acceptance and approval of 2022 financial statements, management letter, and audit report from Logan and Associates, LLC
4. Ratification of Chairman's signature on Secure Transportation Vehicle Permit
5. Ratification of submittal of a Department of Local Affairs Gray & Black-Market Marijuana Enforcement Grant Application to provide financial assistance to local law enforcement agencies and district attorneys for the investigation and prosecution costs associated with unlicensed marijuana cultivation or distribution operations.

6. Ratification of Chairman’s signature on the Group Insurance Plan through Reliance Standard
7. Ratification of Chairman’s signature on the Group Application for group whole life insurance through MassMutual
8. Schedule Public Hearings:
  - a. Tuesday, October 15, 2024, 9 a.m.: Consideration and adoption of Fremont County Zoning Resolution.

**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**

Ref. Fremont County BOCC Meeting 9/24/2024 2:56

#### 1. Staff / Elected Officials:

- a. Sales & Use Tax Report, Shawn Sutton, Budget & Finance Officer

**Budget & Finance Officer Sutton** gave the Sales & Use Tax Report for July and August 2024, which can be found in its entirety at <https://fremontcountyco.gov/>.

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

**County Manager Carochi** gave the County Manager Report, which can be found on in its entirety at <https://fremontcountyco.gov/>

**Commissioner Bell** wanted to acknowledge the retirement of Dave Marshall; he is the District Battalion Chief for the Cañon City area Fire Protection District. He will retire October 1<sup>st</sup>, 2024. His career has been 46 years long starting as a volunteer firefighter for Cañon City.

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

**Dave DeCenzo** of Pueblo suggested bringing in data centers to bring more revenue to the area by producing sales tax.

### **UNFINISHED BUSINESS**

None.

## **NEW BUSINESS**

Ref. Fremont County BOCC Meeting 9/24/2024 19:43

1. Proclamation recognizing October 2024 as Domestic Violence Awareness Month  
Representative: Family Crisis Services

**Crystal Sumpter** introduced herself as an Advocate from Family Crisis Services. She then proceeded to recite the proclamation which can be found attached to the minutes.

**Commissioner Bell** moved to approve the Proclamation recognizing October 2024 as Domestic Violence Awareness Month. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

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### **2. TUP 24-011 Pops Pumpkin Patch**

The applicant is requesting a Temporary Use Permit to run a Pumpkin Patch with Tractor Hayride, Hay Maze, Kids play area. September 27<sup>th</sup> through October 31<sup>st</sup>. Location: 1940 13<sup>th</sup> Street, Penrose, CO 81240  
Applicant: Steven Smith

**Mr. Smith** explained the set up of the area, including a play area which will have a hayride, slide, corn patch, and a spooky forest to walk through. The pumpkin patch is about a quarter of an acre.

**Planning and Zoning Director Victoria** said that is the first year Mr. Smith has applied for a TUP, the surrounding properties are zoned as agricultural with a few residential. Drinking water will be available for purchase, there will be no vendors present. Snacks including mini pizzas will be available for purchase. Concerning sanitation, there is fully operational bathrooms on the property and an eight-yard dumpster available for trash. The department has received an approved fire protection plan from Florence/Penrose Chief Bill Ritter. Insurance covering the property has been received and the applicant is requesting a waiver of the surety bond. After reviewing the application in its entirety, the Planning and Zoning department recommends approval of the Temporary Use Permit.

**Commissioner Grantham** moved to approve TUP 24-011 for Pop's Pumpkin Patch starting September 27<sup>th</sup> through October 31<sup>st</sup> located at 1940 13<sup>th</sup> Street in Penrose the motion included approval of 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.

## **PUBLIC HEARING SCHEDULED 9:30 a.m.**

1. SRU 24-001 Vertical Bridge Wireless Communications Facility

To erect a 194' self-supporting lattice tower with a 5' lightning rod for a total height of 199'. The tower will be located within an 80'x 80' ground area. Location: 43340 US Highway 50, Canon City, CO 81212 Representative: John Burchfield

**Mr. Burchfield** said he works for a company called LCC Telecom Services; he appeared on behalf of Vertical Bridge which is a cell phone tower builder. The proposal is a tower for T-Mobile. Mike Beck was present at the meeting via Zoom and had filed the initial application. They are also both aware of the letter filed in opposition to the commission and he requested for some time at the end of the hearing to address the concerns. The purpose of development of this tower is for T-Mobile's network since there is a coverage gap in the area on Highway 9 and 50. The tower will also be available for shared use by other cell phone carriers.

**Commissioner McFall** asked about the batteries depicted on the map, what kind they are, the kind of box they will be stored in, and if a fire were to start what the plan would be.

**Mr. Beck** answered that it is a self-contained diesel generator, there should not be any leaking issues. Mr. Beck said that in the 25 years he's been present in the industry he's never heard of a fire with the diesel generators. They are tested approximately once a week for about an hour to make sure the equipment is running smoothly.

**Planning and Zoning Director Victoria** began the staff report with describing the tower as 194ft tall self-supported lattice tower with a 5ft lightning rod for a total height of 199 feet. The tower will cover an 80 by 80-foot area on the ground. The estimated traffic count after construction of the tower is completed will be one monthly trip for a technician. Since the application follows the requirements of the Fremont County Zoning Resolution, staff recommends approval of the special review use with the following contingencies: submittal of an amended CDOT permit and redline corrections to the site plan.

**Commissioner Bell** asked the estimated time frame for the buildout of the tower.

**Mr. Burchfield** said they are hoping to have it constructed by the end of the year if approved today.

**Commissioner McFall** opened the public hearing at 9:45am.

**Dave DeCenzo** asked if any radio waves will be targeted at this tower and what path would they take. If the tower will affect human and if this tower is beyond 5G.

**Todd Denius** said his intent isn't to completely stop the tower, just relocating or doing a shorter tower. His argument was that typically they will show propagation levels starting at 100 feet and going up 10 feet to justify the expansion considering the current plan is only going to extend service three miles up HWY 9 and six miles on HWY 50. He also expressed concern that the company is allotting 40 feet for future rental space for other cell phone companies, which would mean four times the amount of antennas, generators, and traffic in the area. His final concern was messing up the view from his personal property and for his business, which is called Royal View RV Park. He stated that he communicated with a state representative for this district, and they informed him that most towers can function in the area at around 100 feet, so Mr. Denius doesn't understand why this one needs to be almost 200 feet.

**Mr. Burchfield** explained that cell phone towers give non-ionizing radiation meaning it is not the cancer causing typer of radiation. Since there is no coverage in this area the taller the tower the better, if it was shorter, it would then be necessary to have more towers that would then impede more views.

**Commissioner McFall** said that he understands Mr. Denius' concerns and that this will possibly negatively impact his property, but that on the other hand this could benefit a lot of other people in this area including people who need emergency services, people that work from home, or school from home.

**Mr. Denius** said he is concerned that the tower will attract lightning to the area which will cause more fires or electrical surges directly affecting his property and that he would also like the location of the tower and height to be addressed to see if there is flexibility.

**Mr. Beck** addressed the concern by explaining that the towers do not attract lightning to the area, but when it does come to the area it will want to hit the lightning rod that is on top of the tower, and it travels down the tower and into the ground. Mr. Beck also addressed the location of the tower, stating that the North end of the property was already explored as a tower location, and it is not a viable since it is steep and very rocky. Mr. Beck also explained that after the propagation report was completed it showed that the tower needs to be the 194ft to obtain the coverage sought after.

**Commissioner McFall** – closed the public hearing at 10:26am.

**Commissioner Bell** moved to approve SRU 24-001 Vertical Bridge Wireless Communications Facility with the contingencies outlined. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

**NEW BUSINESS continued at 10:33am.**

Ref. Fremont County BOCC Meeting 9/24/2024 1:33:19

3. Sangre de Cristo Electric Presentation  
Representative: Gary Kelly, Chief Executive Officer, Sangre de Cristo Electric

**Mr. Kelly** introduced himself as the CEO who operates out of the headquarters located in Buena Vista. He said the purpose of the presentation today was to let the community know what the company does in Fremont County regarding fire mitigation and system improvements.

**Chris McGinniss** began the presentation by introducing the company and their main purpose to provide service to rural areas. These areas include Lake County, Custer County, Chaffee County, Western Fremont County, and a small portion of Saguache County. Ms. McGinniss pointed out that Sangre de Cristo is the service provider for the Tallahassee area in Fremont County. The company has spent roughly \$1.14 million on wildfire prevention and service improvement through vegetation management program in Fremont County. They have also paid \$85,138 in 2023 taxes to Fremont County and the county's taxing districts. That includes poles, wire, and other material kept in the county.

SDCEA has about 4,500 active billed accounts in Fremont County. The company has high school grants programs that they have donated to schools in Cotopaxi. Another program is Shine Your Lights which provides financial assistance for people that have had a life changing event that has made it difficult for someone to pay their bill.

**Ryan Doke** introduced himself as manager of operations and he presented the system improvements on the Texas Creek line that a company named Integrity Tree Services from Michigan is doing with the help of grant money from the State Forest Service. The company is also creating a new line between the Kettle substation located in Custer County and the Howard substation located in Fremont County. The three-phase line gives the ability to back feed from one substation to the other so that if a car hits a pole somewhere the company can isolate that little section of line. Mr. Doke said that in rebuilding this line they are trimming trees about 15 feet on either side to help wildfire mitigation and accessibility to these lines. The purpose of rebuilding these lines is to get them out of the creek bottom to create more accessibility and update these lines that are from the 1950's and 1960's when the lines were weaker and more stretched out. Updating these lines to stronger wire and putting the poles closer together to reduce the slapping of the lines and during major snowstorms improves reliability.

**Commissioner McFall** thanked SDCEA for the presentation and information, which the Board found very helpful.

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4. Schedule a Special Board of County Commissioners meeting at 9 a.m. Tuesday, October 15, 2024, with the following agenda items:
  - a. Public Hearing Scheduled for 9 a.m.:
    1. Consideration and adoption of Fremont County Zoning Resolution
  - b. New Business:
    1. Adoption of Official Fremont County Zoning Maps.
    2. Adoption of fee schedule for Planning and Zoning department.

**Commissioner Grantham** moved to approve the scheduling of this Special Board of County Commissioners meeting 9:00am Tuesday October 15<sup>th</sup>, 2024. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

[Ref. Fremont County BOCC Meeting 9/24/2024 2:00:57](#)

5. Reappointment of Carl "Chip" Cumm to the Fremont County Airport Advisory Board with a term ending October 1, 2027

**Commissioner Grantham** moved to reappoint Carl "Chip" Cumm to the Fremont County Airport Advisory Board with a term ending October 1<sup>st</sup>, 2027. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

**Commissioner McFall** adjourned the meeting at 11:02am.

To view the YouTube Video for Commissioner Minutes, go to the following website:  
<https://www.youtube.com/watch?v=7kOdHJGh4B8>

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Clerk to the Board of County Commissioners



**Fremont County Board of Commissioners**  
**Proclamation**  
**DOMESTIC VIOLENCE AWARENESS MONTH**  
**OCTOBER 2024**

**WHEREAS**, 1 in every 4 women, and 1 in every 7 men will experience domestic violence during her lifetime; and

**WHEREAS**, approximately 15.5 million children are exposed to domestic violence every year; and

**WHEREAS**, when a family member is abused, it can have long-term damaging effects on the victim that also leave a mark on family, friends, and the community at large; and

**WHEREAS**, the problem of domestic violence is not confined to any group or groups of people, but crosses all economic, racial, gender, educational, religious, and societal barriers, and is sustained by societal indifference; and

**WHEREAS**, the crime of domestic violence violates an individual's privacy, dignity, security, and humanity due to the systematic use of physical, emotional, sexual, psychological, and economic control and/or abuse; and

**WHEREAS**, victims should have help to find the compassion, comfort, and healing they need, and domestic abusers should be punished to the full extent of the law; and

**WHEREAS**, victims of violence should have access to medical and legal services, counseling, emergency and transitional housing, and other supportive services so that they can escape the cycle of abuse; and

**WHEREAS**, important partnerships have been formed among criminal and juvenile justice agencies, healthcare providers, allied professionals, and victim services to assist victims of domestic violence and their families; and

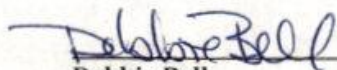
**WHEREAS**, we dedicate ourselves to protecting vulnerable members of our community; and

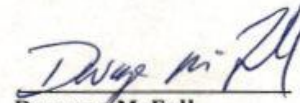
**WHEREAS**, Fremont County has a moral obligation to work to prevent domestic violence, address its brutal and destructive effects and make ending domestic violence a local priority;

**NOW, THEREFORE, LET IT BE PROCLAIMED** by the County Commissioners of Fremont County that October 2024, is hereby designated as Domestic Violence Awareness Month. The County Commissioners urge all people of Fremont County to actively support Family Crisis Services' work towards the elimination of domestic violence.

Signed this 24<sup>th</sup> Day of September, 2024.

  
Kevin Grantham  
District 1 Commissioner

  
Debbie Bell  
District 2 Commissioner

  
Dwayne McFall  
District 3 Commissioner