

May 9, 2017

## NINTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on May 9, 2017, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Tim Payne called the meeting to order at 9:30 a.m.

Debbie Bell	Commissioner	Absent
Tim Payne	Commissioner	Present
Dwayne McFall	Commissioner	Present
Katie Barr	Clerk and Recorder	Present
Brenda Jackson	County Attorney	Present
Sunny Bryant	County Manager	Present
Matt Koch	Planning & Zoning Director	Present

Keith Naumann gave the Invocation.

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 Payne seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Payne, aye. The motion carried.

### CONSENT AGENDA

1. Approval of Minutes / April 25, 2017
2. Approval of Bills for \$729,236.54
3. Consideration of the 2017 Noxious Weed Management Plan for Fremont County
4. Adoption of Resolution # 17, Series of 2017, canceling CUP 97-6 Vallie Gravel Pit per letter received by owner
5. Ratification of Chairman's signature on waiver of building permit fees for Colorado Department of Safety, Division of Fire Protection and Control
6. Schedule Public Hearing: May 23, 2017 at 10:00 a.m.
  - a. CUP 17-001 Yevoli Cobblestone Pit – 10 Year Renewal  
Request approval of a Conditional Use Permit, Department file #CUP 17-001 Yevoli Cobblestone Pit by Yevoli Cobblestone Inc.  
The proposed number of trucks hauling from the site is a maximum of 10 per day during daylight hours. The proposed hours of mining, crushing, stockpiling, etc. are from 7 a.m. to 3 p.m., Monday through Friday.
  - b. ZC 17-001 – Journey Quest Zone Change  
Request approval of a Zone Change, Department file #ZC 17-001 Journey Quest by Mark Anderson, Journey Quest is a non-profit rafting and outdoor wilderness ministry. JQ has operated from across the street in a small building behind the restaurant, Barry's Den, for many years and wants to move to the vacant property across the street as proposed. The site consists of 6.29 acres, along the Arkansas River.
  - c. SRU 17-001 Loco Mountain Outfitters  
Request approval of a Special Review Use, Department file #SRU 17-001 Loco Mountain Outfitters by Flynn High Ranch Enterprises Partnership  
Loco Mountain Outfitters has operated from this location for many years and was just recently found to be non-compliant with having no SRU approval. The applicant has submitted this application to bring the site into compliance with the current Fremont County Regulations. Loco Mountain outfitters has a normal capacity of 6 hunters and 3 guides. The existing ranch house is used as the base camp for the guided hunting trips.  
The Fremont County Department of Public Health and Environment and the Fremont County Building Department have reviewed the application and have defined the use as a bed and breakfast and thus satisfied the requirements for the use.

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- d. SRU 17-002 Deer Mountain Fire Protection (Fire Station No.3)  
Request approval of a Special Review Use, Department file #SRU 17-002 Deer Mountain Fire Protection District (Fire Station No.30).  
The site is 1.0 acres and was approved for fire use through a Subdivision Waiver by the Board of County Commissioners. There is an existing garage that will remain and a proposed garage that will be heated for fire equipment.

**Commissioner Payne** moved to approve the Consent Agenda. Commissioner McFall seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner McFall, aye. The motion carried.

### **ADMINISTRATIVE/INFORMATIONAL**

#### 1. Staff / Elected Officials:

##### a. County Clerk's Monthly Report, Katie Barr, County Clerk and Recorder

**Clerk Barr** reported for the month of April the total Motor Vehicle Fees, Sales Taxes and Recording Fees collected was \$1,038,570.49. Fremont County's portion for disbursement was \$572,061.73. This is 55% of the total fees and is \$61,051.56 more than April of 2016. Year to date our office is up \$214,747.61 from last year.

**Commissioner Payne** moved to accept the County Clerk's Monthly Report. Commissioner McFall seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner McFall, aye. The motion carried.

##### b. County Manager Report, Sunny Bryant, County Manager

**Manager Bryant** stated the Colorado Division of Fire Prevention and Control has placed a modular at the Fremont County Airport. The modular will provide resources including a helicopter for the upcoming fire season.

**Commissioner Payne** was happy to hear the project is finally complete. He mentioned the importance of this project and all the hard work it took to complete.

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

**Alex Walker** Chief Investigator for the 11<sup>th</sup> Judicial District, read a budget statement from District Attorney Chilson, asking for an additional Prosecutor as their work load is too much. Neither District Attorney Chilson nor Assistant District Attorney LeDoux could be here in person as they were in court.

### **OLD BUSINESS**

None.

### **NEW BUSINESS**

#### 1. Consideration of a resolution prohibiting open carrying of a firearm and other weapons in the Fremont County Department of Human Services Building

**Commissioner Payne** stated the language on the sign will be changing to make it more appropriate.

**Attorney Jackson** stated the old sign was not up to statutory requirements. This resolution will bring it into compliance with statutory requirements and will change the language on the new sign.

**Commissioner Payne** moved to approve Resolution #18 prohibiting open carrying of a firearm and other weapons in the Fremont County Department of Human Services Building.

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Commissioner McFall seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner McFall, aye. The motion carried.

2. Special Event Permit  
Royal Gorge Rodeo / Cañon City Rodeo Assoc.  
1595 S 9<sup>th</sup> St, Cañon City CO 81212  
Representative: Josh Hawk

**Josh Hawk** explained the liquor license will be for the 145<sup>th</sup> Annual Rodeo on June 9<sup>th</sup> and 10<sup>th</sup>. It will run the same as the Rodeo in May.

**Clerk Barr** stated the application was submitted complete and there have been no issues in the past.

**Commissioner McFall** moved to approve the Special Event Permit for Royal Gorge Rodeo / Cañon City Rodeo Assoc. Commissioner Payne seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Payne, aye. The motion carried.

3. Liquor License Transfer  
Service System Associates Inc.  
4218 County Rd 3A  
Canon City, CO 81212  
Optional Premise License  
Representative: None

**Clerk Barr** stated there will be no changes to the premises, all that is changing is the separating of the name from Royal Gorge Bridge Company of Colorado and Service System Associates Inc. dba Royal Gorge Bridge to Service System Associates Inc.

**Commissioner McFall** moved to approve the Liquor License Transfer for Service System Associates Inc. Commissioner Payne seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Payne, aye. The motion carried.

4. OPC 14-009 Golden Meds, Inc.  
OPC 14-009 Golden Meds, Inc., dba Golden Meds, Inc. (Optional Premises Cultivation license-Indoor Grow-Greenhouse, Commercial) requesting the Renewal of an Optional Premises Cultivation license, to allow for the operation of an Optional Premises Cultivation-Indoor Grow-Greenhouse, Commercial, at 890 7th Street, Penrose, Colorado.  
Representative: Edward Vasquez

**Edward Vasquez** stated they have been good, compliant operators. There have been substantial improvements to the odor mitigation and property.

**Director Koch** stated the application was submitted complete. There needs to be proof that all property taxes have been paid. Updates for the renewed center for license need to be turned in. There have been no violations or complaints. Director Koch recommends approval for the renewal.

**Deputy Sterling Jenkins** reported there have been no state violations. There have been a few odor complaints over the past year but none were citable. He acknowledged the OPC's openness with law enforcement.

**Commissioner Payne** moved to approve the 2017 Renewal of OPC 14-009 Golden Meds, Inc. Commissioner McFall seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner McFall, aye. The motion carried.

5. OPC 14-011 Pure Medical, LLC

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OPC 14-011 Pure Medical, LLC, dba Pure Medical (Optional Premises Cultivation license-Indoor Grow-Greenhouse, Commercial) requesting the approval and issuance of an Optional Premises Cultivation license, to allow for the operation of an Optional Premises Cultivation-Indoor Grow-Greenhouse, Commercial, at 440 8th Street, Penrose, Colorado.

The 2016 renewal and modification, allowing a 1200 sq. ft. vegetation and harvest room was approved with a 1 year trial period. The modification has not been totally completed, so a trial has not been validated. The department would recommend an additional one (1) year trial period with all of the facilities operating as approved in 2016.

Representative: James Marks

**James Marks** stated they meet all of their compliances and there have been no complaints or violations.

**Director Koch** stated the application was submitted complete. There needs to be proof that all property taxes have been paid. The certificate of completion for the building permit is complete, just waiting on a signature from the building official. There needs to be notifications made to the fire and sheriff's department. There are no complaints or violations and approval is recommended for the renewal.

**Attorney Jackson** stated the Board may want to consider extending the one year trial period for the vegetation and harvest room that is not yet complete.

**Deputy Sterling Jenkins** reported there have been no violations or complaints.

**Commissioner McFall** moved to approve the 2017 Renewal for OPC 14-011 Pure Medical, LLC, dba Pure Medical. Commissioner Payne seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Payne, aye. The motion carried.

#### **PUBLIC HEARINGS SCHEDULED FOR 10 A.M.**

1. CDP 17-001 Dollar General  
Request approval of Commercial Development Permit, #CDP 17-001, Dollar General, by Vaquero Penrose Partners, LP, for the development of a retail store located at 895 Marilyn Dr., Penrose CO 81240  
Representative: Vaquero Penrose Partners, LP—Griffin Bryant

**Commissioner Payne** opened the Public Hearing at 10:00 a.m.

**Griffin Bryant** stated he would like to get approval for the development plans and permit for a commercial development in Penrose. The existing building will be torn down.

**Director Koch** reported the application was submitted complete. There are requirements that need to be met from these agencies: Fremont County Department of Transportation, Fremont County Engineer, Fremont County Department of Public Health, and The Colorado Department of Transportation. A completed fire protection form signed by the local fire authority as well as a Quit Claim Deed needs to be turned in. Director Koch recommends approval for the permit.

**Kevin Mattson** who works for Vaquero stated there will be a 6 foot privacy fence on the north and west side of the property line. The zoning will not change, it will stay commercial. For shipments there will be one semi every 10 days.

**Russann Kale** has concerns about what effect the business will have on her property value and the accessibility to the commercial property.

**Christy Grisenti** has concerns about privacy and accessibility to the commercial property.

**Ione McGuire** likes the idea of a new business in Penrose but has concerns about accessibility.

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**David Gouveia** who owns Cañon Marine, welcomed the business. He believes bringing in more commercial activity is a benefit to the community.

**Commissioner Payne** closed the Public Hearing at 10:14 a.m.

**Commissioner McFall** wanted to bring to attention how important paving certain areas will be due to the high traffic brought in by this commercial business.

**Commissioner McFall** moved to approve the Commercial Development Permit, #CDP 17-001, Dollar General, by Vaquero Penrose Partners, LP. Commissioner Payne seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Payne, aye. The motion carried.

**Commissioner Payne** adjourned the meeting at 10:15 a.m.

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Clerk and Recorder

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RESOLUTION NO. 17  
Series of 2017

RESOLUTION CANCELING CONDITIONAL USE PERMIT  
CUP 97-6 Vallie Gravel

BE IT RESOLVED by the Fremont County Board of County Commissioners (hereafter "Board"):

THAT WHEREAS, Vallie Gravel, Mike Shaffer has requested through written correspondence to terminate the Conditional Use Permit that was approved on May 26, 1987, by Resolution 49, Series of 1987.

NOW THEREFORE, BE IT RESOLVED by the Board that in accordance with the request of Applicant, Vallie Gravel, Conditional Use Permit SRU 97-6 Vallie Gravel which is legally described as:

LEGAL DESCRIPTION

S ½ SE ¼ NW ¼ NE ¼ AND N ½ SE ¼ SW ¼ NE ¼ of Section 20, Township 48 North, Range 11 East of the N.M.P.M.  
County of Fremont,  
State of Colorado

is hereby terminated and canceled, effective **May 9, 2017**.

Commissioner Payne moved adoption of the foregoing Resolution, seconded by Commissioner McFall and approved by roll call vote as follows:

Debbie Bell	<u>Aye</u>	Nay	<u>Absent</u>	Abstain
Dwayne McFall	<u>Aye</u>	Nay	Absent	Abstain
Timothy R. Payne	<u>Aye</u>	Nay	Absent	Abstain

Date: 5/9/17

BOARD OF COUNTY COMMISSIONERS  
OF FREMONT COUNTY

ATTEST:

By: T. Payne  
Chairman

By: Hattie E. Bau  
Clerk to the Board

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RESOLUTION NO. 18, SERIES OF 2017

**RESOLUTION PROHIBITING OPEN CARRYING OF  
A FIREARM AND OTHER WEAPONS IN THE  
FREMONT COUNTY DEPARTMENT OF HUMAN SERVICES BUILDING**

**WHEREAS**, C.R.S. §30-11-107 provides that the Board of County Commissioners of each county has power at any meeting to make such orders concerning the property belonging to the county as it deems expedient; and

**WHEREAS**, C.R.S. §29-11.7-104 provides that a local government may enact an ordinance, regulation, or other law that prohibits the open carrying of a firearm in a building within the local government's jurisdiction; and

**WHEREAS**, the Board of Commissioners for Fremont County recognizes that the Department of Human Services (DHS) serves a broad client base of citizens, some of whom are involuntarily required to interact with various DHS personnel and some of whom can exhibit volatile emotional responses due to immediate and unfortunate life circumstances and events; and

**WHEREAS**, the safety of staff and personnel is of utmost importance to the Board of Commissioners; and

**WHEREAS**, the open carrying of firearms and other weapons may easily be used as an means to exhibit intimidating or threatening behavior in stressful situations; and

**WHEREAS**, to avoid increased anxiety, insecurity, and burdens on DHS employees and the members of the public they serve, and to increase the level of safety for all who work in or visit the DHS building, the prohibition of open display or carrying of firearms and other weapons is appropriate and reasonable.

**NOW THEREFORE, BE IT RESOLVED** by the Board of Commissioners for Fremont County that:

1. After careful consideration of this issue, the Board of County Commissioners for Fremont County hereby restricts and prohibits the open carrying of firearms, knives or other weapons intended to cause, or capable of causing, serious bodily injury or death in the Fremont County Department of Human Services building and the surrounding premises. Any person entering the facility, or remaining on the surrounding premises in open possession of prohibited weapons will be required to remove the items from the facility or leave the premises. Failure to comply with such a request shall be deemed a trespass and interference with governmental operations and may be referred to law enforcement for criminal prosecution.

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Commissioner Payne moved for adoption of this Resolution, with a second by  
Commissioner McFall. The roll call vote of the Board was as follows:

Debbie Bell	<u>Aye</u>	Nay	<u>Absent</u>	Abstain
Dwayne McFall	<u>Aye</u>	Nay	Absent	Abstain
Timothy R. Payne	<u>Aye</u>	Nay	Absent	Abstain

Date: 5/9/17

T. Payne  
Chairman

ATTEST:

Hattie E. Bane  
Clerk to the Board