

FIFTEENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on August 13, 2019, 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
Tim Payne	Commissioner	Present
Debbie Bell	Commissioner	Present
Justin Grantham	Clerk & Recorder	Absent
Dotty Gardunio	Chef Deputy C & R	Present
Brenda Jackson	County Attorney	Present
Sunny Bryant	County Manager	Present
Sean Garrett	Planning & Zoning Director	Present

INVOCATION

Grant Adkisson, Canyon Cowboy Church

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

CONSENT AGENDA

1. Approval of Minutes / July 23, 2019
2. Approval of Bills for \$2,325,328.43
3. Ratification of Chairman's signature on Change No. 5 with Frontier Environmental on the Hayden Pass EWP
4. Ratification of Chairman's signature on Property Access Agreements with City of Cañon City, Colorado Quarries, Lawrence and Beryl Baker, and Unbridled Holdings III, LLC for EPA Brownfields assessments
5. Approval of Department of Local Affairs grant application for the Gray and Black Market Marijuana Enforcement Grant Program
6. Approval of Memorandum of Understanding with the Bureau of Land Management for use of the Fremont County Emergency Operations Center
7. Schedule Public Hearing: Tuesday, August 27, 2019, at 10:00 a.m.
 - a. TUP 19-010 We Are All Made of Stars
Request approval of a Temporary Use Permit, Department file #TUP 19-010 We Are All Made of Stars Black Tie Gala Fundraiser Event to be held on Saturday September 14th from 6:30 p.m. to 9:00 p.m. This is the first request for the TUP.
8. Schedule Public Hearing: Monday, September 9, 2019, at 10:00 a.m.
 - a. Amendments of the Fremont County Zoning Resolution

1. Changing the requirements regarding notifications for Temporary Use Permits (FCZR 8.16)
2. Changes to requirements for extensions of contingency items (FCZR 8.6)
3. Changes to requirements regarding utility plan submittals (FCZR 4.10.6.17, 4.11.6.10, 8.13.4.17, 8.14.2.23, 8.15.10.10, 8.16.5.1.2)

County Attorney Jackson noted that the two public hearings on the Consent Agenda were for two different dates.

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

ADMINISTRATIVE/INFORMATIONAL

1. Staff / Elected Officials:
 - a. County Clerk's Monthly Report

Chief Deputy Gardunio said that she is waiting on a correction from DRIVES to complete July's report. However, she did want to present a correction to the reports for May 2019 and June 2019. She explained that in May DRIVES collected everything correctly but they distributed the funds incorrectly. **Chief Deputy Gardunio** said that Fremont County's portion for disbursement in May should have been \$757,269.62 which is an increase of \$787.37 making the total fees \$35,833.70 more than May 2018 and year to date the office is up \$45,678.50 from last year. She said that the only correction to the June 2019 report is that year to date our office is up \$85,094.18

Commissioner McFall reiterated that the mistake was a miscalculation on the part of DRIVES.

Commissioner Bell moved to accept the Corrected County Clerk's Report for May 2019 and June 2019. **Commissioner Payne** seconded the motion. Upon Vote: **Commissioner Bell**, aye; **Commissioner Payne**, aye; **Commissioner McFall**, aye. The motion carried.

- b. County Manger Report, Sunny Bryant, County Manager

County Manager Bryant reported the following:

She said that work continues on the Brownfield Assessment Projects. She said the first four projects are under way and the county will be looking for additional sites over the next few months.

She also said that the 2020 budget process has started. Her office will be working with Elected Officials and Department Heads over the next few months to prepare a proposed budget.

Commissioner Bell congratulated all the Fremont County Fair participants.

Commissioner McFall congratulated the Fair participants as well as commending the Fair Board.

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

None

OLD BUSINESS

None.

NEW BUSINESS

1. Proclamation for Fremont Fall Heritage Festival September 3, 2019 through October 19, 2019.
Representatives: Betsy Denny and Linda Skinner

Betsy Denny read a Proclamation for the Fremont Fall Heritage Festival September 3, 2019 through October 19, 2019

Commissioner Bell applauded the Fremont Heritage Commission who work on this all year. She also asked Ms. Denney if there was a website that people could go to for more information.

Betsy Denney said that the website is www.fremontheritage.com.

Commissioner Bell moved to approve the Proclamation for the Fremont Fall Heritage Festival September 3, 2019 through October 19, 2019. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner McFall, aye. The motion carried.

2. Rescheduling of the Tuesday, September 10, 2019, Board of County Commissioners meeting to Monday, September 9, 2019, at 9:30 a.m.

Commissioner McFall said that the Commissioners have an opportunity to go to Washington D.C. to meet with White House staff, policy makers and possibly Secretaries of Departments to talk about what Federal programs affect us locally. He said one of the things they were wanting to discuss is making the approval of PILT (Payment in Lieu of Taxes) money permanent as opposed to waiting every year to see if it will be approved.

Commissioner Payne moved to reschedule the Tuesday, September 10, 2019, Board of County Commissioners meeting to Monday, September 9, 2019, at 9:30 a.m. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried.

Public Hearings Scheduled for 10:00 a.m.:

1. Special Event Liquor Permit
Fremont Adventure Recreation
Royal 50- Royal Gorge Ranch and Resort
1 Buckskin Joe Pkwy, Canon City, CO 81212
Representative: Ashlee Sack

Ashlee Sack said that the event is a two day festival that consists of mountain bike rides and trail runs. She said that they are asking for a liquor permit for the events following the bike ride and trail run.

Commissioner Bell ask Ms. Sack about training for the servers at this event.

Ashlee Sack said that at least one person would be tips trained for the pouring. She also said that identification would be checked at the entrance to the beer garden area.

Commissioner Payne asked about the plan for security.

Ashlee Sack asked for clarification on what exactly the Board would like to see for security.

Commissioner McFall said that they should be making sure people don't leave the fenced area with drinks containing alcohol.

Ashlee Sack said that there would be volunteers for the duration of the event posted at the only entrance/exit to the licensed area ensuring no one leaves the area with beverages containing alcohol.

Clerk and Recorder Chief Deputy Gardunio gave a staff report stating that all fees and paperwork was in order with the Clerk's office.

Commissioner Bell asked Chief Deputy Gardunio about the 45 day requirement portion of the form not being filled out.

Chief Deputy Gardunio explained that the form is used for all types of liquor licenses so, some things don't apply to special events.

Commissioner McFall opened the public hearing at 10:05 a.m.

Commissioner McFall closed the public hearing at 10:05 a.m.

Commissioner Bell said that both the Health Department and the Sheriff recommended approval as well.

Commissioner McFall stated that the Sheriff's department would inspect the fencing of the area on the day of the event.

Commissioner Bell moved to approve the Special Event Liquor Permit for August 31st and September 1st for Fremont Adventure Recreation Royal 50- Royal Gorge Ranch and Resort. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner McFall, aye. The motion carried.

2. Special Event Liquor Permit
Fremont Adventure Recreation
We Are All Made of Stars- Dinosaur Experience
44895 W US Hwy 50, Canon City, CO 81212
Representative: Ashlee Sack

Ashlee Sack said that this event was different from the other events that FAR has held. This is a black tie formal event being held at the Dinosaur Experience. The event will begin at 6:30 in the evening. The event will be over at 9:00 p.m. but she has asked that the license be extended until 9:30 p.m. so that the patrons don't have to abruptly finish their drink. Ms. Sack said that the event would be capped at 150 people.

Commissioner Bell asked Ms. Sack to address the serving area as well as the entrance and exit.

Ashlee Sack said there would only be one entrance and exit to the event. Ms. Sack said that they would serve the beverages inside but would like people to be able to carry their drinks around the whole Dinosaur Experience including the Walking with Dinosaurs exhibit outside. She also said that the event would be an over 21 affair so there wouldn't be any intermingling of under-age minors. Ms. Sack would also like to use the natural barrier at the back of the property as fencing instead of putting up a substantial amount of snow fencing. The rest of the property is fenced off with privacy fencing.

Dave Reynolds representing the Dinosaur Experience pointed out on the diagram where the existing fencing is located as well as where the natural barrier is positioned.

Ashlee Sack said there would be a volunteer stationed in the parking lot that would also be able to ensure that no one would gain admittance through the natural barrier. She indicated that they could give everyone in attendance a wrist band but would rather not due to the formality of the event.

Commissioner Bell asked Ms. Sack to address the training provided to the servers.

Ashlee Sack said that the servers they have secured are working bartenders and are already tips trained.

Commissioner Bell asked if they would be checking identification at the door.

Ashlee Sack said since they were having online sales that they would be checking identification at the door to make sure no one under 21 had inadvertently purchased a ticket.

Chief Deputy Dotty Gardunio gave a staff report stating that all fees and paperwork had been submitted with the Clerk's office.

Commissioner McFall opened the public hearing at 10:13 a.m.

Commissioner McFall closed the public hearing at 10:14 a.m.

Commissioner Payne stated that the Public Health office and the Sheriff's department both signed off on the application.

Commissioner Payne moved to approve a Special Event Liquor Permit on September 14, 2019 for Fremont Adventure Recreation – We Are All Made of Stars- Dinosaur Experience contingent on the TUP being approved. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried.

3. Special Event Liquor Permit
Starpoint
The Red Barn Pavilion Event- Jenkins Farms
(Forks Corks Farms Chefs)
448 K St, Penrose, CO 81240
Representative: Mary Yang and Ron Hinkle

Mary Yang said that this would be the second annual Forks Corks Farms and Chefs event held at the Jenkins Farms on September 7, 2019 from 6:00-9:00 p.m. She said that besides a catered meal, Harvest Brew from Florence Brewery and local wines would also be served. Ms. Yang stated that this is a fund raising event with a live and silent auction. She also told the Board that the event would have a cap of 100 attendees. Ms. Yang said they have hired two security representatives for the event. There will be servers from the winery as well as employees from the Brewery to serve the beverages containing alcohol.

Commissioner Bell asked Ms. Yang about the fencing at the venue.

Mary Yang responded saying there was the natural casing of the trees. She said there is a check in process in place as well.

Chief Deputy Dotty Gardunio gave a staff report stating that all fees and paperwork had been submitted with the Clerk's office.

Commissioner McFall opened the public hearing at 10:18 a.m.

Commissioner McFall closed the public hearing at 10:18a.m.

Commissioner Bell stated that the Health Department and the Sheriff's Department had both given their approval for this event.

Commissioner Bell moved to approve the Special Event Liquor Permit for Starpoint for the Red Barn Pavilion Event at Jenkins Farms on September 7, 2019. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner McFall, aye. The motion carried.

4. TUP 19-009 GI JIVE Big Band Bash
Request approval of a Temporary Use Permit, file TUP 19-009, for a 1940's style entertainment event featuring bands and vendors
Representative: Susan Frushour

Susan Frushour represents Rural Community Support. She said that they have partnered with the Fremont County Airport Volunteers to hold a 1940's style GI Jive Big Band Bash. She said that this will be the second event of its type. Last year it was held in downtown Florence with approximately 300 people in attendance. This year it will be held at the airport the day before the Airshow. Ms. Frushour said that this will also be the kickoff for Pioneer Days in Florence. She said that the crowning of the Pioneer Day King and Queen would be held at this event. The Civil Air Patrol will provide all the security for the event. Ms. Frushour said that she is tips trained and that there would be volunteers from the Elks Lodge in Florence that are also tips trained that will be serving.

Commissioner McFall asked Ms. Frushour about Rural Community Support.

Susan Frushour explained that the organization partners with non-profits to help them hold events. She said that any moneys made are either used for the next event or given to the non-profits that they are assisting.

Planning and Zoning Director Garrett gave a staff report stating that the application is complete. He also said that the organization is requesting a waiver of the surety bond and the refund of the application fee. P & Z Director Garrett also stated that the permit is contingent on the approval of the Special Event Liquor Permit.

Commissioner McFall opened the public hearing at 10:24 a.m.

Commissioner McFall closed the public hearing at 10:25 a.m.

Commissioner Payne asked P & Z Director Garrett for clarification on the waiver of the surety bond.

Planning and Zoning Director Garrett confirmed that the surety bond was to ensure that the property would be cleaned up to reasonable standards.

Commissioner McFall asked Ms. Frushour about the use of the FCTC Marketing Grant Funds for advertisement.

Susan Frushour explained that they are advertising on radio stations in Denver, Colorado Springs, Pueblo, Salida and Buena Vista promoting both the Air Show and the GI Jive Big Band Event.

Commissioner Bell explained that the reason for the hesitancy on refunding the application fee is that those fees are there for a reason. She went on to say that the concern of the Commissioners is that if the Board refunds the application fee will it start a trend for everyone wanting the fees waived or refunded.

Commissioner Payne moved to approve TUP 19-009, for the GI Jive Big Band Bash 1940's style entertainment event September 20, 2019 featuring bands and vendors with the contingency of the approval of the Special Event Liquor Permit. The waiver of the surety bond and refund of the application fee is granted. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried.

5. Special Event Liquor Permit
Rural Community Support- Spark 81226
Big Band Bash- Fremont County Airport
62098 US Hwy 50, Penrose, CO 81240
Representative: Susan Frushour

Susan Frushour explained that the whole area will be enclosed. She went on to say that the last serving will be at 9:00 p.m. with the band playing until 10:00 p.m. Ms. Frushour said that there would be wrist bands for the patrons old enough to purchase alcohol. She said that there would be only beer and wine served. Ms. Frushour said that she is tips

trained and that there would also be servers from the Elks Lodge in Florence that are also tips trained.

Chief Deputy Dotty Gardunio gave a staff report stating that all fees and paperwork has been submitted with the Clerk's office.

Commissioner McFall opened the public hearing at 10:33 a.m.

Commissioner McFall closed the public hearing at 10:33 a.m.

Commissioner Bell stated that the Health Department and the Sheriff's Department had both given their approval for this event.

Commissioner Bell moved to approve the Special Event Liquor Permit for Rural Community Support- Spark 81226 Big Band Bash to be held September 20, 2019 at the Fremont County Airport. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner McFall, aye. The motion carried.

6. SRU 13-005 Wellsville Recreational Facility Modification
Requesting approval for modification to existing SRU, file SRU 13-005, to allow for construction of an additional dwelling on the property for use by owner and staff
Representative: Dan Cook

Dan Cook explained that he would like to build an additional structure to provide staff and volunteers a separate facility to live in. He said that there would be an additional waste water treatment facility. He said that the proposed building site is naturally level so there would not be a need for extensive excavation. There is also an existing road to the proposed site. The county engineer has noted three items; the design of the drainage retention system, the design of the onsite waste water system and the hundred year flood plain engineering study. Mr. Cook said that P&Z Director Garrett has agreed to allow the permit to be contingent on these three items. Mr. Cook said that they have eliminated the tent sites and portable toilets that were previously on the property.

Commissioner Bell asked Mr. Cook if this expansion would help him better serve the veterans that participate in the Roads to Recovery program.

Dan Cook responded by saying that it would help by being able to accept more help from volunteers.

Commissioner Payne asked Mr. Cook to speak about the water supply for the new facility.

Dan Cook said that in an opinion letter from CDWR it states that the new structure will not violate the existing commercial use permit that they currently have. Mr. Cook said that they would be installing a water metering system on the new structure like the one on the existing structure. He also checked with CDWR to see if it would be alright to have two simultaneous reporting mechanisms instead of putting it under one which requires building a subterranean metering house which can sometimes freeze. If for some reason they do violate they have the ability to augment through the upper Arkansas.

Planning and Zoning Director Garrett gave a staff report stating that the application is complete. There is a request for a waiver of the lighting and landscaping plans. P& Z Director Garrett also said that a correction was needed on the plat in regards to the drainage system.

Commissioner McFall opened the public hearing at 10:48a.m.

Steven Nelson expressed concerns about the camping pads, the floodplain, and the lighting.

Jake Maas said he is concerned about fire prevention. He reports camp fires reaching six to eight feet. He would like to see fire mitigation through the maintenance of trees and grass. He also said he has seen gentleman urinating off of the river side. He is concerned about gun use.

Commissioner McFall closed the public hearing at 10:57a.m.

Dan Cook said the existing camp sites are returning to nature through erosion and will not be used. In addressing the lighting concerns Mr. Cook said it would have normal residential lighting. He said that the sewage treatment would be designed by an engineer and installed by licensed professionals. Mr. Cook pointed out on the plat where the leach field would be in relation to the structure. Mr. Cook agrees with the fire concerns. He doesn't recall fires being six to eight feet in height. He said they do use a fire ring. Mr. Cook isn't aware of any public urination. He did point out that often people do walk on to the property when fishing etc. He does not make them leave but at the same time he does not have the ability to police everyone that comes onto the property without consent. Mr. Cook said that no weapons are already in the rules and regulations of the program.

Commissioner Bell suggested that Mr. Cook might add something in his rules and regulations regarding public urination. In addressing the fire concerns Commissioner Bell asked Mr. Cook if he used fire rings and if he has cleared out any vegetation in the area of the fire ring. She also asked if Mr. Cook was aware that the Fremont County Sheriff does, on occasion, pose a fire ban.

Mr. Cook confirmed that they did use fire rings that are approximately 18" tall and 30" in circumference. In addressing the vegetation Mr. Cook said that the area where the fire pit is situated is, for the majority, rocky and sandy. He also said that he checks the Fremont County website for information on possible fire bans.

Commissioner Payne requested that P&Z Director Garrett add the onsite water treatment facility to the contingency.

Commissioner Bell thanked Mr. Cook for what he does for our Veterans. She also encouraged Mr. Cook to continue to be a good neighbor given the fact that there may be some that are not in total agreement with the approval of this modification.

Commissioner Payne moved to approve SRU 13-005 Resolution #21 Wellsville Recreational Facility Modification with the contingency items and correction to the site plan as well as the waiver of the lighting and landscaping plans. Requesting approval for modification to existing SRU, File SRU 13-005, to allow for construction of an additional dwelling on the property for use by owner and staff. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried.

7. CUP 17-001 Yevoli Cobblestone Pit Major Modification

Requesting approval for Modification to CUP 17-001 to allow for expansion of an existing CUP mining operation from 40 acres to 83.5 acres and from a 110 permit to 112. The property is located off of Fremont County Road 825C in Florence, CO

Representative: Mark Yevoli

Mark Yevoli said that the original drawing was incorrect. He went on to say that the state frowns upon the 110 permit so that is why he is wanting to change to a 112 permit. Mr. Yevoli said that out of the 83 acre expansion only 41 acres are mineable. He also said that there is a 150 foot set back from Hardscrabble Creek because it is a habitat for the cut throat trout. Mr. Yevoli stressed that they have never mined in that area.

Planning and Zoning Director Garrett gave a staff report stating that the application is complete. He added that there is a waiver request for the lighting and landscaping plan.

Commissioner McFall asked Mr. Yevoli for clarification on whether a 404 permit is required or not.

Mark Yevoli said that in a letter from the Army Corps of Engineers it was stated that this modification did not require a 404 permit.

Commissioner McFall opened the public hearing at 11:15a.m.

Lance Geffre expressed concerns about mining equipment going through the river and how Mr. Yevoli is going to prevent erosion. He also had concerns about the mitigation of the mining equipment's fuel and possible leaks into the ground water.

Commissioner McFall closed the public hearing at 11:17a.m.

Mark Yevoli in addressing Mr. Geffre's concerns said that the equipment would be crossing the river at a state approved crossing. Mr. Yevoli said that they have a 500 gallon tank on site with its own containment. He also said that if there is a leak of any type of fluid the soil is removed and taken to the land fill. Mr. Yevoli went on to explain that years down the road when the area of concern was actually mined, the soil would be tested for erosion and properly dealt with as a condition of the permit.

Commissioner McFall asked Mr. Yevoli if the hours of operation would be the same.

Mr. Yevoli said that they would remain the same.

Commissioner Payne inquired whether the County would receive a yearly report on the CUP.

Planning and Zoning Director Garrett said that there would be a yearly update form given to the County.

Mr. Yevoli explained the State's inspection requirements and said that he would submit a copy of that on a yearly basis along with the County's required form.

Commissioner Bell asked if this expansion would mean more trucks in and out of the area.

Mr. Yevoli said that they have the same amount of trucks producing the same amount of product. He said that it is unknown what the future holds.

Commissioner Bell moved to approve Resolution #22 CUP 17-001 Yevoli Cobblestone Pit Major Modification to allow for expansion of an existing CUP mining operation from 40 acres to 83.5 acres and from a 110 permit to 112 permit. This includes a waiver of the lighting plan and a waiver of the landscaping plan. The property is located off of Fremont County Road 825C in Florence, CO. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner McFall, aye. The motion carried.

Commissioner McFall adjourned the meeting at 11:22 a.m.


Clerk and Recorder

