

FIFTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on March 8, 2022, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Chair Debbie Bell called the meeting to order at 9:30 a.m.

Debbie Bell	Commissioner	Present
Kevin Grantham	Commissioner	Present
Dwayne McFall	Commissioner	Present
Justin Grantham	Clerk & Recorder	Present
Brenda Jackson	County Attorney	Present
Sunny Bryant	County Manager	Present
Mica Simpleman	Planning & Zoning Director	Present

INVOCATION

Alicia 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 McFall moved to approve the agenda with two changes to New Business as follows: replace Item 1 with **Memorandum of Understanding between Fremont County Emergency and the Golden Age Center of Canon City. Agreement for shuttle bus and minivans use during times where evacuation of access and functional needs (AFN) citizens is required**, and remove Item 3 from New Business and renumber the subsequent items appropriately. Commissioner Grantham seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Grantham, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

CONSENT AGENDA

1. Approval of Minutes / February 22, 2022
2. Approval of Bills for \$1,304,618.31
3. Ratification of Chairman’s Signature on the Fremont County Sheriff’s Office Contract for Medical Staffing and Administration Supplemental Mental Health Staffing Amendment
4. Schedule Public Hearing: None.

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

ADMINISTRATIVE/INFORMATIONAL

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

Clerk & Recorder Grantham gave the County Clerk’s Monthly Report, which can be found in its entirety at www.fremontco.com.

Commissioner Bell commented on the low figures.

Commissioner McFall suggested the numbers are from the lack of available vehicles.

Clerk & Recorder Grantham added that there may be an effect from the 40% increase on used vehicles.

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

b. 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.

Commissioner Bell spoke about new-employee orientation.

Commissioner McFall recognized International Women's Day and showed appreciation to all women. He also notified the public about Federal Emergency Management Agency's (FEMA) upcoming reassessment of the floodplains in Fremont County.

Commissioner Bell talked about the caucus process and congratulated and thanked those who participated.

Clerk & Recorder Grantham said the Democratic County Assembly was on Saturday and noted that the Republican County Assembly will be on March 19th.

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

a. Rick Lombardi – Precinct Committee Person from Fremont County's 11th Precinct

Mr. Lombardi spoke about the voting integrity of Mesa County's voting machines and asked the Board to review and consider the executive summary before them.

OLD BUSINESS

1. None.

NEW BUSINESS

~~1. Recognition of the 2021 Vital Statistics Five Star Performance Award
Representative: Kayla Marler, Public & Environmental Health Director~~

1. Memorandum of Understanding between Fremont County Emergency and the Golden Age Center of Canon City. Agreement for shuttle bus and minivans use during times where evacuation of access and functional needs (AFN) citizens is required.

Commissioner McFall explained that the memorandum allows vans to be available for emergency evacuations.

Commissioner Grantham thanked Emergency Management for readily providing solutions for worst-case scenarios.

Commissioner Bell thanked the Golden Age Center for helping prevent local misfortune by providing transportation during times of need.

Commissioner McFall noted the service area is for Fremont County at this time and that it will become effective April 1, 2022.

Commissioner McFall moved to approve the Memorandum of Understanding between Fremont County Emergency and the Golden Age Center of Canon City. Commissioner Grantham seconded

the motion. Upon Vote: Commissioner McFall, aye; Commissioner Grantham, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

2. Letter of opposition for potential Collective Bargaining Legislation

Commissioner Grantham spoke about the impact of potential state legislation mandating collective bargaining. He considered it to be a solution for a problem that doesn't exist.

Commissioner Bell noted that copies of the letter will be sent to Colorado legislatures.

Commissioner McFall mentioned that this would be the largest unfunded mandate to affect the County and could cause a substantial loss of services.

Commissioner Bell conveyed that this potential mandate is not congruent with the idea that County and State Governments should act cooperatively.

Commissioner Grantham stressed that when collective bargaining mandates exist in any level of government it is a threat to taxpayers.

Commissioner Grantham moved to approve the letter of opposition for potential Collective Bargaining Legislation. Commissioner McFall seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner McFall, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

~~3. Appointment of new members to the Airport Advisory Board to fill vacant seats~~

3. Appointment of new members to the Board of Zoning Adjustment to fill vacant seats

Commissioner Bell thanked all those who applied.

Commissioner McFall moved to appoint Matthew Landis as Board Member to the Board of Zoning Adjustment for a term ending November 30, 2024 and Gardner Fey as a Board Alternate with no term expiration. Commissioner Grantham seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Grantham, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

4. Appointment of new members to the Fair Board to fill vacant seats

Commissioner Grantham moved to appoint Kristina Brubaker to the Fair Board for a term ending December 31, 2024. Commissioner McFall seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner McFall, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

Commissioner McFall noted that the following appointment is to fill a vacancy on the Fair Board.

Commissioner McFall moved to appoint Amy Bourlon to the Fair Board for a term ending December 31, 2022. Commissioner Grantham seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Grantham, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

5. Appointment of new members to the Planning Commission to fill vacant seats

Commissioner Grantham moved to appoint Travis Payne to the Planning Commission for a term ending December 31, 2024. Commissioner McFall seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner McFall, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

Commissioner McFall noted that the following appointment is to fill a vacancy caused by the untimely death of Michael Pullen.

Commissioner McFall moved to appoint Dale McCullough to the Fair Board for a term ending December 31, 2022. Commissioner Grantham seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Grantham, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

Commissioner Bell once again thanked those who applied and are interested in serving. She also mentioned that the Board will likely be approving more appointments within the next couple weeks.

PUBLIC HEARINGS

1. CUP 21-002 Lyons Pit: Conditional Use Permit (CUP) approval for a sand and gravel extraction pit located approximately 1-mile south of Texas Creek. The proposed aggregate mining operation would occupy 9.93 acres of BLM managed property for screening, crushing, hauling materials and stockpiling.
Representative: Ed Lyons

Commissioner Bell opened the public hearing at 10:01 a.m.

Ed Lyons said they plan to operate a small operation.

Planning & Zoning Director Simpleman reported the following: Fremont County Department of Transportation (FCDOT) said site access is from State Hwy 69 and are requesting the opportunity to comment at Annual Review once road impact is determined; the County Project Engineer recommends approval; Fremont County Public Health and Environment (FCDPHE) said a portable chemical toilet may be used if approved by the Board of Health and that a refusal plan must be addressed; and the Planning & Zoning Department recommends approval with the contingencies:

1. The duration of the CUP shall be revised to mirror the term of the BLM land lease or contract
2. Revision of the site plan to professional standards drawn at a common increment scale
3. Revision of the table contents and notes to reflect that there are buildings onsite
4. Include the required setbacks for the proposed portable office and porta-potties on the site plan
5. Remove the note on the site plan stating "Request waiver for not painting equipment."

Mike Tracy lives 3 miles from the site and addressed his questions and concerns regarding the amount of stone coming out of the site, the potential increase in traffic, the lifespan of the project, the impact on wildlife, the visibility from Highway 69, and what benefit the project will provide to the area.

Laura Longo provided that she doesn't think there would be a problem with the CUP since there is already a FCDOT pit adjacent to the site. She added that there are already a significant number of trucks hauling gravel through the area.

Commissioner Bell closed the public hearing at 10:08 a.m.

Mr. Lyons offered to provide Mr. Tracy with a copy of the Environmental Assessment (EA) Book, which includes BLM studies that address most of Mr. Tracy's questions.

Commissioner McFall asked how much material they plan on taking out.

Mr. Lyons replied that they will take as much as they can.

Commissioner McFall clarified that they expect 2-5 trucks per day. He also addressed the wildlife and confirmed that they can stockpile between December and April, while crushing and hauling May through December.

Commissioner Bell asked Mr. Lyons to address the lifespan of the pit.

Mr. Lyons said they will be permitted to run for 10 years with BLM and aims to later extend it to a potential total of 25 years.

Commissioner McFall asked about the visibility.

Mr. Lyons said you cannot see the project from the road.

Commissioner McFall asked about the benefit to the area.

Mr. Lyons replied that it will lower the cost of transporting materials to the area and will therefore lower the cost of materials.

Commissioner Grantham inquired whether his target market is local.

Mr. Lyons said it is intended to provide for the local area.

Commissioner Grantham asked Mr. Lyons if the material will stay in the area.

Mr. Lyons confirmed that it would generally stay in the local Cotopaxi area.

Commissioner McFall asked Mr. Lyons how the dust will be mitigated.

Mr. Lyons replied that they will utilize a 6000 gal onsite water tank when necessary.

Commissioner McFall asked Director Simpleman whether there is a time they are permitted to work.

Director Simpleman relayed that according to their contract with BLM, operation is allowed between 8:00 a.m. and 5:00 p.m. Monday through Friday. He also expounded on Commissioner McFall's comment earlier regarding visibility from Highway 69.

Commissioner Bell asked whether the pit will create new jobs for Fremont County.

Mr. Lyons said it could possibly create new jobs for Fremont County and that at his current pit, they currently employ a crew of three people from Custer County.

Commissioner Bell asked if they intend to extract gravel for landscaping only.

Mr. Lyons explained that the extracted gravel can also be used for roads and other materials.

Commissioner McFall commented that the BLM does a good job conducting their Environmental Assessments.

Mr. Lyons added that they have the Reclamation Bond in place.

Commissioner McFall asked Director Simpleman if Weed Management had determined whether there are any noxious weeds at the site.

Director Simpleman said he did not see anything about noxious weeds.

Commissioner McFall determined it would be too early for a noxious weed assessment.

Mr. Lyons told the Board that the site supports very little vegetation and reassured the board that per the BLM's Assessment they are aware that they can remove trees only at certain times of year to avoid disturbing migratory birds.

Commissioner Bell asked Mr. Lyons to address the refuse plan.

Mr. Lyons explained that Lone Wolf Disposal will be providing trash services for the pit and Custer County will service the porta-potties.

Commissioner Bell asked Director Simpleman whether the Planning & Zoning Department is recommending waivers of the lighting plan.

Director Simpleman said they are not requesting any waivers on the lighting plan.

Commissioner McFall moved to approve CUP 21-002 Lyons Pit: Conditional Use Permit (CUP) approval for a sand and gravel extraction pit located approximately 1-mile south of Texas Creek with contingencies as follows: 1. The duration of the CUP shall be revised to mirror the term of the BLM land lease or contract, 2. revision of the site plan to professional standards drawn at a common increment scale, 3. revision of the table contents and notes to reflect that there are buildings onsite, 4. include the required setbacks for the proposed portable office and porta-potties on the site plan, and 5. remove the note on the site plan stating "Request waiver for not painting equipment.". Commissioner Grantham seconded the motion.

Mr. Lyons conveyed his understanding that some contingencies had been previously removed by the Planning Commission.

Commissioner Grantham asked Director Simpleman to clarify the recommended contingencies on the staff reports.

Director Simpleman told Mr. Lyons that staff is requesting that there be a note on the site plan that the office and porta-potties will fall into the setbacks.

Attorney Jackson said temporary structures should not be on site plan. She clarified that there can be a condition in which they must remain within the setbacks, but it would not be showed on the site plan.

Mr. Lyons added that the temporary structures will only be present for 8 months.

Commissioner McFall said they can amend Contingency #4 in the motion to be a condition instead of a contingency.

Commissioner Grantham voiced his concern over two other crossed-out contingencies regarding the portable office and toilets.

Attorney Jackson reiterated that any portable structure should not be shown on the site plan.

Commissioner Grantham discussed the contingency for the removal of the note on the site plan stating "Request waiver for not painting equipment" with Commissioner McFall.

Mr. Lyons said they requested the waiver because nobody in the County paints their equipment.

Commissioner McFall asked whether the recommendation is to amend the site plan or to waive the requirement to paint equipment.

Director Simpleman explained that painting the equipment is a request from the BLM and it should not be mentioned on the site plan.

Commissioner Bell asked Director Simpleman if because it is not a Fremont County requirement, it does not need to be a waiver.

Director Simpleman agreed that it does not need to be a waiver.

Commissioner McFall clarified with Director Simpleman whether it should come off of the site plan.

Director Simpleman agreed that it should.

Mr. Lyons explained his concern that the State would later require the equipment to be painted.

Commissioner McFall moved to amend the motion for CUP 21-002 Lyons Pit: Conditional Use Permit (CUP) approval for a sand and gravel extraction pit located approximately 1-mile south of Texas Creek to remove the 4th contingency to **include the required setbacks for the proposed portable office and porta-potties on the site plan** and to make the required setbacks for the portable toilets a condition of the CUP. Commissioner Grantham seconded the motion.

Upon Vote for initial motion and amendment CUP 21-002 Lyons Pit: Commissioner McFall, aye; Commissioner Grantham, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

Commissioner Bell adjourned the meeting at 10:24 a.m.




Clerk to the Board of County Commissioners