

**FIFTEENTH MEETING**

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on June 27, 2006, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Michael Stiehl called the meeting to order at 9:30 A.M.

Michael J. Stiehl	Commissioner	Present
Edward H. Norden	Commissioner	Present
Larry Lasha	Commissioner	Present
Brenda Jackson	County Attorney	Present
Norma Hatfield	Clerk and Recorder	Present

Also present Finance Director, Dana Angel; Bill Giordano, Planning and Zoning Director and Kris Lang, Deputy Clerk.

The Morning Prayer was given by Chaplain Eusebio (Papo) Morales from Loaves and Fishes.

The Pledge of Allegiance to the Flag of the United States of America was recited by those present.

**APPROVAL OF AGENDA**

**Commissioner Norden** moved to approve the Agenda. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

**CONSENT AGENDA**

**Commissioner Lasha** moved to approve the Consent Agenda:

1. Approval of Minutes June 13, 2006
2. Approval of Bills, June 27, 2006
3. Adoption of **Resolution #44**. Series of 2006, file #CUP 06-002  
Rockbottom Gravel Pit

The motion was seconded by Commissioner Norden. Upon vote: commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

**ADMINISTRATIVE/INFORMATIONAL**

1. Staff/Elected Officials

**Commissioner Lasha** stated that he had completed the five days on horseback for the Pikes Peak Range Ride promoting the Colorado Pikes Peak or Bust Rodeo. He stated despite enjoying the activity the conditions of the forest were concerning and noticeably dry compared to previous years. He commented that although campfires, open fires and charcoal grills are prohibited under the fire ban, there is a potential for a scary and dangerous fire season.

**Commissioner Norden** reported Sheriff Beicker imposed Stage Two Fire Restrictions on Thursday, June 22, 2006 running parallel with the Stage Two Fire Restrictions of the US Forest Service and Bureau of Land Management that went into affect Wednesday, June 21, 2006. He stated the most significant change prohibits open fires or campfires in any setting as well as use of charcoal grills in unincorporated areas of Fremont County. Commissioner Norden affirmed Fire Ban Restrictions Stage One and Two prohibit use and/or discharge of any fireworks. He said that Sheriff Beicker had reported the Fremont County Sheriffs Department Wild Land Fire Team had responded to four wild land fires in

the past few weeks. In addition to the 230 hours of volunteer time logged, the Wild Land Fire Fighters have already logged 402 hours of overtime affecting the budget crisis.

**Commissioner Stiehl** reported the County had received several calls regarding the banning of fireworks sale. He stated there are entities across the State that have banning of fireworks in place but those have been in place over a period of time. At this time the County does not have a fire works sale ban.

**Commissioner Norden** stated that June is observed as bicycle month and Wednesday June 28, 2006 is Bike to Work Day sponsored by the Colorado Department of Transportation.

2. Citizens Not Scheduled: There were none.

### **OLD BUSINESS:**

#### **RESOLUTION #45 DENYING SPECIAL REVIEW USE PERMIT, APPLICATION #SRU-06-005 HONOR PAINTBALL FACILITY**

Commissioner Stiehl reported that the application for Special Use Permit SRU-06-005 was denied and in support of such denial, the Board made the following findings:

1. The location of the proposed use is not compatible and harmonious with the surrounding neighborhood. Many area residents (an area comprised of thirty-five acre properties) appeared and provided unsworn testimony at the public hearing on June 13, 2006. Many area property owners who were unable to attend the public hearing provided written statements of concern regarding the proposed use and its potential non-compatibility with the neighborhood.
  - a. The proposed use is a commercial use, which would be open to the general public and is inconsistent and incompatible with the quiet, residential neighborhood in which it would be located.
  - b. The roadways that serve the proposed site and surrounding properties, specifically Tepley Trail and Barnes Lane, are private roads maintained through the effort and expense of the residents and owners of the Pinion Valley development. Approval of the proposed use by the Board of Commissioners would increase the traffic into the area and correspondingly increase the level of maintenance on the road, which would directly and adversely affect the other residents and owners in the neighborhood. The residents and owners of the road have granted no permission or consent for use of the private roads.

**Commissioner Lasha** moved to adopt **Resolution #45** Denying Special Use Permit SRU06-005, Honor Paintball Shooting Facility. The motion was seconded by Commission Norden. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

### **NEW BUSINESS:**

#### **APPLICATION – SPECIAL EVENTS PERMIT – FREMONT CENTER FOR THE ARTS**

Mary Hammer stated she was representing Clint Freeman of the Canon City Metropolitan Recreational District. She stated they were requesting a one-day Special Events Permit for malt, vinous and spirituous beverages and food service being served as part of the Riverwalk Games and Build Your Own Boat Race. The event is scheduled for July 8, 2006 from 5:00 P.M. to 11:00 P.M. at the Cañon City Metropolitan Recreation District, 575 Ash Street, Cañon City. They submitted a poster as proof of posting. Three to four Colorado Mountain Rangers will aid the staff in checking identification and monitoring the event. **Commissioner Lasha** moved to approve the application for a Special Events

Permit for Fremont Center of the Arts/Cañon City Metropolitan Recreation District. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

**PETITION FOR REFUND OF TAXES SCH.# 110-24-360**

**Pam Gaunt, Deputy Assessor**, submitted a Petition for Refund of Taxes 2005 Schedule #110-24-360. She stated this was for Arlene Benedick at 715 Main Street in Cañon City. This property had been classified as commercial but was only used as a residence since early 2005 and the classification has been revised from commercial to residential with the understanding the premise would be checked in 2007 to ensure it was still be utilized as residential. The refund amount is \$1,829.81 for 2005 taxes. **Commissioner Norden** moved to approve **Resolution #47**, Petition for Refund of Taxes for 2005 Arlene Benedick in the amount of \$1,829.81. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried with the adoption of **Resolution #47**.

**ASSESSORS OFFICE WEB SITE SERVICE AGREEMENT**

**Pam Gaunt, Deputy Assessor** presented a contract for the Assessors Website at Q-Public from June 1, 2006 to May 31, 2007 in the amount of \$6,900.00. Commissioner Stiehl commented this is an extremely useful website and is the second most visited web site throughout the County. Commissioner Norden stated he and Commissioner Stiehl had attended the monthly breakfast meeting of the Royal Gorge Association of Realtors on Wednesday June 21, 2006 and after review of the County budgetary fiscal concerns the realtors voted unanimously to pay the full bill for the web site. Commissioner Stiehl expressed thanks to the Realtors for their involvement. Pam Gaunt commented that the use of the website reduced the staff hours of inquiries and research for the public. **Commissioner Norden** moved to approve the annual web services agreement of D&T Ventures in the amount of \$6900.00. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

**REQUEST: SRU 98-02 C.A. ROBERTS MINI STORAGE FACILITY  
RESOLUTION NUMBER**

**Commissioner Stiehl** requested a Resolution Number for SRU-02 C.A. Roberts Mini Storage Facility. Resolution #46 was assigned. **Commissioner Norden** moved to reaffirm approval of the assigned **Resolution #46** SRU 98-02 C.A. Roberts Mini Storage Facility as amended. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried with the approval of **Resolution #46**.

**REQUEST: MS 06-002 BUSTOS SUBDIVISION**

**Matt Koch, Cornerstone Land Surveying**, representing Benito and John Bustos stated they were requesting approval of a two (2) lot minor subdivision, department file #MS-06002 Bustos Subdivision located on the northwest corner of Colorado State Highway 115 and 7<sup>th</sup> Street in the Beaver Park Area. Proposed lot 1 will contain 4.5 acres and proposed lot 2 will contain 4.677 acres. Proposed lot 1 is vacant and proposed lot 2 contains a single-family residence, a garage, a shed and mobile home (to be removed). Lot 1 will remain vacant until future use. Lot 2 will contain all the improved sites. He stated they were concerned with #4 of the recommended contingencies requiring a response from CDOT. Mr. Koch commented that a certified letter was sent to CDOT over thirty-days ago without response. Mr. Koch requested the recommended contingency #4 be removed since a response from CDOT could not be obtained.

**Bill Giordano, Planning and Zoning Director** stated that he agreed with Mr. Koch regarding the removal of recommended Contingency #4 since CDOT has not responded. He stated the removal of the mobile home was required within the six (6) months period of time and reported the Planning Commission unanimously approved the Bustos Subdivision Plans.

**Commissioner Stiehl** expressed concerns over the non-response of CDOT and the Fremont County Transportation Plan requiring a 100-foot right-of-way. He commented that the sub divisions couldn't be held up as a result of agency non-response.

**Commissioner Lasha** moved to approve MS 06-002 Bustos Subdivision with the 6 Contingencies eliminating Contingency #4 noted in the Planning Commission Meeting Minutes.

**RECOMMENDED CONTIGENCIES.**

The following items shall be provided to the Department of Planning and Zoning, within six (6) months (*with no extensions*) after final approval by the Board of County Commissioners.

1. Final Plat and copies (*copies to be provided after recordation of the plat*) as required by the Fremont County Subdivision Regulations.
2. An updated title commitment issued within 30 days of recording of the final plat. An updated title commitment may result in additional requirements.
3. Compliance with any requirement, concerning the Drainage Plan and Report as per the County reviewing engineer.
4. Removal of the mobile home on proposed lot 2, as more than one primary use on a lot is not permitted.
5. Information adequate to enable the Department to compute addresses for proposed lots as per the Fremont County subdivision Regulations (FCSR) Section X11.,1.,1.
6. Closure sheets for each lot and boundary of the subdivision.

The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

Commissioner Stiehl adjourned the meeting at 10:05 A.M.

---

County Clerk