

EIGHTEENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on August 23, 2005, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Canon City, Colorado. The meeting was called to order at 9:30 A.M. by Commissioner Chairman, Larry Lasha.

Larry Lasha	Commissioner	Present
Edward H. Norden	Commissioner	Present
Michael J. Stiehl	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 Sharon Kendall, Deputy Clerk.

The Morning Prayer was given by Chaplain Hal Simmons from Hospital Chaplains Ministry of America.

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

APPROVAL OF AGENDA

Commissioner Stiehl requested that Item 6a be added to the Agenda. That item is the consideration of authority for the Chairman to sign the CDOT application permit for Four-Mile lane intersection at Highway 50. **Commissioner Norden** moved to approve the Agenda with the addition. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried.

CONSENT AGENDA

Commissioner Stiehl moved to approve the Consent Agenda:

1. Approval of Minutes August 9, 2005
2. Approval of Bills, August 23,2005/\$394,292.33
3. LIQUOR LICENSES
 - Jee Enterprises Inc.
 - Gateway Liquor
 - 710K W 4th St.
 - Pueblo, CO 81003-2304
 - Bs.Location: 3055 E. Hwy. 50
 - Cañon City, CO 81212
 - Retail Liquor Store License Renewal – Malt, vinous and spirituous

 - Martin Timothy L. Martin Barbara F
 - Gooseberry Patch Restaurant
 - 660 Hwy. 115
 - Penrose, CO 81240
 - Hotel and Restaurant Liquor License Renewal – Malt, vinous and spirituous
4. Adoption of Resolution #50, Series of 2005, file #CUP 05-001 B&B Septage.
5. Adoption of Resolution #51, Series of 2005, file #SRU 05-003 St. Laurence Retreat & Monastery

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

ADMINISTRATIVE/INFORMATIONAL

1. Staff/Elected Officials

Commissioner Lasha stated that he had attended Mountain Conference for CCI in Georgetown. One of the major discussions was some of the concerns on 35-acre developments and what the counties are doing to get a handle on what's happening. They got some pretty good feedback, and will be following up with some of the counties.

2. Citizens Not Scheduled

Sharon McKinsey, Housing Director, UAACOG, stated she was developing a rehab application for their housing rehabilitation program, or their home improvement program. They do Fremont, Chaffee, Custer, Lake and Teller Counties for that particular program. They had the public hearing last week. Last year they did 18 jobs in Fremont County, averaging around \$10,000 a job. They will be asking primarily the Division of Housing for administrative funds. They have enough program income to run the program at this point, but not enough to pay the staff and overhead. She stated she would probably be asking for around \$95,000 to \$100,000 from them in the application.

NEW BUSINESS:**RECOGNITION OF JOANN ORTIZ FOR 25 YEARS OF SERVICE**

Commissioner Lasha stated it was a good time for them when they get to recognize people who do a good job, and certainly JoAnn is one of those people. He read comments and evaluations regarding JoAnn's performance, and a Certificate of Recognition from the Board and presented her with a Fremont County globe. **Norma Hatfield** stated she was very happy to have JoAnn this last 25 years, and presented her with a 25-year pin. **JoAnn Ortiz** stated that her mother had worked in the Clerk's Office for 21 years, and she thought that was forever and now she beat her.

**PROCLAMATION UPPER ARKANSAS AREA COUNCIL OF GOVERNMENTS
-BBQ**

Lori Yost and Autumn Deaver, COG, were present. **Lori Yost** stated that on September 17th, they would be holding the first annual COG Barbeque Shootout. Participants will compete in four different categories for prize money and trophies. This is sanctioned by the Kansas City Barbeque Society, and they have 12 paid competitors at present. The event is being held in the parking lot at Buckskin Joe's, and admission to the barbeque is free and there will be half-price admission into the Frontier Town for the day. This is a fund raiser to build their new building. **Commissioner Stiehl** read the Proclamation in its entirety, and moved to adopt the Proclamation. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Lasha, aye. The motion carried.

**RESOLUTION #52/CONTINUED SUPPORT FOR INDEMNIFICATION OF
INDIVIDUAL DEFENDANTS SCHAUER AND MCNEW**

Brenda Jackson, Fremont County Attorney, stated they had a request from their Counsel in a lawsuit in Federal Court that they have been involved with for a little over a year. It involves the termination of two Building Department employees that was done in 2002. The plaintiffs have alleged many counts against the County of various claims. Recently, the Federal Court dismissed a number of those claims, and let stand some of those claims. In the process of issuing the order, the Court made some indication that there is a possibility, if this goes to trial, that the jury could find some individual liability against past Commissioners McNew and Schauer. Past Commissioner Joe Rall was originally named as a party in this lawsuit as well. When Commissioner Lasha was elected, the plaintiffs substituted Commissioner Lasha for Commissioner Rall because they were not seeking any kind of individual liability. The current Board would be substituted for the old Board. Given the recent ruling from the Federal Court, there is a

possibility now of individual liability and there could have been against Commissioner Rall as well. However, the plaintiffs dismissed them because they are not seeking that kind of claim. There is a little bit of confusion in the lawsuit, and Counsel that is representing the County, has requested that the Board take action clarifying the fact that this lawsuit is essentially a lawsuit against the County involving termination of County employees, and if there is any attribution of personal liability against Commissioners Schauer and McNew, that the County will indemnify them as this is an official County matter. She stated that he is recommending indemnification as well as she. Both of these Commissioners served eight years for Fremont County, were acting within the scope of their authority as Commissioners in terminating employees, which Commissioners are entitled to do. They held public hearings, they provided due process to these individuals concerning the termination and acted appropriately. She stated she thought from a County standpoint, those are all valid points that justify indemnification. The request from the attorney is that the Board take action clarifying that indemnification will occur from the County to Commissioners Schauer and McNew should a court verdict impose some type of judgment against them personally. She requested, if the Board deemed it appropriate, a motion authorizing the Chairman to sign a resolution clarifying that any individual liability of past commissioners will be indemnified by the County. **Commissioner Norden** moved to authorize the Chairman to sign such a resolution extending that indemnification for any personal liability that might be alleged at trial against former Commissioners Jim Schauer and Keith McNew in relation to the case that was detailed by the County Attorney, **Resolution #52**. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried, and carried with it the adoption of **Resolution #52**.

RESOLUTION #53/A RESOLUTION SUSPENDING THE FIRE BAN FOR FREMONT COUNTY

Fremont County Sheriff, Jim Beicker, stated they had conferred with Cañon City Fire Chief, BLM and the Forest Service, and he thought it was time that they could lift those restrictions. He stated they were still vigilant and careful of the fire situation. All the fires they have had this season have been lightning strikes. People in the County have been very responsible in regards to honoring these restrictions, and appreciated their patience. He stated he was requesting the Board to rescind the Resolution. **Cañon City Fire Chief, Bill Guindon**, stated he echoed Sheriff Beicker's comments, and wanted to thank the residents for their cooperation.

Commissioner Norden moved to approve **Resolution #53** suspending the fire ban that was imposed in early July for Fremont County. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried and carried with it the adoption of **Resolution #53**.

BRUCE REDUS – FREMONT ECONOMIC DEVELOPMENT CORPORATION/QUARTERLY REPORT

Bruce Redus stated he had witnessed first-hand the work that Dick Baker did during the Mason Gulch fire. They have had the opportunity to put some dollars together through the Enterprise Zone Marketing through the State for Mr. Baker to attend the National Business Aviation Association Conference in November. Mr. Baker will be with the Office of Economic Development out of the Governor's Office as well as CDOT Aeronautical folks. There will be a community open house for Cornell on November 17th from 5:00 to 7:00 P.M., and will be called a Harvest Festival. They completed the third viticulture seminar and they have the opportunity to benchmark the actual production. Working with the Sangre De Cristo RC&D and Aquila, there has been a completion of a USDA grant for a feasibility study for the fly ash and wood chips into a commercial application of briquettes. They have been successful with the Department of Energy grant that will actually be involved in testing the products. Holcim made another announcement about their tire collection and recycling, and that is set for September 10th. They hope to have a demonstration of the equipment that slices and dices the tires. With the Economic

Development District, they had people speak on the Mineral Impact grant as well as a group from Texas to speak about renewal energies. Regarding the SBA portfolio, they are just about at the same status they have been. They still have four loans that will be closing. They have \$3,000.00 that will be administered through FEDC for different various marketing programs. They can use it in website development and maintenance as well as working with all of their partners in Fremont County. Mr. Redus stated he had been writing a monthly column for the Daily Record. They hope to put together a good forum September 29th at 7:00 P.M. on Referendum C & D at Cañon City Administration Building, and will be televised on Channel 19. On the pro side, they have Senator Kester and Representative McFadyen. On the con side will be Representative King and past Speaker of the House Spradley.

APPLICATION – SPECIAL EVENTS PERMIT – VFW PENROSE POST #2788

Preston Mangus, stated he was past Commander and was representing the VFW Penrose Post. He stated he was requesting a one-day Special Events Permit for October 1st from 6:00 A.M. to Midnight. They are part of Operation Up-Link and contribute monthly to the pre-paid phone cards to Veterans overseas to keep in touch with their families. They maintain a fund for disabled Veterans, their families and orphans, and this is one of their big fund raisers for the year. The breakfast starts at 6:00 A.M. and lunch at noon. **Sharon Kendall, Deputy Clerk**, stated everything was in order with the exception of receiving a report back from the Sheriff's Office. **Commissioner Stiehl** moved to approve the application for Special Events Permit for the Penrose VFW Post #2788 on October 1st, contingent upon receipt by the Clerk's Office of favorable Sheriff's report. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Lasha, aye. The motion carried.

REQUEST: CHAIRMAN TO SIGN APPLICATION FOR ACCEL/DECEL LANE –FOUR MILE

Commissioner Lasha stated they were the permittee on that, and after this they will be moving into the design portion. This is in conjunction with Four-Mile Ranch. **Commissioner Norden** moved to authorize the Chairman's signature on the permit for accel/decel lanes, Form 101, for Colorado Department of Transportation, Four-Mile Ranch. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha. The motion carried.

REQUEST: EXTENSION OF ZC 04-005 FLETCHER ZONE CHANGE

Weston Fletcher stated he was requesting a six-month extension. They could not give the contractors a definite date on when to start, and now they are all booked until late September. The weather has put everyone behind. **Commissioner Stiehl** moved to grant a six-month extension, or more specifically, to extend the time to allow completion of required contingencies for Zone Change 04-005 until March 8, 2006. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Lasha, aye. The motion carried.

Commissioner Norden stated they had a couple of bids out that need to be awarded in a more timely manner than waiting until the September 13th Board meeting. This includes a bid award for asphalt paving of the High Park Road, County Road 11, for the extension of about three miles of Gaming Impact funds, as well as the award of bids for the outdoor arena as part of the County's portion of the GOCO grant for the Pathfinder Park. They still have more review to do of those bids. They will probably set and announce a Special Meeting for that purpose.

Commissioner Lasha adjourned the meeting at 10:18 A.M.