

AUGUST 26, 2008

1

SIXTEENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on August 26, 2008, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Larry Lasha called the meeting to order at 9:30 A.M.

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

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

Pastor David Freeling from United Presbyterian Church gave the Morning Prayer.

Those present recited the Pledge of Allegiance to the Flag of the United States of America.

APPROVAL OF AGENDA

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

CONSENT AGENDA

Commissioner Norden moved to approve the Consent Agenda as presented. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried.

1. Approval of Minutes August 12, 2008
2. Approval of Bills, August 26, 2008
3. LIQUOR LICENSES - NONE
4. **SCHEDULE PUBLIC HEARINGS**
Re-schedule public hearing to September 9, 2008 on the Community Development Block Grant application for the ECHO Program remodeling project.
5. Adoption of Resolution #51, Series of 2008, Zone Change File Number ZC 08-003 Brown Zone Change.

ADMINISTRATIVE / INFORMATIONAL

1. Staff/Elected Officials

Commissioner Norden stated this is the final week for Fremont County officials and employee efforts to collect non perishable food for Loaves and Fishes and Manna House. We are also encouraging the public to join the county in making contributions. Contributions can be taken to either location or can be dropped off here at the Fremont County Administration Building at 615 Macon Ave. in the atrium. The food drive will go through this Friday.

Commissioner Norden stated that there was a great attendance from county employees along with the Road and Bridge Department employees here at the Administration Building for a Hot Dog Day's of Summer. He thanked Pat McFarland for organizing lunch.

Commissioner Lasha stated that he and Commissioner Stiehl attended the Colorado Counties Conference for the Mountain District in Silverthorn, August 21st. He stated they received a report from CDOT on the condition of the state for funds that will be coming to Colorado for road improvements. CDOT is specifying priorities on where to spend the

money. We will be moving forward with the plan that we already have and if the money is available we will receive what we can.

2. Citizens not scheduled / None

OLD BUSINESS

REQUEST: SRU 99-003 TOP RAIL RANCH RECREATION CAMP

Determination by the Board as to whether a violation of the conditions of the permit have occurred and to take action it deems appropriate and consistent with the intent and purpose of the Fremont County Zoning Resolution including but not limited to, termination or limited suspension of the Special Review Use Permit, providing a reasonable time period for corrections of any violations and imposition of additional permit conditions. The permit was issued for the operation of a rural recreational facility (a "year-round" facility which includes various activities and studies with a summer camp). Department file number SRU 99-003 Top Rail Ranch Recreation Camp. The permit was issued to Ron Walker, for his property which is located approximately one (1) mile west of County Road #21, along a private access to the east property line in the Tallahassee Area. The property is zoned Agricultural Forestry and contains 2,822.63 acres. The Board of County Commissioners reinstated SRU 99-03, until August 26, 2008, to determine if all necessary permits have been fulfilled for SRU 99-03 and to allow staff to make the necessary inspections.

REPRESENTATIVE: Fremont County Department of Planning and Zoning

Planning and Zoning Director, Bill Giordano stated the permit was reinstated at the March 25, 2008 meeting and gave the Building Department an opportunity to do inspections of the buildings and the septic system. There will be no further action on the SRU permit that was issued to Mr. Walker if the Commissioners accept the report of the inspection and the buildings as is.

Commissioner Stiehl commented that as population increases in previously vacant land we find that individual disposal systems (ISDS) or septic are becoming a bigger threat to the ground water. The state health department is making more restrictions to protect our ground water and we are stepping up our enforcement this issue also especially in outlying areas.

Commissioner Norden stated that primarily the Board of Commissioners wanted to have some proof of the facilities that are there were in compliance whether through engineering certification or other wise. Although this has been an elongated issue we are satisfied with the information that has been delivered by Ron Walker.

Commissioner Norden moved to accept the reports from the Building Department and that the SRU be in full in effect and no other action to be taken. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried.

NEW BUSINESS

CONSIDERATION FOR LIFTING FIRE RESTRICTION IN FREMONT COUNTY

Commissioner Lasha stated that we are currently in a Stage One fire ban. Sheriff Beicker has indicated that with the rain that we have been getting and the cooling temperature he would like the ban lifted.

Commissioner Norden said that is it worth noting that even if the Board of Commissioners at the request of the Sheriff take action to lift the fire ban, that has no effect on districts with individual fire bans such as Deer Mountain Fire District which remains in affect. It is up to the districts to modify their fire ban. This decision does not have any impact individual districts.

Commissioner Norden moved for approval of **Resolution 52, 2008** suspending the Stage One Fire Ban for Fremont County. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried.

FREMONT COUNTY TREASURER – PAT MCFARLAND, LOT TAX LIEN CERTIFICATE

Pat McFarland, Fremont County Treasurer submitted an Affidavit for a Lost Tax Lien Certificate for Joseph E. and Janice P. Stock. They have lost their Certificate #7047. They have applied with the Treasurer's office to receive a Treasurer's Deed.

Commissioner Stiehl moved to approve **Resolution #53, 2008** issuing a Lost Tax Lien Certificate to Joseph and Janice Stock. Commissioner Lasha seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Lasha, aye; Commissioner Norden, aye. The motion carried.

RESOLUTION TO CREATE THE FREMONT HERITAGE COMMISSION

Commissioner Norden stated that this resolution before us today stems from a resolution that was adopted last December. The resolution was adopted for a local group who was pursuing the designation for Fremont County as a Preserve America Community and a grant. The grant was not secured but the group hope to apply again this fall. Last April the group met and through some facilitation developed a long range plan which called for a creation of Heritage Commission. The Heritage Commission was to be formed specifically with the task of helping to protect and preserve the historic cultural, natural and economic resources of Fremont County. They proposed that seven (7) members be on the commission. The interest will be in the Canon City area, Florence area including Williamsburg, Rockvale, Coal Creek, the Penrose area, western Fremont County. There will be a representative from the Heritage museum group which consists of Royal Gorge Regional/municipal museum, Fremont Center for the Arts, Dinosaur Depot Museum and Museum of Colorado Prisons. Also there will be a representative from the educational community and tourism sector. With passage of this resolution we will be seeking letters of interest from people to serve on the commission. Approval of the members will be in one month.

Commissioner Norden moved to approve **Resolution #54, 2008**. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried.

MINERAL IMPACT GRANT CONTRACT – EIAF #6290 FREMONT COUNTY ROAD EQUIPMENT, \$405,000 Grant; \$200,000 LOCAL CASH MATCH

Finance Director Dana Angel stated that what we need today is action by the Board to approve the contract with the State of Colorado for the \$405,000.00 grant. An itemized list of the equipment that will be purchased with the grant and the Scope of Services that is part of the grant contract have been distributed. Director Angel stated in the Scope of Work outlines the county's obligation to receive the grant is our \$200,000.00 match. The match is going to come from our Capital Expenditures fund provided that normal revenues from that fund will provide the \$200,000.00. Part of the match may also be derived from anticipated revenue from joint projects in paving this summer. At this time we do not know all the final numbers. We will provide our match even if we have to do a lease purchase plan in order to leverage the grant. With this grant of \$405,000.00 and our \$200,000.00 we will be able to purchase \$605,000.00 worth of equipment.

Commissioner Norden said without the voter approval of the Tabor timeout last November we would not have been able to submit because this does involve shuffling of dollars with the Capital Expenditure fund. Without the voter approval we would have been strapped for cash. We were able to take the money specifically and maximize with the grant. We are replacing some very old equipment and getting new asphalt paving equipment for the Road and Bridge Department.

Commissioner Stiehl stated that we are replacing twenty to forty year old equipment.

Commissioner Norden noted that on the list of purchase, a lease program with an option to buy was started for some of the paving equipment earlier this summer. The leasing of the equipment was done in order to do the paving of the one and one quarter miles of the Garden Road going north to the edge of the Shelf Road from Gaming Impact funds. The Gaming Impact funds were maximized and now we are able to purchase the equipment for future paving projects.

Commissioner Stiehl stated that paving was also completed on Ash Street which is the heaviest traveled road in the county and Reynolds.

AUGUST 26, 2008

4

Commissioner Norden moved to authorize the Chairman's signature on the contract for the \$405,000.00 Mineral Impact Grant. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried.

APPROVAL OF SPONSORSHIP OF CDBG APPLICATION AND ADMINISTRATION OF GRANT PROVIDING OPERATING FUNDS FOR THE UPPER ARKANSAS AREA DEVELOPMENT CORPORATION COMMUNITY HOUSING DEVELOPMENT PROJECTS IN FREMONT/TELLER COUNTIES.

County Attorney Brenda Jackson stated the Council of Governments through their development corporation runs the housing program in several counties. Typically their money has come from a state source of grants. Apparently the State expended all the funds without fulfilling the commitments for administrative costs of running the housing program. The funding source has switched to CDBG. As a result the Council of Governments Development Corporation needs governmental sponsorship to accept the funds. There was a public hearing of their housing program in March of this year so that part of the grant requirement has been fulfilled. This is a substitution of the funding. They are asking the county approve sponsorship of the grant and then enter into an intergovernmental agreement with the development corporation so that they will administer the grant as they typically do. This is for housing projects in both Fremont and Teller counties. The funds are primarily used for staff to find and secure additional lots and site for housing projects so they can continue with their program.

Commissioner Stiehl moved to approve the sponsorship for the CDBG application for the community adult housing projects. Commissioner Norden seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Lasha, aye. The motion carried.

Commissioner Lasha closed the regular meeting and opened the Public Hearing.

**PUBLIC HEARING
HOT SHOT RESTAURANT AND SALOON
LIQUOR LICENSE APPLICATION
AUGUST 26, 2008 10: A.M.**

James Pickart D.V.M. part owner of the Crossroad Arena and Event Center stated that the restaurant and bar are a component of the event center located at 13760 St. Hwy 115, Penrose, CO. There is an indoor and outdoor rodeo arena. The bar and restaurant overlook the indoor arena. We are building a veterinary premise on the northeast corner of the building as well. The intent is to have rodeo arena entertain people while they have a meal and drinks if they so desire.

Deputy Clerk Taylor stated the Health Department report was not in because they are redoing the restaurant, so we need to make the approval of the license contingent on receiving the report. The Sheriff Department report is in.

County Attorney Jackson asked if the premise had been posted for ten days. Dr. Pickart stated yes.

Commissioner Norden inquired when they plan to open. Dr. Pickart stated that it would sixty to ninety days. They have drilled a new a well and the water needs to be permitted. They do have the DWSIE for hauled water permitted. There is a question if there is a ground water waste discharge permit. I have found the letter from the State Health and Environment to Mr. McDowell when he built the arena giving him site approval for the waste discharge but the rest of the paper work was never filled out. We have also redone the fire abatement system with a 1500 gallon cistern which was previously run out of a pond.

Commissioner Lasha stated that they have done a nice job on the entrance to the facility already and it has made a big improvement. Dr. Pickart stated that it help to channel the traffic on the easement road. Previously people were cutting right across between the two arenas and that was a dangerous situation and now traffic has to go the right way.

Commissioner Lasha inquired what training will the employees have working in the bar and who will be running it. Dr. Pickart stated that he and his wife will be the managers. We will be giving our employees all the training they can have in regards to what people

AUGUST 26, 2008

5

are drinking and how much. **Commissioner Norden** inquired if they had operated with a liquor license previously in Colorado. Dr. Pickart stated no. Deputy Clerk Taylor stated there will be classes offered by Canon City for people serving liquor to understand different identifications, etc. Commissioner Norden stated that it is important that whatever training the employee or management have that the responsibility is with the licensee.

Commissioner Stiehl stated that the diagram of the licensed area did not include a portion of the down stairs area and to be careful because often times if the entire structure is not included in the license you could get into a violation situation.

Commissioner Lasha closed the Public Hearing and returned to regular session.

Commissioner Norden moved for approval of the liquor license for the Hot Shot Restaurant and Saloon in Penrose contingent upon the Health Department Report. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried.

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

County Clerk