

January 28, 2014

SECOND MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on January 28th, 2014, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Tim Payne called the meeting to order at 9:30 A.M.

Tim Payne	Commissioner	Present
Edward H. Norden	Commissioner	Present
Debbie Bell	Commissioner	Present
Katie Barr	Clerk and Recorder	Absent
Brenda Jackson	County Attorney	Present

Also present: Bill Giordano, Planning and Zoning Director and Jody Blausser, Chief Deputy Clerk.

The Invocation was given by Pat McFarland, Fremont County Treasurer.

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

APPROVAL OF AGENDA

Commissioner Bell added an item to the agenda under New Business #4, Consideration of reappointment of Rodger Jump to the John C. Fremont Library District Board of Trustees.

Commissioner Bell moved to approve the amended agenda. Commissioner Norden seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Norden, aye; Commissioner Payne, aye. The motion carried.

CONSENT AGENDA

1. Approval of Minutes/January 14, 2014
2. Approval of Bills/January 28, 2014/\$956,646.78
3. Adoption of Resolution #7, Series of 2014, 9th Amendment to the Subdivision Regulations of Fremont County
4. Schedule Public Hearings - None

Commissioner Norden moved to approve the consent agenda. Commissioner Bell seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried. Resolution #7 is attached.

ADMINISTRATIVE/INFORMATIONAL

1. Administrative and Elected Officials
 - a. Public Trustee 4th Quarter Report, Pat McFarland.

County Treasurer McFarland said the 4th quarter report is down substantially from last year. There were 42 Foreclosure Sales commenced of which 26 went to sale. There was only one sale cured in the 4th quarter compared to 33 sales cured in the 3rd quarter. When Foreclosures go down, so does the revenue for the Public Trustee. The 4th quarter income was \$17,250.

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Commissioner Norden moved to accept the Public Trustees 4th quarter report for 2013. Commissioner Bell seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

b. Sales & Use Tax Report, Sunny Bryant

Sunny Bryant, Finance Officer, gave a report on Sales & Use Tax. The Sales Tax numbers are through November, and the Auto Use Tax and Construction Use Tax are through December. Retail Sales Tax is down \$9,179 compared to last year. The total Sales Tax collected was \$3,448,598. The Auto Use Tax is up \$26,918 from last year with a total collected for the year of \$724,535. The Construction Use Tax is down \$19,585 from last year with total collections for the year of \$181,543.

c. Planning and Zoning Code Enforcement Annual Review-Presentation of annual review by Code Enforcement Officers Robert Sapp and Ronald Zenisky.

Robert Sapp presented the Code Enforcement Annual Review. The year started with 189 cases of junk and trash violations of which 143 were cleared in 2013. There are 47 cases so far in 2014. There were 36 address changes for the E911 authority and 82 address verifications through the Building Department. The Waste Tire Grant Program is still ongoing and has saved Fremont County \$70,000 since 2011. The Helping Hand Program was created in Fremont County to assist those who need to dispose of debris and trash but cannot afford to do so. The cost for this new program so far is \$2900.

Ronald Zenisky discussed the numbers for SMM (Special Mobile Machinery) for 2013. The fees collected are less than in 2012 but there was a 60% improvement in compliance. There was a revenue loss of \$18,126.06 which is considerably less than in 2011 and 2012. The Officers try to work with people as much as possible to come into compliance. It appears there are less people operating machinery in Fremont County as construction is down.

Commissioner Norden said House of Representatives has passed a Farm Bill that includes \$425,000,000 to \$450,000,000 to fund PILT (Payment In Lieu of Taxes). This money is for Federal Lands that are not on the tax rolls. At budget time it was not known that Congress would not approve the PILT Fund which accounts for approximately \$1,000,000 of the Fremont County Budget.

2. Citizens Not Scheduled: None.

OLD BUSINESS

None.

NEW BUSINESS

1. Consideration of Operating Procedures for Fremont County Airport Advisory Board. Representative: Richard Baker, Airport Manager.

Richard Baker said there have been changes over the past years and this document had not been revised since the 1990's. The Advisory Board wanted to implement some needed changes for procedures and logistics.

Commissioner Norden commended Jim Woolworth for his work on updating this document while serving on the Advisory Board.

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Commissioner Bell moved to approve the adoption of the Operating Procedures for the Fremont County Airport Advisory Board dated January 2014. Commissioner Norden seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Norden, aye; Commissioner Payne, aye. The motion carried.

2. Consideration of Agreement for the Participation with the Upper Arkansas Recycling Program. Representative: Beth Lenz, Upper Arkansas Area Council of Governments.

Beth Lenz said they added six new additional recycling sites in Fremont County in 2013. They completed two waste audits at the Howard Disposal and Twin Enviro sites. The audits revealed that 75.4% of the materials found at the waste sites are recyclable under the current guidelines. In the second half of 2013 there was an 18.9% increase in their recycling program. The contract price is \$1.30 per person per year; however, they were able to keep the cost at .79 cents per person per year for 2013 and 2014.

Commissioner Norden moved to approve the Agreement for Participation with the Upper Arkansas Recycling Program for 2014 for a total cost of \$22,425. Commissioner Bell seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

3. Consideration of reappointment of Mary Chamberlain to the Fremont County Heritage Commission with a two year term beginning January 1, 2014 and ending January 1, 2016.

Commissioner Bell said that Mary has served on the Heritage Commission for a long time and is requesting to be moved from the education representative to the tourism representative.

Commissioner Bell moved to reappoint Mary Chamberlain to the Fremont County Heritage Commission with a two year term from January 1, 2014 to January 1, 2016. Commissioner Norden seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Norden, aye; Commissioner Payne, aye. The motion carried.

4. Consideration of reappointment of Rodger Jump to the John C. Fremont Library District Board of Trustees.

Commissioner Bell said the Commissioners received a letter from the Director of the John C. Fremont Library District Board of Trustees. The letter is a unanimous recommendation from the current Board in favor of reappointing Rodger Jump to the Library Board of Trustees.

Commissioner Bell moved to reappoint Rodger Jump to the John C. Fremont Library District Board of Trustees with a term expiring in 2018. Commissioner Norden seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Norden, aye; Commissioner Payne, aye. The motion carried.

PUBLIC HEARINGS SCHEDULED FOR 10:00 A.M.

None.

Chairman Payne adjourned the meeting at 10:11 A.M.

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915307 Pages: 1 of 8
01/28/2014 10:48 AM R Fee: \$0.00
Katie E. Barr, Clerk and Recorder, Fremont County, CO

Commissioner Norden moved the adoption of the following Resolution:

RESOLUTION NO. 7
Series of 2014

9th Amendment to the Subdivision Regulations of Fremont County

BE IT RESOLVED by the Board of County Commissioners of Fremont County:

THAT WHEREAS, effective **March 14, 2000**, the Board of County Commissioners re-adopted the Subdivision Regulations of Fremont County; and

WHEREAS, certain amendments to said Regulations have been proposed; and

WHEREAS, the Fremont County Planning Commission has promulgated and recommended approval of the proposed 9th Amendment to the Subdivision Regulations of Fremont County; and

WHEREAS, the Board of County Commissioners has conducted a public hearing on the proposed amendment on **January 14, 2014**, pursuant to such publication and notice as may be provided by law; and

WHEREAS, it is necessary to amend Resolution Number 15, Series of 2000, re-adopting the Subdivision Regulations of Fremont County;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners that the Subdivision Regulations of Fremont County be and hereby are amended as set forth in Exhibit A attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that such amendment shall become effective immediately.

BE IT FURTHER RESOLVED, that Resolution Number 15, Series of 2000, is hereby amended.

Commissioner Bell seconded the adoption of the foregoing Resolution and upon a vote of the Fremont County Board of County Commissioners as follows:

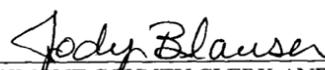
Commissioner Bell:	<input checked="" type="checkbox"/> Aye / Nay / Absent
Commissioner Payne:	<input checked="" type="checkbox"/> Aye / Nay / Absent
Commissioner Norden:	<input checked="" type="checkbox"/> Aye / Nay / Absent

The Resolution was declared to be duly adopted.

DATE: January 28, 2014



CHAIRMAN, BOARD OF COUNTY COMMISSIONERS

ATTEST: 

FREMONT COUNTY CLERK AND RECORDER

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**EXHIBIT A – 9TH AMENDMENT
TO THE FREMONT COUNTY SUBDIVISION REGULATIONS**

ADDED

~~DELETED~~

XVI. CORRECTION PLAT

A. SUBMISSION:

Without a hearing or compliance with the submission, referral or review requirements of these Subdivision Regulations, the Department may approve a Correction Plat, if the sole purpose of such correction plat is to correct one or more technical errors in an approved plat and where such correction plat is consistent with an approved preliminary plan or with a plat recorded in compliance with these regulations. The Correction Plat shall be captioned as such and shall describe the error(s) to be corrected. If the technical error(s) meet the description of any errors under section 38-51-111(2), C.R.S., (including any subsequent amendments), a surveyor's affidavit of correction, as defined in section 38-51-102, C.R.S., shall be prepared in lieu of a correction plat.

1. The applicant shall submit the Correction Plat application on a form provided by the Department, including an application fee, to the Department.
 - a. The application shall be delivered, in person, to a Department representative. The Department representative will accept the application submittal only if all minimum submittal requirements have been met and presented at the time of submission.

B. REVIEW OF THE CORRECTION PLAT APPLICATION:

1. The Department will conduct a preliminary review of the application to determine the adequacy of the application within eight (8) working days from the date of complete submission of the application.
2. The applicant will be notified of the results of the Department review via a Department Deficiency and Comment Letter. If there are deficiencies in the application the Department will provide the applicant with a time frame in which to address the deficiencies.
3. If there are no deficiencies or deficiencies are addressed within the time frame, and approval is granted the Department will provide the applicant with an approval letter.
4. Upon approval the applicant will be required to provide the required Mylar drawing and two (2) polyester copies of the final correction plat.
5. Applications shall be considered withdrawn if not completed within six (6) months after the Department approval.

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C. ~~D~~ RECORDING OF THE FINAL CORRECTION PLAT: Upon approval of the Correction Plat by the ~~Planning Director~~ **Department, and upon receipt of the mylar drawing and two (2) polyester copies** the same **correction plat** shall be recorded in the office of the Fremont County Clerk & Records ~~Office~~.

E. ~~REQUIRED COPIES AFTER RECORDING:~~ ~~Upon receipt of the recording information of the final plat, five (5) full size copies of the final plat with all recording information shall be provided to the Department by the applicant.~~

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XVII. FINAL CORRECTION PLAT DRAWING REQUIREMENTS:

A. REQUIRED COPIES:

The applicant or his representative shall submit at least three (3), twenty-four (24) inch by thirty-six (36) inch copies of the final correction plat drawing or three (3) copies of the surveyor's affidavit, and three (3) reduced copies, (8 1/2" x 11" or 11" x 17") of the final plat drawing, and at least three (3) copies of all other required documents shall be provided with the initial application. The applicant will be notified as to how many additional copies will be required within the Department "Comment and Submittal Deficiency letter".

B. FINAL CORRECTION PLAT DRAWING REQUIREMENTS:

1. The title shall read: "Correction Plat for (title of existing plat) to correct (describe the error(s) to be corrected). (If the description of the error(s) is too lengthy to describe in the title, a note describing the error(s) is acceptable)
2. All other language, notes, representations, etcetera, of the existing plat shall not be changed other than the language related to the error(s) to be corrected.

C. SURVEYOR'S AFFIDAVIT

1. The surveyor's affidavit shall describe the error(s) to be corrected in accordance with current Colorado Revised Statutes.
 1. ~~The Final Plat shall be drawn to a scale not less than one (1) inch to one hundred (100) feet, unless approval of such is granted prior to submission by the Department.~~
 2. ~~In the case of multiple sheets, a key map showing the relationship of the individual sheets shall be provided on each sheet.~~
 3. ~~The total acreage contained within the area being platted.~~
 4. ~~Name and address of the person, firm or organization preparing the Final Plat.~~
 5. ~~The date of preparation of the Final Plat and revision dates to the submitted final plat.~~
 6. ~~A north point.~~
 7. ~~A written and graphic scale of the drawing.~~
 8. ~~A Vicinity map adequately labeled to locate the proposed subdivision.~~
 9. ~~Acreage and/or square footage for each lot.~~

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10. ~~All appropriate survey information on the plat shall show lengths to hundredths of a foot, and angles and bearings shall be shown to seconds of a degree.~~
11. ~~A survey tie from the proposed subdivision boundary to an aliquot survey monument.~~
12. ~~A statement identifying the basis of bearing for the proposed subdivision survey.~~
13. ~~Bearings and lengths for all lot lines and perimeter subdivision boundaries, except that bearings and lengths need not be given for interior lot lines where the bearings and lengths are the same as the exterior lot lines.~~
14. ~~All bearings and dimensions for irregularly shaped lots shall be indicated for each lot.~~
15. ~~For proposed curved boundaries and all curves on the plat, sufficient data shall be given to enable the re-establishment of the curves on the ground. This curve data shall include the following:~~
 - a. ~~Radius of curve.~~
 - b. ~~Central angle.~~
 - c. ~~Tangent.~~
 - d. ~~Arc length.~~
 - e. ~~Notation of non-tangent curves.~~
16. ~~Any non-radial lot lines or boundary lines shall be noted.~~
17. ~~All survey monuments set and found, in preparation of the final plat, shall be indicated on the final plat as to location and type of monument, by note or label.~~
18. ~~Any "Reference Monument" and or "Witness Corner" shall be appropriately noted on the plat.~~
19. ~~At a minimum, centerline bearing, distance and curve information along with width information shall be provided for all proposed and existing roadway rights-of-way that service or are adjacent to the proposed subdivision.~~
20. ~~All streets and alleys designated as such and the names for all streets. No roadway in the County shall bear the same name or substantially similar name as another roadway unless one is a collector for the other roadways in which case the secondary roadways shall be named in a secondary manner (*such as Court, Lane, Circle etcetera*). The Department shall have the authority to require the applicant to change the proposed name if such name is substantially similar to the name of an existing roadway in the County.~~

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- ~~21. All proposed easements shall be designated as to use, bearings and dimensions, or indicated by appropriate statements.~~
- ~~22. Excepted parcels marked "Not included in this subdivision" or "Not included in this plat," as appropriate, and the boundary completely indicated by bearings and distances.~~
- ~~23. All existing easements shall be vacated prior to submittal or shall be shown on the plat, labeled or noted as to its use, size and location. In addition, all survey information and any recording information for all easements shall be provided.~~
- ~~24. All blocks and all lots within each block shall be consecutively numbered.~~
- ~~25. The Final Plat shall show building setback lines for all stem or flag lots or irregularly shaped lots that do not have the minimum lot width, as required by the Zone District of the property at the property frontage. Said building setback line shall be shown by a thin dashed line and shall be labeled as such. In addition, dimensions shall be provided along the side lot lines, which are adequate to locate the building setback lines.~~
- ~~26. **Required Subdivision Plat Language:** In addition to the other requirements contained within this Section, any final subdivision plat submitted for approval shall contain the following:~~
- ~~a. **EXECUTIONS:** The final plat shall contain the following statements:~~
- ~~(1) **KNOW ALL MEN BY THESE PRESENTS** that *(owner name(s))* are the owners of the following described land:~~
- ~~(2) **TO WIT** *(legal description)*~~
- ~~(3) **DEDICATION** *(to be followed by notary statement)* *(I, We)*, *(printed name of owner(s))*, being the owner(s) of the above described land being platted and/or subdivided in Fremont County, Colorado, under the name of *(complete name of development in capital letters)*, have laid out, platted and/or subdivided the same as shown on this plat and do hereby dedicate to the public at large the streets, alleys, roads and other public areas as shown hereon and hereby dedicate those portions of land labeled as easements for the installation and maintenance of public utilities as shown hereon. The sole right to assign use or vacate is vested with the Board of County Commissioners~~
- ~~In witness whereof *(printed name of the owner)* has *(or have)* subscribed *(his, her or their)* name(s) this _____ day of~~

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_____, A.D. 20____
By (s) _____ (Owner(s))

~~(4) NOTARY STATEMENT~~

~~The foregoing instrument was acknowledged before me this
____ day of _____, A.D. 20____, by (printed name of
owner(s): if by natural persons here, insert name; if by person
acting in a representative official capacity, interest capacity; if by
officers of a corporation, then insert the title of said officer and the
name of the corporation).~~

~~My commission expires _____
My address is _____
Witness my hand and official seal. _____ (seal)
____ Notary Public~~

~~(5) REGISTERED LAND SURVEYOR'S CERTIFICATE~~

~~I (registered land surveyor's name) a registered land surveyor in
the State of Colorado do hereby certify that this plat has been
prepared under my direction in accordance with the Colorado
Revised Statutes, as amended, and that this plat does accurately
show the described tract of land and the subdivision thereof, to the
best of my knowledge and belief. I further certify that any
portion(s) of this property which do lie within the designated flood
hazard area as shown on the F.E.M.A. F.I.R.M. maps are
accurately shown hereon.~~

~~____ Date: _____
Signature _____ Registration #~~

~~(6) ACKNOWLEDGEMENT AND ACCEPTANCE OF PLAT~~

~~The undersigned Chairman of the Board of County Commissioners
of Fremont County, Colorado, hereby certifies that the plat was
approved and all roads, streets and easements are hereby accepted
provided, however, that such acceptance shall not in any way be
considered as an acceptance for maintenance purposes.
Maintenance of, or snow removal from said road or streets shall be
only upon a separate resolution of the Board of County
Commissioners.~~

~~_____
Chairman, Fremont County Board of County Commissioners
____ Date~~

~~(7) EASEMENT STATEMENT~~

~~Easements for public purposes, including utilities, are as indicated
on the plat, with the sole responsibility for maintenance being
vested with the adjacent property owners except as otherwise~~

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~~noted, all interior lot lines are subject to a five (5) foot utility easement on both sides of lot lines. Exterior subdivision boundary not fronting public way is subject to a ten (10) foot utility easement.~~

~~(8) COUNTY CLERK AND RECORDERS STATEMENT~~

~~STATE OF COLORADO}
COUNTY OF FREMONT}~~

~~This plat was filed for record in the office of the County Clerk and Recorder of Fremont County, Colorado, at _____M., on the _____ day of _____, 20 _____, A.D. under reception number _____.~~

~~_____
Fremont County Clerk & Recorder~~