

April 8, 2014

SEVENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on April 8th, 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: George Sugars, County Manager; Bill Giordano, Planning and Zoning Director and Jody Blauser, Chief Deputy Clerk.

The Invocation was given by Joe Garkovich, First Christian Church.

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

APPROVAL OF AGENDA

Commissioner Bell noted that Item #4 on New Business for Prospectors RV Liquor License can now be moved to the Consent Agenda. The applicant had not paid for their 2014 food license at the time the agenda was printed. Since then the applicant has paid the fee and the Liquor License can now be moved to Item #5 on the Consent Agenda.

Commissioner Bell moved to move Item #4 on New Business, Prospectors RV Liquor License to the Consent Agenda as Item #5 and 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 / March 25, 2014
2. Approval of Bills April 8, 2014 / \$631,111.50
3. Adoption of Resolution #14, Series of 2014, 10th Amendment to the Subdivision Regulations of Fremont County
4. Schedule Public Hearings for May 13, 2014 at 10:00 A.M.
 - a. Request: ZC 14-001 Crossroads Business Center Zone Change. Request approval of a Zone Change from the Agricultural Living Zone District to Business Zone District, Department file #ZC 14-001 Crossroads Business Center Zone Change, by WHP Crossroads, LLC (William H. Peetz), for his property which is located on the east side of Colorado State Highway 115, approximately ½ mile south of the intersection of U.S. Highway 50 and Colorado State Highway 115, in the Beaver Park Area [13760 CSH #115, Penrose, CO]. The proposed zone change is to allow a restaurant and event center (similar use to an Auditorium or Recreation and Outdoor Amusements or Amusement Facility).

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- b. Request: Amendment to Fremont County Zoning Resolution. Request approval of a proposed amendment to the Fremont County Zoning Resolution regarding Special Review Uses for Towers, the deletion of the Performance Standards in the Airport Zone District, and General Requirements for Off-Street Parking including the number of parking spaces required based on the use, requirements for individuals with disabilities spaces, and dimensional requirements for all spaces.

- 5. Liquor License:
 Prospectors RV Park
 Colorado Holiday Properties LLC
 43595 Hwy 50 West
 Canon City, CO 81212
 Retail Liquor Store License

Commissioner Payne noted there are two Public Hearings being scheduled for May 13, 2014 at 10:00 a.m. The first is for a Zone Change for Crossroads Business Center. The second is for an Amendment to the Fremont County Zoning Resolution.

Commissioner Norden moved to approve the Amended Consent Agenda. Commissioner Bell seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried. Resolution #14 is attached.

ADMINISTRATIVE/INFORMATIONAL

1. Administrative and Elected Officials

- a. Treasurer Report, Public Trustee Report, Pat McFarland, Treasurer/Public Trustee

Pat McFarland presented the Treasurer's Semi-Annual Report for the end of 2013. All of the funds were in the positive side with the exception of the Weed Fund. Payments to the Weed Fund usually come in later. She thanked Sunny Bryant and Kathy Elliott for their work on this report. McFarland presented the Public Trustees Report for the first quarter of 2014. There were 333 Releases in the first quarter of 2014 compared to 567 Releases for the first quarter of 2013. There were 71 foreclosures this quarter compared to 75 foreclosures for the first quarter in 2013.

Commissioner Norden moved to accept the Treasurer's Semi-Annual Report and the Public Trustee's Quarterly Report. Commissioner Bell seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

- b. County Clerk's Monthly Report, Katie Barr, County Clerk and Recorder

Deputy Clerk Blausner presented the County Clerk's Report on behalf of Katie Barr for March 2014. The total collected for March was \$942,917.62 of which the County kept for disbursement \$503,485.14. This is about 54% of the amount collected. This is also \$121,448.90 more than March of 2013.

Commissioner Bell moved to accept the County Clerk's Report for March 2014. Commissioner Norden seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Norden, aye; Commissioner Payne, aye. The motion carried.

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Commissioner Norden said they had received word from Roger Jones, the Area Director for FEMA, that Fremont County will receive Public Assistance Reimbursement for just over \$400,000. This was for damages to our roads during the floods last September. Norden commended Tony Adamic and his Department for their efforts in documenting this damage to comply with FEMA requirements for reimbursement.

Tony Adamic, Director of the Department of Transportation, said in addition to these funds, Fremont County was approved for additional funds to be used for flood mitigation.

Commissioner Bell thanked Tony Adamic and Emergency Management Director Steve Morrisey for their efforts in getting the reimbursement funds.

2. Citizens Not Scheduled:

Tina Heffner said she was here on behalf of several citizens in Penrose. She asked the Board if they would consider moving the time for the Crossroads Public Hearing on May 13th from 10:00 a.m. until later in the day. There are many people who cannot attend the Hearing in the morning, but would be able to attend if it were later in the day.

Commissioner Bell stated that citizens can always submit a letter or email to the Commissioners for consideration on the subject if they are not able to attend the Public Hearing.

OLD BUSINESS

None.

NEW BUSINESS

1. Consideration of a Resolution recognizing Curtis Stone of the County Department of Transportation for his forty-five years of service to Fremont County.

Annette Ortega from the Department of Transportation read a letter received from State House District 60 Representative James Wilson, recognizing the accomplishments of Curtis Stone. Ortega congratulated Curtis Stone on his retirement.

Commissioner Norden read the Resolution into the record. Norden noted the vast knowledge Curtis has about the history of the West end of Fremont County. The Commissioners presented the Resolution to Mr. Stone and thanked him for his dedicated service.

Commissioner Bell moved to approve the Resolution recognizing Curtis Stone for forty-five years of service to Fremont County. Commissioner Norden seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Norden, aye; Commissioner Payne, aye. The motion carried.

2. Liquor License:
 Penrose VFW Post 2788
 402 Broadway
 Penrose, CO 81240
 Special Events Liquor Permit
 Representative: John Sterling

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John Sterling said they will be closing a section of Broadway Avenue to host a Street Dance. There will be beer tents set up and a live band. Also there will be food available and games for the kids. The beer tents will not open until after 1:00 p.m. but different activities will be going on throughout the day. Security for the event will be provided by the VFW Warriors Riding Group. Security staff will be checking I.D.'s and wristbands will be used for those over the age of 21. They have filed for a Temporary Use Permit in order to close the Street off and have the event. The alcohol will be served by the trained bar staff of the VFW.

Deputy Clerk Blausner said the VFW does hold a liquor license for the Penrose Post. All alcohol sold and served inside the VFW has to be consumed inside the property, and all alcohol sold outside at the event must be consumed outside within the approved boundary. The applicant has posted the property and submitted all of the required paperwork.

Commissioner Norden moved to approve the Special Events Liquor Permit for the Penrose VFW Post 2788 on May 17, 2014 from 9:00 a.m. until midnight. Commissioner Bell seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

3. Liquor License:

Canon City Rodeo Association

1595 S. 9th Street

Canon City, CO 81212

Special Events Liquor Permit

Representative: Wayne Douglas, Canon City Rodeo Association, President

Wayne Douglas said this is the 142nd Royal Gorge Rodeo and it will be held on Blossom Weekend. This is the longest running rodeo in the state. There will be nine events. The serving area is the same as in past years. There will be Security patrolling the grounds. Wrist bands will be used for those 21 and over. All of the staff serving alcohol has served alcohol in the past.

Deputy Clerk Blausner said the Rodeo Association has this event every year. The Sheriff is aware of the event and there have not been any issues in the past. The applicant has posted the property and all of the paperwork is in order.

Commissioner Bell moved to approve the Special Events Liquor Permit for the Canon City Rodeo Association for May 2nd and May 3rd, 2014 from 7:00 p.m. until 11:00 p.m. Commissioner Norden seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Norden, aye; Commissioner Payne, aye. The motion carried.

4. Consideration of re-appointment of Fremont County Planning & Zoning Director Bill Giordano, to represent Fremont County on the governing board of the Fremont County Regional GIS Authority for a two year term concluding on April 30, 2016.

Commissioner Norden said Bill Giordano has done an excellent job representing Fremont County on the GIS Authority.

Commissioner Norden moved to re-appoint Bill Giordano to represent Fremont County on the governing board for the GIS Authority for a two year term. Commissioner Bell asked Giordano if he accepts the appointment, Giordano agreed. Commissioner Bell seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

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5. Consideration of an appointment to fill a vacancy on the Fremont County Tourism Council.

Commissioner Bell said the Commissioners had recently appointed Charlette Henager to serve on the Tourism Council. Charlette issued a letter of resignation on March 25th. This appointment is to fill that vacated position that represents Florence on the Tourism Council. One of the other people interviewed at that time was John Miller. Mr. Miller submitted another letter of interest to represent Florence and serve on the Tourism Council.

Commissioner Bell moved to appoint John Miller to fill the vacant seat on the Fremont County Tourism Council. Commissioner Norden seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Norden, aye; Commissioner Payne, aye. The motion carried.

6. Consideration of a Resolution adopting a policy regarding donations of property, living trees, or other amenities to Fremont County in memory of or on behalf of persons and/or entities.

County Manager Sugars said this Memorial Donation Policy provides a guideline for donations of memorials on County owned property. This includes items such as plaques, trees, benches, or other memorials. This also covers the donations of bricks to the War Memorial at the airport.

Commissioner Norden moved to approve Resolution #15, adopting a policy regarding memorial donations on County Property. Commissioner Bell seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried. Resolution #15 is attached.

7. Consideration of terminating the lease with the City of Florence for Public Health Services. Representative: George Sugars, County Manager.

County Manager Sugars explained he has been working with the Public Health Director and the Finance Director regarding the revenues earned from this location. It is not a sustainable option at this time to maintain a Public Health Service Clinic at the Florence location. Sugars recommends terminating the lease with the City of Florence.

Commissioner Bell has spoken with the Florence Mayor and the City Manager and explained the County can no longer afford to operate this additional clinic. There were very few clients using the Florence facility.

Commissioner Bell moved to accept termination of the lease with the City of Florence for the Public Health Services Florence location effective May 31, 2014. Commissioner Norden seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Norden, aye; Commissioner Payne, aye. The motion carried.

8. Consideration of a Resolution approving the exclusion of property from the John C. Fremont Library District and the inclusion of the same property into the Penrose Library District.

County Attorney Jackson explained the Penrose Library District was formed first and followed the boundaries of the Penrose Recreation District. When the John C. Fremont Library District was formed it used the boundaries for the RE-2 School District excluding properties that were in the Penrose Library District.

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This created overlapping boundaries for the two Library Districts that affected several Penrose properties. The owners of this property located at #6 Eighth Street in Penrose have petitioned for this change in Library Districts.

Commissioner Norden moved to approve Resolution #16 approving the exclusion of the noted property from the John C. Fremont Library District and inclusion of the same into the Penrose Library District. Commissioner Bell seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried. Resolution #16 is attached.

9. Authorization for Chairman to sign County Deed for boundary adjustments at Pathfinder Park.

Commissioner Payne explained this is an agreement with the Canon City Recreation District. This is for property located on the east side of Chandler Creek in Pathfinder Park. The Recreation Board will consider this agreement at their next meeting.

Commissioner Norden moved to authorize the Chairman to sign the County Deed for boundary adjustments at Pathfinder Park, subject to legal review. Commissioner Bell seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

John Sandefur addressed the Commissioners regarding marijuana growing facilities in Penrose. The residents of Penrose should be able to have input regarding the use of these properties. He said the First Baptist Church was not able to hold services as the odor from the marijuana growing operation was so strong.

Commissioner Payne said they are currently working on regulations for marijuana facilities located in the unincorporated areas of Fremont County.

PUBLIC HEARINGS SCHEDULED FOR 10:00 A.M.

None.

Chairman Payne adjourned the meeting at 10:16 A.M.

Clerk and Recorder

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 04/08/2014 11:47 AM R Fee:\$0.00
 Katie E. Barr, Clerk and Recorder, Fremont County, CO

Commissioner Bell moved the adoption of the following Resolution:

RESOLUTION NO. 14
Series of 2014

10th 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 10th 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 **March 25, 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 Norden 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: April 8, 2014


 CHAIRMAN, BOARD OF COUNTY COMMISSIONERS

ATTEST: 
 FREMONT COUNTY CLERK AND RECORDER

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**EXHIBIT A – 10TH AMENDMENT
TO THE FREMONT COUNTY SUBDIVISION REGULATIONS**

ADDED

~~DELETED~~

XV. VACATION OF RECORDED PUBLIC RIGHT-OF-WAY ~~OR ALLEY~~ APPLICATION

A. SUBMISSION: An application for a vacation of a public right-of-way (including alleys) is required to vacate any portion of any platted or designated public street, alley, lane, parkway, avenue, road, or other public way, whether or not it has been used as such, right-of-way, alley or street that has been dedicated to the public or to Fremont County. No platted or deeded roadway or part thereof or unplatted or undefined roadway which exists by right of usage shall be vacated so as to leave any land adjoining said roadway without an established public road or private-access easement connecting said land with another established public road.

B. METHOD OF SUBMISSION:

- ~~1. The applicant shall submit the application and accompanying materials to the Board by delivering the same to the Department.~~
- ~~2. The application and accompanying materials shall be submitted to the Department at least thirty (30) working days prior to the regularly scheduled Commission meeting, at which time the application and accompanying materials shall be considered.~~
- ~~3. The applicant may ask for additional time before action is taken by the Board if such time is needed to accommodate the recommendations of the Commission. Said request shall be made in writing to the Department, which shall be authorized to grant the request on behalf of the Board.~~
- 1. The applicant shall submit the Vacation of Public Right-of-Way application, materials, drawings and required supporting documents, including an application fee, to the Department.**
- 2. The applicant shall submit the Vacation of Public Right-of-Way application on a form provided by the Department.**
- 3. The application submittal 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.**
- 4. The Vacation of Public Right-of-Way application and accompanying materials, drawings and required supporting documents shall be submitted to the Department no less than twenty-four (24) working days prior to the date of the regularly scheduled Commission meeting at which they are to be considered.**

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B. C REVIEW OF PUBLIC RIGHT-OF-WAY OR ALLEY VACATION MATERIALS APPLICATION:

- ~~1. The Board shall refer all public right-of-way or alley vacation materials to the Commission following receipt of the same. The Commission shall review them and submit them to the Board with recommendations in the form of an approval, conditional approval or disapproval. Such recommendation shall be made at a regularly scheduled meeting of the Commission. The applicant or his representative shall present the request and answer questions of the Commission. If the review is continued, no such continuance shall exceed forty (40) days.~~
- ~~2. The Commission shall recommend approval of the exemption only when it is developed in accordance with the intent, standards and criteria specified in the Subdivision Regulations and the Fremont County Master Plan. The Commission shall have authority to recommend compliance with such portion of the Subdivision Regulations that the Commission may deem necessary for the health, safety and general welfare of the inhabitants of Fremont County.~~
- ~~3. The Board shall act on the public right of way or alley vacation at an official meeting of the Board within twenty (20) days after receipt of the recommendations of the Commission. The Board shall have authority to recommend compliance with such portions of the Subdivisions Regulations that the Board may deem necessary for the health, safety and general welfare of the inhabitants of Fremont County.~~
- ~~4. The Board shall continue, approve, disapprove, conditionally approve, or table the exemption at their regularly scheduled meeting. The applicant or his designated representative shall present the request and answer questions of the Board.~~
- ~~5. Upon approval of the Board, the Chairman shall sign a resolution granting the vacation of the public right of way or alley.~~
- ~~6. If all contingencies required as part of the approval of the vacation of the right of way or alley are not submitted within six (6) months from the date of final approval, re-submittal of an application, to the Commission and the Board shall be required. The Board may extend the time period of submittal of contingency items upon showing of good cause. No extension may be granted unless the request is submitted prior to the expiration of the initial six (6) month period or previous extension granted.~~
- 1. The Department will conduct a preliminary review of the application to determine the adequacy of the application for Commission review.**
- 2. The applicant will be notified of the results of the Department review through a Department Deficiency and Comment Letter.**
 - a. If there are deficiencies in the application that would make the application unacceptable for review by the Commission, the Department will provide the applicant with a time frame in which to address the deficiencies in order for the**

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Department to place the application on the agenda of the Commission.

- b. The applicant will be notified in the deficiency and comment letter of the number of revised copies of the application and accompanying materials to be provided to the Department for distribution.
3. If there are no deficiencies or deficiencies are addressed within the time frame, the Department will provide the applicant and Commission with a review of the application, and schedule the application on the agenda of the Commission.
4. If the deficiencies are not addressed or if acceptable reasoning is not provided to justify scheduling on the Commission agenda without addressing the deficiencies within the established time frame, the Department will not place the application on the Commission agenda for consideration.
 - a. In accordance with Board Resolution No. 68, Series of 2006: A second full application fee will be charged to the applicant, if all deficiencies in the initial application review letter are not adequately addressed.
 - b. Each subsequent deficiency review letter will result in the charging of another full application fee.
 - c. All such fees shall be paid along with the deficiency submittal, prior to any further review of the application.
5. The Commission shall consider the application and Department comments at a public meeting.
 - a. The applicant shall attend the Commission meeting at which the application is scheduled to be considered.
 - 1) Failure of the applicant to attend the meeting will result in tabling of the application review by the Commission.
 - 2) Failure of the applicant to attend the meeting to which review of the application was tabled will be considered a withdrawal of the application by the applicant. Fees will not be refunded.
 - b. The applicant may offer comments, evidence and testimony concerning the application.
 - c. The Commission may hear comments and receive evidence or testimony from interested persons, but shall not hold formal public hearings, unless expressly authorized by law, or upon request of the Board.
6. The Commission may recommend approval, approval with contingencies or denial of the application to the Board. The Commission may include comments and / or suggestions with its recommendation.

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7. The Commission may continue consideration of the application to the next regular meeting of the Commission to receive more comments, to enable further study of information and input received at the meeting, or to request that the applicant provide additional information regarding the application. Any continuance shall be no later than the next regularly scheduled Commission meeting.
 - a. The applicant, prior to a motion by the Commission, may request an extension of time before continued consideration by the Commission, to allow for submission of additional information in support of the application. Such extension request shall not exceed ninety (90) days and must coincide with a regular Commission meeting date.
8. If the applicant presents a significantly different proposal at the Commission meeting than was submitted in the application to the Department, the Commission shall continue the application to the next regular meeting of the Commission and request a Department review of the proposal. The Department may require an additional review fee if deemed appropriate.
9. The Department shall mail the Commission's recommendations, comments and suggestions to the applicant within five (5) working days after the meeting at which the Commission's review of the application was finalized. Said mailing shall contain the date and time of the regular Board meeting at which the Board will review the application.
10. The Department shall place the application on the agenda of the Board, to be heard at a meeting to be held within thirty-five (35) days after completion of action by the Planning Commission.
 - a. The applicant may ask for an extension of time before the Board considers the application, to accommodate the recommendations, comments or suggestions of the Commission.
 - 1) A request for additional time shall be made, in writing, to the Department which is authorized to grant the request on behalf of the Board.
 - 2) Any such extension request shall not exceed ninety (90) days from the date the Commission consideration was completed.
 - 3) The extension of time for Board consideration must coincide with a regular Board meeting date.
 - 4) No later than ten (10) working days prior to the Board meeting at which the application is to be considered, the applicant shall provide to the Department copies of any additional information and or documentation to be submitted for Board consideration.
 - 5) The Board, at its discretion, may require further consideration of the

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application by the Commission.

- 6) No significant changes to an application shall be proposed after formal action by the Commission unless such changes are made to accommodate recommendations, comments or suggestions of the Commission.
 - a) If significant changes are needed due to change of area conditions or circumstances beyond control of the applicant, then further consideration by the Commission shall be required prior to consideration of the application by the Board.
- 11. At the Board meeting, the Board shall take into consideration the application, Commission recommendations, comments, and suggestions, minutes from the Commission meeting and Department review.
 - a. The applicant shall attend the Board meeting at which the application is scheduled to be heard.
 - 1) Failure of the applicant to attend the Board meeting will result in tabling of the application.
 - 2) Failure of the applicant to attend the Board meeting to which hearing of the application was tabled will be considered a withdrawal of the application and fees will not be refunded.
 - b. The applicant may offer comments, evidence and testimony concerning the application.
 - c. The Board may hear comments and receive evidence or testimony from interested persons.
- 12. The Board may continue consideration of the application to the next regular meeting of the Board to receive more comments, enable further study of information and input received at the meeting or to request that the applicant provide additional information regarding the application. No such continuance shall exceed thirty (30) days.
 - a. The applicant, prior to a motion by the Board, may request an extension of time before continued consideration by the Board, to allow for submission of additional information in support of the application. Such continuance shall not exceed ninety (90) days and must coincide with a regular Board meeting date.
- 13. The Board shall approve, deny, or approve the application with contingencies within thirty (30) days after the conclusion of the Board meeting or the date to which it was continued. If the application is approved such approval shall be by resolution which is to be approved by the Board.

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14. The Department shall mail to the applicant the Board's decision within five (5) working days after the meeting at which formal action by the Board occurred.
- C. EFFECTS OF APPROVAL: Final approval of a Vacation of a Public Right-of-Way by the Board will provide the applicant up to six (6) months from the date of approval to submit all contingencies prior to the recording of the Vacation of the Public Right-of-Way Resolution.
1. Contingencies - If the Vacation of a Public Right-of-Way was approved with contingencies, all contingencies shall be submitted to the Department within six (6) months of the date of approval by the Board. If the contingency items are not submitted by the deadline, the Vacation of a Public Right-of-Way approval shall be deemed expired and a new application will be required, including fees.
 2. Extensions - The Board may extend the time period for submittal of contingency items or extension of approval of the Vacation of a Public Right-of-Way upon documented showing of good cause. If extension(s) are requested, further consideration by the Commission may be required.
 - a. No extensions may be granted unless a written request, detailing the reasons and justification for extension, and required fee is submitted to the Department no less than ten (10) working days prior to the expiration of the initial six (6) month period or previous extension granted.
 - b. The Department shall schedule the request for extension for the next regular Board meeting at which time the Board will consider the request.
 - c. In absence of justification warranting a longer time frame, no extensions shall be granted for more than six (6) months from the date of Board approval or previous extension.
 3. Once all contingencies have been met by the applicant and accepted by the Department the Board Resolution enacting the vacation and all appropriate accompanying documents and materials shall be recorded by the Department in the Fremont County Clerk and Recorders Office, in the land records of Fremont County.
- D. DENIAL OF A VACATION OF RECORDED PUBLIC RIGHT-OF-WAY APPLICATION: A denial of a Vacation of Recorded Public Right-of-Way application by the Board will result in closure of the application file by the Department. Without evidence of a significant change of area conditions or a significant change in the proposed application, an application for Vacation of Recorded Public Right-of-Way will not be accepted for the same right-of-way within two (2) years of the date of denial by the Board.

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E. ~~D.~~ REQUIRED COPIES:

The applicant or his representative shall submit at least ~~three (3)~~ **six (6)** twenty-four (24) inch by thirty-six (36) inch **or six (6) eighteen (18) inch by twenty-four (24) inch** copies of the drawing and ~~three (3)~~ **six (6)** reduced copies, (8 1/2" x 11" or 11" x 17") of the drawing. In addition at least ~~(3)~~ **six (6)** 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".

F. ~~E.~~ DRAWING REQUIREMENTS:

1. The drawing shall be drawn to a scale not less than one (1) inch to one-hundred (100) feet unless ~~otherwise approved by the Department~~ **approval of another scale is granted by the Department prior to submission of the application.**
2. In the case of multiple sheets, a key map showing the relationship of the individual sheets **to each other** shall be provided on each sheet.
3. Title of the ~~plat~~ **drawing** shall be "A vacation of (*name of right-of-way and/or description*)".
4. **The drawing subtitle shall include specific references to the original plat, location of the vacation and the extent of the vacation.**
5. **A note table with each note being individually labeled.**
6. **A legend table with each symbol and line pattern being identified.**
7. Complete legal description and acreage of right-of-way ~~or alley~~ to be vacated.
8. Public right-of-way ~~or alley~~ to be vacated shall be illustrated by cross hatching or other method approved by the Department. In addition, the right-of-way ~~or alley~~ to be vacated should be noted on the drawing.
9. The area to be vacated shall include all dimensions, etcetera.
10. Date, north point and a written graphic scale.
11. Vicinity map to locate the proposed vacation.
12. All lots adjoining the area to be vacated.
13. **The drawing shall indicate by statement or note how title to the vacated right-of-way will be vested upon vacation.**

G. ~~F.~~ MINIMUM SUBMITTAL REQUIREMENTS:

1. A completed application on a form provided by the Department.
2. **A drawing in compliance with this section shall be provided.**

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3. A submittal fee as established by resolution of the Board shall be provided.
4. Copies of the application and drawing as required by this section shall be provided.
5. A list of adjoining property owners and current mailing addresses as shown by the real estate records of the County Assessor.

H. G. NOTICE REQUIREMENTS:

- ~~1. At least fourteen (14) days prior to the Commission meeting, the applicant or his representative shall notify all adjoining property owners of the meeting date of the Commission and Board, in writing, by certified mail, postage prepaid, return receipt requested to the Department, on a form provided by the Department. The notice shall state that the owner(s) may appear in person or by a designated representative or if unable to attend, may submit a written statement expressing their comments on the submission. In addition, a vicinity map locating the right-of-way to be vacated shall be enclosed with the letter to adjoining property owners. Additional notice may be required at the discretion of the Board.~~
1. Mailing by United States Postal Service (USPS) certified mail, return receipt to the Department (labeled to identify the application) requested at least fourteen (14) days prior to the Commission meeting date, the applicant shall notify all property owners adjacent to the right-of-way, and any additional notifications as may be required by the Planning Commission, of the meeting date of the Planning Commission and Board. The Board meeting date shall be the second Board monthly meeting.
 - a. The applicant shall provide the Department with USPS receipts evidencing the date the notice packets were mailed.
 - 1) The mailing shall include the following:
 - a) A notice form provided by the Department which is to be completed by the applicant.
 - b) A copy or a readable reduced copy of the vacation of public right-of-way drawing.
 - c) A vicinity map locating the subject property in relation to the surrounding area, streets and major features.
2. Proof (*certified mail return receipt*) that all individuals and entities having any right of record easements and all applicable utility companies were notified of this application, in a form letter provided by the Department.
- ~~3. The proposed vacation shall be posted in accordance with the following:~~
 - a. ~~The sign shall be posted at least fourteen (14) days prior to the Commission meeting.~~

April 8, 2014

- ~~b. The sign be not less than three (3) feet by three (3) feet in size with letter size being no smaller than two (2) inches in height. The notice shall be legible and on durable material and shall be waterproof.~~
 - ~~c. The sign shall state the following: The date and place of the Commission meeting and the Board meeting, the type of hearing to be held, the public authority (Planning Commission and Board of County Commissioners) considering the vacation and the location and telephone number of the Department where additional information can be obtained.~~
 - ~~d. The notice shall be posted continuously for at least fourteen (14) days prior to the Commission meeting. If sign is destroyed, non-readable etc., re-posting will be required.~~
 - ~~e. The sign shall be posted in plain sight, no further than fifteen (15) feet from the public right-of-way providing access to the property, and on the subject property. The sign shall be readable from the public right-of-way.~~
- 3. Posting of a notice sign, at least three feet by four feet (3'X4') in size with each letter at least two (2) inches in height, containing the specific matter of the meeting, the date, time, location of the meeting, the authority (Commission and Board) considering the vacation of public right-of-way and the contact information for the Department where additional information may be obtained.**
- a. The sign shall be posted continuously on the subject property for at least fourteen (14) days prior to the Planning Commission meeting date of the application.**
 - b. The applicant shall be responsible for maintenance of the sign to insure its continuous display.**
 - c. The sign shall be placed no further than fifteen (15) feet from the public right-of-way to be vacated in a clear and unobstructed view.**
 - d. Where more than one (1) property is involved an additional sign may be required.**
 - e. If the right-of-way to be vacated is in current use, at a minimum, there shall be a sign posted at both ends of the right-of-way proposed to be vacated.**
 - f. All posting shall be placed upon the right-of-way as determined by the Department, prior to the Planning Commission meeting and by the Commission prior to the Board meeting.**
- I. ADDITIONAL REQUIREMENTS: When a right-of-way is vacated the land contained in the right-of-way will be divided in accordance with Colorado State Statutes. Title to these portions of vacated rights-of-way shall be combined with the**

April 8, 2014

property abutting the vacated roadway and shall not be considered separate parcels for purposes of subdivision and conveyance.

1. If a right-of-way has been vacated prior to September 9, 1994, it is required that the portion of the street that was vacated be included in the deed of record for ownership of the adjacent property.
2. If a right-of-way has been vacated after September 9, 1994, the applicant shall comply with current regulations which require a boundary or lot line adjustment and the deed of record for the lot or parcel shall include the vacated right-of-way.

April 8, 2014

RESOLUTION NO. 15, SERIES OF 2014

**RESOLUTION ADOPTING A POLICY REGARDING DONATIONS OF
PROPERTY, LIVING TREES, OR OTHER AMENITIES TO FREMONT COUNTY
IN MEMORY OF OR ON BEHALF OF PERSONS AND/OR ENTITIES**

WHEREAS, C.R.S. §30-11-101 and §30-11-107, C.R.S., provide that the Board of County Commissioners of each county has the authority to manage, maintain and make such orders concerning the property belonging to the county as it deems expedient; and

WHEREAS, from time to time, the Board of County Commissioners receives requests and inquiries regarding the donation of objects such as plaques, benches, living trees and other items in memory of persons or entities and the placement of the objects on county property; and

WHEREAS, the Board of Commissioners for Fremont County believes such donations should be allowed, provided that the donations do not pose a financial obligation on the county taxpayers or unreasonable work on county employees and staff; and

WHEREAS, the Fremont County Manager has recommended adoption of a county-wide policy to govern the donation of memorial amenities and objects; and

WHEREAS, the Board of Commissioners finds that adoption of a Memorial Donation Policy will provide consistent guidance, requirements and standards concerning donations of objects, vegetation and amenities, and that adoption of a policy is in the best interests of the citizens of Fremont County.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners for Fremont County that:

1. The FREMONT COUNTY MEMORIAL DONATION POLICY, attached hereto and incorporated herein by reference is hereby adopted as the official county policy concerning donations of objects or amenities to be placed on Fremont County property.
2. The effective date of such policy shall be the date of formal adoption of this resolution and policy by the Board of County Commissioners for Fremont County.

April 8, 2014

Commissioner Norden moved the adoption of the foregoing Resolution with
a second by Commissioner Bell.

Debbie Bell	<u>AYE</u>	NAY	ABSTAIN	ABSENT
Edward H. Norden	<u>AYE</u>	NAY	ABSTAIN	ABSENT
Timothy R. Payne	<u>AYE</u>	NAY	ABSTAIN	ABSENT

The Resolution was declared to be duly adopted.

Date: April 8, 2014

T. Payne
Chairman

Attest: Jody Blauser
Clerk

April 8, 2014

Memorial Donation Policy

Fremont County provides the opportunity for members of our community to donate memorials to loved ones on County property. Memorials must honor an individual who has contributed significantly to the community. In order to allow for a coordinated and consistent program for soliciting and recognizing contributions, we have established the following guidelines.

The Fremont County memorial donation guidelines allow for several types of memorial opportunities. For additional information, or to pursue a memorial donation, please call the Fremont County Commissioners at 719-276-7300.

The Board of County Commissioners may waive or modify any requirement of this policy as it deems appropriate on a case-by-case basis.

Memorials may be accepted in the following categories:

- Memorial Tree Donations – Living memorial donations may be accepted in the form of tree plantings on County property in designated spaces.
- Benches, picnic tables, and recognition plaques.
- Brick Donations – brick donations are currently accepted and encouraged at the Fremont County Veteran's Memorial Park.
- Other Amenity Donations – may be considered on a case by case basis.

Memorial Tree Donation Policy

The County will restrict planting of trees to areas where there is an available water source.

These locations include:

- Judicial Center Victim Garden area
- B.F. Rockefeller Ecology Park
- Pathfinder Park after area is developed with a water source

Benches, picnic tables, and recognition plaques

The County will allow benches, picnic tables, and recognition plaques at the following locations.

- Pathfinder Park
- B.F. Rockefeller Ecology Park
- War Memorial Park (exclusive to military veterans)

Brick Donation Policy

The policy regarding use, maintenance and operations of the Fremont County War Memorial Park was adopted by the Board of County Commissioner Resolution No. 34, 2011 on October 11, 2011. A memorial brick donation through the Fremont County Veteran's Officer is referenced in Section 3 of this policy.

Other Amenity Donation Policy

Amenities may be accepted on the basis that they may be maintained for 10 years in their original location, or in an area near their original location. After 10 years, the amenity may be removed or relocated pending redevelopment of the site.

- Small plaques may be included on the amenity.

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 Katie E. Barr, Clerk and Recorder, Fremont County, CO

RESOLUTION NO. 116, SERIES OF 2014

**A RESOLUTION APPROVING THE EXCLUSION OF PROPERTY FROM THE
 JOHN C. FREMONT LIBRARY DISTRICT AND THE INCLUSION OF THE SAME
 PROPERTY INTO THE PENROSE LIBRARY DISTRICT**

WHEREAS, the Penrose Library District was formed in 1992, pursuant to a vote of the residents and owners of property contained within the boundaries of the District; and

WHEREAS, the John C. Fremont Library District was formed in 2004, pursuant to a vote of the residents and owners of property contained within the boundaries of the District; and

WHEREAS, it has come to the attention of the Boards of Directors for each library district that certain residents whose properties are located within the boundaries of the John C. Fremont Library District are currently served by the Penrose Library District and that it would be to the benefit of the residents and of both library districts if those properties were transferred from the John C. Fremont Library District to the Penrose Library District; and

WHEREAS, the owners of an affected property have presented a petition to each library district, requesting permission for exclusion from the John C. Fremont Library District and inclusion into the Penrose Library District a copy of which is attached hereto as Exhibit 1; and

WHEREAS, the Board of Directors for the John C. Fremont Library District has approved exclusion of the property from the district pursuant to an appropriate and duly adopted Resolution, a copy of which is attached hereto as Exhibit 2; and

WHEREAS, the Board of Directors for the Penrose Library District has approved inclusion of the property into the district pursuant to an appropriate and duly adopted Resolution, a copy of which is attached hereto as Exhibits 3; and

WHEREAS, it is within the power of the Board of County Commissioners granted by the Colorado Library Law, §24-90-101, et seq., C.R.S., to approve the transfer as requested by each library district; and

WHEREAS, the Board of Commissioners finds that approval of the requested transfer would be in the best interests of the residents and of each library district.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS FOR THE COUNTY OF FREMONT that the property described in the petition and resolutions attached hereto as Exhibits 1, 2 and 3 is hereby **EXCLUDED** from the John C. Fremont Library District and **INCLUDED** in the Penrose Library pursuant to the petition requests of each of the owners and the approvals of each library district.

April 8, 2014

BE IT FURTHER RESOLVED,

1. That such property shall be deemed transferred into the Penrose Library District, effective upon the date of recording of this resolution together with all attachments;
2. That such property shall be subject to all of the taxes and charges imposed by the Penrose Library District, not to include any taxes or charges levied or assessed prior to the effective date of inclusion of the properties into the Penrose Library District;
3. That a copy of this Resolution with attachments, fully executed by the Board of Commissioners and County Clerk shall be provided to the Fremont County Assessor for modification of the tax rolls to reflect such transfer;
4. That a copy of this Resolution with attachments, fully executed by the Board of Commissioners and County Clerk shall be provided to the Fremont County Clerk and Recorder for modification of the election rolls to reflect such transfer;
5. That a copy of this Resolution with attachments, fully executed by the Board of Commissioners and County Clerk shall be provided to the John C. Fremont Library District and the Penrose Library District;
6. That a copy of this Resolution with attachments, fully executed by the Board of Commissioners and County Clerk shall be provided to any other appropriate governmental entity as may be required by Colorado law or regulation.

Commissioner Norden moved the adoption of the foregoing Resolution with a second by Commissioner Bell.

Debbie Bell	<u>AYE</u>	NAY	ABSTAIN	ABSENT
Edward H. Norden	<u>AYE</u>	NAY	ABSTAIN	ABSENT
Timothy R. Payne	<u>AYE</u>	NAY	ABSTAIN	ABSENT

The Resolution was declared to be duly adopted.

Date: April 8, 2014

T. Payne
Chairman

Attest: Jody Blausen
Clerk

April 8, 2014

WARRANTY DEED

THIS DEED, made this 1st day of March, 2013, between

Pamela G. Wamser and Jeffrey W. Wamser

of County of Fremont, State of COLORADO, grantor, and

Chester Michael Armstrong II and Diana K. Armstrong in Joint Tenancy

whose legal address is 6 8th. Street, Penrose, CO 81240, grantee:

WITNESSETH, That the grantor for and in consideration of the sum of One Hundred Eighty Thousand and 00/100 (\$180,000.00), the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the grantee, his heirs and assigns forever, all the real property together with improvements, if any, situate, lying and being in the County of Fremont and State of Colorado described as follows:

SE 1/4 NE 1/4 Section 1, Township 19 South, Range 69 West of the 6th. P.M. County of Fremont, State of Colorado. as known by street and number as: 6 8th. Street, Penrose, CO 81240

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee, his heirs and assigns forever. And the grantor, for himself, his heirs, and personal representatives, does covenant, grant, bargain, and agree to and with the grantee, his heirs and assigns, that at the time of the sealing and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except

General taxes for the current year and subsequent years and subject to easements, restrictions, reservations, covenants and rights of way of record, if any.

The grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantee, his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.

[Signature of Pamela G. Wamser]

Pamela G. Wamser

[Signature of Jeffrey W. Wamser]

Jeffrey W. Wamser

STATE OF COLORADO

COUNTY OF FREMONT

The foregoing instrument was acknowledged before me this 1st day of March, 2013 by Pamela G. Wamser and Jeffrey W. Wamser.

My Commission expires: 11/08/2015

[Signature of Notary Public]

Notary Public

[SEAL]



April 8, 2014



John C. Fremont
Library

130 Church Avenue, Florence CO 81226
(719)784-4649 (719)784-4649 fax
florencecolibrary.org

STATE OF COLORADO)	RESOLUTION 2013-05
County of Fremont)	RESOLUTION AND REQUEST FOR
John C. Fremont Library District)	EXCLUSION OF LAND

WHEREAS, the fee owner(s) of the property described below has filed a Petition for Transfer of Property from the John C. Fremont Library to the Penrose Library District; and

WHEREAS, the request of the Property Owners was heard and considered by the Board of Directors of the John C. Fremont Library District at a regular meeting held on September 17, 2013 at which time no objection to the request for Exclusion was made by any Director or other interested person; and

WHEREAS, the Board of Directors of said District finds that it is appropriate for the land to be included in the Penrose Library District and that the petition should be granted as to the land described herein.

NOW THEREFORE, IT IS HEREBY RESOLVED by the Board of Directors of the John C. Fremont Library District that upon the petition of
Chester Michael Armstrong II and Diana K Armstrong,

being the fee owner(s), the following described land situate in the County of Fremont, State of Colorado, to wit:

6 8th Street Penrose, CO 81240 and SE ¼ NE ¼ Section 1, Township 19 South, Range 69 West of the 6th P.M. County of Fremont, State of Colorado

be included within the Penrose Library District and hereby requests that the Board of County Commissioners approve the Petition and transfer the property from the John C. Fremont Library District to the Penrose Library District.

Dated this 17th day of September, 2013.

JOHN C. FREMONT
LIBRARY DISTRICT

ATTEST:

By: *A. Witte*
President

By: *F. [Signature]*
Secretary

April 8, 2014



John C. Fremont
Library

130 Church Avenue, Florence CO 81226
(719)784-4649 (719)784-4649 fax
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Dated this 17th day of September, 2013.

JOHN C. FREMONT
LIBRARY DISTRICT

ATTEST:

By: *A. Witte*
President

By: *F. Schuller*
Secretary