

November 25, 2014

TWENTY-SECOND MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on November 25, 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	Present
Brenda Jackson	County Attorney	Present

Also present: George Sugars, County Manager; Bill Giordano, Planning and Zoning Director.

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 moved to approve the 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 / October 28, 2014
2. Approval of Minutes / November 10, 2014
3. Approval of Bills November 25, 2014 / \$1,363,978.66
4. Ratify approval of signed agreement with Colorado Department of Local Affairs for the Fremont County Pathfinder Park Design
5. Approval of Carles Davis Water Lease Agreement for 2015
6. Adoption of Resolution #34, Series of 2014, ZC 14-002 Gifford Zone Change
7. Liquor License Renewal:
 - a. Waterhole No. 1 / McGills Wine & Spirits Inc
1503 Elm Ave
Canon City, CO 81212
Retail Liquor Store
8. Schedule Public Hearing: 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.

ADMINISTRATIVE/INFORMATIONAL

1. Staff / Elected Officials:
 - a. Public Trustee Quarterly Report, Patricia McFarland, County Treasurer

Treasurer Pat McFarland gave her quarterly report stating that there were 29 releases and 39 foreclosures which are down. Year-to-date they are down about 20 foreclosures from last year. She also noted that during the tax lien sale they brought in \$21,860.00 in premium bid which is above and beyond the taxes they collected.

Commissioner Norden moved to approve the Treasurer's Quarterly Report. Commissioner Bell seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

- b. Sales and Use Tax Report, Sunny Bryant, Budget and Finance Officer

Sunny Bryant gave her report on the Sales and Use Tax stating that September's Retail Sales Tax collections were up \$20,000.00 from September of 2013. Year-to-date Retail Sales Tax is up 4% from last year and is up 5.71% in comparison to the budget. She said that Auto Use Tax for October was down \$3,000.00 from October of last year but year-to-date we are up 18% from last year. Construction Use Tax was also less for the month of October but year-to-date is up \$35,000.00 and 28% above what was budgeted for 2014. As of right now Lodging Tax is still down from last year. The Sheriff's Retail Sales Tax is up 19%, Sheriff's Auto Use Tax is up 15% and Sheriff's Construction Use Tax is up 24% from what was budgeted for 2014.

2. Citizens who wish to address the Commissioners on a matter not scheduled on the agenda

Chyriese Marentette thanked the board for getting rid of the chairs and putting up signs that violators will be prosecuted for illegally dumping trash. She also mentioned more addresses that had tires dropped off and they have no building permits. She brought up the fact that there are armed guards protecting their marijuana and the new neighbors are terrified of them. She questioned if it was legal for them to guard their marijuana with guns. County Attorney Brenda Jackson informed her that people have the right to bear arms and unless they are threatening someone or shooting their guns it is their legal right.

Becky Girdler wanted the board to be aware that water may be being hauled from Canon City up to green houses and heated garages growing marijuana in the Deer Mountain area. She also wanted to know if the taxes being collected from marijuana were being reported separately. Commissioner Payne explained that the taxes are reported separately.

Gloria Decker thanked the Sangre DeCristo Sentinel newspaper for bringing up the issue of one particular marijuana grower in Fremont County. She wanted to know if the owners of the property obtained any kind of permit for a building to be erected, and if not, was the County aware of this violation? She also wanted to know if the State of Colorado requires a County building permit for doing an electrical inspection. Finally she wanted to know if growing marijuana was allowed before the County issues a permit to do so. Commissioner Norden explained that all these questions would be reviewed and discussed when that particular application comes up for review in front of the Board.

David Colwell shared some ideas on how to use our volunteer groups, maybe through deputizing, or a hot tip line to help enforce the trash issues and get things cleaned up. He said that he represents Glen Vista Home Owner's Association but residents from all different areas have complained about this issue. He said that their HOA has done a lot of cleaning up with volunteers but are still asking the County to help.

Commissioner Norden asked Sunny Bryant in Finance if she could provide the figures on the taxes collected for marijuana sales. She said that she would provide the breakdown at the next meeting on December 9th.

OLD BUSINESS

None

PUBLIC HEARINGS SCHEDULED FOR 10:00 A.M.

1. In consideration of a resolution amending the Building Code of Fremont County to include provisions for Licensing Contractors. Representative: Mike Cox, County Building Official

Commissioner Payne opened the public hearing at 10:03 a.m.

Mike Cox of the Building Department said that they have been working on this for years and have finally come up with a code section that they feel will be adequate. Commissioner Bell questioned as to why Fremont County needs this now. He explained that if an out of town contractor does a poor job for one of our residents they can turn around the next day and apply for a building permit to do another poor job for someone else and there's nothing they can do about it. Mike also said that there was an overwhelming response in favor of the licensing by a survey they conducted at the counter for local contractors 4 or 5 years ago. Commissioner Norden asked how the fees will compare to those of the City and Pikes Peak Regional. Mike said that they will be considerably lower. For a Class A General Contractor's License the County will charge \$75.00, whereas the City of Canon City charges \$100.00 and Pikes Peak Regional charges \$225.00. Mr. Cox said they would like this to be effective starting January 1, 2015 but would allow for a grace period time and their hard line would be July 1, 2015. Commissioner Bell asked if the contractors had to be insured. Mike said that yes that they are asking for liability insurance. Commissioner Norden asked if there would be a list of licensed contractors available online for consumers to do their research. Mike said yes that would be available which would also include those with disciplinary actions against them. Commissioner Bell noted that the licenses would be valid for a 12 month period.

John Garrou said that there should be a contract between the contractors and Fremont County stating that they will follow the rules and regulations or Fremont County can pull their license from them. Attorney Jackson stated that there is similar verbiage already written in the licensing regulations. Commissioner Bell pointed out that penalties can lead up to revocation of the license.

Lisa Hyams asked if a home owner would have to have a license if they chose to do the work themselves. Attorney Jackson explained that they are exempt and are also allowed to hire someone without a license.

Tim McCain wanted to know if this code would include mechanical contractors. Attorney Jackson said that it does not; the County has not adopted a Mechanical Code.

Commissioner Payne closed the public hearing at 10:17 a.m.

Commissioner Norden moved to approve Resolution #37. Commissioner Bell seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried. Resolution #37 is attached.

NEW BUSINESS

1. In consideration of an agreement for the participation with the Upper Arkansas Recycling Program. Representative: Beth Lenz

Beth Lenz explained that they would not be increasing fees; it would remain .79 cents per person per year with the hope of lowering the fees by the end of 2015. She said the recycling program is a free public drop off for residents and they have drop off locations in Penrose, Coal Creek, Brookside, Canon City, Rockvale and one at the KOAA Campground.

Commissioner Norden commented on the growing problem of disposing of electronics especially television sets. Beth said that it is a problem not only for Colorado but for many other states. The only solution right now is to take them to Texas to be disposed of which increases the cost of recycling these types of items almost by double.

Commissioner Bell moved to approve the agreement for participation. Commissioner Norden seconded the motion. Upon vote: Commissioner Bell, aye; Commissioner Norden, aye; Commissioner Payne, aye. The motion carried.

2. In consideration of a resolution for three tax lien sale certificates that were sold with erroneous legal descriptions. Representative: Pat McFarland, County Treasurer

Pat McFarland asked for the funds necessary to reimburse the investors and cancel the tax lien certificates on three properties that have erroneous legal descriptions. Commissioner Bell asked what the interest rate is. Pat said these are all at 10%.

Commissioner Norden moved to approve Resolution #38. Commissioner Bell seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

3. In consideration of a Road Maintenance Agreement between the United States Department of the Interior, Bureau of Land Management, Royal Gorge Field Office and Fremont County. Representative: Tony Adamic, Fremont County DOT Director

Tony Adamic explained that the agreement would be for BLM to supply the materials for the project and Fremont County would provide the labor and the equipment to upgrade County Road 127 near Brush Hollow Reservoir.

Commissioner Bell moved to approve the agreement. Commissioner Norden seconded the motion. Upon vote: Commissioner Bell, aye; Commissioner Norden, aye; Commissioner Payne, aye. The motion carried.

4. In consideration of an application to the Department of Local Affairs for Fremont County Regional Road Project Phase 2 of 5. Representative: Tony Adamic, Fremont County DOT Director

Tony Adamic said that this section of the grant would affect County Road 84A, County Road 13 & 13A and in Florence, North and South Frazier. The estimated cost of the project is \$702,699.00 and they would be asking for \$354,750.00 for the asphalt portion of the project.

Commissioner Norden moved to approve the application for the grant. Commissioner Bell seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

5. Request: Extension of PP 05-003 Mesas on Sunrise Ridge, a two year extension. Request approval of a two-year extension, of an eighty-nine 89 lot Preliminary Plan, Department file #PP 05-003 Mesas on Sunrise Ridge, to allow for completion of Final Plat submittal requirements, by Pension Plan of Bonnyville Construction Company, formerly owned by La Mesita del Sol, LLC. There have been three previous one-year extensions and two two-year extensions. The property is located at the northeast corner of the intersection of Dozier Avenue and Van Loo Road and on the north side of Van Loo Road, in the North Cañon Area. The original approval date for the Preliminary Plan application was May 9, 2006. If this extension is granted as requested, it will run through November 9, 2016.

Representative: Allan Miller, Consultant for Pension Plan of Bonnyville Construction Company

Allan Miller said he would like the extension because there is not a great demand for new subdivisions at this time.

Bill Giordano of the Planning and Zoning Department stated that his only concern is the length of time that this has been continued since the original approval. He said that this has been extended since 2003 and his only contingencies on the approval of the extension would be to update items #3, #4, #9 & #10. Commissioner Norden asked if maybe a new application would be necessary since there may be significant changes to the scope of the project or the neighborhood due to the amount of time that has passed. Giordano said he would be more concerned about the changes regarding new residents moving into the area with concerns of their own.

Commissioner Bell asked County Attorney Brenda Jackson if there are any legal issues they should be worried about if approving this extension. Jackson said no, it would be up to the discretion of the Board. The major concern would be traffic patterns, but Mr. Miller has already agreed to update those.

Commissioner Norden moved to approve the extension with items #3, #4, #9 & #10 to be updated by the developer. Commissioner Bell seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

6. A consideration to re-appoint J.R. Phillips to the Fremont County Weed Advisory Board for a two year term ending December 31, 2016.

Commissioner Bell moved to re-appoint J.R. Phillips. Commissioner Norden seconded the motion. Upon vote: Commissioner Bell, aye; Commissioner Norden, aye; Commissioner Payne, aye. The motion carried.

Chairman Payne adjourned the meeting at 10:44 a.m.

RESOLUTION NO. 37, SERIES OF 2014**A RESOLUTION AMENDING THE BUILDING CODE OF FREMONT COUNTY
TO INCLUDE PROVISIONS FOR LICENSING CONTRACTORS**

WHEREAS, §30-11-125 CRS authorizes any county in the State of Colorado that has adopted a building code to establish a licensing program to require a person who engages in the business of being a building contractor within the unincorporated areas of the county to obtain a license from the county prior to engaging in the business; and

WHEREAS, on June 9, 2008, the Board of County Commissioners for Fremont County approved Resolution No. 40, which adopted the Building Code of Fremont County; and

WHEREAS, the Board of County Commissioners finds that licensing building contractors in Fremont County is beneficial to and in the best interest of the citizens of Fremont County; and

WHEREAS, the Building Code of Fremont County incorporates the International Building Code, 2006 Edition published by the International Code Council, as amended; and

WHEREAS, the 2006 International Building Code contains all administrative provisions applicable to the Building Code of Fremont County; and

WHEREAS, the Board of County Commissioners for Fremont County hereby finds that the Building Code of Fremont County should be amended to include provisions requiring licensing of building contractors in Fremont County.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners for Fremont County that the Building Code of Fremont County is hereby amended to include in the 2006 edition of the International Building Code, the building contractor licensing provisions, as set forth in Exhibit A attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the attached amendment shall become effective the FIRST DAY OF JANUARY, 2015, and shall remain in full force and effect thereafter, except as may be modified from time to time by formal action of the Board of Commissioners for Fremont County.

BE IT FINALLY RESOLVED that a six month grace period to allow time for testing of building contractor license applicants will be granted and that full compliance with the building contractor licensing provisions of the Building Code of Fremont County shall be achieved by July 1, 2015.

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

Commissioner Bell	<u>AYE</u>	NAY	ABSTAIN	ABSENT
Commissioner Norden	<u>AYE</u>	NAY	ABSTAIN	ABSENT
Commissioner Payne	<u>AYE</u>	NAY	ABSTAIN	ABSENT

The Resolution was declared to be duly adopted.

Date: _____

Chairman

Attest: _____
Clerk

SECTION 116 CONTRACTOR LICENSING

116.1 General. This section shall regulate the rules and procedures for licensing general building contractors and limited trade contractors in the unincorporated portions of Fremont County, Colorado, consistent with §30-11-125 Colorado Revised Statutes, as amended.

116.2 Definitions. As used in this section:

- 1) "Board of Appeals" means the Fremont County Building Code Board of Appeals. A Board created pursuant to the International Building Code and appointed by the Board of County Commissioners to hear and decide appeals of orders, decisions or determinations made by the Building Official.
- 2) "Contractor" means any person, firm or corporation, who, for compensation, directs, supervises or undertakes any work for which a county building permit is required. This definition excludes any person whose sole function in the work for which a County Building Permit is required is to perform labor under the supervision or direction of a Contractor.
- 3) "County" means the unincorporated areas of Fremont County, Colorado, which excludes any statutory or home rule city or town.
- 4) "General Contractor" means any contractor who undertakes, directs or supervises any construction work requiring the services of a person or persons engaged in two or more specific trades.
- 5) "Limited Trade Contractor" means any contractor who undertakes, directs or supervises any construction work requiring the services of a person or persons engaged in one specific trade.
- 6) "Person" means any individual, firm, corporation, limited liability company, partnership, association, or other legal entity.
- 7) "Trade" means any occupation, vocation or profession performed in the course of any construction, alteration, repair or demolition of a building or structure.

116.3 License – Required. Subject to the requirements of this section, no person shall engage in the business of being a contractor within the county jurisdiction without first obtaining a license from the county building department prior to engaging in the business. Nothing in this section shall be construed to require any individual to hold a license to perform any work on his or her own property, nor shall it prevent a person from employing an individual who is not licensed under the provisions of this section, to perform repair or maintenance work on his or her own property. For the purposes of this section, repair or maintenance work is any work which would not require a county building permit.

116.4 Qualifications and Testing. In an effort to assure the citizens of Fremont County that those individuals licensed in the construction trades have essential knowledge regarding building safety codes and standards adopted by the county, all contractors, prior to being issued a license, shall successfully complete a written examination designed to demonstrate competency in the appropriate construction field.

General Contractor

Any person able to show evidence of having achieved a passing grade on a nationally recognized examination promulgated by the International Code Council that is commonly used and accepted in the industry may qualify for county licensing.

Alternatively, general contractor candidates may achieve eligibility by successfully completing a written examination prepared and administered by the Building Official.

Exception: Additional testing will not be required for manufactured home installers.

Limited Trade Contractor

All limited trade licensing examinations shall be prepared and administered by the Building Official.

Examinations administered by the Building Official shall be subject to a fee. (See section 116.7)

116.5 License Classifications.

Class A General- Any person holding a Class A General Contractor's license shall be eligible to contract all or any phase of a residential or commercial construction project. Examination questions for this license are derived from the International Building Code, the International Residential Code and the International Energy Conservation Code in the currently adopted editions

Class B General- Any person holding a Class B General Contractor's license shall be eligible to contract all or any phase of a commercial or multi-family construction project. Examination questions for this license are derived from the International Building Code and the International Energy Conservation Code in the currently adopted edition.

Class C General- Any person holding a Class C General Contractor's license shall be eligible to contract all or any phase of a one- or two-family residential construction project. Examination questions for this license are derived from the International Residential Code in the currently adopted edition.

Class D General- Any person holding a Class D General Contractor's license shall be eligible to install manufactured housing. In lieu of additional examination, applicants for a Class D General Contractor's license shall be required to produce evidence of a current Registered Installer Certificate issued by the Colorado State Division of Housing.

Limited Trade Class E- Any person holding a Limited Trade Class E license shall be eligible to contract residential or commercial construction projects only in the trade for which the license was issued. Examination questions for these licenses are derived from the International Building Code, the International Residential Code and/or the International Energy Conservation Code in

the currently adopted editions. Limited Trade Class E licenses are offered for (but not limited to) the following trades:

- 1) Foundations and concrete
- 2) Framing and Carpentry
- 3) Roofing
- 4) Solar Installation

Limited Trade Class F- Any person holding a Limited Trade Class F license shall be eligible to contract residential or commercial construction projects only in the trade for which the license was issued. Examination questions for these licenses are derived from the International Building Code, the International Residential Code and/or the International Energy Conservation Code in the currently adopted editions. Limited Trade Class F licenses are offered for (but not limited to) the following trades:

- 1) Masonry
- 2) Siding and exterior trim
- 3) Stucco and plastering
- 4) Insulation
- 5) Drywall

116.6 Application Procedure. All applicants for a contractor’s license shall submit a complete, accurate and legible written application on a form provided by the Building Department. To be considered complete, the application form shall be accompanied by evidence that the applicant has successfully completed the appropriate ICC examination (when applicable); any required additional or alternative examination; insurance certificate; and payment of any required licensing fees. (See section 116.7.)

The county shall issue a provisional license to a contractor no later than seven business days after the contractor has submitted a complete application. A contractor who has satisfied all other requirements for obtaining a license shall be issued a nonprovisional license no later than 45 days after submission of a complete application.

116.7 Fees.

Annual License Fees

Class A- General Contractor	\$75
Class B- General Contractor	\$60
Class C- General Contractor	\$60
Class D- General Contractor	\$50
Class E- Limited Trade Contractor (All Categories)	\$40
Class F- Limited Trade Contractor (All Categories)	\$30
Additional Limited Trade Categories	\$15

Examination Fees

General Contractors- (Class A)	\$120
General Contractors- (Class B or Class C)	\$100
Limited Trade Contractors- (Class E- All Categories)	\$35
Limited Trade Contractors- (Class F- All Categories)	\$25
Re-examination (as a result of adoption of an updated code edition)	\$25

116.8 Expiration. All licenses shall expire on the last day of the twelfth (12th) month following the date of issuance. Regardless of the actual renewal date, the licensing period shall be as established by the original issue date. Early or late renewal shall not serve to change the license period. Licenses may be renewed upon payment of the fees required by Section 116.7 without re-examination provided that the license has not been revoked or suspended and provided that the renewal is completed within 45 days after the expiration date of the license. Each licensee will receive expiration notification by mail approximately 30 days prior to the expiration date.

Exception: Re-examination may be required at the time of renewal when an updated code edition is adopted.

116.9 Insurance Requirements. Upon application for a contractor's license, the applicant shall submit to the Department a certificate, signed by a licensed agent of an insurance company, stating that a general liability policy has been issued to the applicant. The certification shall include the insured party's name, the policy number, the name of the company, the effective date, the expiration date and the limits of the policy. Minimum required insurance coverage shall be in accordance with the table below. Each general liability insurance policy shall contain an endorsement to the effect that the insurance carrier shall notify the building department at least ten (10) calendar days in advance of the effective date of any reduction in coverage or cancellation of the policy.

License Category	Bodily Injury	Property Damage	C.S.L.*
General (Class A, B, C or D)	100,000/300,000	100,000	500,000
Limited Trade (Class E or F)	50,000/100,000	100,000	300,000

* Combined Single Limit

Worker's Compensation Insurance shall be provided in accordance with Colorado Revised Statutes and compliance shall be the sole responsibility of the licensed contractor.

116.10 Critical Violations. Critical violations, which may result in immediate suspension of a contractor's license, shall include, but may not be limited to, the following:

- 1) Performing any work which requires a building permit without first obtaining the permit;

- 2) Using a contractor's license to obtain a permit for work which will not be performed or supervised by the contractor;
- 3) Willfully providing false or misleading information on a permit application;
- 4) Failure or inability to provide a current and valid Registered Installer Certificate issued by the Colorado State Division of Housing (applies to Class D General Contractors only);
- 5) Allowing a lapse, cancellation or reduction in general liability insurance coverage below the minimum amounts required in Section 116.9;
- 6) Conviction of the contractor, by a court having competent jurisdiction, for civil or criminal fraud related to construction activity regulated by the building code;
- 7) Accumulation of three (3) letters of reprimand in any twelve (12) month period.

116.11 Letter of Reprimand. As used in this section, a letter of reprimand is an admonishment issued to a licensed contractor by the Building Official for minor violations. Letters of reprimand are not intended for standard corrections resulting from inspection. Violations which may result in a letter of reprimand shall include, but may not be limited to, the following:

- 1) Failure to request a required inspection;
- 2) Failure to renew an expired permit;
- 3) Performing work that is beyond the scope of the specific permit;
- 4) Performing work that is beyond the scope of the individual's license classification;
- 5) Verified complaint of abandonment of a project;
- 6) Multiple incidents of the same corrections being issued as a result of inspection.

116.12 Suspension of Licenses. Any contractor's license issued by the County shall be subject to suspension for repeated violations of any Federal, State or County laws, rules, codes or resolutions. Critical violations may result in immediate suspension by the Building Official. A critical violation is any violation specifically listed in section 116.10 or any other act which causes or has the potential to cause harm or damage to any person or any person's property. Minor violations shall result in an official letter of reprimand to be placed in the contractor's permanent file. Suspension of a license shall remain in effect until the violation(s) is (are) corrected to the satisfaction of the Building Official but not to exceed ninety (90) days. Work being performed under any active building permit, issued to a licensee whose license has been suspended, shall cease and desist until the license is reinstated or until the permit is transferred to

another licensed contractor. Permit transfer may only be initiated by written consent of the owner of the subject property.

116.13 Appeal of Suspension. Any license suspension issued by the Building Official may be appealed to the Fremont County Board of Appeals pursuant to the Department's appeals process. The decision of the Board of Appeals shall constitute final county action, subject to judicial review at the option of the licensee.

116.14 Revocation. Any contractor's license issued by the County shall be subject to revocation. Upon issuance of a third suspension of a license, the Building Official is authorized to summon the licensee to a hearing before the Board of Appeals. As a result of that hearing, the Board of Appeals shall vote on the outcome and may decide to grant reinstatement of the license, grant an extension of the suspension period or order revocation of the license. The final decision shall be by majority vote of the Board. Revocation shall remain in effect for minimum of one (1) year. Work being performed under any active building permit, issued to a licensee whose license has been revoked, shall cease and desist until the permit is transferred to another licensed contractor. Permit transfer may only be initiated by written consent of the owner of the subject property. Any contractor wishing to reinstate a license following the one year revocation must reapply for a new license and the application must then be approved by the Board of Appeals prior to the new license being issued by the Building Official.

923781 Pages: 1 of 3
 12/04/2014 11:41 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. 34
Series of 2014

RESOLUTION FOR ZONE CHANGE
DEPARTMENT OF PLANNING AND ZONING
FILE #ZC 14-002 GIFFORD ZONE CHANGE

BE IT RESOLVED by the Fremont County Board of County Commissioners (hereafter "Board"):

THAT WHEREAS, Fredric Gifford & Jane Fox-Gifford (hereafter "applicant") has made application for an amendment of the zoning map of Fremont County to change from the MANUFACTURED HOME PARK to the AGRICULTURAL SUBURBAN for certain described real property owned by Fredric Gifford & Jane Fox-Gifford;

AND WHEREAS, pursuant to the Fremont County Zoning Resolution previously adopted; the Planning Commission of Fremont County reviewed the application at its October 7, 2014 regular meeting and recommended the **APPROVAL** of such application; and

WHEREAS, a notice containing the specific request, proposed use, date, time, and location of the public hearing, telephone number of the Fremont County Department of Planning and Zoning (hereafter "Department"), and a site plan and vicinity map were mailed fourteen (14) days prior to the public hearing, by certified mail, return receipt to the Department, to all property owners within five-hundred (500) feet of the boundaries of the subject parcel; and to the appropriate reviewing agencies.

WHEREAS, a notice containing the specific request, proposed use, date, time, and location of the public hearing, and telephone number of the Department where additional information may be obtained, was posted on the property fourteen (14) days prior to the public hearing; and

WHEREAS, a notice of the public hearing was published by the Department, in a newspaper of general circulation in Fremont County, fourteen (14) days prior to the public hearing, and which contained the specific request, time and place of the public hearing, and an explanation of the proposed use and its location; and

WHEREAS, the Board held a public hearing concerning said application on November 10, 2014 at which time comments and evidence were considered, including all materials contained as part of the application and which were in the Department's file concerning the application; and

NOW THEREFORE, BE IT RESOLVED by the Board that:

The Board did make the following findings with respect to the application for Zone Change as follows:

1. A statement of justification for the rezoning, including at least one (1) of the following conditions
 - a. The property was not properly zoned when existing zoning was imposed.
 - b. Additional land is needed in the proposed zone district.
 - c. There has been a material change in the neighborhood which justifies the requested zone change.
 - d. The proposed zone change will be in conformance to the Comprehensive or Master Plan for the area.
2. And the following list of other criteria to be considered in the review of the application:
 - a. There is a public need and there will be a County or neighborhood benefit.
 - b. The granting of the zone change request will tend to preserve and promote property values in the neighborhood.
 - c. There will not be any effect on existing traffic.
 - d. There will be no effect on adjacent uses.
 - e. The proposed development will be in harmony and compatible with the surrounding land uses and development in the area.

NOW THEREFORE, BE IT RESOLVED that the above and foregoing application and request for change be and is hereby approved; that the zoning classification of the hereinafter described real property is changed from MANUFACTURED HOME PARK to the AGRICULTURAL SUBURBAN and that the zoning map of Fremont County be and is hereby amended to show and record such change of classification and that the legal description of the real property so affected is described as follows:

LEGAL DESCRIPTION

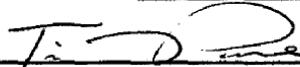
Lot 23, Dozier and Mackenzie's Grand View Subdivision of a part of Section 36, Township 18 South, Range 70 West of the 6th P.M,
Excepting a track of land being a part of the above described Lot 23, which place of beginning is on the Southwest corner of Lot 23, which point of beginning is 25 feet North and 30 feet East of an iron pipe in the center of the intersection of Florence and Highland Avenues, in said Subdivision; thence running North 405.21 feet to a point, then at a right angles running East and parallel with the North line of Highland Avenue 430 feet to a point, then at a right angles running South and parallel with the East line of Florence Avenue 405.21 feet, to a point, then at right angles running West along North line of Highland Avenue 430 feet to point of beginning.
County of Fremont,
State of Colorado

Commissioner Norden seconded the adoption of the foregoing Resolution and upon a vote of the Board as follows:

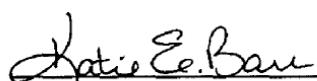
Commissioner Payne: Aye / Nay / Abstain / Absent
Commissioner Bell: Aye / Nay / Abstain / Absent
Commissioner Norden: Aye / Nay / Abstain / Absent

The Resolution was declared to be duly adopted.

DATE: November 25, 2014



CHAIRMAN, FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS

ATTEST: 

FREMONT COUNTY CLERK AND RECORDER

**THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF FREMONT
STATE OF COLORADO**

RESOLUTION NO. 38

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

RE: Treasurer- Reimbursement of Taxes on
Schedules # (1) 99928570, (2) 99920254, (3) 69006630
Account Nos. (1) R041061, (2) R036864, (3) R022690
 Tax Lien Sale
 Certificate # (1) 6353-2010, (2) 6291-2010, (3) 5990-2010

Purported Owners of Record:
 (1) Unknown (2) Michael Gehrke (3) LaDonna Johnson

Tax Lien Purchasers:
 : (1) Anthony and Natalia Osagie (2) Edwin L. Camerlo (3) George R. Turner

Resolved that the Board of County Commissioners hereby approves reimbursements to the tax lien purchasers of the 2010 taxes that were erroneously assessed and subsequently sold at the tax lien sale together with interest from the date of purchase at the rate of 10% per annum.

The 2010,2011,2012,2013 taxes erroneously assessed must be reimbursed to the Tax Lien Purchasers in the (base tax \$ plus Interest and fees of \$) good through November 30,2014.

- (1) $\$863.04 + \$262.64 = \$1,125.68$ due to Osagie
- (2) $\$345.14 + \$136.23 = \$481.37$ due to Camerlo
- (3) $\$3,545.59 + \$867.01 = \$4412.60$ due to Turner

**TOTAL AMOUNT OF REIMBURSEMENTS DUE TO TAX LIEN
PURCHASERS = \$6019.65**

Commissioner Norden
 Moved for the adoption of the foregoing resolution:

Commissioner Bell
 Seconded the adoption of the foregoing resolution:

And upon the vote of the Commissioners as follows:

Mr. Commissioner: Tim Payne aye _____;
 Mr. Commissioner: Ed Norden aye _____;
 Ms. Commissioner: Debbie Bell aye _____;

WHEREUPON the resolution was declared to be duly adopted.

Dated: 11/25/14

Katie E. Barr

Katie Barr
Fremont County Clerk and Recorder