

**SECOND MEETING**

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on January 24, 2017, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Debbie Bell called the meeting to order at 9:30 a.m.

Debbie Bell	Commissioner	Present
Tim Payne	Commissioner	Present
Dwayne McFall	Commissioner	Present
Katie Barr	Clerk and Recorder	Present
Brenda Jackson	County Attorney	Present
Sunny Bryant	County Manager	Present
Matt Koch	Planning & Zoning Director	Present

Don Brightwell of Good News Jail/Prison Ministries gave the invocation.

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

**APPROVAL OF AGENDA**

**Commissioner Payne** moved to approve the Agenda. Commissioner McFall seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner McFall, aye; Commissioner Bell, aye. The motion carried.

**CONSENT AGENDA**

1. Approval of Minutes / January 10, 2017
2. Approval of Special Meeting Minutes / January 16, 2017
3. Approval of Bills for \$ 1,905,337.67
4. Authorization for Chairman to sign the Stormwater Discharge Annual Report for the Airport
5. Adoption of Resolution #8, Series of 2017, correcting Resolution #40, Series of 2016 SV 16-001 U.P.R.R Subdivision Exemption that has an error in the legal description on the plat.
6. Schedule Public Hearings: None

**Commissioner McFall** moved to approve the Consent Agenda. Commissioner Payne seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

**ADMINISTRATIVE/INFORMATIONAL**

1. Staff / Elected Officials:
  - a. County Manager Report, Sunny Bryant, County Manager

**Manager Bryant** reported on the Colorado Opportunity Scholarship Initiative grant meeting, the Regional Managers Meeting, the Goal Setting Session, the Weed Board Meeting, and the Penrose Chamber of Commerce Meeting.

- b. Sales & Use Tax Report, Sunny Bryant, County Manager

**Manager Bryant** reported the November collections for Retail Sales Tax were \$339,082, Sheriff-Retail Sales Tax were \$226,055 and Lodging Tax were \$464. In December, the Auto Use Tax collected was \$80,919, and the Sheriff-Auto Use Tax was \$53,946. The preliminary Construction Use Tax for December was \$11,161, and the preliminary Sheriff-Construction Use Tax was \$7,441.

**Commissioner Bell** talked about the Goal Setting Session and the excitement over the goals that have been accomplished while she has been in office. She will be attending Legislative Days sponsored by Action 22 partnered with Club 20 and Progressive 15 in Denver to remind legislature of the rural part of the state.

**Commissioner Payne** will be attending the Colorado Water Congress convention for three days.

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

None.

### **OLD BUSINESS**

None.

### **NEW BUSINESS**

1. Recognition of the 2016 Vital Statistics Fire Star Performance Award  
Representative: Rick Miklich, Public & Environmental Health Director

**Rick Miklich** congratulated the Vital Statistics Office for acing their semi-annual audit. Every one of the 59 offices across the state are audited for five criteria. The Canon City Office has received a five star award for passing the audit each time for the past four years. Matthew Kay, Paula Spurlin, and Christina Taylor are the current registrars.

2. Arkansas River Roundtable Reports  
Representative: Gary Barber, Project Coordinator

**Gary Barber** explained the Roundtable was formed in response to the drought to address the needs of the Arkansas River Basin. In 2015, an outreach plan was created that is now in the implementation stage. He gave a report on the current and future projects including mitigation and cleanup for the Hayden Pass Fire burn area.

**Rick Romano** said the Natural Resources Conservation Service has been involved with the implementation of the mitigation project through identifying where the needs are.

**Steve Morrissey** with Emergency Management has been in contact with USDS to provide the warning devices for the implementation of fire clean up. He has been coordinating with different agencies including the Arkansas River Roundtable.

**Commissioner Payne** as board member of the Upper Arkansas Water Conservation District has been a part of the implementation of the various Roundtable projects in Fremont County.

3. Consideration to appoint a member to the Fremont County Weed Advisory Board to fill a vacancy with a term expiring December 31, 2019

**Commissioner Bell** explained Jay Adamic submitted a letter of interest to fill the vacancy on the board.

**Commissioner Payne** moved to appoint Jay Adamic to the Fremont County Weed Advisory Board for a term expiring December 31, 2019. Commissioner McFall seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner McFall, aye; Commissioner Bell, aye. The motion carried.

4. Consideration to re-appoint Dave Boden and Rich Thatcher to the Board of Zoning Adjustment for an additional three-year term ending February 28, 2020

**Commissioner McFall** moved to reappoint Dave Boden and Rich Thatcher to the Board of Zoning Adjustment for an additional three-year term ending February 28, 2020. Commissioner Payne seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

5. Consideration to appoint Craig Mayle to the John C. Fremont Library Board for a five-year term ending December 31, 2021

**Commissioner Payne** moved to appoint Craig Mayle to the John C. Fremont Library Board for a five-year term ending December 31, 2021. Commissioner McFall seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner McFall, aye; Commissioner Bell, aye. The motion carried.

**PUBLIC HEARINGS SCHEDULED FOR 10 A.M.**

None.

**Chairman Bell** adjourned the meeting at 10:07 a.m.

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Clerk and Recorder

January 24, 2017

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

RESOLUTION NO. 8, SERIES OF 2017

AMENDED to correct the legal description of the property involved in  
Resolution No. 40, Series 2016 at Reception #946131

RESOLUTION GRANTING AN EXEMPTION FROM THE SUBDIVISION  
REGULATIONS FOR A TRACT OF LAND IN FREMONT COUNTY  
UNION PACIFIC RAILROAD

SV 16-001 U.P.R.R. Subdivision Exemption

WHEREAS, the Fremont County Board of County Commissioners has received a request from Union Pacific Railroad for an exemption from the county subdivision requirements to allow for the creation of a parcel of land 2.05 acres in size to be granted to Colorado Parks & Wildlife for public access to the Arkansas River. The parcel is described as:

ALL THAT TRACT OF LAND LOCATED WITHIN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 19 SOUTH, RANGE 73 WEST OF THE SIXTH PRINCIPAL MERIDIAN, FREMONT COUNTY, COLORADO, BEING THE SAME AS THE PORTION OF THAT TRACT DESCRIBED IN BOOK 113 AT PAGE 123 IN THE OFFICE OF THE FREMONT COUNTY CLERK & RECORDER LYING NORTH OF THE CENTER OF THE ARKANSAS RIVER, DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF UNION PACIFIC RAILROAD (FORMERLY THE DENVER AND RIO GRANDE RAILROAD COMPANY), FROM WHENCE THE SOUTHEAST CORNER OF SAID SECTION 7, MARKED BY A 3/4" BUREAU OF LAND MANAGEMENT BRASS CAP, BEARS SOUTH 54°39'21" WEST, A DISTANCE OF 2155.12 FEET;

THENCE NORTH 68°41'39" EAST, ALONG SAID SOUTHERLY RIGHT-OF-WAY, A DISTANCE OF 270.23 FEET TO A POINT OF CURVATURE;

THENCE NORTHEASTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY, A DISTANCE OF 378.32 FEET ALONG THE ARC OF A CURVE DEFLECTING TO THE LEFT, HAVING A RADIUS OF 6900.00 FEET AND A DELTA ANGLE OF 03°08'29";

THENCE SOUTH 58°16'33" WEST, A DISTANCE OF 90.18 FEET TO A POINT OF CURVATURE;

THENCE SOUTHWESTERLY A DISTANCE OF 103.19 FEET ALONG THE ARC OF A CURVE DEFLECTING TO THE LEFT, HAVING A RADIUS OF 788.74 FEET AND A DELTA ANGLE OF 07°29'45" TO A POINT OF TANGENCY;

THENCE SOUTH 50°46'48" WEST, A DISTANCE OF 69.00 FEET TO A POINT OF CURVATURE;

THENCE SOUTHWESTERLY A DISTANCE OF 371.81 FEET ALONG THE ARC OF A CURVE DEFLECTING TO THE LEFT, HAVING A RADIUS OF 605.00 FEET AND A DELTA ANGLE OF 35°12'43" TO A POINT 75.00 FEET EAST OF AND PERPENDICULAR TO THE CENTERLINE OF THE BEGINNING OF A SPIRAL CURVE HAVING A SPIRAL ANGLE OF 7°30';

**January 24, 2017**

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

RESOLUTION NO. 40, SERIES OF 2016

RESOLUTION GRANTING AN EXEMPTION FROM THE SUBDIVISION  
REGULATIONS FOR A TRACT OF LAND IN FREMONT COUNTY  
UNION PACIFIC RAILROAD

SV 16-001 U.P.R.R. Subdivision Exemption

WHEREAS, the Fremont County Board of County Commissioners has received a request from Union Pacific Railroad for an exemption from the county subdivision requirements to allow for the creation of a parcel of land 2.05 acres in size to be granted to Colorado Parks & Wildlife for public access to the Arkansas River. The parcel is described as:

ALL THAT TRACT OF LAND LOCATED WITHIN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 19 SOUTH, RANGE 78 WEST OF THE SIXTH PRINCIPAL MERIDIAN, FREMONT COUNTY, COLORADO, BEING THE SAME AS THE PORTION OF THAT TRACT DESCRIBED IN BOOK 113 AT PAGE 123 IN THE OFFICE OF THE FREMONT COUNTY CLERK & RECORDER LYING NORTH OF THE CENTER OF THE ARKANSAS RIVER, DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF UNION PACIFIC RAILROAD (FORMERLY THE DENVER AND RIO GRANDE RAILROAD COMPANY), FROM WHENCE THE SOUTHEAST CORNER OF SAID SECTION 7, MARKED BY A 3/4" BUREAU OF LAND MANAGEMENT BRASS CAP, BEARS SOUTH 54°39'21" WEST, A DISTANCE OF 2155.12 FEET;

THENCE NORTH 68°41'39" EAST, ALONG SAID SOUTHERLY RIGHT-OF-WAY, A DISTANCE OF 270.23 FEET TO A POINT OF CURVATURE;

THENCE NORTHEASTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY, A DISTANCE OF 378.32 FEET ALONG THE ARC OF A CURVE DEFLECTING TO THE LEFT, HAVING A RADIUS OF 6900.00 FEET AND A DELTA ANGLE OF 03°08'29";

THENCE SOUTH 58°16'33" WEST, A DISTANCE OF 90.18 FEET TO A POINT OF CURVATURE;

THENCE SOUTHWESTERLY A DISTANCE OF 103.19 FEET ALONG THE ARC OF A CURVE DEFLECTING TO THE LEFT, HAVING A RADIUS OF 788.74 FEET AND A DELTA ANGLE OF 07°29'45" TO A POINT OF TANGENCY;

THENCE SOUTH 50°46'48" WEST, A DISTANCE OF 69.00 FEET TO A POINT OF CURVATURE;

THENCE SOUTHWESTERLY A DISTANCE OF 371.81 FEET ALONG THE ARC OF A CURVE DEFLECTING TO THE LEFT, HAVING A RADIUS OF 605.00 FEET AND A DELTA ANGLE OF 35°12'43" TO A POINT 75.00 FEET EAST OF AND PERPENDICULAR TO THE CENTERLINE OF THE BEGINNING OF A SPIRAL CURVE HAVING A SPIRAL ANGLE OF 7°30';

THENCE SOUTHERLY ALONG SAID SPIRAL CURVE, A CHORD DISTANCE OF 24.30 FEET AND A CHORD BEARING OF SOUTH 14°25'03" WEST TO THE CENTER OF THE ARKANSAS RIVER;

THENCE WESTERLY ALONG SAID CENTER OF THE ARKANSAS RIVER A DISTANCE OF 152 FEET, MORE OR LESS, TO A POINT 75.00 FEET WEST OF AND PERPENDICULAR TO SAID CENTERLINE OF A SPIRAL CURVE HAVING A SPIRAL ANGLE OF 7°30';  
THENCE NORTHERLY ALONG SAID SPIRAL CURVE, A CHORD DISTANCE OF 39.77 FEET AND A CHORD BEARING OF NORTH 08°28'23" EAST, TO THE LOW WATER LINE OF SAID ARKANSAS RIVER;  
THENCE SOUTH 85°22'05" WEST ALONG SAID LOW WATER LINE, A DISTANCE OF 103.87 FEET TO A POINT 175.00 FEET WESTERLY OF SAID CENTERLINE OF A SPIRAL CURVE HAVING A SPIRAL ANGLE OF 7°30';  
THENCE NORTHEASTERLY ALONG SAID SPIRAL CURVE, A CHORD DISTANCE OF 62.83 FEET AND A CHORD BEARING OF NORTH 12°49'44" EAST TO A POINT OF SIMPLE CURVATURE;  
THENCE CONTINUING NORTHEASTERLY A DISTANCE OF 155.16 FEET ALONG THE ARC OF A CURVE DEFLECTING TO THE RIGHT, HAVING A RADIUS OF 855.00 FEET AND A DELTA ANGLE OF 10°23'2" TO THE POINT OF BEGINNING.  
SUBJECT TO THE RIGHT-OF-WAY OF FREMONT COUNTY ROAD NO. 27.

FREMONT COUNTY,  
STATE OF COLORADO.

BE IT FURTHER RESOLVED that the Board specifically finds that the equities of the circumstances regarding the transfer of the property, combined with the other exemptions granted by the County for other similar parcels in the county, warrant granting an exemption in this case. The parcel is hereby deemed by the Board to be a legally-created 2.05 acre parcel to be used for public access to the Arkansas River. Any future division or change of use of the property shall fully comply in all respects to all applicable subdivision and zoning laws and regulations.

Commissioner Payne moved adoption of the foregoing Resolution, seconded by Commissioner Bell and approved by roll call vote as follows:

Debbie Bell	<input checked="" type="checkbox"/>	Nay	Absent	Abstain
Edward H. Norden	<input checked="" type="checkbox"/>	Nay	Absent	Abstain
Timothy R. Payne	<input checked="" type="checkbox"/>	Nay	Absent	Abstain

Date: 12/27/16

BOARD OF COUNTY COMMISSIONERS  
OF FREMONT COUNTY

ATTEST:

By: *E. H. Norden*  
Chairman

By: *Katie E. Bass*  
Clerk to the Board