

April 23, 2013

EIGHTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on April 23rd, 2013, 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
Edward H. Norden	Commissioner	Present
Katie Barr	Clerk and Recorder	Present
Brenda Jackson	County Attorney	Present

Also present: Bill Giordano, Planning and Zoning Director and Jody Blauser, Deputy Clerk. County Manager George Sugars was absent.

The Invocation was given by Pastor Larry Chell of the Christian Family Fellowship Church.

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 Norden seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried.

CONSENT AGENDA

Commissioner Bell said a Public Hearing needs to be added as #4 to the consent agenda. The Public Hearing will be held at 10:00 a.m. on Tuesday May 14, 2013 for the consideration of Fremont County Ambulance Regulations.

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

ADMINISTRATIVE/INFORMATIONAL

1. Administrative and Elected Officials: None.
2. Citizens Not Scheduled: None.

OLD BUSINESS

None.

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NEW BUSINESS

1. Recognition to Dean Sandoval for 15 years of service on the Fremont County Planning Commission.

Commissioner Bell said Dean Sandoval served on the Fremont County Planning Commission for 15 years and many of those he served as Chairman. Mr. Sandoval helped to oversee the rewrite of the Fremont County Master Plan. Commissioner Norden expressed his appreciation to Mr. Sandoval for his wisdom and many hours of service. Commissioner Payne thanked Mr. Sandoval for his time. The Commissioners and Planning and Zoning Director Giordano presented Mr. Sandoval an award.

Dean Sandoval said it had been a very enlightening experience. He commended Bill Giordano and Marshall Butler for their hard work. He thanked the other members of the Planning Commission as well.

2. Request for fee waiver for non-conforming use for Deer Mountain Community Organization.

Gwen Hoffnagle said she is the Committee Chair for the Deer Mountain Community Organization. They had paid the \$350 fee when they submitted their application. At the time of the submittal they requested in writing to be refunded the \$350 fee as they are a nonprofit organization.

Planning and Zoning Director Giordano said the request submitted to his office is to continue to allow a residence in a business zone district. It is a detached residence which makes it non-conforming under the present regulations.

Commissioner Payne moved to approve the fee waiver request for non-conforming use for Deer Mountain Community Organization. Commissioner Norden seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried.

3. Consideration of annual ambulance licensing with recommendations from Tom Anderson regarding ambulance inspections.

Tom Anderson said Deer Mountain Fire Protection District has made an initial application for a basic ambulance license. The ambulance would respond to calls in the Deer Mountain Fire Protection District area. They have turned in all required paperwork and insurance. The ambulance was inspected and did meet the minimum equipment requirements. It is a Basic Life Support (BLS) ambulance only.

Vicki Cline of the Deer Mountain Fire Protection District said they have five EMTs now. They have six more EMTs scheduled for training for a total of eleven EMTs. They have volunteer drivers. They will only respond to calls within their District. There have been problems in the past with no response from ambulances to medical calls. This will allow for quicker response time as they are housed at the fire station. This would be an all volunteer staff with one ambulance. Commissioner Norden said currently the E911 dispatch system is set up for calls to go to Arkansas Valley Ambulance (AVA) or American Medical Response (AMR). This would have to be changed to have Deer Mountain Fire Ambulance respond to those calls. Norden expects that all emergency calls for the ambulance will go through the 911 dispatch system. Cline agreed the calls would go through 911. Norden asked how they would respond to a call outside of their boundaries and what would happen to calls they can't respond to. Cline said they are planning on doing mutual aid with the AVA, AMR, and Custer County.

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Commissioner Bell asked if they have met with these other agencies regarding mutual aid. Cline said she was waiting to see if they were going to be licensed first.

Scott Linn, General Manager for AMR said his main concern is for the patient. He applauds all of the volunteers who work together on the west end of the county. His concern is that Deer Mountain will be licensed as a BLS and then will have an ALS patient. Who will respond to this call. AMR has not signed a mutual aid agreement with Deer Mountain as they are unsure of the plan. If an ambulance is going to be licensed it needs to be available 24 hours a day seven days a week every day of the year. Scott said the State recently completed a study regarding ambulance service in Fremont County.

Jay DeMay, General Manager from AVA will shortly be requesting an upgrade to ALS status. They will continue to respond to calls in Deer Mountain if needed. He would like to see the specific boundaries as nothing has been discussed yet. A mutual aid agreement would need to take place as soon as possible.

Tom Anderson said they do have four EMTs with one EMT Intermediate and do meet the minimum equipment requirements. He recommends they be licensed as a BLS ambulance.

Commissioner Norden moved to approve Deer Mountain Fire Protection District for one BLS ambulance license on a 90 day basis and they must produce a written mutual aid agreement with AMR, AVA, and Custer County Ambulance, produce documentation of training programs, and produce documentation of existing and projected staffing levels. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

Tom Anderson said he has received renewal application for AMR with the required insurance documentation. They have four ambulances staffed in Fremont County and ten ambulances staffed in Pueblo County. Tom would recommend approval of the renewal request as an ALS ambulance license. Tom said that Northwest EMS will not be putting an application for renewal in right now as they cannot guarantee 24/7 staffing.

Commissioner Norden moved to approve the ambulance license for AMR for an ALS license for four ambulances in Fremont County and ten ambulances in Pueblo County. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

Tom Anderson said Penrose Volunteer Ambulance is requesting renewal for two BLS ambulances with an ALS option. This would require them to carry all of the equipment of an ALS ambulance. As staffing permits they can function as an ALS ambulance. Both ambulances were inspected and met the ALS equipment requirements. The renewal application and insurance paperwork has all been turned in. Tom recommends Penrose Volunteer Ambulance license be renewed for 2 BLS ambulances with an ALS option.

Commissioner Payne moved to approve the ambulance license for Penrose Volunteer Ambulance for two BLS ambulances with an ALS option. Commissioner Norden seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried.

Tom Anderson said Florence Volunteer Ambulance has submitted their application for the renewal of two ambulances.

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Their ambulances were inspected and meet the equipment requirements. They are requesting a BLS license with an ALS option. Tom recommends approval.

Commissioner Payne moved to approve Florence Volunteer Ambulance for a BLS license for two ambulances with an ALS option. Commissioner Norden seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried.

Tom Anderson said AVA is currently licensed a BLS ambulance and they would like to upgrade to a BLS with an ALS option. The ambulances were inspected but not equipped with the ALS equipment. The applicant thought prior approval was needed before they could install the ALS equipment. If ALS approval is given today an inspection would still need to be done before they would be able to function as an ALS ambulance service. There are three ambulances and one would have the ALS option. The three ambulances do meet the BLS equipment requirements. The required documentation and insurance has been submitted. Tom said when the Board of County Commissioners licenses an ambulance they are instilling trust into the community. There have been several issues with AVA including a law suit in the past six months. According to the dispatch logs there have been several calls in the past few months that were not responded to. Commissioner Norden asked Tom since the meeting on October 9, 2012 if AVA has reported to Tom via email for calls they were not able to respond too. Tom said they have not emailed him regarding unanswered calls. In the past few months they have emailed him when they will be out of service for an extended time. Since January he has received weekly emails for the ambulance checks. Tom has performed monthly inspections on their ambulances and they are very clean, organized and well stocked. Tom explained the doctor that AVA had been dealing with for trip reviews has been non responsive. Since March 1st, Dr. Weber has reviewed 100% of AVA's trip reports.

Jay DeMay said it was unclear to him that he was to email Tom if they were not able to respond to a call. At times he would text Tom as he did not have email access. When he realized the miscommunication the process changed and is now consistent. Jay did not realize he needed to let Tom and each dispatch center know when they would be out of service. Now he is notifying Custer County, Chaffee County, Florence, and Tom. Jay is making sure the weekly ambulance checks are being emailed to Tom each week. He is now submitting 100% of his trip reviews to Dr. Weber.

Tom Anderson said AVA has met the standards for a BLS ambulance. However AVA has been scrutinized for ongoing problems. They would have two ALS providers. Tom is not sure if it would be appropriate to issue an ALS license to them.

Elaine Foster, Chairman of AVA, said Linda Cochran stepped down as Chairman yesterday due to legal issues. Linda will still remain on the Board of Directors. Commissioner Norden shared some of the positive and negative feedback from the survey that was done. Elaine said there has only been one time in the past 90 days when they were out of service, both Tom and dispatch were notified of this. In December a fundraiser was held and about \$25,000 was raised. They are running 3 ambulances, paying rent, utilities, staff and supplies without any taxpayer money. Sara, the Finance Director, has been looking at the survey responses and feels several of the responses came from the same people and the information is not reliable. Elaine said they have spent several thousands of dollars getting staff ALS trained. Commissioner Norden asked if AVA is trusted by the patients then why is Deer Mountain Fire requesting their own ambulance license. Elaine explained AVA had operated on a volunteer basis in the past. When the decision was made to have some paid staff there was division among the people. These people moved over to the Deer Mountain Fire District. They have been in service for 30 years and have not had complaints regarding care.

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Jay DeMay said the ALS ambulance would be located at the central station and have the paid staff. It would be able to respond to the entire area. He said Dr. Weber is ok with the upgrade to ALS status. Jay has provided letters of support from Hospitals. They currently have 8 medical staff with 2 intermediate EMT's. Commissioner Payne said for transparency and accountability he would like to have seen financial statements showing expenditures and revenues. Jay said they have chosen to close their Board meetings for now as they cannot conduct business with all of the interruptions.

Steve Nutting is an intermediate EMT that has been working for AVA since January. He has been an EMT since 1999. His desire is to provide high quality care to every patient he responds to. Community trust is lost when former disgruntled employees slander what AVA is trying to accomplish.

Skip Moreau thanked the Commissioners for allowing DMFP the opportunity to provide an ambulance service. He has been an EMT with them for six years. Skip thinks it will work out well to have AVA as a backup for them as needed.

Todd Bell is the Fire Chief for Deer Mountain Fire Protection District. He said AVA has a very dedicated staff. When AVA does show up for a call, they do a good job. However they do not always show up when called. Todd thinks Deer Mountain having their own ambulance will help AVA in covering this large area. He is not sure who is in charge of AVA as the Board is always changing. This concerns Todd as they will need a mutual aid agreement with AVA and have to constantly deal with different people.

Gwen Hoffnagle lives in the Deer Mountain area. She strongly supports licensing AVA to provide ALS care. Her only concern is that her ambulance will be able to give her the level of care that may be needed.

Jane Oslyn lives in the Deer Mountain area. She does not believe the public should have to worry about all of the unfortunate controversy surrounding ambulance care. If a life threatening emergency happens to one of her family members she would want the best level of care available. Commissioner Norden explained when the Board of Commissioners licenses an ambulance company they need to be sure the ambulance service is meeting the licensing obligations to ensure public safety.

Tom Anderson said he has inspected the ambulances for AVA and they do meet the BLS requirements. All renewal paperwork and insurance has been turned in by AVA. He has not inspected any ALS equipment at this time. Tom believes AVA needs to prove they are capable of being a quality BLS service for a certain time frame before they can be ALS approved.

Commissioner Norden moved to approve Arkansas Valley Ambulance for a BLS license for one year and will reconsider the ALS option in 90 days. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

4. Request: Extend Cessation of CUP 06-003 Northfield Coal Mine
Request approval to extend cessation of the Conditional Use Permit for file CUP 06-003 Northfield Coal Mine for an additional three years. The CUP is for the operation of an underground coal mine and surface processing facility (to include hauling), originally approved February 27, 2007. The current two year cessation expires on July 26, 2013. Due to the economic uncertainties that climaxed in 2008, recent closure of the Black Hills Clark Power Plant, and government energy policy, potential investors are cautious. Northfield, however, continues to pursue investors to carry the project to fruition.

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The property is generally located approximately 0.5 mile west of the intersection of County Road #11A and County Road #79, on the north side of County Road #79 in the Williamsburg Area. Representative: Angela Bellantoni, Environmental Alternatives Inc.

Angela Bellantoni said she is requesting a three year extension for the cessation of CUP 06-003 for Northfield Coal Mine. As this is a cautious economic climate the owners are having a difficult time finding investors.

Commissioner Norden moved to approve the extension of cessation for CUP 06-003 for Northfield Coal Mine for an additional three years. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

5. Request: Extend deadline for submittal of contingency items for CUP 10-001 Northfield Coal Loadout.
Request approval of a three year extension of the deadline for submittal of contingency items in conjunction with CUP 10-001 Northfield Coal Loadout. The CUP is for the operation of a railroad loadout, which will include stockpiles of coal, the use of bulldozers, front-end loaders, and/or conveyors for the loading of the railroad cars. Said CUP was approved on May 25, 2010, contingent upon specified items being provided to the Department of Planning and Zoning within six months after approval of the application by the BOCC. The current three year extension expires on November 25, 2013. The property is located 0.8 miles east of the intersection of County Roads 11A & 79, on the south southeast side and north northeast side of County Road #79 and west of the railroad track, west of the City of Florence. Representative: Angela Bellantoni, Environmental Alternatives, Inc.

Angela Bellantoni said one of the conditions for this CUP is that the loadout become state permitted. They can't amend this permit until they bond the coal mine permit which is why the condition still has not been met.

Commissioner Payne moved to extend the deadline for submittal of contingency items for CUP 10-001 Northfield Coal Loadout. Commissioner Norden seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried.

6. Request: TUP 13-003 Canon City Music & Blossom Festival Carnival
Request approval of a Temporary Use Permit to allow a Carnival in conjunction with the Music & Blossom Festival by Canon City Music and Blossom Festival, Inc. The event will take place on the south side of Elm Avenue between 9th Street and Oak Creek Grade Road, in Canon City. Equipment setup will begin on April 29th. The Carnival will run Wednesday May 1st and Thursday May 2nd from 6 pm to 11 pm, Friday May 3rd from 3 pm to 11 pm and Saturday May 4th and Sunday May 5th from noon to 11 pm. The subject property is located in the Business Zone District. Representative: Michael Fry, Canon City Music and Blossom Festival, Inc.

Michael Fry said until six weeks ago they were not sure where the carnival was going to be located. The road construction at 9th and Elm Street has caused some issues with the carnival equipment. It would be very difficult to get the heavy equipment through the cone zone safely. The location is about seven acres and has road base on it. Michael has the signed letter from Canon Rental.

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The permit from CDOT has been received by the City Clerk and he has requested it be emailed to Mr. Giordano. The inspections will need to be done by Sid Darden for the Food Establishment License at the carnival.

Bill Giordano said he is allowed to approve this administratively but there were some concerns as it was a late submittal and the construction issue. He said a permit is not required from CDOT they just need proof that CDOT is aware of the event.

Commissioner Norden moved to approve TUP 13-003 Canon City Music & Blossom Festival Carnival with the 3 conditions as noted, waiver of the surety bond and granting a waiver of the application fee. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

Public Hearings Scheduled for 10:00 a.m.: None.

Chairman Bell adjourned the meeting at 11:42 A.M.

Clerk and Recorder