

September 23, 2014

EIGHTEENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on September 23rd, 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 and Jody Blauser, Chief Deputy Clerk.

The Invocation was given by Tom Killgore, First Southern Baptist 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 / September 9, 2014
2. Approval of Minutes / Special BOCC Meeting / September 16, 2014
3. Approval of Bills September 23, 2014 / \$887,497.77
4. Schedule Public Hearings – None
5. Approval of bid award to ThyssenKrupp Elevator in the amount of \$61,301.57 for repairs to two elevators in the County Administration Building.
6. Approval of 2014 Emergency Management Performance Grant Agreement with Colorado Department of Public Safety, Division of Homeland Security and Emergency Management.

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. Administrative and Elected Officials
 - a. Sales & Use Tax Report, Sunny Bryant, Finance Officer

Sunny Bryant presented the Sales and Use Tax Report through the month of July for Retail Sales Tax and through August for Use Tax Collections. In July \$371,547 was collected in Retail Sales Tax, this is \$32,277 more than last July. The Auto Use Tax collected in August was \$81,922 and is \$18,858 more than last August. Construction Use Tax collected in August was \$15,274 and is up \$4,572 more than August 2013.

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The Lodging Tax collected through the end of July was \$57,450 which is down \$16,999 from this time last year. The Sheriff's Retail Sales Tax collected in July was \$247,698. The Sheriff's Auto Use Tax collected in August was \$54,615. The Sheriff's Construction Use Tax collected in August was \$10,183.

Commissioner Bell said Florence had a very successful Pioneer Days this past Saturday; it was the largest parade in many years.

Commissioner Norden said the Fremont County Airport will host an air show, open house, and breakfast this coming weekend. The event starts at 7:00 a.m.

2. Citizens Not Scheduled:

Harry Kitchen thanked the Board for their efforts with the Penrose Park and Recreation District. He will be bringing information to the Commissioners regarding the Canon City Recreation District at a later date. He hopes the Citizens of Fremont County vote in favor of the Mill Levy increase for the Fire Protection District on the November ballot.

OLD BUSINESS

None.

NEW BUSINESS

1. U.S. Highway 50 updates – Closing of Emergency Entrance
Representative: Sasan Delshad Colorado Department of Transportation (CDOT)
Traffic Safety Engineer.

Sasan Delshad gave an overview of the closing of the crossover on Highway 50 at mile marker 288.1 near the intersection of Van Egmond Subdivision and the salvage yard. Due to the number of recorded accidents at this crossover, it is scheduled for permanent closure. They have documentation from the past 10 years regarding accidents and close calls at this median as reported by the Colorado State Patrol.

Gene MacKinnon is the Fire Chief of the Florence Fire Protection District. He is against the closure at this time. He has seen more accidents at the Highway 115 overpass and airport than at this crossover. It will take the Fire Department longer to respond to emergency calls on either side of the highway if this is closed.

Commissioner Norden explained that the Board of Commissioners has no input on the decision to close the crossover. This is simply a forum for citizens to voice their concerns regarding the closure. The Commissioners have no direct authority to take action on the matter.

Calvin Sundermann is the Fire Chief of the Penrose Fire Department. He has tried numerous times to contact CDOT regarding the closure and nobody has ever responded to him. He said this will add two miles to their response time and will increase resident's homeowners insurance.

Richard Myer is the co-owner of the Pikes Peak Motor Company which is next to the crossover. He agrees it is hazardous to make a left hand turn out of a fast lane. However, this closure has increased the danger dramatically. The next crossover does not have any homes or businesses close to it and still remains open. When his business partner purchased the property the existing highway access permit allowed 180 cars per day.

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They re-applied for the permit with the exact same numbers as the existing permit and were denied. The crossover should be re-opened and flashing lights could be installed to draw attention to it.

Captain John Lupton from the Colorado State Patrol explained the CSP has no control over the closure. The CSP simply enforces what the regulatory signage states that is installed by CDOT. Whether the crossover is open or closed by CDOT it will be enforced. The acceleration and de-acceleration lanes are not adequate per Federal Highway guidelines. He stated it would be illegal to do a u-turn at the bottom of the hill.

Michael DeVriendt is the co-owner of the Pikes Peak Motor Company. He would not have bought the property if he knew the highway access permit would be taken away. This has financially impacted his business significantly. This closure will cause more accidents and is inconvenient for his customers to safely access his business. There are other solutions available besides this closure.

Robert Aslinger owns property on the south side of the median access in question. He and his business partner had met with CDOT five years ago and were told a ¼ mile turn lane would be required. This would cost approximately \$400,000 to install which was not feasible at the time. CDOT instructed the County Building Department not to issue any more building permits for the four lots near the access road.

Mary Roberts stated that Highway 115 through Penrose has been upgraded to four lanes. The speed limit has been reduced to 45 miles per hour where there are intersections. The speed limit on Highway 50 remains at 65 miles per hour through all of Penrose. Very few of the crossovers in Penrose have stop signs, or acceleration and de-acceleration lanes. The additional time required for emergency services to reach residents can cost lives.

Laura Taylor said there is a school bus stop at the salvage yard near this crossover. Prior to the closure the bus would pick up and drop off at this location. Now the bus stop has moved further down Highway 50. She now has to drive a lot farther to get to the bus stop, and do two u-turns twice per day. She believes this is more dangerous.

Kim Wendall lives at the south end of the Van Egmond Subdivision. She works in Colorado Springs and is now forced to drive further to the next crossover and turn into oncoming traffic that is traveling at 65 miles per hour. She was severely injured when a car broadsided her at the crossover she is now forced to use every day.

Tina Heffner said she had a close call two weeks ago at the crossover she now has to use. She was hauling her horse trailer, had her turn signal on and cars had to swerve to miss her. There is not enough room and it is a blind hill at the next crossover. She does not understand how CDOT can have any impact over building permits not being issued by the County.

Lacy Baker lives on the north side of the closure behind the salvage yard. Until the signs went up in July she was not aware it was illegal to use that crossover. Her family owns a small trucking company and pays additional highway use tax. Her husband now has to drive an additional 5.6 miles to be able to make a left hand turn in his semi truck. By closing this crossover it will now be more dangerous to get across the highway, especially in snow or ice.

Sasan Delshad addressed some of the concerns of the citizens. He apologized on behalf of CDOT for the people who did not get a response from CDOT. The Attorney General's Office had directed them to stop correspondence with the public. As this is an express highway only access will be granted to areas that have proper safety measures in place. The State of Colorado Highway Access Code is a law that has to be followed. In 2001 Mr. Van Egmond asked CDOT for an access permit. It was determined at that time a de-acceleration lane needed to be built but never was completed by Mr. Van Egmond.

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In 2007 CDOT requested the county stop issuing building permits until the lane was built. Mr. Van Egmond has since passed away and the business partner never met the CDOT requirements. There are more than 10,000 vehicles per day that travel this Highway. Once the crossover was closed CDOT informed the County Building Department that building permits could be issued again. As people continued to use the crossover and disregard the signage for Emergency Vehicles CDOT was forced to close it. Unless the additional lanes are put in, it will be permanently closed.

Commissioner Norden said they had received word from Karen Rowe at CDOT a few weeks ago that she needed more information before the crossover would be permanently closed. He asked if the comments from the citizens here today could be considered prior to the decision being made. Norden hopes there will be consistency with all of the CDOT highway access requirements for businesses in the future.

Sasan Delshad said he will make his personal contact information available to anyone who wants it and CDOT will be consistent in any decisions they make regarding access.

Commissioner Bell asked if CDOT has considered the impact this closure will have on the next crossover near The Well.

Sasan Delshad explained it is not the intent of CDOT to promote the next crossing as it is dangerous as well. Any Emergency Service Vehicle has the authority to make a turn anywhere on the highway when responding to an emergency.

2. In Consideration of an Appointment of Angela Jones to the John C. Fremont Library District Board of Trustees to fill a vacant seat on the Board with a term that will expire in 2018.

Commissioner Bell explained the Commissioners normally take recommendations from the current Library Board of Trustees to fill any vacancies they may have. The Library Board did vote on September 9, 2014 to appoint Angela Jones for the term that will expire in 2018.

Commissioner Bell moved to appoint Angela Jones to the John C. Fremont Library District Board of Trustees with a term that will expire in 2018. Commissioner Norden seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Norden, aye; Commissioner Payne, aye. The motion carried.

3. In consideration of three appointments to the Fremont County Airport Advisory Board with three year terms beginning October 1, 2014 and ending October 1, 2017.

Commissioner Norden explained there are three seats available on the Airport Advisory Board. Two of the members are seeking re-appointment. There were seven other individuals who submitted letters of interest. He and Commissioner Payne interviewed the candidates and said many of them were very qualified for the positions.

Commissioner Norden moved to re-appoint Jim Woolworth and Greg Tabuteau and newly appoint Jack Slagle to the Fremont County Airport Advisory Board each for a three year term beginning October 1, 2014 through October 1, 2017. Commissioner Bell seconded the motion noting that she was not available for the interviews but did read all of the letters of interest. Upon Vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

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4. Request: Transfer of Ownership and Name Change of SRU 13-004 AT&T Cell Tower – Texas Creek. Request approval for transfer of ownership and name change regarding Special Review Use Permit Department file #SRU 13-004. The change of ownership will be from AT&T Cell Tower-Texas Creek to Diamond Tower-Texas Creek. The name of the SRU will become Diamond Tower – Texas Creek. The property is generally located on the southeast side of U.S. Highway 50, approximately 2 miles west of Colorado State Highway 69, in the Texas Creek Area. Representative: Jeff Peters, Diamond Communications.

Jeff Peters explained that Diamond Communications is a National partner with AT&T as a build partner for their cell towers. AT&T only provides the network, not the cell towers. Diamond Communications operates the site and make it available to other companies such as Verizon, T-Mobile and Sprint.

Planning and Zoning Director Giordano said all of the minimum required documents for the transfer and name change have been provided to the department. He has no concerns regarding the request.

Commissioner Norden moved to approve the transfer of ownership and name change for SRU 13-004 AT&T Cell Tower - Texas Creek to Diamond Tower - Texas Creek. Commissioner Bell seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

5. Consideration of a Resolution authorizing The Chairman of the Board of County Commissioners to execute the grant agreement with Colorado Department of Public Health and Environment for a County-Wide EMS Medical Director

County Attorney Jackson explained the EMS Council had applied for a State Emergency Medical and Trauma Grant and was awarded it for one year. Certain EMS Agencies have to be supervised by a Medical Director. These agencies within Fremont County have struggled to obtain a Medical Director due to the lack of compensation. This grant will pay for Medical Director Services. This Resolution appoints Dr. Paul Numsen as the Medical Director. Any of the EMS Agencies within Fremont County will have the option to use Dr. Numsen's services, but it will not be required.

Commissioner Bell moved to approve Resolution #30 authorizing The Chairman of the Board of County Commissioners to sign the grant agreement with the Colorado Department of Public Health and Environment for a County-Wide EMS Medical Director. Commissioner Norden seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Norden, aye; Commissioner Payne, aye. The motion carried. Resolution #30 is attached.

PUBLIC HEARINGS SCHEDULED FOR 10:00 A.M.

None.

Chairman Payne adjourned the meeting at 10:59 A.M.

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RESOLUTION NO. 30, SERIES OF 2014

A RESOLUTION AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE THE GRANT AGREEMENT WITH THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT FOR A COUNTY-WIDE EMS MEDICAL DIRECTOR

WHEREAS, Fremont County is granted power to enter into contracts and to do other acts in relation to the property and concerns necessary to the exercise of county powers; and

WHEREAS, the County together with the Fremont County EMS Council have been working in partnership to improve and coordinate Emergency Medical Services (EMS) among all private and public agencies in Fremont County that provide EMS; and

WHEREAS, In March of 2012, the State of Colorado conducted an EMS Consultative Review of the County EMS agencies, which resulted in a recommendation for a county-wide medical director; and

WHEREAS, Colorado Department of Public Health and Environment (CDPHE) funding has been approved for one year of compensation, or a portion thereof, for a county-wide medical director; and

WHEREAS, most of the Fremont County EMS agencies presently use the services of Dr. Paul Numsen, who has indicated a willingness to serve as the county-wide medical director and be available to EMS agencies who wish to use his services; and

WHEREAS, the Board of Commissioners for Fremont County finds that it is in the best interests of the residents and citizens of Fremont County to enter into the CDPHE EMTS grant contract for one year of funding for a county-wide EMS medical director.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that Commissioner Timothy R. Payne, Chairman of the Board of Commissioners for Fremont County is hereby given authority to execute the EMS System Improvement Grant Agreement with CDPHE for \$15,600.00 to be used as compensation for a county-wide EMS medical director; and

BE IT FURTHER RESOLVED that:

1. Paul Numsen, M.D. is hereby appointed to the position of Fremont County EMS Medical Director, who shall be compensated with the proceeds of the EMS System Improvement grant;

2. Dr. Numsen's services shall be available to private and public agencies that provide EMS, but each agency may independently determine for itself who will serve the agency as medical director;

3. The Board of Commissioners for the County of Fremont authorizes the expenditure of funds as necessary to meet the terms and obligations of the Grant Agreement. No additional appropriation has been made to compensate a county-wide EMS medical director from county funds other than the proceeds from the EMS grant, described in this Resolution.

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

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: 9/23/14

T. Payne Chairman Attest: Katie E. Bau Clerk