



MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS OF THE  
SOUTH ADAMS COUNTY FIRE PROTECTION DISTRICT

February 21, 2017

A meeting of the Board of Directors of the South Adams County Fire Protection District was held at 6550 E. 72<sup>nd</sup> Avenue, Commerce City. Chairman Ken Koger called the meeting to order at 6:15 p.m.

The following Directors were present by roll call: President/Chairman Ken Koger, Treasurer Alex Fairfield, Secretary Craig Machuga and Vice President Randy Buckalew.

Director Robert Harpin was absent. Secretary Craig Machuga made a motion to excuse Director Harpin. Vice President Randy Buckalew, and President Koger voted against excusing Director Harpin. Treasurer Fairfield and Secretary Machuga voted to excuse Director Harpin. The motion was carried. Director Harpin's absence is not excused.

Also present were: Deputy Chief Dave Bierwiler; Deputy Chief Monzingo; Kelley Duke and Dino Ross, Attorneys for the District; and Diane Roemer, District Administrative Assistant.

**Guests:** Roger Japp with Northglenn Ambulance

**Public Comment:**

No comments.

**Minutes:**

Chairman Koger asked for approval of the January 17<sup>th</sup>, 2017 Board meeting minutes. Director Machuga made a motion to approve the January 17<sup>th</sup>, 2017 Board meeting minutes. Vice President Buckalew seconded. The motion carried.

**Special Reports:**

None.

**Northglenn Ambulance**

Roger Japp would like to thank everyone that attended Kelly Cambria's funeral last Friday. Chief Vincel stated there was a very good turnout.



### **District Construction Projects:**

Chief Vincel informed the Board he will have three different styles of chairs delivered at next month's Board meeting for the Board to choose which style of chair they would like for the Board room at the new headquarters building.

The headquarters building is moving along. There have been a couple of tours through the building. All the weight equipment including the floor from Station #3 will be moved to the new building.

Chief Vincel will have the PR staff, Chris VanDijk and Mike Gawel put out information to the public regarding the opening of the headquarters building. He wants the public to know Station #3 is not closing. Northglenn Ambulance will continue to use the Station in some capacity.

### **Station 4 Update:**

Chief Vincel informed the Board that Chief Monzingo will be meeting with Commerce City regarding the stripping and signage in front of at Station #4.

Chief Vincel has had two meetings with Commerce City Manager Brian McBroom. He stated that he feels the meetings are more productive.

### **Headquarters Building:**

Treasurer Fairfield inquired about security at the new building and asked if the Board room can be locked if there is an incident. Chief Vincel informed the Board there is a way to lock down the building. He will check to see about the Board room, specifically. Attorney Duke informed the Board there are other ways to secure the building, including security guards or have a buzzer to enter the building. Chief Vincel will check on other ways to secure the building.

Chief Vincel will meet with DCS bi-weekly on the progress of the headquarters building

### **Board Action Items:**

Chairman Koger stated there is an addendum to the IGA regarding fleet maintenance with Adams County Fire Protection District (Adams County FPD).

Attorney Ross explained that the addendum expands the scope of the original IGA to provide for an exchange of in kind services. In this case, the District would install additional bays and Adams County FPD would hire a third mechanic and pay his salary.



The Board expressed a concern about obtaining the property to build a third bay. Attorney Duke stated that the addendum was drafted with no time frame or mandatory deadlines. The addendum can be changed at any time.

Attorney Duke informed the Board she has been in contact with R & S Steele about purchasing the property. She stated that her Houston contact has been responsive and the Parties are negotiating a purchase price. Attorney Duke informed the Houston contact that the District will not pay more than the fair market value for the land. Attorney Duke suggested the District hire a commercial broker to get a fair market estimate of the property to have the cost of the property on record. The Board agreed to have Attorney Duke hire a commercial broker.

Chairman Koger asked for a motion to establish a fleet maintenance repair program. Director Buckalew made the motion, Secretary Machuga seconded. The motion carried.

Attorney Duke reminded the Board that Commerce City required there be affirmative approval from all the special districts in the area before Commerce City would approve Director Fairfield for the Commerce City Urban Renewal Authority (URA) Board. She sent a Memorandum of Understanding to each of the districts, for their signature. All three MOUs have been returned to her, and all that is left is for the District to approve the MOU.

Chairman Koger asked for a motion to approve the Memorandum of Understanding agreeing to appoint Alex Fairfield to the Commerce City URA Board. Secretary Machuga made a motion. Director Buckalew seconded. The motion carried.

#### **Treasurer's Report:**

The Treasurer's Report is included with the Board packets.

Chief Vincel informed the Board that he and the other Chiefs are working on limiting the overtime for the firefighters. The District's maximum staffing is also the minimum staffing.

Chief Vincel explained to the Board that at the current rate, the cost for paying overtime could be higher than the maximum amount that the Board set forth in the 2017 Budget. He also stated that due to vacations, injuries and sick time, overtime may increase. Chief Vincel wants the Board to be informed so he will bring a report to the Board concerning the overtime and what the cost may be for this year.

Chief Vincel stated the Gallagher Amendment will likely force the Colorado Legislature to lower the Residential Assessment Rate, which will have an impact on the District in 2018.

Chairman Koger inquired about the cancer tracking that Matt Morgan was working on and stated that he felt Mr. Morgan has made great strides and he does not want the District to lose sight of this tracking. Chief Vincel stated the tracking is still being worked on.



### **Bills for January 2017**

Treasurer Fairfield asked for a motion to pay the bills totaling \$1,000,523.46. This total includes bills paid on February 1<sup>st</sup> totaling \$53,138.66, bills paid on February 10<sup>th</sup> totaling \$26,552.81 which were under \$5,000 and signed by Chief Vincel; and bills signed by the Board, over \$5,000, totaling \$920,831.99.

Director Machuga made a motion to pay the bills. Secretary Machuga seconded. Motion was carried.

### **Financial Report:**

Included in Board packet.

### **Board of Directors Report:**

Director Machuga stated that his insurance company has informed him that they need a letter from the District regarding the ISO rating improving to a two. Chief Monzingo stated that the District could put a letter on the website for property owners to inform their insurance carriers of the lower ISO rating.

Director Machuga would like to see a spreadsheet of all capital projects in the last ten years including stations, radios, air packs, etc., since the maintenance shop was built.

Director Buckalew would like to thank everyone who attended Kelly Cambria's funeral.

Chairman Koger informed the Board he attended a fire commission meeting last night with Commerce City. There were problems with Station #2 and getting permits on a timely manner. The fire commission meetings will be quarterly from here on out.

### **Legal Comments:**

The attorneys' report is included in the Board packet. Attorney Duke reviewed the attorneys' report with the Board.

Attorney Duke met with John Sattler regarding the design issue with Station #4. She also spoke with the architect on the project. The offer proposed by DMCE to correct the design defect will cost \$18,857. DMCE was able to get Carrier West to donate the materials, the heat pump, and all connections. When considering the donated equipment, the cost is reduced to \$14,548. To date, DMCE has incurred about \$2,000 in time. All Red has incurred about \$1,500 to \$2,000 to re-design the three options requested. They have all offered to write off their time, and DMCE is willing to deduct \$5,000 from the project.

The District is left with a total of \$9,500 to pay for the work to re-design the heating system to rectify the problem. Attorney Duke is still negotiating the offer and would like direction from the Board how to proceed.



Chairman Koger and the Board would like Attorney Duke to continue the negotiations and settle for half of the cost of the \$9,500.

Attorney Duke informed the Board that Michelle Ferguson from their office has done several training sessions for District employees. One class was on sexual harassment and the other class was on best practice for writing reports.

Attorney Duke continues to work on the Verizon deal. She is trying to get a better deal for the District.

Attorney Duke has completed the 2016 retainer analysis for the District, which was included in the Board packets. The Board realized a savings of \$26,756, over 78% in legal fees.

Attorney Duke informed the Board that the parking easement with Commerce City has been rectified. Robert Sheasley, the City Attorney, wanted to put in a revision that stated that if the District stopped operating, the parking spaces would revert back to the City. The deed states the parking would stay with the property. Mr. Sheasley agreed with Ms. Duke and the parking will stay with the building.

Attorney Ross informed the Board that there is a legislative tracker included in the Board packets, which shows bills that have been proposed in the 2017 Colorado Legislative Session that could have an impact on the District.

HB-1070 is a bill to study drones for use by public safety agencies. The State Chiefs and SDA is supporting this bill.

HB-014 places limits on underground fuel storage, State Chiefs and SDA are against this bill.

HB-1161 provides for more transparency with TIFFS, State Chiefs and SDA are for this bill.

HB-1177- Attorney Ross is personally opposing this bill, it permits a person who is denied an inspection to force it into arbitration to resolve the dispute.

SB-078- Addresses residential storage condo utility property taxation.

Attorney Ross has not seen the cancer bill which would give the option for pulling the cancer's out of workers comp and doing it under a separate trust.

Attorney Ross addressed the Gallagher Amendment to the State Constitution ("Gallaher"). Attorney Ross explained that under the Gallagher amendment, statewide residential assessed values can make up no more than 45% of the State's total assessed values. Additionally, the assessment rate on commercial property values is fixed at 29%. Accordingly, when residential property values increase more rapidly than commercial property values, as has occurred along the Colorado Front Range, residential assessment rates must be lowered in order to achieve the required assessment ratios. The Division of Local Government released its Preliminary Findings on the Residential Assessment Rate Study



for 2017-2018 which recommends that the State legislature lower the assessment rate on residential real property from 7.96% to 6.56% beginning in the 2017 assessment year. Attorney Ross stated the Colorado State Fire Chiefs are quite concerned about the impact of Gallagher on fire districts. He stated that he will keep the Board apprised of the situation.

**Chief Report:**

Chief Vincel would like to thank the administrative staff for working together given the fact that the District employees work in such close proximity to each other.

Chief Vincel would like to again welcome Ryan Doherty the new inspector, and Randall Weigum the new Fire Marshal to the staff.

The Training Chief, Lee Witner, is making great progress reforming the entire training program. Melissa Rossback the new Human Resources Manager is working on getting the personnel files in order. She has been riding with the Battalion Chiefs to get a feel for the operations of the District.

Chief Vincel reviewed the impact of the Gallagher Amendment on the District's anticipated income. He stated the District could lose \$600,000 to \$800,000 per year of income if Gallagher passes, which would be about 10% of the budget, starting in 2018. Chief Vincel stated it will take a while for this to impact the District. It will also affect school districts and other local governments.

The Board watched a video regarding the history of the Gallagher Amendment.

Chief Vincel would like consider a mill levy increase by 2019, in order for the District to remain at the current level of service and the response times and the growth of Commerce City.

Chief Vincel informed the Board, Adams County Fire Protection District Fire Chief Pat Laurienti is working with the Adams County Commissioners on impact fees. Chief Vincel said that for the District to collect impact fees, those fees have to be approved and collected by the City Council.

Chief Vincel talked to a company that would do an impact fee study, prepare the necessary reports and talk to the City Council to get the fees passed. The company charges \$10,000 for the work. That fee would be rolled in the cost of the impact fees. If the City Council denies the request, the District is out the \$10,000.

The Board agreed to hire the company to do the study on the impact fees.

Chief Vincel inquired about Board emails. Attorney Duke stated that the Board should avoid hitting "reply all", as that can constitute a meeting of the Board. Directors should reply only to the person that sent the email. Board members can also make phone calls or form committees if they involve only two Board members.



Attorney Ross stated polling the Board has become more prevalent in most Districts. He stated that it is not the best practice, but it is sometimes what Boards must do to make timely decisions.

Chief Vincel would like to state how much he appreciates how he does business with the Board. He calls or emails Director Koger or Director Buckalew for information. He stated one meeting a month is not really enough to deal with all the issues that arise throughout the month.

Chief Vincel informed the Board that he attended a meeting and discovered Pierce is coming out with a prototype of a single axel engine with a bucket on the end.

Chief Vincel stated that the engines have already been paid for and he knows that trying to add a bucket to the trucks already on order would be a nightmare.

He would like the Board to think about financing projects instead of paying cash. The rates are low right now and that way the money could stay in the bank.

Chief Vincel would like to thank Chief Bierwiler for his work on the grants.

Chief Vincel informed the Board he and Chief Monzingo are working on dinner for the crews and staff for their work on lowering the ISO rating. Chief Monzingo is going to have Famous Dave's BBQ catered to the crews and volunteers at various times.

Chief Vincel stated Diane is working on the 75<sup>th</sup> anniversary event. It will be October 28<sup>th</sup> at the Adams County Fairgrounds Dome. He will present an award for an honorary achievement. The day after the 75<sup>th</sup> anniversary event there will be tours at Station #2, Station #4 and the headquarters building.

Chief Vincel will have a soft opening at the headquarters building after it is completed. He will have an opening at Station #2 when it is completed the end of the summer.

The ISO information is on the District's website, post cards were mailed to all residents and a video was posted on social media.

**ADCOM:**

Chief Vincel informed the Board that ADCOM was on 9-News. The director of ADCOM, Joe Estes explained the problems to 9-News and how the dispatch company operates.

**Deputy Chief Dave Bierwiler:**

Chief Bierwiler informed the Board that Randall Weigum, the new Fire Marshal, is doing an excellent job. He took an on-call shift to help out the other investigators, wrote the report and did a great job.



**Deputy Chief Bob Monzingo:**

Chief Monzingo informed the Board that the crews are not wearing their badges due to recent concerns. He is looking into less formal uniforms for the crews that are not so costly. He is having someone come in and discuss different types of uniforms for the crews.

Chief Monzingo informed the Board that he met with some doctors today and is getting the SACPACK, the physical ability test validated. He working on a physical fitness program that should take about two years to get everything in place. He wants to maintain the health of the firefighters.

**Volunteer Fire Department:**

Chief Vincel informed the Board that the volunteers put in 984 hours of staffing in January, there are 28 active volunteers in the Department.

Chief Monzingo informed the Board there may be a lateral academy this year to bring on more volunteers.

**Executive Session:**

Director Machuga made a Motion to go into executive session pursuant to C.R.S.24-6-402(4) (b) to receive advice from legal counsel, Director Fairfield seconded. The motion carried.

Attorney Ross stated for the record that the executive session constituted privileged attorney-client communications and would not be recorded.

The Board came out of executive session at 9:15 p.m.

**Adjournment:**

As there was no further business, Chairman Koger adjourned the Board meeting at 9:15 p.m.

**SUMMARY OF ACTIONS TAKEN BY THE BOARD**

**RESOLVED:** To approve the minutes of the January 17<sup>th</sup>, 2017 meeting.

**RESOLVED:** To approve the Treasurer's report for January 2017.

**RESOLVED:** To pay the bills for January 2017, totaling \$1,000,523.46.

**RESOLVED:** To update the IGA Fleet Maintenance agreement with Adams County Fire Department

**RESOLVED:** To appoint Alex Fairfield to the Commerce City Urban Renewal Board



X

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Ken Koger  
Board President 2/20/2017

X

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Craig Machuga  
Board Secretary 2/20/2017

I hereby attest that the information communicated during the Executive Session, which was not recorded, constituted privileged attorney-client communications.

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Kelley Duke, Esq.

I hereby attest that the Executive Session was confined to the topics authorized for discussion in Executive Session pursuant to C.R.S. § 24-6-402(4)(b).

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Ken Koger, President/Chairman