



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

March 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 Machuga made a motion to excuse Director Harpin. President Koger, Vice President Buckalew and Treasurer Fairfield voted not to excuse Robert Harpin. The motion was did not carry and Director Harpin's absence is not excused.

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

**Guests:** Roger Japp, Jamey Buckalew and Melissa Kalnin with Northglenn Ambulance, Melissa Rossback, Battalion Chief Derek Ross, Nick Graff, Josh Luse and Alden Foote.

**Executive Session:**

Director Machuga made a motion to amend the agenda to go into an executive session pursuant to C.R.S. § 24-6-402(4)(b), conference with an attorney to receive legal advice matters involving inclusion/exclusion. Treasurer Fairfield seconded. The motion carried.

The regular Board meeting was reconvened at 6:44 P.M.

A motion was made to amend the second executive session, under 19, to read; to also include a discussion on Impact fees, legislation required by the Gallagher Amendment and Board government matters, Vice President Buckalew made the motion, Treasurer Fairfield seconded. The motion carried.

**Public Comment:**

No comments.



**Minutes:**

Chairman Koger made a motion to correct the February 21, 2017 minutes to show that Director Harpin was not excused from the meeting, there was a 3-1 vote not to excuse him, Director Buckalew seconded.

The motion carried.

Treasurer Fairfield made a motion to approve the February 21, 2017 minutes with the above correction. Director Buckalew seconded. The motion carried.

**Special Reports:**

**Northglenn Ambulance**

Roger Japp would like to thank Chief Monzingo for his help today at ADCOM with the new Computer Aided Dispatch (“CAD”) system. There were a few bugs, but overall it went very well.

**District Construction Projects:**

Chief Vincel informed the Board that John Sattler sent him an email regarding the District projects; Station #1 work has been completed. There were some change orders added to the contract, carpet in the day room was replaced, the duct work on the roof was raised to accommodate the new insulation thickness, hot water heater was replaced, the utility sink was replaced, the concrete was removed and replaced to adjust the grade of the floor, the floor tile abatement in the mechanical room was expanded and the mechanical room was sealed with an oxy seal. All of these jobs were completed within the budget. They also hired a cleaning crew to clean the entire building

Battalion Chief Ross is working with the Association to get the bay cleaned up, new ceiling tiles installed and the walls painted.

**Station #2 Update:**

Chief Vincel stated that permits were issued by Commerce City on March 15, 2017. The initial delays appear to be caused by emails that contained more revisions than Commerce City expected. The total permit fees were \$49,463.44, which includes a plan review fee of \$4,594.44, a permit fee of \$7,068 and a user fee of \$37,800.

Estimated completion of the Station is 120 days from permitting. The estimated move in date will be in mid-July. Several sub-contractors left the project due to the delays in permitting; this is contributing to the overall delay of the project.



A 7-11 has been built on the adjacent property in the southeast corner by Station #2. They are looking for an easement across the Station #2 frontage to run storm sewer. DCS is working with Attorney Duke regarding the easement. Chief Vincel will present his recommendations to the Board after he has more information.

#### Headquarters Building:

Chief Vincel informed the Board that substantial completion of the Headquarters Building is scheduled for March 31, 2017. He anticipates the Temporary Certificate of Occupancy (TCO) to follow. At the end of April the furniture, the antique truck and the historical items will be moved in. The staff will move in sometime before mid-May.

The voice and data cabling are 80% complete. Comcast is 50% complete. Access and control cards are 30% complete. The kitchen equipment is 100% complete. The employees have selected their furniture for the offices. Chief Vincel would like the Board to pick out what type of file cabinets they would like for the Board room. The reception desk glass will be installed, it will cost \$12,000, which is covered in the contract.

Chief Vincel is in talks with Northglenn Ambulance regarding the use of Station #3.

Chief Vincel would like to commend the crews at Station #4 for cleaning the antique truck. The only thing they had to replace were the lights and some leather straps.

Chief Vincel asked if the Board would like a security guard once a month at the Board meetings. The Board agreed to have a security guard at the meetings.

#### Station #4 Update:

Attorney Duke updated the Board on the HVAC issue at Station #4. She spoke with Brad Bonnet, the electrical engineer from Allred Architecture, who informed her that the original proposal was to place a cooling/heating unit in each room. She received a quote for \$6,500 from Mr. Bonnet. He did not want to commit to covering the entire cost, since he did not have the electrical costs or permitting fees. Attorney Duke would like to know if the Board would be willing to consider placing units in each room for the cooling and heating problems, if the Board didn't have to pay anything.

Chairman Koger stated that he was concerned about placing units in the walls of a brand-new building. Chief Vincel stated that he feels this is the best option for the building, especially if there is no cost to the District. Attorney Duke informed the Board that if the units are placed in each room, it will save on the utility costs, since the whole building will not have to be cooled or heated, only rooms currently occupied. The heating and cooling will be piped through with the geo-thermal unit.



Attorney Duke would like to discuss this option with the engineer and let the Board know what if any cost there would be.

The Board, with the exception of Chairman Koger, agreed to have Attorney Duke check into the cost of the wall units and see if there would be any cost to the District. Attorney Duke will update the Board when she has further information.

**Board Action Items:**

No items to discuss.

**Treasurer's Report:**

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

Chief Vincel informed the Board the 2017 Budget will be posted on the website. He also informed the Board that the District did very well in 2016, coming in under the District's 2016 budget. He stated that the District will not see that much of a savings again.

Chief Vincel stated that he and his staff work closely with the accountants each month to monitor what is on track and what is not. Chief Vincel stated that one thing that may surprise the Board is the amount of overtime by the firefighters. The volunteers do cover sick days and vacations, but there is still going to be some overtime.

Chief Vincel explained to the Board that the firefighter salaries went from \$3.9 million last year to \$5.9 million this year. That means salaries make up 61% of the year's budget.

Chief Bierwiler informed the Board there is still 98% of the District revenue to collect this year. The other revenue consists plan reviews, rescue billing, UTA tiff, and post office income.

The operating portion of the budget is on track; the utilities will be higher than budgeted, because staff cannot easily anticipate the use of Station #4 and the headquarters building.

Chief Bierwiler informed the Board that the District's workers' compensation insurance and its liability insurance was paid up front for the year.

The salaries and benefits are at 87% left to spend, 84% was projected. However, there are still raises that will be issued this year.

The debt service is high now but will decrease over time.

Chief Vincel is waiting to hire any more firefighters to see what happens with the Gallagher Amendment.



He is also waiting to review the Volunteer Pension Actuarial study to see how much money will need to be placed into the volunteer pension fund.

Chairman Koger asked at what point is it more cost effective to hire new firefighters instead of paying for overtime. Chief Vincel stated that Chief Monzingo is keeping track of the overtime and is waiting on data from the Battalion Chiefs to determine when more firefighters will be hired.

Chief Monzingo informed the Board there are thirteen firefighters on shift each day. The Battalion Chiefs rely on the volunteers and part time firefighters to fill in for the overtime. Chief Monzingo keeps track of and approves all overtime.

Chairman Koger stated he never wants a crew to have not be fully staffed; it is a safety issue. He feels if the District needs to hire three more firefighters they should do so. Chief Vincel informed the Board he wants to make sure the budget is sustainable before he hires three more firefighters. He will know more in May when the Colorado Legislature addresses the change in residential assessment rate forced by the Gallagher Amendment.

He is also looking for additional sources of income for the District. He is in talks with Northglenn Ambulance regarding Stat. #3.

#### **Bills for February 2017**

Treasurer Fairfield asked for a motion to pay the bills totaling \$921,455.27. This total includes bills paid on February 28<sup>th</sup> totaling \$25,665.95, bills under \$5,000 and signed by Chief Vincel which were paid on March 14<sup>th</sup> totaling \$27,018.13; and bills over \$5,000 which were signed by the Board \$868,771.19.

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

#### **Financial Report:**

The Financial report is included in Board packet.

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

Treasurer Fairfield would like to thank Chief Monzingo for all his work on the CAD system installation. Chairman Koger would like to thank the Chief for the good presentation last night at the Commerce City Council meeting.

#### **Legal Comments:**

Attorney Duke informed the Board that the property behind the maintenance facility was appraised at \$55,000 for the half acre parcel. Attorney Duke spoke with a representative at R&S Steel who informed her that they have a development agreement with Commerce City. The agreement states that if the



parcel is sold to the District it will trigger a development obligation to build out Syracuse Street. They have requested that the District help them pay a portion of the \$40,000 to build out that street.

Since this is a negotiation, attorney Duke would like to discuss this matter in an executive session.

Chairman Koger made a motion to discuss the matter in an Executive Session. Treasurer Fairfield made a motion to amend the agenda for negotiations with R & S Steel, Director Machuga seconded. The motion carried.

Attorney Ross reviewed the legislature tracker, and highlighted the following bills:

A bill has been introduced which would allow special district Boards to increase their members from five to seven directors. Each special district would determine if they wanted to make this one-time change.

The First Responder Peer Support Testimony Privilege Bill (HB17-1032) clarifies that communications to a first responder peer support team member are privileged and cannot be used in testimony. The bill has been signed by the Governor.

SB17-014, a bill that would prohibit local governments from imposing inspection requirements for underground petroleum storage tanks or charging inspection fees for the inspection of underground petroleum storage tanks has moved through the Senate quickly and is now in the House. Fortunately State Chiefs and SDA mobilized and talked to the bill's sponsor, informing him there was a real problem. They are in negotiations on some amendments to the bill that would allow for continued inspections but limit the amount of fees imposed.

SB17-055, a bill that would prohibit an employer from requiring any person, as a condition of employment, to become or remain a union member or pay union dues has been postponed indefinitely.

Attorney Ross stated there were a couple of FPPA bills that do not have direct impact on the District.

SB17-040 Public Access to Government files, requires records custodians to release information maintained as "structured data" in that format if requested. The structured data could be in an excel spreadsheet and could be manipulated. This bill is still in appropriations. Attorney Ross feels this bill is highly convoluted and could cause all kinds of problems.

SB17-078, The Residential Storage Condo Unity Property Taxation, establishes that a residential storage condo unit is a residential improvement. This would allow the unit to be assessed at the residential real property rate instead of commercial real property rate. The bill is stalled in the Senate.



An upcoming bill would increase the upper limit of compensation for special district board members from 12 meetings per year to 24 meetings per year. Board members may still only be compensated a maximum of \$100 dollars for meeting, for a total of \$2,400 per year. The level of compensation remains a decision of the Board.

The firefighter cancer bill was introduced to the Senate. Attorney Ross feels this bill should go through without a lot of opposition.

Attorney Ross informed the Board he spoke with the FPPA attorney today, he does not see a whole lot of interest in pushing legislation through. FPPA may do its own internal rules with their plans.

**Chief Report:**

Chief Vincel informed the Board that during the process of reviewing files for retention purposes, they have found some interesting paperwork. For example, Staff has found the original volunteer application from James Machuga, Craig's dad, dated April 19<sup>th</sup>, 1961. Chief Vincel stated he would like to give it Craig.

Chief Vincel met with Kris Kramer and Roger Tinklenburg from Commerce City regarding the Commerce City Urban Renewal Authority TIFF, which will increase due to the Mile High Greyhound Park subdivision. The District is on the Commerce City Council agenda for May 1<sup>st</sup><sup>th</sup>. At the April Board meeting Molly Fitzgerald will have a report regarding the impact fee study.

Chief Vincel met with Dominic Moreno regarding the Gallagher Amendment's impact on residential assessment rate. He is going to be the liaison with the District regarding the amendment.

Chief Vincel would like to thank Chief Monzingo for his work on the new CAD and RMS system at ADCOM. This was a huge ordeal and change at ADCOM.

Chief Vincel informed Secretary Machuga that the list of capital improvements is in the Board packets. Secretary Machuga thanked the Chief for the information, and stated it was interesting to see all the capital projects that have been completed in the past ten years.

Chief Vincel informed the Board that the Association had a meeting with the spouses. There was good feedback from people interested in working on the 75<sup>th</sup> anniversary.

Chief Vincel informed the Board that Jim Sherwood passed away on February 24<sup>th</sup>. His sisters will receive the \$1,500 funeral benefit for him.

Chief Vincel and Chief Bierwiler met with Don Sandoval from the oil and mineral grant committee.



Mr. Sandoval informed the Chiefs that the District is not eligible to receive the grant for Station #2 since the District has already signed the construction agreements. Chief Vincel stated he feels the grant could be submitted for the maintenance shop construction.

The timing will be critical in order to receive the grant. If selected it takes about 90 days to sign a contract with the state, and construction has to start right away.

**Deputy Chief Dave Bierwiler:**

No report

**Fire Marshal Randal Wiegum:**

In the past month and a half Fire Marshal Wiegum has had a weekly meeting with the fire prevention staff to go over codes, policy and procedure training, and fire investigation skills.

For February and March there have been twelve fire investigations, two that were completed by operations personnel and ten that were completed by fire investigators.

Out of the ten, five were accidental causes, one was undetermined vehicle fire and six were arson fires.

The fire prevention division is in the process of working the arson cases with Commerce City Police Department. Fire Marshal Wiegum is in the process of working with the Adams County District Attorney on a fire code violation of an illegal burn.

The fire inspections will be logged into ImageTrend. Right now, Dean Vitale and Ryan Doherty are finalizing a list of approximately 1,900 businesses that require inspection. Those businesses will be placed in the records management system. Fire Marshal Wiegum is putting together a priority list of what businesses will be inspected by fire prevention or operations.

Fire Marshal Wiegum and Ryan Doherty have been out inspecting high life hazard businesses, apartment buildings, assisted living, event centers and restaurants.

There have been 41 plan reviews brought in since January. 33 have been approved and eight are still waiting for approval.

Chief Vincel will have Lee Whitner at the next Board meeting to report on life safety and the exposure tracker.

**Deputy Chief Bob Monzingo:**

Chief Monzingo informed the Board that the District is now on closest unit dispatch. There were a few bugs to work out, but seems to be running fine.

The new engines should be here between April 7<sup>th</sup> and 15<sup>th</sup>. He and three firefighters are going to look at the engines at the factory on April 4<sup>th</sup>. The engines should be in service late May of this year.



Chief Monzingo asked the Board what they would like to do with the old extrication equipment. After discussion, the Board decided they would like the equipment to go to a neighboring department in need, instead of an out of state fire department.

**HR-Melissa Rossback:**

Melissa Rossback informed the Board the record retention project is on schedule. There are seven phases to be completed. She anticipates that all files at this office will be electronic by the time Staff moves into the headquarters building.

She will be keeping some of the older volunteer applications; the rest will be scanned and the files shredded.

Once Staff get to the new building, the files from Station #2 will be scanned and shredded.

**Volunteer Fire Department:**

Battalion Chief Ross informed the Board he met last week with the Association Board and they have some plans to paint Station #1 and put up new ceiling tiles.

He is working on a committee for the 75<sup>th</sup> anniversary in October.

The first quarter has gone well with the volunteers. There are a couple of volunteers that will retire this year. Ron Syzmanski and Denny Streed have completed their ten years.

**Union Report:**

Chief Vincel informed the Board that Nick Graff is the liaison of the union for the firefighters. The union number is #5124. All firefighters up to the Deputy Chiefs can join the union.

The union is talking about having the golf tournament this year.

**Executive Session:**

Director Fairfield 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 Buckalew 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 went into executive session at 8:30 p.m.

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 February 21<sup>st</sup>, 2017 meeting.

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

**RESOLVED:** To pay the bills for February 2017, totaling \$921,455.27

X

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Ken Koger  
Board President 3/21/2017

X

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Craig Machuga  
Board Secretary 3/21/2017



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