

**MINUTES OF THE REGULAR MEETING OF
BOARD OF DIRECTORS OF THE
MOUNTAIN VIEW FIRE PROTECTION DISTRICT**

July 17, 2006

I. OPENING OF REGULAR MEETING.

A. Call to Order.

The regular meeting of the Board of Directors of the Mountain View Fire Protection District was held at the Niwot Station, 8500 Niwot Road, Niwot, Colorado, on July 17, 2006, and was called to order by Judy Rusk at 1900 Hours.

B. Pledge of Allegiance.

All persons in attendance participated in the pledge of allegiance.

C. Roll Call.

The meeting was attended by the following Board members: Judy Rusk, Anne Freeman, Randolph Winsett, Stephen Walker, and Scott Lyle.

Also present were: John Devlin, Steve Pischke, Donna Mullison, Twink Dalton, Dick Lyons, Mark Lawley, Isaac Marcantonio, Randy Norris, Ed Seibert, Joe Rusk, Chris Robillard, Chris Lawler, Sue Nelson and Kellie Beran of Left Hand Grange, Mike Holubec.

D. Approval of Agenda.

Chief Devlin stated there will be a need for an executive session, pursuant to Section 24-6-402(4)(b), C.R.S., for legal advice and for personnel issues, pursuant to 24-6-402(4)(f), C.R.S.. Randy Winsett moved to approve the agenda, as written. Scott Lyle seconded such motion, and it was thereafter unanimously approved.

E. Chief's Report.

Chief Devlin stated he had nothing further to add to his report.

II. CONSENT AGENDA

A. June 19, 2006 Regular Meeting Minutes.

Randy Winsett moved to approve the June 19, 2006 regular meeting minutes, as written. Stephen Walker seconded such motion, and it was thereafter unanimously approved.

III. PUBLIC/MEMBER PARTICIPATION

A. Grange.

Kellie Beran from the Niwot Grange made a presentation to the Directors regarding the old building used by the Fire Department. She reviewed the 50 year lease, for \$1. If not used for an active fire station for five years or more, the building reverts to the Grange. Discussion was held

regarding what is being stored in the building. She asked what the Fire Department wanted to do. Two options (1) you can keep the fire truck in there and other fire department items, but need a new lease and must address security; or (2) revert building to the Grange for its use and the community's use. Mike Holubec gave a history of the building that was built by the Niwot Men's Club. The District insured that building, and it was "the department's" building, and so long as a fire truck was housed inside, it is being used as a fire station. If the District doesn't want the building, the District can remove it. Chief Devlin recommended the Board review the lease and form a committee to meet with the Grange representatives. Judy Rusk stated the Board will look at the lease and get back to the Grange.

IV. EXECUTIVE SESSION

Stephen Walker moved to adjourn to executive session pursuant to Section 24-6-402(4)(b), C.R.S., for legal advice and for personnel issues, pursuant to 24-6-402(4)(f), C.R.S.. Anne Freeman seconded such motion and it was thereafter unanimously approved to adjourn to executive session at 1908 Hours.

Chief Lawley, Chief Devlin and Chief Pischke were asked to stay for the meeting.

The executive session was adjourned and the regular meeting reconvened at 2020 Hours.

Stephen Walker moved to accept the resignation of Chief Devlin immediately, but noted he will continue to be an employee of the District through all his vacation time, and thereafter his medical disability retirement will begin, pursuant to the terms of his contract. Scott Lyle seconded such motion, and it was thereafter unanimously approved.

Scott Lyle moved to set a special meeting for July 25, 2006, 7:00 p.m. at Station 1. Randy Winsett seconded such motion and it was thereafter unanimously approved. Judy Rusk stated the special meeting is being called for the purpose of defining responsibilities with interim officers and to discuss the process for replacing Chief Devlin.

Stephjem Walker moved to appoint interim chiefs as follows: Administration to Deputy Chief Pischke, Operations to Mark Lawley, and Budget Officer and control of budget as Chief Financial Officer to Donna Mullison.. Scott Lyle seconded such motion and it was thereafter unanimously approved.

V. ACTION ITEMS

A. June, 2006 Financial Statements.

Chief Pischke reviewed the June, 2006 financial statements. We are currently under budget. We have stemmed the tide in terms of large usage of overtime. We continue to work at that so that we will not go over those line items by the end of the year. We are using overtime on a limited basis, with exception of wildland, where we have a type 6 engine out in South Dakota at this time, and we do make additional monies for the District when deployed. Judy Rusk asked if we tracked how many sick leave injuries, etc. overtime issues we have as a result of the amount of OT spent filling wildland? How much additional pressure do we put on people filling these overtimes. We need to track this to see if we are really being cost effective and not hurting our crews. Chief Pischke stated that we are not mandatorying anyone to cover for wildland, based on current staffing. If no one were to fill the slots voluntarily, we would have to review. Judy Rusk stated we cannot reduce our service levels to accommodate wildland deployment.

Stephen Walker asked about the recommendations made by the auditor at the last meeting. Anything regarding bundling services, i.e. fuel, etc. being done? Chief Pischke stated not at this

time, but he will meet with the auditor and go over the information. Dr. Walker asked about credit card charges with U.S. Bank, late payment fee. Donna explained that they will waive the late fees. Dr. Walker asked to look into the company, as well as others, as perhaps others that may not charge these fees, post payments earlier, etc.

Scott Lyle moved to approve the June, 2006 financial statements. Anne Freeman seconded such motion, and it was thereafter unanimously approved.

B. Handbook Clarifications – Board of Directors Responsibility & Dispute Resolution Changes – 2nd Reading.

Judy Rusk reviewed the dispute resolution procedures change. Stephen Walker moved to accept the revised dispute procedure as presented. The motion failed for lack of a second.

Donna asked about the Board responsibility proposed change. Chief Pischke recommended the Board table until the next meeting. Stephen Walker moved to table this section until the special meeting on June 25th. Scott Lyle seconded such motion and it was thereafter unanimously approved.

C. Somerset Meadows/Wyndham Hill Exclusion Hearing.

Dick Lyons stated the Duval property (Somerset Meadows) and Wyndham Hill exclusions are up for hearing. He stated, upon information from the Duval's attorney, this should be tabled at this time until the City can provide services appropriate and access is built. We will receive information when this has been completed. The District will continue to receive taxes until the exclusion is finalized. The proposed Board order is for Wyndham Hill only. Dick Lyons stated no adverse comments have been received.

Scott Lyle moved to adjourn to Public Hearing for the proposed Somerset Meadows/Wyndham Hill Exclusion. Stephen Walker seconded such motion, and it was thereafter unanimously approved.

There being no public comment, the public hearing was adjourned by President Judy Rusk, and the regular meeting reconvened. Dick Lyons stated the Notice of Hearing was published 6/30/06 in the Times-Call.

Scott Lyle moved to approve the Wyndham Hill Exclusion. Stephen Walker seconded such motion, and it was thereafter unanimously approved, and the Order of Exclusion was signed.

D. Board Remuneration.

President Rusk initiated discussion regarding the changes in the law that allows Directors elected in May, 2006 and thereafter to receive the sum of \$100 per meeting, increased from the current \$75.00 per meeting received.

Stephen Walker moved to allow Lyle, Rusk and Freeman to receive \$100 per meeting. Anne Freeman seconded such motion, and it was approved by majority vote, with Lyle voting nay.

E. Set Harvest Junction Exclusion Hearing.

Scott Lyle moved to set the exclusion hearing for the proposed Harvest Junction property for August 21, 2006, 7:00 p.m., Brownsville Station. Stephen Walker seconded such motion, and it was thereafter unanimously approved.

F. Front Range Fire Consortium IGA.

Chief Pischke reviewed the proposed IGA. Two primary reasons for the new agreement are to reflect a name change (from Northern to Front Range) and to more fully define the purpose of the consortium to provide training, and to define the certification process. Judy Rusk asked if the people coming out of academy have certification? Chief Pischke and Randy Norris stated that certification is obtained upon graduation from the academy. Dr. Walker asked what the annual assessments are? Chief Pischke stated it is \$3,500 this year and \$4,000 next year. This allows our District to send as many career personnel to the firefighter academy, and 3 or 4 persons to the PDCO (officer development) program. Chief Pischke gave examples of usage, etc. by other entities. There are two academies each year. Randy Winsett asked if there was a board currently sitting for the consortium. Chief Pischke stated yes, made up of the Chiefs of each organization. Stephen Walker moved to approve the Front Range Fire Consortium IGA. Scott Lyle seconded such motion, and it was thereafter unanimously approved.

G. Dacono Station – Wells Fargo Payoff.

Chief Pischke reported on meetings he attended regarding alternative funding sources for the Dacono Station Construction Project. He met with the Dacono Mayor and City Administrator. Don Sandoval of the Division of Local Government was contacted, and the District would be eligible for a matching Energy grant in Weld County for the station. For example, a grant could be \$400,000-\$500,000 and the District would have to match that grant. Criteria to apply for the grant would need to prove the relationship to mineral production, the need for providing a service to the area and the local commitment (ability to pay/match the grant) is considered. Options were discussed regarding a fire station in Dacono. Chief Pischke came up with five options, assuming we can afford payments. Judy Rusk stated you must show support from the community, and if we cannot make the payments for more than three years, and with two failed bond/mil levy questions, she cautions whether we can do this. Chief Pischke stated his spread sheet shows that the cost would be approximately \$60,000 per year, for 15 years and we have enough in capital reserve to make the payments for three years.

Chief Pischke asked Donna to distribute projections for the general operating budget and capital reserve fund. Judy Rusk stated these were requested two months ago. Chief Pischke explained the current projections and what information they are based upon. That is not to say that we have all the information. We are currently in the process of compiling information from all District department heads, etc. Chief Pischke called other fire departments to see how they are projecting their revenues, specifically budgeting/projecting for 2007. Others were looking at 2% for Boulder County, but we used 1.5% as our projection. Judy Rusk stated that St. Vrain Schools is showing a 60% reduction in home sales. Chief Pischke stated a Weld County department is using 16% increase for Weld County, and we are projecting a 6% increase in these projections. Trends are difficult to determine. Right now it is pure guess work, but we will have a better idea when we receive numbers from the counties at the end of August. Judy Rusk initiated discussion regarding growth, job layoffs and reduction in cost of houses, new and old. Chief Pischke discussed Weld estimates. He indicated that when the proposed 2007 budget is delivered to the Board in October, it will probably be quite different than the one distributed tonight. The current projections do not include any Dacono Station funding/payments. Judy Rusk stated that even if we receive the grant, we could only make payments for three years on a 15 year lease-purchase. Chief Pischke stated that we would have to rely on a successful ballot question. Judy Rusk stated we need to have the money first, before entering into a lease-purchase. Chief Pischke stated he was just bringing forth the information requested by the Board regarding optional revenue sources. Scott Lyle asked if it was a Federal or State grant. Chief Pischke stated it was a State grant through Weld County. Scott Lyle stated the Board President feels the State will deny. Shouldn't we ask what our chances are? Judy Rusk stated that with another District she has seen first hand that with obvious lack of community support the grant was not supported. Scott Lyle discussed using part of the Wells Fargo monies, rather than paying it off entirely, to check into grant options at this time. Is that line of communication possible? Stephen Walker stated it was worth looking

into this as the Mayor of Dacono came to the Board asking for support for construction of the new station. If there is a way to find out the possibility of the grant being approved, shouldn't we seek that information? We need more information. Judy Rusk stated that if we go forward without a lot of support from Dacono, what would the taxpayers say? Stephen Walker asked that we table this and see what additional information we can obtain prior to making a decision. Stephen Walker stated we are looking for some verifiable determination from the people in Dacono regarding their support. The voters spoke loud and clear at the last election, and they did not pass the ballot question. Chief Pischke stated that the Mayor and the council/staff are some of the biggest supporters of our District. Judy Rusk stated we should speak with Mayor Carlson about an IGA that could include requiring developers providing a certain amount of dollars per household/business. Chief Pischke stated they did not seem willing to do that. Chief Pischke discussed the great support that has been offered by the City officials, and he will go back to the City for more information. Stephen Walker stated that for us to progress on this project, we need proof of support. In addition, we have a business community in Dacono that is reliant upon the services we provide. How motivated are they to protect their interests and to help us? Stephen Walker would like to read the information Chief Pischke has on this matter.

Judy Rusk asked why the loan was not paid back in June. Donna Mullison stated we did not receive the payoff numbers until July 11th as shown in your packet, even though they were requested immediately following the last Board meeting. Donna Mullison distributed the latest statement showing the amount of interest being made each month, and it is more than the amount being accrued on the loan. Chief Pischke asked the Board to allow the District to wait to payoff the lease-purchase until a decision is made on the grant. Scott Lyle stated it is not costing us anything to hold off on paying off the loan at this time. Need to get more research on this matter prior to making a decision.

B.C. Rusk shared information regarding applying for an energy impact grant, as he was personally involved in a grant process for a sewer district. He explained the process for applying for a grant. Due to a failed election question, the grant was not approved for the sewer district. Also, they only approve a certain number of times per year, and you may have to wait months for a decision. Sandoval should be able to provide insight into what kind of chance we would have in obtaining a grant.

Stephen Walker moved to table this until the next meeting. Randy Winsett seconded such motion, and it was thereafter unanimously approved.

Donna Mullison asked for clarification as the \$90,000 interest only payment is due August 1st on the lease-purchase. The Board consensus was to pay the interest only payment due August 1, 2006.

Scott Lyle moved to table the decision to payoff the lease-purchase until the August meeting. Stephen Walker seconded such motion, and it was thereafter unanimously approved.

VI. REGULARLY SCHEDULED ITEMS

A. Election Strategy Discussion.

Chief Pischke initiated discussion regarding the RFPs for costs pre and post decision on a ballot question which were requested by the Board at the June meeting. Deadline for receipt of RFPs was today. Three companies provided RFPs. Chief Pischke distributed copies of the RFPs for the Board's review and asked that perhaps a special meeting be scheduled to review these. Judy Rusk stated that we are allowed to expend District monies for research. Chief Pischke stated that information is included in the RFPs, i.e. when/how much, etc. Anne Freeman stated that there is a sense of urgency, as we have barely a year until a possible election next November. A Special meeting shall be called for August 15th, 7:00 p.m., Station 1. Judy Rusk stated she will be out of

town at the September meeting. Staff will confirm with Director Winsett regarding the 8/15 proposed meeting, and thereafter notices will be send out for both special meetings.

VII. REPORTS

A. Station Reports.

Chief Rusk and Chief Pischke reported that volunteer recruiting banners have been received, one is up and the other three will be up very soon.

B. Staff Reports.

(1) Operations/Training

Chief Lawley stated the District had one fire last month in Dacono in a mobile home. Responded relatively quick and put it out. Fire is still under investigation. Training has increased in the last few months. Taught 6 sessions of the propane prop, which included other entities. Approx. 111 persons participated. Feedback has been very good. Capt. Bennet, Lee Brown, Lance Nelsen, Chris Queen attended instructor session at Boulder Training Center. Large building search and rescue classes have been taught to volunteers and career. Currently assuring all District members successfully become certified in NIMS 700 and 800. We must have this to be eligible for Federal grants. Four people graduated from the Front Range Fire Consortium Academy. June 7, 2006 First Responder class began, will conclude August 17th. Live Fire training will be held in Longmont Training Center this Wednesday, 7/19. We have some people that will be attending this instructor class.

(2) EMS

EMS Director, Twink Dalton,, reported the District has run 89 calls since last board meeting, nearly _ required no transports or no one was injured. 17 hours of CME were offered, one debriefing of an incident involving four entities was held. We have embarked on a venture to figure out where all EMS income is coming from. Income from Medicare/Medicaid is only 15%, so the new rules coming into effect should not affect us. . 62% of payments are from insurance. Bad debt for this year is 33% of our total billing. Compared to other agencies it is low. Other agencies are as high as 40-45% Write-off of Medicare/Medicaid is 25% of write-offs.

Twink Dalton reported we do not have an actual return on billing number. Our billing agency reports how much is billed each month and how much is collected, but there is no correlation between the two. She tracked returns for an entire year, resulting in a 52% collection rate. This is good as many other agencies have between 30-45%. Stephen Walker asked if the billing agency provides an aging report. Twink stated we do not receive that report. The billing company stated they do not have that report, as their software does not provide this information easily. Discussion regarding ongoing collections, payment plans, etc. Staff will be sitting down with the billing company representative to go over information, give expectations, etc. Judy Rusk asked if an accountant should meet with you. Scott Lyle stated an aging sheet should be a basic report offered. Staff will clear date for the next meeting with Mr. Lyle so he can attend.

Twink reported that the District is moving on to competencies for EMTs and First Responders on an annual basis. This is in our State law and one of the responsibilities for medical directors. We need to have everything in place and documented.

(3) Fire Prevention

Fire Marshal LuAnn Penfold distributed her monthly report including plans reviews, inspections, etc. for the June and reviewed the same. Revenues are 18% over projections for this time of year. Jamie Wood was injured off the job, and is being utilized on light duty to help with inspections, etc.

(4) Admin

Chief Pischke distributed an informational sheet regarding administrative meetings, etc. attended within the last month. Would like to provide this information monthly to enhance communication from Admin to the Board.

(5) Volunteer/Reserve Program

B.C. Rusk gave a report on volunteer officers' efforts regarding recruiting/retention and training of new volunteers and reserves. They are involved in all facets of the application process. Currently two firefighters that were qualified due to prior experience and certifications came on board nearly immediately. Currently 14 people are in the volunteer process. 11 were invited to orientation tonight, of which 9 confirmed they would attend. If everything works out we should have 11 persons in the next academy. We have included First Responder and CPR certifications. New volunteers will obtain these either before or after the academy. We have initiated a mentor program where all volunteer/reserve lieutenants are assigned new volunteer/reserves to follow-up, reach out and keep them informed and involved in the District.

Officers are addressing other issues to streamline the process and close the loopholes. Chief Pischke stated that a First Responder class will be offered beginning September 11th for persons who don't get into the academy. Thereafter, those persons will attend the next fire academy. This helps keep their interest level up and streamlines obtaining certifications necessary to become active with the District.

C. Other Reports.

Chief Pischke asked if we wanted to set up the committee to meet with the Grange. Anne Freeman volunteered to be involved. Judy Rusk stated she can be involved as well. Chief Pischke will communicate via e-mail regarding a meeting.

VIII. BOARD MEMBER ITEMS

NONE.

IX. ADJOURNMENT

There being no further business to come before the meeting, Anne Freeman moved to adjourn the meeting. Stephen Walker seconded such motion, and it was thereafter unanimously approved to adjourn the meeting at 2155 Hours.

Respectfully submitted,

President Date

Secretary Date

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