



Fire Protection District

Protecting Lives and Property Since 1962

RECORD OF PROCEEDINGS
Fairmount Fire Protection District
Board of Directors Regular Meeting
February 13, 2019

Chairman Robert Wilson II, called to order the Regular Business Meeting of the Fairmount Fire Protection District Board of Directors on Wednesday, February 13, 2019 at 4:00 P.M.

Chairman Robert Wilson II led the Pledge of Allegiance.

A moment of silence was observed for all fallen firefighters and police officers.

ROLL CALL:

Board Members Present:

Robert Wilson II, President/Chairman

Tom Young, Vice President

Steven Shimeall, Secretary

Mark Chenoweth, Treasurer

Craig Corbin, Director

Also present were: Fire Chief Alan Fletcher, Assistant Chief Joel Hager, Attorney for the District Kelley B. Duke, and District personnel: Office Manager DeAnn Boyles, Administrative Assistant Nicole Rendon, Fire Marshal Neil Rosenberger, Deputy Fire Marshal Robert Ipatenco.

GUESTS PRESENT:

None

APPROVAL OF THE AGENDA:

The Board reviewed the agenda for the February 13, 2019 Board meeting, with a request made by Attorney Duke to add an executive session in order for the Board to receive legal advice.

On a motion by Treasurer Chenoweth, with a second by Secretary Shimeall, the Board unanimously approved the agenda for the February 13, 2019 Board meeting with the aforementioned addition of an executive session to receive advice from legal counsel.

APPROVAL OF MINUTES:

The Board has not received minutes from the January 9, 2019 meeting as they were late getting to legal counsel from Office Manager Boyles, and Attorney Duke has not had a chance to review them yet.

The Board agreed to table approving the minutes from the January 9, 2019 meeting until the March Board meeting.

GUEST SPEAKERS:

None

SECRETARY'S REPORT:

Director Corbin told the Board that the Golden Transcript did a very nice article on Golden Fire Marshal Jerry Stricker. There was brief discussion and kudos to Fire Marshal Stricker for his valued service to the Golden Fire Department.

Chairman Robert Wilson stated that in the Special District Association (SDA) newsletter regarding the large and widespread wildland fire around the Durango, Colorado area, there were actually no structures lost, which is a testament to the hard work and diligence of the crews that go out and work together on these assignments.

Director Young told the Board that in the same SDA newsletter, there was also good information about the firefighter cancer and heart benefits trust.

TREASURER'S REPORT:

(See attached Funds Report)

Treasurer Chenoweth turned the floor over to Office Manager Boyles. Office Manager Boyles explained the FIRE Team reconciliation issues and how they were

addressed and corrected. She stated that the District accounts have reconciled successfully and the funds report is correct.

Treasurer Chenoweth read the General Funds Report for February 13, 2019.

On a motion by Vice President Young, with a second by Secretary Shimeall, the Board unanimously voted to approve the February 13, 2019 Treasurer's Report as presented, in the total amount of \$2,288,892.46 and to pay the bills as presented.

CHIEF'S REPORT:

(See Attached Chief's Report)

Chief Fletcher asked if there were any questions on the Chief's Report. There were none.

Chief Fletcher asked the Board to consider moving the March 13, 2019 Board meeting to Wednesday, March 20, 2019. The hearing on Accreditation for the District will take place on Wednesday March 13, 2019 in Anaheim, California. Chief Fletcher said that he and President Robert Wilson are scheduled to be in Anaheim and cannot attend a Board meeting on the 13th.

The Board agreed to move the regular Board meeting from March 13, 2019 to the following Wednesday, March 20, 2019 and asked that Chief Staff post a notice accordingly.

Chief Fletcher told the Board that the District received a thank you letter from the family of Virgil Johnson for the dedication of Truck 31 in his memory. This was very special and much appreciated by his wife Beverly and his family.

Chief Fletcher told the Board about the meeting he participated in with the Chiefs from West Metro Fire Protection District, Arvada Fire Protection District and Pleasant View Fire Protection District, and the new Jefferson County Assessor Scot Kersgaard. The meeting was basically an introductory meeting, however, Mr. Kersgaard expressed his intent to make sure assessments are done correctly and that he is anticipates doing some audits in various areas of Jefferson County. There was brief discussion.

OLD BUSINESS:

- Chief Fletcher reviewed with the Board the final draft of the 2019 Strategic Plan, presented to the Board for its approval. He stated that the new Plan has been updated from previous years, and now more closely aligns with the accreditation model. He identified specific changes in the updated Plan.

On a motion by Director Corbin, with a second by Secretary Shimeall, the Board voted unanimously to approve the 2019 Strategic Plan, as presented.

- Chief Fletcher introduced to the Board that legal counsel cleaned up the Fire Code resolution and incorporated the Wildland Urban Interface (WUI). Chief Fletcher then asked Fire Marshal (FM) Rosenberger to update the Board on where we are with the County, because it is important that the County adopts these codes as well, because that gives us the authority to enforce them, because without that we really can't do anything. FM Rosenberger began first by asking if anyone had any questions regarding the WUI. There were none.

Treasurer Chenoweth thanked FM Rosenberger for providing the comments, as they made it easier to get more familiar with this document. Treasurer Chenoweth then asked "with these changes what is the trigger for people to have to do or to be obligated to. For instance if you have an existing property, do you have to do anything different?" FM Rosenberger responded "these codes are not retroactive, let's say business or a residence was built in 1968, or 4 or 5 years ago, the building code and fire code that was in place when that was originally built, applies to it, unless you get in to, the rule of thumb is 50% of the building being renovated." "Or if the use changes to commercial or if you were to go to an assembly from say a manufacturing, like if you were to put a church in one of the warehouses at the Tech Center or something like that, then we would change the way we look at it."

Treasurer Chenoweth then asked "so then the magic is 50% of change to the original structure?" FM Rosenberger responded "today, and it's like that all the time, the way the, we don't retroactively enforce, like for instance one of the reasons we are pushing for smoke detectors and CO Detectors in homes is because you know, homes are a little different because, when they were built in the 70's, some of the ones out there by station 32 only required one on each level. Then code changed within 5 to 8 years and required one in each bedroom and one on each level, and then today at least 2009-2010 we started requiring, the state did, CO detectors and that's in the code as well now." So we don't retroactively go after those things, but for life safety

purposes, we, when we inspect or when we do these home voluntary surveys, or they come to the open houses, we campaign to get those folks protected better by giving them away.” In business we will do our best to convince people to bring their businesses up to as close to compliance as possible, we have a couple of businesses, that Robert and the crews ran into this last month on Ward Road that are older commercial and they have taken walls out over the years, where they have had two units say in a space this big that you could drywall out of one unit and they had separate fire exits at the back of the building.” “So when they took those walls out, we don’t have any record of when that happened, through the County or whatever might be, they kind of changed the envelope of the building, and so whatever they use it for or what they rent it for we are going to enforce those fire doors one way or the other as far as the mechanisms on them. So, it is all about life safety and we now retroactively enforce the code on an honorable basis.” Treasurer Chenoweth interjected “unless they have 50% or more in changes” FM Rosenberger “save true to a day care center, then you come under all sorts of other kinds of requirements.” Treasurer Chenoweth “I think to me, I feel is my obligation to constituents, and everybody wants to be safer, but at the same time, if you are a property owner, I think it is tough sometimes when they go to do a little modification, and then all of the sudden they have opened a can of worms, I think we have some obligation to consider.” FM Rosenberger “well to give you a little more background without getting into the weeds too far, these codes are developed over a three year period, it is a national code that goes out to builders, fire marshals, it goes out to Building Officials like Becky Baker at Jefferson County who happens to be on one of those code council committees that speak to any changes, whether it is ramping it up and making it tougher or loosening it up. One of the things that has happened over the years is that sprinkler systems have changed the whole way we do business now, and other than some of the occupancies and certain types of hazmat occupancies, we don’t require smoke detectors and sprinklers in every building any longer.” The codes have actually gotten leaner over a period of time, and there is a balance to it, there is a really good balance to it. One of the thing I wanted to mention to you is, the group home that we put in here, we put that specifically here, we only have two here in the community and they are both run by the state of Colorado, and they are very well done, we inspect them every year, they are sprinklered and they have very good regiments of everything they do in theses group homes, one is in District 31 and one is District 32. But other District’s that have a number of those come into their area where they take a home, remodeled it or have gotten a permit through the state and go ahead and turn

a big home into a special needs type of operation, privately run, they have had a couple fires, Arvada had a fatal fire a couple years ago in one that was real close to one of their stations. We want to keep an eye on those things, so in addition to the state having licensed them, we want to get out ahead of it in case someone does want to open one in our district, and other districts have done this to, and so we put that amendment in the code, so that we can, and so there won't be a big fear when we get out there and do like we do, and inspect them every year for the safety of those, it's a little more of a commercial operation, so that's just one of the things you will see in here answered kind of ahead of time. But anytime you have any questions, Robert & I are always available to, you know if something is funny, something that's kinda, and if it doesn't work for us, if there's somethings that uh you want to change later, just go through legal counsel and do it and as long as we let Jefferson County know." Treasurer Chenoweth specifically asked "when does Jefferson County vote on it, or when do they..." FM Rosenberger "so what they are doing right now, I got an email today from one of the Fire Marshals, they have gotten most of the resolutions from the mountain districts, West Metro, Arvada, and they are, the building department is going to present those in a study session to their, to the county commissioners, I believe in March if it gets on the agenda for them, they will ratify it, so what I would like to be able to do, Chief and I were talking about it today is if you guys tentatively approve this, cause I think it has to go to one more meeting next month, I don't know how all that works but" Treasurer Chenoweth interjected "yes it has to go to one more, then we vote" FM Rosenberger "if you would like in the meantime, if this winds up being ok tonite with you guys we'd like to send it up to them so they can start reviewing it, if they have anything, it would be nice if they tell us so we could bring it back to you and change it." Treasurer Chenoweth "I would send it, we don't have anybody publicly commenting, so I think that we do need to see that, but I would think that we want the County to adopt it first, before we do, now maybe I'm wrong on that, but." FM Rosenberger " Well yeah I don't know if that is how they are doing it, I'm more confused by how they're, its like a ratification up there, they're, they're, they're approving each one of ours is a little bit different through the County. I mean we, some of our amendment's they aren't doing in the mountain departments and so they're basically saying they don't disagree with what is going on here, they don't enforce the fire code, they will tell you that right now, the County does not enforce the fire code, neither does the City of Arvada, Arvada Fire Protection District enforces their fire code. So the County, they come to us a lot, with hey what do you guys want to do with this." Secretary

Shimeall commented "so they probably want all the fire districts to do it first before they do it." FM Rosenberger "well they want to see them, and then if they have any push back, then..." Treasurer Chenoweth "well it's one thing to give them the recommendation, but I would think, we want this, they are actually the legal body and we can't go enforce it without them?" Attorney Duke "we can, we can actually, and they are not the legal body, we are just as much a legal body as they are, we just work in tandem as..." Treasurer Chenoweth "I personally don't want to do it until after they adopt it." FM Rosenberger "so tonite wouldn't be an approval of it cause next month is your meeting, I'll send Becky a message and ask her when do you think the County will get back to us on it, and at the next meeting you'll have an answer and by the 20th of March it should be there, they usually meet right about I think the first week. I'll get an answer and the Chief can let you know where it's going. You know its kinda the tail waggin the dog, the dog waggin the tail, in the past we had done this, I mean my first one was the 12 & 15, we had approved all these and we had just sent a copy to the County and they never said anything bad about it. But it is only in the 15 code that we actually got the other fire marshals in the County and all did it at the same time and then gave um to Becky and she put it out there. So this is a relatively new thing, so it will be the only the 2nd time that all the fire districts in the County have done this." Secretary Shimeall stated "personally, I am in favor of adopting it." Chief Fletcher stated "so we will present them the current resolution as it stands tonite, so they have that information and we will follow up to find out what their status was and any other comments for the next meeting and go from there." FM Rosenberger "and I'd like to mention that to keep in mind that buried in the...., and counsel can concur with this, within the language the way it is written right now that, after you have approved it you will need to appoint 3 people as the appeals committee. We have never had anybody come in and appeal something, but if there is something that Robert and I and Chief say that we are going to require, something to do that they say is unreasonable, we usually wind up with our driveways aren't wide enough of, or we are requiring them to put in sprinkler systems because the hydrants are more than one thousand feet from the home or those kinds of things, and if somebody gets to that point, there needs to be an appeals committee to handle the grievances.

Chairman Wilson called for any other questions having to do with fire code adoption.

Chairman Wilson said that the District will hold a public hearing on the adoption of the Codes later in today's meeting, and will vote on adoption at the Board's March meeting. Discussion ensued.

ATTORNEYS' REPORT:

Attorney Duke asked if the Board had any question regarding the Attorney's report, saying that work has been fairly light this last month. There were no questions.

Director Corbin opened discussion by asking Attorney Duke about the bill being introduced that would allow persons who own property in a special district but who reside out-of-state, would be allowed to vote in District elections and serve on District Boards. Attorney Duke discussed the Non-Resident Electors bill, and stated that this bill was presented last year, and vetoed by the Governor. The SDA and the State Fire Chiefs are against this bill.

NEW BUSINESS:

Chief Fletcher reviewed the 2019 Republic Services Contract for fire protection services with the Board, saying that it is the same contract as last year.

On a motion by Treasurer Chenoweth and a second by Secretary Shimeall the Board unanimously voted to approve the Republic Services contract for fire protection service.

PUBLIC HEARING:

On a motion by Treasurer Chenoweth with a second by Director Corbin, the Board unanimously voted to open a public hearing regarding the adoption of the 2018 International Fire Codes at 4:32 PM.

Attorney Duke stated for the record that the Notice of Public Hearing on the proposed adoption of the 2018 International Fire Code had been duly published in a paper of general circulation and posted in the District's normal posting locations.

Attorney Duke asked if there is anyone present who would like to offer public comments on the proposed adoption of the 2018 International Fire Code. There were no public comments. Attorney Duke then stated for the record that neither her firm nor the District have received any public comments prior to this meeting regarding the proposed adoption of the 2018 International Fire Code.

It was stated for the record that the Board would consider the two sets of Codes at the March Board meeting.

On a motion by Director Corbin with a second by Secretary Shimeall the Board voted to close the public hearing at 4:35 and reconvene the regular meeting.

EXECUTIVE SESSION:

On a motion by Director Corbin, with a second by Secretary Shimeall, the Board unanimously approved moving into an Executive Session at 4:35 p.m. citing C.R.S. § 24-6-402 (4)(b) to receive advice of legal counsel.

Attorney Duke certified for the record that this Executive Session constitutes privileged attorney-client communication, and therefore will not be recorded.

On a motion by Treasurer Chenoweth, with a second by Secretary Shimeall, the Board voted unanimously to move out of Executive Session at 4:50 p.m.

NEXT MEETING:

The next regular Business Meeting will be held on Wednesday, March 20, 2019 at 4:00 P.M.

ANNOUNCEMENTS:

None

ADJOURNMENT:

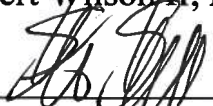
On a motion by Director Corbin with a second by Secretary Shimeall, the Board voted unanimously to adjourn the meeting at 4:50 P.M.

APPROVAL:

We attest that the foregoing minutes, which have been approved by the affirmative majority vote of the Board of Directors of the Fairmount Fire Protection District, are a true and accurate record of the meeting held on the date stated above.



Robert Wilson II, President



Steven Shimeall, Secretary