



**DEER MOUNTAIN FIRE PROTECTION DISTRICT  
REGULAR BOARD MEETING MINUTES  
6181 COUNTY RD. 28, COTOPAXI, CO 81223  
June 19, 2019 at 6:00 PM**

**CALL TO ORDER:** The meeting was called to order by JR Niblett at 6:02 PM.

**DIRECTORS PRESENT:** JR Niblett, Elaine Foster, Crystal Warner, Patrick Smith & Sarah Killough

**PRAYER:** Led by Patrick Smith

**PLEDGE of ALLEGIANCE:** Led by JR Niblett

**CHANGES TO AGENDA:** JR Niblett inquired if there were any changes to the posted agenda. No changes requested.

**MINUTES:** Motion by Crystal Warner to approve the April 17 and May 15, 2019 meeting minutes.

Second by Patrick Smith.

Discussion: Clarification request from Elaine Foster that her votes to abstain on two motions on April 17 be noted. Crystal Warner will make those notations. Minutes will be approved contingent on those corrections.

Vote: Unanimous - motion carried.

**PUBLIC COMMENTS:** Facilitated by JR Niblett

- Paul Rasmussen comments: The three minute rule for public comment was instituted following his address to this board last year. He believes this silences public input with the intent to hide something.
- Pete Sardaczuk comments: Station three is an eyesore in Indian Springs with slash, piles of dirt and a large tank. The fire station is not meeting the regulations of the homeowner’s association. He is seeking support of the fire chief and progress in getting station three operational.
- Becky Girdler comments: There will be a 4<sup>th</sup> of July Open House and Dinner. The open house will be from 2:00 to 4:00 PM and dinner from 4:00 to 6:00 PM. The entire community is invited.
- Joe Watts requested clarification on agenda item “time limit for agenda speakers.” The board clarified that 10 minutes is the suggested time limit.

**TREASURER’S REPORT:** Sarah Killough reports

- **Treasurer’s report with debit account**

Checking account balance as of May 1, 2019	\$ 246,062.27 (Bank of the San Juans)
Month of May income	\$ 54,962.18
Expenses for May	\$ 32,866.85
Balance at the end of May	\$ 268,157.60
Total funds available (5/31/2019)	\$ 338,624.91 (all four accounts)

Motion by Sarah Killough to accept the treasurer’s report.

Second by Elaine Foster.

Discussion: None

Vote: Unanimous - motion carried.

**Bills Report:** Sarah Killough reported

Checking account balance as of June 1, 2019	\$ 268,157.60
Income thus far in June	\$ 30,326.85 (\$10,000 from Cody Park POA)
Expenses thus far in June	\$ 50,173.61
Current balance	\$ 248,310.84

Motion by Sarah Killough to accept the bill’s report and pay bills.

Second by JR Niblett.

Discussion: None

Vote: Unanimous - motion carried.

Continued discussion: A question from Elaine Foster. Could the \$10,000 from Cody Park Property Owners Association be in a separate account since it is restricted for the building of station four only?

Motion by Patrick Smith to earmark this \$10,000 donation from CPPOA and move into the Capital Improvements account and to show on reports as a separate line item designated to the building of station four.

Second by Elaine Foster.

Discussion: None

Vote: Unanimous - motion carried.

- **Budget:** Sarah Killough reported that notice of the 2019 amended budget was posted in the Canon City Daily Record on May 19, 2019 and copies were available on the community bulletin board outside the fire station and in the community room on May 22, 2019. There was no additional public input regarding the amended budget and vote.

Motion by Sarah Killough to pass resolution 20190619-01 Supplemental Bill Appropriations previously circulated to the board for review.

Second by JR Niblett.

Discussion: Clarification requested on budget categories of building maintenance and building repairs. These two line items are very similar in definition. Perhaps on the next budget these could be combined. Clarification requested on the yearly insurance expense at \$46,000. Treasurer requests that the insurance expenses be reviewed for the next budget. Crystal will inquire with the insurance company about increased rates.

Vote: Unanimous - motion carried. The resolution was signed by JR Niblett and Elaine Foster.

Motion by Sarah Killough to be allowed to file the resolution, the budget and the newspaper posting evidence with DOLA and Janice Graham on June 20, 2019.

Second by Elaine Foster. No further discussion. Vote: Unanimous - motion carried.

- **Circumventing spending practices using debit cards:** Per the by-laws, all checks over \$500 require two signatures. The use of a debit card when making purchases over \$500 circumvents the by-laws. There may be several ways to resolve. Board will take under advisement.
- **Written bids required:** Agenda item will be discussed later.

The board thanks Sarah Killough for her service on the board.

#### **CHAIRMAN'S REPORT:** JR Niblett

- **Indian Springs Land Owners' Association:** Lester Limón and Carl Jones, representing Indian Springs, were present to answer any questions about the letter sent to the DMFPD board. This is the first step to resolve station three. Suggested that a special meeting to address only this topic would best serve both boards. Specific negotiations should be done in executive session. Any voting on those negotiations will be done through a public forum. The DMFPD board will provide some dates for an initial special public meeting to the Indian Springs Land Owners' Association. To be cost effective, prior to that meeting the boards will correspond to exchange information and define steps.

- **David Lord comments:** He lives across from station three. He suggests the value of station three directly affects the value of his property. He is thankful for the berm replacement to prevent flooding. Respectfully requests that the property not be sold and that DMFPD move forward to complete the project. He believes that an updated flood plan is in place with the county engineer. David Lord asked how much investment DMFPD has into the project. A hardcopy of that information was provided to David Lord. He suggested that DMFPD is obligated to sell it for what has been invested. If Indian Springs purchases the building, then he requests several contingencies - doors painted, county approved drainage plan in place and that it remain a parking garage for fire or water trucks only and that it not become a public building. JR Niblett recused himself from any vote in the future in reference to station three in Indian Springs due to his personal relationship with David Lord.

Lester Limón comments: His understanding is that there is no approved drainage plan and no current building permit. A new survey is required by either DMFPD or Indian Springs because the building is not in the original planned location. There has only been one inspection on the concrete work and it failed.

Public comment: Would like to see the two boards work together to complete the project and keep it a fire station.

- **Treasurer's Position:** The board considers Sherry Hastings to be qualified for the position. She was in attendance and spoke of her background and provided her resume.

Motion by JR Niblett to appoint Sherry Hastings as board treasurer.

Second by Patrick Smith.

Discussion: It was noted that the treasurer's position was posted on the website. The oath of office will be administered at the conclusion of this meeting. Sarah Killough reminded the board that a notice of appointment and oath of office needs to be filed with DOLA.

Vote: Unanimous - motion carried.

- **Approve new application(s):** Motion by JR Niblett to approve Sharyn Baker's application as paramedic.

Second by Patrick Smith.

Discussion: Sharyn's background check is complete, and the department is fortunate to have her on staff.

Vote: Unanimous - motion carried.

- **New wildland truck:** New wildland truck will be picked up June 24, 2019. It will take about 4 hours to go over truck functions. The three-person crew will need one night hotel accommodations as well as food. Expenses to be put on JR Niblett's credit card and taken from the lodging and meals fire training budget.

- **Generator:** The generator should be in at any time.

- **Pumps:** Pump is done and tested.

- **4 engines need tuning:** Work will be done by Paul Rasmussen.

- **Background checks:** National background checks are now required for everyone (fire department staff, volunteers and board members.) These will run through NCIC (National Crime Information Center.)

#### **STATION REPORTS: Fire & EMS**

**Fire training hours & runs** - update by Joe Watts

- Fire had 5 calls
- 86 training hours

**EMS training hours & runs** - update by Joe Watts

- EMS had 18 runs
- 57 training hours

ISO rating has been turned over to Robert Themel. With the new fire truck, water trucks, and property cisterns, there is the possibility to lower the ISO rating. There are water tanks available within Cody Park and Colorado Acres. Ross Springs will soon install three 10,000 gallon water tanks. Additionally, there is a tank on Iron Mountain. The current ISO rating is 9 and the department is seeking a rating of 6.

- **Purchases:** No purchases are required.

- **Wildland Update provided by Jenn Judd:** One deployment to the Lavielle Fire. Cindy Howard was PIO and represented the department. The estimate of pay is \$4597. Jenn Judd was advised to send this to the attention of the new treasurer. There are a few other fires burning, but no outside resources have been called.

#### **COMMUNICATIONS REPORT: Patrick Smith**

- **Century Link:** Solution is a two-year contract at \$179.95+tax/month.

Motion by Patrick Smith to sign the two-year contract with Century Link.

Second by JR Niblett.

Discussion: After approval, the contract will start in 5 days.

Vote: Unanimous - motion carried.

- **Mission Statement:** The statement required update to include the EMT services. The statement now reads: *“To provide services for the preservation and protection of life and property during fires which occur within the boundaries of the Deer Mountain Fire Protection District and to provide education and training for firefighters within the district. To insure that EMT Basic and Advanced services be provided to proudly serve our citizens and each other with dedication, integrity, dependability, courage and respect. Provide education and training for EMTs within the district.”*

Motion by Patrick Smith accept this mission update.

Second by JR Niblett.

Discussion: Clarification that this is the mission statement for the district.

Vote: Unanimous - motion carried.

- **Website, contacts:** A comparison of the new DMFPD website with other, similar districts is available upon request. Board contracts are not available in a single location. Patrick will investigate the storage room, office desktop computer and auditor information.

- **SDA meeting refund:** Meeting was informative for those in attendance. Crystal Warner was ill and not able to attend. Her registration fee has been refunded. Sarah Killough was not in attendance and no refund can be made. Special District training highlights were reviewed and will be posted on Elaine Foster's personal website. Next year Patrick Smith will assist with the Special District Administration (SDA) training to be held again in Salida.

- **Engine 11 weight ticket and OSHA inspection sheet:** not discussed

- **Ham radio calibration:** Calibration will take place on July 13, 2019 from 8:00 AM to 12 noon.

**INSURANCE REPORT:** Crystal Warner

- **Insurance update:** The new engine has been added and the truck that was sold in April was removed from the insurance policy. A small credit is expected.

**VICE-CHAIRMAN'S REPORT:** Elaine Foster

Question from Elaine Foster - Who needs to be contacted about the free training on EZ-IO? Joe Watts responded that both Sharyn Baker and Steve Nutting should be emailed.

- **Recap of board training:** already discussed

- **One week notice request:** Motion by Elaine Foster for the board to have a one week notice for contracts, documents and large purchases.

Second by Sarah Killough.

Discussion: For effective review of these important items, these should be provided prior to a board meeting.

Vote: Unanimous - motion carried.

- **Websites, contract, votes:** Statement read into the record (see attachment #1)

Motion by Elaine Foster to leave the original website situation alone so that we don't cause more legal trouble for the district with the State or the taxpayers.

Second by Sarah Killough.

Discussion: A dialogue between board members and the public in reference legal issues arising when a board member enters into a contract and financially profits from that contact while holding a board position.

Joe Watts comments: In addition to funds coming from taxpayers, money is made by firefighters going out on national fires. Income from fighting wildland fires benefits the department. This comment prompted dialogue between board members and fire department personnel in reference to the amount and distribution of taxpayer and wildland funds, as well as the supervision of staff. Request by Patrick Smith to table this motion.

**COMMITTEE REPORTS:** JR Niblett

- **Station four update:** The engineered plans are still a work in progress by the vendor. Response expected by the July board meeting.

- **Mill levy update:** The 3.5 mil increase will bring an additional \$89,157.95 to the district.

Motion by JR Niblett to pass resolution 20190619-03 with three corrections before signature - 1. Levy of not more than **3.5 mills** (for a total general operating mill levy of 11.492 mills.) 2. Commencing in tax year **2020**. 3. For collection fiscal year **2021**.

Second by Elaine Foster.

Discussion: none

Vote: Unanimous - motion carried.

#### **OLD OR UNFINISHED BUSINESS:**

**Golden Acres inclusion:** Two landowners have yet to be contacted. If by June 21, 2019 there is still no response, then the judge will move forward with the inclusion of Golden Acres in DMFPD. By Jan 2020, residents there will pay taxes to DMFPD. These amounts are included in the total expected tax collection in 2021.

#### **NEW BUSINESS:**

- **Sexual harassment and discrimination classes:** The insurance company suggests that all fire department employees, volunteers and board members complete classes. Approximately 35 people would be trained with an approximate cost of \$6,000. Trainers are reluctant to travel the distance to Cotopaxi. JR Niblett will continue research. Crystal will seek a recommendation from the insurance company for a class trainer.

- **Statement by Mrs. Post:** Read into the record by JR Niblett. (see attachment #2)

- **Paul Rasmussen comments:** Referred to a blog (<https://dmnotes.home.blog>) linked from the private website of Elaine Foster. The site is located at [dmfiresidechat.com](http://dmfiresidechat.com). He believes this blog to be detrimental and obstructive to the DM fire department.

- **Jeremy Warner comments:** Requested that the link to his contract with the DMFPD for the new website be removed from [dmfiresidechat.com](http://dmfiresidechat.com). Elaine Foster agreed to remove the link. Because he is not a public official, Jeremy Warner asks that any defaming information be removed. He has not yet been paid for his website development. He requests payment immediately for his services to date. Sarah Killough believes that the contract with him is not valid and therefore payment has not been made.

Patrick Smith comments: Offered an apology to Howard Dixon for what he endured tonight.

Oath of office administered to Sherry Hastings.

#### **ANNOUNCEMENTS** by JR Niblett

The next regular board meeting will be held on July 17, 2019 at 6:00 PM.

#### **ADJOURNMENT**

Motion to adjourn by JR Niblett.

Second by Patrick Smith.

Vote: Unanimous - Meeting adjourned at 9:04 PM.

Respectfully submitted,  
Anita Gregg, secretary

*(Supporting documentation to these minutes available upon request.)*