

**BEULAH FIRE PROTECTION AND AMBULANCE DISTRICT
BOARD OF DIRECTORS MEETING No. 69
March 28, 2013**

MINUTES

The meeting of the Board was held at the District office in Beulah, CO

Board members present were: Chair and President Steve Douglas; Secretary Anne Moulton; Treasurer Travis Allee; and Fundraising Coordinator Bob Thompson. Also attending were Fire Chief Bryan Ware, responders Clara Long, Tricia Anderson, with Nathan Anderson arriving later, and community members Gary Kyte, John Russell.

1. Chair and President Steve Douglas called the meeting to order at 6:32 p.m.

2. THE AGENDA: additions were requested of, under Old Business, move up items f and g to the beginning, then proceed with original item a, then c, then b; and under New Business, add item c to discuss off site location for fire engine on Signal Mountain, and item d to discuss who has access to new accounts and create letters for them. *Motion to approve the agenda as amended was made by Bob Thompson, seconded by Travis Allee. Motion carried with no objections.*

3. MINUTES of the February 28, 2013 Meeting:

- Under g. approximately line 22, hydrant... will be “bagged” change to “tagged”
- Additional non substantive changes submitted in track change format.

Motion was made by Bob Thompson, seconded by Travis Allee, to authorize Secretary Anne Moulton to create the final minutes based the above and on the track change corrections provided by Steve Douglas, and to approve the minutes as amended. Motion carried with no objections

4. TREASURER TRAVIS ALLEE GAVE THE FINANCIAL REPORT providing a statement through 02/28/2013:

- We are a little over, but this is to be expected with transitional processes and the time of year. Otherwise things are running well.
- Utilities are increased. We filled all propane tanks at fire stations. Keeping the stations at 55 degrees as done now was discussed. We have been in the stations working a lot, but turned the temperature down on leaving. We can try 50 degrees. Station two has IV solutions that will be cold. We are still looking for grant dollars to put solar at station two. A federal grant for energy savings may be the palce to look.
- A grant will pay us back for the EKG.
- We need to adjust direct deposits when all accounts are fully changed over.
- There was an apparent overdraw, which has been fixed, due to access issues for accounts.

- Smith Barney (Jimmy Armstrong Fund) is approximately \$39,000-40,000 with \$18,000 not yet withdrawn for fire equipment..

Motion to approve the financial report as submitted was made by Bob Thompson, seconded by Steve Douglas. Motion carried with no objections.

5.FIRE CHIEF BRYAN WARE REPORTED:

- We have had 19 EMS and 12 Fire responses to date
- The majority of the fire equipment to bring apparatus up to standards has arrived and is being placed into service on the vehicles.
- The water tank on Engine 63 was taken apart, had a significant amount of debris and rust build-up. It was cleaned and has better flow to the pump. The pump itself may or may not pass the pump test. Thanks to Austin and Kyle who have given over 80 hours in the last two weeks, and were sent a thank you card and \$50.00 gift card from the appreciation line item.
- We will be completing the basic firefighter course in April at which time we will end the automatic strike team created in January as a backup. Our members will also be completing their S130/190 wildland firefighter course with a pack test at the end of April.
- We have purchased and implemented an accountability system for on scene tracking of personnel and resources. If a board member arrives on scene, you should utilize your ID badge (issued soon) as an accountability tag for that incident and check in with the incident commander. Bryan explained the accountability and command system for responders. There will be Velcro tabs on the back of the badge to be turned in.
- Shane Ewing and Clara have started a biweekly fitness night, first and third Thursdays of each month, at the Beulah Community Center at 7 pm. It is open to anybody, and we will play an active game each time to encourage physical activity.
- John Russell had been plowing around the school bus area for the past couple of storms for free; thank you for that. Purvis has done it early on a Sunday, since John may do it later in the day; otherwise John takes care of it early.
- Steve asked if the ordered fire equipment can be placed under a 50-50 grant. No, we can't retro on that, or buy items until the grant is approved, but there is a question about items that have not yet arrived. Bryan says most have arrived but he will check on that. There are other wildland fire items yet to be obtained that we did apply for in a recent grant.
- Status on fire contracts: we have 17 contracts (\$1755), only parcels with structures as previously decided. We may get more before end of month. One has a 3R address and is currently not paying taxes for the district, but is adjacent to it. Three options were given: to remain out of the district, join the district fully, or sign a fire contract. There has been some confusion, with two overpaid; they were offered a refund or to allow us to keep overpayment as a donation. As soon as we have a finalized the list, GIS will be given information on contracted properties to put in the COM system. They will become part of the map overlay with our district colors for the COM Center. We need to add a revenue line item to the budget for the contract fees.

6. OLD BUSINESS

f. Twin Buttes Fire Water supply. The Twin Buttes fill station was approved in 2007 to be installed. The tank has settled and the pipe into and out of it is broken. The question is who is responsible to maintain that. According to the 4/17/07 document at the County Recorder's office found by Bryan, there is a resolution by the county (a change in the original) that the Twin Buttes Estates Home Owners Association (HOA) will provide continued maintenance of the well and pumping system. He can't find anything specific about the fire tank. The Red Creek developer Joe O'Brian's interpretation is that they are responsible for the well and the piping coming to the tank. A document from 7/05/07 states the existing well will be serviced by 2" PVC pipe extending from the well to the intersection of the Waterbarrel cutoff road and Hwy 78. There was to be two 1500 gallon cisterns and a hydrant available for firefighting. The construction of these improvements was to be paid for by the Red Creek Land Company and the maintenance was to be the responsibility of the HOA. This configuration was approved by Pueblo County as part of the conditions of sub-division approval. What is actually there is a 9000 gallon steel railroad tank car. An 11/14/06 document from Beulah Valley Volunteer Fire Department (BVVFD) stated they would share cost with the HOA of maintenance of the well, electrical system, two 1500 gallon cisterns, and the design. These would only be used for stock and fire, not for domestic use. A BVVFD minutes document from 02/13./07 stated that Gary explained to Rick Clark (of Red Creek Land Development) that they are not responsible for maintenance of the well, pumping station, piping etc. The County, Gary and Bryan can't find any final agreement. In a separate issue, Gary Kyte explained that originally, as houses were built, BVVFD would receive a certain amount of money which would be applied to building Station 2. In the end they instead agreed on a lump sum of \$18,000, which was received; then BVVFD built Station 2, which took a lot of outside money and volunteer work to complete. That assurance of Fire Department presence seemed to be the intent of the money provided, and that responsibility to maintain Station 2 is now passed on to our District. Gary mentioned that funds from Red Creek Development to build Station 2 were not linked to the fire water supply system. The Filler station at County Rd 224 was to be developed by Red Creek from the well to the fill site itself with holding tank, pump and some kind of input for fire trucks. Once in place Gary believes they had a hand shake agreement for BVVFD to maintain the filler site but not the well, pump or long pipe serving it. They didn't count on settling etc. Kevin Fern has already fixed it once so there may be precedent. Bryan does not want to drag this out for a year but is concerned about the potential future cost with a tank that is going to rust through, and settle, which was not approved by the county. Bryan recommended that he, Steve, Gary and Joe, (of Red Creek developers) sit with all groups involved and find a solution (current and future repairs and maintenance), because there is no clear documented policy. Per John Russell, Red Creek Developers have signed over everything to HOA except for a commitment to X amount to fix some roads. Beulah Ambulance District also received \$50 per lot purchased through last year. Water supply is a concern and was a condition of the approval of the subdivision by Pueblo County. There is no stated responsibility of the fire department in that approval. The tank

provided was a change from the written approval, so it should have been passed through the county for approval. Another concern is what the tank itself was used for previously, it may be a liability re HAZMAT. Per Gary it was a stock tank for 20 years or so, and previously may have carried molasses, per Bob. It may or may not have a rubber lining, or be a hazmat issue with cleanup concerns, as a buried tank. There are also issues with rusting of the tank. Would we be responsible for testing the tank? A fix is needed now to excavate and put in a flex pipe; it is unknown how long that would last. Again there is a concern re precedent. We need to meet with HOA, ask them if Joe (from Red Creek) should be there, and end up with a decision to file formally for Pueblo County approval. The District did not accept any written responsibility from BVVFD for this. It was not mentioned in the modified Service Plan, in which assets and responsibilities transferred to the District by BVVFD were listed. We have people who can do the work, but not the cost of supplies. Gary Kyte is willing to attend, which will be appreciated. Travis commented that this is the first big subdivision to deal with this issue, which may be part of all future subdivisions. Bryan will set up the meeting. Bob felt it should be fixed now, considering the fire danger, but still find a resolution for the future. Bryan will call HOA within the next week. It is unknown how it was installed, how it is bedded. There are suggested drawings but it is unknown if they were followed. The float valve was never right. Better options are possible. Bryan will ask around to see who did it and how.

g. Water resource update, general. There are no water restrictions at this time. We are still updating our water resource list with Thompson Ranch added. . We are exercising the trucks, using Pine Drive Telephone Company fill station off the well, but avoiding using the hydrants. Pine Drive Water District had an excessively high bid to redo its water intake system, so they will probably seek a grant to do the work at a later date. The two wells that supply the treatment plant are up and running and the plant is pumping. They are trying to find water haulers that could haul potable water to the treatment site rather than having the county hauling treated water in contaminated trucks and having to retreat it, as was done in 2002. They expect to approach the County Commissioners tomorrow asking them to be involved if things really break down out here. Travis commented that Fry/Ark water board gave him a contact number for them, to see what they can do. They might help come up with storage system. The Army Corp of Engineers can give general advice re infrastructure or a possible reservoir. Towns out East got grants to redo their infrastructures. Travis will reach out and begin discussion; they will have to approve any solutions anyway if water comes out of the Creeks, or is stored. Thanks to Gary for all his good work.

a. Appoint new board member. Four applicants are discussed, with Amy Martin withdrawing at this time from consideration. She may be available at the next election time. *Motion was made by Anne Moulton, seconded by Bob Thompson, to appoint Patrick Stanifer to fill the position vacated by the resignation of Jerry Wahl on January 24, 2013. Motion carried with no objections.*

Bryan will send all four a letter thanking them and informing them of the Board's decision.

c. Board Bylaws/Policies and Procedures. Minor amendments to language are provided for the policies and procedures. We will arrange with the Pueblo County Clerk regarding posting the agenda in their office and revise that language as needed. (We have been sending it to Rochelle Cruz, an assistant to the Commissioners, who has posted it outside the commissioner's office on a bulletin board by the entry rotunda (also outside the County Clerk's Office) per the procedure established by the initial board of the District. The Transparency Notice which identifies our posting locations has been sent to both the Clerk/Recorder and the Commissioners. We will correct the wording of the Transparency Notice re posting in the Clerk/Recorder's office. We will also ask Atty. Mullans if the 24 notice prior to regular or special meetings statement is needed, since we also have a 72 hour notice requirement stated in the Policies and Procedures document. Anne will follow up to assure all of the above.

Motion was made by Anne Moulton and seconded by Travis Allee that we approve the Policies and Procedures as amended and including removing the 24 hour notice paragraph if our attorney approves. In the Role Call vote ayes were recorded for all four Board members present: Steve Douglas, Anne Moulton, Travis Allee and Bob Thompson.

The Bylaws were discussed with amendments requested including: be consistent with the use of the word Chair instead of Chairman in bylaws, minutes etc; Travis will contact DOLA to ask when a revised budget must be made, to see if Section 9 j 2 needs to be rewritten, or if a Resolution is required for expenditures like the Fire apparatus to be taken from the Jimmy Armstrong fund; new language to allow election of officers when deemed necessary; add a task for the Vice president to be responsible for assuring the Compliance Calendar is followed; add a task for the Secretary to file all non-financial forms required in the Compliance Calendar; add the description for the fundraising coordinator (and remove word charity from that description) and add a line of succession in case of board member nonavailability; change the amount per page for copies of records to instead charge the amount permitted by the Colorado Open Records Act. A draft will be sent to all Board Members for review and will be posted. Steve reminded all that an E-mail discussion of 3 or more directors or a quorum is not permitted outside of a posted meeting.

It is clarified that Anne has the Minutes in the book she carries to each meeting. They are delivered as a set to the office approximately each year. They have been available to Bryan electronically and they are now put on our website after they have been accepted by the Board and corrected. We discussed assuring that resolutions, if made by others are transmitted in electronic form to Anne for her records, and getting a set of resolutions to the office, since Anne keeps those in the same book for reference. Bryan will start keeping those electronically also.

b. Election of officers. Tabled for the next meeting to have our new director under oath and present.

d. Public Information Requests and Open Records Act. We have received several requests for the same documents. Steve asked Atty. Doug Piersel if the open records act applies to us; the answer was yes. He asked if to save time it was permissible to send to

one requestor and ask that person to forward it to others who requested the same documents. The answer was no because of the 5 day time limit. If there is an emergency such as an ongoing fire response, it is possible to obtain a couple of days of delay, but that requires a formal request to the State. The open records act permits a charge of \$0.25 per page, as well as a charge if more than 1 hour is required to fulfill the request. We acted on recent requests. All but one person paid the bill, the other will pay. If we have documents on our website we can ask them if it is acceptable to them to access documents there. If not, we will send them. Bryan will create a form to collect the fee before providing the documents. *A motion was made by Travis Allee and seconded by Bob Thompson to charge \$0.25 per letter sized copy. Motion carried with no objections.*

e. Chief's Time Sheets. An FLSA exempt employee is not to work more than 56 hours/week with the intent that he will work between 40-56 hours/week. Bryan asked how to handle this since there is no comp time if he works fewer hours one week and more the next. We will look at an average over the month. At the end of the month he should have at least an average of 40 hrs/week or 168 hours per month, excluding holidays, sick days etc.

h. Fire Tender. As discussed before, we have been looking at water haulers (needed to effectively serve our population not served by a water district), and would like the board to preauthorize a dollar amount for a purchase so that we can be timely with a bid. We have been looking at a specific truck for which they are asking \$39,000 (Bryan describes the qualities, maintenance history etc). We would like to offer \$30,000 for the truck. We also need to consider the cost of up to \$4000 for getting the unit here. We could use a portion of the reserve fund not needed to start a new year (keep about \$10,000/mo, so perhaps keep \$40,000 to start each year). We would hope to return most or all of that with our contingency fund at the end of the year. This year we do not expect any more major expenditures. Approximately \$20,000 will be available from the Armstrong fund after recent fire expenditures. It will take week or so to access the Armstrong fund. Also Smith Barney has been making more income for us than our other account so we might consider transferring our reserves into the same. After we spend the remains of the Armstrong Fund, it would just be a district account. We will ask Barring Coughlin if retaining investments in Smith Barney is wise.

A motion was made by Bob Thompson, seconded by Anne Moulton to authorize Travis and Steve to authorize purchase of a tender. Motion carried with no objections.

A motion was made by Bob Thompson, seconded by Anne Moulton, to authorize Steve and Travis to spend a total of up to \$40,000 for the truck and its transport. Motion carried with no objections.

There are already some ideas about fundraising being discussed and considered.

i. FIREWISE meetings. Bryan, Steve, and the Fire Captain and Lieutenants met last week to work on fire mitigation information and how to approach the community meetings scheduled for April 7 and 11 at the community center. They picked a Colorado State Forest Service document (Protecting Your Home from Wildfire: Creating Wildfire-Defensible Zones), updated last year, as the handout for the two April meetings. It

emphasizes personal responsibility for protecting homes with the creation of a defensible space. Cost of printing them in Pueblo would be \$700.00 for 100 color or \$96.00 for black and white, collated and stapled. We can print them here cheaper. We can obtain 30 from state sources and have asked what they would cost for additional copies printed by the state. We will need copies for handouts at the office, site inspections, and approximately 100 families at the meetings. We will put it on our website shortly. Evacuation information will be added. Some additional handouts are available from prior years. We talked about barriers to accomplishing these processes and can ask for volunteers for neighborhood coordinators. We will work to break it down into approachable chunks for the public. We will obtain a list of those who want a visit from us to recommend mitigation processes. Nathan Anderson and Dale Geanetta will be the contacts, coordinating wildland mitigation. Capt. Kurt Thompson and Bryan will be overseeing the process. Steve has volunteered to lead that effort initially, drawing on his past experience with Pueblo County. Steve clarified the importance of doing what we can to keep a small wildfire from becoming big, by removing leaves and needles from roofs and gutters, and removing ladder fuels to a crown fire ... all using basic hand tools. John Russell described clients being denied insurance for lack of mitigation. We discussed using the Sheriff's sign board, Pine Drive Telephone crawl, posters, and newsletter etc., but also word of mouth please for PR.

j. Earmarking unused Board stipends for volunteer appreciation dinner. It was explained that board members are allowed by law up to \$100/meeting or \$1600/year, which was changed in our own documents to a maximum of \$50.00 per meeting. We can sign a waiver to not take that stipend, which many board members have done. We chose to earmark the unspent stipends to fund the Volunteer Appreciation Christmas party in 2011 and 2012.

Motion was made by Steve Douglas, seconded by Travis Allee to earmark unspent board stipends to fund the volunteer appreciation dinner at Christmas. Motion carried with no objections.

k. Discussion of Letters to the Editor of the Pueblo Chieftain.

John, thanks for your letter thanking the Beulah Fire Volunteers for their long service. Anne, Kytes, Outhiers, Anne Whitfield sent one saying look at the minutes/records for concerns recently raised. Steve felt it was appropriate to read answers to concerns raised into the minutes at this time. Several members say let it go. Tell people to read the annual report or request a copy of any of our records which are open. Every minute we spend rebutting comments is taking away from work we need to do here. We've covered these issues already.

7. NEW BUSINESS:

a. Resolution 2013-3 to approve filing a request for Exemption From Audit for fiscal Year 2012. We did not budget for an audit this year, though Travis and Bryan would both be comfortable with one. They recommend that we do budget for one next year on general principles. **Motion was made by Travis Allee and Bob Thompson to approve Resolution 2013-3 to approve filing a request for Exemption From Audit**

for fiscal Year 2012. In the roll call vote ayes were recorded for Steve Douglas, Bob Thompson, Travis Allee and Anne Moulton.

b. Resolution 2013-4 change of meeting location. Anne reported that per Atty. Mullans, this potential resolution to post a new meeting location with our agenda was not permissible. We are required to pass a Resolution, at a scheduled meeting, to permit a change of location of another specific meeting. Therefore if an issue is expected to require space not available in our office for a large community response, we will need to take the time to meet, pass a resolution, then set up a true community meeting, with more time to prepare and notify the public as well. We also should consider this need for a larger meeting space (and training room) when we build a facility for the expanded district. For our normal meetings we do need access to documents, equipment and materials in this office. This Resolution will not be enacted.

c. Offsite location for a fire truck. (No action, a brief for the board). Larry Walter has approached us with the use of a pole barn for a fire engine. Distances from a Fire station affect the ISO rating. Larry saw a 120% increase in his insurance in Signal Mountain. Our insurance will cover use of someone's property with a release of liability on property we don't own. We are looking at a Fire Station out on 3 R Road. There are a lot of details to cover before we proceed with something similar. We need enough people available as responders on work days to consider this. Barring is already working on it. If they live east of 3R road, responders are going to station 2.

d. Account access and letters required. We can put Steve and Bryan on the accounts and probably will need to add the Vice President later since he/she can sign in the absence of the President. Travis will need them to go to the bank with him to sign cards. We will have a single signature required on checks etc. Gwen as accountant can access information only. There were some old directors still on the account. *Motion was made by Travis Allee, seconded by Bob Thompson, to create a letter to give authorization to Bryan Ware and Steve Douglas for access to bank accounts. Motion carried with no objections.*

Anne will come in on Saturday to sign the letter. Credit card will keep the same number and account with a name change.

e. Other. John Russell requested to be on the agenda at this time. He has brought this up before with a board member present. He expressed concern re liabilities about who has access to the office, specifically a teenager who has access when nobody is here. Bryan stated the cadets have access to the building if they are getting something for us. He listed all locked areas within the office to which only Bryan, Travis and Steve have keys or codes including files, and records and the drug room, with HIPAA materials electronically secured. Jared comes over after school nearly every day to use the bathroom using the code to get in, sometimes with nobody here. The lock box is there so sheriff's officers could use the bathroom at night (female had to urinate outside). Only providers have access to that? room. John felt we really have to be diligent about passwords to computers and records etc.

Bob suggested John or his employee be present at the community center fire mitigation meetings to talk about the insurance aspects. We can give handouts for John to give to clients.

8. MOTION TO ADJOURN: *was made by Travis Allee, seconded by Bob Thompson. Motion carried with no objections. Meeting adjourned at approximately 10:20 pm*

Anne E Moulton
Secretary, Board of Directors, Beulah Fire Protection and Ambulance District

Final