Loveland Fire Rescue Authority Board Meeting Minutes  
Wednesday, May 25, 2016  
3070 W. 29th Street, Loveland  
1:30 p.m.

**Members Present:**
Board Chairman Jeff Swanty, Loveland Rural Fire Protection District  
Vice Chairman Cecil Gutierrez, City of Loveland Mayor  
Director Bill Cahill, Loveland City Manager  
Director John Fogle, City of Loveland Council Member  
Director Dave Legits, President of the Loveland Rural Fire Protection District

**Members Absent:**
None

**Staff Present:**
Loeland Rural Fire Protection District ("Rural Board") Secretary Greg White  
Fire Chief Mark Miller  
Division Chief Ned Sparks  
Division Chief Greg Ward  
Deputy Fire Marshal Carie Dann  
Fire Inspector Allen Cravey  
Business Services Coordinator Roylene Sterkel  
Dino Ross, Legal Counsel to the Authority

**Visitors:**
Rural Board Vice-President Mike McKenna  
Battalion Chief Rick Davis

**Call to Order:**

Chairman Swanty called the Loveland Fire Rescue Authority ("LFRA") Board meeting to order on the above date at 1:30 p.m.

**Awards and Presentations:**

Chief Miller presented the Chief’s Life Saving Award to Michael Mullinix for his actions in saving the life of a boater in distress on May 2, 2016 at Bodecker Lake in Loveland.

2409711.1
Public Comment:
None

Consent Agenda:

1. Consider a Motion to Approve the Minutes from the LFRA April 27, 2016 Regular Board Meeting.

2. Consider a Motion to Approve the Revisions to the Administrative Regulation for Conduct, Performance, and Discipline (AR-00012) and Due Process (AR-00043).

Director Fogle moved to approve the consent agenda. Director Legits seconded the motion and it carried unanimously.

Non-Agenda Item:

Deputy Fire Marshal Dann introduced the new full-time Fire Inspector Allen Cravey to the Board.

Deputy Fire Marshal Dann wanted the Board to be aware of two fee waivers that the Community Safety Division (CSD) is considering. The two businesses are the Bent Tree Church for $600 and Silverleaf II for $1,400. These businesses had past sprinkler issues that they since have corrected through their own means or State grants that they applied for. Deputy Fire Marshall Dann reported that one of the businesses had submitted sprinkler plans back in 2009 and those plans were approved by CSD. It was later discovered that the approved sprinklers were wrong and would need to be replaced. The other business had a near fatality fire in 2013. Chief Miller said that he feels these businesses made a “good faith” effort to correct their sprinkler issues in both cases.

Vice Chairman Gutierrez expressed a concern that since this item was not on the regular agenda, perhaps the Board should wait to place it on the agenda for the June meeting. Attorney Ross agreed that the item needs to be on the June meeting agenda for further discussion and any decision that the Board may make. Director Fogle said that he would need to abstain from any vote because of his affiliation with the Housing Authority. Director Cahill suggested that the item be placed on the consent agenda for the June LFRA Board meeting.

Vice Chairman Gutierrez asked Division Chief Sparks if he anticipates other fee waivers coming before the Board. Division Chief Sparks said it could happen, but he anticipates there won’t be many.
Regular Agenda:

3. Review Draft Documents for the Equipment Ownership Transfer and Station Leases.

Attorney Ross reviewed the proposed Non-Residential Real Property Lease Agreement for City and Rural Property. Once the Board is satisfied with these “samples”, he and Attorney Powell will use them to develop the training facility lease and the administrative office lease. Attorney Ross stated that the documents were developed using the firm’s typical templates of these type of agreements and then narrowed them down to the fundamental issues relevant to this transaction, as this type of lease sometimes can be quite lengthy, and contains a number of provisions that do not apply in this type of transaction. Attorney Ross explained that the sample documents included a 50 year lease that can be extended. There is a year termination clause by either the tenant or the landlord, with the Authority being offered comparable space should the Landlord terminate the lease. The annual rent would be $1.00 each year.

Attorney Ross reviewed several Sections contained in the document and said that Article 7 dealing with “Title” is very broad. He talked about the Insurance, Property Damage and Sections under Article XV, Miscellaneous.

Co-Chairman Gutierrez questioned why Fire Station 4 is listed in the Rural District document. Chief Miller said it should be listed with the City stations. Station 9 needs to be added to the Rural District document and Station 7 needs to be removed. Attorney Ross said they will make those adjustments to the agreements.

Chairman Swanty had some concerns regarding the training grounds and what LFRA may be responsible for as far as improvements. Chief Miller said there are environmental issues with the retention pond and the State has mandated that the pond be filled in and a new bio-retention pond be built. There are significant costs involved. Director Cahill asks if the costs should be allocated as other costs for the City/Authority. He stated that the Board and Chief Staff need to figure out what the Training area is going to look like in the future. Attorney Ross stated that when the training facility lease is prepared, a paragraph or section can be added to the agreement once decisions have been made as to who will pay.

Chief Miller said he will provide particulars on costs as soon as he has that information. Attorney Ross said his firm will finalize the City and Rural Property Lease Agreements.

Attorney Ross then reviewed the proposed Omnibus Bill of Sale documents for the City and the Rural District that conveys the apparatus/vehicles and personal property (equipment, supplies, etc.) from the City and the Rural District to LFRA.

Rural Board Secretary White stated that there is one vehicle that the Rural District does not own. That vehicle is owned by the Colorado State Forest Service. Division Chief
Ward said the AARF vehicles would be in that same situation. Attorney Ross said that he and Attorney Powell can prepare a Transfer or Assignment of Use for those vehicles.

The Board then talked about other equipment or property that should be leased rather than transferred to LFRA, such as the IT system/equipment and the Opticomms. Attorney Ross said that he and Attorney Powell we can move those types of special equipment to the leases.

Chairman Swanty asked if the City is self-insured? Director Cahill said that the City uses CIRSA as its carrier. Chief Miller said LFRA probably needs to have its own property insurance. Rural Board Secretary White said he thinks LFRA is already covered. Director Cahill will check on the status of insurance.

Attorney Ross referred the Board to the checklist for completing the Real and Personal Property Lease/Transfer and said that the 4th Amendment to the Establishing IGA also will need to be prepared. Chairman Swanty questioned the signature page of the draft document that has “President” rather than Chairman on signature line. Attorney Ross explained that in most cases the President signs as the Officer of the Board, as the title “Chairman” refers to the individual running a given Board meeting. Attorney Ross then reviewed the establishing IGA, and advised the Board that the IGA uses the title “Chairman” rather than “President”, so they will change the title of the signatory in the document from “president” to “Chairman”.

4. Review Briefing Papers and Correspondence.

Chief Miller shared a map of the Training Grounds showing where the current retention pond is located in proximity to other areas on the grounds. The State has mandated that the retention pond be filled due to environmental concerns. There was a landfill in that area years ago and water drains into the area from many different sources so it’s hard to know for sure where the problems stemmed from. Chief Miller reported that United Civil Engineering will charge $10,000 to design a new system for a new retention pond in a different area of the Training grounds. Once the design work has been completed he can confirm what the cost will be for a new pond and storm drainage system. It has been estimated at somewhere between $100-150,000.

The consensus of the Board was to move forward with the design work for the new retention pond and drainage system.

Chief Miller reminded the Board of the June 25th open house at Fire Station 9 and the Burlington Northern Train Ride on Monday, May 30th.

Chief Miller said there are nine states and four countries that will be participating in the Kill The Flashover (KTF) training between June 7th and 9th. He encouraged the Board to come to the Training Grounds to see some of the activities.
Chief Miller reported that LFRA sold the old **Ladder 7** for $25,000. That money was placed in the General Fund, but the Board may be asked to approve a supplemental budget to use those funds to help with the costs of the changes to the Training grounds.

Chief Miller reported that there are three Rural District openings on the **Fire Rescue Advisory Commission**.

Chairman Swanty reminded the Board of the **special meeting** on June 14th to talk about the Chief’s evaluation. Two of the Board members said they will not be able to attend that meeting due to other commitments. After some discussion, it was decided that the Board would talk about the Chief’s evaluation at the next regular Board meeting on June 29th. The special meeting on June 14th was cancelled.

No further items were discussed and Chairman Swanty adjourned the regular Board meeting at 3:00 p.m.

The foregoing minutes, having been approved by the LFRA Board of Directors, constitute the official minutes of the meeting held on the date stated above.

---

Jeff Swanty, Chairman

Roylene Sterkel, Secretary