

## RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING OF  
THE BOARD OF DIRECTORS OF THE  
LOVELAND RURAL FIRE PROTECTION DISTRICT  
HELD  
OCTOBER 7, 2020

A regular meeting of the Board of Directors of the Loveland Rural Fire Protection District (referred to hereafter as "Board") was convened on Wednesday, the 7<sup>th</sup> day of October 2020, at 3:00 P.M., at the Loveland Fire Rescue Authority Fire Station No. 1, 410 East 5<sup>th</sup> Street, Loveland, Colorado.

### ATTENDANCE

#### Directors in Attendance Were:

David Legits, President  
Jeff Swanty, Vice President  
Tom Chesney, Treasurer  
Leroy Anderson, Director  
Paul Bukowski, Director

#### Also in Attendance Were:

Chief Mark Miller and Division Chief Michael Cerovski (in person) and, Division Chief Ned Sparks and Division Chief Greg Ward (via video conference); Loveland Fire Rescue Authority ("LFRA")  
Firefighter Craig Willard; LFRA (via video conference)  
Kammy Tinney and Molly Janzen; Pinnacle Consulting Group, Inc.  
Linda Glesne; Collins Cockrel & Cole  
Leah Johnson; Issues Committee Chairperson (via video conference)

Chairman Legits called the meeting to order at 3:00 P.M.

Chairman Legits declared that a quorum of the Board was present, with five of five members in attendance.

ADMINISTRATIVE MATTERS Agenda: The Board reviewed the proposed agenda for the regular meeting. Following review and discussion, the agenda was approved, as amended, rearranging agenda items for a report from the Issues Committee ahead of the Management Report.

Minutes: The Board reviewed the minutes of the September 2, 2020 regular meeting. Following review and discussion,

upon motion duly made by Director Chesney, seconded by Director Anderson and, upon vote, unanimously carried, the Board approved the minutes of the September 2, 2020 regular meeting, as presented.

Update from Issues Committee: Ms. Johnson addressed the Board and reported that Issues Committee activities are fully underway. Ms. Johnson reported that digital ads went live on Facebook and Instagram in early September targeting every voter within the District and mailers are scheduled for distribution to residents the week of October 12<sup>th</sup> and the week of October 26<sup>th</sup>. Ms. Johnson reported that the Issues Committee has raised \$22,000 to date, and fundraising efforts are still in progress. Ms. Johnson answered questions from the Board regarding scheduled events, speaking engagements and press releases.

Ms. Johnson left the meeting at this time.

District Management Report: Ms. Tinney reviewed with the Board the written District Management report for the month of September.

Public Comments: Firefighter Willard reported that the statewide polls conducted by the Colorado Professional Fire Fighters indicate that repeal of the Gallagher Amendment currently has a 55% approval rating with voters statewide.

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FINANCIAL  
MATTERS

Ratify Approval of Claims: Ms. Janzen reviewed with the Board the expenditures for the period August 27, 2020 through September 30, 2020, totaling \$282,468.65. Following review and discussion, upon motion duly made by Director Chesney, seconded by Director Bukowski and, upon vote, unanimously carried, the Board ratified approval of the payment of claims for the period August 27, 2020 through September 30, 2020, totaling \$282,468.65.

Budget to Actual Report and Cash Position Statement: Ms. Janzen reviewed with the Board the Budget to Actual report for the period ending August 31, 2020 and the Cash Position Statement for the period ending September 29, 2020. Following review and discussion, upon motion duly made by Director Swanty, seconded by Director Anderson and, upon vote, unanimously carried, the Board accepted the Budget to Actual report for the period ending August

31, 2020 and the Cash Position Statement for the period ending September 29, 2020.

2021 Budget Timeline: Ms. Tinney reported that preparation of the 2021 draft budget is complete and a meeting between herself, Ms. Janzen, Chief Miller, Chief Cerovski and Director Chesney is scheduled immediately following the regular Board Meeting to review the first draft. Ms. Tinney reported that the final draft of the 2021 budget will be distributed to the entire Board for review on or before the October 15<sup>th</sup> deadline

DEPARTMENT/  
PERSONNEL  
MATTERS

**Chief's Report: Update on City of Loveland 2021 Budget Process.** Chief Miller reported that the City of Loveland 2021 budget received unanimous approval at the first reading held at the City Council meeting on October 6<sup>th</sup>. The second reading is scheduled to occur at the City Council meeting scheduled for October 20<sup>th</sup>.

**Retirement Announcement.** Chief Miller reported that Karen Debenham with Big Thompson Canyon Volunteer Fire is planning to retire in December. Chief Miller reported that LFRA will acknowledge the service of Ms. Debenham and Firefighter Svoboda with a retirement celebration at the end of the year. Chief Miller reported that Division Chief Ward will oversee the transfer of administrative duties from Ms. Debenham and will complete this task prior to year-end.

**Impact Fee Nexus Study Update.** Chief Miller reported that BBC Research is preparing a study review of the Authority's Impact Fees which will require approval by the City of Loveland, Town of Johnstown, and Larimer County Board of County Commissioners.

Cameron Peak Fire. Chief Miller provided the Board an update regarding the Cameron Peak Fire, noting that the fire is currently 42% contained. Chief Miller reported that there are approximately 1,000 firefighters on scene, and they are anticipated to remain through the end of October. Chief Miller reported that incident command is in contact with the District for the Cameron Peak Fire and Mullen Fire in Wyoming.

**Incident Report.** Chief Miller reported that an escapee from a mental health facility attempted to steal a fire engine while crews were on scene. Director Swanty

recommended that the District considers the purchase of key FOBs to prevent future incidents.

Loveland Rural Fire Protection District Fee Schedule: It was the consensus of the Board to table the adoption of the Loveland Rural Fire Protection District Fee Schedule until the November Board meeting to allow additional time for review and updates.

Other Matters: Director Chesney requested a status update regarding land donation for Station No. 10. Chief Miller reported that the design drawings are complete, and no further discussions have been held regarding the land donation or property closing. Chief Miller reported that these discussions are on hold pending the results of the November 3<sup>rd</sup> election.

LEGAL  
MATTERS

Status of Revised Memorandum of Understanding for Inclusion Process with Pinewood Lake Fire Protection District ("PLFPD"): Ms. Glesne reported that a productive conversation with Mr. White was held regarding the revised Memorandum of Understanding for inclusion process with Pinewood Lake Fire Protection District. Ms. Glesne reported that the PLFPD Board meetings are held in May and November, and Mr. White requested that the timeline for the inclusion process be moved to coincide with PLFPD's November meeting date. Ms. Glesne recommended moving the inclusion hearing date to December 2<sup>nd</sup> and holding the election in March 2021. Following review and discussion, upon motion duly made by Director Chesney, seconded by Director Bukowski and, upon vote, unanimously carried, the Board approved scheduling the inclusion hearing date on December 2<sup>nd</sup> and holding the election in March 2021.

Draft Petition for Exclusion Received from Ridge II Hold Co, LLC and Inquiry regarding Exclusion of Graybill Property.: Chief Miller provided the Board with background regarding contact from the Town of Johnstown Planner regarding annexation of the Graybill property into the Town, and exclusion of the property from the District, as well as background regarding the draft exclusion petition received for the property located north of Highway 402 at Interstate 25 Frontage Road. Ms. Glesne provided the Board with an overview of the process for inclusion/exclusions and municipal annexations, and general options for the District. Chief Miller provided a

history regarding a "handshake" agreement between the previous legal counsel for the District and the former Town Manager regarding properties north and south of Highway 402. Director Legits stated that in his opinion the area north of Highway 402 is the District's jurisdiction. Chief Miller stated that he is scheduling a meeting with the Front Range Fire Rescue Authority Fire Chief to further discuss the issue.

EXECUTIVE  
SESSION

Pursuant to § 24-6-402(4)(b) and (e) of the Colorado Revised Statutes, Director Swanty moved that this regular public meeting of the Board of the Loveland Rural Fire Protection District adjourn and, upon an affirmative vote of at least two-thirds of the quorum present, that the Board reconvene in Executive Session for the purpose of receiving legal advice on specific legal questions and determining positions relative to matters that may be the subject of negotiations; developing strategy for negotiations; and instruction negotiators, regarding the draft petition for exclusion received from Ridge II Hold Co, LLC and inquiry regarding exclusion of the Graybill property, pursuant to § 24-6-402(4)(b) and (e) of the Colorado Revised Statutes. Director Bukowski seconded the motion. The vote carried unanimously. Ms. Tinney, Ms. Janzen, Chief Miller, and Division Chief Cerovski were invited to attend the Executive Session.

Ms. Glesne certified for the record that, pursuant to § 24-6-402(4)(b) of the Colorado Revised Statutes, all the executive session discussion will constitute an attorney-client privileged communication and will not be recorded.

The Board went into Executive Session at 4:35 P.M. The Board did not engage in substantial discussion of any matter not enumerated in § 24-6-402(4)(b) and (e), C.R.S. The Board did not adopt any proposed policy, position, resolution, rule, regulation, or formal action. The Executive Session was adjourned at 5:30 p.m. on a motion by Director Chesney, seconded by Director Bukowski and passed by the affirmative vote of all members.

The Board reconvened in regular session at 5:30 P.M.

It was the consensus of the Board to direct legal counsel and Chief Staff to establish a formal process and fee schedule for the exclusion and inclusion of property in and out of the District. The Board further directed legal

counsel and Chief Staff to respond to the petitioners and the Town of Johnstown.

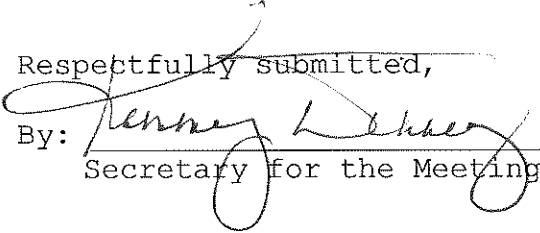
OTHER  
BUSINESS

Chief Miller reported that the upper filings on Storm Mountain, comprised of approximately 50 homes, have expressed interest in including into the District. Chief Miller reported that this area is not currently in a fire protection district.

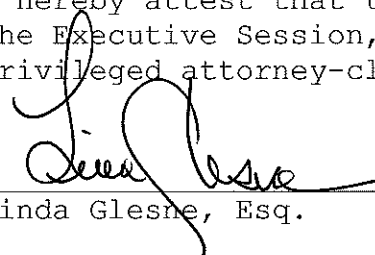
ADJOURNMENT

There being no further business to come before the Board, upon motion duly made and seconded, the meeting was adjourned at 5:30 P.M.

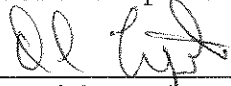
Respectfully submitted,

By:   
Secretary for the Meeting

I hereby attest that the information communicated during the Executive Session, which was not recorded, constituted privileged attorney-client communications.

  
Linda Glesne, Esq.

I hereby attest that the Executive Session was confined to the topics authorized for discussion in Executive Session pursuant to C.R.S. 24-6-402(4) (b) and (e).

 11-4-2020  
David Legits, President