Members Present:
Chairman Jeff Swanty, Director of the Loveland Rural Fire Protection District ("Rural District")
Director Dave Legits, Rural District President
Director Steve Adams, Loveland City Manager
Vice Chairman John Fogle, City of Loveland Council Member
Director Richard Ball, City of Loveland Council Member

Members Absent:
None

Staff Present:
Mark Miller, Fire Chief
Greg Ward, Division Chief
Kristen Cummings, Business Services Coordinator
Cheryl Cabaruvias, Administrative Analyst
Andrea Wright, Human Resources Manager
Ned Sparks, Division Chief
Emily Powell, Legal Counsel to the Authority
Kelley Duke, Legal Counsel to the Authority

Visitors:
None

Call to Order:
Chairman Swanty called the Loveland Fire Rescue Authority ("LFRA") Board meeting to order on the above date at 1:32 p.m.

Approval or Amendment of Agenda:
It was the consensus of the Board to approve the agenda as presented.

Awards and Presentation:
None.
**Swearing In:**

None

**Public Comment:**

None

**Consent Agenda:**

1. Consider a Motion to Approve the Minutes from the Loveland Fire Rescue Authority December 30, 2020 Regular Board Meeting

2. Consider a Motion to Approve Resolution R-123 Approving the Board of Directors Meeting Schedule for 2021 and Designating Posting Location for Notices of Regular and Special Meetings

Motion made by Director Adams to approve the consent agenda. Seconded by Director Ball; motion carried unanimously.

**Regular Agenda:**

3. Conduct Annual Election of LFRA Board Officers

Motion made by Director Ball to elect Jeff Swanty as Board Chairman. Seconded by Director Adams; motion carried unanimously.

Motion made by Director Ball to elect John Fogle as Vice Chairman. Seconded by Director Adams; motion carried unanimously.

Motion made by Director Adams to elect Kristen Cummings as Board Secretary. Seconded by Director Ball; motion carried unanimously.

4. Consider a Motion to Approve the Right of First Refusal Document for Station 10 and Receive Board Direction Regarding Negotiating a Construction Deadline Extension

Chief Miller updated the Board regarding the progress of the Station 10 project. He stated that LFRA applied for a variance to approve a small antennae installation and discretionary use of sirens for Station 10. It was approved by the development’s Design Review Committee (DRC) and legal counsel is working on the proper legal documentation. The complete project still needs to be approved by the DRC, and then the project and variance will go to the Town of Johnstown for its consideration.

Attorney Duke stated that the donation agreement with Gary Gerrard provides that he would have a Right of First Refusal if LFRA wanted to sell the Station 10 donated land within the first five years of closing. Attorney Duke discussed the proposed Right of First Refusal document with the Board, and advised that, if the document is approved by the Board, then it will be
prepared for signature at the closing of the property. Motion made by Director Legits to approve the Right of First Refusal as presented. Seconded by Director Ball; motion carried unanimously.

Attorney Duke reminded the Board that if construction for Station 10 does not commence by June 20, 2021, the donation agreement provides for an automatic reversion of the land back to Mr. Gerrard. She recommended requesting the right to an extension of this deadline because of timing concerns with the variance request, project approval, and financing, and the subsequent work that will be required to select a building contractor. Attorney Duke recommended that extension be six months. Director Ball suggested that the extension go to December 31, 2021. Chief Miller stated that he is in frequent communication with Mr. Gerrard about the timeline of construction, and does not believe there would be any issues with Mr. Gerrard granting an extension of time closer to the June 20 deadline, but recommended the attorneys work on an extension to be prudent. It was the consensus of the Board to pursue an extension, to be considered for approval at the February meeting.

5. Consider a Motion to Approve Station 10 Loan Arranger Agreement

Chief Miller stated that he developed a draft lease-purchase financing RFP and has pursued the services of a Loan Arranger. He would like to enter into an engagement letter with Piper Sandler for loan arrangement. A preliminary timeline was provided that would have LFRA closing on the Station 10 financing on March 10, 2021. The goal is to find a loan that is 20-year, has a low payment and no pre-pay penalty. Chief Miller will provide comparisons from financial institutions to the Board along with Piper Sandler’s recommendation. Director Adams asked if there was any liability to the City with respect to the financing collateral. Attorney Powell stated that ordinarily the collateral would be the station itself, which would be owned by the Authority and have no direct liability to the City; however, the specific terms of each proposal would have to be reviewed. Simply receiving proposals generates no liability, because they can all be rejected. Motion made by Director Ball for Chief Miller to sign the engagement letter with Piper Sandler. Seconded by Director Legits; motion carried unanimously.

6. Consider a Motion to Approve Resolution R-124, Adopting the Updated Impact Fee Nexus Study and Updated Impact Fees

Chief Miller gave a presentation on the updated impact fee nexus study prepared by BBC Research and Consulting ("BBC"). Chief Miller showed a comparison of LFRA’s current impact fee rates to the updated maximum impact fee rates recommended by BBC Research and Consulting, along with his proposed impact fee increases. He also showed the differences in revenue collection for each property category, and compared the fees to the impact fees of surrounding agencies to show that LFRA’s impact fee will remain competitive after the proposed increases. Chief Miller recommended that an impact fee increase not be phased in, since the study is done every three years, and each phased increase would require approval of the City of Loveland, Town of Johnstown and Larimer County. Chief Miller stated that he would like to have the new impact fees in place by March 1, 2021, and no later than May 1, 2021. Motion made by Director Legits to approve Resolution R-124, adopting the updated impact fee nexus study and updated impact fee rates. Seconded by Director Ball; motion carried unanimously.
7. Chief’s Report

Chief Miller stated that he recommends LFRA start having a separate annual audit completed, rather than including it as part of the City of Loveland’s audit. He said that if LFRA uses the same company that the City uses, they could conduct the audit as an opinion audit, which would be approximately $5,000 less than if they use a different auditor. The Board concurred with Chief Miller regarding conducting the separate audit. Chief Miller stated that the 2021 Strategic Planning Session would be deferred until February.

Chief Miller stated there was nothing new to report regarding Station 3, and that the City was moving forward with its testing process.

Division Chief Sparks stated that LFRA has interest in engaging the services of Brycer-The Compliance Group to manage the monitoring of annual compliance testing of fire alarm and sprinkler systems. The cost of $15 per permit is charged to the contractor conducting the testing, and will likely be passed along to the business owner. This will eliminate this piece of workload from the CSD division and there is no direct cost to LFRA.

Division Chief Cerovski stated that in February the PulsePoint app will be made available to Loveland. It is an app that notifies citizens who are trained in CPR when there is a cardiac emergency in a public place near them, as well as the location of the nearest AED. Early bystander CPR can increase the survivability of a cardiac emergency by 40%. This service is recommended for enhancing Loveland’s designation as a Heart Safe Community. The cost is $5,000 per year for Loveland and Berthoud, and the McKee Wellness Foundation is covering the cost of the first year.

Division Chief Cerovski asked the Board if they would be interested in livestreaming Board meetings on Facebook Live to increase community access. The Board consensus was against, stating that the platform did not have enough security measures in place, which was shown when the City Council attempted to do the same.

8. Other Business for Board Consideration

Chairman Swanty asked Chief Miller if Docusign could be used for signing Board documents. Division Chief Cerovski stated that Docusign is very expensive, but that it would be possible to use Adobe if a license was purchased for Board member personal computers.

9. Executive Session Pursuant to CRS 24-6-402(4)(b) and (e) to receive legal advice related to the Station 3 investigation and to discuss matters subject to negotiation related thereto.

Not required.

10. Possible Action on Any Matter Discussion in Executive Session

None.

With no further business to come before the Board, Chairman Swanty adjourned the meeting at 2:53 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.

Jeffrey M. Swanty, Chairman
2/24/21

Kristen Cummings, Secretary