

# INDIAN HILLS FIRE PROTECTION DISTRICT

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## BOARD MEETING MINUTES

Wednesday, September 22, 2010

*The Minutes are intended to reflect the discussions that occurred and decisions that were made by the members; they are not intended to be a transcription of the meeting.*

### **MEETING ATTENDED BY:**

***Fire Protection District Board Members:*** Paul Pettit — President; Marc Rosenberg — Secretary; Ron Walton; Richard Westerlage

***Fire Department Members:*** Don Schoenbein — Chief; Emery Carson — Assistant Chief; Steve Bruns — Fire Captain; Matt Griffin

***Non-Members:*** Randy Rudloff — Fire Marshal; Anita Fritz — Bookkeeper; Karen Nelson — Recording Secretary

***Absent:*** Bret Roller (Excused)

### **MEETING CALLED TO ORDER AT: 19:34 Hrs.**

### **MINUTES:**

Mr. Rosenberg made a *motion* to waive the reading of the August Minutes, which was seconded by Mr. Walton and passed unanimously.

Discussion followed and the following change was made. Page 8, sixth paragraph, third sentence to read: “Mr. *Gagnier* was the farthest along and just needed to take his test after he completed his training.”

Mr. Rosenberg made a *motion* to accept the August Minutes as amended, which was seconded by Mr. Walton and passed unanimously.

### ***Ms. Nemer’s Emails***

Discussion began with an email recently sent by Ms. Nemer to Board members that addressed several issues that were raised as a result of her reviewing the Minutes. A decision was made to go through it point by point. Mr. Pettit began with the first item concerning the District’s Minutes. First, Ms. Nemer advised that it’s a good idea to state how the District

has complied with the meeting posting requirements, especially for special meetings. Mr. Pettit drew attention to the fact that Ms. Nemer had specified that notice of both regular and special meetings must be posted at the offices of the County Clerk and Recorder of the county in which the District is located and at three places within the District. It was noted that there are already postings at three District locations but not at the offices of the County Clerk. Discussion followed whereby it was decided that notices could be faxed or emailed to the County Clerk.

However, Mr. Pettit pointed out, Ms. Nemer explained that notice of public meetings must be posted at the District's primary meeting place in addition to the three locations in the District and must include a specific agenda, including mention if an executive session is anticipated. Ms. Nelson interjected that the District's primary meeting place is currently one of the three posting locations. A brief discussion followed on possible additional locations for posting meeting notices. Sites such as Sit-n-Bull, Parmalee Elementary, and Base Camp were discussed. Since the posting locations are to be decided in January of each year, per Ms. Nemer, the Board decided to wait until then to make a decision on another posting location.

Mr. Rosenberg then turned conversation to whether Ms. Nemer needs to review the Minutes each month. Mr. Pettit admitted that he was torn. On the one hand, he said, he didn't want the expense. But, he added, by reviewing the Minutes Ms. Nemer will know exactly what's going on with the Department. He advised seeing what Ms. Nemer charges and then making a decision. Mr. Westerlage expressed that he thought Ms. Nemer should review the Minutes. "She's good," he said, "and will keep the Department in line." Mr. Rosenberg reminded that there's money in the budget for legal counsel. Mr. Walton advised trying the process for a few months.

Mr. Pettit said that a bill had been received from Ms. Nemer for the time and paperwork associated with the change of counsel. He noted that the Department is at 29% year-to-date for legal costs. Mr. Pettit also stated that he thought the District had been legally underprotected in the past. Mr. Rosenberg interjected that legal fees would increase with the upcoming budget process. Mr. Pettit reminded that a decision had been made that the legal role in the budget process would only be to ensure that postings were properly done.

Discussion then moved to a point Ms. Nemer had made in the email regarding how any District business that is discussed via email is subject to the Colorado Sunshine Law of open disclosure. Mr. Pettit noted that Board members try to minimize using email for such purposes.

Mr. Pettit then read the second item to be discussed in Ms. Nemer's email concerning a request for a copy of the final signed lease for Mt. Lindo for her files. Mr. Pettit admitted that he didn't know where the final copy was. Mr. Rosenberg asked if a copy had been found in Mr. Young's files. "No," answered Mr. Pettit. At one time, he continued, Mr. Roller had the final copy but had sent it back to Olinger.

Discussion moved to the third point in Ms. Nemer's email regarding ambulance billing collection rates. Ms. Nemer had expressed that the Department's current 40-45% collection rate was low. Mr. Pettit stated that it's being worked on. Mr. Schoenbein agreed that the rate was improving. Mr. Pettit added that a collections agency had been hired to help. Mr.

Schoenbein reminded that the Department only got a maximum of 50% of the fee if the collections agency collected after six months of delinquency.

Moving on to the fourth point in Ms. Nemer's email, Mr. Pettit addressed Ms. Nemer's question regarding whether the Department planned to move forward with a ballot issue proposing the elimination of term limits for Board members. At the time of the Minutes that Ms. Nemer was referring to, the Department hadn't decided whether to participate in the election but had since decided to move forward, he said.

Mr. Pettit then read the fifth point in Ms. Nemer's email concerning legal fees. She had noted that discussion at a past Board meeting had indicated that advance approval was required for legal services. And yet, she added, the Minutes had been sent for her review and the Department would, thus, be billed for her time. Mr. Pettit said that the Department would have to see how legal expenses played out although he thought the \$6,000 allotment for the year would be enough. Mr. Westerlage asked if anyone had responded to Ms. Nemer regarding reviewing the Minutes. Mr. Pettit admitted that he had wanted to wait to discuss it at the meeting.

Mr. Pettit concluded discussion of Ms. Nemer's email with the last bullet point requesting a District contact list. Mr. Rosenberg wondered exactly who should be on the list. Mr. Pettit said the names were on the Department's website.

Discussion then moved to additional emails that had been sent by Ms. Nemer regarding the upcoming election. Mr. Pettit explained that one such email referred to the fact that since the Department has an item on the ballot, it is getting communications from the County and is eligible to have a representative at the testing board. Mr. Pettit expressed that he didn't think it was necessary to be involved at that level, though.

Mr. Pettit then read a question that Ms. Nemer had posed concerning whether all Board members wanted to be copied regarding any communication other Board members had with her. Mr. Westerlage said that he had responded "yes" to Ms. Nemer. Mr. Pettit noted that Ms. Fritz had recently sent Ms. Nemer an email with a question about preparing the budget and found that it was acceptable for discussion to occur outside of regular Board meetings. Mr. Westerlage asked if a budget committee had been formed. Mr. Schoenbein responded that he and Ms. Fritz had already met. Mr. Westerlage said that the Board Treasurer is usually on the committee. Mr. Schoenbein noted that Mr. Roller hadn't been around. Mr. Pettit suggested that Mr. Westerlage work with the committee. It was decided that no motion was needed to proceed with budget preparations.

Mr. Westerlage turned discussion to additional email correspondence from Ms. Nemer regarding drafting and adopting by-laws and rules and regulations as part of the process of unifying the District/Department. Mr. Pettit shared that in going through the documents from Mr. Young, Ms. Nemer had noticed that those documents were missing. Mr. Westerlage admitted that he had been surprised that Ms. Nemer had caught that.

In the email, Ms. Nemer recommended using Inter-Canyon's rules and regulations as a guideline for Indian Hills to draft its own. Mr. Pettit reminded that he had given Mr. Dawson copies of Golden Gate's documents some time ago. Mr. Schoenbein stated that he

didn't think there was anything wrong with the District's by-laws. They are very generic, he added. In the email, Ms. Nemer had proposed forming a committee with one or two Board members and the Chief to meet and discuss the documents. Mr. Westerlage said that he would respond to Ms. Nemer.

Mr. Schoenbein turned conversation to the Department's 501(c)(3) status. Filing had been sporadic over the past years, he added. Mr. Westerlage asked if Board approval was needed to contact Ms. Nemer regarding 501(c)(3) issues. Mr. Schoenbein answered that the topic was Department related. Mr. Pettit suggested that Ms. Nemer might be able to help with the documentation, though. Mr. Rosenberg stated that it was his understanding that the membership had no legal counsel but that the Board does. Mr. Schoenbein said that Ms. Nemer's costs could be paid out of Department funds.

## **TREASURER'S REPORT:**

### ***Monthly Reports***

Discussion began with Mr. Pettit stating that he appreciated the bullet points on the cover page of the financial reports. Mr. Westerlage said that maybe the postage point could be removed since it had been there for many months. Ms. Fritz said that Ms. Corsaut had told her that the stamps that had been purchased were almost gone. Mr. Schoenbein added that *Smoke Signals* had been rejected for bulk mail status because of a missing IRS form. Mr. Pettit advised leaving all bullet items on the cover sheet so that the same questions didn't get asked each month. Overall, he said, he thought the Department was on target for the year.

Discussion moved to the Executive Summary. There were no questions. Conversation turned to the Profit Loss Budget Performance Spreadsheet. Mr. Pettit noted that a lot of dollars had been spent on wildland supplies (account #6035) in the last month. Mr. Schoenbein acknowledged that and said a few more expenses were forthcoming but were included in the budget.

Regarding account #6045 (Rescue Supplies), Mr. Pettit asked if costs were for stocking the ambulances as part of ALS certification. Mr. Schoenbein said that there was a considerable amount of supplies still to buy. The DEA form had just been submitted, he added, noting that drugs hadn't yet been purchased. He mentioned that the account would probably be over budget for the year since three safes needed to be purchased to store drugs. Ms. Fritz raised the issue of receiving an invoice from Allmed that had been coded to account #6045. Was that correct? Mr. Schoenbein said that the items were not disposables. Mr. Bruns agreed. Nevertheless, a decision was made to leave the coding as it was.

Conversation turned to Checks. Ms. Fritz noted that check #11292 had been a misprint. Mr. Pettit asked for clarification on check #11295 to Brian Kerby. Mr. Schoenbein explained that it was for reimbursement for items in a thank you basket that he had authorized. Mr. Pettit then asked about check #11300 to Evergreen Fire/Rescue for \$97.50 to replace a fuse holder. Mr. Rosenberg explained that the lights and siren had blown while responding to a call for an asphalt truck rollover. Regarding check #11305 to Municipal Emergency Services for \$1,384.01, Mr. Pettit inquired whether it was an annual expense for an on-site unit. "Yes," answered Mr. Schoenbein.

Mr. Rosenberg made a *motion* to approve checks #11293-11314, plus automatic payments and bank fees. Mr. Walton seconded the motion, which passed unanimously.

### **DEPARTMENT/OFFICERS' REPORTS:**

#### ***Fire Marshal — Randy Rudloff***

Present. No report submitted. Mr. Rudloff began by saying that Fire Prevention Day would be held October 13 at 10 am at Parmalee Elementary. He shared that the theme was “Smoke Detectors: A Sound You Can Live With.” Two hundred and fifty brochures had been produced and would be distributed to the students at Parmalee, Mr. Rudloff said.

Mr. Rudloff then briefly reviewed recent inspections and Knox Box applications for the District. In addition, a contractor would be looking at a 10,000-gallon cistern on Cameyo Rd. that coming Friday, he said. Now there were two cisterns on Cameyo, he added. Mr. Rosenberg wondered whether the new cistern was being installed on Mr. Vogler’s old property.

Mr. Rudloff shared that he would be meeting with the possible new owner of the Foss property, who had plans to bulldoze the caretaker’s house, lodges on the property, and other structures. The interested buyer wanted the entire 140-acre parcel, said Mr. Rudloff, who added that the deal was in process but not yet final.

#### ***Chief’s Report — Don Schoenbein***

A report was distributed and various items were discussed. Mr. Schoenbein began with item #1 regarding Stage 2 fire restrictions being in effect. The burn ban had gone into effect the previous Tuesday, Mr. Schoenbein said, adding that the recent moisture wouldn’t change the restriction.

Discussion moved to item #2 regarding the Darley update. Mr. Schoenbein shared that the truck had been delivered to Fire Trucks Plus the previous Tuesday. The company had taken pictures and made videos of the truck and sent the materials to several departments. Mr. Schoenbein said that he planned to review the Department’s needs with the company early the following week. Pictures of the Darley apparatus would be on the Fire Trucks Plus website in the next few days, he added.

Regarding Mr. Adams (item #3), Mr. Schoenbein said that he had visited the Adams home two days’ prior and found Mr. Adams heavily medicated and comatose. Mr. Schoenbein then shared that he had talked with the Department officers and that plans were under way to find a facility for a memorial service, possibly in Indian Hills. There would be no funeral, he continued, just a memorial service with little cost associated. An agenda for the service was briefly discussed.

Conversation turned to item #4 regarding a meeting with Inter-Canyon concerning joint training and shared supplies related to the ALS certification. Mr. Schoenbein said that he and Mr. Fager had found that the Department could get better pricing on drugs and supplies by working with Inter-Canyon. Mr. Schoenbein then explained that Inter-Canyon would make the initial purchase, and Indian Hills could buy as needed. Benefits would include no shipping times. A quote was not available yet, he continued, but the costs could be budgeted for the following year.

Mr. Pettit asked for further clarification of the agreement. Mr. Schoenbein responded that Inter-Canyon would buy drugs and supplies and store them in a bay in station 1. Mr. Pettit clarified that Inter-Canyon would place the order based on anticipated needs and Indian Hills would purchase as required. “Yes,” answered Mr. Schoenbein. So, asked Mr. Pettit, the Department would pay for supplies at the time of need rather than the time of order? “Yes,” responded Mr. Schoenbein, who added that Inter-Canyon was asking for financial assistance to help purchase a vending machine for controlled supplies. Specific costs were not yet available, he said.

Discussion moved to item #5 regarding insurance. Mr. Schoenbein said that he and Mr. Carson had met with Mr. Tribbett about District insurance policies and potential life/health insurance for members. Mr. Schoenbein passed out a packet with quotes and explained that there had been some increases in coverage costs. Specific costs for life/health insurance were not yet available. Mr. Pettit asked if the Darley apparatus was still insured. “Until it sells,” answered Mr. Schoenbein, who also added that Fire Trucks Plus insures the truck as well.

Mr. Schoenbein next announced that the Department’s auxiliary had adopted the name “Fire Boots” (item #6) and had held a successful open house/flea market/craft fair the previous Saturday. Most vendors had been pleased, he said. Although the Department had been limited in terms of demonstrations because of the fire ban, the experience had been a good one, he added. Discussion had occurred about possibly holding another Department open house inside during the winter. Mr. Schoenbein said that the recent event had brought in at least half of money needed to cover the \$1,500 deficit from Fourth of July expenses.

Conversation turned to item #7 regarding the El Jebel Shiners 2010 Meritorious Service Award. Mr. Schoenbein announced that two Department members, Mr. Rosenberg and Mr. Bruns, would be honored at a breakfast on October 9. Both members exemplify exceptional service, said Mr. Schoenbein.

Mr. Schoenbein concluded his report by stating that the state matching pension funds form had been submitted in a timely manner (item #8) and by summarizing the calls for the month, which totaled four.

Next, discussion moved to the upcoming EMSAC conference. The cost would be \$3,000, Mr. Schoenbein announced, and ways had been found to procure the funds. Mr. Pettit asked how many members were attending. “Seven,” answered Mr. Schoenbein, who added that the rooms would cost \$1,300. Mr. Rosenberg stated that the per-person registration was \$225. Mr. Pettit asked what accounts the funds were coming from. He added that he recalled that Mr. Roller had suggested that attendees drive daily to the conference. But, Mr. Pettit said, he hadn’t agreed with that. Mr. Schoenbein said that \$2,000 of the fee was coming from the Wildland Training budget. Further conversation occurred about how the conference fees were being paid for. Mr. Pettit concluded discussion by expressing approval for members to attend.

***Assistant Chief’s Report — Emery Carson***

A report was submitted and various items were discussed. Mr. Carson began by stating that the Department's business meetings were changing back to once a month on the first Tuesday of the month.

Mr. Carson then asked whether anyone knew where a copy of the easement for the shed behind the station was. Mr. Rosenberg suggested checking with the County. Mr. Pettit said that he wouldn't assume it was in the attorney's files. Discussion followed whereby it was recalled that the lease agreement was for \$1/year. Mr. Rosenberg advised checking with the homeowner. Mr. Pettit recalled that Mr. Himstedt had a part in the easement agreement.

***Fire Captain's Report — Steve Bruns***

Present; no report submitted.

***Rescue Captain's Report — Bob Fager***

Not present; no report submitted.

**NEW BUSINESS:**

***Apparatus Trade-in Update***

Mr. Westerlage began discussion by questioning whether the Darley loan had to be paid off in order to make a trade through Fire Trucks Plus. Ms. Fritz said that she had made a call to Mr. Self with Wells Fargo concerning the loan agreement, but hadn't heard back. Mr. Carson stated that he had the statement of origin and title for the truck. Mr. Westerlage asked whether there would be an issue if Amendments 60 and 61 and Proposition 101 passed. "Yes," answered Mr. Schoenbein. Mr. Schoenbein said that he had distributed information so that everyone could be well-versed on the issues. Mr. Westerlage asked if the District could afford to pay off the loan. "Yes," answered Ms. Fritz, but the Department may not be able to get another loan if the aforementioned issues pass. Consequently, she continued, keeping the loan might be beneficial.

Mr. Pettit asked if there was a list of potential apparatus that Mr. Schoenbein was considering. Mr. Schoenbein responded that the list hadn't changed. He had no prices yet. Mr. Pettit confirmed that Fire Trucks Plus had the Darley and asked if the agreement was essentially a buying/selling line of credit. "Yes," answered Mr. Schoenbein, who said that Fire Trucks Plus was impressed with the Darley apparatus. Mr. Pettit asked for confirmation that the Department had roughly \$350,000 of purchasing money to work with. "Yes," answered Mr. Schoenbein. Mr. Pettit inquired if the other Board members were comfortable with the direction Mr. Schoenbein was heading. Mr. Westerlage, Mr. Walton, and Mr. Rosenberg all answered affirmatively.

***Communications System***

Mr. Rosenberg began by thanking Mr. Bruns and members of the Department training for digging the hole at Mt. Lindo. The forms and bottom section of the antenna were in, Mr. Rosenberg continued, and the concrete would be poured the following day. Discussion followed about certain technical details surrounding the build. Mr. Rosenberg said that Mr. Hall had been on site the previous evening. The concrete would be brought in by wheelbarrow at a cost of \$1,200 rather than \$3,000 with a contractor. Weather was the only possible holdup at this point, Mr. Rosenberg shared. Mr. Pettit acknowledged that this was a major accomplishment.

Conversation moved to mitigation issues at the site. Trees and slash in the area would be cleared in two stages, Mr. Rosenberg said. The Mt. Lindo caretaker had expressed no concerns with the mitigation plans, which would be done to protect the equipment and ensure a better signal, Mr. Rosenberg explained. Mr. Carson recommended painting the tower green. Mr. Pettit asked a few questions regarding the cabinet and batteries, which were answered by Mr. Rosenberg and Mr. Carson.

Mr. Rosenberg shared that the build was moving quickly. After the concrete pour, the electrician would be brought up. Mr. Roller had put the expenses for the supplies on his own personal credit card so that the reimbursement could be requested as one submission, Mr. Rosenberg explained.

### ***Station Remodel***

Mr. Carson stated that Mr. Martino, an engineer who lives next to Mr. Fager, had volunteered to create the drawings free of charge. One option, Mr. Carson said, would be to level the building and spend roughly \$225,000 for a new station. Mr. Schoenbein reminded that \$225,000 would just be the cost of the shell. Mr. Westerlage said that because of septic system issues, a remodel would be preferable. Mr. Carson said that he would have drawings by the next Board meeting.

One important question Mr. Carson had was how much money the Department can legally accept from Mr. Leprino without having to go back to the taxpayers for approval on how to spend it. A specific dollar amount was needed, he said.

Mr. Pettit shared that there had been a two-page article in the paper about Mr. Leprino and his business ventures. He has a new plant in Greeley, Mr. Pettit said. And a plant in India, said Mr. Carson. Mr. Leprino hadn't wanted his photo in the paper, but mention had been made of his charitable contributions. Mr. Rosenberg said that there had been a good relationship in the past with Mr. Leprino. Mr. Carson said that he had a good relationship with Mr. Leprino presently.

Mr. Carson reiterated that he needed information from Ms. Nemer about the amount of money the Department can accept from Mr. Leprino without tax ramifications. Mr. Pettit suggested that Mr. Schoenbein call Ms. Nemer since he had to do so anyway to ask questions related to the 501(c)(3) issue. Mr. Pettit said that he'd like Mr. Schoenbein to also ask Ms. Nemer when debrucing ends.

Mr. Schoenbein brought up the issue of needing to prepare two budgets in the event of passage of Amendments 60 and 61 and Proposition 101. Ms. Fritz responded that Ms. Griggs had told her that this wasn't necessary. Instead, conversations should be occurring about ways in which the Department could be affected.

### ***Pension Board***

Mr. Westerlage turned conversation to the pension board. Who are the members? He noted that Mr. Humber was on medical leave and a probationary member anyway. Mr. Westerlage said that he recalled that the pension board was supposed to be made up of two Board members, and one volunteer from the Department. Mr. Rosenberg said he thought it was



two members from the Department and one from the Board. Mr. Carson said that the Board treasurer should be part of the pension board.

Mr. Westerlage expressed concern that he couldn't find any files associated with the pension board. Mr. Schoenbein said that he had the files. A conversation then followed whereby Mr. Schoenbein expressed that he thought there was a conflict of interest in that the Department's office manager was requesting to take business files home for Mr. Westerlage, her husband. Mr. Westerlage said that he wanted to see the files. Mr. Schoenbein responded that he could do so but added that the files were not to be taken home. Mr. Westerlage expressed concern that documents weren't being attended to. Mr. Schoenbein answered that the pension paperwork had been notarized and filed in a timely manner the previous Monday [September 20], which was five days ahead of schedule.

Mr. Westerlage asked who would be responsible for the pension moving forward. Mr. Rosenberg said that he thought Mr. Schoenbein should oversee it. Since the Chief position is a paid one now, Mr. Rosenberg said that he thought administration of the pension fund should be done by the Chief. Mr. Pettit asked if the law required that there be a three-member pension board. Mr. Walton agreed that Mr. Schoenbein could oversee the pension along with the help of the three-member board. Mr. Westerlage inquired who would be on the pension board. Mr. Rosenberg reminded that Department elections would be held in November. Mr. Pettit asked who from the Board should serve on the pension board. Ms. Fritz recommended Mr. Roller. Brief conversation followed whereby Mr. Rosenberg recalled a year where the paperwork for the pension filing was never received. Mr. Carson remembered that several departments didn't get funding that year.

### ***Snowplow Contract***

Mr. Pettit expressed that he wanted to see the paperwork associated with the agreement. Ms. Fritz presented it to him. Mr. Pettit said that he had a problem with the minimum number of inches specified before plowing. Ms. Fritz reminded that the minimum amount had initially been two inches. Mr. Pettit brought up the concern of flat fees vs. charging for time spent plowing. Mr. Schoenbein interjected that he thought Mr. Fritz was very good. Ms. Fritz said that her husband wanted to talk to the Department before the season started.

Mr. Walton made a *motion* to approve the snowplowing contract and authorize Mr. Schoenbein to handle the details with Mr. Fritz. Mr. Rosenberg seconded the motion, which passed by a vote of 3-0-1, with Mr. Pettit abstaining.

### **MEETING ADJOURNED AT: 21:37**

There being no more business to discuss, Mr. Rosenberg made a *motion* to adjourn the meeting, which was seconded by Mr. Walton and passed unanimously.

*President:*

*Secretary:*

### **MOTIONS MADE AND PASSED:**

- To waive the reading of the August Minutes. *Motion made by Mr. Rosenberg; seconded by Mr. Walton; unanimous.*
- To accept the August Minutes as amended. *Motion made by Mr. Rosenberg; seconded by Mr. Walton; unanimous.*
- To approve checks #11293-11314, plus automatic payments and bank fees. *Motion made by Mr. Rosenberg; seconded by Mr. Walton; unanimous.*
- To approve the snowplowing contract and authorize Mr. Schoenbein to handle the details with Mr. Fritz. *Motion made by Mr. Walton; seconded by Mr. Rosenberg; passed by a vote of 3-0-1, with Mr. Pettit abstaining.*
- To adjourn the meeting. *Motion made by Mr. Rosenberg; seconded by Mr. Walton; unanimous.*

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