



REGULAR MEETING  
BOARD OF DIRECTORS  
DE BEQUE FIRE PROTECTION DISTRICT

DE BEQUE FIRE STATION  
JUNE 10, 2024

**MINUTES**

**CALL TO ORDER:**

Pursuant to notice, the regular board meeting of the De Beque Fire Protection District (the District) was called to order by Board Vice President Ramthun at 5:02 p.m. on Monday, June 10, 2024.

**OPEN WITH PLEDGE OF ALLEGIANCE TO FLAG:** The Pledge of Allegiance was recited.

**ROLL CALL/ESTABLISH QUORUM:**

Cynthia Farris, Present; Melanie Hansen, Absent, Arrived at 5:35 p.m. during Trane Issue Discussion; Dustin Koehler, Present; Maria Ramthun, Present; Annette Tanner, Present. A quorum was present and the meeting, having been duly convened, was ready to proceed.

**OTHERS PRESENT:**

Forest Matis, De Beque District Fire Chief; Captain Jason Lee; Firefighter Kyle George; Secretary Kim Latham.

**ADDITIONS OR DELETIONS TO AND APPROVAL OF AGENDA:**

No Additions or deletions to the Agenda were made. Motion was made by Board Member Farris and seconded by Board Vice President Ramthun to approve the agenda as presented. Vote: Cynthia Farris, Aye; Melanie Hansen, Absent; Dustin Koehler, Abstain; Maria Ramthun, Aye; Annette Tanner, Aye. Motion Passed.

**MINUTES:**

Minutes were presented to the BOD for consideration for the regular board meeting on May 14, 2024. Motion was made by Board Member Farris and seconded by Board Vice President Ramthun to approve the minutes as presented. Vote: Cynthia Farris, Aye; Melanie Hansen, Absent; Dustin Koehler, Abstain; Maria Ramthun, Aye; Annette Tanner, Aye. Motion Passed.

Minutes were presented to the BOD for consideration for the special board meeting on May 22, 2024. Motion was made by Board Vice President Ramthun and seconded by Board Member Farris to approve the minutes as presented. Vote: Cynthia Farris, Aye; Melanie Hansen, Absent; Dustin Koehler, Abstain; Maria Ramthun, Aye; Annette Tanner, Aye. Motion Passed.



## **ZOOM MEETING WITH ATTORNEYS DINO ROSS AND JULIE WALKER**

The scheduled zoom meeting with attorneys Dino Ross and Julie Walker began to discuss the Trane Heater/AC repair and the Town of De Beque (Water/Sewer Line Annexation) issue.

### **Trane Heater/AC Issue**

Chief Matis introduced Dino Ross as the District attorney and Julie Walker as assisting Mr. Ross with the Trane Heater/AC issue. Ms. Walker discussed the background data of the Trane Heater/AC issue. The Heater/AC unit has not been working properly since December of 2022. The unit is under warranty, and the warranty includes parts but does not include labor charges. The unit uses Samsung parts, but Trane has severed ties with Samsung, resulting in difficulties receiving needed parts. There are also outstanding invoices from 2023 and 2024 to Trane that have not been paid. The District has held payment for those invoices because the heater/ac repair has not occurred, and the District is now in negotiation with Trane through attorneys to get the heater/ac unit fixed. Trane is requesting those invoices be paid before committing to the repairs needed to get the unit in working order. Trane submitted a proposal to fix the unit for \$36,000+ for labor costs. The proposal would include a 30-day delay in payment to see if the unit is working properly upon completion of repair. Trane presented Ms. Walker with information that there were issues in 2018 with the heating unit, resulting in a compressor unit replacement in the condensing unit. Trane noted to the Fire Chief at that time that four electronic expansion valves needed replacement. The Fire Chief declined that option, resulting in the issues that we are currently having. Current Fire Chief Matis reported that he could find no such documents, but Trane did contact Attorney Walker with the details. Board President Tanner pointed out that in 2018 the District station was under a maintenance contract with Esco Mountain. Esco Mountain would have been called as first contact to come evaluate the issues. Board President Tanner also questioned if Trane would have currently certified technicians that are able to work on our units. The District has been told specifically that Trane does not have technicians that are certified to work on these units. Discussion ensued regarding alternative solutions. The most cost-effective way and best timeframe to proceed is to accept the bid with Trane. There are questions as to why the unit valves all failed at the same time directly after Trane came and completed work on the unit, but there is no proof that the repairs in 2023 created the issue. It is noted that the unit that was installed is not the correct design for this station. The fact that the District was notified in 2018 (by Trane) that four valves needed replacement, and the District declined to fix it, makes the situation complicated. It is also possible that the power company power surge in 2018 that fried the District pump and sewer pump could have affected the heater/ac unit as well. Discussion ensued regarding whether or not language for the agreement could include that labor costs are covered in the agreement, and the District can hold the payment more than 30 days after repairs to ensure the repair work was successful. Board Vice President Ramthun recommended we accept the proposal with the discussed requirements and start budgeting \$50,000 a year toward a new unit replacement. Chief Matis' recommendations are to pay the outstanding invoices in good faith, move forward with the proposal with attorney input, and if the repairs fail, Trane will come back and fix it at no cost to the District. Board President Tanner would like to include 90 days instead of 30 days to pay the bill. Attorney Walker summarized the terms as follows: 1) Certified technicians are to complete the work on the unit; 2) The District has 90 days to pay the invoice to ensure the unit is working properly; 3) If the unit fails, Trane will come back to repair it at no cost to the District; 4) If the repairs are not completed by their committed completion date, there will be some type of liquidated damages. Board Vice President Ramthun stated she would not want to wait until the next board meeting to accept the repair agreement. It was agreed to add to the motion that Chief Matis would have authority to proceed with the agreement. Board President Tanner wants delivery of the replacement parts that have already been ordered to the station site.



Motion was made by Board Vice President Ramthun and seconded by Board Member Koehler to authorize Chief Matis and legal council to negotiate an appropriate resolution of the current dispute regarding the Trane Heater/AC system according to the following parameters: 1) Trane affirms that certified technicians will be used to work on the units; 2) Trane will provide the parts that they have ordered that belong to the District; 3) The District will have 90 days to operate the system to confirm that it is working properly; 4) If the system fails after those 90 days, Trane will come back to fix the unit at their own expense; 5) If the system is not installed by a date certain, there will be a provision for liquidated damages; 6) The District will pay the outstanding invoices (\$15,712.02 and \$1,553.29) in good faith. Vote: Cynthia Farris, Aye; Melanie Hansen, Aye; Dustin Koehler, Aye; Maria Ramthun, Aye; Annette Tanner, Aye. Motion Passed.

Attorney Dino Ross presented information regarding the first draft of the annexation agreement with the Town of De Beque attorney. There were some things of note Mr. Ross wanted to bring to the attention of the Board: 1) The deadline to connect to the town sewer/water system states no later than June of 2026. The proposal that Chief Matis presented to the Town of De Beque was for five years (2029); Mr. Ross would like to stand firm on the year 2029; 2) Westwater has prepared a design/engineering plan for the construction need to connect to the system. The Town of De Beque refused to pay for the drawing because they stated they did not order it, and steered Westwater to contact the District to purchase the plan. The District did not order the plan and is not obligated to purchase the services, but it would be worth reaching out to Westwater to see if they are willing to negotiate a fair price for the plan; 3) The proposal Chief Matis put to the Town of De Beque included an agreement that the District would not have to pay additional tap fees for this annexation agreement. Mr. Ross does not see anywhere in the proposal that the Town of De Beque has made that concession. Chief Matis asked Mr. Ross if, by accepting this agreement, the District would be able to collect fees from any future development that would benefit from hooking into the line that the Town of De Beque is requiring us to provide. Mr. Ross explained that would be a future contribution right that could be included in the agreement.

Motion was made by Board President Tanner and seconded by Board Vice President Ramthun to authorize Chief Matis and legal council to negotiate changes to the annexation agreement on the terms as discussed to the Board. Vote: Cynthia Farris, Aye; Melanie Hansen, Aye; Dustin Koehler, Aye; Maria Ramthun, Aye; Annette Tanner, Aye. Motion Passed.

Board President Tanner left the meeting at 6:06 p.m.

## **FINANCE REPORTS**

Financial Reports were presented to the BOD for April, 2024. Secretary Latham reported that the bulk of the tax monies have been received. Also, it was noted the District needs to keep \$3,000 in the EMS Billing Account to avoid being charged transfer and account fees. Secretary Latham reported that the District received a notice from the IRS that 941 reports from quarter one 2020 and quarters one and two for 2021 were not submitted to the IRS. The taxes were paid, but the reports were not sent in. Secretary Latham will send them in, but there may be penalties involved. Motion was made by Board Vice President Ramthun and seconded by Board Secretary Hansen to approve the financial reports as presented. Vote: Cynthia Farris, Aye; Melanie Hansen, Aye; Dustin Koehler, Aye; Maria Ramthun, Aye; Annette Tanner, Absent. Motion Passed.



Insurance Write-Downs in the amount of \$2,284.62 and Insurance Write-Offs in the amount of \$0.00 for April 2024 were presented to the board. Motion was made by Board Vice President Ramthun and seconded by Board Member Koehler to approve the insurance adjustment write-down and write-offs in the amount of \$2,284.62 for April 2024. Vote: Cynthia Farris, Aye; Melanie Hansen, Aye; Dustin Koehler, Aye; Maria Ramthun, Aye; Annette Tanner, Absent. Motion Passed.

**PUBLIC COMMENTS:** None

**OLD BUSINESS:**

Ambulance Update: Chief Matis reported that he and Lieutenant Voorhees are going to pick up the ambulance on June 16<sup>th</sup> and will be home on the 19<sup>th</sup>. The purchase came in under budget for the unit.

Fire Chief 1 Unit Update: The new Chief 1 pickup is a welcome addition to the District. Chief Matis drove it to his S200 training in Cripple Creek. Striping will be added on June 24<sup>th</sup>, and the radios and lights will be added next.

**NEW BUSINESS:**

None.

**FIRE CHIEF REPORT:**

- 1) Chief Matis has been involved with legal counsel regarding the legal issues with Trane and with the Town of De Beque.
- 2) Chief Matis attended training classes in Loveland for Fire Inspector.
- 3) Chief Matis attended an S200 training class in Cripple Creek.

**CREW UPDATES:**

- 1) Captain Lee reported that he attended classes in Loveland for Officer Training. Lieutenants Hughson and Voorhees are also testing for Officer 1.
- 2) Captain Lee and Secretary Latham have been working on nice certificate forms for training classes presented by the De Beque Fire Protection District.
- 3) Blue Crew has met with Chevron to look at the Skinner Ridge field and evacuation plans; Green Crew and Blue Crew are scheduled for meetings with Chevron as well. Chevron notified us that they will be sending a \$10,000 donation to the District.

**OTHER COMMENTS:**

Chief Blair's wife and granddaughter were in a bad car accident (Chief Blair recently retired from Parachute Fire Protection District). His wife is currently in the ICU. Chief Matis would like to send some flowers or something else appropriate for her from the District.

Chief Matis had to turn down our first fire assignment to California due to lack of personnel available to cover the assignment and station.

Meeker visited the station to check out the Ladder Truck for possible purchase.



**BOARD COMMENTS:** None

**ADJOURNMENT:**

Motion was made by Board Vice President and seconded by Board Secretary Hansen to adjourn the meeting. Vote: Cynthia Farris, Aye; Melanie Hansen, Aye; Dustin Koehler, Aye; Maria Ramthun, Aye; Annette Tanner, Absent. Motion Passed. Meeting adjourned at 6:36 p.m.

**Next regular meeting: Monday, July 8, 2024.**

**Approved by the De Beque Fire Protection Board of Directors on July 8, 2024.**



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**Annette Tanner, President**

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**Melanie Hansen, Secretary**

Board of Directors:

Board President Annette Tanner  
Board Vice President Maria Ramthun  
Board Secretary Melanie Hansen  
Board Member Cynthia Farris  
Board Member Dustin Koehler

It is noted that Board Member Cynthia Farris is also on the Board of Directors for the Town of De Beque. It is noted that the dual Board positions might be considered a conflict of interest in the event of interaction between the De Beque Fire Protection District and the Town of De Beque.