

MONTHLY MEETING OF THE SOUTH ARKANSAS FIRE PROTECTION DISTRICT BOARD OF DIRECTORS

124 E Street, Salida, CO 81201
Monday August 9, 2021 – 9:00 a.m.

AGENDA

CALL TO ORDER

- Introductions as necessary
- Roll Call
- Approval of Agenda
- Approval of July 12, 2021 Meeting Minutes and July 16, 2021 Special Meeting Minutes

OPEN SESSION

ATTORNEY REPORT

NEW BUSINESS

- Resolution and Order for Inclusion of Real Property to be filed with Chaffee County District Court (Glen D. Burgener)
- Resolution and Order for Inclusion of Real Property (9 properties lying within Fremont County) to be filed with the Chaffee County District Court

FINANCIAL REPORT

- Review July monthly budget/expenses and consider approval
- Checks to be signed

STAFF REPORTS

- Fire Chief

OLD BUSINESS

- Discussion in regards to purchase of new Type III apparatus.

GOOD OF THE ORDER/BOARD MEMBER INPUT

ADJOURN

Next Meeting: September 13, 2021

South Arkansas Fire Protection District

Minutes 07/12/2021

Meeting called to order by President Harold Starbuck at 9:03 AM

CALL TO ORDER:

Introductions- Drew Nelson-City of Salida Administrator

Roll Call-

-Present –Harold Starbuck, Rick Spradlin, Jeff Graf, Rich Edgington, Fred Jackson, Kath Rohrich

-Absent: Rich Spradlin (Excused)

Approval of Agenda-

-A motion was made and 2nd to the agenda to move Drew Nelson to executive session. Motion passed unanimously.

Approval of the June 14th Meeting Minutes-

- A motion was made to approve the minutes it was 2nd. Motion passed unanimously

Open Session:

Attorney Report:

New Business-

-Resolution #4 Series 2021 “Establishing pay rates for special events” was reviewed. A motion was made and 2nd to approve. The motion passed unanimously.

Financial Report:

-A Motion to approve the June Financials was made and 2nd. Motion passed unanimously

-Review of the December 31, 2020 Basic Financial Statements were reviewed.

-Quarterly Payroll Reports were reviewed

-We are still waiting on the audit firm to complete our audit. Once it is complete, the board will review for approval. We may need to have a special meeting to get it approved once it is complete.

Staff Report-

Fire Chief, Doug Bess

-Chief Bess reported that the Type 6 is currently in Reno, NV working on a fire and Tender 11 is in California.

-Call volume has leveled out.

-Call volume is up 8% for the district

-Engine 11 is back from repairs and working

-Chief reported that shelters will be ordered for all new employees. He stated that this purchase was already in the budget but just wanted to let us know.

A motion was made and 2nd at 9:18 AM to move into executive session. The motion passed unanimously.

At 9:36 AM a motion was made and 2nd to exit executive session and return to the regular meeting. The motion passed unanimously.

Old Business

-Type 3 Engine: Committee is still working on Specs

-Fremont County Property Inclusions-paperwork has been sent to legal.

GOOD OF THE ORDER/MEMBER INPUT:

Adjournment:

Motion was made to adjourn and 2nd. Motion passed unanimously

Meeting adjourned at 9:38 AM. Our next regular meeting is scheduled for August 9, 2021.

Secretary for the Meeting

In Attendance:

Harold Starbuck

Jeff Graf

Rich Edgington

Fred Jackson

Doug Bess

Sarah Marques

Drew Nelson

Kathy Rorhich

South Arkansas Fire Protection District

Special Meeting Minutes 07/16/2021

Meeting called to order by President Harold Starbuck at 9:32 AM

CALL TO ORDER:

Introductions-

Roll Call-

- Present –Harold Starbuck, Jeff Graf and Fred Jackson
- Excused – Rich Edgington and Rick Spradlin

Approval of Agenda-

-A motion was made to approve the agenda and a second. Motion passed unanimously

New Business-

-A motion was made and a second to approve the 2020 Audited Financials. Motion passed unanimously

Adjournment:

Motion was made to adjourn and 2nd. Motion passed unanimously

Meeting adjourned at 9:34 AM. Our next regular meeting is scheduled for August 9, 2021

Secretary for the Meeting

In Attendance:

Harold Starbuck

Jeff Graf

Fred Jackson

Doug Bess

RESOLUTION AND ORDER FOR INCLUSION OF REAL PROPERTY

A hearing was held by the Board of Directors of the South Arkansas Fire Protection District (District), on the 8th day of March, 2021, beginning at 9:00 A.M., on the Petition filed pursuant to C.R.S. Section 32-1-401(1)(a) by **Glen D. Burgener** (Petitioner) for the inclusion of real property described below into the District. The hearing was held at the offices of the District at 124 E Street, Salida, Colorado, during an open public meeting at which a quorum of the Board was present.

The Petition for Inclusion (Petition) was properly executed and presented to the Board of Directors by the Petitioner. The District properly published notice of the public meeting and hearing on the Petition in The Mountain Mail, a newspaper published and circulated in Chaffee and Fremont Counties, Colorado; such publication occurred on February 26, 2021.

There being no person in interest appearing or showing cause in writing as to why the Petition should not be granted, and after full discussion and consideration of the Petition, the Board made the following findings of fact:

1. The property is contiguous to or is otherwise capable of being served by the District with the provision of fire protection services and the property owner is desirous of receiving such service.
2. The Petitioner owns 100% of the real property, which is fully described below, in fee simple. The property is located in Fremont County, Colorado.
3. It is in the best interest of the Petitioner's property and in the best interest of the South Arkansas Fire Protection District that the property be included within the service area of the District.
4. Prior to the inclusion of the property into the District being finalized, the Petitioner shall be required to reimburse the District or directly pay for all legal fees, recording fees and costs associated with review of the Petition, required publication, preparation of legal documents for submission to the courts, and other reasonably required related actions to complete the inclusion (Fees and Costs).

THEREFORE, IT WAS MOVED, SECONDED AND UNANIMOUSLY RESOLVED that, subject to payment by Petitioner of the Fees and Costs as stated herein, the Petition shall be granted, and that the real property described below shall be included into the District:

Owner: Glen D. Burgener
Tax Schedule No: 99304238
Legal Description: See attached Exhibit A, incorporated herein by this reference
Property Address: 1916 County Road 49, Swissvale, Colorado

IT WAS FURTHER MOVED, SECONDED AND UNANIMOUSLY RESOLVED that the Secretary of the District certify a copy of this Resolution and Order For Inclusion of Real Property (“Order”) so that the same may be included with a Motion for Inclusion of Property to be filed with the District Court of the County of Chaffee, State of Colorado, pursuant to Section 32-1-401 and 32-1-303(1)(a), C.R.S.

DATED this _____ day of March, 2021.

SOUTH ARKANSAS FIRE PROTECTION
DISTRICT

By _____
Secretary

SECRETARY CERTIFICATION

I, _____, as the Secretary of the South Arkansas Fire Protection District, hereby certify that the foregoing Resolution and Order was entered and made by the Board of Directors of the District at an open meeting held on the 8th day of March, 2021, beginning at 9:00 A.M. at the offices of the District.

IN WITNESS WHEREOF, I have set my hand and affixed the seal (if any) of the District this ____ day of August, 2021.

Secretary

EXHIBIT A

The West one-half of the Northeast Quarter of Section 34, Township 49 North, Range 9 East of the NMPM, in Fremont, County, Colorado;

A one-third (1/3) undivided interest in the Smith Ditch No. 1 and a one-fourth (1/4) undivided interest in the Smith Ditch No. 2, and an undivided one-half (1/2) interest in and to the Dewitt Ditch No. 1 and the ditch rights and water rights appurtenant to said Ditches.

Together with an access road and utility easement located in the Northwest Quarter of the Southeast Quarter (NW1/4SE1/4) and the Southwest Quarter of the Southeast Quarter (SW1/4 SE1/4) of Section 27, Township 49 North, Range 9 East of the New Mexico Principal Meridian, Fremont County, Colorado, said Easement being twenty feet wide, ten feet on each side of the following described Easement centerline:

Beginning at the point of intersection of said Easement centerline with the South boundary of the said Southwest Quarter of the Southeast Quarter, from whence the Southeast corner (Brass Capped) of said Southwest Quarter of the Southeast Quarter bears North 89° 27' 39" East 60.93 feet; thence proceeding along the easement centerline herein described North 02° 38' 49" East 285.25 feet; thence North 07° 17' 24" East 38.15 feet; thence North 13° 51' 47" East 88.34 feet; thence North 23° 25' 26" East 10.44 feet to a point 10.0 feet westerly at a right angle to the east boundary of the said Southwest Quarter of the Southeast Quarter; thence North 01° 02' 31" West parallel with and 10.0 feet westerly at a right angle to the said east boundary a distance of 921.06 feet; thence North 21° 15' 37" West 10.67 feet; thence North 14° 05' 05" West 164.28 feet; thence North 06° 06' 44" West 53.61 feet; thence North 05° 59' 53" East 45.14 feet; thence North 16° 45' 51" West 89.25 feet; and thence North 37° 15' 54" West 142.54 feet to the Southeasterly right-of-way boundary of Fremont County Road 49.

Also together with an access road and utility easement located in the Southwest Quarter of the southeast Quarter SW1/4 SE1/4 of said Section 27, said easement being thirty feet wide, being more particularly described as follows: Beginning at the Southwest corner of the said Southwest Quarter of the Southeast Quarter (s-14/ corner-brass capped) of said Section 27; thence North 89° 27' 39" East along the south boundary of said Section a distance of 30.0 feet; thence North 01° 08' 27" West parallel to the west boundary of the said Southwest quarter of the Southeast Quarter 178.73 feet to the Southeasterly right-of-way boundary of Fremont county road No. 49; thence South 32° 20' 03" West along said county road right-of-way 54.15 feet more or less to the said West boundary of the southwest Quarter of the southeast Quarter; thence South 01° 08' 27" East along said West boundary a distance of 133.33 feet to the point of beginning.

RESOLUTION AND ORDER FOR INCLUSION OF PROPERTY

A hearing was held by the Board of Directors (“Board”) of the South Arkansas Fire Protection District (District), on the 9th day of August, 2021, beginning at 9:00 A.M., on the Petitions for Inclusion (“Petitions”) filed pursuant to C.R.S. Section 32-1-401(1)(a) by the following Petitioners requesting the inclusion into the District of real property described below:

1. Owner/Petitioner: Fredric C. Speaker Revocable Trust, Fremont County Tax Schedule No: 85000010, Property Address: 1146 County Road 49.
2. Owner/Petitioner: Fredric C. Speaker Revocable Trust, Fremont County Tax Schedule No: 85000410, Property Address: TBD County Road 49.
3. Owner/Petitioner: Andrew Benjamin White Jr. and Judith Winterkamp, Fremont County Tax Schedule No: 98604381, Property Address: 1177 County Road 49.
4. Owner/Petitioner: Andrew Benjamin White Jr., Fremont County Tax Schedule No: 85000320, Property Address: TBD County Road 49.
5. Owner/Petitioner: Ann Tucker, Fremont County Tax Schedule No: 99204183, Property Address: 1614 County Road 49.
6. Owner/Petitioner: W. Kekuni and Terrell S. Minton Living Trust, Fremont County Tax Schedule No: 85000112, Property Address: 1716 County Road 49.
7. Owner/Petitioner: Stephen and Rhonda O’Grady, Fremont County Tax Schedule No: 99404655, Property Address: 1350 County Road 49.
8. Owner/Petitioner: Stephen and Rhonda O’Grady, Fremont County Tax Schedule No: 99404657, Property Address: TBD County Road 49.
9. Owner/Petitioner: Kevin Gene Travnicsek, Fremont County Tax Schedule No: 99927004, Property Address: 1145 County Road 49.

The above properties are referred to herein collectively as the “Properties”. The hearing was held at the offices of the District at 124 E Street, Salida, Colorado, during an open public meeting at which a quorum of the Board was present.

The District properly published notice of the public meeting and hearing on the Petitions in The Mountain Mail, a newspaper with circulation in Chaffee County, and in the communities of Swissvale, Howard, Coaldale and Cotopaxi, in Fremont County, Colorado; such publication occurred on July 23, 2021. There being no person in interest appearing or showing cause in writing as to why the Petitions should not be granted, and after full discussion and consideration of the Petitions, the Board made the following findings of fact:

1. The Properties are contiguous to or otherwise capable of being served by the District with the provision of fire protection services and the property owners are desirous of receiving such service.
2. Each Petitioner respectively owns 100% of the Properties described above. The Properties are located in Fremont County, Colorado.

3. The Petitions provided the legal description of the Properties, the assent to the inclusion of each of the fee owners of the Properties. The Petitions were properly executed before a notary and presented to the Board of Directors by each Petitioner.

4. It is in the best interest of each Petitioner and in the best interest of the South Arkansas Fire Protection District that the Properties be included within the service area of the District.

5. Prior to the inclusion of the Properties into the District being finalized, each Petitioner shall be required to reimburse the District for their fair portion of legal fees and costs as determined reasonable by the District for fees and costs associated with review of the Petitions, required publication, advice and representation by the District's legal counsel, review of and preparation of documents by legal counsel, for submission of documents to the courts, recording fees, and other reasonably required costs and related actions to complete the inclusion ("Fees and Costs").

THEREFORE, IT WAS MOVED, SECONDED AND UNANIMOUSLY RESOLVED AND ORDERED that:

- A. Subject to payment by each Petitioner of the Fees and Costs as stated herein, the Petitions are GRANTED, and the Properties described above shall be included into the District; and,
- B. The Secretary of the District shall certify a copy of this Resolution and Order For Inclusion of Real Property ("Order") so that the same may be filed, along with copies of the Petitions, with the District Court of Chaffee County, State of Colorado, pursuant to Sections 32-1-401 and 32-1-303(1)(a), C.R.S.

DATED this _____ day of August, 2021.

SOUTH ARKANSAS FIRE PROTECTION DISTRICT

By _____
Secretary

SECRETARY CERTIFICATION

I, _____, as the Secretary of the South Arkansas Fire Protection District, hereby certify that the foregoing Resolution and Order For Inclusion of Property was entered and made by the District Board at an open meeting held on the 9th day of August, 2021, beginning at 9:00 A.M. at the offices of the District. IN WITNESS WHEREOF, I have set my hand and affixed the seal (if any) of the District this 9th day of August, 2021.

Secretary