

RECORD OF PROCEEDINGS

Town of Estes Park, Larimer County, Colorado, May 12, 2009

Minutes of a Regular meeting of the **TOWN BOARD STUDY SESSION** of the Town of Estes Park, Larimer County, Colorado. Meeting held at Town Hall in Rooms 202 & 203 in said Town of Estes Park on the 12th day of May, 2009.

Board: Mayor Pinkham, Mayor Pro Tem Levine, Trustees Blackhurst, Eisenlauer, Ericson, Homeier and Miller

Attending: All

Also Attending: Town Administrator Halburnt, Deputy Town Administrator Richardson, Town Attorney White, Chief Dorman, Director Joseph, Chief Building Official Birchfield, and Town Clerk Williamson

Absent: None

Mayor Pinkham called the meeting to order at 5:00 p.m.

FIRE CODE.

Town Administrator Halburnt stated the Town has begun the process to update the building codes later this year, and without a Fire Code in place the Town would have to adopt local amendments to the building codes.

Chief Dorman presented the Board with a brief history of major fires that aided in the development of the Fire Code, which is a maintenance code. A survey conducted found that most mountain communities and communities the same size as Estes Park have adopted a Fire Code. The pro associated with the adoption of a Fire Code include: public safety, identify potential hazards, reduce the risk to the general public and firefighters, reduction in property loss, ensure fire protection systems are maintained, allow for pre-incident planning, credit on ISO survey and protect the economy of the Town. Conversely the cons related to the adoption of a Fire Code include: overcoming the fear factor, costs for compliance, costs for enforcement, more requirements from government. Chief Dorman outlined the following reasons for the adoption of a fire code: current lack of authority by the Fire Department to perform inspections, number of old buildings in the downtown business district, unsafe practices, blocked exits, lack of fire safety education, explosives and fireworks storage and display, and storage or use of hazardous materials. He stated there are elements of the fire code that would require local amendments, such as eliminating the requirement for residential sprinklers. Enforcement of the fire code would be through education and compliance checks. If adopted, staff would recommend an extended timeframe, 20 years, for property owners to address major repairs or improvements to bring the property into compliance.

Board questions and comments are summarized: why adopt a fire code prior to the upcoming fire district election in November; can sections of the fire code be adopted; how would a transition period work to bring the buildings up to code; and concerned the new inspection requirements would require an additional FTE.

Chief Dorman stated if the Town adopted the Fire Code it would require the County and the proposed fire district to adopt the code. The Town and County can adopt sections of the code. Compliance checks would be completed on high risk/high property loss buildings first to address major issues and provide the property owner with a timeframe to complete. All building would not be inspected the first year; however, as buildings come into compliance annual checks could be completed. Many of the systems would be inspected by private companies and not require Town or Fire personnel staff time.

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Trustee Homeier suggested the Town conduct an inspection of all Town owned buildings to determine what items needed to be addressed and the cost associated with those repairs. This could provide insight on the impact of adopting the code. The next step could involve friendly inspections with businesses or property owners to determine how the code would apply and what sections of the code should be adopted.

Administrator Halburnt stated staff would present additional information to the Public Safety Committee, which would determine whether or not to move forward and hold public hearings. There was general consensus amongst the Board members to move forward as suggested.

FIRE SERVICE FEE STRUCTURE.

Administrator Halburnt stated the Town began billing for a voluntary fire subscription fee in March of 2008 with the goal to retrieve 50% of the cost to provide fire services to the entire valley. The Town Board approved a fee structure for equipment and an hourly rate based on the number of response hours divided by the fire budget including O&M and personnel costs. The Town has received several complaints on the Town's charges for services, more specifically the hourly fee structure.

Chief Dorman reviewed the response to a recent fire in the County in which 11 firefighters were on scene and time was billed for all personnel on site. He diagramed the 13 personnel needed for an initial structure fire call based on NFPA standards.

Administrator Halburnt questioned if the Board wanted to continue to recoup 50% of the cost to provide fire service, and if so how to charge for the services provided. Staff developed concepts for review: 1) hourly rate per incident; 2) flat fee per incident; and/or 3) a ceiling be applied to the different types of calls.

Trustee Blackhurst stated the intent of the Public Safety Committee was to bill for equipment cost and the hourly rate for paid staff. The intent was never to charge for volunteer time.

Trustee Miller stated a reasonable fee structure should be established and would support a flat fee structure. He also expressed concern with out of town individuals being charged for a Motor Vehicle Accident (MVA). Attorney White stated auto insurance will cover the costs associated with an MVA.

Trustee Ericson suggested a rate schedule be developed for each person on the Fire Department from paid staff to volunteers. He stated it is each property owner's decision to self insure by not paying the subscription fee.

Trustee Homeier stated there are two separate issues to be addressed; 1) the fee structure and 2) revisiting past bills. He stated the discussions should be separate.

Trustee Eisenlauer stated a flat fee for different size structures does not seem equitable. The Town should reexamine previous billings and reimburse as necessary. Trustee Miller agreed a refund would be in order.

Mayor Pro Tem Levine commented the Town should not recover 50% of the Fire Department budget. Doing so would imply the other 50% is supported by property tax. He stated the current fee structure should be changed; however, the options presented do not address his concerns. He does favor a hard ceiling.

The issue would be reviewed by the Public Safety Committee in May.

There being no further business, Mayor Pinkham adjourned the meeting at 6:50 p.m.