



**Present Fire Board of Appeals Board Members (7):**

- David Hewett, Chair
- Mike Riggs, Vice Chair (virtual)
- Ron Honn
- Eric Moburg
- J Newlin Sharkey
- Kyler Bush
- Lee Tankersley

**Industry Represented:**

- Small Business
- Architecture
- Citizen At-Large
- Building
- Insurance
- Large Business
- Alternate

**Not Present (1):**

- Jannic Ekornes

**Industry Represented:**

- Fire Suppression

**Vacant Position (0):**

-

**Industry Represented:**

**Present Fire Board of Appeals Secretary**

- Kris Cooper, Deputy Fire Marshal

**Representing:**

- Colorado Springs Fire Department

**Additional Attendee(s):**

- Frederick Stein, Senior Attorney
- Connie Manning, Compliance Coordinator
- Sarah DaCosta, Administrative Assistant, II

**Representing:**

- City of Colorado Springs
- Colorado Springs Fire Department
- Colorado Springs Fire Department

**CALL TO ORDER**

1. Board Chair Hewett called the meeting to order at 8:37 A.M. and promptly conducted a roll call.

**ADMINISTRATIVE**

1. Approval of Meeting Minutes

Board Member Honn motioned to approve the meeting minutes.  
Board Member Moburg seconded the motion.  
**The motion passed unanimously.**

2. Contractor Licensing

**A. Fire Alarm Contractor A**

- i. **Business Name:** MMR Constructors, Inc.  
Applicant: Kenneth Charrier  
RME: Kenneth Charrier

Deputy Fire Marshal Cooper stated applicant meets the necessary requirements and recommended approval.

**Board Member Bush motioned to approve the application.  
Board Member Honn seconded the motion.  
The motion passed unanimously.**

- ii. **Business Name:** Johnson Controls Security Solutions  
Applicant: Kristopher Green  
RME: Kristopher Green

Deputy Fire Marshal Cooper stated the applicant meets the necessary requirements and recommended approval.

Board Member Bush stated on page 21 that the application requirements were not checked and asked if that was a mistake.

Administrative Assistant Sarah DaCosta stated she did make a mistake and apologized.

Board Member Bush asked if we should get that fixed if we are to reference this paperwork.

Chair Hewett stated it would be noted when the motion is made.

Administrative Assistant DaCosta said she would correct it and get it to Connie.

Board Member Bush stated that is on a few of them. He asked about page 32. The NICET certification states that it expired on February 1, 2024.

Administrative Assistant DaCosta stated he does have a new NICET, and it expires on February 1, 2026.

Board Member Bush requested to add this to the motion.

Administrative Assistant DaCosta responded she could add that.

Chair Hewett stated it will be added to the motion.

**Board Member Honn motioned to approve the application with the corrections.  
Board Member Moburg seconded the motion.  
The motion passed unanimously.**

## **B. Fire Alarm Contractor B**

- i. **Business Name:** Advanced Burglar and Fire Alarms, Inc.  
Applicant: Edwin Kraft  
RME: Kenneth Pilling

Deputy Fire Marshal Cooper stated the applicant meets the necessary requirements and recommended approval.

**Board Member Bush motioned to approve the application with the corrections.  
Board Member Sharkey seconded the motion.**

**The motion passed unanimously.**

**C. Fire Suppression Contractor B**

- i. Business Name: ETG Fire, LLC**  
Applicant: Derek Malonson  
RME: Derek Malonson

Deputy Fire Marshal Cooper stated the applicant meets the necessary requirements and recommended approval.

**Board Member Bush motioned to approve the application.  
Board Member Moburg seconded the motion.  
The motion passed unanimously.**

DFM Cooper stated Connie provided a full packet to the board that had all of the supporting certificates and an abbreviated packet as well. Previously the packet has been up to 100 pages, and it was decided to limit that and only include the necessary information on the application. There have been some questions about the certifications and a hybrid solution of including all the supporting documents (in a packet) and an abbreviated packet is provided for the meeting. Does that meet the board's needs?

Chair Hewett asked if the email received was the full packet.

DFM Cooper responded that it was.

Chair Hewett stated that is a great comment and appreciates it as it is new to others. He asked the board if there were any concerns.

**BUSINESS**

**1. FBA Rules and Procedures regarding alternate board members.**

Presenter: Kris Cooper, Deputy Fire Marshal, Colorado Springs Fire Department

DFM Cooper stated there were some questions of when board members should recuse themselves specifically when it comes to contractor licensing. He introduced Frederick Stein, City Attorney

City Attorney Frederick Stein introduced himself. He is the assigned attorney to provide advice to the board in terms of ordinance review, other city rules, Fire Board rules and regulations, and any type of legal questions. He can provide the analysis and advice. In the specific request to the conflict of interest question, he asked the new members if they received some type of minimal training from city council. Alternate Member Tankersley and Board Member Bush responded that they did.

City Attorney Stein asked if the training dealt with open meetings law, record retention, conflicts of interest, or ethics rules.

Board Member Moburg stated there was a link on ethics as well as other links that were reviewed online.

City Attorney Stein stated there would be further follow-up. There is an annual ethics training that is required by city ordinance that will happen in October. He will work with Connie to schedule that and it will be a twenty-minute presentation to cover this

in more depth. In terms of the question asked by Deputy Fire Marshal Cooper regarding potential conflict of interest. For background, the city has adopted a city ethics code that was adopted in place of using a state ethics code. There was a requirement under the Colorado Constitution that an ethics code be put in place by local governments as opposed to using the one by the state of Colorado. The City of Colorado Springs decided to create its own. There is a provision on the conflict of interest in City Code Section 1.3.113. It lists six or seven provisions under that. There is also a provision under appearance of impropriety. If he understands the question correctly of what type of restrictions or potential conflicts that board members might have if they are in the fields or if they are involved with like companies that they are approving licenses for. Attorney Stein read the code 1.3.113 reads:

“Covered persons are prohibited of engaging in any behavior...”

Section A says:

“No covered person shall knowingly use any confidential information gained in his or her official capacity with the City or allow the use of any such confidential information to further the financial or personal interest of the covered person or to further the financial or personal interest of an immediate family members...”

The key piece is the confidential information. It is pretty clear when information is received at the Fire Appeals Board it is, by definition, not confidential because it is done at an open public meeting. Any applications received from the fire department for contractors who want to be licensed, all of that information is public. They are filing with the city, they are presenting it here at the meeting room, anyone can listen to this (meeting), anyone can come to this (meeting). None of the information the board receives is confidential. He does not see how that will come into play. He supposes if confidential information was learned during an appeal process that, for some reason, was not discussed with the board, that would be something to talk about. If you felt like the confidential information would impact you, and allow you to gain a financial advantage in whatever business you are operating, then, you may want to recuse yourself. Attorney Stein has a hard time seeing when that would occur. But if something along those lines comes up, and a board member receives confidential information, the board member can reach out to him through the fire marshal's office. The second piece of the conflict of interest is under (section) E which states:

“No covered person shall directly or indirectly participate in any matter involving the City where the covered person or an immediate family member of the covered person has a substantial interest.”

Substantial interest is also defined by the code:

“A situation in which a reasonable person faced with making a decision, after considering the relevant circumstances, would tend to have their decision influenced by a personal or financial stake or consideration.”

This is likely to come up if you are working with a specific contractor who has a license and that person's ability to function directly or substantially impacts your possible financial status, then there might be an occasion where you do need to recuse yourself from consideration from that person's license or suspension of that persons license if that would directly impact a financial consideration that you or an immediate family member would have. That situation has not come up as long as he has been advising the Fire Appeals Board, but that does not mean that it couldn't, so

if you have a situation where there is an applicant that you are uncomfortable dealing with because you do feel there is some sort of financial consideration. There is a method to go about putting that on the record. Simply state that you are recusing yourself from the consideration of this item due to your perceived conflict of interest. Then you simply do not participate in the item, you leave the room during the discussion and come back after that item is completed. Each individual board member makes this determination on their own. The conflict of interest of review is a personal decision. It can be brought up by other people but ultimately it is a decision made by the board member. If the decision is completely incorrect, there could be a potential ethical consequence, but it is an individual decision. Nobody understands the potential conflict, and the financial considerations more than you. We have to rely on you to take that appropriate step when there is a potential conflict that you have information on. This will be covered a little bit more when the training happens. Attorney Stein asked if there were any questions.

**2. Update on Variance Request from January 12, 2024, at 2093 Stanbridge Court**  
Presenter: Kris Cooper, Deputy Fire Marshal, Colorado Springs Fire Department

DFM Cooper provided the history of the appeal where the individual had vegetation put in after their house was approved which was in conflict with Appendix K of the fire code. The individual did have those things corrected and the inspector found everything in compliance. It is the Colorado Springs Fire Department's intent to try and follow up on agenda items such as that when there is action to be taken. That way the board is familiar with what happened.

**3. Staff Updates**

Presenter: Kris Cooper, Deputy Fire Marshal, Colorado Springs Fire Department

DFM Cooper stated at the last meeting he reported that an offer was made for the deputy fire marshal position vacancy in Fire Construction Services. As a result of further discussions, the offer was rescinded. The position has been reposted and it closes on August 28<sup>th</sup>. It will be several months before that seat is filled. He is happy to report an offer of employment has been made for the senior administrator position formerly held by Mellisa Wutzke. That individual starts next Monday, August 19<sup>th</sup>. The CSFD is starting to get there as far as the staffing in (Fire) Construction Services.

**NEW BUSINESS**

**1. Brief on Current Wildfire Status**

Presenter: Kris Cooper, Deputy Fire Marshal, Colorado Springs Fire Department

DFM Cooper stated Fire Marshal Lacey wanted DFM Cooper to provide a brief on the current wildfire status. Obviously, the weather this week is much different than the past couple of weeks. There was significant wildfire activity in the northern part of the state that was quickly moving south which was a concern. There are a couple of things the board should know from an educational standpoint.

Every Friday, the Colorado Springs Fire Department (CSFD) has a wildfire preparedness call that involves regional partners to include fire districts around the area, Colorado Springs Utilities, the State of Colorado, the US Forest Service, and the National Weather Service. Discussion of what the wildfire activity is looking like around the state and the region takes place. Also discussed are the resources that are available, what the local fire danger is, and what the weather patterns look like. That is important as it gives an

awareness of who has resources should a fire occur. Last week's discussion revealed a lot of local resources had been deployed to the fires up north (Colorado). Therefore, our local resources were a little depleted, not to the point of being a critical concern, but it is good awareness in case something local happens.

Each week we look at our local fuel moistures. He shared his screen to show the board the Wildfire Mitigation (WFM) fuel samples from 8/5/24 (**all supplemental documents follow these minutes**). The WFM staff goes out to two areas in the community. One area is in the north and one area is in the south (part of Colorado Springs). On the table, there are various fuel types, pondo, gamble oak, herbaceous litter duff, 10-hour, 100-hour, and 1000-hour fuels. Those are all common fuel types recognized in the wildfire community as to what burns in a wildfire event. Each of those burn differently. The WFM staff obtain samples of the fuels, weigh them, and put them in an oven for 24 hours to bake the moisture out. Then they weigh the samples again and that gives them the fuel moisture percentages in those given fuels. He referenced the location of the trigger points table on the lower part of the document. The colors correspond to the danger of those fuels and the fuel moisture content. DFM Cooper referenced the fuels moisture averages, (the table) in the middle of the document, which is a combined average between the north and the south (areas). Last week (8/5/24), the pondo had a 98.1% which fell within the high category; gamble oak had a 102.2% which fell in the very high (category); duff, which is the ground cover, had a 4.5%. The trigger points show anything below 6% is extreme. Those are decision-making tools that help to identify concerns and fire danger in the local area. The forest service does this as well as some neighboring partners. All regional partners discuss what the fuels are like throughout the area. That helps to make some informed decisions on what the local fire danger is.

He shared a second document which is a decision-making matrix guide the (CSFD) put together to help identify when to consider going into fire restrictions or fire bans. This helps to be consistent in the approach. The factors on the sheet look at the fuel moisture; the Haines Index, which is commonly used in the forest service to predict wildfire behavior; the relative humidity; the temperatures; the fire danger in the area; the Rocky Mountain Preparedness Level; and the National Preparedness Level. The preparedness level indicators are set based on the number of fires in a region and the available resources to fight the fires. Through the National Interagency Fire Coordination Center, they will look holistically as to what is taking place at the national level and in the region. They (the National Interagency Fire Coordination Center) will set a preparedness level from 1 and 5. (Level) 1 is not too concerned. (Level) 5 is the preparedness level is pretty dire, meaning there are a lot of fires going on and a lot of resources committed to fires. When we start having these discussions we go through and evaluate all of these elements and plug them into the model, and based upon the total, anything that falls between 11 and 18 gives consideration for restrictions, and anything between 19 and 28 gives consideration for a burn ban. Those are considerations only. When the last report was done three days ago, the value was 15, which is in the middle of "Burn Restrictions Advised" (category). However, looking at the weather predictions for this week, the moisture that is coming in as well as the fires up north (of the state) are wrapping down and resources are back in service, providing the opportunity to pause and monitor the situation. Those decisions are made regionally and not in a vacuum. When we make the decision to go into fire restrictions, we want to make sure we are in those restrictions for a longer period of time, generally more than a couple of weeks. We don't want that to be a yo-yo, for example, going into fire restrictions on Friday and Tuesday we are out (of fire restrictions). That makes it difficult for the public to follow and leads to confusion. DFM Cooper asked if there were any questions.

Board Member Honn asked with the city continuing to expand, is there any value, with Ute Valley being central, looking further north like Wolf Creek Ranch?

DFM Cooper stated that has been talked about. Our WUI shape does go up north around Interquest Parkway and juts out east. Fuel moistures are obtained from Black Forest (Fire and Rescue) that do the same (testing). It is truly amazing how the fuel moistures vary in various pockets around the city. We have been looking at the native grasses out east, we have termed the phrase, PUI, Prairie Urban Interface or another term that has been discussed is GUI, Grassy Urban Interface. Traditionally, in the wildfire community, there is thought about the forest interface, but we are seeing more conflagrations caused by large grass fires. Earlier in the year, Texas had a grass fire that burned over a million acres. The Marshall Fire was a good example of an interface fire that started in grassy fuels that are a much different fuel package than a wildfire. We are having discussions on pulling fuel samples from Jimmy Camp Creek where there are a lot of unmitigated open grassy areas that cause concern. Cory (Ashby) is here and is our resident expert in terms of fuels and fuel types if the board has more detailed questions.

Chair Hewett thanked him and stated it was very helpful information for all members, especially the new board members.

## **DISCUSSION**

### **1. Fire Board of Appeals Work Plan and Annual Report**

Presenter: David Hewett, Chair, Fire Board of Appeals

Chair Hewett advised the group that Mike Riggs, himself, and Connie were asked to be a committee to tailor a response to the city's request to talk about our interface with the City as the Fire Board. They have met once and have another meeting planned to get all that together and are happy to continue that work.

### **2. Appreciation**

Presenter: David Hewett, Chair, Fire Board of Appeals

Chair Hewett also wanted to recognize Sarah who is always here and appreciates her and Connie who is in the back and controls the master switch. She does such a great job preparing all for the meeting and making sure they go well. He appreciates them being part of the team.

### **3. Alternate Member Voting Clarification**

Presenter: Kris Cooper, Deputy Fire Marshal, Colorado Springs Fire Department

DFM Cooper stated he has a couple of last-minute items. A question came up about the alternate (member) voting. The clarification received is the alternate only votes when there is a need for a quorum. He spoke incorrectly last time about the alternate being able to fill in for an absentee. The alternate only votes when a quorum is needed and is able to engage in any of the conversation and ask questions or seek clarification, just not cast a formal vote.

### **4. Meeting Instruction**

Presenter: Kris Cooper, Deputy Fire Marshal, Colorado Springs Fire Department

DFM Cooper reminded the board that when they speak, to state their name. Everyone does a good job when voting, but please clarify who is speaking. This helps Connie identify who is speaking.

**ADJOURN**

**Board Member Honn motioned to adjourn.  
Board Member Bush seconded the motion.  
The motion passed unanimously.**

**Meeting adjourned at 9:09 A.M.**

Respectfully submitted by,



Kris Cooper  
Deputy Fire Marshal and Secretary to Fire Board of Appeals

KC/cm





**COLORADO SPRINGS FIRE DEPARTMENT  
WILDFIRE MITIGATION FUEL  
SAMPLES**



	8/5/24		7/30/24		7/23/24		7/9/24		7/2/24	
	North	South	North	South	North	South	North	South	North	South
<b>PONDO</b>	104.8%	91.4%	102.8%	102.2%	101.8%	97.6%	106.1%	97.6%	101.6%	92.2%
<b>GAMBEL OAK</b>	100.0%	104.4%	106.3%	95.2%	92.3%	90.8%	100.0%	94.1%	105.5%	112.8%
<b>HERBACEOUS</b>	132.4%	101.6%	151.5%	174.7%	159.1%	117.9%	135.5%	96.1%	125.5%	111.2%
<b>LITTER</b>	3.4%	6.0%	2.7%	4.7%	33.1%	9.7%	4.2%	5.7%	7.3%	6.0%
<b>DUFF</b>	4.4%	4.7%	12.3%	7.8%	29.4%	34.3%	8.0%	7.8%	20.3%	7.5%
<b>10HR</b>	10.9%	6.6%	5.4%	6.6%	10.5%	11.7%	6.3%	8.3%	10.2%	9.1%
<b>100HR</b>	8.1%	8.3%	7.0%	8.1%	14.8%	63.9%	12.8%	12.3%	17.8%	11.9%
<b>1000HR</b>	19.8%	7.6%	13.8%	8.3%	17.3%	15.8%	13.4%	9.9%	12.6%	12.5%

\*\*North: Ute Valley Park (North) South: Stratton Open Space (South)\*\*

**FUEL MOISTURE AVERAGES (North + South)**

	8/5/24	7/30/24	7/23/24	7/9/24	7/2/24
<b>PONDO</b>	98.1%	102.5%	99.7%	101.9%	96.9%
<b>GAMBEL OAK</b>	102.2%	100.7%	91.6%	97.1%	109.1%
<b>HERBACEOUS</b>	117.0%	163.1%	138.5%	115.8%	118.4%
<b>LITTER</b>	4.7%	3.7%	21.4%	5.0%	6.7%
<b>DUFF</b>	4.5%	10.0%	31.9%	7.9%	13.9%
<b>10HR</b>	8.8%	6.0%	11.1%	7.3%	9.7%
<b>100HR</b>	8.2%	7.6%	39.3%	12.5%	14.8%
<b>1000HR</b>	13.7%	11.0%	16.6%	11.7%	12.5%

**CSFD TRIGGER POINTS**

	EXTREME	VERY HIGH	HIGH	MODERATE	LOW
<b>PONDO</b>	< 80%	80%-90%	90%-105%	105%-120%	> 120%
<b>GAMBEL OAK</b>	< 100%	100%-120%	120%-180%	180%-250%	> 250%
<b>LITTER</b>	< 4%	4%-8%	8%-12%	12%-18%	> 18%
<b>DUFF</b>	< 6%	6%-10%	10%-14%	14%-20%	> 20%
<b>10HR</b>	< 4%	4%-8%	8%-12%	12%-18%	>18%
<b>1000HR</b>	<6%	6%-10%	10%-14%	14%-20%	> 20%

**"SHARING THE RESPONSIBILITY"**



## Burn Restriction/Burn Ban Order Decision Point Matrix

Burn Restriction/Burn Ban factors and decision points are based on recommendations and current fuel moisture percentages. In the event the total point value falls between 11-18 points, Burn Restrictions are advised and must be highly considered. In the event the total point value falls between 19-28 points, a Burn Ban is highly advised and must be highly considered. If Gambel Oak was not sampled the point values change. With values at 10-17 Burn Restrictions is advised and with values at 18-27 Burn Ban is advised.

<u>Calculation Date</u>	<u>Total Point Value</u> (11-18 Burn Restrictions advised) (19-28 Burn Ban advised)  <u>Winter Month Point Value (W/O Gambel Oak):</u> (10-17 Burn Restrictions advised) (18-27 Burn Ban advised)
08-06-2024	15

Factors	Calculated	Point Value
Ponderosa Pine (Pondo) (1.a)	98.1	2
Gambel Oak (1.b)	102.2	2
Litter (1.c)	4.7	2
10 Hour Fuels (1.d)	8.8	1
1000 Hour Fuels (1.e)	13.7	1
Haines Index (1.f)	3	1
Relative Humidity (%) (2.a)	28.6	0
Temperature (2.b)	86.1	1
Fire Danger (3)	4 @ high	1
Rocky Mountain Preparedness Level (4.a)	PL3	2
National Preparedness Level (4.b)	PL5	2
<b>Total Point Value</b>		15

### FACTORS AND POINT VALUES

#### 1. Fuel Moisture Percentages

- a. Ponderosa Pine (Pondo)
  - i.  $\geq 105 - 120\% = 1$  point
  - ii.  $\geq 90 - < 105\% = 2$  points
  - iii.  $< 90\% = 3$  points

- b. Gambel Oak
  - i.  $\geq 120 - 180\% = 1$  point
  - ii.  $\geq 100 - < 120\% = 2$  points
  - iii.  $< 100\% = 3$  points
- c. Litter
  - i.  $\geq 8\% - 12\% = 1$  point
  - ii.  $\geq 4\% - < 8\% = 2$  points
  - iii.  $\leq 4\% = 3$  points
- d. 10 Hour Fuels
  - i.  $\geq 9 - 12\% = 1$  point
  - ii.  $\geq 4 - < 8\% = 2$  points
  - iii.  $< 4\% = 3$  points
- e. 1000 Hour Fuels
  - i.  $\geq 11 - 14\% = 1$  point
  - ii.  $\geq 6 - < 10\% = 2$  points
  - iii.  $< 6\% = 3$  points
- f. Haines Index
  - i.  $2 - 4 = 1$  point
  - ii.  $5 - 6 = 2$  points

**2. Weather Outlooks @ 3-week average (1 week previous and 2 weeks forecasted)**

- a. Relative Humidity (%)
  - i.  $15 - 20\% = 1$  point
  - ii.  $10 - 15\% = 2$  points
  - iii.  $< 10\% = 3$  points
- b. Temperature
  - i.  $80 - 89$  Degrees = 1 point
  - ii.  $> 90$  Degrees = 2 points

**3. Fire Danger**

- a.  $< 5$  days at High Fire Danger = 1 point
- b.  $> 5$  days at Very High Fire Danger = 2 points

**4. Preparedness Levels**

- a. Rocky Mountain Preparedness Level
  - i.  $1 - 2$  Level = 1 point
  - ii.  $3 - 5$  Level = 2 Points
- b. National Preparedness Level
  - i.  $1 - 2$  Level = 1 Point
  - ii.  $3 - 5$  Level = 2 points