



Town of Green Mountain Falls

Regular Fire Mitigation Advisory Committee Meeting Agenda
February 27th, 2023 at 6:30 p.m.

Join the Zoom Meeting by clicking on the following link:
Town Clerk is inviting you to a scheduled Zoom meeting.

Topic: FMAC 2023-02-27
Time: Feb 27, 2023 06:30 PM Mountain Time (US and Canada)

Join Zoom Meeting
<https://us02web.zoom.us/j/89522982449?pwd=UHI2MUIPanNrlZc3cVVYeStOZzdSUT09>

Meeting ID: 895 2298 2449
Passcode: 846611
Call in: 17193594580

To make a **public comment** please **pre-register** by 4pm on the day of the meeting via email:
david@falconpartnersltd.com

REGULAR MEETING:

TIME*		ITEM	DESIRED OUTCOME
6:30	1.	CALL TO ORDER / ROLL CALL	
6:30	2.	ADDITIONS, DELETIONS, OR CORRECTION TO THE AGENDA	FMC Action Desired
6:30	3.	PERSONS PRESENT NOT ON THE AGENDA: 3 MINUTES PER SPEAKER	Information Only
6:30	4.	CONSENT AGENDA a. Minutes from January 30th Meeting	FMC Action Desired
6:35	5.	OLD BUSINESS a. CUSP Grant ROW Remediation Project 1. Updates regarding boundary marking 2. Review Release Agreement and Approve 3. Develop distribution plan for Release Agreement and Maps a. Door to door campaign for obtaining releases b. Mailing c. Social Media b. Education Program Update and Recommendation 1. Recent Developments 2. Monthly tip 3. March communication c. Assessment Plan Update (information only) d. GMF resident and property owner data base update (information only)	FMC Action Desired

*Please note: Times are approximate.

**The Town shall provide reasonable accommodation for those with disabilities on a case by case basis. Please send accommodation requests to clerk@gmfco.us by 4pm on the date of the meeting.

7:35	6.	NEW BUSINESS a. Formation of subcommittees b. Block Captains c. Develop a list of potential FMAC candidates	FMC Action Desired
7:45	7.	REPORTS a. None	Information Only
8:00	8.	CORRESPONDENCE a. None	Information Only
8:00	9.	ADJOURN	Information Only

*Please note: Times are approximate.

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MEETING MINUTES

**Fire Mitigation Advisory Committee
January 30, 2023
Zoom only**

Committee members present: David Douglas, John Bell, Paul Yingling, Kelly Hunter

Members absent: Dan Battin (on leave)

Ex-officio members present: Mayor Todd Dixon, Trustee Nick Donzello, Town Manager Becky Frank, Town Clerk Bo Ayad

Recording Secretary Carolyn Bowers

Agenda Item	Motion/Discussion	Motion/2nd	DD	JB	PY	KH	
1. Call to order	6:36 pm Mountain						
2. Election of 2023 officers	David Douglas, chair Paul Yingling, vice chair Carolyn Bowers, recording secretary	JB, KH	X	X	X	X	
3. ROW remediation project; CUSP grant	Douglas asked for members' comments on a draft release from liability drawn by GMF's attorney. Bell said it was overly long and onerous, not workable. He expects very little compliance. Douglas said under the draft language, CUSP mitigators could prevent owners from entering their homes/structures if they thought doing so impeded their work. CUSP would have a license to enter without any liability for damages. Frank said she would ask the attorney for clarification.						
4. Modification of draft release of liability language	Change existing language pertaining to license to enter	JB, KH	X	X	X	X	
5. Right to enter property language	The committee recommends the town manager ask for new draft language addressing encroachment. The committee will ask CUSP about negotiating separately with property owners over right to enter homes/structures.	DD, JB	X	X	X	X	

6. Owner signatures on liability release; survey as last resort	Frank said 100 per cent of owners with property abutting rights-of-way must sign the liability release. Dixon said if owners refuse to sign because of unclear property lines, surveys can be used as a last resort.						
7. Widening ROWs	Douglas will lead FMAC's work on widening ROWs on developed roads.						
8. Door-to-door campaign; block captains	Yingling will head both development of a door-to-door campaign and development of a block captain program. He said 168 letters the ROW project and liability release were sent to property owners; some hand-delivered.						
9. Partnership with Ute Pass Elementary, Red Cross	Hunter said Ute Pass Elementary and the Red Cross will partner with FMAC to provide education about fire safety. This includes a table at Back-to-School night and a message from the school inviting parents to sign up for FMAC emails. Yingling will send the Tip of the Month to Ute Pass for distribution. All activities scheduled with Ute Pass Elementary and other area schools will be entered on FMAC calendar.						
10. Tip of the Month	Approval of February Tip of the Month discussing home fire evacuation.	DD, KH	X	X	X	X	
11. Mayor's newsletter	Dixon said Tip of the Month will appear in his monthly newsletter						
12. Assessment plan update	Tabled; subcommittee will form						
13. Dan Battin	He is leaving the committee; FMAC seeks his replacement; will post announcement on Facebook, other media. Battin is willing to do assessments upon request.						
14. Resident and property owner data base update	Yingling said we should continue to keep community informed about FMAC activities like Chipper Days. He will merge old and new						

	data bases. Frank suggested partnering with Fire Chief Steve Murphy to broaden awareness of fire protection in Ute Pass.						
15. Formation of subcommittees	Subcommittees must have Board of Trustee approval, they report to FMAC. Frank suggested they be “task groups” that disband when their job is done.						
16. GOCO grant update	Frank: Update will occur after site visit						
17. Chipper Days	Bell will ask Woodland Park for use of chipper on weekends in June and September.						
18. Ute Pass Evacuation Exercise Meeting	A preliminary planning meeting takes place March 9 at the Fire Station.						
19. Proposed legislation	<p>Dixon reported draft legislation would move authority for fire codes to a state board. This would overrule GMF’s land use code.</p> <p>HR 23-1075 Wildfire Evacuation and Clearance Time Modeling, Marc Snyder (D-Denver) provides resources for modeling evacuation</p> <p>HR-23-1096 Promotion of wildfire-resistant homes; expands funding for mitigation</p> <p>A Senate bill Wildfire, technology. Installation of cameras around state to detect fire more quickly.</p>						
Adjournment	8:19 pm Mountain						

RELEASE OF LIABILITY

THIS RELEASE OF LIABILITY is an agreement made and entered into this ____ day of _____ by and between _____ “Landowner” (landowner or landowner’s legal designee) and the Town of Green Mountain Falls, hereinafter referred to as “GMF”.

WHEREAS, GMF, Coalition for the Upper South Platte “CUSP” and its contractors will be performing fire fuels mitigation and maintenance work upon Town owned rights of way as described in more detail below; and

WHEREAS, Landowner is the owner of certain property, or of the current right to occupancy thereof, as more particularly described below (the “Property”), that adjoins the Town right of way in which the Town will be performing the fire fuels mitigation work;

NOW, therefore, in consideration of the mutual promises and covenants contained herein, receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

A. Description of Property. This Release concerns the following Property (physical address):

Please see the attached addendum for a map of the right of way area in which the Town plans to conduct the below work.

1. Project Purpose and Scope of Work. GMF and its contractors will be working in Town right of way adjacent to Landowner’s Property to remove dead and infected trees on Town property and to trim trees to reduce the spread of pine beetles and mistletoe, to increase the health of the trees, and to provide fuel breaks in case of fire (the “Project”). GMF and its contractors will utilize Geographic Information System (“GIS”) and GPS maps to identify the boundaries of the Town’s right of way property to the best of their ability. GMF and its contractors will mark the boundaries of the Town right of way and the trees it plans to remove and trim as part of this mitigation work. GMF and its contractors will provide 30 days notice to Landowner once it has marked the Town right of way boundary and trees for removal. Failure by Landowner to respond to this notice from GMF and its contractors within 30 days constitutes agreement to GMF and its contractors completing the proposed work within the identified area, which may encroach onto Landowner’s Property.

2. Commencement of Work. Work by GMF and/or its contractors is expected to commence on or about May 15, 2023, but is subject to change due to contractor scheduling, weather conditions, and other factors. GMF will provide notice to Landowner when work is about to commence. Please provide best number for notifications below:

Phone and/or email for notification: _____

- B. Release of Liability. Landowner hereby releases and holds harmless GMF and its authorized contractors and subcontractors from any claims associated with inadvertent encroachment onto Landowner's Property and from any claims associated with inadvertent damage to trees or removal of trees on Landowner's Property due to inaccuracies in property descriptions and boundary surveys. GMF hereby releases and holds harmless the Landowner from all liability or responsibility for injury that GMF and its contractors or consultants may suffer as a result of or in connection with inadvertently entering upon the Property. GMF and its contractors maintain minimum insurance as follows:

Insurance Limits of Liability

Workers' Compensation/Employer's Liability: Not less than that required by statute

Comprehensive General Liability (including blanket contractual liability insurance):

Bodily Injury \$ 1,000,000 each person/\$1,000,000 each occurrence

Property damage \$ 600,000

Comprehensive Automobile Liability:

Bodily Injury \$ 500,000 each person/\$1,000,000 each occurrence

Property damage \$ 600,000

Consultants and contractors working under GMF's direction are required to provide proof of adequate general liability insurance, worker's comp, auto coverage, and other pertinent insurance to protect both GMF and the Landowner prior to undertaking work for GMF.

- C. Additional Terms and Conditions.

1. **Notices**. All legal notices required to be given under this Release shall be deemed given when actually delivered to the designated representative(s) of the party to be given notice by (i) certified mail, return receipt; or (ii) by hand delivery or courier service, if a signed receipt is obtained upon delivery; or (iii) by facsimile transmission, if confirmation of receipt of the transmission is obtained,. A party may change its designated representative(s) or address at any time by written notice in the same manner as for any other notice. The initial representatives of the parties shall be the persons whose names and addresses are:

Town of Green Mountain Falls, Colorado

PO Box 524

Green Mountain Falls, CO 80819

Phone: 719-684-9414

Email: clerk@gmfco.us

Owner: _____

Mailing Address: _____

2. **Non-Assignment.** Except as specifically permitted under section A herein above, neither this Agreement nor any of the rights or obligations of the Parties hereto, shall be assigned by either party without the written consent of the other.

3. **Legal Authority.** The Landowner warrants he/she/it possesses the legal authority to enter into this Release and has taken all actions required by its procedures, bylaws, and/or applicable law to exercise that authority, and to lawfully authorize its undersigned signatory to execute this Release and to bind the Landowner to its terms. The person(s) executing this Release on behalf of the Landowner warrant(s) that such person(s) have full authorization to execute this Release.

4. **Binding effect.** This Release is binding upon the heirs, personal representatives, successors, and permitted assigns of both parties.

5. **Entire Agreement.** This Release including the addendum incorporated herein by reference constitutes the entire agreement between the parties, and supersedes any previous contracts, understandings, or agreements of the parties, whether verbal or written, concerning the subject matter of this Release.

6. **Severability.** If any provision of this Release Agreement is held invalid, illegal, or unenforceable in any jurisdiction, the validity, legality, and enforceability of the remaining provisions of this Release Agreement shall not be impaired thereby.

7. **Governmental Immunity.** GMF and its officers, attorneys and employees, are relying on, and do not waive or intend to waive by any provision of this Release Agreement, the monetary limitations or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, *et seq.*, as amended, or otherwise available to GMF and its officers or employees.

8. **Governing Law and Venue.** This Release Agreement shall be governed by and construed in accordance with the laws of the State of Colorado and venue for any legal action brought under this Easement shall be in El Paso County, Colorado.

9. **Modification.** No modification or amendment to this Release shall be valid unless it is made in a writing signed by the authorized representatives of the parties.

10. **Waiver.** The waiver by either party of a breach or violation of any provision of this Release shall not operate as or be construed to be a waiver of any subsequent breach of the same or other provision hereof.

IN WITNESS WHEREOF, THE PARTIES HERETO HAVE EXECUTED THIS CONTRACT

LANDOWNER:

By: _____

Print Name & Title: _____

Date: _____

FOR GMF:

By: _____

Print Name & Title: _____

Date: _____



The Town of Green Mountain Falls

P.O. Box 524, 10615 Green Mountain Falls Road, Green Mountain Falls, CO 80819
 (719) 684-9414 www.gmfco.us

To: Fire Mitigation Advisory Committee

From: John Bell

RE: 2023 Education Calendar, January 26, 2023

Team,

The FMAC education event calendar is a work in progress. Status will be updated monthly as dates and events are secured.

Event	Date	Comment
Town Meeting: ROW Mitigation Project	Feb 6	
Chipper Day #1	June	Specific weekend pending
Green Box Hike 1	July 1, Sat	Same hike agenda both days: Private property mitigation example, ROW example, MHYC mitigation on Thomas Trail
Green Box Hike 2	July 2, Sun	Same as July 1
Bronc Day Information Booth	Aug 29	We have option to set-up outside FoUPT Pancake Breakfast
Chipper Day #2	Sept	Specific weekend pending

GMF Fire Mitigation Tip

March 2023



Your Wildfire Action Plan Checklist

Create an evacuation plan that includes:

- A designated emergency meeting location outside the fire or hazard area. This is critical to determine who has safely evacuated from the affected area.
- Several different escape routes from your home and community. Practice these often so everyone in your family is familiar in case of emergency.
- Have an evacuation plan for pets and large animals such as horses and other livestock.
- A Family Communication Plan that designates an out-of-area friend or relative as a point of contact to act as a single source of communication among family members in case of separation. (It is easier to call or message one person and let them contact others than to try and call everyone when phone, cell, and internet systems can be overloaded or limited during a disaster.)

Would you like to learn more about keeping your family, your property, and your neighbors safe? Connect with your neighbors on the GMF Fire Mitigation Advisory Committee at the link below, or use the QR code:

<https://forms.gle/Kbi76R7gvQYK9XGU6>



