

Minutes

Board of Trustees – Firestone Town Hall
151 Grant Avenue, Firestone, CO 80520
7:00 p.m.

January 14, 2010

Regular Board Meeting

The Town Board of Trustees of the Town of Firestone met in regular session at Town Hall, 151 Grant Avenue, Firestone, Colorado. Mayor Chad Auer called the meeting to order at 7:00 p.m. Roll call was taken with the following persons present:

<i>Mayor:</i>	<i>Chad Auer</i>
<i>Mayor Pro-tem:</i>	<i>Charlie Thomas</i>
<i>Trustees:</i>	<i>Butch Walb</i>
	<i>Matt Holcomb</i>
	<i>Darrell Walsh</i>
	<i>Paul Sorensen</i>
	<i>Kelly Morgan</i> (absent/excused)

<i>Also present were:</i>	<i>Wes LaVanchy, Town Manager</i>
	<i>Judy Hegwood, Town Clerk, CMC</i>
	<i>Sam Light, Town Attorney</i>
	<i>Bruce Nickerson, Town Planner</i>
	<i>Dave Lindsay, Town Engineer</i>
	<i>David Montgomery, Chief of Police</i>
	<i>Ron Lay, Finance Director</i>

PLEDGE OF ALLEGIANCE

All rose for Pledge of Allegiance to the flag. Several Girl Scouts lead the pledge and each received a certificate and a small town portfolio.

APPROVAL OF AGENDA

Mayor Auer called for additions, deletions or changes to the agenda. Town Manager Wes LaVanchy asked that 8A and 8D be moved to 10C. Trustee Holcomb moved and Trustee Thomas seconded, to approve the agenda, as amended. Voice vote taken. Motion carried.

PRESENTATIONS

There were no presentations.

CITIZEN PARTICIPATION

There was no citizen participation.

APPROVAL OF CONSENT AGENDA

-
- a. Approval of January 2010 Accounts Payable*
 - b. Approval of Minutes – December 17, 2009 Special Meeting*
 - c. Resolution Designating the Place for Posting of Notices of Meetings of Board of Trustees
(Resolution No. 10-01)*

Trustee Walb moved and Trustee Walsh, to approve the consent agenda, as submitted. Roll call vote was taken. Motion carried.

PUBLIC HEARINGS

NEWBY FARM ANNEXATION NO.1 11, ZONING AND OUTLINE DEVELOPMENT PLAN AND MEADOW FARM ANNEXATION, ZONING AND OUTLINE DEVELOPMENT PLAN

Mayor Auer opened the public hearings at 7:12 p.m. Attorney Sam Light requested that these public hearings be continued to the January 28, 2010 Board Meeting. Mayor Auer closed the public hearings at 7:13 p.m.

Trustee Thomas moved and Trustee Walb seconded, to continue the public hearings to January 28, 2010. Roll call vote was taken. Motion carried 5-Yea; 0-Nay.

ACTION ITEMS

Ordinance Amending Sections 9.28.010 AND 9.28.020 of the Firestone Municipal Code Regarding the Town's Current Curfew Restrictions and Parental Responsibility Requirements

This ordinance amends the Town's current curfew ordinance to define the terms "public area" and "loiter". It specifically allows the Police Department to enforce the curfew ordinance on private property that is open to the public, such as business parking lot and mobile home parks privately owned.

Ordinance No. 730

AN ORDINANCE AMENDING SECTIONS 9.28.010 AND 9.28.20 OF THE FIRESTONE MUNICIPAL CODE REGARDING THE TOWN'S CURFEW RESTRICTIONS AND PARENTAL RESPONSIBILITY REQUIREMENTS

Trustee Thomas moved and Trustee Sorensen seconded, to adopt Ordinance No. 730. Roll call vote was taken. Motion carried 5-Yea; 0-Nay.

Approval of Additional Severance Pay for Former Town Manager

Attorney Sam Light stated that the Board of Trustees decided to implement a single administrator system and terminated the employment contract for former Town Manger Cheri Andersen, effective December 4, 2009 and had previously approved contract severance pay for the balance of December 2009 and for January and February 2010. Mrs. Andersen has requested the Board of Trustees to consider providing her three additional months of severance pay, and have given direction to prepare draft documents providing for payment of additional severance in exchange for a release related to Mrs. Andersen's employment. Mrs. Andersen has signed and returned a full and final release, which provides that in consideration for three additional months of severance pay (for March, April and May 2010) in the sum of \$22,944.24, less federal and state withholdings, from the general fund with such payments being provided to her on a bi-weekly basis, pursuant to the Town's regular payroll practices. Mrs. Andersen will release any and all claims relating to her employment with the Town and/or the Board's decision to terminate her employment agreement. The full and final release states that the Town is providing Mrs. Andersen with the additional severance pay in an effort to honor her contributions as Town Manager and to express the gratitude of the Town for her services. directed that Ms Andersen has signed a release for any actions against the town, and will be paid out of the general fund at the end of the current severance that is being paid.

Trustee Sorensen moved and Trustee Walb seconded, to accept the full and final release from Cheri Andersen and to authorize the funding of the severance in the sum of \$22,944.24 from the general fund, to be paid on a bi-weekly basis, pursuant to the Town's regular payroll practices." Roll call vote was taken. Motion carried 5-Yea; 0-Nay.

Current Town Manager Contract - Addendum

Attorney Sam Light stated that the Board of Trustees decided to implement a single administrator system and voted to hire Wes LaVanchy (then serving as Director of Operations) as the Town Manager, effective November 11, 2009, subject to the execution of an employment agreement. The Board of Trustees gave direction at a subsequent meeting, to prepare an amended employment agreement between the Town and Mr. LaVanchy, by making the following two changes: 1) Replacing all references to "Director of Operations" in the agreement with the term "Town Manager" and 2) Changing the anticipated performance review date from January 2010 to February 2010.

Trustee Holcomb moved and Trustee Walsh seconded, to approve the Amended Employment Agreement between the Town and Wes LaVanchy, effective November 11, 2009, and to authorize the Mayor to sign the Amendment." Roll call vote was taken. Motion carried 3-Yea; 2-Nay.

Emergency Ordinance and Resolution Amending Code and Personnel Manual to Reflect Elimination of Director of Operation Position

Attorney Sam Light stated that the Board of Trustees voted to implement a dual administrative system in which the Town would have a Town Manager and a Town Administrator rather than one administrator. In March of 2009, the Town the Tow adopted an emergency ordinance re-titling the position of Town Administrator to Director of Operations. This ordinance will remove the references to Director of Operations and folds the functions of the Director of Operations into the Town Manager position. The resolution will amend the Town of Firestone Personnel Manual to reflect the elimination of Director of Operations position and the delegation of all prior duties of the Director of Operations to the Town Manager.

Resolution No. 10-02

A RESOLUTION AMENDING THE TOWN OF FIRESTONE PERSONNEL POLICY MANUAL TO REFLECT THE ELIMINATION OF THE DIRECTOR OF OPERATIONS POSITION AND THE DELEGATION OF ALL PRIOR DUTIES OF THE DIRECTOR OF OPERATIONS TO THE TOWN MANAGER

Trustee Holcomb moved and Trustee Walsh seconded, to adopt resolution No. 10-02. Roll call vote was taken. Motion carried 5-Yea; 0-Nay.

Ordinance No. 731

AN EMERGENCY ORDINANCE AMENDING THE FIRESTONE MUNICIPAL CODE AND THE FIRESTONE PERSONNEL POLICY MANUAL TO REPLACE ALL REFERENCES TO THE TERM "DIRECTOR OF OPERATIONS" WITH THE TERM "TOWN MANAGER" AND TO ALLOCATE PRIOR RESPONSIBILITIES OF THE DIRECTOR OF OPERATIONS TO THE TOWN MANAGER

Trustee Thomas moved and Trustee Walsh seconded, to adopt emergency ordinance No. 731, amending the Firestone Municipal Code and Firestone Personnel Manual to reflect the elimination of the Director of Operations position. Roll call vote was taken. Motion carried 5-Yea; 0-Nay.

DISCUSSION

Weld County Coordinated Planning Agreement

Town Planner Bruce Nickerson stated that this request was sent to most of the Municipalities in Weld County and is information for the joint meeting on Monday, January 18, 2010.

Agenda for Joint Meeting with Weld County Commissioners

Town Manger Wes LaVanchy asked if there is a way to create a template and for Ron, Bruce and Wes to possibly meet with the Commissioners to brief them on the FURA, what is going on in Firestone, and what is going on in Longmont.

Northeast-East-Central Colorado Small Business Development Center –n Funding Request

Town Manager Wes LaVanchy stated that SBDC provides free business assistance and information to all small businesses. The mission of the center is to foster successful growth and development in the community. SBDC is provided a base grant from the Small Business Administration and supplemented by various host institutions and requires additional funding to increase its level of involvement in the community. It is their desire to provide a second day of services in the Carbon Valley area if they can generate additional support. They currently operate one day a month out of the Carbon Valley Chamber of Commerce offices and have asked for funding from the Town and the recommendation is to contribute \$1500 from the Town’s general fund –n Economic Development line item. The Board agreed and this will be on the January 28, 2010 agenda for action.

Town Clerk Request for Gradual Return to Work Fulltime

Town Manager Wes LaVanchy explained that Town Clerk Judy Hegwood has requested additional sick leave from January 4 to Feb 16, 2010, and will be approximately 150 hours of sick leave. Finance Director Ron Lay stated that the Town now has short and long term disability that could also be used if desired. This will come back and be on the January 28, 2010 agenda.

Mayor Auer called for a break at 8:18 p.m. The meeting reconvened at 8:31 p.m.

Town Manager Wes LaVanchy asked the Board to reconsider and make a decision on the Town Clerk’s sick leave request this evening. Town Clerk Judy Hegwood has given the Board of Trustees a letter requesting paid extended sick leave from January 4, 2010 through February 16, 2010.

Trustee Walb moved and Trustee Thomas seconded, to approve the extended additional sick leave request for Town Clerk Judy Hegwood from January 4, 2010 through February 16, 2010. Roll call vote was taken. Motion carried 5-Yea; 0-Nay.

CITIZEN PARTICIPATION

There was no citizen participation.

EXECUTIVE SESSION

Executive session (a) pursuant to C.R.S. § 24-6-402(4)(e) for the purpose developing positions and strategy regarding matters subject to negotiation and instructing negotiators, for the following matters: (a) potential agreement with the City of Longmont; (b) potential tax increment revenue sharing agreements with Weld County, Frederick/Firestone Fire Protection District and Carbon Valley Recreation District (c) Firestone Urban Renewal Authority Relationship with Weld County, Frederick/Firestone Fire Protection District and Carbon Valley Recreation District; and (d) potential Annexation Northwest Corner of I-25 and State Highway 119

Trustee Thomas moved and Trustee Walb seconded, to enter into executive session (a) pursuant to C.R.S. § 24-6-402(4)(e) for the purpose developing positions and strategy regarding matters subject to negotiation and instructing negotiators, for the following matters: (a) potential agreement with the City of Longmont; (b) potential tax increment revenue sharing agreements with Weld County, Frederick/Firestone Fire Protection District and Carbon Valley Recreation District (c) Firestone Urban Renewal Authority Relationship with Weld County, Frederick/Firestone Fire Protection District and Carbon Valley Recreation District; and (d) potential Annexation Northwest Corner of I-25 and State Highway 119

The motion carried 4-Yea; 1-Nay. Trustee Holcomb voted Nay. [8:35 p.m.]

Attorney Sam Light gave an explanation of the executive session procedures, and read the title of the executive session.

The Board of Trustees reconvened in open session at 10:21 p.m.

The persons in attendance were Attorney Sam Light, Town Manager Wes LaVanchy, Town Planner Bruce Nickerson, Town Engineer Dave Lindsay, Trustees Walb, Holcomb, Walsh, Thomas, and Sorensen.

Call for Special Meeting

Trustee Sorensen moved and Trustee Thomas seconded, to call for a Special Meeting to hold an Executive Session on Monday, January 18, 2010 at 5:30 p.m. pursuant to C.R.S. 24-6-402 (4)(e) – for the purpose developing positions and strategy regarding matters subject to negotiation and instructing negotiators, for the following matters: (a) potential agreement and public improvement reimbursement agreement with property located at the northeast corner of I-25 and SH 119

STAFF REPORTS

Mayor Auer stated that Staff Reports were reported electronically.

Attorney Sam Light

Report from Executive Session; Board Discussion/Direction/Action regarding executive session items

Attorney Sam Light stated that the Board of Trustees has given direction to the staff to proceed with the proposed City of Longmont agreement, the tax increment revenue sharing agreements with Weld County, Frederick/Firestone Fire Protection District and Carbon Valley Recreation District, the Firestone Urban Renewal Authority Relationship with Weld County, Frederick/Firestone Fire Protection District and Carbon Valley Recreation District and sending a draft due to TIF; and the proposed PIRA for the potential Annexation Northwest Corner of I-25 and State Highway 119

Attorney Sam Light

Status Update; Discussion/Direction/Action – Neumann Homes Litigation

Attorney Sam Light stated that Neumann Homes was sent a letter of settlement and the Town received a response from their attorney that we settle.

Town Manager Wes LaVanchy reminded all of the Unity in the Community Firestone event on February 21, 2010 and the Carbon Valley Chamber of Commerce dinner on February 27, 2010 at 6:00 p.m. (2) there is progress regarding WCR 19 & 24 intersection

Town Planner Bruce Nickerson reported that there is a DRCOG meeting on Wednesday that is an important vote for Firestone and there needs to be 29 people in attendance. Mayor Auer and Trustee Holcomb said they would be attending.

Town Clerk Judy Hegwood thanked the Board of Trustees for all of their support during her medical leave, and gave a huge “Thank you” to Rebecca Toberman for being available and ready to help with whatever was needed and she thanked Bruce Nickerson for bringing Rebecca to the Town and thanked him for all he does and thanked Town Manager Wes LaVanchy for his support and guidance.

BOARD REPORTS

Trustee Walb reported that the Parks and Trails committee would like to annex the trail north of SH 66 (2) talked about renaming the sports complex (3) asked about the stop light at Grant and Colorado Blvd. Town Engineer Dave Lindsay said this would get looked into.

Trustee Holcomb inquired about raising the \$2.00 town sales tax license (2) asked about the HR proposals, and was told that we have received some applications (3) reported that the asphalt is lifting on Cimarron Street.

Trustee Sorensen reported that Home Depot is hosting the pinewood derby and said he would like the challenge and build a car, possibly the boy or cub scouts (2) reported that he is trying to get Habitat for Humanity in Firestone (3) asked where the funding is going from the Cricket Tower. He was told that that has not yet been decided and will be discussed at an upcoming work session.

ADJOURNMENT

There being no further business to come before the Board of Trustees, Trustee Thomas moved and Trustee Walb seconded, to adjourn the meeting. Motion carried. The meeting adjourned at 10:40 p.m.

TOWN OF FIRESTONE, COLORADO

ATTEST:

Chad Auer, Mayor

Judy L. Hegwood, Town Clerk, CMC

READ AND APPROVED THIS _____ DAY OF _____, 2010.