

## Minutes

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

**January 28, 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:

*Mayor:* **Chad Auer**  
*Mayor Pro-tem:* **Charlie Thomas**  
*Trustees:* **Butch Walb**  
**Matt Holcomb**  
**Darrell Walsh**  
**Paul Sorensen**  
**Kelly Morgan**

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

### **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 for the quarterly report from the Carbon Valley Recreation District to be placed under Presentations. Trustee Holcomb moved and Trustee Sorensen seconded, to approve the agenda, as amended. Voice vote taken. Motion carried.

### **PRESENTATIONS**

1. **Recognize DOLA Intern Matt Brozek**

Mayor Chad Auer addressed Mr. Matt Brozek, the Board of Trustees, Staff and Audience, thanking Mr. Brozek for his two year term as a DOLA Intern working for the Town of Firestone and recognizing Mr. Brozek for all of his contributions, and appreciates all of the work he has done. Mayor Auer thanked Mr. Brozek for helping him become a better Mayor. Trustee Thomas stated that Mr. Brozek has helped on the economic committee and was an asset and thanked him for coming to Firestone. Trustee Walsh thanked Mr. Brozek for steering him around when he was first appointed as a Trustee. Trustee Walb stated that the Town is going to miss Mr. Brozek and we hope to see him come back and work for Firestone. Trustee Sorensen stated that Mr. Brozek has touched so many lives and the Town is better due to his efforts, and told Matt to come back to Firestone and call it home. Town Manager Wes LaVanchy stated that the Town is going to miss Mr. Brozek and all of his dedication and drive. Mayor Auer presented Mr. Brozek with a plaque, and a group photo was taken of Matt and the Board of Trustees.

2. **FFFPD 4<sup>th</sup> Quarter Report**

Fire Chief Ted Pozywak gave the 2009 4<sup>th</sup> quarter report to the Board of Trustees.

3. Santa Cops  
Firestone Police Chief David Montgomery honored the American Legion Post 1985 for their Santa Cops program and presented them with a plaque.
4. Carbon Valley Recreation District 4<sup>th</sup> Quarter Report  
Ms. Renee Witty addressed the Board of Trustees giving the quarterly report for the Recreation District.

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### CITIZEN PARTICIPATION

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There was no citizen participation.

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### APPROVAL OF CONSENT AGENDA

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- a. *Approval of January 2010 Accounts Payable*
- b. *Approval of Minutes – January 14, 2010 Regular Meeting*
- c. *Approval of Minutes – January 18, 2010 Special Meeting*
- d. *Godding Hollow/Tri-Town Basin Outfall Design Change Order No. 1*

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

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### PUBLIC HEARINGS

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#### **SOUTHERN FIRESTONE URBAN RENEWAL AREA CONDITIONS SURVEY (BLIGHT STUDY) AND THE PROPOSED SOUTHERN FIRESTONE URBAN RENEWAL PLAN (CONTINUED FROM 11-19-09)**

Mayor Auer opened the public hearings at 7:30 p.m. Attorney Sam Light introduced the subject stating that the southern firestone urban renewal public hearing was continued from the September 10, 2009 meeting and the proposed southern firestone urban renewal plan was continued from the November 19, 2009 meeting. Attorney Sam Light then went over what needed to be completed on the Southern Urban Renewal. Town Planner Bruce Nickerson showed a Power Point presentation of the blight of the southern firestone conditions survey and stated that there are no existing structures in this area, it is mainly streets and the TIF can only be used in this area.

#### Public Comment

Ms. Susan Aldridge, representative of Kerr McGee addressed the Board of Trustees and talked of unsanitary and non secured areas, referring to the November letter from Kerr McGee and asking that the Town blight these out of what areas Kerr McGee holds. Planner Nickerson stated that the November letter from Kerr McGee is in the final file.

Mayor Auer closed the public hearings at 7:34 p.m.

#### Board Comment

There were no comments from the Board of Trustees.

#### **Resolution No. 10-03**

**A RESOLUTION MAKING LEGISLATIVE FINDINGS DETERMINING AN AREA WITHIN THE TOWN OF FIRESTONE TO BE A BLIGHTED AREA AND APPROPRIATE FOR INCLUSION IN AN URBAN RENEWAL PROJECT**

Trustee Thomas moved and Trustee Walsh seconded, to adopt Resolution No. 10-03. Roll call vote was taken. Motion carried 5-Yea; 0-Nay.

**Resolution No. 10-04**

A RESOLUTION MAKING LEGISLATIVE FINDINGS AND APPROVING THE URBAN RENEWAL PLAN FOR THE SOUTHERN FIRESTONE URBAN RENEWAL AREA

Trustee Thomas moved and Trustee Walsh seconded, to adopt Resolution No. 10-04. Roll call vote was taken. Motion carried 5-Yea; 0-Nay.

**Resolution No. 10-05**

A RESOLUTION APPROVING A TAX INCREMENT EXPENDITURE AND REVENUE SHARING AGREEMENT BETWEEN WELD COUNTY, THE TOWN OF FIRESTONE, AND THE FIRESTONE URBAN RENEWAL AUTHORITY

Trustee Walb moved and Trustee Walsh seconded, to adopt Resolution No. 10-05. Roll call vote was taken. Motion carried 5-Yea; 0-Nay.

**NEWBY FARM ANNEXATION NO. 1, ZONING AND OUTLINE DEVELOPMENT PLAN (continued from 1-14-10)**

**MEADOW FARM ANNEXATION, ZONING AND OUTLINE DEVELOPMENT PLAN (continued from 1-14-10)**

Mayor Auer opened the public hearings for Newby Farm and Meadow Farm Annexations at 7:44 p.m. Attorney Sam Light recommended that both of these annexations be continued to February 11, 2010 due to work being completed on the annexation agreements and ordinances.

Public Comment

None.

Board Comment

None.

Trustee Thomas moved and Trustee Sorensen seconded, to continue the Newby Farm and the Meadow Farm public hearings until February 11, 2010. Roll call vote was taken. Motion carried 5-Yea; 0-Nay.

**HEINTZELMAN PIT ANNEXATION NOS. 1, 2 & 3, HEINTZELMAN PIT – 116, ANNEXATION, ZONING OUTLINE DEVELOPMENT PLAN AND CONDITIONAL USE PERMIT**

Mayor Auer opened the public hearing at 8:47 p.m. Town Planner Bruce Nickerson entered into record a Power Point presentation of the development flow chart and explained that this annexation is located on WCR 26 and WCR 28 and the agreements are being completed. Town Engineer Dave Lindsay stated that Varra will remove the gravel with a belt system that abuts Hwy 66.

Applicant

Mr. Garrett Varra was sworn in by Mayor Auer. Mr. Garrett addressed the Board of Trustees stating that Varra Companies have a lot of gravel mines in this area.

Public Comment

None.

Board Comment

Trustee Walb asked where other Varra mines are located and when construction would begin. Mr. Varra said they have mines in Greeley, WCR 20, and Pecos Street in Denver and work would begin within two years.

Attorney Sam Light asked for a motion to continue the annexation and zoning and to continue these public hearings to the February 25, 2010 meeting. Attorney Light stated that the conditional use permit can be acted on this evening.

Trustee Thomas moved and Trustee Walsh seconded, to continue the annexation and zoning of the Heintzelman Pit Annexation until February 25, 2010. Roll call vote was taken. Motion carried 5-Yea; 0-Nay.

Mayor Auer called for a recess at 8:15 p.m. The meeting reconvened at 8:22 p.m.

## **ACTION ITEMS**

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

Town Manager Wes LaVanchy stated that this request comes from Mr. Dick Pickett representative of SBDC that 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 as an Economic Development line item.

Trustee Thomas moved and Trustee Walsh seconded, to approve the expenditure, not to exceed \$1500, to NECSBDC and authorizing the Mayor to sign. Roll call vote was taken. Motion carried 5-Yea; 0-Nay.

### **Emergency Ordinance Establishing a Temporary Moratorium on the Acceptance, Processing, or Issuance of Applications or Requests for Business Licenses, Building Permits, and Certificates of Occupancy for Medical Marijuana Dispensaries and On Commencing Any Operation of a Medical Marijuana Dispensary within the Town of Firestone**

#### **Ordinance No. 732**

AN EMERGENCY ORDINANCE OF THE TOWN OF FIRESTONE ESTABLISHING A TEMPORARY MORATORIUM ON THE ACCEPTANCE, PROCESSING, OR ISSUANCE OF APPLICATIONS OR REQUESTS FOR BUSINESS LICENSES, BUILDING PERMITS, AND CERTIFICATES OF OCCUPANCY FOR MEDICAL MARIJUANA DISPENSARIES AND ON COMMENCING ANY OPERATION OF A MEDICAL MARIJUANA DISPENSARY WITHIN THE TOWN OF FIRESTONE

Trustee Sorensen moved and Trustee Walsh seconded, to adopt Ordinance No. 732. Roll call vote was taken. Motion carried 5-Yea; 0-Nay.

### **Resolution Approving Animal Services Agreement with Longmont Humane Society**

#### **Resolution No. 10-07**

A RESOLUTION APPROVING AN AGREEMENT FOR ANIMAL IMPOUNDMENT SERVICES WITH THE LONGMONT HUMANE SOCIETY, INC.

Trustee Holcomb moved and Trustee Thomas seconded, to adopt resolution No. 10-07. Roll call vote was taken. Motion carried 5-Yea; 0-Nay.

### **Town Employee Request for Additional Sick Leave**

Trustee Walb moved and Trustee Thomas seconded, to approve the additional sick leave to Maintenance employee Mark Pasillas through March 1, 2010, and giving other employees the approval to give unused sick time towards sick leave. Roll call vote was taken. Motion carried 5-Yea; 0-Nay.

## **DISCUSSION**

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There was no discussion.

**CITIZEN PARTICIPATION**

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There was no citizen participation.

**STAFF REPORTS**

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Mayor Auer stated that Staff Reports were reported electronically.

Town Manager Wes LaVanchy invited all to the Burger King grand opening at 11:30 a.m. on February 6, 2010 (2) stated that Town Clerk Judy Hegwood had included an election calendar in the packets.

Attorney Sam Light talked about the medical marijuana dispensaries law.

Town Planner Bruce Nickerson stated that he would like to get the Board of Trustees and the Planning Commission to take a field trip of the Firestone Trail.

**BOARD REPORTS**

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Trustee Holcomb talked about the DRCOG meeting (2) stated that the Finance Committee met this evening (3) stated that he is working with staff on the Human Resource Proposals.

Trustee Thomas stated that he met with Planner Bruce Nickerson to talk about the ED Book and it will be coming out soon.

Mayor Auer stated that he went to the DRCOG meeting, has attended several HOA meetings, and has had a lot of coffee talks (2) reported that there was a huge turn-out at the Town Hall honoring the life of the Sutton child who lost his life this past week.

Trustee Sorensen reported that the Town Hall was full of approximately 200 to 300 people who all came together in honor of the three year old Sutton child’s accident, and the family thanked the Town for the flowers. It was a sad event, but one that brought the good out in the community.

Trustee Morgan seconded Trustee Sorensen.

**ADJOURNMENT**

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There being no further business to come before the Board of Trustees, Trustee Holcomb moved and Trustee Walb seconded, to adjourn the meeting. Motion carried. The meeting adjourned at 8:55 p.m.

TOWN OF FIRESTONE, COLORADO

ATTEST:

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Chad Auer, Mayor

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Judy L. Hegwood, Town Clerk, CMC

READ AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010.