

## Minutes

Board of Trustees – Firestone Town Hall  
151 Grant Avenue, Firestone, CO 80520  
6:30 p.m.

October 26, 2011

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 6:35 p.m. Roll call was taken with the following persons present:

<i>Mayor:</i>	<i>Chad Auer</i>
<i>Mayor Pro-tem:</i>	<i>Paul Sorensen</i>
<i>Trustees:</i>	<i>Jennifer Weinberger</i>
	<i>Matt Holcomb</i>
	<i>Darrell Walsh</i>
	<i>Bobbi Sindelar</i>
	<i>Kathryn Beiland (absent-excused)</i>

*Also present were:*

- Wesley LaVanchy, Town Manager*
- Judy Hegwood, Town Clerk, MMC*
- Sam Light, Town Attorney*
- Bruce Nickerson, Town Planner*
- Dave Lindsay, Town Engineer*
- Bryce Borders, Police Commander*

### PLEDGE OF ALLEGIANCE

All rose for Pledge of Allegiance to the flag that was lead by Troop 98.

### APPROVAL OF AGENDA

Mayor Auer called for additions, deletions or changes to the agenda. There were no changes to the agenda.

Trustee Weinberger moved and Trustee Walsh seconded, to approve the agenda, as submitted. Voice vote was taken. Motion carried 5-Yea; 0-Nay.

### APPROVAL OF CONSENT AGENDA

- a. Approval of September 2011 Financials*
- b. Approval of October 2011 Accounts Payable*
- c. Approval of Minutes – October 12, 2011 Regular Meeting*

Trustee Weinberger moved and Trustee Walsh seconded, to approve the consent agenda, as submitted. Roll call vote was taken. Motion carried 5-Yea; 0-Nay.

### PRESENTATIONS

Bill Meier, United Power Sr. Community Affairs Representative stated that the 2011 Capital Credit Refund Check will be presented by the CEO of United Power. A check in the amount of \$2,362.63 was presented to the Board of Trustees.

## **Frederick Firestone Fire Protection District 2011 Third Quarter Report**

Fire Chief Ted Poszywak gave the third quarter report for the Frederick Firestone Fire Protection District.

### **CITIZEN PARTICIPATION**

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There was no citizen participation.

### **PUBLIC HEARING**

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#### **SUNDANCE ENERGY SPECIAL USE PERMITS FOR FOUR OIL AND GAS WELLS – MAY JON 3-5d #5, 5n a#6, 5e #7, AND 5s #8 WELLS**

Town Planner Bruce Nickerson gave an overview of the Sundance Wells and showed a Power Point Presentation for the Sundance Energy, Inc. Special Use Permit applications for four oil and gas wells. The approximate location of the Wells is in the Firelight Park Annexation north of State Highway 119, between Interstate I-25 and Fairview Street (WCR 3). The Planning Commission recommended approval of the application with the Town's standard conditions for oil and gas wells.

#### **Applicant**

Mr. Travis Nichols Representative for Sundance Oil and Gas was sworn in by Mayor Auer. Mr. Travis addressed the Board of Trustees stating that he approved the conditions of approval for the project.

Mayor Auer opened public comment at 6:52 p.m.

#### **Public Comment**

There being no public comment, Mayor Auer closed the public hearing at 6:57 p.m.

#### **Board Comment**

#### **Resolution No. 11-27**

**A RESOLUTION APPROVING SPECIAL USE PERMITS FOR SUNDANCE ENERGY, INC., TO LOCATE FOUR OIL AND GAS WELLS WITHIN THE TOWN OF FIRESTONE**

Trustee Sindelar moved and Trustee Weinberger seconded, to adopt Resolution No. 11-27. Roll call was taken. Motion carried 5-Yea; 0-Nay.

#### **WEIBEL MINOR SUBDIVISION FINAL PLAT**

Town Planner Bruce Nickerson gave an overview and showed a Power Point Presentation of the application submitted by Mr. Donald Weibel for a Final Plat of the Weibel property. The approximate location of the property is north of Sable Avenue (WCR 22) and east of the Interstate I-25 Frontage Road. The applicant is requesting to subdivide the property into two lots. The property is approximately 8.4 and is highly visible from I-25 and current use of the property includes the Kia dealership. The property is currently annexed in the Town and zoned Planned Unit Development with the Regional Commercial (RC) Land Use category and current use of the property includes automobile sales and service and no change in use or zoning is being requested and current access to the property is from the I-25 Frontage Road.

The Planning Commission recommended conditional approval of the application. Town Engineer Dave Lindsay stated that this property is on a lot shared with the Flatirons property and with the new lot the owner would like to open a new access onto the I-24 Frontage Road.

#### **Applicant**

Ms. Mickey Farnsworth was sworn in by Mayor Auer. Ms. Farnsworth stated that the lot will be split and the owner would like to sell the one lot and use it to begin a dealership of his own. If not a car dealership, and another type of business is decided upon, the owner would need to submit that plan to the town. The owner has submitted to CDOT for an access permit into the I-25 Frontage Road.

Mayor Auer opened the public hearing at 7:07 p.m.

Public Comment

There being no public comment, Mayor Auer closed the public hearing at 7:08 p.m.

Board Comment

**Resolution No. 11-28**

A RESOLUTION APPROVING A FINAL PLAT FOR THE WEIBEL SUBDIVISION

Trustee Sorensen moved and Trustee Weinberger seconded, to adopt Resolution No. 11-28. Roll call was taken. Motion carried 5-Yea; 0-Nay.

**TURNER COMMONS ANNEXATION – PUBLIC HEARING ON ANNEXATION AND INITIAL ZONING/OUTLINE DEVELOPMENT PLAN (CONTINUED FROM SEPTEMBER 28, 2011); AND ON PRELIMINARY PLAT, PRELIMINARY DEVELOPMENT PLAN, FINAL PLAT, AND OVERALL FINAL DEVELOPMENT PLAN**

Mayor Auer re-opened the continued public hearing at 7:09 p.m.

Mr. Scott Brady was sworn in by Mayor Auer. Mr. Brady thanked the staff and expressed his gratitude. He stated that there are five new businesses proposed for this area. They are under contract for two Fast Food Restaurants, one Gas Station-Convenience Store-Sit Down Restaurant, and a 70 Room Hotel.

Town Planner Bruce Nickerson began by stating that the public hearing for the Annexation and Initial/Outline Zoning Development Plan was continued from the September 28, 2011 Board of Trustees meeting. He gave an overview and showed a Power Point Presentation of the application submitted by Firestone Partners, LLC for Annexation, Zoning, and an Outline Development Plan, Preliminary Plat, Preliminary Development Plan, Final Plat and an Overall Final Development Plan for the Turner Commons property. The approximate location of the Turner Commons property is the northwest corner of the intersection of Hwy 119 and I-25. The area to be annexed and zoned includes approximately 5.6 acres and there are existing commercial and business uses located to the west and south of the property. I-25 is located to the east and an undeveloped parcel located in Weld County with commercial zoning is located to the north. The property is currently located in unincorporated Weld County and is zoned for business and commercial uses. In conjunction with the annexation, the zoning for the property will change from Weld County C-3 business and commercial zoning to Town of Firestone Planned Unit Development with the ODP establishing the Regional Commercial (RC) land use category. Turner Commons is located within the Town's Urban Growth Boundary and is 100% commercial development. The annexation has a positive economic impact on Firestone and could bring in as estimated 75 plus jobs to the Town. The Planning and Zoning Commission has recommended approval of the Initial Zoning and Outline Development Plan with conditions, Preliminary Plat, Preliminary Development Plan, Final Plat, and Overall Final Development Plan.

Town Engineer Dave Lindsay stated that there will be some modifications to the traffic signals, and the sanitary sewer will be enlarged.

Attorney Sam Light went over the agreements and the conditions of approval.

Applicant Representative

Ms. Mickey Farnsworth was sworn in by Mayor Auer. Ms. Farnsworth gave a run-down of the 5 lots on the 5 acre development stating that CDOT will be extending Turner Boulevard, a 4 ft. median will be installed, a 4 ft. by 8 ft. box will be installed for running the ditch around the site, a secondary access easement to the west, working with Left Hand Water to loop through the site, and working with St. Vrain Sanitation for service.

### Public Comment

There being no public comment, Mayor Auer closed the public hearing at 7:30 p.m.

Planner Nickerson reported for the record that a letter was received from the ditch company.

Attorney Sam Light went over the annexation agreement, vested rights, sales tax credit, and the reimbursement agreement.

### Board Comment

#### **Resolution No. 11-29**

A RESOLUTION CONCERNING A PETITION FOR THE ANNEXATION OF PROPERTY TO THE TOWN OF FIRESTONE, COLORADO, KNOWN AS THE TURNER COMMONS ANNEXATION TO THE TOWN OF FIRESTONE, AND FINDING THE AREA PROPOSED TO BE ANNEXED ELIGIBLE FOR ANNEXATION

Trustee Sorensen moved and Trustee Weinberger seconded, to adopt Resolution No. 11-29. Roll call was taken. Motion carried 5-Yea; 0-Nay.

#### **Annexation Agreement**

Trustee Weinberger moved and Trustee Sindelar seconded, to approve the Turner Commons annexation agreement authorizing the Mayor and Town Clerk to sign. Roll call was taken. Motion carried 5-Yea; 0-Nay.

#### **Ordinance No. 787**

AN ORDINANCE APPROVING AN ANNEXATION KNOWN AS THE TURNER COMMONS ANNEXATION TO THE TOWN OF FIRESTONE, COLORADO

Trustee Weinberger moved and Trustee Walsh seconded, to adopt Ordinance No. 787. Roll call was taken. Motion carried 5-Yea; 0-Nay.

#### **Ordinance No. 788**

AN ORDINANCE APPROVING AN INITIAL ZONING OF PROPERTY ANNEXED TO THE TOWN OF FIRESTONE AND KNOWN AS THE TURNER COMMONS ANNEXATION, AND APPROVING AN OUTLINE DEVELOPMENT PLAN FOR SUCH PROPERTY

Trustee Weinberger moved and Trustee Sorensen seconded, to adopt Ordinance No. 788. Roll call was taken. Motion carried 5-Yea; 0-Nay.

#### **Resolution No. 11-30**

A RESOLUTION APPROVING AN OVERALL FINAL DEVELOPMENT PLAN FOR THE TURNER COMMONS ANNEXATION

Trustee Weinberger moved and Trustee Sindelar seconded, to adopt Resolution No. 11-30. Roll call was taken. Motion carried 5-Yea; 0-Nay.

#### **Ordinance No. 789**

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO APPROVING A VESTED RIGHTS AGREEMENT WITH TURNER COMMONS FOR THE TURNER COMMONS ANNEXATION PURSUANT TO ARTICLE 68 OF TITLE 24, C.R.S., AND AUTHORIZING EXECUTION OF SUCH AGREEMENT

Trustee Weinberger moved and Trustee Sorensen seconded, to adopt Ordinance No. 789. Roll call was taken. Motion carried 5-Yea; 0-Nay.

**Resolution No. 11-31**

A RESOLUTION APPROVING AN IMPROVEMENTS REIMBURSEMENTS AGREEMENT (TURNER COMMONS ANNEXATION) BETWEEN THE TOWN OF FIRESTONE, COLORADO AND FIRESTONE PARTNERS, LLC RELATING TO THE DEVELOPMENT OF THE NORTHWEST CORNER OF THE INTERSECTION OF STATE HIGHWAY 119 AND I-25 (THE TURNER COMMONS ANNEXATION) AND AUTHORIZING EXECUTION AND DELIVERY OF SUCH AGREEMENT

Trustee Sorensen moved and Trustee Weinberger seconded, to adopt Resolution No. 11-31. Roll call was taken. Motion carried 5-Yea; 0-Nay.

**Ordinance No. 790**

AN ORDINANCE APPROVING A TAX REBATE AGREEMENT WITH TURNER COMMONS

Trustee Walsh moved and Trustee Weinberger seconded, to adopt Ordinance No. 790. Roll call was taken. Motion carried 5-Yea; 0-Nay.

**ACTION ITEMS**

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**Ordinance Amending Business License Registration Regarding Denial, Suspension, and Revocation**

This is an ordinance amending the Town’s business licensing regulations (set forth in Chapter 5.04 of the Town Code) to allow the Town Clerk to deny an application for a business license if the proposed business would be in violation of any federal, state or local rule, regulation or law. Existing provisions in the Town Code would allow the applicant to appeal any denial of an application to the Town Manager. The proposed ordinance also authorizes the Town Clerk to cancel, suspend or revoke a business license if the licensee or his or her employee or agent operates the business in violation of any federal, state or local rule, regulation or law. Existing provisions in the Town Code would allow the applicant to appeal any denial of an application to the Town Manager. Existing provisions in the Town Code provide that before a license is suspended or revoked (except in the case of an emergency temporary suspension) the licensee shall be given the opportunity for a hearing before the Town Manager to contest the revocation or suspension.

**Ordinance No. 791**

AN ORDINANCE AMENDING CHAPTER 5.04 OF THE FIRESTONE MUNICIPAL CODE TO AUTHORIZE THE TOWN TO DENY, SUSPEND OR REVOKE A BUSINESS LICENSE IF THE BUSINESS VIOLATES FEDERAL, STATE OR LOCAL LAW

Attorney Sam Light read the title of Ordinance 791 stating this is already in the Code and this is adding other Federal law.

Trustee Sorensen moved and Trustee Weinberger seconded, to adopt Ordinance No. 791. Roll call was taken. Motion carried 5-Yea; 0-Nay.

**Consultant Contract for Geotechnical Engineering Services at Onorato Park – Earth Engineering**

The Town is proceeding with Phase 2 of the Onorato Park project, which includes the installation of a new regulation sized tennis court. Standard practice for these courts is to have a structural post tensioned concrete slab and the design of the slab requires a geotechnical investigation into the existing soils. The consultant contract with Earth Engineering Consultants to provide the geotechnical investigation. Staff recommends the approval of the consultant contract with Earth Engineering Consultants for an amount not to exceed \$1,850.00 authorizing the Mayor to execute on behalf of the Town.

Trustee Sindelar moved and Trustee Sorensen seconded, to approve the Consultant Contract for Geotechnical Engineering Services at Onorato Park to Earth Engineering Consultants, in the amount not to exceed \$1,850.00 authorizing the Mayor to execute on behalf of the Town. Roll call vote was taken, Motion carried. 5-Yea; 0-Nay.

**Consultant Contract for Structural Engineering Services at Onorato Park – KWS Engineering**

The Town is proceeding with Phase 2 of the Onorato Park project, which includes the installation of a new regulation sized tennis court. Standard practice for these courts is to have a structural post tensioned concrete slab. The consultant contract with KWS Engineering is to provide the structural design. Staff recommends approval of the consultant contract with KWS Engineering Consultants for an amount not to exceed \$3,800.00 authorizing the Mayor to execute it on behalf of the Town.

Trustee Sorensen moved and Trustee Sindelar seconded, to approve the Consultant Contract for Structural Engineering Services at Onorato Park to KWS Consultants, in the amount not to exceed \$3,800.00 authorizing the Mayor to execute on behalf of the Town. Roll call vote was taken. Motion carried 5-Yea; 0-Nay.

**Consultant Contract Drought Management Plan – Clear Water Solutions**

This is contract with Clear Water Solutions to prepare Drought Management Plan for the Town of Firestone. The Board previously approved a contract with CWS to prepare a grant application to CWCB to help fund the cost of a Drought Management Plan. The Town was notified in late September that we had been awarded a grant in the amount of \$39,031.00 for the preparation of the plan. Drought planning is an important objective to ensure that the Town's critical water supply needs are met when supplies are diminished. The CWCB grant helps offset the cost of preparing this important plan. Staff recommends the Board approve the contract with CWS to prepare the Drought Management Plan in the amount of \$41,031.00 authorizing the Mayor to execute on behalf of the Town.

Trustee Walsh moved and Trustee Weinberger seconded, to approve the Consultant Contract for the Drought Management Plan to Clear Water Solutions, in the amount not to exceed \$41,031.00 authorizing the Mayor to execute on behalf of the Town. Roll call vote was taken. Motion carried 5-Yea; 0-Nay.

**Ordinance De-Annexing a Portion of WCR 26 Public Right-of-Way**

Town Manager Wes LaVanchy, standing at the podium, addressed the Board of Trustees regarding the de-annexation of WCR 26 pursuant to the agreement with the City of Longmont. This would de-annex a portion of the WCR 26 public right-of-way, located approximately between Union Reservoir and the Great Western Railroad. WCR 26 west of WCR 7 was previously annexed to the Town of Firestone as part of the Union Annexation in January of 2011. In July of 2011 a Coordinated Planning Agreement between the Town of Firestone and the City of Longmont was completed and recorded.

**Ordinance No. 792**

AN ORDINANCE DISCONNECTING FROM THE TOWN OF FIRESTONE, COLORADO, A CERTAIN PARCEL CONSISTING OF A PORTION OF WELD COUNTY ROAD 26 RIGHT-OF-WAY

Attorney Sam Light read the title of Ordinance 792.

Trustee Sindelar moved and Trustee Walsh seconded, to adopt Ordinance No. 792. Roll call was taken. Motion carried 5-Yea; 0-Nay.

**Amendment to Intergovernmental Agreement between the Town of Firestone and St. Vrain Valley School District RE-1J Joint Resource Officer Program**

Town Manger Wes LaVanchy explained the Amendment to the IGA for the SRO Program. Commander Bryce Borders spoke of the officer that would be on duty as the School Resource Officer.

Trustee Weinberger moved and Trustee Sindelar seconded, to approve the SRO Agreement. Roll call was taken. Motion carried 5-Yea; 0-Nay.

## DISCUSSION

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### **Petroleum Exploration Seismic Testing**

This is a license agreement for a seismic testing company to conduct nondestructive Seismic testing for oil/gas reserves on Firestone property. They will use truck mounted vibratory equipment to send a signal that will be received by a sensor web that will collect the reflected signal. They have asked for access to some of our parks, open spaces, and public right-of-way. The vibratory equipment would be restricted to use in the open spaces and the ROW and would not be allowed in the parks. The vibratory equipment they use has a variable frequency signal that will not harm utilities or foundations. A vibration similar to that of a heavy truck passing by might be felt by adjacent homeowners. Once the applicant has provided the Town with an executed cost recovery agreement staff will proceed with preparation of a detailed license agreement that would be brought back to the Board for consideration in November or December. The work would not likely start until January or February of 2012. Staff will be recommending specific insurance requirements in the license as well as a requirement to post a security against any damage caused by the operation.

### **Recreation District Intergovernmental Agreement for Senior Center Funding**

The Town of Firestone entered into an intergovernmental agreement with the Carbon Valley Recreation District to provide support of the Tri-Town Senior Center in the amount of \$8,000.00 annually, beginning in fiscal year 2009. Total support for the Tri-Town Senior Center under this agreement equals \$30,000.00 and is provided by the following entities: Town of Firestone \$ 8,000.00, City of Dacono \$ 8,000.00, Town of Frederick \$ 8,000.00 Carbon Valley Recreation District \$ 6,000.00. Funding for fiscal year 2008 was provided by Dacono, Frederick, and the Carbon Valley Recreation in the following amounts: City of Dacono \$12,000.00, Town of Frederick \$12,000.00, and Carbon Valley Recreation District \$ 6,000.00.

The Tri-Town Senior Center presented a document to the Board of Trustees at the October 12, 2011 BOT meeting requesting that the funding from the Town of Firestone be increased from \$8,000.00 to \$12,000.00 in fiscal year 2010. The Board directed staff to gather information to assist them in their analysis of this request. The information requested included the assessed values for each participating Town, as compared to the Carbon Valley Recreation District assessed value, and the composition of senior center enrollment by Town.

### **Review of Longmont Union Reservoir Recreational Master Plan**

The Union Reservoir Recreational Master plan update underwent an extensive public process, staff review and consultant revision process this year. This item will be going to a November Council study session and then a regular Council meeting for formal acceptance.

## REPORTS

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### **Town Manager**

Town Manager Wesley LaVanchy (1) reported that the town received a request from NATA Group asking for support of a Tiger grant to expand lanes on I-25 and asking the Mayor to sign a letter on behalf of NATA. The Board had no objections to going forward. (2) reminded all that the Budget meeting is next Wednesday.

### **Economic Development**

Town Planner Bruce Nickerson (1) reported that the Dallas Solar Expo was phenomenal (2) reported that the I-25 and 119 Phase 2 is quickly moving forward.

**Communications and Community Outreach Coordinator**

Community Outreach Coordinator Kristi Ritter (1) reported that she attended the Union Reservoir Meeting. (2) reported that she and Wes talked to the Bike organization and the program is moving forward.

**MAYOR AND BOARD OF TRUSTEES**

**Mayor**

Mayor Auer reported that he will be asking the Board for recommendations for the new Planning Commission member.

**Trustees**

Trustee Weinberger asked that a 3 hour cap be placed on all Board Meetings.

Trustee Holcomb reported that the traffic issue has been resolved.

Trustee Sindelar asked that a parking area be made around the sledding park at the northeast corner of Central Park. Manager LaVanchy said the town could look into this.

**FUTURE AGENDA ITEMS**

None.

**CITIZEN PARTICIPATION**

There was no citizen participation.

**EXECUTIVE SESSION**

No executive session was held.

**ADJOURNMENT**

There being no further business to come before the Board of Trustees, Trustee Holcomb moved and Trustee Weinberger seconded, to adjourn the meeting. Motion carried. 5-Yea; 0-Nay. The meeting adjourned at 9:43 p.m.

TOWN OF FIRESTONE, COLORADO

*CW A*

Chad Auer, Mayor

ATTEST:

*Judy L. Hegwood*  
Judy Hegwood, Town Clerk, MMC



Read and approved this 9<sup>th</sup> day of November 2011