

## Minutes

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

### 1. MEETING CALL TO ORDER & ROLL CALL

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The Town Board of Trustees of the Town of Firestone met in special session on November 19, 2009 at Town Hall, 151 Grant Avenue, Firestone, Colorado. Mayor Chad Auer called the meeting to order at 7:03 p.m. Roll call was taken with the following persons present:

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

**Also present were:** Wes LaVanchy, Town Manager  
Sam Light, Town Attorney  
Dave Lindsay, Town Engineer  
Bruce Nickerson, Town Planner  
Rebecca Toberman, Acting Clerk  
Bryce Borders, Police Commander

### 2. PLEDGE OF ALLEGIANCE

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All rose for Pledge of Allegiance to the flag.

### 3. APPROVAL OF AGENDA

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Mayor Auer called for additions, deletions or changes to the agenda. Trustee Walb moved and Trustee Morgan seconded approval of the agenda. Voice vote taken. Motion carried unanimously.

### 4. PRESENTATIONS

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None.

### 5. CITIZEN PARTICIPATION

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None.

### 6. CONSENT AGENDA

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- a. ***Approval of November 2009 Accounts Payable***
- b. ***Approval of Minutes – November 12, 2009 Regular Meeting***
- c. ***Resolution No. 09-39, a Resolution Supporting a Grant Application from the Town for a Grant Application from the Town for a Local Parks and Outdoor Recreation Special Opportunity Grant from Great Outdoors to Construct the Firestone Sports Complex Phase III***

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

### 7. PUBLIC HEARINGS

**a. SOUTHERN FIRESTONE URBAN RENEWAL AREA CONDITIONS SURVEY (BLIGHT STUDY) AND THE PROPOSED SOUTHERN FIRESTONE URBAN RENEWAL PLAN**

Mayor Auer verified with the Clerk that proper notice of the Public Hearing had been provided and opened the Public Hearing for Southern Firestone Urban Renewal Area Conditions Survey (Blight Study) and the proposed Southern Firestone Urban Renewal Plan at 7:06 p.m.

Sam Light, Town Attorney, provided a general overview of the history of the Blight Study and the proposed Southern Firestone Urban Renewal Plan (Plan).

Bruce Nickerson, Town Planner, reviewed the Blight Study and the various components of the Plan with the Board. He noted that the Planning Commission had passed a Resolution regarding consistency with the Master Plan and that an Impact Report had been prepared and provided to Weld County. He reviewed the County response with the Board.

Mr. Light provided information regarding the statutory requirement for an Impact Report and discussions with the County and explained the process for potential County objection related to Impact Report if and after a Plan were approved. He stated an agreement resolving impacts would avoid potential for an objection.

Mr. Nickerson informed the Board that discussions to date with the County were positive and constructive. He also reviewed the identified discussion points with the Fire District and the Recreation District and noted a referral letter had been received from Kerr-McGee.

Mayor Auer called for public comment.

1. Chris Tone, AT&T Communications, asked that the Board be aware of underground cables in the plan area and requested that he be kept apprised of any potential development or action that could affect their interest.
2. Ted Poszywak, Fire Chief, Frederick-Firestone Fire Protection District, thanked the Town Board, Planning Commission and Town Staff for communication efforts and requested that the Town Board consider flowing through the Fire District mill levy portion noted in the Plan.
3. Terry Enright, Kerr-McGee Oil & Gas, thanked the Board for the positive relationship with the Town Board and requested that he be kept apprised of any potential development or action that could affect their interest.
4. Bruce Barker, Weld County Attorney, stated that the County is in favor of the tax increment financing and looks forward to working with the Town on a TIF sharing agreement. He requested that the Board entertain the idea of a combined meeting with the Weld County Board of Commissioners and the Town Board.

Trustee Thomas moved and Trustee Morgan seconded to enter the following items into the record:

1. Copy of Public Notice, copy of Published Notice, copy of Public Notice that was delivered to Property Owners, Residents and Owners of Business Concerns in the Area and Affidavit of Mailing Property Owners, Residents and Owners of Business Concerns in the Area dated October 16, 2009
2. Southern Firestone Conditions Survey dated October 16, 2009
3. Firestone Urban Renewal Plan for the Southern Firestone Urban Renewal Area dated October 16, 2009
4. Weld County Impact Report dated October 16, 2009
5. Weld County Response Documents including letter from Bruce Barker dated November 12, 2009, Tax Increment Analysis prepared by Don Warden and draft Tax Increment Expenditure and Revenue Sharing Agreement
6. Planning Commission Resolution PC-09-21
7. Draft Resolution Concerning Conditions of Blight
8. Draft Resolution Approving Urban Renewal Plan
9. PowerPoint presentation
10. Kerr-McGee Oil & Gas Onshore LP letter dated November 17, 2009

Voice vote taken. Motion carried unanimously. Mayor Auer declared the motion carried.

The Board had a general discussion with staff regarding the Blight Study, Plan and TIF mechanism.

Trustee Thomas moved and Trustee Morgan seconded to continue the Public Hearing for Southern Firestone Urban Renewal Area Conditions Survey (Blight Study) and the proposed Southern Firestone Urban Renewal Plan to the January 28, 2010 Regular Board of Trustees Meeting. Voice vote was taken. Motion carried unanimously. The Hearing was continued at 8:03 p.m.

## **8. ACTION ITEMS**

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### **a. A RESOLUTION TO APPROVE AN IGA BETWEEN THE TOWN AND THE STATE FOR POLICE AND RELATED SERVICES AT ST. VRAIN STATE PARK**

RESOLUTION NO. 09-40, A RESOLUTION OF THE TOWN OF FIRESTONE APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN AND THE STATE FOR POLICE AND RELATED SERVICES AT ST. VRAIN PARK

Trustee Walb moved and Trustee Sorenson seconded, to adopt Resolution No. 09-40, a Resolution of the Town of Firestone approving an Intergovernmental Agreement between the Town and the State for police and related services at St. Vrain Park. Roll call vote was taken. Motion carried unanimously.

### **b. APPROVAL OF ORDINANCE FOR COMCAST FRANCHISE AGREEMENT EXTENSION**

ORDINANCE NO. 725 - AN ORDINANCE EXTENDING THE TERMS OF A NONEXCLUSIVE FRANCHISE GRANTED BY THE TOWN OF FIRESTONE TO AT&T COMCAST CORPORATION, ITS SUCCESSORS AND ASSIGNS FOR THE RIGHT TO MAKE REASONABLE USE OF RIGHTS-OF-WAY WITHIN THE TOWN TO CONSTRUCT, OPERATE, MAINTAIN, RECONSTRUCT, REPAIR AND UPGRADE A CABLE SYSTEM AND TO PROVIDE CABLE SERVICES TO CITIZENS WITHIN THE TOWN

Trustee Walsh moved and Trustee Walb seconded, to adopt Ordinance No. 725, an Ordinance extending the terms of a nonexclusive franchise granted by the Town of Firestone to AT&T Comcast Corporation, its successors and assigns for the right to make reasonable use of rights-of-way within the Town to construct, operate, maintain, reconstruct, repair and upgrade a cable system and to provide cable services to citizens within the Town. Roll call vote was taken. Motion carried unanimously.

## **9. DISCUSSION ITEMS**

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### **a. HUMAN RESOURCE RFP (REQUEST FOR PROPOSAL)**

Town Manager Wes LaVanchy provided background information regarding the progress for the Human Resource request for proposal. There was discussion, with the Board of Trustees giving direction to move forward with this project.

### **b. COMMUNITY GRANT PROGRAM**

DOLA Intern Matt Brozek provided background information regarding the draft criteria and process drafted for the Community Grant Program. There was discussion, with the Board of Trustees giving direction to move forward with continuing drafting the criteria and process for this program.

## **10. CITIZEN PARTICIPATION**

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There was no citizen participation.

## 11. EXECUTIVE SESSION

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### **a. EXECUTIVE SESSION PURSUANT TO C.R.S. 24-6-402 (4)(b) - CONFERENCE WITH TOWN ATTORNEY FOR LEGAL ADVISE ON SPECIFIC LEGAL QUESTIONS - LITIGATION STRATEGY REGARDING PENDING LITIGATION: NEUMANN HOMES BANKRUPTCY PROCEEDINGS**

Mayor Auer called for a motion to enter into executive session.

Trustee Thomas moved and Trustee Morgan seconded, to enter into executive session for a conference with the Town attorney, stating that Town Manager Wes LaVanchy, Town Planner Bruce Nickerson, and Town Engineer Dave Lindsay will be included in the meeting. Roll call vote was taken. Motion carried 5-Yea; 1-Nay. Trustee Holcomb voted Nay. Motion carried at 8:49 p.m.

Attorney Sam Light stated that the purpose of the executive session is pursuant to C.R.S. § 24-6-402(4)(b) for the purpose of developing positions and strategy regarding matters subject to negotiation and instructing negotiators in the Neumann Homes Bankruptcy Proceedings.

The board re-convened from executive session at 8:53 p.m.

Mayor Auer stated that the persons in attendance in the executive session were Attorney Sam Light, Town Manger Wes LaVanchy, Town Planner Bruce Nickerson, Town Engineer Dave Lindsay, Trustees Walb, Holcomb, Walsh, Thomas, Sorensen, Morgan and himself.

## 12. STAFF REPORTS

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### **A. TOWN ATTORNEY - REPORT FROM EXECUTIVE SESSION: BOARD DISCUSSION/DIRECTION/ACTION REGARDING APPOINTMENT OF DEFENSE COUNSEL FOR NEUMANN HOMES BANKRUPTCY PROCEEDINGS**

Trustee Holcomb moved and Trustee Walsh seconded to retain David A. Newby, Johnson & Newby, LLC, Chicago, Illinois, as special counsel for the Neumann Homes Bankruptcy Proceedings. Roll call vote was taken. Motion carried unanimously.

Town Planner Bruce Nickerson informed the Board that Mr. Barker, Weld County Attorney suggested that additional items could be added to the upcoming combined meeting.

Town Engineer Dave Lindsay informed the Board that discussions with the County had started regarding the Weld County Road 24 and Weld County Road 16 intersection.

Town Manager Wes LaVanchy reminded the Board of the Joint Work Session with the Tri-Town and the Carbon Valley Chamber of Commerce meeting on December 1, 2009 at D'Augustino's.

Community Resource Coordinator Pete Ditmon informed the Board of the various upcoming holiday events.

## 13. BOARD REPORTS

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Trustee Walb noted that the invitation to tour an oil and gas facility was a nice gesture but requested that timely notice be provided in the future. He also encouraged the Board to attend future tours if possible.

Trustee Walsh noted that the Tri-Town Seniors hosted the annual Thanksgiving lunch with Erie and Wattenburg today.

Trustee Sorenson reported that the display at the Greeley Museum for Firestone was very nice and the museum had done a great job. He encouraged the Board to visit the display.

**14. ADJOURNMENT**

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There being no further business to come before the Board of Trustees, Trustee Thomas moved and Trustee Morgan seconded, to adjourn the meeting. Voice vote taken. Motion carried unanimously. The meeting adjourned at 9:08 p.m.

TOWN OF FIRESTONE, COLORADO

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Chad Auer, Mayor

ATTEST:

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Judy L. Hegwood, Town Clerk, CMC

READ AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2009.