

Minutes

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

November 30, 2011

Special 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 6:30 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>(absent/excused)</i>
<i>Trustees:</i>	<i>Jennifer Weinberger</i>	
	<i>Matt Holcomb</i>	
	<i>Darrell Walsh</i>	
	<i>Bobbi Sindelar</i>	
	<i>Kathryn Beiland</i>	

Also present were:

Wesley LaVanchy, Town Manager
Judy Hegwood, Town Clerk, MMC
Sam Light, Town Attorney
Ron Lay, Administration and Finance Director
David Montgomery, Chief of Police
Bruce Nickerson, Town Planner
Dave Lindsay, Town Engineer

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. Item 7e will become 8a, 9b was deleted from the agenda, and the second portion of the executive session will be discussed under the new 9b.

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

APPROVAL OF CONSENT AGENDA

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- a. Approval of October 2011 Financials*
 - b. Approval of November 2011 Accounts Payable*
 - c. Approval of Minutes – November 9, 2011 Regular Meeting*

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

PRESENTATIONS

Bella Rosa Men's Club – Santa Cops Donation of \$2,000.00

The Bella Rosa Men's Golf Club presented a check in the amount of \$2000 to the Town for the Santa Cops program.

St. Vrain Valley School District Financial Report – Don Haddad. Dr. Haddad addressed the Board of Trustees an update of the SVVSD financial status.

CITIZEN PARTICIPATION

There was no citizen participation.

PUBLIC HEARINGS

DEL CAMINO CENTRAL AMENDED OUTLINE DEVELOPMENT PLAN AND FINAL PLAT

Town Planner Bruce Nickerson reported that the developer would like to have this hearing continued until December 14, 2011.

Public Comment

Mayor Auer opened the public hearing at 6:50 p.m.

There being no public comment, Mayor Auer continued the public hearing until December 14, 2011 at 6:50 p.m.

Trustee Sindelar moved and Trustee Weinberger seconded, to continue the public hearing for Del Camino Central until the December 14, 2011 meeting. Roll call vote was taken. Motion carried 5-Yea; 0-Nay.

VARRA-HEINTZELMAN PIT FINAL PLAT

Town Planner Bruce Nickerson gave an overview of the project and showed a Power Point Presentation stating that Varra Companies, Inc. has submitted an application for a Final Plat for the Varra – Heintzelman Pit Property. The approximate location of the property is the northwest corner of Zinnia Boulevard and Ingalls Street. The applicant is requesting to subdivide the property into three lots and the property is approximately 152 acres in size. The property is generally flat with existing oil/gas wells and associated equipment. The current use of the property includes agricultural activities with related accessory uses and gravel mining. The property has an existing single-family residence located near the southwest portion of the property. The property is currently annexed in the Town and zoned Planned Unit Development. The Outline Development Plan for the property identifies a Mixed Use development, which includes Residential-A (“R-A”), Residential-B (R-B”), and Neighborhood Commercial (“NC”) land use categories. A Conditional Use Permit relates to the gravel mining operation on the property. Planning Commission has recommended approval of a Final Plat for the Varra-Heintzelman Pit Subdivision with conditions. The property offers an opportunity for a mixed-use development, which includes potential neighborhood commercial development and thus has a good potential to have a direct positive impact on the Town.

Applicant

Mr. Garrett Varra was sworn in by Mayor Auer. Mr. Varra stated that is estate planning for his grandfather.

Mayor Auer opened the public hearing at 6:54 p.m.

Public Comment

There being no public comment, Mayor Auer closed the public hearing at 6:54 p.m.

Board Comment

Resolution No. 11-34

A RESOLUTION APPROVING A FINAL PLAT FOR THE VARRA-HEINTZELMAN PIT SUBDIVISION

Trustee Weinberger moved and Trustee Beiland seconded, to adopt Resolution No. 11-34. Roll call vote was taken. Motion carried 5-Yea; 0-Nay.

ACTION ITEMS

Planning Commission Appointment

Mayor Auer asked the Board for a motion to appoint Heather Heasley to the Planning Commission.

Trustee Sindelar moved and Trustee Weinberger seconded, to appoint Heather Heasley to the Planning Commission. Voice vote was taken. Motion carried 5-Yea; 0-Nay.

Amendment to Lance Annexation Agreement

Attorney Sam Light introduced and explained the change to the annexation agreement is a first amendment to the Annexation Agreement to revise the connection provisions. This allows the property to remain on the District tap but requires connection to the Town system for any major redevelopment and any future development if at that time Town lines have been extended to adjacent property.

Trustee Beiland moved and Trustee Weinberger seconded, to approve the amendment to the Lance annexation agreement, and authorizing the Mayor to sign. Roll call was taken. Motion carried 5-Yea; 0-Nay.

Onorato Park – Phase 2A Construction Project Payment Application No. 1 (Final Payment)

The Town had issued a Notice to Proceed to Northern Colorado Constructors, Inc. for the construction of Onorato Park – Phase 2A project that consisted of demolition of the existing Tennis Court fencing, retaining wall, and outer concrete edge. Recommendation is that the Board approve the Payment Application No.1, (Final Payment) and authorize the Mayor to sign.

Trustee Beiland moved and Trustee Sindelar seconded, to approve the Phase 2A Construction Project Payment Application No. 1 (Final Payment) to Northern Colorado Constructors, Inc. in the amount not to exceed \$7,970.00 and authorize the Mayor to sign. Roll call vote was taken. Motion carried 5-Yea; 0-Nay.

DISCUSSION

Geokinetics, Inc. Revocable License Agreement

Engineer Dave Lindsay stated that the revocable license agreement is to allow for non-destructive seismic testing on properties owned or controlled by the Town. The agreement includes provisions restricting use of the Town's property to only those things specifically identified, it has provisions for insurance to be provided/carried by the applicant, includes a \$10,000 security to be posted by the Licensee against any potential damages, requires repair or replacement of any damaged facilities regardless of the actual cost, and requires a fee to be paid to the Town in amount of \$100/acre for use of the public property. Staff presents this DRAFT to the Board their review and comment. If the Board is so inclined, a final DRAFT for consideration for action would be ready for the December 14, 2011 regular meeting of the Board of Trustees.

Recreation District Intergovernmental Agreement for Senior Center Funding

Mayor Auer stated that the Town of Firestone entered into an intergovernmental agreement with the Carbon Valley Recreation District (CVRD) to provide support of the Tri Town Senior Center in the amount of \$8,000.00 annually, beginning in fiscal year 2009. At the October 12, 2011 BOT meeting the Tri Town Senior Center requested that the funding from the Town of Firestone be increased from \$8,000.00 to \$12,000.00 in fiscal year 2012. Discussion. The majority of the Board agreed to earmark \$4,000, making the annual amount \$12,000.00.

Economic Development Committee and Cultural Committee Discussion

Town Manager Wes LaVanchy explained the Economic Development and Cultural Committees stating that resolutions have been drafted for the membership, goals and responsibilities for each Committee. Each Committee would have one Trustee as a member. Attorney Sam Light stated that each Committee is advisory to the Board. Per current Town Code, appointments are by the Mayor unless a Board ballot is ordered. Terms on the Committee are proposed for two years beginning and ending on the fourth Wednesday in April of even-numbered years. The Board discussed and agreed to have up to four members, the Manager and the Mayor on the Economic Committee, and up to three residents, the Manager and the Mayor on the Cultural Committee. The Board agreed to the resolutions come back before rehm at the December 14, 2011 meeting.

Oil/Gas Residency Count Reimbursement

Town Manager Wes LaVanchy presented the letter regarding oil and gas employee counts to the Board asking them if they are interested in entering into a cost sharing IGA with Weld County. The Board agreed not to enter into an IGA.

Mayor Auer called for a break at 7:24 p.m. The Board reconvened at 7:38 p.m.

STAFF REPORTS

Town Manager

Town Manager Wesley LaVanchy (1) reported that a meeting is set with the Town of Frederick to continue discussions on the IGA (2) reported that he and Kristi had met with the Carbon Valley Network

Economic Development

Town Planner Bruce Nickerson (1) reported that the Turner Commons project is moving forward (2) working on a major restaurant change on the east side of I-25

Communications and Community Outreach Coordinator

Community Outreach Coordinator Kristi Ritter (1) reported that the bicycle race date has changed to from August 18, 2011 to August 20th (2) Holiday Festival is Saturday, December 3, 2011

MAYOR AND TRUSTEES REPORTS

Mayor

Mayor Auer (1) reported that he went to the Weld County Dinner, and was presented with a photo poster for the Town of Firestone (2) reported that a note will go out with the water bills encouraging people to take the town survey

Trustees

Trustee Holcomb reported that he attended the Recreation Center meeting.

Trustee Walsh reported that 168 people attended the Senior Thanksgiving meal (2) he attended the Rotary Club meeting and took a tour of the new Frederick High School (3) reported that he attended the Auction at the American Legion.

Trustee Sindelar reported that she attended the Auction at the American Legion.

Future Agenda Items

1. Changes to the Budget

CITIZEN PARTICIPATION

There was no citizen participation.

EXECUTIVE SESSION

Executive Session - Pursuant to C.R.S. § 24-6-402(4)(b) for conference with the Town Attorney for legal advice regarding specific legal questions – Legal consultation and advice regarding pending claims issue

Attorney Sam Light read the title for the Executive Session under C.R.S. Section 24-6-402(4)(e) which allows the Trustees to receive advice from the Town Attorney on determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiations.

Trustee Sindelar moved and Trustee Beiland seconded, to enter into Executive Session for the purposes that were read into the record by Attorney Sam Light. Roll call vote was taken. Motion failed 3-Yea; 2-Nay. [7:54 p.m.]

Attorney Sam Light educated the Board that with this type of process the Board would need 2/3 vote to enter into executive session for the purpose indicated.

New Motion

Trustee Sindelar moved and Trustee Beiland seconded, to enter into Executive Session for the purposes that were read into the record by Attorney Sam Light. Roll call vote was taken. Motion carried 5-Yea; 0-Nay. [7:56 p.m.]

The Board of Trustees reconvened in open session at 8:27 p.m.

The persons in attendance were Attorney Sam Light, Mayor Auer, Town Manager Wes LaVanchy, Trustees Weinberger, Holcomb, Walsh, Sindelar, and Beiland.

ADJOURNMENT

There being no further business to come before the Board of Trustees, Trustee Weinberger moved and Trustee Sindelar seconded, to adjourn the meeting. Motion carried. 5-Yea; 0-Nay. The meeting adjourned at 9:02 p.m.

ATTEST:

Judy L. Hegwood
Judy Hegwood, Town Clerk, MMC



TOWN OF FIRESTONE, COLORADO

Chad Auer
Chad Auer, Mayor

Read and approved this 14th day of December, 2011.