

## **Minutes**

Town of Firestone - Board of Trustees  
Special Meeting - 151 Grant Avenue, Firestone, CO 80520  
December 17, 2009 - 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 December 17, 2009 at Town Hall, 151 Grant Avenue, Firestone, Colorado. Mayor Chad Auer called the meeting to order at 7:04 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>	Matt Holcomb
	Kelly Morgan
	Paul Sorensen
	Butch Walb
	Darrell Walsh

<b>Also present were:</b>	Wes LaVanchy, Town Manager
	Ron Lay, Finance Director
	Sam Light, Town Attorney
	Dave Lindsay, Town Engineer
	David Montgomery, Chief of Police
	Bruce Nickerson, Town Planner
	Rebecca Toberman, Acting Clerk

### **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. There were no additions or deletions made to the agenda. Trustee Thomas moved and Trustee Sorensen seconded, to approve the agenda, as submitted. Voice vote taken. Motion carried unanimously.

### **4. CITIZEN PARTICIPATION**

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There were none.

### **5. CONSENT AGENDA**

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- a. **Approval of December 2009 Accounts Payable**
- b. **Approval of Minutes – November 10, 2009 Special Meeting**
- c. **Approval of Minutes – November 19, 2009 Special Meeting**
- d. **Approval of Minutes – December 10, 2009 Regular Meeting**

Mayor Auer called for additions, deletions or changes to the Consent Agenda. Trustee Sorensen moved and Trustee Walsh seconded, to approve the consent agenda.

Town Attorney Light clarified that the noted minutes were the revised minutes distributed earlier today.

Roll call vote taken. Motion carried unanimously.

## 6. PUBLIC HEARINGS

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- a. **ADAM FARM ANNEXATION, ZONING AND OUTLINE DEVELOPMENT PLAN (continued from 12-10-09)**
- b. **NEWBY FARM ANNEXATION NO. 1, ZONING AND OUTLINE DEVELOPMENT PLAN (continued from 12-10-09)**
- c. **MEADOW FARM ANNEXATION, ZONING AND OUTLINE DEVELOPMENT PLAN (continued from 12-10-09)**

Mayor Auer concurrently opened the continued Public Hearings for Adam Farm Annexation, Zoning and Outline Development Plan; Newby Farm Annexation No. 1, Annexation, Zoning and Outline Development Plan; and Meadow Farm Annexation, Zoning and Outline Development Plan at 7:08 p.m.

Town Planner Nickerson provided a general overview of where the continued hearings had left off and reviewed the current, existing uses on the Adam Farm property.

Town Attorney Light explained the various documents in the Board packets. He provided a general overview of the draft vesting agreement and explained that the vesting agreement would need to be finalized prior to recordation of the Adam Farm Annexation documents. He reviewed specific existing uses on the property with the Board.

The Trustees held a general discussion with staff.

Mayor Auer called for additional public comment. There were none.

Mayor Auer closed the Public Hearing for Adam Farm Annexation, Zoning and Outline Development Plan at 7:34 p.m.

### **RESOLUTION NO. 09-48 - ADAM FARM RESOLUTION OF ELIGIBILITY**

RESOLUTION NO. 09-48 - A RESOLUTION CONCERNING A PETITION FOR THE ANNEXATION OF PROPERTY TO THE TOWN OF FIRESTONE, COLORADO, KNOWN AS THE ADAM FARM ANNEXATION TO THE TOWN OF FIRESTONE, AND FINDING THE AREA PROPOSED TO BE ANNEXED ELIGIBLE FOR ANNEXATION

Trustee Thomas moved and Trustee Walb seconded to adopt Resolution No. 09-48, a Resolution concerning a petition for the annexation of property to the Town of Firestone, Colorado, known as the Adam Farm Annexation to the Town of Firestone, and finding the area proposed to be annexed eligible for annexation. Roll call vote was taken. Motion carried unanimously.

### **ADAM FARM ANNEXATION AGREEMENT**

Trustee Thomas moved and Trustee Sorensen seconded to enter into the Adam Farm Annexation Agreement. Roll call vote was taken. Motion carried unanimously.

### **ORDINANCE NO. 726 - ADAM FARM ANNEXATION**

ORDINANCE NO. 726 - AN ORDINANCE APPROVING AN ANNEXATION KNOWN AS THE ADAM FARM ANNEXATION TO THE TOWN OF FIRESTONE, COLORADO.

Trustee Thomas moved and Trustee Walb seconded to adopt Ordinance No. 726, an Ordinance approving an annexation known as the Adam Farm Annexation to the Town of Firestone, Colorado. Roll call vote was taken. Motion carried unanimously.

### **ORDINANCE NO. 727 - ADAM FARM ZONING**

ORDINANCE NO. 727 - AN ORDINANCE APPROVING AN INITIAL ZONING OF PROPERTY ANNEXED TO THE TOWN OF FIRESTONE AND KNOWN AS THE ADAM FARM ANNEXATION, AND APPROVING AN OUTLINE DEVELOPMENT PLAN FOR SUCH PROPERTY.

Trustee Thomas moved and Trustee Sorensen seconded to adopt Ordinance No. 727, an Ordinance approving an initial zoning of property annexed to the Town of Firestone and known as the Adam Farm Annexation, and approving an Outline Development Plan for such property. Roll call vote was taken. Motion carried unanimously.

Trustee Thomas moved and Trustee Walb seconded to continue the Public Hearings for Newby Farm Annexation No. 1, Zoning and Outline Development Plan; and Meadow Farm Annexation, Zoning and Outline Development Plan to the regularly meeting scheduled for Thursday, January 14, 2010 at 7:00 p.m. Roll call vote taken. Motion carried unanimously. The public hearings were continued at 7:40 p.m.

## **7. ACTION ITEMS**

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### **a. A Resolution Approving an IGA between the Town and Frederick Regarding Court Clerk Coverage**

RESOLUTION NO. 09-49 - A RESOLUTION APPROVING AN IGA BETWEEN THE TOWN AND FREDERICK REGARDING COURT CLERK COVERAGE

Trustee Thomas moved and Trustee Walb seconded to adopt Resolution No. 09-49, a Resolution Approving an IGA between the Town and Frederick Regarding Court Clerk Coverage. Roll call vote was taken. Motion carried unanimously.

### **b. Selection of Representatives to the Metro North Chamber Interfaces Committee**

Trustee Thomas moved and Trustee Walsh seconded to appoint Mayor Auer and Trustee Sorensen as representatives to the Metro North Chamber Interfaces Committee with Trustee Morgan as an alternate. Voice vote taken. Motion carried unanimously.

### **c. Ordinance Amending Code Section 9.24.020 Regarding Discharging Weapons**

ORDINANCE NO. 728 - AMENDING SECTION 9.24.020 OF THE FIRESTONE MUNICIPAL CODE REGARDING THE EXCEPTIONS TO THE PROHIBITION AGAINST DISCHARGING WEAPONS

Trustee Sorensen moved and Trustee Walb seconded to adopt Ordinance No. 728, Amending Section 9.24.020 of the Firestone Municipal Code regarding the exceptions to the prohibition against discharging weapons. Voice vote taken. Motion carried unanimously.

### **d. Ordinance Increasing the Compensation of the Mayor and Trustees for Terms of Office Commencing after the 2010 Election**

ORDINANCE NO. 729 - INCREASING THE COMPENSATION OF THE MAYOR AND TRUSTEES FOR TERMS OF OFFICE COMMENCING AFTER THE APRIL 2010 ELECTION

Trustee Thomas moved and Trustee Morgan seconded to adopt Ordinance No. 729, increasing the compensation of the Mayor and Trustees for terms of office commencing after the April 2010 election. Voice vote taken. Motion carried 5-Yea; 1-Nay. Trustee Holcomb voted Nay. Motion carried.

## **8. DISCUSSION ITEMS**

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**Ordinance Amending Sections 9.28.010 of the Firestone Municipal Code Regarding the Town's Current Curfew Restrictions and Parental Responsibility Requirement.**

Chief of Police Montgomery provided background information regarding the Town's current curfew restrictions and parental responsibility requirement. There was discussion, with the Board of Trustees requesting the item to be placed on the next Board Agenda as an action item.

## **9. CITIZEN PARTICIPATION**

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There were none.

## **10. EXECUTIVE SESSION**

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- a. **Executive session pursuant to C.R.S. 24-6-402(4)(e) for determining positions relative to matters that may be subject to negotiation, strategy for negotiations, and instructing negotiators, with reference to former Town Manager request for revisions to contract severance pay provision**
- b. **Executive session pursuant to C.R.S. 24-6-402(4)(e) for determining positions relative to matters that may be subject to negotiation, strategy for negotiations, and instructing negotiators, with reference to current Town Manager contract**
- c. **Executive Session Pursuant to C.R.S. 24-6-402 (4)(b) – Conference with Town Attorney for Legal Advice on Specific Legal Questions – Litigation Strategy Regarding Pending Litigation: Neumann Homes Bankruptcy Proceedings**

Town Manager LaVanchy agreed to the addition of an executive session item to discuss the current Town Manager contract and acknowledged that he was voluntarily leaving the room on his own accord.

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

Trustee Thomas moved and Trustee Holcomb seconded, to enter into executive session for a conference with the Town attorney. Roll call vote was taken. Motion carried unanimously at 8:15 p.m.

Attorney Sam Light stated that the purpose of the executive session is pursuant to:

- a. C.R.S. 24-6-402(4)(e) for determining positions relative to matters that may be subject to negotiation, strategy for negotiations, and instructing negotiators, with reference to former Town Manager request for revisions to contract severance pay provision;
- b. C.R.S. 24-6-402(4)(e) for determining positions relative to matters that may be subject to negotiation, strategy for negotiations, and instructing negotiators, with reference to current Town Manager contract; and
- c. C.R.S. 24-6-402 (4)(b) – Conference with Town Attorney for Legal Advice on Specific Legal Questions – Litigation Strategy Regarding Pending Litigation: Neumann Homes Bankruptcy Proceedings.

The board re-convened from executive session at 9:53 p.m.

Mayor Auer stated that the persons in attendance in the executive session were Attorney Sam Light, Trustees Thomas, Holcomb, Morgan, Sorensen, Walb, Walsh and himself.

## **11. STAFF REPORTS**

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### **a. Report from Executive Session; Board Discussion/Direction/Action regarding executive session items**

Town Attorney Light stated that the purpose of the Executive Session was as noted and that direction had been provided regarding the former Town Manager, the current Town Manager and Neumann Homes Bankruptcy Proceedings.

Town Planner Nickerson reported on the following:

- Status of discussions with the Carbon Valley Recreation District regarding the Intergovernmental Agreement and informed the Board that a letter had been provided regarding the Town's interest in accommodating a league tournament this next season at the Firestone Sports Complex; and

- A work session in January would be scheduled to provide an update on details for the New Administration building including LEED information and security.

Town Manager LaVanchy reported on the following:

- The Town Christmas party was this Saturday;
- Recent development regarding the litigation with the City of Longmont relating to annexations on the western portion of Firestone; and
- A meeting with Town staff and the 4-C Group was forthcoming.

## 12. BOARD REPORTS

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Trustee Morgan reported on the DRCOG Public Hearing for the Jefferson Parkway she had attended.

Mayor Auer reported on the following:

- Town of Frederick was open to Intergovernmental Agreement discussions and potential future work session topic to discuss; and
- American Legion Constitution contest to be held in March.

## 13. ADJOURNMENT

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There being no further business to come before the Board of Trustees, Trustee Thomas moved and Trustee Walb seconded, to adjourn the meeting. Voice vote taken. Motion carried unanimously. The meeting adjourned at 10:05 p.m.

TOWN OF FIRESTONE, COLORADO

\_\_\_\_\_  
Chad Auer, Mayor

ATTEST:

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Judy L. Hegwood, Town Clerk, CMC

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