

Minutes

Board of Trustees – Firestone Town Hall
151 Grant Avenue, Firestone, CO 80520
7:30 p.m.

February 25, 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 7:30 p.m. Roll call was taken with the following persons present:

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

<i>Also present were:</i>	<i>Wes LaVanchy, Town Manager</i>
	<i>Judy Hegwood, Town Clerk, CMC</i>
	<i>Melinda Culley, Town Attorney</i>
	<i>Bruce Nickerson, Town Planner</i>
	<i>Dave Lindsay, Town Engineer</i>
	<i>David Montgomery, Chief of Police</i>
	<i>Ron Lay, Finance Director</i>

PLEDGE OF ALLEGIANCE

All rose for Pledge of Allegiance to the flag.

APPROVAL OF AGENDA

Mayor Auer called for additions, deletions or changes to the agenda. Town Manager Wes LaVanchy asked that 11 & 12 be removed from the agenda. Trustee Thomas moved and Trustee Walb seconded, to approve the agenda, as submitted, with the recommended changes. Voice vote taken. Motion carried.

PRESENTATIONS

Quarterly Reward Recognition

Town Manager Wes LaVanchy introduced the recognition and Police Chief David Montgomery presented an award to Officer Amy Ford for her bravery and good work on a break-in that was commented in Firestone. Mayor Auer recognized Officer Amy Ford on the behalf of himself and the Board of Trustees by giving Ms. Ford a Mayor's Award.

Eagle Scout Project Regarding Memorial Plaque on Trail Bench

Tyler John addressed the Board of Trustees as an Eagle Scout stating that he works with scout groups in Frederick and as one of their projects they would like to place a memorial plaque on one of the Firestone benches in memory of three year old Daniel Sutton who lost his life this year. The Board agreed and saying they liked and supported the project.

CITIZEN PARTICIPATION

There was no audience participation.

APPROVAL OF CONSENT AGENDA

- a. *Approval of January 2010 Financials*
- b. *Approval of February 2010 Accounts Payable*
- c. *Approval of Minutes – January 28, 2010 Regular Meeting*
- d. *Approval of Minutes – February 11, 2010 Regular Meeting*

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

PUBLIC HEARINGS

NEWBY FARM ANNEXATION NO.1, ZONING AND OUTLINE DEVELOPMENT PLAN (continued from 2-11-10

MEADOW FARM ANNEXATION, ZONING AND OUTLINE DEVELOPMENT PLAN (continued from 2-11-10)

Mayor Auer opened the public hearing for Newby Farm at 7:45 p.m. Town Planner Bruce Nickerson requested that these public hearings be continued to the March 11, 2010 Board Meeting. Ms. Barb Brunk spoke to the Board giving the reason for the continuances. Mayor Auer opened the public hearing for Meadow Farm at 7:48 p.m. Mayor Auer continued the public hearings at 7:49 p.m.

Trustee Sorensen moved and Trustee Thomas seconded, to continue the Newby Farm Annexation NO. 1 and Meadow Farm Annexation public hearings to March 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 continued public hearing at 7:50 p.m. Town Planner Bruce Nickerson introduced the annexation. Town Engineer Dave Lindsay explained the conditional use agreements stating that they have been modified and explained the sections in the agreement in which changes have been made.

Public Comment

None.

Board Comment

None.

Mayor Auer closed the public hearing at 8:03 p.m.

Attorney Melinda Culley read the title of each document.

Resolution No. 10-09

A RESOLUTION CONCERNING A PETITION FOR THE ANNEXATION OF PROPERTY TO THE TOWN OF FIRESTONE, COLORADO, KNOWN AS THE HEINTZELMAN PIT ANNEXATIONS NOS. 1, 2, AND 3 TO THE TOWN OF FIRESTONE, AND FINDING THE AREA PROPOSED TO BE ANNEXED ELIGIBLE FOR ANNEXATION

Trustee Thomas moved and Trustee Morgan seconded, to adopt Resolution No. 10-09. Roll call vote was taken. Motion carried 5-Yea; 0-Nay.

Heintzelman Annexation Agreement

Trustee Walb moved and Trustee Thomas seconded, to approve the Annexation Agreement for Heintzelman Pit Annexation No.s 1, 2 and 3. Roll call vote was taken. Motion carried 5-Yea; 0-Nay.

Ordinance No. 733

AN ORDINANCE APPROVING AN ANNEXATION TO THE TOWN OF FIRESTONE, COLORADO KNOWN AS THE HEINTZELMAN PIT ANNEXATION NO. 1

Trustee Thomas moved and Trustee Morgan seconded, to adopt Ordinance No. 733. Roll call vote was taken. Motion carried 5-Yea; 0-Nay.

Ordinance No. 734

AN ORDINANCE APPROVING AN ANNEXATION TO THE TOWN OF FIRESTONE, COLORADO KNOWN AS THE HEINTZELMAN PIT ANNEXATION NO. 2

Trustee Walb moved and Trustee Thomas seconded, to adopt Ordinance No. 734. Roll call vote was taken. Motion carried 5-Yea; 0-Nay.

Ordinance No. 735

AN ORDINANCE APPROVING AN ANNEXATION TO THE TOWN OF FIRESTONE, COLORADO KNOWN AS THE HEINTZELMAN PIT ANNEXATION NO. 3

Trustee Walb moved and Trustee Thomas seconded, to adopt Ordinance No. 735. Roll call vote was taken. Motion carried 5-Yea; 0-Nay.

Ordinance No. 736

AN ORDINANCE APPROVING AN INTIAL ZONING OF PROPERTY ANNEXED TO THE TOWN OF FIRESTONE AND KNOWN AS THE HEINTZELMAN PIT ANNEXATION NOS. 1, 2, AND 3 AND APPROVING AN OUTLINE DEVELOPEMTN PLAN FOR SUCH PROPERTY

Trustee Thomas moved and Trustee Walb seconded, to adopt Ordinance No. 736. Roll call vote was taken. Motion carried 5-Yea; 0-Nay.

Agreement Concerning Conditional Use Permit – Varra Heintzelman Mine

Trustee Walb moved and Trustee Thomas seconded, to approve the Heintzelman Conditional Use Agreement and authorizing the Mayor to sign. Roll call vote was taken. Motion carried 5-Yea; 0-Nay.

Resolution No. 10-10

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR AN AGGREGATE MINING OPERATION FOR PROPERTY ANNEXED TO THE TOWN OF FIRESTONE AND KNOWN AS THE HEINTZELMAN PIT ANNEXATION NOS. 1,2, AND 3

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

ACTION ITEMS

Ordinance Approving Vested Property Rights Agreement for Adam Farm Annexation Property

Attorney Melinda Culley stated that the settlement for the Neumann Homes bankruptcy is \$3,250.00 and recommended the Board to approve the agreement for settlement. This will come out of the impact fee fund.

Ordinance No. 737

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO APPROVING A DEVELOPMENT AGREEMENT PERTAINING TO VESTED RIGHTS WITH ADAMS PROPERTY, LLC, THOMAS W. ADAM, AND SHERYL ANN ADAM PURSUANT TO ARTICLE 68 IF TITLE 24, C.C.S., AND AUTHORIZING EXECUTION OF SUCH AGREEMENT

Trustee Walb moved and Trustee Thomas seconded, to adopt Ordinance No. 737. Roll call vote was taken. Motion carried 5-Yea; 0-Nay.

St. Vrain Office Park Request Regarding Extension of Time to Submit Final Documents for Recordation

Trustee Morgan moved and Trustee Walb seconded, to continue this item until May 1, 2010. Roll call vote was taken. Motion carried 5-Yea; 0-Nay.

Northern Integrated Supply Project Annual Operation & Maintenance Costs

Trustee Thomas moved and Trustee Morgan seconded, to approve the expenditure, not to exceed \$48,750.00, for the NISP annual operation and maintenance costs and authorizing the Mayor and Town Clerk to sign. Roll call vote was taken. Motion carried 5-Yea; 0-Nay.

Resolution of Substantial Compliance Weld County Road 26 (Heintzelman Pit – 116 Conditional Use Permit)

Resolution No. 10-12

A RESOLUTION FINDING SUBSTANTIAL COMPLIANCE FOR AN ANNEXATION PETITION FILED WITH THE TOWN OF FIRESTONE, COLORADO, KNOWN AS THE WELD COUNTY ROAD 26 ANNEXATION NO. 1 – NO. 4 TO THE TOWN OF FIRESTONE, AND SETTING A PUBLIC HERRING THEREON

Trustee Sorensen moved and Trustee Walsh seconded, to adopt Resolution No. 10-12. Roll call vote was taken. Motion carried 5-Yea; 0-Nay.

4th at Firestone Fireworks Contractor Approval

Trustee Walb moved and Trustee Morgan seconded, to approve the contract expenditure, not to exceed \$12,000.00, to Tri-State Fireworks for the 4th at Firestone fireworks display, authorizing staff to complete the agreement and the Mayor to sign. Roll call vote was taken. Motion carried 5-Yea; 0-Nay.

Firestone Blvd. – Colorado Blvd. Intersection Improvements Construction Project Change Order No. 6

Trustee Sorensen moved and Trustee Morgan seconded, to approve the final change order No. 6 for the expenditure, not to exceed \$17,102.12, to Hall Irwin for the Firestone/Colorado Blvd. improvements construction project, authorizing the Mayor to sign. Roll call vote was taken. Motion carried 5-Yea; 0-Nay.

Firestone Blvd. – Colorado Blvd. Intersection Improvements Construction Project Payment Application No. 8 – (Final Payment)

Trustee Sorensen moved and Trustee Walsh seconded, to approve the expenditure, not to exceed \$261,379.45, to Hall Irwin for final payment of the Firestone/Colorado Blvd. improvements construction project, authorizing the Mayor to sign. Roll call vote was taken. Motion carried 5-Yea; 0-Nay.

DISCUSSION

Fireworks Ordinance Modification Discussion

Town Manager Wes LaVanchy introduced the draft fireworks ordinance to the Board of Trustees. There was discussion regarding fireworks retail sales, permitting, and law enforcement. The Board would like to see what other cities and towns are doing.

Central Weld County Water District Intergovernmental Agreement Status Update

Town Manager Wes LaVanchy stated that he has had a conversation with Mr. John Zadel and has relayed the Boards decisions regarding the IGA.

CITIZEN PARTICIPATION

There was no citizen participation.

STAFF REPORTS

Mayor Auer stated that Staff Reports were reported electronically.

Town Manager Wes LaVanchy reported that he and Town Planner Bruce Nickerson have been working with Ms. Renee Witty, Director of Operations of the Carbon Valley Recreation District, on the language for the IGA between the Town and the Recreation District. (2) stated that the CML Sub-Committee for the Urban Renewal was completed just in time and thanked the Board and Staff for all of their time with negotiations.

BOARD REPORTS

Mayor Auer reported that he has continued going to the HOA meetings (2) reported that he attended the Metro Chamber Meeting last evening (3) reminded all of the Board of Trustees Public Forum on Saturday morning and the Carbon Valley Chamber dinner on Saturday night

Trustee Holcomb suggested that the Board donate the cost of the Plaque for three year old Daniel Sutton, the Board agreed.

Trustee Sorensen reminded all that March 13, 2010 is the box derby at Home Depot.

ADJOURNMENT

There being no further business to come before the Board of Trustees, Trustee Morgan moved and Trustee Holcomb seconded, to adjourn the meeting. Motion carried. The meeting adjourned at 9:22 p.m.

TOWN OF FIRESTONE, COLORADO

ATTEST:

Chad Auer, Mayor

Judy L. Hegwood, Town Clerk, CMC

READ AND APPROVED THIS _____ DAY OF _____, 2010.