

Minutes

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

February 26, 2009

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 7:00 p.m. Roll call was taken with the following persons present:

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

Also present were: *Cheri Andersen, Town Manager*
Wes LaVanchy, Town Administrator
Judy Hegwood, Town Clerk, CMC
Sam Light, Town Attorney
Bruce Nickerson, Town Planner
Dave Lindsay, Town Engineer
David Montgomery, Chief of Police
Pete Ditmon, Public Communications Coordinator

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. There were no changes to the agenda. Trustee Thomas moved and Trustee Morgan seconded, to approve the agenda contents, as submitted. Voice vote taken. Motion carried unanimously.

PRESENTATIONS

Mayor's Award

Mr. Daniel Gull was presented with the Mayor's Award by Pete Ditmon, Community Resource Coordinator. Mr. Gull is the owner of Integrity Martial Arts School and has given many hours of his time to the community. Mr. Gull was diagnosed with Leukemia on January 1, 2009 and the Town would like to show their appreciation to him. Mayor Auer stated that it is an honor to give the Mayor's Award and to recognize people who invest in our lives, and he thanked Mr. Gull for his dedication.

January 2009 Employee of the Month

Mark Wood was presented with a Certificate for employee of the month by Theo Abkes, Public Works Director, Mayor Auer, and Wes LaVanchy Town Administrator. Town Administrator Wes LaVanchy stated that Mr. Woods is one of the most dedicated people in Public Works and the Town appreciates his hard work. Theo Abkes Public Works Director stated that when Mark was hired he said he would not let him down and he is a man of his word. They all thanked Mr. Woods for his dedication and hard work.

After Prom Donation

Ms. Sarah Chavez addressed the Board of Trustees asking for a donation for the After Prom party at Frederick High School. Town Administrator Wes LaVanchy stated that the check has already been made out and is ready to be delivered.

FIRST PARTICIPATION FROM UNSCHEDULED CITIZENS NOT LISTED ON THE AGENDA

There was audience participation from the following citizen.

Mr. Marty Duey asked about the re-broadcasting of the meetings and talked about the St. Vrain Valley School District and the Mead High School boundary area, saying that he is opposed to the new boundaries that have been set by the district.

APPROVAL OF CONSENT AGENDA

- a. Approval of January 2009 Financial Reports*
- b. February 2009 Accounts Payable*
- c. Approval of Minutes – February 12, 2009 Regular Meeting*

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

PUBLIC HEARING

MACHII-ROSS PETROLEUM COMPANY SPECIAL USE PERMIT FOR KUGEL 32-18J WELL

Mayor Auer opened the public hearing at 8:15 p.m.

Town Planner Bruce Nickerson gave a Power Point Presentation and an overview of the Special Use Permit application and stated that the Planning Commission has recommended approval of the application. The location of the well is in Central Park.

Mr. Andy Peterson addressed the Board of Trustees and gave testimony that Machii-Ross currently has wells in Firestone.

Public Comment

There was no public comment.

Mayor Auer closed the public hearing at 8:24 p.m.

Board Comment

The Board asked for the drilling hours of operation, is the sound in compliance with Town Ordinances, and what is the obligation to notify the surrounding properties. Mr. Peterson answered that the rig will be on location 5-7 days with a 24/7 operation, and after two weeks, the rig will be in operation in the daylight hours only. Planner Bruce Nickerson stated that the Casa 54 rigs are quieter than other rigs and have been approved for use in the Town. The surrounding properties within 300 ft are notified by the applicant and there is publishing and sign posting at the site.

Resolution No. 09-05

A RESOLUTION APPROVING A SPECIAL USE PERMIT FOR MACHII-ROSS PETROLEUM COMPANY TO LOCATE AN OIL AND GAS WELL WITHIN THE TOWN OF FIRESTONE

Trustee Morgan moved and Trustee Sorensen seconded, to adopt Resolution No. 09-05. Roll call vote was taken. Motion carried unanimously.

ACTION ITEMS/DIRECTION ITEMS

STORMWATER ENTERPRISE UTILITY AND FEES – ORDINANCE ENACTING NEW CHAPTER 13.11 OF THE TOWN OF FIRESTONE MUNICIPAL CODE REGARDING THE TOWN’S STORMWATER ACTIVITY ENTERPRISE AND STORMWATER UTILITY FEES

Ordinance No. 709

AN ORDINANCE ENACTING A NEW CHAPTER 13.11 OF THE TOWN OF FIRESTONE MUNICIPAL CODE REGARDING THE TOWN’S STORMWATER ACTIVITY ENTERPRISE AND STORMWATER UTILITY SERVICE FEES

Trustee Thomas moved and Trustee Holcomb seconded, to adopt Ordinance No. 709. Roll call vote was taken. 5-Yea: 1-Nay. Trustee Walb voted Nay. Motion carried.

There was a friendly amendment to change the effective date to April 2, 2009.

Trustees Thomas and Holcomb accepted the friendly amendment.

STORMWATER ENTERPRISE UTILITY AND FEES – RESOLUTION ESTABLISHING STORMWATER UTILITY FEES

Resolution No. 09-06

A RESOLUTION ESTABLISHING STORMWATER UTILITY SERVICE FEES

Trustee Thomas moved and Trustee Holcomb seconded, to adopt Resolution No. 09-06. Roll call vote was taken. 5-Yea: 1-Nay. Trustee Walb voted Nay. Motion carried.

4TH AT FIRESTONE FIREWORKS CONTRACT

Public Communication Coordinator Pete Ditmon addressed the Board of Trustees stating that the Town has entered into agreement with Mr. Joe Diaz, of Stonebraker Fireworks, for the past five years. This agreement reads that there will be 838 shells used on Saturday, the Fourth day of July, 2009, in the amount of \$12,000.

Trustee Walb moved and Trustee Thomas seconded, to approve the expenditure, not to exceed \$12,000 to Stonebraker Fireworks for the 4th of July Fireworks display. Roll call vote was taken. Motion carried unanimously.

2009 AMENDMENTS TO EMPLOYMENT AGREEMENTS FOR TOWN MANAGER AND TOWN ADMINISTRATOR

Attorney Sam Light stated that these agreements began on March 1, 2008 and is done on an annual basis. These agreements will begin on March 1, 2009. Attorney Light said that the Town Manager’s contract is in front of them and they may complete the Town Administrator’s contract in open session or in executive session. The Board agreed to complete the Town Administrator’s contract in executive session.

Trustee Thomas moved and Trustee Morgan seconded, to approve Town Manager Cheri Andersen’s contract for 2009, and authorizing the Mayor to sign. Roll call vote was taken. Motion carried unanimously.

DISCUSSION

SHERILYN CIRCLE AND FIRST STREET INFRASTRUCTURE IMPROVEMENTS CONSTRUCTION ENGINEERING CONTRACT DISCUSSION

Town Engineer Dave Lindsay stated that a draft contract has been submitted for review for the construction services for the overlay of Sherilyn Circle. The bidding on this project opens on February 27, 2009 and the work will be completed in a two month time frame, with the water service going to single service lines. This will come before the Board at the March 12, 2009 meeting.

FIRESTONE BOULEVARD WATERLINE DESIGN CONTRACT DISCUSSION

Town Engineer Dave Lindsay stated that this is the water line design for Firestone Boulevard and is in the waterline looping projects. The Town received a DOLA grant to complete this work by the end of December 2009. The work will be a 12” waterline on the north side of Firestone Boulevard, and Jake Jabs Boulevard. This will come before the Board at the March 12, 2009 meeting.

UPSTATE COLORADO ECONOMIC DEVELOPMENT COUNCIL RESOLUTION OF SUPPORT FOR SW WELD ED DISCUSSION

Town Manager Cheri Andersen stated that the South West Weld Steering Committee’s goal is to increase economic development to attract employers to the area. There will be a presentation on April 16, 2009 at the Frederick High School Auditorium. This resolution is to show support for this initiative from the eleven different communities. This will come before the Board at the March 12, 2009 meeting.

DRAFT ORDINANCE REQUIRING REPORTING OF DISTURBANCES AT LIQUOR LICENSED PREMISES

Police Chief David Montgomery stated that this ordinance will enforce a liquor establishment to report a disturbance or an assault to law enforcement. It is needed for the accurate reporting for renewal of liquor applications. Discussion. This will come before the Board at the March 12, 2009 meeting.

SECOND PARTICIPATION FROM UNSCHEDULED CITIZENS NOT LISTED ON THE AGENDA

There was citizen participation from the following people.

1. Mr. Marty Duey asked what the consequences are if one establishment reports and another does not.

Attorney Sam Light stated that making a report has no legal bearing and if nothing is negative in the investigation report, nothing can be placed as evidence for not renewing a liquor license.

2. Mr. John Poynton of the St. Vrain Valley School District stated that he could answer any questions on the boundary issues regarding Mead High School.

Mr. Poynton answered questions with these answers:

The new attendance area for Mead, Frederick and Firestone 8th and 9th graders have the option to pre-opt back into Frederick, and if done by March 2, 2009 at 4:00 p.m., they are guaranteed to be accepted. If a student is outside of these areas, they are not guaranteed to be accepted.

The district has sent out 350 letters with maps to the 8th and 9th graders and made phone calls to all of these households on how they can opt back to Frederick High School. This information is also on the school web site, and in the Times-Call. Mr. Poynton said that a follow up letter will be mailed to 6th and 7th graders on how to opt back to Frederick High School.

Trustee Sorensen asked that when the new Frederick High School opens that those students can come back to Frederick and for the boundaries to again, be reviewed.

Mayor Auer thanked Mr. Poynton for attending the meeting.

STAFF REPORTS

Mayor Auer stated that Staff Reports were reported electronically.

Town Manager Cheri Andersen asked who would be attending the March 3, 2009 Tri-town meeting hosted by the City of Dacono to be held at the Prairie Ridge Clubhouse. The entire Board will be attending.

Town Planner Bruce Nickerson gave a Power Point presentation on Onorato Park. Trustee Morgan stated that these were truly collective ideas from the people who live there. This will come back as an action item to the Board.

BOARD REPORTS

Trustee Sorensen (1) reported that the Historic Society committee is looking for photos to display on the back wall of the Board Room.

EXECUTIVE SESSION

EXECUTIVE SESSION PURSUANT TO C.R.S. 24-6-402 (4)(e) NEGOTIATION/STRATEGY/INSTRUCTIONS FOR (i) CARBON VALLEY RECREATION IGA, AND (ii) 2009 AMENDMENT TO TOWN ADMINISTRATOR EMPLOYMENT AGREEMENT

Attorney Sam Light gave an explanation of the executive session procedures before the session began.

Trustee Thomas moved and Trustee Morgan seconded, to enter into executive session for discussion of a personnel matter under C.R.S. Section 24-6-402(4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees, with the particular topic of the executive session to be the compensation of the Town Administrator. Attorney Sam Light stated that attending the session would be the Trustees and Town Attorney. Town Administrator Wes LaVanchy gave his consent to continuation of the executive session without his presence. The motion passed 6-0.

The Trustees convened to the executive session at 9:55 for the Carbon Valley Recreation IGA and the compensation of the Town Administrator. Those in attendance for the Carbon Valley IGA were Attorney Sam Light, Manager Cheri Andersen, Administrator LaVanchy, Planner Nickerson, Mayor Auer, Trustees Walb, Holcomb, Walsh, Thomas, Sorensen, and Morgan. Those in attendance for the compensation of the Town Manger were Attorney Sam Light, Mayor Auer, Trustees Walb, Holcomb, Walsh, Thomas, Sorensen, and Morgan.

ADJOURNMENT

There being no further business to come before the Board of Trustees, Trustee Thomas moved and Trustee Morgan seconded, to adjourn the meeting. The meeting adjourned at 11:09 p.m.

TOWN OF FIRESTONE, COLORADO

Chad Auer, Mayor

ATTEST:

Judy L. Hegwood, Town Clerk, CMC

READ AND APPROVED THIS _____ DAY OF _____ 2009.