

## Minutes

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

February 28, 2008

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 Mike Simone and Mayor Pro-tem Bertron were both absent. Trustee Falcone moved and Trustee Walb seconded to appoint Trustee Curtis as the Official to run the meeting as Mayor Pro-tem Pro, as referenced by Attorney Sam Light. Voice vote was taken. Motion carried. Mayor Pro-tem Pro Curtis called the meeting to order at 7:05 p.m. Roll call was taken with the following persons present:

<i>Mayor:</i>	<i>Michael Simone</i>	<i>(absent/excused)</i>
<i>Mayor Pro-tem:</i>	<i>Dennis Bertron</i>	<i>(absent/excused)</i>
<i>Trustees:</i>	<i>Butch Walb</i>	
	<i>Julie Crowder</i>	<i>(arrived late)</i>
	<i>Charlie Thomas</i>	
	<i>Steve Curtis</i>	
	<i>Sharon Falcone</i>	

*Also present were:*

*Judy Hegwood, Town Clerk, CMC*  
*Sam Light, Town Attorney*  
*Wes LaVanchy, Finance Director*  
*Bruce Nickerson, Town Planner*  
*Dave Lindsay, Town Engineer*  
*David Montgomery, Police Chief*

### PLEDGE OF ALLEGIANCE

All rose for Pledge of Allegiance to the flag.

### APPROVAL OF AGENDA

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Mayor Pro-tem Pro Curtis called for additions, deletions or changes to the agenda. A quarterly report for the Carbon Valley Recreation District was added to the agenda.

### APPROVAL OF CONSENT AGENDA

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- a. *Approval of February 2008 Accounts Payable*
  - b. *Approval of Minutes – 2/14/08 Regular Meeting*

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

### PRESENTATION

- a. Carbon Valley Recreation District Quarterly Update – Ms. Linda Kudrna

Ms. Kudrna gave the Carbon Valley Recreation District quarterly report.

PUBLIC HEARINGS

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**FIRESTONE MEADOWS AMENDED FINAL PLAT AND AMENDED FINAL DEVELOPMENT PLAN**

Mayor Pro-tem Pro Curtis opened the public hearing at 7:08 p.m. Town Planner Bruce Nickerson introduced the application and showed a Power Point Presentation that was entered into the record. Planner Bruce Nickerson stated that the plan will divide the eleven (11) initial buildings into separate tracts to be completed in four (4) phases. Phase one will have five buildings, phase two will have two buildings, phase three will have two buildings, and phase four will have two buildings.

Applicant

Mr. Jack Pease was sworn in by Mayor Pro-tem Pro Curtis. Mr. Jack Pease addressed the Board of Trustees stating that the changes to the project are being made due to financing.

Town Planner

Town Planner Bruce Nickerson gave testimony to the work that was initially completed by Mr. Pease and stated that proper notice was given for this meeting.

Public Comment

None.

Mayor Pro-tem Pro Curtis closed the public hearing at 7:17 p.m.

Board Comment

The Board asked if the beginning of the project will have five buildings, the beginning date for construction, and if the phasing will be similar to the Colorado Boulevard project. Mr. Pease answered that the project will begin with five buildings and the start date will depend on the financing. Town Planner Bruce Nickerson stated that the phasing plan will be similar to the Colorado Boulevard project.

**Resolution No. 08-11**

A RESOLUTION APPROVING A FINAL SUBDIVISION PLAT FOR FIRESTONE MEADOWS REPLAT NO. 1 AND THE FINAL DEVELOPMENT PLAN – 1<sup>ST</sup> AMENDMENT FOR THE FIRESTONE MEADOWS P.U.D.

Trustee Falcone moved and Trustee Thomas seconded, to adopt Resolution No. 08-11. Roll call vote was taken. Motion carried.

Attorney Sam Light read the friendly amendments including the landscaping. Trustees Falcone and Thomas accepted the friendly amendments.

*Trustee Crowder arrived at 7:20 p.m.*

**UPDATE TO ORDINANCE AND RESOLUTION AMENDING SUBDIVISION AND DEVELOPMENT REGULATIONS  
RE: PLATTING MATTERS RELATED TO OIL/GAS FACILITIES AND MINERAL OWNER NOTIFICATION**

Mayor Pro-tem Pro Curtis opened the public hearing at 7:21 p.m. Attorney Sam Light introduced the Oil and Gas Ordinance going over the regulations.

Public Comment

None.

Mayor Pro-tem Pro Curtis closed the public hearing at 7:22 p.m.

Board Comment

None.

**Ordinance No. 669**

AN ORDINANCE ADDING SECTIONS 16.12.100 AND 16.16.230.B TO THE FIRESTONE MUNICIPAL CODE REGARDING VACATION OF FINAL PLATS AND SETBACKS TO EXISTING AND PLANNED OIL AND GAS FACILITES WITHIN THE BOUNDARIES OF A QUALIFYING SURFACE DEVELOPMENT

Trustee Thomas moved and Trustee Curtis seconded, to adopt Ordinance No. 669. Roll call vote was taken. Motion carried.

**Resolution No. 08-12**

A RESOLUTION ADOPTING AMENDMENTS TO THE FIRESTONE DEVELOPMENT REGULATIONS PERTAINING TO NOTICES TO MINERAL ESTATE OWNERS

Trustee Thomas moved and Trustee Falcone seconded, to adopt Resolution No. 08-12. Roll call vote was taken. Motion carried.

**ADOPTION OF 2006 INTERNATIONAL FIRE CODE**

Mayor Pro-tem Pro Curtis opened the public hearing at 7:23 p.m. Attorney Sam Light introduced the Ordinance and stated that a person will need to be appointed, at some point, for the appeals process.

**Public Comment**

None.

Mayor Pro-tem Pro Curtis closed the public hearing at 7:26 p.m.

**Board Comment**

None.

**Ordinance No. 670**

AN ORDINANCE ADOPTING BY REFERENCE THE 2006 EDITION OF THE INTERNATIONAL FIRE CODE AND ENACTING AMENDMENTS THERTO; AMENDING CERTAIN SECTIONS OF THE FIRESTONE MUNICIPAL CODE IN CONNECTION WITH THE ADOPTION OF SUCH CODE; ESTABLISHING PENALTIES FOR VIOLATIONS OF SUCH CODE; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH ADDING SECTIONS 16.12.100 AND 16.16.230.B TO THE FIRESTONE MUNICIPAL CODE REGARDING VACATION OF FINAL PLATS AND SETBACKS TO EXISTING AND PLANNED OIL AND GAS FACILITIES WITHIN THE BOUNDARIES OF A QUALIFYING SURFACE DEVELOPMENT

Trustee Walb moved and Trustee Thomas seconded, to adopt Ordinance No. 670. Roll call vote was taken. Motion carried.

**ACTION ITEMS**

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**APPROVAL OF PERSONNEL ACTION NOTICE FOR TOWN ADMINISTRATOR AND TOWN MANAGER**

Finance Director Wesley LaVanchy introduced the personnel action notice along with the explanation of the newly created organizational chart for the Town. Finance Director LaVanchy resigned as the Town Finance Director and will become the Town Administrator effective date beginning on March 1, 2008. Town Administrator Cheri Andersen resigned as Town Administrator and will become the Town Manager effective date beginning on March 1, 2008.

Trustee Walb moved and Trustee Falcone seconded, to approve the personnel action notices for the Town Administrator and Town Manager, authorizing the Mayor, Mayor Pro-tem, or Mayor Pro-tem Pro to execute these actions and sign. Roll call vote was taken. Motion carried.

**APPROVAL OF TOWN ADMINISTRATOR AND TOWN MANAGER JOB DESCRIPTIONS**

The Town Managers job description will have Urban Renewal added as a part of the duties.

Trustee Thomas moved and Trustee Walb seconded, to approve the job descriptions for the Town Administrator and Town Manager, as amended. Roll call vote was taken. Motion carried.

**RESOLUTION APPROVING REVISED ORGANIZATIONAL CHART**

The job duties for the Town Manger will be taken off of the organizational chart and will only be included in the job description. Finance Director Wesley LaVanchy will send out a clean copy of the organizational chart.

**Resolution No. 08-13**

A RESOLUTION ADOPTING AN AMENDED ORGANIZATIONAL CHART FOR THE TOWN OF FIRESTONE, EFFECTIVE MARCH 1, 2008

Trustee Thomas moved and Trustee Falcone seconded, to adopt Resolution No. 08-13. Roll call vote was taken. Motion carried.

**ORDINANCE AMENDING TITLE 2 OF MUNICIPAL CODE – ADMINISTRATIVE ORGANIZATION AND OTHER AMENDMENTS**

Attorney Sam Light went through the reorganization ordinance to confirm the understanding from the Board of Trustees. Section One and Five will eliminate Commissioners from the Town Code.

Section Two will eliminate the Town Recorder to call a meeting to order.

Section Three will take out how a meeting is to proceed by taking out the archival language. Trustee Falcone asked why Parks, Health, and Administration were not defined as being removed from Section One. Attorney Sam Light explained that Parks and Trails will remain, the Town may not need a Health Commission and the Administration portion needs to be reviewed.

Section Four removes the wording of the Official as being the Town Recorder and now reads the Official as being the Town Clerk; and the Town Engineer has been removed. Trustee Walb asked why the Town has a Town Marshal listed, and Attorney Sam Light said this is how the State Statutes reads, and remarked that the word "Chief" is noted in other places in the code. The two-year appointment for the Town Clerk has been removed and is now in an on-going status, and the Town Attorney is under a waiver by contract. The ballot consensus for the Bond requirement has been removed for all Officers except the Town Treasurer. Trustee Falcone asked who the Town Treasurer is currently. Finance Director Wesley LaVanchy replied that the position is vacant at present and there will be no Treasurer until the next election.

Section Eight is the Town Administrators job description that was just approved.

Section Nine is to confirm that the Board of Trustees will not be involved in any personnel matters. Disciplinary action of the Town Clerk, Planning Technician and Building Permit Technician are under the Town Manager. The Town Manager cannot hire or fire the Town Clerk, the only ones authorized to do so is the Board of Trustees. All other employees may be disciplined by Town Administrator Wesley LaVanchy and he has the ability to hire and fire the employees listed under him. The Town Manager is the Department Head and would recommend discipline to Town Administrator for employees other than the Town Clerk, Planning Tech and Building Permit Tech.

Section Ten has been updated for the Town Clerk job duties and stating the status of Town Clerk as custodian of public records. There is reference to a Clerk Pro-tem, if the Board wished to have this position.

Page Six is the Managers term of employment by contract, and states that this position serves at the pleasure of the Board, the job description, and the pay is determined by the budget document and contract. The Treasurer portion was cleaned up and the wording Town Clerk as Treasurer was removed.

Page Eight is adding the obligation to prepare and publish expenditures of the Town. Parks and Trails will remain having one person appointed by the Mayor to the Parks and Trails Board.

Page Nine removes the approval of expenditures by the Commissioner of Parks.

This is an emergency ordinance that needs 5 affirmative votes.

**Ordinance No. 671**

AN EMERGENCY ORDINANCE MAKING AMENDMENTS TO TITLE 2 OF THE FIRESTONE MUNICIPAL CODE, ENTITLED "ADMINISTRATIVE AND PERSONNEL," REGARDING THE ORGANIZATIONAL STRUCTURE OF THE TOWN

Trustee Thomas moved and Trustee Falcone seconded, to adopt Ordinance No. 671, as an emergency ordinance. Roll call vote was taken. 5-Yea; 0-Nay. Motion carried.

The Board recessed for a seven minute break at 8:08 p.m. The meeting reconvened at 8:15 p.m.

**RESOLUTION APPROVING AMENDMENTS TO PERSONNEL POLICIES – ADMINISTRATIVE ORGANIZATION**

Attorney Sam Light explained that nothing in the personnel policy applies to the Manager or Administrator, with the exception of benefits. These two positions are considered "at will." There are forms in the back of the Personnel Policy Manual that can be updated without bringing back to the Board of Trustees. Section Three is adding Town Manager and does not apply to the Office Staff or the Town Clerk.

There will be a Personnel Action Notice form by Town Manager Cheri Andersen and Town Administrator Wesley LaVanchy; (probation does not apply to officers, Town Clerk, Town Manager, or Town Administrator); contracts are reviewed by Town Attorney Sam Light, Town Manager Cheri Andersen, Town Administrator Wesley LaVanchy, and the Board of Trustees; Commissioners have been deleted from travel and training expenses; #8 is a change in the disciplinary action. Appeals go to Town Manager Cheri Andersen as a Department Head and the Town Manager gives the appeals to Wesley LaVanchy as Town Administrator. The grievance procedure for an employee who feels they have been treated unfairly or unjustly states that they cannot file if they are temporary, seasonal or on a health pay plan. Appeals can be given orally or in writing to Town Manager Cheri Andersen and Attorney Sam Light for suspension, but the person does not have the right to appeal for a discharge. The process will be a grievance resolution meeting with the person to hear that appeal.

Trustee Curtis asked what happens if the complaint involves the Manager or Administrator. The Board came to the consensus to change the complaint to be heard by the Mayor and one Trustee, with the one trustee being appointed by the entire Board. There was discussion on the new language for Resolution No. 08-14.

**Resolution No. 08-14**

A RESOLUTION ADOPTING CERTAIN AMENDMENTS TO THE FIRESTONE PERSONNEL POLICY MANUAL TO REFLECT CHANGES IN THE DEPARTMENTAL AND REPORTING STRUCTURE FOR THE ADMINISTRATION AND OPERATION OF THE TOWN

Trustee Thomas moved and Trustee Falcone seconded, to adopt Resolution No. 08-14, as amended. Roll call vote was taken. Motion carried.

Attorney Sam Light read the changes as noted with Trustees Thomas and Falcone accepting the changes.

**APPROVAL OF AMENDMENT TO AFW-THE PUBLIC IMPROVEMENTS REIMBURSEMENT AGREEMENT**

**Resolution No. 08-15**

A RESOLUTION APPROVING THE FIRST AMENDMENT TO AMENDED AND RESTATED PUBLIC IMPROVEMENTS REIMBURSEMENT AGREEMENT WITH AMERICAN FURNITURE WAREHOUSE CO. AND THE FIRESTONE DEVELOPMENT, L.L.C. AND AUTHORIZING EXECUTION OF SUCH AGREEMENT

Trustee Thomas moved and Trustee Walb seconded, to adopt Resolution No. 08-15 and authorizing the Mayor and Town Clerk to sign. Roll call vote was taken. Motion carried.

**DISCUSSION ITEMS**

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**OVERVIEW OF VESTED PROPERTY RIGHTS**

Attorney Sam Light handed material out to the Board of Trustees for information only. The Board of Trustees agreed that they would rather the new Board hear the information from Attorney Sam Light because some of the Board members would not be seated on the Board at the time this is presented.

**PARTICIPATION FROM UNSCHEDULED CITIZENS NOT LISTED ON THE AGENDA**

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There was citizen participation from the following people:

1. Lane Johnson asked if the document Attorney Light handed out was for public review and if so if he could receive a copy. Mr. Johnson was given a copy to the vested rights document.

## STAFF REPORTS

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Finance Director Wesley LaVanchy said that Pete Ditmon will be contacting everyone who is participating in the Mock Board Meeting of 1908 regarding their costumes. There was agreement that everyone in the reenactment will meet at the Coal Ridge School at 5:45 p.m. to rehearse before the play begins.

Attorney Sam Light stated that the Prosecuting Attorney from his firm is leaving for a new position and asked the Board for direction on how they want him to proceed for the March court date. The Board agreed for Attorney Sam Light to find someone for the March 2008 court date and to keep the Board informed of the process for replacement.

## BOARD REPORTS

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Trustee Falcone reported that she went to the Weld County Comprehensive Plan open house and brought back paperwork from that meeting for the rest of the Board, which included a suggestion form.

Trustee Curtis stated that the Finance Authority met and went over the year end finances.

Wesley LaVanchy asked the Board of Trustees for approval to go forward with reviewing the possibility of placing interest on development escrows and the Board gave their approval. Finance Director Wesley LaVanchy stated that he would have information regarding this issue at the next Work Session on the 6<sup>th</sup> of March, 2008.

## ADJOURNMENT

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Trustee Falcone moved and Trustee Thomas seconded, to adjourn the meeting. The meeting adjourned at 9:03 p.m.

TOWN OF FIRESTONE, COLORADO

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Michael Simone, Mayor

ATTEST:

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Judy L. Hegwood, Town Clerk, CMC

READ AND APPROVED THIS 17th DAY OF March, 2007.