

Minutes

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

March 12, 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	(absent/excused)
Trustees:	Butch Walb	
	Matt Holcomb	
	Darrell Walsh	
	Paul Sorensen	
	Kelly Morgan	

Also present were:	Cheri Andersen, Town Manager
	Wes LaVanchy, Director of Operations
	Judy Hegwood, Town Clerk, CMC
	Sam Light, Town Attorney
	Bruce Nickerson, Town Planner
	Dave Lindsay, Town Engineer
	David Montgomery, Chief of Police
	Pete Ditton, Public Communications Coordinator
	Carl Nelson, Finance Director

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 additions or deletions made to the agenda. Trustee Walsh moved and Trustee Sorensen seconded, to approve the agenda, as submitted. Voice vote taken. Motion carried.

PRESENTATIONS

Mr. Larry Burkhardt – Upstate Economic Development Colorado

Mr. Burkhardt addressed the Board of Trustees stating that the Upstate Economic Development council was formed in April of 2008 with eleven communities participating. The steering committee is made up of Mayors, Managers and Department Heads to develop goals and objectives in order to assist the communities with attracting a primary sector employer into the area. The intent of the resolution is to formalize the support for the initiative and to have consensus on the direction the steering community is moving. A meeting will be held on April 16, 2009 at the Frederick High School from 5:30 p.m. to 8:00 p.m., to update stakeholders on the progress that has been made.

CITIZEN PARTICIPATION

There was no citizen participation.

APPROVAL OF CONSENT AGENDA

- a. *Approval of March 2009 Accounts Payable*
- b. *Approval of Minutes – February 26, 2009 Regular Meeting*

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

LIQUOR LICENSING AUTHORITY

PAULIE & DEANNA'S ITALIAN RESTAURANT (Tabled from December 11, 2008)

Trustee Holcomb recused himself from the liquor proceedings at 7:12 p.m. Attorney Sam Light explained that this liquor license is still in process with the State of Colorado and gave the status that has been received to date from the State of Colorado. Attorney Light stated that the Town Clerk has asked for this to be tabled for 30 days.

Public Comment

None.

Board Comment

Trustee Sorensen moved and Trustee Walb seconded, to table the liquor license renewal for Paulie & Deanna's Italian Restaurant until April 23, 2009. Roll call vote was taken. Motion carried 4-Yea; 0-Nay. Trustee Holcomb was recused and Trustee Thomas was absent.

7-ELEVEN – RETAIL 3.2% BEER OFF-PREMISES LIQUOR LICENSE – (NEW APPLICATION) SETTING NEIGHBORHOOD BOUNDARIES AND APPROVING LICENSE

Attorney Sam Light explained the boundaries of the neighborhood, stating that the local authority has previously set the boundaries as the entire Town of Firestone.

Trustee Sorensen moved and Trustee Walb seconded, to set the boundaries as the entire Town of Firestone for the petitioning for 7-Eleven. Roll call vote was taken. Motion carried 4-Yea; 0-Nay. Trustee Holcomb was recused and Trustee Thomas was absent.

Mayor Auer opened the public hearing at 7:20 p.m.

Trustee Morgan moved and Trustee Sorensen seconded, to enter the entire application into the record. Voice vote was taken. Motion carried 4-Yea; 0-Nay. Trustee Holcomb was recused and Trustee Thomas was absent.

Attorney Kevin Coates addressed the Local Licensing Authority on behalf of 7-Eleven. Attorney Coates stated that the field consultant and the petitioner were present for comment. Ms. Tina Scott was sworn in by Town Clerk Judy Hegwood. Ms. Scott testified that she circulated the petitions for 7-Eleven. Mr. Jerry Morfit was sworn in by Town Clerk Judy Hegwood. Mr. Morfit testified that he is the field consultant for 7-Eleven and oversees seven locations. Mr. Morfit stated that the consideration by the local authority is for a 3.2% beer off-premise liquor license for a convenience store that has small sales and having a beer license as part of the business plan. There will be from ten to twelve employees on a schedule, each having completed extensive training.

Public Comment

There was public comment from the following citizen:

Mr. Alex Cruz. Mr. Cruz was sworn in by Town Clerk Judy Hegwood. Mr. Cruz remarked about the liquor policies that were recently turned down by the State Government.

Attorney Coates made the closing comment that he appreciates the local authority's time and consideration of approval.

Mayor Auer closed the public hearing at 7:40 p.m.

Board Comment

The Trustees asked the applicant the following question: If the Store Clerk has a violation, will they get a written warning and if they receive a second violation, be fired? Attorney Coates answered yes.

Trustee Sorensen moved and Trustee Walsh seconded, to approve the 3.2% Beer Off-Premise liquor license for 7-Eleven. Roll call vote was taken. Motion carried 4-Yea; 0-Nay. Trustee Holcomb was recused and Trustee Thomas was absent.

PUBLIC HEARING

FIRESTONE SIGN CODE AMENDMENTS CONCERNING GARAGE, YARD, AND ESTATE SALE SIGNS AND OTHER NON-PERMANENT SIGNS AS REAL ESTATE SIGNS AND BANNERS AND PUBLIC SIGNS

Mayor Auer opened the public hearing at 7:45 p.m. Attorney Sam Light gave pertinent information regarding the ordinance, stating that this would amend Title 17 of the Zoning Code and also takes out the language "site triangle" from the ordinance. There are two changes in Sections II and III which is a change to the public signs and a revision in 17.31 on billboard/prohibited signs.

Public Comment

Hearing no public comment, Mayor Auer closed the public hearing at 7:49 p.m.

Board Comment

Trustee Walb asked why the County was taken out of the ordinance. Attorney Sam Light explained that under the uniform traffic code the State and Federal agencies are higher than Local Government or Counties. Trustee Walb asked that this ordinance be placed on the front page of the Town web site.

Ordinance No. 710

AN ORDINANCE AMENDING SECTION 17.31.030 OF THE FIRESTONE MUNICIPAL CODE REGARDING GARAGE, YARD AND ESTATE SALE SIGNS AND PUBLIC SIGNS AND AMENDING SECTION 17.31.100 OF THE FIRESTONE MUNICIPAL CODE REGARDING OFF-SITE SIGNS

Trustee Sorensen moved and Trustee Morgan seconded, to adopt Ordinance No. 710. Roll call vote was taken. Motion carried 5-Yea; 0-Nay. Trustee Thomas was absent.

Mayor Auer called for a break at 7:59 p.m. The Board reconvened from break at 8:07 p.m.

ACTION ITEMS/DIRECTION ITEMS

RESOLUTION IN SUPPORT OF THE SW WELD ECONOMIC DEVELOPMENT INITIATIVE

Resolution No. 09-07

Trustee Holcomb moved and Trustee Walsh seconded, to adopt Resolution No. 09-07, A RESOLUTION IN SUPPORT OF THE SOUTHWEST WELD ECONOMIC DEVELOPMENT INITIATIVE. Roll call vote was taken. Motion carried 5-Yea; 0-Nay. Trustee Thomas was absent.

ONRATO PARK IMPROVEMENT MASTER PLAN

Town Planner Bruce Nickerson gave a Power Point Presentation and overview of Onorato Park and the upgrades planned. The plan is to properly size the tennis courts to full size and having mesh around the exterior, new benches, the basketball court striped and to raise the concrete under the gazebo, install a dog drinking fountain, plant shrubs and trees, relocation of the sidewalk, enhance the Town sign, plant flowers, add a censored pole light, add replacement trees, a new irrigation box, restrooms, and raise the tennis courts. The alley next to the Park will be concreted this year, and there will be an upgrade to the playground equipment.

Planner Nickerson stated that it was great to have Mr. Alex Cruz bring this group together and it is good community effort.

Trustee Morgan moved and Trustee Sorensen seconded, to approve the Onorato Park Improvement Master Plan. Voice vote was taken. Motion carried 5-Yea; 0-Nay. Trustee Thomas was absent.

FIRESTONE BOULEVARD WATERLINE DESIGN CONTRACT

Trustee Sorensen moved and Trustee Walsh seconded, to approve the expenditure, not to exceed \$16,100 for the Firestone Boulevard waterline design contract. Roll call vote was taken. Motion carried 5-Yea; 0-Nay. Trustee Thomas was absent.

SHERILYN CIRCLE AND FIRST STREET INFRASTRUCTURE IMPROVEMENTS CONSTRUCTION ENGINEERING CONTRACT

Trustee Sorensen moved and Trustee Holcomb seconded, to approve the expenditure, not to exceed \$13,580 for the Sherilyn Circle and First Street infrastructure improvements construction engineering contract. Roll call vote was taken. Motion carried 5-Yea; 0-Nay. Trustee Thomas was absent.

SHERILYN CIRCLE AND FIRST STREET INFRASTRUCTURE IMPROVEMENTS PROJECT CONSTRUCTION CONTRACT AWARD

Trustee Sorensen moved and Trustee Holcomb seconded, to approve the expenditure, not to exceed \$186,433.49 for the Sherilyn Circle and First Street infrastructure improvements project construction contract award. Roll call vote was taken. Motion carried 5-Yea; 0-Nay. Trustee Thomas was absent.

COTTONWOOD HOLLOW FILING 2 TRACT C LICENSE AGREEMENT FOR GRADING OPERATIONS

Trustee Holcomb moved and Trustee Walb seconded, to approve the Cottonwood Hollow filing 2 tract C license agreement for grading operations. Roll call vote was taken. Motion carried 5-Yea; 0-Nay. Trustee Thomas was absent.

ORDINANCE REPORTING OF DISTURBANCES AT LIQUOR LICENSED PREMISES

Ordinance No. 711

AN ORDINANCE ADOPTING A NEW SECTION 5.08.140 CONCERNING DISTURBANCES AT LIQUOR ESTABLISHMENTS

Trustee Sorensen moved and Trustee Walsh seconded, to adopt Ordinance No. 711. Roll call vote was taken. Motion 4-Yea; 1-Nay; Trustee Holcomb voted Nay; Trustee Thomas was absent.

URBAN RENEWAL AUTHORITY

Attorney Sam Light stated that 25 signatures were needed to set a hearing on the petition to do a Blight Study in the areas designated by the Authority. The Board of Trustees would be the Authority Board for the Authority. Town Planner Bruce Nickerson gave a presentation of the Urban Renewal Authority saying that this does not include any increase of taxes to the residents and that he would conduct the blight study at no cost to the town. There are Authority limits and money cannot be spent outside of the designated areas, which include First Street, the McClure connection, The Villas, the Firestone Trail, Grant Avenue and the Firestone property, Fairway Villas, Hart Park and the Overlook, the Vistas at Saddleback, and the Saddleback PUD. Discussion.

Trustee Holcomb moved and Trustee Sorensen seconded, to approve the Urban Renewal Authority and process, directing Nickerson Company to complete a Blight Study of Old Town Firestone, at no cost to the Town. Roll call vote was taken. Motion carried 5-Yea; 0-Nay. Trustee Thomas was absent.

WELD COUNTY ROADS 24/19 RECOMMENDATION

Town Engineer Dave Lindsay gave a report to the Board of Trustees on the intersection of WC Roads 24 and 19. Discussion.

Trustee Holcomb moved and Trustee Walb seconded, to table this item until the April 9, 2009 Board of Trustees Works Session. Roll call vote was taken. Motion carried 5-Yea; 0-Nay. Trustee Thomas was absent.

COPIER REPLACEMENT FOR POLICE DEPARTMENT

Finance Director Carl Nelson requested that the Board of Trustees approve the purchase of a new copier for the Firestone Police Department, stating that the Police Department copier is no longer in operation, and the funds have been included in the 2009 budget for replacement.

Trustee Holcomb moved and Trustee Walsh seconded, to approve the expenditure, not to exceed \$11,800 for a replacement copier for the Police Department. Roll call vote was taken. Motion carried 5-Yea; 0-Nay. Trustee Thomas was absent.

TOWN ADMINISTRATOR AMENDED EMPLOYMENT CONTRACT AND TUITION REIMBURSEMENT AGREEMENT

Attorney Sam Light introduced this item. The Board of Trustees asked that this be conducted in executive session without Town Administrator Wes LaVanchy present. Mr. LaVanchy gave his consent.

DISCUSSION

FRONTIER STREET WATERLINE DESIGN CONTRACT

Town Engineer Dave Lindsay reported that this is a grant project for one-half of a mile from Grant Street to the Saddleback Golf Course on Frontier Street. This item will come back before the Board at the March 26, 2009 meeting.

FIRESTONE BOULEVARD-COLORADO BOULEVARD INTERSECTION IMPROVEMENTS CONSTRUCTION ENGINEERING CONTRACT

Town Engineer Dave Lindsay stated that the bids for this project came in today and this item will come back before the Board at the March 26, 2009 meeting.

WELD COUNTY ROADS 7/26 INTERSECTION DISCUSSION

Town Manager Cheri Andersen stated that Trustee Walb had asked that this item come back before the Board with more information. Town Manager Cheri Andersen said that Engineer Dave Lindsay is continuing to meet with the interested parties on the design of this site and explained the calculations and language for the funds available in the IGA with Weld County. Manager Andersen said that Longmont is at the table, and Mead is not Discussion. This item will come back before the Board at the March 26, 2009 meeting with more information.

CITIZEN PARTICIPATION

There was citizen participation from the following people:

Ms. Deb McCabe was sworn in by Mayor Auer. Ms. McCabe addressed the Board of Trustees stating that she is concerned about the traffic on Weld County Road 26.

STAFF REPORTS

Mayor Auer stated that Staff Reports were reported electronically.

Town Planner Bruce Nickerson showed a Power Point presentation from the Parks and Trails Advisory Board, stating that St. Vrain State Park is interested in working with the Town of Firestone on a GOCO Grant. A walking tour of the State Park will be held on April 8, 2009 with the Board of Trustees, the Planning Commission and the Parks and Trails Advisory Board at 6:00 p.m.

Town Planner Bruce Nickerson showed a diagram of the Town Pin that Public Communications Coordinator Pete Ditmon designed for the Earth Day/Arbor Day celebration.

Town Engineer Dave Lindsay reported that Home Depot is coming along well.

Town Administrator Wes LaVanchy reported that Town has entered into an agreement with Snowy River Tire Recycling.

EXECUTIVE SESSION

EXECUTIVE SESSION PURSUANT TO C.R.S. 24-6-402 (4)(e) FOR NEGOTIATION/STRATEGY/INSTRUCTIONS REGARDING 2009 TOWN ADMINISTRATOR EMPLOYMENT AGREEMENT

Attorney Sam Light gave an explanation of the executive session procedures before the session began. Trustee Holcomb 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)(e) 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 employment agreement 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 5-0.

The Board of Trustees convened to the executive session at 10:30 p.m. for the employment agreement of the Town Administrator.

The Board of Trustees reconvened in open session at 10:39 p.m. Attorney Sam Light noted for the record that the executive session was for the employment agreement of the Town Administrator. The persons in attendance were Attorney Sam Light, Trustees Walb, Holcomb, Walsh, Sorensen, Morgan and Mayor Auer.

FIRST AMENDMENT TO TOWN ADMINISTRATORS EMPLOYMENT AGREEMENT

Attorney Sam Light stated that the amendment to the Town Administrators employment agreement includes a Title change from Town Administrator to Director of Operations. Attorney Light asked if the Board of Trustees had any final questions regarding this matter. Hearing none, Attorney Light stated that the agreement effective date is March 1, 2009.

Trustee Sorensen moved and Trustee Morgan seconded, to approve the First Amendment to Town Administrators employment agreement with the change of Title from Town Administrator to Director of Operations, effective March 1, 2009, and authorizing the Mayor to sign. Roll call vote was taken. Motion carried 5-Yea; 0-Nay. Trustee Thomas was absent.

TUITION REIMBURSEMENT AGREEMENT

Trustee Sorensen moved and Trustee Morgan seconded, to approve the First Amendment to Town Administrators Tuition Reimbursement Agreement effective March 1, 2009, and authorizing the Mayor to sign. Roll call vote was taken. Motion carried 5-Yea; 0-Nay. Trustee Thomas was absent.

Attorney Sam Light stated that the Town will be working on changing the Titling in the Town of Firestone Municipal Code from Town Administrator to Director of Operations.

BOARD REPORTS

Trustee Sorensen (1) reported that he attended the MDA lock-up and a range of \$40,000 dollars was raised. (2) Reported that he taught a class last Tuesday at Prairie Ridge Elementary School on Coal Mining and the history of Firestone, with 58 students in attendance.

Trustee Walsh reported that he attended a City of Dacono meeting to meet the new Dacono Town Administrator. (2) Reported that he went to the Dacono Food Bank at the Lions Club and they are looking for a new home for the Food Bank, having only two weeks to get out of the Lions Club building.

Trustee Holcomb reported that he has talked to a few Stoneridge residents regarding their property tax mill levy of 50 mills. Town Manager Cheri Andersen replied to Trustee Holcomb that these residents are in a Metro District. Manager Andersen suggested that the Board put Metro Districts/Title 32 on a Work Session agenda for training. Attorney Sam Light stated that the Town can put a cap on the mill levies and that Stoneridge has a mill levy cap of 15 mills.

Trustee Walb asked that a Work Session be set for Board training on Metro Districts.

Mayor Auer reported that he will be speaking to a 3rd grade class in April 2009. (2) Reported that he is still having coffee with residents on a regular basis.

ADJOURNMENT

There being no further business to come before the Board of Trustees, Trustee Holcomb moved and Trustee Morgan seconded, to adjourn the meeting. The meeting adjourned at 10:55 p.m.

TOWN OF FIRESTONE, COLORADO

ATTEST:

Chad Auer, Mayor

Judy L. Hegwood, Town Clerk, CMC

READ AND APPROVED THIS _____ DAY OF _____ 2009.