

Minutes

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

April 2, 2009 (continued from March 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:

<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>Cheri Andersen, Town Manager</i>
	<i>Wes LaVanchy, Director of Operations</i>
	<i>Judy Hegwood, Town Clerk, CMC</i>
	<i>Sam Light, Town Attorney</i>
	<i>Bruce Nickerson, Town Planner</i>
	<i>Dave Lindsay, Town Engineer</i>
	<i>David Montgomery, Chief of Police</i>
	<i>Pete Ditmon, Public Communications Coordinator</i>
	<i>Carl Nelson, 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. The GFOA Presentation was continued until the April 9, 2009 regular meeting, and the Executive Session was moved to item 7c., directly after public hearings. Trustee Holcomb moved and Trustee Thomas seconded, to approve the agenda, as amended. Voice vote taken. Motion carried unanimously.

PRESENTATIONS

Habitat for Humanity

Ms. Carrie McClure, Development Director for Habitat for Humanity, addressed the Board of Trustees stating that she has given each Trustee an invitation for the Government “Annual Colorado Builds” day that is scheduled for April 18, 2009. There will be project houses in Dacono and Longmont and you may choose which area in which to volunteer.

FIRST PARTICIPATION FROM UNSCHEDULED CITIZENS NOT LISTED ON THE AGENDA

There was no audience participation.

APPROVAL OF CONSENT AGENDA

- a. *Approval of February 2009 Financials*
- b. *Approval of March 2009 Accounts Payable*
- c. *Approval of Minutes – March 12, 2009 Regular Meeting*

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

PUBLIC HEARINGS

ENCANA OIL AND GAS (USA) INC. FOR APPROVAL OF FIVCE SPECIAL USE PERMITS TO LOCATE OIL AND GAS WELLS WITHIN THE TOWN, REFERRED TO AS GRANT23-11, GRANT 2-8-11, GRANT 3-6-11, HURT 43-11, AND HURT 7-8-11 WELLS

Mayor Auer opened the public hearing at 7:11 p.m.

Town Planner Bruce Nickerson gave a Power Point Presentation and an overview of the Special Use Permit applications, stating that the Planning Commission has recommended approval. The five wells are located near WCR 11 and WCR 22, they will be directionally drilled and all five wells meet all access requirements and standard conditions.

Ms. Kathy Bowles addressed the Board of Trustees, giving testimony that Encana wants to get the wells drilled before any development begins and Encana is currently working on an agreement with the developer. The wells are placed in a row and are approximately 10 ft. apart, so they can skid the rig. Ms. Bowles said she is not sure when the drilling will begin and permits have not been purchased.

Public Comment

There was no public comment.

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

Board Comment

The Board asked how the wells will be maintained, if all wells, or one at a time, will be maintained, and how long before the wells need maintenance. Ms. Bowles said that all of the wells would be maintained at one time, and maintenance is usually within five to seven years.

Resolution No. 09-08

A RESOLUTION APPROVING SPECIAL USE PERMITS FOR ENCANA OIL AND GAS (USA), INC., TO LOCATE FIVE OIL AND GAS WELLS WITHIN THE TOWN OF FIRESTONE

Trustee Walb moved and Trustee Thomas seconded, to adopt Resolution No. 09-08. Roll call vote was taken. Motion carried unanimously.

AMENDMENTS TO THE TOWN OF FIRESTONE DEVELOPMENT REGULATIONS TO INCLUDE AMONG THE EXHIBITS THERETO THE TOWN'S PARKS DESIGN CRITERIA MANUAL

Mayor Auer opened the public hearing at 7:23 p.m.

Town Planner Bruce Nickerson introduced the amendment and gave a Power Point Presentation and overview of the Design Criteria Manual, stating that Planning Commission has recommended approval. This is a stand alone document and also a part of the development regulations. The developers will be developing the new parks in a formal process that will come before the Planning Commission and the Board of Trustees.

Public Comment

There was no public comment.

Mayor Auer closed the public hearing at 7:30 p.m.

Board Comment

The Board stated that staff did a great job on this manual.

Resolution No. 09-09

A RESOLUTION APPROVING AMENDMENTS TO THE TOWN OF FIRESTONE DEVELOPMENT REGULATIONS TO INCLUDE THE FIRESTONE PARKS DESIGN CRITERIA MANUAL

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

EXECUTIVE SESSION

EXECUTIVE SESSION PURSUANT TO C.R.S. 24-6-402 (4)(e) FOR DETERMINING POSITIONS RELATIVE TO MATTERS SUBJECT TO NEGOTIATION, DEVELOPING STRATEGY FOR NEGOTIATIONS AND INSTRUCTING NEGOTIATORS – PROPOSED PUBLIC IMPROVEMENTS REIMBURSEMENT AGREEMENT AND VESTED RIGHTS AGREEMENT FOR UNION ANNEXATION PROPERTY

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 pursuant to C.R.S. Section 24-6-402(4)(e) for determining positions relative to matters subject to negotiation, developing strategy for negotiations and instructing negotiators for the proposed public improvements reimbursements agreement and vested rights agreement for Union Annexation property. Roll call vote was taken. Motion carried 6-0.

The Trustees convened to executive session at 7:31 p.m. with Trustee Sorensen recusing himself from the executive session due to his long-term membership with Lifebridge Church. Attorney Sam Light stated that attending the executive session would be the Board of Trustees, Town Manager Cheri Andersen, Director of Operations Wes LaVanchy, Town Planner Bruce Nickerson, Town Engineer Dave Lindsay, Attorney Kim Casey, and himself, Sam Light, Town Attorney.

The Trustees re-convened from executive session at 10:05 p.m. Those in attendance were Attorney Sam Light, Attorney Kim Casey, Town Manager Cheri Andersen, Director of Operations Wes LaVanchy, Planner Bruce Nickerson, Engineer Dave Lindsay, Mayor Auer, Trustees Walb, Holcomb, Walsh, Thomas, and Morgan.

ACTION ITEMS/DIRECTION ITEMS

ORDINANCE/RESOLUTION AMENDING ORGANIZATIONAL DOCUMENTS TO CHANGE REFERENCES TO TOWN ADMINISTRATOR TO DIRECTOR OF OPERATIONS

Ordinance No. 712

AN EMERGENCY ORDINANCE AMENDING THE FIRESTONE MUNICIPAL CODE AND THE FIRESTONE PERSONNEL POLICY MANUAL TO REPLACE ALL REFERENCES TO THE TERM “TOWN ADMINISTRATOR” WITH THE TERM “DIRECTOR OF OPERATIONS”

Trustee Thomas moved and Trustee Morgan seconded, to adopt Ordinance No. 712. Roll call vote was taken. 5-Yea; 1-Nay. Trustee Walb voted Nay. Motion carried. Trustee Walb stated his reason for the Nay vote is because this is being executed as an emergency ordinance and he does not feel this is an emergency.

RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE WELD COUNTY CORONER'S OFFICE AND THE TOWN CONCERNING TEMPORARY MORGUES IN THE EVENT OF A MASS FATALITY EVENT

Resolution No. 09-10

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE WELD COUNTY CORONER'S OFFICE AND THE TOWN OF FIRESTONE CONCERNING THE ESTABLISHMENT OF SECURITY FOR TEMPORARY MORGUES IN THE EVENT OF A MASS FATALITY INCIDENT

Trustee Thomas moved and Trustee Morgan seconded, to adopt Resolution No. 09-10. Roll call vote was taken. 6-Yea; 0-Nay. Motion carried unanimously.

FIRESTONE BOULEVARD-COLORADO BOULEVARD INTERSECTION IMPROVEMENTS CONSTRUCTION CONTRACT AWARD

Trustee Thomas moved and Trustee Sorensen seconded, to approve the expenditure, not to exceed \$2,321,845.91 to Hall Irwin for the Firestone Blvd-Colorado Blvd. intersection improvements construction award and authorizing the Mayor to sign. Roll call vote was taken. 6-Yea; 0-Nay. Motion carried unanimously.

FIRESTONE BOULEVARD-COLORADO BOULEVARD INTERSECTION IMPROVEMENTS CONSTRUCTION ENGINEERING CONTRACT

Trustee Thomas moved and Trustee Walsh seconded, to approve the expenditure, not to exceed \$160,000.00 to Colorado Civil Group, Inc. for the Firestone Blvd-Colorado Blvd. intersection improvements construction engineering contract and authorizing the Mayor to sign. Roll call vote was taken. 6-Yea; 0-Nay. Motion carried unanimously.

FIRESTONE BOULEVARD-COLORADO BOULEVARD INTERSECTION IMPROVEMENTS MATERIALS TESTING SERVICES CONTRACT

Trustee Morgan moved and Trustee Thomas seconded, to approve the expenditure, not to exceed \$27,250.00 to Terracon for the Firestone Blvd-Colorado Blvd. intersection improvements materials testing services contract and authorizing the Mayor to sign. Roll call vote was taken. 6-Yea; 0-Nay. Motion carried unanimously.

FRONTIER STREET WATERLINE DESIGN CONTRACT

Trustee Sorensen moved and Trustee Thomas seconded, to approve the expenditure, not to exceed \$16,200.00 to Colorado Civil Group, Inc. for the Frontier Street waterline design contract and authorizing the Mayor to sign. Roll call vote was taken. 6-Yea; 0-Nay. Motion carried unanimously.

SHERILYN CIRCLE AND FIRST STREET IMPROVEMENTS MATERIALS TESTING SERVICES CONTRACT

Trustee Thomas moved and Trustee Morgan seconded, to approve the expenditure, not to exceed \$6,825.00 to Terracon for the Sherilyn Circle and First Street improvements materials testing services contract and authorizing the Mayor to sign. Roll call vote was taken. 6-Yea; 0-Nay. Motion carried unanimously.

FIRST AMENDMENT TO SUBDIVISION AGREEMENT FOR THE SHORES 1ST FILING

Trustee Sorensen moved and Trustee Morgan seconded, to approve the First Amendment to the Shores 1st Filing Subdivision Agreement and authorizing the Mayor to sign. Roll call vote was taken. 6-Yea; 0-Nay. Motion carried unanimously.

PINE CONE-SABLE WATERLINE MATERIALS TESTING SERVICES CONTRACT

Trustee Holcomb moved and Trustee Walsh seconded, to approve the expenditure, not to exceed \$3,445.00 to Terracon for the Pine Cone Sable waterline materials testing services contract and authorizing the Mayor to sign. Roll call vote was taken. 6-Yea; 0-Nay. Motion carried unanimously.

DISCUSSION

All discussion items listed below have been continued until the April 9, 2009 regular Board of Trustees meeting.

- a. GENERAL SERVICES AGREEMENT – CLEARWATER SOLUTIONS
- b. WCR 7 & 26 IMPROVEMENTS – MEAD HIGH SCHOOL TRANSPORTATION ISSUES – FUNDING OF IMPROVEMENTS
- c. FIRESTONE ADMINISTRATION BUILDING SITE AND ARCHITECTURAL CONCEPTS
- d. AGREEMENT WITH FREDERICK FIRESTONE FIRE PROTECTION DISTRICT FOR PALCEMENT OF AED DEVICE
- e. FIRESTONE BOULEVARD-WCR 19 INTERSECTION IMPROVEMENT ALTERNATIVES

CITIZEN PARTICIPATION

There was no citizen participation.

STAFF REPORTS

Mayor Auer stated that Staff Reports were reported electronically.

Town Planner Bruce Nickerson showed the Board of Trustees the name plate samples for the Time Capsule.

BOARD REPORTS

Trustee Morgan asked that the Board approve a donation for a Bus for the college tour, on April 9, 2009 in the amount of \$300.00. Trustee Holcomb moved and Trustee Walsh seconded, to approve the expenditure, not to exceed \$300.00 for the Bus for the college tour. Roll call vote was taken. 6-Yea; 0-Nay. Motion carried unanimously.

Trustee Walb remarked that he received a call from a citizen at 10:10 on Sunday, March 29, 2009 saying that they had seen Police Chief David Montgomery on Channel 4 News and wanted the Board of Trustees to know what a good job the Chief does and especially in talking with the public.

Trustee Walsh stated that he attended the Carbon Valley Recreation Center grand opening on Saturday, March 28, 2009.

Mayor Chad Auer asked the Board to consider ideas for a Community Survey on how things are going in the Town of Firestone.

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 10:36 p.m.

TOWN OF FIRESTONE, COLORADO

Chad Auer, Mayor

ATTEST:

Judy L. Hegwood, Town Clerk, CMC

READ AND APPROVED THIS 9th DAY OF April, 2009.