

Minutes

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

May 14, 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> (arrived at 7:05p.m.)

<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> (present by telephone)
	<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.

PRESENTATIONS

Carbon Valley Recreation District – Quarterly Update – Renee Witty

Ms. Renee Witty gave the quarterly report for the Carbon Valley Recreation District.

Scholarship Presentations

Mayor Auer presented Rachael Parker with a \$2,000 scholarship for Academic Performance, Mayor Auer and Police Chief David Montgomery presented Jessica Hiatt with a \$1,000 scholarship for Criminal Justice and Mayor Auer and Safebuilt Owner Mike McCurdie presented Ed Wellman III with a \$1,000 scholarship for Academic Excellence. Mayor Auer presented the Mayors Award to Mike McCurdie, owner of Safebuilt, for his participation and help with the scholarship program.

CITIZEN PARTICIPATION

There was no audience participation.

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 Holcomb seconded, to approve the agenda, as submitted. Voice vote taken. Motion carried unanimously.

APPROVAL OF CONSENT AGENDA

- a. Approval of May 2009 Accounts Payable*
- b. Approval of Minutes – April 23, 2009 Regular Meeting*
- c. Approval of Minutes – May 7, 2009 Special 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

PROPOSED AMENDMENTS TO THE FIRESTONE DEVELOPMENT REGULATIONS AND THE FIRESTONE ZONING SUBDIVISION ORDINANCES TO INCORPORATE NEW DEADLINES AND REQUIREMENTS FOR FINALIZING AND OTHERWISE PERFECTING LAND USE APPROVALS; HEIGHT LIMITATIONS AND OTHER STANDARDS FOR ANTENNAS, TRANSMISSION TOWERS, WINDMILLS, AND ROOF-MOUNTED ALTERNATIVE ENERGY SYSTEMS; AND RELATED MATTERS

Town Planner Bruce Nickerson stated that staff requests this public hearing to be continued to the next regular board meeting on May 28, 2009.

Trustee Thomas moved and Trustee Walb seconded, to continue the public hearing for the development regulations until May 28, 2009. Voice vote was taken. Motion carried unanimously.

PUBLIC HEARING REGARDING URBAN RENEWAL BLIGHT STUDY AND PROPOSED FORMATION OF FIRESTONE URBAN RENEWAL AUTHORITY

Town Manager Cheri Andersen stated that the staff requests this public hearing to be vacated and a new hearing set for June 25, 2009.

Trustee Thomas moved and Trustee Morgan seconded, to vacate this public hearing and reset a new public hearing for the FURA on June 25, 2009. Voice vote was taken. Motion carried unanimously.

EXECUTIVE SESSION

Executive Session Pursuant to C.R.S. 24-6-402 (4)(e) for Purpose of Determining Positions Relative to Matters Subject to Negotiation, Developing Strategy for Negotiations and Instructing Negotiators, with reference to (a) Proposed Public Improvements Reimbursement Agreement with LifeBridge Christian Church; and (b) Proposed Development Agreement Pertaining to Vested Property Rights with LifeBridge Christian Church

Attorney Sam Light was available for discussion and comment by telephone conference call. Attorney Sam Light gave an explanation of the executive session procedures, and explained that the executive session is tied to items 9g. and 9h. and gave direction on how the Board of Trustees may proceed. The items could be discussed now or the Board can enter into executive session for discussion, or these can be discussed and the Board may decide to forgo the executive session.

Attorney Kim Casey is present as the representing attorney for the PIRA Agreement for Union.

Trustee Sorensen recused himself from the discussion and executive session at 7:29 p.m.

The Boards decision was to hear from the applicant on the business points and then decide if an executive session is needed.

Attorney Munsey Ayres addressed the Board of Trustees as representative for Lifebridge Church. [7:30 p.m.]

There was discussion regarding the performance agreement, the insertion of the word “tax”, and the release date. Town Planner Bruce Nickerson showed a Power Point presentation. Mr. Bob Beck addressed the Board of Trustees as a consultant for the 4-C Team, talking of the concept plan. There was lengthy discussion. Attorney Ayres stated that they are in agreement with reducing the number of years. Attorney Sam Light told the Board that the direction for tonight is for approval of the issues related to 9g. and 9h. and asked if the Board had any further questions. There were no further questions from the Board.

Mayor Auer asked if it was the pleasure of the Board to enter into executive session. Trustee Morgan stated that she would like to have an executive session. The Board agreed.

Public Comment

There was no public comment.

Attorney Sam Light noted for the record that the executive session was for Purpose of Determining Positions Relative to Matters Subject to Negotiation, Developing Strategy for Negotiations and Instructing Negotiators, with reference to (a) Proposed Public Improvements Reimbursement Agreement with LifeBridge Christian Church; and (b) Proposed Development Agreement Pertaining to Vested Property Rights with LifeBridge Christian Church.

Trustee Morgan moved and Trustee Thomas seconded, to enter into executive session for Purpose of Determining Positions Relative to Matters Subject to Negotiation, Developing Strategy for Negotiations and Instructing Negotiators, with reference to (a) Proposed Public Improvements Reimbursement Agreement with LifeBridge Christian Church; and (b) Proposed Development Agreement Pertaining to Vested Property Rights with LifeBridge Christian Church. The motion carried 4-Yea; 1-Nay. Trustee Holcomb voted Nay, and Trustee Sorensen recused himself from the executive session due to his involvement with Lifebridge Church. [8:30 p.m.]

The Board came out of executive session at 9:50 p.m.

The Board of Trustees reconvened in open session at 9:55 p.m.

The persons in attendance were Attorney Sam Light, Attorney Kim Casey, Town Manager Cheri Andersen, Director of Operations Wes LaVanchy, Town Planner Bruce Nickerson, Town Engineer Dave Lindsay, Trustees Walb, Holcomb, Walsh, Thomas, Morgan and Mayor Auer.

Attorney Sam Light stated that the executive session for Lifebridge Christian Church was concluded and there was discussion regarding items 9g. and 9h. on the PIRA investing agreement with Lifebridge Christian Church. The word “tax” can be removed, delete Exhibit C, they can move with the changes in accordance with the percentage amounts, leave “pumpkin” in the version, 10 year will run with the PIRA, the language to remain is 50,000 square ft., no minimum requirement in PIRA, terms are 10-10-20, and no single users.

Attorney Munsey Ayes agreed to all statements made by Attorney Light.

There was discussion by the Board of Trustees as to why this is being adopted as an emergency ordinance.

Ordinance No. 713

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, APPROVING A PUBLIC IMPROVEMENTS REIMBURSEMENT AGREEMENT WITH LIFEBRIDGE CHRISTIAN CHURCH, AUTHORIZING EXECUTION OF SUCH AGREEMENT

Trustee Holcomb moved to adopt Ordinance No. 713 as a non-emergency ordinance and striking “emergency” from the beginning and end of the ordinance. Roll call vote was taken. Motion failed for lack of a second.

Trustee Morgan moved to adopt Ordinance No. 713 as an emergency ordinance. Trustee Walsh seconded the motion. Roll call vote was taken. 4-Yea; 1-Nay. Trustee Holcomb voted Nay; Trustee Sorensen was recused. Motion failed due to not having a 2/3 vote of the entire Board or Trustees.

Trustee Morgan moved to place the motion back on the table to reconsider the motion as an emergency ordinance. Roll call vote was taken. 5-Yea; 0-Nay. Motion carried unanimously. The motion is back on the table for reconsideration.

Trustee Holcomb moved to adopt Ordinance No. 713 as a non-emergency ordinance and striking “emergency” from the beginning and end of the ordinance. Roll call vote was taken. Motion failed for lack of a second.

Trustee Thomas moved to adopt Ordinance No. 713 as a non-emergency ordinance and striking “emergency” from the beginning and end of the ordinance. Trustee Morgan seconded. Roll call vote was taken. 5-Yea; 0-Nay. Motion carried unanimously.

Ordinance No. 714

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO APPROVING A DEVELOPMENT AGREEMENT PERTAINING TO VESTED PROPERTY RIGHTS WITH LIFE BRIDGE CHURCH PURSUANT TO ARTICLE 68 OF TITLE 24, C.R.S., AND AUTHORIZING EXECUTION OF SUCH AGREEMENT

Trustee Thomas moved and Trustee Morgan seconded, to adopt Ordinance No. 714. Roll call vote was taken. 5-Yea; 0-Nay. Motion carried unanimously.

Trustee Sorensen returned to the regular meeting at 10:45 p.m.

ACTION ITEMS

AGREEMENT WITH FREDERICK-FIRESTONE FIRE PROTECTION DISTRICT FOR PLACEMENT OF AED DEVICE

Trustee Walb moved and Trustee Sorensen seconded, to approve the AED Agreement. Roll call vote was taken. 6-Yea; 0-Nay. Motion carried unanimously.

ANNUAL CBT LEASE AUTHORIZATION

Trustee Thomas moved and Trustee Morgan seconded, to approve the annual CBT Lease. Roll call vote was taken. 6-Yea; 0-Nay. Motion carried unanimously. There was a friendly amendment authorizing the Finance Director to proceed with the sale of the CBT units. Friendly Amendment accepted by Trustees Thomas and Morgan.

PINE CONE-SABLE AVENUE WATER LINE CONSTRUCTION CHANGE ORDER NO. 1

Trustee Morgan moved and Trustee Walb seconded, to approve the Pine Cone-Sable Avenue water line construction change order No. 1 in the amount not to exceed \$184,673.76. Roll call vote was taken. 6-Yea; 0-Nay. Motion carried unanimously.

PINE CONE-SABLE AVENUE WATER LINE CONSTRUCTION PAY APPLICATION NO. 1

Trustee Morgan moved and Trustee Walb seconded, to approve the Pine Cone –Sable Avenue water line construction pay application No. 1 in the amount not to exceed \$158,788.60. Roll call vote was taken. 6-Yea; 0-Nay. Motion carried unanimously.

FIRESTONE BOULEVARD-COLORADO BOULEVARD PAY APPLICATION NO. 1

Trustee Thomas moved and Trustee Sorensen seconded, to approve the Firestone Boulevard-Colorado Boulevard pay application No. 1. not to exceed \$56,264.01, to CCG. Roll call vote was taken. 6-Yea; 0-Nay. Motion carried unanimously.

SHERILYN CIRCLE & FIRST STREET CHANGE ORDER NO. 1

Trustee Sorensen moved and Trustee Walsh seconded, to approve the expenditure, not to exceed \$197,571.15, for the Sherilyn Circle and First Street change order No. 1 to CCG. Roll call vote was taken. 6-Yea; 0-Nay. Motion carried unanimously.

SHERILYN CIRCLE & FIRST STREET CHANGE ORDER NO. 2

Trustee Sorensen moved and Trustee Thomas seconded, to approve the expenditure, not to exceed \$197,768.15, for the Sherilyn Circle and First Street change order No. 2 payable to CCG. Roll call vote was taken. 6-Yea; 0-Nay. Motion carried unanimously.

SHERILYN CIRCLE & FIRST STREET PAY APPLICATION NO. 1

Trustee Thomas moved and Trustee Morgan seconded, to approve the expenditure, not to exceed \$7,198.00, for the contract to purchase 203 trees from Boulder County. Roll call vote was taken. 6-Yea; 0-Nay. Motion carried unanimously.

FIRESTONE ANNEXATION NO. 8 SUBSTANTIAL COMPLIANCE RESOLUTION

Resolution No. 09-13

A RESOLUTION FINDING SUBSTANTIAL COMPLIANCE FOR AN ANNEXATION PETITION FILED WITH THE TOWN OF FIRESTONE, COLORADO, KNOWN AS THE FIRESTONE EIGHTH (8TH) ANNEXATION TO THE TOWN OF FIRESTONE, AND SETTING A PUBLIC HEARING THEREON

Trustee Thomas moved and Trustee Morgan seconded, to adopt Resolution No. 09-13. Roll call vote was taken. 6-Yea; 0-Nay. Motion carried unanimously.

DISCUSSION

Director of Operations Wes LaVanchy recommended moving discussion items a. through d. to the next Board of Trustees Meeting on May 28, 2009. The Board agreed. Items a through d from the 5/14/09 agenda will be heard at the 5/28/09 meeting.

NETWORK STORAGE EXPANSION

Finance Director Carl Nelson addressed the Board of Trustees stating that the Police Department has purchased in-car videos and there is a large amount of information stored, making it necessary for network storage expansion. This storage expansion will cost approximately \$16,000 and will benefit the Town for the next four to six years. Trustee Walb and Thomas asked to see the specs for this expansion.

CITIZEN PARTICIPATION

There was no citizen participation.

STAFF REPORTS

Mayor Auer stated that Staff Reports were reported electronically.

BOARD REPORTS

Trustee Sorensen (1) talked about County Roads 24 & 19 and the possibility of putting photo-cameras on the stop signs instead of warning lights, to correct driving habits (2) would like to discuss at a Work Session senior citizens receiving one-half off of cab fair (3) reported that he attended the retirement party for Randy Zila of the St. Vrain School District.

Mayor Chad Auer (1) reported that he will be at Frederick High School defending the Towns budget on May 15, 2009.

ADJOURNMENT

There being no further business to come before the Board of Trustees, Trustee Morgan moved and Trustee Holcomb seconded, to adjourn the meeting. The meeting adjourned at 11:12 p.m.

TOWN OF FIRESTONE, COLORADO

Chad Auer, Mayor

ATTEST:

Judy L. Hegwood, Town Clerk, CMC

READ AND APPROVED THIS _____ DAY OF _____, 2009.