

## Minutes

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

**June 10, 2010**

**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 Pro Tem Paul Sornesen 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>Absent: Excused.</i>
<i>Mayor Pro-tem:</i>	<i>Paul Sorensen</i>	
<i>Trustees:</i>	<i>Jennifer Weinberger</i>	
	<i>Matt Holcomb</i>	
	<i>Darrell Walsh</i>	<i>Absent: Excused</i>
	<i>Bobbi Sindelar</i>	
	<i>Kelly Morgan</i>	

*Also present were:*

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

### **PLEDGE OF ALLEGIANCE**

All rose for Pledge of Allegiance to the flag.

### **APPROVAL OF AGENDA**

Mayor Pro Tem Sorensen called for additions, deletions or changes to the agenda. Town Manager Wes LaVanchy asked that item 10a be removed and placed on the June 17, 2010 Special Meeting agenda. Trustee Holcomb moved and Trustee Weinberger seconded, to approve the agenda, as amended. Voice vote taken. Motion carried 5-Yea; 0-Nay.

### **PRESENTATIONS**

#### **United Power Update**

Mr. Troy Whitmore, representative of United Power, gave an update on the United Power Operations.

#### **Joe Baker – CML Executive Board Letter of Endorsement**

Mr. Joe Baker addressed the Board of Trustees thanking them for their support and letter of endorsement for his candidacy to the CML Executive Board.

### **CITIZEN PARTICIPATION**

There was participation from the following citizens:

1. Mr. Nathan Garcia – Backyard Chickens.
2. Mr. Larry Irman – Goats in Booth Farms subdivision.

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## APPROVAL OF CONSENT AGENDA

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- a. *Approval of June 2010 Accounts Payable*
- b. *Approval of Minutes – May 27, 2010 Regular Meeting*
- c. *Fire District Exclusion-Inclusion of Roadways*

Trustee Morgan moved and Trustee Weinberger seconded, to approve the consent agenda, as submitted. Roll call vote was taken. Motion carried 5-Yea; 0-Nay.

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## LIQUOR LICENSING AUTHORITY

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### **American Legion Special Events Permit**

Trustee Holcomb recused himself from the public hearing due to conflict of interest, disclosing that he has interest in a liquor store license with the Town. He left the room.

Town Clerk Judy Hegwood stated that this is an application for a beer garden at the American Legion on the fourth of July, and that the Town of Firestone hosts the event.

Trustee Sindelar moved and Trustee Morgan seconded, to approve the Special Events Permit for the American Legion on the fourth of July. Voice vote was taken. Motion carried 4-Yea; 0-Nay. Trustee Holcomb was recused.

Trustee Holcomb returned to the meeting.

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## PUBLIC HEARINGS

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### **Proposed Amendments to the Town of Firestone Subdivision and Zoning Ordinance and Regulations, to Adopt New Provisions and Revise Existing Requirements for Certain Land Use Application Processes, Allowed Uses, including Temporary Use Permits; and Standards and Criteria to be Applied**

(continued from 5/27/10)

Mayor Pro Tem Sorensen opened the continued public hearing at 7:40 p.m.

Town Planner Bruce Nickerson asked that this public hearing be continued until June 17, 2010.

Trustee Morgan moved and Trustee Sindelar seconded, to continue the public hearing until June 17, 2010. Voice vote was taken. Motion carried 5-Yea; 0-Nay.

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## ACTION ITEMS

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### **An Ordinance to Extend the Temporary Moratorium on Medical Marijuana Dispensaries and Other Medical Marijuana Operations within the Town of Firestone**

Attorney Sam Light explained that after July 1, 2011 a State license for a dispensary will be required. Attorney Sam Light asked the Board for direction and stated that if the Town does its own regulations, adopting a licensing program should be put in place. If the Board so desires, there can be a vote from the governing body or a ballot question and a vote of the people, not to allow medical marijuana dispensaries, with the need to recognize caregivers and medical need. If the Town does not have the regulations completed by July 11, 2011, then the Town would have to use the State's regulations. The Board agreed to have a work session on July 15, 2010, to discuss the medical marijuana subject. Discussion. The Board agreed to continue the Town Moratorium until July 1, 2011. Attorney Sam Light read the Title of Ordinance No. 750.

#### **Ordinance No. 750**

AN ORDINANCE OF THE TOWN OF FIRESTONE EXTENDING THE TEMPORARY MORTORIUM ON THE ACCEPTANCE, PROCESSING, OR ISSUANCE OF APPLICATIONS OR REQUESTS FOR BUINESS LICENSES, BUILDING PERMITS, CERTIFICATES OF OCCUPANCY FOR MEDIACL MARIJUANA DISPENSARIES

Trustee Morgan moved and Trustee Weinberger seconded, to adopt Ordinance No. 750. Roll call vote was taken. Motion carried 5-Yea; 0-Nay.

**An Ordinance Repealing and Reenacting Chapter 12.32 of the Firestone Municipal Code Concerning Parks and Recreation Facilities**

Town Planner Bruce Nickerson addressed the Board stating that the regulations regulate typical acts in Parks. He said that the Parks and Trails Advisory Board gave their recommendation for approval.

**Ordinance No. 751**

AN ORDINANCE REPEALING AND REENACTING CHAPTER 12.32 OF THE FIRESTONE MUNICIPAL CODE CONCERNING PARKS AND RECREATION FACILITES

Trustee Sindelar moved and Trustee Morgan seconded, to adopt Ordinance No. 751. Roll call vote was taken. Motion carried 5-Yea; 0-Nay.

**Emergency Ordinance Authorizing Issuance of Temporary Permits Prohibited Animals – Potential Allowance of Goats for Weed Control, etc.**

Attorney Sam Light stated that the draft ordinance adds a provision to the code that adds sheep as well as goats, a change to the fence ordinance allowing a temporary electric wire fence, and anyone asking for a permit would have to go through the Town Managers office for approval of the Permit.

Trustee Holcomb said he likes the concept for nuisances and Trustee Morgan said this would let the HOA’s mitigate with the residents in their subdivision.

Attorney Sam Light read the title of Ordinance No. 752 as an emergency ordinance.

**Ordinance No. 752**

AN EMERGENCY ORDINANCE AMENDING SECTIONS 6.12.010 AND 6.12.070 OF THE FIRESTONE MUNICIPAL CODE TO AUTHORIZE THE TWON MANAGER TO ISSUE TEMPORARY PERMITS FOR USE OF GOATS AND SHEEP FOR WEED AND PEST CONTROL PURPOSES AND AMENDING SECTION 15.40.010 OF THE FIRESTONE MUNICIPAL CODE TO AUTHORIZE THE USE OF TEMPORARY ELECTRICALLY CHARGED FENCES IN CONJUNJUNCTION WITH PERMITS

Trustee Holcomb moved and Trustee Weinberger seconded, to adopt Ordinance No. 752, as an emergency ordinance. Roll call vote was taken. Motion denied. 4-Yea; 1-Nay. Trustee Morgan voted Nay, due to the ordinance being an emergency ordinance.

**Ordinance No, 752**

AN ORDINANCE AMENDING SECTIONS 6.12.010 AND 6.12.070 OF THE FIRESTONE MUNICIPAL CODE TO AUTHORIZE THE TWON MANAGER TO ISSUE TEMPORARY PERMITS FOR USE OF GOATS AND SHEEP FOR WEED AND PEST CONTROL PURPOSES AND AMENDING SECTION 15.40.010 OF THE FIRESTONE MUNICIPAL CODE TO AUTHORIZE THE USE OF TEMPORARY ELECTRICALLY CHARGED FENCES IN CONJUNJUNCTION WITH PERMITS

Friendly amendment to reconsider as non-emergency ordinance. Trustee Holcomb accepted the friendly amendment for this to be a non-emergency ordinance.

Trustee Holcomb moved and Trustee Weinberger seconded, to reconsider the motion and to adopt Ordinance No. 752, as a non-emergency ordinance. Roll call vote was taken. Motion carried 5-Yea; 0-Nay.

**DISCUSSION**

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**Additional Municipal Court Session and Associate Judge Appointment – Discussion and Recommendations**

This item was moved to the July 8, 2010 meeting agenda.

## **Prohibited Animals/Domestic Hens – Follow-Up Discussion**

Town Planner Bruce Nickerson stated that the City of Longmont has not had any issues with their program. They allow between two and four chickens and no roosters. Trustee Morgan asked about HOA's having to approve chickens and Planner Nickerson said that the HOA can say "No". Mr. Nathan Garcia stated that Longmont has a "no slaughtering" clause in their regulations for chickens. The Board agreed to have a discussion regarding chickens on July 8, 2010.

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## **CITIZEN PARTICIPATION**

There was audience participation from the following:

1. Nathan Garcia – Mr. Garcia stated that the City of Longmont has all of the written language in their regulations for chickens, baby chicks, chicken coups, and the permitting process.

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## **EXECUTIVE SESSION**

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### **Executive Session – Pursuant to C.R.S. § 24-6-402(4)(b) – Conference with Town Attorney for Legal Advice Regarding Pending Litigation: Annexation Litigation with City of Longmont; and (b) Pursuant to C.R.S. § 24-6 402(4)(e) for Discussion of Negotiation Positions/Strategy/Instructions: Potential Annexation and Tax Incentive Agreements for Flatirons Inc. Property on I-25 Frontage Road**

Attorney Sam Light stated that Staff has requested an executive session and noted for the record that the executive session is Pursuant to C.R.S. § 24-6-402 (4)(b) for Conference with Town Attorney for Legal Advice Regarding Pending Litigation: Annexation Litigation with City of Longmont, and to update on the case and give negotiation strategy.

Trustee Sindelar moved and Trustee Weinberger seconded, to enter into executive session for Conference with Town Attorney for Legal Advice Regarding Pending Litigation: Annexation Litigation with City of Longmont, and to receive update and negotiation strategy from town attorney. Roll call vote was taken. Motion carried 5-Yea; 0-Nay. [8:39 p.m.] The Board of Trustees reconvened in open session at 9:39 p.m.

The persons in attendance were Attorney Sam Light, Town Manager Wesley LaVanchy, Town Planner Bruce Nickerson, Town Engineer Dave Lindsay, Trustees Weinberger, Holcomb, Walsh, Sindelar, Sorensen, Morgan, and Mayor Auer.

Attorney Sam Light stated that the executive session was concluded on Legal Advice Regarding Pending Litigation: Annexation Litigation with City of Longmont and direction was given by the Board of Trustees.

Attorney Light further stated that beyond receiving direction on litigation strategy, the Board made a motion at the May 27, 2010 meeting to authorize the Mayor, Manager, Mayor Pro Tem, and Town Attorney to finalize and execute, on behalf of the Town, documents for resolution of the pending litigation if the same could be achieved consistent with direction discussed in Executive Session. No further action is needed this evening, and he will let the Board know if so forthwith and will keep the Board advised up to the minute until the June 17, 2010 meeting.

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## **STAFF REPORTS**

Town Manager Wes LaVanchy (1) Talked about Proposition 101 by the North Metro Chamber (2) reported that Butch Walb is being asked to be the Parade Marshall in July 4 Firestone Parade. (3) reported that he and Engineer Dave Lindsay have had discussions with Central Weld County Water District.

Town Engineer Dave Lindsay (1) reported that he has been working with LG Everitt and LG wants to re-negotiate. He is asking Weld County to ask LG Everitt to add WCR 26 to the agreement.

Town Planner Bruce Nickerson (1) reported that the town now has an internal calendar on the web site.

## BOARD REPORTS

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Trustee Holcomb (1) talked about the Joint Meeting with the Tri-towns and the number of mines in the area. Engineer Dave Lindsay stated that the town has the mapping for all of the mines in the area, and these maps were done by the State.

Trustee Morgan (1) reported that she has talked to Mr. Larry Burkhart, with Upstate Colorado, and she will be joining the Marketing Committee. Her first meeting is at the end of the month. The Board had no objections to Trustee Morgan being on this committee.

Trustee Sorensen (1) reported that he would be helping Habitat for Humanity in Longmont on Saturday, June 12, 2010. Trustee Sindelar said she also wanted to help.

## ADJOURNMENT

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There being no further business to come before the Board of Trustees, Trustee Holcomb moved and Trustee Morgan seconded, to adjourn the meeting. Motion carried. The meeting adjourned at 9:57 p.m.

TOWN OF FIRESTONE, COLORADO

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Paul Sorensen, Mayor Pro Tem

ATTEST:

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Judy L. Hegwood, Town Clerk, CMC

READ AND APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2010.