

Minutes

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

June 11, 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>(absent/excused)</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>	

Also present were:

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 Ditmon, Public Communications Coordinator
Carl Nelson, Finance Director

PLEDGE OF ALLEGIANCE

All rose for Pledge of Allegiance to the flag.

PRESENTATIONS

There were no presentations.

CITIZEN PARTICIPATION

There was no audience participation.

APPROVAL OF AGENDA

Mayor Pro-tem Thomas called for additions, deletions or changes to the agenda. Appointment of Planning Commission member was added as item 9K. Trustee Sorensen moved and Trustee Morgan seconded, to approve the agenda, as amended. Voice vote taken. Motion carried.

APPROVAL OF CONSENT AGENDA

- a. Approval of June 2009 Accounts Payable*
- b. Approval of Minutes – May 28, 2009 Regular Meeting*

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

LIQUOR LICENSING AUTHORITY

AMERICAN LEGION SPECIAL EVENTS PERMIT

Trustee Holcomb recused himself due to owning a liquor establishment in the Town of Firestone, Colorado.

Trustee Walb moved and Trustee Walsh seconded, to approve the Special Events Permit for the American Legion Post 1985 for the fourth of July. Roll call vote was taken. Motion carried 5-Yea; 0-Nay. Trustee Holcomb was recused.

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 June 25, 2009.

Trustee Sorensen moved and Trustee Morgan seconded, to continue the public hearing for the development regulations until June 25, 2009. Voice vote was taken. Motion carried unanimously.

KERR MCGEE OIL AND GAS ONSHORE LP, AN ANADARKO COMPANY FOR APPROVAL OF SPECIAL USE PERMITS TO LOCATE SEVEN OIL AND GAS WELLS WITHIN THE TOWN, REFERRED TO AS THE PROPOSED VARRA 10-2, VARRA 14-2, VARRA 15-2, VARRA 20-2, VARRA 35-2, AAND VARRA 37-2 WELLS

Town Planner Bruce Nickerson stated that this Public Hearing has been vacated.

Trustee Sorensen moved and Trustee Walsh seconded, to vacate this public hearing. Roll call vote was taken. Motion carried unanimously.

ACTION ITEMS

FOURTH AT FIRESTONE AMUSEMENT EVENT LICENSE

Town Planner Bruce Nickerson said the location for this event will be on the property just west of the Town Hall and is geared towards children the ages of twelve and under, with small rides and games.

Resolution No. 09-18

A RESOLUTION APPROVING AN AMUSEMENT LICENSE FOR SHUBERT SHOWS, INC. TO OPERATE A CARNIVAL ON LOT 3 OF THE FIRESTONE SAFEWAY SUBDIVISION FROM JULY 3 TO 5, 2009

Trustee Holcomb moved and Trustee Sorensen seconded, to adopt Resolution NO. 09-18. Roll call vote was taken. 5-Yea; 1-Nay. Motion carried. Trustee Morgan voted Nay.

FIRESTONE BOULEVARD WATER LINE CONSTRUCTION CONTRACT

Trustee Walb moved and Trustee Holcomb seconded, to approve the expenditure, not to exceed \$255,573.56 payable to GLH Construction for the Firestone Boulevard water line construction contract, and authorizing the Mayor Pro-tem to sign. Roll call vote was taken. 6-Yea; 0-Nay. Motion carried unanimously.

FIRESTONE BOULEVARD WATER LINE CONSTRUCTION ENGINEERING CONTRACT

Trustee Sorensen moved and Trustee Walb seconded, to approve the expenditure, not to exceed \$25,000.00 payable to Colorado Civil Group for the Firestone Boulevard water line construction engineering contract, and authorizing the Mayor Pro-tem to sign. Roll call vote was taken. 6-Yea; 0-Nay. Motion carried unanimously.

FIRESTONE BOULEVARD WATER LINE MATERIALS TESTING SERVICES CONTRACT

Trustee Sorensen moved and Trustee Walb seconded, to approve the expenditure, not to exceed \$3,195.00 to Terracon for the Firestone Boulevard water line materials testing services contract, and authorizing the Mayor Pro-tem to sign. Roll call vote was taken. 6-Yea; 0-Nay. Motion carried unanimously.

GODDING HOLLOW/TRI-TOWN BASIN OUTFALL DESIGN

Trustee Holcomb moved and Trustee Walsh seconded, to approve the expenditure, not to exceed \$86,400.00 payable to Colorado Civil Group for the Godding Hollow/Tri-Town Basin outfall design, and authorizing the Mayor Pro-tem to sign. Roll call vote was taken. 6-Yea; 0-Nay. Motion carried unanimously.

SHERILYN CIRCLE & FIRST STREET CHANGE ORDER NO. 3

Trustee Sorensen moved and Trustee Morgan seconded, to approve the expenditure, not to exceed \$8,790.02 payable to GLH Construction for the Sherilyn Circle & First Street change order No. 3, and authorizing the Mayor Pro-tem to sign. Roll call vote was taken. 6-Yea; 0-Nay. Motion carried unanimously.

SHERILYN CIRCLE & FIRST STREET CHANGE ORDER NO. 4

Trustee Morgan moved and Trustee Sorensen seconded, to approve the expenditure, not to exceed \$000,000.00 payable to Colorado Civil Group, Inc. for the Sherilyn Circle and First Street change order No. 4, and authorizing the Mayor Pro-tem to sign. Roll call vote was taken. 6-Yea; 0-Nay. Motion carried unanimously.

SHERILYN CIRCLE & FIRST STREET PAY APPLICATION NO. 2

Trustee Morgan moved and Trustee Holcomb seconded, to approve the expenditure, not to exceed \$147,680.68 payable to GLH Construction for the Sherilyn Circle & First Street Pay application No. 2, and authorizing the Mayor Pro-tem to sign. Roll call vote was taken. 6-Yea; 0-Nay. Motion carried unanimously.

PINE CONE-SABLE AVENUE WATER LINE CONSTRUCTION CHANGE ORDER NO. 2

Trustee Sorensen moved and Trustee Morgan seconded, to approve the expenditure, not to exceed \$352.96 payable to GLH Construction for the Pine Cone-Sable Avenue water line construction change order No. 2 and authorizing the Mayor Pro-tem to sign. Roll call vote was taken. 6-Yea; 0-Nay. Motion carried unanimously.

PINE CONE-SABLE AVENUE WATER LINE CONSTRUCTION PAY APPLICATION NO. 2

Trustee Sorensen moved and Trustee Morgan seconded, to approve the expenditure, not to exceed \$7,100.12 payable to GLH Construction for the Pine Cone-Sable Avenue water line construction pay application No. 2 and authorizing the Mayor Pro-tem to sign. Roll call vote was taken. 6-Yea; 0-Nay. Motion carried unanimously.

FIRESTONE BOULEVARD-COLORADO BOULEVARD INTERSECTION IMPROVEMENTS CONSTRUCTION PROJECT UNITED POWER WORK ORDER (STREET LIGHTS)

Trustee Holcomb moved and Trustee Walsh seconded, to approve the expenditure, not to exceed \$88,374.00 payable to United Power for the Firestone Boulevard-Colorado Boulevard intersection improvements construction

project work order for street lights, and authorizing the Mayor Pro-tem to sign. Roll call vote was taken. 6-Yea; 0-Nay. Motion carried unanimously.

FIRESTONE BOULEVARD-COLORADO BOULEVARD INTERSECTION IMPROVEMENTS CONSTRUCTION PROJECT PAYMENT APPLICATION No. 2

Trustee Holcomb moved and Trustee Walsh seconded, to approve the expenditure, not to exceed \$316,623.98 payable to Colorado Civil Group, Inc. for the Firestone Boulevard-Colorado Boulevard intersection improvements construction project payment application No. 2 and authorizing the Mayor Pro-tem to sign. Roll call vote was taken. 6-Yea; 0-Nay. Motion carried unanimously.

FIRESTONE ADMINISTRATION BUILDING PROPOSAL FOR PROFESSIONAL A/E CONSULTING SERVICES RECOMMENDED SHORT LIST FOR INTERVIEWS

Town Engineer Dave Lindsay of Colorado Civil Group, Inc. stated that seven firms submitted proposals and also that Fire Chief Ted Poszywak was on the selection team and did a tremendous amount of work on the process and stated that he was a great help. Discussion. The Board of Trustees agreed to the recommendation to hear from two firms for the Administration Building Proposals. The firms will be heard on the 23rd day of June, each at separate time slots. Voice vote was taken. 6-Yea; 0-Nay. Motion carried unanimously.

APPOINTMENT OF PLANNING COMMISSION MEMBER – KELLY DIETMAN

Trustee Sorensen moved and Trustee Walb seconded, to confirm the Planning Commission appointment made by Mayor Auer, for Ms. Kelly Deitman to be on the Planning Commission for the remainder of Susan Chamberlain's term, beginning June 17, 2009 and ending in September 2012. Voice vote was taken. 6-Yea; 0-Nay. Motion carried unanimously.

DISCUSSION

There was no discussion.

CITIZEN PARTICIPATION

There was no citizen participation.

STAFF REPORTS

Mayor Pro-tem Thomas stated that Staff Reports were reported electronically.

EXECUTIVE SESSION

Executive session (a) pursuant to C.R.S. § 24-6-402(4)(b) for a conference with the Town attorney for the purpose of receiving legal advice on specific legal questions – annexation litigation/dispute with City of Longmont; and (b) pursuant to C.R.S. § 24-6-402(4)(e) for the purpose developing positions and strategy regarding matters subject to negotiation and instructing negotiators – Firelight Park – Public Improvements Reimbursement Agreement and Development Agreement Pertaining to Vested Property Rights

Trustee Morgan moved and Trustee Thomas seconded, to enter into executive session (a) pursuant to C.R.S. § 24-6-402(4)(b) for a conference with the Town attorney for the purpose of receiving legal advice on specific legal questions – annexation litigation/dispute with City of Longmont; and (b) pursuant to C.R.S. § 24-6-402(4)(e) for the purpose developing positions and strategy regarding matters subject to negotiation and instructing negotiators – Firelight Park – Public Improvements Reimbursement Agreement and Development Agreement Pertaining to Vested Property Rights. The motion carried 6-Yea; 0-Nay. Trustee Sorensen recused himself from the first portion of the executive session due to his involvement with Lifebridge Church, and he will attend the second portion when called upon. [8:30 p.m.]

Attorney Sam Light gave an explanation of the executive session procedures, and read the title of the executive session. The first portion of the executive session was over at 8:54 p.m.

Trustee Sorensen returned to the regular meeting and entered into the second portion of the executive session at 8:55 p.m. (b) pursuant to C.R.S. § 24-6-402(4)(e) for the purpose developing positions and strategy regarding matters subject to negotiation and instructing negotiators – Firelight Park – Public Improvements Reimbursement Agreement and Development Agreement Pertaining to Vested Property Rights.

Trustee Walb left the executive session and the remainder of the Board Meeting at 8:58 p.m.

The Board of Trustees reconvened in open session at 9:10 p.m.

The persons in attendance were Attorney Sam Light, Director of Operations Wes LaVanchy, Town Planner Bruce Nickerson, Town Engineer Dave Lindsay, Trustees Walb (attended the executive session from 8:30 to 8:58 p.m.), Holcomb, Walsh, Thomas, Morgan, and Sorensen (attended the second portion only from 8:55 to 9:10 p.m.).

Attorney Sam Light stated that the Board of Trustees has given direction to the staff to proceed with the Firelight PIRA.

BOARD REPORTS

Trustee Sorensen (1) reported that he attended the Habitat for Humanity house building in the City of Dacono and said that the house should be complete in July 2009. (2) stated that the Grand Opening for Home Depot was great!

ADJOURNMENT

There being no further business to come before the Board of Trustees, Trustee Morgan moved and Trustee Sorensen seconded, to adjourn the meeting. The meeting adjourned at 9:24 p.m. The Motion carried 5-Yea; 0-Nay. Trustee Walb was absent/excused.

TOWN OF FIRESTONE, COLORADO

Charlie Thomas, Mayor Pro-tem

ATTEST:

Judy L. Hegwood, Town Clerk, CMC

READ AND APPROVED THIS _____ DAY OF _____, 2009.