

Minutes

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

April 22, 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 Chad Auer called the meeting to order at 7:30 p.m. Roll call was taken with the following persons present:

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| <i>Mayor:</i> | <i>Chad Auer</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>Bobbi Sindelar</i> |
| | <i>Kelly Morgan</i> |

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| <i>Also present were:</i> | <i>Wes LaVanchy, Town Manager</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>Ron Lay, 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. Town Manager Wes LaVanchy asked that 9b be moved to 8d; add Arbor Day Proclamation and Odyssey of the Mind, under Presentations. Trustee Sorensen moved and Trustee Holcomb seconded, to approve the agenda, as submitted, with the recommended changes. Voice vote was taken. Motion carried.

PRESENTATIONS

FFFPD Quarterly Report

Fire Chief Ted Pozywak gave the first quarter report for the Frederick Firestone Fire Protection District.

Home Depot Community Grant

Trustee Sorensen stated that Home Depot is donating a \$4,000 Grant to the Town of Firestone for the Community Garden project that will open on May 22, 2010.

Arbor Day Proclamation

Mayor Auer read the Arbor Day Proclamation and proclaimed April 22, 2010 as Arbor Day. Trustee Sorensen stated that the Town of Firestone was presented with a plaque for Tree City USA

Odyssey of the Mind

Students of Odyssey of the Mind came before the Mayor and Board of Trustees asking for a donation for their international educational program that provides creative problem-solving opportunities for students from kindergarten through college.

CITIZEN PARTICIPATION

There was no audience participation.

APPROVAL OF CONSENT AGENDA

- a. *Approval of March 2010 Financials*
- b. *Approval of April 2010 Accounts Payable*
- c. *Approval of Minutes – April 8, 2010 Regular Meeting*

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

PUBLIC HEARINGS

WELD COUNTY ROAD 26 ANNEXATION NO. 1 THROUGH NO. 4 – APPROVAL OF RESOLUTION FOR ELIGIBILITY OF ANNEXATION, APPROVAL OF ANNEXATION AGREEMENT, ORDINANCE APPROVING ANNEXATION, ORDINANCE APPROVING ZONING AND APPROVAL OF ASSIGNMENTS OF ROAD MAINTENANCE AGREEMENTS – (CONTINUED PH FROM 4/8/10)

The WCR 26 annexation No. 1 – No. 4 is to accommodate the secondary haul route from the planned Heintzelman Pit gravel operation. It was necessary to annex a portion of WCR 26 between Colorado Blvd. and WCR 15, as this is not a part of a flagpole annexation, and the landowner is Weld County. Varra Companies was required to prepare annexation maps as part of their Heintzelman Pit annexation conditional approvals, and at a public meeting on February 22, 2010, the Weld County Commissioners approved an annexation petition and annexation agreement for this application to the Town.

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

Town Engineer Dave Lindsay introduced the annexation of WCR 26, showing a Power Point of the location and stating that the Town of Firestone will control WCR 13 and WCR 19 after annexation.

Town Planner Bruce Nickerson stated that the Planning and Zoning Commission recommended approval of the annexation and zoning of WCR 26.

Public Comment

There was no public comment.

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

Board Comment

There was no Board comment. Attorney Sam Light read the title of the eligibility for annexation resolution.

Resolution No. 10-21

A RESOLUTION CONCERNING A PETITION FOR THE ANNEXATION OF PROPERTY TO THE TOWN OF FIRESTONE, COLORADO, KNOWN AS THE WELD COUNTY ROAD 26 ANNEXATION NO. 1 – NO, 4, AND FINDING THE AREA PROPOSED TO BE ANNEXED ELIGIBLE FOR ANNEXATION

Trustee Sorensen moved and Trustee Sindelar seconded, to adopt Resolution No. 10-21. Roll call vote was taken. Motion carried 6-Yea; 0-Nay.

Ordinance No. 743

AN ORDINANCE APPROVING AN ANNEXATION KNOWN AS THE WELD COUNTY ROAD 26 ANNEXATION NO. 1 TO THE TOWN OF FIRESTONE, COLORADO

Trustee Morgan moved and Trustee Weinberger seconded, to adopt Ordinance No. 743. Roll call vote was taken. Motion carried 6-Yea; 0-Nay.

Ordinance No. 744

AN ORDINANCE APPROVING AN ANNEXATION KNOWN AS THE WELD COUNTY ROAD 26 ANNEXATION NO. 2 TO THE TOWN OF FIRESTONE, COLORADO

Trustee Sindelar moved and Trustee Weinberger seconded, to adopt Ordinance No. 744. Roll call vote was taken. Motion carried 6-Yea; 0-Nay.

Ordinance No. 745

AN ORDINANCE APPROVING AN ANNEXATION KNOWN AS THE WELD COUNTY ROAD 26 ANNEXATION NO. 3 TO THE TOWN OF FIRESTONE, COLORADO

Trustee Walsh moved and Trustee Weinberger seconded, to adopt Ordinance No. 745. Roll call vote was taken. Motion carried 6-Yea; 0-Nay.

Ordinance No. 746

AN ORDINANCE APPROVING AN ANNEXATION KNOWN AS THE WELD COUNTY ROAD 26 ANNEXATION NO. 4 TO THE TOWN OF FIRESTONE, COLORADO

Trustee Morgan moved and Trustee Sindelar seconded, to adopt Ordinance No. 746. Roll call vote was taken. Motion carried 6-Yea; 0-Nay.

Ordinance No. 747

AN ORDINANCE ZONING PROPERTY ANNEXED TO THE TOWN OF FIRESTONE AND KNOWN AS WELD COUNTY ROAD 26 ANNEXATION NO. 1 – NO. 4 ANNEXATION

Trustee Holcomb moved and Trustee Sorensen seconded, to adopt Ordinance No. 747. Roll call vote was taken. Motion carried 6-Yea; 0-Nay.

Assignments of Road Maintenance Agreements

Trustee Sindelar moved and Trustee Weinberger seconded, to accept the WCR 26 Maintenance Agreements and authorizing the Mayor to sign. Roll call vote was taken. Motion carried 6-Yea; 0-Nay.

ENCANA OIL & GAS (USA) INC. – APPROVAL OF FOUR SPECIAL USE PERMITS TO LOCATE OIL AND GAS WELLS WITHIN THE TOWN, REFERRED TO AS THE WANDELL 0-6-7, 2-8-7, 4-6-7, AND 6-8-7 WELLS

Encana Oil & Gas (USA) Inc. has submitted Special Use Permits for four oil & gas wells within a portion of the Central Park property.

Mayor Auer opened the public hearing at 7:39 p.m.

Town Planner Bruce Nickerson showed a Power Point Presentation of the location of the wells, stating there are two sets of two wells, each using current access. The Planning and Zoning Commission recommended approval of the wells, and the Town has worked out a procedure with Ms. Cathy Boles, Representative for Encana, regarding noise mitigation, which was not one of the Planning and Zoning Commissions conditions. Frac Tanks will be used for noise between Sable Avenue and the drilling rig.

Applicant

Ms. Cathy Boles was sworn in by Mayor Auer. Ms. Boles addressed the Board of Trustees stating that all wells will be directionally drilled, down approximately 1200 ft. in an S shape. There will be upgrading to the site by adding mud tracking, crushed asphalt to the access road, a wash-out area, the rig will be equipped with mufflers, lights will be directed away from the street, and notice will be mailed to all neighbors, before and after drilling, giving contact information for Encana. Ms. Boles stated that the rig is very fast and will drill in approximately five days and said that Encana is in agreement with the new condition #21, to use Frac Tanks and a tank will be placed on each side of the rig.

Public Comment

There was no public comment.

Mayor Auer closed the public hearing at 7:50 p.m.

Board Comment

Trustee Holcomb remarked that he has never heard a complaint on any well in the town years he has been a Trustee.

Trustee Sindelar asked how often Frac Tanks are used and Ms. Boles answered that Frac Tanks have been used in the last few years, stating that the tanks have water in them to mitigate noise.

Resolution No. 10-22

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

Trustee Holcomb moved and Trustee Morgan seconded, to adopt Resolution No. 10-22. Roll call vote was taken. Motion carried 6-Yea; 0-Nay.

ACTION ITEMS

Adoption of 2010 Potable Water System Master Plan

The Town of Firestone has prepared a Potable Water System Master Plan that updates the 2003 plan currently in use. The update was needed to account for the significant expansion of the Town’s growth area because of the 2008 Firestone Master Plan. Staff is presenting the final draft for consideration by the Board of Trustees for formal adoption as the guiding document for implementation of the plan.

Trustee Morgan moved and Trustee Walsh seconded, to adopt the Final Draft of the Potable Water System Master Plan, as submitted. Roll call vote was taken. Motion carried 6-Yea; 0-Nay.

Adoption of Raw Water Irrigation System Master Plan

The Town of Firestone has prepared a Raw Water Irrigation System Master Plan to aid in the planning and implementation of a system capable of irrigating a number of existing and proposed public parks. By using raw water rights native to the Firestone area, the Town is able to diversify its water portfolio and extend the use of its CBT and NISP supplies for domestic uses. Staff is presenting the final draft for consideration by the Board of Trustees for formal adoption as the guiding document for implementation of the plan.

Trustee Morgan moved and Trustee Weinberger seconded, to approve the Final Draft of the Raw Water Irrigation System Master Plan, as submitted. Roll call vote was taken. Motion carried 6-Yea; 0-Nay.

CBT Water Leasing for 2010

The leasing of CBT water not expected to be used in any given year is a routine action by the Town. Clear Water Solutions analyzed the Town’s available CBT water rights for 2010 and the expected consumption indicates that approximately 1,613 acre-ft. of water is not needed by the Town in 2010.

The recommendation is to lease 1,300 acre-ft. immediately at a starting price of \$40-\$42 per acre-ft., and possibly leasing an additional 313 acre-feet starting in July at a starting price of \$30 per acre-ft. The leasing of water is a temporary transaction for 2010 and does not limit the Town's access to that water in the future. The leasing is done through a standard water lease contract that has been prepared by Light, Kelly & Dawes. If not all of the available water is leased at that price, then additional lessors are contacted and offered the water at a lower rate (approved by the Town Manager) until as much of the available water is leased.

Town Engineer Dave Lindsay stated that Staff would like Board authorization to lease approximately 1,600-acre feet of the Town's CBT water supply not expected to be needed for Town consumption for the 2010 water year.

Trustee Weinberger moved and Trustee Sorensen seconded, to approve of the CBT Water Leasing for 2010. Roll call vote was taken. Motion carried 6-Yea; 0-Nay.

Associate Judge

The Board of Trustees previously gave direction to staff to send out an RFP for an Associate Judge. The Town placed the announcement in several different places and has received twenty-five applications for the position. Town Clerk Judy Hegwood created a spreadsheet with names and qualifications, along with a document showing the position each applicant currently holds. This information was given to the Board of Trustees for review.

Mayor Auer stated that the Associate Judge position was requested in case the current Judge was not present. Town Manager Wes LaVanchy told the Board of Trustees that Staff is looking for direction on how to proceed. Attorney Sam Light stated that by State Statute the Entity might appoint the Assistant or Associate Judge to serve when the presiding Judge is not available. The Associate Judge would have a limited role and gave different options. The salaries of the Judge and Associate Judge, and if another day is added to Court, these would be done by ordinance. Discussion. Attorney Light stated that the Board of Trustees can set up a Committee to go over applications and advised not to have the current Judge, the Chief of Police, or the Town Attorney on the Committee. Discussion.

Mayor Auer stated that Trustee Morgan would be the head of the Committee and Town Manager Wes LaVanchy, Trustee Weinberger, and the Court Clerk would be on the Committee to go over the Associate Judge applications. Mayor Auer said to look at the candidate's applications and to make a recommendation to the Board of Trustees, and Staff will begin the paperwork necessary for the appointments. Attorney Sam Light stated that the appointments, ordinance, and salaries could all be done at the same time.

DISCUSSION

Proposed Revisions to CWCB Floodplain Regulations

The Colorado Water Conservation Board has proposed revisions to the regulations governing floodplains in Colorado. Staff has reviewed the planned revisions and there are some concerns about their impact on Town expenses, area service districts, and private landowners. Staff has prepared a summary of the new regulations and their potential impacts and has drafted a letter to be mailed to CWCB listing the concerns.

Town Engineer Dave Lindsay went over his memo and the draft letter to CWCB stating that the Weld County Commissioners also have concerns and are opposed to the proposed revisions.

4th at Firestone

Town Manager Wes LaVanchy stated that Community Resource Coordinator Pete Ditmon has a draft layout for the 4th at Firestone. Discussion. Coordinator Pete Ditmon said that this year the theme for the 4th at Firestone is "Cowboy Way". There will be large public tents, each having 50 lbs. of weight on each leg, and the parade will line up at Frederick High School at 12:00 (noon) and will begin at 1:00 p.m.

CITIZEN PARTICIPATION

There was no citizen participation.

STAFF REPORTS

Mayor Auer stated that Staff Reports were reported electronically.

Town Manager Wes LaVanchy reported that the at the American Furniture Business Expo the Town will have several tables with lots of information (2) reported that the 5th addendum at the NW corner of I-25 was reviewed by Staff and accepted by John Zadel of Central Weld County Water District (3) reported that the Town has two scholarship candidates (4) reported that May 1st is Clean Up Day beginning at 7:00 a.m.

Town Planner Bruce Nickerson reported that Cathy Boles from Encana is putting together a rig tour (2) reported that he and Town Manager Wes LaVanchy had a meeting with the Weld County Commissioners and went over the Coordinated Planning Agreement, and it looks positive for the Town.

BOARD REPORTS

Trustee Holcomb reported that he will not be at the May 13, 2010 Board of Trustees meeting.

Trustee Walsh reported that he attended the Parks and Trails Advisory Board meeting and it was very interesting (2) reported that the “Red Hat” seniors and their husbands went to “Hooter” for lunch today.

Mayor Auer reported that recommendations and appointments will be made for the open Planning and Zoning Commission seats at the May 13, 2010 Board of Trustees meeting.

ADJOURNMENT

There being no further business to come before the Board of Trustees, Trustee Walsh moved and Trustee Morgan seconded, to adjourn the meeting. Motion carried. The meeting adjourned at 8:43 p.m.

TOWN OF FIRESTONE, COLORADO

ATTEST:

Chad Auer, Mayor

Judy L. Hegwood, Town Clerk, CMC

READ AND APPROVED THIS _____ DAY OF _____, 2010.