

Minutes

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

July 23, 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:

Mayor: *Chad Auer*
Mayor Pro-tem: *Charlie Thomas*
Trustees: *Butch Walb*
Matt Holcomb
Darrell Walsh
Paul Sorensen
Kelly Morgan

Also present were: *Cheri Andersen, Town Manager*
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
Susan Watkins, Senior Accountant/Interim Finance Director

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. There were no changes to the agenda. Trustee Morgan moved and Trustee Sorensen seconded, to approve the agenda, as submitted. Voice vote taken. Motion carried unanimously.

PRESENTATIONS

a. Frederick-Firestone Fire Protection District Quarterly Update

Fire Chief Ted Poszywak presented the quarterly report to the Board of Trustees. Chief Poszywak stated that the siren system has been upgraded, and the next safety day will be held on August 29, 2009 from 10:00 a.m. until 2:00 p.m. at Station No. 2 and the subject will be water safety.

CITIZEN PARTICIPATION

There was no citizen participation.

APPROVAL OF CONSENT AGENDA

- a. *Approval of June 2009 Financials*
- b. *Approval of July 2009 Accounts Payable*
- c. *Approval of Minutes – July 9, 2009 Regular Meeting*
- d. *Firestone Boulevard Water Line Change Order No. 1*
- e. *Firestone Boulevard-Colorado Boulevard Intersection Improvements Construction Project Change Order No. 2*
- f. *Approval of Engagement Letters for Kutak Rock Special Counsel Services – Firelight Park PIRA and Union Special Districts*

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

PUBLIC HEARINGS

KERR McGEE OIL & GAS ONSHORE LP – SPECIAL USE PERMITS TO LOCATE SEVEN OIL & GAS WELLS, REFERRED TO AS THE PROPOSED VARRA 10-2, VARRA 14-2, VARRA 15-2, VARRA 20-2, VARRA 23-2, VARRA 35-2, AND VARRA 37-2 WELLS

Mayor Auer opened the public hearing at 7:07 p.m.

Town Planner Bruce Nickerson showed a Power Point presentation and gave an overview of the wells located on WCR 9 ¾ and Firestone Boulevard. The wells will be directionally drilled and will be 9,000 feet in depth.

Applicant

Ms. Crystal Blake was sworn in by Mayor Auer. Ms. Blake addressed the Board of Trustees stating that the wells will be in operation 24 hours a day and to mitigate any noise that may generate from the drilling process, to neighboring Hotel properties, bails of hay will be stacked on the west side of the wells.

Public Comment

None.

Mayor Auer closed the public hearing at 7:10 p.m.

Board Comment

Resolution No. 09-24

A RESOLUTION APPROVING SPECIAL USE PERMITS FOR KERR-McGEE OIL & GAS ONSHORE LP TO LOCATE SEVEN OIL AND GAS WELLS WITHIN THE TOWN OF FIRESTONE.

Trustee Sorensen moved and Trustee Thomas seconded, to adopt Resolution No. 09-24. Roll call vote was taken. Motion carried unanimously.

AMENDMENTS TO THE FIRESTONE DEVELOPMENT REGULATIONS AND FIRESTONE ZONING SUBDIVISION: ORDINANCE ADOPTING TO INCORPORATE HEIGHT LIMITATIONS, PERMITTING REQUIREMENTS, DESIGN CRITERIA, AND OTHER STANDARDS FOR SMALL WIND ENERGY SYSTEMS, SOLAR ENERGY SYSTEMS, PERSONAL WIRELESS SERVICE FACILITIES, ANTENNAS, TRANSMISSION TOWERS, AND AMATEUR RADIO SERVICES, AND RELATED MATTERS

Mayor Auer opened the public hearing at 7:12 p.m.

Town Planner Bruce Nickerson addressed the Board of Trustees showing a Power Point Presentation and giving an overview of the regulations.

Ordinance No. 718

AN ORDINANCE AMENDING CHAPTER 17 OF THE FIRESTONE MUNICIPAL CODE TO ADD PROVISIONS ADDRESSING SMALL WIND ENERGY SYSTEMS, SOLAR ENERGY SYSTEMS, PERSONAL WIRELESS SERVICE FACILITIES, AND AMATEUR RADIO ANTENNAS

Trustee Thomas moved and Trustee Sorensen seconded, to adopt Ordinance No. 718. Roll call vote was taken. Motion carried unanimously.

EXECUTIVE SESSION

Executive session (a) pursuant to C.R.S. § 24-6-402(4)(e) for Determining Positions Relative to Matters Subject to Negotiation Strategy for Negotiations and Instructing Negotiators, with reference to Proposed Vested Rights and Agreement and Proposed Public Improvements Reimbursement Agreement for Firelight Park property

Attorney Sam Light stated that a Representative of Firelight Park properties is present to answer any questions, and stating that the Board may decide to hold an executive session or speak in open session.

Trustee Thomas moved and Trustee Sorensen seconded, to enter into executive session (a) pursuant to C.R.S. § 24-6-402(4)(e) for Determining Positions Relative to Matters Subject to Negotiation Strategy for Negotiations and Instructing Negotiators, with reference to Proposed Vested Rights and Agreement and Proposed Public Improvements Reimbursement Agreement for Firelight Park property. Roll call vote was taken. Motion carried 6-Yea; 1-Nay. Trustee Holcomb voted Nay.

Attorney Sam Light read the title before entering into executive session. The Board entered into executive session at 7:41 p.m.

The Board of Trustees reconvened in open session at 8:20 p.m.

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

Attorney Sam Light confirmed that the executive session was for the Proposed Vested Rights and Agreement and Proposed Public Improvements Reimbursement Agreement for Firelight Park property, with the Board giving direction to Staff on the two agreements.

Mayor Auer called for a recess at 8:21 p.m. The Board reconvened from recess at 8:27 p.m.

ACTION ITEMS

RESOLUTION FOR CHANGE IN BUILDING PERMIT FEES FOR SOLAR INSTALLATIONS PURSUANT TO STATE STATUTES

Resolution No. 09-25

A RESOLUTION AMENDING RESOLUTION NO. 05-20 ENTITLED “A RESOLUTION ESTABLISHING BUILDING PERMIT FEES” TO LIMIT PERMIT FEES CHARGED FOR ACTIVE SOLAR ENERGY DEVICES OR SYSTEMS

Trustee Sorensen moved and Trustee Thomas seconded, to adopt Resolution No. 09-25. Roll call vote was taken. Motion carried unanimously.

SECOND AMENDMENT TO SAFE BUILT BUILDING INSPECTIONS SERVICES AGREEMENT

Trustee Thomas moved and Trustee Walsh seconded, to approve the Second Amendment to Safebuilt Building Inspection Services Agreement. Roll call vote was taken. Motion carried unanimously.

ORDINANCE AMENDING THE FIRESTONE MUNICIPAL CODE CONCERNING TOWN SALES AND USE TAXES TO PROVIDE A CREDIT AGAINST SALES AND USE TAXES DUE IF A CERTAIN PUBLIC IMPROVEMENTS FEE HAS BEEN PAID IN CONNECTION WITH THE PROPERTY KNOWN AS THE UNION ANNEXATION

Trustee Sorensen recused himself due to his involvement with LifeBridge Christian Church. [8:41 p.m.]

There was discussion as to why this ordinance was written as an emergency ordinance with the Board deciding that the ordinance would be adopted as a non-emergency ordinance.

Ordinance No. 719

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, AMENDING THE FIRESTONE MUNICIPAL CODE CONCERNING TOWN SALES AND USE TAXES TO PROVIDE A CREDIT AGAINST SALES AND USE TAXES DUE IF A CERTAIN PUBLIC IMPROVEMENTS FEE HAS BEEN PAID IN CONNECTION WITH THE PROPERTY KNOWN AS UNION ANNEXATION

Trustee Holcomb moved and Trustee Walb seconded, to adopt Ordinance No. 719, deleting the emergency clause. Roll call vote was taken. Motion carried unanimously. 5-Yea; 0-Nay. Trustee Sorensen was recused.

ORDINANCE APPROVING A PUBLIC IMPROVEMENTS REIMBURSEMENT AGREEMENT WITH FAIRVIEW ESTATES LLC, AND AUTHORIZING EXECUTION OF SUCH AGREEMENT (FIRELIGHT PARK PROPERTY)

There was discussion as to why this ordinance was written as an emergency ordinance with the Board deciding that the ordinance would be adopted as a non-emergency ordinance.

Ordinance No. 720

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, APPROVING A PUBLIC IMPROVEMENTS REIMBURSEMENT AGREEMENT WITH FAIRVIEW ESTATES LLC, AND AUTHORIZING EXECUTION OF SUCH AGREEMENT

There was discussion as to why this ordinance was written as an emergency ordinance with the Board deciding that the ordinance would be adopted as a non-emergency ordinance.

Trustee Holcomb moved and Trustee Thomas seconded, to approve Ordinance No. 720, deleting the emergency clause. Roll call vote was taken. Motion carried unanimously.

ORDINANCE APPROVING A DEVELOPMENT AGREEMENT PERTAINING TO VESTED PROPERTY RIGHTS WITH FAIRVIEW ESTATES LLC PURSUANT TO ARTICLE 68 OF TITLE 24, C.R.S. AND AUTHORIZING EXECUTION OF SUCH AGREEMENT (FIRELIGHT PARK PROPERTY)

There was discussion as to why this ordinance was written as an emergency ordinance with the Board deciding that the ordinance would be adopted as a non-emergency ordinance.

Ordinance No. 721

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

Trustee Thomas moved and Trustee Holcomb seconded, to approve Ordinance No. 721, deleting the emergency clause. Roll call vote was taken. Motion carried unanimously.

SABLE AVENUE IMPROVEMENTS – DCP GAS LINE RELOCATION

Trustee Holcomb moved and Trustee Thomas seconded, to approve the expenditure, not to exceed \$14,675.30, for the Sable Avenue gas line relocation and authorizing staff to make payment. Roll call vote was taken. Motion carried unanimously.

DISCUSSION

FIRESTONE URBAN RENEWAL – DISCUSSION/DIRECTION/ACTION ITEMS

Attorney Sam Light stated that this item will come back to the Board on August 13, 2009.

CITIZEN PARTICIPATION

There was citizen participation from the following person:

1. Tom Mason – Union Annexation

STAFF REPORTS

Town Planner Bruce Nickerson showed a Power Point for the placement of brick pavers around the Town clock.

BOARD REPORTS

Mayor Auer stated that Staff Reports were reported electronically.

Trustee Sorensen reported that he attended the dedication of the Habitat for Humanity House in Dacono on Saturday, July 18, 2009.

Trustee Thomas reported that the Manager and Director of Operations mid-year reviews were completed on Tuesday, July 21, 2009.

Trustee Walb (1) asked if all mid-year reviews have been completed and was told all reviews had been completed (2) requested that the Board have a work session to review the Fireworks ordinance to make changes. (3) stated that Communications Coordinator Pete Ditmon did a fantastic job for the July Fourth at Firestone event.

Trustee Holcomb stated that the Finance Committee met with the Town Auditor.

Trustee Morgan reported on the National League of Cities and prescription cards for citizen discount rates at any pharmacy. (2) asked Attorney Light about the prairie dog ordinance for property owners and these rodents on their property. Attorney Light said there is a town ordinance for the town that does not address personal property and Trustee Walb offered that property owners can call Critter Control.

Mayor Auer welcomed Dr. Tuscek and Dr. Flannigan back to the area.

ADJOURNMENT

There being no further business to come before the Board of Trustees, Trustee Morgan moved and Trustee Thomas seconded, to adjourn the meeting. The meeting adjourned at 9:23 p.m.

TOWN OF FIRESTONE, COLORADO

Chad Auer, Mayor

ATTEST:

Judy L. Hegwood, Town Clerk, CMC

READ AND APPROVED THIS _____ DAY OF _____ 2009.