

Minutes

Board of Trustees – Firestone Town Hall
151 Grant Avenue, Firestone, CO 80520
6:30 p.m.

September 28, 2011

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 6:30 p.m. Roll call was taken with the following persons present:

<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>(absent/excused)</i>
	<i>Bobbi Sindelar</i>	
	<i>Kathryn Beiland</i>	<i>(absent-excused)</i>

Also present were:

- Wesley LaVanchy, Town Manager*
- Judy Hegwood, Town Clerk, MMC*
- Sam Light, Town Attorney*
- Bruce Nickerson, Town Planner*
- Dave Lindsay, Town Engineer*
- David Montgomery, Chief of Police*
- Ron Lay, Administration and Finance Director*

PLEDGE OF ALLEGIANCE

All rose for Pledge of Allegiance to the flag that was lead by Troop 98.

APPROVAL OF AGENDA

Mayor Auer called for additions, deletions or changes to the agenda. Item 7e will become 8a, 9b was deleted from the agenda, and the second portion of the executive session will be discussed under the new 9b.

Trustee Sindelar moved and Trustee Weinberger seconded, to approve the agenda, as amended. Voice vote was taken. Motion carried 4-Yea; 0-Nay.

APPROVAL OF CONSENT AGENDA

- Approval of August 2011 Financials*
- Approval of September 2011 Accounts Payable*
- Approval of Minutes – September 14, 2011 Regular Meeting*

Trustee Holcomb moved and Trustee Sorensen seconded, to approve the consent agenda, as submitted. Roll call vote was taken. Motion carried 4-Yea; 0-Nay.

PRESENTATIONS

Police Chief David Montgomery introduced Michael Ringleman as the newest Police Officer to join the Firestone Police Department, relating that Town Clerk Judy Hegwood had given him the oath of office and sworn him into the office of Police Officer. Ms. Angie Ringleman pinned Officer Ringleman with his Police Badge.

Mr. Fred Skates addressed the Board of Trustees requesting that the town return to the previous donation of \$12,000 per year instead of the \$8,000 currently given. The Board agreed to discuss this at a Work Session.

CITIZEN PARTICIPATION

There was citizen participation from the following people:

1. Mr. George Heath addressed the Board in support of the Senior Center Funding.

PUBLIC HEARING

KERR McGEE OIL & GAS ONSHORE LP – RESOLUTION APPROVING SPECIAL USE PERMITS FOR SIX OIL & GAS WELLS – OVERLOOK 2-30, 7-30, 8-30, 21-30, 27-30 and 28-30 WELLS

Mayor Auer opened the public hearing at 6:51 p.m.

Town Planner Bruce Nickerson gave an overview of the Overlook Wells and showed a Power Point Presentation. He stated that Kerr-McGee Oil and Gas OnShore LP has submitted Special Use Permit applications for six oil and gas wells. The approximate location of the Wells is southwest of the intersection of Frontier Street (Weld County Road 15) and Grant Avenue (Weld County Road 18). The Planning Commission recommended approval of the application by adoption of Resolution No. PC 11-10, using the Town's standard conditions for oil and gas wells.

Applicant

Ms. Elizabeth Smith Representative for Kerr McGee Oil and Gas addressed the Board of Trustees introducing Mr. Terry Enwright as the Lead Man for the oil and gas wells. Ms. Smith stated that Kerr McGee is asking for approval of six oil and gas wells, with each well being drilled for six to eight days with consistent drilling. Planner Nickerson stated that this is consistent with the town's policies. Trustee Weinberger asked if bales of hay will be used to mitigate the noise. Mr. Terry Enwright answered yes, there will be 30 ft. on the west and south edge and there will also be lighting toward the southeast direction, and they will be blading the road.

Public Comment

Mayor Auer opened public comment at 6:59 p.m.

Ms. Meredith Post was sworn in By Mayor Auer. Ms. Post stated that she lives across the street from the rig and is concerned with the noise, the new traffic this will bring to the neighborhood and how that will be controlled, how will the drilling affect the foundations of the homes in this area. Do they have emergency plans, how will the flow back water be handled, will this affect the property values and are the wells going to be capped.

Mr. Ben Chapman was sworn in by Mayor Auer. Mr. Chapman asked about the map and if there are houses where the well are being drilled, and is the company going to give something back to the community or schools?

Mr. Steve Grove was sworn in by Mayor Auer. Mr. Grow asked what the Town will receive from these wells, does the town have any mineral rights, can the town not approve drilling of the wells, and will the wells be plugged and capped properly?

Mayor Auer closed the public hearing at 7:04 p.m.

Applicant

Mr. Terry Enwright stated that the map was an aerial map, the wells will remain in service and will not be plugged and using the Power Point maps showed the tank battery existence. This is private property and the royalties belong to individuals not in Firestone, there will be noise when the rig is moved but no noise when the wells are being drilled. The rigs will be coming in from Grant Avenue to the east and there will be vibration at this time and when being moved out. The flow back water is hauled to another facility and there is a lot of preparation for this process. Mr. Enwright stated that “frac-focus” is a website you can go to and it will give a list of chemicals used, and the wells are drilled 500 feet deep.

Public Comment

Mr. Lee Carpenter was sworn in by Mayor Auer. Mr. Carpenter stated that the wells need to be done the way they should be, the water drainage from about 5th street, is this zoned for drilling and thinks the town should get something. He stated that some areas have nice berks and trees and others have a steel fence or nothing and wants to make sure the correct things happen before approval. Planner Nickerson stated that the town gets property tax and this is a severance tax that is paid and the town received a \$200,000 grant to build this town hall. The Board has denied wells before and the town is very limited to denying, as wells are State regulated.

Applicant

Mr. Terry Enwright stated that funds also go the school fund and the taxes are lower in Weld County due to wells. There will be a lap type fence, not chain link, which will go around the tanks and equipment.

Mayor Auer closed the public hearing at 7:17 p.m.

Board Comment

Mayor Auer stated that the Planning Commission has recommended approval of the six oil and gas well special use permits. Trustee Sorensen stated that this is a six month process, eight days per well is 180 days. Trustee Holcomb stated that the timing is positive.

Resolution No. 11-21

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

Trustee Weinberger moved and Trustee Sindelar seconded, to adopt Resolution No. 11-21. Roll call was taken. Motion carried 4-Yea; 0-Nay.

FLATIRON ANNEXATION – ANNEXATION, INITIAL ZONING/OUTLINE DEVELOPMENT PLAN AND OVERALL FINAL DEVELOPMENT PLAN

Mayor Auer opened the public hearing at 7:25 p.m.

Town Planner Bruce Nickerson gave an overview and showed a Power Point Presentation. He stated that Flatiron Constructors, Inc. has submitted applications for Annexation, Zoning, an Outline Development Plan and an Overall Final Development Plan for the Flatiron property, and the Planning Commission recommended approval.

Applicant

Mr. Brad Amy was sworn in by Mayor Auer. Mr. Amy stated that Flatiron has been at the current location since 1979. The back lot is for precasting productions and other products. Flatirons are involved in the community and schools.

Public Comment

There being no public comment, Mayor Auer closed the public hearing at 7:47 p.m.

Board Comment

The Board asked if the future growth would be compatible and will the industrial area be used for storage in future. Town Planner Bruce Nickerson stated that the future growth will be compatible, and the building show the great way they would do business and the front door is attractive to the public.

Applicant

Mr. Amy stated that the parcel is 24 acres and has two oil and gas wells, (that are behind the KIA dealership looking south, and there are Encana office trailers on the site), one dozen enclosed trailers, one 50 ft. metal building, in future years will be archiving for paperwork, precasting products, and they do not have a FDP now, but they do maintain the property and the drainage. The building is lead certified now and it will be a lead silver building.

Resolution No. 11-22

A RESOLUTION CONCERNING A PETITION FOR THE ANNEXATION OF PROPERTY TO THE TOWN OF FIRESTONE, COLORADO, KNOWN AS THE FLATIRON ANNEXATION TO THE TOWN OF FIRESTONE, AND FINDING THE AREA PROPOSED TO BE ANNEXED ELIGIBLE FOR ANNEXATION

Trustee Sindelar moved and Trustee Weinberger seconded, to adopt Resolution No. 11-22. Roll call was taken. Motion carried 4-Yea; 0-Nay.

Annexation Agreement

Trustee Weinberger moved and Trustee Sindelar seconded, to approve the Flatiron annexation agreement and authorize the Mayor and Town Clerk to sign. Roll call was taken. Motion carried 4-Yea; 0-Nay.

Ordinance No. 780

AN ORDINANCE APPROVING AN ANNEXATION KNOWN AS THE FLATIRON ANNEXATION TO THE TOWN OF FIRESTONE, COLORADO

Trustee Weinberger moved and Trustee Sorensen seconded, to adopt Ordinance No. 780. Roll call was taken. Motion carried 4-Yea; 0-Nay.

Ordinance No. 781

AN ORDINANCE APPROVING AN INITIAL ZONING OF PROPERTY ANNEXED TO THE TOWN OF FIRESTONE AND KNOWN AS THE FLATIRON ANNEXATION, AND APPROVING AN OUTLINE DEVELOPMENT PLAN FOR SUCH PROPERTY

Trustee Weinberger moved and Trustee Sindelar seconded, to adopt Ordinance No. 781. Roll call was taken. Motion carried 4-Yea; 0-Nay.

Resolution No. 11-23

A RESOLUTION APPROVING AN OVERALL FINAL DEVELOPMENT PLAN FOR THE FLATIRON ANNEXATION

Trustee Sorensen moved and Trustee Weinberger seconded, to adopt Resolution No. 11-23. Roll call was taken. Motion carried 4-Yea; 0-Nay.

Ordinance No. 782

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO APPROVING A VESTED RIGHTS AGREEMENT WITH FLATIRON CONSTRUCTORS, INC. FOR THE FLATIRON ANNEXATION PURSUANT TO ARTICLE 68 OF TITLE 24, C.R.S., AND AUTHORIZING EXECUTION OF SUCH AGREEMENT

Trustee Sindelar moved and Trustee Sorensen seconded, to adopt Ordinance No. 782. Roll call was taken. Motion carried 4-Yea; 0-Nay.

Ordinance No. 783

AN ORDINANCE APPROVING A TAX REBATE AGREEMENT WITH FLATIRON CONSTRUCTORS, INC.

Trustee Sindelar moved and Trustee Weinberger seconded, to adopt Ordinance No. 783. Roll call was taken. Motion carried 4-Yea; 0-Nay.

Ordinance No. 784

AN ORDINANCE APPROVING THE VACATION OF AN APPROXIMATELY 0.654-ACRE PARCEL OF RIGHT-OF-WAY LOCATED WITHIN FLATIRON PLANNED UNIT DEVELOPMENT II

Trustee Weinberger moved and Trustee Sindelar seconded, to adopt Ordinance No. 784. Roll call was taken. Motion carried 4-Yea; 0-Nay.

Mayor Auer called for a break at 8:07 p.m. The Board reconvened at 8:17 p.m.

ORDINANCE AND RESOLUTION AMENDING FIRESTONE MUNICIPAL CODE AND DEVELOPMENT REGULATIONS CONCERNING WATER RIGHTS, POSTING OF FINANCIAL GUARANTEES; RECORDING OF DEVELOPMENT DOCUMENTS, PHASING PLANS AND RELATED AMENDMENTS

Mayor Auer opened the public hearing at 8:18 p.m.

Town Planner Bruce Nickerson stated that the development proposals would allow the development to move forward through the review process without facing the possibility of the approval being vacated if the applicant could not, within 120 days of Board approval, transfer required water rights, post the necessary letter of credit, and have the documents recorded. While the development regulations already allow extensions of approvals could be maintained for a fixed period, but still vacated if ultimately the approvals were not perfected.

Public Comment

There being no public comment, Mayor Auer closed the public hearing at 8:28 p.m.

Ordinance No. 785

AN ORDINANCE AMENDING THE FIRESTONE MUNICIPAL CODE CONCERNING WATER RIGHTS DEDICATION AND SUBDIVISION IMPROVEMENT GUARANTEES

Trustee Sorensen moved and Trustee Weinberger seconded, to adopt Ordinance No. 785. Roll call was taken. Motion carried 4-Yea; 0-Nay.

Resolution No. 11-24

A RESOLUTION AMENDING THE FIRESTONE DEVELOPMENT REGULATIONS CONCERNING FINAL DOCUMENT PREPARATION, REVIEW, RECORDING, AND PROCESSING

Trustee Sorensen moved and Trustee Weinberger seconded, to adopt Resolution No. 11-24. Roll call was taken. Motion carried 4-Yea; 0-Nay.

TURNER COMMONS ANNEXATION – ANNEXATION AND INITIAL ZONING/OUTLINE DEVELOPMENT PLAN (continued to October 26, 2011)

Mayor Auer opened the public hearing at 8:29 p.m.

Town Planner Bruce Nickerson stated that the Staff is recommending continuation of this public hearing until October 26, 2011. The developer has two other submittals coming to the town, but wanted to see if there was any public comment on this public hearing.

Public Comment

There was no public comment.

The public hearing was left open and continued to the October 26, 2011 meeting.

Board Comment

Trustee Sorensen moved and Trustee Weinberger seconded, to continue the public hearing until October 26, 2011. Voice vote was taken. Motion carried 4-Yea; 0-Nay.

ACTION ITEMS

Onorato Park – Phase 2A Construction Contract Award

The Town has bid the construction for the Onorato Park – Phase 2A project that will consist of saw cutting the existing tennis court slab, removing the surrounding wall, fence and the outer edge of the concrete slab to make room for future Phase 2B Tennis Court improvements. Recommendation is for the Board of Trustees to approve the award of the construction contract to Northern Colorado Constructors, Inc. for an amount not to exceed \$7,970.00 and authorize the Mayor to execute it on behalf of the Town.

Trustee Holcomb moved and Trustee Sindelar seconded, to approve the Phase 2A Construction Contract Award to Northern Colorado Constructors, Inc. in the amount not to exceed \$7,970.00 and authorize the Mayor to execute on behalf of the Town. Roll call vote was taken. Motion carried 4-Yea; 0-Nay.

Ordinance to Update Sex Offender Registration Fees Per State Statutes

The 2011 Colorado legislative session adopted House Bill 11-1278 which amended the Colorado Sex Offender Registration Act (the “Act”) to add new limitations on the amounts of registration fees local law enforcement agencies may charge to persons required to register, allowing the local law enforcement agencies to waive registration fees for indigent persons, and to require local law enforcement agencies to accept timely registrations in all circumstances even if the person is unable to pay the fee at the time of registration.

Resolution No. 11-25

A RESOLUTION AMENDING SEX OFFENDER REGISTRATION FEES

Trustee Sorensen moved and Trustee Weinberger seconded, to adopt Resolution No. 11-25. Roll call was taken. Motion carried 4-Yea; 0-Nay.

Committee Roles and Responsibilities – Resolution Establishing Finance Committee

The Finance Committee is advisory to the Board of Trustees and consists of three members, including two Trustees and one resident. Appointments are made by the Mayor unless a Ballot is ordered. Committee terms are to run for two years beginning and ending on the fourth Wednesday in April of even-numbered years.

Resolution No. 11-26

A RESOLUTION CONCERNING THE MEMBERSHIP, GOALS AND RESPONSIBILITIES OF THE TOWN OF FIRESTONE FINANCE COMMITTEE

Trustee Holcomb moved and Trustee Weinberger seconded, to adopt Resolution No. 11-26. Roll call vote was taken. Motion carried 4-Yea; 0-Nay.

DISCUSSION

Committee Roles and Responsibilities – Parks and Trails Advisory Board

The following changes are proposed for the Parks and Trails Advisory Board:

- Rename the Board as the Parks, Trails and Recreation Board
- Add one additional member to the Board, for a total of seven members
- Revise provisions regarding terms of office so that the Trustee members serve two-year terms as long as they are Trustees. The members' terms would remain as is, at two two-year terms, two three-year terms and on for-year term. New language provides that all terms would begin the 4th Thursday of April in even-numbered years.
- Revise the current list of powers and duties to include references to recreation facilities, projects and improvements. In addition staff requests Trustees input on whether it desires to assign other recreation powers or duties to the Board, or otherwise revise the Board "job description" in Section 2.58.070 of the Code.

Frederick IGA

Potential Comprehensive Development Plan IGA with Town of Frederick

Town Manager Wes LaVanchy stated that the boundaries were dropped from the IGA that was sent back to Frederick for review and he has not heard back as to date. There was discussion regarding the annexing of property.

REPORTS

Town Manager

Town Manager Wesley LaVanchy (1) reported on the CML legislation (2) is meeting with left hand water tomorrow (3) stated that the Board is invited to a meeting with the Recreation District to give their vision on the Recreation District on November 16, 2011 or Jan 18, 2012. The meeting will be at the Recreation Center at 7:00 p.m. The Board agreed on November 16, 2011.

Economic Development

Town Planner Bruce Nickerson (1) reported that he and Wes met with the developers of the southwest corner interchange property (2) is going to a conference in Dallas in two weeks (3) reported on contract with Cabellas (4) reported that the grandson of the founding Firestone family came to the Town on Monday (5) reported that the Parks and Trails Advisory Board are making updates in the Parks (6) stated that Commissioner George Heath had a good idea regarding the Overlook Oil & Gas Public Notices, to state why people cannot talk to the elected officials and on the neighborhood Posting Sign that is placed on the property

Communications and Community Outreach Coordinator

Community Outreach Coordinator Kristi Ritter (1) reported that the Fall Festival is next Saturday from 11 a.m. to 4p.m. at the Sports Complex

MAYOR AND TRUSTEES REPORTS

Mayor

Mayor Auer (1) reported that he met with CSU on the CSU and China partnership and economic development (2) reported that he met with CML

Trustees

Trustee Holcomb reported that the traffic issue has been resolved

Trustee Sindelar said she is looking forward to the Fall Festival and the October 6, 2011 meeting

Trustee Sorensen (1) thanked Planner Nickerson and Manager LaVanchy for the meeting with the Firestone family; they were very impressed with Bruce and Wes

FUTURE AGENDA ITEMS

1. Senior Center discussion at the November Work Session.

CITIZEN PARTICIPATION

There was no audience participation.

EXECUTIVE SESSION

Executive Session - Pursuant to C.R.S. § 24-6-402(4)(b) for conference with the Town Attorney for legal advice regarding specific legal questions – Legal consultation and advice regarding pending claims issue

Mayor Chad Auer read the title for the Executive Session under C.R.S. Section 24-6-402(4)(e) which allows the Trustees to receive advice from the Town Attorney on determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiations.

Trustee Sindelar moved and Trustee Weinberger seconded, to enter into Executive Session for the purposes that were read into the record by Mayor Chad Auer. Roll call vote was taken. Motion carried 4-Yea; 0-Nay. [9:50 p.m.] The Board of Trustees reconvened in open session at 10:28 p.m.

The persons in attendance were Attorney Sam Light, Mayor Auer, Town Manager Wes LaVanchy, Trustees Weinberger, Holcomb, Sindelar, and Sorensen.

ADJOURNMENT

There being no further business to come before the Board of Trustees, Trustee Sorensen moved and Trustee Weinberger seconded, to adjourn the meeting. Motion carried. 4-Yea; 0-Nay. The meeting adjourned at 10:30 p.m.

TOWN OF FIRESTONE, COLORADO



Chad Auer, Mayor

ATTEST:



Judy Hegwood, Town Clerk, MMC



Read and approved this 12th day of October, 2011.