

Minutes

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

July 8, 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 7:00 p.m. Roll call was taken with the following persons present:

Mayor:	Chad Auer
Mayor Pro-tem:	Paul Sorensen
Trustees:	Jennifer Weinberger
	Matt Holcomb
	Darrell Walsh
	Bobbi Sindelar
	Kelly Morgan

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 Auer called for additions, deletions or changes to the agenda. Trustee Holcomb asked that item 12, staff reports be moved before executive session. Trustee Sindelar moved and Trustee Walsh seconded, to approve the agenda, as amended. Voice vote taken. Motion carried 6-Yea; 0-Nay.

PRESENTATIONS

Mesa Student Presentations

Mayor Pro-Tem Sorensen introduced Mesa students Josie Lamp and Chris Erwin, congratulating them on their achievement of receiving a National Award. Mayor Auer presented each with a Mayors Award and congratulated them on their success.

Auditor – Watkins & Schommer

Auditor Randy Watkins addressed the Board of Trustees, explaining the financial statements, the statement contents, and management letter.

HR Update – Ann Levine

Ms. Ann Levine, Firestone HR Consultant updated the Board of Trustees on the I-9 forms, Personnel Policy Manual, sexual harassment training, benefit renewals, midyear reviews, and stated that later in the year job descriptions will be updated.

CITIZEN PARTICIPATION

There was participation from the following citizens:

1. 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, stating that he was elected to serve on this Board.
2. Ms. Gretchen Webb addressed the Board of Trustees with concern of the maintenance of Cottonwood Hollow between WCR 20 and WCR 22. Ms. Webb handed out pictures of the property to the Board.

APPROVAL OF CONSENT AGENDA

- a. *Approval of May 2010 Financials*
- b. *Approval of July 2010 Accounts Payable*
- c. *Approval of Minutes – June 17, 2010 Special Meeting*
- d. *Goddling Hollow Open Space Sewer Pipeline Easement*

Trustee Sorensen moved and Trustee Weinberger seconded, to approve the consent agenda, as submitted. Roll call vote was taken. Motion carried 6-Yea; 0-Nay.

PUBLIC HEARING

Inline Shops at Firestone City Centre Final Development Plan

Mayor Auer opened the public hearing at 7:30 p.m.

Town Planner Bruce Nickerson gave an overview of the property and showed a Power Point Presentation, stating that this application is for an FDP, which is the final public hearing process prior to building permit. The property is zoned Planned Unit Development with the Regional Commercial ("RC") Land Use Category. The FDP is for inline retail shops, and the landscaping for the development is appropriate. The property is located at the southeast corner of I-25 and Colorado Boulevard. The Inline Shops at Firestone City Centre are located within the Firestone City Centre development, just north of Home Depot. The FDP is part of Tract C, and is being developed by the overall developer, and is not a freestanding platted lot. The proposed Inline Shops have a combined building footprint of 14,521 square feet, which results in a building coverage of approximately fourteen percent of the approximately 2.3-acre parcel. The building height is proposed to be approximately 24 feet to the top of each structure. The architectural style and color scheme appears to be complimentary to the Home Depot and Burger King facilities. Sample Boards of the building materials were passed to the Board of Trustees for review.

Applicant:

Mayor Auer swore in Ms. Karen Blumenstein. Ms. Blumenstein stated that the property is located just west of the existing Burger King restaurant at the southwest corner of Jake Jabs Boulevard and Firestone Boulevard. Direct access to the site is from the existing City Centre Road. There are two buildings that have been designed to accommodate a drive-through facility. There will be 108 parking spaces which equals approximately one space per 134 square feet of building area. The parking lot lighting is consistent with the style and height used throughout the Firestone City Centre development.

The first building is intended to be developed in 2010 and the second building is intended to be developed as market conditions warrant.

Public Comment:

There was no public comment.

Mayor Auer closed the public hearing at 8:46 p.m.

Board Comment:

Resolution No. 10-34

A RESOLUTION APPROVING A FINAL DEVELOPMENT PLAN FOR INLINE SHOPS @ FIRESTONE CITY CENTRE

Trustee Sindelar moved and Trustee Sorensen seconded, to adopt Resolution No. 10-34. Roll call vote was taken. Motion carried 6-Yea; 0-Nay.

ACTION ITEMS

Appointment of Associate Judges and Related Ordinances

Attorney Sam Light explained the process and the Ordinance to the Board of Trustees.

Associate Judge Cahn

Trustee Morgan moved and Trustee Sorensen seconded, to appoint Jeffrey Cahn as an Associate Judge for the Town of Firestone. Roll call vote was taken. Motion carried 6-Yea; 0-Nay.

Jeffrey Cahn was given the Oath of Office by Presiding Judge Paul Basso.

Associate Judge Hardesty

Trustee Morgan moved and Trustee Weinberger seconded, to appoint William Hardesty as an Associate Judge for the Town of Firestone. Roll call vote was taken. Motion carried 6-Yea; 0-Nay.

Presiding Judge Basso

Trustee Morgan moved and Trustee Weinberger seconded, to appoint Paul Basso as Presiding Judge for the Town of Firestone. Roll call vote was taken. Motion carried 6-Yea; 0-Nay.

Paul Basso was given the Oath of Office by Associate Judge Jeffrey Cahn.

Ordinance No. 755

AN ORDINANCE AMENDING CHAPTER 2.44 CONCERNING THE SALARIES OF THE PRESIDING AND ASSOCIATE MUNICIPAL JUDGES AND THE COURT CLERK

Trustee Morgan moved and Trustee Weinberger seconded, to adopt Ordinance No. 755. Roll call vote was taken. Motion carried 5-Yea; 0-Nay.

Ordinance for Comcast Franchise Agreement Extension

The Town's existing franchise agreement with Comcast ("Franchise") expired on January 14, 2010. The Board of Trustees previously adopted Ordinance No. 725, which extended the term of the Franchise until July 14, 2010. Town Staff recommends that the Board approve another six-month extension to the Franchise.

Attorney Sam Light read the title of Emergency Ordinance No. 756.

Emergency Ordinance No. 756

Trustee Sorensen moved and Trustee Weinberger seconded, to approve Emergency Ordinance No. 756, for a six-month extension of the Comcast Franchise Agreement. Roll call vote was taken. Motion failed. 4-Yea; 2-Nay. Trustee Holcomb and Trustee Morgan voted Nay, due to the ordinance being an emergency ordinance.

Motion to Reconsider

Attorney Sam Light asked that the Trustees reconsider adopting Ordinance No. 756, as an emergency ordinance.

Emergency Ordinance No. 756

AN EMERGENCY ORDINANCE GRANTING A SECOND EXTENSION TO THE TERMS OF A CABLE TELEVISION FRANCHISE GRANTED BY THE TOWN OF FIRESTONE TO AT&T COMCAST CORPORATION

Trustee Sorensen moved and Trustee Weinberger seconded, to reconsider the motion and to adopt Emergency Ordinance No. 756. Roll call vote was taken. Motion carried 6-Yea; 0-Nay.

Traffic Signal Communication System Installation Contract

Town Engineer Dave Lindsay stated that the Town received a proposal from Interface Communications Co. to install a traffic signal communication system to connect all eight (8) locations within the Town of Firestone. This system is beneficial because any adjustments that can be made at the traffic signal cabinets (at the intersection), can be made from the Public Works Department. Specific operational parameters can be relayed to the PWD to keep the traffic signals operating efficiently. CCG is recommending that the Town Board of Trustees approve the contract.

Trustee Holcomb moved and Trustee Weinberger seconded, to approve the expenditure of \$43,172.00 for the traffic control system. Roll call vote was taken. Motion carried. 6-Yea; 0-Nay.

Town Clerk Judy Hegwood asked if the Trustee wished to do a friendly amendment authorizing the Mayor to sign the contract. Trustee Holcomb and Trustee Weinberger accepted the friendly amendment authorizing the Mayor to sign.

Mayor Auer called for a recess at 8:26 p.m. The Board reconvened from recess at 8:35 p.m.

DISCUSSION

Establishment of Emergency Management Unit

The purpose of this resolution is to establish the Town's Emergency Management Unit within the Town of Firestone Police Department. The Emergency Management Unit will be responsible for disaster preparedness and the coordination of disaster response for the Town. It sets for the responsibilities and procedures for the Town to follow in the event of a local disaster. It authorizes the Town Manger to declare that a state of local disaster exists except that the state of local disaster cannot last more than seven days unless the Board approves a longer duration. Discussion. A resolution will come before the Board at the July 22, 2010 Board Meeting.

Prohibited Animals/Domestic Hens – Follow-Up Discussion

Town Planner Bruce Nickerson stated that he has had some complaints from town citizens saying if chickens were allowed in the town, it would devalue their property. He asked the Board for direction on

the domestic hens. Discussion. The Board agreed to wait until the City of Longmont has completed their program at the end of 2010, to see what type of progress or issues (if any) was made.

Mayor Auer called for a recess at 8:56 p.m. It is Mayor Chad Auer's birthday and his wife and children brought in cake and toffee bars. The Board reconvened from recess at 9:04 p.m.

Draft Ordinance Amending Section 6.24.090 of the Firestone Municipal Code – Revisions to Rodent Control Requirements and Procedures

Section 6.24.090 of the Firestone Municipal Code requires property owners to “prevent rodent pests residing on” their “property from relocating to, infesting, or otherwise damaging the property of others, including public property” and makes it the responsibility of property owners to exterminate such rodent pests. Section 6.24.090.C defines rodent pests to include prairie dogs, ground squirrels, pocket gophers, jackrabbits, rats, and other rodents. Discussion. An ordinance will come before the Board at the July 22, 2010 Board Meeting with an ordinance amending section 6.24.090 of the Code to: (1) recognize removal of rodents as an additional option available to owners in violation of section 6.24.090.A of the Code; (2) specifically require that written notice of violation be provided to the property owner and that the owner be given thirty days to cure a violation before a summons is issued; and (3) specify that owners shall be given at least thirty days from the date of giving notice to abate a nuisance arising under Section 6.24.090.B.

Policy on Cost of Easements on Firestone Property

Engineer Dave Lindsay stated that a pipeline would be coming soon that will go across Central Park. Discussion. This will come back before the Board of Trustees within the next two meetings.

Carbon Valley Transit System Feasibility Study Update

Engineer Dave Lindsay stated that he will make a recommendation to the Board at the July 22, 2010 Board Meeting, for the hiring of a consultant to do the feasibility study.

Heaven Fest Informational Overview

The Heaven Fest event is being held on property adjacent to the Union Reservoir which is located both within the City of Longmont and in unincorporated Weld County near the Town of Firestone's northwestern boundary. A Use of Public Places Special Event Permit has been issued by the City of Longmont and a Permit for Temporary Assembly has been issued by Weld County. The property within unincorporated Weld County is also a portion of the Union property which has been annexed by the Town of Firestone but not recorded with the Weld County Clerk. The recording of these final documents should happen in the near future but in the meantime the Town of Firestone does not have jurisdiction. Due to the magnitude of the event, Town staff felt that it was important for the Town Board to be informed of the activity. Firestone Police Lieutenant Stacy Davis is coordinating with the City of Longmont and Weld County Sheriff's Offices of Emergency Management to assure that the Town has the final Emergency Incident Plan.

Persuant the website for the Heaven Fest event, *“Heaven Fest is a Christian Music Festival happening near Denver, Colorado on Saturday, July 31st, 2010. Thousands and thousands of people from all over Colorado, Wyoming, New Mexico, Utah, Nebraska and Kansas will be coming to Denver to see over 70 bands and artists perform on 7 stages with 7 interactive areas.”*

CITIZEN PARTICIPATION

There was no citizen participation.

STAFF REPORTS

Town Manager Wes LaVanchy (1) reported that he has had discussions with Gordon Pedrow, the Manager of Longmont, to work out any litigation in the future. (2) reported that he has had meetings with Left Hand Water District and Northern Colorado Water District and they are close to bringing back an agreement from both Districts. (3) reported that he is the recipient of a scholarship to attend the ICMA National Conference.

EXECUTIVE SESSIONS

Executive Session A – Pursuant to C.R.S. 24-6-402 (4)(e) – for the purpose of developing positions and strategy regarding matters subject to negotiation and instructing negotiators – potential annexation, vested rights and public improvements reimbursement agreements with NWC 119 and I-25 LLC for proposed annexation at NW corner of I-25/SH 119

Executive Session B – Pursuant to C.R.S. § 24-6-402(4)(e) – for the purpose of developing positions and strategy regarding matters subject to negotiation and instructing negotiators – Negotiations Regarding Central Weld County Water District Water Supply Agreement

Executive Session C – Pursuant to C.R.S. 24-6-402 (4)(e) – for the purpose of developing positions and strategy regarding matters subject to negotiation and instructing negotiators – potential annexation, vested rights and public improvements reimbursement agreements with Flatirons for proposed annexation

Attorney Sam Light stated that Staff has requested an executive session and noted for the record that the **Executive Session A** is Pursuant to C.R.S. 24-6-402 (4)(e) – for the purpose of developing positions and strategy regarding matters subject to negotiation and instructing negotiators – potential annexation, vested rights and public improvements reimbursement agreements with NWC 119 and I-25 LLC for proposed annexation and NW corner of I-25/SH 119, **Executive Session B** is Pursuant to C.R.S. § 24-6-402(4)(e) – for the purpose of developing positions and strategy regarding matters subject to negotiation and instructing negotiators – Negotiations Regarding Central Weld County Water District Water Supply Agreement, and **Executive Session C** is Pursuant to C.R.S. 24-6-402 (4)(e) – for the purpose of developing positions and strategy regarding matters subject to negotiation and instructing negotiators – potential annexation, vested rights and public improvements reimbursement agreements with Flatiron Inc. for proposed annexation

Trustee Sorensen moved and Trustee Morgan seconded, to enter into executive sessions a, b, and c, for the purposes that were read into the record by Attorney Sam Light. Roll call vote was taken. Motion carried 6-Yea; 0-Nay. [9:18 p.m.]

The Board of Trustees reconvened in open session at 10:09 p.m.

The persons in attendance were Attorney Sam Light, Town Manager Wesley LaVanchy, Finance Director Ron Lay, 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 potential annexation, vested rights and public improvements reimbursement agreements with NWC 119 and I-25 LLC for proposed annexation and NW corner of I-25/SH 119, negotiations regarding Central Weld County Water District Water Supply Agreement, and potential annexation, vested rights and public improvements reimbursement agreements with Flatiron Inc. for proposed annexation, with direction being given by the Board of Trustees.

BOARD REPORTS

Trustee Weinberger (1) Is concerned with the use of the reverse 911 calls due to it being used to announce town events instead of using it for emergency's. The Board will discuss this item at the July

22, 2010 Board Meeting (2) reported that the Firestone Police Department stopped the Town Float for throwing candy and asked that whomever has children riding on the floats, to be with them. Trustee Morgan stated that the PD was very abrupt. Manager LaVanchy said the reason for candy not being allowed to be thrown from a float due to someone almost being hurt a few years ago. Trustee Sorensen asked what the purpose of the ATV's was for during the parade. Manager LaVanchy said that they are in use for control. Trustee Walsh reported that two years ago they were told not to throw candy from the float. Manager LaVanchy said the town needs to see what the intent is for throwing candy and inform the community. He said he has received good feedback on the 4th and the carnival. Trustee Morgan stated that the town also received \$1,000.00 from Shubert Shows.

Trustee Walsh (1) stated that he is glad to be back and the support was great and he thanked everyone for the cards, flowers, & other gifts.

Trustee Sindelar (reported that she enjoyed the CML conference in Breckenridge.

Trustee Sorensen (1) reported that he is taking a vacation leave and will be gone for one week.


Trustee Weinberger (1) asked for the dates of the Board Retreat. Manager LaVanchy said there will be three meetings, the Board Retreat is August 21, Staff Retreat is August 27, and the final Board and Staff Meeting will be September 2, 2010. Trustee Sorensen asked if the Retreat could be scheduled for sometime during the week or a Saturday from 8 to 12. Manager LaVanchy said that the Board Retreat is on a Saturday from 8 to 12.

Trustee Morgan (1) reported that she thought CML was very good this year and that the City of Longmont attendees were very gracious. She reported that she was elected to the Board for Colorado Women in Government and she received award for her hours of elected official training.

ADJOURNMENT


There being no further business to come before the Board of Trustees, Trustee Sindelar moved and Trustee Walsh seconded, to adjourn the meeting. Motion carried. The meeting adjourned at 10:22 p.m.

TOWN OF FIRESTONE, COLORADO



Chad Auer, Mayor

ATTEST:



Judy L. Hegwood, Town Clerk, CMC



READ AND APPROVED THIS 22nd DAY OF July, 2010.