



BOARD OF TRUSTEES

REGULAR MEETING AGENDA

October 12, 2022
6:30 PM
9900 Park Avenue
Firestone, CO 80504

PRE-MEETING WORK SESSION 6:00 PM IN THE TRAINING ROOM

AGENDA FOR THE WORK SESSION IS A DISCUSSION OF THE REGULAR MEETING AGENDA BELOW

REGULAR MEETING 6:30 PM IN THE BOARD ROOM

1. **Call to Order & Roll Call**
2. **Pledge of Allegiance**
3. **Approval of Agenda**
4. **Public Comment** *(maximum time permitted for all Public Comment is 30 minutes)
5. **Executive Session**
 - a. An executive session pursuant to C.R.S. 24-6-402 (4)(b) for a conference with legal counsel for the Town for the purpose of instructing negotiators for raw water purchases.
6. **Consent Agenda**
 - a. Approval of September 28, 2022 Board of Trustees Minutes
7. **Presentation**
 - a. Honor to Officer Richard E. Hart
8. **Discussion/Action**
 - a. **Resolution 22-111**: A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, APPROVING A MAINTENANCE AGREEMENT BETWEEN THE TOWN OF FIRESTONE AND SADDLEBACK HEIGHTS HOMEOWNERS' ASSOCIATION REGARDING CERTAIN REAL PROPERTY LOCATED WITHIN THE SADDLEBACK HEIGHTS SUBDIVISION

* Individuals that desire to address the Board of Trustees are requested to sign up at the table at the entrance to the meeting room. Individuals are allotted 3 minutes of Public Comment during the entirety of the meeting. Maximum time permitted for all Public Comment during a meeting is 30 minutes.

If you need special assistance in order to participate in a Board of Trustees meeting, please contact the Town Clerk's Office at 303-531-6264 in advance of the meeting to make arrangements. A forty-eight-hour notice is requested.

- b. **PUBLIC HEARING: Resolution 22-108:** A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, APPROVING SUPPLEMENTAL BUDGET APPROPRIATIONS IN FISCAL YEAR 2022 AND ADOPTING AN AMENDED BUDGET FOR THE BUDGET YEAR 2022
- c. **Resolution 22-109:** A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, APPROVING CHANGE ORDER NO. 1 TO THE PROCUREMENT AGREEMENT BETWEEN THE TOWN OF FIRESTONE AND WATER TECHNOLOGY GROUP FOR THE PURCHASE OF PUMPS AND ASSOCIATED CONTROLS FOR THE FIRESTONE ALLUVIAL SUPPLY TREATMENT HORIZONTAL WELL PUMP STATION
- d. **Resolution 22-110:** A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, APPROVING CHANGE ORDER NO.3 TO THE AGREEMENT BETWEEN THE TOWN OF FIRESTONE AND INTEGRATED WATER SERVICES INC FOR CONSTRUCTION OF A PUMP STATION FOR THE ST. VRAIN WATER TREATMENT PLANT
- e. Planning and Land Use Discussion

9. Public Comment *(maximum time permitted for all Public Comment is 30 minutes)

10. Reports

- a. Staff
- b. Mayor
- c. Trustees

11. Adjournment

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**AGENDA INFORMATION
MEMORANDUM**

**FIRESTONE
TOWN BOARD OF TRUSTEES**



AIM#: 6.a

Consent Agenda

Meeting Date: October 12, 2022

Initiated By: Miriam Luna Gonzalez

Dept: Town Clerk

AGENDA TITLE

Approval of September 28, 2022 Board of Trustees Minutes

SUMMARY

HISTORY AND PREVIOUS BOARD ACTION

RECOMMENDATION

ALTERNATIVES

ATTACHMENTS

1. September 28, 2022 Board of Trustees Draft Minutes

FINANCIAL CONSIDERATIONS

TOWN OF FIRESTONE, COLORADO
Board of Trustees Regular Meeting
MINUTES
September 28, 2022

1. Call to Order & Roll Call

The Board of Trustees of the Town of Firestone met for a Regular Meeting on September 28, 2022, at the Police Department & Municipal Court building, 9900 Park Avenue, Firestone, Colorado. Mayor Pro Tem Jimenez called the meeting to order at 6:30 PM.

The following were present upon the call of the roll:

Mayor: Drew Peterson- **Absent**

Mayor Pro-tem: Frank A. Jimenez

Trustees: Don Conyac
David Whelan
Matt Holcomb
Sean Doherty
Doug Sharp

Staff: **Present:** Jan Sloat, Director of Human Resources; Matt Wiederspahn, Town Engineer; Raelynn Ferrera, Assistant to the Town Manager; Jessica Clanton, Director of Finance; Chrstine Morrison, Accounting Division Manager; Julie Pasillas, Director of Public Works; Todd Bjerkaas, Director of Planning & Development; Miriam Luna Gonzalez, Assistant to the Town Clerk's Office; & AJ Krieger, Town Manager.

2. Pledge of Allegiance

Mayor Pro Tem Jimenez led the pledge of allegiance.

3. Approval of Agenda

Motion by Trustee Conyac, **second** by Trustee Sharp, to Approve the Agenda, All in Favor, **Motion carried.**

4. Public Comment *(maximum time permitted for all Public Comment is 30 minutes)

Sean Vutran, a Firestone resident, gave public comment in regard to concern about road noise on 9 1/2 next to Barefoot Lakes neighborhood.

Michael Malek, a resident of Firestone, gave public comment regarding concerns about permitting chain link fencing in the Town of Firestone. Mr. Malek also gave a comment regarding a yard warning that he received.

5. Consent Agenda

Motion by Trustee Conyac, **second** by Trustee Whelan, to Approve Consent Agenda, All in Favor, **Motion carried.**

- a. Approval of August 31, 2022 Board of Trustees Minutes
- b. Approval of September 14, 2022 Board of Trustee Minutes

6. Discussion/Action

- a. **Resolution 22-100**: A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, APPROVING THE BLACKBURN COMMUNITIES, LLC NATIVE WATER CREDIT PURCHASE AGREEMENT

Motion by Trustee Sharp, **second** by Trustee Doherty, to Approve **Resolution 22-100**: A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, APPROVING THE BLACKBURN COMMUNITIES, LLC NATIVE WATER CREDIT PURCHASE AGREEMENT

Roll Call Vote:

Yes: Trustee Conyac, Trustee Whelan, Trustee Jimenez, Trustee Doherty, Trustee Sharp, Trustee Holcomb

No: None

Abstain: None

Motion carried

- b. Central Weld County Water District Water Rate Increase Discussion
 - c. 2023 Budget Discussion
- The Board gave directions to Town staff to provide specific items at the next budget discussion.
- d. Water Rate Request for Proposal Update

7. Public Comment *(maximum time permitted for all Public Comment is 30 minutes)

There was no one present that wished to give public comment.

8. Reports

- a. Staff

8.a.i. August Financial Report

- b. Mayor

c. Trustees

Trustee Conyac commended the Town staff for their work at the park event.

Trustee Sharp gave comments regarding the numerous individuals that attended the bike club.

9. Adjournment

Motion by Trustee Conyac, **second** by Trustee Whelan, to Adjourn at 8:48 PM, All in Favor,
Motion carried.

Introduced and Approved the 12th day of October, 2022.

TOWN OF FIRESTONE, COLORADO

ATTEST

Drew Peterson, Mayor

Miriam Luna Gonzalez, Asst. Town Clerk

AGENDA INFORMATION MEMORANDUM

FIRESTONE TOWN BOARD OF TRUSTEES



AIM#: 8.a

Discussion/Action

Meeting Date: October 12, 2022

Initiated By: Julie Pasillas

Dept: Public Works

AGENDA TITLE

Resolution 22-111: A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, APPROVING A MAINTENANCE AGREEMENT BETWEEN THE TOWN OF FIRESTONE AND SADDLEBACK HEIGHTS HOMEOWNERS' ASSOCIATION REGARDING CERTAIN REAL PROPERTY LOCATED WITHIN THE SADDLEBACK HEIGHTS SUBDIVISION

SUMMARY

Over the summer, Town Staff worked with representatives of the Saddleback Heights Homeowners Association ("HOA") to come to an agreement about the future maintenance of Outlot B in the Saddleback Heights subdivision. Per the Final Plat, the Town is the owner of Outlot B which is to be maintained by the HOA. Per the Final Development Plan, the Town is the owner of Outlot B, with the HOA maintaining the Outlot for 10 years from the date of Final Acceptance, with the Town having the option to take over maintenance at any point during the 10-year period. Final Acceptance was granted in 2014. The request of the HOA is to have the Town re-establish the native grass at the bottom of the detention pond on Outlot B with the goal of reducing water consumption and assisting with prairie dog mitigation in exchange for permanent maintenance responsibilities to be performed by the HOA. The agreement before the Board accomplishes the HOA request for re-vegetation and transfers permanent maintenance responsibilities to the HOA one year after the effective date of this agreement.

HISTORY AND PREVIOUS BOARD ACTION

There has been no previous Board action on this item.

RECOMMENDATION

Staff recommends approval of Resolution 22-111, a resolution approving the Maintenance Agreement between the Town of Firestone and Saddleback Heights Homeowners Association.

ALTERNATIVES

The Board may choose not to approve Resolution 22-111 and provide staff with additional direction.

ATTACHMENTS

1. Res 22-111 Saddleback Heights Maintenance Agreement
2. Maintenance Agreement-Saddleback Heights

FINANCIAL CONSIDERATIONS

Upon execution of the Agreement, the Parks Division will begin the prairie dog mitigation and reseeding process. Staff estimates the cost to be between \$10,000 to \$12,000.00, which will be paid from the Parks Division's repair and maintenance account.

RESOLUTION NO. 22-111

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, APPROVING A MAINTENANCE AGREEMENT BETWEEN THE TOWN OF FIRESTONE AND SADDLEBACK HEIGHTS HOMEOWNERS' ASSOCIATION REGARDING CERTAIN REAL PROPERTY LOCATED WITHIN THE SADDLEBACK HEIGHTS SUBDIVISION

WHEREAS, the Town entered into that certain Subdivision Agreement, dated October 7, 2005 (the "Original Agreement") for the Saddleback Heights Subdivision ("Subdivision") with Saddleback Ventures, LLC and Twin Silos, LLC ("Original Subdivider"); and

WHEREAS, Section 4.3 of the Original Agreement provided that Original Subdivider or a successor Homeowners' Association would maintain Outlot B within the Subdivision until the Town assumed responsibility 10 years after final acceptance of the public improvements for the Subdivision, even though both the Final Plat and Final Development Plan for the Subdivision imposed such maintenance obligation on a Homeowners' Association to be established by the Original Subdivider and contained no such commitment by the Town; and

WHEREAS, the Town and CCC Holdings, LLC, as the successor in interest to the Original Subdivider ("Subdivider") entered into that certain Assignment and First Amendment to Subdivision Agreement on August 28, 2013 ("First Amendment"), whereby Subdivider agreed to assume the maintenance obligation for Outlot B within the Subdivision as set forth in Section 4.3 of the Original Agreement; and

WHEREAS, Subdivider ultimately elected to establish and organize a Homeowners' Association, known as the Saddleback Heights Homeowners' Association ("HOA"), to maintain Outlot B, and the HOA has been maintaining Outlot B ever since; and

WHEREAS, the Town and the HOA desire to enter into an agreement to eliminate the conflict between the Final Plat, Final Development Plan and Section 4.3 of the Original Agreement regarding maintenance of Outlot B, and to clarify the entity who will be responsible for maintaining Outlot B within the Subdivision.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO:

The Maintenance Agreement between Saddleback Heights Homeowners' Association and the Town of Firestone for the reclamation and maintenance of certain real property located within the Saddleback Heights Subdivision is approved in substantially the same form as the copy attached hereto and made a part of this resolution. The Mayor is authorized to execute the Maintenance Agreement on behalf of the Town.

INTRODUCED, READ AND ADOPTED this 12th day of October, 2022.

TOWN OF FIRESTONE, COLORADO

Drew Peterson, Mayor

ATTEST:

Miriam Luna Gonzalez, Acting Town Clerk

APPROVED AS TO FORM:

William P. Hayashi, Town Attorney

MAINTENANCE AGREEMENT (Saddleback Heights)

THIS MAINTENANCE AGREEMENT ("Agreement") is hereby made and entered into this _____ day of _____, 2022 (the "Effective Date"), by and between the **TOWN OF FIRESTONE, COLORADO**, a Colorado municipal corporation (the "Town"), and **SADDLEBACK HEIGHTS HOMEOWNERS' ASSOCIATION**, established and organized under the Colorado Common Interest Community Act, C.R.S. § 38-33.3-101 *et seq.* as a Colorado non-profit corporation ("HOA").

AGREEMENT

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

1. **Reclamation.** Beginning in October 2022, the Town, at its own cost and expense, shall perform all work in connection with and reasonably incidental to revegetating and reclaiming ("Reclamation Work") that portion of the detention pond area within Outlot B, as generally depicted on the attached Exhibit A ("Reclaimed Site"), to a riparian and upland habitat. The Town shall have sole discretion and decision-making authority, management, and control over the Reclamation Work.

a. **Monitoring.** As part of the Reclamation Work, the Town will monitor the revegetation for a one-year period only following the initial seeding of the Reclaimed Site ("Plant Establishment Period"), to evaluate and determine initial seedling establishment. During the Plant Establishment Period, the Town may perform the following activities: (i) weed control; (ii) replanting; (iii) reseeding or overseeding; (iv) repairing erosion control, if applicable; (v) stabilizing eroded areas; (vi) installing protection from animal damage, if needed; (vii) temporary irrigation, as needed; (viii) debris removal; and (ix) any other measures as may be necessary or helpful for establishment (collectively, "Corrective Measures"). Thereafter, HOA shall have the sole and exclusive responsibility for the long-term monitoring of the Reclaimed Site, including without limitation performing any and all Reclamation Work or Corrective Measures, to achieve the successful revegetation of the Reclaimed Site. Upon the expiration of the Plant Establishment Period, the Town shall have no further obligation or financial responsibility to perform any Reclamation Work or Corrective Measures at the Reclaimed Site.

b. **Liability.** This Agreement imposes no liability, of whatever kind or nature, on the Town arising from or relating to any measures undertaken by the Town pursuant to Section 1 of this Agreement or in the event the Reclamation Work or Corrective Measures fail to function or operate properly. HOA hereby waives any and all claims which HOA may or might hereafter have or acquire against the Town for loss or damage arising from this Agreement, except to the extent such claims are caused by the willful misconduct of the Town.

2. **Maintenance of Outlot B.** HOA shall have the sole and exclusive responsibility for the maintenance, upkeep and repair of the entirety of Outlot B, including without limitation the

Reclaimed Site (after the Plant Establishment Period), all landscaping and any and all other improvements located therein, as identified on the final plat for Saddleback Heights, recorded in the Weld County Clerk and Recorder's Office on November 22, 2005 at Reception No. 3341949. This provision shall not be construed to permit or allow the HOA, in performing this maintenance responsibility, to mow, prune, re-shape, groom, irrigate, alter, or otherwise remove any vegetation installed within the Reclaimed Site.

3. Indemnification. HOA agrees to indemnify, defend, and hold harmless the Town, its officers, employees, and insurers from and against all liability, claims, damages, losses, expenses, and demands caused by an injury or death to any person or damage to property arising out of or resulting from: (a) this Agreement; (b) the breach of any terms of this Agreement; (c) the Town's performance of this Agreement; or (d) the negligent act or omission of HOA, its employees, agents, contractors, guests, or invitees, if the same shall in any way be connected with or result from the HOA's performance of any obligation imposed upon it under this Agreement. HOA agrees to investigate, handle, respond to, and to provide defense for and defend against any such liability, claims, damages, losses, expenses, or demands at its sole expense, or, at the option of the Town, agrees to pay the Town or reimburse the Town for the defense costs incurred by the Town in connection with any such liability, claims, damages, losses, expenses, and demands. HOA also agrees to bear all other costs and expenses related thereto, including court costs and reasonable attorney fees, whether or not any such liability, claims, damages, losses, expenses, or demands alleged are groundless, false, or fraudulent.

4. Risk of Loss. HOA further assumes all risk of loss, including without limitation business interruption and lost profits, and hereby waives all claims HOA may have or assert, or that of its employees, agents, contractors, guests, or invitees, against the Town as a result of this Agreement, whether such loss, damage, or destruction may be caused by theft, weather conditions, casualties, vandalism, fire, flooding, riots, wars, or otherwise. The Town shall in no event be answerable or accountable therefor, and the HOA shall not be entitled to any compensation or recovery from the Town for any such loss, damage, or destruction unless caused by the willful misconduct of the Town.

5. Governmental Immunity. The Town is relying on and does not waive or intend to waive by any provision of this Agreement the monetary limitations or any other rights, immunities, and protections provided under the Colorado Governmental Immunity Act, C.R.S. §§ 24-10-101 *et seq.*, as from time to time amended, or otherwise available to the Town and its officers and employees.

6. Authority. Each Party represents and warrants that it has the power and authority to execute this Agreement and that there are no third-party approvals required to execute this Agreement or to comply with the terms or provisions contained herein.

7. Entire Agreement. This Second Amendment contains the entire agreement of the Parties with respect to the subject matter hereof and may not be amended or modified except by an instrument executed in writing by the Parties.

8. Successors and Assigns. This Assignment shall be binding upon the parties and the successor entity of any party, and will be deemed a covenant running with the land and will be binding upon all successors in ownership of the land.

9. Headings. The section headings herein shall have no legal significance and are used solely for convenience of reference.

10. Counterparts and Facsimile. This Agreement may be executed in counterparts, each of which shall be deemed an original, and all of which together shall be deemed to constitute one and the same instrument. Each of the Parties hereto shall be entitled to rely upon a counterpart of the instrument executed by the other Party and sent by facsimile or electronic mail transmission. The Parties further agree that this Agreement may be executed by electronic copies of signatures, and that any electronic copies of signatures shall be binding upon the Party providing such electronic copy of signature as if it were the Party's original signature.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the
Amendment Effective Date:

TOWN OF FIRESTONE, COLORADO,
a municipal corporation

BY: _____
Drew Peterson, Mayor

ATTEST:

APPROVED AS TO FORM:

Town Clerk

William P. Hayashi, Town Attorney

HOA
SADDLEBACK HEIGHTS HOMEOWNERS'
ASSOCIATION

BY: *Jale A. Powers*
Name: _____
Title: *Board of Directors, President*

STATE OF COLORADO)
COUNTY OF _____) ss.

Sarah S. Borm
Board of Directors, V. Pres.

Subscribed before me this _____ day of _____, 2022, _____
as _____ of _____.

Notary Public
My commission expires: _____

AGENDA INFORMATION MEMORANDUM

FIRESTONE TOWN BOARD OF TRUSTEES



AIM#: 8.b

Discussion/Action

Meeting Date: October 12, 2022

Initiated By: Jessica Clanton

Dept: Finance

AGENDA TITLE

PUBLIC HEARING: Resolution 22-108: A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, APPROVING SUPPLEMENTAL BUDGET APPROPRIATIONS IN FISCAL YEAR 2022 AND ADOPTING AN AMENDED BUDGET FOR THE BUDGET YEAR 2022

SUMMARY

The Town budgets for Capital Improvement Projects annually. However, due to the timing of work performed, these projects may carry over into the following year. This Budget Amendment is to carry over the unspent budgeted funds from these Capital Improvement Projects that were not completed in the previous year. This amendment also reflects the transfer of reserved funds from the General Fund into the Capital Projects Fund that will be transferred back to the General Fund next year. In addition, this amendment is requesting new appropriations for the St Vrain Water Treatment Plant project, the purchase sale agreement with L.G. Everist (Res. 22-98) and the purchases of other smaller water rights transactions that have been approved by the Board. The additional appropriations being requested for the St. Vrain Water Treatment Plant is coming from the contingency within the project and still has the entirety of the project within the allotted funds from the 2020 Water Revenue Bonds issued by the Town.

HISTORY AND PREVIOUS BOARD ACTION

The 2022 budget was approved on December 4, 2021.

RECOMMENDATION

Staff recommends approval of Resolution 22-108

ALTERNATIVES

ATTACHMENTS

1. 2022 Budget Amendment Resolution

FINANCIAL CONSIDERATIONS

RESOLUTION NO. 2023 - 108

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, APPROVING SUPPLEMENTAL BUDGET APPROPRIATIONS IN FISCAL YEAR 2022 AND ADOPTING AN AMENDED BUDGET FOR THE BUDGET YEAR 2022.

WHEREAS, on December 4, 2021 the Board of Trustees of the Town of Firestone (“Town”) adopted the Town’s 2022 budget (“Budget”); and

WHEREAS, as required by law the Town has published notice of and held a public hearing regarding the proposed supplemental appropriations; and

WHEREAS, the Board of Trustees deems it in the best interest of the Town to adopt this resolution amending the Budget and appropriations for the Budget’s General Fund, Capital Projects Fund, Water Fund and Stormwater Fund for the purposes as set forth in Exhibit A.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO:

The supplemental appropriations for the Town of Firestone’s 2022 Budget and modifications to the Budget’s General Fund, Capital Projects Fund, Water Fund and Stormwater Fund balances, as more specifically set forth in Exhibit A, which is attached hereto and made a part of this resolution, are hereby adopted and approved. The Town’s Finance Director is directed to effectuate the necessary transfers to comply with the approved supplemental appropriations.

INTRODUCED, READ AND ADOPTED this 12th day of October, 2022.

TOWN OF FIRESTONE, COLORADO

By: _____
Drew Peterson, Mayor

ATTEST:

Miriam Luna Gonzalez, Assistant Town Clerk

APPROVED AS TO FORM:

William P. Hayashi, Town Attorney

EXHIBIT A

	2022 Original Budget	Budget Modification	2022 Amended Budget
GENERAL FUND			
Transfer Out	-	(76,150)	(76,150)
<i>Purpose: To record the Transfer out of Occupation Tax revenue into the Capital Projects Fund</i>			
Transfer Out	-	(76,850)	(76,850)
<i>Purpose: To record the Transfer out of Metro District Mills revenue into the Capital Projects Fund</i>			
CAPITAL PROJECTS FUND			
Capital Outlay	-	621,500	621,500
<i>Purpose: To carry-over unspent budgeted funds for the Historic Firestone Street Replacement Project.</i>			
Capital Outlay	54,171	600,000	654,171
<i>Purpose: To carry-over unspent budgeted funds for the Public Works Administration Offices Building Expansion Project.</i>			
Capital Outlay	20,000	20,000	40,000
<i>Purpose: To carry-over unspent budgeted funds from 2021 for the Traffic Signal Upgrade</i>			
Transfer In	-	153,000	153,000
<i>Purpose: To record the transfer from the General Fund</i>			

	2022 Original Budget	Budget Modification	2022 Amended Budget
WATER FUND			
Capital Outlay	395,716	384,290	780,006
<i>Purpose: To carry-over unspent budgeted funds for the Historic Firestone Water Line Replacements</i>			
Capital Outlay	-	83,682	83,682
<i>Purpose: To carry-over unspent budgeted funds for the SCADA Upgrade Project</i>			
Capital Outlay	-	125,000	125,000
<i>Purpose: To carry-over unspent budgeted funds for the Water Master Plan</i>			
Capital Outlay	-	375,000	375,000
<i>Purpose: To carry-over unspent budgeted funds for the Historic Firestone Water Line Design</i>			
Capital Outlay	-	299,624	299,624
<i>Purpose: To carry-over unspent budgeted funds for the Alluvial Well Field No. 2</i>			
Capital Outlay	7,404,843	9,659,690	17,064,533
<i>Purpose: To carry-over unspent budgeted funds for the St. Vrain Water Treatment Plant</i>			
Capital Outlay	854,871	500,000	1,354,871
<i>Purpose: To appropriate additional funds, within our contingency allowance, for additional expenditures for the St Vrain Water Treatment Plant.</i>			
Capital Outlay	-	20,000,000	20,000,000
<i>Purpose: To appropriate the approval of the purchase sale agreement with L.G. Everist (August 10, 2022; Res. 22-98) for property, water storage reservoir and associated water rights.</i>			
Capital Outlay	-	2,200,000	2,200,000
<i>Purpose: To appropriate the approval of purchases of water Res. 22-17, 22-69, 21-09</i>			
STORMWATER FUND			
Capital Outlay	-	319,868	319,868
<i>Purpose: To carry-over unspent budgeted funds for the Drainage Master Plan</i>			
Capital Outlay	-	29,215	29,215
<i>Purpose: To carry-over unspent budgeted funds from the Secondary Containment Project</i>			

AGENDA INFORMATION MEMORANDUM

FIRESTONE TOWN BOARD OF TRUSTEES



AIM#: 8.c

Discussion/Action

Meeting Date: October 12, 2022

Initiated By: Dave Lindsay

Dept: Public Works

AGENDA TITLE

Resolution 22-109: A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, APPROVING CHANGE ORDER NO. 1 TO THE PROCUREMENT AGREEMENT BETWEEN THE TOWN OF FIRESTONE AND WATER TECHNOLOGY GROUP FOR THE PURCHASE OF PUMPS AND ASSOCIATED CONTROLS FOR THE FIRESTONE ALLUVIAL SUPPLY TREATMENT HORIZONTAL WELL PUMP STATION

SUMMARY

After the contract was awarded to Cogent, the supplier of the pump system's Variable Frequency Drive (VFD) that was specified informed Cogent that it would be May or June before the drives could be delivered. The specified VFD is a foreign product that is cost-effective and reliable but is now very hard to obtain. Cogent contacted several other VFD manufacturers and determined that an American-made VFD by Allen Bradley was available with only about a 60-day lead time. Allen Bradley is a reliable manufacturer of many technological components, most notable for their SCADA products. However, their products are more expensive than their foreign competition. In this case, time is of the essence, so the design team is recommending approval of Cogent's recommended alternative. Attached is a resolution and change order for consideration by the Board.

HISTORY AND PREVIOUS BOARD ACTION

On March 9, 2022, the Board approved Resolution 22-38, awarding a procurement contract to Water Technology Group, a Cogent Company, to supply pumps and associated controls for the FAST H-Well Pump Station Project.

RECOMMENDATION

Staff recommends the Board approve the attached resolution approving Change Order No. 1 to the procurement contract with Water Technology Group and authorize the Mayor to execute the change order on behalf of the Town.

ALTERNATIVES

NA

ATTACHMENTS

1. Res 22-109 2022Cogent FAST H-Well Pump Procurement Change Order 1
2. W2022-9531.01 FAST H-Well Pump Procurement CO 1 (signed)

FINANCIAL CONSIDERATIONS

The new VFD's will increase the project cost by \$9,465.54 and will be paid from the Water Fund.

RESOLUTION NO. 22-109

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE,
COLORADO, APPROVING CHANGE ORDER NO. 1 TO THE PROCUREMENT
AGREEMENT BETWEEN THE TOWN OF FIRESTONE AND WATER
TECHNOLOGY GROUP FOR THE PURCHASE OF PUMPS AND ASSOCIATED
CONTROLS FOR THE FIRESTONE ALLUVIAL SUPPLY TREATMENT
HORIZONTAL WELL PUMP STATION**

WHEREAS, by Resolution No. 22-38, the Town of Firestone (“Town”) entered into an agreement with Water Technology Group (“Cogent”) for the procurement of pumps and associated controls for the Firestone Alluvial Supply Treatment (“FAST”) Plant Horizontal Well Pump Station; and

WHEREAS, after entering into the agreement with Cogent, the supplier of the pump system Variable Frequency Drive (VFD) informed Cogent that it would be May or June before the drives could be delivered; and

WHEREAS, in response, Cogent contacted several other VFD manufacturers and determined that an American made VFD by Allen Bradley was available with only about 60-day lead time; and

WHEREAS, Allen Bradley is a reliable manufacturer of many technological components, most notable for their SCADA products, and even though their products are more expensive than the specified VFD, which is itself a foreign product, in this case time is of the essence and the Town cannot wait until June to procure the specified VFD; and

WHEREAS, staff recommends, with the support of the Town’s St. Vrain Water Treatment Plant Project’s Design Team, approval of Cogent’s recommended alternative.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO:

Change Order No. 1 to the Procurement Agreement between Water Technology Group and the Town of Firestone for the purchase of pumps and associated controls for the Town’s FAST Horizontal Well Pump Station is approved in substantially the same form as the copy attached hereto and made a part of this resolution and the Mayor is authorized to execute the Change Order No. 1 on behalf of the Town.

INTRODUCED, READ AND ADOPTED this __ day of _____, 2022.

TOWN OF FIRESTONE, COLORADO

Drew Peterson, Mayor

ATTEST:

Miriam Luna Gonzalez, Acting Town Clerk

APPROVED AS TO FORM:

William P. Hayashi, Town Attorney

SECTION 00941 CHANGE ORDER

No. 1

Date of Issuance: 8/24/2022

Effective Date: 8/24/2022

Project: Town of Firestone FAST Pump Procurement Project	Owner: Town of Firestone	Owner's Contract No.: W2020-9531.01
Contract: W2020-9531.01		Date of Contract: 3/9/2022
Contractor: Water Technology Group (a Cogent Company)		Engineer's Project No.:

The Contract Documents are modified as follows upon execution of this Change Order:

Description:

Due to lead time estimates, VFD manufacturer has been changed to an American Source. Netting a total cost increase to the owner of \$9,465.54.

Attachments (list documents supporting change):

Email Chain

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price:	Original Contract Times: ☐ Working days ☒ Calendar days
	Substantial completion (days or date): <u>September 15th 2022</u>
<u>\$104,504.46</u>	Ready for final payment (days or date): <u>September 30th 2022</u>
[Increase] [Decrease] from previously approved Change Orders No. ____ to No. ____:	[Increase] [Decrease] from previously approved Change Orders No. ____ to No. ____:
	Substantial completion (days): <u>n/a</u>
<u>\$0.00</u>	Ready for final payment (days): <u>n/a</u>
Contract Price prior to this Change Order:	Contract Times prior to this Change Order:
	Substantial completion (days or date): <u>September 15th 2022</u>
<u>\$104,504.46</u>	Ready for final payment (days or date): <u>September 30th 2022</u>
[Increase] [Decrease] of this Change Order:	[Increase] [Decrease] of this Change Order:
	Substantial completion (days or date): <u>10/31/2022</u>
<u>\$9,465.54</u>	Ready for final payment (days or date): <u>11/14/2022</u>
Contract Price incorporating this Change Order:	Contract Times with all approved Change Orders:
	Substantial completion (days or date): _____
<u>\$113,970.00</u>	Ready for final payment (days or date): _____

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: _____	By: _____	By: <u>Seamus Helmer</u>
Engineer (Authorized Signature)	Owner (Authorized Signature)	Contractor (Authorized Signature)
Date: _____	Date: _____	Date: <u>9/12/2022</u>
Approved by Funding Agency (if applicable): _____		Date: _____

CHANGE ORDER INSTRUCTIONS

A. GENERAL INFORMATION

This document was developed to provide a uniform format for handling contract changes that affect Contract Price or Contract Times. Changes that have been initiated by a Work Change Directive must be incorporated into a subsequent Change Order if they affect Price or Times.

Changes that affect Contract Price or Contract Times should be promptly covered by a Change Order. The practice of accumulating Change Orders to reduce the administrative burden may lead to unnecessary disputes.

If Milestones have been listed in the Agreement, any effect of a Change Order thereon should be addressed.

For supplemental instructions and minor changes not involving a change in the Contract Price or Contract Times, a Field Order should be used.

B. COMPLETING THE CHANGE ORDER FORM

Engineer normally initiates the form, including a description of the changes involved and attachments based upon documents and proposals submitted by Contractor, or requests from Owner, or both.

Once Engineer has completed and signed the form, all copies should be sent to Owner or Contractor for approval, depending on whether the Change Order is a true order to the Contractor or the formalization of a negotiated agreement for a previously performed change. After approval by one contracting party, all copies should be sent to the other party for approval. Engineer should make distribution of executed copies after approval by both parties.

If a change only applies to price or to times, cross out the part of the tabulation that does not apply.

AGENDA INFORMATION MEMORANDUM

FIRESTONE TOWN BOARD OF TRUSTEES



AIM#: 8.d

Discussion/Action

Meeting Date: October 12, 2022

Initiated By: Dave Lindsay

Dept: Public Works

AGENDA TITLE

Resolution 22-110: A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, APPROVING CHANGE ORDER NO.3 TO THE AGREEMENT BETWEEN THE TOWN OF FIRESTONE AND INTEGRATED WATER SERVICES INC FOR CONSTRUCTION OF A PUMP STATION FOR THE ST. VRAIN WATER TREATMENT PLANT

SUMMARY

During the course of the work, three modifications to the project scope were made. First, it was determined that the most reliable means to exchange data between the Firestone Potable Water Pump Station and the St. Vrain WTP would be to install a fiber optic connection (rather than a radio connection). This change involves adding conduit and fiber optic cable between the two buildings and thru the WTP to connect to the plant control room. Second, a change to the flow meter display on each of the four pump manifolds was directed by the owner so that the meters could be more easily read from a distance. Third, the Town's SCADA consultant needed to mount an antenna on top of one of the tanks at the WTP so that the SCADA Panel in the Potable Water Pump Station could receive signals from the other SCADA transmitters in the area. It was determined that there would be cost savings by having the pump station contractor install the conduit and cable between the pump station and tank rather than the SCADA consultant. Change Order No.3 to the contract with Integrated Water Services is attached for consideration by the Board.

HISTORY AND PREVIOUS BOARD ACTION

On May 26, 2021, the Board approved Resolution 21-68, awarding a contract for the construction of a potable water pump station to Integrated Water Services, Inc.

On December 8, 2021, the Board approved Resolution 21-209, approving Change Order No. 1 to the construction contract.

On July 13, 2022, the Board approved Resolution 22-83, approving Change Order No. 2 to the construction contract.

RECOMMENDATION

Staff recommends the Board of Trustees approve the attached resolution approving Change Order No. 3 to the construction contract with Integrated Water Services Inc. for the St Vrain WTP Pump Station Project and authorize the Mayor to execute the change order on behalf of the Town.

ALTERNATIVES

NA

ATTACHMENTS

1. Res 22-110 IWS Pump Station Change Order 3
2. W2020-9524.02 Potable Pump Station CO 3 (signed)

FINANCIAL CONSIDERATIONS

The change order increases the contract amount by \$20,431.00 and will be paid from the Water Fund.

RESOLUTION NO. 22-110

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, APPROVING CHANGE ORDER NO.3 TO THE AGREEMENT BETWEEN THE TOWN OF FIRESTONE AND INTEGRATED WATER SERVICES INC FOR CONSTRUCTION OF A PUMP STATION FOR THE ST. VRAIN WATER TREATMENT PLANT

WHEREAS, by Resolution No.21-68 the Town of Firestone ("Town") entered into an agreement with Integrated Water Services Inc ("IWS") for the construction of the St. Vrain Water Treatment Plant's ("WTP") Pump Station ("Pump Station"); and

WHEREAS, by Resolution No.21-209 the Town approved Change Order No. 1 to the agreement, which authorized IWS to install the pipelines to connect the Firestone Alluvial Supply Treatment ("FAST") wells to the St. Vrain Water Treatment Plant; and

WHEREAS, by Resolution No. 22-83, the Town approved Change Order No. 2 to the agreement, which authorized IWS to perform certain additional work, including stabilizing the subgrade of the Pump Station and turbine cans, changing an electrical cabinet, increasing the size and thickness of the Emergency Generator pad, addition of conduit, electric wire and communication cable for Supervisory Control and Data Acquisition ("SCADA") communications with the FAST pipeline, painting of exterior wood elements of the Pump Station and replacing a ventilation louvre; and

WHEREAS, during the course of performing the work authorized under Change Order No. 2, there were several changes directed by the Owner or Project Engineer all of which were necessary for the successful completion of the Pump Station; and

WHEREAS, these changes, included for example, adding conduit and fiber optic cable between the two buildings and thru the WTP to connect to the plant control room, permitting the exchange of data between the Pump Station and the WTP, altering the flow meter display on each of the four pump manifolds to improve visibility from a distance, and mounting an antenna on top of one of the tanks at the WTP to allow the SCADA Panel in the Pump Station to receive signals from the other SCADA transmitters in the area.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO:

Change Order No. 3 to the Agreement between the Town of Firestone and Integrated Water Services Inc. for the Construction of a Pump Station for the St. Vrain Water Treatment Plant is approved in substantially the same form as the copy attached hereto and made a part of this resolution and the Mayor is authorized to execute Change Order No. 3 on behalf of the Town.

INTRODUCED, READ AND ADOPTED this ___ day of _____, 2022.

TOWN OF FIRESTONE, COLORADO

Drew Peterson, Mayor

ATTEST:

Miriam Luna Gonzalez, Acting Town Clerk

APPROVED AS TO FORM:

William P. Hayashi, Town Attorney

SECTION 00941
CHANGE ORDER

No. 3

Date of Issuance: 9/26/2022

Effective Date: 9/26/2022

Project: St Vrain WTP Pump Station	Owner: Town of Firestone	Owner's Contract No.: W2020-9524.02
Contract: W2020-9531.01	Date of Contract: 5/26/2021	
Contractor: Integrated Water Services	Engineer's Project No.: 22704136	

The Contract Documents are modified as follows upon execution of this Change Order:

Description:

IWS is being issued a change in contract price for a deduct for CO#2 for conduit and cable work for the Alluvial Pipeline Flow Meter (\$132.00). Increase in price and scope for Fiber Optic cable and conduit for communication between the Pump Station and Water Treatment Plant \$15,153.00. Additional scope of work for mounting Flow Meter transmitters (x4), and conduit and cabling for SCADA antenna running from Pump Station PLC to Finished 1.0MG Water Tank \$3,281.00. Change Order cost also includes \$2,129.00 for incidental costs. Netting a total cost increase to the owner of \$20,431.00.

The Following Line Items are Added to the contract:

PCO#9a – Flow Meter Conduit & Cable Deduct	(\$132.00)
PCO#9b – Fiber Optic Cable and Conduit from SVWTP to SVPS	\$16,732.14
PCO#9c – Flow Meter transmitters mounting, and SCADA Antenna Conduit	\$3,830.86

Attachments (list documents supporting change):

IWS PCO #9

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price: \$2,377,900.00	Original Contract Times: ☐ Working days ☒ Calendar days Substantial completion (days or date): <u>September 15th 2022</u> Ready for final payment (days or date): <u>September 30th 2022</u>
[Increase] [Decrease] from previously approved Change Orders No. <u>1</u> to No. <u>2</u> : \$459,316.00	[Increase] [Decrease] from previously approved Change Orders No. <u> </u> to No. <u> </u> : Substantial completion (days): <u>n/a</u> Ready for final payment (days): <u>n/a</u>
Contract Price prior to this Change Order: \$2,887,216.00	Contract Times prior to this Change Order: Substantial completion (days or date): <u>September 15th 2022</u> Ready for final payment (days or date): <u>September 30th 2022</u>
[Increase] [Decrease] of this Change Order: \$20,431.00	[Increase] [Decrease] of this Change Order: Substantial completion (days or date): <u> </u> Ready for final payment (days or date): <u> </u>
Contract Price incorporating this Change Order: \$2,907,647.00	Contract Times with all approved Change Orders: Substantial completion (days or date): <u>September 1st, 2022</u> Ready for final payment (days or date): <u>September 15th, 2022</u>

RECOMMENDED:

By: _____
Engineer (Authorized Signature)

Date: _____
Approved by Funding Agency (if applicable):

ACCEPTED:

By: _____
Owner (Authorized Signature)

Date: _____

ACCEPTED:

By:  _____
Contractor (Authorized Signature)

Date: 10.05.2022

Date: _____

**AGENDA INFORMATION
MEMORANDUM**

**FIRESTONE
TOWN BOARD OF TRUSTEES**



AIM#: 8.e

Discussion/Action

Meeting Date: October 12, 2022

Initiated By: Todd Bjerkaas

Dept: Planning & Development

AGENDA TITLE

Planning and Land Use Discussion

SUMMARY

HISTORY AND PREVIOUS BOARD ACTION

RECOMMENDATION

ALTERNATIVES

ATTACHMENTS

None

FINANCIAL CONSIDERATIONS