



BOARD OF TRUSTEES REGULAR MEETING AGENDA

Matt Holcomb
David Whelan
Doug Sharp

Drew Peterson

Don Conyac
Sean Doherty
Frank Jimenez

June 14, 2023
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. **Consent Agenda**
 - a. Approval of May 17, 2023 BoT Special Meeting Minutes
 - b. Approval of May 24, 2023 Regular BoT Meeting Minutes
 - c. **Resolution 23-68**: A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, EXTENDING THE APPROVAL OF A MINOR SUBDIVISION PLAT FOR CERTAIN REAL PROPERTY LOCATED WITHIN FIRELIGHT PARK MINOR SUBDIVISION
6. **Presentation**
 - a. **Emergency Management Plan Updates**
7. **Land Development**

* 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.

- a. **Ordinance 1029:** AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, REPEALING AND REENACTING IN THEIR ENTIRETY CHAPTERS 15.04 (2018 INTERNATIONAL BUILDING CODE), 15.06 (2018 INTERNATIONAL RESIDENTIAL CODE), 15.08 (2023 NATIONAL ELECTRIC CODE), 15.10 (2018 INTERNATIONAL EXISTING BUILDING CODE), 15.12 (2018 INTERNATIONAL FUEL GAS CODE), 15.14 (2018 INTERNATIONAL MECHANICAL CODE), 15.16 (2018 INTERNATIONAL PLUMBING CODE), 15.18 (2018 INTERNATIONAL PROPERTY MAINTENANCE CODE), 15.32 (2018 INTERNATIONAL FIRE CODE), 15.20 (2018 INTERNATIONAL SWIMMING POOL AND SPA CODE) AND 15.36 (2018 INTERNATIONAL ENERGY CONSERVATION CODE) OF THE FIRESTONE MUNICIPAL CODE

8. Discussion/Action

- a. **Resolution 23-64:** A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, APPROVING THE SECOND AMENDMENT TO CONSULTING SERVICES AGREEMENT BETWEEN THE TOWN OF FIRESTONE AND MCGRANE WATER ENGINEERING, LLC PERTAINING TO THE MOUNTAIN SHADOWS PARK WELL PUMP AND CONTROLS SHED PROJECT
- b. **Resolution 23-65:** A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, APPROVING A CONSTRUCTION CONTRACT BETWEEN THE TOWN OF FIRESTONE AND SUN VALLEY ELECTRIC, INC. PERTAINING TO THE MOUNTAIN SHADOWS PARK WELL PUMP AND CONTROLS SHED PROJECT
- c. **Resolution 23-67:** A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, AUTHORIZING THE TOWN MANAGER TO PROVIDE NOTICE TO VECTRA BANK OF THE TOWNS RETIREMENT OF THE 2022 WATER ENTERPRISE REVENUE BONDS
- d. **Resolution 23-66:** A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, APPROVING SUPPLEMENTAL BUDGET APPROPRIATIONS IN FISCAL YEAR 2023 AND ADOPTING AN AMENDED BUDGET FOR THE BUDGET YEAR 2023.

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

* 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.

10. Reports

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

11. Adjournment

* 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.

**AGENDA INFORMATION
MEMORANDUM**

**FIRESTONE
TOWN BOARD OF TRUSTEES**



AIM#: 5.a

Consent Agenda

Meeting Date: June 14, 2023

Initiated By:

Dept: Town Clerk

AGENDA TITLE

Approval of May 17, 2023 BoT Special Meeting Minutes

RECOMMENDATION

SUMMARY

FINANCIAL CONSIDERATIONS

HISTORY AND PREVIOUS BOARD ACTION

ATTACHMENTS

1. May 17, 2023

TOWN OF FIRESTONE, COLORADO
Board of Trustees Special Meeting
MINUTES
May 17, 2023

1. Call to Order & Roll Call

The Town of Firestone met for a Regular Meeting on May 17, 2023, at the Police Department & Municipal Court building, 9900 Park Avenue, Firestone, Colorado. Mayor Peterson called the meeting to order at 06:00 PM

The following were present upon the call of the roll:

Mayor: Drew Peterson
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; Paula Mehle, Director of Economic Development; Raelynn Ferrera, Assistant to the Town Manager; Katie Hansen, Director of Marketing & Communications; Jessica Clinton, Director of Finance; Julie Pasillas, Director of Public Works; Todd Bjerkaas, Director of Planning & Development; Mark Ostholhoff, Planning Manager; David Angelo, Chief of Police; [unclear], Town Manager; & William Hayashi, Town Attorney

2. Pledge of Allegiance

Mayor Peterson led the pledge of allegiance.

3. Approval of Agenda

Motion by Trustee Conyac, **second** by Trustee Sharp, to Amend item 3 Approval of the Agenda to remove items 7 and 7E

Roll Call Vote:

Yes: Trustee Conyac, Trustee Whelan, Mayor Pro Tem Jimenez, Trustee Doherty, Trustee Sharp

No: Trustee Holcomb

Abstain: None

Motion carried

Motion by Trustee Conyac, **second** by Trustee Sharp, to approve the amended agenda

Roll Call Vote:

Yes: Trustee Conyac, Trustee Whelan, Mayor Pro Tem Jimenez, Trustee Doherty, Trustee Sharp

No: Trustee Holcomb

Abstain: None

Motion carried

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

Bobby Matthews made Public Comment
Becky Duckworth made Public Comment

5. Consent Agenda

6. Presentation

- a. Audit

7. Discussion/Action

- a. Discuss Commercial Impact Fees
- b. Discuss Water Rates
- c. Discuss Occidental Petroleum Plans for Drilling
- d. Discuss Santa Vrain Water Authority
- e. Discuss the Frederick-Firestone Fire Protection District

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

No public comment was received

9. Reports

10. Executive Session

Motion by Trustee Holcomb, **second** by Trustee Sharp, to go into executive session without Trustee Conyac Julie Pasillas due to confidentiality.

Roll Call Vote:

Yes: Trustee Whelan, Trustee Holcomb

No: Trustee Conyac, Mayor Pro Tem Jimenez, Trustee Doherty, Trustee Sharp

Abstain: None

Motion Failed

Motion by Mayor Pro Tem Jimenez, Second by Trustee Conyac to go into Executive Session at 7:28 PM

Roll Call Vote:

Yes: Trustee Sharp, Mayor Pro Tem Jimenez, Trustee Whelan, Trustee Doherty, Trustee Conyac

No: Trustee Holcomb

Abstain: None

Motion carried

- a. Pursuant to Colorado Revised Statutes section 24-6-402(4)(e)(I), for the purposes of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators regarding the Town's Member Intergovernmental Agreement with St. Vrain Water Authority.
- b. Pursuant to Colorado Revised Statutes section 24-6-402(4), to confer with the Town Attorney for the purposes of receiving legal advice on specific legal questions regarding impact fees to fund expenditures by a fire services provider, and pursuant to Colorado Revised Statutes section 24-6-402(4)(e)(i), for the purposes of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, developing strategy for negotiations, and instructing negotiators regarding a proposed Intergovernmental Agreement with the Frederick-Firestone Fire Protection District for the imposition of an Impact Fee.
- c. An executive session pursuant to C.R.S. 24-6-402 (4)(f)(I) for a personnel matter regarding the annual evaluation of the Town Manager

11. Adjournment

Motion by Mayor Pro Tem Jimenez, **Second** by Trustee Conyac, to Approve Adjournment at 10:00 PM. All in Favor. **Motion carried.**

Introduced and Approved the 16 of June 2023

TOWN OF FIRESTONE, COLORADO

ATTEST

Drew Peterson, Mayor

Kristi K Bashor, Town Clerk

**AGENDA INFORMATION
MEMORANDUM**

**FIRESTONE
TOWN BOARD OF TRUSTEES**



AIM#: 5.b

Consent Agenda

Meeting Date: June 14, 2023

Initiated By:

Dept: Town Clerk

AGENDA TITLE

Approval of May 24, 2023 Regular BoT Meeting Minutes

RECOMMENDATION

SUMMARY

FINANCIAL CONSIDERATIONS

HISTORY AND PREVIOUS BOARD ACTION

ATTACHMENTS

1. May 24, 2023 (2)
2. Hand out at the meeting

TOWN OF FIRESTONE, COLORADO
Board of Trustees Regular Meeting
MINUTES
May 24, 2023

1. Call to Order & Roll Call

The of the Town of Firestone met for a Regular Meeting on May 24, 2023, at the Police Department & Municipal Court building, 9900 Park Avenue, Firestone, Colorado. Mayor Peterson called the meeting to order at 06:30 PM

The following were present upon the call of the roll:

Mayor: Drew Peterson
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; Paula Mehle, Director of FUE; Economic Development; Raelynn Ferrera, Assistant to the Town Manager; Katie Hansen, Director of Marketing & Communications; Jessica Canton, Director of Finance; Julie Pasillas, Director of Public Works; Tom Bjerkaas, Director of Planning & Development; Mark Ostholhoff, Planning Manager; David Angelo, Chief of Police; Kristin Bash, Town Clerk; AJ Krieger, Town Manager; & William Hayashi, Town Attorney

2. Pledge of Allegiance

Mayor Peterson led the pledge of allegiance.

3. Approval of Agenda

Motion by Trustee Holcomb, **second** by Trustee Whelan, to Approve of Agenda

Roll Call Vote:

Yes: Trustee Conyac, Trustee Whelan, Mayor Pro Tem Jimenez, Trustee Doherty, Trustee Sharp, Trustee Holcomb

No: None

Abstain: None

Motion carried

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

Lauren Rombach, a Firestone resident gave public comment in regards to "Puppy Mill" and pet shops that sell the puppies and kittens. She would like to see an ordinance that bans allowing pet shops from selling dogs and cats, puppies and kittens. She also passed out information on Puppy Mills.

Jessica Naab, A Firestone resident also gave public comment in support of not allowing pet stores to sell dogs and cats and kittens and puppies.

5. Consent Agenda

Motion by Trustee Sharp, **second** by Trustee Whelan, to Approve the Consent Agenda

Roll Call Vote:

Yes: Don Conyac, Trustee Doherty Trustee Whelan, Trustee Holcomb,, Trustee Sharp,
Mayor Pro Tem Jimenez

No: None

Abstain: None

Motion carried

- a. **Resolution 23-56:** A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, APPROVING A FINAL SUBDIVISION PLAT; AND ACCEPTING THE PROPERTY INTERESTS INDICATED BY THE FINAL PLAT FOR CERTAIN REAL PROPERTY LOCATED WITHIN DENMORE FILING NO. 1; AUTHORIZING A SUBDIVISION DEVELOPMENT AGREEMENT PERTAINING TO THE DENMORE FILING NO. 1
- b. **Resolution 23-61:** A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, ADOPTING THE TOWN OF FIRESTONE PURCHASING CARD POLICY
- c. **Resolution 23-62:** A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, ADOPTING THE TOWN OF FIRESTONE TRAVEL POLICY
- d. **Resolution 23-63:** A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, ADAPTING THE TOWN OF FIRESTONE PURCHASING POLICY

6. Proclamation

- a. National Public Works Week

Mayor Peterson read the Proclamation

7. Presentation

- a. STAR Award Presentation

Jan Sloat, Human Resources Director, presented the Star Awards to Julie Pasillas, Director of Public Works, Corey Ross, Public Works Coordinator, and Tim Saenz, Water-Foreman

8. Discussion/Action

- a. **Resolution 23-57**: A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, APPROVING THE TOWN'S PUBLIC WORKS DEPARTMENT'S PURCHASE OF LIGHTS FOR THE FIRESTONE TRAIL

Motion by Trustee Sharp, **second** by Trustee Whelan, to **Resolution 23-57**: A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, APPROVING THE TOWN'S PUBLIC WORKS DEPARTMENT'S PURCHASE OF LIGHTS FOR THE FIRESTONE TRAIL

Roll Call Vote:

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

No: None

Abstain: None

Motion carried

- b. **Resolution 23-58**: A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, APPROVING THE TOWN'S PUBLIC WORKS DEPARTMENT'S PURCHASE OF REPLACEMENT ATHLETIC FIELD GOODS FOR THE FIRESTONE SPORTS COMPLEX

Motion by Pro Tem Jimenez, **second** by Trustee Sharp, to approve **Resolution 23-58**: A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, APPROVING THE TOWN'S PUBLIC WORKS DEPARTMENT'S PURCHASE OF REPLACEMENT ATHLETIC FIELD GOODS FOR THE FIRESTONE SPORTS COMPLEX

Roll Call Vote:

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

No: None

Abstain: None

Motion carried

- c. **Resolution 23-59**: A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, APPROVING AN AGREEMENT BETWEEN THE TOWN OF FIRESTONE AND PLAYCORE WISCONSIN INC., DBA GAMETIME FOR INSTALLATION SERVICES OF SHADE STRUCTURES AT THE FIRESTONE SPORTS COMPLEX

Motion by Trustee Whelan, **second** by Trustee Conyac, to Approve **Resolution 23-59**: A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, APPROVING AN AGREEMENT BETWEEN THE TOWN OF FIRESTONE AND PLAYCORE WISCONSIN INC., DBA GAMETIME FOR INSTALLATION SERVICES OF SHADE STRUCTURES AT THE FIRESTONE SPORTS COMPLEX

Roll Call Vote:

Yes: Trustee Conyac, Trustee Whelan, Mayor Pro Tem Jimenez, Trustee Doherty, Trustee Sharp, Trustee Holcomb

No: None

Abstain: None

Motion carried

- d. **Ordinance 1027:** AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, AMENDING SECTIONS 1.08.050 AND 13.08.010 OF THE FIRESTONE MUNICIPAL CODE REGARDING WATER DEDICATION REQUIREMENTS FOR RESIDENTIAL DWELLING UNITS

Motion by Frank Jimenez, **second** by Don Conyac, to Approve **Ordinance 1027:** AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, AMENDING SECTIONS 1.08.050 AND 13.08.010 OF THE FIRESTONE MUNICIPAL CODE REGARDING WATER DEDICATION REQUIREMENTS FOR RESIDENTIAL DWELLING UNITS

Roll Call Vote:

Yes: Trustee Sharp, Trustee Doherty, Mayor Pro Tem Jimenez, Trustee Holcomb, Trustee Conyac, Trustee Whelan

No: None

Abstain: None

Motion carried

- e. **Resolution 23-60:** A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, APPROVING THE SIXTH ADDENDUM TO THE WATER SERVICE AGREEMENT BETWEEN THE TOWN OF FIRESTONE AND CENTRAL WELD COUNTY WATER DISTRICT

Motion by Trustee Whelan, **second** by Mayor Pro Tem Jimenez to Approve **Resolution 23-60:** A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, APPROVING THE SIXTH ADDENDUM TO THE WATER SERVICE AGREEMENT BETWEEN THE TOWN OF FIRESTONE AND CENTRAL WELD COUNTY WATER DISTRICT

Roll Call Vote:

Yes: Trustee Conyac, Trustee Doherty, Trustee Whelan, Trustee Holcomb, Trustee Sharp, Mayor Pro Tem Jimenez

No: None

Abstain: None

Motion carried

- f. **Ordinance 1028:** AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, AUTHORIZING THE IMPOSITION OF AN IMPACT FEE TO FUND CAPITAL FACILITY EXPENDITURES BY THE FREDERICK-FIRESTONE FIRE PROTECTION DISTRICT FOR EMERGENCY SERVICES; AND APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF FIRESTONE AND THE FREDERICK-FIRESTONE FIRE PROTECTION DISTRICT PERTAINING TO SUCH IMPACT FEE

Motion by Don Conyac, **second** by Trustee Sharp, to Approve **Ordinance 1028:** AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE,

COLORADO, AUTHORIZING THE IMPOSITION OF AN IMPACT FEE TO FUND CAPITAL FACILITY EXPENDITURES BY THE FREDERICK-FIRESTONE FIRE PROTECTION DISTRICT FOR EMERGENCY SERVICES; AND APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF FIRESTONE AND THE FREDERICK-FIRESTONE FIRE PROTECTION DISTRICT PERTAINING TO SUCH IMPACT FEE

Roll Call Vote:

Yes: Trustee Conyac, Trustee Whelan, Mayor Pro Tem Jimenez, Trustee Doherty, Trustee Sharp, Trustee Holcomb

No: None

Abstain: None

Motion carried

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

There was no Public Comment

10. Reports

a. Staff

None

10.a.i. April Financial Report

b. Mayor

c. Trustees

Trustee Whelan spoke about wanting updates on Park Trails. The Trustees also spoke about Firestone Field and the repairs that are needed.

11. Adjournment

Motion by Trustee Conyac, **second** by Trustee Whelan, to Adjourn, All in Favor, **Motion carried.**

Introduced and Approved the 14 of June 2023

TOWN OF FIRESTONE, COLORADO

ATTEST

Drew Peterson, Mayor

Kristi K Bashor, Town Clerk

A Humane World
Kitty Block's Blog

Major win: 450 local communities have banned the sale of puppies in pet stores

March 8, 2023 [12 Comments](#)



Puppies and kittens being sold in pet shops are often sourced from massive breeding facilities and frequently suffer health problems. *The HSUS*

This week, Indianapolis became the 450th locality in the nation to prohibit the sale of puppy mill puppies in pet stores. The passage of this ordinance also means that half of the 20 largest cities in the nation won't allow puppy mill puppies to be sold in retail pet stores—a strong statement to those who profit from this cruelty.

Humane pet store laws at both the local and state level are having a noticeable impact on the puppy mill industry, with public records showing that an estimated 32,000 fewer breeding dogs are caged in U.S. Department of Agriculture-licensed facilities than 10 years ago. As about one-third of puppy-selling pet stores have stopped selling puppies due to humane pet store laws, the average USDA-licensed breeding facility now holds approximately one-third fewer dogs. And we expect the industry to shrink even further when [New York state's](#) law goes into effect, preventing more than 60 stores from selling puppies.

In the fight to end the puppy mill industry, it's clear that we are winning, and the days of selling puppies in pet stores are numbered. Yet [Petland](#)—the largest puppy-selling pet store chain in the U.S.—continues to double down on its controversial business model. The win in Indianapolis came just days after the Indiana Senate passed SB 134, a bill designed to strip cities of their authority to do exactly what the state's largest city just did—enact a law that stops pet stores from selling commercially raised puppies. We're confident we can stop this shortsighted, unpopular bill in the Indiana House of Representatives, but it will be a battle, as Petland seems to be putting all it has into insulating its three puppy-selling stores in the state from local jurisdiction.

Privacy - Terms

Similar Petland-led legislation has also been introduced in Missouri, and we expect to see it elsewhere, too, unfortunately. These efforts to strip cities of their right to regulate puppy-selling pet stores are a direct result of our work. Petland can't win in city halls, so it hopes to influence (often with campaign contributions) certain key lawmakers to choose business interests above all else.

What we find, however, is that state lawmakers routinely reject Petland's efforts to stop local regulation of its stores, especially after we educate them on the major animal welfare and consumer protection problems posed by puppy-selling pet stores. For instance, SB 134 only passed by a narrow majority, with Petland losing votes it thought it had secured, and only after significant amendments were made, including one allowing 14 humane pet store ordinances already on the books to stay intact.

However, the new Indianapolis ordinance is a target of this legislation and no additional ordinances could be enacted, which is why we're continuing to fight this bill.

This year, we're not only making sure lawmakers know who Petland really is, but we're also exposing the company's disregard for existing laws. A Petland in Houston, Texas, is racking up citations from the city for selling commercially bred puppies in violation of the ordinance that went into effect earlier this year. And, in late 2022, a Petland store in Batavia, Illinois, received a notice from the Illinois Department of Agriculture that it was charged with violating the Illinois Animal Welfare Act for operating without the proper license and selling dogs at retail in violation of state law.

This disregard seems to be the new normal for Petland. In 2021, Petland's San Antonio store received numerous citations totaling \$42,000 for selling commercially raised puppies in violation of the local ordinance. Late last year, the Florida attorney general announced that she secured financial relief for Petland customers who were deceived and sold sick or dying puppies. An Orlando, Florida, Petland store was ordered to pay more than \$200,000 in monetary relief to its customers and is permanently banned from selling any puppy who is known to be sick. The store is also prohibited from misrepresenting a puppy's health, purebred status, purchase price or warranty.

Petland: behind the scenes



We are up for whatever Petland throws our way, and we know that in the end we will prevail. We'll continue to push for state and local humane pet store laws and won't stop until puppy mills have nowhere left to sell and the cages where mother dogs are forced to give birth to litter after litter are finally empty.

You can take a stand against puppy mills in your community by contacting StopPuppyMills@humanesociety.org; we'll connect you with our team and your state director to help you get started.



Bailing Out Benji

Bailing Out Benji was established in 2011 and is dedicated to educating the public and providing them with the most accurate and current data on the puppy mill industry.

It is our belief that a grassroots approach by concerned citizens is the most effective way to bring about change for animals and humans alike. Our focus is to encourage advocacy by providing the tools necessary to educate children and adults alike, while presenting the information in a non-graphic way.

Bailing Out Benji's core values

Bailing Out Benji was founded on the critical belief that once we present factual and legitimate proof regarding the commercial dog breeding industry, the public will choose to make the right decision in obtaining a pet. Our core values, as listed below, help our board members, leaders and volunteers serve out of loyalty and responsibility to the organization's mission and provide essential oversight and accountability to the organization's beneficiaries, donors, and the general public, with whom we are educating. In carrying out our own mission, Bailing Out Benji embraces the following values:

Legitimacy

First and foremost, Bailing Out Benji critically believes that our *factual* and *transparent* reporting is the pillar that we stand on. By delving into research of hidden, yet public information regarding puppy mills and then making that public, we are handling the burden of proof when it comes to helping the public decide whether or not a breeder or pet store is legitimate. We maintain our legitimacy by providing facts without relying on graphic images in order to honor our mission statement.

Compassion

Bailing Out Benji is and always will be an agent for compassion and kindness. The very same compassion and respect that we are showing the animals which we all vow to love and protect, we show to our donors, our supporters, our volunteers, and even our opponents. The board, leaders and volunteers of Bailing Out Benji firmly believe in meeting the public where they are at and planting a seed for the future to elicit positive change for the animals. It is not our place to judge, it is our duty to provide facts and data to the public and help them see the bigger picture regarding the puppy mill industry.

Integrity

Integrity and Professionalism are both a piece of an organizational culture at Bailing Out Benji that will never change. Our board members, leaders and volunteers vow to remain calm and professional when presenting our facts, data and research. Even in times of hostility or objection, it is our core belief that our facts will speak for themselves.

Honor

Bailing Out Benji board members, leaders and volunteers value and honor our nonprofit organization and the work that we do. It is our core belief that our team runs as efficiently as it does because we all are proud of the work we do and the way we carry our mission out.

Empowerment

Bailing Out Benji believes, to our core, in the value of empowering our team and the general public to elicit change in their own communities. By providing the education, facts and tools to be successful, we believe that the power for change lies within us all. Our organization is successful because of the way we interact with our leaders and volunteers to ensure they feel empowered in all that they are doing in their communities in order to create positive change for the animals.

Subject Re: CVI Research
From Research Bailing Out Benji
<research@bailingoutbenji.com>
To: <t_mcbride47@yahoo.com>
Date Today at 13:31

Hi Thomas,

There have been studies done that show pet stores are still profitable if they transition to a humane model. I will have to ask for that specific research, but it is one of the counterpoints we talk about when trying to pass ordinances and pet stores say that puppy selling is the only way to make money. In the year 2020, Americans spent \$99 billion on their pets, an increase from 2019 when we spent \$95.7 billion. Petco and Petsmart are profitable businesses as well and their main focus is selling animal products rather than animals (even though they do still sell small animals, this is not the main driver of their sales).

I think that for puppy-selling pet stores, their profit would go down if they transitioned to a humane model, but that is only because they sell puppies at exorbitant prices. When you can't sell dogs for thousands of dollars with high-interest rates, you will see a decrease in profit. Even with this though, the humane model is still very profitable, more ethical, and reasonably priced for consumers.



Bailing Out Benji

Alexis Bell (she/her)
Research Analyst
www.bailingoutbenji.com



Interested in learning more about puppy mills and animal welfare? Check out Bailing Out Benji's podcast and Youtube show "Truth, Lies and Puppy Mills".

On Thu, Apr 20, 2023 at 5:56 PM Bailing Out Benji
<mindy@bailingoutbenji.com> wrote:

[Redacted content]

**AGENDA INFORMATION
MEMORANDUM**

**FIRESTONE
TOWN BOARD OF TRUSTEES**



AIM#: 5.c

Consent Agenda

Meeting Date: June 14, 2023

Initiated By:

Dept: Planning & Development

AGENDA TITLE

Resolution 23-68: A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, EXTENDING THE APPROVAL OF A MINOR SUBDIVISION PLAT FOR CERTAIN REAL PROPERTY LOCATED WITHIN FIRELIGHT PARK MINOR SUBDIVISION

RECOMMENDATION

Staff recommends the Board of Trustees approve Resolution 23-68.

SUMMARY

The property owner is requesting a third extension to record the Firelight Park Minor Subdivision Plat (Plat). The Firelight Park subdivision is located at the northeast corner of Fairview Street and Highway 119. The 90-day extension to record the Plat will allow the applicant more time to obtain the Letter of Credit surety for public improvements from the lender.

FINANCIAL CONSIDERATIONS

n/a

HISTORY AND PREVIOUS BOARD ACTION

On July 13, 2022, the Board of Trustees approved Resolution 22-79, a resolution approving the Firelight Park Minor Subdivision Plat; on October 26, 2022, the Board of Trustees approved Resolution 22-112, a resolution approving the first extension to record the Plat; and, on February 8, 2023 the Board of Trustees approved Resolution 23-25, a resolution approving the second extension to record the Plat.

ATTACHMENTS

1. Resolution 23-68
2. Firelight Park Minor Subdivision Plat

RESOLUTION NO. 23-68

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, EXTENDING THE APPROVAL OF A MINOR SUBDIVISION PLAT FOR CERTAIN REAL PROPERTY LOCATED WITHIN FIRELIGHT PARK MINOR SUBDIVISION

WHEREAS, the Board of Trustees, by duly-adopted Resolution No. 22-79, dated July 13, 2022, approved the Firelight Park Minor Subdivision Plat (the “Minor Plat”), submitted by Fire Voyage Ventures LLC (“Applicant”), as owner of certain real property located within Firelight Park (the “Property”); and

WHEREAS, on October 26, 2022, the Board of Trustees, by duly-adopted resolution, extended the date of approval of the Minor Plat to February 13, 2023; and

WHEREAS, on February 8, 2023 the Board of Trustees, by duly-adopted resolution, extended the date of approval of the Minor Plat to June 13, 2023; and

WHEREAS, Applicant has requested again that the Board of Trustees extend the date of approval of the Minor Plat for a period of ninety (90 days) to September 13, 2023; and

WHEREAS, the Board of Trustees has reviewed Applicant’s request and, based on the application materials, has determined that there are no reasons to deny a third extension of time.

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

Section 1. The Board of Trustees hereby approves a ninety-day extension for the Firelight Park Minor Subdivision Plat to September 13, 2023, having an effective date of June 13, 2023, but subject to the following conditions:

(a) All conditions of the original Firelight Park Minor Subdivision Plat approval from July 13, 2022, as set out in Resolution No. 22-7, shall remain valid and in full force and effect, and shall apply to the extension request; and

(b) If not executed and recorded by September 13, 2023, the Firelight Park Minor Subdivision Plat shall lapse, unless extended by resolution of the Board of Trustees.

Section 2. Any delay or lapse between the adoption of this resolution and the effective extension date set forth in Section 1(b) of Resolution No. 23-25 shall not be deemed to be a condition of default by Applicant under Resolution No. 23-25 or to render the Firelight Park Minor Subdivision Plat null and void.

Section 3. Unless otherwise extended by resolution of the Board of Trustees, the approval of the Firelight Park Minor Subdivision Plat, and the extension thereof, as provided by Resolution No. 22-79, Resolution No. 22-112, Resolution No. 23-25, and this Resolution, shall be

null and void if the conditions set forth in Section 1 are not satisfied.

PASSED AND ADOPTED this ____ day of June, 2023.

Drew Alan Peterson, Mayor

ATTEST:

Kristi Bashor, Town Clerk

APPROVED AS TO FORM:

William P. Hayashi, Town Attorney

EXHIBIT A
Firelight Park Minor Subdivision Plat

FIRELIGHT PARK MINOR SUBDIVISION PLAT

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 2 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN,
TOWN OF FIRESTONE, COUNTY OF WELD, STATE OF COLORADO
70.10 ACRES - 4 LOTS - 6 TRACTS
CASE NO. NRMP-21-011

DEDICATION AND OWNERSHIP STATEMENT

KNOW BY ALL MEN THESE PRESENTS THAT THE UNDERSIGNED, BEING ALL THE OWNERS, MORTGAGEES, OR LIEN HOLDERS OF CERTAIN LANDS IN THE TOWN OF FIRESTONE, COUNTY OF WELD, COLORADO, DESCRIBED AS FOLLOWS:

A REPLAT OF LOTS A AND B, RECORDED EXEMPTION NO. 1313-05-3-RE-2794, RECORDED AT RECEPTION NO. 2789721, TOWN OF FIRESTONE, COUNTY OF WELD, STATE OF COLORADO

LESS ROADS

ALSO DESCRIBED AS:

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 2 NORTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF FIRESTONE, COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 2 NORTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, MONUMENTED AT THE NORTH END BY A FOUND 2" ALUMINUM CAP STAMPED "1994 LS 25937" AND AT THE SOUTH END BY A FOUND 3-1/4" ALUMINUM CAP (ILLEGIBLE). SAID WEST LINE BEARS NORTH 00°44'33" EAST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 5;

THENCE SOUTH 89°29'45" EAST 60.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF FAIRVIEW STREET, AND THE **POINT OF BEGINNING**;

THENCE DEPARTING SAID EAST RIGHT-OF-WAY LINE AND CONTINUING SOUTH 89°29'45" EAST 1195.75 FEET;

THENCE SOUTH 00°45'54" WEST 2522.08 FEET TO THE NORTH RIGHT-OF-WAY LINE OF COLORADO STATE HIGHWAY 119;

THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES:

- SOUTH 87°16'21" WEST 677.75 FEET;
- SOUTH 87°16'24" WEST 268.13 FEET;
- SOUTH 87°35'28" WEST 311.06 FEET TO THE WEST LINE OF SAID SOUTHWEST QUARTER;

THENCE ALONG SAID WEST LINE NORTH 2591.21 FEET TO THE POINT OF BEGINNING.

CONTAINING 3,053,725 SQUARE FEET, OR 70.10 ACRES, MORE OR LESS.

HAVE BY THESE PRESENTS LAID OUT, PLATTED AND SUBDIVIDED THE SAME INTO LOTS, TRACTS, AND EASEMENTS AS SHOWN HEREON UNDER THE NAME AND SUBDIVISION OF FIRELIGHT PARK MINOR SUBDIVISION PLAT. THE EASEMENTS SHOWN HEREON ARE DEDICATED TO THE TOWN AND THE PUBLIC, FOR PUBLIC USES AND PURPOSES AS SHOWN HEREON.

OWNER:

BY: _____ AS: _____

DATE _____ TITLE: _____

BY: _____ AS: _____

DATE _____ TITLE: _____

BY: _____ AS: _____

DATE _____ TITLE: _____

ATTEST: _____

STATE OF COLORADO)
COUNTY OF WELD) ss.

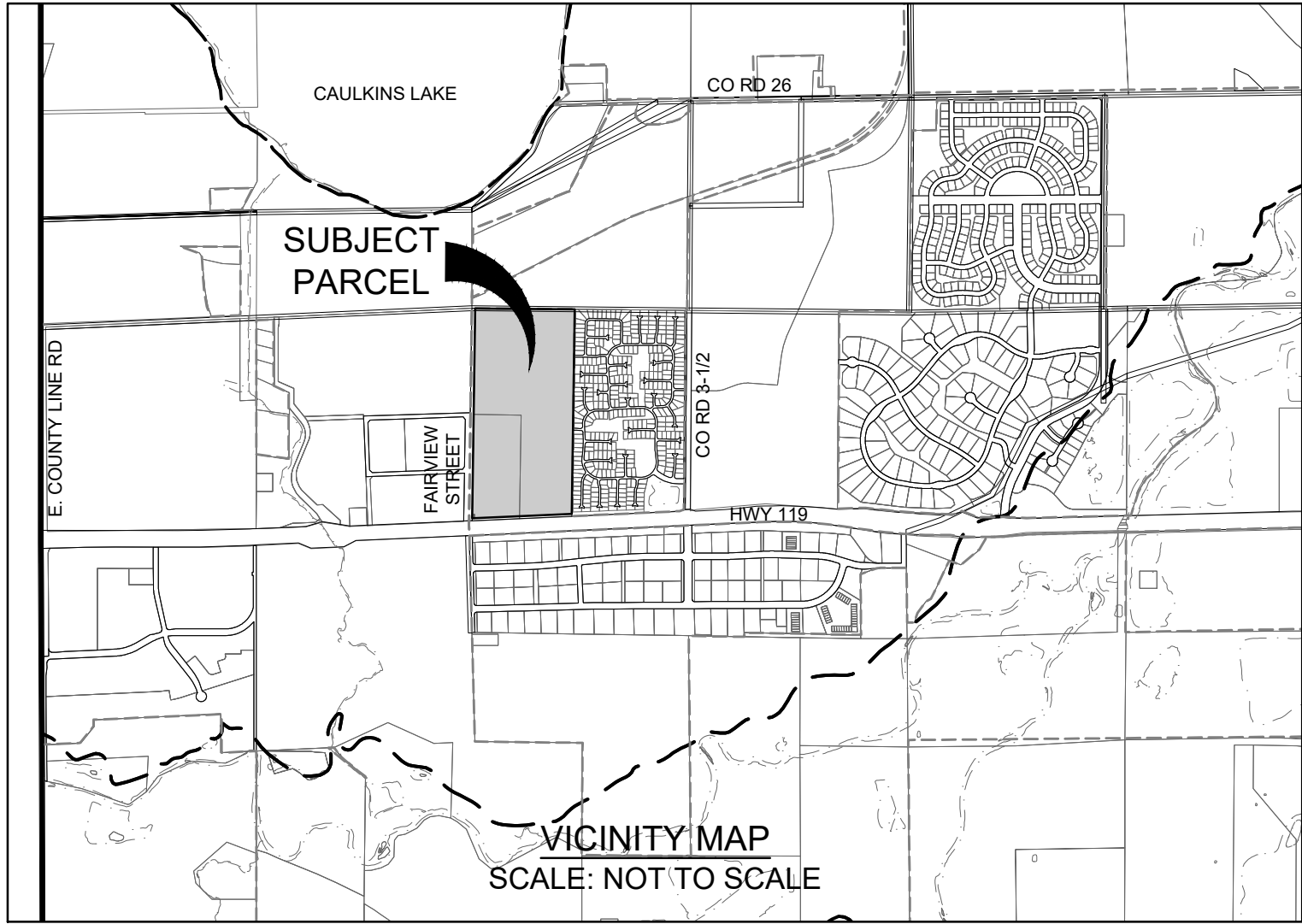
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 20____

BY _____ AS _____.

WITNESS MY HAND AND OFFICIAL SEAL

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____



BOARD OF TRUSTEES APPROVAL CERTIFICATE

THIS PLAT IS TO BE KNOWN AS FIRELIGHT PARK MINOR SUBDIVISION PLAT AND IS APPROVED AND ACCEPTED BY RESOLUTION NO. _____, PASSED AND ADOPTED AT A MEETING OF THE BOARD OF TRUSTEES OF FIRESTONE, COLORADO, HELD ON THE _____ DAY OF _____, 20____.

MAYOR _____

ATTEST _____

TOWN CLERK _____

ACCEPTANCE CERTIFICATE

THE DEDICATION OF TRACTS IS HEREBY ACCEPTED FOR OWNERSHIP AND MAINTENANCE BY THE FIRELIGHT COMMERCIAL METROPOLITAN DISTRICT OR HOMEOWNERS/BUSINESS ASSOCIATION.

FIRELIGHT COMMERCIAL METROPOLITAN DISTRICT OR HOMEOWNERS/BUSINESS ASSOCIATION NAME

BY: _____ DATE: _____

(NOTARIZED SIGNATURE)

(NAME OF AUTHORIZED OFFICIAL)

TITLE: _____

STATE OF COLORADO)
COUNTY OF WELD) ss.

ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 20____

BY: _____ AS _____.

WITNESS MY HAND AND OFFICIAL SEAL

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

OWNER/SUBDIVIDER:
VOYAGE VENTURES, LLC
1425 ONYX CIRCLE
LONGMONT, COLORADO 80504

SURVEYOR:
ATWELL, LLC
143 UNION BLVD. SUITE 700
LAKEWOOD, COLORADO 80228

SURVEYOR'S CERTIFICATE:

I, VLADISLAV SKREJEV, A DULY REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT TRULY AND CORRECTLY REPRESENTS THE RESULTS OF A SURVEY MADE ON 03/06/2021, REVIEWED BY ME AND THAT ALL MONUMENTS EXIST AS SHOWN HEREON; THAT MATHEMATICAL CLOSURE ERRORS ARE LESS THAN 1:50,000 (SECOND ORDER); AND THAT SAID PLAT HAS BEEN PREPARED IN FULL COMPLIANCE WITH ALL APPLICABLE LAWS OF THE STATE OF COLORADO DEALING WITH MONUMENTS, SUBDIVISIONS OR SURVEYING OF LAND AND ALL APPLICABLE PROVISIONS OF THE TOWN OF FIRESTONE DEVELOPMENT CODE.

I ATTEST THE ABOVE ON THIS _____ DAY OF _____, 20____



VLADISLAV SKREJEV, PLS
COLORADO REGISTERED PROFESSIONAL LAND SURVEYOR 38705

FOR AND ON BEHALF OF ATWELL, LLC

NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATE SHOWN HEREON.

TITLE VERIFICATION CERTIFICATE

WE, LAND TITLE GUARANTEE COMPANY, DO HEREBY CERTIFY THAT WE HAVE EXAMINED THE TITLE OF ALL LAND PLATTED HEREON AND THAT TITLE TO SUCH LAND IS IN THE DEDICATOR(S) FREE AND CLEAR OF ALL LIENS, TAXES AND ENCUMBRANCES, EXCEPT AS FOLLOWS:

LAND TITLE GUARANTEE COMPANY

BY: _____

NAME: _____

DATE: _____

TITLE: _____

ATTEST: _____

STATE OF COLORADO)
COUNTY OF WELD) ss.

ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 20____

BY _____ AS _____

WITNESS MY HAND AND OFFICIAL SEAL

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

PUBLIC ACCESS EASEMENT

A PERPETUAL EASEMENT OVER AND ACROSS ALL SIDEWALKS, PEDESTRIAN PATHS, STREETS, WALKWAYS, DRIVEWAYS, AREAS AND PARKING AREAS UPON OR WITHIN THE DESIGNATED ACCESS EASEMENT ON LOTS 1-4 AND OVER THE ENTIRETY OF TRACT A, TRACT C, AND TRACT E OF THE FIRELIGHT PARK NON-RESIDENTIAL MINOR PLAT FOR THE PURPOSE OF VEHICLE AND PEDESTRIAN INGRESS AND EGRESS AND PARKING OF VEHICLES, AT ANY TIME FROM TIME TO TIME, BY MEMBERS OF THE PUBLIC.

REVISIONS

REVISED	04/30/2021
REVISED	05/06/2021
REVISED	10/14/2021
REVISED	01/03/2022
REVISED	03/01/2022
REVISED	08/25/2022



ATWELL
866.850.4200 www.atwell-group.com

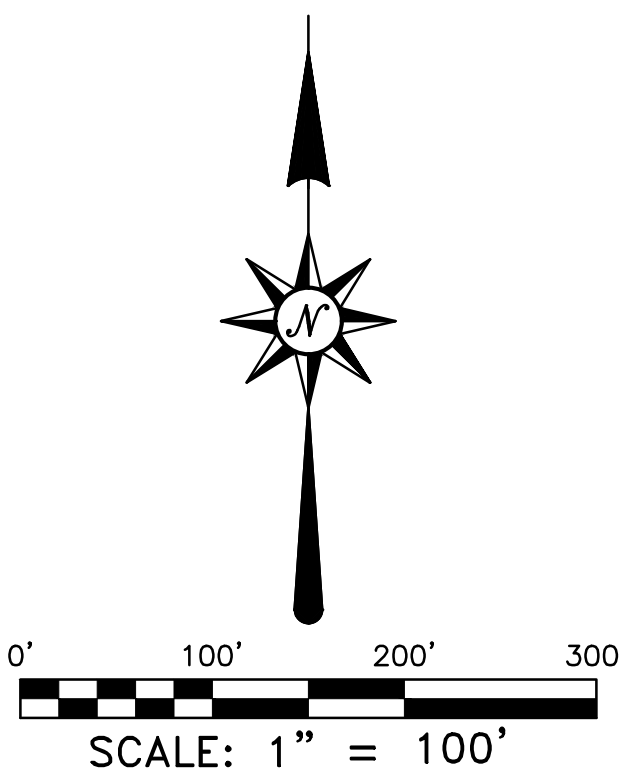
143 UNION BOULEVARD, SUITE 700
LAKEWOOD, CO 80228
303.462.1100

SHEET
1
OF 3

FILE NO.	18003353 MINOR SUB
DATE	12/08/20
DRAWN BY	TWK
CHECK BY	VS
JOB NO.	18003353

FIRELIGHT PARK MINOR SUBDIVISION PLAT

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 2 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN,
TOWN OF FIRESTONE, COUNTY OF WELD, STATE OF COLORADO
70.10 ACRES - 4 LOTS - 6 TRACTS
CASE NO. NRMP-21-011

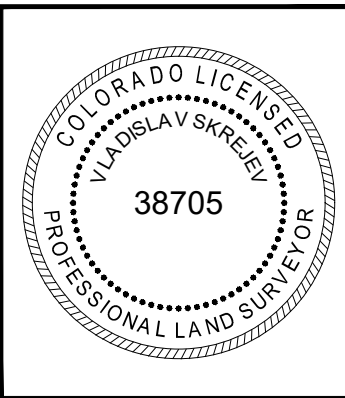


LEGEND	
	PLAT BOUNDARY LINE
	ADJACENT LOT LINE
	EXISTING LOT LINE TO BE VACATED
	PROPOSED LOT LINE
	SECTION LINE
	RIGHT-OF-WAY LINE
	EXISTING EASEMENT LINE
	PROPOSED EASEMENT LINE
	SECTION CORNER, AS NOTED
	FOUND MONUMENT, AS NOTED
	SET 24" #5 REBAR WITH BLUE PLASTIC CAP "ATWELL PLS 38304"
	EXISTING PRODUCING OIL/GAS WELL
	EXISTING DRY & ABANDONED OIL/GAS WELL

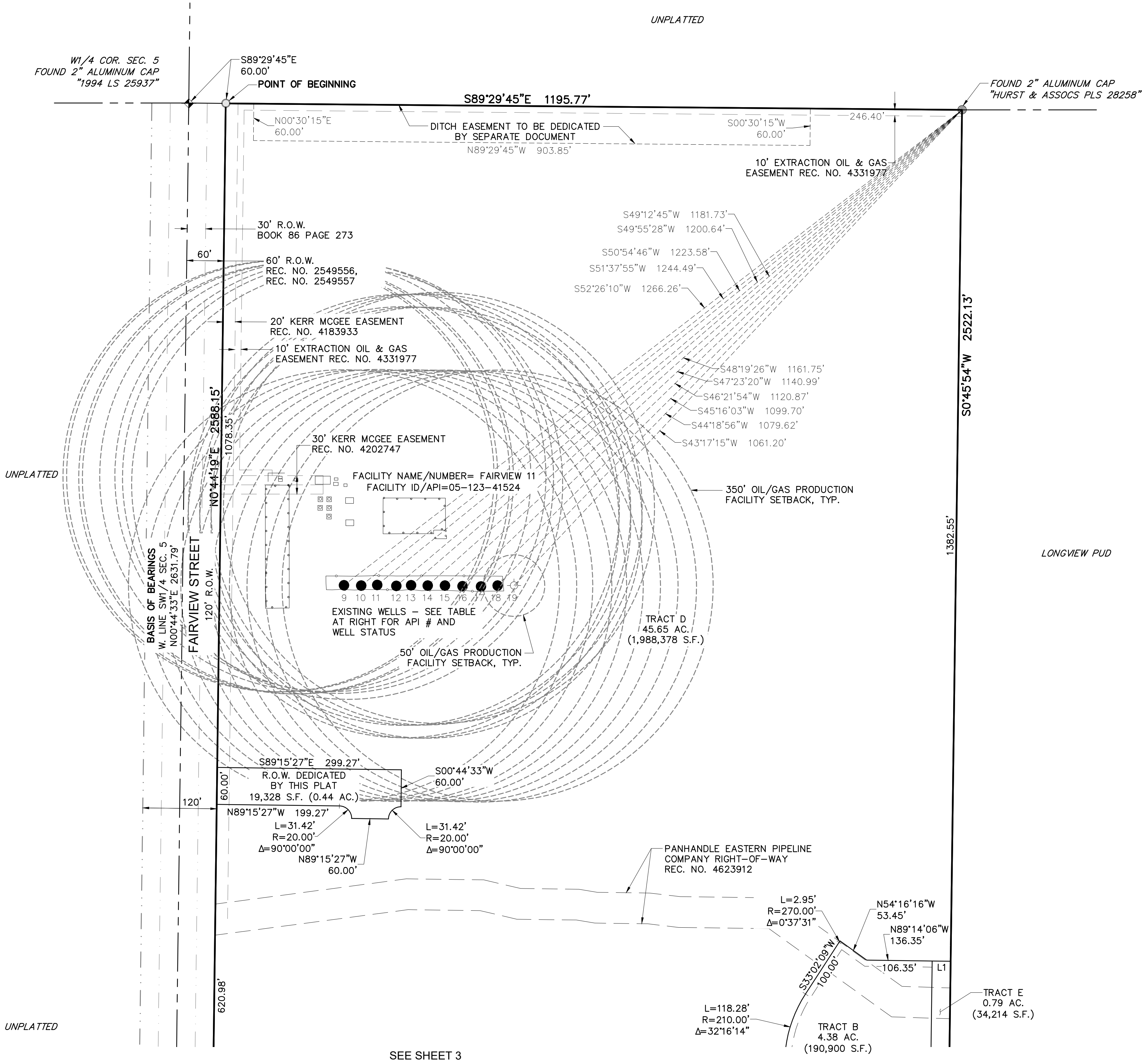
LAND SUMMARY CHART		
TYPE	AREA	% OF TOTAL AREA
LOTS	5.07 AC.	7.23
TRACTS	64.59 AC.	92.14
R.O.W.	0.44	0.63
TOTAL	70.10	100.00

TRACT SUMMARY CHART				
TRACT	AREA	USE	OWNERSHIP	MAINTENANCE
A	0.55 AC.	OPEN SPACE/UTILITIES/ DETENTION	FIRELIGHT COMMERCIAL METRO DISTRICT	FIRELIGHT COMMERCIAL METRO DISTRICT
B	4.38	OPEN SPACE/ACCESS/ UTILITIES/DETENTION	OWNER	OWNER
C	1.26 AC.	ACCESS/UTILITIES	FIRELIGHT COMMERCIAL METRO DISTRICT	FIRELIGHT COMMERCIAL METRO DISTRICT
D	45.65 AC.	FUTURE RESIDENTIAL DEVELOPMENT	FIRELIGHT COMMERCIAL METRO DISTRICT	FIRELIGHT COMMERCIAL METRO DISTRICT
E	0.79 AC.	OPEN SPACE/ LANDSCAPE BUFFER	FIRELIGHT COMMERCIAL METRO DISTRICT	FIRELIGHT COMMERCIAL METRO DISTRICT
F	11.85 AC.	ACCESS/UTILITIES	FIRELIGHT COMMERCIAL METRO DISTRICT	FIRELIGHT COMMERCIAL METRO DISTRICT

WELL CHART		
WELL #	API #	STATUS
9	123-41524	PRODUCING
10	123-41517	PRODUCING
11	123-41520	PRODUCING
12	123-41525	PRODUCING
13	123-41518	PRODUCING
14	123-41519	PRODUCING
15	123-41521	PRODUCING
16	123-41523	PRODUCING
17	123-41522	PRODUCING
18	123-41666	PRODUCING
19	123-41667	DRY & ABANDONED



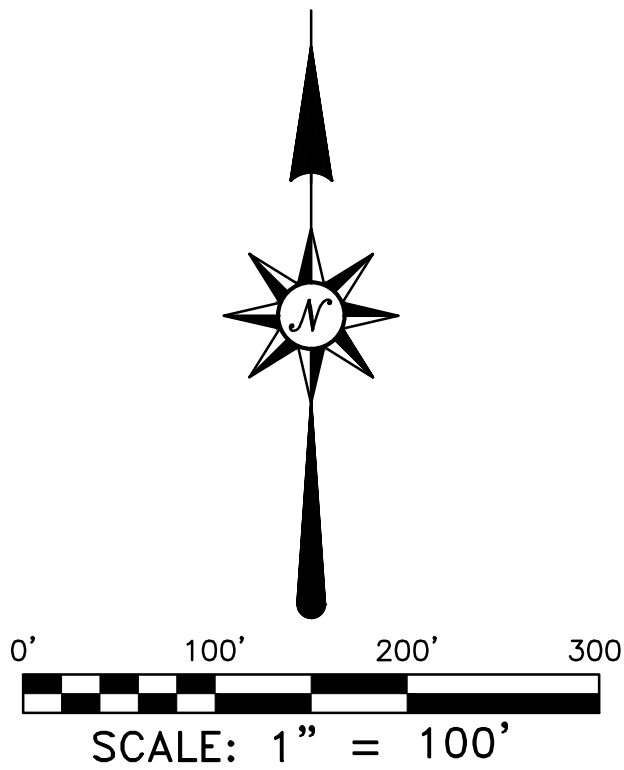
REVISIONS		SHEET 2 OF 3
REVISED	04/30/2021	
REVISED	05/06/2021	
REVISED	10/14/2021	
REVISED	01/03/2022	
REVISED	03/01/2022	
REVISED	08/25/2022	
FILE NO. 18003353 MINOR SUB		
DATE 12/08/20		
DRAWN BY TWK		
CHECK BY VS		
JOB NO. 18003353		



SEE SHEET 3

FIRELIGHT PARK MINOR SUBDIVISION PLAT

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 2 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN,
TOWN OF FIRESTONE, COUNTY OF WELD, STATE OF COLORADO
70.10 ACRES - 4 LOTS - 6 TRACTS
CASE NO. NRMP-21-011

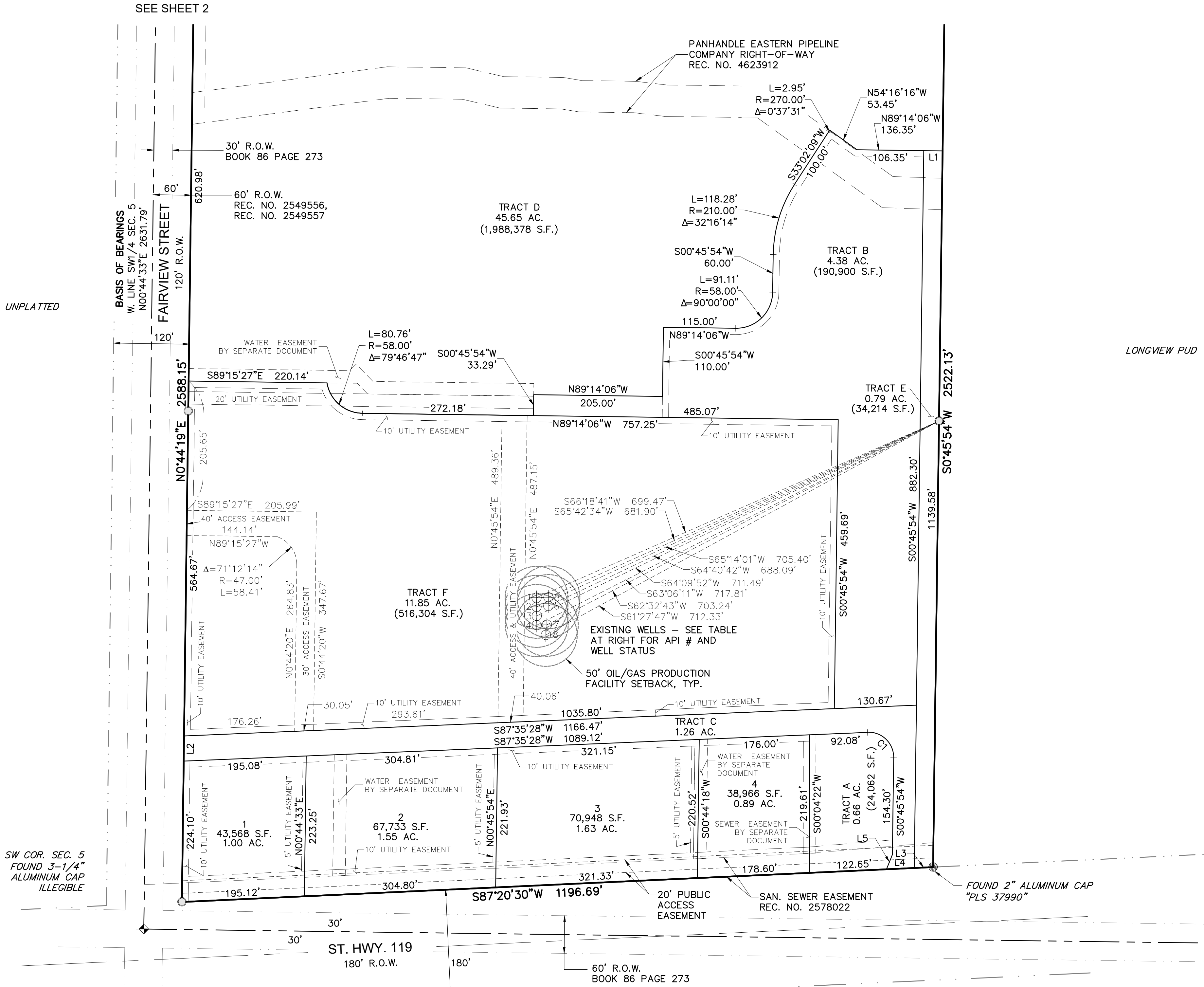


LEGEND	
	PLAT BOUNDARY LINE
	ADJACENT LOT LINE
	EXISTING LOT LINE TO BE VACATED
	PROPOSED LOT LINE
	SECTION LINE
	RIGHT-OF-WAY LINE
	EXISTING EASEMENT LINE
	PROPOSED EASEMENT LINE
	SECTION CORNER, AS NOTED
	FOUND MONUMENT, AS NOTED
	SET 24" #5 REBAR WITH BLUE PLASTIC CAP "ATWELL PLS 38304"
	EXISTING PLUGGED & ABANDONED OIL/GAS WELL

LINE DATA TABLE		
LINE #	DIRECTION	LENGTH
L1	N89°14'06"W	30.00'
L2	N0°44'19"E	40.06'
L3	S87°20'30"W	30.05'
L4	S87°20'30"W	44.14'
L5	N22°09'51"E	24.85'

CURVE DATA TABLE			
CURVE #	DELTA	RADIUS	LENGTH
C1	93°10'27"	40.00'	65.05'

WELL CHART		
WELL #	API #	STATUS
1	123-26695	PLUGGED/ABANDONED
2	123-26696	PLUGGED/ABANDONED
3	123-10019	PLUGGED/ABANDONED
4	123-26697	PLUGGED/ABANDONED
5	123-34416	PLUGGED/ABANDONED
6	123-26698	PLUGGED/ABANDONED
7	123-34413	PLUGGED/ABANDONED
8	123-34414	PLUGGED/ABANDONED



**ATWELL**
866.850.4200 www.atwell-group.com
143 UNION BOULEVARD, SUITE 700
LAKEWOOD, CO 80228
303.462.1100

REVISIONS	
REVISED	04/30/2021
REVISED	05/08/2021
REVISED	10/14/2021
REVISED	01/03/2022
REVISED	03/01/2022
REVISED	08/25/2022
SHEET 3 OF 3	
FILE NO. 18003353 MINOR SUB	
DATE 12/08/20	
DRAWN BY TWK	
CHECK BY VS	
JOB NO. 18003353	

**AGENDA INFORMATION
MEMORANDUM**

**FIRESTONE
TOWN BOARD OF TRUSTEES**



AIM#: 6.a

Presentation

Meeting Date: June 14, 2023

Initiated By:

Dept: Police

AGENDA TITLE

Emergency Management Plan Updates

RECOMMENDATION

SUMMARY

Merrie Leach Garner, Carbon Valley Emergency Management Coordinator, will present recent updates to the Carbon Valley Emergency Management Plan.

FINANCIAL CONSIDERATIONS

HISTORY AND PREVIOUS BOARD ACTION

ATTACHMENTS

None

AGENDA INFORMATION MEMORANDUM

FIRESTONE
TOWN BOARD OF TRUSTEES



AIM#: 7.a

Land Development

Meeting Date: June 14, 2023

Initiated By: Rocco DeLuca

Dept: Planning & Development

AGENDA TITLE

Ordinance 1029: AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, REPEALING AND REENACTING IN THEIR ENTIRETY CHAPTERS 15.04 (2018 INTERNATIONAL BUILDING CODE), 15.06 (2018 INTERNATIONAL RESIDENTIAL CODE), 15.08 (2023 NATIONAL ELECTRIC CODE), 15.10 (2018 INTERNATIONAL EXISTING BUILDING CODE), 15.12 (2018 INTERNATIONAL FUEL GAS CODE), 15.14 (2018 INTERNATIONAL MECHANICAL CODE), 15.16 (2018 INTERNATIONAL PLUMBING CODE), 15.18 (2018 INTERNATIONAL PROPERTY MAINTENANCE CODE), 15.32 (2018 INTERNATIONAL FIRE CODE), 15.20 (2018 INTERNATIONAL SWIMMING POOL AND SPA CODE) AND 15.36 (2018 INTERNATIONAL ENERGY CONSERVATION CODE) OF THE FIRESTONE MUNICIPAL CODE

RECOMMENDATION

Staff recommends that the Board of Trustees introduce the adopting ordinance at the June 21, 2023, Board of Trustees meeting.

SUMMARY

For the Board of Trustees' consideration at a future public hearing is Ordinance 1029, which repeals and reenacts existing portions of Title 15 of the Firestone Municipal Code and adds new sections to Title 15 as they pertain to the Town's adopted building codes.

Pursuant to Part 2 of Article 16, Title 31 of the Colorado Revised Statutes for ordinance codes adopted by reference, the Board of Trustees will first introduce the ordinance and then conduct the public hearing on a future date with notice in compliance with C.R.S. 31-16-203.

A public hearing for this ordinance has been scheduled and noticed for the June 21, 2023, Board of Trustees meeting.

FINANCIAL CONSIDERATIONS

HISTORY AND PREVIOUS BOARD ACTION

ATTACHMENTS

1. Ordinance 1029

ORDINANCE NO. 1029

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, REPEALING AND REENACTING IN THEIR ENTIRETY CHAPTERS 15.04 (INTERNATIONAL BUILDING CODE), 15.06 (INTERNATIONAL RESIDENTIAL CODE), 15.08 (NATIONAL ELECTRIC CODE), 15.10 (INTERNATIONAL EXISTING BUILDING CODE), 15.12 (INTERNATIONAL FUEL GAS CODE), 15.14 (INTERNATIONAL MECHANICAL CODE), 15.16 (INTERNATIONAL PLUMBING CODE), 15.18 (INTERNATIONAL PROPERTY MAINTENANCE CODE), 15.32 (INTERNATIONAL FIRE CODE), 15.20 (INTERNATIONAL SWIMMING POOL AND SPA CODE) AND 15.36 (INTERNATIONAL ENERGY CONSERVATION CODE) OF THE FIRESTONE MUNICIPAL CODE

WHEREAS, Section 31-16-202 C.R.S., permits the adoption by reference of standard codes; and

WHEREAS, the Town has previously adopted by reference the following codes: the 2018 International Building Code; the 2018 International Residential Code, the 2020 National Electric Code; the 2018 International Plumbing Code; the 2018 International Mechanical Code; the 2012 International Energy Conservation Code; the 2018 International Fuel Gas Code; the 2018 International Fire Code; the 2018 International Property Maintenance Code; the 2018 International Swimming Pool and Spa Code, and the 2018 International Existing Building Code; and

WHEREAS, periodically it is necessary for the Town to update or amend those building codes which are adopted by reference in order to remain technically current; and

WHEREAS, the Town desires to adopt by reference the 2023 National Electric Code and the 2018 International Energy Conservation Code and to make certain amendments to the existing codes as adopted by the Town; and

WHEREAS, the Town held a public hearing on June 28, 2023, with proper notice provided, to consider adoption of the 2023 National Electric Code and the 2018 International Energy Conservation Code and other building code amendments as required by law.

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

Section 1. Chapter 15.04, "Building Code," of the Firestone Municipal Code is hereby repealed in its entirety and re-enacted to read as follows:

Chapter 15.04 International Building Code.

15.04.010 Adoption of the International Building Code.

The International Building Code 2018 Edition, as published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478, Chapters 1 through 35 inclusive

and Appendix Chapters H (Signs) I (Patio Covers) and N (Replicable Buildings), is hereby adopted by reference as the Firestone Building and Construction Code (FBCC) (referenced in this chapter as the IBC and thereafter referred to as "this code") as if fully set out in this codification, with, however, the amendments indicated in the following sections of this chapter.

15.04.015 IBC Section 101.1.

IBC Section 101.1 (Title) is amended to read as follows:

These regulations shall be known as Firestone Building and Construction Code (FBCC), hereinafter referred to as "this code."

15.04.020 IBC Section 101.4.3.

IBC Section 101.4.3 (Plumbing) is amended to read as follows:

The provisions of the International Plumbing Code shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

15.04.025 IBC Section 101.4.5.

IBC Section 101.4.5 (Fire Prevention) is amended to read as follows:

The provisions of the International Fire Code, as adopted by the Town, shall apply to matters affecting or relating to structures, shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression, automatic sprinkler systems and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

15.04.030 IBC Section 103.1

IBC Section 103.1 (Creation of Enforcement Agency) is amended to read as follows:

The Building Division is hereby created and the official in charge thereof shall be known as the Building Official. The function of this agency shall be implementation, administration, and enforcement of the provisions of this code. Whenever the term or title "Administrative Authority," "Responsible Official," "Chief Inspector," "Code Official," or similar designation is used in this Code or other adopted codes enforced by the Building Division, such term or title shall be construed to mean the Building Official as identified by this section.

15.04.035 IBC Section 105.2.

IBC Section 105.2 (Work exempt from permit) item 2 of the Building portion of this section is deleted in its entirety and items 14 and 15 of the Building portion of this section are amended to read as follows:

14. Shingle repair or replacement work not exceeding one square (100 square feet in area) of covering per building.

15. Siding repair or replacement work not exceeding one square (100 square feet in area) of covering per building.

15.04.040 IBC Section 105.5.

IBC Section 105.5 (Expiration) is deleted in its entirety and replaced as follows:

Every permit issued shall expire and become null and void upon the occurrence of any one of the following events:

- (a) A failure to commence work within 180 days from the date of permit issuance; or
- (b) A failure to request or arrange for a required inspection to be performed with respect to newly completed work within 180 days from the date of permit issuance; or
- (c) A period of 180 days has lapsed following a required inspection without obtaining a subsequent required inspection and approval for such work.

The Building Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Permits that have expired must be re-applied for by the issuance of a new building permit, together with full payment of the following fees at the time of re-application:

- (a) A reapplication fee set by duly adopted resolution of the Board of Trustees; and
- (b) For expired permits of one year or less in duration, one-half the amount of the original permit fee paid or the full valuation of all uncompleted work, whichever is greater; provided, however, that no changes have been or will be made in the original plans and specifications for such work; or
- (c) For expired permits of greater than one year in duration, the full amount required for a new permit for such work based on the current fee schedule adopted by the Town.

This fee is not refundable if the new permit expires or is withdrawn or cancelled.

15.04.045 IBC Section 105.5.1.

IBC Section 105.5 (Expiration) is amended by the addition of a new subsection 105.5.1 (Completing Work and Final Inspection) to read as follows:

Permits, not otherwise voided by suspension, abandonment or failure to commence work, shall expire two (2) years after the date of issuance, unless the permit has been extended as permitted by Section 105.5. If the building or work authorized by such permit has not received final inspection approval prior to the permit expiration date, all work shall stop until a new permit is obtained for the value of the work remaining unfinished. The building official may approve a period exceeding 24 months for completion of work when the permit holder can demonstrate that the complexity or size of the project makes completing the project within 24 months unreasonable. Any request shall be prior to expiration of the permit.

15.04.050 IBC Section 109.4.

IBC Section 109.4 (Work commencing before permit issuance) is deleted in its entirety and replaced as follows:

Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system for which a permit is required by this code, without first obtaining the necessary permit, may be subject to and assessed an investigation fee and permit fee as established by duly adopted resolution of the Board of Trustees, before a permit may be issued for such work. The amount of the investigation fee shall be equal to such amount as set forth in this code. An investigation fee, in addition to the permit fee, shall be assessed and collected whether or not a permit is then or subsequently issued. The permit fee shall be twice the published permit fee as set forth in this code. The payment of such fees shall not exempt an applicant from compliance with all other provisions of either this code or other adopted laws and ordinances of the Town.

15.04.055 IBC Section 109.6.

IBC Section 109.6 (Refunds) is deleted in its entirety and replaced as follows:

The town may authorize refunding of any fee paid hereunder which was erroneously paid or collected. The town may authorize refunding of not more than 80 percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with this code. The town may authorize refunding of not more than 80 percent (80%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or cancelled before any plan reviewing is done. The town shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment.

15.04.060 IBC Section 109.7.

IBC Section 109 (Fees) is amended by the addition of a new subsection 109.7, entitled “Re-Inspection Fee,” to read as follows:

Re-inspection fee. Permit fees provide for customary inspections only. When inspections are requested for weekends, holidays, or anytime other than the regular working hours of the Building Official, an additional fee will be required as set forth, in the Firestone fee Schedule. A reinspection fee may be assessed for each inspection or re-inspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. Re-inspection fees may also be assessed when the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the Building Official. When inspections are requested for weekends, holidays, or anytime other than the regular Building Division inspection hours, an additional fee will be required.

15.04.065 IBC Section 110.3.9.1

IBC Section 109.3.9 (Other inspections) is amended by the addition of a new subsection 109.3.9.1, to read as follows:

Foundation Lot Certificate. A Foundation Lot Certificate ("FLC") with setback dimensions prepared and sealed by a Colorado Professional Land Surveyor shall be provided to the Firestone building department no less than three working days prior to requesting a rough inspection of any required building inspection including rough building, mechanical, plumbing, and electrical.

15.04.070 IBC Section 110.3.9.2

IBC Section 109.3.9 (Other inspections) is amended by the addition of a new subsection 109.3.9.2, to read as follows:

Improvement Location Certificate; Grading Certificate. A final Improvement Location Certificate ("ILC") and grading certificate shall be submitted to the Firestone building division no less than three working days prior to requesting a final building Inspection. Both the ILC and the final Grading Certificate shall not be older than forty-five (45) days of the requested inspection. A grading certificate shall be based on the approved grading plan recorded by the town. An ILC shall be based on the approved plat recorded by the town an ILC and Grading certificate shall be prepared by a Colorado licensed Engineer or Surveyor and sealed.

15.04.075 IBC Section 111.3.1

IBC Section 111.3 (Temporary Occupancy) is amended by the addition of a new subsection 111.3.1, entitled "Application," to read as follows:

Application. Application for a temporary certificate of occupancy shall be on a form supplied by the Planning & Development Department and shall include payment of a nonrefundable inspection fee as set forth in Firestone fee schedule. Issuance of a temporary certificate of occupancy shall be subject to the property owner and the permit holder agreeing in writing to compliance with all stipulations set forth by the Planning and Development Department.

15.04.080 IBC Section 111.3.2

IBC Section 111.3 (Temporary Occupancy) is amended by the addition of a new subsection 111.3.2, entitled “Duration,” to read as follows:

The maximum duration for Temporary Occupancy of a Building, or a portion thereof, shall be the expiration date of the permit under which the Temporary Certificate of Occupancy was issued, at which time all requirements of the Firestone Building Construction Code, Firestone Fire Code, and other applicable codes and ordinances shall have been completed.

15.04.085 IBC Section 113.1.

IBC Section 113.1 (General) is deleted in its entirety and replaced as follows:

In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a Board of Appeals consisting of three members. This board shall be composed of a person appointed by the Town Manager, a person appointed by the appellant, and a person appointed by the two appointees. The building official shall be an ex officio member of and shall act as the secretary to the board but shall have no vote on any matter before the committee. The board members shall serve for the duration of the appeal. The board shall conform to the standard rules of procedure governing Town Boards and Commissions and shall render their decisions and findings in writing to the appellant, with a duplicate copy to the Building Official. A party may appeal the board’s decision to the Board of Trustees in accordance with the procedure set forth in Section 112.4 of this code.

15.04.090 IBC Section 113.3.

IBC Section 113.3 (Qualifications) is amended to read as follows:

The board of appeals shall consist of members who are qualified by experience and training, as verified by the Building Official, to pass on matters pertaining to building construction. The board members may not be employees of either the jurisdiction or the appellant. The board members may not be personally, financially, contractually, professionally, or otherwise indebted, obligated, or bound to the appellant in any manner, nor may they be in any position where they might receive benefit, either personally or professionally, from any decision rendered.

15.04.095 IBC Section 113.4.

IBC Section 113.4 (Board of Trustees review of decisions rendered by the Board of Appeals) is enacted to read as follows:

To appeal a decision of the Board of Appeals a party must, within fifteen (15) calendar days of the board’s decision, submit a request for review to the Town Clerk. After submittal of a request for review the Building Official shall, within fifteen (15) calendar days, prepare a certified record. Within thirty (30) calendar days of submittal of a request for review the Board of Trustees shall, based only upon its review of the record, decide to uphold, overturn or modify

the decision of the Board of Appeals. The Board of Trustees shall provide the parties a copy of its decision within seven calendar days of making same.

15.04.100 IBC Section 202.

IBC Section 202 (Definitions) is amended by addition of the following:

Sleeping Room (Bedroom). A sleeping room (bedroom) is any enclosed habitable space within a dwelling unit, which complies with the minimum room dimension requirements of IBC Section 1207.3 and contains a closet, an area that is usable as a closet, or an area that is readily convertible for use as a closet. Living rooms, family rooms and other similar habitable areas that are so situated and designed so as to clearly indicate these intended uses, shall not be interpreted as sleeping rooms.

15.04.110 IBC Section 310.4.1.

IBC Section 310.4.1 (Care facilities within a dwelling) is deleted in its entirety and replaced as follows:

Care facilities within a dwelling. Care facilities for five or fewer persons receiving care that are within a single-family dwelling are permitted to comply with the Residential Building Code as adopted by the Town.

15.04.115 IBC Section 310.6

Home occupation within a residence. Home occupations must meet all of the following requirements:

1. A home occupancy must comply with any requirement within the Firestone Municipal Code Section 16.3.3.4 and be reviewed and approved by the Planning department.
2. A home occupancy must comply with any code requirements within this code.
3. A home occupation shall use the same water, electric and gas meters as the residence.
4. No occupancy shall be permitted as defined in IBC 302.1 other than an R-3.

15.04.120 IBC Section 915.2.1.

IBC Section 915.2.1 (Dwelling units) is deleted in its entirety and replaced as follows:

Dwelling units. Carbon monoxide detection shall be installed in dwelling units within 15 feet of each separate sleeping area. Where a fuel-burning appliance is located within a bedroom or its attached bathroom, carbon monoxide detection shall be installed within the bedroom.

15.04.125 IBC Section 1030.1.

IBC Section 1030.1 (General) is deleted in its entirety and replaced as follows:

General. In addition to the means of egress required by this chapter, emergency escape and rescue openings shall be provided in the following occupancies:

1. Group R-2 occupancies located in stories with only one exit or access to only one exit as permitted by Tables 1006.3.3(1) and 1006.3.3(2).
2. Group R-3 and R-4 occupancies.

Basements and sleeping rooms below the fourth story above grade plane shall have not fewer than one exterior emergency escape and rescue opening in accordance with this section. Where basements contain one or more sleeping rooms, emergency escape and rescue openings shall be required in each sleeping room, but shall not be required in adjoining areas of the basement. Such openings shall open directly into a public way or to a yard or court that opens to a public way. In new construction, all windows and window wells in unfinished basements shall meet the requirements of section 1030.1 through 1030.5.

Exceptions:

1. Basements with a ceiling height of less than 80 inches (2032 mm) shall not be required to have emergency escape and rescue openings.
2. Emergency escape and rescue openings are not required from basements or sleeping rooms that have an exit door or exit access door that opens directly into a public way or to a yard, court or exterior exit balcony that opens to a public way.
3. Basements without habitable spaces and having not more than 200 square feet (18.6 m²) in floor area shall not be required to have emergency escape and rescue openings.

15.04.130 IBC Section 429

Chapter 4, “Special Detailed Requirements Based on Occupancy and Use,” of the IBC is amended by the addition of a new IBC Section 429, to be entitled “Beverage Dispensing Applications,” to read as follows:

**SECTION 429
BEVERAGE DISPENSING APPLICATIONS.**

Insulated liquid carbon dioxide systems used in beverage dispensing applications. Insulated liquid carbon dioxide systems with more than 100 pounds (45.4 kg) of carbon dioxide used in beverage dispensing applications shall comply with the International Mechanical Code, the International Fire Code, and this section

429.1 Ventilation.

Where insulated liquid carbon dioxide storage tanks, cylinders, piping, and equipment are located indoors, rooms or areas containing storage tanks, cylinders, piping and equipment, and other areas where a leak of carbon dioxide is expected to accumulate, shall be provided with mechanical ventilation in accordance with the International Mechanical Code. The exhaust system shall be designed to provide air movement across all portions of the floor or room to prevent the accumulation of vapors and maintain the room containing carbon dioxide at a negative pressure in relation to the surrounding area. Exhaust shall be taken from a point within 12 inches (305 mm) of the floor. Mechanical ventilation shall be at a rate of not less than 1 cubic foot per minute per square foot [$0.00508 \text{ m}^3/(\text{s} \times \text{m}^2)$] of floor area over the storage area and shall operate continuously unless alternative designs are approved. A manual shutoff control shall be provided outside of the room in a position adjacent to the access door to the room or in an approved location. The switch shall be a break-glass or other approved type and shall be labeled: "VENTILATION SYSTEM EMERGENCY SHUTOFF." Exception: A gas detection system complying with Section 429.2 shall be permitted in lieu of mechanical ventilation.

429.2 Gas detection system.

Where ventilation is not provided in accordance with Section 429.1, a gas detection system shall be provided in rooms or indoor areas and in below-grade outdoor locations with insulated carbon dioxide systems. Carbon dioxide sensors shall be provided within 12 inches (305 mm) of the floor in the area where the gas is expected to accumulate or other approved locations. The system shall be designed as follows:

1. Activates an audible and visible supervisory alarm at a normally attended location upon detection of a carbon dioxide concentration of 5,000 ppm (9,000 mg/m³).
2. Activates an audible and visible alarm within the room or immediate area where the system is installed upon detection of a carbon dioxide concentration of 30,000 ppm (54,000 mg/m³).

15.04.135 IBC Section 1301.1.1.

IBC Section 1301.1.1 (Criteria) is amended to read as follows:

Buildings shall be designed and constructed in accordance with the Energy Conservation Code of Town of Firestone.

15.04.140 IBC Section 1612.3.

IBC Section 1612.3 (Establishment of flood hazard areas) is amended to read as follows:

To establish flood hazard areas, the applicable governing authority shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for Town of Firestone," as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map

(FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

15.04.145 IBC Section 1704.7

Section 1704 (Special Inspections and Tests, Contractor Responsibility and Structural Observation) is amended by the addition of a new subsection 1704.7, entitled “Electrical Observations,” to read as follows:

Electrical observations. The owner shall employ the registered design professional responsible for the electrical design, or another registered design professional designated by the registered design professional responsible for the electrical design, to perform visual observation of complex electrical equipment and systems for general conformance to the approved plans and specifications, including but not limited to, placement and interconnection of equipment. Electrical observation shall be performed at significant stages of the construction and when the installation is complete and ready to be inspected. Electrical observations are in addition to the inspections required by Section 110 of the Firestone Building Construction Code and the special inspections required by Section 1705.19, and shall be provided when one of the following conditions exist:

1. Installation or alteration of that portion of health care facility electrical systems which falls within the scope of Article 517 of the National Electrical Code, including such systems installed in facilities where outpatient surgical procedures are performed.
2. Installations or alteration of electrical systems over 1000V.
3. Installation or alteration of electrical systems within locations classified as hazardous by provisions of the National Electrical Code, except for gasoline dispensing installations and systems located within storage garages, repair garages or lubritoriums.
4. When such observation is specifically required by the Building Official.

1704.7.1 Procedures.

The registered design professional responsible for electrical observation shall personally visit the site prior to completion of the Certificate of Compliance and periodically during the course of construction requiring electrical observation as set forth in the inspection and observation program for each project.

The registered design professional responsible for performing electrical observation shall complete a signed written report after each site visit. A copy of each report shall be kept on the job site for review by an inspector at all times until the inspector has issued final approval. Any and all deviations from the approved plans or specifications shall be immediately reported to the contractor for correction and then, if uncorrected, shall be reported to the registered design professional in responsible charge and to the Building Official.

In addition to individual reports, the registered design professional in responsible charge shall file with the Building Official a written monthly progress report indicating the dates of each site visit, the special inspections or observations performed, any deviations noted from approved plans and specifications and any resulting instructions or change orders issued to the contractor.

1704.7.2 Certificate of Compliance.

Upon completion of the portions of the work requiring electrical observation, a Certificate of Compliance shall be issued to the Building Official under the seal and signature of the registered design professional responsible for such observation. A Certificate of Occupancy will not be issued until the Building Official receives all required special inspection reports and the Certificates of Compliance.

The Certificate of Compliance for electrical observation shall read as follows: "I certify to the best of my knowledge the electrical requirements of the Firestone Building Construction Code and approved plans and specifications have been complied with insofar as the portion of the work requiring electrical observation is concerned, except for those deviations that have been previously reported. A guarantee that the contractor has constructed the building in full accord with the plans and specifications is neither intended nor implied."

15.04.150 IBC Section 1704.8

Section 1704 (Special Inspections and Tests, Contractor Responsibility and Structural Observation) is amended by the addition of a new subsection 1704.8, entitled "Mechanical Observations," to read as follows:

Mechanical observations. The owner shall employ the registered design professional responsible for the mechanical design, or another registered design professional designated by the registered design professional responsible for the mechanical design, to perform visual observation of complex mechanical equipment and systems for general conformance to the approved plans and specifications, including, but not limited to, placement and interconnection of equipment. Mechanical observation shall be performed at significant stages of the construction and when the installation is complete and ready to be inspected. Mechanical observations are in addition to the inspections required by Section 110 of the Firestone Building

Construction Code and the special inspections required by Section 1705.20, and shall be provided when one of the following conditions exist:

1. When such observation is specifically required by the Building Official.

1704.8.1 Procedures.

The registered design professional responsible for mechanical observation shall personally visit the site prior to completion of the Certificate of Compliance and periodically during the course of construction requiring mechanical observation as set forth in the inspection and observation program for each project.

The registered design professional responsible for performing mechanical observation shall complete a signed written report after each site visit. A copy of each report shall be kept on the job site for review by an inspector at all times until the inspector has issued final approval. Any and all deviations from the approved plans or specifications shall be immediately reported to the contractor for correction and then, if uncorrected, shall be reported to the registered design professional in responsible charge and to the Building Official.

In addition to individual reports, the registered design professional in responsible charge shall file with the Building Official a written monthly progress report indicating the dates of each site visit, the special inspections or observations performed, any deviations noted from approved plans and specifications and any resulting instructions or change orders issued to the contractor.

1704.8.2 Certificate of Compliance.

Upon completion of the portions of the work requiring mechanical observation, a Certificate of Compliance shall be issued to the Building Official under the seal and signature of the registered design professional responsible for such observation. A Certificate of Occupancy will not be issued until the Building Official receives all required special inspection reports and the Certificates of Compliance.

The Certificate of Compliance for mechanical observation shall read as follows:

“I certify to the best of my knowledge the mechanical requirements of the Firestone Building Construction Code and approved plans and specifications have been complied with insofar as the portion of the work requiring mechanical observation is concerned, except for those deviations that have been previously reported. A guarantee that the contractor has constructed the building in full accord with the plans and specifications is neither intended nor implied.”

15.04.155 IBC Section 1704.9

Section 1704 (Special Inspections and Tests, Contractor Responsibility and Structural Observation) is amended by the addition of a new subsection 1704.8, entitled “Plumbing Observations,” to read as follows:

Plumbing observations. The owner shall employ the registered design professional responsible for the plumbing design, or another registered design professional designated by the registered

design professional responsible for the plumbing design, to perform visual observation of complex plumbing equipment and systems for general conformance to the approved plans and specifications, including, but not limited to, placement and interconnection of equipment. Plumbing observation shall be performed at significant stages of the construction and when the installation is complete and ready to be inspected. Plumbing observations are in addition to the inspections required by Section 110 of the Firestone Building Construction Code and the special inspections required by Section 1705.21 and shall be provided when one of the following conditions exist:

1. When such observation is specifically required by the Building Official.

1704.9.1 Procedures.

The registered design professional responsible for plumbing observation shall personally visit the site prior to completion of the Certificate of Compliance and periodically during the course of construction requiring plumbing observation as set forth in the inspection and observation program for each project.

The registered design professional responsible for performing plumbing observation shall complete a signed written report after each site visit. A copy of each report shall be kept on the job site for review by an inspector at all times until the inspector has issued final approval. Any and all deviations from the approved plans or specifications shall be immediately reported to the contractor for correction and then, if uncorrected, shall be reported to the registered design professional in responsible charge and to the Building Official.

In addition to individual reports, the registered design professional in responsible charge shall file with the Building Official a written monthly progress report indicating the dates of each site visit, the special inspections or observations performed, any deviations noted from approved plans and specifications and any resulting instructions or change orders issued to the contractor.

1704.9.2 Certificate of Compliance.

Upon completion of the portions of the work requiring plumbing observation, a Certificate of Compliance shall be issued to the Building Official under the seal and signature of the registered design professional responsible for such observation. A Certificate of Occupancy will not be issued until the Building Official receives all required special inspection reports and the Certificates of Compliance.

The Certificate of Compliance for plumbing observation shall read as follows:

“I certify to the best of my knowledge the plumbing requirements of the Firestone Building Construction Code and approved plans and specifications have been complied with insofar as the portion of the work requiring plumbing observation is concerned, except for those deviations that have been previously reported. A guarantee that the contractor has constructed the building in full accord with the plans and specifications is neither intended nor implied.”

15.04.160 IBC Section 1705.19

IBC Section 1705 (Required Special Inspections and Tests) is amended by the addition of a new subsection 1705.19, entitled “Electrical special inspections,” to read as follows:

The types of equipment or installations noted below shall be tested or inspected by a special inspector.

1. Ground-fault protection performance tests for equipment provided with ground-fault protection.
2. Switchboards, panelboards, motor control centers and other equipment rated at 1,000 amperes or more, or over 1000 volts.
3. Transformers rated 100 KVA or more, single phase; or 300 kVA or more, three phase.
4. Conductors that supply equipment rated at 1,000 amperes or more, or over 1000 volts.
5. Emergency and standby power systems, including switchboards, panelboards, distribution boards, transfer equipment, power source, conductors, fire pumps and exhaust and ventilation fans.
6. Selective Coordination - This includes verification of the installation in accordance with the required selective coordination study.
7. Special cases – Work which, in the opinion of the Building Official, involves unusual hazards or conditions. Exception: The Building Official may waive the requirement for special inspection if the construction is of a minor nature.

15.04.165 IBC Section 1705.20

IBC Section 1705 (Required Special Inspections and Tests) is amended by the addition of a new subsection 1705.20, entitled “Mechanical special inspections,” to read as follows:

The types of equipment or installations noted below shall be tested or inspected by a special inspector in accordance with regulations established by the Building Official:

1. Duct smoke detectors for air distribution systems as required by International Mechanical Code section 606.5.
2. Fire, fire / smoke, radiation and smoke damper operation for dampers required by International Mechanical Code section 607.2.
3. Installation of grease duct enclosure alternative systems allowed under the exceptions to the International Mechanical Code section 506.3.11.
4. Special cases—Work which, in the opinion of the Building Official, involves unusual hazards or conditions.
5. Test and Balance report for air balance of ventilation systems installed in ambulatory care and I-2 occupancies designed and installed in accordance with ASHRAE 170 as required by International Mechanical Code section 407.1.

Exception: The Building Official may waive the requirement for special inspection if the construction is of a minor nature.

15.04.170 IBC Section 1705.21

IBC Section 1705 (Required Special Inspections and Tests) is amended by the addition of a new subsection 1705.21, entitled “Plumbing special inspections,” to read as follows:

The types of equipment or installations noted below shall be tested or inspected by a special inspector:

1. Medical Gas and Vacuum Systems as required by International Plumbing Code section 1202.
2. Special cases - Work which, in the opinion of the Building Official, involves unusual hazards or conditions. Exception: The Building Official may waive the requirement for special inspection if the construction is of a minor nature.

15.04.175 IBC Section 2701.1

IBC Section 2701.1 (Scope) is deleted in its entirety and replaced as follows:

The provisions of this chapter and NFPA 70 shall govern the design, construction, erection and installation of the electrical components, appliances, equipment and systems used in buildings and structures covered by this code. The International Fire Code, the International Property Maintenance Code and NFPA 70 shall govern the use and maintenance of electrical components, appliances, equipment and systems. The International Existing Building Code and NFPA 70 shall govern the alteration, repair, relocation, replacement and addition of electrical components, appliances, or equipment and systems. Codes referenced shall refer to the adopted editions with Town of Firestone amendments. Emergency power systems (NFPA 70) section 700 shall be as defined in the National Electrical Code (NFPA 70) Article 100 Definitions. Standby power systems (NFPA 70) section 701 shall be as defined in the National Electrical Code (NFPA 70) Article 100 Definitions.

15.04.180 IBC Section 2701.2

Section 2701 (General) is amended by the addition of a new subsection 2701.2, entitled “Electrical equipment,” to read as follows:

Oil-Insulated Transformers Installed Outdoors. Combustible material, combustible buildings, and parts of buildings, fire escapes, and door and window openings shall be safeguarded from fires originating in oil-insulated transformers installed on roofs, attached to or adjacent to a building or combustible material.

In cases where the transformer installation presents a fire hazard, one or more of the following safeguards shall be applied according to the degree of hazard involved:

1. Use Firestone Transformer, Outdoor Oil Insulated Guideline or any Nationally Recognized Standard approved by OSHA and acceptable to the AHJ. A commonly used standard of this type is the FM Global Property Loss Prevention Data Sheet 5-4 for transformers.
2. Space separations.
3. Fire-resistant barriers.
4. Automatic fire suppression systems.
5. Enclosures that confine the oil of a ruptured transformer tank.

Oil enclosures shall be permitted to consist of fire-resistant dikes, curbed areas or basins, or trenches filled with coarse, crushed stone. Oil enclosures shall be provided with trapped drains where the exposure and the quantity of oil involved are such that removal of oil is important.

Section 2. Chapter 15.06, "International Residential Code," of the Firestone Municipal Code is hereby repealed in its entirety and re-enacted to read as follows:

Chapter 15.06 International Residential Code

15.06.010 Adoption of the International Residential Code.

The International Residential Code for One and Two-Family Dwellings, 2018 Edition, as published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478, Chapters 1 through 10, and 12 through 43 inclusive and Appendix Chapters F (Radon Control Methods) H (Patio Covers) and is hereby adopted by reference as the Firestone Residential Building Code (FRBC) (referenced in this chapter as the IRC and thereafter referred to as "this code") as if fully set out in this codification, with, however, the amendments indicated in the following sections of this chapter.

15.06.015 IRC Section R101.1.

IRC Section R101.1 (Title) is amended to read as follows:

These provisions shall be known as the Firestone Residential Building Code (FRBC) and shall be cited as such and will be referred to herein as "this code."

15.06.020 IRC Section R102.7.

IRC Section R102.7 (Existing structures) is amended to read as follows:

The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the International Fire Code, as adopted by the Town, or the International Existing Building Code, as adopted by the

Town, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

15.06.025 IRC Section R105.2.

IRC Section R105.2 (Work exempt from Permit), item 2 of the Building portion of this section is deleted in its entirety.

15.06.030 IRC Section R105.2.

IRC Section R105.2 (Work exempt from Permit), is amended by the addition of new items 11 and 12 of the Building portion of this section, each to read as follows:

11. Shingle repair or replacement work not exceeding one square (100 square feet in area) of covering per building.

12. Siding repair or replacement work not exceeding one square (100 square feet in area) of covering per building.

15.06.035 IRC Section R105.5.

IRC Section R105.5 (Expiration) is deleted in its entirety and replaced as follows:

Every permit issued shall expire and become null and void upon the occurrence of any one of the following events:

- (a) A failure to commence work within 180 days from the date of permit issuance; or
- (b) A failure to request or arrange for a required inspection to be performed with respect to newly completed work within 180 days from the date of permit issuance; or
- (c) A period of 180 days has lapsed following a required inspection without obtaining a subsequent required inspection.

The Building Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Permits that have expired must be re-applied for by the issuance of a new building permit, together with full payment of the following fees at the time of re-application:

- (a) A reapplication fee set by duly adopted resolution of the Board of Trustees; and
- (b) For expired permits of one year or less in duration, one-half the amount of the original permit fee paid or the full valuation of all uncompleted work, whichever is greater; provided,

however, that no changes have been or will be made in the original plans and specifications for such work; or

(c) For expired permits of greater than one year in duration, the full amount required for a new permit for such work based on the current fee schedule adopted by the Town.

This fee is not refundable if the new permit expires or is withdrawn or cancelled.

15.06.040 IRC Section R105.5.1.

IRC Section R105.5 (Expiration) is amended by the addition of a new subsection 105.5.1 (Completing Work and Final Inspection) to read as follows:

Permits, not otherwise voided by suspension, abandonment or failure to commence work, shall expire two (2) years after the date of issuance, unless the permit has been extended as permitted by Section 105.5. If the building or work authorized by such permit has not received final inspection approval prior to the permit expiration date, all work shall stop until a new permit is obtained for the value of the work remaining unfinished. The Building Official may approve a period exceeding 24 months for completion of work when the permit holder can demonstrate that the complexity or size of the project makes completing the project within 24 months unreasonable. Any request shall be prior to expiration of the permit.

15.06.045 IRC Section R108.6.

IRC Section R108.6 (Work commencing before permit issuance) is deleted in its entirety and replaced as follows:

Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system for which a permit is required by this code, without first obtaining the necessary permit, may be subject to an investigation fee as established by duly adopted resolution of the Board of Trustees, before a permit may be issued for such work. The amount of the investigation fee may be equal to the permit fee that would be assessed for the specific type of construction activity. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The payment of such investigation fee shall not exempt an applicant from compliance with all other provisions of either this code or other adopted laws and ordinances of the Town.

15.06.050 IRC Section R108.5.

IRC Section R108.5 (Refunds) is deleted in its entirety and replaced as follows:

The town may authorize refunding of any fee paid hereunder which was erroneously paid or collected. The town may authorize refunding of not more than 80 percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with this code. The town may authorize refunding of not more than 80 percent (80%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or

cancelled before any plan reviewing is done. The town shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment.

15.06.055 IRC Section R109.1.5.2.

IRC Section R109.1.5 (Other inspections) is amended by the addition of a new subsection R109.1.5.2, to read as follows:

Insulation Inspection. Inspection of the structure shall be made following installation of the wall, ceiling and floor insulation and exterior windows and weather rated exterior envelope before insulation and wall coverings are installed.

Mid-Roof Inspection. A mid-roof inspection is required for all shingle re-roof and new roof inspections including the installation of the required ice barrier.

15.06.060 IRC Section R109.1.5.3.

IRC Section R109.1.5 (Other inspections) is amended by the addition of a new subsection R109.1.5.3, to read as follows:

Foundation Lot Certificate. A Foundation Lot Certificate ("FLC") with setback dimensions prepared and sealed by a Colorado Professional Land Surveyor shall be provided to the Firestone building department no less than three working days prior to requesting a rough inspection of any required building inspection including rough building, mechanical, plumbing, and electrical. The FLC shall not be older than forty-five (45) days of the requested inspection. The FLC shall be based on the approved plat recorded by the town an FLC certificate shall be prepared by a Colorado licensed Engineer or Surveyor and sealed.

15.06.065 IRC Section R109.1.5.4.

IRC Section R109.1.5 (Other inspections) is amended by the addition of a new subsection R109.1.5.4, to read as follows:

Improvement Location Certificate; Grading Certificate. Improvement Location Certificate; Grading Certificate. A final Improvement Location Certificate ("ILC") and grading certificate shall be submitted to the Firestone building department no less than three working days prior to requesting a final building Inspection. Both the ILC and the final Grading Certificate shall not be older than forty-five (45) days of the requested inspection. A grading certificate shall be based on the approved grading plan recorded by the town. An ILC shall be based on the approved plat recorded by the town. An ILC and Grading certificate shall be prepared by a Colorado licensed Engineer or Surveyor and sealed.

15.06.070 IRC Section R112.1.

IRC Section R112.1 (General) is deleted in its entirety and replaced as follows:

In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this code, there shall be and is hereby created a Board of Appeals consisting of three members. This board shall be composed of a person appointed by the Town Manager, a person appointed by the appellant, and a person appointed by the two appointees. The Building Official shall be an ex officio member of and shall act as the secretary to the board but shall have no vote on any matter before the committee. The board members shall serve for the duration of the appeal. The board shall conform to the standard rules of procedure governing Town Boards and Commissions and shall render their decisions and findings in writing to the appellant, with a duplicate copy to the Building Official. A party may appeal the board's decision to the Board of Trustees in accordance with the procedure set forth in Section 112.4 of this code.

15.06.075 IRC Section R112.3.

IRC Section R112.3 (Qualifications) is amended to read as follows:

The board of appeals shall consist of members who are qualified by experience and training, as verified by the Building Official, to pass on matters pertaining to building construction. The board members may not be employees of either the jurisdiction or the appellant. The board members may not be personally, financially, contractually, professionally, or otherwise indebted, obligated, or bound to the appellant in any manner, nor may they be in any position where they might receive benefit, either personally or professionally, from any decision rendered.

15.06.080 IRC Section R112.4.

IRC Section 112.4 (Board of Trustees review of decisions rendered by the Board of Appeals) is enacted to read as follows:

To appeal a decision of the Board of Appeals a party must, within fifteen (15) calendar days of the board's decision, submit a request for review to the Town Clerk. After submittal of a request for review the Building Official shall, within fifteen (15) calendar days, prepare a certified record. Within thirty (30) calendar days of submittal of a request for review the Board of Trustees shall, based only upon its review of the record, decide to uphold, overturn or modify the decision of the Board of Appeals. The Board of Trustees shall provide the parties a copy of its decision within seven calendar days of making same.

15.06.085 IRC Section R202.

IRC Section R202 (Definitions) is amended by addition of the following:

Sleeping Room (Bedroom). A sleeping room (bedroom) is any enclosed habitable space within a dwelling unit, which complies with the minimum room dimension requirements of IBC Section 1207.3 and contains a closet, an area that is usable as a closet, or an area that is readily convertible for use as a closet. Living rooms, family rooms and other similar habitable areas that are so situated

and designed so as to clearly indicate these intended uses, shall not be interpreted as sleeping rooms.

15.06.090 IRC Table R301.2 (1).

IRC Table R301.2 (1) as amended is adopted to read as follows:

Table R301.2 (1) Climatic and Geographic Design Criteria

Ground Snow Load (psf)	Wind Design		Seismic Design Category	Subject to Damage From			Winter Design Temp _e	Ice Barrier Underlayment Required	Flood Hazards	Air Freezing Index	Mean Annual Temp
	Basic Wind Speed (v)	Topographic Effects		Weathering	Frost Line Depth (inches)	Termite					
30	115	NO	B	Severe	30	Slight to moderate	1°F	YES	2014	1000	45° F

<u>Manual J Design Criteria</u>	
Elevation	4,970 feet
Latitude	40.11° N
Winter heating	1° F
Summer cooling	92° F
Altitude correction factor	0.84
Indoor design temperature	70° F min. 72° F max.
Design temperature cooling	75° F
Heating temperature difference	69° F - 71° F
Cooling temperature difference	17° F
Wind velocity heating	15 mph
Wind velocity cooling	7.5 mph
Coincident wet bulb	60° F
Daily range	High
Winter humidity	30 percent
Summer humidity	50 percent

15.06.095 IRC Section R302.6

IRC Sections R302.6 (Dwelling-garage fire separation) is deleted in its entirety and replaced as follows:

The garage shall be separated as required by Table R302.6. Openings in garage walls shall comply with Section R302.5. Attachment of gypsum board shall comply with Table R702.3.5. The wall separation provisions of Table R302.6 shall not apply to garage walls that are perpendicular to the adjacent dwelling unit wall.

15.06.100 IRC Table R302.6.

IRC Table R302.6 as amended is adopted to read as follows:

**TABLE R302.6
DWELLING-GARAGE**

SEPARATION	MATERIAL
From the residence and attics	Not less than 5/8-inch gypsum board or equivalent applied to the garage side
From habitable rooms above the garage	Not less than 5/8-inch Type X gypsum board or equivalent
Structure(s) supporting floor/ceiling assemblies used for separation required by this section	Not less than 5/8 -inch gypsum board or equivalent
Garages located less than 3 feet from a dwelling unit on the same lot	Not less than 5/8-inch gypsum board or equivalent applied to the interior side of exterior walls that are within this area

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm.

15.06.105 IRC Section R310.1.

IRC Sections R310.1 (Emergency escape and rescue opening required) is deleted in its entirety and replaced as follows:

Emergency escape and rescue opening required. Basements, habitable attics and every sleeping room shall have not less than one operable emergency escape and rescue opening. Where basements contain one or more sleeping rooms, an emergency escape and rescue opening shall be required in each sleeping room. Emergency escape and rescue openings shall open directly into a public way, or to a yard or court that opens to a public way. In new construction, windows and window wells in unfinished basements shall meet all the requirements of section R310. 1.1 through R310.2.4.

Exceptions:

1. Storm shelters and basements used only to house mechanical equipment not exceeding a total floor area of 200 square feet (18.58 m2).

15.06.110 IRC Section R310.2.3.1.

IRC Section R310.2.3.1 (Ladder and steps) is amended to read as follows:

Window wells with a vertical depth greater than 44 inches (1,118 mm) shall be equipped with a permanently affixed ladder or steps usable with the window in the fully open position. Ladders or steps required by this section shall not be required to comply with Section R311.7. Ladders or rungs shall have an inside width of not less than 12 inches (305 mm), shall project not less than 3

inches (76 mm) from the wall and shall be spaced not more than 18 inches (457 mm) on center vertically for the full height of the window well. All window wells shall be provided with a ladder in an unfinished basement.

15.06.115 IRC Section R313.2.

IRC Section R312.2 (One- and two-family dwellings automatic fire sprinkler systems) is deleted in its entirety and replaced as follows:

An automatic residential fire sprinkler system shall not be required to be installed in one- and two-family dwellings.

Exception: An automatic residential fire sprinkler system shall not be required for additions or alterations to existing buildings that are not already provided with an automatic residential sprinkler system

R313.2.1 Design and installation.

Automatic residential fire sprinkler systems shall be designed and installed in accordance with Section P2904 or NFPA 13D.

15.06.120 IRC Section R314.2

IRC Section R314.2 (Where required) is deleted in its entirety and replaced as follows:

R314.2 General. Heat Detectors/alarms shall comply with NFPA 72 and Section R314.

15.06.125 IRC Section R314.2.3

IRC Section R314 (Smoke Alarms) is amended by the addition of a new subsection R314.2.3, to read as follows:

R314.2.3 Where required. Heat Detectors /alarms shall be provided in accordance with this section. When an attached garage has an Electric Vehicle Power Transfer / System car charger installed in compliance with NFPA 70 Article 625 Electric Vehicle Power Transfer System a heat detector shall be wired to the home's smoke detector system.

15.06.125 IRC Section R315.3.

IRC Section R315.3 (Location) is deleted in its entirety and replaced as follows:

Carbon monoxide detection shall be installed in dwelling units within 15 feet of each separate sleeping area. Where a fuel-burning appliance is located within a bedroom or its attached bathroom, carbon monoxide detection shall be installed within the bedroom.

15.06.130 IRC Section R324.4.4

IRC Section R324.4 (Rooftop-mounted photovoltaic systems) is amended by the addition of a new subsection R324.4.4, to read as follows:

All roof mounted PV systems shall have an array edge screen or critter guard to prevent birds or animals from accessing, making nests, or damaging conductors or cables below the PV array.

15.06.135 IRC Section R327

IRC Section R327 (Stationary Storage Battery Systems) is deleted in its entirety and replaced as follows:

SECTION R 327 ENERGY STORAGE SYSTEMS

R327.1 General. Energy Storage Systems (ESS) shall comply with the provisions of this section.

Exceptions:

1. ESS listed and labeled in accordance with UL 9540 and marked “For use in residential dwelling units” where installed in accordance with the manufacturer’s instructions and NFPA 70.
2. ESS less than 1 kWh (3.6 megajoules).

R327.2 Equipment listings.

Energy Storage Systems (ESS) shall be listed and labeled in accordance with UL 9540.

R327.3 Installation.

ESS shall be installed in accordance with the manufacturer’s instructions and their listing.

R327.3.1 Spacing.

Individual units shall be separated from each other by not less than 3 feet (914 mm) except where smaller separation distances are documented to be adequate based on large-scale fire testing complying with Section 1207.1.5 of the International Fire Code.

R327.4 Locations.

ESS shall be installed only in the following locations:

1. Detached garages and detached accessory structures.
2. Attached garages separated from the dwelling unit living space in accordance with Section R302.6. on exterior garage walls only

3. Outdoors or on the exterior side of exterior walls located not less than 3 feet (914 mm) from doors and windows directly entering the dwelling unit.

ESS shall not be installed in sleeping rooms, or closets or spaces opening directly into sleeping rooms.

R327.5 Energy Ratings.

Individual ESS units shall have a maximum rating of 20 kWh. The aggregate rating of the ESS shall not exceed:

1. 40 kWh within utility closets, basements and storage or utility spaces.
2. 80 kWh in attached or detached garages and detached accessory structures.
3. 80 kWh on exterior walls.
4. 80 kWh outdoors on the ground.

ESS installations exceeding the permitted individual or aggregate ratings shall be installed in accordance with Section 1207 of the International Fire Code.

R327.6 Electrical Installation.

ESS shall be installed in accordance with NFPA 70. Inverters shall be listed and labeled in accordance with UL 1741 or provided as part of the UL 9540 listing. Systems connected to the utility grid shall use inverters listed for utility interaction.

R327.7 Fire Detection.

Rooms and areas within dwelling units, basements and attached garages in which ESS are installed shall be protected by smoke alarms in accordance with Section R314. A heat detector, listed and interconnected to the smoke alarms, shall be installed in locations within dwelling units and attached garages where smoke alarms cannot be installed based on their listing.

R327.8 Protection from impact.

ESS installed in a location subject to vehicle damage shall be protected by approved barriers.

R327.9 Ventilation.

Indoor installations of ESS that produce hydrogen or other flammable gases during charging shall be provided with mechanical ventilation in accordance with Section M1307.4.

R327.10 Electric Vehicle Use.

The temporary use of an owner or occupant's electric-powered vehicle to power a dwelling unit while parked in an attached or detached garage or outdoors shall comply with the vehicle manufacturer's instructions and NFPA 70.

R327.11 Documentation and Labeling.

The following information shall be provided:

1. A copy of the manufacturer's installation, operation, maintenance and decommissioning instructions shall be provided to the owner or placed in a conspicuous location near the ESS equipment.
2. A label on the installed system containing the contact information for the qualified maintenance and service providers.

15.06.140 IRC Section R328

Chapter 3, "Building Planning," of the IRC is amended by the addition of a new Section R328, entitled "Home occupation," to read as follows:

Home occupation within a residence. Home occupations must meet all of the following requirements:

1. A home occupancy must comply with any requirement within the Firestone Municipal Code Section 16.3.3.4 and be reviewed and approved by the Planning department.
2. A home occupancy must comply with any code requirements within this code.
3. A home occupation shall use the same water, electric and gas meters as the residence.
4. No occupancy shall be permitted as defined in IBC 302.1 other than an R-3.

15.06.145 IRC Section R401.2.

IRC Section R401.2 (Requirements) is amended to read as follows:

Foundation construction shall be capable of accommodating all loads in accordance with Section R301 and of transmitting the resulting loads to the supporting soil. Fill soils that support footings and foundations shall be designed, installed and tested in accordance with accepted engineering practice. Foundations for new dwellings or additions to existing dwellings shall be designed and the construction drawings stamped by a Colorado registered design professional. The foundation design must be based on an engineer's soils report. The drawings must be noted with the engineering firm name, specific location for design and soils report number. Soil conditions for additions to existing dwellings shall be permitted to verified by a Colorado registered design professional via an open hole observation prior to placing footing forms; the engineer must provide a sealed, signed, and dated observation report to the Building Department prior to rough inspections, confirming that the soil conditions match the requirements of the engineered foundation design. If the engineer's observation report is not provided, the permit may be subject

to revocation by the Building Official. A site certification prepared by State of Colorado registered design professional is required for setback verification on all new Group R Division 3 occupancies.

15.06.150 IRC Section R405.1.

IRC Section R405.1 (Concrete or masonry foundations) is amended by the addition of the following provision, to read as follows:

All foundation drains shall be designed and inspected by a State of Colorado registered design professional.

15.06.155 IRC Section R507

IRC Section R507 (Exterior Decks) is deleted in its entirety and replaced with IRC Section R507 of the International Residential Code for One and Two-Family Dwellings, 2021 Edition.

15.06.160 IRC Section R905.2.8.3.

IRC Section R905.2.8.3 (Sidewall flashing) is amended to read as follows:

Base flashing against a vertical sidewall shall be step flashing and shall be not less than 4 inches (102 mm) in height and 4 inches (102 mm) in width and shall direct water away from the vertical sidewall onto the roof or into the gutter. Where siding is provided on the vertical sidewall, the vertical leg of the flashing shall be continuous under the siding. Where anchored masonry veneer is provided on the vertical sidewall, the base flashing shall be provided in accordance with this section and counterflashing shall be provided in accordance with Section R703.8.2.2. Where exterior plaster or adhered masonry veneer is provided on the vertical sidewall, the base flashing shall be provided in accordance with this section and Section R703.6.

15.06.165 IRC Section G2415.12.

IRC Section G2415.12 (Minimum burial depth) is amended by the addition of the following provision, to read as follows:

All plastic fuel gas piping shall be installed a minimum of 18 inches (457 mm) below grade.

15.06.170 IRC Section G2415.12.1.

IRC Section G2415.12.1 (Individual outside appliances) is deleted in its entirety.

15.06.175 IRC Section G2417.4.1.

IRC Section G2417.4.1 (Test pressure) is amended to read as follows:

The test pressure to be used shall be not less than 1 and 1/2 times the proposed maximum working pressure, but not less than 10psig (20 kPa gauge), irrespective of design pressure. Where the test pressure exceeds 125 psig (862 kPa gauge), the test pressure shall not exceed a value that produces a hoop stress in the piping greater than 50 percent of the specified minimum yield strength of the pipe.

15.06.180 IRC Section G2417.4.2.

IRC Section G2417.4.2 (Test duration) is amended to read as follows:

The test duration shall be not less than 15 minutes.

15.06.185 IRC Section G2422.1.2.5

IRC Section G2422.1.2.5 (Movable appliances) is amended to read as follows:

409.5.2 Outdoors gas appliance shutoff valve. The shutoff valve shall be within 6 feet (1829 mm) of the appliance, and shall be installed upstream of the union, connector or quick disconnect device it serves. Such shutoff valves shall be provided with access. Shutoff valves serving movable appliances, such as cooking appliances, shall be considered to be provided with access where installed behind such appliances. Appliance shutoff valves located in the firebox of a fireplace shall be installed in accordance with the appliance manufacturer's instructions

15.06.190 IRC Section G2427.2.1.1

IRC Section G2427.2.1 (Direct-vent appliances) is amended to read as follows:

Cellular core piping is prohibited for all direct vent appliance exhaust system.

15.06.195 IRC Section P2503.5.1

IRC Section P2503.5.1 (Rough plumbing) is amended to read as follows:

DWV systems shall be tested on completion of the rough piping installation by water or, by air, without evidence of leakage. Either test shall be applied to the drainage system in its entirety or in sections after rough-in piping has been installed, as follows:

1. Water test. Each section shall be filled with water to a point not less than 5 feet (1524 mm) above the highest fitting connection in that section, or to the highest point in the completed system. Water shall be held in the section under test for a period of 15 minutes. The system shall prove leak free by visual inspection.
2. Air test. The portion under test shall be maintained at a gauge pressure of 5 pounds per square inch (psi) (34 kPa) or 10 inches of mercury column (34 kPa). This

pressure shall be held without introduction of additional air for a period of 15 minutes.

15.06.200 IRC Section P2603.5.1.

IRC Section P2603.5.1 (Sewer depth) is amended to read as follows:

Building sewers that connect to private sewage disposal systems shall be not less than 12 inches (305 mm) below finished grade at the point of septic tank connection. Building sewers shall be not less than 12 inches (305 mm) below grade.

15.06.205 IRC Section P2913.

IRC Section P2913 (Reclaimed water systems) is deleted in its entirety.

15.06.210 IRC Section P3103.1.1.

IRC Section P3103.1.1 (Roof extension) is amended to read as follows:

Open vent pipes that extend through a roof that do not meet the conditions of Section P3103.1.2 or P3103.1.3 shall terminate not less than 12 inches (300mm) above the roof or 12 inches (300mm) above the anticipated snow accumulation, whichever is greater.

Section 3. Chapter 15.08, “National Electric Code” of the Firestone Municipal Code is hereby repealed in its entirety and re-enacted to read as follows:

Chapter 15.08 National Electric Code.

15.08.010 Adoption of the National Electrical Code.

The National Electrical Code (also known as NFPA 70) 2020 Edition, as published by the National Fire Protection Association, One Batterymarch Park, Quincy, MA 02169, (referenced in this chapter as the NEC), is hereby adopted by reference as the Firestone Electrical Code (FEC) (hereinafter referred to as “this code”), as if fully set out in this codification with, however, the amendments indicated in the following sections of this chapter.

15.08.015 NEC Section 450.27

NEC Section 450.27 (Oil-Insulated Transformers Installed Outdoors) is amended to read as follows:

Combustible material, combustible buildings, and parts of buildings, fire escapes, and door and window openings shall be safeguarded from fires originating in oil-insulated transformers installed on roofs, attached to or adjacent to a building or combustible material.

In cases where the transformer installation presents a fire hazard, one or more of the following safeguards shall be applied according to the degree of hazard involved:

1. Use Firestone Transformer, Outdoor Oil Insulated Guideline or any Nationally Recognized Standard approved by OSHA and acceptable to the AHJ. A commonly used standard of this type is the FM Global Property Loss Prevention Data Sheet 5-4 for transformers.
2. Space separations.
3. Fire-resistant barriers.
4. Automatic fire suppression systems.
5. Enclosures that confine the oil of a ruptured transformer tank.

Oil enclosures shall be permitted to consist of fire-resistant dikes, curbed areas or basins, or trenches filled with coarse, crushed stone. Oil enclosures shall be provided with trapped drains where the exposure and the quantity of oil involved are such that removal of oil is important

Section 4. Chapter 15.10, “International Existing Building Code,” of the Firestone Municipal Code is hereby repealed in its entirety and re-enacted to read as follows:

Chapter 15.10 International Existing Building Code.

15.10.010 Adoption of the International Existing Building Code.

The International Existing Building Code, 2018 Edition, as published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478, Chapters 1 through 16 inclusive (referenced in this chapter as the IEBC and thereafter referred to as “this code”), is hereby adopted by reference as the Firestone Existing Building Code (FEBC), as if fully set out in this codification with, however, the amendments indicated in the following sections of this chapter.

15.10.015 IEBC Section 101.1.

IFGC Section 101.1 (Title) is amended to read as follows:

These regulations shall be known as the Firestone Existing Building Code, hereinafter referred to as “this code.”

15.10.020 IEBC Section 1401.2.

IEBC Section 1401.2 (Conformance) is deleted in its entirety and replaced as follows:

Structures moved into or within the jurisdiction shall comply with the provision of this code for new structures.

Section 5. Chapter 15.12, “International Fuel Gas Code,” of the Firestone Municipal Code is hereby repealed in its entirety and re-enacted to read as follows:

Chapter 15.12 International Fuel Gas Code.

15.12.010 Adoption of the International Fuel Gas Code.

The International Fuel Gas Code, 2018 Edition, as published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478 (referenced in this chapter as the IFGC and thereafter referred to as “this code”), Chapters 1 through 8 inclusive is hereby adopted by reference as the Firestone Fuel Gas Code (FFGC), as if fully set out in this codification with, however, the amendments indicated in the following sections of this chapter.

15.12.015 IFGC Section 101.1.

IFGC Section 101.1 (Title) is amended to read as follows:

These regulations shall be known as the Firestone Fuel Gas Code, hereinafter referred to as “this code.”

15.12.020 IFGC Section 404.12.

IFGC Section 404.12 (Minimum burial depth) is amended to read as follows:

Underground piping systems shall be installed a minimum depth of 12 inches (305 mm) below grade. All plastic fuel gas piping shall be installed a minimum of 18 inches (457 mm) below grade.

15.12.025 IFGC Section 404.12.1.

IFGC Section 404.12.1 (Individual outside appliances) is deleted in its entirety.

15.12.030 IFGC Section 406.4.1.

IFGC Section 406.4.1 (Test pressure) is amended to read as follows:

The test pressure to be used shall be not less than 1 1/2 times the proposed maximum working pressure, but not less than 10 psig (20 kPa gauge), irrespective of design pressure. Where the test pressure exceeds 125 psig (862 kPa gauge), the test pressure shall not exceed a value that produces a hoop stress in the piping greater than 50 percent of the specified minimum yield strength of the pipe.

15.12.035 IFGC Section 406.4.2.

IFGC Section 406.4.2 (Test duration) is amended to read as follows:

Test duration shall be not less than 1/2 hour for each 500 cubic feet (14m³) of pipe volume or fraction thereof. When testing a system having a volume less than 10 cubic feet (0.28m³) or a system in a single- family dwelling, the test duration shall be not less than 15 minutes. The duration of the test shall not be required to exceed 24 hours.

Section 6. Title 15 of the Firestone Municipal Code is hereby amended by the addition of a new chapter 15.14, to read as follows:

Chapter 15.14 International Mechanical Code.

15.14.010 Adoption of the International Mechanical Code.

The International Mechanical Code 2018 Edition, as published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478, Chapters 1 through 15 inclusive is hereby adopted by reference as the Firestone Mechanical Code (FMC) (referenced in this chapter as the IMC and thereafter referred to as “this code”), as if fully set out in this codification with, however, the amendments indicated in the following sections of this chapter.

15.14.015 IMC Section 101.1.

IMC Section 101.1 (Title) is amended to read as follows:

These regulations shall be known as the Firestone Mechanical Code, hereinafter referred to as “this code.”

Section 7. Chapter 15.16, “International Plumbing Code,” of the Firestone Municipal Code is hereby repealed in its entirety and re-enacted to read as follows:

Chapter 15.16 International Plumbing Code.

15.16.010 Adoption of the International Plumbing Code.

The International Plumbing Code 2018 Edition, as published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478, Chapters 1 through 15 inclusive is hereby adopted by reference as the Firestone Plumbing Code (FPC) (referenced in this chapter as the IPC and thereafter referred to as “this code”), as if fully set out in this codification with, however, the amendments indicated in the following sections of this chapter.

15.16.015 IPC Section 101.1.

IPC Section 101.1 (Title) is amended to read as follows:

These regulations shall be known as the Firestone Plumbing Code, hereinafter referred to as “this code.”

15.16.020 IPC Sections 103, 104, 105, 106, 107, 108 and 109.

IPC Sections 103 (Department of Plumbing Inspection), 104 (Duties and powers of the code official), 105 (Approval), and 106 (Permits), 107 (Inspections and Testing), 108 (Violations), and 109 (Means of Appeals) are deleted in their entirety.

15.16.025 IPC Section 103.

IPC Section 103 (Administrative provisions) is enacted to read as follows:

Sections 103 through Section 116, inclusive, of the Building Code, as adopted and amended by the Town, shall serve to provide the administrative, organizational and enforcement rules and regulations for this code.

15.16.030 IPC Section 305.4.1.

IPC Section 305.4.1 (Sewer depth) is amended to read as follows:

Building sewers that connect to private sewage disposal systems shall be installed not less than 12 inches (304.8 mm) below finished grade at the point of septic tank connection. Building sewers shall be installed not less than 12 inches (304.8 mm) below grade.

15.16.035 IPC Section 312.3.

IPC Section 312.3 (Drainage and vent air test) is amended to read as follows:

An air test shall be made by forcing air into the system until there is a uniform gauge pressure of 5 psi (34.5 kPa) or sufficient to balance a 10-inch (254 mm) column of mercury. This pressure shall be held for a test period of not less than 15 minutes. Any adjustments to the test pressure required because of changes in ambient temperatures or the seating of gaskets shall be made prior to the beginning of the test period.

15.16.040 IPC Section 903.1.

IPC Section 903.1 (Roof extension) is amended to read as follows:

Open vent pipes that extend through a roof shall be terminated not less than 12 inches (152.4 mm) above the roof. Where a roof is to be used for assembly or as a promenade, observation deck, sunbathing deck or similar purposes, open vent pipes shall terminate not less than 7 feet (2134 mm) above the roof.

15.16.045 IPC Section 1304.

IPC Section 1304 (Reclaimed water systems) is deleted in its entirety.

Section 8. Title 15 of the Firestone Municipal Code is hereby amended by addition of a new chapter 15.18, to read as follows:

Chapter 15.18 International Property Maintenance Code

15.18.010 Adoption of the International Property Maintenance Code.

The International Property Maintenance Code 2018 Edition, as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, Chapters 1 through 8 inclusive, is hereby adopted by reference as the Firestone Property Maintenance Code (FPMC) (referenced in this chapter as the IPMC and thereafter referred to as “this code”) as if fully set out in this ordinance with the additions, deletions, insertions and changes as follows.

15.18.015 IPMC Section 101.1.

IPMC Section 101.1 (Title) is amended to read as follows:

These regulations shall be known as the Firestone Property Maintenance Code, hereinafter referred to as “this code.”

15.18.020 IPMC Section 102.3.

IPMC Section 102.3 (Application of other codes) is amended to read as follows:

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code, International Existing Building Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, International Plumbing Code and National Electric Code.

15.18.025 IPMC Section 103.5.

IPMC Section 103.5 (Fees) is deleted in its entirety.

15.18.030 IPMC Section 111.

IPMC Section 111 (Means of Appeal) is deleted in its entirety and replaced as follows:

Section 113 and Appendix Chapter K of the Building Code, as adopted and amended by the Town, shall serve to provide the administrative appeal procedural rules and regulations for this code.

Section 9. Title 15 of the Firestone Municipal Code is hereby amended by addition of a new chapter 15.20, to read as follows:

Chapter 15.20 International Swimming Pool and Spa Code.

15.20.010 Adoption of the International Swimming Pool and Spa Code.

The International Swimming Pool and Space Code 2018 Edition, as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, Chapters 1 through 11 inclusive, is hereby adopted by reference as the Firestone Swimming Pool and Spa Code (FSPSC) (referenced in this chapter as the ISPSC and thereafter referred to as “this code”) as if fully set out in this ordinance with the additions, deletions, insertions and changes as follows.

15.20.015 ISPSC Section 101.1.

ISPSC Section 101.1 (Title) is amended to read as follows:

These regulations shall be known as the Firestone Swimming Pool and Spa Code, hereinafter referred to as “this code.”

Section 10. Chapter 15.32, “Fire Code,” of the Firestone Municipal Code is hereby repealed in its entirety and re-enacted to read as follows:

Chapter 15.32 International Fire Code.

15.32.010 Adoption of the International Fire Code.

The International Fire Code, 2018 Edition, as published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478, (the “International Fire Code”), Chapters 1-80 inclusive and Appendix Chapters A-N (referenced in this chapter as “IFC” and thereafter referred to as “this code”), is hereby adopted by reference as the Fire Code of and for the Town of Firestone (“Town”), as if fully set out in this ordinance, except for such portions as are hereinafter deleted or amended in the following sections of this chapter.

15.32.015 IFC Section 109.1.

IFC Section 109.1 (Board of appeals established) is deleted in its entirety and replaced as follows:

In order to hear and decide appeals of orders, decisions or determinations made by the fire code official in the application and interpretation of this code, there is hereby created a board of appeals. The three-member board of appeals shall be comprised of the Chief Building Official, the Fire Chief, and an independent fire safety engineer, architect, industrial hygienist or other qualified individual with expertise in interpreting and applying this code with respect to the specific issues being appealed, and who is mutually agreed upon by the Chief Building Official and the Fire Chief. The board of appeals may adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a copy to the fire code official.

15.32.020 IFC Section 109.3.

IFC Section 109.3 (Qualifications) is deleted in its entirety.

15.32.025 IFC Section 109.4.

IFC Section 109.4 (Board of Trustees review of decisions rendered by the board of appeals) is hereby created and enacted to read as follows:

To appeal a decision of the board of appeals, a party must, within fifteen (15) calendar days of the board's decision, submit a request for review to the town clerk. After submittal of a request for review, the fire code official shall, within 15 days, prepare a certified record. Within thirty (30) calendar days of submittal of a request for review, city council shall, based only upon its review of the record, decide to uphold, overturn or modify the decision of the board of appeals. The Board of Trustees shall provide the parties a copy of its decision within seven calendar days of making same.

15.32.025 IFC Section 202.

IFC Section 202 (General definitions) is amended by changing the following general definitions:

(a) Educational Group E is amended to read as follows:

[BG] Educational Group E. Educational Group E occupancy includes, among others, the use of a building or structure, or a portion thereof, by seven or more persons at any one time for educational purposes through the 12th grade.

[BG] Group E, day care facilities. This group includes buildings and structures or portions thereof occupied by more than six children who receive educational, supervision or personal care services for less than 24 hours per day.

[BG] Six or fewer children. A facility having six or fewer children receiving such care shall be classified as part of the primary occupancy.

[BG] Six or fewer children in a dwelling unit. A facility such as the above within a dwelling unit and having six or fewer children receiving such care shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code.

15.32.030 IFC Section 904.1.

IFC Section 904.1 (General) is amended to read as follows:

Automatic fire-extinguishing systems, other than automatic sprinkler systems, shall be designed, installed, inspected, tested and maintained in accordance with the provisions of this section and the applicable referenced standards. Alarms shall be required to indicate the operation of alternative automatic fire-extinguishing systems, distinctive audible, visible alarms and warning signs shall be provided to warn of pending agent discharge. All alternative automatic fire-

extinguishing systems shall be monitored by a building fire alarm system in accordance with NFPA 72.

15.32.035 IFC Section 904.3.4.

IFC Section 904.3.4 (Alarms and warning signs) is amended to read as follows:

Alarms shall be required to indicate the operation of automatic fire-extinguishing systems, distinctive audible, visible alarms and warning signs shall be provided to warn of pending agent discharge. Where exposure to automatic-extinguishing agents poses a hazard to persons and a delay is required to ensure the evacuation of occupants before agent discharge, a separate warning signal shall be provided to alert occupants once agent discharge has begun. Audible signals shall be in accordance with Section 907.5.2.

15.32.040 IFC Section 904.3.5.

IFC Section 904.3.5 (Monitoring) is amended to read as follows:

An automatic fire-extinguishing system shall be monitored by a building fire alarm system in accordance with NFPA 72.

15.32.045 IFC Section 907.2.7.1.

IFC Section 907.2.7.1 (Occupation notification) is deleted in its entirety.

15.32.050 Appendix A (Board of Appeals) of the IFC.

Appendix A of the IFC (Board of Appeals) is deleted in its entirety and replaced as follows:

Appendix A – Board of Appeals

Section A101 – General.

A101.1 Scope. A board of appeals shall be established within the jurisdiction for the purpose of hearing applications for modification of the requirements of the International Fire Code pursuant to the provisions of Section 108. The board shall be established and operated in accordance with this section, and shall be authorized to hear evidence from appellants, the fire code official, and other interested parties pertaining to the application and intent of this code for the purpose of issuing orders pursuant to these provisions.

A101.2 Membership. The three-member board shall consist of the Chief Building Official, the Fire Chief, and an independent fire safety engineer, architect, industrial hygienist or other qualified individual with expertise in interpreting and applying this code with respect to the issues being

appealed. The Fire Chief and the Chief Building Official shall mutually agree upon the individual to serve as the third board member.

A101.3 Quorum. All three members of the board are required for a quorum. In varying the application of any provisions of this code or in modifying an order of the fire code official, an affirmative vote of at least two of the three board members is required.

A101.4 Secretary of the Board. The Fire District's Administrative Assistant shall serve as the secretary of the board and shall keep a detailed record of all its proceedings, which shall set forth the reasons for its decisions, and the vote of each member.

A101.5 Meetings. The board shall meet within ten (10) days after notice of appeal has been received, or as soon thereafter as practicable.

A101.6 Procedures. The board shall establish rules and regulations for its own procedures not inconsistent with the provisions of the Firestone Municipal Code and laws of the State of Colorado.

A101.7 Decisions. Every decision shall be promptly filed in writing in the office of the fire code official, the town administrator, and town clerk and shall be open to public inspection. A copy of such decision shall be kept publicly posted in the office of the fire code official for twenty-one days (21) days after filing. A certified copy of the final board decision shall be sent by mail or otherwise to the appellant by the fire code official.

A101.8 Board of Trustees Review. The town board of trustees, at its discretion and by motion, may call up any decision of the board within twenty-one (21) days after the date of issuance of the board's written decision. In the event of such call up, the following shall apply:

A101.8.1 The board of trustees shall consider the board's decision at a public hearing held subsequent to the meeting at which the decision was called up, and notice of such public hearing shall be provided to the appellant at least five (5) days in advance of the public hearing.

A101.8.2 The board of trustees call up review shall be *de novo*; in addition to the information submitted at its public hearing, the board of trustees may receive and consider the board's minutes, any staff reports, and reviews and recommendations provided by town staff or fire district staff, and such other information as the board of trustees determines relevant to review of the decision subject to its call up.

A101.8.3. The board of trustees may uphold, reverse or modify the decision of the board subject to its call up. The board of trustees' decision shall be promptly filed in writing in the office of the fire code official and the town clerk and shall be open to public inspection. A copy of such board of trustee's decision shall be kept publicly posted in the office of the fire code official for twenty-one days (21) days after filing. A certified copy of the final board of trustees' decision shall be sent by mail or otherwise to the appellant by the town clerk.

A101.8.4 Failure of the board of trustees to call up a decision of the board prior to the expiration of twenty-one (21) days after the date of issuance of the board's written decision shall render the board's decision final for purposes of judicial review

Section 11. Chapter 15.36, "International Energy Conservation Code," of the Firestone Municipal Code is hereby repealed in its entirety and re-enacted to read as follows:

Chapter 15.36 International Energy Conservation Code.

15.36.010 Adoption of the International Energy Conservation Code.

The International Energy Conservation Code 2018 Edition, as published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478, Chapters 1 through X inclusive is hereby adopted by reference as the Firestone Energy Conservation Code (FECC) (referenced in this chapter as the IECC and thereafter referred to as "this code"), as if fully set out in this codification with, however, the amendments indicated in the following sections of this chapter.

15.36.015 IECC Section 101.1.

IECC Section 101.1 (Title) is amended to read as follows:

These regulations shall be known as the Firestone Energy Conservation Code, and shall be cited as such. It is referred to herein to as "this code."

15.36.020 IECC: Part-2 Administration and Enforcement.

IECC Part-2 Administration and Enforcement is enacted to read as follows:

Sections 103 through Section 116, inclusive, of the Building Code, as adopted and amended by the City, shall serve to provide the administrative, organizational and enforcement rules and regulations for this code.

Section 12. If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Board of Trustees hereby declare

it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 13. Violations of this ordinance shall be punishable in accordance with Section 1.16.010 of the Municipal Code of the Town of Firestone, Colorado, which reads in its entirety as follows:

- A. No person shall violate any of the provisions of the ordinances of the Town. Except in cases where a different punishment is prescribed by any ordinance of the Town, any person, at least ten years of age but not yet eighteen years of age, who violates any of the provisions of the ordinances of the Town, shall be punished by a fine not exceeding, at the time of the commission of the offense, the maximum fine established by the state for municipal ordinance violations.
- B. No person shall violate any of the provisions of the ordinances of the Town. Except in cases where a different punishment is prescribed by any ordinance of the Town, any person eighteen years of age or older at the time of the violation, who violates any of the provisions of the ordinances of the Town, shall be punished by a fine not exceeding, at the time of the commission of the offense, the maximum fine established by the state for municipal ordinance violations or by imprisonment not to exceed 364 days, or both such fine and imprisonment.
- C. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of Firestone, Colorado, is committed, continued or permitted by any such person, and he or she shall be punished accordingly.

Section 14. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 15. Copies of the International Building Code, National Electrical Code, International Plumbing Code, International Mechanical Code, International Energy Conservation Code, International Fuel Gas Code, International Property Maintenance Code, International Swimming Pool and Spa Code, International Residential Code, International Fire Code and International Existing Building Code, as referenced herein in this ordinance shall be available for inspection at the Office of the Town Clerk.

Section 16. This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

**INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED
IN FULL** this ___th day of _____, 2023.

TOWN OF FIRESTONE, COLORADO

Drew Peterson, Mayor

ATTEST:

Kristi K. Bashor, CMC, Town Clerk

APPROVED AS TO FORM:

William P. Hayashi, Town Attorney

**AGENDA INFORMATION
MEMORANDUM**

**FIRESTONE
TOWN BOARD OF TRUSTEES**



AIM#: 8.a

Discussion/Action

Meeting Date: June 14, 2023

Initiated By: Dave Lindsay

Dept: Public Works

AGENDA TITLE

Resolution 23-64: A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, APPROVING THE SECOND AMENDMENT TO CONSULTING SERVICES AGREEMENT BETWEEN THE TOWN OF FIRESTONE AND MCGRANE WATER ENGINEERING, LLC PERTAINING TO THE MOUNTAIN SHADOWS PARK WELL PUMP AND CONTROLS SHED PROJECT

RECOMMENDATION

Staff recommends the Board approve Resolution 23-64, approving the Second Amendment to the engineering services agreement with McGrane Water Engineering, Inc and authorizing the expenditure of funds.

SUMMARY

The Mountain Shadows Park Irrigation Well project is ready to start final construction. McGrane Water Engineering, Inc. has been the lead design professional for this project since its inception in 2017. A Second Amendment to their engineering services contract is needed to modify the scope and budget of their services to account for some additional effort beyond the current scope and to reduce some of their scope and budget related to construction observation services.

FINANCIAL CONSIDERATIONS

The Second Amendment increases the design fee by \$32,550.00 to a new total of \$199,275.00 and will be paid from the Water Fund.

HISTORY AND PREVIOUS BOARD ACTION

The original engineering services contract with McGrane Water Engineering, Inc., was approved by the Board on September 27, 2017.

The First Amendment to the design services agreement with McGrane Water Engineering, inc. was approved by the Board on December 12, 2018.

ATTACHMENTS

1. Res 23-64 2nd Am to McGrane Water Eng Consulting Services Agr
2. Mountain Shadows Park Irrigation Production Well Engineering - Amendment 2 (signed)
3. Vicinity Map

RESOLUTION NO. 23-64

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF
FIRESTONE, COLORADO, APPROVING THE SECOND AMENDMENT
TO CONSULTING SERVICES AGREEMENT BETWEEN THE TOWN
OF FIRESTONE AND MCGRANE WATER ENGINEERING, LLC
PERTAINING TO THE MOUNTAIN SHADOWS PARK WELL PUMP
AND CONTROLS SHED PROJECT**

WHEREAS, on September 27, 2017, the Town entered into an Engineering Consulting Services Agreement (“Original Agreement”) with McGrane Water Engineering, LLC (“McGrane”) for the design of a combined alluvial irrigation and production well as part of the Mountain Shadows Well Pump and Controls Shed Project (“Project”); and

WHEREAS, on December 12, 2018, the Town and McGrane entered into an amendment to the Original Agreement (“First Amendment”); and

WHEREAS, the Parties desire to enter into a second amendment to the Original Agreement: (1) to redefine and change McGrane’s scope of services under the Original Agreement to include design modifications, additional coordination with Parks Department staff, preparing a procurement contract for the well pump and controls, preparation of second set of bidding documents for a re-bid of the construction work, and reduction of certain construction observation services; and (2) to increase the compensation to McGrane under the Original Agreement to account for the change in McGrane’s scope of services by an amount equal to \$32,55.00 ; and

WHEREAS, the Board of Trustees finds that entering into the Second Amendment will facilitate the completion of the Project and is in the best interest of the Town.

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

The Second Amendment to Engineering Consulting Services Agreement between the Town of Firestone and McGrane Water Engineering, LLC 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 Second Amendment on behalf of the Town.

INTRODUCED, READ AND ADOPTED this 14th day of June, 2023.

TOWN OF FIRESTONE, COLORADO

Drew Alan Peterson, Mayor

ATTEST:

Kristi K. Bashor, CMC, Town Clerk

APPROVED AS TO FORM:

William P. Hayashi, Town Attorney

**SECOND AMENDMENT TO AN AGREEMENT BY AND BETWEEN THE TOWN OF
FIRESTONE AND McGRANE WATER ENGINEERING, LLC
FOR ENGINEERING SERVICES
(Mountain Shadows Park Irrigation Production Well)**

THIS SECOND AMENDMENT TO CONSULTING SERVICES AGREEMENT is made and entered into effective as of the ____ day of _____, 2023, by and between the **TOWN OF FIRESTONE**, a Colorado municipal corporation, hereinafter referred to as the “Town”, and **McGrane Water Engineering, LLC**, a Colorado limited liability company doing business as McGrane Water Engineering, LLC, hereinafter referred to as the “Consultant” with reference to that certain Consulting Services Agreement between the Town and Consultant executed by the Town on September 29, 2017, which was first amended on December 12, 2018, and hereinafter referred to as the “Original Agreement.”

WHEREAS, during the course of the work the Town required additional services of the Consultant beyond the scope of services of the Original Agreement and the parties believe it to be in the best interest to amend the Original Agreement as set forth herein.

NOW, THEREFORE, for good and valuable consideration, the Parties agree as follows:

1. Section 4.1 of the Original Agreement is hereby amended to read as follows (words added are underlined; words deleted are shown in ~~strikeout~~):

4.1 The Town shall pay the Consultant for services requested and rendered under this Agreement at the hourly rates set forth in Exhibit A provided, however, that the total amount payable for Services under this Agreement shall in no event exceed ~~\$166,725.00~~ \$199,275.00. For services compensated at hourly rates, or on a per-task basis, such rates or costs per task shall not exceed the amounts set forth in Exhibit A, Exhibit A1, and Exhibit A2. The Town shall pay mileage and other reimbursable expenses which are deemed necessary for performance of the services and which are identified in Exhibit A, Exhibit A1, and Exhibit A2. The foregoing amounts of compensation shall be inclusive of all costs of whatsoever nature associated with the Consultant’s efforts, including but not limited to salaries, benefits, overhead, administration, profits, expenses, and outside consultant fees. The Scope of Services and payment therefor shall only be changed by a properly authorized amendment to this Agreement. No Town employee has the authority to bind the Town with regard to any payment for any services which exceeds the amount payable under the terms of this Agreement.

2. Exhibits A and A1 of the Original Agreement are hereby amended to include the attached Exhibit A2 – Supplemental Scope of Services.

3. The changed services required of Consultant included:
(a) Redesign of the pump station, yard piping, and electrical supply to eliminate the Production Well.

(b) Meet with Parks staff to get direction on acceptable materials and procedures so the design can be modified so that the construction contractor will make the connections to the Town's irrigation system.

(c) Because the well has sat idle for several years, conduct a video inspection to ensure there is no bio-fouling or other deterioration that would impact well production.

(d) Preparation of pump procurement contract with Water Technologies Group for Owner procurement of the pump and controls systems.

(e) Preparation of a second bidding package for public advertisement.

(f) Construction observation is no longer required.

(g) Water quality analysis and preparation of the O&M manuals is no longer required.

4. The Original Agreement, as herein amended by this Second Amendment, is hereby ratified and confirmed and remains in full force and effect in accordance with its terms.

IN WITNESS WHEREOF, the Parties have executed this First Amendment to Consulting Agreement effective as of the day and year first above set forth.

TOWN OF FIRESTONE,
a Colorado Municipal Corporation

By: _____
Drew Allen Peterson, Mayor

Attest: _____
Kristi Bashor, Town Clerk

CONSULTANT:
McGRANE WATER ENGINEERING, LLC
a Colorado limited liability company

By: _____

Title: _____ President

Exhibit A2 – Supplemental Scope of Services

[See Following 1 Page]

EXHIBIT A2

Table 1 – Mountain Shadows Park Irrigation System Cost Summary (8/3/22)

Task	Description	Budget \$	CA-1 \$	Revised Budget \$ (12/12/2018)	Previously Invoiced \$	Cost \$ to Complete Job	CA-2 Request \$	Final Budget \$
1	Project Planning and Park Survey	\$12,000.00	\$0	\$12,000	\$20,867.50	\$0	\$8,867.50	\$20,867.50
2	Prepare Designs (Well, Pumping System, Pipeline, Metering and Control House) and Contractor Bid Package and Design Support	\$33,000.00	\$21,555	\$54,555	\$ 74,877.25	\$7,000.25	\$27,322.50	\$81,877.50
3	Well Drilling and Testing	\$23,000.00	\$5,025	\$28,025	\$28,025	\$0	\$0	\$28,025
4	Evaluate Test Data and Estimate Well Yields	\$14,000.00	\$3,145	\$17,145	\$17,145	\$0	\$0	\$17,145
5	Evaluate Water Quality (Incl. Laboratory Analysis)	\$3,000.00	\$0	\$3,000	\$0	\$0	-\$3,000	\$0
6	Construction Observation of Pump Installation and Wellhead Pitless	\$3,000.00	\$3,000	\$6,000	\$0	\$3,000	-\$3,000	\$3,000
7	Construction Observation of Pump House, Pipelines, Valves and Metering	\$9,000.00	\$3,000	\$12,000	\$0	\$0	-\$12,000	\$0
8	Construction Observation of Electrical System	\$8,000.00	\$3,000	\$11,000	\$0	\$5,000	-\$6,000	\$5,000
9	Prepare O&M Manual and Installation Report	\$23,000.00	\$0	\$23,000	\$1,050	\$20,000	-\$1,950	\$21,050
10	Out of Scope Work To 7/28/22 (summarized below*)	\$0	\$0	\$0	\$22,310	\$0	\$22,310	\$22,310
Subtotals		\$128,000.00	\$38,725.00	\$166,725.00	\$164,274.75	\$35,000.25	\$32,550.00	\$199,275.00
*Out of Scope Work per 7/28/22 invoice								
OOS1	SWSP work per Dave Lindsay (1/25/22)				\$350.00			
OOS2	Well Video (March, 2022)				\$1,718.75			
OOS3	Design Redo and Park Coordination				\$13,066.25			
OOS4	Pump Procurement Project				\$7,175.00			
Total Out of Scope Work \$ =					\$22,310.00			

McGrane Water Engineering, LLC

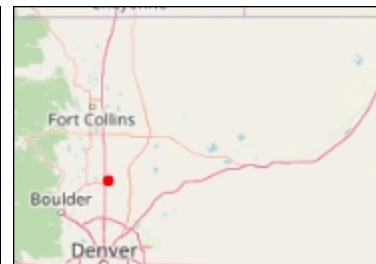
1669 Apple Valley Rd., Lyons, CO 80301. Website: www.mcgranewaterengineering.com



Legend

- Parcels
- Highway
- County Boundary

Notes



1,144.2 0 572.08 1,144.2 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
© Weld County Colorado

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

**AGENDA INFORMATION
MEMORANDUM**

**FIRESTONE
TOWN BOARD OF TRUSTEES**



AIM#: 8.b

Discussion/Action

Meeting Date: June 14, 2023

Initiated By: Dave Lindsay

Dept: Public Works

AGENDA TITLE

Resolution 23-65: A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, APPROVING A CONSTRUCTION CONTRACT BETWEEN THE TOWN OF FIRESTONE AND SUN VALLEY ELECTRIC, INC. PERTAINING TO THE MOUNTAIN SHADOWS PARK WELL PUMP AND CONTROLS SHED PROJECT

RECOMMENDATION

Staff recommends the Board approve Resolution 23-65, approving a construction contract with Sun Valley Electric, Inc. for the Mountain Shadows Park Well Pump and Controls Shed project and authorizing the expenditure of funds.

SUMMARY

Firestone has designed an irrigation well pump station to be installed in Mountain Shadows Park on a previously drilled irrigation well (see attached Vicinity Map and Site Plan). This facility will allow Firestone to convert the park's irrigation system, and an adjacent public trail irrigation system, to a non-potable water supply. The project includes the installation of a pre-manufactured shed, a well pump, pump controls, and the associated pipe network.

After two failed attempts to bid this project, Town staff solicited a bid from Sun Valley Electric, Inc. Sun Valley is currently the general contractor on another well pump station project and was the electrical sub-contractor on three other Firestone well pump station projects, and has exhibited exceptional performance and reasonable pricing. Sun Valley's bid was within the Town's budget, and they have been selected to complete this project.

FINANCIAL CONSIDERATIONS

The construction bid received from Sun Valley is \$359,960.00. Sufficient funds were budgeted for this project in the 2023 Water Fund.

HISTORY AND PREVIOUS BOARD ACTION

The original design contract for the project was approved by the Board on September 27, 2017.

The well drilling contract was approved by the Board on November 15, 2017.

The contract to procure the well pump and controls was approved by the Board with Resolution No. 22-82 on July 13, 2022.

ATTACHMENTS

1. Res 23-65 Sun Valley Electric Construction Contract (Mountain Shadows Park Well Pump Project)
2. Section 00510 Notice of Award
3. Section 00520 Agreement
4. Vicinity Map
5. Site Plan

RESOLUTION NO. 23-65

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF
FIRESTONE, COLORADO, APPROVING A CONSTRUCTION
CONTRACT BETWEEN THE TOWN OF FIRESTONE AND SUN
VALLEY ELECTRIC, INC. PERTAINING TO THE MOUNTAIN
SHADOWS PARK WELL PUMP AND CONTROLS SHED PROJECT**

WHEREAS, the Town of Firestone (“Town”) is in need of professional construction services for the Mountain Shadows Well Pump and Controls Shed Project (“Project”); and

WHEREAS, the Town issued an invitation for bids for the work and services for the Project; and

WHEREAS, the Town has evaluated the bids submitted in response to the invitation for bids, and finds that Sun Valley Electric, Inc. (“Sun Valley”) is the lowest responsive and responsible bidder; and

WHEREAS, the Town finds that Sun Valley has the expertise, qualifications, and experience to perform the work and duties required for the Project, and desires to select Sun Valley for the invitation for bids and to enter into an agreement with Sun Valley to provide the construction services as described in the Project Manual and Construction Drawings.

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

Section 1. The Construction Contract between the Town of Firestone and Sun Valley Electric, Inc. 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 Contract on behalf of the Town.

Section 2. The Town Manager or such person’s designee is authorized to approve, sign, execute and deliver any and all change orders on behalf of the Town as may be necessary to complete the Project or for the Town to perform under the Contract up to and until such time as the total dollar amount of all such change orders equals or exceeds \$36,000.00, at which time any such change order shall be subject to approval by the Board.

.

INTRODUCED, READ AND ADOPTED this 14th day of June, 2023.

TOWN OF FIRESTONE, COLORADO

Drew Alan Peterson, Mayor

ATTEST:

Kristi K. Bashor, CMC, Town Clerk

APPROVED AS TO FORM:

William P. Hayashi, Town Attorney

SECTION 00510
NOTICE OF AWARD

Date: June 14, 2023

Project: Town of Firestone - Mountain Shadows Park Well Pump and Controls Shed Project	
Owner: Town of Firestone	Owner's Contract No.: W2022-9549.02
Contract: Construction Services	Engineer's Project No.:
Bidder:	Sun Valley Electric, Inc.
Bidder's Address:	5475 Hwy 86, Unit 3 Elizabeth, CO 80107

You are notified that your Bid dated May 3, 2023 for the above Contract has been considered. You are the Successful Bidder and are awarded a Contract for the Town of Firestone - Mountain Shadows Park Well Pump and Controls Shed Project.

The Contract Price of your Contract is \$ 359,960.00.

Three (3) copies of the proposed Contract Documents (except Drawings) accompany this Notice of Award.

Two (2) of the Drawings will be delivered separately or otherwise made available to you immediately.

You must comply with the following conditions precedent within ten (10) days of the date you receive this Notice of Award.

1. Deliver to the Owner three (3) fully executed counterparts of the Contract Documents.
2. Deliver with the executed Contract Documents the Contract security [Bonds] as specified in the Instructions to Bidders (Article 20), General Conditions (Paragraph 5.01) and Supplementary Conditions (Paragraph SC-5.01).

Failure to comply with these conditions within the time specified will entitle Owner to consider you in default, annul this Notice of Award and declare your Bid security forfeited.

Within ten days after you comply with the above conditions, Owner will return to you one fully executed counterpart of the Contract Documents.

Owner: Town of Firestone

By: _____
Mayor

Copy to Engineer

SECTION 00520

AGREEMENT

THIS AGREEMENT is by and between _____ Town of Firestone ("Owner") and _____ Sun Valley Contractors, Inc ("Contractor").

Owner and Contractor hereby agree as follows:

ARTICLE 1 – WORK

- 1.01 Contractor shall complete all Work as specified or indicated in the Contract Documents. The Work is generally described as follows:

Furnish bonds, insurance, and permits required by Section 01035. Mobilization to and demobilization from the construction site, including any requisite site access improvements and site reclamation. Furnish and install water delivery infrastructure at one (1) location, including all appurtenances. Furnish and install one (1) water delivery pumping stations, including building and all appurtenances. Furnish and install water delivery pipelines, including all appurtenances. Provide and install key finishes and complete site restoration. Provide and install site instrumentation, telemetry, and control systems, including all appurtenances.

ARTICLE 2 - THE PROJECT

- 2.01 The Project for which the Work under the Contract Documents may be the whole or only a part is generally described as follows:

Town of Firestone – Mountain Shadows Park Well Pump and Controls Shed Project

ARTICLE 3 – ENGINEER

- 3.01 The Project was designed in part by MCGRANE WATER ENGINEERING, LLC (Engineer), which is to act as Owner's representative, assume all duties and responsibilities and have the rights and authority assigned to Engineer in the Contract Documents in connection with the completion of the Work in accordance with the Contract Documents.

ARTICLE 4 - CONTRACT TIMES

- 4.01 *Time of the Essence*

All time limits for Milestones, if any, Substantial Completion and completion and readiness for final payment as stated in the Contract Documents are of the essence of the Contract.

- 4.02 *Days to Achieve Substantial Completion and Final Payment*

Work will be substantially complete by November 20, 2023. The Work will be completed and ready for final payment in accordance with paragraph 14.07 of the General Conditions by December 4, 2023. Work can be sequenced and planned as needed and desired by the selected contractor in order to meet their needs and schedules as long as the completion dates set forth are maintained.

4.03 *Liquidated Damages*

- A. Contractor and Owner recognize that time is of the essence as stated in Paragraph 4.01 above and that Owner will suffer financial loss if the Work is not completed within the times specified in Paragraph 4.02 above, plus any extensions thereof allowed in accordance with Article 12 of the General Conditions. The parties also recognize the delays, expense and difficulties involved in proving in a legal or arbitration proceeding, the actual loss suffered by Owner if the Work is not completed on time. Accordingly, instead of requiring any such proof, Owner and Contractor agree that as liquidated damages for delay (but not as a penalty), Contractor shall pay Owner five hundred dollars (\$500.00) for each day that expires after the time specified in Paragraph 4.02 above for Substantial Completion until the Work is substantially complete. After Substantial Completion, if Contractor shall neglect, refuse or fail to complete the remaining Work within the Contract Time or any proper extension thereof granted by Owner, Contractor shall pay Owner one five hundred dollars (\$500.00) for each day that expires after the time specified in Paragraph 4.02 above for completion and readiness for final payment until the Work is completed and ready for final payment.

ARTICLE 5 – CONTRACT PRICE

- 5.01 Owner shall pay Contractor for completion of the Work in accordance with the Contract Documents an amount in current funds equal to the sum of the amounts determined pursuant to Paragraphs 5.01 A below:

- A. For all Work, at the prices stated in the Contractor's Bid, attached hereto as an exhibit.

ARTICLE 6 – PAYMENT PROCEDURES

6.01 *Submittal and Processing of Payments*

- A. Contractor shall submit Applications for Payment in accordance with Article 14 of the General Conditions. Applications for Payment will be processed by Engineer as provided in the General Conditions.

6.02 *Progress Payments; Retainage*

- A. Owner shall make progress payments on account of the Contract Price on the basis of Contractor's Applications for Payment each month, for the previous months work, during performance of the Work as provided in Paragraph 6.02 A 1 below. All such payments will be measured by the schedule of values established as provided in Paragraph 2.07 A of the General Conditions (and in the case of Unit Price Work based on the number of units completed) or, in the event there is no schedule of values, as provided in the General Requirements.
1. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below but, in each case, less the aggregate of payments previously made and less such amounts as Engineer may determine or Owner may withhold, including but not limited to liquidated damages, in accordance with Paragraph 14.02 of the General Conditions.
 - a. 95 percent of Work completed (with the balance being retainage), and
 - b. 90 percent of cost of materials and equipment procured, insured, and satisfactorily stored on-site but not incorporated in the Work (with the balance being retainage).
- B. Upon Substantial Completion, Owner shall pay an amount sufficient to increase total payments to Contractor to 100 percent of the Work completed, less such amounts as Engineer shall determine in accordance with Paragraph 14.02 B 5 of the General

Conditions and less 200 percent of Engineer's estimate of the value of Work to be completed or corrected as shown on the tentative list of items to be completed or corrected attached to the certificate of Substantial Completion.

6.03 *Final Payment*

- A. Upon final completion and acceptance of the Work in accordance with Paragraph 14.07 of the General Conditions, Owner shall pay the remainder of the Contract Price as recommended by Engineer as provided in said Paragraph 14.07.

ARTICLE 7 – INTEREST

- 7.01 All moneys not paid when due as provided in Article 14 of the General Conditions shall bear interest at the rate of 1.0 percent per annum.

ARTICLE 8 – CONTRACTOR'S REPRESENTATIONS

- 8.01 In order to induce Owner to enter into this Agreement, Contractor makes the following representations:
 - A. Contractor has examined and carefully studied the Contract Documents and the other related data identified in the Bidding Documents.
 - B. Contractor has visited the Site and become familiar with and is satisfied as to the general, local and Site conditions that may affect cost, progress and performance of the Work.
 - C. Contractor is familiar with and is satisfied as to all federal, state and local Laws and Regulations that may affect cost, progress and performance of the Work.
 - D. Contractor has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions relating to existing surface or subsurface structures at the Site (except Underground Facilities), if any, that have been identified in Paragraph SC-4.02 of the Supplementary Conditions as containing reliable "technical data", and (2) reports and drawings of Hazardous Environmental Conditions, if any, at the Site that have been identified in Paragraph SC-4.06 of the Supplementary Conditions as containing reliable "technical data".
 - E. Contractor has considered the information known to Contractor; information commonly known to contractors doing business in the locality of the Site; information and observations obtained from visits to the Site; the Contract Documents; and the Site-related reports and drawings identified in the Contract Documents, with respect to the effect of such information, observations and documents on (1) the cost, progress and performance of the Work; (2) the means, methods, techniques, sequences and procedures of construction to be employed by Contractor, including any specific means, methods, techniques, sequences and procedures of construction expressly required by the Contract Documents; and (3) Contractor's safety precautions and programs.
 - F. Based on the information and observations referred to in Paragraph 8.01 E above, Contractor does not consider that further examinations, investigations, explorations, tests, studies or data are necessary for the performance of the Work at the Contract Price, within the Contract Times and in accordance with the other terms and conditions of the Contract Documents.
 - G. Contractor is aware of the general nature of work to be performed by Owner and others at the Site that relates to the Work as indicated in the Contract Documents.

- H. Contractor has given Engineer written notice of all conflicts, errors, ambiguities or discrepancies that Contractor has discovered in the Contract Documents, and the written resolution thereof by Engineer is acceptable to Contractor.
- I. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.
- J. Contractor shall perform no less than 70% of the work with their own forces.

ARTICLE 9 – CONTRACT DOCUMENTS

9.01 *Contents*

- A. The Contract Documents consist of the following:
 - 1. This Agreement (pages 1 to 6, inclusive).
 - 2. Performance bond.
 - 3. Payment bond.
 - 4. General Conditions.
 - 5. Supplementary Conditions.
 - 6. Specifications as listed in the table of contents of the Project Manual.
 - 7. Drawings with each sheet bearing the following general title and number of sheets (shown in parenthesis):
 "Town of Firestone Mountain Shadows Park Well Pump and Controls Shed Project"
 (13 sheets)
 - 8. Addenda (numbers 0 to 0, inclusive).
 - 9. Exhibits to this Agreement (enumerated as follows):
 - a. Contractor's Bid.
 - b. Documentation submitted by Contractor prior to Notice of Award.
 - 10. The following which may be delivered or issued on or after the Effective Date of the Agreement and are not attached hereto:
 - a. Notice to Proceed.
 - b. Work Change Directives.
 - c. Change Orders.
- B. The documents listed in Paragraph 9.01 A are attached to this Agreement (except as expressly noted otherwise above).
- C. There are no Contract Documents other than those listed above in this Article 9.
- D. The Contract Documents may only be amended, modified or supplemented as provided in Paragraph 3.04 of the General Conditions.

ARTICLE 10 – MISCELLANEOUS

10.01 Terms

- A. Terms used in this Agreement will have the meanings stated in the General Conditions and the Supplementary Conditions.

10.02 Assignment of Contract

- A. No assignment by a party hereto of any rights under or interests in the Contract will be binding on another party hereto without the written consent of the party sought to be bound; and, specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

10.03 Successors and Assigns

- A. Owner and Contractor each binds itself, its partners, successors, assigns and legal representatives to the other party hereto, its partners, successors, assigns and legal representatives in respect to all covenants, agreements and obligations contained in the Contract Documents.

10.04 Severability

- A. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon Owner and Contractor, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

Contractor's Certifications

- A. Contractor certifies that it has not engaged in corrupt, fraudulent, collusive or coercive practices in competing for or in executing the Contract. For the purposes of this Paragraph 10.05:
 - 1. "corrupt practice" means the offering, giving, receiving or soliciting of anything of value likely to influence the action of a public official in the bidding process or in the Contract execution;
 - 2. "fraudulent practice" means an intentional misrepresentation of facts made (a) to influence the bidding process or the execution of the Contract to the detriment of Owner, (b) to establish Bid or Contract prices at artificial non-competitive levels or (c) to deprive Owner of the benefits of free and open competition;
 - 3. "collusive practice" means a scheme or arrangement between two or more Bidders, with or without the knowledge of Owner, a purpose of which is to establish Bid prices at artificial, non-competitive levels; and
 - 4. "coercive practice" means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the bidding process or affect the execution of the Contract.

IN WITNESS WHEREOF, Owner and Contractor have signed this Agreement. Counterparts have been delivered to Owner and Contractor. All portions of the Contract Documents have been signed or have been identified by Owner and Contractor or on their behalf.

This Agreement will be effective on _____ .

OWNER:

CONTRACTOR

Town of Firestone

By: _____

Title: _____ Mayor _____

Attest: _____

Title: _____ Town Clerk _____

Address for giving notices:
9950 Park Ave. _____

Firestone, CO 80520 _____

By: _____

Title: _____

(If Contractor is a corporation, a partnership or a joint venture, attach evidence of authority to sign.)

Attest: _____

Title: _____

Address for giving notices: _____

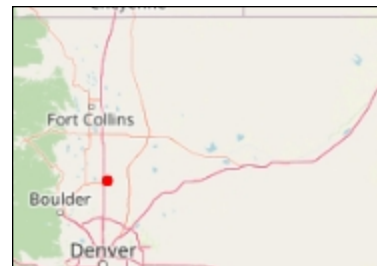
License
No.: _____



Legend

- Parcels
- Highway
- County Boundary

Notes

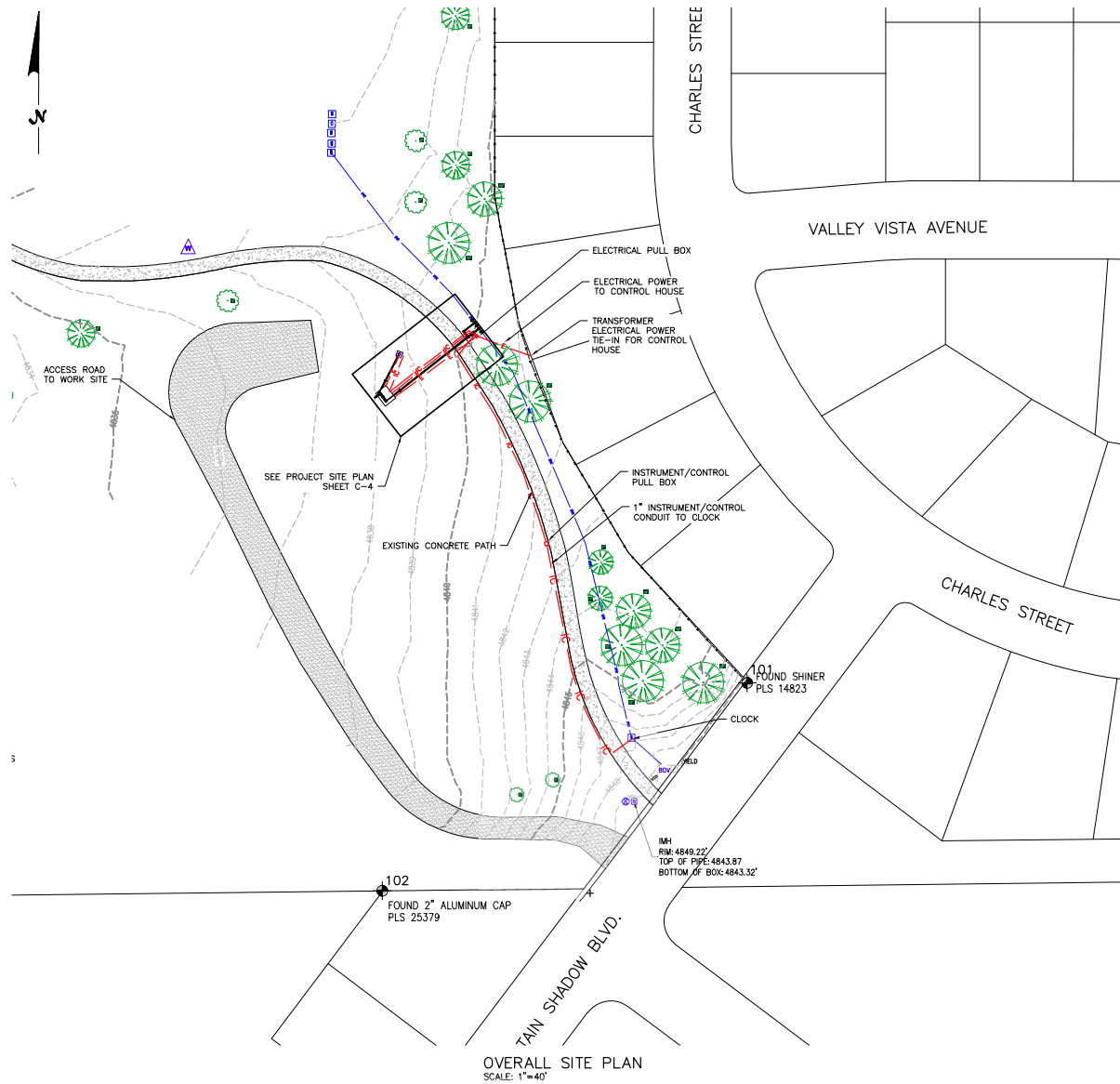


1,144.2 0 572.08 1,144.2 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
© Weld County Colorado

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



SURVEY CONTROL POINT TABLE				
POINT	NORTHING	EASTING	ELEVATION	DESCRIPTION
101	20097.82	30066.41	4850.33	FOUND SHINER PLS 14823
102	19953.58	29812.90	4845.30	FOUND 2" ALUMINUM CAP PLS 25379
115	21259.74	30065.30	4832.60	FOUND 1" YELLOW PLASTIC CAP PLS 14823
116	21123.57	30091.91	4838.64	FOUND SHINER PLS 14823
117	21109.35	30078.12	4838.63	FOUND SHINER PLS 14823
118	20698.70	30005.94	4845.26	FOUND SHINER PLS 14823
550	21376.56	30101.57	4831.29	FOUND 1" YELLOW PLASTIC CAP PLS 34183
551	18706.90	31994.67	4848.26	TOWN OF FIRESTONE BENCHMARK 25

REVISIONS		
NO.	DATE	DESCRIPTION
1	7/8/22	BID SET
2		
3		
4		
5		
6		
7		
8		
9		
10		

0 1/2 1 2
2" AT FULL SIZE
SCALE ACCORDINGLY

CONSULTANTS:
McGrane Water
Engineering, LLC

CLIENT:



MOUNTAIN SHADOWS PARK WELL PUMP & CONTROLS SHED
OVERALL SITE PLAN

FIRESTONE JOB NO. W2022-9549.02	
DATE PROJECT NO. X-2022-X	DRAWING NO. C-3
DESIGNED BY DFD	CHECKED BY RS
APPROVED BY DFD	SHEET 3 OF 13

AGENDA INFORMATION MEMORANDUM

FIRESTONE TOWN BOARD OF TRUSTEES



AIM#: 8.c

Discussion/Action

Meeting Date: June 14, 2023

Initiated By: Jessica Clanton

Dept: Finance

AGENDA TITLE

Resolution 23-67: A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, AUTHORIZING THE TOWN MANAGER TO PROVIDE NOTICE TO VECTRA BANK OF THE TOWNS RETIREMENT OF THE 2022 WATER ENTERPRISE REVENUE BONDS

RECOMMENDATION

Staff recommends approval of resolution 23-67.

SUMMARY

Approval of Resolution 23-67 authorized the Town Manager to provide a 30-day notice to Vectra Bank (Zions Bancorporation) that the Town of Firestone intends to retire, in its entirety, the 2022 Town of Firestone Water Enterprise Revenue Bonds that were issued in December of 2022 for the purchase of native water rights and water storage.

The Town intends to retire this debt within less than a year of issuance due to revenue received from developers for storage and infrastructure and native water credits.

The bonds were issued with a 10-year term and allowed for early payoff at-par. By paying this debt early, the Town will save approximately \$4,050,000 in interest expense.

The official payoff will come in front of the Board of Trustees for approval at a future meeting date.

FINANCIAL CONSIDERATIONS

HISTORY AND PREVIOUS BOARD ACTION

On March 25, 2020 the Board of Trustees adopted the Town of Firestone 2020-2050 Water Action Plan. The Water Action Plan was developed to support the request for financing of the Water Activity Enterprise by the sale of municipal bonds. The Water Action Plan provides background on current and projected water use within the Firestone Service Area and also describes the infrastructure needs, raw water supply needs, and details the estimated spending required over the next 30 years.

On November 9, 2022, the Board of Trustees approved Ordinance 1021, setting the parameters and the ability to authorize the issuance of water enterprise revenue bonds. As discussed in that meeting, any final debt issuance would be approved in a public meeting. On December 14, 2022, the Board of Trustees approved Resolution 22-137, approving the option term and execution of the Town of Firestone Water Enterprise Revenue Bonds.

After the November 9, 2022, meeting, an RFP for a Private Placement Debt Issuance was published, and the Town received six responses with interest rates ranging from 3.89-5.35%. After a thorough evaluation of all offers, it was determined the proposal submitted by Vectra Bank (Zions Bancorporation) was the best for the Town and determined a final issuance amount of \$20 Million. Vectra Bank's proposal provided a 10-year or a 15-year option with a payoff at-par, anytime within the period. The 10-year option is with an interest rate of 3.89%, and the 15-year option has an interest rate of 4.10%.

The Board of Trustees approved a final issuance amount of \$20 Million with an interest rate of 3.89%. This came with a 10-year term that includes payoff at-par, anytime within that period.

ATTACHMENTS

1. RESO Retire 2022 Water Enterprise Revenue Bonds

RESOLUTION NO. 23-67

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF
FIRESTONE, COLORADO AUTHORIZING THE TOWN MANAGER TO
PROVIDE NOTICE TO VECTRA BANK OF THE TOWNS RETIREMENT
OF THE 2022 WATER ENTERPRISE REVENUE BONDS**

WHEREAS, the Town of Firestone (“Town”) desires to retire the 2022 Water Enterprise Revenue Bonds which will save the Town \$4,050,000.00 in interest payments: and

WHEREAS the retirement of such debt requires that the Town provide the issuer Vectra Bank (Zions Bancorporation) 30 days’ prior notice; and

WHEREAS the Town Manager requests that the Board of Trustees authorize him to provide the required notice to Vectra Bank.

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

The Board of Trustees does hereby authorize the Town Manager to provide Vectra Bank the required thirty-day notice to retire the 2022 Water Enterprise Revenue Bonds.

INTRODUCED, READ AND ADOPTED this __ day of _____, 2023.

TOWN OF FIRESTONE, COLORADO

Drew Alan Peterson, Mayor

ATTEST:

Kristi K. Bashor, CMC Town Clerk

APPROVED AS TO FORM:

William P. Hayashi, Town Attorney

**AGENDA INFORMATION
MEMORANDUM**

**FIRESTONE
TOWN BOARD OF TRUSTEES**



AIM#: 8.d

Discussion/Action

Meeting Date: June 14, 2023

Initiated By: Jessica Clanton

Dept: Finance

AGENDA TITLE

Resolution 23-66: A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, APPROVING SUPPLEMENTAL BUDGET APPROPRIATIONS IN FISCAL YEAR 2023 AND ADOPTING AN AMENDED BUDGET FOR THE BUDGET YEAR 2023.

RECOMMENDATION

Staff recommends approval of Resolution 23-66, approving the 2023 Budget Amendment.

SUMMARY

Resolution 23-66 is a resolution to amend the 2023 Budget to rollover funds for certain capital projects that are still ongoing and that have funds remaining for the project from the 2022 approved budget. The list of projects and amounts being rolled over for each project are listed in Exhibit A of the attached resolution.

FINANCIAL CONSIDERATIONS

See Exhibit A of the attached Resolution

HISTORY AND PREVIOUS BOARD ACTION

The Board of Trustees approved the 2023 Budget on November 16th, 2022.

ATTACHMENTS

1. 2023 Budget Amendment Resolution

RESOLUTION NO. 23 - 66

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, APPROVING SUPPLEMENTAL BUDGET APPROPRIATIONS IN FISCAL YEAR 2023 AND ADOPTING AN AMENDED BUDGET FOR THE BUDGET YEAR 2023.

WHEREAS, on November 16, 2022 the Board of Trustees of the Town of Firestone (“Town”) adopted the Town’s 2023 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 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 2023 Budget and modifications to the Budget’s 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 and the Town Clerk is directed forthwith to file a certified copy of this resolution with the Division of Local Government.

INTRODUCED, READ AND ADOPTED this 14th day of June, 2023.

TOWN OF FIRESTONE, COLORADO

By: _____
Drew Peterson, Mayor

ATTEST:

Kristi K Bashor, CMC, Town Clerk

APPROVED AS TO FORM:

William P. Hayashi, Town Attorney

EXHIBIT A

DESCRIPTION	Rollover from 2022 to 2023
Capital Projects Fund	
Public Works Administration	297,496.00
Relocate Conex	6,000.00
Historic Firestone Street	311,512.00
New Traffic Signals	745,003.00
Mountain Shadows Park	80,000.00
Dog Park Relocation	143,362.00
Conservation Trust Fund	
Firestone Trail Improvements	25,595.00
Water Fund	
Gould Property Well Field	153,083.00
Mountain Shadows Park Irrigation Production Well	186,791.00
Firestone Reservoir No. 1	933,009.00
St Vrain Water Treatment Plant	5,515,866.00
St. Vrain WTP Blend Pipeline and Pump Station	1,592,244.00
St Vrain WTP Injection Well	1,128,504.00
Alluvial Well Field #2	180,636.00
Historic Firestone Water	315,121.00
Demo of Structures at Gould Property	15,000.00
Historic Firestone Water Design	98,399.00
Firestone Reservoir No 3	19,900,000.00
Historic Firestone Water Line Design	115,200.00
Water Rate Study	50,000.00
Coal Ridge Ditch Lateral Supply Pipeline	30,000.00
Stormwater Fund	
Drainage Master Plan	161,015.00