

Minutes

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

November 13, 2008

Regular Board Meeting

The Town Board of Trustees of the Town of Firestone met in regular session at Town Hall, 151 Grant Avenue, Firestone, Colorado. Mayor Chad Auer called the meeting to order at 7:00 p.m. Roll call was taken with the following persons present:

Mayor:	Chad Auer	
Mayor Pro-tem:	Charlie Thomas	
Trustees:	Butch Walb	<i>absent/excused</i>
	Matt Holcomb	
	Greg Foster	<i>absent/excused</i>
	Paul Sorensen	
	Kelly Morgan	

Also present were:

- Cheri Andersen, Town Manager**
- Wes LaVanchy, Town Administrator**
- Judy Hegwood, Town Clerk, CMC**
- Sam Light, Town Attorney**
- Bruce Nickerson, Town Planner**
- David Montgomery, Chief of Police**
- Susan Watkins, Accounts Manager**
- Pete Ditmon, Community Resource Coordinator**

PLEDGE OF ALLEGIANCE

All rose for Pledge of Allegiance to the flag.

APPROVAL OF AGENDA

Mayor Auer called for additions, deletions or changes to the agenda. Item 10c was removed from the agenda. Trustee Morgan moved and Trustee Holcomb seconded, to approve the agenda, as amended. Voice vote taken. Motion carried.

PRESENTATIONS

United Power

Mr. Troy Whitmore of United Power gave a presentation to the Board of Trustees showing a Power Point of the different functions that United Power provides. United Power was founded in 1938 and is owned by its members. There are 22 cooperatives throughout 6 counties, and 3 district offices. There are 64,000 meters, in which 7,200 of those meters are in the Town of Firestone.

Employee of the Month

Police Chief David Montgomery presented a certificate to Police Sergeant David Lawley as Employee of the Month. Mayor Chad Auer gave his accolades.

FIRST PARTICIPATION FROM UNSCHEDULED CITIZENS NOT LISTED ON THE AGENDA

There was no audience participation.

APPROVAL OF CONSENT AGENDA

- a. *Approval of November 2008 Accounts Payable*
- b. *Approval of Minutes – October 23, 2008 Regular Meeting*
- c. *IM 2008-0016 – Approval of Final Payment for Water Tank SCADA System*

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

LIQUOR AUTHORITY

PAULIE AND DEANNA'S ITALIAN RESTAURANT LIQUOR LICENSE RENEWAL

Trustee Holcomb recused himself from the meeting. Attorney Sam Light referred to the memos from the Attorney and Town Clerks office in regards to this liquor license renewal and recommended tabling this renewal until December 11, 2008. Trustee Thomas moved and Trustee Sorensen seconded, to table the liquor license renewal for Paulie and Deanna's Italian Restaurant until December 11, 2008. Voice vote was taken. Motion carried. Trustee Holcomb returned to the meeting.

PUBLIC HEARINGS

IM2008-0019 – COTTONWOOD HOLLOW SECOND AMENDED OUTLINE DEVELOPMENT PLAN Ordinance No. 701

AN ORDINANCE APPROVING A SECOND AMENDMENT TO OUTLINE DEVELOPMENT PLAN AND REZONING FOR A PORTION OF THE COTTONWOOD HOLLOW SUBDIVISION

Mayor Auer opened the Public Hearing at 7:40 p.m.

Town Planner Bruce Nickerson gave a Power Point presentation and entered it into the record. The amended zoning is for lots 1 and 8 in the Cottonwood Hollow Subdivision located on Firestone Boulevard. This is an additional use, not a change of use, with the applicant requesting to change the height of the buildings to 45 ft. instead of 38 ft.

Applicant

Mr. Miles Grant was sworn in by Mayor Auer. Mr. Grant addressed the Board of Trustees stating that the properties front the I-25 Frontage Road will have flex zoning to combine residential and employment.

Public Comment

Ms. Gretchen Web was sworn in by Mayor Auer. Ms. Web is concerned with the increase in building height from the 38 ft level to 45 ft. Ms. Web stated that with bringing in fill dirt the 45 ft. in height could increase. Ms. Web handed out photos of nearby homes built on top fill dirt instead of placing the dirt around the homes, showing how the homes could be higher than anticipated.

Applicant Rebuttal

Mr. Grant said there is a current Lomar process currently being done and the area is also being dredged and lowered. The grade drains from north to south and no fill dirt will be brought in.

Mayor Auer closed Public Hearing at 8:10 p.m.

Board Comment

Trustee Sorensen stated that the photos from Ms. Web look like the homes were raised substantially. Mr. Grant stated that in that area the homes are 30 ft. plus in height and the highest being 50 ft. Attorney Light and Planner Nickerson agreed that the Outline Development plan will set the building heights. Planner Nickerson stated that the standard height is 35 ft. and an additional condition could be added stating that the elevation stays at ground level. Mr. Grant agreed with this language being added to the outline development plan.

Mayor Auer reopened the Public Hearing at 8:15 p.m.

Public Comment

Ms. Web was asked if she agreed with the added language. Ms. Web agreed.

Close Public Hearing at 8:16 p.m.

Ordinance No. 701

AN ORDINANCE APPROVING A SECOND AMENDMENT TO OUTLINE DEVELOPMENT PLAN AND REZONING FOR A PORTION OF THE COTTONWOOD HOLLOW SUBDIVISION

Trustee Sorensen moved and Trustee Thomas seconded, to adopt Ordinance No. 701 and adding new language to the conditions of approval on the outline development plan. Roll call vote was taken. Motion carried.

IM2008-0020 – COTTONWOOD COMMERCE CENTRE PRELIMINARY PLAT AND PRELIMINARY DEVELOPMENT PLAN

Mayor Auer opened the Public Hearing at 8:17 p.m.

Town Planner Bruce Nickerson gave a Power Point presentation and entered it into the record. This area is 32 acres and would bring in hundreds of jobs and possible retail. Building A will have a storage area at the back of the building. Engineer Spencer Smith stated that they are working on a north lot that is located in the flood plain in Godding Hollow and are completing a traffic impact study for the main traffic for west of the frontage road, and Sable Avenue and Arbor will be paved west towards the existing pavement. Planner Nickerson stated that the buildings are 30 ft. in range height.

Applicant

Mr. Joe Valdez was sworn in by Mayor Auer. Mr. Valdez addressed the Board of Trustees stating that these will be industrial buildings and office buildings. The Planning Commission conditions have been met to update the title commitment and have the title policy, to provide current taxes showing no taxes due, and they have submitted the Final Development Plan to the Town. They will construct the road to Arbor Street and the second detention pond will be planned when lots C and D are constructed. Building A will be an 80,000 sq. ft. building with drive in doors and each of the buildings are designed for front parking and rear load, 100 parking spaces ,a vestibule entrance. There will be a large amount of landscaping with water line extensions being constructed as each building is approved. Civil Engineer Jim Fitzsimons was sworn in by Mayor Auer. Mr. Fitzsimons addressed the Planning Commission conditions.

Public Comment

Mr. Kevin Flynn was sworn in by Mayor Auer. Mr. Flynn asked that Sable Avenue have some type of dust control if it will not be paved.

Mayor Auer closed the Public Hearing at 8:35 p.m.

Board Comment

The Board asked how much of Sable Avenue will be paved? Mr. Valdez answered that Sable Avenue will be paved from I-25 to Arbor Street at the same time Arbor Street is paved. Town Manager Cheri Andersen stated that the Town may use transportation dollars for paving.

Resolution No. 08-77

A RESOLUTION APPROVING A PRELIMINARY SUBDIVISION PLAT AND PRELIMINARY DEVELOPMENT PLAN FOR THE COTTONWOOD COMMERCE CENTRE

Trustee Holcomb moved and Trustee Morgan seconded, to adopt Resolution No. 08-77. Roll call vote was taken. Motion carried.

ACTION ITEMS

IM2008-0011 - RESOLUTION FOR FRAUD AND THEFT PREVENTION PROGRAM WITH FTC RED FLAG RULES

Resolution No. 08-78

A RESOLUTION ADOPTING AN IDENTITY THEFT PREVENTION PROGRAM FOR THE TOWN OF FIRESTONE IN ACCORDANCE WITH THE FEDERAL TRADE COMMISSION RED FLAG RULES

Trustee Holcomb moved and Trustee Thomas seconded, to adopt Resolution No. 08-78. Roll call vote was taken. Motion carried.

IM2008-0013 – CONTRACT FOR TOWN PROSECUTION SERVICES

Trustee Thomas moved and Trustee Morgan seconded, to approve the expenditure, not to exceed \$600, and to authorize the Mayor to sign the contract for Town Prosecution Services. Roll call vote was taken. Motion carried.

IM2008-0015 – EAGLE CREST STREET LIGHTING SETTLEMENT

Attorney Light explained that the settlement involved the moving of a modular unit and the breaking of a light pole and recommending the Town pay Eagle Crest/Sun Communities the suggested amount. Beginning January 1, 2009 Eagle Crest/Sun Communities are 100% responsible for all of their own lighting uses.

Trustee Morgan moved and Trustee Holcomb seconded, to approve the payment and release of the settlement with Eagle Crest/Sun Communities and authorizing the Mayor to sign. Roll call vote was taken. Motion carried.

IM2008-0017 – PINE CONE – SABLE WATERLINE LOOP EASEMENTS

Town Administrator Wes LaVanchy went over the waterline loop easements stating that the easements have been negotiated for the payment of \$36,000 in two payment checks.

Trustee Thomas moved and Trustee Morgan seconded, to approve the waterline loop easement payments, not to exceed \$36,000. Roll call vote was taken. Motion carried.

DISCUSSION/DIRECTION/ACTION – LONGMONT MOTION FOR RECONSIDERATION (UNION ANNEXATION)

Attorney Light explained the reason for the motion to reconsider from Longmont regarding the Union Annexation recommending the Board take “No Action” on the motion filed by the City of Longmont.

Trustee Thomas moved and Trustee Morgan seconded, to take “No Action” on the Longmont Motion for Reconsideration on the Union Annexation. Roll call vote was taken. Motion carried.

DISCUSSION

IM2008-0018 – CELL TOWER USE AGREEMENT

Town Administrator Wes LaVanchy gave a briefing to the Board of Trustees regarding a cell tower use agreement within the town limits of Firestone. The Board asked that this item be discussed in a Work Session.

SECOND PARTICIPATION FROM UNSCHEDULED CITIZENS NOT LISTED ON THE AGENDA

There was no audience participation.

STAFF REPORTS

Mayor Auer stated that Staff Reports were reported electronically.

Town Manager Cheri Andersen gave an update on the CML Policy Committee (2) reported that she and Town Administrator Wes LaVanchy attended the oil and gas company meeting on development and stating that they are changing the way the processing of oil and gas applications will be completed. The Board would still set the policies and administration would carry out the process (3) handed out a County Summit invitation for December 12, 2008 at 5:00 p.m. a meal will be served so please let Town Clerk Judy Hegwood know if you will be attending and she will do the RSVP's.

Town Administrator Wes LaVanchy reported that he has talked to the St. Vrain Valley School to discuss the SRO position at Coal Ridge Middle School for a 50/50 split in pay for the SRO. The District is open to the idea and a meeting with the School District will be held sometime the first part of January 2009 (2) gave a reminder that a Work Session is scheduled for November 20, 2008 for the final budget, water rates, stormwater, impact fees, and purchasing policies.

Town Planner Bruce Nickerson stated that the Tri-Town Work Session was a good meeting and they are working as a group with the County Commissioners and all issues have been dissolved.

BOARD REPORTS

Trustee Holcomb reported that he met with the Seniors and related that funding has been restored in the Town Budget for donations (2) reported that he was pleased with the 1st presentation of the budget (3) asked if the Town was going to purchase any green shares from United Power. Town Manager Cheri Andersen stated that she can check into this to see if this is available to Municipalities (4) wants to review the Organizational Assessment that was reviewed by the previous Board, so this Board can give their approval.

Trustee Sorensen reported that he attended Grandparents Day at Frederick Elementary (2) reported that a scan was completed at the St. Vrain State Park.

Trustee Morgan reported that there was discussion from the Parks Commission regarding Onorato Park, and a neighborhood meeting will be held at Onorato Garage for local citizens to participate in a discussion as to what they would like to see in this portion of the Town.

Mayor Auer reported that he was asked if Town Hall could be closed the Friday after Thanksgiving and the day before Christmas. He and the Board agreed to these days as permanent days off for all Town Employees.

TRUSTEE RESIGNATION – GREG FOSTER

Mayor Auer reported that he has received a letter of resignation from Trustee Greg Foster.

Trustee Thomas moved and Trustee Morgan seconded, to accept Trustee Greg Fosters resignation, effective immediately. Voice vote was taken. Motion carried. Trustee Foster was filling the Trustee seat vacated by Trustee Sharon Falcone that is up in April 2010. The Board asked that this topic be discussed at the December 4, 2008 Work Session.

ADJOURNMENT

There being no further business to come before the Board of Trustees, Trustee Thomas moved and Trustee Holcomb seconded, to adjourn the meeting. The meeting adjourned at 9:47 p.m.

TOWN OF FIRESTONE, COLORADO

ATTEST:

Chad Auer, Mayor

Judy L. Hegwood, Town Clerk, CMC

READ AND APPROVED THIS _____ DAY OF _____ 2008.