

Minutes

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

March 27, 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 Mike Simone called the meeting to order at 7:00 p.m. Roll call was taken with the following persons present:

<i>Mayor:</i>	<i>Michael Simone</i>
<i>Mayor Pro-tem:</i>	<i>Dennis Bertron</i>
<i>Trustees:</i>	<i>Butch Walb</i>
	<i>Julie Crowder</i>
	<i>Charlie Thomas</i>
	<i>Steve Curtis</i>
	<i>Sharon Falcone</i>

<i>Also present were:</i>	<i>Cheri Andersen, Town Manager</i>
	<i>Wes LaVanchy, Town Administrator</i>
	<i>Judy Hegwood, Town Clerk, CMC</i>
	<i>Kathleen Harrington, Town Attorney</i>
	<i>Bruce Nickerson, Town Planner</i>
	<i>Dave Lindsay, Town Engineer</i>
	<i>David Montgomery, Police Chief</i>

PLEDGE OF ALLEGIANCE

All rose for Pledge of Allegiance to the flag.

APPROVAL OF AGENDA

Mayor Simone called for additions, deletions or changes to the agenda. There were no changes to the agenda.

PRESENTATION

a. Sports Complex Field Naming Dedication

Mayor Simone announced that Sports Complex Field Number Three will be dedicated to and named "Tristen Cody Bertron", after the late grandson of Mayor Pro-tem/Trustee, Dennis Bertron.

APPROVAL OF CONSENT AGENDA

- a. *Approval of February 2008 Financials*
- b. *Approval of March 2008 Accounts Payable*
- c. *Approval of Minutes – 3/17/08 Special Meeting*

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

EXECUTIVE SESSION

Mayor Simone called for a motion to enter into executive session.

Trustee Falcone moved and Trustee Curtis seconded, to enter into executive session for a conference with the town attorney for the purpose of receiving legal advice on specific legal questions related to annexation under C.R.S. Section 24-6-402(4)(b). Roll call vote was taken. Motion carried with a vote of 6-Yea; 0-Nay. [7:16 p.m.]

Attorney Kathleen Harrington said the purpose of the executive session is to give legal advice and give identification of legal effects and the Towns options.

The board re-convened from executive session at 7:44 p.m.

Mayor Simone stated that the persons in attendance were Attorney Harrington, Town Manager Cheri Andersen, Town Administrator Wes LaVanchy, Mr. Tom Maragen, Engineer Dave Lindsay, Planner Bruce Nickerson, Trustees Walb, Crowder, Thomas, Bertron, Curtis, Falcone and himself.

PUBLIC HEARINGS

FIRELIGHT PARK ANNEXATION AND OUTLINE DEVELOPMENT PLAN

Mayor Simone opened the public hearing at 7:45 p.m. Town Planner Bruce Nickerson introduced the application and showed a Power Point Presentation that was entered into the record. Planner Bruce Nickerson stated that the parcel of land is west of the current Town limits, it is zoned concurrently with the annexation, the town does not overlap the Longmont Master Plan Urban area and he showed Weld County's current Plan. Planner Nickerson talked of the different properties near-by and stated that this is an easily developable parcel of land. He showed SH 119 and Fairview Street, stating that there will not be a lot of maintenance needed for the street, and said the Planning Commission recommended approval of the annexation. The property will have mixed use, residential, commercial and proposed in this annexation is residential to the north and zoned land use B, and the plan outline is zoning for the preliminary plan, final plat, and the final development plan. The Master Plan policies were read individually by Planner Nickerson.

Town Engineer Dave Lindsay said water, streets and storm drainage have been looked at and they are all manageable by the Town of Firestone.

Applicant

Ms. Barb Brunk was sworn in by Mayor Simone. Ms. Brunk addressed the Board of Trustees stating that the property is within Firestone's planning area and showed a Power Point map of the area. SH 119, I-25, Union Reservoir and Fairview Street. The physical separation is along the State Park. This is a serial annexation that will be completed as three annexations, number one with 97 acres, number two with 26 acres, number three with 17 acres, and number four with approximately four acres, with a total of 141 acres in which 67 acres are along Hwy 119. There will be mixed use residential single family and single family attached, and commercial mixed use of 36 acres. The commercial use buildings may have commercial retail on the 1st floor and residential above on the 2nd floor, there will also be regional commercial and some industrial. There is an existing oil and gas well on the property. Ms. Brunk stated the purpose of annexing into the Town of Firestone is to conserve the value of the land and she is glad to be here and thanked the Town.

Public Comment

There was public comment from the following people:

1. Mr. Lease
2. Ms. Kay Fischinger

Applicant Rebuttal

Ms. Brunk stated that this application was applied for by legal rights.

Mayor Simone closed the public hearing at 8:15 p.m.

Board Comment

The Board asked if the property is not developed in Firestone could it be developed in Weld County, why the applicant chose to annex into Firestone due to the higher cost, what is the applicant's interest in the Town of Firestone and can Firestone handle the infrastructure.

Ms. Brunk answered that the proposed plan is eligible to be annexed in Weld County and Firestone and it is the applicant's choice to come to Firestone. The purpose of annexing into Firestone instead of Longmont is because there was a lot of time spent on the boundary issues in Longmont, and they have watched how the businesses have developed in Firestone, the great staff and knowing that the project will be processed in a timely manner. Town Engineer Dave Lindsay stated that the Town has four options for the infrastructure and the plan is in two water districts and the town will be extending their current facilities, transportation is not an issue because SH119 is under CDOT, the drainage is good and with the four options there could be a combination of use. Attorney Harrington stated that the annexation came in as a serial annexation, and is substantially compliant. There are three resolutions that will mirror the serial annexation that will be done in four parts as a four part serial annexation. The total area has not changed in any way and is split in pieces and one is to adopt the outline development plan, Mayor Simone gave his opinion about the City of Longmont's plan and stated that the Town of Firestone Board of Trustees look at what is best for the citizens of Firestone.

Resolution No. 08-28

A RESOLUTION CONCERNING A PETITION FOR THE ANNEXATION OF PROPERTY TO THE TOWN OF FIRESTONE, COLORADO, KNOWN AS THE FIRELIGHT PARK ANNEXATION NO. ONE TO THE TOWN OF FIRESTONE, AND FINDING THE AREA PROPOSED TO BE ANNEXED ELIGIBLE FOR ANNEXATION

Trustee Curtis moved and Trustee Falcone seconded, to adopt Resolution No. 08-28. Roll call vote was taken. Motion carried.

Resolution No. 08-29

A RESOLUTION CONCERNING A PETITION FOR THE ANNEXATION OF PROPERTY TO THE TOWN OF FIRESTONE, COLORADO, KNOWN AS THE FIRELIGHT PARK ANNEXATION NO. TWO TO THE TOWN OF FIRESTONE, AND FINDING THE AREA PROPOSED TO BE ANNEXED ELIGIBLE FOR ANNEXATION

Trustee Curtis moved and Trustee Falcone seconded, to adopt Resolution No. 08-29. Roll call vote was taken. Motion carried.

Resolution No. 08-30

A RESOLUTION CONCERNING A PETITION FOR THE ANNEXATION OF PROPERTY TO THE TOWN OF FIRESTONE, COLORADO, KNOWN AS THE FIRELIGHT PARK ANNEXATION NO. THREE TO THE TOWN OF FIRESTONE, AND FINDING THE AREA PROPOSED TO BE ANNEXED ELIGIBLE FOR ANNEXATION

Trustee Curtis moved and Trustee Falcone seconded, to adopt Resolution No. 08-30. Roll call vote was taken. Motion carried.

Annexation Agreement

Trustee Curtis moved and Trustee Falcone seconded, to approve the annexation agreement for Firelight Park and authorizing the Mayor to sign. Roll call vote was taken. Motion carried.

Ordinance No. 672

AN EMERGENCY ORDINANCE APPROVING AN ANNEXATION KNOWN AS THE FIRELIGHT PARK ANNEXATION NO. ONE TO THE TOWN OF FIRESTONE, COLORADO.

Trustee Curtis moved and Trustee Bertron seconded, to adopt Ordinance No. 672. Roll call vote was taken. Motion carried.

Ordinance No. 673

AN EMERGENCY ORDINANCE APPROVING AN ANNEXATION KNOWN AS THE FIRELIGHT PARK ANNEXATION NO. TWO TO THE TOWN OF FIRESTONE, COLORADO.

Trustee Curtis moved and Trustee Falcone seconded, to adopt Ordinance No. 673. Roll call vote was taken. Motion carried.

Ordinance No. 674

AN EMERGENCY ORDINANCE APPROVING AN ANNEXATION KNOWN AS THE FIRELIGHT PARK ANNEXATION NO. THREE TO THE TOWN OF FIRESTONE, COLORADO.

Trustee Curtis moved and Trustee Thomas seconded, to adopt Ordinance No. 674. Roll call vote was taken. Motion carried.

Ordinance No. 675

AN EMERGENCY ORDINANCE APPROVING AN ANNEXATION KNOWN AS THE FIRELIGHT PARK ANNEXATION NO. FOUR TO THE TOWN OF FIRESTONE, COLORADO.

Trustee Curtis moved and Trustee Falcone seconded, to adopt Ordinance No. 675. Roll call vote was taken. Motion carried.

Ordinance No. 676

AN ORDINANCE APPROVING AN INITIAL ZONING OF PROPERTY ANNEXED TO THE TOWN OF FIRESTONE AND KNOWN AS THE FIRELIGHT PARK ANNEXATION NOS. ONE THROUGH FOUR, AND APPROVING AN OUTLINE DEVELOPMENT PLAN FOR SUCH PROPERTY.

Trustee Curtis moved and Trustee Bertron seconded, to adopt Ordinance No. 676. Roll call vote was taken. Motion carried.

FIRESTONE OFFICE PLAZA REPLAT AND FINAL DEVELOPMENT PLAN

Mayor Simone opened the public hearing at 8:30 p.m. Town Planner Bruce Nickerson introduced the application and showed a Power Point Presentation that was entered into the record. Planner Bruce Nickerson stated that this parcel of land is north and east of Saddleback Square, the parking is adequate, the landscaping is good and the office spaces are needed in Firestone.

Applicant

Ms. Mickey Farnsworth was sworn in by Mayor Simone. Ms. Farnsworth addressed the Board of Trustees stating that the application is to extend the storm drainage and handed out the material board for the Board of Trustees review.

Public Comment

There was no public comment.

Mayor Simone closed the public hearing at 8:36 p.m.

Board Comment

The Board said the building is nice, with much needed office space they liked the colors, and asked when construction will begin.

Ms. Farnsworth said construction will begin as soon as pre-lease and marketing are started, and stating that the majority of the building will be offices with retail in the bottom of the building.

Resolution No. 08-31

A RESOLUTION ADOPTING AMENDMENTS TO THE FIRESTONE DEVELOPMENT REGULATIONS PERTAINING TO NOTICES TO MINERAL ESTATE OWNERS

Trustee Curtis moved and Trustee Falcone seconded, to adopt Resolution No. 08-31. Roll call vote was taken. Motion carried.

COWBOY CORRAL KIA AMENDED OVERALL FINAL DEVELOPMENT PLAN

Mayor Simone opened the public hearing at 8:38 p.m.

Town Planner Nickerson introduced the application and showed a Power Point presentation which was entered into the record. Mr. Nickerson stated that the sign will be changed to from "Longmont Kia" to "KIA" and the Planning Commission has recommended approval.

Applicant

Ms. Mickey Farnsworth was sworn in by Mayor Simone. Ms. Farnsworth stated that the new "KIA" sign will go up after the current sign is removed by CDOT.

Public Comment

None.

Mayor Simone closed the public hearing at 8:41 p.m.

Board Comment

The Board said they like the sign and asked what name Longmont Kia is doing business under. Ms. Farnsworth said the company's business name is Longmont Kia.

Resolution No. 08-32

A RESOLUTION APPROVING AN AMENDED OVERALL FINAL DEVELOPMENT PLAN FOR COWBOY CORRAL KIA

Trustee Curtis moved and Thomas seconded, to adopt Resolution No. 08-32. Roll call vote was taken. Motion carried.

SADDLEBACK HILLS PRELIMINARY PLAT AND PRELIMINARY DEVELOPMENT PLAN

Mayor Simone opened the public hearing at 8:44 p.m.

Town Planner Bruce Nickerson showed a Power Point presentation and entered it into the record. Planner Nickerson stated that this application is at the preliminary level and will have state of the art improvements, and residential homes. The technical issues have been gone through with Advocate Homes, this is a 374 acre parcel located at Grant Avenue and the Saddleback Golf Course. The applicant has the obligation to dedicate the 33 acre parcel for a community park; there will be two ball fields, two soccer fields and a unified trail system. All land uses have been given as required, the larger lots are on the edges of the property and each lot is identified. This is not the processing of the multi-family at this time and one change that was made is the addition of a passive park.

Town Engineer Dave Lindsay stated that the drainage has a natural sump for the low area.

Applicant

Mr. Robert Dewitt was sworn in by Mayor Simone. Mr. Dewitt stated that the trails have been upgraded and they will be using the new drainage concept. Mr. Dewitt said he is excited to get going, and appreciates Engineer Dave Lindsay and Planner Bruce Nickerson's help.

Public Comment

None.

Mayor Simone closed the public hearing at 9:01 p.m.

Board Comment

The Board of Trustees asked if the applicant was talking to the ditch companies, and will the ball fields be phased in. They also stated that they are happy to have the ball fields and asked that mosquito control be established.

Resolution No. 08-33

A RESOLUTION APPROVING A PRELIMINARY PLAT AND PRELIMINARY DEVELOPMENT PLAN FOR SADDLEBACK HILLS SUBDIVISION

Trustee Curtis moved and Trustee Bertron seconded, to adopt Resolution No. 08-33. Roll call vote was taken. Motion carried.

ACTION ITEMS

PETITION FOR DISCONNECTION – DISCUSSION/DIRECTION/ACTION ON DRAFT ORDINANCE TO DISCONNECT RIGHT-OF-WAY PROPERTY IN ST. VRAIN STATE PARK

Ordinance No. 677

AN EMERGENCY ORDINANCE DISCONNECTING FROM THE TOWN OF FIRESTONE, COLORADO, CERTAIN PARCEL CONSISTING OF WELD COUNTY ROAD 7 RIGHT-OF-WAY LOCATED WITHIN THE ST. VRAIN STATE PARK

Trustee Curtis moved and Trustee Thomas seconded, to adopt Ordinance No. 677. Roll call vote was taken. Motion carried.

RESOLUTIONS OF SUBSTANTIAL COMPLIANCE/UNION ANNEXATION

Resolution No 08-34

A RESOLUTION FINDING SUBSTANTIAL COMPLIANCE FOR AN ANNEXATION PETITION FILED WITH THE TOWN OF FIRESTONE, COLORADO, KNOWN AS THE UNION ANNEXATION NO. 1 TO THE TOWN OF FIRESTONE, AND SETTING A PUBLIC HEARING THEREON

Trustee Curtis moved and Trustee Falcone seconded, to adopt Resolution No. 08-34. Roll call vote was taken. Motion carried.

Resolution No 08-35

A RESOLUTION FINDING SUBSTANTIAL COMPLIANCE FOR AN ANNEXATION PETITION FILED WITH THE TOWN OF FIRESTONE, COLORADO, KNOWN AS THE UNION ANNEXATION NO. 2 TO THE TOWN OF FIRESTONE, AND SETTING A PUBLIC HEARING THEREON

Trustee Curtis moved and Trustee Falcone seconded, to adopt Resolution No. 08-35. Roll call vote was taken. Motion carried.

DISCUSSION/DIRECTION ON DRAFT ORDINANCE TO AMEND SECTION 17.31.030 (N) FOR THE FIRESTONE MUNICIPAL CODE REGARDING ELECTION/CAMPAIGN SIGNS

Town Manager Cheri Andersen introduced the sign issue to the Board of Trustees asking for direction to move forward. Discussion. The direction from the Board of Trustees was to have Attorney Sam Light come back with an ordinance changing the election sign code.

REPEAL OF RESOLUTION #99-29 – NEIGHBORHOOD WATCH BANK ACCOUNT

Town Administrator Wesley LaVanchy stated that current Resolution 99-29 for the Neighborhood Watch bank account needs to be updated so there is ownership to enforce the ordinance. He asked for a new account to be established and a new resolution to be adopted to give clarification for the account.

Resolution No. 08-36

A RESOLUTION REPEALING RESOLUTION NO. 99-29 AND DISCLAIMING ANY TOWN INTEREST IN FUNDS DEPOSITED IN A CERTAIN NON-TOWN FIRESTONE COMMUNITY WATCH ACCOUNT

Trustee Curtis moved and Trustee Falcone seconded, to adopt Resolution No. 08-36. Roll call vote was taken. Motion carried.

APPROVAL OF UPDATED COST AGREEMENT AND FUNDS DEPOSIT FORMS AND FEES

Town Manager Cheri Andersen stated that the change will tighten up the language and increase the fees to keep ahead of development. Town Administrator Wesley LaVanchy stated that the Town has made great strides in receiving funds that had outstanding balances.

Trustee Thomas moved and Trustee Falcone seconded, to approve the new cost agreement and funds deposit language and fees and authorizing the Mayor to sign. Roll call vote was taken. 6-Yea; 0-Nay. Motion carried.

PETITION FOR URBAN RENEWAL AUTHORITY – DISCUSSION/DIRECTION/ACTION REGARDING PREPARATION OF CONDITIONS SURVEY

Town Manager Cheri Andersen stated that this is the beginning process to complete the Blight Study survey to help revitalize 1st Street.

Town Planner Bruce Nickerson showed a Power Point presentation of 1st Street.

Trustee Curtis moved and Trustee Bertron seconded, to approve the blight study. Roll call vote was taken. Motion carried.

RESOLUTION TO AMEND PERSONNEL POLICY REGARDING POLYGRAPH TESTING FOR POLICE DEPARTMENT

Resolution No. 08-37

A RESOLUTION APPROVING CERTAIN AMENDMENTS TO THE FIRESTONE PERSONNEL POLICY MANUAL AND THE FIRESTONE POLICE DEPARTMENT POLICY AND PROCEDURE MAUNUAL REGARDING EMPLOYMENT-RELATED EXAMINATIONS

Trustee Curtis moved and Trustee Bertron seconded, to adopt Resolution No. 08-37. Roll call vote was taken. Motion carried.

THE SHORES FILING NO. 1 SUBDIVISION AGREEMENT

Trustee Bertron moved and Trustee Curtis seconded, to approve the Shores Subdivision Agreement. Roll call vote was taken. Motion carried.

DISCUSSION/DIRECTION FOR PARTICIPATION IN DRCOG REGIONAL AERIAL PHOTOGRAPHY PROJECT

Town Manager Cheri Andersen received information from DRCOG regarding aerial photography and asked the Board if they would like to participate. The Board agreed to participate and gave direction to proceed, stating that this is a great opportunity.

DISCUSSION ITEMS

There were no discussion items to be heard.

PARTICIPATION FROM UNSCHEDULED CITIZENS NOT LISTED ON THE AGENDA

There was citizen participation form the following people:

1. Michael Martin – Mr. Martin asked the Board to repeal Section 17.31.030 of the Municipal Code.
2. Julie Anderson – Ms. Anderson stated that she appreciates the current Board and everything they have accomplished.

STAFF REPORTS

Town Planner Bruce Nickerson said Home Depot would have their Mylars in this week.

BOARD REPORTS

Trustee Crowder said how much she appreciated the opportunity to serve on this Board.

Trustee Thomas said it was a pleasure serving with all of the current members of the Board.

Trustee Bertron said he hopes the new Board continues the process and thanked all for the dedication of the ball field and he appreciates the thought.

Trustee Curtis said he respects everyone on this Board and thanked them all.

Mayor Simone said it was an honor serving with this Board.

Trustee Falcone stated that she is resigning her position as Trustee this evening and this will be her last meeting. She thanked all for their help and support.

ADJOURNMENT

Trustee Bertron moved and Trustee Thomas seconded, to adjourn the meeting. The meeting adjourned at 10:05 p.m.

TOWN OF FIRESTONE, COLORADO

Michael Simone, Mayor

ATTEST:

Judy L. Hegwood, Town Clerk, CMC

READ AND APPROVED THIS _____ DAY OF _____, 2008.