

**TOWN OF LIMON
BOARD OF TRUSTEES
Regular Meeting
September 2, 2004
7:30 P.M.**

Notice of this meeting was published in the Limon Leader on Thursday, September 2, 2004.

ROLL

Town Clerk Chris Snyder called roll. Members of the Board present: Mayor Beattie, Trustees: Bandy, Jackson, Kudlock, Metcalf and Williams. Trustee Kelly was absent.

STAFF

Staff present: Town Administrator Kiely, Public Works Director Stone, Attorney Kimble, Chief of Police Yowell, and Town Clerk Snyder.

GUESTS

John Hill, Larry & Marlene Steele, Melanie & Rick Taylor, Kay Christie, Bernard Winterburg, Darrell Severns, Alan Matlosz, David Stang, and Mark Haverkate.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

Trustee Kudlock made a motion to approve the minutes for the August 5, 2004 regular meeting; seconded by Trustee Jackson. Voting Aye: Mayor Beattie, Trustees Jackson, Kudlock, Metcalf, and Williams. Abstain: Trustee Bandy. Motion carried.

Trustee Bandy made a motion to approve the minutes for the August 16, 2004 special meeting; seconded by Trustee Kudlock. Motion carried unanimously.

TEN MINUTE CITIZEN INPUT –None

CONDITIONAL USE PERMIT AT 630 E FOR PRIVATE CHURCH SCHOOL

Mayor Beattie opened the public hearing at 7:35 p.m.

Town Administrator Kiely reported that the First Baptist Church submitted an application for a conditional use permit to have a private church school operating in their building, which is located in a Two-Family Residential (R-2) Zone District. He talked about the neighborhood the church is located in.

Notice of the public hearing was sent to property owners on July 20th and a notice of public hearing was published in the Limon Leader on July 22, 2004. The Planning Commission held a hearing on Monday, August 30th.

The conditional use permit does not give exceptions from the building code.

Attorney Kimble clarified for the Board that the 49-person limit does include staff of the school. Building Inspector Stang reported to the Planning Commission this information because there was a question if the total number included staff.

Kiely read a letter from Rick Taylor, representing the Lighthouse Christian Academy, which addressed safety, supervision of children, and activities of the church, and that they believe there will be no adverse effects on the neighborhood.

He also read a letter from Mr. Taylor asking for exemption or a waiver of requirements for a conditional use permit at the building and talked about the make-up of the building and the various people who use it. Town Administrator Kiely told the Board that there is no waiver in the regulations.

Letters were received concerned about the permit so it was decided there was a need for a public hearing.

He read portions of letters that pertained to the issues the Board can consider. Louise Akers opposes the school at that location. Gloria Liggett wrote a letter but did not address zoning issues. Vi Smoke does not like the location and has day sleepers who live in her apartment building and is concerned about noise, added traffic and is concerned about decreasing property values. Zelpha Forbes does not want a private school or any school in the neighborhood because of traffic concerns. Caren Christensen wrote a letter protesting the school because of concerns about property values.

Mayor Beattie closed the public hearing at 8:05 p.m.

Town Administrator Kiely reported the Planning Commission recommended approval of the conditional use permit with the following conditions:

1. That the occupancy be limited to forty-nine without additional action.
2. That no changing of the exterior building structure with the exception of an egress in the basement if needed.
3. The permit shall be limited to three years with a new conditional use permit application if beyond the three years
4. Staff inspection annually or as needed to assure compliance.

Trustee Bandy moved to approve the conditional use permit with the Planning Commission conditions; seconded by Trustee Williams. Motion carried unanimously.

RESOLUTION NO. 09-04-35; CABLE TELEVISION FRANCHISE TRANSFER

Town Administrator Kiely introduced and there was read the title of the following proposed resolution and the entire text of said resolution was submitted in writing to each member of the Board of Trustees and the Mayor.

Resolution No. 09-04-35; A Resolution Approving the Transfer of a Franchise from Galaxy Cablevision to Champion Cable, LLC.

Trustee Bandy moved to approve Resolution No. 09-04-35; seconded by Trustee Jackson. Motion carried unanimously.

ORDINANCE NO. 493; LEASE PURCHASE FOR FIRE STATION

Town Administrator Kiely introduced and there was read the title of the following proposed ordinance and the entire text of said ordinance was submitted in writing to each member of the Board of Trustees and the Mayor.

Ordinance No. 493; An Emergency Ordinance of the Town of Limon, Colorado, Approving the Leasing of Certain Land; Authorizing and Approving a Lease Purchase Agreement, Site Lease

and Other Documentation Relating to the Lease-Purchase of the Town Fire Station; Providing Other Details in Connection with the Lease-Purchase Financing; and Declaring an Emergency.

Trustee Bandy moved to approve Ordinance No. 493; seconded by Trustee Kudlock. Motion carried unanimously.

RESOLUTION NO. 09-04-34; CHANGE ORDER NO. ONE FOR PACKARD WELL NO. FOUR

Town Administrator Kiely introduced and there was read the title of the following proposed resolution and the entire text of said resolution was submitted in writing to each member of the Board of Trustees and the Mayor.

Resolution No. 09-04-34; A Resolution Approving Change Order No. One to an Agreement for Bid Schedule No. One for New Packard Well No. Four with Layne-Western, A Layne Christensen Company and Authorizing the Execution of Said Change Order.

Trustee Kudlock moved to approve Resolution No. 09-04-34; seconded by Trustee Metcalf. Motion carried unanimously.

CML POLICY COMMITTEE APPOINTMENT

Trustee Kudlock moved to appoint Paul Metcalf to the CML Policy Committee; seconded by Trustee Williams. Voting Aye: Mayor Beattie, Trustees Bandy, Jackson, Kudlock, and Williams. Abstain: Trustee Metcalf. Motion carried.

PLANNING COMMISSION APPOINTMENTS

Trustee Bandy moved to appoint Greg King to replace Daniel Kappel and Jim Herron to replace Justin Jackson on the Planning Commission and to have Justin Jackson to replace Ted Bandy as the Board representative; seconded by Trustee Williams. Motion carried unanimously.

ATTORNEY'S REPORT

Attorney Kimble reported that he will begin working on changes for zoning concerning sexually oriented business.

ADMINISTRATION REPORTS

Public Works Director Stone reported on the airport culvert project. He talked about the swimming pool, that the special improvement district work is complete and that he wants to file an application to make the water wells easier to administrate.

Chief of Police Yowell reported that Tony Schiefelbein has resigned and that he has advertised the position and will be setting up interviews soon.

Town Administrator Kiely asked to set up a date for a Board Retreat, which was scheduled for Oct 9th and 10th.

Kiely asked if the Board was interested in selling the Monks property ground that the Town does not need and was told to proceed.

He reported the special improvement district financing will be brought back to the Board and that there will be a public hearing.

The Department of Local Affairs has awarded the Town a \$300,000 energy impact grant and it will be used for the transmission line, water storage tank and and the Main Street distribution line.

The preliminary budget needs to be done by October 15th and we will need to schedule a workshop.

The Town is a member of the Progressive 15 organization and they will be having a meeting in Fort Morgan on September 18th. Kiely encouraged anyone who is interested to attend.

MAYORS REPORT

Mayor Beattie had no report this month.

TRUSTEES REPORT

Trustee Metcalf reported he got several complaints about water quality. Public Works Director Stone said there was a problem with the distribution system and that the operators starting flushing the lines when we found out about the problem.

Metcalf asked about the start date for the water projects and was told they would begin next spring and into the summer.

Trustee Bandy asked if we were still spraying for mosquitoes and was told by Public Works Director Stone that we are when weather and staff time permits.

Trustee Jackson asked about the mowers at the cemetery and was told by Public Works Director Stone that we have one mower working currently. Jackson reported he has heard the people in the special improvement district are happy with the project.

Trustee Williams asked about the street projects going on.

APPROVAL OF BILLS

Trustee Kudlock moved to approve the bills that were submitted for the month of August; seconded by Trustee Bandy. Motion carried unanimously.

ADJOURNMENT

At 10:00 p.m. Trustee Kudlock moved to adjourn; seconded by Trustee Bandy. Motion carried unanimously.

TOWN CLERK _____

MAYOR _____