

**TOWN OF LIMON
BOARD OF TRUSTEES
Regular Meeting
September 7, 2006
7:30 P.M.**

Notice of this meeting was published in The Limon Leader on September 7, 2006.

ROLL

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

STAFF

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

GUESTS

Mike Hines, J.R. Walker, Jim Hiltner, John Hines, Jason Parmer, Sam & Helen Cameron, Ron Clark, Jeff Donberger, Wayne Nesbitt, and Kay Christie.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

Trustee Bandy made a motion to approve the minutes for the August 3, 2006 regular meeting; seconded by Trustee Williams. Motion carried unanimously.

TEN MINUTE CITIZEN INPUT

Mike Hines gave the Board information about projected revenues and expenses at the golf course and reported a new committee has formed to raise awareness of the financial condition of the course and to promote it.

PUBLIC HEARING FOR MARKETPLACE SUBDIVISION REPLAT NO. 3

Mayor Beattie opened the public hearing at 7:50 p.m.

Town Administrator Kiely testified that Shadow Products, LLC, requested the original annexation and subdivision of this property and the Marketplace Addition to the Town of Limon was approved November 6, 1997. There is an existing Subdivision Improvements Agreement and an existing Annexation Agreement both dated November 6, 1997.

Since that date Plat No. 1 Subdivision has undergone two administratively approved re-plats on June 10, 1999 and February 1, 2001.

Cameron Butcher submitted a Subdivision replat on August 6, 2006. Notices were sent to all real property owners with property within 300 feet of the Subdivision on August 7, 2006 and a notice of public hearing was published in The Limon Leader on Thursday, August 10, 2006.

Kiely reviewed for the Board changes to the blocks. The street names will be changed and the Planning Commission previously recommended this change. Mountain View Electric requested an additional easement to allow their utilities to be installed outside of the current public right-of-way.

Staff recommends approval of Replat No. 3 contingent upon the sale of the entire parcel from Shadow Products, LLC by Cameron Butcher with the following changes:

An additional 20-foot easement needs to be added on the front of each lot that adjoins the street rights-of-way. Based on concurrence with MVEA, this change would be reduced to 10-feet at the following locations:

1. Block 3 Lot 2
2. Block 4 Lot 1
3. Block 4 Lot 2
4. Block 4 Lot 3
5. Block 4 Lot 4

Version No. 2 of Replat No. 3 included in the mailing showed the changes as recommended.

The Planning Commission approved Version No. 2 of Replat No. 3 that includes additional front lot easements as requested by Mountain View Election Association.

Ron Clark reported on potential projects in the development. Flying J will have a truck stop and D & L Service will be opening a repair shop. He talked about traffic will flow.

No comments were received in the mail.

Mayor Beattie closed the public hearing at 8:25 p.m.

Trustee Williams moved to approve Replat No. 3 Version #2 with the Planning Commission recommendations and on condition of the property sale; seconded by Trustee Coonts. Motion carried unanimously.

PUBLIC HEARING FOR SPECIAL USE REVIEW OF MARKETPLACE SUBDIVISION

Mayor Beattie opened the public hearing at 8:30 p.m.

In accordance with the Land Development Code, Country Horizons, LLC submitted a Special Use Review Application on August 6, 2006. Notices were sent by the Town by first class mail to all real property owners with property within 300 feet of the Subdivision on August 7, 2006 and a notice was published in The Limon Leader on August 10, 2006.

The site will consist of 15.56 acres including a commercial building consisting of a residential space, meeting area, locker rooms, kitchen, retail and office space as well as a games and relaxation area. The campground itself will consist of 78 pull through sites, horse corrals and walker, picnic sites, restrooms, covered picnic area, playground and recreation area with pool.

Staff recommends that as conditions of the special use permit that the entrance of the facility from Market Place to the parking driveway shall be installed and maintained with asphalt. The remainder of the internal roadways shall be maintained with a dustless surface to prevent fugitive dust. The entire facility is subject to current Commercial and Industrial Use Performance Standards described in the Land Development Code.

The site plan indicates the horse corrals and walker located at the northeast edge of the property. This site overlooks land in Lincoln County zoned Agriculture and is over 400-feet from adjoining properties. The special use should specifically approve that location and limit use to holding transient horses. If this portion of the facility should result in complaints regarding odors and/or dust offsite, the special use permit condition would provide another avenue of enforcement.

The Planning Commission recommended approval of the Special Use to include staff recommended conditions as follows.

1. Entrance of the facility from Market Place to the parking driveway shall be installed and maintained with asphalt or concrete surface.

2. The remainder of the internal roadways shall be maintained with a dustless surface to prevent fugitive dust.
3. Limit the horse corral and walker area to the site plan location shown on the northeast of the parcel and limit use to holding transient horses.
4. A noxious weed mitigation plan for the horse corral and walker area.

Ron Clark, representing the developer of the proposed project, spoke about the plans for the property.

Mayor Beattie closed the public hearing at 8:50 p.m.

Trustee Bandy moved to approve the special use application, with Planning Commission and Staff conditions; seconded by Trustee Kelly. Motion carried unanimously.

ORDINANCE NO. 516; AMENDMENTS TO THE LAND DEVELOPMENT CODE

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. 516; An Ordinance Amending Ordinance No. 376, the Land Development Code of the Town of Limon, Lincoln County, Colorado, by Amending Various Sections Pertaining to Business Signs.

Trustee Bandy moved to approve Ordinance No. 516; seconded by Trustee Williams. Motion carried unanimously.

DISCUSSION OF LOCAL PREFERENCE POLICY

Town Administrator Kiely asked the Board if they had input from the community on what they want in the policy. Several Board members commented that they were told that the Town should keep doing business with local businesses whenever possible.

Wayne Nesbitt talked about the contract process and that in his opinion the Town should get rid of the local preference policy.

After discussion the Board instructed Staff to proceed with eliminating the local preference from the purchase policy. The policy will be brought back to the Board for final approval.

ATTORNEY'S REPORT

Attorney Kimble reported there are several cases pending and that the municipal case conviction that was taken to district court was upheld.

ADMINISTRATION REPORTS

Public Works Director Stone talked about the sewer project, completion of the Special Improvement District project and the dirty water problem the Town experienced last week.

Chief of Police Yowell reported that the appeal of the municipal case was upheld and that Attorney Kimble worked very hard on the appeal. He is continuing to look at dog ordinances.

Town Administrator Kiely talked about the Special Improvement District and that some of the property owners will be getting a refund.

He asked the Board to consider hiring GMS to be on site during the Marketplace project for construction observation.

He reported on Pay Request #2 from Structures Unlimited in the amount of \$83,288.80.

The Board retreat will be held November 13 and 14 from 5:30 to 9:30 p.m.

He mentioned the ETP and Public Planning meeting in Akron, the NIMS training.

The Fire Dept. is going to have a haunted house, and the school is still looking at the Fishing is Fun contract.

MAYORS REPORT

Mayor Beattie did not have a report.

TRUSTEES REPORT

Trustee Williams commented that the Marketplace project would be a positive thing for the community.

Trustee Kelly reported that he had received positive comments about the street-paving project.

APPROVAL OF BILLS

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

ADJOURNMENT

At 10:30 p.m. Trustee Bandy moved to adjourn; seconded by Trustee Kelly. Motion carried unanimously.

TOWN CLERK _____

MAYOR _____