

**TOWN OF LIMON
BOARD OF TRUSTEES
Regular Meeting
August 6, 2009**

Notice of this meeting was published in the Limon Leader on August 6, 2009. An amended agenda was posted at Town Hall on August 5th at 8:53 a.m.

Mayor Beattie called the meeting to order at 7:00 p.m.

ROLL

Town Clerk Chris Snyder called roll. Members of the Board present: Mayor Beattie; Trustees: Coonts, Hawthorne, Hendricks, and King. Trustee Williams was absent and Trustee Metcalf arrived at 7:18 p.m.

STAFF

Staff present: Town Manager Stone, Assistant Manager Kiely, Attorney Kimble, Chief of Police Yowell and Town Clerk Snyder.

GUESTS

Kay Christie, David & Toni Crismon, Mike Kelly, Ian Christie, Melinda Holforty, Douglas Ratzlaff, Vickie Walkinshaw and Mike Buckner.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

Trustee King moved to approve the minutes for July 2, 2009 adding Metcalf and King to the roll and changing denial to deny; seconded by Trustee Coonts. Motion carried unanimously.

TEN MINUTE CITIZEN INPUT

Ian Christie turned in a letter of resignation from the Limon Ambulance Service.

LIQUOR LICENSE RENEWAL FOR FLYING J

Trustee Hendricks moved to approve the liquor license renewal for CFJ Properties, dba Flying J Travel Plaza; seconded by Trustee Coonts. Motion carried unanimously.

LIQUOR LICENSE RENEWAL FOR VIC'S LIQUORS

Trustee King moved to approve the liquor license renewal for Vickie A. Walkinshaw, dba Vic's Liquors; seconded by Trustee Hawthorne.

SPECIAL EVENTS PERMIT REQUEST

Trustee Hawthorne moved to approve the Rotary Club Special Events Permit Request; seconded by Trustee Hendricks. Motion carried unanimously.

REQUEST FOR FUNDING FOR SPAY & NEUTER PROGRAM

Trustee Hendricks moved to approve funding for the Spay & Neuter in the amount of \$200; seconded by Trustee Metcalf. Voting Aye: Mayor Beattie, Trustees Coonts, Hawthorne, Hendricks, and Metcalf. Nay: Trustee King. Motion carried.

CEMETERY BOARD APPOINTMENTS

Trustee King moved to appoint Don Kimble and Steve Burgess to a five-year term on the Cemetery Board to expire 7/2014; seconded by Trustee Hendricks. Motion carried unanimously.

PUBLIC HEARING; AMENDING CHAPTER I – GENERAL PROVISIONS, SUBSECTION N – GENERAL DEFINITIONS AND INTERPRETATION, MOBILE HOME PARK AND CHAPTER V – SUPPLEMENTARY DEVELOPMENT STANDARDS AND REGULATIONS, SUBSECTION A – MANUFACTURED AND MOBILE HOME STANDARDS

Mayor Beattie opened the public hearing at 7:24 p.m.

Assistant Manager Kiely stated that the request for the proposed changes was submitted by staff to address community input that there was a need for increased regulation for mobile home parks within the Town. There are concerns about mobile homes but there are limits of what the town can do. Health and safety can be addressed, beauty cannot. Staff went to the Land Development Code and looked at current requirements for mobile home parks. In 1994 the Board of Trustees determined they would exempt all existing parks. Thus none of the regulations have applied to mobile home parks since that time.

Kiely went through Ordinance No. 529 which was submitted to the Planning Commission and reported that the Planning Commission recommended approval, removing the exemptions except for the section dealing with refuse and certain criteria in a limited manner when water system upgrades are made.

He went through questions posed to the Planning Commission. The consensus of the Planning Commission was to only apply the standards in the Ordinance to new mobile home parks. He talked about the costs involved in the standards.

On June 11th there was significant testimony from community members. The Planning Commission meeting continued on July 23rd for their deliberation. They recommended the changes be adopted, eliminating the exemptions except for the section dealing with refuse.

A letter from Evie O'Conner was read and included in the record.

Doug Ratzlaff addressed the Board and asked if something could be done when they replace 50% of the park? Do they have to comply with the new standards? Kiely explained they would probably only do improvements one at a time and talked about the costs involved.

Kiely reported there was public testimony at the hearing that the public wants it to be nicer but not to require all the changes. Low-income people testified to their need for affordable housing.

The Planning Commission met on June 11th and July 23rd and recommended approval of Ordinance No. 529 as presented. The Board of Trustees must consider the draft language of the ordinance and may approve, approve with amendments or deny approval.

Mayor Beattie closed the public hearing at 8:17 p.m.

ORDINANCE NO. 529; AMEND MUNICIPAL CODE

Town Manager Stone 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. 529; An Ordinance Amending the Land Development Code of the Town of Limon Adopted by Ordinance 376 by Amending Chapter 1 – General Provisions, Subsection N – General Definitions and Interpretation, Mobile Home Park and Chapter V – Supplementary Development Standards and Regulations, Subsection A – Manufactured and Mobile Home Standards.

Trustee Hendricks moved to approve Ordinance No. 529; seconded by Trustee Coonts. Motion carried unanimously.

PUBLIC HEARING AMENDING CHAPTER II – ZONING SUBSECTION B.3.6 – ZONE DISTRICT, MOBILE HOME DISTRICT (MH) AND SUBSECTION B.3.18, ZONE DISTRICTS, ZONE DISTRICT SCHEDULE OF REQUIREMENTS FOR RESIDENTIAL DISTRICTS ALLOWING SINGLE FAMILY, TWO-FAMILY, MULTIFAMILY AND FACTORY BUILT AND MANUFACTURED HOUSING ON PERMANENT FOUNDATIONS IN A MOBILE HOME ZONE DISTRICT AS USES BY RIGHT AND CHANGES IN THE SCHEDULE OF REQUIREMENTS ASSOCIATED WITH SUCH USES

Mayor Beattie opened the public hearing at 8:22 p.m.

Assistant Manager Kiely reported that Doug Ratzlaff of Superior Builders, the owner of a property located in a Mobile Home Zone District, submitted this petition. Mr. Ratzlaff wishes to build a two-family residence on a property located in a Mobile Home Zone District and was informed by staff that the use was not allowed in that zone district. After exploring options for changing the zone designation for his property, which would have created a spot zone situation, the discussion moved to the amendment being considered. This would change the uses allowed in all Mobile Home Zone Districts within the Town.

Kiely reported that the change would add to the uses by right – single family, two-family, multifamily and factory build and manufactured housing on permanent foundations.

It would delete from condition use – manufactured and factory build homes on permanent and engineered foundations.

The amendment will also change the Schedule of Requirements for Mobile Home Districts to match the building height and number of stories to match that of other residential zone districts.

Staff is supportive of the petition as presented since the current uses of the property in the three areas currently zoned Mobile Home Zone District are very limited in economic uses as mobile home parks. This petition would protect that use, but also provide alternative residential uses including single family, two family and multifamily and would make it simpler to install a manufactured home. It is important to note that this amendment, while benefiting the petitioner, certainly provides the same benefit to every landowner in the Mobile Home Zone Districts rather than a specific benefit to one parcel. It is not spot zoning and is not giving benefit to one person.

Douglas Ratzlaff testified that this would be a way to help clean up and would be beneficial to the town and would promote property development.

Assistant Manager Kiely reported that the Planning Commission met and held a public hearing on July 23rd, 2009 and recommended approval of Ordinance No. 530.

The Board of Trustees must consider the draft language of the ordinance and may recommend approval, approval with amendments or denial of approval.

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

ORDINANCE NO. 530; CHANGING OF USES IN MOBILE HOME ZONE

Assistant Manager 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. 530; An Ordinance Amending the Land Development Code of the Town of Limon Adopted by Ordinance 376 by Amending Chapter II – Zoning, Subsection B.3.6 – Zone District, Mobile Home District (MH) and Subsection B.3.18, Zone Districts, Zone District Schedule of Requirements for Residential Districts.

Trustee King moved to approve Ordinance No. 530; seconded by Trustee Coonts. Motion carried unanimously.

ORDINANCE NO. 531: CHANGE IN SERVICE AGREEMENT

Town Manager Stone 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. 531; An Ordinance Approving an Addendum to the Multi-Year Technical Service Support Agreement with Medtronic Emergency Response Systems, Inc. Now DBA Physio Controls, Inc. for Service Support on Heart AED and Defibrillator Systems.

Trustee Coonts moved to approve Ordinance No. 531; seconded by Trustee King. Motion carried unanimously.

RESOLUTION NO. 08-09-23; ENGAGEMENT LETTER

Town Attorney Kimble 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. 08-09-23; A Resolution Approving a Letter of Engagement for Legal Services, Between Petros & White, LLC and the Town of Limon for Legal Services for Water Matters and Authorizing the Execution of Said Letter of Engagement.

Trustee Coonts moved to approve Resolution No. 08-09-23; seconded by Trustee King. Motion carried unanimously.

Trustee Metcalf left at 8:45 p.m.

RESOLUTION NO. 08-09-24;

Town Manager Stone 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. 08-09-24; A Resolution Approving Payment for Work Performed by Advanced Diving Services, Inc. in Excess of \$10,000 for Water Storage Tank Cleaning and Repair.

Trustee Hendricks moved to approve Resolution No. 08-09-24; seconded by Trustee Coonts. Motion carried unanimously.

ATTORNEY'S REPORT

Attorney Kimble had a busy month and there will be a court case on August 24th.

ADMINISTRATION REPORTS

Chief Yowell

- Bad weather and has used tornado sirens
- Golf carts can now be used on streets

Town Manager Stone

- Usage report for golf course
- Town received a \$1,000 tourism grant for the State Babe Ruth Tournament we hosted
- Economic Development fund raising goal of \$16,000 has been met
- Invitation to CML District Meeting in Stratton

Assistant Manager Kiely

- Ports to Plains annual meeting

MAYORS REPORT

Mayor Beattie attended meetings for Progressive 15 in Julesburg and Hudson.

TRUSTEES REPORT

Trustee Coonts thanked everyone for helping with Heritage Days. It was a great day and a big success.

Trustee King expressed concern about the ambulance service and asked about a dangerous building situation

Trustee Hawthorne thanked staff for weed abatement efforts.

APPROVAL OF BILLS

Trustee Hawthorne moved to approve the bills that were submitted for the month of July; seconded by Trustee Coonts. Motion carried unanimously.

ADJOURNMENT

Trustee King moved to adjourn at 9:35 p.m.; seconded by Trustee Coonts. Motion carried unanimously.

TOWN CLERK _____

MAYOR _____