

**TOWN OF LIMON
BOARD OF TRUSTEES
Regular Meeting
August 5, 2004
7:30 P.M.**

Notice of this meeting was published in the Limon Leader on Thursday, August 5, 2004.

ROLL

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

STAFF

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

GUESTS

Kay Christie, Steve Monks, Danny Adams, Howard Stone, Rick & Melanie Taylor, Corrie Noakes, Wayne Shade, John Hill, Virgil Stang, Kirk Chirico, Linda Bunch, Vickie Walkinshaw, Tony Wernsman, Alice Harreld, Kipp Parker, Bob and Linda Hawthorne, Richard Yarian, Matthew & Josette Gallegos, Bernard Winterburg, Glenda & Wayne Shade, Denise Ashauer, Lisa LaCrue, Kelley Higdon, Tara Jo Metzger, Lori Holmes, Dorothy Castle, Peggy Sue Scott, Harold Smith, Daniel Hollebeak, Lonnie Knudsen and Valinda Eberle.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

Trustee Kudlock made a motion to approve the minutes for the July 1, 2004 regular meeting; seconded by Trustee Kelly. Voting Aye: Mayor Beattie, Trustees Kelly, Kudlock, Metcalf, and Williams. Abstain: Trustee Jackson. Motion carried.

Trustee Kudlock made a motion to approve the minutes for the July 8, 2004 special meeting; seconded by Trustee Jackson. Motion carried unanimously.

TEN MINUTE CITIZEN INPUT

Wayne Shade spoke against the proposed purchase of the Monks property.

Tony Wernsman, Limon Heritage Society, invited the Board to the celebration on Saturday and talked about the planned activities.

Bob Hawthorne asked the Board to consider property he owns before making the Monks property purchase.

Rick Taylor asked the Board to consider letting Head Start sublease the building at 590 E to the church school.

Kirk Chirico gave the Board a letter concerning construction at his business and asked to be given an exception to the Municipal Code and/or Land Development Code to allow him to put four posts in the public right-of-way.

LIQUOR LICENSE REQUEST FROM VICKIE A WALKINSHAW DBA VIC'S LIQUORS

Trustee Kelly moved to approve the liquor license renewal request from Vickie A. Walkinshaw DBA Vic's Liquors; seconded by Trustee Williams. Motion carried unanimously.

ROTARY SPECIAL EVENTS PERMIT

Trustee Williams moved to approve the Rotary Special Events Permit request; seconded by Trustee Kudlock. Motion carried unanimously.

ORDINANCE NO. 493; AMENDING CODE FOR HOTEL AND RESTAURANT LICENSE

No action taken.

REQUEST BY FIRST BAPTIST CHURCH TO ALLOW SUBLEASE OF BUILDING AT 590 E

Town Administrator Kiely reported that a conditional use application has been submitted to use the First Baptist Church for a Private Church School. Kiely has the ability to make an administrative decision to approve this permit or if he decides it is controversial topic it will go to the Planning Commission and then to the Board of Trustees. Based on letters received Kiely expects this action to be sent to the Planning Commission for a recommendation to the Board of Trustees.

Kiely and Building Inspector Stang have inspected the church and because of building codes the school will not be able to use the basement of the church as a school. They can operate the school on the main level.

Rick Taylor asked the Board to consider letting the church school to sub-lease the building currently leased by Head Start at 590 E. Kiely suggested that a conditional use application for this building should be submitted before the Board makes a decision.

RESOLUTION NO. 08-04-28; GRANT AGREEMENT

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. 08-04-28; A Resolution Approving a Grant Agreement No. DOT-FA03NM-1059, Between the U.S. Department of Transportation, Federal Aviation Administration and the Town of Limon for Rehabilitation of a Portion of Runway 16/34 and Authorizing the Execution of Said Agreement.

Trustee Kudlock moved to approve Resolution No. 08-04-28; seconded by Trustee Kelly. Voting Aye: Mayor Beattie, Trustees Kelly, Kudlock, Metcalf and Williams. Abstain: Trustee Jackson. Motion carried.

RESOLUTION NO. 08-04-29; FIRE SERVICES AGREEMENT

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. 08-04-29; A Resolution Approving a Memorandum of Understanding Between the Colorado Department of Corrections and the Town of Limon for Fire Services and Authorizing the Execution of Said Memorandum.

Trustee Kelly moved to approve Resolution No. 08-04-29; seconded by Trustee Jackson. Voting Aye: Mayor Beattie, Trustees Jackson, Kelly and Metcalf. Motion carried. Trustees Williams and Kudlock did not vote due to a conflict of interest.

RESOLUTION NO. 08-04-30; HISTORIC STRUCTURES ASSESSMENT

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. 08-04-30; A Resolution Approving a Memorandum of Understanding Between Marc Diament Architecture PC and the Town of Limon for an Historic Structures Assessment of the Limon Depot and Authorizing the Execution of Said Memorandum.

Trustee Jackson moved to approve Resolution No. 08-04-30; seconded by Trustee Metcalf. Motion carried unanimously.

RESOLUTION NO. 08-04-31; ADDENDUM NO. ONE FOR ENGINEERING SERVICES

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. 08-04-31; A Resolution Approving Addendum No. One For Engineering Services Dated June 3, 2004 Between Meyer & Sams, Inc. DBA GMS, Inc., Consulting Engineers and the Town of Limon Adding the Construction of a 1.0 Million Gallon Water Storage Tank and Authorizing the Execution of Said Amendment.

Trustee Kelly moved to approve Resolution No. 08-04-31; seconded by Trustee Kudlock. Motion carried unanimously.

RESOLUTION NO. 08-04-32; REAL ESTATE PURCHASE WITH HOMER MONKS CONSTRUCTION

Trustee Williams moved to not accept Resolution No. 08-04-32; seconded by Trustee Jackson. Voting Aye: Trustees Jackson, Kelly, Kudlock, Metcalf and Williams. Nay: Mayor Beattie. Motion carried.

Town Staff was instructed to work with the ambulance service and put together an RFP.

RESOLUTION NO. 08-04-33; SALE WITH STONE OIL CO., INC.

No action taken.

LAND DONATION BY BEN PARMER

Ben Parmer has offered the Town 13 acres of property he owns in South Limon along Immel Street.

Trustee Kelly moved to accept the donation of the property; seconded by Trustee Jackson. Motion carried unanimously.

ATTORNEY'S REPORT

Attorney Kimble cautioned the Board to remember if we send out an RFP for an ambulance building to remember that emergency type structures can only be located in a light industrial zone. The Town should not change the code to set the use for property it wants because it sets a precedent and will get challenged.

ADMINISTRATION REPORTS

Public Works Director Stone reported the work in the Special Improvement District has started.

Chief of Police Yowell talked about a new form the Judge wants to use in court and that he will be bringing it back to the Board for approval.

Town Administrator Kiely reported we have received a letter from Galaxy Cablevision wishing to transfer their franchise to Champion Cable and asking the Town for consent. Kiely has contacted Ken Fellman and he suggests having a CPA review the finances of the new company and bring a resolution to the next meeting. The cable company will pay the fee. Permission from the Board was granted.

Kiely asked for permission to purchase livestock at the Fair in the Town's name and was told it was okay.

MAYORS REPORT

Mayor Beattie talked about Dr. Chirico's request and that we would have to re-write the ordinance to comply with his request and that it was not a good idea to make an exception. There have to be several findings to get a variance request and he does not qualify.

The Board discussed how the process works for a conditional use permit.

TRUSTEES REPORT

Trustee Jackson thanked all the citizens for coming out. He has been contacted about dirt being piled up and by a citizen who would like work done on his street.

A citizen has contacted Trustee Kelly with a drainage concern at his business.

Trustee Metcalf asked about the cemetery and O Avenue projects.

He thanked Town Administrator Kiely and Public Works Director Stone for their work on the Monks property purchase.

APPROVAL OF BILLS

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

ADJOURNMENT

At 11:20 p.m. Trustee Kelly moved to adjourn; seconded by Trustee Kudlock. Motion carried unanimously.

TOWN CLERK _____ MAYOR _____