

**TOWN OF LIMON
BOARD OF TRUSTEES
Regular Meeting
May 5, 2005
7:30 P.M.**

Notice of this meeting was published in the Limon Leader on Thursday, May 5, 2005.

ROLL

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

STAFF

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

GUESTS

Carla Weeks, Dale Cochran, Kay Christie, Wayne Nesbitt, Carl & Tony Wernsman, Sylvia M. Pearson, Carroll & Arlene Bishop, Ryan Bush, Janet & Bob Haley, Tom LeValley, Debi & Mark Klapperich, Teri & Craig Parmer, Pat Haley, Robert A. Bunch, Cindy L. Ferree, Abel M. Chavez, Michael LaBate, and Harvey Martin.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

Trustee Kudlock made a motion to approve the minutes for the April 7, 2005 regular meeting; seconded by Trustee Jackson. Voting Aye: Mayor Beattie, Trustees: Jackson, Kelly, Kudlock, Metcalf and Williams. Abstain: Trustee Bandy. Motion carried.

TEN MINUTE CITIZEN INPUT – NONE

AUTO SERVICE & SUPPLY CO. INC. LIQUOR LICENSE RENEWAL – TABLED

RUSTY SPUR SALOON LIQUOR LICENSE RENEWAL

Trustee Williams moved to approve the Rusty Spur Saloon liquor license renewal request; seconded by Trustee Kelly. Motion carried unanimously.

PUBLIC HEARING; WEEKS SUBDIVISION, PHASE I COST RECOVERY AGREEMENT

Mayor Beattie opened the public hearing at 7:36 p.m.

Town Administrator Kiely reviewed the cost recovery agreement with Carla's Cluster Care Inc. dealing with improvements association with Weeks Subdivision, Phase I.

Section One says that the improvements are not being accepted by the Town until one of two events takes place: (1) the creation and successful election for a special improvement district; or (2) action to assess the adjoining properties for costs.

Section Town commits the Town to take the required steps to create a special improvement district and commits the Town to assess the adjoining landowners if the election required creating it fails.

He explained how the costs are allocated to each property owner and that the Town hired W.W. Enterprises to complete the evaluation of the storm drainage. The W.W. Enterprises report was provided to the affected property owners and the Board of Trustees.

Sylvia Pearson, 1965 6th Street, was concerned that Carla's building was built too high and that the sidewalk on her side of the street was not adequate to confine the drainage runoff.

Ryan Bush, 745 O Avenue, mentioned that the drainage problem was not rectified at the end of O Avenue. He questioned what the agreement had been made with the developer prior to purchase of the land. The letter he received from W.W. Enterprises said the paved and gravel surfaces are not taken into account and he believes it is significant.

Town Administrator Kiely explained that the agreement with the landowner is done through the Subdivisions Improvements Agreement, which states that the sub divider shall pay for the improvements and the Town will enter into a cost recovery agreement.

Attorney Kimble reviewed both state statute and the Land Development Code regarding power of the Town to assess for improvements.

Public Works Director Stone reported about the drainage system in the area and how the engineers determined where to place the drainage vaults.

Bob Haley, 725 O Avenue, questioned if there was a dollar limit for improvements before it had to go to a public vote and that he felt he should have been notified before the improvements were done.

Discussion was held about how the special district will be formed and the processes that have to be done.

Mark Klapperich, 755 O Avenue, asked how many year storm drainage was done. He asked why there was no discussion before the work was done. He stated he is getting charged after the fact with no input. He said many people benefit from having the street paved. He asked how future development up by the Child Care Center could affect his property.

Public Works Director Stone explained how it was decided where the storm drainage needed to go and that if the storm drain had not been required that water mains would have had to be lowered and the street by the mobile home park would have had a 3 foot drop off, which would be difficult moving trailers in and out.

Dale Cochran questioned how the survey could be done after the project was complete and that he felt there was no improvement to the property he owns. Water pools by his property.

Public Works Director Stone talked about elevations and grades at the Cochran property and showed the Board pictures taken after a recent rain. The water does pool and drain slowly because the grade is flat but eventually the drainage does reach the storm drainage. The Town may mill along the curb line to see if that will improve the situation.

Carla Weeks said that 6th Street has been an improvement to the area and that she would like to have election and have the property owners be able to pay in 20 years instead of right away.

Tony Wernsman, W.W. Enterprises answered questions about the engineering that was done.

Mayor Beattie stated that a public hearing is held to answer questions and hear from property owners.

Mayor Beattie closed the public hearing at 8:50 pm.

RESOLUTION NO. 05-05-25; COST RECOVERY AGREEMENT FOR WEEKS SUBDIVISION

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. 05-05-25; A Resolution Approving a Cost Recovery Agreement for Weeks Subdivision, Phase I, Between Carla's Cluster Care, Inc. and the Town of Limon for the Purpose of Cost Recovery Associated with the Development of 6th Street and P Avenue and Authorizing the Execution of Said Agreement.

Trustee Bandy moved to approve Resolution No. 05-05-25; seconded by Trustee Kudlock. Motion carried unanimously.

REPORT FROM TELEPHONE SERVICE FRANCHISEE

Abel Chavez, representing Qwest, announced that high speed internet is now available through his company.

REPORT FROM LIMON HEAD START PROGRAM

Cindy Ferree, Head Start Director, updated the Board on progress being made with the Head Start Program.

RESOLUTION NO. 05-05-23; ESTABLISHING THE LIMON CHILD DEVELOPMENT CENTER POLICY COMMITTEE

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. 05-05-23; A Resolution Establishing the Limon Child Development Policy Committee as the Head Start Policy Committee for the Town of Limon.

Trustee Bandy moved to approve Resolution No. 05-05-23; seconded by Trustee Williams. Motion carried unanimously.

ORDINANCE NO. 501; GRAZING LEASE

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. 501; An Ordinance Approving a Grazing Lease and Authorizing the Execution of Said Lease agreement.

Trustee Kelly moved to approve Ordinance No. 501; seconded by Trustee Kudlock. Voting Aye: Mayor Beattie, Trustees: Bandy, Kelly, Kudlock, Metcalf, and Williams. Abstain: Trustee Jackson. Motion carried.

RESOLUTION NO. 05-05-24; ASSISTANCE TO TAMARACK MUNICIPAL GOLF COURSE

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. 05-05-24; A Resolution Approving EDC #649, Between the Colorado Office of Economic Development, Colorado Economic Development Commission and the Town of Limon for Assistance with, Improvements to, Marketing and Operation of the Tamarack Municipal Golf Course and Authorizing the Execution of Said Contract.

Trustee Kelly moved to approve Resolution No. 05-05-26; seconded by Trustee Jackson. Motion carried unanimously.

RESOLUTION NO. 05-05-26; ACCEPTING ANONYMOUS DONATION

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. 05-05-26; A Resolution Accepting an Anonymous Donation for Specific Purposes and Authorizing Execution of Acceptance Documents.

Trustee Williams moved to approve Resolution No. 05-05-26; seconded by Trustee Jackson. Motion carried unanimously.

APPOINTMENTS TO FIREMAN'S PENSION BOARD

Trustee Kelly moved to appoint Jim Read and Monte Snyder to the Fireman's Pension Board; seconded by Trustee Kudlock. Motion carried unanimously.

ATTORNEY'S REPORT

Attorney Kimble had no report.

ADMINISTRATION REPORTS

Public Works Director Stone passed out a land survey plat of the gravel pit property and was instructed by the Board to proceed with advertising it.

Stone talked about a mower he would like to purchase at the cemetery.

Trustee Metcalf moved to increase the budget for cemetery equipment by \$899; seconded by Trustee Williams. Motion carried unanimously.

He reported that the water project is almost complete and work has begun at the tank site. The airport project has two more days left on the contract and the runway should be open by the end of the week.

Chief Yowell asked if anyone had questions about his board memo.

Town Administrator Kiely reported there were pay requests from GMS, Structures Unlimited and Advance Tank in the Board packets.

He reported that the bill the Board passed a resolution opposing last month regarding manufactured houses passed.

MAYOR'S REPORT

Mayor Beattie reported he attended the Fireman's Pension Meeting.

TRUSTEES REPORT

Trustee Williams said he lives on 6th Street and the improvement to the street has been awesome.

Trustee Bandy complemented the contractor who is working on sidewalks.

Trustee Kelly commented that the street and water projects are moving smoothly and the golf course is looking excellent.

APPROVAL OF BILLS

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

ADJOURNMENT

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

Town Clerk _____ Mayor _____

