

**TOWN OF LIMON  
BOARD OF TRUSTEES  
Regular Meeting  
July 6, 2000  
7:30 P.M.**

**ROLL**

Town Clerk Chris Snyder called roll. Members of the Board present: Mayor Bandy, Trustees: Beattie, Kudlock, Lohmeier, Templeman, and Younger. Trustee Hendrick was absent.

**STAFF**

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

**GUESTS**

Guests present: Rick Carducci, Greg & Cassandra Vernie, Keith Westfall, Jim Kenton, Nancy Sease, Kevin Carns, Michael Listerud, Dale Cochran, Brian Atkinson, Jim Herron, John Riley, William F. Haffner, Corrie Noakes, Galen & Alice Harreld, Allan Book, Becky Osterwold, Grace Huff and Bob Hawthorne.

**APPROVAL OF MINUTES**

Trustee Younger made a motion to approve the minutes, for the June 1, 2000 regular meeting; seconded by Trustee Lohmeier. Motion carried unanimously.

**TEN MINUTE CITIZEN INPUT - NONE**

**FRAMEL CONDITIONAL USE PERMIT FOR LARGE DAY CARE HOME**

Trustee Lohmeier moved to approve the C. Darlene Framel with the condition that Ms. Framel annually submit proof of licensing from the state for a large day care home to the town; seconded by Trustee Templeman. Motion carried unanimously.

**CONSIDERATION OF VACATING AN ALLEY EAST OF LOT 6, BLOCK 1, NORDICK ACRES ADDTION**

Greg & Cassandra Vernie asked the board to consider vacating an alley near their property because of noise and safety concerns.

The board, after discussion, decided to look at all the options available to solve the problem and will talk to the Chief of Police and will discuss this at the next meeting.

**ORDINANCE NO. 455; PROPOSED AMENDMENT TO LAND DEVELOPMENT CODE REGARDING PUBLIC NOTICE REQUIREMENT**

The public hearing was opened by Mayor Bandy at 8:06 p.m. and closed at 8:10 p.m. with no comments from the public.

Town Administrator Kiely introduced and there was read the title of the following proposed ordinance and the entire text of said proposed ordinance was submitted in writing to each member of the board of trustees and the mayor:

Ordinance No. 455; An Ordinance Amending Ordinance No. 376, The Land Development Code of the Town of Limon by Amending the Public Notice Requirements for Amendments to the Land Development Code.

Trustee Templeman moved to adopt Ordinance no. 455; seconded by Trustee Beattie. Motion carried unanimously.

**ORDINANCE NO. 456; AMEND LAND DEVELOPMENT CODE TO AMEND FENCING REQUIREMENT IN MIXED COMMERCIAL DISTRICT**

Mayor Bandy opened the public hearing at 8:11 p.m.

Jim Kenton, representing Nancy Sease, told the board that Ms. Sease has had problems with break-ins and has a dog that can jump a 4-foot fence. She would like the code amended to allow a 6-foot wire fence in her front yard because of security issues.

Trustees Lohmeier and Templeman stated they had looked at the property and could see how it would work for Ms. Sease but felt we can't make an exception for one person's situation.

The public hearing was closed at 8:15 p.m.

Ordinance failed for lack of a motion.

**ORDINANCE NO. 457; AMEND LAND DEVELOPMENT CODE DEFINING SEXUALLY ORIENTED BUSINESS AND AMENDING OFFICIAL ZONING MAP**

Mayor Bandy opened the public hearing at 8:16 p.m.

Attorney Kimble reviewed for the board the process the town has gone through with the Land Development code to regulate where a sexually oriented business can locate. He presented for the record a report that has studies of secondary effects of sexually oriented businesses and the adverse secondary effects they bring, especially relating to small towns. The small size and lack of depth of small town commercial districts raises the probability of substantial impacts of sex oriented businesses upon other property owners, such as criminal activity and drop in property value for adjoining businesses. A municipality can take steps to limit secondary effects by requiring sexually oriented businesses to be located in certain districts. Limon has 5 to 6 spaces available with this zoning.

Rick Carducci questioned how far from a park an adult business could be located.

The public hearing was closed at 8:35 p.m.

Mayor Bandy introduced and there was read the title of the following proposed ordinance and the entire text of said proposed ordinance was submitted in writing to each member of the board of trustees and the mayor:

Ordinance No. 457; An Ordinance Amending Ordinance no. 37, the Land Development Code of the Town of Limon, Lincoln County, Colorado, by Defining "Sexually Oriented Business" and by Amending the Official Zoning Map of the Town of Limon Pertaining to Sexually Oriented Businesses

Trustee Kudlock moved to adopt Ordinance No. 457; seconded by Trustee Templeman. Motion carried unanimously.

### **REQUEST FROM TRI-STATE GENERATION & TRANSMISSION ASSOCIATION TO PROVIDE WATER TO AN OUT OF TOWN FACILITY**

John Riley, Tri-State Generation & Transmission made a request for the town to provide water to their proposed facility, which will be located out of the town limits.

The board discussed the four factors set forth in the town code to be considered before this request could be granted.

Trustee Beattie moved to approve the request, giving town staff the authority to work on an acceptable agreement to grant the request, including the purchase of water rights; seconded by Trustee Lohmeier. Motion carried unanimously.

### **RESOLUTION NO. 7-00-11; COST RECOVERY AGREEMENT WITH LIMON PROPERTY CONSULTANTS INC.**

The developer's attorney presented alternative allocation figures for the boards review.

Town Administrator Kiely introduced and there was read the title of the following proposed resolution and the entire text of said proposed resolution was submitted in writing to each member of the board of trustees and the mayor:

Resolution No. 7-00-11; A Resolution Approving a Cost Recovery Agreement for Ashcraft Subdivision, Between Limon Property Consultants, Inc. and the Town of Limon for the Purpose of Cost Recovery Associated with the Development of 6<sup>th</sup> Street and Highway 24 Access to the Ashcraft Subdivision and Authorizing the Execution of Said Agreement.

Trustee Beattie moved to approve Resolution No. 7-00-11, using Exhibit A; seconded by Trustee Kudlock. Motion carried unanimously.

### **RESOLUTION NO. 7-00-12; COST RECOVERY AGREEMENT WITH MOUNTAIN VIEW SERVICE CORPORATION**

Town Administrator Kiely introduced and there was read the title of the following proposed resolution and the entire text of said proposed resolution was submitted in writing to each member of the board of trustees and the mayor:

Trustee Templeman moved to approve Resolution No. 7-00-12; seconded by Trustee Younger. Motion carried unanimously.

### **IMPROVEMENTS FOR SOUTH LIMON LIFT STATION**

Public Works Director Stone reviewed recommendations made by GMS to improve the South Limon Lift Station.

Trustee Beattie moved to start the process for installation of an overflow pond; seconded by Trustee Younger. Motion carried unanimously.

### **DISCUSSION OF TAP FEE STRUCTURE**

Trustee Younger moved to allow GMS to do a tap fee study; seconded by Trustee Beattie. Motion carried unanimously.

## **WEST PUMP PROPERTY BIDS**

Three bids were received which ranged from \$1,150 to \$3030.

Trustee Younger moved to accept the bid from Monks Realty in the amount of \$3,030 and instructed Attorney Kimble to draw up the paperwork for the August meeting; seconded by Trustee Templeman. Motion carried unanimously.

## **APPROVAL OF LIBRARY BOARD MEMBER**

Trustee Beattie moved to appoint Cindy Stone to the Library Board, to replace Rhonda Blackwelder for a term that will expire in 2003; seconded by Trustee Lohmeier. Motion carried unanimously.

## **ATTORNEY'S REPORT**

Attorney Kimble has been in contact with Brad & Linda Olsen about Lake Creek Dam.

There is a trial in municipal court tomorrow.

## **ADMINISTRATION REPORTS**

Public Works Director Stone reported that van usage figures are down, but felt it was because Head Start is also using their own bus to transport children.

The pool figures are up and operations are running smoothly.

Stone asked for input about changes to the trash ordinances and if any exemptions from charges should be made. The board asked that staff research further and come back to the board with suggested changes.

Water use is up and the need to proceed with the re-drilling of the Christopher 2 Well was discussed and the board gave approval to re-bid the project.

Town Administrator Kiely reported on the Ports to Plains Eastern Colorado Mobility Study.

We have received the Water Treatment Preliminary Plans.

The towns building inspector has resigned and Kiely talked about the difficulty of finding a qualified person at the budgeted salary and asked for approval to negotiate a salary and was given approval by the board.

There are 3 administrative replats in process and one conditional use permit.

Ken Giest has resigned from the planning commission.

We need to look into increasing the allocation on the Packard Well Field and Kiely asked for permission to contact Dave Taussig for recommendations. The board agreed.

## **MAYORS REPORT – NONE**

## **TRUSTEES REPORT**

Trustee Kudlock asked if safety rules are being enforced since he saw a paint crew working on painting curbs without vests and cones. Public Works Director Stone will investigate and re-enforce safety requirements with the crew.

Trustee Templeman reported she has been contacted about a sewer smell. Staff is aware of the problem and from preliminary investigation feels the problems could be a ditch on the way to the sewer lagoon or the feed lot lagoons that are not empty. Staff does not think the smell is coming from the sewer lagoon.

Trustee Templeman reported on a recent Supreme Court decision ruling that officers cannot run lights and have excessive speed unless it is a life or death situation. The difficulty this could cause is the loss of governmental immunity and that an individual could be personally liable if challenged. CIRSA is aware of the case and is keeping in touch with the town.

Trustee Lohmeier asked about motorized skateboards and if they have to follow traffic rules.

Lohmeier congratulated staff on the cleanup of the feedlot. Several parents who would like the baseball and swimming programs expanded have approached her and asked if the feedlot property might be a site to consider. Public Works Director Stone said the survey done by the recreation department has shown there is an interest in expanding programs and we will continue to look into how to fund what has been suggested.

## **APPROVAL OF BILLS**

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

## **ADJOURNMENT**

At 12:10 a.m. Trustee Kudlock moved to adjourn; seconded by Trustee Younger. Motion carried unanimously.

TOWN CLERK \_\_\_\_\_ MAYOR \_\_\_\_\_

