

**TOWN OF LIMON  
BOARD OF TRUSTEES  
Regular Meeting  
September 6, 2007  
7:30 P.M.**

Notice of this meeting was published in The Limon Leader on September 6, 2007.

**ROLL**

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

**STAFF**

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

**GUESTS**

Pat Haley, Kay Christie, Andrea Lehner, Erika Hoffman, Laura Lang, Russ Covington, Tony Wernsman, Virginia Horn, Vivian Lowe, Jim & Margaret Miller, Barbara Berry, and Marian Raines.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES**

Trustee Bandy moved to approve the minutes for June 7, 2007; seconded by Trustee Jackson. Voting Aye: Mayor Beattie, Trustees Bandy, Hendricks and Jackson. Abstain: Trustees Coonts, Metcalf, and Williams. Motion carried.

Trustee Jackson moved to approve the minutes for August 2, 2007; seconded by Trustee Williams. Voting Aye: Mayor Beattie, Trustees Coonts, Hendricks, Jackson, Metcalf and Williams. Abstain: Trustee Bandy. Motion carried.

**TEN MINUTE CITIZEN INPUT**

Tony Wernsman, Limon Heritage Society, requested the Board to consider using conservation trust funds for the museum.

**PIZZA HUT LIQUOR LICENSE RENEWAL REQUEST**

Trustee Hendricks moved to approve the liquor license request from Pizza Hut; seconded by Trustee Coonts. Motion carried unanimously.

**AIRPORT COMMITTEE**

Jim Miller spoke about concerns he has over the airport master plan. Pat Haley asked about the time line for the next project. Marion Raines stated he does not want to sell his property because of traffic concerns. Staff mentioned more hangers would have to be taken out if the property is not available.

**PUBLIC HEARING: REPLAT REQUEST**

Mayor Beattie opened the public hearing at 8:00 p.m.

Since Trustee Coonts name ISin on the plat she will abstain from discussion and vote.

Town Administrator Kiely reported the First Methodist Church is the owner of all of Block 24, Pershing Addition. The church's purpose in this request is to allow an addition to be built which would currently be illegal because it would extend into the alley.

They submitted an application for a replat. The Town sent notices to property owners with property within 300 feet and a notice of public hearing was published in the Limon Leader on Thursday, July 19, 2007.

No comments were received from the neighbors.

The Planning Commission heard this and they along with staff recommend approval.

Mayor Beattie closed the public hearing at 8:20 p.m.

### **REPLAT REQUEST FOR LOTS 1-12, BLOCK 24 OF PERSHING ADDITION**

Trustee Metcalf moved to accept the replat request; seconded by Trustee Bandy. Voting Aye: Mayor Beattie, Trustees Bandy, Jackson, Hendricks, Metcalf and Williams. Abstain: Trustee Coonts. Motion carried.

### **ORDINANCE NO. 520; DOGS**

Chief of Police Yowell 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. 520; An Ordinance Amending Chapter 531 – Pertaining to Dogs in Ordinance No. 376, The Municipal Code of the Town of Limon, Lincoln County, Colorado.

Trustee Bandy moved to approve Ordinance No. 520; seconded by Trustee Jackson. Motion carried unanimously.

### **ORDINANCE NO. 521; BUILDING CODES**

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. 521; An Ordinance Amending Chapter 513 – Uniform Building Code of the Municipal Code of the Town of Limon Adopted by Ordinance 371 Relating to the Regulation of Erection, Construction, Enlargement, Alteration, Repair, Moving, Removal, Conversion, Demolition, Occupancy, Equipment, Use, Height, Area, Abatement, Plumbing, Maintenance, Energy Use, Accessibility and Fire Protection of Building or Structures in the Town of Limon, Colorado; Adopting by Reference Thereto the 2006 Edition of the International Building Code Including Appendix J – Grading, the 2006 International Residential Code Including Appendix H – Patio Covers, the 2006 International Mechanical Code, the 2006 International Plumbing Code, the 2006 International Fire Code, the 2006 International Fuel Gas Code, the 2006 International Energy Conservation Code, the 2005 National Electric Code, the 1997 Uniform Code for the Abatement of Dangerous Buildings, and the ICC/ANSI A117.1-2003 Accessibility Standards; Repealing all Ordinances of the Town of Limon, Colorado, in Conflict or Inconsistent Herewith; and Providing a Penalty for Violation of the Provisions of Said Codes.

Trustee Hendricks moved to approve Ordinance No. 521 and to move forward and set a public hearing for October 4; seconded by Trustee Coonts. Motion carried unanimously.

## **EXECUTIVE SESSION**

Trustee Bandy moved to go into executive session at 8:56 p.m. to determine positions relative to an agreement for an Option to Purchase regarding a portion of Town Land in Big Sandy Addition No. 2 under C.R.S. Section 24-6-402(4)(a). The specific negotiation addresses a potential agreement to allow an option to purchase for an approximately forty acres of Town land located in the Big Sandy Addition No. 2 to the Town of Limon. Included in the executive sessions shall be: the Town Board, Attorney Kimble, Town Administrator Kiely, Public Works Director Stone. Trustee Jackson seconded. Motion carried unanimously.

Mayor Beattie stated that the time is now 10:13, and the executive session has been concluded. The participants in the executive session were Attorney Kimble, Town Administrator Kiely, Public Works Director Stone, Trustees, Williams, Jackson, Bandy, Coonts, Hendricks, and Metcalf and himself.

He stated, "For the record, if any person who participated in the executive sessions believes that any substantial discussion of any matter not included in the motion to go into executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, I would ask that you state your concerns for the record."

"Seeing none, the next agenda item is number 12."

## **RESOLUTION NO. 09-07-18; OPTION TO PURCHASE AGREEMENT**

Trustee Bandy moved to table Resolution No. 09-07-18, A Resolution Approving an Agreement to Allow Inspection with Option to Purchase for Real Property with Invenergy Thermal, LLC. Association with Land Located in the Big Sandy Addition No. 2, Town of Limon, Lincoln County, Colorado and Authorizing the Execution of Said Contract, and to allow the Mayor to call a special meeting if final contract negotiations are needed; seconded by Trustee Hendricks. Motion carried unanimously.

## **APPOINTMENT TO CML POLICY COMMITTEE**

Trustee Bandy moved to appoint Mayor Beattie to the CML Policy Committee; seconded by Trustee Hendricks. Motion carried unanimously.

## **ATTORNEY'S REPORT**

Town Attorney Kimble reported on the proposed fire protection district election.

## **ADMINISTRATION REPORTS**

Public Works Director Stone asked the Board if there is interest in pursuing negotiations for the Holliday property and the Board stated they are not interested.

The airport project will begin on Monday and Stone had a copy of the state inspection done in August at the airport that details problems with the open access currently present. Town Administrator Kiely mentioned that someone with the State Division of Aeronautics is willing to come talk to the Board about long range planning at the airport. The Board wants that to happen and Mayor Beattie would like to invite the pilots to attend.

Stone referred to his memo regarding concrete at the Marketplace project.

He reported on the backflow and cross connection program we are in the process of implementing. An ordinance will be brought back to the Board.

Chief of Police Yowell reported the new car is here.

He reported that he got a complaint from a citizen about the police not responding to a call. After investigation it was found that the dispatcher did not relay the call to the officer on duty. Yowell has talked to the Sheriff and the citizen will be contacted by each of them.

Chief Yowell has been contacted about joining the Rotary and the Board agreed to pay his dues.

Town Administrator Kiely reminded the Board about the Great Plains International Conference.

He talked about the Heritage Society Energy Impact grant and they have offered \$50,000 from an \$86,500 request and the need to clarify the terms before acceptance.

The preliminary budget is due Oct. 15<sup>th</sup>. After November we will schedule a workshop and we usually pass the budget at the regular meeting in December.

We have received notification from the Department of Local Affairs that they are going to administratively dissolve South Limon Sanitation District.

Carrie Layton has been hired as the Billing Clerk.

Kiely reported on a private road in West Limon that goes through Valero's property. There is an easement agreement in place that allows adjoining properties access and the agreement states the properties will do maintenance on the road. The properties have been notified by the Town that maintenance needs to be done.

#### **MAYORS REPORT**

Mayor Beattie asked about the condition of several streets.

#### **TRUSTEES REPORT**

Trustee Metcalf asked if staff could pick up dead animals.

Trustee Williams went the Marketplace project and was very impressed with it.

#### **APPROVAL OF BILLS**

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

#### **ADJOURNMENT**

At 11:00 p.m. Trustee Coonts moved to adjourn; seconded by Trustee Hendricks. Motion carried unanimously.

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

MAYOR\_\_\_\_\_