

**TOWN OF LIMON
BOARD OF TRUSTEES
Regular Meeting
May 5, 2011
7:00 P.M.**

Notice of this meeting was posted at Town Hall on May 5, 2011.

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: Andersen, Hawthorne, Hendricks, King and Metcalf. Trustee Kelly arrived at 7:05 p.m.

STAFF

Staff present: Town Manager Stone, Attorney Kimble, Chief of Police Yowell, Building Inspector Stang, Administrative Intern Hanson, Ambulance Supervisor Handley and Town Clerk Snyder.

GUESTS

Will Bublitz, Herman Schreivogel, Linda Messer, Jerry and Connie Pfof, John Fox, and Morgan Honea.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

Trustee King moved to approve the minutes for April 6, 2011; seconded by Trustee Hendricks. Motion carried unanimously.

TEN MINUTE CITIZEN INPUT

Ambulance Supervisor Handley spoke about the progress the Ambulance Service is making and plans he is making for purchasing equipment. The Plains to Peaks conference will be in Limon this year.

Police Chief Yowell presented the Ambulance Service with a plaque thanking them for their assistance with Officer Sheridan.

Morgan Honea reported Plains Medical Center is doing well and they have hired a professional recruiter to fill two positions. They are doing an upgrade to the dental clinic and will be getting a substantial grant for the project.

PUBLIC HEARING AND CONSIDERATION OF APPLICATION

Mayor Beattie opened the public hearing at 7:20 p.m. to consider the application to rezone Lot 1, Block 3 of Weeks Subdivision to the West Limon Addition to the Town of Limon from Multi-Family Residential Zone District (R3) to Highway Commercial Zone (CH1).

Town Manager Stone reported that the application was submitted by Lincoln Community Hospital and Nursing Home for and on behalf of Lincoln County. The application requests changing the current zoning for Block 3, Weeks Subdivision to the West Limon Addition to the Town of Limon from Multi-family Residential District (R3) to Highway Commercial District (CH-1). The application narrative states:

The Lincoln Community Hospital has received, as an in-kind gift from Carla's Cluster Care Center, all of Block 3, Week's Subdivision to the West Limon Addition to the Town of Limon, with the understanding that the property will be used for medical facilities in the future. With this

gift and the recent addition of staff, the hospital would like to service their clients better by constructing a medical clinic within this parcel of land. Currently medical clinics are not allowed in the current zoned R3 parcel. We request that all of Block 3, of Weeks Subdivision to the West Limon Addition to the Town of Limon be rezoned R3 parcel. We request that all of block 3, of Weeks Subdivision to the West Limon Addition to the Town of Limon be rezoned to CH-1.

All requirements of the Land Development Code for public notice have been met. A letter was mailed to all land owners within 300 feet of the property on March 24, 2011. Notice was published in the Limon Leader on March 24, 2011.

Staff pointed out to the Board that the property was acquired by the hospital though an in-kind gift from Carla's Cluster Care and while generous and encouraging is not a consideration in this hearing.

The request is to change zoning on a parcel of property currently zoned Multi-family Residential (R3).

The current R3 Zone District allows nursing homes and hospitals as conditional uses, but does not include the use of medical and dental clinics. The change of zoning to a Highway Commercial (CH-1) Zone District considerably expands the uses allowed on Block 3, Weeks Addition.

This application greatly expands the uses that would be permitted on this parcel. The parcel is contiguous to a Commercial Highway (CH-1) Zone District and the parcel has a clear boundary of 9th Street on the north, Q Avenue on the east, R Avenue on the west and 6th Street on the south. While the stated intent of Lincoln Community Hospital is to build a medical office, all the uses in a CH-1 zone district would be available to the owner of that property in the future.

Staff believes that the change of zone will not significantly impact the surrounding land.

The Planning Commission at its meeting on April 12, 2011 recommended that the Board of Trustees approve the application for rezoning because:

1. The application is legal.
2. While approval would significantly expand uses allowed on the parcel, the property is contiguous to a Commercial Highway (CH-1) Zone District and because of the roads surrounding the properties there is the same separation between zone districts that currently exists.
3. The Town of Limon Comprehensive Development Plan clearly points out the importance of health care to the community. Staff hopes that Lincoln Community Hospital is successful in expanding options for health care with the town.

Herman Schreivogel, Lincoln Community Hospital, testified that it is essential to the community and surrounding area to have a clinic. The land was given with the condition that it would be used for medical purposes.

Attorney Kimble spoke about how the Board should look at the application, which is changing the zone use. What the property is going to be used for is not the issue. The Board needs to look at the zones and if makes sense to change.

Mayor Beattie closed the public hearing at 7:35 p.m.

ORDINANCE NO. 544; CHANGE ZONE DISTRICT

Town Manager Stone introduced and there was read the title of the following 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. 544; An Ordinance Amending Ordinance No. 376, the Land Development Code of the Town of Limon, Lincoln County, Colorado, by Amending the Official Zoning Map of the town of Limon Changing the Zone District on Lot 1, Block 3 of Weeks Subdivision to the West Limon Addition to the Town of Limon from Multi-Family Residential Zone District (R3) to Highway Commercial Zone District (CH1).

Trustee Hawthorne moved to approve Ordinance No. 544; seconded by Trustee Andersen. Motion carried unanimously.

PUBLIC HEARING AND CONSIDERATION OF APPLICATION

Mayor Beattie opened the public hearing at 7:40 p.m. to consider an application for Special Use Review for Lots 1-12, Block 54 and Lots 1-12, Block 31 of Pershing Addition to the Town of Limon, also known as Vista Village.

This application was submitted by Evelyn O'Connor, owner of Lots 1-12, Block 31 and Lots 1-12 Block 54 of Pershing Addition to the Town of Limon, also known as Vista Village. The application requests a special use review that would allow recreational vehicles (RV) to be located within the subject property.

All requirements of the Land Development Code for Public Notice have been met. A letter was mailed by first class mail to all landowners within 300 feet of the subject property, on March 24, 2011.

The current zoning is Mobile Home District (MH). The property has been used for mobile homes which is a legal use. This requests an expansion of use to also allow RV's to be sited on the parcels.

The request includes two proposals:

The first would allow one RV per lot in all of Block 54 and in lots 7-12 of Block 31 and two RV's per lot in Lots 1-6, Block 31. This proposal would allow the entire park to move from mobile homes to RV spaces with up to 30 RV's located on the parcels or a mixture of the two throughout. It could result in a mixture of mobile homes and RVs.

The second proposal addresses only Lots 1-6, Block 31 and would allow 2 RV's to be located on each of the six lots.

The question will be asked as to why the Limon Mobile Home and RV Park currently have both mobile homes and RV's located on the property. The RV use is currently a legal nonconforming use. When the Land Development Code was approved in 1994, there were RV spaces in the park and that use has continued. Should the Town document a year when there is no RV's present, the non-conforming use would become illegal uses unless a special use review was approved.

The question is: Should the Town grant a special use allowing RV's to locate on this property?

Several ideas and reasons have been floating around which include a short-to-mid-term need for housing associated with temporary construction of the Cedar Point Wind Farm and a limitation on siting mobile homes on top of an existing natural gas line on Lots 1-6 of Block 31 as reasons to consider the request. Staff would urge you to avoid looking at this application with a short term view. Meeting a short-term need for housing is important. The problem with the natural gas line exists because the current mobile homes on Lots 1-6, Block 31 extend into the street right of way and are over the natural gas utilities. This has existed since 1990. Black Hills Energy is citing safety concerns when they indicate they will not connect to replacement mobile homes on those six lots, nor should the Town allow re-installation of a mobile home within our right-of-way.

RV's are allowed under a special use review use in all Mobile Home (MH) Zone Districts, Commercial Highway (CH-1) and Mixed Commercial District (CH-2).

Staff encourages you to ask the question: Is a special use for RV's compatible in the long term for this property and neighborhood? Is this the mix we will want to see in the next 30 years?

If the answer is yes, staff would like to see this use similar to that of the existing RV park in east Limon. RV's move in and out and are generally not in place year round. The Town, however, has no control over that situation or special regulation addressing the RV's. The regulation for water, sewer and electricity are controlled by state permits. If approved, it needs to be clear that the landowner will be required to install electrical service, water and wastewater meeting state requirements for RV hookups.

If the answer is yes, the special use can be limited to a specific period of time. This alternative should be considered only if there is a compelling reason to limit the use to that period. Choosing a period of time like two years without any reasoning is arbitrary. Perhaps this period could be adequate in length to study the long term impacts of the mix before a permanent decision.

The Board does have the power to deny the application if it determines that this mix of mobile homes and RV's is not in the best interests of the neighborhood and town.

The Planning Commission, at its meeting on April 12, 2011, recommended approval of Proposal No. 2, allowing a special use for RV and Campground on Lots 1-6, Block 31 of Pershing Addition to the Town of Limon for a two year period in order to evaluate the use before additional action is taken. The petitioner would have to approach the Planning Commission and the Town of Limon at a later date if they desire the special use to be continued beyond the two years recommended by the Planning Commission.

Staff talked about the options for the Board regarding the application.

Jerry Pfost, Manager of Vista Village Trailer Park, asked to be allowed to park RV's on lots that cannot have mobiles.

Building Inspector Stang diagramed the lots for the Board showing how the trailers are set and showed where the gas line runs.

The Board questioned how much the upgrades will cost and if 2 RV's could be parked with a mobile on one space.

Mayor Beattie closed the public hearing at 8:15 p.m.

Trustee Andersen moved to grant a special use permit as recommended by the Planning Commission; seconded by Trustee Metcalf. Motion carried unanimously.

RESOLUTION NO. 11-05-16; GOLF COURSE ANNEXATION

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. 11-05-16; A Resolution Finding the Petition and Application for Annexation for Town of Limon Golf Course Addition to the Town of Limon to be in Substantial Compliance With Statutes and Setting Location, Date and Time for Public Hearing and Consideration of an Ordinance Annexing the Town of Limon Golf Course Addition to the Town of Limon.

Trustee King moved to approve Resolution No. 11-05-16; seconded by Trustee Hendricks. Motion carried unanimously.

PUBLIC HEARING AND CONSIDERATION OF ORDINANCE 547

Mayor Beattie opened the public hearing at 8:50 p.m. finding the petition and application for annexation for Town of Limon Golf Course Addition to the Town of Limon to be in substantial compliance with statutes.

This application was brought by the Town of Limon and is a request to annex the property south of town that included the recreation areas of the golf course, shooting range and softball fields as well as the right-of-way for State Highway 71 from the current town limits to the southern end of the subject property.

It includes six parcels; five parcels include only state highway right-of-way.

The Colorado Department of Transportation has agreed and consented to the annexation including the necessary portion of Colorado Highway 71 in the annexation so as to allow the annexation to proceed. Due to the need to have the portion of Colorado Highway 71 in the annexation a portion of state statute is applicable. The law provides that those property owners who have property abutting that portion of Colorado Highway 71 which is to be included have a time-limited opportunity to have property considered for annexation in the Town along with the golf course. Those landowners received notice by letter. None of the affected landowners chose to submit a petition.

The Planning Commission recommended the property proposed for annexation is eligible and the requirements of state statute have been met.

This ordinance will be published before approval four times and a hearing date of June 30th is set at 7:00 p.m. at Town Hall.

Mayor Beattie closed the public hearing at 9:00 p.m.

This ordinance will be published four times and a public hearing date of June 30th has been set.

ORDINANCE NO. 545; AMENDMENT TO LAND DEVELOPMENT CODE

Mayor Beattie opened the public hearing at 9:01.

This amendment is largely administrative and designed to reduce confusion regarding the chain of command. This amendment has no effect upon the direction provided by the regulation provided in the Land Development Code; only upon the title of the person responsible for enforcement or decisions of interpretation of the Land Development Code.

The Planning Commission recommended approval of Ordinance No. 545 at its meeting on April 12, 2011.

Mayor Beattie closed the public hearing at 9:05.

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. 545; An Ordinance Amending the Land Development Code of the Town of Limon Adopted by Ordinance 376 by Amending Chapter 114 – Definitions and Amending all References in the Land Development Code to Town Administrator, Town Superintendent, or Public Works Director to Read Town Manager.

Trustee Kelly moved to approve Ordinance No. 545; seconded by Trustee Hendricks. Motion carried unanimously.

RESOLUTION NO. 11-05-17; HOOK LIFT PURCHASE

Administrative Intern Hanson 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. 11-05-17; A Resolution Approving a Bid from MacDonald Equipment in Excess of \$10,000 and Approving the Conversion of an Existing Vehicle to Accommodate a Hook Lift for the Street Department of the Town of Limon.

Trustee Andersen moved to approve Resolution No. 11-05-17; seconded by Trustee King. Motion carried unanimously.

ORDINANCE NO. 546; AMENDMENT TO LAND DEVELOPMENT CODE

Town Attorney Kimble 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. 546; An Ordinance to Amend the Town Code of Limon, Colorado, Title 100, Chapter 134, Adding Section 134.9 Concerning the Certification of Delinquent Municipal Charges and Assessment to the Lincoln County Treasurer for Collection in the Same Manner as Taxes

Trustee Hendricks moved to approve Ordinance No. 546; seconded by Trustee Kelly. Motion carried unanimously.

EMS WEEK PROCLAMATION

Mayor Beattie proclaimed May 15-21 EMS Week.

ATTORNEY'S REPORT

Attorney Kimble did not have a report.

ADMINISTRATION REPORTS

Police Chief Yowell

- New patrol car is here.
- Medal of Valor in honor of Jay Sheridan.
- Thanked the Chamber for the thank you cards.
- Getting ready to ask for bids for the Jeep.
- Bullet proof shields are being purchased by the county and we will have one in Limon.

Administrative Intern Hanson

- Will be delivering thank you cards for Chamber to organizations that helped after Officer Sheridan's death.
- Article he wrote in CCMA magazine regarding succession planning.

Town Manager Stone

- Tree City, USA sign and 20 year award
- CML outreach meeting
- Has been notified that Social Security will not be having office hours in Limon anymore.
- Golf course usage and Ambulance stats
- Golf course and Softball field improvements

MAYORS REPORT

Mayor Beattie talked about re-districting and that Progressive 15 is very involved in the process. He has been asked if the town could do the Denver Post delivery.

The Smokey Hills Trails organization is having a meeting May 15th at the Hugo Depot.

TRUSTEES REPORT

Trustee Kelly encouraged the Board to check out the improvements at the golf course and softball fields.

APPROVAL OF BILLS

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

ADJOURNMENT

Trustee Andersen moved to adjourn at 10:00 p.m.; seconded by Trustee Kelly. Motion carried unanimously.

TOWN CLERK _____

MAYOR _____