

RECORD OF PROCEEDINGS

100 Leaves

Hugo, Colorado
April 8, 1991

- 0000 The regular monthly meeting of the Board of Trustees, Town of Hugo, was called to order on April 8, 1991 at 7:34 P.M. at the Hugo Municipal Building by Mayor Parker Newbanks, Jr.. The following Trustees answered roll call: Trustee Terry Blevins, Trustee Roy Chambers, Trustee Robert Kraxberger, Trustee Tom Lee, Trustee Kenneth Sterling and Trustee Janette Yowell.
- 0019 Staff member present at the meeting was Town Clerk/Treasurer Garald L. Ensign.
- 0024 Guests at the meeting were: Becky Osterwald, representing the Eastern Colorado Plainsman and Lucille Reimer, representing The Limon Leader.
- 0030 The Board of Trustee Minutes of the March 11, 1991 regular monthly meeting of the Board were approved as presented.
- 0048 There were no unscheduled guests to appear before the Board.
- 0053 Clerk Ensign reported to the Board that he had received a request from the V.F.W. Joe Will Post 6612, located at 419-4th. Avenue, Hugo, Colorado, to modify the liquor licensed premise of this tavern. The premise was proposed to be modified by the addition of a thirty-three foot by forty foot multi-purpose room to be used for bingo, meetings, receptions and an occasional dance. The addition would be placed to the north of the existing licensed premise and will not be open as part of the bar on a regular basis. In that Mayor Newbanks holds a retail liquor license from the Town of Hugo, he removed himself from the chairmanship of the meeting and delegated these responsibilities to Mayor Pro Tempore Blevins at 7:39 P.M.. Mayor Newbanks left the Board Room. Following a review of the written application by the Board and a report by the Clerk that the application appeared to be in order and that the appropriate state fee was attached to the application; a motion by Trustee Kraxberger and second by Trustee Yowell to approve the request to modify this premise as requested and to forward the application to the Liquor Enforcement Division of the Colorado Department of Revenue for their action.
Motion carried unanimously.
- 0161 At 7:42 P.M. Mayor Newbanks returned to the Board Room and resumed his chairmanship of the meeting.
- 0170 Mayor Newbanks reported to the Board that the Health Care Advisory Board has been actively involved in physician recruitment since the appointment of the advisory board on January 10, 1991. It was noted that the Clerk had distributed minutes from all the advisory board meetings to the Board in an effort to keep the Board apprised of the efforts of the advisory board. The Mayor indicated that the relationship between the advisory board and the Town government needed clarification, especially regarding the accounting of funds into the Town of Hugo Health Care Fund and in respect to making and adhering to contractual agreements as they relate to physician recruitment. Mayor Newbanks pointed out that initially the Board had agreed to be a temporary repository of incoming donations to the Health Care Fund with the thought that the advisory board would become a nonprofit organization, seperate of the Town. However, the Mayor reported that the advisory board has requested that they remain in an advisory capacity to the Board and that the Town remain as the repository of funds being donated to the Health Care Fund and that the Town remain responsible for any contracts entered into in this respect. Trustee Lee, who chairs the advisory board, told the Board that a contract with a prospective physician was very close to being negotiated by the advisory board and therefore there was not enough time for the advisory board to develop their own legal status. Trustee Blevins indicated his concern over the Town having to honor any financial obligations of a physician recruitment contract that private donations don't cover. He indicated his reservations concerning the current Board agreeing to an open-ended contract obligating future Boards to this financial commitment.

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He also questioned whether physician recruitment is in fact a municipal government obligation. Trustee Lee felt that a doctor is required in the community for adequate health care as well as to insure the stability of the Lincoln Community Hospital, which is a major employer in Hugo. Trustee Chambers felt that adequate private donations needed to be secured prior to the signing of a contract with a physician in order to adequately protect the municipal government.

0528 At 7:52 P.M. Town Attorney Lawrence A. Wright, Jr. arrived at the meeting.

Trustee Lee indicated that he wanted to further discuss the contract that the advisory board had been negotiating with a prospective physician and felt that the Board should enter into executive session to discuss this contract. A motion by Trustee Kraxberger and second by Trustee Lee to enter into executive session to discuss contractual obligations as they relate to physician recruitment. Motion carried with five (5) Trustees voting in support and Trustee Blevins voting in opposition. Consequently, the Board entered into executive session at 7:55 P.M., whereupon the Board Room was cleared of all persons except the Mayor, Members of the Board, Clerk and Attorney.

0590 At 8:43 P.M. the meeting was reopened to the public. The Mayor announced that during the executive session contractual negotiations were discussed by the Board with no formal Board action taken.

0600 With respect to the Health Care Advisory Board's request as it related to the Town's retaining control of the Health Care Fund and serving as the responsible entity for the contract currently being negotiated with a physician; a motion by Trustee Lee and second by Trustee Kraxberger that the Board assume responsibility for the contractual obligations of the contract currently under negotiation with a prospective physician as outlined in the February 9, 1991 and March 25, 1991 minutes of the Hugo Health Care Advisory Board. It being the intent of the Board that the Town commitment only extend to meet this contractual obligation after all private donations and assistance from other entities, including Lincoln Community Hospital, are exhausted. Motion carried with Trustees Kraxberger, Lee, Sterling and Yowell voting in support and Trustees Blevins and Chambers voting in opposition.

0880 Attorney Wright asked that when a formal contract is negotiated at the Health Care Advisory Board meeting, he would like to be in attendance. Trustee Lee advised that he would see to this matter.

0913 Clerk Ensign reported that the Ordinance and Solid Wastes Disposal Committee met on March 19, 1991 at 7:30 P.M. at the Hugo Municipal Building. Trustees Blevins, Chambers and Sterling and Clerk Ensign were in attendance. The committee met to propose appropriate zoning for the West Addition to the Town of Hugo which was annexed into the Town on March 11, 1991. The committee also reviewed Land Use Ordinance Number 171 and made several recommendations for amendment to this ordinance. The committee's recommendations for zoning the West Addition to Hugo and recommended amendments to Ordinance Number 171 were reviewed by the Clerk. These recommended amendments, as refined by the Board, are contained in proposed Ordinance Number 196. A motion by Trustee Blevins and second by Trustee Kraxberger to adopt and order published Ordinance Number 196; AN ORDINANCE AMENDING ORDINANCE NUMBER 171 ESTABLISHING LAND USE PLAN ZONING REGULATIONS, BOUNDARIES, AND MAPS; BUILDING REQUIREMENTS, USE AND OCCUPATION REGULATIONS; ESTABLISHING FLOOD PLAIN DISTRICTS AND BOUNDARIES AND MAPS DELINEATING SAME; PROVIDING FOR PENALTIES FOR THE VIOLATIONS THEREOF AND REPEALING ALL OTHER ORDINANCES IN CONFLICT THEREWITH. Motion carried unanimously.

2268 The Ordinance and Solid Wastes Disposal Committee, during the committee meeting on March 19, 1991, also discussed the current application fees charged for a building/use permit. The current rates are \$5.00 for a non-residential permit, \$5.00 for a sign permit and \$6.00 for a residential permit. It was noted that

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the first building permit issued under current zoning regulations was issued in 1975 and the fee was \$5.00 at that time. It was the consensus of the Board that these application fees should be increased to more adequately reflect the actual cost in time and material for the issuance of these permits. Therefore, a motion by Trustee Blevins and second by Trustee Lee to establish the following application fee structure for building/use permits immediately: sign permit application fee--\$10.00 and building/use permit application fee--\$20.00. Motion carried unanimously.

2418 Clerk Ensign reported that he had been contacted by Colorado State Patrolman Mike Cook asking that the Town enter into a reciprocal hazardous material incident assistance agreement with the state patrol. Trooper Cook is the local hazardous materials officer for the state patrol. Attorney Wright advised the Board that he has reviewed the proposed agreement and felt he needed some clarification concerning the agreement prior to making a legal recommendation to the Board. It was the consensus of the Board to table this matter until the May 6, 1991, regular monthly meeting and to request Trooper Cook to attend this meeting to further discuss the proposed agreement.

3126 The Clerk reminded the Board that the Colorado Municipal League Annual Conference will be held from June 18-22, 1991, in Vail, Colorado. Anyone interested in attending should let the Clerk know by Monday, April 15, 1991, in that early registration is important in securing room accommodations.

3184 The Clerk reported to the Board that the renovation of the building, which once housed the Village Budget Helper grocery store, had begun. It was noted that the Town purchased this building in early 1990 and when renovated, will serve as a parking garage for Town equipment and general storage. It was the consensus of the Board to contract with Grauberger Construction when technical assistance is needed to accomplish this renovation.

3269 It was the consensus of the Board to authorize the Clerk to advertise the open positions at the municipal pool for the 1991 swimming season and the open position for a maintenance employee for the 1991 summer, review and screen all applicants and hire the 1991 summer employees with the approval of the Recreation and Cemetery Committee.

3340 The Clerk distributed copies of the Town of Hugo, Colorado Financial Statements with Report of Certified Public Accountant for the Years Ended December 31, 1990 and 1989 as prepared by Bain and Jones, Certified Public Accountants. Questions in this respect may be directed to the Clerk or the Town Auditor, Mr. Don Bain.

3400 At the request of Trustee Blevins, it was determined that the Streets and Alleys Committee will meet on April 17, 1991 at 7:30 P.M. in the Board Room of the Hugo Municipal Building. The committee will review past, present and future storm drainage and street improvement projects and will develop a plan for affording the public an opportunity to comment on past and future proposed actions in this respect.

3822 A motion by Trustee Sterling and second by Trustee Kraxberger to pay the list of bills as presented to the Board and pay any additional bills not on the list upon review and approval of the Treasurer and Mayor. Motion carried unanimously.

The following bills were paid as presented to the Board:

General Fund

Lawrence A. Wright, Jr.	Attorney's Fees	1,695.00
Sargent-Sowell, Incorporated	Traffic Signs	57.47
Vern's T.V. and Radio	Speaker Repair	28.20
Mr. B's Lumber and Hardware	Supplies	226.37
Parmer's Automotive Service	Repairs	50.00

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Colorado Department of Revenue	1st. Quarter Ad. Fees	45.00
Wagner Equipment Company	Parts	9.95
Goodyear Tire Distribution Center	Tires	200.44
Peoples' Natural Gas	Natural Gas	122.14
Main Automotive Supply	Parts	148.56
Osborne's Supermarket	Supplies	81.89
Garald L. Ensign	Postage and Meeting Expenses	56.75
Colorado Law Enforcement Officers' Ass'n	1991 Dues	10.00
Lincoln County Shop	Parts	148.14
Rocky Mountain Life Insurance	Insurance	69.10
Limon Auto Parts	Parts	190.31
Hugo Pharmacy	Film	9.89
Colorado Department of Health	Landfill Response Fund Fees	155.22
Coast to Coast	Supplies	125.43
W.S. Darley and Company	Decals	38.26
Eastern Slope Rural Telephone Ass'n	Telephones	164.20
Eastern Colorado Plainsman	Publication	44.28
Farm Gas, Incorporated	Fuel	387.89
The J.P. Cooke Company	Dog Tags	49.43
CO. Fire and Police Pension Ass'n	Police Pension	600.00
K.C. Electric Association	Electricity	796.32
Hugo Public Library	2nd. Quarter Contribution	1,875.00
Hugo Volunteer Fire Department	2nd. Quarter Contribution	1,561.50
East Central Council of Local Gov'ts.	2nd. Quarter Dues	252.00
Water Fund		
K.C. Electric Association	Electricity	351.76
Case Power and Equipment Company	Parts	16.56
Colorado Surplus Property Agency	Supplies	11.00
Dana-Kepner Company	Supplies	498.20
Lower Arkansas Water Management Ass'n	1991 Dues	200.00
Eastern Slope Rural Telephone Ass'n	Telephone	21.43
Farm Gas, Incorporated	Fuel	130.34
HVH Transportation	Freight	36.69
Sewer Fund		
K.C. Electric Association	Electricity	67.45
Capital Improvement Fund #2		
Motorola, Incorporated	Police Radio	989.00
Gall's, Incorporated	Police Equipment	318.58
The following were paid as presented to the Treasurer and Mayor:		
General Fund		
First National Bank of Hugo	Federal Withholding	674.00
First National Bank of Hugo	F.I.C.A.	434.52
First National Bank of Hugo	Medicare	43.50
Parker Newbanks, Jr.	Mayor's Exp. Reimb.	20.00
Terry Blevins	Trustee's Exp. Reimb.	10.00
Robert Kraxberger	Trustee's Exp. Reimb.	10.00
Roy Chambers	Trustee's Exp. Reimb.	10.00
Janette Yowell	Trustee's Exp. Reimb.	10.00
Tom Lee	Trustee's Exp. Reimb.	10.00
Kenneth Sterling	Trustee's Exp. Reimb.	10.00
W.S. Darley and Company	Freight	7.67
Carl Anderson	Salary	1,010.39
Wayne Nestor	Salary	1,118.69
Stan Kimble	Salary	92.35
Garald L. Ensign	Salary	1,715.40
Ken Stroud	Salary	1,211.75
Blue Cross and Blue Shield	Insurance	1,334.96
Blue Cross and Blue Shield	Attorney's Insurance	748.22

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Colorado Department of Revenue	1st. Quarter State Withholding	668.20
Colorado State Treasurer	1st. Quarter Unemployment Tax	127.92
Colorado Municipal League	Conference Registration	220.00
 Water Fund		
Colorado Department of Health	Water Sample Fee	6.00
First National Bank of Hugo	Federal Withholding	202.00
First National Bank of Hugo	F.I.C.A.	406.98
James Nall	Postage Reimbursement	10.27
Gregory Innes	Meter Deposit Refund	50.00
James Nall	Salary	1,400.08
Marie Coates	Salary	781.32
Blue Cross and Blue Shield	Insurance	789.61
Colorado Department of Revenue	1st. Quarter State Withholding	218.10
 Sewer Fund		
First National Bank of Hugo	Federal Withholding	127.00
First National Bank of Hugo	F.I.C.A.	231.03
Ray Kahler	Salary	1,222.48
Colorado Department of Revenue	1st. Quarter State Withholding	135.00

3995 There being no further business to come before the Board, the meeting was adjourned
at 10:26 P.M..

ATTEST:

Harold J. Espinoza
TOWN CLERK

Parker Dubois
MAYOR

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ORDINANCE NUMBER 196

AN ORDINANCE AMENDING ORDINANCE NUMBER 171 ESTABLISHING LAND USE PLAN ZONING REGULATIONS, BOUNDARIES, AND MAPS; BUILDING REQUIREMENTS, USE AND OCCUPATION REGULATIONS; ESTABLISHING FLOOD PLAIN DISTRICTS AND BOUNDARIES AND MAPS DELINEATING SAME; PROVIDING FOR PENALTIES FOR THE VIOLATIONS THEREOF AND REPEALING ALL OTHER ORDINANCES IN CONFLICT THEREWITH.

BE IT ORDAINED by the Board of Trustees of the Town of Hugo, Colorado, that Ordinance Number 171 is hereby amended as follows:

Page 7: Zoning District Map including the West Addition to the Town of Hugo, Colorado.

Page 8: Section 4.1(d) is amended to read, "Churches, libraries, hospital, community centers, nursing homes and municipal and county buildings." Section 4.3 is amended to read, "Special uses shall be permitted only upon approval of the Town Board of Trustees, as outlined in Article VIII of this Ordinance."

Section 4.4 is amended to read, "Variances--Variances from the minimum requirements described in this Article may be approved by the Town Board of Trustees only if the proposed variance will not pose a threat to the health, safety and welfare of the neighborhood or of the Town, and only if the proposed variance will allow construction which is consistent with structures in the immediate neighborhood of the proposed construction."

Page 11: Section 5.1(1) is amended by adding, "Other related activities of any kind not heretofore listed, when specifically approved by the Board of Trustees as outlined in Article VIII of this Ordinance." Section 5.2 is amended by adding, Accessory Uses (a) Private garages (b) Home occupations."

Page 12: Section 5.3 is amended to read, "Variances--Variances from the minimum requirements described in this Article may be approved by the Town Board of Trustees only if the proposed variance will not pose a threat to the health, safety and welfare of the neighborhood or of the Town, and only if the proposed variance will allow construction which is consistent with structures in the immediate neighborhood of the proposed construction."

Section 5.4 is amended by being renumbered from Section 5.3.

Section 5.5 is amended by being renumbered from Section 5.4.

Page 13: Section 6.1(h) is amended to read, "Other related activities of any kind not heretofore listed, when specifically approved by the Town Board of Trustees as outlined in Article VIII of this Ordinance." Section 6.2 is amended to read, "Variances--Variances from the minimum requirements described in this Article may be approved by the Town Board of Trustees only if the proposed variance will not pose a threat to the health, safety and welfare of the neighborhood or of the Town, and only if the proposed variance will allow construction which is consistent with structures in the immediate neighborhood of the proposed construction. There will be no variances granted from the fencing and screening requirements of this Article."

Page 15: Section 7.3 is amended to read, "Responsibility--Any person who is granted a building permit assumes full responsibility for their actions and agrees to indemnify and hold the Town harmless for any damages to persons or property caused directly or indirectly by flood as a result of the granting of a building permit by the Town."

Page 20: Section 10.1 is amended to read, "All permanent signs hereafter constructed, erected, inscribed or otherwise established, moved, altered or changed within the limits of the Town of Hugo shall comply with these regulations. Nonconforming signs in existence at the time of the enactment of this Ordinance may be repaired or maintained, but not be otherwise established, moved, altered or changed except in compliance with the provisions of this Ordinance." Section 10.2 is amended to read, "'Revolving beacon", "flashing" or "fountain" effects or signs with such effects are prohibited in all

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zoning districts, except by special review as outlined in Article VIII of this Ordinance."

Page 21: Section 10.7 is amended to read, "Permits for construction, erection or installation of all permanent signs in the Town of Hugo shall be required."

Section 10.8 is amended to read, "The provisions of this Ordinance shall not be construed as prohibiting the installation of holiday decorations in any zoning district within the Town of Hugo."
Section 10.9 is amended to read, "All other signs shall be by special review pursuant to Article VIII of this Ordinance."

Page 22: Section 11.10 is amended by adding a new section to read, "Variances--Variances from the requirements described in this Article may be approved by the Town Board of Trustees only if the proposed variance will not pose a threat to the health, safety and welfare of the neighborhood of the proposed variance or of the Town."
Section 12.1 is amended to read, "Organization (a) The Board of Trustees shall serve as the board of adjustment."

Page 23: Section 12.2 is amended to read, "Powers and Duties (a) To hear appeals and review orders pertaining to this Ordinance made by an administrative official (b) All appeals must be acted upon within 45 days of receipt of said appeal (c) [delete entire paragraph]."

Page 26: Section 14.5 is amended to read, "Building--any permanent structure built for the shelter or enclosure of persons, animals, chattels or property of any kind, has one or more stories and a roof."

Page 27: Section 14.15 is amended to read, "Signs--any device or message, either inscribed upon or affixed to the exterior of a building or free standing upon the premises, designed to inform or attract the attention of persons not on the premises on which the sign is located. This excludes any flag, badge or insignia of any government or governmental agency."

Section 14.16 is amended to read, "Permanent Sign--any sign inscribed or affixed in any location for more than seventy-two hours."
Section 14.17 is amended by being renumbered from Section 14.16 entitled "Street".

Section 14.18 is amended by the addition of a section to read, "Variance--a grant of relief from the minimum requirements of this Ordinance which permits construction in a manner that would otherwise be prohibited."

Page 28: Section 14.19 is amended by the addition of a section to read, "Width of lot--the distance parallel to the front lot line, measured between side lot lines, through that part of the building or structure where the lot is the narrowest."

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED this 8th. day of April, 1991.

ATTEST: -

Harriet E. Evers
TOWN CLERK

(SEAL)

Park W. L. L. L. L.
MAYOR

