

DRAFT

**TOWN OF ARRIBA
BOARD OF TRUSTEES ACTION MEETING
Tuesday July 28, 2015
Arriba Town Hall, 711 Front Street, Arriba, CO 80804**

Call to Order Mayor Alex Flores called the meeting to order at 7:30. Roll call for the Arriba Town Board was read and those answering were Troy McCue, Karen Kovar, Jody Schifferns, Will Rowe, Caleb Brent, and Marcella Flores.

Pledge of Allegiance was led by Troy McCue.

Public Audience included: Gerald & Carolyn Steinsiek, Jerry Norris, Michael Shirley, Bob Rush, Jack Rowe, Lynn Francis, Ed E. Schifferns, Louise Skipper and Jeff Fike.

Bob Rush said the reason he was here was because at the last Board meeting there was a reconfirmation of Board members and it was stated that he had declined a position on the Arriba Town Board. He said that he had a copy of Arriba Ordinance 105 paragraph 3. He said he was going to leave it up to the Board if they wanted to make it right, according to what the lawyer states it's apparent that he should be appointed to the Board position being that he didn't decline a position on the Board nor was he ever offered a position on the Board after the last election.

Trustee McCue said that he thought it was within the Board's discretion if they wanted to follow that line of next highest voter (regarding Arriba Ordinance 105, section 3).

Bob Rush said that the ordinance (105) said the next successor shall be appointed in descending order to fill the vacancies.

Trustee Flores said that the way she understood it was that the vacant Board position was announced and was posted at the Post Office and at DJ's and was advertised in the paper. Bob Rush asked if there was record that it was published. He asked if the Board could show proof of publishing the Board vacancy notice. Bob Rush said that regardless of publication or not, Ordinance 105, paragraph 3, states "shall be appointed", unless that person officially declines the position, which he did not.

Michael Shirley asked if the Board had any issues if he continues to remove debris from the pile up north, such as concrete, metal, and bricks. He said he was using it in his house and recycling it. Trustees McCue and Rowe had no problems with him doing this. Mayor Flores said that the Town was going to have someone haul off all of the scrap metal so he was hesitant to let someone just pick through the metal.

Trustee Schifferns suggested having Michael Shirley sign a Release of Liability form and

continue letting him get what he needs, and advertise again for scrap.
Clerk Hart will print up a Liability Release form for Michael Shirley to sign.

Ted Grundmeier said that he goes up to the brush pile of salvages tree limbs to use.

Approval of Agenda Trustee Kovar moved to approve the Agenda as written, Trustee McCue seconded and the motion passed.

Mobile Home Ordinance Revision The ordinance states “many counties, cities and towns in the state of Colorado have outlawed any mobile homes prior to 1976 manufacture”- Mayor Flores asked if the Board wanted to leave that date in there. Trustee McCue said that as long as it was approved with a HUD stamp that might be all the Town can legally state in a challenge. Trustee Rowe said that this statement was in the original Ordinance 131 and nothing new.

Mayor Flores asked about the definition for Recreational Vehicle. Trustee Rowe said that it was defined under Definitions page 5, paragraph 7, and that was the state motor vehicle code definition. It covers RV’s and fifth wheels.

Trustee Rowe said that the primary issue the Board had identified was in paragraph 10 of the revised ordinance concerning limitation on permanent occupancy in a recreation vehicle. The revised ordinance states: “No recreational vehicle or other motor vehicle may be used on a parcel in the Town of Arriba for occupancy by persons for residential except on a temporary basis not to exceed 60 days.”

Mayor Flores said that he had previously stated his opinion of why there shouldn’t be a 60 day limit. He said there might be circumstances where that is the only home someone has for unforeseen circumstances.

The Board discussed if it should be changed to 3 month or 6 months, and discussed taking into account seasonal workers or people here for the summer when deciding on a time limit.

Trustee Brent asked what the ‘Permit Resolution Guidelines for 3 RV Units or Less’ meant.

Clerk Hart said that ‘Permit Resolutions Guidelines for 3 RV Units or Less’ states: \$150 for 6 months Permit.

Charges for water will be \$15.00 charged to Owner of property,

Charges For sewer will be 35.00 Charged to property Owner.

Cost \$150 for 6 months may be renewable.

Trustee McCue said that his opinion was to keep the policy consistent with the Mobile Home Ordinance. He said he was in favor to expand the timeline in section 10 of the revised ordinance to 6 months.

The Board agreed to change Section 10 to say “not to exceed 180 days”.

It was stated that this only refers to people living in RV’s, not storing them.

Trustee Brent asked if there would be a permit fee and where it would be at. He said on

page 2 under 2a it states “a completed application for a permit from the Town Clerk and payment of the requisite fee as set by the Town Board.”

Clerk Hart said that there was a permit fee schedule with the original ordinance.

Trustee Rowe said that he didn't see that permit fee as part of the original ordinance.

Clerk Hart said that she didn't see it as part of the ordinance either, but, rather a fee schedule policy.

It was clarified that the permit fee set in section 10 applied to RV's and was not the same as the permit fee in Section 2a which applied to any mobile home, manufactured home modular home, and non-conforming structure.

Trustee Brent asked that by stating 'non-conforming structure' this applied to a house moved in on beams. Trustee McCue said yes, it does.

Trustee McCue asked if there was a set permit fee amount.

Clerk Hart said that in the original ordinance the permit fee was \$500.

Trustee Rowe clarified that the permit fee schedule was separate from the original ordinance, because there was nothing in the original ordinance about actually requiring someone to pay the permit fee.

Revised Ordinance #131 states on page 3 section 12 that no mobile home older than twenty years would be allowed in Town, this allows mobile homes manufactured in 1995.

Trustee McCue said that through the application process there may be a home that is slightly older than that that the Board can grant a variance if the Board so chooses, and if the mobile home is in good shape, but, that is a variance from the ordinance as allowed in the Section 14 on page 4 of the revised ordinance.

Trustee Rowe said that the definition of 'parcel' is a county definition according to the assessor and how they address property, for example, his parcel is made up of 3 lots.

Mayor Flores asked about section 12 and the twenty year limit, and if it was up to the Board.

Trustee McCue said that from what he remembers from the legal advice from Stan Kimble is that the Board could put that in there but that the Board might not be successful enforcing it.

Trustee Brent said that he didn't understand why the Board would charge a permit fee of \$500 if someone wanted to bring a non-conforming structure into Town if it was structurally sound like any other house in Town.

Trustee McCue explained that an old house had been brought in that was not structurally sound and that was why this was put into the original mobile home ordinance.

Clerk Hart said she thought that from what Town Attorney Stan Kimble had said, the Board couldn't pass the changes as revisions to Mobile Home Ordinance #131, but would

need to pass it as a whole new ordinance with a new number, and add language stating it would supersede Ordinance #131.

Trustee Rowe said that the last 3 words in section 16 needed to be dropped, so it would read: “Applications shall only be approved by a majority vote of the Town Board.”

Trustee Rowe asked Clerk Hart if the permit fees applied to non-conforming homes as well as mobile homes. Trustee McCue said yes it does, Clerk Hart said she thought it did. Trustee Rowe wanted to verify that the Board is not trying to impose a new fee on something new.

Clerk Hart said that the basics are still the same, just more definition and explanation. Trustee McCue said that this ordinance does not address somebody building something as a stick built home, or building something from scratch.

Trustee McCue verified that Clerk Hart would redraft the ordinance with the changes discussed, and give it a new number and that the Board will have to initially approve the ordinance before it is advertised.

Approval of Treasurers Report The Board reviewed the May 2015 Treasurer’s report. Clerk Hart asked if from now on the Board wanted just the first summary page of the Treasurer’s report or the complete report detailing each account. The Board agreed that the summary page was fine, but if something is noted on an account then to print that at that time. Trustee McCue moved to approve the Treasurer’s report, Trustee Rowe seconded and the motion passed.

Adjournment Mayor Flores said that the next Board meeting is Monday, August 10th. Trustee Schiffers told the Board that there is a Colorado Municipal League meeting in Hugo at the Community Center on Tuesday, October 6, Board members need to RSVP by September 25th.

Trustee Rowe moved to adjourn the meeting, Trustee McCue seconded.

Trustee Brent asked if the Agenda for the next meeting could be discussed, concerning the possible lawsuit, and the email that has been received, and the records that Bob Rush is requesting. He asked that these items be on the next meeting agenda. Mayor Flores said that items could just be added to the agenda, it doesn’t need to be a part of this meeting.

Since a motion had been made and seconded to adjourn the meeting, Mayor Flores adjourned the meeting at 8:16pm.

Submitted by: Josie Hart, Town Clerk

Signed by:

Approved by the Board on: