

MINUTES OF THE MEETING
OF THE MEMBERS OF THE CITY COUNCIL
CITY OF BURLINGTON
COUNTY OF KIT CARSON
STATE OF COLORADO
Community Building
340 S 14th Street
6:00 pm
May 19, 2016
Special Meeting

Mayor Dale Franklin called the meeting to order at 6:30PM.

1 The roll call of members was read and those answering were:

Mark Burghart Harold McNerney
Rod Murray

Absent: Mike Halde, Beth Crites, Kamron Weisshaar

Mayor Franklin acted as a voting member to make a quorum.

Also in attendance were:

James Bradley, City Administrator
Veronica Boyles, Treasurer
Shelly Clark, City Clerk
Tim Ellis, Public Works

Ted Svitovsky
Dave Ritchey
Tom Ried
Sally Pettibone
Greg Pettibone
Kate Stolz
Patsy Eisenbart

2 Pledge of Allegiance

3 Special Meeting Topics

- A. Discussion on vacating the alley behind Arrowhead Feed and Trailer at 325 Lincoln Avenue.

Bradley shared with Council that Kate Stolz and Ted Svitovsky have requested to vacate the alley behind Arrowhead Feed and Trailer at 325 Lincoln Avenue. Bradley shared with both parties that it is not in the best interest of the City to vacate the alley. He would like to see that we work with both the City and the landowner to fulfill the needs of each. A solution to this problem would be to have them go before the Board of Adjustment and Appeal to request for Commercial use in a Residential area put a regulation in place for them to have use of the alley by getting a special permit. Once we vacate the alley, it is almost impossible to get that alley back. Svitovsky shared with Council that they would like to put a fence up for the safety of the citizens and in order to do that they would need the alley vacated. They would like to fence it off so citizens cannot enter, but the City could have access at any time if needed. They are not asking for the entire alley, just the

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portion that is on their property. Greg Pettibone shared the plat map with Council to verify the location of the alley. Pettibone also shared that there is an encroachment of 10 inches on the alley and a 2 foot encroachment on Senter Avenue. Bradley shared there are other avenues we can take to meet this request. Franklin asked Ellis his feelings on vacating the alley. Ellis feels if we have access to the sewer line it should be ok. Clark cautioned the Council on the decision they make in regards to this vacation because they will be setting a precedent for the future. Bradley again shared that he feels there are other avenues we can take rather than vacating the alley. Bradley shared that if Council chooses to vacate the alley, an ordinance will have to be written, passed and published. The ordinance would not take effect until 30 days after publication. The Board of Adjustment and Appeals process would take about 15 days. Murray asked if the City stipulated that they could install a fence and allow the City access, would that work instead of vacating the alley. Bradley told the Council that would require a special permit that would go before the Board of Adjustment and Appeals. Murray asked for a definitive answer. Svitovsky stated they would rather have a vacation of the alley. Mayor Franklin stated if Council vacates the alley, the City should add a requirement that if the building is ever torn down, the alley be re-established.

MOTION by Murray, second by Burghart to vacate the alley.

Those yea: Murray, Burghart, McNerney, Franklin

Those nay:

Motion passes.

B. Discussion on renewing Steve Rabe contract.

Bradley shared with Council that Rabe has been on retainer to finish the water issues and his contract is up for renewal at the end of the month. Discussion on contract and services.

MOTION by Burghart, second by McNerney to renew Steve Rabe contract for a year.

Those yea: Burghart, McNerney, Murray, Franklin

Those nay:

Motion passes.

Pettibone asked if the entire alley is being vacated. Clark shared the motion reads: Murray motioned, Burghart seconded to vacate the alley. Pettibone stated if we vacate the entire alley, the City needs to be sure to get an easement. Pettibone shared that when you vacate property you lose your rights and the property owner gains full rights.

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4 REPORTS AND COMMENTS FROM MAYOR AND COUNCIL:

- A. Mayor Dale Franklin
- B. Mike Halde-Absent
- C. Mark Burghart
- D. Kamron Weisshaar-Absent
- E. Beth Crites-Absent
- F. Harold McNerney
- G. Rod Murray

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5 MOTION by Burghart, second by McNerney to adjourn the meeting at 7:20PM.

Those yea: Burghart, McNerney, Murray, Franklin

Those nay:

Motion passes.

Dale Franklin, Mayor

Shelly Clark, City Clerk

APPROVED