

TOWN OF NUNN BOARD OF TRUSTEES

Saturday, February 18, 2017

PUBLIC HEARING

9:00 am

Call to Order

The Public Hearing of the Town of Nunn was called to order and presided over by Mayor Bender at 9:00 a.m., February 18, 2017.

Roll Call

Mayor Bender
Trustee Lincoln
Trustee Vella
Trustee Callaway
Trustee Jackson
Trustee Tinsley
Trustee Frederiksen

First thing on the Agenda is the evaluation of zone change from Residential Zone to Commercial Zone within the H & J SUBDIVISION, BLOCK 34, LOT 12, Town of Nunn, CO 80648, listed as 559 Adams Avenue.

Heather Wagner

691 Logan Avenue: 1. Wasn't this property already rezoned in previous administration?

The county does not reflect changed, therefore process must continue.

2. A potential Gas Station could present problems due to

- Speeds off of Highway 85 onto 6th Street could be excessive
- Property Values will increase or decrease?
- Will rules and regulations be adhered to by Property Owner?
- Dry Lots to both the South and West of potential Station, could present hazards.
- Stop sign on South east Corner of Logan and 6th has been replaced.
- Location of potential Station is a concern.

Trustee Callaway response: *Gas Station would be observed and monitored by the State for safety and procedures for operations. If you observe downed Stop signs for future, contact Nunn Police Department.*

Thomas Bender

881 7th Street: 1. As resident, me and my wife would like to see a gas station and feel that the location would be acceptable and the oversight from the state would be thorough. The service to the community would be a great benefit.

Phone call to Office

Resident on Logan Street: 1. A concern with lighting and or barrier between Commercial and Residential Zones for increased activity.

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Joyce Taylor: *It is within Municipal Code about lighting standards and signage.*

Brian Casson: *Business attracts business and they are the highest taxpayers. If you want town improvements such as storm sewers, and water lines and so on, homeowners would have to pay, but if you have a nice gas station, potential businesses notice the improvements in the community and that may attract other businesses to come to Nunn for operations helping with the burden of cost for town improvements. I don't live in this town but I do have interest in this town.*

John Vogel

Corner of Logan and 6th: I have just moved to this community with my family about 9 months ago. I have concerns about property values, location. A filling station would be nice, but what about roads, traffic. I am not a proponent at that particular location. I would like to hear from Mr. Sander about lighting and roads, traffic at that spot I am not happy about it.

Trustee Frederiksen response: *As far as traffic or impact to road use within town will not change as most of the traffic will be residents stopping on the way out of town, or highway traffic remaining on highway 85 coming in or going out of town. I don't know that this is a main concern as to whether to allow or disallow.*

Trustee Callaway response: *Any time you have businesses in town that will increase your property values. If you don't have a gas station in town, that is what keeps your property values down. Gas stations, restaurants, things that make your community more desirable to live in cause the property values to increase in my experience.*

Will Sander: Paving the area could present a problem due to expense of pavement.

The project is just in the planning stages so tankers servicing the station, directional lighting, hours of service and all of your concerns are helpful in the planning stages.

Mayor Bender: This hearing is for zoning change and any plan for future build for a gas station would still come to the Town of Nunn Planning Board for further evaluation.

I will close this topic for Public Hearing if there are no more comments. It is 9:34 a.m.

Our next topic for Public Hearing is the for the **Adoption of Ordinance 300**, an Ordinance revising the Nunn Municipal Code 9.24.080 for inclusion of Fire Pit Regulations within the Town of Nunn.

Town Clerk, Cathy Payne: Read aloud **ORDINANCE 300**

WHEREAS, it is the desire of the Town of Nunn Board of Trustees to establish consistent and continuous policy for Fire Pit Regulations within the Town of Nunn, and fire pits shall be allowed within the Town of Nunn providing they meet the following criteria:

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SECTION 1. FIRE PITS SHALL BE CONSTRUCTED AS FOLLOWS:

A. In ground fire pits shall be:

- i. It shall be no more than 3 feet in diameter or the wall more than 2 feet above ground in height.
- ii. A screen shall be placed over the pit while in use.

B. Freestanding fire pits shall be a manufactured as a portable outdoor fire pit, outside fireplace, or chimenea and as available thru a retail or wholesale store.

- i. All manufactured fire pits shall include a screen or spark arrestor design feature.

SECTION 2. ONLY CLEAN, DRY WOOD SUCH AS TREE LIMBS OR UNTREATED WOOD MAY BE BURNED IN THE FIRE PIT.

A. Prohibited items include treated or painted wood, flammable or combustible liquids, yard waste and leaves, cardboard or paper, and garbage or refuse.

SECTION 3. FLAMES SHALL NOT EXCEED 2 FEET.

SECTION 4. A NON-IMPAIRED ADULT OVER THE AGE OF 18 MUST BE PRESENT TO SUPERVISE THE FIRE AND ENSURE THAT THE FIRE IS OUT WHEN UNATTENDED.

SECTION 5. A MEANS OF EXTINGUISHING THE FIRE SHALL BE ON HAND AT ALL TIMES.

A. Acceptable means of extinguishing is a hose at the ready (water on with a nozzle restricting flow until needed) or a shovel with loose dirt or sand nearby or a certified commercial fire extinguisher.

SECTION 6. THE BURNING OF FIRE PITS IS PROHIBITED DURING “RED FLAG” DAYS OR “HIGH WIND WARNINGS”.

SECTION 7. NUNN POLICE DEPARTMENT AND/OR NUNN FIRE DEPARTMENT ARE AUTHORIZED TO ORDER EXTINGUISHMENT OF ANY FIRE PIT IF THE SMOKE EMISSIONS ARE DEEMED OFFENSIVE BY THE OFFICER OR FIRE FIGHTER RESPONDING TO A COMPLAINT OR IF SAFETY GUIDELINES ARE NOT FOLLOWED.

SECTION 8. ENFORCEMENT

PENALTIES WILL INCUR UPON IMPROPER USE AND OPERATION AND OR NOT ADHERING TO THE RULES ESTABLISHED. NUNN MUNICIPAL CODE 9.24.080 MAY BE FOLLOWED BY ANY LAW ENFORCEMENT FOR ANY SUCH

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VIOLATION. THE GRADUATED FINE SCHEDULE FOR SUCH PENALTY ASSESSMENT PROCEDURE SHALL BE:

A. Fifty dollars for the first offense;

B. One Hundred dollars for the second offense;

C. Summons to Court for the third offense.

D. Summons to Court for Red Flag days or High Wind Warnings.

SECTION 9. THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS ADOPTION BECAUSE SUCH IMMEDIATE EFFECTIVENESS IS NECESSARY TO THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE, HEALTH, AND SAFETY.

Comments:

Larry Wagner

691 Logan Avenue: 50 gallon burn barrel for tumble weed removal with a hose readily available has been allowed in the past. I would like clarification of the rule.

Mayor Bender Response: *This fire pit regulation does not address the tumble weed issue as that is considered by the Police Officers discretion due to safety.*

If there are no more comments on the Fire Pit Ordinance, I would like to adjourn the Public Hearing on the Fire Pit Ordinance. It is now 9:43

Let's take a five minute break and we will return to start the regular meeting.

Mayor, Thomas Bender

Town Clerk/Treasurer, Cathy Payne