

**** LYONS BOT WILL MEET FOR A WORKSHOP WITH PAT CRONENBERGER, DRCOG, AT 6:45 PM, MONDAY, MAY 17, 2010 at
LYONS TOWN HALL PRIOR TO THE REGULARLY SCHEDULED MEETING**

DRAFT AGENDA
TOWN OF LYONS
7:30 P.M., MONDAY, MAY 17, 2010
BOARD OF TRUSTEES MEETING
SHIRLEY F. JOHNSON COUNCIL CHAMBER
LYONS TOWN HALL, 432 5TH AVENUE, LYONS, COLORADO

I. Roll Call and Pledge of Allegiance

Roll Call.

Present: Mayor Julie Van Domelen, Trustee Ed Bruder, Trustee Kathy Carroll, Trustee Kathy Jacobson, Trustee Kirk Udovich, Trustee Lavern Johnson, Trustee Sandy Banta.

II. Recognition of our Citizens in the Armed Forces – Mayor Van Domelen asked for a moment of silence for those serving in the Armed Forces.

III. Sgt Kevin Parker, Lyons Substation Supervisor, Report – is absent

IV. Audience Business - All comments will be limited to four (4) minutes per person

1. Lama Ngawang Gyalster, 5th Ave, spoke about the Poet's Society that meets at the Town Hall twice a year. Mr. Gyalster invited the BOT to the May 23, 2010 Poet's Society meeting. Mr. Gyalster also spoke about the Depot Library's meetings are efficient and last an hour and eight minutes, I am confident we can move forward to the next meeting to look at the drawings for the new library.

Mr. Gyalster stated Transition Town has started a new committee and that the new administrator and several trustees were present at their meeting.

2. Michelle Allen, Lyons, stated she has emailed the BOT over the weekend due to the noise level coming from the Outlaw Saloon over the last 4 weeks. I have lived here for the past 6 years and have never had a problem like this year, I would like to read and enjoy my property, I use the deck all summer long. Ms. Allen stated she did not know if the Outlaw was under new management as she has not had this problem in the past, the noise level is unbearable. I have talked to the manager and she stated there is not a noise ordinance. I am worried about the summer I want to enjoy my home, you could feel the bass, I don't know how people can sit on the patio. Ms. Allen stated in the past it has been fine, I don't know why it was so loud this past month if there is a noise ordinance that can be applied, I would ask it be reasonable and be for one weekend day only outside. If I played my stereo at home that loud no one would think it was okay. I don't

know what the solution may be but I hope to find one quickly with your help.  Discussion included the overlays and zoning for the downtown area and agreed it did not include those businesses east of 3rd Avenue. Mayor Van Domelen stated I think the Outlaw will work with you and there seems to be a question of whether or not there is a noise ordinance. The BOT directed staff to look into the noise issues. Administrator Simonsen stated she would get back with Ms. Allen.

 3. Dan Ballard, 5th Ave stated he had to come to Town Hall to get an agenda for the meeting tonight as it was not on the Town Web site. Mr. Ballard stated he requested a tape of the meeting from the Town Clerk as he did not think the minutes were accurate. Mr. Ballard stated he would like everyone to use the word cannabis instead of marijuana, using the word marijuana is offensive to him. Trustee Udovich stated he has received numerous comments concerning the sign at Mr. Ballard's business.

4.  Manny Vasquez, owner Outlaw Saloon, stated he was aware that Ms. Allen was upset about the noise. Mr. Vasquez stated he was told there was not a noise ordinance and the way he reads LMC 4-5-22 you can have music between the hours of 8 am and 10 pm. This is the first complaint I have gotten, everyone knows I am the manager; we would only be having the bands during the summer months. Mr. Vasquez also asked why there was not any protection in the code for businesses along the eastern corridor. Mayor Van Domelen asked that this subject be put on the agenda for the BOT to discuss at a future meeting.

Motion: Trustee Kathy Jacobson moved to adjourn the Board of Trustees Meeting and open as the Lyons Liquor Authority, **Action:** Approve, **Moved by** Trustee Kathy Jacobson, **Seconded by** Trustee Sandy Banta.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Mayor Julie Van Domelen, Trustee Ed Bruder, Trustee Kathy Carroll, Trustee Kathy Jacobson, Trustee Kirk Udovich, Trustee Lavern Johnson, Trustee Sandy Banta.

V. Liquor Authority

1. Hotel & Restaurant License for Famous Dave's at 4196 Ute Hwy – Bill Ferguson, owner.

Mayor Van Domelen asked for staff comments. Deputy Clerk Watson stated this is a new application; the restaurant will be located at the Red Hill Motorcycle Werks. This is a unique situation it will have a BQ shack appearance, the restaurant will be located in a trailer in the front of the motorcycle shop, the premise will be defined, it will have the appearance of a road house. Joel Bryant, Vice President of Famous Dave's stated this is a good opportunity for the town and for them, the diner will not be fully enclosed but will be fenced off according to the state statues and we understand the trailer cannot be moved it has to stay in one place. We like to work with the communities. Mayor Van Domelen asked if he had ever had their liquor license suspended. Mr. Bryant stated yes in Lakeridge, it was the first and last and it was over 20 years ago on our second day of business. Thorton police sent in an underage person, the employee who served the minor was let go, we paid our fines and had our liquor license suspended for two days. We have been involved in compliance checks since then and have always passed. Trustee Carroll asked if the business were going to be open all year since it appears most of the seating is outdoors. Trustee Carroll asked if there would be live music. Mr. Bryant stated not at this time that the only music would be coming from the BQ shack. Mr. Bryant stated it would not be open year around at this time. Trustee Banta asked how many employees would be hired. Mr. Bryant stated approximately four. Deputy Clerk Watson stated she had not received any comments from the public against this application.

Mayor Van Domelen opened the Public Hearing at 8:03 pm.

Mercedes Ross, owner Red Hill Motorcycle Werks stated we enjoy having our business here, we are having to think differently in this economy and would like to have more business for Lyons, we jumped at this idea to help bring in more people to Lyons, Famous Dave's is a very popular restaurant. Trustee Banta stated she has concerns about the already busy traffic in that area with the gas station and hardware store. Ms. Ross stated we can work with Diamond Shamrock and CDOT, we have been there for 10 years, we accommodate cars coming through our property to get to the gas station. Public Hearing Closed at 8:07 pm.

Motion: Trustee Kirk Udovich moved to approve the liquor license application for Famous Dave's Hotel and Restaurant License. I specifically find that the establishment meets the reasonable needs of the neighborhood and the desires of the adult residents of the neighborhood. I also state the trailer that is used to prepare and serve the food will stay at that location in order for the kitchen to be deemed a valid kitchen for liquor license purposes.

Action: Approve, **Moved by** Trustee Kirk Udovich, **Seconded by** Trustee Kathy Carroll.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 9).

Yes: Mayor Julie Van Domelen, Trustee Ed Bruder, Trustee Kathy Carroll, Trustee Kathy Jacobson, Trustee Kirk Udovich, Trustee Lavern Johnson, Trustee Sandy Banta.

2. Special Event Permit Lyons Outdoor Games – Town of Lyons

Mayor Van Domelen asked if the Special Events Permits had been properly posted and advertised Deputy Clerk Watson stated they had been posted and advertised. Trustee Jacobson asked if all of Sandstone Park were to be fenced off for the permitted area. Deputy Clerk Watson stated the perimeter is the curb, no liquor will leave this area, Boulder County Sheriff's will be watching the area. Trustee Banta asked who did the beer tent last year. Deputy Clerk Watson stated the Town did the license under the Lyons Youth Softball, this will be the first year the Town is applying for the license on their own this way all the proceeds can go to the Parks and Recreation Dept. Trustee Bruder asked if the town would need any type of liability insurance. Deputy Clerk Watson stated it depends on who mans the beer tent, if they are employees or volunteers of the town, they are covered under the current insurance if a separate entity runs the beer tent then yes they would have to show liability insurance, we are waiting to hear the final answers from the insurance company.

Mayor Van Domelen opened the Public Hearing at 8:17 pm.

Manny Vasquez stated I have a question, I understand the area is to be a closed area, last year I saw lots of people going across the street to Oscar Blues with beer and people coming from the Liquor Store to the park with beer. When we or

the Chamber has had a beer tent we have had to fence the area with an exit and entrance, if there is not going to be a fence how is it going to be watched.

Public Hearing Closed at 8:18 pm

Trustee Jacobson asked if barrier tape could be put around the entire park. Deputy Clerk Watson stated the state does not dictate how, it just says control your perimeter. We have worked in the past with the Chamber using bales of hay and fencing, I think tape will suffice with the assistance of the Boulder County Sheriff Depart. Trustee Udovich stated would it not be better to create a beer garden rather than stating the entire park. Deputy Clerk Watson stated the entire expo is for the Lyons Outdoor Games, if you want to have the area reduced we can do that. Mayor Van Domelen stated everyone might not want to be in the beer area. Deputy Clerk Watson stated the preference would be to have the entire park be the premise so all the vendors could be inside the premise. After discussion the BOT agreed to reduce the size to make it more controllable as the whole park is not controllable. Trustee Jacobson stated she would like to see a new diagram. The BOT expressed concerns about crossing Broadway. Trustee Bruder stated it should not exceed one third of the area. Trustee Kathy Jacobson and it should not include the vendors. BOT agrees it is not a good mix to have people walking through the vendors with beer. Trustee Carroll suggested the premise only be 25 % of the park.

Motion: Trustee Kathy Carroll moved to have the Special Event site plan be amended so the beer service and consumption not exceed 25% of Sandstone Park and the area for beer service and consumption will not include any vendors. Also, the beer and service area will be fenced and with entry and exits that will be monitored.

Action: Approve, **Moved by** Trustee Kathy Carroll, **Seconded by** Trustee Kathy Jacobson.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Mayor Julie Van Domelen, Trustee Ed Bruder, Trustee Kathy Carroll, Trustee Kathy Jacobson, Trustee Kirk Udovich, Trustee Lavern Johnson, Trustee Sandy Banta.

3. Special Event Permit Centurion Bike Race – Town of Lyons

Deputy Clerk Watson stated this is the same situation, instead of the Lyons Youth Softball the Town will be pulling the Special Events Permit for the Centurion Race. The Expo area is a small premise that will be gated and monitored. The situation is the same for the insurance for this event as the Lyons Outdoor Games. Trustee Banta asked what the hours of operation would be as she could not find it on the application. Deputy Clerk Watson stated I think from about 10 am – 4 pm, we can get that figured out before sending in the application. Mayor Van Domelen stated or we could continue it. Trustee Jacobson suggested making it until 5 pm to be sure.

Mayor Van Domelen moved to open the Public Hearing at 8:32 pm – Public Hearing closes at 8:33 pm with no comments.

Motion: Trustee Kathy Jacobson moved to approve the Special Events Permit, that it has met the reasonable needs of the neighborhood and the desires of the adult residents of the neighborhood.

Action: Approve, **Moved by** Trustee Kathy Jacobson, **Seconded by** Trustee Kirk Udovich.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Mayor Julie Van Domelen, Trustee Ed Bruder, Trustee Kathy Carroll, Trustee Kathy Jacobson, Trustee Kirk Udovich, Trustee Lavern Johnson, Trustee Sandy Banta.

4. Special Event Permit Lyons Good Old Days – Lyons Chamber

Deputy Clerk Watson stated the public notice was properly posted for this event and that no public comment has been heard for or against. Jayne Rhodes has been doing this for a long time, this is the same set up as last year with a few minor changes. Jayne Rhodes stated the Chamber is old hat at this, we will serve Bud Light this year, we understand the area needs to be fenced and we have gone to great lengths in the past to fence in the premise area. Manny Vasquez helped us with the fencing in the past for nothing. Last year the town helped out with hay bales. We understand having to fence the area and monitor the gates. Basically this is the same application as last year, we pay for the Sheriff's ourselves and the portalets. All volunteers will be trained by Dan Bruckner from Spice of Life, we are looking forward to a successful event. Also we will carry our own liability insurance with a rider that covers the town.

Mayor Van Domelen opened the Public Hearing at 8:40 pm and closed the Public Hearing at 8:41 pm with no one speaking.

Motion: Trustee Kirk Udovich moved to approve the Special Events Permit, that it has met the reasonable needs of the neighborhood and the desires of the adult residents of the neighborhood.

Action: Approve, **Moved by** Trustee Kirk Udovich, **Seconded by** Trustee Lavern Johnson.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Mayor Julie Van Domelen, Trustee Ed Bruder, Trustee Kathy Carroll, Trustee Kathy Jacobson, Trustee Kirk Udovich, Trustee Lavern Johnson, Trustee Sandy Banta.

VI. General Business

1. Centurion Bike Race Agreement Update

Town Administrator Simonsen stated the Centurion representatives have resubmitted their plan with updated maps, traffic flows and the beer garden. We will meet with them again on Friday as we want to make sure they are aware of the concerns for Rocky Grass Festival. Craig Ferguson has offered to move the campers to Meadow Park this year. Meadow Park will be closed to the public July 16th to accommodate those waiting in line for the festival camping. Trustee Banta stated this is a great solution and thanked everyone involved in mediating this. Mayor Van Domelen stated it will be important for staff to monitor this situation to make sure things go smoothly. Administrator Simonsen stated town staff, Planet Bluegrass and Sgt Parker have looked at this several times and it will work out well. There will still be walk in traffic allowed by the public in Meadow Park but no parking or camping.

VII. Staff Reports

Administrator Simonsen introduced Jody Mc Clurkin the new Finance Director for the Town of Lyons. Finance Director McClurkin will be ready to bring the BOT up to speed at the next meeting.

Administrator Simonsen stated the town received eight applications for the judge's position. The selection committee includes myself, Trustees Jacobson and Udovich and Court Clerk Deborah Russell. The plan is to have the committee meet early next week and do interviews the following week.

Administrator Simonsen gave a brief update on the Main Street project including the irrigation lines, trees, landscaping and liquidating damages if the project is not completed soon per the contract.

Administrator Simonsen stated the Library has been presented with 4 options, we have talked with the Library Board. We had an open house to get comments from the public. Their input will be included before the last drawings are completed.

Administrator Simonsen stated she and Library Director Williams attended a session about forming a Library District, it is a very formal process.

Administrator Simonsen stated town staff, Mayor Van Domelen and Trustee Bruder met with the City of Longmont concerning the town's water and wastewater there are some long and short term goals we will need to meet.

Administrator Simonsen stated House Bill 1280 passed and was to be signed by the Governor today. Town Attorney Cox will be at the next BOT meeting to explain the bill and talk about the moratorium. Mayor Van Domelen stated the public and PCDC should be informed.

Administrator Simonsen stated the town collected \$1,800 towards Spring Clean up. Administrator Simonsen thanked staff and the BOT members who participated in the cleanup day.

Administrator Simonsen stated it has been determined that Planet Bluegrass has met all the obligations and requirements from CDOT, a public hearing notice was published in the Lyons Recorder, a public hearing was held and an analysis was done on the sound wall.

Administrator Simonsen stated May 27, 2010 would be the third of six mandatory furlough days for town staff.

VIII. Trustee Reports

Mayor Van Domelen appointed Lorena Christman to the PCDC, she has over 20 years experience in planning and will be a welcome addition to the PCDC.

Mayor Van Domelen appointed Dana Richards to the Board of Adjustments.

Trustees Bruder and Banta both resigned their positions on the Board of Adjustments since they are now on the Board of Trustees. The LMC does not allow for you to be a member of the BOA and BOT at the same time.

Trustee Johnson invited everyone to the History Program at town hall Sunday from 2 pm – 4 pm. Trustee Johnson stated at the Redstone Museum during Good Old Days there will be a signing of the new Lyons Pioneer Book. There will be a celebration for Fran Brackett on Saturday at 11 am during Good Old Days at the Visitor Center.

Discussion concerning vendors at Good Old Days.

Trustee Bruder stated he is the liaison with the Golden Gang, the Mayor and I would like to hold a senior summit in the near future and involve the senior services, at this point no one is sure what services are being offered, we need to centralize the efforts and make sure the needs of the seniors are met.

Trustee Carroll stated the Sustainable Future Commission has a chair, Justin Spencer has stepped down and Diane Dandeneau in the new chair. Trustee Carroll stated July 8th a substantial planner from Boulder County will present information concerning a zero waste grant and give guidelines for staff to move forward with zero waste events. Trustee Carroll stated the Sustainable Future Commission submitted a grant to replace the high pressure sodium street lights in town with 150 watt led lights.

Mayor Van Domelen stated she likes the idea of looking at senior services and has met with Care Connect that used to be RSVP out of Boulder County that uses volunteers to help with small repairs, etc for seniors. Mayor Van Domelen stated DRCOG has a program for the aging, we have LACCA and the Golden Gang, we need to get the groups together and have the Summit to find out what is available to see if the seniors of Lyons needs are being met.

Mayor Van Domelen stated the town needs to be looking at the criteria for the next TIP cycle, we need get a list of projects to see if there are any opportunities for us. We need to find out the deadlines and then move forward.

IX. Consent Agenda

1. May 3, 2010 Board of Trustees Meeting Minutes

2. Resolution 2010- 19, a Resolution Appointing Town Administrative Staff to the Members Council of the Nebraska Municipal Power Pool

Mayor Van Domelen asked that item #2 be removed from the Consent Agenda.

Motion: Trustee Lavern Johnson moved to approve item #1 of the Consent Agenda

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Mayor Julie Van Domelen, Trustee Ed Bruder, Trustee Kathy Carroll, Trustee Kathy Jacobson, Trustee Kirk Udovich, Trustee Lavern Johnson, Trustee Sandy Banta.

Action: Approve, **Moved by** Trustee Lavern Johnson, **Seconded by** Trustee Kathy Jacobson.

X. Second Reading Ordinances.

1. Public Hearing - Ordinance 880, an Ordinance Approving the Lease of Town Property to Raul Vasquez, Second Reading Administrator Simonsen stated Raul Vasquez is requesting another 3 year lease, this is for 2 separate parcels which they pay \$3,000 per parcel per year and is specifically for use associated with their business. Staff recommends approving the lease on second reading as this is common practice between the town and businesses in the area. Trustee Bruder stated the City of Longmont has expressed some concerns about structures the town has allowed in these areas. (this is town owned railroad property that runs behind the businesses and the City of Longmont and Lyons have water lines along the properties) Several businesses have crept into the space, the contract does state the leasee shall not make any improvements on the leased property and if there are the leasee would remove it at their cost. Discussion included use of the leased properties, allowance of structures over the years, liability insurance and guidelines for the leased properties. The BOT agreed the town should take a look at the properties and make note of structures that are in the area that is to be used for parking only and acknowledge they exist. Manny Vasquez acknowledged a structure that they know would have to be torn down if they did now have the lease on the property and stated when Lyons came through with the water line the structure was not anywhere near the line.

Mayor Van Domelen opened the public hearing at 9:50 pm and closed at 9:51 pm with no one speaking.

Motion: Trustee Kirk Udovich moved to approve Ordinance 880 with the following correction, that section 1 would include the language - to occupy leased town property for parking and temporary structures only.

Action: Approve, **Moved by** Trustee Kirk Udovich, **Seconded by** Trustee Kathy Carroll.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Mayor Julie Van Domelen, Trustee Ed Bruder, Trustee Kathy Carroll, Trustee Kathy Jacobson, Trustee Kirk Udovich, Trustee Lavern Johnson, Trustee Sandy Banta.

2. Public Hearing , Ordinance 881, an Ordinance Amending Section 1-6-6(A) of the Lyons Municipal Code Concerning the Time of Regular Meetings of the Board of Trustees, Second Reading

Town Clerk Anthony stated this ordinance would change the start time of the BOT meetings from 7:30 pm to 7:00 pm.

Mayor Van Domelen opened the public hearing at 9:52 and closed at 9:53 with no comments.

Motion: Trustee Kathy Carroll moved to approve Ordinance 881.

Action: Approve, **Moved by** Trustee Kathy Carroll, **Seconded by** Trustee Kathy Jacobson.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Mayor Julie Van Domelen, Trustee Ed Bruder, Trustee Kathy Carroll, Trustee Kathy Jacobson, Trustee Kirk Udovich, Trustee Lavern Johnson, Trustee Sandy Banta.

XI. Items Removed from the Consent Agenda

1. Resolution 2010 -19, a Resolution Appointing Town Administrative Staff to the Members Council of the Nebraska Municipal Power Pool

Mayor Van Domelen stated she removed the Resolution from the Consent Agenda to add the correct names to the blanks in the Resolution. Administrator Simonsen stated the Town of Lyons has a voting seat in the MNPP membership. I would recommend putting the Town Administrator as the representative and Public Works Director as the alternate.

Motion: Trustee Kathy Carroll moved to approve Resolution 2010-19 with Administrator Simonsen as the representative and Public Works Director Badker as the alternate.

Action: Approve, **Moved by** Trustee Kathy Carroll, **Seconded by** Trustee Lavern Johnson.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Mayor Julie Van Domelen, Trustee Ed Bruder, Trustee Kathy Carroll, Trustee Kathy Jacobson, Trustee Kirk Udovich, Trustee Lavern Johnson, Trustee Sandy Banta.

XII. Adjournment – Trustee Carroll moved to adjourn at 10:10 pm.

Respectfully submitted by;

Deb Anthony, CMC – Town Clerk

Mayor Julie Van Domelen