

AGENDA
TOWN OF LYONS
7:00 P.M., MONDAY, OCTOBER 18, 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, Mayor Pro Tem Kirk Udovich, Trustee Sandy Banta, Trustee Ed Bruder, Trustee Kathy Carroll, Trustee Kathy Jacobson.

Absent: Trustee LaVern Johnson (will be late due to SCFD meeting)

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 – present but no report.

IV. Audience Business - All comments will be limited to 4 minutes per person – no audience business

V. General Business

1. Resolution 2010-38, a Resolution Authorizing an Amendment to the IGA between the City of Longmont and the Town of Lyons concerning the Longmont Water Agreement.

Town Administrator Simonsen stated the Town of Lyons entered into an IGA for treated water service in July 2003. The agreement was modified in December of 2004 when the procedures for the operation and maintenance of the Pump Station were defined. The City of Longmont is requesting the following additional revisions to the IGA.

1. Clarify the operation and maintenance of the pump station to follow past practice. Longmont will only be responsible to maintain equipment within the Pump Station related to the pumping and conveyance of potable water. Lyons will be responsible for the operation of the Pump Station and maintenance of all other equipment and materials at the Pump Station not maintained by Longmont.

2. Reduce the base amount of Fixed Dedication to account for the subtraction of the water services from the number of service connections after identifying that 31 sewer services were included in the base amount that should not have been.

3. Define daily demand to not include emergencies for purpose of determining the additional System Availability charge.

Item #1 is a response to the installation of a chlorine injection unit that the City of Longmont does not feel was necessary to add to their 'clean' water, as well as their prediction that the chlorine being contained in the same room as the electronics will cause unnecessary erosion of the equipment. They do not want to be responsible for the operation and maintenance of this equipment, nor its consequences. The two remaining amendments are reasonable and have Lyons best interest in mind.

Ken Huson, Water Resources Administrator, City of Longmont gave a brief presentation about the original water agreement between Lyons and Longmont, how the water system works, where the water comes from, winter water and Button Rock storage rights. Mr. Huson stated it is a win win situation for Lyons and Longmont. Cal Youngberg, Environmental Service Manager from City of Longmont was also available to answer questions. Discussion included dedication of water shares, number of units/shares, charge from Longmont for new taps, bill from Longmont based on consumption, Lyons retains the ownership of water shares (are only given to Longmont to treat), future service demands, water rights, raw water, system availability charges (charge to provide treated water), surplus, shortfall, carryover from one year to next, addition of chlorination equipment, maintenance of the pumps, the main tank not being utilized to its full capacity and difference of opinions on the chlorination equipment.



Bob Alberts, Alberts Water/Wastewater stated he takes care of the Lyons wastewater plant and took care of the Lyons water treatment until Lyons made the switch to having Longmont treat the water. Mr. Alberts is still the licensed water operator for the town. Mr. Alberts explained the few total coliforms the town has experienced are due to the derogation of the water system, some of the pipes date back to 1920-1930, in order to protect from the coliforms a hypo chlorinator was placed on the line after the metering point.

The BOT agreed Longmont would not be responsible for anything past the metering point.

Discussion concerning water units are different depending on the type of tap.

The BOT directed Staff to look at who will be responsible for the operation and maintenance of the pump and report back to the BOT with a recommendation.

Motion: Trustee Kathy Jacobson moved to approve Resolution 2010-38.

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

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

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

2. Resolution 2010-34, a Resolution Approving a New Cable Television Franchise Agreement and Headend Lease Agreement with CAM'S CABLE, LLC

Staff asked to have this item tabled to the next BOT Meeting.

Motion: Trustee Sandy Banta moved to table Resolution 2010-34 to the November 1, 2010 Board Meeting.

Action: Table, **Moved by** Trustee Sandy Banta, **Seconded by** Mayor Pro Tem Kirk Udovich.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Mayor Julie Van Domelen, Mayor Pro Tem Kirk Udovich, Trustee Ed Bruder, Trustee Kathy Carroll, Trustee Kathy Jacobson, Trustee Sandy Banta. Absent: LaVern Johnson

FOR THE RECORD LAVERN JOHNSON IS PRESENT AT 8:09 PM

3. Sustainable Future Commission Solid Waste Action Team will be submitting a grant for the RCAB Community Outreach Program 2011, submission due date is November 8, 2010.

Trustee Carroll introduced Ashley Ahrens member of SFC. Mr. Ahrens presented the SFC proposal for a grant that the key projects would be main street recycling bins, community, citizen and business recycling, composting and an educational program. The BOT will have time to review the grant proposal before it is submitted. Discussion included recycling bins for the Parks as well as Main Street, looking at a private company to pickup recycling at curbside and zero waste interests of local businesses. Trustee Carroll stated it would be helpful to have the BOT pass a resolution in support of the grant. Staff was directed to have a resolution in support of the grant at the November 1, 2010 BOT meeting. Trustee Carroll stated a draft of the grant would be available in two weeks.

4. Decision regarding placement of public art (big yellow chair), being donated by Pam Soloman

Town Administrator Simonsen stated the town was contacted by Pam Solomon who recently purchased the big yellow chair on Main Street and would like to donate the chair to the town as a piece of public art that would become a trademark. Staff asked the Parks & Rec Dept and LAHC to give the BOT a recommendation whether to accept the donation and where to locate it. Town Administrator stated the town's insurance stated the chair is an attractive nuisance. Both Parks & Rec Dept and LAHC voted against accepting the donation of the chair but stated the intent by Pam Soloman was good. Discussion concerning public art and how other towns handle the acceptance of public art, displaying it, whether the chair was art or a play thing and insurance coverage. Trustee Banta stated she would like to take the request back to LAHC for further review. LAHC Chair Jules Swan stated LAHC discussed whether the chair was appropriate for how we are seen in Lyons and we were not sure the chair is appropriate for how we want to be seen. Although I have enjoyed watching people sit on the chair, the LAHC concluded it was not appropriate for town property. Ms. Swann stated Ms. Soloman did ask if the LAHC could take another look at putting the chair in Sandstone Park.



Motion: Trustee Kathy Jacobson moved to have the LAHC take more time to look at the donation and to look at the insurance options again.

Action: Table, **Moved by** Trustee Kathy Jacobson, **Seconded by** Trustee Ed Bruder.

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

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

5. Consideration of process for 2011 Fiscal Year Budget, including acknowledgement of receipt of draft budget, setting public hearing date, and discussion of work session schedule and direct Town Clerk to publish the notice of public hearing for the final budget.

Town Clerk Anthony explained to the BOT by state statute the BOT must acknowledge receiving the 2011 proposed Budget and set the public hearing and adoption of the 2011 Budget. Town Clerk Anthony stated due to other state statute requirements the BOT should schedule the public hearing for December 6th and schedule a special meeting to adopt the final version December 13, 2010 so the Finance Director has time to certify the budget. After a brief discussion the BOT stated they had received the 2011 proposed Budget and instructed the Town Clerk to post the public hearing for December 6th and the adoption of the 2011 budget at a Special Meeting to be held on December 13th 7:00 pm.

Trustee Bruder stated he would be out of town from December 7th - 17th.

6. Resolution 2010-39, a Resolution Amending the Policy for Public Art in Lyons (PAL) Through the Lyons Arts and Humanities Council (LAHC)

Town Administrator stated the current LAHC is recommending amending the Public Art Policy. LAHC if the town chooses to put art in a public place the town should carry some of the liability and the artist should insure their piece of art work. The document is now clearer and defines what the artist and the town are responsible for. Trustee Banta stated the LAHC felt the responsibilities needed to be made more clear for both sides his will be the first time the policy has been put to work. The BOT will be included in on the decision for permanent art but the temporary art will be approved by the LAHC.

Motion: Trustee Kathy Carroll moved to approve Resolution 2010-39.

Action: Amend, **Moved by** Trustee Kathy Carroll, **Seconded by** Mayor Pro Tem Kirk Udovich.

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

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

VI. Staff Reports

Town Administrator updated the BOT on:

Water Hydrant Flushing occurred this week in three separate neighborhoods. Only one complaint was noted and corrected immediately. This was coordinated with the Fire District.

Sewer Line Televising is complete for the season. There were three areas noted that need repair yet this year and a large portion of the system that has significant root growth into the system and must be removed and jetted. This will continue until completed this month.

Board Retreat: The Trustees held a retreat on Friday, October 8th. Their main accomplishment was the writing of a Mission Statement. It is still in its final drafting and will be shared in the near future. The Board also began work on a vision statement and a list of values that they share.

LAHC: The Lyons Arts and Humanities Council has been actively meeting and drafting updated policies. The public works department was able to place several more public art bases on Main Street, and hope to place another piece of art within the next week.

DRCOG: The two TIP applications and supporting documentation were delivered last week. The street enhancement project was submitted for a total of \$2.28 million dollars worth of improvements and the expanded bus service involved over \$400K worth of service. If you would like to look at the application or any of the drawing/maps, please visit with Victoria. Thank you for your patience while we put these important projects together.

Parks Update: The Bohn Park parking blocks are nearly complete! Thank you to the staffs who have worked hard on getting this done prior to snow fall. The dog park water feature is also completed. Repair to the fountain in Sandstone Park is being started.

Halloween Parade: The parade is scheduled for 6:00 p.m., Saturday, October 30th. There will be trick or treating downtown and a dance at Odd Fellows on Halloween.

VII. Trustee Reports

Trustee Johnson stated she attended SCFD ceremony to receive the \$2,250 grant for the Redstone Museum.

Trustee Banta stated she attended the monthly LAHC meeting, Tuesday, October 26th at 8:30 am.

Trustee Bruder gave an update on the EDC goals which include annexing some of the properties to the east of Lyons that are in the planning area. Discussion included having staff speak with the City of Longmont to see if they would be willing to annex the south water plant to Lyons. Mayor Van Domelen directed staff to talk with the City of Longmont and report back to the BOT.

Trustee Udovich stated the PCDC met and discussed the latest information from the State Task Force for Medical Marijuana. PCDC also worked on the Comp Plan Implementation Plan and have put a priority on finding a place in the zoning regulations for mother-in-law dwellings.

Trustee Carroll stated she was unable to attend the SFC meeting as she was busy getting the SCI grant out. Trustee Carroll stated the SFC worked on the RTD ECO Passes and will have some recommended dates for the bus pass photos.

Trustee Jacobson stated the library board met and they need guidelines from the state. Trustee Jacobson stated they talked about a youth liaison for the library.

Mayor Van Domelen stated she, Town Administrator Simonsen and Trustee Banta attended the Chamber Social and talked about board priorities, the initiative on the ballot and grant proposals for the town .

VIII. Consent Agenda

1. September 2010 Financials

2. September 2010 Clerk& Treasurer's report.

3. October 4, 2010 Board of Trustees Meeting Minutes

Town Administrator Simonsen stated at the request of Finance Director McClurkin the September Financial and Clerk & Treasure's Report should be pulled.

Motion: Trustee Kathy Jacobson moved to approve the October 18, 2010 Board of Trustees Meeting Minutes.

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

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

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

IX. Second Reading Ordinances.

1. Public Hearing - Ordinance 886 an Ordinance Repealing and Readopting Chapter 12 of Title 1 of the Lyons Municipal Code in its Entirety Regarding General Provisions Applicable to All Boards, Commissions, Committees and Other Advisory Bodies Established by the Town of Lyons - Second Reading

Discussion concerning the Board of Adjustment should be 5 members and live in the town limits, guidelines for the library responsibilities. The BOT agreed there would be changes to the Library Board.

Mayor Van Domelen opened the Public Hearing at 10:25 pm and closed at 10:26 pm with no one speaking.

Motion: Trustee Kathy Carroll moved to approve Ordinance 886 on second reading.

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

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

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

X. Items Removed from the Consent Agenda

Town Administrator Simonsen stated the September Financials and Clerk & Treasurer's Report should have been marked DRAFT, as we talked at the Budget Workshop the Finance Director is working on the Fund Balances with Caselle and will have the problems corrected by the November 8, 2010 budget Workshop.

Motion: Trustee Kathy Carroll moved to table the September 2010 Financials and the September 2010 Clerk & Treasurer's report to the November 1, 2010 Board of Trustees Meeting.

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

XI. Adjournment – Trustee Udovich moved to adjourn at 10:35 pm.

Respectfully submitted by;

Deb Anthony, CMC Town Clerk

Mayor Julie Van Domelen