


LYONS BOT WILL MEET FOR A 2011 BUDGET WORKSHOP AT 5:30 PM, MONDAY, NOVEMBER 15, 2010 @ THE LYONS TOWN HALL PRIOR TO THE REGULARLY SCHEDULED MEETING – THE PUBLIC IS WELCOME TO COME, BUT PUBLIC COMMENT WILL NOT BE TAKEN AT THE WORKSHOP

AGENDA
TOWN OF LYONS
7:00 P.M., MONDAY, NOVEMBER 15, 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 Ed Bruder, Trustee Kathy Carroll, Trustee Kathy Jacobson, Trustee La Vern Johnson, Trustee Sandy Banta.
- II. A Reflective Moment of Silence
- III. Sgt Kevin Parker, Lyons Substation Supervisor, Report
 Sgt Parker stated he has been working with Sam Tallent on the Christmas Crusade and to let him know if there is a family in need of help or would like to donate or help deliver.
- IV. Audience Business - All comments will be limited to 4 minutes per person – No public comment.
- V. Ordinances/Public Hearings
 1. Public Hearing – Ordinance 887, an Ordinance of the Town of Lyons Colorado Repealing and Readopting Section 1-4-6 and 5-3-16 of the Lyons Municipal Code Regarding the Penalties for Civil Traffic Infractions – Second Reading.
Town Administrator Simonsen stated by Ordinance 885, the BOT recently adopted the 2010 edition of the Model Traffic Code, promulgated by CDOT, as the source of regulations governing vehicles and traffic in the Town. During the course of the public hearing on that ordinance, the BOT reviewed the schedule of penalties set forth in Section 2 of Ordinance 885, and decided to increase the penalties for traffic violations from \$20.00 per point assessed against drivers to \$30.00 per point. Two other sections of the Municipal Code 1-4-6 and 5-3-16 contain the fine schedule and must be updated to conform to the penalties set forth in the newly adopted Model Traffic Code. Staff recommends approving Ordinance 887 on second reading.
Mayor Van Domelen opened the Public Hearing at 7:09 pm and closed at 7:10 pm with no public comment.
Motion: Mayor Pro Tem Udovich moved to approve Ordinance 887 on second reading. , **Action:** Approve, **Moved by** Mayor Pro Tem Kirk Udovich, **Seconded by** Trustee Kathy Carroll.
Trustee Bruder asked why zero point violations still have a fine attached. Sgt Parker stated all violations regardless of points have a fine attached.
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 La Vern Johnson, Trustee Sandy Banta.
- VI. Consent Agenda
 1. November 1, 2010 Board of Trustees Meeting Minutes
 2. October 2010 Financials
 3. October 2010 Clerk & Treasurer's ReportMayor Pro Tem Udovich asked to have the October 2010 Financials removed from the Consent Agenda.
Motion: Trustee Kathy Carroll moved to remove item #2 from the Consent Agenda and approve items #1 and #3.
Action: Approve, **Moved by** Trustee Kathy Carroll, **Seconded by** Trustee Kathy Jacobson.
Trustee Bruder stated he appreciated the extra effort in the minutes by Town Clerk Anthony to show the tone during the discussion with Cam's Cable at the last BOT Meeting.
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 La Vern Johnson, Trustee Sandy Banta.
- VII. General Business

1. Consideration of Special Event Permit Application for Proposed CycloCross Race, Saturday, December 18, 2010

Town Administrator Simonsen stated this would be the third year in a row for this event. They are asking to use a portion of Bohn Park; most of the event will be on the Lyons High School property. There will be a \$250 fee to use the park. Races will be 1K or 3K and are timed. At this point they have not asked for a liquor permit, if that comes up they will have to present that separately, at this point it is only for use of the park. Mayor Pro Tem Udovich stated this event brings people to town, it is a good group, it is a quiet event, and we should do this again.

Motion: Mayor Pro Tem Kirk Udovich moved to approve the Special Event Permit Applicant for the Cyclo Cross Race.

Action: Approve, **Moved by** Mayor Pro Tem Kirk Udovich, **Seconded by** Trustee La Vern Johnson.

Trustee Bruder stated I know it says they will rake the grass so it looks like they have not been there but what if there is snow. Town Administrator Simonsen stated they still rake the area and when spring comes you don't even know they were there.

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 La Vern Johnson, Trustee Sandy Banta.

2. Resolution 2010-43, a Resolution Approving an Addendum to the Town of Lyons Agreement for Purchasing Agent Services with the Municipal Energy Agency of Nebraska (MEAN)

Town Administrator Simonsen stated the Town is a customer of the Western Area Power Administration (WAPA), through which the Town receive firm power allocation through the Loveland Area Projects. As such, the Town will be entitled to receive Renewable Energy Credits from its hydroelectric power allocation beginning in 2011. The Credits will be tracked through the Western Renewable Energy Generation Information System (WREGIS). The Municipal Energy of Nebraska (MEAN) serves as the Town's Purchasing Agent for its firm power allocation, and WAPA has determined that MEAN can serve as the Town's Purchasing Agent forth Renewable Energy Credits as awe. In that capacity, MEAN will serve as the Town's point of contact and monitor the REC's in a single WREGIS account used by MEAN for all of its purchasing agent customers, meaning the Town will own its proportionate share of the WREGES account, currently at no cost to the Town. The Town has the option of owning a separate WREGES account but would be responsible for administering the account and paying all associated fees.

Discussion included what REC's are, how they are used and how they would be administrated. Trustee Bruder asked that in the future the BOT be given more information when it is something they have not dealt with before. Town Administrator Simonsen stated when MEAN comes to talk with the BOT about the electric and water rate studies they could explain the REC's.

3. Adoption of the Board of Trustees Mission Statement

On October 8, 2010, the Board of Trustees held their second Board Retreat. The Board reviewed the priorities that it had set at the July retreat, and embarked on defining a mission and vision for the Board of Trustees. The following statement is presented for adoption: **The Lyons Board of Trustees mission is to "Provide community leadership that fosters Lyons' unique economic, social, environmental, and cultural well being through efficient, forward thinking and accountable governance."** In addition to the mission statement, the Board members also discussed the development of a **vision statement**; the following are words that they hope describe Lyons in 2020: Historic, Small, Friendly, Tourists, Outdoor haven, Destination, Natural, Vibrant, Excellent services, Thriving, "Outdoorsy", Green, Awesome, A model of Ecological and economic sustainability, Fun, Unique, Small town charm, Artistic, Livable, Italian food, Retirement and Healthy Economy.

The board concluded that the recently adopted comprehensive plan truly reflects the vision that they have for the community and a separate statement may not be necessary. The following **values** were identified as important to the Board as they formulated their mission statement: Non-complacent, neighborliness, Environmental, Sustainability, Transparency, Openness, Honesty, Collaborative, Integrity, Innovation, Sensible, Service –oriented, Open-mindedness, Good management, Forward-thinking, Livability for ALL AGES, Accountability, Fairness, Inclusiveness, Striving to improve, Listen, Efficiency, Responsive, What to return. Staff recommends that the Board of Trustees adopt the mission statement as presented and consider identifying a motto to rebrand Lyons (as identified in the Comprehensive Plan) using the new mission, vision and values identified.

Town Administrator stated Trustee Jacobson suggested the motto be Challenge your body... Nourish your soul.

Mayor Pro Tem Udovich thanked Trustee Bruder for the mission statement, there was no reason to change it. We did add forward thinking to get away from this is the way it has always been. Lyons moving forward does challenge your body, there are lots of things in Lyons, music, art, people, nature. Trustee Jacobson stated it is a destination town not a pass through, it is a lovely destination. Mayor Pro Tem Udovich stated we looked at the business cards and stationary and it seems like a fantastic idea.

Motion: Trustee Ed Bruder moved to approve the Board of Trustees Mission Statement, **“Provide community leadership that fosters Lyons’ unique economic, social, environmental, and cultural well being through efficient, forward thinking and accountable governance.”**

Action: Approve, **Moved by** Trustee Ed Bruder, **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 La Vern Johnson, Trustee Sandy Banta.

Mayor Pro Tem Udovich stated if we change the motto to Challenge your body....Nourish your soul we would be eliminating the Double Gateway to the Rockies. Trustee Johnson stated we are known on the outside as the Double Gateway, can’t we use them both? Trustee Jacobson stated the gateway suggests a pass through we need to emphasize staying here. Trustee Johnson stated we could interpret it as we are the town at the gateway, the one to look to and come to. Trustee Bruder stated or the gate keeper.

Trustee Johnson suggested a contest for the logo. Town Administrator Simonsen stated I think there is room for both. The Comp Plan has this as a goal for the EDC to look at branding and a new logo. Discussion on how to get the best input from the public, suggestions were the Town web site, the Chamber and face book. Town Administrator Simonsen stated Ms Pederson from NMNP could come and help with the rebranding. Direction was to have EDC take a look at this and to have Ms. Pederson help with the process. Mayor Van Domelen stated the EDC should come back to the BOT with their branding and logo, but the BOT will make the final decision.

VIII. Items Removed from the Consent Agenda

1. October Financial

Mayor Pro Tem Udovich expressed concerns about the negative balance in savings account on the financials. Finance Director McClurkin stated look at the cash combined funds, there is still some residual from separating the funds from the general fund from being all inclusive, I have not had enough time to work on this but it is my goal by the end of the year to get this cleared up. I don’t have clean reports that I can pull deposits from the different accounts, that particular number is erroneous. Mayor Pro Tem Udovich stated the number under the general fund is \$200,000 shy of the 3 month buffer the BOT voted on last year. Finance Director McClurkin stated Town Administrator Simonsen and I are working on a 3 – 5 year plan to get that turned around, it will take some time to get this turned around. Mayor Van Domelen stated we are not so far off when you look at the reimbursements still due the town from the Main Street Project. Trustee Banta questioned the added and dispersed numbers in other funds. Finance Director McClurkin stated that is an error in the balance, I have not had the time I would like to spend on this there are going to be some errors. Mayor Van Domelen asked does this confirm it is a spread sheet problem. Finance Director McClurkin stated it is in the formula, I did it wrong I hope you can accept that. Finance Director McClurkin stated I am going to have to demand Caselle give me a report that does the separating of funds. The Clerk and Treasure’s report is basically an attempt at a cash flow statement and they should flow together with the cash balance and they should match with the cash deposit. I have to go back and separate the funds, it is not easy to interpret the reports. Trustee Banta asked about monies deposited.

Finance Director McClurkin stated some of the reports give the impression we have more that we do, I think the format is misleading. I hope to have a real cash flow system of reports for you by 2011. Finance Director McClurkin asked do you want this format or do you want a more traditional cash statement. Mayor Pro Tem Udovich and Trustee Banta stated we are not here to attack you we are just trying to understand the numbers. Finance Director McClurkin gave a brief summary of the sales tax that was reported, the October numbers are up 2.9% from last year.

Motion: Mayor Pro Tem Kirk Udovich moved to approve the October 2010 Financials. , **Action:** Approve, **Moved by** Mayor Pro Tem Kirk Udovich, **Seconded by** Trustee Kathy Carroll.

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 La Vern Johnson, Trustee Sandy Banta.

IX. Trustee Reports

Trustee Carroll stated the Energy Task Force will meet on Thursday to work on their goals for 2011.

Mayor Pro Tem Udovich stated the PCDC discussed the proposed medical marijuana ordinance, the issues were grow operations in the agricultural zones and how to look at it as a conditional use review without violating confidentiality, still notify the neighbors and hold a public hearing, it is a slippery slope. Town Administrator Simonsen stated the draft ordinance was in your packet. Discussion concerning where staff is on the business end of the marijuana

regulations and getting them in place by March so they coincide with the State regulations. 

Trustee Bruder stated he met with the organizers of Refreshing the Soul and they are willing to put on the Senior Summit for Lyons, I am impressed with their enthusiasm, the summit should take place in the spring. We will roll out parts of what to anticipate as soon as we can, this will be faith based within the community. Trustee Bruder stated there were 279 people sign up for bus passes Saturday for a total of about 600, the next day to sign up will be Tuesday at Town Hall.

Mayor Pro Tem Udovich stated he would be gone until December 3, 2010.

Trustee Banta stated she attended the Denver Colorado Business for the Arts last Friday, it was about the effect arts and culture has. In 2009 Denver figures they received 1.4 million dollars due to arts and culture events. They figure those in town spent an average of \$21.00 at an event and those from out of town spent \$83.00 per event. It was interesting to see the business community supporting the arts, I hope this filters into Lyons. Trustee Banta stated I know when Jules has an art show more people go out to eat after seeing the art show.

Trustee Banta stated she would be attending the Chamber meeting on Thursday to discuss sales tax and if anyone had anything they wanted her to address with the chamber with to let her know. Trustee Jacobson asked that the businesses stay open at least one night during the holidays and for them to stay open the night of the Christmas parade and the nights of the light show at Sandstone Park. Trustee Johnson asked that the Chamber help keep the Visitors Center open from the middle of May to the middle of October.

Trustee Johnson stated the Lyons Foundation Gala was nice. The Redstone Museum received \$ 3,300 for the kid's summer program and for the history video. Trustee Banta stated the LAHC received \$700.

Mayor Van Domelen stated she wanted the liaisons to the different committees to make sure they know they don't have to apply again if they are already members; we need to figure out the terms and acknowledge the appointments. Mayor Van Domelen asked that this be on the agenda for the next BOT meeting.

X. Staff Reports

Town Administrator Simonsen's report read as follows:

Governor's Energy Office Grant: The Town has been notified that they have been awarded a \$3,681 grant for the replacement of "Old Town" high pressure sodium street lights with LED lighting. The lights will be competitively bid and installed in December. Thank you to Trustee Carroll and the Sustainable Future Committee for their pursuit of this funding.

RTD Eco Pass: The Town hosted its first Eco Pass sign up last Saturday. Nearly 300 people signed up for the 13 month complimentary RTD pass! The next sessions will be held Saturday, November 13 from 8 – 12 pm at Walt Self and on Tuesday, Nov. 16th from 2 – 8 pm at Town Hall. Thank you to the staff for working the event on a Saturday and to Sustainable Futures Committee members for their continued support.

Planet Bluegrass: Staff met with Planet Bluegrass representatives to discuss the camping and parking plans for the 2011 season. They will be using Meadow Park again this year for early line up and camping. Dates for Rocky Grass are July 29 -31st and for Folks Festival August 19-21st. The events will be run very similar to this year, with minor staffing changes.

Lyons Ditch: Staff met with Lyons Ditch board members to review the plan to restore the Lyons Ditch in the Park/Evans Street alley. It was decided that the ditch would pay for the pipe under the 3rd Avenue street (with the Town paying above for elliptical piping) and that the project would be rebid and scheduled for March 2011. The group decided to tap and cap the new line upon installation so property owners would not be doing so individually. The town administrator will contact Valley Bank to discuss the needed maintenance to their section of the ditch pipe and the subsequent water flowing over the sidewalk and that location which creates a public liability.

MMJ Zoning Ordinance Public Hearing: The PCDC will be hosting a public hearing on Monday, November 22 at 7:00 pm to hear input regarding proposed zoning of medical marijuana businesses. Attached is a copy of the proposed regulations. Following the public hearing, the PCDC will make a recommendation to the Board of Trustees. Trustee Bruder reported that the State may have their regulations in place as early as March 2011. The Town ordinance stated that our rules would be in effect in July 2011 or prior to that if the State passed statute.

Kayak Slalom Course: The kayak slalom course that was previously installed on the river near the October hole has been moved to the Lyons Valley Park western pond. The water in the river is too low for kayaking and the group requested to use the pond during the fall/winter months. If you have any concerns regarding this, please notify the Town Administrator please.

Northern Colorado Water Conservancy District is hosting their Fall water users' meeting on Thursday, November 18th in Loveland from 8 - 2. If anyone is interested in attending on Lyons behalf, please contact Administrator Simonsen. Lunch is provided and the keynote luncheon speaker is Denver Water's new manager, Jim Lochhead. Other agenda items include a preview of the 2011 water year, Horsetooth water quality study and a review of the November election results and the impact on the District users.

Town Administrator Simonsen stated we discovered today that out at the pump station that we all toured has had significant corrosion in the last 6 months. I would like permission to investigate this and take appropriate action. The action to be talked will be with the personnel responsible for maintaining and overseeing the pump station maintenance. Town Administrator Simonsen stated we may need to transfer some money between electric and water to fix the damage that has occurred.

Motion: Trustee Kathy Carroll moved to empower staff to investigate and do what is necessary within the contract guidelines and if a special meeting is needed to take appropriate action the BOT will be notified.

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

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 La Vern Johnson, Trustee Sandy Banta.

XI. Adjournment – Trustee Carroll moved to adjourn at 8:40 pm

Respectfully submitted by;

Deb Anthony, CMC – Town Clerk

Mayor Julie Van Domelen