

**LYONS BOT WILL MEET FOR A WORKSHOP CONCERNING RECOMMENDATIONS FROM PCDC TO BOT CONCERNING  
ORDINANCE 888 AND ORDINANCE 889 AT 6:00 PM, MONDAY, DECEMBER 6, 2010 @ THE LYONS TOWN HALL PRIOR TO THE  
REGULARLY SCHEDULED MEETING - (SEE ORDINANCE TITLES BELOW)**

**AGENDA**

**TOWN OF LYONS**

**7:00 P.M., MONDAY, DECEMBER 6, 2010**

**BOARD OF TRUSTEES MEETING**

**SHIRLEY F. JOHNSON COUNCIL CHAMBER**

**LYONS TOWN HALL, 432 5<sup>TH</sup> AVENUE, LYONS, COLORADO**

**I. Roll Call and Pledge of Allegiance**

**Roll Call.**

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

**Absent:** Trustee Kathy Carroll (will be late)

**II. A Reflective Moment of Silence**

**III. Sgt Kevin Parker, Lyons Substation Supervisor, Report**

Sgt Kevin Parker was not present; Town Clerk Anthony gave his report. The Sheriff's Department has arrested 2 persons involved in the burglaries at John's Well Service. Sgt Parker also wanted to tell the BOT the Parade of Lights, Light Show at Sandstone and Fireworks were a success and commended the Parks and Public Works for a job well done. The Sheriff's Dept did arrest a person at the Parade who was being obnoxious, had an open container and active warrant. They have also found some finger prints at Meadow Park associated with the graffiti.

Mayor Van Domelen asked for a motion to remove items #5. Ordinance 888 and #6. Ordinance 889 under VI. Ordinances/Public Hearing from the agenda. Mayor Van Domelen stated in light of the workshop it was determined we need to work out the zoning at the same time as the business licenses, enforcement and regulations. Staff has presented a time line that includes 3 public hearings in January for public input.

**Motion:** Mayor Pro Tem Udovich moved to remove items #5 and #6 from VI. Ordinances/Public Hearings in order for the PCDC and the BOT to work on the zoning at the same time as the business licenses, enforcement and regulations ,  
**Action:** Remove items #5 and #6 from VI Ordinances/Public Hearings, the BOT will not be hearing these ordinances at this time. **Moved by** Mayor Pro Tem Kirk Udovich, **Seconded by** Trustee Sandy Banta.

**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 Jacobson, Trustee LaVern Johnson, Trustee Sandy Banta. **Absent:** Trustee Kathy Carroll.

**IV. Audience Business - Limited to 15 minutes – no public comment**

Pastor Micki Lohr, The River Church, spoke to the BOT about the Marijuana issues in front of the BOT. Mr. Lohr stated he sees the effects the marijuana has on the younger generation and does not want the town to allow the dispensaries.

**Motion:** Trustee Kathy Jacobson moved to close 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, Mayor Pro Tem Kirk Udovich , Trustee Ed Bruder, Trustee Kathy Jacobson, Trustee LaVern Johnson, Trustee Sandy Banta. **Absent:** Trustee Kathy Carroll

**V. Liquor License Authority**

1. Special Events Permit – Colorado Brewer's Guild submitted a Special Events Permit Application with the annual Lyons Cyclocross Bicycle Race, December 18, 2010

Deputy Clerk Watson stated the Colorado Brewer's Guild submitted this Special Events Permit in conjunction with the annual Lyons Cyclocross Series Bicycle Race. The site was posted November 24, 2010. The Town has not received any

objections to this permit. Code requires they hire an officer to be present due to the alcohol and Sgt Parker will be covering this event.

Mayor Van Domelen opened the Public Hearing at 7:26 pm.

Brian cliski, spoke in support of the event and stated he has been helping organize the event and thanked the BOT for letting the have this event, this will be the third year.

Public Hearing Closed at 7:28 pm.

**Motion:** Mayor Pro Tem Kirk Udovich moved to approve the Special Events Permit for the Lyons Cyclocross Series Bike Race.

**Action:** Approve, **Moved by** Mayor Pro Tem Kirk Udovich, **Seconded by** Trustee Ed Bruder.

**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 Jacobson, Trustee LaVern Johnson, Trustee Sandy Banta. Absent: Trustee Kathy Carroll.**

2. New Liquor License – Smokin’ Dave’s BarBQ & Taphouse have submitted application for a Hotel and Restaurant Liquor License @ 228 Main Street

Deputy Clerk Watson stated this application was filed on October 19, 2010, they are applying for a Hotel & Restaurant license. The premise was posted on November 1, 2010. The applicant is leasing the property. Mayor Pro Tem Udovich asked if there were any objections to this license. Deputy Clerk Watson stated the Clerk’s office has not heard any objections. The applicants, David and Cathy Oehlman live in Estes Park and are happy to become a part of the community. Trustee Banta asked if they had ever had any violations at the Estes Park business. Mr. Oehlman stated they have had a liquor license since 1995 at their business in Estes Park and have not had any violations. Mr. Oehlman stated we are very involved in the Estes community.

Mayor Van Domelen opened the Public Hearing at 7:33 pm

Ann Schonlau, Lyons, stated I live in the town house adjacent to this property; I have spoken with Ms. Oehlman and know the facility in Estes and hopes the one in Lyons will be the same. Ms. Schohlau stated there were problems with the previous owner that disturbed the neighbors. There was little response from the previous owners concerning the noise and smell. Ms. Schonlau stated questions for the new owner would be the parking issues, the lot it small and there were issues with the previous patrons parking in the residential area and along the road, we know the food is good, there is going to be traffic issues, the overflow will affect the neighbors there may also be a problem with smoke depending on where the meat is cooked.

Public Hearing closed at 8:40 pm.

Mr. Oehlman stated as far as operation hours, we close the restaurant in Estes at 8:00 pm, I don’t know for sure what time we would close here but we have no intention of it being late or having music. We have talked about special events at the cabin but do not have anything planned at this time, this is a family oriented business. Mr. Oehlman stated we want to communicate with you, if you have a problem please come talk to us about it. We are concerned about where to put the smoker, we have talked about putting in the front of the building, the smoker runs for 4 hours at this time we will try in the afternoon and while people are sleeping. The fumes that come from the exhaust when cooking is being done in the building there may be a potential to smell during business hours we will do the best we can. Mayor Van Domelen stated the town has put in for a grant along the eastern corridor that includes sidewalks and pedestrian crossings that may alleviate some of the problems.

Trustee Udovich stated in regards to parking it may help to restripe the parking lot to get the maximum number of spaces and better flow.

**Motion:** Trustee Sandy Banta stated I move to approve the liquor license application for Smokin’ Dave’s BBQ & Taphouse, I specifically find that the establishment meets the reasonable needs of the neighborhood and the desires of the adult residents of the neighborhood.

**Action:** Approve, **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 Jacobson, Trustee LaVern Johnson, Trustee Sandy Banta. Absent; Trustee Kathy Carroll**

**Motion:** Trustee Kathy Jacobson moved to close the Liquor Authority and open the Board of Trustees Meeting.,

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

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

VI. Ordinances/Public Hearings

1. PUBLIC HEARING – Resolution 2010 – 44, a Resolution Designating and Setting Aside “Reserve Increases”, Defining Enterprise Funds and Declaring Emergency Reserve.
2. PUBLIC HEARING – Resolution 2010- 45, a Resolution Summarizing Expenditures and Revenues for Each Fund and Adopting a Budget for the Town of Lyons, Colorado for the Calendar Year Beginning on the First Day of January 2011 and Ending on the Last Day of December 2011.
3. PUBLIC HEARING – Resolution 2010-46, a Resolution Levying General Property Taxes for the Year 2010 to Help Defray the Costs of Government for the Town of Lyons, Colorado, for the 2011 Budget Year.
4. PUBLIC HEARING – Resolution 2010-47, a Resolution Appropriating Sums of Money to the Various Finds in the Amount and for the Purpose as Set Forth Below, for the Town of Lyons, Colorado for the 2011 Budget Year

Mayor Van Domelen opened the Public Hearing for Resolution 2010-44, 2010-45, 2010-46 and 2010-47 at 8:20 pm. Peter Baumgartner, Ewald St, Lyons – asked if any additional cuts had been made to Parks and if there were any additional resources for next year. Town Administrator Simonsen stated Parks Director Cosgrove is working on three different options for pay for parking in Bohn Park.

Mayor Van Domelen closed the Public Hearing at 8:25 pm

**Mayor Van Domelen stated the BOT will have a Special Meeting on Monday, December 13, 2010 to adopt the 2011 Budget.**

**Item #5 and #6 were pulled from the Agenda**

5. First Reading, Ordinance 888, an Ordinance Amending the Town of Lyons Zoning Regulations, Title 9 of the Lyons Municipal Code to Create and Allow Medical Marijuana – Related Businesses in Certain Zoning Districts. (If passed on first reading the public hearing will be set for Jan 4, 2011)
6. First Reading, Ordinance 889, an Ordinance Amending the Town of Lyons Zoning Regulations, Title 9 of the Lyons Municipal Code to Create a Medical Marijuana Business Restricted Overlay Zone. (If passed on first reading the public hearing will be set for Jan 4, 2011)

**Trustee Kathy Carroll present at 8:30 pm.**

VII. Consent Agenda ( items removed to be discussed under General Business)

1. November 15, 2010 Board of Trustees Meeting Minutes
2. November 2010 Accounts Payable

**Motion:** Mayor Pro Tem Kirk Udovich moved to approve the Consent Agenda., **Action:** Approve, **Moved by** Mayor Pro Tem Kirk Udovich, **Seconded by** Trustee Kathy Jacobson.

**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 LaVern Johnson, Trustee Sandy Banta.**

VIII. General Business

1. Resolution 2010-50, a Resolution Authorizing an Amendment to Resolution 2010-38, an IGA between the City of Longmont and the Town of Lyons concerning the Longmont Water Agreement.

Town Administrator Simonsen stated on October 18, 2010, the BOT passed Resolution 2010-38, an Amendment to the Intergovernmental Agreement with the Town of Longmont concerning arrangements for the Town’s water services. The original draft was proposed to Lyons in January 2010 following a one year’s notice in November 2009 that Longmont would no longer be providing maintenance and operation to the Lyons Pump Station. The process was finalized in October 2010 through the acceptance of the amended agreement. Upon the final review of the amendment by the Longmont City Attorney’s they are requesting that further amendments be made to better reflect the current arrangement between the two communities, now that the one year time period has elapsed. The agreement states the City of Longmont will no longer be responsible for operation and maintenance of the pump station as of December 1, 2010.

Discussion concerning the chlorinator and corrosion of some of the pipes at the pump station, the cleanup of the pump station, the review of the water services arrangement and Longmont’s willingness to continue to service the pump station for an additional 60 days until we can make those arrangements.

**Motion:** Trustee Kathy Carroll moved to approve Resolution 2010-50. , **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, Mayor Pro Tem Kirk Udovich , Trustee Ed Bruder, Trustee Kathy Carroll, Trustee Kathy Jacobson, Trustee LaVern Johnson, Trustee Sandy Banta.

IX. Items Removed from the Consent Agenda – no items were removed from the Consent Agenda

X. Trustee Reports

Trustee Johnson stated the Parade of Lights and other events for the weekend were great. Trustee Johnson stated Parks and Rec will be having a meeting to discuss long range goals.

Trustee Banta stated the Art Show hosted by the LAHC at Town Hall over the weekend was a success. Trustee Banta stated she attended the Chamber meeting at the end of November and spoke about the sales tax audits the Town is doing.

Mayor Pro Tem Udovich stated hats off to Kyle Miller (Public Works) for the incredible light show he put on for the Town.

Trustee Jacobson stated attendance was down at the Lyons Holiday Bazaar this year.

Trustee Carroll gave an update on the Main Street Energy Efficient Grant for commercial lighting; local businesses could get up to \$7,500.

Mayor Van Domelen stated she and Trustee Bruder are planning on holding a the Senior Summit this spring.

Mayor Van Domelen attended the Consortium of Cities meeting. Mayor Van Domelen stated KGNU radio station is promoting the Lyons Eco Pass.

Mayor Van Domelen appointed John Burke (OT), Joshua Buster (OT), Jerry Kuban (T), Gabrielle Cornell (T), Robin Young (OT), Karen Bennett (T) to the Economic Development Committee.

XI. Staff Reports

Town Administrator Simonsen's report read as follows;

RTD Eco Pass: The Town hosted its three Eco Pass sign up sessions in November. Approximately 1,000 signed up for the 13 month complimentary RTD pass! For those who were unable to attend the scheduled sessions, you can still sign up and get your photo taken at Town Hall on Fridays between 9:00 – 4:00. We are awaiting the arrival of the passes and will notify individuals with an email blast and public announcements on when and where they can pick them up.

Budget Update: Staff and the BOT have spent weeks on preparing a 2011 balanced budget. A public hearing will be held on December 6 at 7:00 p.m. to receive input on the budget and a special meeting will be held at 7:00 p.m. on December 13<sup>th</sup> to adopt the budget, prior to the State's deadline of December 15, 2010. Thank you to everyone who has been involved throughout this process and for making the necessary changes and cuts that lead to the balanced budget.

Water Pump Station: The chlorine corrosion and damage that occurred at the water pump station has been cleaned up and repaired. The pipes that connected the chlorine injector tubing to the water system were completely corroded, causing no chlorine to enter the system. These pipes were replaced with stainless steel and the chlorine injection system and chemicals were removed from the facility. It appears that instead of going into the system, the chlorine was dripping down the main pipe and into a pit that hosts the water main leading into town. The main that was submerged in the chlorine solution was sand blasted and scheduled to be re-coated. The final cost of repairs is yet to be known. The State Department of Health was notified of the situation and told that the chlorine injection system has been removed. Water sampling is occurring twice a week to monitor the level of chlorine in the system. So far, no significant changes have been noted. Administrator Simonsen and Town Attorney Cox are reviewing the situation and determining the best course of action regarding Alberts Waste Water Services. Since the incident, they have been asked not to enter the pump house.

MMJ Zoning Ordinance Public Hearing: The PCDC hosted a public hearing on Monday, November 22 to hear input regarding proposed zoning of medical marijuana businesses. Although the room was full, only two people from the public gave formal input. Following the public hearing, the PCDC made a recommendation to the Board of Trustees, which is now presented to the Board for adoption.

Longmont Water Diversion Request: Administrator Simonsen and Water Attorney Carolyn Burr met with Longmont officials to discuss their request for an additional point of diversion on the St. Vrain River. Longmont has a strong interest in maintaining the water diversion structure currently owned by Lyons and located upstream from the de-commissioned water plant in Apple Valley. Discussions will continue.

XII. Adjournment – meeting adjourned at 9:35 pm

Respectfully submitted by;

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Deb Anthony, CMC – Town Clerk

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Mayor Julie Van Domelen