

TOWN OF LYONS  
**7:00 P.M., TUESDAY, JANUARY 4, 2011**

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 - 5 minutes -  
**Roll Call.**  
**Present: Mayor Julie Van Domelen, Trustee Ed Bruder, Trustee Kathy Carroll, Trustee Kathy Jacobson, Trustee LaVern Johnson, Trustee Sandy Banta.**  
**Absent: Mayor Pro Tem Kirk Udovich.**
- II. A Reflective Moment of Silence
- III. Sgt Kevin Parker, Lyons Substation Supervisor, Report  
Sgt Parker stated it has been a relatively quiet week, we had a minor incident of graffiti at the grade school which Officer Fell is following up with and we are continuing to look at the other graffiti cases also.  
Sgt Parker stated Lyons area resident Chuck Cullum died in a plane accident; the Sheriff's Dept has been doing what they can to help the family.
- IV. Audience Business - All comments will be limited to 4 minutes per person
- V. Ordinances/Public Hearings
  1. First Reading - Ordinance 891, an Ordinance Amending the Town of Lyons Annexation Regulations, Title 9, Chapter 7 of the Lyons Municipal Code – First Reading  
Discussion concerning whether first readings of ordinances should be under Consent Agenda or Ordinances/Public Hearing. Town Attorney Cox stated first reading ordinances have been put under the Consent Agenda to try to keep the discussion down until the scheduled public hearing but the BOT could hold study or work sessions on ordinances in advance of first reading or staff could give a brief overview of the ordinance at first reading. Public comment is not normally taken during first reading. Discussion also included whether substantial changes could be made between first and second readings. It was determined that staff would provide background at the first reading for the BOT and the ordinances would be listed under V. Ordinances as first reading – no public hearing or second reading – public hearing so the public will know if the BOT is receiving public input.  
Deputy Clerk Watson stated the Ad Hoc EDC has created an Annexation Incentive Plan for 2011 that would allow Boulder County property owners the opportunity to affordably annex into Town as commercially zoned property. Part of the Incentive Plan is to streamline the annexation process so that it is more efficient, less expensive for the petitioner and easier to process for Town Staff and the BOT. Over the years, the Lyons Municipal Codes Annexation Regulations have been put together piecemeal, and a lot of the requirements are obsolete due to current technology. Discussion at the PCDC level has led to the position that the Town adopts the Annexation Regulations from the Model Zoning Regulations, which fully comply with Colorado Revised Statutes, but still keep Chapter 9-7-6, relevant to residential annexation of five acres or greater. The PCDC publicized a public hearing for December 27, 2010, but that hearing was not held due to lack of quorum. A new public hearing has been set for January 10, 2011. Deputy Clerk Watson stated the BOT should have the benefit of a PCDC recommendation to aid their decision and the revisions to the annexation regulations are part of the incentive plan. Deputy Clerk Watson stated the town would get property tax for the properties annexed into town, the town would give each non residential property annexed into Town during this time a water tap credit equal to a ¾" tap (if rezoned to residential the tap credit is forfeited), the petitioner would receive the \$17,500 asset upon annexation which could be used as an incentive at the point of development, the Town would also delay the water share dedication until the time of final plat. PCDC will conduct a public hearing January 10, 2011 and will have a recommendation for the BOT by second reading. Discussion included the need to educate the public regarding annexing commercial property, annexation of property owned by Town of Lyons or any other governmental entity being exempt from a regular or special election, annexation of any non residential property over five acres being exempt from regular or special election. The BOT stated they want to know more about this, they felt they were not given any background information concerning properties being exempt from public vote, they thought this was supposed to be administrative but policy issues are involved. The BOT agreed this would require a lot of discussion. Mayor Van Domelen stated we want to know more, we don't have any background information; it is not on the web site. Trustee Bruder stated we need to explain why we are going this way, the tax increase failed, the Comp Plan states we are moving to commercial and felt it would be less harmful to include this language for non residential, this has been discussed by the EDC and PCDC and was part of the power point presentation the BOT watched. Mayor Van Domelen stated this would be best handled with considerable discussion, the BOT has not discussed this, there have not been any public hearings, we need to have a work shop so we know what properties are involved, this is a time sensitive issue. Trustee Carroll asked if the PCDC would hold a public

hearing. Deputy Clerk Watson stated they would. Mayor Van Domelen asked if the ordinance could be tabled/continued to the next BOT meeting. Trustee Carroll stated the ordinance is independent of the resolution. Town Administrator Simonsen stated we could clean up the ordinance and it would still allow us to get this done in 6 months. Trustee Banta stated she would not be able to vote for this ordinance the way it is. Deputy Clerk Watson stated the EDC has been working on this, I know it is a major road block but I think the timing is right. Mayor Van Domelen stated we need a written recommendation from the EDC and PCDC. Trustee Carroll stated she supports the resolution but not the ordinance at this time. Trustee Jacobson stated this section (LMC 9-7-6) is the only one I also have a problem with. Trustee Banta, Trustee Jacobson stated they would support the resolution but not the Ordinance. Mayor Van Domelen asked if they removed 9-7-6 in Ordinance 891 would the BOT be willing to pass on first reading. Trustee Bruder stated this is forever but the other is only for the 6 month incentive, we need to streamline the process for the incentive. Deputy Clerk Watson asked if the BOT were to table this to the next meeting to change the dates on the incentive package.

**Motion:** Trustee Sandy Banta moved to approve Ordinance 891 on first reading with the following changes, remove changes to 9-7-6(B) regarding public vote and retain as is currently written.

**Action:** Approve, **Moved by** Trustee Sandy Banta, **Seconded by** Trustee LaVern Johnson.

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

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

VI. Consent Agenda ( items removed to be discussed under General Business) - 5 minutes -

1. December 20, 2010 Board of Trustees Meeting Minutes

2. December 2010 Accounts Payable

**Motion:** Trustee Kathy Carroll moved to approve the Consent Agenda

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

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

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

VII. General Business

1. Resolution 2011-1, a Resolution Designating the Official Public Notice Location and the Official Newspapers of General Circulation for the Town of Lyons, Colorado

Town Clerk Anthony stated the Town is required by state statute to designate the Official Public Notice Location and the Official Newspaper of General Circulation the first meeting of every year. We are asking the BOT to approve the Lyons Recorder as the Official Newspaper of General Circulation and the board in the front office to be the Official Public Notice of Location. Mayor Van Domelen abstain herself from voting as she has ownership in the Lyons Recorder.

**Motion:** Trustee Sandy Banta moved to approve Resolution 2011-1, **Action:** Approve, **Moved by** Trustee Sandy Banta, **Seconded by** Trustee Ed Bruder.

**Vote:** Motion passed (**summary:** Yes = 5, No = 0, Abstain = 1).

**Yes:** Trustee Ed Bruder, Trustee Kathy Carroll, Trustee Kathy Jacobson, Trustee LaVern Johnson, Trustee Sandy Banta.

**Abstain:** Mayor Julie Van Domelen.

2. Resolution 2010-3, a Resolution to Adopt the Lyons Economic Development Incentive Plan

Deputy Clerk Watson stated on the power point presented to the BOT it was stated the town would receive approximately \$80,000 more in property taxes per year but that was incorrect it will be \$8,000 a year. The important part of this is the incentive plan will increase our commercial district area and at this time and the only way we can do it is by annexing property within our planning area. Deputy Clerk Watson stated to further the goals set forth in the 2010 Lyons Comprehensive Plan with regard to Economic Development and Tourism, as well as Land Use and Growth goals that are outlined, the Town of Lyons Ad Hoc EDC has created a short term plan that would make it affordable for Boulder County property owners within the current Lyons Planning Area to annex into the Town, if they meet certain criteria set forth in Resolution 2011-2. The BOT was given a presentation at the December 20, 2010, workshop which detailed the components of the incentive proposal. The EDC and PCDC have both shown their support of the plan. The Economic Development Incentive Plan will encourage the addition of commercial property into the Town, allowing for expansion of commercial uses in the future. The Town would benefit from annexation of commercial property through additional property and sales tax. This plan makes the prospect of annexing into the Town more attractive to those Boulder County property owners who would qualify by reducing and or eliminating fees and charges that are currently imposed upon annexation. The Economic Incentive Plan would begin in January 2011 and end in June 2011. Discussion concerning water rights, water rights dedication, water shares, tap connections. Deputy Clerk Watson stated the property owner would be given a ¾ inch tap (\$17,500 value) and would not have to give the town a share of CBT water until they connect the tap to the town water. The town would still have to pay City of Longmont \$3,000 per tap. Town Administrator Simonsen stated we have been asked if outside wells could still be used for outside watering, this would be for a period of time or up to the development. Deputy Clerk Watson stated

the PCDC will be looking to create agricultural business zone and will look at the uses permitted in Commercial to see if any changes need to be made to allow more flexibility. Discussion concerning surface water. Town Attorney Cox stated that there should be some sort of designation of the zoning at time of annexation.

**Motion:** Trustee Kathy Carroll moved to approve Resolution 2011-2 with the following amendments, in section 1.2 add the language that the annexation petition must give designation of zoning at time of annexation and 2.4 shall include all areas for business commercial shall transfer one acre foot of CBT water at time of water tap connection as appropriate

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

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

**Yes:** Mayor Julie Van Domelen, Trustee Ed Bruder, Trustee Kathy Carroll, Trustee Kathy Jacobson, Trustee LaVern Johnson, Trustee Sandy Banta.

### 3. Discussion concerning the application for alternate points of diversion of the City of Longmont in St Vrain Creek and its tributaries.

Town Administrator Simonsen stated in April 2010, Longmont filed an application for an alternate point of diversion in the St Vrain Creek with the Colorado District Court, Water Division 1. The Town of Lyons hired Carolyn Burr, Ryley Carlocki & Applewhite Attorneys to represent the town in this case. The Town filed a statement of opposition in June. Since that time, Town staff and Longmont personnel have met with their respective attorneys to ensure that the best resolution can be found to this request. In response, a stipulation agreement is being proposed in which there is agreement that Longmont will not use the town's diversion structure without obtaining Lyon's consent and that there would be no use of the town's diversion structure prior to written agreement between Longmont and Lyons. Both parties agree to cooperate in the interim to insure the town's diversion structure remains operational. Staff recommends approval of the stipulation agreement as presented concerning the application of alternate points of diversion of the City of Longmont in St Vrain Creek and its tributaries in Boulder County. Longmont will not use the diversion without prior consent from Lyons. Longmont is trying to create another place to divert the river in the mid range future for when their pipe will have to be replaced. The only reason Longmont would use the diversion is if a pipe breaks; this would insure water getting to Longmont and Lyons. We won't give up any rights or ownership, Longmont will pay for the right to use it and will keep it operational in the meantime.

**Motion:** Trustee Kathy Jacobson moved to approve the agreement with Longmont for the use of the diversion point by Longmont in an emergency and to file the stipulation agreement. , **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, Trustee Ed Bruder, Trustee Kathy Carroll, Trustee Kathy Jacobson, Trustee LaVern Johnson, Trustee Sandy Banta.

### 4. Discussion on Motion Adopting Salaries and Wages for 2011 and Direction to Staff Regarding Possible Amendments to LMC 1-7-6 Regarding Compensation of Employees

Town Administrator Simonsen stated the LMC 1-7-6 requires the BOT to adopt an annual salary schedule or compensation plan for town employees by the first regular meeting of each calendar year. State statute does not require such a practice for municipalities. Town Administrator Simonsen asked the BOT to make a motion setting the salaries and wages for 2011 as adopted in the 2011 Budget and is also requesting that the BOT discuss the possibility of removing the requirement of the BOT setting the salary schedule, thereby allowing salaries to be set by the administrator and adopted within the budget approved by the BOT prior to January 1 of each year. Town Administrator Simonsen stated she would present a revised compensation plan and salary schedule to the BOT this spring. The BOT stated they would like to Town Administrator Simonsen to update all of the job descriptions, evaluations and come up with comparables and comparisons for salaries according to job descriptions. The jobs need to be evaluated on a level playing field. Mayor Van Domelen stated it may be worthwhile to outsource this if the money can be found. The BOT agreed if it can be done for around \$5,000 the Administrator should outsource this. Town Administrator Simonsen stated she would get back to the BOT with the compensation study by the end of March.

**Motion:** Trustee Ed Bruder moved to set the salaries and wages for 2011 as adopted in the 2011 budget.

**Action:** Approve, **Moved by** Trustee Ed Bruder, **Seconded by** Trustee Sandy Banta.

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

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

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

## IX. Trustee Reports – 20 minutes -

Trustee Johnson stated the Parks & Rec Commission will meet Monday, January 11, 2011, to discuss park improvements and whether to apply for a GOCO Grant.

Trustee Bruder stated he attended a DRCOG meeting and took a CPR class and Defibrillator Class. DRCOG is willing to give our community a defibrillator unit if 10 people are willing to be certified per machine. Trustee Bruder stated the contact person at DRCOG is Roxie. If the town were to choose to do this we would need to make a formal request and then have the 10 people take a 4 hour course. (We would only have to have 9 people since Trustee Bruder is already trained)

Trustee Carroll stated SFC would be meeting January 20, 2011 from 11:30 am to 4:00 pm in the Council Chambers for a presentation from Boulder Lighting Rebate.

Trustee Jacobson stated the Library Advisory Board will be meeting January 12, 2011.

Mayor Van Domelen thanked Trustee Carroll for taking the role of acting Mayor last week while she and Mayor Pro Tem Udovich were absent.

Mayor Van Domelen appointed Dave Bailey and Garima Fairfax to Weeds, Trees and Landscaping Commission, Steve Wratten to the Engineering Advisory Board and Betsy Burton and Karen Strong to the SFT and Dave Kalyan, Ken Jackson, Steve Simms, Dave Bailey, Calista Morrill and Garima Fairfax. Trustee Jacobson will be the BOT liaison to the Weeds, Trees and Landscaping Commission. The first meeting of the year all Boards and Commissions will need to set their goals for the year and elect a chair and co-chair. Each commission/board will come to a BOT meeting to give their goals to the BOT and get feedback from the BOT within the first quarter of the year. All Boards/Commissions will also be responsible to take minutes at the meetings and turn them into the Town Clerk, along with setting meeting dates.

Trustee Carroll stated the SFC will be hosting a class on how to use your ECO Pass, January 18, 2011 at Walt Self Community Center

X. Staff Reports - 10 minutes -

Town Administrator Simonsen stated the first annual recognition event was well attended and much appreciated by the people who serve on the varied commissions. Letters acknowledging board appointments for 2011 are being sent with a BOT contact and a staff contact to assist new board members with the transition.

LVP 8 II-A: Carl Hurst, PE, has met with town staff to review the Lyons Valley Park, Filing 8, Phase II-A. He indicates that the developer would like to move forward with 18 more lots within this phase. They plan to start construction this spring.

PCDC: The PCDC was scheduled to host a public hearing on the amended annexation regulations that are being proposed. The hearing was not held due to lack of quorum on 12/27. No one from the public was in attendance. The PCDC will host another public hearing on January 10, 2011, at 7:00 p.m.

Wastewater Planning Grant: Thanks to the assistance of JVA Engineering, the town is a recipient of a \$10,000 state revolving loan fund grant for wastewater planning! The funds will go toward a feasibility study that will determine the best alternative for future wastewater operations. Three alternatives will be studied: current location, east of town, or connect to Longmont services.

JVA has also given the Town bids to complete a Capital Improvement Plan (CIP) and rate study for both water and wastewater services. Staff is interviewing another firm next week.

XI. Adjournment – Trustee Jacobson moved to adjourn at 9:25 pm.

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Deb Anthony, MMC – Town Clerk

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Julie Van Domelen, Mayor