

AGENDA
TOWN OF LYONS
7:00 P.M., TUESDAY, JANUARY 18, 2011
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 LaVern Johnson, Trustee Sandy Banta.
- II. A Reflective Moment of Silence
- III. Sgt Kevin Parker, Lyons Substation Supervisor, Report
Trustee Jacobson asked if a flag could be put on the corner of 2nd and Hwy 36 when it is snowing so drivers can see curb so they don't end up in the ditch as someone did this weekend. Sgt Parker stated he had talked with Larry Badker and Kyle Miller from Public Works and they have talked about putting in a guard rail or something to make people more aware when it snows. Town Administrator Simonsen stated Public Works Director Badker stated that is actually in CDOT right of way and we would have to get permission from CDOT before doing anything to the corner. Sgt Parker and Town Administrator Simonsen are going to follow up with Public Works.
- IV. Audience Business - All comments will be limited to 4 minutes per person – There were no public comments
- V. Ordinances (First Reading – no public hearings on first readings – staff will give a brief presentation on each ordinance)
 1. First Reading – Ordinance 890, an Ordinance of the Town of Lyons, Colorado Granting a Gas Franchise to Public Service Company of Colorado D/B/A Xcel Energy, First Reading
Town Administrator Simonsen stated Section with change article 17 municipally produced utility service added and language changes if either party incurred attorney fees, contract has worked well for us in the past and will in the future.
Craig Eicher, Xcel Area Manager of Boulder County, stated his job is to maintain the franchises with the towns and cities in Boulder County. Mr. Eicher stated he and the Xcel attorney would be present for the Public Hearing on March 7, 2011. Mr. Eicher stated the town received approximately \$19,000 last year from the franchise fee; the franchise fee is 3% of all sales. Discussion between the BOT and Mr. Eicher included development plans requiring 2 year notice to either party, yearly process to check with both parties to see what work projects are coming, Xcel auditing the account every 3 years to make sure franchise fees to the town are correct, as-built drawings, schematic drawings, supplying as-builts for future projects but not for what is already in the ground, the rights and privileges of the town to condemn the Xcel facilities and take over as our own utility under state statutes, customer service complaints, help for low income, residential and commercial rebates. Mr. Eicher stated he will work with Trustee Carroll on this.
Motion: Trustee Kathy Carroll moved to approve Ordinance 890 on first reading.
Action: Approve, Moved by Trustee Kathy Carroll, Seconded by Trustee Kathy Jacobson.
Motion passed unanimously.
 2. First Reading - Ordinance 892, an Ordinance to Apply and Contract for Beneficial Use of Water on Behalf of the Town of Lyons and Prescribing the Terms for Application for an Allocation of the Right to Use Colorado – Big Thompson Project Water to the Town of Lyons by Northern Colorado Water Conservancy District, First Reading
Town Clerk Anthony stated NCWCD requires the town to convert any CBT shares received during the year from temporary use permit to Section 131 Annually Renewable Water Contact. This is done once a year and is just a housekeeping item. The 12 CBT shares are for Lyons Valley Park.
Motion: Mayor Pro Tem Udovich moved to approve Ordinance 892 on first reading.
Action: Approve, Moved by Mayor Pro Tem Kirk Udovich, Seconded by Trustee Kathy Carroll.
Motion passed unanimously.
- VI. Consent Agenda (items removed to be discussed under General Business) – 5 minutes-
 1. January 4, 2011 Board of Trustees Meeting Minutes
 2. December 2010 Financials & Clerk & Treasures' Report**Motion: Trustee Sandy Banta moved to approve the Consent Agenda, Action: Approve, Moved by Trustee Sandy Banta, Seconded by Trustee Kathy Jacobson.**
Motion passed unanimously.
- VII. General Business

1. Resolution 2011-4, a Resolution Approving an Agreement for Animal Services with Longmont Humane Society, INC Town Clerk Anthony stated Longmont Humane Society takes care of any strays/surrendered dogs from Lyons. The Town agrees to pay \$125 per animal for an average 5 day hold (\$366), \$50 for each dead on arrival animal. Any fees paid by the owner will be deducted from what the town owes.

Kim Ott, Director of Operations, Longmont Humane Society stated the Humane Society is working on a micro chip program that would encourage people to license their animals. The program would work in conjunction with the local Sheriff Dept and would allow the officer to scan the dog and return it home rather than it end up at the Humane Society. Discussion concerning fees and number of dogs taken to the Humane Society last year. Ms Ott stated they are hoping to get the micro chip program in place by the end of this year.

Motion: Trustee Banta moved to approve Resolution 2011-4 approving the agreement between the Town of Lyons and the Longmont Humane Society.

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

Motion passed unanimously.

VIII. Trustee Reports

Trustee Johnson stated Parks & Rec would be meeting tomorrow at 6 pm.

Trustee Banta stated the LAHC would be meeting the last Tuesday of every month at the Ohm Salon. Trustee Banta stated the minutes from the meeting would be emailed to the BOT.

Trustee Bruder stated the Golden Gang has found a driver for Meals on Wheels. The Golden Gang is hoping to lower the price of meals in hopes of getting more participants. They served 1,240 meals last year.

Mayor Pro Tem Udovich stated PCDC held a public hearing concerning annexation changes. Mayor Pro Tem Udovich stated he was shocked to see the controversy, the process needs to be much more transparent and the information needs to be available on the web site.

Trustee Carroll stated SFT elected new officers, minutes have been sent to the team for review and will be available later this week. SFC had a meeting last week concerning how to ride the bus, next will be sustainability 101.

Trustee Jacobson stated the Library Board met last week, two current members have decided to resign from the board. Mayor Van Domelen appointed Juli Waugh to the Library Board

Mayor Van Domelen updated the BOT on the grant projects, the town is still scoring high on its projects, and we hope to have the final vote in March.

Mayor Van Domelen stated she, Town Administrator Simonsen, Trustee Bruder, Town Planner Oritz and EDC John Obrien attended the Governor's speech yesterday.

IX. Staff Reports - 10 minutes -

Town Administrator Simonsen reported the Boards & Commissions Orientation and Training will be Saturday, February 5, 2011, there will be a morning and afternoon session.

Town Staff has conducted the first of Medical Marijuana Focus Groups. January 19, the public is invited to go over the documents and give input on regulations, January 26 will be a meeting for the public/landlords/business owners we hope to focus on compromise in the regulations presented to the BOT.

Congratulations to Deb Anthony, Town Clerk has earned the designation of Master Municipal Clerk this is awarded by the International Institute of Municipal Clerks. IIMC grants the MMC designation only to those who complete the education requirements.

American Public Works Association Colorado Chapter has selected the Lyons Main Street Project and Town Engineer Jim Blankenship for the category of Small Community Engineering/Construction Management. The award will be presented at the Annual Awards Luncheon, January 24, 2011.

X. Executive Session (contract negotiations and performance evaluation) - 20 minutes -

Mayor Pro Tem Udovich moved to go into Executive Session for the following purposes: discussing a personnel matter for which the subject of the discussion has not requested an open meeting under Section 24-6-402(4)(F), C.R.S., and determining positions relative to a matter that is subject to negotiations under Section 24-6-402(4)(E), C.R.S., specifically regarding the performance evaluation and contract negotiations for the Town Administrator. Mayor Pro Tem Udovich stated I further move to adjourn the Board meeting at the conclusion of the executive session.

Trustee Carroll seconded the motion. Motion passed unanimously. (8:42 pm.

XI. Adjournment - 9:30 pm

Respectfully submitted by;

Deb Anthony, MMC - Town Clerk

Mayor Julie Van Domelen