

**LYONS BOT WILL MEET FOR A WORKSHOP WITH THE PREVENTION INTERVENTION SPECIALIST FOR THE TOWN OF LYONS TO GO OVER THE YEARLY CONTRACT BETWEEN THE PREVENTION INTERVENTION SPECIALIST, BOULDER COUNTY AND THE TOWN OF LYONS FOR 2011 - AT 6:00 PM, MONDAY, FEBRUARY 7, 2011@ THE LYONS TOWN HALL PRIOR TO THE REGULARLY SCHEDULED MEETING**

AGENDA

TOWN OF LYONS

7:00 P.M., MONDAY, FEBRUARY 7, 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

**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 – Mayor Van Domelen asked for a moment of silence.

III. Sgt Kevin Parker, Lyons Substation Supervisor, Report

Sgt Parker stated there was a summons issued for graffiti on the Apple Valley Bridge and it was not connected with the graffiti earlier this summer.

IV. Audience Business

Co Co Gordon, 5<sup>th</sup> Ave, invited everyone to the permaculture film, February 20, 2011, from 3:30 pm – 5:30 pm @ Lyons Town Hall.

Mark Cole, Stone Canyon, expressed his concern about the image the Town is getting due to the pot shops in Town. Mr. Cole also stated he fees anyone on the BOT with an interest in a marijuana business or holds a business license should recuse themselves from voting on those issues.

V. Ordinances/Public Hearings – 20 minutes-

1. Public Hearing - Ordinance 891, an Ordinance Amending the Town of Lyons Annexation Regulations, Title 9, Chapter 7 of the Lyons Municipal Code. Second Reading – Public Hearing

Mayor Van Domelen stated changes made to Ordinance 891 were not per the instructions from the BOT to staff, given that it is inconsistent with what the BOT asked at the last BOT meeting, it has come with the recommendations from the PCDC. There has been a request we treat this as first reading as to not muddy the water or we can go through the changes and treat it as a second reading/public hearing as advertised. Discussion between the BOT on the recommendations from the PCDC. PCDC Chair Hine stated the BOT has their first reading before the PCDC was able to have a meeting and make recommendations to the BOT. Mayor Van Domelen stated this is more of a procedural issue. Town Attorney Cox stated the intent of the process is in the ordinance the BOT can move ahead with this as second reading if they wish to. Discussion concerning zoning, simultaneous versus serial annexation, fiscal impact, costs to town for municipal services, declaring type of development at time of annexation versus 90 days, environmental assessment, timeline to state zoning for the property and fiscal impact analysis.

Mayor Van Domelen opened the Public Hearing at 7:49 pm.

Roger Flynn, Steamboat Valley Road stated he supports designating zoning upon annexation, an environmental impact report, streamlining the process but it also needs to be fair. Mr. Flynn stated the Town needs to inform (email blast) the public of an annexation application at step 2 instead of step 1.

Nancy Dayton, realtor for Jim & Michelle Roth & Ralph Ramsey read a letter of support for streamlining the process and asked that it also be applied to more than 5 acres.

Pat Ward, Park Drive, missed the first part of the meeting and thought this was Audience Business; his concerns were the Centurion Cycle Race and general cycles in town. Mr. Ward was asked to speak with Sgt Parker concerning this.

Nick Angelo, Ute Hwy stated he agrees with simultaneous annexations, if agri-tourism includes festivals the town should consider the area needed for parking, how much paving would be needed for parking. Mr. Angelo stated he disagrees with giving the water credit. Mr. Angelo stated the town needs to know the cost for municipal services to these properties. Mr. Angelo stated at annexation is the time for the town to ask the property owner for amenities for the town. Mr. Angelo also stated the BOT needed to make sure the code insures compliance.

Rick Breeze, Reese Street, stated he agrees with Mr. Angelo for the most part. Mr. Breeze stated 9-7-2( C ) lacks definition, clarification is needed on 9-7-4(B).

Don Lutter, Reese Street, stated he has the same concerns others do, the town has the most control at the time of annexation and the property should be zoned at that time.

Lois Hickman, Ute Hwy stated it frightens her to think about all the environmental changes that will take place.

Co Co Gordon, 5<sup>th</sup> Ave stated the BOT needs to keep with the intentions of the town, the nuts & bolts.

Public Hearing closed at 8:15 pm.

Discussion concerning zoning of property to be annexed and changing 9-7-2(14) to read Zoning must be requested simultaneously with annexation. The petitioner must submit a completed zoning application form and zoning map., 9-7-2(B)(3) striking the last part of the sentence to read details development instead of describes development and add if applicable at the end of the sentence, how the changes fit with the Comp Plan, strike 9-7-6 as it reads in the second reading version and put it back to the language in 9-7-5 at the BOT's first reading, 9-7-2( C)(J) Step 10 strike the last sentence and add to 9-7-29( C)(E)Step 5, also in that sentence change electronic copy to electronic notification, 9-7-2(18)(b)(iv) add to the sentence an estimate of any incremental costs to the Town of Lyons for providing these services.

**Motion** Mayor Pro Tem Kirk Udovich moved to approve Ordinance 891 on second reading with the following changes; 1. 9-7-2(14) to read as follows; Zoning must be requested simultaneously with annexation. The petitioner must submit a completed zoning application form and zoning map.

2. 9-7-2(B)(3) strike the last part of the sentence to read details development instead of describes development and add if applicable at the end of the sentence.

3. strike 9-7-6 as it reads in the second reading version and put it back to the language in 9-7-5 at the BOT's first reading so it reads as follows;

**A** No ordinance annexing property into the Town of Lyons shall be effective unless and until the ordinance is referred to the registered electors of the Town of Lyons, at a regular or special election, and such ordinance is approved by a majority of the registered electors voting thereon.

**B.** The following annexations shall be exempt from this section:

1. Any annexation of property owned by the Town of Lyons.

2. Any annexation of property smaller than five (5) acres in size; provided that simultaneous or serial annexations of two (2) or more properties that together comprise a parcel of five (5) or more acres in size shall not be exempt from this section.

3. 9-7-29( C)(E)Step 5, strike electronic copy in the last sentence and change to read electronic notification

4. 9-7-2( C)(J) Step 10 strike the last sentence, and move it to Step 5 - (The Town Clerk shall also post an electronic notification of the application package and any other pertinent information on the Town's website for public review and comment.

5. 9-7-2(18)(b)(iv) add to the sentence an estimate of any incremental costs to the Town of Lyons for providing these services. It will read as follows; A statement of the Town's plans for the financing of municipal services to be extended into the area to be annexed and an estimate of any incremental costs to the Town of Lyons for providing these services.

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

Motion passed unanimously.

2. Public Hearing – 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. Second Reading – Public Hearing

Town Clerk Anthony stated this is to convert the 12 shares of CBT water given to the Town from Markel Homes for Lyons Valley Park to convert the shares from temporary to permanent. This is a housekeeping item. Town Clerk Anthony stated the last line in the Ordinance needs to be omitted.

Mayor Van Domelen opened the Public Hearing at 8:43 pm. Public Hearing closed at 8:44 pm with no public comment.

**Motion:** Trustee Sandy Banta moved to approve Ordinance 892 with striking the last sentence in the Ordinance.

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

Motion passed unanimously.

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

1. January 4, 2011 Board of Trustees Meeting Minutes

2. January 2011 Accounts Payable

3. Town of Lyons Arbor Day Proclamation

4. Resolution 2011-6, a Resolution to Amend the IGA for collection of County Use Tax between Boulder County and the Town of Lyons (Amendment) is entered into to be effective the 1<sup>st</sup> day of January, 2011, between the Board of County Commissioners of Boulder County, Colorado (hereinafter referred to as the "County"), and the Town of Lyons, Colorado, a Statutory Municipality, (hereinafter referred to as the "Town")

Town Clerk Anthony stated Resolution 2011-6 was approved by Boulder County voters at the November 2010 Election, this is just housekeeping to update the IGA between the Town and Boulder County to collect the tax.

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

Motion passed unanimously.

VII. General Business

1. Resolution 2011-5, a Resolution Authorizing the Town of Lyons Electric Department to Acquire the Equipment and Assets of the Lyons Light Show from Kyle Miller, Approving an Appropriate Agreement between the Town of Lyons and Kyle Miller, and Directing Town Staff to Sponsor and Operate the Annual Town of Lyons Light Show.

Town Administrator Simonsen stated for the past two years, Kyle Miller from the Public Works Department has been producing the Lyons Light Show during the Parade of Lights and holiday season. Mr. Miller owns the equipment and donates his time to put on the shows to the public. The time he takes to install the lights is done on public works time with the assistance of the Boulder County jail crews. In order to make this a town sponsored event and clean up the personnel issues, I would like to propose that the Lyons Electric Company purchase his equipment inventory for the price of \$12,562.80 and sponsor the show annually. Kyle's time to prepare for and present the light show would occur during work hours. This resolution would authorize the Town of Lyons Electric Department to purchase the equipment and assets as listed on the attached inventory of the Lyons Light Show and enter into a Bill of Sale, Purchase Agreement and release of such. Staff recommends approving the resolution and authorizes the Town Administrator to sign the Bill of Sale, Purchase Agreement and Release as presented. For the past two years, Kyle Miller from the Public Works Department has been producing the Lyons Light Show during the Parade of Lights and holiday season. Mr. Miller owns the equipment and donates his time to put on the shows to the public. The time he takes to install the lights is done on public works time with the assistance of the Boulder County jail crews. In order to make this a town sponsored event and clean up the personnel issues, I would like to propose that the Lyons Electric Company purchase his equipment inventory for the price of \$12,562.80 and sponsor the show annually. Kyle's time to prepare for and present the light show would occur during work hours.

Discussion includes which fund the purchase amount would come out of (electric), whether the project meets SFC standards for electrical use, life of controller boxes, how much power was used, when replacing equipment the most efficient would be bought, how many nights the show would run, how the show draws people to our community, expanding the show in the future and putting money in the budget every year to help with replacement of parts and new parts.

**Motion:** Trustee Ed Bruder moved to approve Resolution 2011-5. , **Action:** Approve, **Moved by** Trustee Ed Bruder, **Seconded by** Mayor Pro Tem Kirk Udovich.

Motion passed unanimously.

2. Motion authorizing Town Administrator Simonsen to submit the WaterSMART Grant.

Town Administrator stated the Town entered into a performance contract with Honeywell Solutions in 2010. As part of the agreement, Honeywell agreed to pursue grants and other funding that may assist with the financing of projects that they identified as needing to be implemented to increase efficiencies in our water and wastewater services. This resolution would authorize the Town Administrator to work with Honeywell to submit a WaterSMART Grant on behalf of the Town of Lyons. Attached are the grant guidelines. Honeywell would like to submit grants in the following categories: Installing advanced water measurement equipment; installing small-scale hydro-electric facilities; and other projects that may be identified in their audit. Grants may be awarded up to \$300,000 or \$300,001-\$1,000,000 with matching local funds of 50%. This resolution would not commit the Town to funding; only authorize submittal of projects for consideration.

Town Administrator Simonsen asked the BOT for authorization to submit the WaterSMART Grant, the matching monies for the grant would be taken out of the water fund if awarded. If the grant is awarded to the town I will come back to the BOT to approve the grant and its matching funds.

**Motion:** Mayor Pro Tem Kirk Udovich made a motion to authorizing Town Administrator Simonsen to submit the Water SMART Grant on behalf of the BOT. , **Action:** Approve, **Moved by** Mayor Pro Tem Kirk Udovich, **Seconded by** Trustee LaVern Johnson.

Motion passed unanimously.

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

IX. Trustee Reports - 20 minutes -

Mayor Van Domelen thanked Trustee Jacobson for putting the Boards and Commission training together. Mayor Van Domelen stated she has received positive feedback from the training Trustee Jacobson thanked everyone who helped put the training together and the Trustees for getting their Board/Commission to the training. The support and attendance was great.

Trustee Jacobson stated the Library Commission and Weeds & Trees Commission will meet this week.

Trustee Udovich stated the PCDC met two weeks ago and elected new officers, Marty Hine is the new Chair and Jeff Cornell is the Vice Chair. PCDC will be working on the Implementation Plan, negotiation between Boulder County and the Town concerning the IGA, PUD's in the zoning regulations, sub division regulations, definition of Commercial Eastern Corridor and housing issues. The PCDC and the BOT will have a joint workshop before the March 21, 2011 BOT meeting to go over the priorities of the PCDC for 2011.

Trustee Ed Bruder stated he attended the Governor's Economic Development Tour in Denver and has some relevant suggestions to share with EDC.

Trustee LaVern Johnson stated at the PRC meeting they discussed a one percent sales tax for the Parks and the Library. They feel the tax may pass easier if it were specifically for parks and the library versus going in the general fund. Mayor Van Domelen stated the BOT needs to have a discussion concerning tax measures at a future meeting.

Mayor Van Domelen stated she met with the Mayor of Longmont and discussed the IGA between Lyons and Boulder County, and discussed the many marijuana issues such as, regulation, banning, limiting centers, grow operations and signage.

Mayor Pro Tem Udovich asked for the BOT to direct staff to bring an ordinance before the BOT to amend the LMC concerning possession of marijuana. The present verbiage is very confusing. After a brief discussion it was decided to deal with this at the same time as the marijuana regulations.

X. Staff Reports

Town Clerk Anthony stated the LMC has been updated and is on the Town of Lyons Web Site and is in a searchable PDF form.

Town Administrator Simonsen gave the BOT an update on

Capital Improvement Plans: JVA Consulting Engineers, Boulder, has been selected to conduct the Town's water and wastewater capital improvement plans (CIP) and rate studies. Town staff interviewed the firm and negotiated a price for the services. Administrator Simonsen has the statement of qualifications and firm information if you want more details. Josh McGibbon and Kevin Tone will be our local contact for this service. They will begin their information gathering within the next few weeks and feel that the studies can be completed in 90-120 days.

F & D International, Niwot, has been selected to conduct our electrical CIP and start GIS base plotting for the electrical system. This process should take approximately 90 days. The information gathered with F & D will be given to NMPP to complete the electric rate study.

JLB will be conducting the streets and storm drainage CIPs as well as water modeling to improve the flow and stabilize the water pressure in the system.

Medical Marijuana (mmj) Public Forums: Staff has spent significant time over the past couple of weeks hosting public forums and discussing mmj issues with the public. The BOT held a workshop on January 31<sup>st</sup> to provide the staff further direction in moving forward.

Board and Commissioner Orientation: Training was held last Saturday at Lyons Valley Village common house from 9 – 12 noon and from 1 – 4 pm. Board members, trustees and staff liaisons are encouraged to attend one of the sessions. Trustee Jacobsen will be facilitating the sessions.

APWA Award: The Town of Lyons was the proud recipient of the American Public Works Association, Colorado Project of the Year for the Main Street Reconstruction. A representative of the APWA board will present the BOT with the award at the February 22<sup>nd</sup> meeting. The contractors and subcontractors will be invited to receive this recognition. Jim Blankenship accepted the award for Construction Management/Engineering for the project as well.

Live/Work/Play: Thanks to Jacque Watson, Ed Bruder and Tim Cox for finalizing and submitting Lyons for the new DRCOG Live/Work/Play Recognition. The top ten finalists will be announced February 10<sup>th</sup>!

Cemex Funds: The Town was notified that an additional \$40,000 will be made available to Lyons from the SEP funds. Boulder County transportation suggests installing a bicycle shelter adjacent to the bus stops or additional routes for a one-year period. The SFC transportation committee is reviewing the alternatives.

XI. Adjournment – Trustee Bruder moved to adjourn the meeting at 9:40 pm.

Respectfully submitted by;

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Deb Anthony, MMC – Town Clerk

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Mayor Julie Van Domelen