

AGENDA
TOWN OF LYONS
7:00 P.M., MONDAY, MARCH 7, 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 LaVern Johnson, Trustee Sandy Banta, Trustee Ed Bruder, Trustee Kathy Carroll, Trustee Kathy Jacobson.

II. A Reflective Moment of Silence

III. Sgt Kevin Parker, Lyons Substation Supervisor, Report – was not present for the meeting.

IV. Audience Business - no audience business

V. Ordinances /Public Hearing



1. Public Hearing - 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 – Second Reading (Town Attorney Marcus Askin)

Town Administrator Simonsen stated the Town's existing 25-year franchise agreement with Public Service Company of Colorado (d/b/a Xcel Energy) is currently scheduled to expire on March 22, 2011. The Town, the Town Attorney Marcus Askin and Xcel through Mr. Craig Eicher, the Company's Area Manager for the Boulder Region have completed negotiations for a new 20-year franchise agreement. If approved, the new franchise will run through March 22, 2031. The Proposed Ordinance was approved on first reading on January 18, 2011. In accordance with the requirements of § 31-32-102, C.R.S., notice of the Company's intent to apply to the Board of Trustees of the Town of Lyons for the passage of the Proposed Ordinance granting the gas franchise was published once a week for three successive weeks in The Lyons Recorder¹ prior to first reading. A copy of the publisher's affidavit is on file with the Town Clerk. Notice of the Town Board's consideration of the Proposed Ordinance on second reading has been provided as required by § 31-32-103, C.R.S., requiring publication weekly in The Lyons Recorder (for a period of not less than two weeks), given that there is no daily newspaper of general circulation in the Town². The Assistant Town Attorney will be available to provide additional background information regarding the franchise agreement. In addition, Mr. Eicher from the Company will be available to answer questions regarding the gas franchise. In accordance with § 31-32-104, C.R.S., the approval of the Proposed Ordinance shall require the concurrence of a majority of all members of the Board of Trustees. **Recommended Action:** Discussion and approval of the Proposed Ordinance 890 on second reading, granting a gas franchise to Public Service Company of Colorado (d/b/a Xcel Energy).

Discussion included audit requirements (every 3 years, the town can request a written report of the audit), as built drawings for Town projects (anything new would be shared with the town at the town's request – Xcel would not be going back to do old parts of town, Mr. Eicher also stated there are some Homeland Security issues to follow – when the town has a project Xcel will work with the town), what Xcel's policy is to level the playing field for minority owned businesses (Mr. Eicher stated this is federally mandated), age of the town's infrastructure (all lines are tested block by block regularly with very sensitive equipment and replaced when need be), response time in case of emergencies (approximately 20 minutes, dispatched from Boulder).

Mayor Van Domelen opened the Public Hearing at 7:19 pm and close with no public comment at 7:20 pm.

Motion: Trustee Ed Bruder moved to approve 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

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 LaVern Johnson, Trustee Sandy Banta.

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

1. February 2011 Accounts Payable

2. February 21, 2010 BOT Meeting Minutes

Motion: Mayor Pro Tem Kirk Udovich moved to approve the Consent Agenda with minor changes to the minutes. **Action: Approve, Moved by Mayor Pro Tem Kirk Udovich, Seconded by Trustee LaVern Johnson.**

Vote: Motion passed (**summary:** Yes = 6, No = 0, Abstain = 1).

Yes: Mayor Pro Tem Kirk Udovich, Trustee Ed Bruder, Trustee Kathy Carroll, Trustee Kathy Jacobson, Trustee LaVern Johnson, Trustee Sandy Banta. **Abstain:** Mayor Julie Van Domelen (not present at the March 7, 2011 BOT Meeting)

VII. General Business

1. Resolution 2011-9, a Resolution Approving an Agreement for Professional Service By and Between the Town of Lyons PlanIt, LLC. Town Administrator Simonsen stated this is an agreement between the Town Planner Danna Ortiz the only difference is the name change. Ms. Ortiz decided to go out on her own and start her own company. The contract is exactly the same as it was. Ms. Ortiz has been serving as the Town's Planner since December of 2008.

Motion: Trustee Ed Bruder moved to approve Resolution 2011-9, a Resolution Approving an Agreement for Professional Service By and Between the Town of Lyons and PlanIt, LLC.

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

Motion passed unanimously.

2. Resolution 2011-10, a Resolution of the Town of Lyons, Boulder County, Colorado, to Accept Public Improvements of Subdivision Lyons Valley Park, Filing #8 Phase 1.

Town Administrator Simonsen stated Markel has filed a letter requesting to close out the warranty and release of warranty sector for LVP Filing 8 Phase 1. The as-builts for this phase have been completed, the sub-division monuments are installed and the lots have been pinned. Markel has also filed an Affidavit of Lein Free Completion of Public Improvements for LVP, Phase 1 Block 8. Town Engineer Blankenship has been to the site and has stated the punch list items appear complete. Town Administrator Simonsen stated staff recommended approving the public improvements for LVP #8, Phase 1 development including and not limited to streets, sanitary sewer, electrical systems, and storm sewers as shown on engineered plans prepared by Hurst Associates, Inc, dated February 2, 2009.

Discussion concerning the LVP outlot ponds (one is dedicated and one is conveyed to the town), the 37 acres of open space on the hill from the high school (to be determined when it will be dedicated to the town). The BOT agreed they would like to have someone from the LVP project come to a BOT meeting and explain the remaining phases.

Motion: Trustee Kathy Carroll moved to approve Resolution 2011-10, a Resolution of the Town of Lyons, Boulder County, Colorado, to Accept Public Improvements of Subdivision Lyons Valley Park, Filing #8 Phase 1.

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

Motion passed unanimously.

3. Resolution 2011-11, a Resolution Approving Final Acceptance of the Main Street Reconstruction and Enhancement Project Federal Aid Project No. ES4 M835-002

Town Administrator Simonsen stated this is standard when a project has been completed. Town Engineer Jim Blankenship has stated he recommends accepting the Main Street Reconstruction and Streetscape project. Based upon the Town's observations of the work and requirements of the contract documents, the Contractor, Lawson Construction, has completed the work. Upon the BOT's formal acceptance of the project, Lawson Construction will be required to submit final paperwork accepting the final pay estimate and release of Lien's. The Town will then be required to advertise for final settlement in accordance with Colorado State Statutes. Town Administrator Simonsen stated staff would like to have a separate financial workshop for this project. This resolution is to accept the projects. There have been several amendments to the contract and can be hard to follow, the workshop will cover the details.

Motion: Mayor Pro Tem Kirk Udovich moved to approve Resolution 2011-11, a Resolution Approving Final Acceptance of the Main Street Reconstruction and Enhancement Project Federal Aid Project No. ES4 M835-002

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

Motion passed unanimously.

4. Resolution 2011-12, a Resolution Approving Final Acceptance of Broadway at 3rd Safe Routes Project, Federal Aid Project No. SAR M835-001

Town Administrator Simonsen stated this project was in conjunction with the Main Street Project. Town Administrator Simonsen stated Town Engineer Blankenship recommends acceptance of the Broadway & 3rd Safe Routes to School project. The BOT asked if there was supposed to be a flashing light. Town Administrator Simonsen stated Town Engineer Blankenship stated the cost of the flashing light alone was more than the grant and since there is a continuous light there the flashing light was taken out. Discussion of what to do with the remaining grant money. The BOT directed Staff to find out if the Town can keep the remaining money for Ped and Pedal education at the Grade School.

Trustee Banta asked if Staff could look at the exit at Bank of the West onto 3rd to see if it can be made safer.

Motion: Trustee Kathy Carroll moved to approve Resolution 2011-12, a Resolution Approving Final Acceptance of Broadway at 3rd Safe Routes Project, Federal Aid Project No. SAR M835-001

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

Motion passed unanimously.



VIII. Items Removed from the Consent Agenda – none removed

IX. Trustee Reports



Trustee Johnson stated Parks & Rec is working on how to get more residents in Lyons to register their dogs; one suggestion was to have the dog licenses available at Lyons Trash Days. Parks & Rec will meet again March 14, 2011 @ 6:00 pm. Trustee Johnson stated resident DW King passed away recently. Mr. King was an avid bird watcher. Trustee Johnson is working on getting some of his things for the Museum.

Trustee Johnson stated the Historical Society has submitted a historical grant for \$60,000 for repairs. The town, St Vrain Valley School District and the Historical Society would be responsible for a 25% matching grant. Trustee Johnson stated she needed a letter of support from the Town. Trustee Johnson stated she would abstain from voting.

Motion: Mayor Pro Tem Kirk Udovich moved to approve Town Administrator Simonsen writing a letter in support of the grant for Mayor Van Domelen to sign. Vote: Motion passed (summary: Yes = 6, No = 0, Abstain = 1).

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

Trustee Banta stated the UEB met last Thursday and have changed their meeting times to the first Tuesday of every month in Parks & Rec. UEB took action to approve the rebate program for the pressure reducer valves and discussed the March 22, meeting agenda. Trustee Banta stated after meeting with the High Street Merchants concerning Good Old Days it was approved to hold Good Old Days there again this year. Concerns to get people/animals to the vet, doctor and Dorothy's store


Trustee Bruder asked if there had been any suggestions to get them involved. Trustee Banta stated the Lyons Economic Gardening Group (LEGG) has volunteered to help, Chris Ralston has stated she would be willing to rent the sidewalk in front of her business to someone. The Vet Clinic will be involved with the Good Old Days. The LAHC Spring Art Show opening is March 19, 2011 from 5 pm – 7 pm.

Trustee Bruder stated they had not heard from the Lyons High School concerning using the cafetorium for the Senior Summit. Town Administrator Simonsen stated it would not be available until after school is out and suggested using the grade school. Trustee Bruder stated they would meet again on March 11, 2011.

Mayor Pro Tem Udovich stated he did not have a report as the PCDC did not have a quorum for their last meeting.

Trustee Carroll stated the Residential Efficiency Workshop will be held tomorrow and the Walt Self Senior Center. Xcel will also talk about the rebates they have. Trustee Carroll stated she would be speaking with Xcel concerning their rebates also.

Trustee Carroll stated the Bohn Park Dog Park is the most used amenity in Lyons. Trustee Carroll stated Cat Drake has arranged a Happy Hour for the dogs and dog owners every Friday. Trustee Carroll stated she would like to see a memorial to pets started at the dog park – a program for the pet owner to plant a memorial tree in honor of their pet at the dog park.

Trustee Jacobson stated the Trees, Weeds and Landscaping Commission met last Wednesday and they are looking at their goals for 2011. Trustee Jacobson stated the general census seems to be that the beavers will stay at the LVP ponds. 

Mayor Van Domelen thanked Mayor Pro Tem Udovich for stepping up and running the last BOT meeting while she was out of town.

Mayor Van Domelen stated she has attended several DRCOG meetings lately, basically babysitting the town's projects; it appears we are in a good position; the projects are slated to go to approval at the final vote.

Mayor Van Domelen stated she has heard bus ridership is up - it would be interesting to get the statics for the Y in the morning.

X. Staff Reports

Live/Work/Play: Channel 9 News is scheduled to be in Lyons filming on Monday, April 11th - more details to follow. The inaugural Live Work Play event will be held from 6-8 p.m. Wednesday, April 13 at Mile High Station. Live Work Play 2011 is a brand-new regional awards program celebrating the metro area's great places and livable communities and featuring People's Choice voting. The April 13 event will feature a live announcement of the People's Choice winner at a star-studded cocktail buffet reception for 500 Denver regional VIPs, including business leaders, elected officials, planners, private housing developers, community development professionals, retailers and realtors. Vote for Lyons! It is a People's Choice Award; you may vote as often as you like! <http://www.liveworkplay2011.com/> Oskar Blues is hosting a portion of the dinner that evening.

Good Old Days: A couple of working meetings have occurred over the past weeks in regard to plans for 2011 Good Old Days. Several business owners on High Street are concerned with the lack of access to their businesses and do not see a benefit to their specific market. The group was able to come to agreement over some of the accommodations that need to be made, and the Chamber of Commerce expressed their plans to host the beer tent again this year. Minutes of the meetings are available at town hall.

DRCOG TIP Project Decision: The Board is scheduled to decide on project funding at their March 16th meeting. The Town is still well positioned for the Mid-Corridor Main Street and enhanced bus routes.

ARRA Funding Update: Finance Director McClurkin recently met with CDOT officials regarding the reimbursement for the Main Street project. We are anticipating that the Town will receive reimbursement between \$260,000 and \$320,000 by the end of March. (The actual amount is determined by the State as each invoice is considered separately for reimbursement between 0-100% based on if the submittal was covered by federal/state or local funds, matching funds or overmatch). The remainder of the project costs will not be received until the project is advertised and closed out this summer.

Honeywell: Honeywell continues with their process audits for water and wastewater efficiencies. This week they converted numerous documents and maps into an electronic version for the Town. Thank you Honeywell!

Green Building Code: Staff met with SFC representative, Karen Strawn, to start preliminary discussions regarding green building codes. We will schedule additional meetings with SafeBuilt to incorporate their input as we move forward with consideration of adopting the 2012 residential efficiency codes.

Youth Specialist/Interventionist: Paula Randazzo's contract has been updated to include specific language to regarding marijuana education and prevention. She is working with the middle/high school principal to determine the most appropriate format for a training session. Paula has located potential facilitators to host an event. More details will follow.

Personnel Handbook Webinar: Victoria, Jody and Deb attended a webinar this week on how to update and improve your personnel handbook. Several suggestions will be extremely beneficial as staff update this document in the coming months.

Town Hall Updates: Thank you to the staff who have supported and contributed to the recent town hall updates in the front office area. It looks great and gives everyone a fresh spring outlook! Also, the updated marketing materials have arrived...locally designed and produced. Thank you to Jacque for the NEA grant submittal this week for the stone gateway. Good luck!

Northern Water: Northern Colorado Water Conservancy District is hosting their Spring Water Users' Meeting on Thursday, April 7 from 8am – 1 pm. The agenda includes an update on the current water situation and water-related activities and issues. The keynote speaker will be John Stulp, Water Advisor to Governor Hickenlooper. If interested in attending, please contact Victoria.

LAHC: The Lyons Arts and Humanities Commission submitted a \$500 Boulder County Arts Alliance grant to assist with providing public art in the downtown commercial district, specifically through the quarterly art displays in Town Hall and hosting the opening artist receptions.

XI. Executive Session



1. Executive Session, an Executive session for the purpose of determining positions for matters subject to negotiations, developing strategy for negotiations and instructing negotiators pursuant to CRS Section 24-6-402(4)(e), Planning Area Intergovernmental Agreement with Boulder County.

Motion: Mayor Pro Tem Udovich moved to go into Executive Session for the following purpose: determining positions for matters subject to negotiations, developing strategy for negotiations and instructing negotiators pursuant to C.R.S. Section 24-6-402(4)(e), and specifically, developing strategy and instructing negotiators regarding possible amendments to the Lyons Planning Area Intergovernmental Agreement with Boulder County. Mayor Pro Tem Udovich stated I further move to reconvene the Board meeting at the conclusion of the executive session, for the purpose of taking any actions deemed necessary.

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

Motion approved unanimously. 8:37 pm.

The time is now 10:31 p.m. and the executive session has been concluded. The participants in the executive session were: Mayor Julie Van Domelen, Mayor Pro Tem Kirk Udovich, Trustee LaVern Johnson, Trustee Sandy Banta, Trustee Ed Bruder, Trustee Kathy Carroll, Trustee Kathy Jacobson, Town Planner Danna Ortiz and Town Administrator Victoria Simonsen. For the record, if any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings law, I ask that you state your concerns for the record.

Motion: Trustee Kathy Carroll moved to direct Staff to draft a letter to the Boulder County Commissioners requesting to be placed on an upcoming agenda regarding the three properties requesting inclusion in the Lyons Planning Area and to express our commitment to negotiating an amended IGA with Boulder County

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

Motion passed unanimously.

XII. Adjournment – meeting adjourned at 10:35 pm.

Respectfully submitted by;

Deb Anthony, MMC – Town Clerk

Julie Van Domelen, Mayor