

TOWN OF LYONS  
BOARD OF TRUSTEES MEETING

June 20, 1983

7:30 P.M.

AGENDA

1. Roll Call:
2. Approve the minutes of the June 6, 1983 Board of Trustees Meeting. (Attach #1)
3. Approve the bills and salaries for June 20, 1983. (Attach #2)
4. Audience Business:
5. Public Hearings:
6. Ordinances and Resolutions:
7. General Business:
  - A. Discussion on problem at Moffitt Guest Home. (Hand-out 6-6-83)
  - B. Carolyn Cole - Request for oiling 5th Avenue on a regular basis. (Attach #3)
  - C. Maestes - Appeal decision of Building Inspector. (hand-out 6-20-83)
8. Reports:
  - A. Mayor:
  - B. Trustees:
    1. Rigdon - Report on final audit for EPA grant for sewer plant.
    2. Rigdon - Report on status of Palmerton Ditch transfer. (Attach #4)
  - C. Commissions:
  - D. Staff:
    1. Town Administrator:
      - a. Discussion on FERC permit for hydro-plant.
      - b. Discussion on Bachy sidewalk problem. (Attach #5)
    2. Attorney:
    3. Planner:
    4. Clerk - Clerk & Treasurer's report May, 1983. (Attach #6)
9. Adjournment:

TOWN OF LYONS  
BOARD OF TRUSTEES MEETING

June 20, 1983

The meeting was called to order by Mayor Brackett.

1. Roll Call: William Brackett.....present  
Patty Burke.....present LaVerne Johnson.....present  
Gary Cinnamon.....present Carol McIntyre.....present  
Paul Custer.....present Virgil Rigdon.....absent
2. McIntyre moved to approve the minutes of the June 6, 1983 Board of Trustees Meeting. Second by Custer. V & C
3. Custer said he would like the Board to consider constructing permanent toilet facilities at Bohn Park. Custer said money is now being spent on out-houses and permanent facilities could be tied into the nearby sewer lines for a reasonable cost.

Cinnamon questions whether the San-o-lets that are being removed from the rest areas along Colorado 7 were available.

Brackett said facilities had to be tied into sewer lines.

McIntyre said she would bring the matter to the Parks & Recreation Commission for their recommendation.

Cinnamon moved to approve the bills and salaries for June 20, 1983. Second by Johnson. Cinnamon -yes, Johnson - yes, Burke - yes, Custer - yes, McIntyre - yes, Brackett - yes. V&C

4. Audience Business:

- A. Celeste Pfannostiel, Gateway Cafe, said she was submitting a bill to the town for what she thought was owed her on her electric bill.

Dorothy Paxton, 349 Main Street, said she thought that if the meter did run backwards as Pfannostiel claims, there could be no guarantee that the meter was allright. She said that she thought the town could meet Pfannostiel halfway on the bill. She said no one could prove that any lines were hooked onto her meter.

Johnson questioned how much the bill was for.

Attorney Buchholz said the bill was for \$1160.76.

Town Administrator Hultgren said it was town policy that from the meter on was the responsibility of the customer. He said he had copies of the meter tests from Longmont and all the meters tested were within the acceptable area. Hultgren said the electrical usage did not come down when the meter was changed but that it came down when some re-wiring was done in the building.

Hultgren said that he thought it would set a bad precedent if the Board negotiated this bill. He said it would leave the door open for anyone to negotiate their electric bill even if there was no proof the meter was reading inaccurately.

Cinnamon asked whether this was a rare case.

Hultgren said he thought it was a rare case in that the wiring in that building was old. He said there was no proof the meter was wrong. Hultgren said he was more concerned about setting a precedent than he was about the money.

Pfannostiel said she talked to three people in Longmont who checked the meter out and they agreed that the only time a meter would run backward is when it was put upside down or if it was wired backwards. Pfannostiel said her meter only ran backwards when it was tapped. Pfannostiel said Public Works Director Leum saw the meter run backwards.

- McIntyre said that she had told Pfannostiel that if McIntyre felt there was no concise record that her meter had been checked and shown to be running properly then she would be in favor of negotiating the bill, but if the records were complete and the meter tested OK then it would be setting a precedent to negotiate.
- Pfannostiel said she had witnesses that the meter did run backwards and Leum was there when it did so.
- O'Connor said the meter was changed on June 20, 1983. The next billing period the reading was 3495 and the next time period the reading was 3181. Then in October it went down to 2218 and in November it went down to 1990. She said that for two months after it was changed the reading was still high.
- Johnson questioned how much the overcharge was.
- Pfannostiel said she took 14 months of overcharges and estimated.
- Paxton said she thought it was not a question of who was right but what is right.
- McIntyre said she thought this might open the door to many more complaints and there was no proof anything was wrong.
- Custer asked whether the landlord had been contacted.
- Pfannostiel said the landlord has told her that he did not do any rewiring but the service was just split between the Horse's Mouth and the Lyons Recorder.
- Cinnamon asked whether this matter can be put on the agenda next meeting for a decision.
- Pfannostiel asked that the Board vote tonight.
- Buchholz said it would not be a reasonable management of the town's finances to vote on a bill just presented based on a customer's estimate. Buchholz said he did not think that the town should get into the business of negotiating utilities with customers. Buchholz suggested a small committee be appointed to investigate the matter and bring a recommendation before the Board.
- Consensus of the Board was for Cinnamon and McIntyre to investigate the matter and report to the Board.
- B. Mike Evarts, 442 Seward, thanked the Board and the Police Chief for their concern of the problem on Fifth Avenue.
  - Evarts requested the Board formally adopt the 10 MPH speed limit on Fifth Avenue as discussed at the Workshop June 13, 1983.
  - McIntyre said County Commissioner Jack Murphy was contacted and a meeting would be set up to discuss the possibility of some county help with the Fifth Avenue problem as soon as Murphy is back from vacation.
  - Brackett said that he and Leum had met with the County staff to get some idea how much the project would cost.
  - Custer asked the Police Chief if there would be problems lowering the speed limit to 10 MPH. Custer asked if speed bumps would be effective.
  - Babcock said she didn't have an opinion one way or another on the 10 MPH zone.
- McIntyre moved to lower the speed limit from 20 to 10 MPH from

- the Post Office to the northern boundary of town on Fifth Avenue as soon as legally possible. Second by Burke.
  - Buchholz said that the Highway Dept. would have to give their approval because it might impact the state highway. Buchholz said he would check with the State.
- Roll Call Vote: McIntyre - yes, Burke - yes, Brackett - no, Cinnamon - yes, Custer - no, Johnson - yes. V & C

5. Public Hearings: none

6. Ordinances and Resolutions:

Buchholz explained there was a problem with the current ordinance concerning drinking in the park and open containers. Buchholz said that proposed Ordinance #422 was being written to correct the situation. Buchholz said the new ordinance would allow special permits to be issued by the Board allowing alcohol in the park.

Consensus of the Board was to consider the adoption of Ordinance #422 at the next Board meeting as an emergency measure.

Cinnamon asked that a representative from the softball league be present to request a special permit for Bohn Park.

7. General Business:

- Planner Ragsdale said that the Planning Commission has reviewed the zoning problem at the Moffit guest Home. The Planning Commission has determined that the current use is a non-conforming use which existed prior to the adoption of the zoning ordinance. Ragsdale said that the property now has six apartment units and that use could continue but not be expanded. Ragsdale outlined the interpretations and conditions.

Johnson asked whether the use would terminate on Mrs. Moffit's death.

Wayne Kaufman, attorney for Mrs. Moffit, said the Planning Commission thought the town did not have the power to do that because it was a non-conforming use by prior existence. Kaufman stated all Building and safety codes would be met.

Mrs. LaVern Johnson, 306 Evans, asked if there was a limit on the number of people that could live in the units.

Buchholz said there was a limit to unrelated people living together but he did not think there was for a family.

Kaufman stated that Mrs. Moffit's intention was to have no more than two persons per unit.

Mrs. Johnson said she was concerned about future use if Mrs. Moffit was not the owner.

Johnson said he would be concerned about the parking problems that might occur.

Custer asked if any electric rewiring would be done.

Kaufman said Moffit will do what the town requires.

McIntyre moved to accept the Planning Commissions recommendation as outlined in Ragsdale's memo dated 6-15-83:

1. The present use of multiple family dwellings is a non-conforming use within the R-1 District and is permitted to continue.
2. The maximum number of dwelling units shall be six units as presently exist.

3. All dwelling units and common areas must meet the applicable fire and safety codes of the Town of Lyons, Boulder County and the state.

4. The applicant shall apply for building permits as required when performing repairs for maintenance work.

Second by Cinnamon. Roll Call Vote: McIntyre - yes, Cinnamon - yes, Brackett - yes, Custer - yes, Burke - yes, Johnson - yes. V & C

B. Carolyn Cole, 1001 5th Avenue, stated that George Mathews, Boulder County Health Department, had attended the June 13, 1983 Workshop and told the Board the dust on 5th Avenue was a health hazard. Cole requested that 5th Avenue be oiled on a regular basis until there was a permanent solution.

Public Works Director Leum stated that it cost \$2,190 to oil the entire town. The cost of oiling 5th Avenue alone would be approximately \$760. Leum said the Town has been oiled once a year for the past several years.

McIntyre said the rest of the town might object to the oiling of just 5th Avenue.

Mike Evarts said the residents were looking for some backing from the town so they might approach the county to help pay for the extra oiling.

Cinnamon suggested the matter be postponed until the meeting with the county commissioners and the 10 MPH speed limit is established.

Cole asked that if the road needs oiling again would the Board consider re-oiling.

Buchholz said the Town Board had taken one action by lowering the speed limit and that should acknowledge that there is a problem.

C. Brackett stated that Mr. Maestas was not present to present his problem so no discussion would be held.

8. Reports:

A. Mayor: none

B. Trustees:

1. Custer said Rigdon had asked Clerk O'Connor to explain the EPA grant.

O'Connor stated that the final audit for the EPA grant for the construction of the sewer plant had been held. O'Connor said that originally the audit showed a repayment due EPA of \$7,000. After rebuttal and final EPA review the amount had been reduced to \$953. O'Connor said that she didn't feel there was any way the amount could be further reduced.

Custer moved to pay the refund of \$953 to EPA on the sewer plant grant. Second by Cinnamon. Roll Call Vote: Custer - yes, Cinnamon - yes, Burke - yes, McIntyre - yes, Johnson - yes. V & C

2. Custer said he would like to table discussion on the Palmerton Ditch transfer until Rigdon could be present. Custer said Rigdon told him that for the past 20 years 1½ shares of Palmerton water had been worth 117.2 acre feet per year average. Converted to Big Thompson water that would be worth \$157,950.

Johnson questioned whether St. Vrain Left Hand Water Conservancy

District could help with the water transfer.

3. Custer said Martin-Marietta had donated \$1,000 to the Little League and would match funds up to another \$1,000.
4. Burke asked Leum what the problem was with the water over the week-end.

Leum said that over 950,000 gallons was used and the tanks were very low. He said because the turbidity in the river was high there was a problem with generating clean water.

Brackett said there have been a few days when the water usage reached 1 MGD.

Burke moved to impose watering restrictions on an odd-even schedule 5-9 AM and 5-9 PM. Second by McIntyre.

Dick Hinshaw, 427 Fifth Avenue, asked if new lawns could be exempt from the watering restriction.

Consensus of the Board was that new lawns could be exempt.

5. Burke asked if Buttonrock had overflowed on Sunday.

Leum said that it had gone over the spillway.

Burke said that she was concerned about the potential flooding and about people tubing in the river.

D. Staff:

1. Town Administration.

a. Hultgren said that in January of 1982 the town applied for a permit from the Federal Energy Regulatory Agency (FERC) to study the possibility of constructing a small hydro-electric plant at the base of the proposed Coffintop Dam. Hultgren said that in order to keep the permit alive about \$3,000 more would have to be spent in the next six months.

Hultgren said he did not see that the hydro-plant would be an advantage to the town at this time because the price of power from Nebraska and the Western Area Power Administration is comparable.

A discussion was held on the possibility that the Water Resources and Power Authority might contribute to this particular study as part of the St. Vrain Basin Study Commission.

Consensus of the Board was to instruct Hultgren to contact Ival Goslin, WRAPA, to see if they would participate in the studies.

b. Hultgren said he had talked to Bob Bachy at the request of Trustee Burke, and told him that his sidewalk problem was on the agenda but Bachy was not in attendance tonight.

McIntyre said she would like to have a Workshop on the matter.

Cinnamon said that he thought the matter should be dropped.

A discussion was held on when a building permit for a sidewalk or walk is required.

Buchholz said that it probably would not be appropriate if the Board held a workshop and heard testimony from

## TOWN OF LYONS

## ACCOUNTS PAYABLE SUMMARY

June 20, 1983

DESCRIPTION	NAME	FUND
Engineering	Civil Design Group	\$ 172.00
Insurance(Receivable)	Colonial Life & Accident	29.00
Off. Supplies	Daily Office Supply	15.26
Admin/Dues	DRCOG	100.00
Jury Refund	Patrick L. Dulaney	25.00
Utilities	Electric Fund	750.45
Street Maint.	Frontier	101.33
Street Maint.	Golden Gravel	129.74
Maintenance	Herb's Repair	1,860.00
Veh. Maint.	Longmont Auto Parts	174.77
Publishing	Lyons Recorder	30.59
Donation	Lyons Redstone Museum	2,400.00
Off. Supplies	McDowell's	38.94
Telephone	Mountain Bell	318.19
Subscription	Peach Officer Press	3.00
Office Supplies	Radio Shack	56.22
Planner	James A. Ragsdale & Assoc.	1,377.18
Bldg. Maint.	St. Vrain Market	37.85
Jury Refund	Christopher Smith	25.00
Park Maintenance	Stille Sanitation	240.00
Planning	Tiefel & Associates	100.00
Plant/Plant Maint.	Ted's Hardware	332.71
Truck Expense	Dave Taylor Ford	50.46
Adm. Expense	Valley Bank	50.00
Postage	U.S. Post Office	240.00
Off. Equip.	Xerox	113.39
Salaries:	Police	2,448.88
	Admin.	1,042.21
	Electric	1,248.66
	Water	972.54
	Sewer	931.42
	Court	53.04
	Streets	41.12
	Parks	41.12
	Library	366.34
	<b>TOTAL GENERAL FUND</b>	<b>\$15,916.41</b>

Meter Deposits:	ELECTRIC
Electric Fund	\$ 101.12
Steve Miller	44.80
Professional Recovery	98.20
Rudy Hultgren	303.57
Public Service	24,488.96
<b>TOTAL ELECTRIC FUND</b>	<b>\$25,036.65</b>

	WATER
Chemical Sales	\$ 437.50
City of Longmont	195.81
Mountain Bell	16.71
Public Service	74.17
Wheatland Industries	65.72
<b>TOTAL WATER FUND</b>	<b>\$ 789.91</b>

	SEWER
Frank Hoffman	\$ 175.00
Electric Fund	913.79
City of Longmont	50.00
Mountain Bell	11.87
<b>TOTAL SEWER FUND</b>	<b>\$1,150.66</b>

	WATER IMPROVEMENT 1981
Consolidated Freightways	\$ 76.42
Rex L. Douglas	120.00
Wheatland Industries	355.79
<b>TOTAL WATER IMPROVEMENT 1981</b>	<b>\$482.21</b>