

Workshop 5:30 pm – 6:45 pm Electric Cost of Service

DRAFT AGENDA
TOWN OF LYONS

MONDAY, MARCH 6, 2017

SHIRLEY F. JOHNSON COUNCIL CHAMBER
LYONS TOWN HALL, 432 5TH AVENUE, LYONS, COLORADO

I. Roll Call and Pledge of Allegiance

Roll Call. Present: Mayor Connie Sullivan, Mayor Pro Tem Dan Greenberg, Trustee Mike Karavas, Trustee Juli Waugh, Trustee Barney Dreistadt, Trustee Wendy Miller.

Absent: Trustee Jim Kerr.

II. A Reflective Moment of Silence

III. Approve Agenda

Motion: Mayor Pro Tem Greenberg moved to approve the agenda, **Action:** Approve, **Moved by** Mayor Pro Tem Dan Greenberg, **Seconded by** Trustee Barney Dreistadt.
Motion passed unanimously.

IV. Boulder County Sheriff's Report, Sgt Bill Crist

Sgt Crist updated the BOT on the following:

- ✓ Red Flag Warnings county wide until Thursday
- ✓ Vandalism issues at Bohn Park and the Lyons High School
- ✓ Festival Parking Signs
- ✓ Neighborhood Watch meeting to be set for April, how to strategize, how to monitor during the summer months, potential resources, regular duty and extra duty sheriff, Court Clerk Deb Russell has pulled stats back to 2014 for speeding, Neighborhood Watch meeting to brainstorm with the neighbors

Mayor Sullivan asked if the sheriff data would reflect the fire dept data as well. Sgt Crist stated it would show a call for service, Sgt Crist stated he can get the information from dispatch.

V. Staff Reports

Town Administrator Simonsen updated the BOT on the following:

- ✓ Bohn Park water well history, well was placed in the 1980's but was never permitted, the town does not have well rights to irrigate Bohn Park, best option is to hire a water engineer to see if there is anything there that would be useable in Bohn Park, if not the town will have to acquire other water rights to water Bohn Park, until then municipal water will have to be used to water Bohn Park, with BOT approval staff would pursue a water engineer to move forward
- ✓ Meeting with Longs Peak Water District – they are amenable to turn over their area in the Eastern Corridor to the town
- ✓ Staff has been meeting with businesses concerning pre treatment of water
- ✓ Dustin Easley, Public Works has put in his two week notice and will be working with NLine
- ✓ Staff is interviewing for the open positions, we are getting some great candidates
- ✓ Lyons Regional Library District is working on a time line to secure financing and are working towards breaking ground in the fall, discussion concerning quiet title for the railroad property
- ✓ Update on CDBG-DR
- ✓ Lyons Main Street Scape Project was voted project of the year by MEAN

VI. Audience Business

1. Ceann Udovich and Grayson Thomas, Lyons High School students, President and Vice President of the Lyons Leo Club reported to the BOT the projects they have been working on: fire mitigation,

landscaping, flood recovery projects and they are generally trying to find other projects similar to those they have completed for the rest of the year. Ceann and Grayson can be contacted at leoclublyons@gmail.com



2. Tracy Barber and Sandra Henderson, Lyons Quilting stated quilting is a \$5 billion dollar industry nationwide. Tracy and Sandra asked the BOT to consider hosting a quilt festival in 2018. Sister, Oregon has had a successful festival, and their quilt festival draws 10,000 visitors to their town. Lyons is known regionally and nationally, this would be a one day show in the summer and quilts would be hung on all the businesses that want to participate. Tracy and Sandra are going to have a small show at the Lyons Quilt shop this year and will begin planning for August 2018. Next steps will be to work with LAHC, Lyons Fire District and Boulder County Sheriff for this event. Mayor Sullivan stated I love your ideas, enthusiasm and energy.

3. Peter Baumgartner, Lyons gave the BOT a hand out regarding funding needs of the Library District, spending that amount of money for a building that will only do what the library currently does is not desirable. LRAP acknowledges the need for arts and artists to thrive create an environment in which local businesses can prosper, leverage the town's music to attract tourists, make Lyons a retail arts and artistic tourism destination, and insist on an auditorium/performance space.

4. Nick Angelo, Lyons stated he wanted to give a shout out to Jennifer Shauffel who recently stepped down from DRCOG and to Amy Reinholds for tenacity and dedication to housing, Town Attorney Guckenberger for her honesty and integrity, Deb Russell and Deb Anthony for their assistance in records requests, truly defined transparency.

5. Lavern Johnson, Lyons suggested the town contact Mary Griesse at the Denver Water Board concerning the water in Bohn Park.

6. David Emerson, Director Habitat for Humanity, stated 60-80 Americorp Volunteers will be coming in June for a week to work on the project in Lyons, this will be a huge help to getting this project off the ground. Mr. Emerson stated the homeowner selection has been very difficult for staff and applicants, there are two applicants in first priority, two others have received denial letters, along with information to reapply, the next round will begin in March 25, 2017.

VII. Board and Commission Updates

PCDC – Update on Short Term Rentals and Tiny Homes

Matt Manly, Flood Recovery Manager and Greg Oeting, PCDC Chair gave the following update.

- ✓ PCDC will hold a Public Hearing on the LPPA, March 13, 2017 and if need be continue to March 15, 2017 and then will send their recommendation to the BOT.
- ✓ ADU: the resolution that removed tap fees from ADU's has created a lot of interest recently; a new handout has been drafted to give to the public. There has been some new consideration to use tiny homes (manufactured off site) and placed as ADU's, they would be on a trailer, but have no wheels. If the town wants a higher standard than the RV standards, the town would have to adopt its own standards, or go through a Conditional Use Review, this review needs to be streamlined for ADU's.

PCDC next steps would be to review the standards and determine if the BOT may be willing to adopt a new unique set of codes and review the Conditional Use Review for ADU's.

HUD will not certify manufactured housing under 400 sq feet. Looking at a third party inspector who is willing to work with the town on a new process and manufacturer willing to build to a new specification

- ✓ Short Term Vacation Rentals – PCDC wants to take a look at this to see if it should be a use by right. PCDC hosted a public meeting and about 25 residents attended the meeting to discuss issues surrounding short term vacation rentals. There are concerns about the use in R-1 neighborhoods; those in attendance were supportive of short term vacation rentals. Areas to consider regulating would be house should be owner occupied, code of ethics, thirty day maximum stay at a time – otherwise it would be a landlord/tenant relationship, one party at a time so that it separates it from a Bed and Breakfast and safety standards.

After BOT discussion, the BOT asked staff to move forward with drafting an ordinance around short term vacation rentals.

VIII. Ordinances and Public Hearings

1. PUBLIC HEARING Ordinance 1009, an Ordinance Amending Section 2-2-30 of the Town of Lyons Municipal Code Concerning Compensation for the Mayor and Members of the Board of Trustees, Second Reading

Town Attorney Guckenberger reported Section 2-2-30 of the Lyons Municipal Code currently provides that members of the Board of Trustees and the Mayor shall be paid a salary as set by ordinance of the Board of Trustees per regularly scheduled meeting actually attended up to a maximum of two regular meetings per month and an additional five special meetings per year. To enable additional flexibility in setting compensation for the Mayor and members of the Board of Trustees, to eliminate the need to codify each change in or means of determining such compensation when it occurs, and to ensure the Town's ongoing compliance with state law, the Board of Trustees desires to amend Section 2-2-30 of the Municipal Code to state that such compensation shall be set by ordinance of the Board of Trustees.

BOT discussion included the possibility of creating a flexible spending account and what implications it could have, if it would be permissible by law.

Mayor Sullivan opened the Public Hearing at 8:20 pm

1. Nick Angelo, stated he just wanted it to be clear this ordinance is not the actual compensation ordinance, this is for the number of meetings and formula for compensation. Mayor Sullivan stated he was correct. Mr. Angelo stated that he would address this at the next ordinance.

Mayor Sullivan closed the Public Hearing at 8:21 pm.

Trustee Dreistadt stated he would like to propose and amendment, under compensation - member of the Board of Trustees shall each be compensated as set by ordinance by the Board of Trustees.



Motion: Trustee Dreistadt move to approve Ordinance 1009 with under compensation - member of the Board of Trustees shall each be compensated as set by ordinance by the Board of Trustees.

Action: Approve, **Moved by** Trustee Barney Dreistadt, **Seconded by** Trustee Juli Waugh.

Motion passed unanimously.

2. PUBLIC HEARING – Ordinance 1011, an Ordinance Setting Compensation for the Mayor and Members of the Board of Trustees Effective for Terms of Office Commencing After the April 2018 Election, Second Reading

Town Attorney Guckenberger reported The Board of Trustees ("Board") requested that staff prepare an ordinance to provide a monthly stipend for the Mayor in the amount of \$400.00 and for members of the Board of Trustees in the amount of \$200.00 as compensation for their service. Two ordinances will be required to fulfill this request. Proposed Ordinance 1009 revises the Lyons Municipal Code to eliminate the formula for computing compensation based on the number of meetings attended. This proposed Ordinance 1011 will set the new compensation amounts.

Section 2-2-30 of the Lyons Municipal Code states that the Mayor and members of the Board of Trustees shall each be paid a salary as set by ordinance of the Board of Trustees per regularly scheduled meeting actually attended by the recipient of the salary, up to a maximum of two (2) regularly scheduled meetings per month and an additional five (5) special meetings per year. If the Board enacts Ordinance 1009, Section 2-2-30 will merely require the compensation for those elected officials to be set by ordinance. State law requires that compensation to the Mayor and the Board of Trustees shall be set by ordinance, provided that the ordinance may not increase or diminish the compensation for the term in which the enacting elected officials were elected. State law does not set any minimum or maximum amount for such compensation. Ordinance 830, which was adopted in 2008, is the most recent ordinance setting compensation amounts. That ordinance sets a rate of compensation based on an elected official's attendance at a maximum of two meetings per month plus five special meetings per year (\$100 per meeting for the Mayor, and \$50 per meeting for members of the Board of Trustees). This Ordinance 1011 sets compensation for the Mayor at \$400 per month and for each member of the Board at \$200 per month, regardless of the number of meetings attended. In compliance with state law, the proposed ordinance applies this change to the terms of office that begin after the next regular municipal election in April 2018.

Mayor Sullivan opened the Public Hearing at 8:24 pm

1. Nick Angelo, Lyons, stated he didn't think that \$400 for the Mayor and \$200 for the Trustees was enough that it should be \$500 for the Mayor and \$250 for the Trustees. Mr. Angelo stated the recent boards have had to deal with so much more than previous boards. A higher compensation would

attract a more diverse number of people to run for the BOT, it is time for Lyons to grow up in terms of compensating the elected officials.

Lavern Johnson, Lyons stated she feels the BOT members deserve better compensation and childcare is important.

Mayor Sullivan closed the Public Hearing at 8:27 pm

BOT discussion.

Trustee Karavas stated on page one second whereas from the bottom, the number of budget meetings should be added. Mayor Sullivan stated workshops should also be added.

Trustee Miller stated the \$500/\$250 did not seem unreasonable to her.

Trustee Waugh stated she agrees with Nick Angelo, that having served pre flood there is definitely an increase in the work load for the BOT and supports the amount in the current ordinance.

Trustee Dreistadt stated until changes were made to ordinance 1009, I was ready to vote no on this, did not want the town to miss the opportunity of a level playing field and in the future to provide a mechanism for expenses so it does not cost the Mayor and or Trustees. Town Attorney Guckenberger reminded the BOT that they can't raise the amount for the current board this would be for the board coming in the 2018 election.

Mayor Pro Tem Greenberg stated I agree that everyone sitting here does more, this is a good first step the next BOT can take it to the next step, this is a 100% raise, I am comfortable with how it is currently written.


Mayor Sullivan stated she concurs, the town budget has grown and the BOT is managing much more the last 5 years in particular since the flood, the town will never go back to pre flood, we have more programs, marijuana, ADU's, short term rentals, LURA, I like where this goes but does not ham string the town. Mayor Sullivan suggested that over time that the BOT look at a stipend for the BOT sitting as the LURA, the BOT wears multiple hats. The BOT has been strong and have worked hard, broaden the number of those who are going to serve, more of a gesture than a true compensation.



Motion: Trustee Karavas moved to approve with the following change on page one second whereas from the bottom add the number of budget meetings and budget workshops.

Action: Approve, **Moved by** Mayor Pro Tem Dan Greenberg, **Seconded by** Trustee Wendy Miller. Motion passed unanimously.

3. PUBLIC HEARING – Ordinance 1010, an Ordinance Amending Section 2-2-10 of the Town of Lyons Municipal Code Concerning Term of Office for the Mayor and Members of the Board of Trustees, Second Reading

Town Attorney Guckenberger  Section 2-2-10 of the Lyons Municipal Code provides that the Mayor and members of the Board of Trustees shall be elected for terms of two years. This provision mirrors state law, as set forth in C.R.S. § 31-4-301. That statute also permits the Board to enact an ordinance that provides for four-year overlapping terms of office for trustees and for four-year terms for the mayor. However, any decision to create these overlapping terms four-year terms is not irrevocable, as the Board may choose to reinstate by ordinance the two-year terms set forth in the statute. Two limitations on changing the terms of office as set forth in the proposed ordinance are that (1) the ordinance must be enacted at least one hundred eighty days before the next regular municipal election; and (2) that the ordinance may not extend or reduce the term for which any person was elected. The proposed ordinance replaces the existing Section 2-2-10 with language that (1) eliminates an outdated and unnecessary reference to the prior municipal code; and (2) sets forth the process by which the switch to overlapping four-year terms will occur. Under the proposed ordinance, the three highest vote recipients in the April 2018 regular election will be elected for four-year terms, and the three candidates receiving the next highest number of votes will be elected for two-year terms. If there is a tie between the candidates receiving the third and fourth highest number of votes, the Town Clerk will conduct a drawing by lots to determine which candidate is elected to the longer term, in accordance with the Colorado Municipal Election Code. The proposed ordinance also establishes a four-year term for the Mayor, beginning with the April 2018 election. In compliance with state law, the proposed ordinance, the proposed ordinance does not extend or reduce the terms of any of the current elected officials.

Mayor Sullivan opened the Public Hearing at 8:43 pm.

1. Nick Angelo, Lyons, stated this is a perfect example of 'just because you can do something doesn't mean you have to'. The reason for term limits were shortened to two years was because of trustees who

were unable to keep their four years and then had a group of appointed trustees versus elected, this should be decided by an election not the BOT. Mr. Angelo stated we now have neighborhoods and maybe we should consider a ward system and if it is not filled by a ward rep then there would be an at large seat. Mr. Angelo stated institutional knowledge is important but four years is a long time and could lead to a recall.

2. LaVern Johnson, Lyons stated her husband was on the BOT when the four year terms were in place and fizzled out, the only thing that might be good would be alternating 2 years; I am against 4 year terms.

Mayor Sullivan moved to close the Public Hearing at 8:48 pm.

Mayor Sullivan stated I brought this when we committed to bringing up compensation to see if there was a desire to offset the terms, to give more choice during elections, how we get more candidates to run. Mayor Sullivan stated if we are not allowed to stagger every two years, then the only choices we have are either 2 or 4 year terms. Mayor Sullivan stated it is worth the discussion. Trustee Waugh stated she wished the 2 year terms could be staggered. Trustee Waugh stated there would be a limited pool of candidates with 4 year terms, even though most trustees chose to run for a second 2 year term, a 4 year term would be overwhelming. Trustee Dreistadt stated he agrees with Trustee Waugh, people are willing to set up if needed, two year terms are working reasonably well. Trustee Miller stated she agrees that 2 years if a good beginning, 4 years is intimidating for those who have not run before. Trustee Karavas stated he is on board with the rest of the BOT. Trustee Karavas stated a home rule charter would allow more flexibility with terms and would allow for a 3 year term. Mayor Pro Tem Greenberg stated he felt it would be hard to get people to run for the second 4 year term, I am concerned with consistency, the 2 year terms seem to work fairly well, my first term 2 incumbents were unseated, there would be some consistency if maybe the mayors terms were 4 years, it might be something to consider but not tonight, a 2 year term if more palatable. BOT discussion concerning the mayor position being 4 year terms. Mayor Sullivan stated she concurs with what the BOT, there is more accountability with 2 year terms, we need to consider what would be best for the town, what would be best for staff (so they don't have a different boss every 2 years), 3 different mayors over 6 years is a lot, it's a big learning curve and a bigger investment to be Mayor, the commitments outside of town take time to cultivate, do I really want to commit for 4 years regardless if its two 2 year terms of a 4 year term. Town Administrator Simonsen stated there has been through discussion, it is every two year, town stepped up and it has worked out, I understand why two years is more attractive, with staff part of our nature is to adapt, it takes a good full year for a new trustee to get situated, Home Rule might be worth it. Trustee Dreistadt stated it would make more of a message if one of us make a motion and we vote on this.

Mayor Sullivan called for a motion.

Motion: Trustee Dreistadt moved to approve Ordinance 1010

Action: Approve, **Moved by** Trustee Barney Dreistadt, **Seconded by** Trustee Mike Karavas.

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

No: Mayor Connie Sullivan, Mayor Pro Tem Dan Greenberg, Trustee Barney Dreistadt, Trustee Juli Waugh, Trustee Mike Karavas, Trustee Wendy Miller .

Mayor Sullivan called for a 5 minute recess at 9:11pm, meeting resumed at 9:19 pm

IX. Consent Agenda

1. Resolution 2017-37, a Resolution Approving Change Orders, to the Contract with Kirsche Construction for Phase II Construction of LaVern M Johnson Park, Formerly Known as Meadow Park
CONTINUED TO MARCH 20, 2017
2. Resolution 2017-36, a Resolution Approving Change Orders to the Contract with Naranjo Construction
CONTINUED TO MARCH 20, 2017
3. Resolution 2017-33, a Resolution Accepting and Approving a Colorado Water Conservation Board Grant Agreement for Natural Resources Conservation Service Emergency Watershed Protection Funds for South St Vrain 4b-3 (SSV 4b-3) Creek Restoration
4. Resolution 2017-34, a Resolution Accepting and Approving a Contract with Boulder County Pertaining to Economic Development Grant Funds
5. Resolution 2017-35, a Resolution Supporting the DOLA – Colorado Main Street Consulting Funds to Provide Expert Insight to the Lyons Economic Impact Analysis
6. March 2017 Accounts Payable
7. February 21, 2017 BOT Meeting Minutes

Motion: Mayor Pro Tem Greenberg moved to pull items #1 and #2 and to approve items #3 – #7.
Action: Approve, **Moved by** Mayor Pro Tem Dan Greenberg, **Seconded by** Trustee Barney Dreistadt.
Motion passed unanimously.

X. General Business

1. Public Comment - Resolution 2017-28, a Resolution of the Board of Trustees of the Town of Lyons Acting on Behalf of the Town's Water Enterprise Approving a Contract to Buy and Sell Real Estate between the Town's Water Enterprise and the City of Longmont's Water Utility Enterprise
Town Attorney Guckenberger reported this is being continued to the March 20, 2017 meeting as Longmont wants to reserve utility easements on the property for their utilities. Town Administrator Simonsen stated this will not change the closing date on April 21, 2017. Mayor Pro Tem Greenberg stated staff can make a recommendation to the easements to the BOT when the contract is brought to the BOT.

Motion: Mayor Pro Tem Greenberg moved to continue Resolution 2017-28 to the March 20, 2017 BOT meeting.

Action: Approve, **Moved by** Mayor Pro Tem Dan Greenberg, **Seconded by** Trustee Juli Waugh.
Motion passed unanimously.

XI. Items Removed from Consent Agenda

Motion: Mayor Pro Tem Greenberg moved to table Resolution 2017-37

Action: Table, **Moved by** Mayor Pro Tem Dan Greenberg, **Seconded by** Trustee Wendy Miller.
Motion passed unanimously.

Motion: Mayor Pro Tem Greenberg moved to table Resolution 2017-36

Action: Table, **Moved by** Mayor Pro Tem Dan Greenberg, **Seconded by** Trustee Mike Karavas.
Motion passed unanimously.

XII. Trustee Reports (5 minutes per person)

Mayor Pro Tem Greenberg stated SFC will meet in Thursday.

Mayor Pro Tem Greenberg stated he would be attending Democracy Day tomorrow.

Mayor Pro Tem Greenberg stated he would like to see more community engagement with all the neighborhoods in town like what is being done with residents at Park/Evans concerning speeding through the neighborhood.

Trustee Dreistadt stated LAHC meets tomorrow.

Trustee Waugh stated EDC will meet Thursday, the joint social with the Chamber was successful, the presentation by Toby Russell was great and we have 3 more businesses who are sharing data with Toby.

Trustee Karavas stated the Ecology board met on Monday and have asked about the amount of work being done with the LPPA.

Trustee Miller stated Human Services met on Monday and talked about granting for the Good Will Fund, what the application might look like, the application will be brought to the BOT for approval.

Mayor Sullivan stated this would be more for staff to manage than the BOT. Trustee Miller stated they have identified the non profits in the area and are putting together a guide. Trustee Dreistadt asked that Lyons Volunteers be included in the guide.

Mayor Sullivan stated she received an update from Town Engineer Blankenship on the watershed, storm drainage and asked if staff could send the map to the BOT that Jim has of this.

Mayor Sullivan stated she talked with Parks Director Cosgrove about the group called Power Man, it is a run/bike/run race, similar to the Pro Challenge Bike Race, they are looking for a location to have the race next year, this was a preliminary call to discuss if this should be a standalone event or include it with Lyons Outdoor Games in 2018.

Mayor Sullivan stated she met with District Attorney Stan Garnett and he updated her on recreational marijuana.

XIII. Adjournment

Motion: Mayor Pro Tem Greenberg moved to adjourn at 9:45 pm

Action: Adjourn, **Moved by** Mayor Pro Tem Dan Greenberg, **Seconded by** Trustee Juli Waugh.
Motion passed unanimously.

Respectfully submitted by;

Deb Anthony, MMC – Town Clerk

Mayor Connie Sullivan

"The Town of Lyons will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities. Persons needing accommodations or special assistance should contact the Town at hr@townoflyons.com as soon as possible, but no later than 72 hours before the scheduled event."