

**LYONS BOT WILL MEET FOR A WORKSHOP CONCERNING HONEYWELL AUDIT AGREEMENT AT 6:00 PM, TUESDAY, SEPTEMBER 7, 2010 @ THE LYONS TOWN HALL PRIOR TO THE REGULARLY SCHEDULED MEETING**  
**THE PUBLIC IS WELCOME TO COME TO ATTEND THE WORKSHOPS**  
**Mayor Van Domelen, Trustees Banta, Bruder, Carroll, Jacobson, Johnson& Udovich,**  
**Town Administrator Simonsen, Town Clerk Anthony& Finance Director McClurkin**

AGENDA  
TOWN OF LYONS  
7:00 P.M., TUESDAY, SEPTEMBER 7, 2010  
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  
**Present:** Mayor Julie Van Domelen, Mayor Pro Tem Udovich, Trustee Ed Bruder, Trustee Kathy Carroll, Trustee Kathy Jacobson, Trustee LaVern Johnson, Trustee Sandy Banta. All present
- II. Recognition of our Citizens in the Armed Forces – Mayor Van Domelen asked for a moment of silence for those serving in the Armed Forces.
- III. Sgt Kevin Parker, Lyons Substation Supervisor, Report – Sgt Parker was not present due to the Four Mile Canyon Fire. Town Administrator gave a brief update on the Four Mile Canyon Fire for Sgt Parker.
- IV. Audience Business - no Audience Business
- V. General Business
  1. Resolution 2010-31 a Resolution Authorizing Amnesty for Building Permit Fines for the Fourth Quarter of 2010.  
Town Administrator Simonsen stated members of the Board of Trustees as well as staff have heard ongoing reports of building construction done in the Town of Lyons without homeowners first obtaining a building permit. This practice is not only illegal, work done on a home without a permit can have a costly impact in the future: insurance companies can and will deny claims if a building permit is not on file, homeowners trying to sell their property can have sales fall through due to lack of permission or due to poorly constructed, uninspected work. The Town of Lyons currently fines residents for doing work without a permit \$300 when they do obtain a permit for prior work. During this Fourth Quarter Amnesty program, the Town will waive this penalty, with no questions asked. Beginning in 2011, the Town will once again assess a fine for work done without a permit, but, the fine will increase to \$500, per Lyons Municipal Code 8-2A-4.  
Discussion included having staff prepare a press release to be put in the local newspaper, fines going from \$300 to \$500 after the fourth quarter, press release should include things you need a permit for but also state not limited to, make available the Safebuilt web site and put the information in the utility bills.  
**Motion:** Trustee Ed Bruder moved to approve Resolution 2010-31.  
**Action:** Approve, **Moved by** Trustee Ed Bruder, **Seconded by** Trustee Kathy Jacobson.  
**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).  
**Yes:** Mayor Julie Van Domelen, Mayor Pro Tem Udovich, Trustee Ed Bruder, Trustee Kathy Carroll, Trustee Kathy Jacobson, Trustee LaVern Johnson, Trustee Sandy Banta.
  2. Resolution 2010-32, a Resolution Approving a Memorandum of Understanding with the Governor's Energy Office.  
Town Administrator Simonsen stated the Governor's Office requires the MOU be passed by the BOT before going any further with the audit with Honeywell.  
**Motion:** Mayor Pro Tem Kirk Udovich moved to approve Resolution 2010-32.  
**Action:** Approve, **Moved by** Mayor Pro Tem Kirk Udovich, **Seconded by** Trustee LaVern Johnson.  
No discussion.  
**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.
  3. Discussion and approval of Action Minutes for the Board of Trustees Meetings

Town Administrator Simonsen stated the minutes taken now are nearly verbatim and staff is requesting to convert to action minutes which would basically include general discussion and the vote. The detail will be on the tapes which could be kept longer. Currently they are kept for 6 months. Town Administrator Simonsen stated the issue is the amount of time spent and the accuracy to get what is being said. It would be more of a broad statement of the issue and over all discussion.

Discussion between the BOT was they felt action minutes would be easier to read and follow, they would be more accessible and efficient, and would have more clarity. Trustee Bruder stated he would was not opposed if the audio quality was improved. Trustee Banta suggested keeping the tapes for 2 years.

**Motion:** Mayor Pro Tem Kirk Udovich moved to approve the conversion to Action Minutes.

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

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

**Yes:** Mayor Julie Van Domelen, Mayor Pro Tem Kirk Udovich, Trustee Kathy Carroll, Trustee Kathy Jacobson, Trustee LaVern Johnson, Trustee Sandy Banta. **No:** Trustee Ed Bruder.

#### VI. Staff Reports

Town Administrator Simonsen updated the BOT on;

- Dinner with the Boulder County Commissioners October 14, 2010 before the BOT meeting.
- The Governor's Award for Downtown Excellence Award the Town of Lyons received for Best Public Space Project. Deputy Clerk Watson submitted the application. Trustee Bruder took the photos. There will be a ceremony September 23, 2010 in Glenwood Springs for the award. The cost for a table of 10 to participate is \$675, Town Engineer Jim Blankenship and Town Attorney Tim Cox has stated they will split the cost. Thank you Jim & Tim!
- CAMS Cable Franchise Agreement
- DRCOG Tip Grant for the Eastern Corridor
- Boulder County Zero Waste liaison Jennifer Shriver
- Briefing with Boulder County Sheriff concerning the Centurion Bike Race. Centurion would like to have the race here again next year but in September.
- Community wide RTD Eco Pass System for town residents.
- Update on Medical Marijuana discussion at the PCDC workshop
- Senior Summit for Lyons

#### VII. Trustee Reports

Trustee Carroll

- Thanked the Parks and Rec Dept for completing the dog shelter at Bohn Park Dog Park
- Asked Town Administrator Simonsen for more information concerning spraying for the pine beetles in the local parks.

Mayor Pro Tem Udovich

- Updated the BOT on the PCDC's work session concerning medical marijuana licensing, zoning, local licensing, signage, stake holders, public meetings, timeline and a survey.

Trustee Johnson

- Reported on the Red Rock Rambler Square Dancers
- Redstone Museum update on grants being applied for and a break in at the museum.
- Economic Development Committed is going to start meeting on Friday mornings.

Trustee Jacobson

- Reported on the Library Board Meeting

Trustee Carroll

- Reported on net metering, net metering policy documents. The committee hopes to have a proposal to the BOT in October.
- Reported on the cost to create a parallel site to the Town web site so the Sustainable Future Commission, Library and other programs could keep up their own pages without having to rely on town staff. The bid came in a little higher than expected at \$3,000. The Sustainable Future Commission may be coming to the town to ask for support. Trustee Udovich asked if there would be an additional monthly charge. Trustee Carroll stated she still needed to negotiate with One Business Smart to get the final cost.
- Reported on the City of Boulder's business program Ten for Change, concerning zero waste.

Trustee Bruder

- Attended the Golden Gang Board Meeting - the Golden Gang will be applying for a grant to obtain a computer
- Reported on the EDC meeting last week. EDC will meet again on September 10<sup>th</sup> at 9 am at the Town Hall.
- Attended the Boulder County Aging Service Meeting in Boulder
- Toured the Loukonen Property that has been sold to Boulder County Open Space

Trustee Banta

- Reported on the Chamber Social she attended
- Reported on the Lyons First Guide Book is now out.

Mayor Van Domelen

- Attended the Mayor's meeting at St Vrain School District,
- Discussed the town being fiscal agent non profits applying for grants. After discussion among the BOT it was decided this should be handled by staff. Town Administrator Simonsen stated staff would handle this unless a new group comes in they should present to the BOT before a decision is made. The BOT stated it should be at the staff discretion and inform the BOT.
- Attended Naked in Lyons 2
- Requested Staff contact Venus de Mile bike event concerning traffic control at 4<sup>th</sup> & High Street

Town Attorney Cox

- Briefed the BOT on the Lyons/Loukonen/Lyons Valley Park lawsuit.

VIII. Consent Agenda

1. August 16, 2010 BOT Minutes

2. August 2010 Accounts Payable

3. Ordinance 885, an Ordinance of the Town of Lyons, Colorado for the Regulation of Traffic by the Town Lyons, Colorado; Adopting by Reference the 2010 Edition of the "Model Traffic Code", Repealing All Ordinances in Conflict Therewith, and Providing Penalties for Violation Thereof. First Reading

Town Attorney Cox stated the Town of Lyons, like many other Colorado municipalities, has historically used the Model Traffic Code, promulgated by the Colorado Department of Transportation, as the source of regulations governing vehicles and traffic in the Town. Every few years, CDOT introduces an updated edition of the MTC, designed to incorporate changes in the law and other revisions, and the Town must determine whether to adopt the new version by reference. The last time the Board adopted the MTC was by Ordinance 760, adopting the 2003 edition. Staff recommends passing on first reading with the Public Hearing to be held September 20<sup>th</sup>. It is a formality to reserve discussion until the public hearing, mainly because there may be citizens who attend the public hearing who would not get to hear the discussion if done at the first reading.

**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.

**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.

IX. Items Removed from the Consent Agenda – nothing was removed from the Consent Agenda

X. Executive Session - Executive Session - for determining positions relative to a matter that is subject to negotiations and instructing negotiators under Section 24-6-402(4)(E), CRS and for a conference with the Town Attorney for the purposes of receiving legal advice on specific legal questions under Section 24-6-402(4)(B) CRS, specifically regarding the Town's response to the settlement proposal developed at the mediation session held on July 15, 2010 between and among the Town, Winn and Marilyn Vaughan, and David Chilson and Karen Kavnar, and asking specific questions of the Town Attorney regarding the legal implications of accepting or rejecting the proposal. This executive session is a continuation of the discussion held by the Board of Trustees at an executive session on August 16, 2010.

**Mayor Pro Tem Udovich** moved to go to executive session for determining positions relative to a matter that is subject to negotiations and instructing negotiators under Section 24-6-402(4)(E), CRS and for a conference with the Town Attorney for the purposes of receiving legal advice on specific legal questions under Section 24-6-402(4)(B) CRS, specifically regarding the Town's response to the settlement proposal developed at the mediation session held on July 15, 2010 between and among the Town, Winn and Marilyn Vaughan, and David Chilson and Karen Kavnar, and asking specific questions of the Town Attorney regarding the legal implications of accepting or rejecting the proposal. **This executive session is a continuation of the discussion held by the Board of Trustees at an executive session on August 16, 2010 and will return to the open meeting.**

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

**Trustees Banta and Johnson recused themselves from the Executive Session.**

**Vote:** Motion passed (summary: Yes = 5, No = 0, Reuse = 2).

**Yes:** Mayor Julie Van Domelen, Mayor Pro Tem Kirk Udovich, Trustee Ed Bruder, Trustee Kathy Carroll, Trustee Kathy Jacobson.

**Reuse:** Trustee LaVern Johnson, Trustee Sandy Banta.

**The BOT moved to Executive Session at 9:09 pm**

Mayor Van Domelen stated the time is now 10:35 pm and the Executive Session has been concluded. The participants in the Executive Session were Mayor Van Domelen, Mayor Pro Tem Kirk Udovich, Trustee Kathy Carroll, Trustee Ed Bruder, Town Attorney Tim Cox, Town Administrator Simonsen and Town Clerk Deb Anthony. 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 in to Executive Session, or that any improper action occurred during the Executive Session in violation of the Open Meetings law, I ask that you stated your concerns for the record.

**Motion:** Trustee Kathy Jacobson stated I move to reject the stipulations proposed at the mediation with Winn & Marilyn Vaughn, Karen Kavnar and David Chilson regarding the Vaughn garage, 2nd to reject all subsequent settlement proposals from any party, and to direct staff to notify the parties of this decision in writing, in a letter citing the reasons for the decision discussed by the Board of Trustees. Trustee Kathy Jacobson stated the time line would start the date the letters are postmarked.

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

**Vote:** Motion carried by unanimous roll call vote (summary: Yes = 5).

**Yes:** Mayor Julie Van Domelen, Mayor Pro Tem Kirk Udovich, Trustee Ed Bruder, Trustee Kathy Carroll, Trustee Kathy Jacobson.

XI. Adjournment – Trustee Carroll moved to adjourn at 10:40 pm.

Respectfully submitted by;

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Deb Anthony, CMC – Town Clerk

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Mayor Julie Van Domelen