

**5:30 pm WORKSHOP TO DISCUSS THE IGA BETWEEN**  
**THE TOWN OF LYONS AND BOULDER COUNTY**

TOWN OF LYONS  
**7:00 P.M., MONDAY, MARCH 19, 2012**  
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 (meeting started at 7:15 pm)  
**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 – Sgt Parker was not present.
- IV. Audience Business - Limited to 15 minutes - no audience business  
  
**Motion:** Mayor Pro Tem Udovich moved to close as the Board of Trustees and open as the Local Liquor Licensing Authority.  
**Action:** Approve, **Moved by** Mayor Pro Tem Kirk Udovich, **Seconded by** Trustee Kathy Carroll.  
Motion passed unanimously.
- V. Local Liquor Licensing Authority
  1. Wanda's Coffee, Tea and Gifts – Beer and Wine License  
Deputy Clerk Watson reported Wanda's Coffee, Tea & Gifts is a new business in town and has applied for a Beer & Wine License. Deputy Clerk Watson reported the site has been posted and public notifications have been met. Deputy Clerk Watson reported the bathroom is shared with Bud Depot and is not included as part of the premise in the liquor license application and if this is an issue for the mmj business that would be a matter with the state not the local authority.  
Discussion concerning whether or not it is a requirement to have a bathroom to serve alcohol, building codes concerning bathrooms, permission to share the bathroom, which business has the bathroom on their lease, if the State will allow the Bud Depot to share a bathroom since it is to be a secured area, owners of the building have offered to put in new bathroom if the sharing causes one business or the other a problem.  
Wanda Plimmer, Eagle Valley Dr, owner of Wanda's Coffee, Teas and Gifts, gave description of her business model to the BOT and what she envisions for Wanda's Coffee and Tea Shop. Ms. Plimmer presented her petition of signatures in support.  
Mayor Van Domelen opened the Public Hearing at 7:39 pm.  
Sapan Riponche, 5<sup>th</sup> Ave #7, spoke in favor of Wanda's Coffee, Tea & Gifts.  
Gayle Hoag, 328 River Way, co-owner of the Lyons Central, asked the BOT to support this business and stated there is an agreement between Bud Depot and Wanda's concerning the bathroom and if it become an issue there is room to build another bathroom.  
  
**Motion:** Mayor Pro Tem Udovich moved to approve the beer and wine license for Wanda's Coffee and Tea House.  
**Action:** Approve, **Moved by** Mayor Pro Tem Kirk Udovich, **Seconded by** Trustee Ed Bruder.  
Motion passed unanimously.  
  
**Motion:** Trustee Kathy Carroll moved to close as the Local Licensing Authority and reopen as the Board of Trustees.  
**Action:** Approve, **Moved by** Trustee Kathy Carroll, **Seconded by** Trustee Ed Bruder.  
Motion passed unanimously.
- VI. Consent Agenda
  1. March 5, 2012 BOT Meeting Minutes
  2. March 2012 Accounts Payable
  3. January 2012 Financials**Motion:** Trustee Carroll moved to approve the Consent Agenda.

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

VII. Ordinance – Public Hearings

1. Public Hearing - Ordinance 906, an Ordinance Approving a Lease of Town Property with Spirit Hound Distillery at 4196 Ute Hwy.

Discussion concerning the back lease payments due to the town from the present owner of the property and how to gather those funds once the property is sold to Spirit Hound Distillery.

Owners Matt Rooney & Craig Englehorn, reported to the BOT that they do not have any immediate use for the leased property and could wait until the current lease payments are settled with the town.

The BOT asked Staff to pursue getting the back lease payments from Red Hill Motorcycle Werks.

Mayor Van Domelen opened the Public Hearing at 7:56 pm – closed at 7:57 with no one speaking.

**Motion:** Trustee Kathy Carroll moved to approve Ordinance 906.

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

**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.

Motion passed unanimously.

2. Public Hearing - Ordinance 905, an Ordinance Amending Section 7-3-8 of the Lyons Municipal Code to Reduce the Base Water Rate for Local Fire Protection Districts and for Properties Outside of the Town Limits – Second Reading

Town Administrator Simonsen reported this is the reduction to the base water rate for properties outside of Lyons and the Fire Department per the BOT's request.

Mayor Van Domelen opened the Public Hearing at 8:00 pm.–closed at 8:01 pm with no one speaking.

**Motion:** Trustee Sandy Banta moved to approve Ordinance 905

**Action:** Approve, **Moved by** Trustee Sandy Banta, **Seconded by** Trustee Kathy Carroll.

**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. Public Hearing – Proposed IGA with Boulder County

Mayor Van Domelen reported the BOT wanted to get public Input before we finalizing the IGA with Boulder County.

Mayor Van Domelen opened the Public Hearing at 8:00 pm.

Jeff Cornell, 139 Stone Canyon Dr, stated he was involved with the PCDC and IGA strategy team and although there are a few things to work out, he is impressed with where the negotiations have gone. He stated that it appears that Lyons has gotten more than we thought they would. This will allow the town to take control of its future and not the developers. Mr. Cornell suggested a separate agreement with CEMEX and to take a serious look at the consequences that could be involved with the 800 acres. Mr.

Cornell stated this will shape the future of the town. 

Marty Hine, 1040 McCall Alley, stated the IGA has been well negotiated and will serve the town well in the future. Mr. Hine stated he supports the IGA and thinks the town should proceed as soon as possible.




Mr. Hine also stated he understands Trustee Bruder's concerns.



Kay Ann Short, 5169 Ute Hwy stated that she owns the Stone Bridge Farm and gave the BOT a brief explanation of the farm operations. Ms. Short stated she was happy to see their property in the rural preservation area and that it is their goal to keep their property as agriculture, but was happy with the LIA/RPA designation. Ms. Short addressed 5.1 in the IGA, stating that it seems like there is still a regulation that the BOT would approve open space. Ms. Short stated that would be an unnecessary hoop since it is already designated as a preservation area. Ms. Short asked the present BOT to not pass the IGA on to the next BOT.




John Martin, 5169 Ute Hwy, asked for a list of what municipal use would be, was concerned about the town annexing the CEMEX property due to possible remediation to the site due to hazardous materials, what the status of the CEMEX transfer station is and inquired about the continued operation of CEMEX. 

Denise Arthur (environmental manager), 14277 Hwy 119, Black Hawk, stated she works at CEMEX but was not present as an authority for CEMEX. Ms. Arthur stated that to her knowledge there is not a definite plan for the plant and yes it could become a transfer station.

Mayor Van Domelen closed the Public Hearing at 8:17 pm.

BOT discussion concerning CEMEX included hatch marks north of CEMEX, if the IGA were to be approved before the CEMEX agreement what changes would need to be made, what intended urban development means.

BOT discussion concerning the overall IGA included the development of areas with constraints, owner rights to request zoning be a part of their request at time of annexation, rural preservation, urban

development, productive farms and conservation easements, CEMEX site remediation.  BOT direction to Staff is to schedule a workshop for Monday, March 26, 2012, ask the Town Attorney to be present, schedule a public hearing for the workshop March 26, 2012 and the April 2, 2012 BOT meeting and have the revised documents to the BOT by Friday, March 23, 2012


#### VIII. General Business

1. First Reading – Ordinance 904, an Ordinance Approving the Annexation, Annexation Agreement and CEC Zoning for the Property known as “Vasquez 2 Annexation”

Town Planner Ortiz reported the existing land use for this property is residential; the apartments are used mainly for the quarry workers and family. The property is on a well and septic system. In September 2005 when the town was putting in the high pressure waterline, the Vasquez septic tank was compromised. At that time Raul Vasquez petitioned the town for two sewer taps for the property now known as Vasquez 2 Annexation. The BOT at that time approved the sewer taps with the condition that they would annex into town within the next year. The town did not charge for sewer services upon connection. The policy that has been established and implemented in the past has been to go back two years for payment (this follows state statutes). Mr. Vasquez has agreed to this. The Vasquez property use is currently residential and will be considered nonconforming. This use may continue indefinitely. Mr. Vasquez agrees to zone the property to CEC and will work toward redevelopment of the property.

BOT discussion included how the water use will be monitored to enable sewer charges, CEC zoning for the property, subsurface water rights, and residential use continuing until time of redevelopment.


Manny Vasquez, 242 Welch Dr., was present to speak for Raul Vasquez. Mr. Vasquez stated there are two wells on the property that can be metered to determine the sewer rates. The property is now used for residential housing and although there are no plans for the property now, there will be in the future.


 **Motion:** Mayor Pro Tem Udovich moved to approve Ordinance 904 on first reading.

**Action:** Approve, **Moved by** Mayor Pro Tem Kirk Udovich, **Seconded by** Trustee LaVern Johnson. Motion passed unanimously.

2. First Reading - Ordinance 907, an Ordinance Amending the Zoning Regulations, Title 9 of the Town of Lyons Municipal Code, to Repeal and Re-enact the CEC Commercial East Corridor Zoning District.

Town Planner Danna Ortiz reported for the past seven months the Gateway Committee (GC) has been deliberating about how to best regulate new commercial uses, especially formula businesses, in a manner that protects the qualities that are important to the Town. Defining what elements of a restaurant, retail store or hotel/motel would have a greater impact on the Town and would require special consideration such as a public hearing before the BOT for the design, operation or layout to ensure it is compatible with surrounding uses. This has been very challenging for Staff and the GC to define due to population and employment base not being big enough to support large retail and hotels/motels so a trigger such as retail businesses larger than 5,000 sq feet may not resolve the issue. Staff recommends that Use by Special Review (USR) triggers for hotels/motels, retail uses and restaurants and making the following uses subject to use by special review/conditional use process, hotels/motels with more than 10 beds, retail uses larger than 3,000 sq feet and restaurants with drive through windows.

BOT discussion included design standards, USR triggers, number of beds for hotels/motels or number of rooms, sq footage for retail, drive through windows, landscaping, parking, neighborhood impacts and protecting existing businesses.  The BOT did not think that all formula businesses should be subject to the USR process.

The BOT directed staff to make the following changes to Ordinance 907 for second reading: hotels/motels with more than 20 beds,  retail uses larger than 5,000 sq feet and restaurants with drive through windows or drive through facilities. The BOT also agreed with the Gateway Corridor Committee recommendation to change the name of conditional use process to use by special review and the new review criteria. The BOT asked for the changes to be made and have them put in the format that would be in the LMC for them to see.

**Motion:** Mayor Pro Tem Udovich moved to approve on first reading with the following changes: hotels/motels with more than 20 beds rooms, retail uses larger than 5,000 sq feet and restaurants with drive through windows or drive through facilities and to change the conditional use review for all zones to use by special review (USR).

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

3. Resolution 2012 – 17, a Resolution Approving an RFP for Auditing Services for the Town of Lyons  
Town Administrator Simonson reported the town has been using the same auditor for the last 20 years and the Town Attorney recommends changing auditors every three to five years. Staff is requesting the BOT to approve a RFP for auditing service for the town. If approved, the RFP will be sent out to a number of auditors that have been recommended by Longmont and Nederland.

**Motion:** Trustee Kathy Carroll moved to approve Resolution 2012-17.

**Action:** Approve, **Moved by** Trustee Kathy Carroll, **Seconded by** Trustee Kathy Jacobson.  
Motion passed unanimously.

4. Resolution 2012 – 18, a Resolution Approving 2011 Budget Adjustments

Town Administrator Simonsen reported at the March 5, 2012 BOT meeting the BOT went through the 2011 Budget and Finance Director McClurkin reported these adjustments would need to be made to the 2011 budget. The adjustments are being made due to the electric transformers that were not budgeted for, increase in the charges from MEAN and WAPA for electric, the new irrigation system for parks, the Kubota mower and copier for Parks and Recreation.

**Motion:** Mayor Pro Tem Kirk Udovich moved to approve Resolution 2012-18.

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

5. Amend Resolution 2012 – 12, a Resolution Supporting the Grant Application for a River Corridor Initiative Grant from the GOCO Trust Fund for the Lyons Valley River Corridor Grant  
Town Administrator reported the final grant went in on Friday with some adjustments. The request to GOCO has increased. Staff is asking the BOT to amend Resolution 2012 – 12 to include the new amount. The increase is due to more detailed pricing and plans for a restroom by the October Hole.

**Motion:** Trustee Kathy Jacobson moved to approve amending Resolution 2012-12.

**Action:** Approve, **Moved by** Trustee Kathy Jacobson, **Seconded by** Trustee LaVern Johnson.  
Motion passed unanimously.

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


Mayor Van Domelen stated that due to the late hour, she would like to have a motion to go into Executive Session and then come back to the meeting for Trustee and Staff Reports.

9: 50 pm

X. Executive Session – Discussing The Possible Acquisition of One or More Parcels of Real Property and Directing Negotiators Concerning the Town's Position on the Proposed Acquisition.

**Motion:** Mayor Pro Tem Udovich moved to go into Executive Session for the following purposes;  
1) determining positions relative to a matter that is subject to negotiations, developing strategy for negotiations and instructing negotiators under Section 24-6-402(4)(E), C.R.S., and  
2) discussing the purchase, acquisition, lease, transfer or sale of real property under Section 24-6-402(4)(A), C.R.S., and specifically, discussing the possible acquisition of one or more parcels of real property, directing negotiators concerning the Town's position on the proposed acquisition.  
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:** Adjourn, **Moved by** Mayor Pro Tem Kirk Udovich, **Seconded by** Trustee Kathy Carroll.

Motion passed unanimously. 

The Board closed the executive session at 11:15 pm and reconvened into the regular meeting. The Board instructed staff to continue with negotiations as discussed in the session. Motion made by Trustee Udovich and seconded by Trustee Carroll. Motion passed unanimously.

XI. Trustee Reports

Trustee Bruder reported the Bonfil's Blood Drive will be April 8, 2012; the van will be set up across from the Walt Self Center. Trustee Bruder asked for volunteers to help.

Trustee Jacobson reported the Library Board will meet Wednesday, March 21, 2012.

Trustee Johnson asked for letters of support for the grant she is working on for the Redstone Museum.

Mayor Pro Tem Udovich reported PCDC needs to get input on the design standards from the UEB.

Trustee Banta reported the LAHC will be meeting this week on Tuesday.

Mayor Van Domelen appointed Dawn Weller to the SFC.

XII. Staff Reports

XIII. Adjournment – Mayor Pro Tem Udovich moved to adjourn at 11:22 pm.

Respectfully submitted by

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Deb Anthony, MMC – Town Clerk

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Julie Van Domelen, Mayor