

1 TOWN OF LYONS BOARD OF TRUSTEES MEETING  
2 VIRTUAL MEETING  
3 LYONS TOWN HALL, 432 5<sup>TH</sup> AVENUE, LYONS, COLORADO

4  
5 **ZOOM LINK:**

6 <https://us02web.zoom.us/j/81302897050?pwd=OFI3YXNIYTF6bjJaQWY0VDJidERwQT09>

7 **Meeting ID: 813 0289 7050**

8 **Passcode: 620447**

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10 **+1 312 626 6799**

11 **Meeting ID: 813 0289 7050**

12 DRAFT AGENDA

13 **TUESDAY, MARCH 15, 2022**

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15 6:00 PM BOARD OF TRUSTEES SPECIAL MEETING

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21 I. Roll Call and Pledge of Allegiance – **Present:** Mayor Angelo, MPT Browning, Trustee Lowell,  
22 Trustee Karavas, Trustee Rogin, Trustee Miller **Absent:** Trustee Waugh  
23  
24 II. A Reflective Moment of Silence – the almost one million victims, fire victims and Ukraine  
25  
26 III. Approve Agenda – **Motion:** move to approve **Moved by:** Trustee Karavas **Seconded by:**  
27 Trustee Lowell **Motion passes 6-0**  
28  
29 IV. General Business

30 Public Hearing - Resolution 2022-23 - a Resolution of The Town of Lyons, Colorado Approving or  
31 Denying an Application Submitted by Planet Bluegrass, LLC for a Conditional Use Amending an  
32 Existing Conceptual Plan and Related Keynotes (19680 N. St. Vrain Drive – Planet Bluegrass  
33 Farm) Trustee Miller disclosed she has worked for PB in the past and can remain unbiased.  
34 Trustee Rogin disclosed she received emails from Steve Simms and Robert Brakenridge as did  
35 the rest of the board. Planner Strom presented, continued from late February; discussed changes  
36 from prior meeting and all revisions. Reduced camping and other concessions. Director Caplan  
37 disclosed his wife worked for PB and presented on utility issues, sewer line connections, water  
38 dedication requirements, water usage, electric service via Longmont. Attorney Dittman addressed  
39 process issues and review criteria. Mayor Angelo asked if any other properties in town had septic  
40 systems? Administrator Simonsen stated Indian Lookout Road did. Mayor Angelo for this property  
41 it is not an extraordinary request. MPT Browning asked if PB was requesting to connect to sewer  
42 system for existing home and new bathhouse? Director Caplan my understanding is they would  
43 connect when bathhouse was built. Director Caplan if they connect behind the existing tap, they  
44 would not be required to pay additional tap fees. **Trustee Waugh joined the meeting at 6:33 pm.**  
45 MPT Browning asked for legal interpretation and he does not agree with Director Caplan's  
46 interpretation. Attorney Dittman stated annexation agreement is clear and you could also make it a  
47 condition of approval. MPT Browning concurs with legal, discussed tap fees and what fees are  
48 anticipated to be owed from PB when existing home and bathhouse are connected? Director  
49 Caplan, existing home already connected to water, standard sewer tap fee required for that home.  
50 Discussion on code requirements for utility connections. Attorney Dittman stated that was correct  
51 unless the board chose to waive the fees. Staff to review if a CBT share put up by the prior owner.  
52 Zach Tucker covered the changes made from original application, reduction in event days, leave  
53 weekday curfew at 9pm, removal of staff housing. Our main goal is to rehome our campers from  
54 Riverbend, and we think we can achieve that with 600 campers. Regarding water dedications, our  
55 take with sewer was to not have to connect existing home now has been fine for five years. When  
56 bathhouse is built, then we would connect both buildings then, not trying to connect bathhouse to

57 septic. We really think our use now does not require us to dedicate water. Discussion on mid-tier  
58 events that changes the annexation agreement substantially. MPT Browning, regarding municipal  
59 services, has a waiver in there, annexor shall not be required to pay wastewater fee (in 2017).  
60 Zach, yes, we would pay when bathhouse is constructed. Attorney Dittman would applicant be  
61 amenable to taking that requirement out of annexation agreement? Zach confirmed. MPT  
62 Browning, you state that having to dedicate the water shares would make the project cost  
63 prohibitive. If less shares were required, would that make the project less cost prohibitive. Zach, it  
64 really comes down to the construction, \$20K would not be doable. I can review with the team.  
65 Discussion of profits, the farms' ability to pay. **Public Hearing opened at 7:11 pm.** Robert  
66 Brakenridge, see attached. BOT could defer final approval pending federal response. EAB has not  
67 met to discuss and hopes the board will move very carefully. Steve Simms, EAB, 809 5<sup>th</sup> Ave, I  
68 have a common property line with PB on 5<sup>th</sup> Ave. I helped create the EAB; was as surprised as  
69 Victoria was with federal guidelines. We are all wondering what results will be; gave his  
70 background. When I first moved here, PB entrance was across HWY 36, and you drove along  
71 highway riparian corridor. I brought it up to them, and they quickly responded. They understand  
72 the importance and if we can work together, it will be a win-win for all. I would like to offer the EAB  
73 to work with PB and their ecologist. **Public Hearing closed at 7:24 pm.** Jerry Powell, 107 Longs  
74 Peak Lyons, biologist for PB; I have all federal approvals and permits to work with endangered  
75 species. You will not find a Prebble's mouse in that area, there is not a habitat there. I trapped  
76 and scoured, we caught 3 species, none were Prebble's. I feel confident there are not Prebble's  
77 there. Zach, from PB perspective, we are certainly happy to continue to work with EAB, it is an  
78 important piece of PB experience. **Motion:** move to approve **Moved by:** MPT Browning  
79 **Seconded by:** Trustee Karavas **Motion:** amendment to Section 3. Planet Bluegrass shall comply  
80 with all requirements of the Lyons Municipal Code as to utilities, including provisions relating to  
81 water shares, connection fees and base and usage rates for water and wastewater service. Prior  
82 to issuance of any building permit relating to Planet Bluegrass' conditional use application or  
83 related documents, the Board of Trustees, after receiving advice from Town staff and the Utilities  
84 and Engineering Board, shall (i) determine water share requirements, (ii) confirm the types and  
85 amounts of connection (tap) fees to be paid for all new utility connections, and (iii) confirm base  
86 and usage rates for water and wastewater service. **Moved by:** MPT Browning **Seconded by:**  
87 Trustee Karavas MPT Browning, this is to approve conditional use on compliance with utility code.  
88 The board needs to decide utility issues upfront, not staff at building permitting stage. I am  
89 confident that we can work through these issues if we can sit and work with PB. For clarity, only  
90 on things that require a building permit, camping for instance, would not be hindered. **Motion on**  
91 **amendment passes 7-0 Motion:** in 2017 keynote PB annexation; wetlands 2.8 leave entire  
92 keynote unchanged from original **Moved by:** Trustee Lowell **Seconded by:** Mayor Angelo Trustee  
93 Lowell made this last time, making it again, appreciate changes made by PB, still talking about  
94 development in riparian zone, that area should never be developed under any circumstances. This  
95 was addressed in annexation; south side should not be used as per voters. AV neighbors are  
96 opposed to this area being used for camping. I remind you again town has adopted river  
97 protections and comp plan addresses as well. Mayor Angelo, interesting that when voters vote to  
98 protect river that borders AV, the water treatment area that is not a riparian area, personally, this  
99 area is much more sensitive, not buying concept of revegetation, reestablishment in parking areas,  
100 I saw what happened in Bohn park, voting for this based on sensitivity of area **Motion fails 5-2**  
101 **NO:** MPT Browning, Trustee Rogin, Trustee Karavas, Trustee Waugh, Trustee Miller **Vote on**  
102 **resolution as amended passes 7-0**

- 103 1. Public Hearing - Resolution 2022-24 - A Resolution of The Town of Lyons, Colorado Approving or  
104 Denying an Application Submitted by Planet Bluegrass, LLC for a Conditional Use Amending an  
105 Existing Site Plan and Related Keynotes (500 W. Main Street - Planet Bluegrass Ranch) – Planner  
106 Strom presented; Attorney Dittman one distinction, adding new section that would codify the way to  
107 amend these agreements. Rosi Dennet, no additional comments, presentation given at last  
108 meeting. **Public Hearing opened at 7:56 pm.** No speakers **Public Hearing closed at 7:57 pm**

- 109 **Motion:** move to approve **Moved by:** MPT Browning **Seconded by:** Trustee Karavas MPT  
110 Browning, this is also a quasi-judicial and if approved will remove ex parte caveat; will vote for to  
111 figure out utility issues. Administrator Simonsen asked applicant to address if they also are  
112 representing Mr. Jerry Moore? We have had issues before. Zach, PB is owned by Craig at 95%,  
113 5% Mr. Jerry Moore, no issues there. **Motion passes 7-0**
- 114 2. Resolution 2022-25 A Resolution of The Town of Lyons, Colorado Approving the Fourth  
115 Amendment to The Amendable Letter of Understanding (PBG Farm Property) – Planner  
116 Strom, the ALU is required by zoning code; they follow the proposal discussed at length. No  
117 applicant comments **Motion:** move to postpone to a date certain April 4, 2022, **Moved by:** MPT  
118 Browning **Seconded by:** Trustee Karavas MPT Browning, this is to allow us to meet with PB  
119 with ex parte rules gone, we could negotiate. I would like to make a good faith attempt to nail  
120 down utility issues and put this to bed. I don't think we would need a lot of time at that meeting.  
121 Mayor Angelo asked if this could be wrapped up? Administrator Simonsen stated not sure  
122 when we don't have consensus from the board. I think there's time. Trustee Rogin what are we  
123 negotiating? MPT Browning, what are base rates, can we reach resolution on water  
124 shares/connection fees? UEB meets tomorrow, they do not have a full understanding when  
125 reviewing before. Perhaps subcommittee: Attorney Dittman recommends sub-committee.  
126 Zach clarifying keynotes approved, so we can camp there, correct? Attorney Dittman, yes, and  
127 no mid-tier events yet. And no mention of camping in ALU's so camping can go forward  
128 **Motion passes 6-1 NO:** Trustee Miller
- 129 3. Resolution 2022-26 A Resolution of The Town of Lyons, Colorado Approving the Second  
130 Amendment to The Amendable Letter of Understanding (PBG Ranch Property) – Planner  
131 Strom, yielded time to board as staff has already presented. MPT any new utility connections  
132 proposed for the ranch property. Zach there are not. **Motion:** move to approve **Moved by:**  
133 MPT Browning **Seconded by:** Trustee Karavas **motion carries 7-0**  
134
- 135 V. Public Hearings and Ordinances
- 136 1. 2<sup>ND</sup> Reading – Public Hearing - Ordinance 1118 – an Ordinance of the Town of Lyons, Colorado  
137 Amending an Annexation Agreement with Planet Bluegrass Farm, LLC for the Planet Bluegrass  
138 Farm Property – Planner Strom, this includes ALU's and site plans, yield my time to the board.  
139 Attorney Dittman, one change requested is the waiver of water dedication until such time that they  
140 hit the max usage. MPT Browning, draft still includes unless we amend. **Public Hearing opened at**  
141 **8:23 pm** No speakers **Public Hearing closed at 8:24** **Motion:** move to approve **Moved by:** MPT  
142 Browning **Seconded by:** Trustee Karavas **Motion:** amendment paragraph 18 municipal services  
143 striking phrase “except that annexor shall not be required to pay wastewater connection fee as  
144 referenced to easement agreement. **Moved by:** MPT Browning **Seconded by:** Trustee Karavas  
145 MPT Browning, this is striking the waiver from annexation agreement **motion on amendment**  
146 **passes 7-0** **Motion:** amendment to continue to a date certain of April 4<sup>th</sup>, 2022, **Moved by:** MPT  
147 Browning **Seconded by:** Trustee Miller **Motion passes 6-1 NO: Trustee Miller**  
148
- 149 VI. Summary of Action Items
- 150 1. Sub committee to negotiate with PB on continued items – MPT and Trustee Karavas
  - 151 2. Continue Resolution 2022-25 and Ord 1118 to April 4, 2022
  - 152 3. Base rate utility discussion.
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- 154 VII. Adjournment – **Motion:** move to approve **Moved by:** Trustee Karavas **Seconded by:** MPT  
155 Browning **motion passes 7-0.** meeting adjourned at 8:38 pm.  
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158 Respectfully Submitted by:

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161 \_\_\_\_\_  
Dolores M. Vasquez, CMC – Town Clerk

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Mayor Nicholas Angelo