

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

ZOOM LINK:

<https://us02web.zoom.us/j/89326353013?pwd=L3dad3huN3A5MXFTREpNMjZTSFpMQT09>

Meeting ID: 893 2635 3013

Passcode: 924887

Dial by your location:

+1 312 626 6799

Meeting ID: 893 2635 3013

DRAFT AGENDA  
**MONDAY, MARCH 21, 2022**

6:30 PM BOARD OF TRUSTEES REGULAR MEETING

- I. Roll Call and Pledge of Allegiance
- II. A Reflective Moment of Silence
- III. Approve Agenda
- IV. Board of Ethics – Discussion of Complaint Filed Regarding Trustee Miller by Drew Weaver; Attorney Dittman provided background. Board discussion on frivolous claim. Trustee Miller made statement on ongoing legal dispute with her significant other’s business and Mr. Weaver, she is not involved. Board consensus was to dismiss.
- V. Audience Business
- VI. Boulder County Sheriff’s Office Report-Sgt Crist reported on staffing; levels coming up post covid. Uptick in traffic enforcement; new electronic ticket system; very beneficial to staff, thanked Dolores Vasquez, Marissa Davis and Deb Anthony for getting the municipal codes into system, went live last month. FLOCK camera stalled in CDOT approval process, thought it would be installed by now. Co-responder meeting went well; this crew is just phenomenal. New graffiti under 2<sup>nd</sup> ave bridge
- VII. Trustee Reports
  1. Trustee Rogin – King Soopers shooting anniversary; please take care of yourself and others.
  2. Trustee Lowell – bat houses, stocking ponds via CEMEX, annual reports are all out and ready for distribution
  3. Trustee Karavas – UEB met last Wednesday, MPT Browning sat in for me; discusses solar farm, water share for Spirit Hound to be heard later
  4. Trustee Waugh – PCDC had a workshop, updated on development projects, comp plan and wildfire taskforce. What is the scope? A lot to do with this, looking for direction in understanding their role.
  5. Trustee Miller – Goodwill grants decided; 5K to LEAF, \$4250 library and \$4250 for food forest; all had requested more. LCF requested funds, did not approve, not project based. RTD funds \$40K, Via (transportation) to run buses, RTD trying to figure out how to get that back, smaller shuttles so more efficient. Still have a few openings.
  6. MPT Browning – PRC met last Monday; discussed Lights Out night August 8<sup>th</sup>, PRC/Library update coming soon. Funding and use of parks funds for projects. While they had concerns, realize all 3 projects were tied to parks. They will be discussing Planet Bluegrass utility issues at end of March.
  7. Mayor Angelo – Thankful for staff, wonderful to help each other and be kind to each other. LAHC discussed mural projects on eastern hotel wall, CEMEX, small water tank on AV, town hall. Attended mayors meeting at SVVSD innovation center. SVVSD has

60 had no teacher losses, mentor classes for students to become teachers, graduation  
61 rates up. Two-year associate degrees at no cost. COVID learning impacts on kids.  
62 Shout out to middle school who are going to nationals for robotics. SFC updating building  
63 code to make more environmentally sustainable. Wants to meet with new BOT on 3/28.  
64 Discussed Ithaca program

65 8. Ukraine Proclamation – Mayor Angelo read in.  
66

67 VIII. Staff Reports

- 68 1. Utility Update – Director Caplan out, Administrator Simonsen updated the board.  
69 2. Administrator’s Report – hosting US 36 focus groups with businesses. Public session  
70 upcoming 3/31 @ 6pm. On 4/4 meeting will bring to the board what we have heard. HR  
71 issues, staffing issues for public works, only have 3 full time guys. Offer on code compliance  
72 position. Learned today that very good possibility we can use ARPA funds for local match  
73 for federal grants. Staff to review. MPT Browning asked if we can use ARPA, which projects?  
74 Administrator Simonsen stated the US 36 and Safe Routes.  
75 3. Legal Update – filed joint motion to dismiss with Honeywell. New court case, firing of school  
76 district superintendent, open meeting laws. Guidance from CML is to avoid serial meetings  
77

78 IX. Public Hearings and Ordinances

- 79 1. 1<sup>st</sup> Reading Ordinance 1121 – An Ordinance of the Town of Lyons, Colorado Amending  
80 Certain Sections of Chapter 2, Article 2 of the Lyons Municipal Code Concerning Board  
81 Meetings and Procedures – Attorney Dittman provided background, antiquated code;  
82 happy to take additional recommendations. **Motion:** move to approve **Moved by:** MPT  
83 Browning **Seconded by:** Trustee Waugh MPT Browning, I would like an amendment to  
84 include that code allows for majority of BOT to call a special meeting; but how? Basic  
85 procedure is to contact Town Clerk to basically poll the board. Attorney Dittman,  
86 Longmont has pretty good language; will have ready for 2<sup>nd</sup> reading. Trustee Rogin likes  
87 the suggestion; also include subject of meeting. Mayor, I think 2 board members being  
88 able to call a special meeting precludes us from having any open meeting law violations.  
89 I’d like language also stating any board member can just ask the mayor. **Motion passes**  
90 **7-0**
- 91 2. 1st Reading – Ordinance 1122 – An Ordinance of the Town of Lyons, Colorado Repealing  
92 and Replacing Chapter 16, Article 8 of the Lyons Municipal Code Concerning Off-Street  
93 Parking Regulations – Planner Strom presented various updates that comply with current  
94 federal/state regulations. Trustee Rogin, was PCDC involved at all? Planner Strom, no,  
95 quick turnaround, and is not a requirement. Trustee Rogin, definition of “adjacent”, also  
96 across the street, what happens if more than one business claims “dibs” on the spaces.  
97 Planner Strom, no tracking system currently exists. Attorney Dittman, very difficult issue;  
98 allowing contiguous as long as it wasn’t residential. Mayor Angelo, any thought to  
99 expanding and enforcing the 2-hour parking on High/Railroad? Planner Strom, this would  
100 cause problems with downtown businesses. Administrator Simonsen, it is very difficult to  
101 enforce; staffing issues, BOT could fund a position. Mayor Angelo, bicyclists jam up all  
102 the parking all weekend. Educate them to park on 2<sup>nd</sup> Ave. Administrator Simonsen, one  
103 way to reduce on RR is to advertise No Vehicles on certain length can be there. Is a  
104 safety issue for fire. Planner Strom, identified in development review process, much  
105 larger parking discussion to be had, but this is not that. **Motion:** move to approve **Moved**  
106 **by:** Trustee Karavas **Seconded by:** MPT Browning **Amendment:** sec 16-8-20 K strike  
107 everything after “contiguous, with the subject property” so that the sentence reads: “For  
108 the purposes of this subsection, “adjacent” shall mean parking which is contiguous with  
109 the subject property.” **Moved by:** Trustee Rogin **Seconded by:** Trustee Karavas Trustee  
110 Rogin, addresses the doubling up; and not taking away from existing businesses. Need to  
111 keep it freed up enough to accommodate all. Discussion on future projects, HWY  
112 36/Broadway improvements. MPT Browning this wouldn’t preclude use of those parking  
113 spaces, just not allowed to be counted. **Motion passes 6-0 Trustee Waugh stepped**  
114 **away. Motion:** amendment to section 16-8-2 E. add after decorative fence “of non-  
115 combustible materials as approved by the town” **Moved by:** Trustee Karavas **Seconded**  
116 **by:** Trustee Miller. **Motion passes 7-0. Vote on ordinance as amended passes 7-0**

- 117  
118 X. Consent Agenda  
119 1. Resolution 2022-27 - a Resolution of the Town of Lyons Accepting Public  
120 Improvements of the Bohn Park Stormwater Improvement Project: Red Hill Gulch  
121 2. Resolution 2022-28 - a Resolution of the Town of Lyons Accepting Public  
122 Improvements of the Lyons 2<sup>nd</sup> Avenue Bridge Replacement Project  
123 3. Resolution 2022-29 – A Resolution of The Town of Lyons, Colorado Approving an  
124 Amendment to The Lyons Planning Area Comprehensive Development Plan  
125 Intergovernmental Agreement  
126 4. March Accounts Payable  
127 5. January 13, 2022, Special BOT Meeting Minutes  
128 6. February 23, 2022, BOT Meeting Minutes  
129 7. March 7, 2022, BOT Meeting Minutes  
130 **Motion:** approve **Moved by:** Trustee Rogin **Seconded by:** Trustee Karavas **motion**  
131 **passes 7-0**  
132

133 XI. Items Removed from Consent Agenda  
134

135 XII. General Business

- 136 1. Discussion/Direction on Marquee Display Request by Peter Baumgartner – Administrator  
137 Simonsen, current social media policy does not allow for use of marquee for any events  
138 that are not town events. Board can make an exception. MPT Browning when I became  
139 aware of this issue and noted that policy does not allow staff to make exception. I requested  
140 it be on agenda. It should be loosened to allow; let's repeal the policy for now and allow  
141 this posting until we can update. Trustee Lowell agrees, these various groups speak to the  
142 fabric of our community; overly restrictive, use good judgement. Administrator Simonsen,  
143 since this topic has been brought up, I have had 3 requests. Mayor Angelo, in favor of  
144 loosening regs by resolution by next board and advertise Death of a Pugilist. Trustee Miller,  
145 don't want it to be a big hassle for staff; I can see both sides. If for a fundraiser for a nonprofit  
146 should be ok. Trustee Waugh in favor of this request; in general, economic vitality issue.  
147 Maybe they could work with staff on this policy. Not the best use of staff time/resources,  
148 perhaps an advertising fee. Trustee Rogin, fine with this request, not sure if the new board  
149 has an appetite to address this. **Consensus is to approve request.**  
150 2. Discussion/Direction Regarding McCain Agreement – Planner Strom presented; recent  
151 construction on Safe Routes has brought this up; Mr. McCain has not completed the  
152 conditions of approval; staff recommends granting extension date of installation of fence to  
153 Memorial Day. Mr. McCain requested the rezoning, applicant stated, and intent shows no  
154 vehicular access from 4<sup>th</sup> Ave. staff recommends all fencing should be completed by  
155 Memorial Day. Attorney Dittman, if conditions are not met, zoning is not effective. MPT  
156 Browning, when someone requests a special favor from this board, and this board passed  
157 contrary to staff/PCDC recommendations, not a good idea to come back and re-trade the  
158 agreement. You are expected to live up to promises made; staff's recommendations are  
159 very reasonable and if not done zoning change goes away. Trustee Rogin, I completely  
160 agree, extremely frustrated, there should absolutely be no driveway poured on 4<sup>th</sup>. Staff  
161 has been more than generous. Trustee Lowell concurs, extremely difficult decision to grant  
162 zoning and he is bound to that agreement. That fence should have been installed by now;  
163 wholeheartedly agree, no vehicular access from 4<sup>th</sup> Ave. Trustee Karavas agree with  
164 colleagues, and why May 27<sup>th</sup>, he's been given plenty of time. I would rather see the time  
165 shortened, and no driveway on 4<sup>th</sup>. Mayor Angelo, is 4<sup>th</sup> Ave fence to be a solid fence?  
166 Planner Strom, yes, and date comes from language stating fence to be installed 3 weeks  
167 after completion of safe routes to school project completion. Mayor Angelo, is it a CDOT or  
168 Federal requirement be a 90-degree angle? Manager Sanders, CDOT standards do not  
169 dictate curb, in general vertical curb used in nonresidential areas; driveway originally  
170 installed was supposed to be vertical and changed at Mr. McCains request and town  
171 supporting vertical curb for additional curb. ADA ramps at every curb as well. Planner  
172 Strom vertical curb really is a safety issue. **Consensus it to abide by staff**  
173 **recommendations.**

174 3. Discussion/Direction Regarding Spirit Hounds Water Dedication Waiver Request  
175 Administrator Simonsen reported an agenda request received from Crain Englehorn that  
176 the town dedicate 1.4 Lake Macintosh water shares for them. Attorney Dittman they  
177 requested and were granted Lake Mac shares; it is up to the board. Craig Engelhorn, Spirit  
178 Hounds, we were surprised we would have to increase our tap size, and not immediately  
179 clear that we would have to dedicate any water. We've clearly learned and know the town  
180 is sitting on some Lake Mac shares and are asking for economic relief. Sprinkler system  
181 will require additional Lake Mac shares and that is in our budget. MPT Browning,  
182 commented that what began with the fact there is no legitimate lack of clarity if Spirit hounds  
183 would have to dedicate shares. They received a grace period; and specifically requested  
184 Lake Mac. They were required by the board, code, resolution, and their own submitted  
185 request. I'm tired of this. My preference would be to set a deadline for transfer of Lake  
186 Mac share, if not met then that condition is revoked, and they put up a CBT share. And  
187 give them until Memorial Day as well. Mayor Angelo, extremely dangerous precedent,  
188 resolution is plain English. Trustee Waugh, I think it came from where we used proceeds  
189 from a lawsuit to purchase water shares and hold them to support economic development.  
190 I think it is totally reasonable to consider this. If not this request, when will we use? Mayor  
191 Angelo, difference between economic development and economic gratuity. It never implied  
192 we were buying those shares to give them away. MPT Browning discussion when Lake  
193 Mac shares were purchased; can also be used for affordable housing. If this town is serious  
194 about more affordable housing that is one of the best things this town can bring to the table.  
195 Trustee Karavas, that's my recollection as well; and yes, this business has paid a lot, so  
196 has every other business. This business has also cost the taxpayers a lot of money. I am  
197 in favor of a deadline as well. Trustee Waugh, 60 days is not sufficient. Mayor Angelo,  
198 can we sell them a town share? Attorney Dittman, we could not unless they were declared  
199 surplus. **Attorney Dittman to place resolution revoking Lake Mac authorization if  
200 water share not dedicated within 60 days on future agenda.**  
201

202 XIII. Discussion on Future Agenda Items  
203

204 XIV. Summary of Action Item  
205

206 60-day deadline to dedicate Lake Mac water share - Spirit Hounds  
207 Resolution - Spirithounds  
208 Change Marquee  
209 Follow staff recommendations McCain  
210

211 XV. Executive Session - Executive Session Pursuant to C.R.S. Sections 24-6-402(4)(E) And 24-  
212 6-402(4)(B) For the Purpose of Determining Positions Relative To Matters That May Be  
213 Subject To Negotiations, Developing Strategy For Negotiations, And Instructing Negotiators,  
214 And For Legal Advice From Attorneys Representing The Town Regarding a Development  
215 Plan Agreement With Moss Rock Development, LLC **Motion:** move to adjourn and enter  
216 into executive session **Moved by:** MPT Browning **Seconded by:** Trustee Karavas Entered  
217 into executive session 9:35 pm.  
218

219 XVI. Adjournment - Meeting adjourned at 10:40 pm  
220

221 Respectfully Submitted by:

222

223

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

225

226

227

228

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