

1 TOWN OF LYONS BOARD OF TRUSTEES MEETING
2 VIRTUAL MEETING
3 LYONS TOWN HALL, 432 5TH AVENUE, LYONS, COLORADO
4

5 **ZOOM LINK:**

6 <https://us02web.zoom.us/j/89937591255?pwd=U0hDb1R1bHhkQUQ3Y3p4UDBRcTRMUT09>

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8 Meeting ID: 899 3759 1255

9 Passcode: 712976

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11 +1 929 205 6099 US (New York)

12 Meeting ID: 899 3759 1255
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15 DRAFT AGENDA

16 **MONDAY, APRIL 4, 2022**

17 6:15 pm - WORKSHOP

18 US 36/Broadway Improvement Project Update

19
20 7:00 PM BOARD OF TRUSTEES REGULAR MEETING
21

- 22 I. Roll Call and Pledge of Allegiance – **Present:** Mayor Angelo, MPT Browning, Trustee Miller,
23 Trustee Lowell, Trustee Waugh, Trustee Rogin, Trustee Karavas
24
- 25 II. A Reflective Moment of Silence – in honor of million victims of COVID, brave people of
26 Ukraine, Marshall fire victims.
27
- 28 III. Approve Agenda – **Motion:** move to approve **Moved by:** Trustee Karavas **Seconded**
29 **by:** Trustee Lowell **Motion;** amend to move proclamations of bridge/path to general
30 business **Moved by:** MPT Browning **Seconded by:** Trustee Karavas **Motion passes 7-**
31 **0**
32
- 33 IV. Audience Business – Taj Schimeck, see attached.
- 34
- 35 V. Boulder County Sheriff's Office Report – Sgt Crist reported that prom/after prom went well;
36 graffiti cases still under review, 2 new deputies in town.
37
- 38 VI. Trustee Reports
- 39 1. MPT Browning – UEB met last week, focused on Planet Bluegrass utility situation.
40 2. Trustee Miller – No report; HHS meets next Monday
41 3. Trustee Rogin – will participate in democracy day at Longmont Museum next week
42 4. Trustee Lowell – Big thank you to Attorney Dittman for L hill deed. Took dog for a
43 walk last week, achieved grand slam of violations, fishing in ponds, guy on dirt bike
44 on trail, souped up golf cart, and man/dog on soccer field right in front of sign that
45 says NO DOGS ON SOCCER FIELD. Need to hire a CSO that can issue citations.
46 Obvious staff member that can do this, full time, with benefits.
47 5. Trustee Waugh – PCDC did not meet last week.
48 6. Trustee Karavas – UEB tackling all the issues we've been throwing at them.
49 7. Mayor Angelo – attended concert at auditorium. Thankful for staff and will dearly
50 miss them. Recommends Ella Fitzgerald's album to potential singers.
51
- 52 VII. Proclamations
- 53 1. Proclamation – Arbor Day read in by Mayor Angelo
54 2. Proclamation Dedicating the 4th Avenue trail as Crystal Way
55 3. Proclamation Dedicating the 4th Avenue Ped Bridge to David and Janet Orback
56
- 57 VIII. Staff Reports

- 58 1. Flood Recovery Update – Manager Sanders updated on Ped Bridge, ramps and sidewalks
59 and prepping for abutments. Black Bear Hole, delay due to lots of erosion, will do irrigation,
60 landscaping and improvements to parking lot. Bohn Park fields drainage issue, they have
61 been working on it the last two weeks, meet tomorrow to reassess.
- 62 2. Administrator’s Report – Emergency sirens start being tested April-Oct. will do a silent test in
63 April; Comp plan – open house April 12th 6:30 to 8pm. Building permits on the rise;
64 congressional spending now open, accepting applications, have 4 projects we would like to
65 submit a letter of support. MPT Browning, generally have concerns, would like update on
66 WWTP. This board added to the 22 budget for wildfire mitigation. Where are we with Martin
67 Parcel? Consensus is to send in letter of support. Administrator Simonsen, wildfire
68 proposal from ad hoc committee for short/long term goals, funding, etc. meeting tomorrow
69 then with Fire then to new board. Fire department wants to be involved.
- 70 3. Legal Update – Attorney Dittman updated on Honeywell. Trustee Lowell, on Yoder matter,
71 your firm charged \$1700, one hearing hired a hearing officer, any costs recoverable?
72 Attorney Dittman, potentially, courts don’t like to assign attorneys fees to defendants.
73 Trustee Lowell, last week quite a bit of activity around the Yoder house, has building permit
74 been pulled? Administrator Simonsen, only to finish siding, bank rep. and contractor on
75 sight several times.

76 **Motion:** adjourn as BOT and enter as Lyons Liquor Licensing Authority **Moved by:** Trustee
77 Karavas **Seconded by:** Trustee Waugh **Motion passes 7-0**
78

79 IX. Lyons Liquor Licensing Authority

- 80 1. New Hotel & Restaurant Liquor License – Moxie Mercantile at 355 Main Street – Deputy
81 Clerk Davis presented. Applicant Andy Clark 140 Walnut, Louisville, thanks for the
82 opportunity, been coming since I was 18, huge fan of Lyons. Our desire is to obtain this
83 liquor license, modeled after original shop in Louisville. Not anticipating a rowdy endeavor;
84 we have a good track record, responsible, community driven. **No public comments.**

85 **Motion:** move to approve **Moved by:** MPT Browning **Seconded by:** Trustee Waugh **Motion**
86 **passes 7-0**

- 87 2. New Hotel & Restaurant Liquor License - Marigold Lyons, LLC at 405 Main Street – Deputy
88 Clerk Davis presented. Applicant Theo Adley, 4428 Greenbriar Blvd, Boulder, long running
89 love of Lyons, feeling blessed and lucky to be here. Thanked staff for their help. Kelly
90 Whitaker, 3060 Apollo Park Way, Boulder, in support, is successful wherever he goes.
91 Cristy Hoffman, 2024 Apple Valley, in full support, excellent chef, wonderful for the town.
92 Andy Clark, 140 Walnut, whole heartedly support him, exciting things on Main Street, look
93 forward to your restaurant opening. MPT Browning asked if building is leased, Theo
94 confirmed it is owned. MPT Browning asked if there would be outdoor seating? Clerk Davis,
95 this application is for indoor dining only. They would need to come before the board again if
96 they wish to modify the premises **Motion:** Move to approve **Moved by:** MPT Browning
97 **Seconded by:** Trustee Waugh **motion passes 7-0**

98 **Motion:** adjourn as Lyons Liquor Licensing Authority and enter as BOT **Moved by:** Trustee
99 Karavas **Seconded by:** Trustee Waugh **Motion passes 7-0**
100

101 X. Public Hearings and Ordinances

- 102 1. 2ND Reading – Public Hearing - Ordinance 1118 – an Ordinance of the Town of Lyons,
103 Colorado Amending an Annexation Agreement with Planet Bluegrass Farm, LLC for the
104 Planet Bluegrass Farm Property – Planner Strom presented. Dept. of Parks, Fish & Wildlife
105 requested more information on Prebble’s mouse, prior conditional use approval will not
106 override what Fish & Wildlife require. Utility requirements are updated in agreement.
107 Trustee Rogin if Fish & Wildlife has final approval how can we approve? Attorney Dittman,
108 parallel requirements, land use, and endangered species. That is a separate parallel track,
109 we have no authority over that. Trustee Rogin, what happens if we approve, and they say
110 no? Attorney Dittman, only a portion of property affected, but they could not operate.
111 Trustee Lowell, a lot of conditions from Fish and Wildlife; need habitat assessment,
112 reorganizing layout, appropriate for us to put caveat on approval depending on Fish and
113 Wildlife? Attorney Dittman, hard to separate the properties that are affected. Fish and
114 wildlife have final say; would have to come back for modification for these land use

115 approvals. Mayor Angelo, interesting that a taking could occur, mitigating circumstances.
116 Have concern without letter of concurrence. Since mid-tier events allow 3K participants,
117 there will be no camping? Planner Strom, correct, only for large events. Zach Tucker, 1804
118 Tyler Ave, Longmont, thanked subcommittee and staff, very productive. Committed to all we
119 agreed on. MPT Browning, will the Planet commit to sharing/keeping town up to date on
120 Fish & Wildlife status. Zach, that is very reasonable. **Public Hearing opened at 8:29 pm.**
121 Andy Clark, 140 Walnut, Louisville, voice support for Planet, they helped put Lyons on the
122 map, provides jobs, builds community, creates commerce. **Public hearing closed at 8:31**
123 **Motion:** move to approve **Moved by:** MPT Browning **Seconded by:** Trustee Karavas MPT
124 subcommittee tackled the big items, not easy to work through. In favor of this, PB has been
125 very reasonable and responsive to concerns of AV residents. Hope PB/next board/staff
126 discuss municipal impact fee, lodging tax. Mayor Angelo, world class facility, but I take issue
127 with comments dismissing concern of an endangered species. I will support this. **Motion**
128 **passes 7-0**

- 129 1. 2nd Reading – Public Hearing - Ordinance 1121 – An Ordinance of the Town of Lyons,
130 Colorado Amending Certain Sections of Chapter 2, Article 2 of the Lyons Municipal Code
131 Concerning Board Meetings and Procedures – Attorney Dittman provided background.
132 **Public Hearing opened at 8:42 pm** No speakers **Public Hearing closed at 8:42 pm**
133 **Motion:** move to approve **Moved by:** MPT **Seconded by:** Trustee Karavas **Motion:**
134 amendment to first sentence of Sec. 2-2-110(b) Special meetings. Special meetings of the
135 Board of Trustees shall be called by the Town Clerk on the written request of the Mayor, the
136 Mayor Pro Tem if the Mayor is absent, or any two members of the Board of Trustees, on at
137 least 24 hours written notice before the meeting to each Board member, either delivered
138 personally or electronically. **Moved by:** MPT Browning **Seconded by:** Trustee Karavas
139 **Motion passes 7-0 Vote on ordinance as amended passes 7-0**
- 140 2. 2nd Reading –Public Hearing - Ordinance 1122 – An Ordinance of the Town of Lyons
141 Repealing and Replacing Chapter 16, Article 8 of the Lyons Municipal Code Concerning Off-
142 Street Parking Regulations – Planner Strom presented; redline version shows all updates,
143 staff revised based on feedback from board. **Public Hearing opened at 8:49 pm** No
144 speakers **Public Hearing closed at 8:49 pm** **Motion:** move to approve **Moved by:** Trustee
145 Karavas **Seconded by:** Trustee Waugh **Motion passes 7-0**

146
147
148 XI. Consent Agenda

- 149 1. Resolution 2022-30 – a Resolution of the Town of Lyons, Colorado Accepting a
150 General Warranty Deed for 0 Red Gulch Road, Lyons, Colorado from Lyons Valley
151 Park, Inc.
- 152 2. Resolution 2022-31 -A Resolution of the Town of Lyons, Colorado Approving the Fourth
153 Amendment to the Professional Services Agreement with J-U-B Engineers, Inc. for
154 Construction Management Services for Stormwater Improvements and Lyons Roadway
155 Repairs
- 156 3. Resolution 2022-32 - A Resolution of the Town of Lyons, Colorado Ratifying the
157 Second Amendment to the Construction Agreement with Southpaw Corporation for the
158 Back-Up Power Public Works Generator Project
- 159 4. Resolution 2022-33 - A Resolution of the Town of Lyons, Colorado Accepting Public
160 Improvements of the Back-Up Power Project
- 161 5. Resolution 2022-34 - A Resolution of The Town of Lyons, Colorado Ratifying the
162 Decision of the Board of Trustees on March 21, 2022, to Require the Dedication of 1.4
163 Shares of Lake McIntosh Water Shares by Spirit Hound Distillers by May 20, 2022
- 164 6. April Accounts Payable
- 165 7. March 15, 2022, Special BOT Meeting Minutes
- 166 8. March 21, 2022, BOT Meeting Minutes

167 **Motion:** move to approve **Moved by:** Trustee Karavas **Seconded by:** Trustee
168 Lowell **motion passes 7-0**

169 **Break at 8:54 pm meeting convened at 9:02 pm**
170

171 XII. Items Removed from Consent Agenda

172

173 XIII. General Business

174

- 175 1. Resolution 2022-38 - A Resolution of the Town Of Lyons, Colorado Dedicating the 4th
- 176 Avenue Pedestrian Bridge to David and Janet Orback – MPT Browning gave background,
- 177 very appropriate to honor them. Trustee Karavas in favor of this, worked closely with the
- 178 Orbacks. Trustee Miller echoed the sentiments. Mayor Angelo, Janet Orback was a good
- 179 friend of mine, I served with her mother Frances Backet, pioneer family. Couldn't think of a
- 180 more appropriate thing to do. **Motion:** move to approve **Moved by:** MPT Browning
- 181 **Seconded by:** Trustee Karavas **Motion passes 7-0**
- 182 2. Resolution 2022-39 A Resolution of the Town of Lyons, Colorado Dedicating the Trail Along
- 183 4th Avenue Between The Pedestrian Bridge And Prospect Street As 'Crystal Way' **Motion:**
- 184 move to approve **Moved by:** MPT Browning **Seconded by:** Trustee Rogin MPT many know
- 185 her as a very valuable town employee. All the work she did during the flood was not paid,
- 186 she put in countless hours. Trustee Lowell, I never saw her get tired. I wish we could
- 187 dedicate more to her, but a great way to honor her. Trustee Karavas she took a beating
- 188 sometimes and never shied away; upwards of 1,000+ hours a year, very well deserved.
- 189 Trustee Rogin echoed and last couple of years remarkably tough, she looks out for the
- 190 town. The least we could do. Trustee Miller, she is a powerhouse. Mayor Angelo, always so
- 191 positive; loves the town. **Motion passes 7-0**
- 192 3. Resolution 2022-25 A Resolution of the Town of Lyons, Colorado Approving the Fourth
- 193 Amendment to The Amendable Letter of Understanding (PBG Farm Property) – Planner
- 194 Strom presented; staff recommending approval. **Motion:** move to approve **Moved by:** MPT
- 195 Browning **Seconded by:** Trustee Karavas **Motion passes 7-0**
- 196 4. Resolution 2022-35 – a Resolution of the Town of Lyons, Colorado Granting the Use of Lake
- 197 McIntosh Water Shares to Planet Bluegrass LLC for Economic Development – Attorney Dittman
- 198 presented; PB agreed to dedicate to satisfy annexation agreement. **Motion:** move to approve
- 199 **Moved by:** Trustee Karavas **Seconded by:** MPT Browning MPT going forward, town needs to
- 200 address partial shares (1.4) with Longmont. **Motion passes 7-0**
- 201 5. Resolution 2022-36 – a Resolution of the Town of Lyons, Colorado Approving a
- 202 Development Agreement with Moss Rock Development, LLC - Planner Strom presented;
- 203 Trustee Rogin asked why number of parking spaces on 2nd Ave lot reduced? Attorney
- 204 Dittman negotiated 70 spaces; thought 30 was most the town could give. Administrator
- 205 Simonsen, they don't have a big interest in using that lot (8 spaces) a shuttle isn't much
- 206 interest to them. New layout, 2 full sides of parking lot, felt sufficient for their needs. MPT
- 207 have rates been set for that lot? Discussed low-cost spaces. Administrator Simonsen,
- 208 hoping to keep those closest to Black Bear hole and encourage bicyclists to park there, a
- 209 combination of rates. Attorney Dittman, last minute request from applicant in section A
- 210 regarding Branding, would like word Un-branded removed, not a chain, but would like to
- 211 brand. **Motion:** move to approve **Moved by:** MPT Browning **Seconded by:** Trustee Waugh
- 212 **Motion:** amendment to section 2.11 regarding fire, add "developer will create in conjunction
- 213 with Lyons Fire a wildfire evacuation plan **Moved by:** Trustee Rogin **Seconded by:** MPT
- 214 Browning **Amendment passes 7-0** **Motion:** amend recital section paragraph to remove
- 215 unbranded **Moved by:** MPT Browning **Seconded by:** Trustee Lowell **Amendment passes**
- 216 **7-0 Resolution as amended passes 7-0**
- 217 6. Resolution 2022-37 – a Resolution of the Town of Lyons, Colorado Amending the 2022
- 218 Budget – Finance Director Eyestone presented on different options. MPT Browning if
- 219 additional funds come available, we could replenish these funds? Director Eyestone
- 220 confirms, we would reappropriate then. MPT Browning does the board need to identify
- 221 which funds get replenished first? Director Eyestone, the board should give guidance. Mayor
- 222 Angelo, what is causing all these projects to come in over what we projected? Director
- 223 Sanders, rise in design and admin costs. CDOT funding also requires a lot of
- 224 documentation, construction/engineering costs way up. Mayor Angelo, my concern is we are
- 225 in an inflationary spiral, I think we'll see even higher costs, hopefully we can offset with

226 additional funding sources. Director Sanders, we add a 10% contingency to all projects for
227 that reason. Trustee Rogin, what is end date for potential claw backs? Manager Sanders,
228 one for ineligible costs about 1 million we have covered with set aside. State is about 1%.
229 Claw back is when OIG audits FEMA and State not the Town. That timeline depends on
230 when entire disaster is closed, then 3 years after that. **Motion:** move to approve **Moved by:**
231 MPT Browning **Seconded by:** Trustee Waugh **Motion:** amendment to add in section 2 last
232 sentence, to the extent funds from additional sources are received, it is recommended that
233 such additional funds be used to replenish these funds in order : 1. Claw backs,
234 Conservation, and Parks **Moved by:** MPT Browning **Seconded by:** Trustee Karavas
235 **amendment passes 7-0** MPT Browning commended staff, I too didn't want to take funds
236 away from streets, flood claw back is an unknown. **Resolution as amended passes 7-0**
237 7. Agenda Request – Use of Marquee for Lyons Film Festival – Administrator Simonsen Jackie
238 Brennan, Evans St, submitted request. Town policy does not allow except for town events.
239 Board can waive; staff has no issue. We have comp plan open house posted, leave that up
240 till 4/13. Trustee Rogin, huge film festival fan, but a policy is in place, best to deny this
241 request until we can get a policy in place. MPT Browning, I agree with that. Trustee Lowell
242 go ahead and use it. **Consensus is to deny request.**
243

244 XIV. Discussion on Future Agenda Items

- 245 1. Trustee Karavas – maybe update marquee to a digital sign
246

247 XV. Summary of Action Items

- 248
249 1. Work on 1.4 share issue with Longmont
250 2. Notify Ms. Brennan of board's decision on marquee
251

252 XVI. Adjournment – **Motion:** move to adjourn **Moved by:** Trustee Karavas **Seconded by:**
253 Trustee Lowell **Motion passes 7-0** Meeting adjourned at 10:13 pm
254
255
256
257

258 Respectfully Submitted by:

259
260 _____
261 Dolores M. Vasquez, CMC – Town Clerk

260 _____
261 Mayor Nicholas Angelo