

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

5 **ZOOM LINK:**

6 <https://us02web.zoom.us/j/89438674046?pwd=RIRVRzYwTXM4OWw2UnhGVtJxaGRBZz09>
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8 Meeting ID: 894 3867 4046

9 Passcode: 223053

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12 Meeting ID: 894 3867 4046
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16 DRAFT AGENDA

17 **MONDAY, MAY 2, 2022**

18 **5:30 pm – 6:50 pm**

19 **WORKSHOP**

20 ***BOT Priority Setting***
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23 7:00 PM BOARD OF TRUSTEES REGULAR MEETING

- 24 I. Roll Call and Pledge of Allegiance – Present: Mayor Rogin, MPT Farrell, Trustee
25 Delman, Trustee Daty, Trustee Oetting, Trustee Elson, Trustee Williams
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- 27 II. Land Acknowledgement – Mayor Rogin read in
28
- 29 III. A Reflective Moment of Silence
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- 31 IV. Approve Agenda
32 **Motion:** move to approve agenda **Moved by:** MPT Farrell **Seconded by:** Trustee
33 Williams **passes unanimously**
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- 35 V. Audience Business – Heidi Burke, 206 Cobblestone Court, fire mitigation in Bohn Park,
36 parent and educator, passion for bringing back to children what we have lost,
37 unrestricted learning in nature. Concerned about mitigating the only wild space in our
38 town that we can walk/ bike to. It is wild and free, not to mean the children are rebellious
39 or it's chaotic. It's that adults are not in control of their learning, Children learning in nature
40 in their own terms is lost and we have to go their to build forts, see wildlife, muck about
41 and they call it the enchanted forest. I call it the secret forest, only locals know about it.
42 Having these wild encounters with nature fosters positive vibes. We don't need to have
43 another manicured area, it will no longer be a secret place. Yelena Hughes, 142 Stone
44 Canyon Drive, on behalf of the of the PRC, presented for Library story walk.
45
- 46 VI. Mayoral Proclamation
47 1. Archaeology and Historic Preservation Month
48 2. Municipal Clerks Week – read in by Mayor Rogin
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- 50 VII. Boulder County Sheriff's Office Report – Sgt Crist out sick; town was relatively quiet and
51 prepping for upcoming busy season.
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- 53 VIII. Ordinances and Public Hearings
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- 55 IX. Consent Agenda

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1. Resolution 2022-43 – a Resolution of the Town of Lyons, Colorado Accepting Public Improvements of the 1st Avenue and Welch Court Water and Sewer Project
 2. Resolution 2022-44 – a Resolution of the Town of Lyons, Colorado Approving a First Amendment to the 2021 Installation and Maintenance of Seasonal Landscape Services Agreement with CoCal Landscape Services, Inc.
 3. Resolution 2022-45 – a Resolution of the Town of Lyons, Colorado Approving an IGA with Boulder County for the Opioid Settlement
 4. Resolution 2022-46 – A Resolution of the Town of Lyons, Colorado Ratifying the Third Amendment to the Professional Services Agreement with Murraysmith, Inc. for Design Services for the 4th Ave Pedestrian Bridge, Trail Connections, and Street Improvements Project
 5. Resolution 2022-47 – A Resolution of the Town of Lyons, Colorado Approving the Fourth Amendment to the Professional Services Agreement with Murraysmith, Inc. for On-Call Engineering Services
 6. Resolution 2022-48 – A Resolution of the Town of Lyons, Colorado Approving a Professional Services Agreement with Horrocks Engineers, Inc. for Design and Right-of-Way Services for the St. Vrain Regional Trail Project
 7. Resolution 2022-49 A Resolution of the Town of Lyons, Colorado Ratifying the the Second Amendment to the Professional Services Agreement with North Line GIS, LLC
 8. Resolution 2022-50 – A Resolution of the Town Of Lyons, Colorado Approving the Fourth Amendment to the Professional Services Agreement with Murraysmith, Inc. for Design Services for the 4th Ave Pedestrian Bridge, Trail Connections, and Street Improvements Project
 9. May Accounts Payable
 10. April 18, 2022, BOT Meeting Minutes
Motion: move to approve **Moved by:** Trustee Williams **Seconded by:** Trustee Oetting Trustee Farrell removed item 6. **Consent as amended passes unanimously.**

86 X. Items Removed from Consent Agenda

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1. MPT Farrell previous board had need to design trail, need to understand scope/challenges. Manager Sanders updated the board on trail location, project funded in the past and had to turn back the funding as negotiations with Highland ditch failed. CDOT funding now, fully support, and want us to work with Highland, alignment choices, most of property is town's, need easement by distillery, owned by Highland or go by Clark's they have a 50 year lease. All business owners along trail in favor, would curve around Town property that is being leased by distiller, they are not in favor of that option. Many utilities installed by Clarks shed in the back; crossing 3 ditches, need crossing agreements. Met with Highland in November, they are agreeable to working with us. We need to pass this to be able to work with Highland ditch, could take months if not a year. CDOT has encouraged us to work with them so we don't lose funding. If we turn funding away again, it may not come back. No funding shortfall at this time. Hard to estimate unknown costs. But we are always looking for additional funding sources. Trustee Williams asked the \$30K , is that from BOCO? Manager Sanders, yes, they have committed to that amount and have said maybe more available. **Motion:** move to approve **Moved by:** MPT Farrell **Seconded by:** Trustee Williams **Motion passes unanimously.**

106 XI. Boards and Commissions

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1. PRC/Lyons Regional Library – Storywalk Presentation – Kara Bauman, Library, presented. Great opportunity to expand literacy opportunities; fully fund/maintained and will work with staff. Would be permanent/semi-permanent, we would perform any maintenance, change up quarterly at the Library's expense. MPT Farrell, request – use part of new walking bridge and gardens and

112 Bohn as opposed to LMJ as that is already so crowded. Kara, we are open to all
113 options, and that is totally doable. Trustee Oetting - any bilingual/stories in
114 Spanish? Kara, yes absolutely. Administrator Simonsen, Bohn is wonderful, you
115 can do longer stories. When you choose location, work with me on flood permit.
116 **Board gave a unanimous thumbs up.**
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118 XII. General Business

- 119 1. Spirit Hound Request for Extension on Purchase Lake McIntosh Share – Director
120 Caplan reported; Spirithound is struggling to find the shares, willing to continue
121 search, or pay cash in lieu. If we accept the cash, we must still acquire the
122 rights. We have dedicated 1.4 shares of our stock to cover Spirithounds over use
123 of water. I prefer to have applicant persue those shares, they have gained benefit
124 of using those shares, risk is they could cost more. It is their responsibility.
125 Recommend extending deadline and if not able to dedicate, we accept cash in
126 lieu, and add a 10% contingency. Brad, Spirithounds, we are trying, will keep
127 looking. Cash comes in to be in good faith I guess. Third option, if town has 8
128 shares, we would like to buy 2. Mayor Rogin, if we accept cash, it would be for 2
129 shares + 10%. Brad that is about \$23K +/- . Trustee Delman, is there a contract
130 date for shares in case the Town needs them? Director Caplan, we rededicate
131 the water shares every year; no way to reallocate, need more shares to replenish
132 what we have already dedicated. We could accept cash and search for shares
133 on our own or keep in water fund. Attorney Dittman, selling shares not a realistic
134 option, we can't forecast the future of water, recommend maintain requirement or
135 accept the cash. Selling shares not an option. Trustee Oetting can the board
136 have a water share training? Direction from board is to extend for 60 days. Mayor
137 Rogin, if deadline not met, then accept cash in lieu, would prevent Spirithound
138 from having to come before the board again. Trustee Elson, I like the extension,
139 can we use the number for cash in lieu for cost of shares in 60 days? Director
140 Caplan, hard to predict what cost would be. There is always a risk. Lake
141 Macintosh is much smaller, only Longmont uses, and they own over 50% of
142 shares. Seems to be more volatile since the Town started accepting Lake Mac
143 shares. Board consensus is to extend for 60days from May 20th to July 18th BOT
144 meeting. Schedule BOT training on water shares.
- 145 2. Wildfire Mitigation Update and Discussion – Planner Strom presented
146 background; taskforce formed and completed several tasks. Looked at adopting
147 WUI code, broad approach and needs to be joint effort. Staff met with Fire
148 district, very productive. Fire district started outreach strategy, working with
149 community HOA's. CO fire commission formed WUI subcommittee, recommend
150 town wait and use that to our advantage. CWPP plan adopted over 10 years ago,
151 very useful document that meets a lot of the towns goals. Will continue to work to
152 meet taskforce goals. Town to join fire district in working with HOA's and
153 educate. Volunteer opportunities to mitigate, and town to assist fire with grant
154 applications. PCDC to continue to review WUI code and try to integrate it where
155 we can. Trustee Delman, mitigation on Martin Parcel, how would mitigation there
156 change the look/feel? Administrator Simonsen, Emily Grubler with fire will be
157 doing an assessment of both parcels, will know more in a few weeks. Then will
158 bring back to board for review. Trustee Oetting, aware fire is working with
159 HOA's, discussion is what WUI code regs/responsibilities will be. Can new code
160 officer get involved sooner rather than later? Good for him to get ahead, meet the
161 neighbors and understand the price we are all going to have to pay to clean up
162 our properties. Administrator Simonsen, we communicated that HOA's would
163 have to take more responsibility. We want to work with the neighborhoods, want
164 to focus on Lyons proper and fire to tackle unincorporated Boulder County.
165 Phillip, coordinated effort is huge, meeting again next week, very useful. MPT
166 Farrell, Stone Canyon also on the calender, may need to coordinate with fire.
167 Packet page 222, fire checklist, can we post on website, eblast? Administrator

168 Simonse, fire district asked to take the lead on that and asked that we not do
169 that. We put together an evacuation checklist, they did not want us to use, need
170 to use Boulder County OEM checklist. Waiting for them to get through election
171 and it is a timing issue. We will eventually get it on the website and will link to the
172 OEM website. Attorney Dittman, legislation currently pending, that would require
173 all municipalities to adopt a form of the WUI code, not sure what that is, could be
174 stricter of more bare bones. CML is opposing, may not be feasible for smaller
175 jurisdictions. Mayor Rogin, 18 million from Neguses office, any word on that?
176 Administrator Simonsen, will be funnelled through different agencies, we will
177 work with Boulder County, should be here soon. Discussion on evacuation
178 practices, meetings with HOA's. Mayor Rogin, the plan in our packet, an
179 implementation plan for that plan? Planner Strom, no when fire adopted this, the
180 town wasn't in coordination with fire. Trying to get it out now for education
181 purposes. Adopted 10 years ago and never shared with the town. Chief Zick is
182 working to get that out. .

183 XIII. Trustee Reports

- 184 1. Trustee Williams – nothing, needs contact information for historic preservation.
- 185 2. Trustee Elson – attended Ecology board meeting. SFC met at Oskars, good
186 meeting.
- 187 3. MPT Farrell – PCDC met with Clarion; feedback from open house last month was
188 more desire for utilities and hazard mitigation. Next open house June 16th at
189 7pm. One goal of comp plan is to retire the LPPA, will be incorporated in the
190 comp plan. Need to identify density. Will be coming to BOT in July.
- 191 4. Trustee Oetting – on UEB board, last meeting cancelled. Will meet May 4th.
192 Need contact info for student advisory commission.
- 193 5. Trustee Dady – met with EVC reviewed goals. Dovetailed with comp plan, seems
194 everyone is taking this seriously. Met with Brianna Hoyt and got a better
195 understanding of her role. Housing and Human Services Commission, a lot of
196 excitement for Summit Housing. Want to work with Lyons locals who want to
197 come back; attended opening for them, very enlightening. Would like this board
198 to meet with Summit.
- 199 6. Trustee Delman – PRC meets a week from tonight.
- 200 7. Mayor Rogin – attended DRCOG online, moving to in person this month. Trustee
201 Oetting will be my alternate.
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203 XIV. Staff Reports

- 204 1. Flood Recovery Update – Manager Sanders gave overview on last two recovery
205 projects. 4th Ave ped bridge sidewalks almost completed, bridge delay. Any
206 changes to streambank/stream you change floodplain, need to file LOMR with
207 County and FEMA. Trying to schedule a meeting with with County, if you reduce
208 water in stream you may need a LOMR as well. That would take care of all
209 recovery projects. We received 9.5 million from State, have paid back 3.5 million
210 to date. Will repay as they start closing out projects and reimbursing us. We
211 should be ok there budget wise. CIP projects – Hwy 36 improvements in design,
212 need to meet with CDOT in June for design review, need to be at at least 30
213 percent. Hope to be ready to go out to bid late fall. Trail extension awarded
214 tonight. GOCO funds for improvements to Black Bear Hole and 2nd Ave. parking,
215 moving along. Adding a restroom, parking blocks and landscape. Trustee
216 Delman, what is completion date? Manager Sanders, pushing for end of June.
217 Remind public to stay out of construction areas, people are taking down fences,
218 moving cones, climbing on equipment, it is a liability. Mayor Rogin asked about
219 LOMR, when will we know if we need one? Manager Sanders, need to schedule
220 a call with CWCP with in next couple of weeks, could be over \$100K, depending
221 on how many projects. Mayor Rogin, any impact to opening of Ped bridge?
222 Manager Sanders, no, we did a no rise certificate.

- 223 2. Administrator’s Report – to followup on Tracy’s report LOMR, we know all the
- 224 town’s projects didn’t require one, what we need to know is about all the other
- 225 projects. Summit was hit hard by damage to equipment, delay project and
- 226 thousands of dollars in damage. So disappointed, should be more respectful.
- 227 Trustee Daty, remark from Paul Capps, he mentioned Aaron. Administrator
- 228 Simonsen, they want to start building homes with out infrastructure in place.
- 229 Director Caplan, and fire risk is big. Foundation only permits is an option, but
- 230 can get costly. Administrator Simonsen covered local events. Bears are out.
- 231 Lyons Ditch requesting to lease 8 CBT shares, is done annually. Probably using
- 232 potable water in Bohn, Hwy 7 still under construction. Personnel has taken a
- 233 major turn; hired office manager/permit tech, code officer, 2 new Maint I
- 234 positions, and 3 seasonals.
- 235 3. Legal Update – Attorney Ditman presented legislation on WUI Code, energy
- 236 efficiency code, session ending soon, full update to follow. Ex Sess on Honewell
- 237 at next meeting.

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- 239 XV. Summary of Action Items:
- 240 1. Goal setting updated list to BOT
- 241 2. Storywalk to move forward.
- 242 3. Resolution needed to extend Spirit hounds deadline untill July 18th BOT meeting
- 243 4. Schedule Water Share training
- 244 5. Follow up with fire on Steamboat/Fire meeting
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- 246 XVI. Adjournment – **Motion:** move to adjourn **Moved by:** Trustee Daty **Seconded by:**
- 247 Trustee Williams **Moiton passes unanimously**
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251 Respectfully Submitted by:

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255 Dolores M. Vasquez, CMC – Town Clerk

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265 Mayor Hollie Rogin

265 “The Town of Lyons will not discriminate against qualified individuals with disabilities on the basis of disability in its

266 services, programs, or activities. Persons needing accommodations or special assistance should contact the Town at

267 hr@townoflyons.com as soon as possible, but no later than 72 hours before the scheduled event.”