

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/89102540946?pwd=rxAQW7\\_Z3y0Ygn2Upv4PSA6wTgRmPk.1](https://us02web.zoom.us/j/89102540946?pwd=rxAQW7_Z3y0Ygn2Upv4PSA6wTgRmPk.1)

7 Meeting ID: 891 0254 0946

8 Passcode: 983003

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10 +1 312 626 6799

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12  
13

14 MINUTES

15 **TUESDAY, JULY 5, 2022**

16 5:30 PM – 6:50 PM WORKSHOP

17 REVENUE 101  
18

19 7:00 PM BOARD OF TRUSTEES REGULAR MEETING  
20

- 21 I. Roll Call and Pledge of Allegiance – Present: Mayor Rogin, MPT Farrell, Trustee Daty,  
22 Trustee Oetting, Trustee Delman, Trustee Elson, Trustee Williams  
23
- 24 II. Land Acknowledgement  
25
- 26 III. Approve Agenda – **Motion:** move to approve **Moved by:** Trustee Oetting/Williams  
27 **Motion:** move to remove trustee reports; email to Clerk Vasquez and she will include in  
28 minutes **Moved by:** MPT Farrell **Seconded by:** Trustee Oetting **Friendly amendment**  
29 **by Mayor Rogin: include staff reports Amendment passes unanimously; agenda**  
30 **as amended passes unanimously.**  
31
- 32 IV. A Reflective Moment of Silence  
33
- 34 V. Audience Business – Christina Trapani Scott, 413 5<sup>th</sup> Ave, leash laws; a week ago my  
35 dog attacked in LMJ, sustaining severe injuries. Person was ticketed and has taken  
36 responsibility for it; not first time in LMJ we have been approached by dogs off leash.  
37 Hope something can be done.  
38
- 39 VI. Boulder County Sheriff's Office Report  
40
- 41 VII. Staff Introductions  
42 1. Introduction of Zachary Bertges, David Kimmett and Alexander Painter  
43
- 44 VIII. Ordinances and Public Hearings  
45 1. 2<sup>nd</sup> Reading – Public Hearing – Ordinance 1123 – an Ordinance of the Town of  
46 Lyons, Colorado Requiring the Undergrounding of Electric Lines when Upsizing  
47 Electric Service – Director Caplan provided in-depth background as requested by the  
48 BOT. Mayor Rogin asked if undergrounding is Town ROW, will we share cost, who  
49 will maintenance? Director Caplan, any work going to main of electric line into ROW  
50 requires a ROW Permit, can discuss fees. MPT Farrell, concerned about cost;  
51 maybe RLF or adding to utility bill in installments? Director Caplan, something we  
52 could look into, need to determine the who and how. **Public Hearing opened at**  
53 **7:32 pm.** No speakers **PH Closed at 7:32 pm.** **Motion:** move to approve **Moved**  
54 **by:** MPT Farrell **Seconded by:** Trustee Oetting MPT Farrell, can we send back to  
55 UEB, not an urgent issue/perhaps staff as well to look at how we could make it less  
56 burdensome to homeowners. Director Caplan, UEB has looked at this, but not from

57 a financing side. Staff could look into as well. Trustee Oetting read in UEB Chair  
58 Kerr's comments. Mayor Rogin, would this have a chilling effect on anyone wanting  
59 to build an ADU? Director Caplan, already required for them to connect and all tap  
60 fees and other things are waived. VS we aren't seeing that new ADU's are in great  
61 demand. Trustee Oetting detached ADU's are already required to underground.  
62 **Motion: amendment** accept the redline version of the ordinance **Moved by:** MPT  
63 Farrell **Seconded by:** Trustee Oetting **Motion passes unanimously** Attorney  
64 Dittman you certainly could approve and give staff time. **Motion: move to approve**  
65 **with stipulation that staff come back with funding options in next two months.**  
66 **Moved by:** MPT Farrell **Seconded by:** Trustee Oetting **Motion passes**  
67 **unanimously.**  
68

69 IX. Consent Agenda

- 70 1. Resolution 2022-66 – a Resolution of the Town of Lyons, Colorado Amending the  
71 Compensation of the Municipal Court Judge for the Town of Lyons
- 72 2. Resolution 2022-67 – a Resolution of the Town of Lyons, Colorado Approving the  
73 Second Amendment to the Professional Services Agreement with NIXC.
- 74 3. Resolution 2022-68 – a Resolution of the Town of Lyons, Colorado to  
75 Extend JUB contract 4<sup>th</sup> Ave Ped Bridge
- 76 4. Resolution 2022-69 – a Resolution of the Town of Lyons, Colorado  
77 Extending Mountain Constructors Contract for 4<sup>th</sup> Ave Ped Bridge
- 78 5. Resolution 2022-70 – a Resolution of the Town of Lyons, Colorado  
79 Amending Murray Smith Contract for 4<sup>th</sup> Ave Ped Bridge
- 80 6. July Accounts Payable
- 81 7. June 20, 2022, BOT Meeting Minutes

82 **Motion: move to approve Moved by:** Trustee Daty **Seconded by:** Trustee Delman  
83 **Motion passes unanimously**  
84

85 X. Items Removed from Consent Agenda  
86

87 XI. Boards & Commissions

- 88 1. SFC Update – Dan Matsch, Chair presented mission/goals. Requested budget for  
89 partial funding of sustainable coordinator. Trustee Oetting asked about CEMEX;  
90 municipalities can make a lot of decisions on how they source materials; how do you  
91 think your commission could play a role in understanding the costs if we want to buy  
92 more sustainable products for the US 36 project/Hotel project. Dan, to the extent that  
93 with resources we have we would love to work with you guys. MPT Farrell, comp  
94 plan very low participation; please ask your commission to fill out survey.
- 95 2. Mayoral Appointments:
  - 96 a. Lily Hirt, Kristin Quinn, Cole Thomas, and Karys Corsale to Student Advisory  
97 Committee Trustee Oetting stated he would like to give them something of  
98 substance.
  - 99 b. Anita Miller to LAHC

100  
101 XII. General Business  
102

- 103 1. Discussion/Direction on Spirithounds Water Dedication Cash-in-Lieu Offer – Director  
104 Caplan gave update; offering \$26,000 cash instead of having to dedicate the water  
105 shares as they have had a difficult time finding shares. Our water rights portfolio  
106 would not change; the Trustees then could decide to look for shares on our own or  
107 put into water fund to pay off Capital improvements projects or decline their offer and  
108 require the CBT share. Trustee Oetting, McIntosh much cheaper; but if you can't buy  
109 them, they aren't. Were they offering too low? Director Caplan, you work with  
110 Highlands Ditch Company and it's difficult to gauge. Trustee Oetting do you feel we  
111 have enough shares to absorb this and accept the money? Director Caplan, yes, I  
112 do. MPT Farrell, do we know the going rate? Administrator Simonsen we have  
113 reached out to our broker. MPT Farrell, I am a little uncomfortable as we could end  
114 up in a sticky situation if another business needs water. Don't want to set a

115 precedence of favoritism. Trustee Elson same boat, if we sell them at that price and  
116 have to purchase at four times the rate doesn't really help us out. Neil Sullivan,  
117 Spirithounds, we have spent a lot of time searching for water shares, with no  
118 success for months. Completely surprised that someone is finding them online as we  
119 speak. The town is sitting on 8 undedicated shares; we are that economic growth  
120 that needs them. If there is not a surplus, then cash-in-lieu would make sense if it got  
121 us compliant with the town. Trustee Oetting should we set a policy that has smaller  
122 businesses do cash-in-lieu of. **Board consensus is to accept cash in lieu.**  
123 Administrator Simonsen, it is possible to purchase smaller increments; and if you  
124 accept cash-in-lieu you don't have to purchase if you think our portfolio is robust  
125 enough. Director Caplan will be including this at next workshop. **Board consensus**  
126 **to direct staff to split the proceeds between purchasing one share and the**  
127 **other half into the water fund.**

128 **Break at 8:50 pm. Meeting resumed at 9:00 pm.**

- 129 2. Discussion/Direction on Lyons Creates use of Visitors Center – Administrator  
130 Simonsen presented that they have been looking for a nice space to work out of.  
131 Really just gauging interest in pursuing use of existing visitors center as an  
132 arts/visitors' center. Is zoned POS, is there any interest from the board? There are  
133 some tourism dollars available; but want nod from BOT. Trustee Oetting, doesn't  
134 current zoning block up the situation? Attorney Dittman initiative petition really locked  
135 up the parks; if parks Master Plan allows as a use, there is potential. Could  
136 potentially subdivide. Trustee Dady in favor of finding a way so that A) we could  
137 reopen the visitors center and B) Create an Arts Center it's a win/win. I envision a  
138 sculpture park. **Board consensus is to pursue options with Lyons Creates.**  
139 **Also, direct staff to work with Lyons Creates for funding sources.**
- 140 3. Update on CEMEX Referral Application Response – Administrator Simonsen stated  
141 BOCO granted an extension until July 22. Special meetings for boards and  
142 commissions; special BOT meeting to formalize response. Trustee Oetting, process  
143 question, what options will we have for expert opinion? Many zoning questions for  
144 the County. Administrator Simonsen - only giving referral comments. Mayor Rogin  
145 is there a similar document we could see? Administrator Simonsen, no they have  
146 said a letter, an email. MPT Farrell, we need to address Comp Plan/Planning Area.  
147 Mayor Rogin, does timeline work for the board? Public Meeting 7/19 at 5pm for 90  
148 minutes. Special BOT meeting following at 7pm to formulate response. Staff then  
149 draft memo response, MPT and I will review and submit. Trustee Oetting– any legal  
150 recourse to challenge process? Attorney Dittman, a few possibilities, none with good  
151 outcomes; governments are generally given benefit of the doubt and would have to  
152 find a very specific reason. They are generally not successful. Mayor Rogin - we do  
153 want to keep a good working relationship with the county. Consensus is to hold 7/19  
154 special meeting; Trustee Dady cannot make it Clerk Vasquez to send formal email for  
155 dates. Boards & Commission's to respond by 7/15.
- 156 4. Discussion/Direction of Potential Ballot Measures – Administrator Simonsen, any  
157 changes in sales tax/lodging tax/property taxes need to be voted on; Board would  
158 like to pursue lodging tax/not property taxes and no on sales.
- 159 5. Discussion/Direction on Zoning Issues:
  - 160 a. Adding Non-Profit Organizations to Municipal Zoning as a Conditional Use –  
161 Administrator Simonsen - potential of adding administrative text amendment to  
162 zoning regs to allow Non-Profits on municipal zoning. First step is to draft  
163 amendment to code to allow; asking to direct PCDC to review and  
164 recommendation back to you. This would be fully vetted by PCDC/BOT.
  - 165 b. Short-Term Rentals in Commercial Downtown Zone – Director Caplan coming  
166 up on 300 block of Main Street; several homes that now want to be a mixed  
167 use. How do we work with this? Require them to meet all commercial code  
168 requirements? Do you want to direct PCDC to review? Attorney Dittman,  
169 licensing scheme currently allows but zoning code does not reflect that. Board  
170 consensus is to send to PCDC to review.
- 171 6. Discussion/Direction on Authorizing Code Compliance Officer to be able to issue  
172 Administrative Citations – Director Caplan, what do we want our Code Officer to be  
173

174 doing? Previous board had some directives; is that the continued desire? Purely  
175 educational or a little bit more? Presented options to amend code; documents where  
176 authority is; and what they are allowed to do. Zack Bertges, it is confusing for people  
177 to understand what I can/can't do. Mayor Rogin, do you feel comfortable with that  
178 extended role? Zack, yes, I do, it is very basic. Intent of last board is different than  
179 what falls under my role. Addressing current lack of authority will help me out. Mayor  
180 Rogin for context at the time we didn't have Alex/Dave to concierge the processes.  
181 Administrator Simonsen - tonight is for direction and will need to draft updated job  
182 description. Board consensus it to move forward with changes.

183  
184 XIII. Trustee Reports

185  
186 XIV. Staff Reports

- 187 1. Flood Recovery Update
- 188 2. Administrator's Report
- 189 3. Legal Update – Honeywell update

190  
191 XV. Summary of Action Items

- 192 1. 2-month deadline for staff to work on funding policy for Ord 1123
- 193 2. Accept cash-in-lieu from Spirit Hounds and split between water fund and pursue  
194 purchase of one lake mac water share
- 195 3. Staff to work with Lyons Creates on use of Visitors Center and Funding
- 196 4. Clerk Vasquez to send email to B & C's and BOT re: calendar dates for CEMEX  
197 special meeting on 7/19.
- 198 5. Firm up ballot measures for board to review on 7/18; (lodging and separate out  
199 camping)
- 200 6. Direct PCDC to review zoning text amendment for non-profits in Muni zoning.
- 201 7. Review Parks Master plan for zoning regs.
- 202 8. Direct PCDC to review STR's in Commercial zoning.
- 203 9. Direct staff to update job description for Code compliance to include ability to issue  
204 administrative citations.
- 205 10. Trustee Dady needs rep at EVC 7/20

206  
207 XVI. Future Agenda Items

- 208 1. Trustee Farrell – review our priorities/goals before 7/11 joint meeting with PCDC.
- 209 2. Trustee Oetting – Delman wanted to review Sheriff's contract; would like to follow up  
210 on this.
- 211 3. Trustee Delman – pathways commission would like to be reinstated.

212  
213 XVII. Adjournment – **Motion:** move to adjourn **Moved by:** Trustee Dady **Seconded by:**  
214 Trustee Oetting

215  
216 Meeting adjourned at 10:21 pm.

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218  
219 Respectfully Submitted by:

220  
221 \_\_\_\_\_

222  
223 \_\_\_\_\_  
224 Dolores M. Vasquez, CMC – Town Clerk

225  
226  
227 Mayor Hollie Rogin

