

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/81513950969?pwd=STBIOWZoYjVCMTV0V3IxOEZqNUh6dz09>
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17 DRAFT AGENDA
18 **MONDAY, DECEMBER 19, 2022**
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21 5:30 PM BOARD OF TRUSTEES REGULAR MEETING
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23 I. Roll Call and Pledge of Allegiance – **Present:** Mayor Rogin, MPT Farrell, Trustee Daty,
24 Trustee Oetting, Trustee Elson, Trustee Williams **Absent:** Trustee Delman
25 **Motion:** move to enter into executive session **Moved by:** MPT Farrell **Seconded by:**
26 Trustee Daty **Motion passes unanimously.** Entered into executive session at 5:36 pm.
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28 II. Executive Session – Executive Session: an executive session being conducted
29 pursuant to C.R.S. Sections 24-6-402(4)(e) and 24-6-402(4)(b) for the purpose of
30 determining positions relative to matters that may be subject to negotiations, developing
31 strategy for negotiations, and instructing negotiators, and for receiving legal advice from
32 attorneys representing the Town on specific legal questions, and specifically,
33 determining negotiating positions and strategies regarding the Town's Energy Cost-
34 Savings Contract with Honeywell International, Inc. for the new wastewater treatment
35 plant, and obtaining advice as needed from legal counsel on related legal issues.
36 **Executive session ended at 6:57 pm. Trustee Delman joined the meeting at 7:00**
37 **pm**
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39 III. Land Acknowledgement
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41 IV. Approve Agenda – **Motion-** move to approve **Moved by:** Trustee Williams **Seconded**
42 **by:** Trustee Daty **Motion passes unanimously**
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44 V. A Reflective Moment of Silence -
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46 VI. Audience Business - none
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48 VII. Boulder County Sheriff's Office Report – Sgt Crist reported on fire last Thursday, very
49 sad day for Lyons. Town pulled together and made the best out of an unfortunate
50 tragedy, meet next week to debrief. Fire in Boulder County being worked on. That time
51 of the year for crimes of opportunity, please lock up your cars/homes and don't make it
52 easy for them. MPT Farrell stated accident this morning on 36/McConnell; every day see
53 several cars run that light. Sgt Crist said post covid people are brazenly breaking traffic
54 laws, will step up patrol/enforcement

55
56 VIII. Ordinances and Public Hearings

57 1. 1st Reading – Ordinance 1139 –An Ordinance of the Town of Lyons, Colorado
58 Approving the Overlay Zoning Designation of PUD-R to 317 Evans Street –
59 Planner Kimmitt presented; historical use has been multi-family. Applicant
60 looking to rezone to PUD-R to upgrade area and keep the affordable housing in
61 town. PUD overlay gives more flexibility to both the town and applicant. If the
62 board approves, will be applicable to the development plan that will come before
63 the board, if not, it goes away. If it is granted and does not get implemented in
64 one year, it will expire and underlying R1 zoning will stand. It does not run with
65 the land and if a new developer came in they would need to reapply. Discussion
66 on other PUD's in town; when town can declare a project "affordable", status if
67 area is blanket rezoned, floodway/floodplain, water share requirements. **Motion:**
68 move to approve **Moved by:** Trustee Daty **Seconded by:** Trustee Elson **Motion**
69 **approved unanimously.**

70 2. 2nd Reading – Public Hearing – Ordinance 1138 – An Ordinance Of The Town
71 Of Lyons, Colorado, Amending Article 4 Of Chapter 13 Or The Lyons
72 Municipal Code For The Purpose Of Increasing The Service Rates For
73 Wastewater Utility Service – Director Caplan presented; increase of 8% for CPI.
74 Would still require use of fund balance to cover expenses. **Public Hearing**
75 **opened at 7:46 pm.** No speakers **PH closed at 7:46 pm** **Motion:** move to
76 approve **Moved by:** Trustee Daty **Seconded by:** Trustee Williams **Motion**
77 **passed unanimously**

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79 IX. Consent Agenda

80 1. Resolution 2022-106 – a Resolution of the Town of Lyons, Colorado Awarding
81 and Approving a Professional Services Agreement with Tierra Resource
82 Consultants, LLC for Renewable Energy Portfolio Options and Outcomes

83 2. Resolution 2022-110 – a Resolution of the Town of Lyons Providing for
84 Additional Appropriation During Fiscal Year 2022 for Unanticipated 2022
85 Revenues and Expenditures Required of the Town of Lyons, Colorado

86 3. Resolution 2022-111 – a Resolution of the Town of Lyons, Colorado Adopting the
87 Town of Lyons Fee Schedule

88 4. Resolution 2022-112 – A Resolution of the Town of Lyons Adopting a
89 Classification And Pay Plan For The Employees Of the Town of Lyons, Colorado
90 For 2023

91 5. Resolution 2022-113 - a Resolution of the Town of Lyons, Colorado Approving
92 an Intergovernmental Agreement Between the Town of Lyons, Town of
93 Jamestown And Boulder County Concerning State of Colorado Parks and
94 Wildlife, Department of Natural Resources Human-Bear Conflict Grant
95 Cooperation

96 6. Resolution 2022-114 – A Resolution Of The Town Of Lyons, Colorado Ratifying
97 The Construction Agreement For The 2022 Town Of Lyons Asphalt Patching,
98 Repair And Maintenance Project

99 7. Resolution 2022-115 – A Resolution Of The Town Of Lyons, Colorado Accepting
100 Public Improvements For Manhole Repairs Along Upper Stone Canyon Drive

101 8. Resolution 2022-116 - a Resolution of the Town of Lyons, Colorado Approving
102 the First Amendment to the Construction Agreement with Horrocks Engineering,
103 Inc - St. Vrain Trail Extension

104 9. December Accounts Payable

105 10. December 5, 2022, BOT Meeting Minutes

106 **Motion:** move to approve **Moved by:** Trustee Williams **Seconded by:** Trustee
107 Oetting Mayor Rogin very excited to see IGA approval, worked on for several
108 years. **Motion passes unanimously**

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110 X. Items Removed from Consent Agenda
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113 XI. Boards & Commissions

- 114 1. Mayor appointed Jim Kerr to the BOA, Tom Maggio and Jane Allo to UEB.
- 115 2. Parks and Recreation Commission Update – Yelena Hughes and Thomas Delker, gave historical background and goals including: equitable access, trails and looking at getting the town certified as a dark sky town; BOCO Open Spaces has agreed to walk through need to determine who would be on, and finalize. Trail connectivity from Martin Parcel to Hwy 36 through CR 69. Bicycle traffic off of 36, away from Circle K. Safe routes to school and fire mitigation. Submitted budget requests, and random projects, like where to spend the Bronco funding. Use us a resource, we want to help you guys. Trustee Oetting asked if they have considered expanding camping opportunities to include the van life. Have discussed, may come up again. MPT Farrell suggested they work with SAC. How to prioritize sidewalks/trails; sidewalk study, applying for funding sources for formal sidewalk assessment per Administrator Simonsen. Would rather see trails with most significant safety issues rather than working on wish list. Mayor Rogin, the board changed the way that we work with commissions, we set goals and priorities, and boards will work off of those goals. Regarding Corona Hill, BOCO made assessment, you can have a walk, but their assessment stands. It is their property; I would prioritize items that affect the town directly. Prefer to work on projects in town first as we have so many needs as opposed to out of town. Prefer you work on safety issues, not competing with each other. MPT Farrell, initiatives outside of Lyons, Cyclist for Lyons, organization has grown and are pushing BOCO to change.

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135 XII. General Business

- 136 1. Resolution 2022-117 – a Resolution of the Town of Lyons, Colorado Ratifying Adoption of the 2023 Comprehensive Plan by the Planning and Community Development Commission – Planner Painter presented; after last meeting and adoption by PCDC there were additional changes to the document. It wasn't the same version that was adopted by PCDC. Attorney Dittman, role is to ratify what PCDC approved. Most were errata, but a few substantive changes were made. No rush, so I see no reason why this couldn't wait and go back to PCDC. MPT Farrell, the appendices seem to have the most changes; can I make the amendments this evening and pass chapters 1-4 and then approve appendices later. Attorney Dittman, I prefer it goes back to PCDC, it is their approval. The BOT only ratifies, and it doesn't sound like it's ready yet. No mandatory deadlines let's do it the right way, and have them amend and approve and then bring it back. Not a lot of participation from BOT, is guiding document deserves some attention.
Motion: continue to a date certain to Feb 6th, 2023. **Moved by:** Mayor Rogin **Seconded by:** Trustee Daty **Motion passes unanimously.**
- 137 2. Discussion/Direction on St Vrain Trail Project – Tracy Sanders, submitted a few options on this as the project has been stalled, significant funding shortfall. If we do not finish the project by the deadline we will have to return those funds. Wetlands have been identified on southern portion, requesting additional \$17K for survey, raising costs. If mitigation required, you could adjust trail alignment, or you would have to relocate/plant new wetlands that would add costs we can't even project right now. Mayor Rogin - Tracy and I are meeting tomorrow with Commissioner Claire Levy to do a walkthrough, we have missed October deadline, have new deadline of July and if we miss that we may have to go in front of their board, we are really up against tight deadlines; we have been working with the county, willing to help us find some, but haven't committed any funding. Discussion on negotiating with Highlands, Clarks, and costs. Discussion on Hwy 36 project, a few residents upset with one-way design approved. Ramifications of changing, delay in project up to 3-6 months, Railroad not in CDOT ROW, need to be ADA compliant. Director Eyestone, the town now has 0 dollars budgeted, with \$46K already

164 expended, will need to be covered along with any additional costs. No funding in place, a
165 risk the board will be taking. Board would like to hold executive session first and give
166 direction after.

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168 XIII. Trustee Reports

- 169 1. Trustee Williams – next meeting next Wednesday
- 170 2. Trustee Elson – EAB meets tomorrow night, UEB missed the meeting, Dan
171 Matsch stepped down.
- 172 3. MPT Farrell – Comp Plan, looking for two new members.
- 173 4. Trustee Oetting – SAC meets next week; renewable energy to come before us.
- 174 5. Trustee Daty – EVC does not meet in December; missed HHS meeting. Attended
175 emergency meeting of Chamber to assist fire affected businesses. Any business
176 owners can apply for a loan up to \$20K at 0 interest; chamber has asked if we
177 could declare disaster declaration, LEAF asked if I could sit on subcommittee to
178 determine how funds will be allocated.
- 179 6. Trustee Delman – PRC January meeting cancelled, will meet again in February.
- 180 7. Mayor Rogin – LAHC met, had request for funding for Kids Theater Program, not
181 sure how Broncos' funding will be spent, but a potential project. Meeting with
182 Commissioner Levy tomorrow. Commissioner Loachamin called to talk about
183 resources available to businesses; mostly SBA, will forward to chamber. Do we
184 want to entertain idea of opening discussion on Hwy 36 project. Discussions on
185 delays, potentially months long, CDOT approval needed for any modifications,
186 financial implications, time constraints. One way on Railroad is now officially
187 open. Board consensus is no further review needed and staff can notify
188 neighbors of decision.

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190 XIV. Staff Reports

- 191 a. Administrator's Report – updated on fire, town will work with new owner of
192 building Paul Tamburello on rebuilding efforts. Requested from Lyons Fire,
193 Sheriff to debrief. Summit housing, asphalt going down this week and 4 SF
194 units are now vertical. Will be asking for easement to grade potentially next
195 week. Town hall closed Fri/Mon for the holidays. Met with LEAF on building next
196 door, workshop next meeting to work on details. Trustee Daty asked if fire
197 investigation results would be available to the public. And in debriefing, are other
198 historical buildings up to code? Administrator Simonsen, our code compliance
199 and fire have really been trying to work on this issue.
- 200 b. Legal Update – 436 Main property, property owner dispute, went to patrician
201 action, recommended property be sold and proceeds split. That was approved
202 by court and moving forward soon. Yoder matter, appeal period has passed.
203 Muni court order is in effect. She did submit flood plain permit on very last day,
204 deemed complete, but property still up for auction.

205 **5-minute break at 9:16 pm.**

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207 XV. Summary of Action Items:

- 208 1. Sheriff's dept to step up patrols on traffic enforcement in problem areas
- 209 2. Ord 1139 to 2nd Reading
- 210 3. PRC to look into expanding camping to include "van life" overnight parking
211 opportunities.
- 212 4. Reso 2022-117 - Comp Plan to go back to PCDC at their 1/23 meeting
- 213 5. Reso 2022-117 Comp Plan continued to a date certain of 2/6/23
- 214 6. Administrator Simonsen to meet with concerned residents about Railroad
- 215 7. Schedule fire debriefing with fire/sheriff

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217 **Motion:** enter into executive session **Moved by:** MPT Farrell **Seconded by:** Trustee
218 Oetting Motion passes unanimously. **Entered into executive session at 9:24 pm.**

219 XVI. Executive Session – an executive session pursuant to C.R.S. Sections 24-6-402(4)((a))
220 and 24-6-402(4)(e) for the purposes of determining positions relative to matters that may
221 be subject to negotiations, developing strategy for negotiations, and instructing
222 negotiators with regard to the lease of Town owned property at 4100 Ute Highway,
223 Lyons, CO
224 **Regular meeting resumed at 9:56 pm** – Board direction to staff is to move forward with
225 trail project, complete environmental for \$17k, while staff seeks additional funding
226 sources.
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228 XVII. Adjournment – **Motion:** adjourn **Moved by:** MPT Farrell **Seconded by:** Trustee Oetting
229 **Motion passes unanimously** meeting adjourned at 10:03 pm.
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232 Respectfully submitted by:
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236 Dolores M. Vasquez, CMC – Town Clerk

237 Mayor Hollie Rogin

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257 **Persons needing accommodations or special assistance should contact the Town at**
258 **hr@townoflyons.com as soon as possible, but no later than 72 hours before the scheduled**
259 **event.”**
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