

TOWN OF LYONS BOARD OF TRUSTEES MEETING
HYBRID MEETING
LYONS TOWN HALL, 432 5TH AVENUE, LYONS, COLORADO

ZOOM LINK:

<https://us02web.zoom.us/j/81513950969?pwd=STBLOWZ0YjVCMTV0V3lxOEZqNUh6dz09>

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DRAFT AGENDA
MONDAY, DECEMBER 19, 2022

5:30 PM BOARD OF TRUSTEES REGULAR MEETING

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

VIII. Ordinances and Public Hearings

1. 1st Reading – Ordinance 1139 –An Ordinance of the Town of Lyons, Colorado Approving the Overlay Zoning Designation of PUD-R to 317 Evans Street – Planner Kimmett presented; historical use has been multi-family. Applicant looking to rezone to PUD-R to upgrade area and keep the affordable housing in town. PUD overlay gives more flexibility to both the town and applicant. If the board approves, will be applicable to the development plan that will come before the board, if not, it goes away. If it is granted and does not get implemented in one year, it will expire and underlying R1 zoning will stand. It does not run with the land and if a new developer came in they would need to reapply. Discussion on other PUD's in town; when town can declare a project "affordable", status if area is blanket rezoned, floodway/floodplain, water share requirements. **Motion:** move to approve **Moved by:** Trustee Daty **Seconded by:** Trustee Elson **Motion approved unanimously.**
2. 2nd Reading – Public Hearing – Ordinance 1138 – An Ordinance Of The Town Of Lyons, Colorado, Amending Article 4 Of Chapter 13 Or The Lyons Municipal Code For The Purpose Of Increasing The Service Rates For Wastewater Utility Service – Director Caplan presented; increase of 8% for CPI. Would still require use of fund balance to cover expenses. **Public Hearing opened at 7:46 pm.** No speakers **PH closed at 7:46 pm** **Motion:** move to approve **Moved by:** Trustee Daty **Seconded by:** Trustee Williams **Motion passed unanimously**

IX. Consent Agenda

1. Resolution 2022-106 – a Resolution of the Town of Lyons, Colorado Awarding and Approving a Professional Services Agreement with Tierra Resource Consultants, LLC for Renewable Energy Portfolio Options and Outcomes
2. Resolution 2022-110 – a Resolution of the Town of Lyons Providing for Additional Appropriation During Fiscal Year 2022 for Unanticipated 2022 Revenues and Expenditures Required of the Town of Lyons, Colorado
3. Resolution 2022-111 – a Resolution of the Town of Lyons, Colorado Adopting the Town of Lyons Fee Schedule
4. Resolution 2022-112 – A Resolution of the Town of Lyons Adopting a Classification And Pay Plan For The Employees Of the Town of Lyons, Colorado For 2023
5. Resolution 2022-113 - a Resolution of the Town of Lyons, Colorado Approving an Intergovernmental Agreement Between the Town of Lyons, Town of Jamestown And Boulder County Concerning State of Colorado Parks and Wildlife, Department of Natural Resources Human-Bear Conflict Grant Cooperation
6. Resolution 2022-114 – A Resolution Of The Town Of Lyons, Colorado Ratifying The Construction Agreement For The 2022 Town Of Lyons Asphalt Patching, Repair And Maintenance Project
7. Resolution 2022-115 – A Resolution Of The Town Of Lyons, Colorado Accepting Public Improvements For Manhole Repairs Along Upper Stone Canyon Drive
8. Resolution 2022-116 - a Resolution of the Town of Lyons, Colorado Approving the First Amendment to the Construction Agreement with Horrocks Engineering, Inc - St. Vrain Trail Extension
9. December Accounts Payable
10. December 5, 2022, BOT Meeting Minutes
Motion: move to approve **Moved by:** Trustee Williams **Seconded by:** Trustee Oetting Mayor Rogin very excited to see IGA approval, worked on for several years. **Motion passes unanimously**

X. Items Removed from Consent Agenda

XI. Boards & Commissions

1. Mayor appointed Jim Kerr to the BOA, Tom Maggio and Jane Allo to UEB.
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.

XII. General Business

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 Dady **Motion passes unanimously.**
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

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

XIII. Trustee Reports

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

XIV. Staff Reports

- a. Administrator's Report – updated on fire, town will work with new owner of building Paul Tamburello on rebuilding efforts. Requested from Lyons Fire, Sheriff to debrief. Summit housing, asphalt going down this week and 4 SF units are now vertical. Will be asking for easement to grade potentially next week. Town hall closed Fri/Mon for the holidays. Met with LEAF on building next door, workshop next meeting to work on details. Trustee Dady asked if fire investigation results would be available to the public. And in debriefing, are other historical buildings up to code? Administrator Simonsen, our code compliance and fire have really been trying to work on this issue.
 - b. Legal Update – 436 Main property, property owner dispute, went to patrician action, recommended property be sold and proceeds split. That was approved by court and moving forward soon. Yoder matter, appeal period has passed. Muni court order is in effect. She did submit flood plain permit on very last day, deemed complete, but property still up for auction.
- 5-minute break at 9:16 pm.**

XV. Summary of Action Items:

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

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

XVI. Executive Session – an executive session pursuant to C.R.S. Sections 24-6-402(4)((a)) and 24-6-402(4)(e) for the purposes of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators with regard to the lease of Town owned property at 4100 Ute Highway, Lyons, CO

Regular meeting resumed at 9:56 pm – Board direction to staff is to move forward with trail project, complete environmental for \$17k, while staff seeks additional funding sources.

XVII. Adjournment – **Motion:** adjourn **Moved by:** MPT Farrell **Seconded by:** Trustee Oetting
Motion passes unanimously meeting adjourned at 10:03 pm.

Respectfully submitted by:

Dolores M. Vasquez, CMC – Town Clerk

Mayor Hollie Rogin

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