

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

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DRAFT AGENDA

Monday, March 20, 2023

**7:00 BOARD OF TRUSTEES REGULAR MEETING
HYBRID MEETING**

- I. Roll Call and Pledge of Allegiance – **Present:** Mayor Rogin, MPT Farrell, Trustee Elson, Trustee Williams, **Absent:** Trustee Dady, Trustee Delman
- II. Land Acknowledgement
- III. Approve Agenda – **Motion:** move to approve **Moved by:** Trustee Williams **Seconded by:** Trustee Elson **motion passes unanimously.**
- IV. A Reflective Moment of Silence – for Priscilla Cohan
- V. Audience Business – Gil Sparks, 2159 Apple Valley Rd. – Spoke on comfort on agreements, Thanked staff for working with them. Ed Kean 228 Welch Drive, very difficult to hear board, surprised but not, that we don't talk about climate action in these meetings.
- VI. Boulder County Sheriff's Office Report – Sgt Sears introduced Deputy Deming doing the LEAP program; Thanked Lyons Quilting for paying for breakfast for first responders at Mike's Biscuits, thanked Ed Kean for getting the E-Bikes up and running. 2 fatal accidents within 12 hours, stats were included in packet. Last four weeks including Sat/Sun a total of 70k cars through town. YTD tickets are 150, calls for the year 500 and this month about 130.
- VII. Mayoral Proclamation – Arbor Day
Motion: adjourn as BOT and Reconvene as Marijuana Licensing Authority **Moved by:** Trustee Williams **Seconded by:** Trustee Elson **Motion passes unanimously.**
- VIII. Lyons Marijuana Licensing Authority
 1. Public Hearing - Marijuana Infused Products (MIPS) License - Transfer of Location for E & C Enterprises LLC DBA: Conscious Medz to be located at 1040 5th Avenue Unit 6, Lyons, CO – Clerk Vasquez presented staff report, Erika Weich, applicant, provided background, make tinctures, no extractions, no cooking, we melt down the cannabis oil to infuse the products, quite a simple application. Public Hearing opened at 7:21 pm. Jacob Beard, 1055 5th Ave, wasn't clear to me, is there a retail component? No. Will there be a site plan review, how many employees. Eliza Marks, 1045 5th Ave, will there be any plant processing at this facility. No, only assembling Gena Hardin, 1050 Ave, is it normal to

have a normal GI zone right across from residential; Called and staff told them to come ask questions. Concerned about smell, lighting, great if facing down instead of into sky, is security an issue? Traffic concerns, is there much, tons of semis? Any impacts to neighborhood we should expect? **Motion:** move to approve **Moved by:** MPT Farrell **Seconded by:** Trustee Williams. Amendment: Conditionally approved until final inspection: Withdrawn by Mayor Rogin. **Motion passes unanimously.**
Motion: Adjourn as Marijuana Licensing Authority and reconvene as Board of Trustees **Moved by:** Trustee Williams **Seconded by:** Trustee Elson **motion passes unanimously.**

IX. Ordinances and Public Hearings

1. 2nd Reading – Public Hearing - Ordinance 1142 – an Ordinance of the Town of Lyons, Colorado Approving an Increase in the Marijuana Sales Tax to 5% - Finance Director Eyestone presented; board instructed staff to increase the rate from 3.5% to 5%; we reached out to the local businesses, two responded and those are included. Could potentially bring \$45-\$55K in additional revenue. MPT Farrell, just getting into quantitative numbers of all three businesses; how would we know if we put someone out of business what is the net gain. Cassey, definite increase from third business; without knowing who specific customers are hard to know if it would put someone out, overall the state is seeing an overall decrease in MJ sales. **Public Hearing opened at 7:42 pm.** No speakers **closed at 7:43 Motion:** move to approve **Moved by:** Trustee Williams **Seconded by:** Trustee Williams – Trustee Williams, my concern is revenue for the town and the limited opportunities for us, no reason to delay. I am still in favor of this. Trustee Elson, in favor of increase, understand downturn, but I also feel it's an extra and they will pay the extra. Mayor Rogin, I agree that revenue is incredibly important, knowing that this board asked staff to research and bring forward. Philosophically raising taxes in a downturn is hard. **Trustee Delman joined the meeting at 7:48 pm.** Trustee Delman is in favor of raising it to 5%. **Motion passes 4-1 NO: MPT Farrell**
2. 1st Reading – Ordinance 1143 – an Ordinance of the Town of Lyons, Colorado Allowing Residential Solar Installations up to a 25KW System – Director Caplan provided background: any production over 25KW would need additional metering; when implemented here was at 10% so we could explain additional requirements. MPT Farrell asked does this have any disadvantages? Director Caplan, none to the town, potentially if someone told them to go to the 25W and then they couldn't take advantage of that. One residential request and Library requested **Motion:** move to approve **Moved by:** Trustee Williams **Seconded by:** Trustee Delman Discussion on potential education program/outreach, max that system can produce, most systems not producing at max level. **motion passes unanimously.**
3. 1st Reading – Ordinance 1144 – an Ordinance of the Town of Lyons, Colorado Approving a Buy / Sale Contract with Gilbert and Kathleen Sparks for Property Located at 2156 Apple Valley Road – Director Caplan presented, several months in the works, property has not been used in several years, declared surplus, reached agreement you see before you. **Motion:** move to approve **Moved by:** Trustee Williams **Seconded by:** Trustee Elson **Motion passes unanimously 4-0** MPT Farrell was on a break

X. Consent Agenda

1. Resolution 2023-11 – a Resolution of the Town of Lyons, Colorado Approving the Second Amendment to the 2021 Professional Services Agreement for Installation and Maintenance of Seasonal Landscape Services with CoCal Landscape Services, Inc.
2. Resolution 2023-12 – A Resolution of the Town of Lyons, Colorado Approving the First Amendment to 2022 Professional Services Agreement with Denver Metro Security, Inc. for Lyons Area Parks
3. Resolution 2023-13 – a Resolution of the Town of Lyons, Colorado Approving Temporary Construction Access Easement and Grading Agreement with Lyons Valley Town Homes LP

- 110 4. Resolution 2023-14 – a Resolution of the Town of Lyons, Colorado Modifying the Agenda,
111 Order, and Manner of Business of Meetings of the Town of Lyons Board of Trustees and
112 Repealing Resolution No. 2022-42
113 5. Resolution 2023-16 – a Resolution of the Town of Lyons, Colorado Approving an Access
114 and Utility Easement Agreement with 2157 Apple Valley Road
115 6. Resolution 2023-17 A Resolution of the Town of Lyons, Colorado Approving the Award of
116 a Certified Local Government, CLG, Grant for a Historic Context Report
117 7. Resolution 2023-18 - A Resolution of the Town of Lyons, Colorado, Authorizing The Town
118 To Submit An Application To FEMA Hazard Mitigation Grant Program (HMGP) for Funding
119 for a Storm Water Improvement as well as Commit to 10% Match
120 8. Resolution 2023-19 - A Resolution of the Town of Lyons, Colorado, Authorizing The Town
121 To Submit An Application To FEMA Hazard Mitigation Grant Program (HMGP) For
122 Funding For A Fire Mitigation Plan As Well As Commit To 25% Match
123 9. Resolution 2023-20 - A Resolution of the Town of Lyons, Colorado, Approving the
124 Submission of a FEMA HMGP Application for Storm Water Improvements and Mitigation
125 and Committing to the Required Matching Funds
126 10. March 6, 2023, BOT Meeting Minutes
127 11. March Accounts Payable
128 **Motion:** move to approve **Moved by:** Trustee Elson **Seconded by:** MPT Farrell MPT pulled item 3,
129 Mayor Rogin pulled items 7, 8 and 9 **Motion passes unanimously.**
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131 XI. Items Removed from Consent Agenda

132 MPT Farrell – Item 3 Reso 2023-13; any blasting, impacts to South Ledge ditch? Director
133 Caplan, no blasting, at least 20 if not 25 feet from South Ledge ditch; Summit did not
134 originally plan to be on Town property. Attorney Dittman, no third-party indemnification.
135 Can pursue a contract change. **Motion: continue to a date certain of April 3, 2023**
136 **Moved by:** Mayor Rogin **Seconded by:** Trustee Williams **motion passes unanimously**

137 Mayor Rogin – Items 7 Reso 2023-18, planning for electric undergrounding, Tracy,
138 scoping to do all the work to get to the work, design, environmental clearances, up to
139 100% plans so your ready to go to work. This and 2023-20 is scoping; discussion on how
140 long a Scope is good for; we shorted the scope quite a bit. Estimate is \$300K for total
141 project, town's 10% would be \$30K and eligible to apply for state funding up to half.
142 Director Eyestone - \$100K in electric fund could appropriate the funds without additional
143 funding; GF could also appropriate those dollars for this year, have \$264K solar match left
144 from 2022 budget. Anticipate grant award is 6-12 months; will not consider/review without
145 a commitment. **Motion:** move to approve **Moved by:** Mayor Rogin **Seconded by:**
146 Trustee Williams **Motion passes unanimously**

147 Item 8 - Reso 2023-19, Mayor Rogin, this deserves discussion and what the plan is; Aaron
148 stated BOT has said what priority is, Fire has priorities and is looking for grant funding, a
149 potential coalition, Tracy, scope would hire consultant to do risk assessment, define
150 defensible space, plan for mitigation, education for community and evacuation plans. Have
151 gotten letters of recommendations. Eligible for state funding up to 100%. MPT Farrell, can
152 we ask fire to split 25%. Director Eyestone would like to receive direction on how to
153 appropriate funds for grants. MPT Farrell, take \$30K from Fire Mitigation. Director
154 Eyestone anticipating GF to have a little over \$300K; this would be within town limits only.
155 **Motion:** approve 2023-19 **Moved by:** Mayor Rogin **Seconded by:** Trustee Williams
156 **Motion passes unanimously.**

157 Item 9 Reso 2023-20 Stormwater – 10% match, this is not eligible for assistance to match;
158 Tracy used stormwater master plan to draft estimate, this would get us through the design
159 process; Aaron already budgeted \$75K for 2nd Ave phase, when grant came alone, we
160 now have opportunity to leverage that money for larger grant, additional \$30K in match
161 gets us a million in design. The timing is for next year, but if we are awarded. **Motion:**
162 Move to approve **Moved by:** Mayor Rogin **Seconded by:** Trustee Williams passes
163 unanimously. **Five minute break at 9:00 pm. Meeting resumed at 9:06 pm.**
164

165 XII. Boards & Commissions

- 166 1. Mayoral Appointment – Linda Pecone to Housing and Human Services Commission

2. EVC Update – Chair Paul Dryer, Updated board on EVC’s top 5 goals including being business friendly, establishing guidelines, and attracting visitors to town. Would like to enhance partnership with chamber, better wayfinding in town (signage, sidewalks, speed of vehicles) CO tourism organization, launching case studies in how to launch new businesses and being business friendly. Advise board on ways to increase sales tax base and just that we’re here for you all and want to support the board. Discussion on potential case studies; Administrator Simonsen stated Think Generator emailed today, demo application is in at state, now a 90-day waiting period. Have found a partner to stabilize streambank on Hwy 36 site.

XIII. General Business

1. Discussion/Direction to Staff on Pavement Rehabilitation Project – MPT Farrell read in statement to former trustees: Former Trustees: I want to thank you for the service you’ve given the town and I have often been open and appreciative of your perspective even when we’ve disagreed. However, when I receive an email that castigates town staff or other board members, all credibility and integrity is lost. As you well know, nothing about government stagnant. As things are always changing, staff are doing their job correctly when they bring new ideas forward for us to consider. Even if we disagree, they are doing their due diligence. I want every person in this community to exercise their right to tell the BOT what they think about any issue facing them personally or our town as a whole. That’s democracy, I encourage and welcome it. I do expect that it be done respectfully. We are all in this together. Give us your opinions NICELY. Director Caplan presented the assessment last year on paving and discussion of desire to move forward on level of project of save up and leverage larger funding. Went out to bid last spring, only one bid, looking at stormwater / pavement projects done in tandem with rest of paving projects. Director Cosgrove balance of best for approach; how do we maintain our streets that need this work; have considerations for other utilities and costs are higher. Mayor Rogi paving that will go out to bid, how long will that work last? Justin Doles, mill and overlay, low volume 20 year range - high traffic 10-15 years. Trustee Elson, this is the best way to spend the money we had. Makes sense to go out to bid. Trustee Williams concurred, It needs to include McConnell Drive, it’s pretty bad. Trustee Delman, after hearing explanation, is best use of our money. MPT Farrell would like to see when bids come back where are we with CIP plan, Mayor Rogin, makes no sense to let streets deteriorate to the point where they need much more work; I think it is a great to continue to save and to do the maintenance; living in north side of town I understand the concerns. In favor of including McConnell in the bid; Board consensus is to go out for bid in pavement rehabilitation project.
2. Discussion/Direction on Legislative Agenda – Mayor Rogin, state legislature in session right now, for anyone on board to speak on behalf we need board consensus that it is ok; this comes up sometime between meetings. This legislative agenda would allow for any board member to be able to speak on behalf of the town. If board agrees, resolution at next meeting. perhaps B & C chairs would like to speak on behalf of the town as well. Discussion on local control, housing affordability, transportation, public safety including mental health and gun violence prevention, and health and human services. MPT Farrell, have concerns on commissions; would they need board/mayor approval first correct? Trustee Elson this would educate the board as well. Board Consensus is to draft resolution.

XIV. Trustee Reports

1. Trustee Williams – HPC working on upload historic data into GIS, Kim will be liaison while Priscilla is out, taking out a full-page ad in newspaper on Lyons Historical bits.
2. Trustee Delman – PRC met last week, looking for town support for dark skies in Bohn Park. Mayor recommended they work with SFC.
3. MPT Farrell – PCDC affordable housing workshop discussed prop 123 deadlines; define affordable housing in LMC; discussed staff not qualifying for Summit.

- 223 4. Trustee Elson – EAB meet next week; SFC elected new chair Edward Kean.
224 Tierra Resources update; recommended town website be updated for open seats
225 on town commissions.
226 5. Mayor Rogin – LAHC met, farm to table dinner sold out in 3 days; sculptures of
227 hearts of lyons selected. Budget spreadsheet request for LAHC. Invited to speak
228 on Mayors Innovation Project in Madison WI in June.
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230 XV. Staff Reports

- 231 1. Administrator's Report – Director Eyestone presented sales tax/financials. Sales down
232 from last year and even before 2020, dove in and one anomaly was late tax payment, and
233 the other was a refund from corporate business. Website live to apply for bear resistant
234 trash cans at boco.org/bearcart. Working with agencies for grants to address streambank
235 on town owned lots in LVP/Summit area. Staff submitted for congressional spending
236 funding for sewer plant and St Vrain trail. Clarks stated no longer interested in having
237 lease purchased from town and remove it from discussion. Yoder 401 2nd Auction
238 scheduled for Wednesday. Brown LEAF building pretty much empty except for records.
239 FEMA sending out final close out packages. Main St walk through today – ambient
240 lighting; Main St not symmetrical on N vs. S - poles would be significant in those areas;
241 may do string lighting on 300 block and tree lighting on permanent basis with lights that
242 change for the seasons.
243 2. Legal Update -
244

245 XVI. Summary of Action Items:

- 246 1. Ord 1142 passed on 2nd reading.
247 2. Ord 1143 to 2nd Reading
248 3. Ord 1144 to 2nd Reading
249 4. MJ MIPS License approved.
250 5. Reso 2023-13 moved to a date certain of April 3, 2023
251 6. Resolution 2023-18, 19 and 20 passed.
252 7. Potential of Fire and Left Hand/St Vrain Water Shed Coalition to contribute to fire
253 mitigation match?
254 8. Board consensus is to go out for bid in pavement rehabilitation project.
255 9. Draft Resolution for legislative policy for next meeting.
256 10. Update website to reflect open seats on commissions.
257 11. Budget spreadsheet request for LAHC
258 12. Potential Proclamation for May 7 beyond Words day
259 13. Graph for fund balances for 2022 estimated until audit is complete.
260 14. The board approved for staff to apply for grant for streambank restoration.
261 15. LEAF Spec Events Application ok to post and potential special meeting if needed.
262 16. Potential full special meeting for Honeywell mediation strategies
263 17. Notification/Education on KW hours
264 18. Indemnification language for Summit
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- 266 XVII. Adjournment – **Motion:** move to adjourn **Moved by:** Trustee Williams **Seconded by:**
267 Trustee Elson
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271 Respectfully submitted by:

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274 _____
Dolores M. Vasquez, CMC – Town Clerk

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Mayor Hollie Rogin
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Persons needing accommodations or special assistance should contact the Town at as soon as possible, but no later than 72 hours before the scheduled event."