

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

5 JOIN ZOOM MEETING:  
6

<https://us02web.zoom.us/j/85102557401?pwd=aGhpTTR6a3IHNTF4Vkx4c3dUckdzQT09>

8 Meeting ID: 851 0255 7401  
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16 DRAFT AGENDA  
17

Monday, March 20, 2023

19 7:00 BOARD OF TRUSTEES REGULAR MEETING  
20 HYBRID MEETING

22 I. Roll Call and Pledge of Allegiance – **Present:** Mayor Rogin, MPT Farrell, Trustee Elson,  
23 Trustee Williams, **Absent:** Trustee Daty, Trustee Delman  
24

25 II. Land Acknowledgement  
26

27 III. Approve Agenda – **Motion:** move to approve **Moved by:** Trustee Williams **Seconded by:**  
28 Trustee Elson **motion passes unanimously.**  
29

30 IV. A Reflective Moment of Silence – for Priscilla Cohan  
31

32 V. Audience Business – Gil Sparks, 2159 Apple Valley Rd. – Spoke on comfort on  
33 agreements, Thanked staff for working with them. Ed Kean 228 Welch Drive, very difficult  
34 to hear board, surprised but not, that we don't talk about climate action in these meetings.  
35

36 VI. Boulder County Sheriff's Office Report – Sgt Sears introduced Deputy Deming doing the  
37 LEAP program; Thanked Lyons Quilting for paying for breakfast for first responders at  
38 Mike's Biscuits, thanked Ed Kean for getting the E-Bikes up and running. 2 fatal accidents  
39 within 12 hours, stats were included in packet. Last four weeks including Sat/Sun a total  
40 of 70k cars through town. YTD tickets are 150, calls for the year 500 and this month about  
41 130.  
42

43 VII. Mayoral Proclamation – Arbor Day  
44 **Motion:** adjourn as BOT and Reconvene as Marijuana Licensing Authority **Moved by:**  
45 Trustee Williams **Seconded by:** Trustee Elson **Motion passes unanimously.**  
46

47 VIII. Lyons Marijuana Licensing Authority  
48 1. Public Hearing - Marijuana Infused Products (MIPS) License - Transfer of Location for E &  
49 C Enterprises LLC DBA: Conscious Medz to be located at 1040 5<sup>th</sup> Avenue Unit 6, Lyons,  
50 CO – Clerk Vasquez presented staff report, Erika Weich, applicant, provided background,  
51 make tinctures, no extractions, no cooking, we melt down the cannabis oil to infuse the  
52 products, quite a simple application. Public Hearing opened at 7:21 pm. Jacob Beard,  
53 1055 5<sup>th</sup> Ave, wasn't clear to me, is there a retail component? No. Will there be a site  
54 plan review, how many employees. Eliza Marks, 1045 5<sup>th</sup> Ave, will there be any plant  
55 processing at this facility. No, only assembling Gena Hardin, 1050 Ave, is it normal to

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

62 **Motion:** Adjourn as Marijuana Licensing Authority and reconvene as Board of Trustees  
63 **Moved by:** Trustee Williams **Seconded by:** Trustee Elson **motion passes unanimously.**

64  
65 IX. Ordinances and Public Hearings

- 66 1. 2<sup>nd</sup> Reading – Public Hearing - Ordinance 1142 – an Ordinance of the Town of Lyons,  
67 Colorado Approving an Increase in the Marijuana Sales Tax to 5% - Finance Director  
68 Eyestone presented; board instructed staff to increase the rate from 3.5% to 5%; we  
69 reached out to the local businesses, two responded and those are included. Could  
70 potentially bring \$45-\$55K in additional revenue. MPT Farrell, just getting into quantitative  
71 numbers of all three businesses; how would we know if we put someone out of business  
72 what is the net gain. Cassey, definite increase from third business; without knowing who  
73 specific customers are hard to know if it would put someone out, overall the state is seeing  
74 an overall decrease in MJ sales. **Public Hearing opened at 7:42 pm.** No speakers  
75 **closed at 7:43** **Motion:** move to approve **Moved by:** Trustee Williams **Seconded by:**  
76 Trustee Williams – Trustee Williams, my concern is revenue for the town and the limited  
77 opportunities for us, no reason to delay. I am still in favor of this. Trustee Elson, in favor of  
78 increase, understand downturn, but I also feel it's an extra and they will pay the extra.  
79 Mayor Rogin, I agree that revenue is incredibly important, knowing that this board asked  
80 staff to research and bring forward. Philosophically raising taxes in a downturn is hard.  
81 **Trustee Delman joined the meeting at 7:48 pm.** Trustee Delman is in favor of raising it  
82 to 5%. Motion passes 4-1 NO: MPT Farrell
- 83 2. 1<sup>st</sup> Reading – Ordinance 1143 – an Ordinance of the Town of Lyons, Colorado Allowing  
84 Residential Solar Installations up to a 25KW System – Director Caplan provided  
85 background: any production over 25KW would need additional metering; when  
86 implemented here was at 10% so we could explain additional requirements. MPT Farrell  
87 asked does this have any disadvantages? Director Caplan, none to the town, potentially if  
88 someone told them to go to the 25W and then they couldn't take advantage of that. One  
89 residential request and Library requested **Motion:** move to approve **Moved by:** Trustee  
90 Williams **Seconded by:** Trustee Delman Discussion on potential education  
91 program/outreach, max that system can produce, most systems not producing at max  
92 level. **motion passes unanimously.**
- 93 3. 1<sup>st</sup> Reading – Ordinance 1144 – an Ordinance of the Town of Lyons, Colorado Approving  
94 a Buy / Sale Contract with Gilbert and Kathleen Sparks for Property Located at 2156 Apple  
95 Valley Road – Director Caplan presented, several months in the works, property has not  
96 been used in several years, declared surplus, reached agreement you see before you.  
97 **Motion:** move to approve **Moved by:** Trustee Williams **Seconded by:** Trustee Elson  
98 Motion **passes unanimously 4-0** MPT Farrell was on a break

99  
100 X. Consent Agenda

- 101 1. Resolution 2023-11 – a Resolution of the Town of Lyons, Colorado Approving the Second  
102 Amendment to the 2021 Professional Services Agreement for Installation and  
103 Maintenance of Seasonal Landscape Services with CoCal Landscape Services, Inc.
- 104 2. Resolution 2023-12 – A Resolution of the Town of Lyons, Colorado Approving the First  
105 Amendment to 2022 Professional Services Agreement with Denver Metro Security, Inc. for  
106 Lyons Area Parks
- 107 3. Resolution 2023-13 – a Resolution of the Town of Lyons, Colorado Approving Temporary  
108 Construction Access Easement and Grading Agreement with Lyons Valley Town Homes  
109 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.**

130 XI. Items Removed from Consent Agenda

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

135 **Moved by:** Mayor Rogin **Seconded by:** Trustee Williams **motion passes unanimously**

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

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

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

163 XII. Boards & Commissions

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

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

176  
177 **XIII. General Business**

178 1. Discussion/Direction to Staff on Pavement Rehabilitation Project – MPT Farrell read in  
179 statement to former trustees: Former Trustees: I want to thank you for the service you've  
180 given the town and I have often been open and appreciative of your perspective even  
181 when we've disagreed. However, when I receive an email that castigates town staff or  
182 other board members, all credibility and integrity is lost. As you well know, nothing about  
183 government stagnant. As things are always changing, staff are doing their job correctly  
184 when they bring new ideas forward for us to consider. Even if we disagree, they are doing  
185 their due diligence. I want every person in this community to exercise their right to tell the  
186 BOT what they think about any issue facing them personally or our town as a whole.  
187 That's democracy, I encourage and welcome it. I do expect that it be done respectfully.  
188 We are all in this together. Give us your opinions NICELY. Director Caplan presented the  
189 assessment last year on paving and discussion of desire to move forward on level of  
190 project of save up and leverage larger funding. Went out to bid last spring, only one bid,  
191 looking at stormwater / pavement projects done in tandem with rest of paving projects.  
192 Director Cosgrove balance of best for approach; how do we maintain our streets that need  
193 this work; have considerations for other utilities and costs are higher. Mayor Rogi paving  
194 that will go out to bid, how long will that work last? Justin Doles, mill and overlay, low  
195 volume 20 year range - high traffic 10-15 years. Trustee Elson, this is the best way to  
196 spend the money we had. Makes sense to go out to bid. Trustee Williams concurred, It  
197 needs to include McConnell Drive, it's pretty bad. Trustee Delman, after hearing  
198 explanation, is best use of our money. MPT Farrell would like to see when bids come  
199 back where are we with CIP plan, Mayor Rogin, makes no sense to let streets deteriorate  
200 to the point where they need much more work; I think it is a great to continue to save and  
201 to do the maintenance; living in north side of town I understand the concerns. In favor of  
202 including McConnell in the bid; Board consensus is to go out for bid in pavement  
203 rehabilitation project.

204 2. Discussion/Direction on Legislative Agenda – Mayor Rogin, state legislature in session  
205 right now, for anyone on board to speak on behalf we need board consensus that it is ok;  
206 this comes up sometime between meetings. This legislative agenda would allow for any  
207 board member to be able to speak on behalf of the town. If board agrees, resolution at  
208 next meeting. perhaps B & C chairs would like to speak on behalf of the town as well.  
209 Discussion on local control, housing affordability, transportation, public safety including  
210 mental health and gun violence prevention, and health and human services. MPT Farrell,  
211 have concerns on commissions; would they need board/mayor approval first correct?  
212 Trustee Elson this would educate the board as well. Board Consensus is to draft  
213 resolution.

214  
215 **XIV. Trustee Reports**

216 1. Trustee Williams – HPC working on upload historic data into GIS, Kim will be liaison  
217 while Priscilla is out, taking out a full-page ad in newspaper on Lyons Historical  
218 bits.

219 2. Trustee Delman – PRC met last week, looking for town support for dark skies in  
220 Bohn Park. Mayor recommended they work with SFC.

221 3. MPT Farrell – PCDC affordable housing workshop discussed prop 123 deadlines;  
222 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.  
229

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 2<sup>nd</sup> 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 2<sup>nd</sup> reading.  
247 2. Ord 1143 to 2<sup>nd</sup> Reading  
248 3. Ord 1144 to 2<sup>nd</sup> 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  
265

266 XVII. Adjournment – **Motion:** move to adjourn **Moved by:** Trustee Williams **Seconded by:**  
267 Trustee Elson  
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271 Respectfully submitted by:  
272  
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274 Dolores M. Vasquez, CMC – Town Clerk

275 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."**