

1 TOWN OF LYONS BOARD OF TRUSTEES MEETING
2 HYBRID MEETING
3 LYONS TOWN HALL, 432 5TH AVENUE, LYONS, COLORADO
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7 DRAFT AGENDA
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9 **Monday, April 3, 2023**
10

11 Join Zoom Meeting
12 <https://us02web.zoom.us/j/81924438850?pwd=S1N6RFRES2dvTFdqaldQMEN5dFd4QT09>
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14 Meeting ID: 819 2443 8850
15 Passcode: 381088
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17 Dial by your location
18 +1 689 278 1000 US
19 Meeting ID: 819 2443 8850
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21 WORKSHOP
22 6:00 PM – 6:50 pm
23 Riverbend Water Tap Review
24
25

26 7:00 BOARD OF TRUSTEES REGULAR MEETING
27 HYBRID MEETING
28

- 29 I. Roll Call and Pledge of Allegiance – Present: Mayor Rogin, Trustee Elson, Trustee Daty,
30 Trustee Oetting, Trustee Delman, Trustee Williams **Absent:** MPT Farrell
31
- 32 II. Land Acknowledgement
33
- 34 III. Approve Agenda – **Motion:** move to approve **Moved by:** Trustee Williams **Seconded by:**
35 Trustee Daty **Motion passes unanimously.**
36
- 37 IV. A Reflective Moment of Silence
38
- 39 V. Audience Business – Kenyon Waugh, 1104 4th Ave. the past is the past, the legal side is
40 the legal side, we cannot have this discussion any longer, we have made no progress,
41 looking for a third party. We want to put this to rest, there is no way we can have this
42 conversation, we are asking you to consider what is happening, we've had a lot of added
43 expense with sewer costs. Engineer Blankenship decided each 4 tiny homes = 1 sewer
44 tap; we want to understand why. At that time there was no BOD charge; since 2015 we
45 have been paying BOD and 8 sewer taps. MOA says we will have only one. Betsy Burton,
46 1308 Apple Valley, the packet was very long, and the asks are a third-party mediator,
47 amend the MOA to remove the paragraph requiring us to pay for water/sewer taps; transfer
48 5 McIntosh shares to us, and change the number of sewer taps that Wee Casa uses from 8
49 to 2. Wee Casa brings \$40K in lodging tax and \$50K in property taxes. Gil Sparks – 2169
50 Apple Valley Rd – 2nd reading of Ord 1144, we are very grateful for all the help we've
51 gotten; thank you and if this passes a check for the earnest money is with Laura Levy.
52
- 53 VI. Boulder County Sheriff's Office Report – Sgt Sears not in tonight; stats were uploaded.
54
- 55 VII. Staff Reports

56 1. Administrator's Report – Administrator Simonsen, need board direction on LEAF building;
57 Mayor Rogin, lease is with LEAF attorneys; a change on the board at LEAF, no ETA on
58 when lease will come before us. What would it take to move our equipment back into that
59 building; and what is the deadline for us to purchase the trailers and last do we want to put
60 a deadline on the lease? Administrator Simonsen, we could start on bringing the equipment
61 back now. Director Cosgrove - we start up with spring tasks the second/third week of April;
62 one of the trailers we got estimates on, sold; and time of the year to purchase so they go
63 fast. Mayor Rogin, we should move our equipment back; and board consensus is to add a
64 deadline of April 15th and notify LEAF. BOT consensus for Administrator Simonsen to sign
65 new Opioid participant forms and ratify. Mayor very happy to see the Martin Parcel getting
66 addressed.

67

68 **VIII. Ordinances and Public Hearings**

- 69 1. 2nd Reading – Public Hearing - Ordinance 1143 – an Ordinance of the Town of
70 Lyons, Colorado Allowing Residential Solar Installations up to a 25KW Systems –
71 Director Caplan stated no changes from first reading; allows residential properties to
72 install 25KW up from 10KW. **Public Hearing opened at 7:35 pm no speakers**
73 **Closed at 7:35 Motion:** move to approve **Moved by:** Trustee Daty **Seconded by:**
74 Trustee Delman **Motion passes unanimously.**
- 75 2. 2nd Reading – Public Hearing – Ordinance 1144 – an Ordinance of the Town of
76 Lyons, Colorado Approving a Buy / Sale Contract with Gilbert and Kathleen Sparks
77 for Property Located at 2157 Apple Valley Road – Attorney Dittman provided
78 background, no changes; **Public Hearing opened at 7:36 pm no speakers closed**
79 **at 7:37 pm Motion:** move to approve **Moved by:** Trustee Daty **Seconded by:**
80 Trustee Williams **motion passes unanimously.**

81

82 **IX. Consent Agenda**

- 83 1. Resolution 2023-13 - A Resolution of the Town of Lyons, Colorado Approving a
84 Temporary Grading / Construction Easement to Lyons Valley Townhomes
85 (*continued from 3/20/23 BOT Meeting*)
- 86 2. Resolution 2023-15 - a Resolution of the Town of Lyons, Colorado Approving a
87 Legislative Process and Agenda for the Board of Trustees
- 88 3. Resolution 2023-21, A Resolution of the Town of Lyons, Colorado Approving the 6th
89 Amendment to MurraySmith Design Services for 4th Avenue Pedestrian Bridge
90 Design
- 91 4. Resolution 2023-22 – a Resolution of the Town of Lyons, Colorado Approving a
92 Proposal Wildfire Mitigation Work by Lefthand Fire Protection District at 109 County
93 Road 69, Commonly Known as “The Martin Parcel”
- 94 5. March 20, 2023, BOT Meeting Minutes
- 95 6. April Accounts Payable
- 96 **Motion:** move to approve **Moved by:** Trustee Williams **Seconded by:** Trustee Daty
97 **Motion passes unanimously**

98

99 **X. Items Removed from Consent Agenda**

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101 **XI. Boards & Commissions**

- 102 1. Mayoral Appointments
- 103 i. Gina Hardin to the Utilities and Engineering Board
- 104 ii. Connie McGuire to the Economic Vitality Commission

105

106 **XII. General Business**

- 107 1. Discussion/Direction to Staff on Adopting the 2021 International Building Safety
108 Codes – Director Caplan we've discussed upgrading from 2018 to 2021 standard
109 suite of codes, except for IFC. Fire was reviewing at that time; would like to ratify
110 and add fire code to our municipal code so it's referenced and easier to find.
111 Attorney Dittman, the town ratifies fire and electric code; if we hold off on adopting;

112 we will be required to adopt the 2024 energy efficient codes. Discussion on Solar
113 Ready, cost, which municipalities have adopted 2021 IBC. Longmont has, and
114 generally larger communities have adopted. Director Caplan CAA just attended a
115 class and discussed 21 IECC - estimated a \$17k increase for a standard single-
116 family home; only if board has included/adopted appendix. Mayor Rogin asked if
117 the board should waive sprinkler requirements; Fire Marshal Pischke stated
118 sprinkler systems do save lives and money in terms of water used during an active
119 fire, they don't put out the fire, they hold it in-check until we can get there. Those
120 systems do not cover everything in the home, not in bathrooms, closets, only in
121 occupied spaces. Flashover is when a room/contents are totally engulfed, and
122 spread to next rooms, with new homes being built and furnishings, this occurs in 7-8
123 minutes; fortunately, we have many older homes here in Lyons, with older furniture,
124 in those homes 25 minutes, huge difference. Administrator Simonsen states, the
125 board may need to consider future annexations that would be in the WUI;
126 Discussion on "infill" lots being exempted; if remodeling what is the threshold; board
127 consensus was no exemptions for sprinkler systems when ratifying the Fire Code;
128 consensus on affordable housing, ADU's and houses under 2K sq feet be exempt
129 from energy efficient code; want to hear from businesses; staff stated, very tricky if
130 they have to update to the current code, gets costly. Discussion on keeping up to
131 speed with other communities; board consensus was to adopt the 2021 Suite of
132 IBC. Five-minute break at 8:15 pm. Meeting resumed at 8:22 pm.

- 133 2. Discussion/Direction on Riverbend Workshop – Mayor Rogin, first request was to
134 take off our trustee hats, we would not be doing our jobs if we did that. They have
135 never fulfilled their PUD/MOA obligations to date, essentially it is zoned R2. Do we
136 even want to discuss anything until we get the zoning in place? Trustee Oetting,
137 what would we be willing to look at? The alleged 31 water taps/shares are; maybe
138 staff should look at sewer taps. Lake Mac shares were not an option at the time
139 they dedicated shares; so no looking back. Only willing to look at the last sewer tap
140 request. Board consensus is to not revisit anything until PUD requirements are
141 filled; how long would it realistically take to get PUD done? Director Caplan,
142 stormwater improvements need to be done; permitted to move forward, if
143 construction is underway, not sure if they have a contractor. Board direction is the
144 only thing board willing to review is number of sewer taps required for Wee Casa
145 and will not do that until we have a complete PUD.

146 **XIII. Trustee Reports**

- 147 1. Trustee Elson – SFC meets next Thursday; EAB had fire mitigation report from
148 Code enforcement; happy work on Martin Parcel is going through. Discussed grants
149 for electric mowers.
- 150 2. Trustee Daty – sent HHSC report to everyone; several requests for 1-bedroom
151 units; asked co-responder for numbers on calls for substance abuse; this month
152 should hear when application period will open up for Summit. EVC met 3/15;
153 appointed new commissioner tonight; potential case study on town being business
154 friendly.
- 155 3. Trustee Oetting – out on holiday during spring break; No UEB meeting last week.
156 SAC will stop meeting when school ends; Destin Soma appointed chair.
- 157 4. Trustee Delman – PRC has not met.
- 158 5. Trustee Williams – HPC has not met.
- 159 6. Mayor Rogin – SB23-213; will take away all local control; CML opposes; DRCOG
160 and Metro Mayors discussing will have consensus by 4/10. I will testify 4/6 and
161 welcome company; not sure what time and how long; will sign off on a letter.
162 Propose resolution opposing this bill. PCDC involvement would help.

163 **XIV. Legal Update – CAMU legislation would change the structure for the clean energy plan;
164 Yoder foreclosure did not happen. Ms. Yoder looking at every option and Chase bank**

167 looking at obtaining a court order. Lodging taxes on AirBNB willing to enter into an
168 agreement to help remit taxes.
169

170 XV. Summary of Action Items

- 171 1. LEAF lease deadline of April 15th – BOT subcommittee to notify LEAF board and
172 Administrator Simonsen to notify staff liaison.
- 173 2. BOT consensus for Administrator Simonsen to sign Opioid Settlement Participant
174 Agreement forms to be followed by resolution ratification.
- 175 3. Trustee Daty volunteered to work with use of Visitors Center
- 176 4. Ordinance 1143 passed on 2nd reading.
- 177 5. Staff to correct errata on Ord 1144.
- 178 6. Ordinance 1144 passed on 2nd reading.
- 179 7. No exemptions for sprinkler systems when ratifying of Fire code;
- 180 8. Board consensus to adopt 2021 IBC suite.
- 181 9. The board is willing to review the number of sewer taps required for Wee Casa and will not
182 do that until we have a complete PUD.
- 183 10. Director Caplan to ask Riverbend how far along they are with completing PUD.
- 184 11. Draft resolution in opposition to SB 23-213 for next meeting.
- 185 12. Follow up on LAHC spreadsheet on costs.
- 186 13. Education on dogs at large.

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188 **Motion:** enter into ex session **Moved by:** Trustee Daty **Seconded by:** Trustee Williams
189 **motion passes unanimously. Entered into executive session at 9:22 pm.**
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191 XVI. Executive Session - Executive session being conducted pursuant to C.R.S. Sections 24-6-
192 402(4)(e) and 24-6-402(4)(b) for the purpose of determining positions relative to matters
193 that may be subject to negotiations, developing strategy for negotiations, and instructing
194 negotiators, and for receiving legal advice from attorneys representing the Town on specific
195 legal questions, and specifically, determining negotiating positions, and strategies
196 regarding the Town's Energy Cost-Savings Contract with Honeywell International, Inc. for
197 the new wastewater treatment plant, and obtaining advice as needed from legal counsel on
198 related legal issues. **Executive Session concluded at 9:37pm**
199

200 XVII. Action Related to Board Direction in Executive Session – board direction is for staff/legal to
201 take direction that was given in executive session.
202

203 XVIII. Adjournment – **Motion:** move to adjourn **Moved by:** Trustee Daty **Seconded by:** Trustee
204 Williams **Meeting adjourned at 9:39 pm.**
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207 Respectfully submitted by:
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211 Dolores M. Vasquez, CMC
212 Town Clerk
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Mayor Hollie Rogin

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