

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

DRAFT AGENDA  
**Monday, April 3, 2023**

Join Zoom Meeting

<https://us02web.zoom.us/j/81924438850?pwd=S1N6RFRES2dvTFdqaIdQMEN5dFd4QT09>

Meeting ID: 819 2443 8850

Passcode: 381088

Dial by your location

+1 689 278 1000 US

Meeting ID: 819 2443 8850

WORKSHOP  
6:00 PM – 6:50 pm  
*Riverbend Water Tap Review*

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

- I. Roll Call and Pledge of Allegiance – Present: Mayor Rogin, Trustee Elson, Trustee Daty, Trustee Oetting, Trustee Delman, Trustee Williams **Absent:** MPT Farrell
- II. Land Acknowledgement
- III. Approve Agenda – **Motion:** move to approve **Moved by:** Trustee Williams **Seconded by:** Trustee Daty **Motion passes unanimously.**
- IV. A Reflective Moment of Silence
- V. Audience Business – Kenyon Waugh, 1104 4<sup>th</sup> Ave. the past is the past, the legal side is the legal side, we cannot have this discussion any longer, we have made no progress, looking for a third party. We want to put this to rest, there is no way we can have this conversation, we are asking you to consider what is happening, we've had a lot of added expense with sewer costs. Engineer Blankenship decided each 4 tiny homes = 1 sewer tap; we want to understand why. At that time there was no BOD charge; since 2015 we have been paying BOD and 8 sewer taps. MOA says we will have only one. Betsy Burton, 1308 Apple Valley, the packet was very long, and the asks are a third-party mediator, amend the MOA to remove the paragraph requiring us to pay for water/sewer taps; transfer 5 McIntosh shares to us, and change the number of sewer taps that Wee Casa uses from 8 to 2. Wee Casa brings \$40K in lodging tax and \$50K in property taxes. Gil Sparks – 2169 Apple Valley Rd – 2<sup>nd</sup> reading of Ord 1144, we are very grateful for all the help we've gotten; thank you and if this passes a check for the earnest money is with Laura Levy.
- VI. Boulder County Sheriff's Office Report – Sgt Sears not in tonight; stats were uploaded.
- 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 15<sup>th</sup> 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. 2<sup>nd</sup> 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 Dady **Seconded by:**  
74 Trustee Delman **Motion passes unanimously.**  
75 2. 2<sup>nd</sup> 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 Dady **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 6<sup>th</sup>  
89 Amendment to MurraySmith Design Services for 4<sup>th</sup> 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 Dady  
97 **Motion passes unanimously**  
98

99 X. Items Removed from Consent Agenda

100 XI. Boards & Commissions

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

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

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

### XIII. Trustee Reports

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

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

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

XV. Summary of Action Items

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

**Motion:** enter into ex session **Moved by:** Trustee Dady **Seconded by:** Trustee Williams **motion passes unanimously. Entered into executive session at 9:22 pm.**

- XVI. Executive Session - 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 concluded at 9:37pm**

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

- xviii. Adjournment – **Motion:** move to adjourn **Moved by:** Trustee Dady **Seconded by:** Trustee Williams **Meeting adjourned at 9:39 pm.**

Respectfully submitted by:

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Dolores M. Vasquez, CMC  
Town Clerk

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Mayor Hollie Rogin

226 Persons needing accommodations or special assistance should contact the Town at [hr@townoflyons.com](mailto:hr@townoflyons.com) as  
227 soon as possible, but no later than 72 hours before the scheduled event.”