

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

DRAFT AGENDA
Monday, April 17, 2023

Join Zoom Meeting

<https://us02web.zoom.us/j/83948786283?pwd=RXRSbGIRUzhkWUtqN1p2L1UrMW4zQT09>

Meeting ID: 839 4878 6283

Passcode: 407313

Dial by your location

+1 301 715 8592 US (Washington DC)

Meeting ID: 839 4878 6283

WORKSHOP

5:30 PM – 6:00 pm

BOCO IGA PROCESS & APPOINTEES

and

6:00-6:50 pm

St. Vrain Trail Update & Railroad Ave. Update

7:00 BOARD OF TRUSTEES REGULAR MEETING
HYBRID MEETING

- I. Roll Call and Pledge of Allegiance – **Present:** Mayor Rogin, MPT Farrell, Trustee Elson, Trustee Daty, Trustee Oetting, Trustee Delman **Absent:** Trustee Williams
- II. Land Acknowledgement
- III. Approve Agenda – **Motion:** move to approve **Moved by:** Trustee Daty **Seconded by:** MPT Farrell **Motion passes unanimously.**
- IV. A Reflective Moment of Silence
- V. Audience Business – FI, 201 Spring Gulch, really excited to be here tonight; proclamation tonight spirit behind it is about people being with each other and existing in this space together. Time for us to celebrate and be with one another; a creative celebration, a blank slate for people to create however they want. Neil Sullivan, 7 Eagle Nest Lane, with Spirithounds, been in Lyons 11 years, significant sales tax revenue, owners/staff mostly residents; in process of investing 10 million dollars to stay in Lyons. Trail system, option A working with the Ditch Co is the only option Spirithounds is in favor of. Anything sounding like eminent domain as a business owner is scary. Cutting our leased property in half is not even an option. Option D, could forgo back 15 feet of property if Clarks would be willing to lease the building to us; have talked with neighbors down there, none in favor of current option. Find the money, spend the money, do it right.
- VI. Mayoral Proclamation – Beyond Words
- VII. Boulder County Sheriff's Office Report – Sgt. Sears reported at least 150 catalytic converter etching kits handed out; new sign for substation coming soon. New signage as well as public comes over to town hall. Graffiti cases are being worked on; on weekends seeing 35-36K cars going through town.
- VIII. Staff Reports

1. Administrator's Report – Administrator Simonsen updated the board on CDOT restriping project, will widen bike lanes from Hwy 66 to 2nd Ave and Hwy 36 to Apple Valley; awarded a wayfinding grant; discount dog days in April; golf car registration online; limb pick up/PW open house on 4/22; runway lighting on Main Street; flushing hydrants on Wednesday, run cold water if discolored water. Finance update on sales tax anomalies, back in line with projections.

IX. Ordinances and Public Hearings

1. 1st Reading – Ordinance 1145 An Ordinance Of The Board Of Trustees Of The Town Of Lyons Amending Chapter 18 Of The Lyons Municipal Code; Repealing And Reenacting Articles 2 Through 10 Of Chapter 18 Of The Town Of Lyons Municipal Code And Adopting By Reference The *International Building Code*, 2021 Edition; *International Residential Code*, 2021 Edition Including Appendix Q For Tiny Houses (2021 International Residential Code); *International Mechanical Code*, 2021 Edition; *International Plumbing Code*, 2021 Edition; *International Property Maintenance Code*, 2021 Edition; *International Existing Building Code*, 2021 Edition; *International Energy Conservation Code*, 2021 Edition; *International Swimming Pool And Spa Code*, 2021 Edition; *International Fuel Gas Code*, 2021 Edition; Making Specific Amendments To The Above-Referenced Codes; Codifying The *International Fire Code*, 2021 Edition As A New Article 16 Of Chapter 18 Of The Town Of Lyons Municipal Code; And Moving Articles 15 And 16 Of Chapter 18 Up To Become Articles 6 And 7 And Renumbering The Remaining Articles Accordingly – Director Caplan provided background; a suite of about 13 different codes; can allow for variances like fence height and wind speeds. Ratifying the fire code on consent; board can incorporate any changes for second reading. Discussion on effects to ADU's and Tiny Homes; concern of additional cost for new builds, especially affordable housing. Director Caplan to research, including sprinklers and energy efficient codes; feedback from Chair commissions **Motion:** move to approve **Moved by:** Trustee Daty **Seconded by:** Trustee Delman discussion on changes impacting ADU/Tiny Homes, affordable housing exemptions. **Motion passes unanimously.**

X. Consent Agenda

1. Resolution 2023-24 – A Resolution Of The Town Of Lyons, Colorado Ratifying The Board Of Trustee's Decision Authorizing The Mayor To Execute All Agreements And To Perform All Other Actions Necessary To Join Additional Colorado Opioid Settlements
2. Resolution 2023-25 – a Resolution of the Town of Lyons, Colorado in Opposition to the Statewide Land Use and Zoning Preemptions in Senate Bill 23-213
3. Resolution 2023-26 – a Resolution of the Town of Lyons, Colorado Approving the Fourth Amendment to the Professional Services Agreement with N Line Electric, LLC
4. Resolution 2023-27 – a Resolution of the Town of Lyons, Colorado Approving the Sixth Amendment to the Professional Services Agreement with Consor Engineers, Inc. for On-Call Engineering Services
5. April 3, 2023, BOT Meeting Minutes
6. April Accounts Payable

Motion: move to approve **Moved by:** Trustee Daty **Seconded by:** Trustee Oetting MPT Farrell pulled Item 4, Reso 2023-27 Mayor Rogin pulled Item 2, Reso 2023-25 **Agenda as modified, passes unanimously**

XI. Items Removed from Consent Agenda

1. Item 2023-27, Trustee Oetting, clarification on added scope of work, budget funds in place. MPT Farrell, we closed out the project a few months ago; Manager Sanders, we accepted the asset, but are still closing out the project. **Motion:** move to approve **Moved by:** Trustee Daty **Seconded by:** Trustee MPT Farrell **Motion passed unanimously**
2. Item 2023-25 withdrawn by Mayor. **Motion:** move to approve **Moved by:** Mayor Rogin **Seconded by:** Trustee Oetting **Motion passes unanimously**

Motion: adjourn at BOT and reconvene as LLA **Moved by:** MPT Farrell **Seconded by:** Trustee Elson **Motion passes unanimously.** Entered as LLA at 7:49 pm

XII. Lyons Liquor Licensing Authority

1. Modification of Premise Application – Marigold, 405 Main Street Unit B. Clerk Vasquez provided background; lease and ROW approved by CDOT; 195 sq ft of patio space, public hearing only required if board deems necessary. **Motion:** move to approve **Moved by:** Trustee Daty **Seconded by:** Trustee Delman Trustee Daty a good example of an easy way to accommodate our local businesses **Motion passes unanimously**

Motion: to adjourn as LLA and reconvene as BOT **Moved by:** MPT Farrell **Seconded by:** Trustee Elson **Motion passes unanimously adjourned at LLA at 7:53 pm.**

XIII. Boards & Commissions

1. Mayoral Appointments – Claudia Kean to Housing & Human Services Commission
2. LAHC Update – Patty McNichol, Crystal Decoster, Christine Knapp and Jerry Johnson, Lavern Johnson sculpture, exemplifies her tenacity, her love of this town and her great example of what it means to lead. Inspiring. Discussion on placement to prevent graffiti, funding sources, timeline of unveiling.

XIV. General Business

1. Resolution 2023-23 –A Resolution of the Town of Lyons, Colorado Making the 2021 Edition of the International Fire Code Effective Within the Borders of the Town of Lyons With Certain Exceptions – Director Caplan provided background; attorney Dittman stated we must adopt by Resolution per state code. Discussion on average cost of new SFR per sq ft; reasoning behind exemptions in 2018 – **Motion:** move to approve **Moved by:** Trustee Daty **Seconded by:** Trustee Elson Discussion on adopting fire code before IBC codes; Attorney Dittman IBC suite does not include fire code; this is ratifying what the Fire Dept has adopted. **Motion withdrawn.** **Motion:** move to a date certain of May 1, 2023, **Moved by:** MPT Farrell **Seconded by:** Mayor Rogin Attorney Dittman, at next meeting, Ord 1145 references this resolution. **Motion passed unanimously.**
2. LEAF Lease Update – Administrator Simonsen updated the board on LEAF response to BOT's request for update by 4/15; LEAF has notified the town they have decided to pursue a different opportunity. Discussion on permanent records remaining where they are; now can look at broader options for building. MPT Farrell, bummed and genuinely hope they find a space that works for them. Trustee Daty, really happy with how staff/bot worked every angle of this; hopeful they find a centralized location.
3. Discussion/Direction on Railroad Avenue Options – Recap of options available; Trustee Elson, I like option 5, only concern is ice on vehicle side, never sees sun. Trustee Oetting if I had to redo, I would remove all vehicle traffic, but will opt for option 5. MPT Farrell, I am a fan of option 5, this should be our last and final option. Preference is smallest, lower to the ground, flexible bollards; Trustee Delman, option 5, more pedestrian/bike space. Trustee Daty best case scenario for win/win. Mayor Rogin concurs.
4. Discussion/Direction on St. Vrain Trail Project – Mayor Rogin, nothing about this project is perfect; concerns about Highland Ditch charges if we work with them. Funding shortfall; Trustee Oetting, taxpayers are funding; we should look at all legal options to get out of that lease. MPT Farrell, would like to approve, but Highland Ditch would overcharge us. Responsibility is to look at comp plan, community requests, safety, potential partnership with Clarks/Spirithounds. Trustee Delman, any legal options we can pursue?; Attorney Dittman explained eminent domain/condemnation very high level. Could potentially extinguish lease without taking property, per se. there is added cost, uphill fight. The consensus is that working with Highland Ditch is the least attractive option; potential sit down with Neil, Clarks any possibility of negotiating. Schedule executive session.

XV. Trustee Reports

1. Trustee Elson – EAB meets tomorrow, SFC met last Thursday. Resource advisory board will be link between SFC and BOCO, CCC4A meeting last Friday, seemed more like a sales

pitch. Discussed limb drop off; River Clean up the 21st 3-5 for Earth Day, and the 23rd as well. Will have good news section at every meeting going forward.

2. Trustee Daty – EVC meets 4/19; HHSC met 4/10, thanked Claudia Kean for stepping up. Met Amy Schnaper, BOCO Area Agency on Aging, at Walt Self on Tuesdays; resource fair coming soon; Summit interested in a one-bedroom housing project, need land. Move in phasing in over 4 months at LVT.
3. Trustee Oetting – electric car charging update; SFC ready to go to college.
4. MPT Farrell – PCDC did not meet last week; discussing annexation training with BOT.
5. Trustee Delman – PRC discussed repairing/replacing dog park fence, needs to go out to bid. River corridor clean up this weekend.
6. Mayor Rogin – Chair Dreistadt and I went to the capital to testify on SB 23-213; waited over 8 hours and was not able to testify. To be voted on tomorrow. Mayor of Denver/Aurora both oppose; great networking. Metro Mayor Caucus met, had DOLA, CHFA to assist with how to access funding. Looking forward to the 3rd grade visit.

XVI. Legal Update – legislation HB 25-22 adding definition of utilities to covered entities of consumer protection act; allows private individuals to sue public entities; CAMU very concerned this could lead to a slew of lawsuits; our position is to petition board with concerns; many options under current laws.

Five-minute break at 9:12 pm.

Meeting resumed at 9:17 pm.

Motion: enter into ex session: Moved by: MPT Farrell **Seconded by:** Trustee Oetting **motion passed unanimously. Entered into ex sess at 9:19pm. Executive Session concluded at 9:51pm.**

Entered into regular meeting at 9:53 pm

XVII. Summary of Action Items:

1. Copy of Beyond Words Proclamation to Fi
2. Follow up on accommodations for Ride the Rockies
3. Research fencing regs for Ord 1145 by next meeting
4. Research waivers/exemptions for affordable housing Ord 1145
5. SFC input for Ord 1145 on second reading
6. Ord 1145 passed to 2nd Reading.
7. Notify State LED of approved premise modification for Marigold.
8. Option 5 selected for Railroad Ave
9. Follow up on ribbon cutting for Lyons Valley Townhomes
10. Kim's feedback on CCC4A meeting

XVIII. Adjournment – **Motion:** move to adjourn **Moved by:** MPT Farrell **Seconded by:** Trustee Elson **Meeting adjourned at 9:56 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."