

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

DRAFT AGENDA

Monday, May 1, 2023

Join Zoom Meeting

<https://us02web.zoom.us/j/82397524395?pwd=eDVVK05INTdaV2tPWTv6d08yUXpodz09>

Meeting ID: 823 9752 4395
Passcode: 874386

Dial by your location
+1 301 715 8592

Meeting ID: 823 9752 4395

Executive Session

5:30 pm – 6:30 pm

Boulder County IGA Negotiation Parameters

6:30 pm to 6:50 pm

Clarks Lease

**7:00 PM 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 Williams **Absent:** Trustee Delman
- II. Land Acknowledgement
- III. Approve Agenda – **Motion:** move to approve **Moved by:** MPT Farrell **Seconded by:** Trustee Williams **Motion:** amend agenda to move item 1 under General Business to be heard following staff reports **Moved by:** Mayor Rogin **Seconded by:** Trustee Elson **Motion passes unanimously. Motion passed unanimously on amended agenda.**

Motion: move to enter into ex session **Moved by:** MPT Farrell **Seconded by:** Trustee Oetting **motion passed unanimously** Entered into ex session at 5:36pm 1st ex session concluded at 6:30 pm. **Motion:** enter into ex session (Clark's) **Moved by:** MPT Farrell **Seconded by:** Trustee Elson **Motion passes unanimously.** Entered into 2nd executive session at 6:31pm. Ex Session concluded at 6:53 pm. 10-minute break – meeting resumed at 7:03 pm
- IV. A Reflective Moment of Silence
- V. Mayoral Proclamations
 1. Mental Health Awareness Month
 2. Public Works Week
 3. Municipal Clerks Week
- VI. Audience Business – Jacqueline Weiss, 630 2nd Ave, running for SVVSD seat, introduced herself, hopeful for a collaborative relationship. Please reach out with any questions on my campaign. I can be a bridge. Matt Vavrino, 405 Vasquez Ct. – request that the board maintain the status quo for current area, water quality/pressure issues, wildfire egress issues.

59 VII. Boulder County Sheriff's Office Report – Sgt. Sears reported Co-responder Lynette
60 Anderson moving to Nederland. She will train her replacement Sara. Deputy Tony Garcia
61 leaving the force; our front-end day shift Deputy will be moving to the mountains; Deputy
62 Thompson will be new backside day shift. In April we had 168 calls, about average. 751
63 for the year, under average from last year. Over 245K cars through town for the month.
64

65 VIII. Staff Reports

66 1. Administrator's Report – Administrator Simonsen reported that both Senators are willing to
67 submit the WWTP and the trail for congressional spending. Limb pickup and bear proof
68 containers distributed.

69 IX. Resolution 2023- Resolution 2023-23 – a Resolution of the Town of Lyons, Colorado
70 Making the 2021 Edition of the International Fire Code Effective Within the Borders of the
71 Town of Lyons With Certain Exceptions (*Continued from the 4/17 BOT meeting*) – Director
72 Caplan gave background; questions regarding cost, affordable housing, and ADU's. Fire
73 Marshall Pischke presented on combo of residential sprinklers/smoke alarms fire deaths
74 are way less. Two different types of sprinklers systems, commercial are everywhere where
75 residential are only in livable spaces, not in closets, bathrooms, designed to put a check
76 on the fire until we get there. Not every sprinkler head goes off; set off by temperature
77 rating. Individual choice to have a system that notifies the fire department. Homes will
78 have a horn/strobe light that goes off when activated. **Motion:** move to approve **Moved**
79 **by:** Trustee Daty **Seconded by:** Trustee Delman Thanked Director Caplan for memo, lots
80 of great information; **motion passes unanimously**

81 X. Ordinances and Public Hearings

82 1. 2nd Reading – Public Hearing - Ordinance 1145 – An Ordinance of the Town of Lyons
83 Amending Chapter 18 of the Lyons Municipal Code; Repealing and Reenacting Articles
84 2 Through 10 of Chapter 18 of the Town o f Lyons Municipal Code and Adopting by
85 Reference the *International Building Code*, 2021 Edition; *International Residential Code*,
86 2021 Edition Including Appendix Q For Tiny Houses (2021 International Residential
87 Code); *International Mechanical Code*, 2021 Edition; *International Plumbing Code*, 2021
88 Edition; *International Property Maintenance Code*, 2021 Edition; *International Existing
89 Building Code*, 2021 Edition; *International Energy Conservation Code*, 2021 Edition;
90 *International Swimming Pool And Spa Code*, 2021 Edition; *International Fuel Gas Code*,
91 2021 Edition; Making Specific Amendments To The Above-Referenced Codes;
92 Codifying The *International Fire Code*, 2021 Edition As A New Article 16 Of Chapter 18
93 Of The Town Of Lyons Municipal Code; And Moving Articles 15 And 16 Of Chapter 18
94 Up To Become Articles 6 And 7 and Renumbering The Remaining Articles Accordingly –
95 Director Caplan provided background; **Public hearing** opened at 7:47 pm no speakers
96 Closed at 7:47 pm. **Motion:** move to approve **Moved by:** Trustee Daty **Seconded by:**
97 Trustee Williams MPT Farrell, when we passed the 2015 Regs in 2018 we at that time
98 thought we could fill the affordable housing gap with ADU's and Tiny Homes; we have
99 only had 1 ADU since then. I do not see this as a barrier to more affordability as I did 5
100 years ago; thank you for the addendum, very thorough. Mayor Rogin is glad to see this
101 pass. **Motion passes unanimously.** Director Caplan thanked Lance for his work on this
102 one.

103 2. 1st Reading – Ordinance 1146 - An Ordinance of the Town of Lyons, Colorado,
104 Amending Chapter 1, Article 4, Section 40 of the Lyons Municipal Code Concerning the
105 Failure to Pay Fines and the Collection of Municipal Court Monetary Sentences and Fee
106 – Attorney Dittman presented; requested by municipal court to give additional power to
107 collect; old code did not speak to specifics, like late fees/interest. This is an extremely
108 common language and basically cleaning up to provide further specificity. **Motion:** move
109 to approve **Moved by:** Trustee Daty **Seconded by:** Trustee Oetting **motion passes**
110 **unanimously**

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116 XI. Consent Agenda

- 117 1. Resolution 2023-28 – a Resolution of the Town of Lyons, Colorado Approving a
118 Professional Services Agreement with FOCO Tube & SUP, LLC (Ray's River
119 Rentals) to Operate the Concession Stand in Lavern Johnson Park
- 120 2. Resolution 2023-29 – a Resolution of the Town of Lyons, Colorado Approving the
121 Innovative Housing Opportunities Program Project Professional Services
122 Agreement with Bohannan Huston for DOLA Funded Housing Assessment
- 123 3. Resolution 2023-30 – a Resolution of The Town Of Lyons, Colorado Accepting
124 a Mow Down Pollution Grant for Activities Related to the Purchase of New Zero-
125 Emission Commercial Lawn, and Garden Equipment with the Regional Air Quality
126 Council (RAQC).
- 127 4. Resolution 2023-31 – a Resolution of the Town of Lyons, Colorado Awarding and
128 Approving a Construction Agreement with Mountain Constructors, Inc. for US36
129 Broadway Improvements & Multimodal Trail, Project
130 Bid Number 23-US36/BRWY IMPV-03 REBID #2
- 131 5. April 3, 2023, BOT Meeting Minutes
- 132 6. April Accounts Payable

133 **Motion:** move to approve **Moved by:** Trustee Williams **Seconded by:** Trustee
134 Daty Trustee Elson pulled items 1, 3 and 4 and Mayor Rogin pulled item 2. **Motion**
135 **passed unanimously.**

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137 XII. Items Removed from Consent Agenda

- 138 1. Reso 2023-28, Trustee Elson asked, did this go out for bid? Administrator
139 Simonsen stated it went out for bid two years ago, with a renewal clause; this will
140 be the last year before we go out to bid **Motion:** move to approve **Moved by:**
141 Trustee Elson **Seconded by:** Trustee Williams **motion passes unanimously.**
- 142 2. Resolution 2023-29 – Mayor Rogin stated the scope of work was not attached;
143 **Motion:** move to a date certain of May15th **Moved by:** Mayor Rogin **Seconded**
144 **by:** Trustee Oetting **Motion passes 6-1 MPT Farrell: No**
- 145 3. Reso 2023-30 – Trustee Elson, just a reminder that our current mowers have to be
146 recycled; not repurposed, surplused or sold. Director Cosgrove, the grant will
147 cover the cost of scrapping. **Motion:** move to approve **Moved by:** Trustee Elson
148 **Seconded by:** Trustee Oetting **Motion passes unanimously**
- 149 4. Reso 2023-31 – Trustee Elson, big project, wanted to pull to have a little feedback.
150 Trustee Daty EVC wants to know when! Manager Sanders, floating start date from
151 May to September, have to give us 30-day notice and 160 days to complete the
152 project. Have contacted business owners affected; have requested no paving on
153 weekends. MPT Farrell, is the Railroad frontage road budgeted? Director Sanders,
154 we are well within budget to do this. The staging area could be leased from hotel
155 property, we have a lot off of 5th/Evans **Motion:** move to approve **Moved by:**
156 Trustee Elson **Seconded by:** Trustee Daty **motion passes unanimously.**

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158 XIII. Boards & Commissions

- 159 1. Housing & Human Services Commission Update – Kay Sparks, chair, we have
160 been looking into medical services; LVT Summit housing is now becoming a
161 reality; have been getting information out as we have received it. Sarah with
162 Summit has been so helpful; knows all the federal regs/rules. Trustee Oetting is
163 glad to see her onboard, worried about violating HUD rules. **Ten-minute break at**
164 **8:38 pm**

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166 XIV. General Business

- 167 1. Discussion/Direction to Staff on Awarding a Contract for 2023 Paving, Painting &
168 Striping Projects – Director Cosgrove presented staff recommendations; Engineer
169 Doles presented map showing completed paving projects and proposed projects.
170 Director Eyestone presented financials for the board to consider. Administrator

171 Simonsen updated on potential grants for stormwater on 2nd and 3rd Aves.
172 Discussion on sidewalks/paving on north side of town. Sidewalk assessment and
173 potential Safe Routes to School grants for that. Discussion on focus off of flood,
174 budget planning for 3-5 years; software to track maintenance/assessment and
175 update PCI numbers. Rising costs, larger projects needing more funding. MPT
176 Farrell, typically saving small increments, we need to think big now. Time to get
177 educated on a bond/mill levy. I don't think it is the right time to spend \$592K right
178 now; but do think McConnell/Welch needs the work done. Would like to see a
179 breakdown of three neighborhoods proposed; compromise and do one project and
180 go to the public. Trustee Williams would like to go with staff recommendations;
181 Trustee Oetting agrees and wants to see software program, not always a good
182 idea to save, you have to invest. Trustee Elson, we received this bid last year and
183 was around \$490K without striping and McConnell. Inflation is continuing on pace.
184 Mayor would like to use a portion of the General Fund and keep the streets fund
185 more intact. What are we gaining on interest? Director Eyestone, you could
186 definitely do both; cash pool at BOW and Colotrust; Colotrust is averaging 5% per
187 day yield. Mayor Rogin, where are we in accessing infrastructure funding?
188 Administrator Simonsen stated we were notified last week that DOLA/DRCOG
189 have staff to assist small towns navigate the funding sources. Trustee Elson also
190 supports staff recommendations and software; Trustee Daty agrees; staff has done
191 due diligence; money saved up and prevention is key. MPT Farrell dissents, not
192 time to spend, healthy position to go big. Trustee Delman agrees to move forward;
193 Mayor Rogin agrees with MPT Farrell, but the majority of board would like to move
194 forward.

195 2. Discussion/Direction to Staff on Boulder County IGA – staff to follow direction as
196 discussed in executive session.

197 XV. Trustee Reports

1. Mayor Rogin – served on mayor panel for energy; fight for truth and trust panel and
200 we had a panel of five mayors from Ukraine. Director of HUD for this region
201 interested in reviewing this area.
2. Trustee Williams – HPC looking to find Indigenous groups, send additional MJ tax
203 money to Indigenous groups, Alex filling in for Priscilla; thank you for not barring
204 me from attending meetings.
3. Trustee Delman – PRC has not met; nothing to report.
4. MPT Farrell – PCDC talked about STR sub-committee wanting to bring in someone
207 from EVC / HHSC to help draw a vision. Discussed BOCO IGA; and SB 23-213
5. Trustee Oetting – UEB did not meet; EV charging discussed; SAC did not meet.
6. Trustee Daty – LEAF advertising a mental health art group for students; smart
210 recovery group starting next Monday for those struggling with addiction issues.
211 Most meaningful work with Summit; EVC met 4/18 banners proposal on Main St;
212 Chamber met at Riverside Cabins, formerly Shelly's Cottages; concerned about
213 fencing; wayfinding options; 1st committee meeting on 10-year flood anniversary;
214 we meet this Thursday at 1pm at library. A day of different events throughout the
215 town.
7. Trustee Elson, on Main any way to get rid of first few parking spaces so people can
217 walk; Administrator Simonsen, fence is at location it is at due to a fall zone
218 identified by structural engineers; owners working with insurance company and fire.
219 Director Caplan stated it will be moving soon; working with CDOT on jersey
220 barriers. SFC will meet 5/11; EAB met annual confluence event at high school
221 5/16.

222 XVI. Legal Update – Yoder matter; 5/24 foreclosure date; deck permitted and torn down. Code
223 enforcement – putting together a ticket book will help with enforcement. Special meeting
224 5/8 on Honeywell. Legislation SB 23-291 transition away from natural gas in CO.
225 investors in utilities came out strongly against the bill. Xcel no longer opposes it after
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227 several amendments. HB 23-1282 makes all utilities subject to Colorado consumer
228 protection act; would enable private citizens to sue over utility rates; concerned it would
229 create a flurry of unnecessary lawsuits. Land use bill under massive changes.
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232 XVII. Summary of Action Items:
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- 234 1. Overlay of comp plan map vs IGA map.
- 235 2. Have new co-responder come meet the board.
- 236 3. How many golf cars have been registered?
- 237 4. Follow up on how people are notified; they have successfully completed the golf
238 car registration process.
- 239 5. Ordinance 1145 was approved after 2nd reading.
- 240 6. Ordinance 1146 passed to 2nd reading.
- 241 7. Get outstanding amount on court fines due.
- 242 8. Cost of holding municipal court monthly.
- 243 9. Resolution 2023-29 continued to a date certain of 5/15
- 244 10. Send HHSC update to the Board.
- 245 11. Move forward with paving and striping project.
- 246 12. Update on funds from oil spill.
- 247 13. Follow up with CDOT on jersey barriers on Main Street.
- 248 14. List of businesses in town that have not signed the lease, what is recourse?
- 249 15. Storage containers at old cement plant in flood zone; activity there, notify county.
- 250 16. Move forward with Boulder County IGA as directed.

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252 XVIII. Adjournment – **Motion:** move to adjourn **Moved by:** Trustee Williams **Seconded by:**
253 Trustee Elson **Motion passes unanimously;** meeting adjourned at 10:21 pm.
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257 Respectfully Submitted by:
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261 Dolores M. Vasquez, CMC – Town Clerk

262 _____
263 Mayor Hollie Rogin
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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."