

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

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MEETING MINUTES

Monday, May 15, 2023

5:30 pm REGULAR MEETING

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

Motion: move to enter into executive session **Moved by:** MPT Farrell **Seconded by:** Trustee Williams **Motion passed unanimously Entered into executive session at 5:35 pm. Trustee Elson joined the meeting at 5:37 pm. 1st Ex session ended at 6:05 pm**

- II. 1. Executive Session - An executive session being conducted pursuant to C.R.S. Sections 24-6-402(4)(e) 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 a Potential Lease between Spirit Hounds and the Town of Lyons and obtaining advice as needed from legal counsel on related legal issues

And

Motion: enter into ex session **Moved by:** MPT Farrell **Seconded by:** Trustee Williams **motion passes unanimously. Entered into executive session at 6:06 pm**

2. Executive Session - An 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 Intergovernmental Agreement (IGA) between the Town of Lyons and Boulder County, and obtaining advice as needed from legal counsel on related legal issues **Motion:** end ex session **Moved by:** Mayor Rogin executive session concluded at 6:57 pm. Regular meeting began at 7:04 pm

- III. Land Acknowledgement

- IV. Approve Agenda – **Motion:** move to approve **Moved by:** MPT Farrell **Seconded by:** Trustee Oetting **Motion passes unanimously**

- 51
- 52 V. A Reflective Moment of Silence – for Priscilla Cohan and her healing journey
- 53
- 54 VI. Mayoral Proclamation – Pride Month
- 55
- 56 VII. Audience Business – Kathleen Sands, 1960 Collard Lane, Lyons Climate Action Group, IGA is
57 very important to add parameters for Parks and Open Space, so they are not spraying us from
58 helicopters, prescribed burn next week. A dam that the Conservancy District wants to build
59 above Lyons needs to be looked at. Seeking BOT support for Robert Brakenridge’s weed
60 management policy. Hope you will show up to that hearing.
- 61
- 62 VIII. Boulder County Sheriff’s Office Report -
- 63
- 64 IX. Staff Reports
- 65 1. Administrator’s Report – Administrator Simonsen updated on legislative conclusion; nuisance
66 orders at 401 Second Ave have been addressed and are in compliance. Visitors Center to be
67 open - first time since Pandemic. Stage expansion will be done before summer concerts.
68 Sidewalk assessment RFP is going out soon. Sales tax down, not concerned at this point.
69 Mayor Rogin thanked Vasquez family/business for the stage expansion. Mayor Rogin would
70 like to follow up on sales tax for food trucks. Signs need to be put up for mountain bikers to
71 park on 2nd Ave lot and biking app can be updated for parking.
- 72
- 73 X. Ordinances and Public Hearings
- 74 1. 2nd Reading – Ordinance 1146 - An Ordinance of the Town of Lyons, Colorado,
75 Amending Chapter 1, Article 4, Section 40 of the Lyons Municipal Code Concerning
76 the Failure to Pay Fines and the Collection of Municipal Court Monetary Sentences and
77 Fees – Attorney Dittman provided background information. **Public hearing opened at 7:29**
78 **pm. No speakers, PH Closed at 7:29 pm. Motion:** move to approve **Moved by:** Trustee
79 Daty **Seconded by:** Trustee Elson **Motion passes unanimously**
- 80
- 81
- 82 XI. Consent Agenda
- 83 1. Resolution 2023-29 – A Resolution Of The Town Of Lyons, Colorado Approving The
84 Contract Awarding The Colorado Department Of Local Affairs Innovative And Affordable
85 Housing Opportunities Program Planning Grant Study To Bohannon Huston Inc.
86 *(Continued from the 5/1 BOT Meeting)*
- 87 2. Resolution 2023-32 - a Resolution of the Town of Lyons, Colorado Awarding a Construction
88 Agreement To Brannan Sand And Gravel Company, LLC for 2023 Pavement
89 Rehabilitation, Project Number 23-PAVEREHAB-01
- 90 3. Resolution 2023-33 - A Resolution Of The Board Of Trustees Of The Town Of Lyons,
91 Colorado In Support Of Montana State Representative Zooey Zephyr
- 92 4. May 1, 2023, BOT Meeting Minutes
- 93 5. May Accounts Payable
- 94 **Motion:** move to approve **Moved by:** Trustee Daty **Seconded by:** Trustee Elson **MPT**
95 **Farrell pulled items 1 & 2**
- 96 XII. Items Removed from Consent Agenda
- 97 Item 1, Reso 2023-29, MPT Farrell stated PCDC wanted to know our ability to
98 negotiate HUD/FEMA properties for development now that all river construction has
99 taken place and new flood maps. Requesting that this can be included in scope for
100 infill; Administrator Simonsen will look into it; believes if it is possible, it would have to
101 be “bought” back. Mayor Rogin mentioned road show. **Motion:** Move to approve
102 **Moved by:** MPT Farrell **Seconded by:** Trustee Williams **motion passes**
103 **unanimously**

Item 2. Reso 2023-32, MPT Farrell stated board already approved; want to look at a larger discussion, a bond perhaps in the future **Motion:** move to approve **Moved by:** MPT Farrell **Seconded by:** Trustee Daty **Motion passes unanimously**

XIII. Boards & Commissions

1. Mayoral Appointments – Kathy Carroll to Sustainable Futures Commission
2. Historic Preservation Commission Update – Sarah Lorang, Chair, awarded \$25K grant for historic preservation to create historic context report. RFP was sent out in April; will have 60 days after state funds grant to sign contract. Historic Designation Program working on depot, eligible for tax credits after receiving designation; using depot as a test run to work out any issues. MPT Farrell asked who would contact those homeowners that are eligible. Sarah, working on developing a strategy. HPC is working with planning department on how to add all these into the GIS program.

XIV. General Business

1. Discussion/Direction to Staff on Spirit Hounds Lease – staff to follow direction as discussed in executive session.
2. Discussion/Direction to staff on Boulder County IGA - staff to follow direction as discussed in executive session. Trustee Oetting to serve on IGA negotiations

XV. Trustee Reports

1. Trustee Elson, EAB meets tomorrow at high school at 6pm. SFC discussed environmental film series
2. Trustee Daty – HHSC met last Monday; close to contacting June move in applicants. May be able to move in mid-June depending on CO. Typically a 90-Day process; speaks volumes to Highland Management Property. Met new mountain resource specialist, Amy Schofner, at Walt Self twice a week. EVC meets on Wednesday at 9:30 am.
3. Trustee Oetting – SAC committee is on summer break; will reconvene in the fall. Need agenda items or a project for next year. UEB meets again June 17th. Looking at bringing back solar project. Demand rate for EV chargers; NEVA project on hold.
4. MPT Farrell – PCDC held a joint meeting with BOT last week; will be discussing that further and reviewing Martin Parcel on Monday. What creative asks/exemptions should be included when annexing? Update from PRC on dry camping? Coffin Top Dam information. Consider water restrictions and have Ecology board research.
5. Trustee Williams – HPC meets Wednesday evening at 5:30 pm.
6. Mayor Rogin – LAHC - Lauren Click resigned as chair, Claudia Paterno new chair; discussed sculptures in town; 3rd graders coming to town hall on Wednesday; NREL programs to assist with projects and how can we take advantage of these programs. CAMU also has funds available per Attorney Dittman. Mayor Rogin, we need to discuss July holiday; board consensus is to move meeting to July 5th

XVI. Legal Update - Attorney Dittman updated board on Honeywell; pre-mediation conference this morning; next Mon/Tues is mediation. Ex session in June for follow-up. Utilities and Land Use bills both died, expect them back next year. Working with Air BnB and VRBO on them educating users in Lyons on lodging taxes; new platform may be ready next year that would make this automatic.

XVII. Summary of Action Items

1. Excise Tax Research
2. Hang Flag in June (3 flags)
3. Educate food trucks on sales tax requirements
4. Code Compliance to enforce parking
5. Biking Apps - information to Director Mitchell
6. Research ability to negotiate HUD/FEMA properties for development
7. Look at potential bond for future projects
8. Potential projects for SAC for next year.

- 159 9. PRC to provide update on dry camping
160 10. Research Impacts of Coffin Top Dam
161 11. Ecology board to research water restrictions
162 12. Get information on gas station monitoring/state regulations
163 13. Can PCDC look into annexation costs for residential
164 14. Review water portfolio
165 15. First meeting in July moved to 7/5
166 16. Approximate cost of Yoder matter
167 17. NREL offers / projects
168

169 **xviii.** Adjournment – **Motion:** move to adjourn **Moved by:** Trustee Dady **Seconded by:** Trustee
170 Elson motion passes unanimously. **Meeting adjourned at 8:20 pm**
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172
173 Respectfully submitted by:
174

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177 _____
178 Dolores M. Vasquez, CMC – Town Clerk
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177 _____
178 Mayor Hollie Rogin
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