

1 TOWN OF LYONS BOARD OF TRUSTEES MEETING
2 LYONS TOWN HALL, 432 5TH AVENUE, LYONS, COLORADO
3
4

5 MEETING MINUTES
6 Tuesday, June 20, 2023

7 JOIN ZOOM MEETING:
8
9

10 <https://us02web.zoom.us/j/84763422841?pwd=YzJ5dXNnZkxzdU1ENkRlc1VqZEZNZz09>
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19 Meeting ID: 847 6342 2841
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22 6:00 pm BOARD OF TRUSTEES REGULAR MEETING
HYBRID MEETING

23 I. Roll Call and Pledge of Allegiance – **Present:** Mayor Rogin, MPT Farrell, Trustee Elson,
24 Trustee Oetting, Trustee Delman, Trustee Williams **Absent:** Trustee Daty
25 **Motion:** enter into executive session **Moved by:** MPT Farrell **Seconded by:** Trustee
26 Williams **Motion passed unanimously Entered into executive session at 6:02 pm.**
27

28 II. Executive Session - An executive session being conducted pursuant to C.R.S. Sections
29 24-6-402(4)(e) and 24-6-402(4)(b) for the purpose of determining positions relative to
30 matters that may be subject to negotiations, developing strategy for negotiations, and
31 instructing negotiators, and for receiving legal advice from attorneys representing the
32 Town on specific legal questions, and specifically, determining negotiating positions and
33 strategies regarding the Intergovernmental Agreement (IGA) between the Town of Lyons
34 and Boulder County, and obtaining advice as needed from legal counsel on related legal
35 issues

36 **Ex Session concluded at 6:34 pm Motion:** enter into next executive session **Moved
37 by:** MPT Farrell **Seconded by:** Trustee Elson **Motion passes unanimously**
38 And

39 **Entered ex session at 6:36 pm**

40 Executive Session - an executive session being conducted pursuant to C.R.S. Sections
41 24-6-402(4)(e) and 24-6-402(4)(b) for the purpose of determining positions relative to
42 matters that may be subject to negotiations, developing strategy for negotiations, and
43 instructing negotiators, and for receiving legal advice from attorneys representing the
44 Town on specific legal questions, and specifically, determining negotiating positions and
45 strategies regarding the Town's Energy Cost-Savings Contract with Honeywell
46 International, Inc. for the new wastewater treatment plant, and obtaining advice as
47 needed from legal counsel on related legal issues. **Ex Session concluded at 6:57 pm.**

48 **5-minute break Regular Meeting convened at 7:04 pm.**

49
50 III. Land Acknowledgement
51

52 IV. Approve Agenda – **Motion:** move to approve **Moved by:** Trustee Williams **Seconded by:**
53 Trustee Oetting **Motion passes unanimously**

54
55 V. A Reflective Moment of Silence
56

57 VI. Audience Business – Emerson Sturgis, 217 Welch Drive, it is great that the Lyons Flyer
58 bus comes to Lyons, people take the bus to school and work, and I am 13 and can't drive
59 but I can take the bus and have several times. Would be great if it ran on the weekends
60 and made more trips. If you ride to Boulder you can't ride it back to Lyons for several
61 hours. More people would ride the bus; students are stuck in Boulder for a long time after
62 school.
63

64 VII. Boulder County Sheriff's Office Report – Sgt Sears out of town this evening. Nothing
65 significant; a few minor incidents in the park over the weekend, but uneventful weekend.
66 Please take a minute to go see the new sign at the substation. The badge on front is from
67 same year when depot was built in 1894-94, had replica made, Mr. Vasquez had a very
68 small stash of hand-picked rock, donated a column of hand chipped stone from that year
69 as well. Very pleased and the sign looks wonderful.
70

71 VIII. Staff Reports

72 1. Administrator's Report – Administrator Simonsen reported on hosting a stop for Ride the
73 Rockies due to the HWY 7 rockslide; a successful pride/Juneteenth weekend. Last week's
74 power outage, longer than usual. A pickup lost control, fell asleep, hit a 3-phase power
75 box on Hwy 66, vehicle on top of the box. Great response from local agencies. However,
76 State Patrol took 40 minutes to arrive. Had to ensure vehicle wasn't "hot", then after
77 removed the vehicle, we could review damage. Wouldn't matter if concrete bollards were
78 there, a vulnerability in our system. Encourage people to be prepared; never know when
79 an accident will happen. If you have vulnerabilities in your home/business take steps to
80 be prepared. Paving projects start this week. Curb side limb pick up July 17th. Goats are
81 up on Longs Peak Drive. Tubing Ban will be in place until close to 450 CFS. Water is still
82 high
83

84 **Motion:** enter as Liquor Licensing Authority **Moved by:** Trustee Oetting **Seconded by:**
85 Trustee Elson **Motion passes unanimously**

86 IX. Public Hearing - Lyons Liquor Licensing Authority – New Tavern License – BamaLu
87 located at 304 Main Street – Shauna Lee Strecker, St Vrain Hwy, my 5-year
88 anniversary as a business owner. Not advertising as a bar, main point of business is
89 custom hats, and slow your roll, slower pace, repurposed hats, and will have maybe
90 8 drinks and finger foods available. **Public Hearing opened at 7:25 pm.** Mystie
91 Bracket, 119 Eagle Canyon Circle, 20 years here, extremely blessed that Lyons brings
92 fabulous people. Lucky Shauna shares her magic, we should do everything we can
93 to support these people. Strong supporter of this business. Charles Esterly, 119
94 Eagle Canyon Circle, 10-year resident, known Shauna 5 years, successful business
95 woman and encourage you to approve her application. Heath Burgess, 100 Open
96 Range Road, Lyons, supports Shauna and her endeavor. Another positive thing for
97 the town, a win for everybody here. Clerk Vasquez read in one email in opposition
98 see attached. **Motion:** move to approve **Moved by:** MPT Farrell **Seconded by:**
99 Trustee Oetting **Motion passes unanimously.** **Motion:** reconvene as BOT **oved by:**
100 Trustee Williams **Seconded by:** Trustee Oetting **Motion passes unanimously.**
101

102 X. Ordinances and Public Hearings

103 1. 2nd Reading – Public Hearing – Ordinance 1147 – an Ordinance Of The Town Of
104 Lyons, Colorado, Amending Section 13-3-70 Of The Lyons Municipal Code
105 Removing The Requirement To Pay A Monthly Base Charge For The Use Of The
106 Towns Bulk Water Station – Director Caplan reported on bulk water dispenser that
107 gives access on weekends and use of credit cards. Recommended to remove base
108 fee and adjust rate fee. **Public Hearing opened at 7:36 pm No speakers Closed**

109 at 7:36 pm. **Motion:** move to approve **Moved by:** Trustee Williams/Oetting Motion
110 passes unanimously.

111 2. 1st Reading – Ordinance 1148 – An Ordinance of the Town of Lyons, CO,
112 Amending Chapter 11, Article 4, Section 20 of the Lyons Municipal Code
113 concerning the Hours of Operation for Town Parks – Administrator Simonsen
114 provided background, previous board wanted this, looking to go to Dawn to Dusk,
115 more in line with the seasons. This only closes the amenities; main trails are always
116 open. Discussion on enforcement, graffiti, vandalism rate. **Motion:** move to
117 approve **Moved by:** Trustee Williams **Seconded by:** Trustee Delman Trustee
118 Elson in support of. Trustee Oetting isn't so enthusiastic, no place for kids to hang
119 out. MPT Farrell concurs, no effect on fields? Trustee Delman, vandalism
120 occurring when no one is around. Trustee Williams, concerned for park hosts, this
121 should make it easier on them. **Motion passes unanimously**

122 3. 1st Reading – Ordinance 1149 – an Ordinance of the Town of Lyons, Colorado
123 Annexing Certain Real Property Owned by the Town of Lyons (109 County Road
124 69) – Planner Painter provided background; DRBOP identifies this parcel as open
125 space. Now being used as a social trail. EAB recommends keeping it as POS.
126 Fire mitigation has taken place; hopeful to formalize the trails in the future. Trustee
127 Oetting, will there be a separate ordinance for rezoning? Planner Painter will go
128 before the PCDC in two weeks. MPT Farrell, is there language to ensure that this
129 stays "urban forest"? Attorney Dittman, not applicable from annexation standpoint.
130 Trustee Oetting any additional cost to the town? It is now ours to maintain. Mayor
131 Rogin, CR 69 access, property owners there didn't want people to access from
132 that area. Planner Painter, buffer on south portion of that property. CR69 would
133 be main fire/emergency access. Most access points will come from north; we are
134 working with BOCO to see if they will remove the overgrown brush so we could
135 move trail up onto our property. Director Caplan, fire mitigation efforts to get done;
136 then would pursue access with BOCO. Trustee Williams, access is pretty important
137 to South St. Vrain, do whatever it takes to formalize trail. **Motion:** move to approve
138 **Moved by:** Trustee Williams **Seconded by:** Trustee Oetting Trustee Oetting
139 bookkeeping that needed to be done. MPT Farrell, access is important, we can
140 be good neighbors and still have a social path. Mayor Rogin, glad we are moving
141 this along. **Motion passes unanimously.**

142 XI. Consent Agenda

143 1. Resolution 2023-38 – a Resolution of the Town of Lyons, Colorado Approving a
144 Rate of \$15.00 per Thousand Gallons for Bulk Water

145 2. Resolution 2023-39 – a Resolution of the Town of Lyons, Colorado Ratifying the
146 Decision of the Board of Trustees on June 5,2023, to require the Dedication of 3
147 shares of Lake MacIntosh Water Shares and Accepting Cash-In-Lieu for the Same
148 for the Colorado Lookout, LLC Development

149 3. Resolution 2023-40 – a Resolution of the Town of Lyons, Colorado Rescinding
150 Resolution 2023-36

151 4. Resolution 2023-41 – a Resolution of the Town of Lyons, Colorado Awarding a
152 Construction Agreement to Colorado Lighting Inc. for Main Street Lighting, Project
153 Number 23-MAINSTLIGHTS-01

154 5. June 5, 2023, BOT Meeting Minutes

155 6. June Accounts Payable

156 **Motion:** move to approve **Moved by:** Trustee Williams **Seconded by:** Trustee
157 Elson Trustee Oetting removed Item 2. **Motion passes unanimously**

158 XII. Items Removed from Consent Agenda

159 1. Item 2 – Reso 2023-39, setting a precedent here; would like to talk to UEB about
160 the idea of when do we accept/sell for cash in lieu vs. what we paid for them.
161 Completely for this project, not sure if it was economic development. Ask UEB
162

164 what is really the trade off on Lake Mac vs. CBT. Discuss w/Longmont other water
165 rights that we could use. If we do purchase more shares, can we do an offer? Bring
166 these to UEB. Trustee Williams, my concerns are cash in lieu for a figure that is it
167 a real figure? What is the agreement with Longmont on affordable housing? Really
168 would like to know where UEB is with this one. What does it do to builders' ability
169 to move ahead? **Motion:** move to approve **Moved by:** Trustee Oetting **Seconded**
170 **by:** Trustee Williams **Motion:** amendment to strike section 4 of ordering clauses
171 of the resolution. **Moved by:** Trustee Williams **Seconded by:** Trustee Oetting
172 **Motion on amendment passes unanimously Motion to pass resolution as**
173 **amended passes unanimously.**

174
175 XIII. Boards & Commissions

176 1. Administrator Simonsen – tomorrow evening at 6:30 pm a re-dedication of the Raul
177 Vasquez Stage

178
179 XIV. General Business

180 1. Resolution 2023-42 – A Resolution Of The Town Of Lyons, Colorado Authorizing
181 The Mayor To Execute A Settlement Agreement And Release Between The
182 Town Of Lyons, Colorado, Honeywell International Inc., Tetra Tech, Inc., J.R.
183 Filanc Construction Company, Inc, And Fei Engineers, Inc. – Attorney Dittman
184 presented; authorizes Mayor to sign settlement agreements. This agreement is
185 not final until signed by all parties; will resolve all claims against town and include
186 a financial recovery to assist with WWTP issues. **Motion:** move to approve
187 **Moved by:** Trustee Oetting **Seconded by:** Trustee Williams **Motion passes**
188 **unanimously**

189 2. Resolution 2023-43 – a Resolution of the Town of Lyons, Colorado Approving the
190 First Amendment to the Development Plan Agreement Between Colorado
191 Lookout, LLC and the Town of Lyons – Director Caplan gave update on Use Tax
192 waiver, working with finance/legal. Cannot specifically waive; amount to
193 approximately \$9,700.00 = \$6,500 for general fund and \$2,300 for parks fund.
194 Attorney Dittman, this was also done for Summit Housing. **Motion:** move to
195 approve **Moved by:** Trustee Williams **Seconded by:** Trustee Elson MPT having a
196 challenge; I know in the big scheme of funds this is not a large amount of money.
197 Starting to feel a little anxious about our financial situation. I would love to support
198 this, but I don't feel we are in a strong position to do so financially. Mayor Rogin
199 informed me they will be giving us \$600K to SV Trail. Trustee Williams, there are
200 times to make exceptions, look at sacrifices developer has made and feel we need
201 to do what we can to help. Finance Eyestone, while sales tax is down, we are
202 making that up in other areas. We do have cushions available this year. Trustee
203 Oetting, understand being fiscally conservative and I would much rather see
204 something taken away from a park than lose affordable housing. Trustee Delman
205 concurs. Mayor Rogin, I agree, we can find the money somewhere. I am in favor
206 of this. **Motion passes 5-1 MPT Farrell NO**

207 3. Discussion/Direction on BOCO IGA – as discussed in executive session

208 4. Discussion/Direction on Honeywell – as discussed in executive session

209
210 XV. Trustee Reports

211 1. Trustee Elson – EAB was meeting tonight; SFC discussed Tierra Resources at
212 length, composting

213 2. Trustee Oetting – UEB met with Tierra Resources, time of use rates discussed.

214 3. MPT Farrell – did not attend PCDC; next meeting on Martin parcel zoning. No
215 security issues at pride parade

216 4. Trustee Delman – PRC did not meet this month; report next meeting

217 5. Trustee Williams – Museum has event Saturday and Priscilla will be representing
218 the town. HPC did a great job with a new land use acknowledgement we will be
219 presenting to you. Saturday was amazing, do 3 or 4 events for pride month. Good
220 to live in this town.
221 6. Mayor Rogin - heard the weekend's events went well; thanked Director Mitchell for
222 pride flag crosswalk, will be permanent location. Not sure if LAHC met, power was
223 out. Attending CML conference with Administrator Simonsen. Some residents at
224 Seward looking at ways to own/run own mobile home park.

225
226 Finance update – Director Eyestone presented financial update as of end of May.
227 Only 4 months' worth of data; will see MJ tax increase. Presented on estimated
228 fund balances across the board. Have healthy fund balances to utilize in upcoming
229 budget season. Cassey has suggestions for future revenue options.

230
231 XVI. Legal Update - none

232
233 XVII. Summary of Action Items:

234 1. Potential joint PCDC/BOT meeting regarding BOCO IGA
235 2. BamaLu Tavern License approved
236 3. Try to gather base line information on vandalism/graffiti in parks
237 4. Ordinance 1147 passed on second reading
238 5. Ordinance 1148 passed to second reading
239 6. Workshop with UEB on water shares
240 7. 6:30 Tomorrow rededication of Raul Vasquez stage
241 8. Send Trustee Daty's HHSC report to the board
242 9. Review Tierra Resources scope of work for deliverables for hourly
243 10. Public awareness on time of use for electricity.
244 11. Updated land acknowledgement from HPC
245 12. Fund balance slides for future finance reports
246 13. Forward Emerson's request to BOCO

247
248 XVIII. Adjournment – **Motion:** adjourn **Moved by:** Trustee Williams **Seconded by:** Trustee
249 Delman **Motion passes unanimously and adjourned at 8: 58 pm.**

250
251 Respectfully Submitted by:
252
253
254
255

256 Dolores M. Vasquez, CMC – Town Clerk

257 Mayor Hollie Rogin

258