

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

MEETING MINUTES
Tuesday, June 20, 2023

JOIN ZOOM MEETING:

<https://us02web.zoom.us/j/84763422841?pwd=YzJ5dXNnZkxzZdU1ENkRlc1VqZEZlZz09>

Meeting ID: 847 6342 2841

Passcode: 930695

Dial by your location

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6:00 pm BOARD OF TRUSTEES REGULAR MEETING
HYBRID MEETING

- I. Roll Call and Pledge of Allegiance – **Present:** Mayor Rogin, MPT Farrell, Trustee Elson, Trustee Oetting, Trustee Delman, Trustee Williams **Absent:** Trustee Dady
Motion: enter into executive session **Moved by:** MPT Farrell **Seconded by:** Trustee Williams **Motion passed unanimously Entered into executive session at 6:02 pm.**
- II. 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
Ex Session concluded at 6:34 pm Motion: enter into next executive session **Moved by:** MPT Farrell **Seconded by:** Trustee Elson **Motion passes unanimously**
And
Entered ex session at 6:36 pm
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 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. **Ex Session concluded at 6:57 pm.**
5-minute break Regular Meeting convened at 7:04 pm.
- III. Land Acknowledgement
- IV. Approve Agenda – **Motion:** move to approve **Moved by:** Trustee Williams **Seconded by:** Trustee Oetting **Motion passes unanimously**

V. A Reflective Moment of Silence

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

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

VIII. Staff Reports

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

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

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

X. Ordinances and Public Hearings

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

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

2. 1st Reading – Ordinance 1148 – An Ordinance of the Town of Lyons, CO, Amending Chapter 11, Article 4, Section 20 of the Lyons Municipal Code concerning the Hours of Operation for Town Parks – Administrator Simonsen provided background, previous board wanted this, looking to go to Dawn to Dusk, more in line with the seasons. This only closes the amenities; main trails are always open. Discussion on enforcement, graffiti, vandalism rate. **Motion:** move to approve **Moved by:** Trustee Williams **Seconded by:** Trustee Delman Trustee Elson in support of. Trustee Oetting isn't so enthusiastic, no place for kids to hang out. MPT Farrell concurs, no effect on fields? Trustee Delman, vandalism occurring when no one is around. Trustee Williams, concerned for park hosts, this should make it easier on them. **Motion passes unanimously**
3. 1st Reading – Ordinance 1149 – an Ordinance of the Town of Lyons, Colorado Annexing Certain Real Property Owned by the Town of Lyons (109 County Road 69) – Planner Painter provided background; DRBOP identifies this parcel as open space. Now being used as a social trail. EAB recommends keeping it as POS. Fire mitigation has taken place; hopeful to formalize the trails in the future. Trustee Oetting, will there be a separate ordinance for rezoning? Planner Painter will go before the PCDC in two weeks. MPT Farrell, is there language to ensure that this stays "urban forest"? Attorney Dittman, not applicable from annexation standpoint. Trustee Oetting any additional cost to the town? It is now ours to maintain. Mayor Rogin, CR 69 access, property owners there didn't want people to access from that area. Planner Painter, buffer on south portion of that property. CR69 would be main fire/emergency access. Most access points will come from north; we are working with BOCO to see if they will remove the overgrown brush so we could move trail up onto our property. Director Caplan, fire mitigation efforts to get done; then would pursue access with BOCO. Trustee Williams, access is pretty important to South St. Vrain, do whatever it takes to formalize trail. **Motion:** move to approve **Moved by:** Trustee Williams **Seconded by:** Trustee Oetting Trustee Oetting bookkeeping that needed to be done. MPT Farrell, access is important, we can be good neighbors and still have a social path. Mayor Rogin, glad we are moving this along. **Motion passes unanimously.**

XI. Consent Agenda

1. Resolution 2023-38 – a Resolution of the Town of Lyons, Colorado Approving a Rate of \$15.00 per Thousand Gallons for Bulk Water
 2. Resolution 2023-39 – a Resolution of the Town of Lyons, Colorado Ratifying the Decision of the Board of Trustees on June 5, 2023, to require the Dedication of 3 shares of Lake MacIntosh Water Shares and Accepting Cash-In-Lieu for the Same for the Colorado Lookout, LLC Development
 3. Resolution 2023-40 – a Resolution of the Town of Lyons, Colorado Rescinding Resolution 2023-36
 4. Resolution 2023-41 – a Resolution of the Town of Lyons, Colorado Awarding a Construction Agreement to Colorado Lighting Inc. for Main Street Lighting, Project Number 23-MAINSTLIGHTS-01
 5. June 5, 2023, BOT Meeting Minutes
 6. June Accounts Payable
- Motion:** move to approve **Moved by:** Trustee Williams **Seconded by:** Trustee Elson Trustee Oetting removed Item 2. **Motion passes unanimously**

XII. Items Removed from Consent Agenda

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

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

XIII. Boards & Commissions

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

XIV. General Business

1. Resolution 2023-42 – A Resolution Of The Town Of Lyons, Colorado Authorizing The Mayor To Execute A Settlement Agreement And Release Between The Town Of Lyons, Colorado, Honeywell International Inc., Tetra Tech, Inc., J.R. Filanc Construction Company, Inc, And Fei Engineers, Inc. – Attorney Dittman presented; authorizes Mayor to sign settlement agreements. This agreement is not final until signed by all parties; will resolve all claims against town and include a financial recovery to assist with WWTP issues. **Motion:** move to approve **Moved by:** Trustee Oetting **Seconded by:** Trustee Williams **Motion passes unanimously**
2. Resolution 2023-43 – a Resolution of the Town of Lyons, Colorado Approving the First Amendment to the Development Plan Agreement Between Colorado Lookout, LLC and the Town of Lyons – Director Caplan gave update on Use Tax waiver, working with finance/legal. Cannot specifically waive; amount to approximately \$9,700.00 = \$6,500 for general fund and \$2,300 for parks fund. Attorney Dittman, this was also done for Summit Housing. **Motion:** move to approve **Moved by:** Trustee Williams **Seconded by:** Trustee Elson MPT having a challenge; I know in the big scheme of funds this is not a large amount of money. Starting to feel a little anxious about our financial situation. I would love to support this, but I don't feel we are in a strong position to do so financially. Mayor Rogin informed me they will be giving us \$600K to SV Trail. Trustee Williams, there are times to make exceptions, look at sacrifices developer has made and feel we need to do what we can to help. Finance Eyestone, while sales tax is down, we are making that up in other areas. We do have cushions available this year. Trustee Oetting, understand being fiscally conservative and I would much rather see something taken away from a park than lose affordable housing. Trustee Delman concurs. Mayor Rogin, I agree, we can find the money somewhere. I am in favor of this. **Motion passes 5-1 MPT Farrell NO**
3. Discussion/Direction on BOCO IGA – as discussed in executive session
4. Discussion/Direction on Honeywell – as discussed in executive session

XV. Trustee Reports

1. Trustee Elson – EAB was meeting tonight; SFC discussed Tierra Resources at length, composting
2. Trustee Oetting – UEB met with Tierra Resources, time of use rates discussed.
3. MPT Farrell – did not attend PCDC; next meeting on Martin parcel zoning. No security issues at pride parade
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.

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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.
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231 XVI. Legal Update - none
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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 Dady's HHSC report to the board
242 9. Review Tierra Resources scope of work for deliverables jor 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
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249 XVIII. Adjournment – **Motion:** adjourn **Moved by** Trustee Williams **Seconded by:** Trustee
250 Delman **Motion passes unanimously and adjourned at 8: 58 pm.**
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252 Respectfully Submitted by:
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256 _____
257 Dolores M. Vasquez, CMC – Town Clerk
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Mayor Hollie Rogin