

TOWN OF LYONS BOARD OF TRUSTEES MEETING  
HYBRID MEETING  
LYONS TOWN HALL, 432 5<sup>TH</sup> AVENUE, LYONS, COLORADO

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DRAFT AGENDA

**TUESDAY, SEPTEMBER 5, 2023**

5:30 PM – 6:50 PM

WORKSHOP

BUDGET GOALS & PRIORITIES

7:00 pm BOARD OF TRUSTEES REGULAR MEETING

- I. Roll Call and Pledge of Allegiance – **Present:** Mayor Rogin, MPT Farrell, Trustee Elson, Trustee Daty, Trustee Oetting, Trustee Delman, Trustee Williams
- II. Land Acknowledgement
- III. Approve Agenda – **Motion:** move mayoral appointment to after moment of silence **Moved by:** MPT Farrell **Seconded by:** Trustee Williams **vote on agenda as amended passes unanimously**
- IV. A Reflective Moment of Silence
- V. Mayoral Appointment – Dehru Comer to Planning & Community Development Commission (PCDC)
- VI. Audience Business – Andrea Oetting, 1006 Steamboat Valley, request money, time and resources be dedicated toward stormwater drainage. In 20 years, no maintenance to clean north boundary of our lot, built up with sand, debris, and rock. Our yard is flooding every time it rains. Hopeful that money will be allocated to that. Mystie Bracket, 119 Eagle Canyon Circle – all pickle ballers stood, started in 2021 and we have continued to grow. Our roster is now almost 50 people; Parks and Rec is very generous with us, going for 5 days a week. We have loaner equipment and will teach anyone who wants to learn. A wonderful social experience; first was mostly seniors, now more younger people are joining us. Not all members are residents, but they are LEAF and LCF volunteers and support local businesses. Asking for any additional support and please let us know how we can help.
- VII. Staff Reports
  1. Boulder County Sheriff's Office Report – Sgt Sears updated on new graffiti, are making progress. Community BBQ went well even with the rain. Checked on traffic safety issues on Meily, working with staff and CDOT. Increased patrol there as well. Shout out to Dave and his crew always willing to help. Circle K accident this

Sunday, such a dangerous area. Guy camping in his bus around town; he got a ticket last week; let us know if you see cars abandoned, we can't see everything. Photo radar is pricey up front, am working with supervisors on this. Shout out to parks and Crystal for the work they do in the parks. A reminder that alcohol is not allowed in the parks. Labor Day saw over 53K cars, busiest of the year. Trustee Delman asked about motion sensor lights for the parks to deter graffiti. Sgt Sears stated most of them want to be seen. But they are fairly inexpensive.

2. Administrator's Report – Administrator Simonsen updated on the flood anniversary events, the housing assessment, town selected to receive 4 NEVI grant chargers; August events went very well, no issues. Artisan market this Saturday; SVCC invitational is the 15<sup>th</sup>/16<sup>th</sup>. Have \$93K available in revolving loan fund for local businesses to utilize. Working on Main street lighting project, hopeful for end of week. Staging at Moss Rock property for US 36 project. Bears are out and very active. Main Street fire building's - goal is to have down before snow flies, waiting on state permits.
3. Legal Update – Attorney Dittman didn't have anything to report.

#### VIII. Ordinances and Public Hearings

1. 1<sup>st</sup> Reading – Ordinance 1151 – an Ordinance of the Town of Lyons, Colorado Amending Sections 13-1-150 of the Lyons Municipal Code Updating Utility Late Fees – **Moved from the 8/21 BOT Meeting** – Director Caplan presented staff report; **Motion:** move to approve **Moved by:** Trustee Daty **Seconded by:** Trustee Oetting **Motion:** amendment to sec 13-1-150 (A) add “from the billing date” **Moved by:** Mayro Rogin **Seconded by:** Trustee Williams **motion passes unanimously** **Ordinance as amended passes unanimously**
2. 1<sup>st</sup> Reading – Ordinance 1152 – An Ordinance Of The Town Of Lyons, Colorado Amending Section 18-6-10 Of The Lyons Municipal Code Adopting By Reference The 2023 Edition Of The National Electric Code As The Town Of Lyons Electric Code – Director Caplan provided background; CO adopts the version of the NEC and we are implementing the code the state adopted. **Motion:** move to approve **Moved by:** Trustee Oetting **Seconded by:** Trustee Elson **motion passes unanimously**
3. 1<sup>st</sup> Reading - Ordinance 1153 – An Ordinance Of Lyons, Colorado Approving A Lease Of Town Property Adjacent To 4100 And 4196 Ute Hwy, Lyons, Colorado 80540 To Spirit Hound Distillers – Manager Sanders presented background information; looking for a new lease agreement to include current leased area and the old Clarks leased area. Terms are utilization of current shed behind Clarks, 10 year, with additional 10-year renewal option, \$3300 per year with 3% escalator. Trail language including 16 feet in place. Discussion on leased area, lease amount. **Motion:** move to approve **Moved by:** Trustee Daty **Seconded by:** Trustee Williams Trustee Elson, price is too cheap, it's a great deal for Spirit Hounds. Trustee Daty wants to ensure everyone pays the same rate. Trustee Oetting, we should not be giving anyone an edge, but it's not useful to anyone else. Trustee Delman agrees with Trustee Oetting. Trustee Williams agrees with ordinance as presented and amended. **Motion passes unanimously**

#### IX. Consent Agenda

1. Resolution 2023-57 – A Resolution of the Town of Lyons, Colorado Approving the First Amendment to the Professional Services Agreement with RockSol Consulting Group, Inc. for Construction Management Services for the US 36/Broadway Improvements and Multimodal Trail Project
2. August 21, 2023, BOT Meeting Minutes
3. September Accounts Payable  
**Motion:** move to approve **moved by** Trustee Daty **Seconded by:** Trustee Delman **MPT Farrell pulled item 3 Motion passes unanimously**

#### X. Items Removed from Consent Agenda

1. Item 3 Accounts Payable; MPT what is the large payment to DHSEM? Cassey the state loaned the town 9.5 million dollars for flood recovery **Motion:** move to approve **Moved by:** MPT Farrell **Seconded by:** Trustee Elson **Motion passes unanimously.**

XI. Boards & Commissions

XII. General Business

1. Tierra Resources Update – Rich Barone presented 3 tasks with scope of work. Trustee Oetting will you be researching time of use rates? Discussion on updating meters, community education, updating utility billing system. No firm numbers. Five - minute break at 8:38 pm. Meeting reconvened at 8:47 pm.
2. Discussion/Direction on Horrock's Contract for Design of St. Vrain Trail Project – Manager Sanders provided background on Horrock's additional fee request. Mayor Rogin asked what happens if we say no? Ms. Sanders, we could utilize what we have now 30% design and hire someone else. Always add time and cost to project. Attorney Dittman advised we could terminate contract. Discussion on if town is willing to negotiate; they feel justified in their requests. Waiting on comparison costs from other developers. They state they are losing money on this project. I agree the town has caused some of the delays and perhaps we could go to the 2023 rates but nothing retro. We are within the budget; but eats up contingency. Environmental issues will be costly. Discussion on deadline constraints; how long to procure? We could utilize Consor and that should be a seamless transition. Waiting for the cost estimate now. Can our in-house engineer do any of the work? Discussion on billing for actuals if they are being paid their hourly rate. Attorney Dittman - there is a not to exceed amount; only way to change is to change scope. Insulting that they would even ask for a retro payment. Terms agreed upon in 2021 were good through 6/2023. Staff feels we could use the current 2023 rates going forward, good through 2025. They are asking the town to take on the liability. We have requested a schedule and have not heard back. Board consensus is no retro pay for 2023. If design not completed they want us to consider 2024 rates. We have not done this with any other contractor. Attorney Dittman, we could agree to a black box amount. Engineer Justin Doles bandwidth is the issue. Mayor Rogin, it is disappointing to have to investigate, we should have more of a partnership. Discussion on ditch crossings, CDOT standards, bridge crossing is manufactured and should provide specs. Not sure if miscommunication, chance to reduce structural scope. Potential breach of contract issue. MPT feels the 3 items for \$47k are ok. Manager Sanders feels they will continue to increase fees. Attorney Dittman, I recommend setting a timeline; let them know board has agreed on this part and can they move forward? If they don't agree we need to find someone else. Board agrees and gives them 10 business days. Item 1 agreeing to the \$23K and have design completed by end of year. No to retro pay. Come to board to request 2024 rates. Staff to do research on ration for recharging us for pedestrian bridge already designed.

XIII. Trustee Reports

1. Trustee Williams – nothing to report
2. Trustee Delman - Nothing to report
3. MPT Farrell – PCDC met, discussed housing report; meant to be a guideline to help us amend our code. Can notice the cell phone towers in town more camouflaged.
4. Trustee Oetting – school has several students interested in applying for SAC; series on Netflix on Blue Zones; areas where they live to be 100
5. Trustee Daty – EVC meets 9/18; HSC meets 9/11. Sarah with Highland property mgmt./ town has signed off on 4 more units. Highly encourage you to tour these

- properties if you can. Updated on flood schedule of events; thanked staff and committee for all the hard work. Potential thank you to FEMA.
6. Trustee Elson – no update
  7. Mayor Rogin – Base Camp tour last week in LMJ; Senator Marchman brought 45 legislators; idea to showcase opportunity in Lyons. Moss Rock, Leigh Williams, and Spirit Hounds spoke. Attended HUD summit on AH. Opportunity to sponsor DRCOG annual dinner, would cost \$900 for 10 seats. A nice gesture for all they have done. Is 10/4, a Wednesday. Consensus is to sponsor.

XIV. Summary of Action Items:

1. Staff to research for quote to Update Digitalizing of Records
2. Joint workshop with Fire to discuss fire mitigation
3. Staff to present on dry vs. electric camping in Bohn for budget
4. Research costs/quote to resurface/paint the pickleball court
5. Research pay to park sign is in at 2<sup>nd</sup> Ave parking lot.
6. Ordinance 1151 passed to 2<sup>nd</sup> Reading
7. Ordinance 1152 passed to 2nd Reading
8. Ordinance 1153 passed to 2nd Reading
9. Schedule workshop with UEB/Tierra Resources
10. Staff to inform Horrocks of BOT's direction.
11. Research cell towers in town to ensure following code requirements
12. Research projects for SAC
13. Send Blue Zone link to BOT
14. Sponsor DRCOG dinner \$900
15. Invite sheriff to present operating costs to BOT
16. Taxes to consider for April ballot/taxes and fees staff could update.

XV. Adjournment – **Motion:** move to adjourn **Moved by:** MPT Farrell **Seconded by:** Trustee Williams **Motion passes unanimously** Meeting adjourned at 10:13 pm

Respectfully submitted by:

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Dolores M. Vasquez, CMC, Town Clerk

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Hollie Rogin, Mayor