

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

**MONDAY, MAY 6, 2024**

*WORKSHOP*

5:30 PM – 6:50 PM

*Attorney Dittman Legal Issues, Ethics, Social Media & Audience Participation at Public Meetings*

7:00 pm BOARD OF TRUSTEES REGULAR MEETING

- I. Roll Call and Pledge of Allegiance – **Present:** Mayor Rogin, Trustee Hamrick, Trustee Dady, Trustee Lowell, Trustee Browning, Trustee Delman **Absent:** MPT Williams
- II. Land Acknowledgement / Reflective Moment of Silence
- III. Approve Agenda – **Motion:** move to approve **Moved by:** Trustee Lowell **Seconded by:** Trustee Hamrick **Motion passes unanimously**
- IV. Audience Business & Follow Up – Ed Russell, 770 Steamboat Valley Rd, likes housing futures plan addendum, corrects errors, and paints realistic view. Encourage board to adopt with Mr. Roger Flynn's corrections. Second, 5-acre rule is extremely important to town residents. Rule was amended for eastern corridor in 2017, overwhelming support for keeping the rule. Cited Ms. Lavern's comments. Encourage board to amend ordinance from subdividing. Trustee Lowell agreed with his comments. Trustee Browning stated he will be requesting at the 5/20 meeting the board take up that ordinance.
- V. Lyons Fire Protection District Update – Rob Stumpf, Lyons Fire Chief since December. Last year working on transportation ambulance here in town, now licensed in both counties, live date of 5/13 and only in Lyons. 7 paramedics on staff and excited to offer this service. Chief Pischke is lead on updating wildfire plan; secured funding and core team meetings are underway. That plan will drive the bus for us on fire mitigation; we will work with the town to address most pressing needs. Will be out in the field this summer doing property assessments of every property in town of what they can do to improve their chances of surviving a wildfire. May 18<sup>th</sup> is swift water training; just completed annual wildland fire training. June 29<sup>th</sup> annual pancake breakfast. Chief Pischke stated the 3<sup>rd</sup> chipping event a couple weeks ago; we were overwhelmed and understaffed; we had so much slash brought in it took the tree company 2 days to complete. May 25<sup>th</sup> at 9am is next event, providing community opportunities to get rid of materials. Trustee Lowell asked if they have referred to the 2022 Wildland Task Force, Roy Legget. Chief Pischke, in our CWPP we will review those and see if they align and cue those ideas up. Discussion on starting any mitigation before CWPP report is complete. Chief

Pischke, we can look at it, based on property assessment reports will give some validity; we don't want to jump into one property when another one is higher priority. Administrator Simonsen stated the goats will be back this summer and we have a bid from Lefthand to mitigate like they did the Martin parcel. Confirmed that the ambulance service is 24 hours a day. Draft contracts with AMR and IMA for backup. Trustee Browning, is WUI code a priority? Chief Pischke, we have discussed that, we can build on that when we have this CWPP report. WUI code is pretty restrictive, and we can modify to our needs. We will discuss with core team to see if it is something we can start on. We have two years on grant received and our goal is to get it done in 1 ½ years. Mayor Rogin asked what role BOCO plays in this planning? Pischke, they are developing their own CWPP, key thing is they need to make sure they are in sync with what we are doing. Core team is wildland BOCO/Larimer/Town (Aaron) and USFS and CO agency. Administrator Simonsen asked are we waiting for State to adopt WUI code before we wrote our own. Chief Pischke caution that they could be more / less restrictive, still part of the committee. Discussion on town working with Lefthand, Mountain View and you all. Chief Stumpf, we don't have a mitigation crew, we could be doing that if we had a crew. Director Caplan, there is the IFC in place already.

#### VI. Staff Reports

1. Boulder County Sheriff's Office Report – Sgt Sears received traffic complaints on running the light at McConnell/US 36, blast on 4/26 only one call on N Foothills, thanked Aaron/Judge Brown/Brandon on updating the MTC. Spring river run off coming up. Presented stats, first time down on calls. Flock cameras are moving and hopefully up soon. Discussion on statistics for accidents; additional speed trailer are super expensive, looking into options (solar powered) that read data collection plans.
2. Administrator's Report – Administrator Simonsen stated the DOR visited us regarding new sales tax, delinquent businesses in town; FEMA has set date to adopt preliminary FIRM maps, we adopted in 2019. All communities must do formal ordinance and updated maps by October 2024, if not we will not be able to participate in the flood insurance program. Will start process soon and hold public information sessions for new residents. Good attendance at bike trail feasibility study. \$1.3 million dollar air quality fine from CEMEX. Send any ideas for grant applications to Kim or myself. 2<sup>nd</sup> Ave campsite: 8 spaces ready in a week or two. Dog park/DRBOP getting mowed in a week or two. Diversion day for Lyons Residents, not for trash, hard to recycle items. Communications Plan / Policy is in the works; specific action plans at May 20<sup>th</sup> workshop. Discussion on \$350K needed for LOMR revision letter / engineering studies to put together paperwork to submit to FEMA. Discussion on streambank restoration on Carter Ct/ 3 to 1 slope? Director Caplan stated design is at 30%; looking at areas 3:1 and some 2.5:1. No building on these lots planned; slope would work from river up, not the sidewalk down. Trustee Lowell, my concern, when town took possession of those lots, idea was we could sell those lots to recover some of the concessions. Are you looking to outsource building permit tech? Director Caplan, no, we outsource building permit inspections; looking to incorporate cloud-based services, looking at option to modernize. Trustee Hamrick asked about WWTF consolidating with Longmont? Director Caplan, it was looked at; no set requirement to submit 10 year report. State wants you to look at possibility of consolidating; a price tag ruled it out. Concern on additional load from future housing. If plant can meet those expectations we are ok. Trustee Browning we should develop policy in dealing with delinquent sales tax businesses.
3. Legal Update – legislative session very busy; CAMU meeting, record amount of bills. SB 24-233 on property taxes would drop commercial rate by 4% over next 2 years and decrease in home valuations from 6.8% to 6.7% would save around \$55K on value of home, unsure where funds are coming from. DOJ updated accessibility rules for social media/digital accessibility.

#### VII. Ordinances and Public Hearings

1. 1<sup>st</sup> Reading - Ordinance 1159 – an Ordinance of the Town of Lyons, Colorado, Adopting by Reference the 2024 Edition of the "Model Traffic Code" Within the Town – Director Caplan provided staff report; several of us worked on this, will bring Lyons up to the 2024 MTC.

BOCO Sheriffs office works under this code in several other jurisdictions; enhances safety. Reviewed fines with Judge Brown, surcharge is being added to cover additional costs. Discussion on fines being in line with other towns. Trustee Lowell asked about new regulations, is that new types of traffic infractions. Sgt Sears, back in 2010 texting wasn't a big thing, this updates that for those to include all those. Trustee Browning requested redline of changes. **Motion:** move to approve **Moved by:** Trustee Browning **Seconded by:** Trustee Dady **Motion passes unanimously**

2. 1<sup>st</sup> Reading - Ordinance 1160 An Ordinance Of The Town Of Lyons, Colorado, Repealing Section 13-1-60 Of The Lyons Municipal Code Regarding Deposits For New Utility Accounts – Director Caplan provided staff report; CAMU meeting discussed interest being paid on deposits would take additional staff time; Attorney Dittman, PUC sets interest rates on utility deposits **Motion:** move to approve **Moved by:** Trustee Dady **Seconded by:** Trustee Lowell **Motion passes unanimously.**

VIII. Consent Agenda

1. Resolution 2024-43, A Resolution of the Town of Lyons, Colorado, Authorizing the Town to Submit an Application to the U.S. Department of Transportation Safe Streets For All Program (SS4A) Through a Joint Application with Denver Regional Council of Governments (DRCOG) for Funding for Sidewalk Improvement Projects as Well as Commit to a Twenty Percent Match
2. April 15<sup>th</sup> Regular BOT Meeting Minutes
3. April 25, 2024, Special BOT Meeting Minutes
4. April Accounts Payable

**Motion:** move to approve **Moved by:** Trustee Lowell **Seconded by:** Trustee Delman **Trustee Browning pulled item 1. Motion passes unanimously.**

IX. Items Removed from Consent Agenda

1. Trustee Browning – I was unable to attend the meeting; there were a few staff follow ups. Administrator Simonsen stated the board gave direction that we would pursue grant; we have already submitted the application. Manager Sanders reported that DOLA stated they will match us up to \$400K so the more we can come up the more they will match. Crusher fines will be up to engineer, but is a safe streets for all grant, so they will go through FED safety requirements. Administrator Simonsen, we can cover this and hopefully get additional grants and not have to touch next year's budget. Discussion on future budget decisions, prioritizing projects. Manager Sanders stated grant application is due May 16<sup>th</sup>; will we know by budget season will we know how much of a match we will be getting from other sources. Discussion on crusher fines specs/option of requesting alternate designs. Manager Sanders, we can hire a consultant, they will provide engineers with an estimate at 30% design and ask for alternative designs. **Motion:** move to approve **Moved by:** Trustee Dady **Seconded by:** Trustee Delman **Motion passes unanimously.**

X. Boards & Commissions

1. Mayoral Appointment – Alexander Molkentin to Economic Vitality Commission
2. Mayoral Appointment - Fi to Housing and Human Services Commission

**5-minute break at 8:51 pm.** Meeting resumed at 8:59 pm. Board agrees to move Brown Field discussion to a date certain of June 3, 2024. **Motion:** Switch order to allow Spirit hounds to go first and move Brown Field discussion to a date certain of June 3, 2024. **Moved by:** Trustee Browning **Seconded by:** Trustee Lowell **Motion passes unanimously.**

XI. General Business

1. Discussion/Direction on Limb Pick-up – Trustee Browning gave background; Mayor Rogin stated Fire just updated us that they are providing these services; we pay with our taxes for these county programs. I believe it is the property owners' responsibility to take care of private property; when we budgeted that money we did it as a "let's see what happens" I don't feel comfortable spending 3 times for one service. Trustee Lowell said he had fire department come and assess his house and he loaded his Subaru and has neighbors that can't; we should offer this. Administrator Simonsen - it is not fair that there are neighborhoods that don't get this service, we have lots of public land that needs

remediation. Trustee Hamrick, conflicted on this, we are paying BOCO tax, they will come chip. I don't disagree that we are paying more than once. BOCO wildfire mitigation funds pay for the Fire Department to run this program. Mayor Rogin if we decide to do this we should have strict parameters. Trustee Delman, not a necessary service, people can pay a contractor. Discussion on limbs on town ROW all over town, code compliance. The town has requested a monthly limb drop off from Fire. Starting with quarterly and then will even out. Director Cosgrove stated the contractor stated they would hold the cost of last year; piles are growing and time to get through the town has grown. Board consensus is to offer one drop off after Fire/last half of July.

2. Spirit Hounds Building Modification Update – Administrator Simonsen stated lease agreement has a timeline of June 1<sup>st</sup> for building modification; Mr. Sullivan is here to update the board. Neil Sullivan, 7 Eagle Nest Lane, presented request. See attached. Trustee Browning asked about utilities in place; there are none in place now, electric will be the only utility needed, storage only. Administrator Simonsen stated Tracy and Justin have considered an appropriate date; project goes out to bid by June 1<sup>st</sup>, recommending term is no later than September 1<sup>st</sup>. Gives a buffer for any issues, want site cleared. Neil is open to that timeline; wants to avoid having this discussion again. Staff feels it's best to keep this project online. Discussion on ditch agreements,, when Spirit Hounds can get quotes. Neil doesn't anticipate the town having their contractor ready at that time; no reason to believe we can't get it done sooner, no commitments from contractors. Administrator Simonsen, we will be giving them 4 months, they have known for a year that this needed to be done. Manager Sanders, we need to consider that we did receive clearance for Prebble's mouse mitigation; need to start as soon as possible after that. Box culverts need to be done during wintertime; we have critical timelines to meet. Design has always been to go behind the building using our own property. September seems a little tight in my opinion; we were feeling August 1<sup>st</sup>, but September 1<sup>st</sup> would be the absolute deadline. I agree with Neil that we could have the building at least demolished, but we don't want several contractors onsite on top of each other. Trustee Browning - Demo complete by September 1<sup>st</sup> and construction done by Oct 31. Mayor Rogin thinks September 1<sup>st</sup> extension is reasonable. Trustee Lowell, we are on the hook for this building for \$20K. Likes Sept 15<sup>th</sup> for completion. Trustee Hamrick is good with the September 1<sup>st</sup>, potential clause to add that our contractors first rights. Mayor Rogin is disappointed that deadlines were not adhered to. Manager Sanders - again, if any delay by not getting it demo' d by Sept 1<sup>st</sup> is cutting it super close, we have to do mitigation on Prebble's while they are dormant, and river is low. Board consensus is to modify lease agreement that Demo and Removal by Sept 1<sup>st</sup> and Completion by Oct 31<sup>st</sup>.
3. Discussion/Direction on Addendum to Housing Futures Plan – Mayor Rogin stated Trustee Browning drafted addendum; Trustee Browning to meet with staff.
4. Discussion/Direction Regarding the CDPHE Brown Field Area Wide Plan – moved to date certain of June 3<sup>rd</sup>, 2024.

## XII. Trustee Reports/Future Agenda Items

1. Trustee Hamrick – nothing
2. Trustee Dady – HHSC meets next week; attended LVT grand opening; onsite visit at 228 Evans; kind of project would like to see more of. LAHC meets next Tuesday; attended auditorium dedication. Attended feasibility study.
3. Trustee Lowell – no quorum for Ecology Board; May 14<sup>th</sup> confluence event at HS; Ecology board has agenda request for County Road 69 entrance to Martin parcel properly monumented. Need to do something about the news boxes in front of the post office; they are not being used and are stuffed with junk. They need to be removed. Mayor Rogin suggested instead of agenda items, we have staff come back with suggestions
4. Trustee Browning – EVC concerns about property on 4<sup>th</sup>/Main; Mayor Rogin to attend the EVC meeting for him. Submitted agenda request to modify the 5-acre rule; if property subdivided since the 5-acre rule instituted, it needs to be voted on. SFC missed the meeting.
5. Trustee Delman – PRC has not met
6. Mayor Rogin – next DRCOG is 5/19; updated burn danger maps discussed. RTD president presented; no longer exempt from TABOR. Zero fare for youth, 19 and younger can hop on the bus for free. Testified at capital; tomorrow night 6-8 at library, Leslie Smith, Elliot Hood and? Will be doing a town hall.

XIII. Summary of Action Items:

1. Send Quasi-Judicial Policy to Applicants as part of the application submittal process
2. Eblast on quasi-judicial policy/post on website
3. Legislative Workshop on future agenda
4. Potential Fire mitigation workshop
5. Future quarterly updates from Fire
6. Options for additional speed trailer
7. Workshop on LOMR / FEMA updated maps
8. Draft policy on delinquent sales tax businesses
9. Status Reports on 402 Main / Hotel
10. Redline version of Ordinance 1159 to BOT before 2<sup>nd</sup> reading
11. Update for new BOT on SV Trail Project
12. Brown Field agenda item moved to a date certain of June 3, 2024
13. Amendment to ordinance re: Spirit Hound Lease on September 1<sup>st</sup> demo date with 10/31 completion date.
14. Staff to review addendum draft and bring it forward at future meeting.
15. Staff to see who owns boxes in front of post office and remove the old ones
16. Staff to review signage at CR 69
17. Future discussion item on amending 5-acre rule ordinance
18. Fund one limb pick in late July

**Motion: enter into executive session Moved by:** Trustee Browning **Seconded by:** Trustee Lowell motion passed unanimously **Regular meeting closed at 10:40 pm. 5-minute break. Entered into executive session at 10:47 pm.**

- XIV. Executive Session – An executive session being conducted pursuant to C.R.S. § 24-6-402(4)(b) for the purposes of receiving legal advice from the Town Attorney on specific legal questions related to the enforcement of the Memorandum of Agreement with Lyons Properties, LLC. **Executive session concluded at 11:14pm.**

- XV. Adjournment - **meeting adjourned at 11:15 pm.**

Respectfully Submitted by:

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Dolores M. Vasquez, CMC – Town Clerk

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Mayor Hollie Rogin

**“The Town of Lyons will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities. Persons needing accommodations or special assistance should contact the Town at [hr@townoflyons.com](mailto:hr@townoflyons.com) as soon as possible, but no later than 72 hours before the scheduled event.”**