

1
2 **TOWN OF LYONS BOARD OF TRUSTEES MEETING**
3 HYBRID MEETING
4 LYONS TOWN HALL, 432 5TH AVENUE, LYONS, COLORADO
5
6

7 Join Zoom Meeting
8 <https://us02web.zoom.us/j/87612204712?pwd=V3M0UWNZdktzU2MrMUFQOWVBRG8yUT09>
9
10

11 Meeting ID: 876 1220 4712
12 Passcode: 221554
13
14

15 Dial by your location
16 • +1 301 715 8592
17
18

19 Meeting ID: 876 1220 4712
20
21 DRAFT AGENDA
22 **MONDAY, MAY 20, 2023**
23
24

25 **WORKSHOP**
26 5:30 PM – 6:00 PM
27 *US 36/Broadway Project Funding*
28 6:00 PM – 6:50 PM
29 *Communications Plan and Policy*
30
31

32 **7:00 pm BOARD OF TRUSTEES REGULAR MEETING**
33
34

35 33. Roll Call and Pledge of Allegiance – **Present:** Mayor Rogin, MPT Williams, Trustee Hamrick, Trustee
36 Daty, Trustee Lowell, Trustee Browning, Trustee Delman
37

38 36. Land Acknowledgement / Moment of Silence
39

40 38. Approve Agenda – **Motion:** move to approve **Moved by:** Trustee Williams **Seconded by:** Trustee
41 Delman **Motion:** Mayor Rogin moved to remove GB item 2 (IGA Taskforce) to discuss process and set
42 special meeting. **Seconded by:** Trustee Lowell **Motion passes unanimously**
43

44 42. Mayoral Proclamation – Pride Month
45

46 44. Audience Business & Follow Up – Catherine Russell, Steamboat Valley Rd, with upcoming IGA
47 selection, numerous inadequacies in Housing Futures Plan, request that plan addendum be included in
48 BOT agenda as soon as possible. Tamara Haddad, 217 Park Street, difficult conversation, this is my
49 truth, in 2017 when I became a partner in HJB design; when Trustee Daty slandered my name, on Jan
50 11th attended a zoom including Trustee Daty, I had information that could help. I found out that Trustee
51 Daty sent an email attacking me, she called, texted and lied about me. She alienated me, and we all
52 failed because of that. Most egregious was violating sunshine act, asked for meeting minutes, she
53 denied there were any. I was attacked and belittled by Lory Barton and LEAF, I hope you investigate her
54 repeated violations of ethical violations, my lawyer will advise me not to answer without her present.
55 Kay Sparks, 2169 Apple Valley Rd., urge you to support a formal letter of support for LPC Grant. In last
56 3 years, need to learn a lot more on housing, rural areas, not a loud voice when we go for funds. Benefit
57 to join a mutual housing authority. Not all their ideas could work for us, but there may be a few that
58 could benefit us. A small fiscal investment for a big payoff. Douglas Matthews, Horizon Drive, Peak to
59 Peak housing idea, like general idea, a project we might be rushing into without full disclosure. Multiple
60 concerns, cost, benefits, time, is there a real need? Premature to jumping into a 3-year commitment
61 without defining goals. Request is to consider pausing, let dust settle, see how taskforce comes
62 together. Kieth Chatfield, Ft Collins, owns lots in LVP; regarding accepting lots from Keith Bell. We
63 discussed the triangle, business lot with Mr. Bell. Development Agreement from 1987 to be conveyed
64 by general warranty deed; Quit claim deed a lower-level deed; not clear / no documentation showing
65 power of attorney to Allison KK to be able to transfer these deeds. Spent 200/300 hours researching;
66

64 there are water rights associated with LVP lots, as you accept those deeds insist that those water rights
65 are conveyed to the town to keep the title. Resolution implies that all lots should be conveyed. **Board**
66 **response**; Mayor town board meetings considered last bastion of first amendment rights; pleasure and
67 honor of working with Trustee Daty, very ethical, hardworking, and grateful to have her on this board.
68 Housing addendum, in process and moving along. Issue on agenda is not about whether we should
69 form a housing authority, it is whether we should share a staff person. Would be liaison to feasibility
70 study and facilitate public meetings. Trustee Lowell, LVP deeds, wanted feedback from attorney.
71 Discuss when pulled from consent. Trustee Daty, these are very serious allegations, would welcome
72 an open investigation, I have nothing to hide. Mr. Matthews concerns on 3-year commitment, the IGA
73 taskforce is not intended for housing, we have a comp plan in place. Two very separate items. Trustee
74 Delman - I don't know anybody with a bigger heart than Trustee Daty. Trustee Browning, we met with
75 staff on addendum and will be on a future agenda (June 17th) MPT Williams – Trustee Daty in last two
76 years her heart is more attuned to what is good and right. Administrator Simonsen noted that the
77 housing position has not been awarded / applied for.
78

79 VI. SVVSD Update – Dr. Don Haddad – shared newspaper article on Lyons graduates; SVVSD now 7th
80 largest school district, 60 schools, 33K students, 5500 employees, largest business in BOCO. LMSH
81 is named top middle senior in the state with 100% graduation rate. In 2002 SVVSD was bankrupt and
82 had lowest bond rating. Fast forward we have the highest bond rating and won several awards on
83 fiscal transparency. Potential bond in the fall; for building, for growth, safety, renovations. This bond
84 extends but does not increase taxes, committed to staying at a certain dollar amount. Recently
85 lowered mill levy by 1.147%; have paid off considerable debt. Mailings every month going out to every
86 taxpayers. Will be building new large high school serving Carbon Valley, Mead, and some of
87 Longmont. Another preK-8, 2 elementary schools, and doubling the size of the Innovation Center.
88 Better to do it now; can't let inflation curtail and when deferring maintenance costs go up. Projection
89 for 77K students, will continue to grow and here to advocate for the future of SVVSD. An investment
90 in something much bigger than any of us. 2008 recession to current we have lost over 300 million
91 dollars. We have still met those high standards; and offer the best to our staff / students. Trustee
92 Daty commended the district, potential bond issue on November ballot, will you be holding community
93 meetings? Mr. Haddad stated we have held them all year; and will continue. Have logged 70
94 meetings; and will reach out further.
95

96 VI. Staff Reports

- 97 1. Boulder County Sheriff's Office Report – Sgt Sears reported on HS senior baseball team making state,
98 will graduate on Sunday; 3rd grade day was a success; keep your vehicles locked, don't be an easy
99 victim. Deputy Roseborough will be SRO for summer school in town. River CFS below, will wait to see
100 if tubing ban will go into effect. School zone speed limit; traffic ordinance states 20 mph. Radar signs,
101 looking for a grant for 3-4 more. Presented traffic stats.
- 102 2. Administrator's Report – Administrator Simonsen updated the board on parks/public works, utilities,
103 staffing, diversion day extremely successful; Anderson Consulting at 30% design on streambank; clarify
104 when staff can apply for grants. Goats arriving, applied for a Martin Parcel grant from BOCO; Tamburello
105 / Moss Rock updates. Finance Director Eyestone updated on financials; sales tax 8.8% higher. GF
106 revenues lower, property tax collections timing issue. Lower building revenue / court fines. Electric
107 sales are higher this year as well as water revenue. Trustee Lowell, disappointed that Left Hand can't
108 do the fire mitigation; can Lyons Volunteers do any mitigation under the guidance of Lyons Fire? Director
109 Caplan to inquire. Discussion on who residents go to with parks emergencies. If in park, can go to park
110 host, during day call town hall, after hours for an emergency call non-emergency dispatch. Discussion
111 on how properties are selected for goats; they recommend doing same areas 3 years in a row; previous
112 fire taskforce made recommendations. Trustee Browning surprised sales tax is up with so many closed
113 businesses (Clarks, Pizza Bar, Mariposa) is it due to online sales? Director Eyestone - local sales tax is
114 consistent with prior years. Opportunity to recruit more people to Lyons Volunteers for specific projects.
115 MP Trail, loop / social trail status discussed. Connector trail on public property. 40 feet at end of CR 69,
116 plenty of room for gate, delineation. Tamburello property, fencing approved by their insurance; until they
117 decide if they sell as is or if they develop.
- 118 3. Legal Update – introduced Betsy Stewart from law firm; legislative update, Governor has until 6/15 to
119 sign bills. Most active session in CO history. Local impacts include: ADU bill, legal review of local
120 government housing decisions; streaming of public meeting bill failed; parking requirements for
121 residential housing; if 20 or more units, can impose 1 spot per unit. Digital ADA requirements,
122 compliance deadline extended for an additional year. Property tax amendment; rebranding of oil/gas for

123 renewable energy. Creates explicit mandate to assist with review. Discussion on local government using
124 utilities to administer its ADU policy. Attorney Dittman - is a floor, to allow for a minimum of these ADU's
125 we are already doing this; doesn't speak to creating incentives.
126

127 **XI. Ordinances and Public Hearings**

128 1. 2nd Reading – Public Hearing - Ordinance 1159 – an Ordinance of the Town of Lyons, Colorado,
129 Adopting by Reference the 2024 Edition of the “Model Traffic Code” Within the Town – Director Caplan
130 stated no major changes from 1st reading; Sgt Sears and I tried to put a concise list of changes. **PH**
131 **opened at 8:38 pm.** No speakers **PH Closed at 8:38 pm Motion:** move to approve **Moved by:**
132 **Trustee Daty Seconded by:** Trustee Lowell **Motion passes unanimously**

133 2. 2nd Reading – Public Hearing - Ordinance 1160 – an Ordinance of the Town of Lyons, Colorado,
134 Repealing Section 13-1-60 of the Lyons Municipal Code Regarding Deposits for New Utility Accounts
135 – Attorney Dittman CAMU covered this, make utility policy fairer; no significant changes from 1st
136 reading. **PH opened at 8:41 no speakers PH closed at 8:41 Motion:** move to approve **Moved by:**
137 **Trustee Daty Seconded by:** Trustee Browning **Motion passes unanimously**

138 3. 1st Reading – Ordinance 1161 – an Ordinance of the Town of Lyons, Colorado, Amending Chapter 16
139 of the Lyons Municipal Code to Add New Sections Concerning Amending Planned Unit Developments
140 – Planner Bowen presented, been with the town 4 months, have had 3 requests to amend current
141 PUD's, we do not have a process in place. This would add this option to the code; very burdensome
142 on applicant that is simply not needed for these changes. PCDC fully supports this; separate minor /
143 major amendments; minor would be administratively. Discretion to be able to bump any of these to a
144 major if needed. Trustee Browning stated PUD section allows for zoning amendments, why doesn't
145 that apply to PUD's? Attorney Dittman PUD is its only zoning process. Any change to a PUD is a
146 rezone, not a zoning amendment. Discussion on which provisions of rezoning should be carried over
147 like neighbor notification? What appeal rights does applicant have? Planner Bowen stated every
148 administrative decision has that baked in, trying to move to PCDC and clean up town's processes,
149 make one single chapter that has one chart so you can see from pre-app meeting to 30 day appeal
150 period. Attorney Dittman would support adding that language. **Motion:** move to approve **Moved by:**
151 **Trustee Daty Seconded by:** Trustee Lowell Trustee Browning, not quite ready for prime time, attorney
152 hasn't had enough time to review **Motion:** amendment to section 8.B remove phrase ' reasonable
153 judgement **Moved by:** Mayor Rogin **Seconded by:** Trustee Daty **Motion passes unanimously**

154 **Motion:** under major PUD Amendment, 16-4-260 add: determination if amendment made is major or
155 minor shall be made and communicated to applicant within one week. Want to avoid a prolonged
156 process. Next sentence is applicant can appeal to the BOT. Administrator Simonsen recommended
157 10-day review period. Attorney Dittman suggested added to the end of the list. Mayor Rogin accepts.
158 **Moved by:** Mayor Rogin **Seconded by:** MPT Williams **Motion passes unanimously Motion:** sec 16-
159 4-270 6.A PCDC must deliberate, host a Public Hearing and provide a recommendation to BOT within
160 45 days **Moved by:** Mayor Rogin **Seconded by:** Trustee Williams **Motion passes unanimously**

161 **Motion:** section 5.c states action taken shall be reported to BOT within 30 days, would like to strike.
162 **Moved by:** Mayor Rogin **Seconded by:** MPT Williams Trustee Browning will be voting no, doesn't
163 adequately address the neighbors' rights. **Ordinance passes 6-1 Trustee Browning votes no. 9 pm**
164 **check in – Trustee Browning would like resolution 2024-47 move to a general business item.**
165 **Administrator Simonsen stated this is within my approval limits and is a staffing issue would**
166 **like to deal with this tonight. Board will get through next ordinance and submit trustee reports**
167 **to clerk.**

168 4. 1st Reading – Ordinance 1162 - An Ordinance Of The Town Of Lyons, Colorado Approving The First
169 Amendment To A Lease Of Town Property Adjacent To 4100 And 4196 Ute Hwy, Lyons, Colorado
170 80540 To Spirit Hound Distillers – Manager Sanders stated this is an amendment to existing lease
171 agreement; required to modify existing building by June 1st for SV Train Extension; they missed that
172 date; requested extension on May 6th, Board agreed and this is the amendment. Trustee Browning
173 asked if \$20K from town includes utility connections; Attorney Dittman, depends, internal is on them,
174 external is on us. Director Caplan, contractor from City of Longmont; best guess is 5K, not sure what
175 the work is. **Motion:** move to approve **Moved by:** Trustee Daty **Seconded by:** MPT Williams **Motion**
176 **passes unanimously 5-minute break at 9:18 pm. Reconvened at 9:29 pm.**

1791. Resolution 2024-44 – A Resolution Of The Town Of Lyons, Colorado Approving An Increase In The
180 Monthly Fee To Provide Enhanced E m e r g e n c y 9-1-1 Telephone Services
1812. Resolution 2024-45 – a Resolution of the Town of Lyons, Colorado, Approving an Agreement with BC
182 Services, Inc. for Collection Services
1833. Resolution 2024-46 - A Resolution Of The Town Of Lyons, Colorado Accepting Quitclaim Deeds For
184 Parcel Numbers 12031000031, 120319100031, 120319134006, And 120320201014 From Lyons
185 Valley Park, Inc.
1864. Resolution 2024-47 – a Resolution of the Town of Lyons, Colorado, Approving the Submittal of a DOLA
187 Local Planning Capacity Grant Application for a Shared Housing Position with Nederland
1885. Resolution 2024-48 – A Resolution of the Town of Lyons, Colorado Awarding a Construction
189 Agreement to Powell Restoration, Inc. for Depot Property Landscape Upgrades Project Number 24-
190 DEPOT-01
1916. May 6, 2024, Regular BOT Meeting Minutes
1927. May Accounts Payable

193 **Motion:** move to approve **Moved by:** MPT Williams **Seconded by:** Trustee Daty Browning
194 removed item 4 Trustee Lowell removed item 3 **agenda as amended passes unanimously**
195

196 **Items Removed from Consent Agenda**

197 Item 3, Reso 2024-46 Trustee Lowell happy with Attorney Dittmans explanation of deeds; cover memo
198 talks about conveying as part of completion of all filings; triangle lot was not included; Attorney Dittman,
199 we can strike that parcel number from that paragraph. This is not required, those lots have been deeded
200 over and recorded already. Attorney to strike; **Motion:** move to approve **Moved by:** Trustee Lowell
201 **Seconded by:** MPT Williams **Motion:** amendment to 5th whereas to delete 12320201014 **Moved by:**
202 Trustee Lowell **Seconded by:** MPT Williams **Motion passes unanimously** Discussion on when to rezone
203 lots; triangle lot is zoned business, other three are outlots; L hill is AG-1; two smaller lots are R1; **Motion**
204 **passes unanimously.**

205 Item 4, Reso 2024-47, Administrator Simonsen gave background information, this is to apply for funding
206 for a position of 20 hours a week for 3,000.00 this is separate from the Peak-to-Peak Housing Authority.
207 Purely to focus on a position for 3 years to get us through Prop 123. Position will fill current gaps in housing;
208 cost to town is \$10k for the 3 years. Mayor Rogin stated attorney covered all housing bills, we are going
209 to have to make changes to our codes, could this person help translate what that means. Administrator
210 Simonsen – intent is this person is all things housing, Trustee Browning – how did town allocate \$5K to
211 this grant? Planner Bowen signed a letter of support and allocated 5K for feasibility study for peak-to-peak
212 housing authority. Trustee Browning questioned Admin Simonsen on spending \$5K/ MPT Williams stated
213 the board would not have been concerned about 5K. Trustee Browning will there be other costs included
214 above the \$10K; Planner Bowen, benefits have been calculated; a computer, my time. MPT Williams
215 called the question. Trustee Daty Seconded **Motion Passes 5-2 Resolution passes 5-2**

216 **Boards & Commissions**

217

218 **General Business**

2191. Discussion/Direction to Staff on Communications Plan / Policy – Plan presented very well done.
220 Move forward with TH Meetings/all spreadsheet items, 3 question survey with giveaway and other options
221 presented
2222. Discussion/Direction on IGA Taskforce Appointment Process – Mayor, not all documents uploaded, call
223 a special meeting in a week or so. Mayor proposed based on location criteria, each trustee brings back
224 a slate of people they would like to see. Review collectively. Trustee Lowell, good idea, no business
225 owners have applied. Discussion on substituting property owners for renters, MPT Williams, very clear
226 line on N, S, E, W. Discussion on special meeting May 30th with workshop.
2273. Discussion/Direction on US 36/Broadway Project Funding – Board consensus is to reallocate excess
228 Broadway funds to original funding sources
229 4. Letter of Support Endorsing Mayor Rogin to CML Executive Board – Election to be held in June;
230 MPT Williams, given our experience you are a thousand percent qualified. Trustee Daty, as the Mayor
231 and you take this outside of Lyons; you give small towns a voice.
232
233
234

236 1. Tanya Daty – new market at Moxie every other weekend
237 2. Mayor Rogin - Live Cam for Library Chick Cam
238 3. Trustee Browning – addendum to housing futures plan on June 17th, and 5-acre rule on
239 workshop and Joint Meeting with PCDC.

240 XIV. Summary of Action Items

241 1. Can Lyons Volunteers do any mitigation for the Martin Parcel under the guidance of
242 Lyons Fire
243 2. Cassey to evaluate sales tax trends
244 3. Tamburello / Main Street update on future agenda/research nuisance
245 4. Ordinance 1159 passed on 2nd reading
246 5. Ordinance 1160 passed on 2nd reading
247 6. Ordinance 1161 passed to 2nd reading/public hearing
248 7. Ordinance 1162 passed to 2nd reading/public hearing with more information on utility
249 costs for connections.
250 8. Future agenda item to rezone newly deeded LVP lots.
251 9. Communications plan to include: Move forward with TH Meetings/all spreadsheet items,
252 3 question survey with giveaway, update website & track click thru rates for
253 eblasts/agendas, Text notifications should be auto enrolled / opt out option, schedule for
254 Sandstone concert series, schedule to rotate monthly newspaper articles among staff w/
255 Mayor continuing monthly column, send out quarterly town hall schedule to BOT, Annual
256 report to transition to staff and communications update in August
257 10. Poll board on special meeting/workshop for IGA taskforce appointments
258 11. Provide map for IGA appointments to board. Updated spreadsheet with additional
259 column identifying NSWE, send full apps with attachments. Bring list of top applicants;
260 submit trustee selections to clerk to compile spreadsheet and distribute in packet.
261 12. Board consensus is to reallocate excess Broadway funds to original funding sources,
262 anything over \$150K
263 13. Board supports Mayor Rogin for CML board; submit letter of support
264 14. Send out goals/priorities' potential dates to board
265 15. Ask LAHC if they have interest in newspaper boxes
266 16. Water rights / Affidavit of corporate authority concerns by Mr. Chatfield

267 XV. Adjournment – **Motion:** move to adjourn **Moved by:** Trustee Daty **Seconded by:** MPT Williams
268 **motion passes unanimously. Meeting adjourned at 10:29 pm**

271
272 **Respectfully submitted by:**

273
274 Dolores M. Vasquez, CMC – Town Clerk

275
276 Mayor Hollie Rogin

284 “The Town of Lyons will not discriminate against qualified individuals with disabilities based on disability in
285 its services, programs, or activities. Persons needing accommodations or special assistance should contact
286 the Town at hr@townoflyons.com as soon as possible, but no later than 72 hours before the scheduled
287 event.”