

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

5 [Join Zoom Meeting](https://us02web.zoom.us/j/89571356466?pwd=MEh6R29HQkZISU4yV3RINyLVmNWQT09)
6 <https://us02web.zoom.us/j/89571356466?pwd=MEh6R29HQkZISU4yV3RINyLVmNWQT09>
7

8 Meeting ID: 895 7135 6466
9 Passcode: 325702
10

11 Dial by your location
12 • +1 305 224 1968 US
13

14 Meeting ID: 895 7135 6466
15

16 DRAFT AGENDA
17

18 **MONDAY, JUNE 3, 2024**

19 5:30 PM – 6:00 PM

20 *Discussion on Potential Modifications to Fire Code*

21 6:00 PM – 6:50 PM

22 *Joint Meeting with PCDC – Work Plan*

23 7:00 pm BOARD OF TRUSTEES REGULAR MEETING
24

25 I. Roll Call and Pledge of Allegiance – **Present:** Mayor Rogin, MPT Williams, Trustee Hamrick,
26 Trustee Daty, Trustee Lowell, Trustee Browning **Absent:** Trustee Delman
27

II. Land Acknowledgement / Moment of Silence
28

III. Approve Agenda – **Motion:** move to approve **Moved by:** Trustee Lowell **Seconded by:**
29 MPT Williams **Motion passes unanimously**

IV. Audience Business & Follow Up – Clara Thomas, Indian Lookout Rd, Ord 1161 amendment
30 does not affect abutting upon or across the PUD; confused with the language, will zoning
31 change affect all properties, concerned with that language. Ed Arling, Indian Lookout Rd,
32 noise in neighborhood, with summer coming, concerts at local venues, what can we do to
33 make residents life bearable, on the books 10-11-10 (noise ordinance)live by Lionscrest,
34 can hear Planet Bluegrass for weddings just cranking, River Bend super loud and hear the
35 locals at Mainstage, don't think we have a code enforcement officer, we have something on
36 the books, people violating and no way to resolve. I've called the venues, sometimes they
37 answer, I've called the sheriff many times, this is not the way to live in town. Unique place,
38 rock walls are natural amphitheater, Wee Casa located in natural amphitheater, and if the
39 wind is blowing right, it is really loud, just asking what can the town do about it. If there's a
40 way you guys can enforce this. I don't want to see neighbors fighting, let's collaborate. Steve
41 Simms, 809 5th Ave, thought that PCDC/BOT have responsibility to listen, do these boards
42 and commissions have a responsibility to go out and solicit some feedback. Been reading
43 about overlay districts, how are Bloomfield/Walt Self areas represented? Trash truck noises
44 must be really annoying, ideas on how to represent the minority in town. **Board response:**
45 Trustee Browning, noise ordinance, common misperception that the downtown businesses
46 circumvented the noise ordinance. Made an effort to update the noise ordinance twice, how
47 to measure decibels, at no point was majority of board willing to tackle; something that
48 belongs on a future agenda. MPT Williams look at ways to more accurately measure decibel
49 levels, I hear Lyons Farmette all weekend, but do understand. Trustee Lowell, Lyons Den
50 fiasco, noise ordinance pretty vague, need to get moving on code enforcement officer.
51 Trustee Daty agrees, need to look at noise ordinance; CRS 25-12-103, referencing noise
52 decibels for residential areas vs. commercial. Trustee Hamrick, echoes Trustee Lowell,
53 current noise ordinance pretty lame. Mayor Rogin, it is a complex issue, is certainly willing
54 to take another look at it. Marginalized citizens are near and dear to my heart; need to
55 better reach out to those people. Administrator Simonsen agrees, every term of trustees
56 has brought up the noise ordinance, in direct conflict with comp plan, work to be done, when
57 58 59 60 61

62 we have tried to actively enforce, then town is accused of being business unfriendly. People
63 come out for music and then it hurts the business. Decided decibels do not work because
64 of the wind; it's a challenge. Staff has new communications plan to reach everyone; Lisa
65 Ramsey actively involved with the seniors, perhaps an advocate for them.

66 V. Staff Reports

67 VI. 1. Boulder County Sheriff's Office Report – Sgt Sears out tonight, submitted stats to
68 board. Trustee Hamrick, jake brake signs need updating. A road rage incident yesterday -
69 hit a motorcyclist and took out the hydrant. Caused a decrease in pressure for about 30
70 minutes and then restored. Hydrant looking at being replaced. Fire is aware.

71 2. Administrator's Report – anomaly fine at WWTP, lightning strike at water tank took out
72 SCADA, parks and Main St looking good; diversion day / limb drop off was a big success.
73 Summer concert series kicks off next week. Town of Lyons table at the concerts for BOT to
74 communicate/interact with the public. Senator Bennet is interested in 1.3 million sewer
75 upgrades for congressional spending. Big graffiti case, 2 young people, Dave C to attend
76 restorative justice hearings. The Broadway project, railing on south side needed, emblems
77 painted on Railroad now, wraps up in a couple of weeks. BOCO voters passed Prop 1B, to
78 continue tax toward affordable housing, discussions on how to allocate/distribute those
79 funds. Discussion on Broadway Project, great to have signage on what's allowed on new
80 sidewalk. Administrator Simonsen noted it is multi modal, for peds, bikes and golf carts.
81 Trustee Daty as LMJ for Memorial Weekend, very well managed. Security team in full
82 uniform, a little surprised at how rough they were. VS new contract, told them we wanted a
83 softer hand, perhaps not wearing vests at entrance, only on rounds. Used to bigger
84 communities. Discussion on new Planner I/Code compliance, starting next Monday. Not full-
85 time code: sheriff to do more animals/parking, more approach to ADU's/STR's, code and
86 weeds.

87 3. Legal Update - none

88 V. Ordinances and Public Hearings

89 1. 2ND Reading – Public Hearing - Ordinance 1161 – an Ordinance of the Town of Lyons,
90 Colorado, Amending Chapter 16 of the Lyons Municipal Code to Add New Sections
91 Concerning Amending Planned Unit Developments – Planner Bowen presented staff report,
92 no PUD amendment process in place, disingenuous to applicant and stacks submittal
93 requirements. Some very minor changes they may want to make, site plans are tied to PUD
94 agreement, and they can't change that in an efficient way. Proposed code has been before
95 PCDC twice, separating out minor / major amendment processes. **PH opened at 7:47 pm**
96 Steve Simms, 5th Ave, substantial change, definition falls on different perspectives. Debbie
97 Simms, 5th Ave, PUD process would be nice to get representation to people that are
98 affected, it seems like things are happening to you, we would like a seat at the table. Patrick
99 Thomas, reiterate what my wife said, language on abutting / across the street, limiting
100 language, still general consideration of neighbors in perimeter. **PH Closed at 7:50 pm.**
101 **Motion:** move to approve **Moved by:** Trustee Daty **Seconded by:** Trustee Lowell Attorney
102 Dittman presented possible amendments: determining major/minor Discussion on tabling
103 until staff can further review amendments. **Motion:** move to delete 4th Whereas **Moved by:**
104 Trustee Daty **Seconded by:** Trustee Williams **motion passes unanimously.** **Motion:** in
105 section xx Town administration shall instead of may and incorporate draft amendments
106 **Moved by:** Trustee Browning **Seconded by:** Trustee Lowell Mayor Rogin would like staff
107 to review and bring back any concerns. Trustee Hamrick, could be additional criteria, want
108 to make sure we capture that. **Motion passes unanimously** **Motion:** move to amend
109 section 16-4-270 to include I, J and K and items 6 and 8 **Moved by:** Trustee Daty **Seconded**
110 **by:** MPT Williams Mayor Rogin offered a friendly amendment suggest that under 10
111 approval criteria, change Item 6 to within 300 feet of. They accept friendly amendment
112 **Motion passes unanimously** **Motion:** in section 6 add within 300 feet of the PUD
113 **Moved by:** Trustee Daty **Seconded by:** Trustee Lowell **Motion passes unanimously**
114 move to table to date certain of July 1st **Moved by:** Mayor Rogin **Seconded by:** Trustee
115 Daty **Motion passes unanimously.**

117 2. 2nd Reading – Public Hearing - Ordinance 1162 - An Ordinance of the Town of Lyons,
118 Colorado Approving the First Amendment to a Lease of Town Property Adjacent to 4100
119 and 4196 Ute Hwy, Lyons, Colorado 80540 to Spirit Hound Distillers – Administrator
120 Simonsen provided staff report, Spirit Hound requested, they are fine with moving forward
121 with 2nd reading. **PH opened at 8:19 pm.** No speakers **PH closed at 8:19 Motion:** move
122 to approve **Moved by:** Trustee Lowell **Seconded by:** Trustee Hamrick **motion passes**
123 **unanimously**

124 3. 1st Reading- Ordinance 1163 – an Ordinance of the Town of Lyons, Colorado Approving a
125 PUD for 501 W. Main Street (River Bend) – Attorney Dittman explained how the quasi-
126 judicial process works; Planner Bowen presented staff report; packet submitted on 5/8;
127 declared sufficient on 5/12. This request includes allowing for extended camping timeframe,
128 construction of 6000 sf venue vs 4000 sf, allow for amplified music, and allow addition of 10
129 tiny homes that is exclusive of current camping. Old allowance was contingent upon Planet
130 Bluegrass, they want to be independent of that. If approved still have to go through the
131 development plan process with deep review from fire, utilities etc. This sets parameters of
132 that project. Ties in with Comp plan, promoting a mix of tourism supporting destination
133 tourism. How to balance this request with neighbors is very important; staff does find this is
134 a reasonable request. Ecology board referral was taken into consideration. 6000 sf venue
135 provides more elbow room in venue, does not increase 200-person cap and eliminates
136 portable bathrooms and catering tent, bringing them all into one building. Amplified music
137 received most comments; staff encourages to try to find balance. 10 additional tiny homes,
138 often wedding guests want to stay in Lyons, this provides a little more room. Staff supports
139 the PUD with the following conditions (get from Andrew). PCDC recommends the 3
140 following: ten tent camping sites, formal evacuation plan and follow fire recommendations.
141 PCDC did not feel they were qualified to address amplified music, always room for
142 compromise. Trustee Browning asked about utilities/referral from UEB, has there been
143 discussion with applicant on addressing UEB referral? Planner Bowen development plan
144 has not been sent out for referrals to date; wanted to tackle PUD first. Staff has discussed
145 this with the applicant. Trustee Browning - how has evacuation plan been implemented in
146 the past? Director Caplan, I have reviewed them with Wee Casa; currently if we go into
147 flood warning stage, they should be able to remove them within 30 minutes. Discussion on
148 how and where you would put them. Submit that plan for second reading. Trustee Browning
149 - Drainage issues previously, has staff reviewed or is further work needed? Director Caplan
150 - full drainage report done to close out previous PUD, constructed 3 different sand filters,
151 met PUD requirements and did additional work, engineer submitted report stating current
152 drainage would pass for current PUD application. Trustee Browning - sales tax analysis,
153 does town really get sales tax revenue from weddings? Finance Director Eyestone to look
154 review. Trustee Lowell, 6000 sf building constructed in 100 yr flood zone, will this meet those
155 codes? Administrator Simonsen, applicant is aware of flood regs. Trustee Daty, clarify
156 companies, this is by River Bend, does Wee Casa have a separate evacuation plan?
157 Administrator Simonsen stated my understanding is that Wee Casa will manage the
158 additional 10 units. Trustee Daty asked how do we weigh the different referral
159 recommendations. Attorney Dittman - no hierarchy, just recommendations for the board to
160 consider, information for you. The board is not bound by any recommending agency. Mayor
161 Rogin asked Kurt Carlson, Chair of EAB, wildlife habitat assessment, looks like no wildlife
162 on the property. If wildlife consultants don't see a problem, why the recommendation for no
163 camping during nesting season. Mr. Carlson, look at surrounding areas, commenting on
164 something not knowing how important it was to the process. Mayor Rogin, the ask is for
165 year-round camping not a specific number of camp sites. How did you come up with number
166 10. Planner Bowen, only change to PUD is addition of 52 weeks, 10 came from applicant.
167 On PUD to solidify where those spots were going to be. Mayor Rogin - can staff discuss
168 with applicant on consideration of music on Friday/Saturdays and form plan to address
169 complaints. Administrator Simonsen – the town does allow for year-round camping; we work
170 with fish and wildlife and they do not have an issue. Chris Legh, applicant, fielded questions
171 on max building height of 40 feet. Previous PUD was 40 feet, should be 29 feet building
172 with 3-foot rise. The frontage sidewalk stops at the bridge. Mayor Rogin, pavilion/canopy
173 tent, will both be occupied with two separate events. Mr. Legh stated we are removing tents

174 and concrete pads, will not be two venues. Sticking with one event per day. **Motion:** move
175 to approve **moved by:** Trustee Browning **Seconded by:** MPT Williams **Motion passes**
176 **unanimously. 5-minute break at 9:04 pm. Meeting resumed at 9:15 pm. 9pm check in;**
177 **Mayor proposes do consent, if any items are pulled, we address after LAHC**
178 **presentation, board concurs. Administrator Simonsen recommended pushing the**
179 **Brown Field item to July 1st and cover PCDC work plan before fire under GB. Board**
180 **concurs.**

181
182 VI. Consent Agenda

- 183 1. Resolution 2024-49 – a Resolution of the Town of Lyons, Colorado Approving
184 the Fifth Amendment to the Professional Services Agreement with Horrocks
185 Engineering, Inc for the St. Vrain Trail Extension
- 186 2. Resolution 2024-50 - a Resolution of the Town of Lyons, Colorado Ratifying the
187 Second Amendment to the Construction Agreement with Mountain Constructors,
188 Inc US 36 Broadway Improvements and Multimodal Project
- 189 3. May 20, 2024, Regular BOT Meeting Minutes
- 190 4. June Accounts Payable

191 **Motion:** move to approve **Moved by:** MPT Williams **Seconded by:** Trustee Lowell
192 **motion passes unanimously.**

193
194 VII. Items Removed from Consent Agenda

195
196 VIII. Boards & Commissions

- 197 1. Mayoral Appointment – Grace Simonsen to Historic Preservation Commission
- 198 2. LAHC Update – Claudia Paterno, Chair, updated the board on retreat in January,
199 changed mission statement to read: is to nurture and celebrate the arts. Board concurs
200 with mission statement. Kristen Bruckner and I attended Colorado Main Street
201 Conference in Pueblo, low in funding in state per capita; voiced how important arts are
202 for economic growth. How can we weave art into local projects. Very close to becoming
203 a creative district, have 501C3 in place. Lavern Johnson sculpture is cast in Bronze,
204 \$4-6K away from funding, Blue Mountain Stone donating all the stone for the project.
205 July 24th is the unveiling of sculpture; Hearts of Lyons in full swing; new sculpture
206 sponsored and in front of Mayama; trying to decorate the space on 4th and Main. The
207 quarterly art show is 7/17; Ute trail marker coming along; finalizing interpretive sign.
208 Moss Rock hotel spot, cedar fencing going up; Lyons literary fest at library; will be
209 offering 4pm tour of sculptures in town as well. 3 spots on LAHC.

210
211 IX. General Business

- 212 1. Discussion/Direction to Staff Regarding Fire Code Modifications- Trustee Hamrick, after
213 watching video from previous BOT meetings, I understand that the economics of it get passed
214 to renters; can we lessen the burden on the builders. Mayor Rogin asked if there are any
215 state/fed dollars on capping rent, can they get reimbursed? Direction to staff, keep sprinkler
216 code and have staff investigate potential reimbursements. Trustee Daty, we can't put a price
217 on a life. Trustee Lowell, safety trumps everything. Work with fire on incentives. MPT
218 Williams - the difficulty is nobody wants to do this because it's expensive, lives are at stake.
219 None of us wants that responsibility. If we can incentivize, great, but not in favor of not
220 requiring. Trustee Browning, a previous board voted unanimously and struck the sprinkler
221 requirement, I don't think adding to the cost for the last ADU's to be built, I would be in favor
222 of waiving it. Mayor Rogin, I think we will see more ADU's, I think it matters to those who
223 would be living there. Interested in seeing insurance rebates and any funding for incentives.
- 224 2. Discussion/Direction to Staff Regarding PCDC Work Plan – Trustee Daty likes updating
225 comp plan annually, would love to see them identify properties for Prop 123. MPT Williams
226 -always thinking if we have done things in the past that could be brought forward. Clearly
227 need update, don't like inefficiencies. Trustee Browning - in 2015/16 contract planner drafted
228 design guidelines, shelved for years, finally pushed through. Inclusionary zoning, no land to
229 do that now. Urge PCDC/staff planners think of if they work in Lyons when we are built out?
230 Staff time spent on these projects is real money; that just doesn't make any sense in Lyons,

231 we are pretty much built out. Understand the Lyons situation compared to bigger towns.
232 Trustee Lowell, echoes that; PCDC has to realize uniqueness of Lyons, no where to go
233 outside of annexation. Have them work on limitations of this town. Trustee Daty – I don't
234 agree there is no more room in Lyons, we have to get creative. MPT Williams agrees.
235 Trustee Hamrick, would like to see incentives in commercial zoning, adding properties and
236 looking at properties to increase density is not a slam dunk, look at ADU's further to simplify.
237 How can we encourage illegal ADU's to get compliant? Mayor Rogin - wants to address
238 options for Prop 123, want PCDC recommendations, but ultimately up to this Board.

239 3. Discussion/Direction to Staff on the Solar Generation and Battery Storage Project – Director
240 Caplan, project gone on for a number of years; third time going out for bid, 4 responses back
241 that they couldn't make it work (financially/legally not feasible). On the financial side, UEB
242 even went to point of trying to get 1-million-dollar grant, use \$240K from town, even with
243 that, two proposals back initially reviewed by Chair Kerr and shows no economic benefit to
244 either bid. We have broken pipe/road that needs to be fixed, we would be spending more
245 money than by using MEAN Green rate; now on 100% green energy. Was asked if Lyons
246 would sit on the Power Supply Committee. We can have input on our energy supply. With
247 that analysis, we don't see a financial benefit. Does the board want us to review these?
248 Mayor Rogin - staff has put a lot of time, boards have as well, and circumstances have
249 changed. 20-year payback period and still be \$75K short. When you consider the \$280K,
250 the \$75K over 20-year payback period, getting green energy now, and future grants, looking
251 ahead to needs in Eastern Corridor inclined to say we have tried really hard to make it work,
252 and it doesn't pencil out. Trustee Lowell, I too was passionate about this; but the time has
253 passed. Trustee Browning agrees with Mayor, nothing wrong with walking away from a grant.
254 We could use that money on other projects, like bringing 3 phase power to Main Street
255 blocks. MPT Williams agrees, can be better spent elsewhere. Trustee Daty appreciates
256 perspective, defer to you and we can spend the money elsewhere. Trustee Hamrick agrees,
257 and is concerning that four firms declined to bid, timing is not right. We can revisit at another
258 time.

259 4. Discussion/Direction to Staff on Location of EV Chargers and Battery Storage Unit – Director
260 Caplan - company offered to install level 3 charging stations, IPower looked at locations,
261 took to UEB, last fall discussed Sand Stone park, MOA with Jule, removal of town owned
262 current charging stations, proposed middle of park, at final site agreement got site
263 plan/pictures, seeing what charging stations looked like brought it to staff. Administrator
264 Simonsen - I wanted the board to see how big this was, it is a 20x10 pad; Discussion on
265 wrapping the battery, triangle lot (that is tied to hotel). Discussion on considering if
266 constitutes change in use in park. Diane Dandeneau, talking with UEB for about a year, NEVI
267 funds though the state, looking for sites on corridors, Lyons is one, there is grant money, this
268 charger will be cost effective. About a 20-minute stop. In terms of work done, ideal site.
269 MPT Williams, I want to see a layout where it could go that it's the least intrusive. Mayor
270 Rogin, I hear a lot from people, Sandstone feels like the locals' park, and hate to lose that.
271 Attorney Dittman - zoning question, POS zone does not allow for this. Mockup for these
272 locations: west side of sandstone, High Street.

273 5. Discussion/Direction to Staff Regarding CDPHE Brownfield Area Wide Plan – moved to
274 date certain of 7/1/24

275 X. Trustee Reports

276 1. Trustee Browning – agenda item addendum to housing futures plan and amending
277 5-acre rule

278 2. MPT Williams – nothing to report

279 3. Trustee Lowell – research to look at minutes for boards and commissions are not
280 there; work with chairs to get on track.

281 4. Trustee Daty – submitted trustee report, reschedule Goals/Priorities, new law
282 passed regarding no weapons in municipal buildings; wants posting on door by 7/1,
283 Lyons Lit Fest happening this Saturday, I appreciate having a strong community hub
284 with dance recital.

286 5. Trustee Hamrick – attended first SFC meeting, sent write up, 5 different committees
287 to come up with recommendations, hoping to get on July agenda.

288 6. Mayor Rogin – goals and priorities, would like it to be an extended workshop on June
289 17th. Refresher on liaison training; no DRCOG this month, Metro Mayors meeting in
290 Denver, application for CML executive board turned in. Need someone to cover first
291 sandstone concert meeting on June 12th (MPT volunteered) Pride events on 6/15;
292 garden part at Rocky Mountain equality. Another primary, ballot in mail.

293 XI. Summary of Action Items:

294 1. Joint PCDC/BOT Prop 123 Bootcamp (Send Prop 123 Overview sheet to BOT)

295 2. PCDC to select top 4 Prop 123 choices and bring back to BOT

296 3. BOT to revisit noise ordinance

297 4. Staff to follow up on Jake Brakes; signage and tickets issued.

298 5. Potential signage for multi modal sidewalk on Broadway

299 6. Ordinance 1161 tabled to a date certain of July 1, 2024

300 7. Submit evacuation plan for River Bend PUD on 2nd reading.

301 8. Finance Director to analyze if sales tax revenues benefits to town from weddings.

302 9. Staff to discuss with applicant on consideration of music on Friday/Saturdays and
303 form plan to address complaints for PH (next meeting)

304 10. Discussion/Direction to Staff Regarding CDPHE Brownfield Area Wide Plan moved
305 to a date certain of 7/1/24.

306 11. Direction to staff, keep sprinkler code and have staff investigate potential incentives.

307 12. Board direction is to not move forward with Solar Generation and Battery Storage
308 project

309 13. Staff to come with mockups of potential sites for EV charging stations.

310 14. Staff to work with B&C's to make sure minutes are submitted and posted to
311 website

312 15. Goals/Priorities extended workshop on 6/17 with meal at 5pm

313 16. Prepare no weapons allowed sign for board room

314 17. Review LAHC application for board

315 18. Attorney to submit amended ordinance

316 19. agenda item addendum to housing futures plan and amending 5-acre rule

317 20. SFC update on July agenda

318 XII. Adjournment – **Motion:** move to adjourn **Moved by:** MPT Williams **Seconded by:** Trustee
319 Daty **Motion passes unanimously meeting adjourned at 10:47 pm**

321
322 Respectfully submitted by:

323
324
325
326 Dolores M. Vasquez, CMC – Town Clerk

327
328
329
330
331
332
333
334
335
336 Mayor Hollie Rogin

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