

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, JUNE 3, 2024**

5:30 PM – 6:00 PM

*Discussion on Potential Modifications to Fire Code*

6:00 PM – 6:50 PM

*Joint Meeting with PCDC – Work Plan*

7:00 pm BOARD OF TRUSTEES REGULAR MEETING

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

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

V. Staff Reports

- VI. 1. Boulder County Sheriff's Office Report – Sgt Sears out tonight, submitted stats to board. Trustee Hamrick, Jake Brake signs need updating. A road rage incident yesterday - hit a motorcyclist and took out the hydrant. Caused a decrease in pressure for about 30 minutes and then restored. Hydrant looking at being replaced. Fire is aware.
2. Administrator's Report – anomaly fine at WWTP, lightning strike at water tank took out SCADA, parks and Main St looking good; diversion day / limb drop off was a big success. Summer concert series kicks off next week. Town of Lyons table at the concerts for BOT to communicate/interact with the public. Senator Bennet is interested in 1.3 million sewer upgrades for congressional spending. Big graffiti case, 2 young people, Dave C to attend restorative justice hearings. The Broadway project, railing on south side needed, emblems painted on Railroad now, wraps up in a couple of weeks. BOCO voters passed Prop 1B, to continue tax toward affordable housing, discussions on how to allocate/distribute those funds. Discussion on Broadway Project, great to have signage on what's allowed on new sidewalk. Administrator Simonsen noted it is multi modal, for peds, bikes and golf carts. Trustee Dady as LMJ for Memorial Weekend, very well managed. Security team in full uniform, a little surprised at how rough they were. VS new contract, told them we wanted a softer hand, perhaps not wearing vests at entrance, only on rounds. Used to bigger communities. Discussion on new Planner I/Code compliance, starting next Monday. Not full-time code: sheriff to do more animals/parking, more approach to ADU's/STR's, code and weeds.
3. Legal Update - none

V. Ordinances and Public Hearings

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

2. 2<sup>nd</sup> Reading – Public Hearing - Ordinance 1162 - An Ordinance of the Town of Lyons, Colorado Approving the First Amendment to a Lease of Town Property Adjacent to 4100 and 4196 Ute Hwy, Lyons, Colorado 80540 to Spirit Hound Distillers – Administrator Simonsen provided staff report, Spirit Hound requested, they are fine with moving forward with 2<sup>nd</sup> reading. **PH opened at 8:19 pm. No speakers PH closed at 8:19 Motion: move to approve Moved by: Trustee Lowell Seconded by: Trustee Hamrick motion passes unanimously**
3. 1<sup>st</sup> Reading- Ordinance 1163 – an Ordinance of the Town of Lyons, Colorado Approving a PUD for 501 W. Main Street (River Bend) – Attorney Dittman explained how the quasi-judicial process works; Planner Bowen presented staff report; packet submitted on 5/8; declared sufficient on 5/12. This request includes allowing for extended camping timeframe, construction of 6000 sf venue vs 4000 sf, allow for amplified music, and allow addition of 10 tiny homes that is exclusive of current camping. Old allowance was contingent upon Planet Bluegrass, they want to be independent of that. If approved still have to go through the development plan process with deep review from fire, utilities etc. This sets parameters of that project. Ties in with Comp plan, promoting a mix of tourism supporting destination tourism. How to balance this request with neighbors is very important; staff does find this is a reasonable request. Ecology board referral was taken into consideration. 6000 sf venue provides more elbow room in venue, does not increase 200-person cap and eliminates portable bathrooms and catering tent, bringing them all into one building. Amplified music received most comments; staff encourages to try to find balance. 10 additional tiny homes, often wedding guests want to stay in Lyons, this provides a little more room. Staff supports the PUD with the following conditions (get from Andrew). PCDC recommends the 3 following: ten tent camping sites, formal evacuation plan and follow fire recommendations. PCDC did not feel they were qualified to address amplified music, always room for compromise. Trustee Browning asked about utilities/referral from UEB, has there been discussion with applicant on addressing UEB referral? Planner Bowen development plan has not been sent out for referrals to date; wanted to tackle PUD first. Staff has discussed this with the applicant. Trustee Browning - how has evacuation plan been implemented in the past? Director Caplan, I have reviewed them with Wee Casa; currently if we go into flood warning stage, they should be able to remove them within 30 minutes. Discussion on how and where you would put them. Submit that plan for second reading. Trustee Browning - Drainage issues previously, has staff reviewed or is further work needed? Director Caplan - full drainage report done to close out previous PUD, constructed 3 different sand filters, met PUD requirements and did additional work, engineer submitted report stating current drainage would pass for current PUD application. Trustee Browning - sales tax analysis, does town really get sales tax revenue from weddings? Finance Director Eyestone to look review. Trustee Lowell, 6000 sf building constructed in 100 yr flood zone, will this meet those codes? Administrator Simonsen, applicant is aware of flood regs. Trustee Dady, clarify companies, this is by River Bend, does Wee Casa have a separate evacuation plan? Administrator Simonsen stated my understanding is that Wee Casa will manage the additional 10 units. Trustee Dady asked how do we weigh the different referral recommendations. Attorney Dittman - no hierarchy, just recommendations for the board to consider, information for you. The board is not bound by any recommending agency. Mayor Rogin asked Kurt Carlson, Chair of EAB, wildlife habitat assessment, looks like no wildlife on the property. If wildlife consultants don't see a problem, why the recommendation for no camping during nesting season. Mr. Carlson, look at surrounding areas, commenting on something not knowing how important it was to the process. Mayor Rogin, the ask is for year-round camping not a specific number of camp sites. How did you come up with number 10. Planner Bowen, only change to PUD is addition of 52 weeks, 10 came from applicant. On PUD to solidify where those spots were going to be. Mayor Rogin - can staff discuss with applicant on consideration of music on Friday/Saturdays and form plan to address complaints. Administrator Simonsen – the town does allow for year-round camping; we work with fish and wildlife and they do not have an issue. Chris Legh, applicant, fielded questions on max building height of 40 feet. Previous PUD was 40 feet, should be 29 feet building with 3-foot rise. The frontage sidewalk stops at the bridge. Mayor Rogin, pavilion/canopy tent, will both be occupied with two separate events. Mr. Legh stated we are removing tents

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

VI. Consent Agenda

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

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

VII. Items Removed from Consent Agenda

VIII. Boards & Commissions

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

IX. General Business

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

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

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

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

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

X. Trustee Reports

1. Trustee Browning – agenda item addendum to housing futures plan and amending 5-acre rule
2. MPT Williams – nothing to report
3. Trustee Lowell – research to look at minutes for boards and commissions are not there; work with chairs to get on track.
4. Trustee Dady – submitted trustee report, reschedule Goals/Priorities, new law passed regarding no weapons in municipal buildings; wants posting on door by 7/1, Lyons Lit Fest happening this Saturday, I appreciate having a strong community hub 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 17<sup>th</sup>. 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 12<sup>th</sup> (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 2<sup>nd</sup> 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 Dady **Motion passes unanimously meeting adjourned at 10:47 pm**  
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322 Respectfully submitted by:

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Dolores M. Vasquez, CMC – Town Clerk

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Mayor Hollie Rogin

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