

TOWN OF LYONS BOARD OF TRUSTEES MEETING
HYBRID MEETING
LYONS TOWN HALL, 432 5th AVENUE, LYONS, COLORADO

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DRAFT AGENDA
MONDAY, JUNE 17, 2024

WORKSHOP

5:00 pm – 6:20 pm

BOT Goals & Priorities

6:20 pm– 6:50 pm

Annexation Process for Commercial Eastern Corridor

7:00 pm BOARD OF TRUSTEES REGULAR MEETING

- I. Roll Call and Pledge of Allegiance – **Present:** Mayor Rogin, MPT Williams, Trustee Hamrick, Trustee Daty, Trustee Lowell, Trustee Browning, Trustee Delman
- II. Land Acknowledgement / Moment of Silence
- III. Approve Agenda – **Motion:** move to approve **Moved by:** Trustee Lowell **Seconded by:** Trustee Delman **Motion passes unanimously**
- IV. Audience Business & Follow Up – Andrea Marshall, 218 High Street, speaking to ordinance 1164, not opposed to Dan Lee building one story house on 219 High, concerned with other 2 lots mentioned, why not the entire town? Have staffed looked at those properties? 223 High built in 1903, they built/added on to their home, they are 36 feet from my property line. The 3rd property is on narrow, steep Stickney Alley, historic drainage alley, my property is raised and has not been affected. Any future approvals would need to not allow for any flow of water on to my property. Several properties in town are better suited for affordable housing, not everybody can live here. Hal Halstein, 431 Evans, watched fire sprinkler video, very disappointed in the board, worst policy decision made. Provided fire death statistics, homelessness numbers, millennial who bought first home at 42, discussed equity on other neighbors being able to build ADU's and he can't. No equity in building costs. Steve Simms, 809 5th Ave, commented on Trustee Hamricks jake brake sign at last meeting, is there any enforcement behind that. Ed Arling, 601 ½ Indian Lookout, traffic coming from Estes is just so fast. Occasionally the light on the 25 mph sign doesn't work, more police in town. Pat Thomas, 601 Indian Lookout Rd, ridiculous how fast they are coming in to town. Would be great to see some enforcement. Liam Blackwood, 604 Indian Lookout Rd agrees, the turn onto Broadway is an accident waiting to happen. Charlie Rose, 637 1st Ave, jake brake signs and loud motorcycles, cars and trucks, can we put up signs that excessively loud vehicles prohibited. Debbie Simms, 809 5th, as they turn right up to 36, it is a free for all as people jockey for position, really loud, really abnoxious and it happens all the time. **Board response:** Trustee Delman any data on if sprinklers save lives. Trustee Lowell, with you on the traffic noise and speeding, step up patrols. Trustee Hamrick, ditto on traffic. Administrator Simonsen stated she could certainly have staff review. Mr. Halstein has met with staff and we are waiting for the fire marshall to get back in town. All traffic issues, all are not Lyons jurisdiction, they are state highways, CDOT did

not paint the solid white line yet, anticipating it will happen this week. Cannot put delineators on a state highway. Intersection will be reviewed as part of a safety grant, potential round about there. Sgt Sears, all your concerns are my concerns, we have a jake brake ordinance on the books, truckers know this and still do it. Have traffic extra duty officers can sign up for, summer is busy and new recruits value their time off.

V. Mayoral Proclamation – Juneteenth Holiday

VI. Staff Reports

1. Boulder County Sheriff's Office Report – Sgt Sears reported on complaints of young kids driving golf carts, if you don't have a license don't drive. Tubing ban is still in effect. 2024 MTC goes into effect June 23rd with additional fees. Parks are getting busy and new security firm is doing great. Flock camera installation on hold for CDOT permit. Incident on June 3rd, vehicle in the middle of the road with lights on. Guy was passed out in stolen car, we pinched it and arrested him. He had several burglary tools, 21 grams of meth and several stolen credit cards, he was here to work. Fireworks rule of thumb, anything that leaves the ground is illegal. Provided stats to date. Last weekend of May almost 17K cars thru town, June is up from last year already. Discussion on photo radar, potential fire ban.
2. Administrator's Report – Administrator Simonsen reported the IGA taskforce has met, very active. Is board interested in joining another opioid settlement with Kroger? We are eligible to be recipients and plan to draft resolution. Parks are busy, more spots for camper vans. Goats are active by South Ledge Ditch and moving to Stone Canyon. Depot landscaping project started this week. Sport court resurfacing slated for next week. Street sweeping was completed last week. Curbside limb pickup scheduled for week of July 16th. Finance report submitted; sales tax is trending up. Discussion on fire mitigation, use of old Christmas House lot as park. DRBOP plan allows for wider uses of that lot. Discussion on limb pickup requirements. Baby bears in town, immune to hazing. Told to leave them alone, haze and hopefully they will leave. Trustee Daty would we consider a town wide ordinance requiring bear proof trashcans.
3. Legal Update

VII. Ordinances and Public Hearings

1. 2nd Reading- Public Hearing - Ordinance 1163 – an Ordinance of the Town of Lyons, Colorado, Approving the Overlay Zoning Designation of PUD-C to 501 West Main Street – Mayor Rogin briefed the audience on the process. Mayor Rogin, ex parte communication - has received several emails, had an aunt try to name drop for a discount at Wee Casa. Planner Bowen presented staff report on proposed changes. While trying to streamline and work with applicants / neighbors, have recommended a stop time of 8:30 pm for amplified music. Will work on development / operation plan at a later date, does not belong on PUD. As far as history goes, it is important but this is a new project. Proposed pavilion will replace the existing tent / bathroom trailer. Pavilion and ten tiny homes in 100 yr flood way. Current use aligns with comp plan and future land use map in that document. All notification requirements have been met. Referrals all included for your review. PCDC reviewed and their recommendation is included in the packet. Staff recommends parameters for camping to consider wildlife and natural areas. Amplified music request, we have a base level expectation of a hard stop of 8:30 pm for outdoor events. Discussion on public comments when Development Agreement comes before board. Trustee Lowell, appropriate to have US Fish and Wildlife weigh in. Staff stated they are on the referral list, no comments received. Discussion on timing of Development Agreement. Utility issues and evacuation plan to be addressed then. Attorney Dittman recommended passing with the condition of approval of development agreement. UEB had two recommendations on payment for borrowed water taps, and reconsideration for number of water taps/shares. Would this be added to PUD or Development Agreement? Attorney Dittman, either one is acceptable. Applicant Chris Legh – 621 1st Ave, have lived here for 19 years, acknowledging concerns of neighbors; have heard how successful River Bend was; very untrue. We cannot invest more money if we can't be more competitive. Requires 39 weddings to be viable. Requesting 4 simple changes mentioned. Comp plan encourages the proposed development. Looking to host prom, host Mayama, and continue to work with LEAF. Our project accomplishes all the goals listed in comp plan adopted in 2022. Potential partnerships

with many big names. Want to consolidate the catering tent and portable bathrooms into one building. On 6 acres property is an insignificant size. Will only have one venue, and host one event per day. The structure will address noise and we can learn from mistakes of the past. Willing to consider the 100 ft river break. Only 10 tiny home request. Wee Casa has operated for many years with a safety protocol in place. 517 W Main provides additional 1.5 acres of storage space. 501 W Main is only property in town that cannot play amplified music, not competitive within the Town of Lyons. Wildlife issue, met with neighbors two weeks ago and not once was wildlife mentioned, only personal disdain for amplified music. Referred to position circulated provides proof of my request. Farmette plays music until 10pm any day they choose. Farmettes sound policy read in. I'd like to propose we be allowed to follow Farmette policy since all the neighbors will be satisfied. Hope we have the opportunity to grow an incredible business, if couples cannot enjoy outdoor music they may as well get married in Denver. Trustee Daty asked about probationary period of one year and 5 test weddings. Mr. Legh, sounds good in theory, but are asking us to build a building, host 5 test weddings and then not approve us? That does not work. Trustee Delman if expanded to 6k feet, is there ample parking? Capacity is 200 so nothing has changed. Trustee Browning, operating under more restrictive hours than other businesses. how would noise ordinance apply to music before 8 pm. Mr. Legh, we could shut down every business, ordinance would be weaponized against us. Longterm for health and vitality of town business that ordinance needs to be amended. Discussion on tracking sales tax collections from vendors. Mr. Legh will ensure all vendors are licensed in town and following the rules. would be happy to provide. Trustee Lowell asked if plans on hand to have staff available to address noise complaints? Mr. Legh of course, more than happy to control any issues on site. And with bringing catering/bathrooms into the facility it will eliminate the opening/closing of doors. Mayor Rogin, on one event per day, would you be open to having one amplified event and other non amplified events during the day? Mr. Legh, open to that. Mr. Legh, on petition submitted, they have supported the Farmettes' amplification requirements. **PH opened at 8:53 pm.** Patrick Thomas, 601 Indian Lookout Road, term compromise, brings harmony to both sides and happiness to none. River Bend feels like they have gotten the short end of the stick. Erosion of current compromise. They feel they are being singled out, are they? Will have many different comments, these people may not live close, do noise ordinances get enforced. Clara Thomas, 601 Indian Lookout Rd, support local businesses and support their changes except for amplified music. River Bend is different from Farmette, appreciate applicants willingness to bring in the music at 8:30 but afraid it won't be enforced. Where is unbiased proof that they can't be viable without amplified music. I like to go out to music in town and that is my choice, not having to hear it in my house. Many wild animals use this natural corridor. Read in statement from Crystal White. Kristin Frances, 431 5th Ave, executive director for Chamber, important to recognize neighbors were impacted in the past. Our local business make choices to consider neighbors. Comp plan encourages it, this is a music town. If music was limited we would lose our identity and an absolute issue of economic vitality. The two properties sited (PB and Wee Casa) we cannot limit our town's options. Debbie Simms, 809 5th Ave, would like to invite you to my home, where you can hear Mainstage music. played music recorded, if RB allowed to continue status quo, this is what we will be subjected to. Depending on where you live on my street, this is what we hear. Played 3 phones at once. We endure and then deal with the after parties, want them to succeed, but not at our expense. All of us neighbors are in the crosshairs of these venues. Steve Simms, 809 5th ave, we are called the opposition, but we are realists. We want this to succeed in an unamplified outdoor venue, we met with applicants last week, this was the first time we have met with them. Presented formalized proposal one week ago. Thought they put a lot of work into this and felt it was a productive meeting. Several neighbors have gathered many times to discuss this. New proposal felt like a blatant slap in the face. Recent meeting helped us reevaluate our defensive stance. I believe they can achieve a large number of their goals in an indoor amplified arena. Want to work with them. Shannon Johnson, 733 5th Ave, not opposed to changes except use of amplified outdoor music. when RB became a wedding venue after the flood, made our life unbearable . The rock amphitheater makes this unique and why they were given that special zoning, to protect neighbors. We love music, the festivals, but the music from RB was worlds away from live music in town. It was invasive and

went on for 3-4 days now could go on longer. Mike and Betsy were good neighbors, asking for middle ground approach. This 8pm cutoff, would like to see in zoning. Please consider my family. Ed Arling, 601 ½ Indian Lookout Road, completely agrees with Shannon. I support everything except for amplified music. loud natural amplification area. I encourage you to put a 10x10 speaker in your backyard and listen to it for 5 days and you will know what we go through. Hard to believe the sellers / buyers didn't know these concerns before hand. If this gets approved residents rights get taken away. We suffer, why are we getting our rights taken away for an entitlement for the applicant. Liam Blackwood, 604 Indian Lookout Rd, professional firefighter for 20 years, asked about campfires. Christine Ralston, been here many years, amazed and confused that we are going around again on the noise at RB. Amplified music was a serious problem there and that is why it was not allowed. Whats changed? Mike and Betsy have been successful at Farmette; delighted to hear they are looking at containing. Noise is stressful, hope we can all enjoy the hot summer with our windows open. Susan Vargo, 627 1st Ave, have know the Leghs for close to 16 years. In favor of their project, will bring in more visitors and this is a music town, some part of life you have to accept. I can hear all the music from everywhere and I am happy to hear it. They have made amazing changes already, I think they have addressed issues. Sue Wratten, 916 2nd Ave, here since 2007, town has improved immensely and we can hear all the music venues, I don't mind it. This town needs a noise ordinance that makes sense. Make this fair for everyone. Kristin Powell, 107 Longs Peak, 27 year resident, landlord. I support this project, clear from comparisons, there is no consistency and level playing field. Applicants are agreeable to staff's 8:30 pm recommendation. Destination tourism is critical to the town. Must be a commonset of rules for all. I acknowledge and respect their opions, the wildlife concerns are biased, seriously fact check these. Richard Collette stated his questions have been answered. Patricia Applefeller, 427 Stickney, agree with my neighbors and oppose outdoor amplified music. it affects many more of us. First time I heard RB music, I thought wow, my neighbors must be having a wedding in the backyard with a DJ. Please consider us neighbors. Dave Wickum, 812 Mtn View Drive, in support of this project. Good friends with them, exceptional character, have always done the right thing. The music seems to be the big issue. Many comments of A Lodge and Mainstage, battle of the bands downtown. But I know it will end at 9pm. There needs to be a fair playing field. They want to be good neighbors, with music coming in at 8pm is fair. Tremendous opportunity for this town. Carter White, local wedding vendor. When the music got shut down there it was very hard for my business and the final blow for that business. My hope is to let them work with a level playing field, which lets me work, Charlie Rose, 1st Ave, every one in town is my neighbor. As someone who loves music, it is one of my least favorite things to hear the battle of the bands. I understand the importance of being a good neighbor, they want to be and want to improve a business that will help in the long run. Is hard for guests who want to have a good time, they don't always realize they are affecting others. Support them and hope they can find a good way to find balance. Cara Chiarello, 1st Ave, staunce support for enhancements and changes proposed. Have showcased a thoughtful vison for RB; plans to revitalize the venue, beautiful barn, will attract much needed visitors especially during the winter. The town must bestow their support and help local businesses. will employ staff, generate sales tax, provide location for services for the community. Elephant in the room, noise, only spot in town not allowed amplified music, this is discrimination and must be equitable. Foolish and irrational not to support the Leghs vision. Garrison Shulte, 4121 Ute Hwy. manager Farmette for 13 years, 11 years for RB. We've had ups and downs, most due to inexperience. Heard a lot of these same complaints; proposed policy does work for us. Noise complaints have dropped to almost nothing since we built the barn in 2021. Accomplishes moving the dance music inside. Barn built to BOCO green building standards. One flaw, no indoor catering. They are building one. 75 weddings hosted annually, just a few complaints, usually because someone forgot to close a door. I think they can be successful. Connie Sullivan, was involved with original RB PUD; sympathize with the neighbors. Hindsight is 20/20. We should not have put concessions into the PUD; not fair. We do need a level playing field, wish we could address through noise ordinance. One thing that has changed is property taxes, ours at the market have gone up 80%. All businesses are reevaluating their business models. Encourage you to give RB a chance to be successful. I bet you can't find one home in town that doesn't hear the music.

Keith Johnson, 5th Ave, if this goes through and events start there, we don't have any input. It happened when the temp zoning went through, the flood gates were open. In theory a level playing field sounds great, but it impacts different areas differently. Want to be able to have feedback every step of the way. Next owner might not be so cool, we need a feedback process. Kenyon Waugh, 1104 4th Ave, moved here in 2013 and sick of hearing how long people here, a town is a living thing. We decided to double down after the flood, joined Lyons Properties, wanted to create a hotel. Watched 3-4 buses at Farmette drive everyone and their wallets out of Lyons. We have struggled through that and COVID, we are the only hotel in town. A lot of momentum coming to town, they come just to eat at Marigold and Farra. Have seen an influx of businesses coming into town, need to make a musical concession. They are making a reasonable request. It's louder in the park at 8:30 pm in town. Stephen Beck, 137 Eagle Valley Drive, with Lyons Properties since 2013. We aren't going anywhere, great new energy there. Please listen to everyone who supports them. Mr. Legh, as everyone did compromise back then, it's impossible to do that as amplified has always been allowed indoors. Asking for an 8pm cut off is viable. I would probably find DJ music offensive too, and it will not be played on our property. I will enforce the 8pm rule I am a man of my word. **PH closed at 9:58 pm. 10 minute break. Meeting resumed at 10:11 pm. Motion:** move to approve with condition of approval of development agreement. **Moved by:** Trustee Browning **Seconded by:** Trustee Lowell Trustee Browning, unusual situation, as it boils down to a single issue, music and noise. 4 prior years on board, have tried to tackle the noise ordinance. Agree we need an updated noise ordinance that recognizes value of music in our community. I don't think the extremes of either sides should prevail. A compromise is appropriate here; 8 pm hard close makes sense to me. Can work out details in development agreement. I find his request reasonable and in favor of approving this with important concessions. Mayor Rogin asked about keynotes vs development agreement; attorney Dittman, process is the same, addressing impacts of uses of the property. All are resolutions and can be modified. MPT Williams, I live in one of the 3 closest houses to the Farmette, there since 2007, they have been wonderful neighbors, but then we don't live in a bowl either. Feel a level playing field is extremely important; to have them at a disadvantage is not good for the town and agree with Trustee Browning. Trustee Delman, I would like to see them succeed, but I don't want to hear amplified music, Do agree with the 8 pm hard stop. Trustee Lowell, I will vote for this – I understand RB is important to the town; certainly feel for the neighbors but all venues should be treated fairly. Trustee Hamrick, opposing view, I didn't live here during the 2014/15 debacle, unfortunately due to the location, I think it's going to impact their life, and that's my highest priority. Trustee Daty appreciates applicant reading comp plan; we want our community to thrive. I also hear the neighbors, and I trust that they will be good neighbors. If the TOL allows Sandstone concerts to go to 8:30 how can we ban them. In 2015/16 there wasn't an indoor structure. If all the party music is indoors I don't see how that would be as much of a nuisance. I feel like we need to support this, and I do. Mayor Rogin, supports this as well. Discussion on development agreement process. Brandon - Per code no PCDC review; will determine if major / minor. Mayor Rogin - UEB suggestion on utilities; Attorney Dittman, that is in the MOA; or preferably that MOA be superceded by new Dev Agreement. Clarification on the motion/Trustee Browning clarified it is to "upon approval of development agreement". Discussion on separating development agreement and development review process. Director Caplan clarified on talk of referrals; development plan review calls for them. **Motion passes 6-1 Trustee Hamrick voting No**

2. 1st Reading – Ordinance 1164 – an Ordinance of the Town of Lyons, Colorado, Amending Sections 16-3-150.(1) of the Lyons Municipal Code to Allow the Subdivision of Lots Recorded on March 20, 1929 – **Motion:** move to a date certain of July 1, 2024. **Moved by:** Mayor Rogin **Seconded by:** MPT Williams **Motion passes unanimously.**

VIII. Consent Agenda

1. June 3, 2024, Regular BOT Meeting Minutes
2. June Accounts Payable

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

IX. Items Removed from Consent Agenda

X. Boards & Commissions

 Mayoral Appointments

- a. Gil Sparks to Historic Preservation Commission
- b. Jen Wingard to Historic Preservation Commission
- c. Kathleen Leiding to Historic Preservation Commission

XI. General Business

1. Resolution 2024-51, a Resolution of the Town of Lyons, Colorado, Accepting an Annexation Application, Making Certain Findings of Fact, Finding Substantial Compliance for Such Petition, and Setting a Public Hearing for Property Annexation Known as the TEBO Annexation, 4545-4559 Ute Highway and 4602 Highland Drive – Planner Bowen presented staff report; purpose of this resolution is to deem application complete only. Staff is comfortable moving forward. Trustee Browning asked about utility aspects; statement of towns plans to extend services; utility lines and services in Section 18 A & B. Attorney Dittman, this will just get the process started; you can take it back to them, substantial compliance is standard of the law. Trustee Browning asked about floor sq footage requirement; Planner Bowen, no development plan in place currently. Will have to come back and get a lot line adjustment later. Discussion on whether accepting this as substantially complete does that create any obligation to the town. Attorney Dittman stated no. **Motion:** move to approve **Moved by:** Trustee Browning **Seconded by:** Trustee Delman **Motion passes unanimously.**
2. Discussion/Direction on BOT Goals and Priorities for 2024 - 2026 Term – workshop earlier; mayor suggested bigger discussion on what we want and metrics for measurement. Future workshop on housing, wildfire mitigation and infrastructure goals

XII. Trustee Reports – Trustees to email to Clerk

XIII. Summary of Action Items

1. Public Input on Development Agreement
2. US Fish and Wildlife to weigh in on River Bend
3. Ordinance 1163 passed on 2nd reading with conditions
4. Staff to negotiate with applicant, draft resolution on RB Dev agreement to include amplified sound, utilities, evacuation plan and hold public hearing immediately.
5. Ordinance 1164 moved to a date certain of July 1, 2024
6. Trustee Reports to me emailed to Clerk and be part of official minutes
7. Future workshop on housing, wildfire mitigation and infrastructure goals and priorities.
8. Planner to meet with Ms. Andrea Marshall and Trustee Browning
9. Check legal description on resolution 2024-51.

XIV. Adjournment – **Motion:** move to approve **Moved by:** MPT Williams **Seconded by:** Ttidyrr Delman **Motion passes unanimously. Meeting adjourned at 11:09 pm.**

Respectfully submitted by:

Dolores M. Vasquez, CMC – Town Clerk

Mayor Hollie Rogin

“The Town of Lyons will not discriminate against qualified individuals with disabilities based on disability in its services, programs, or activities. Persons needing accommodations 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.”