

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

**DRAFT MEETING MINUTES
TUESDAY, SEPTEMBER 3, 2024**

5:00 pm – 6:50 pm WORKSHOP

5:00-5:55 pm IGA Taskforce Presentation
6:00-6:50 pm Budget Workshop: Capital and Staffing

7:00 pm BOARD OF TRUSTEES REGULAR MEETING

15 I. Roll Call and Pledge of Allegiance – **Present:** Mayor Rogin, MPT Williams, Trustee Hamrick, Trustee
16 Daty, Trustee Lowell, Trustee Browning, Trustee Delman
17
18 II. Land Acknowledgement / Moment of Silence
19
20 III. Approve Agenda – **Motion:** To Approve, **Moved by:** MTP Williams, **Seconded by:** Trustee Hamrick,
21 **Motion passes unanimously**
22
23 IV. Audience Business (In Person & Follow Up) - Kay Sparks, 2169 Apple Valley Rd – I’m here in my role
24 as chair of HHSC. We are aware of significant issues including several reports of harassment and
25 intimidation related to communication between residents and management of Lyons Valley Townhomes
26 (LVT). Bringing this to your attention as a mission of HHSC. Residents have expressed recognition of
27 the importance of improving working relationships to ownership and management. It’s appropriate to
28 ask Highland Property Management (HPM) and Summit Housing to participate in transparent and
29 cooperative dialogue with residents. Residents’ safety and stability should be prioritized. Grace
30 Simonsen, 605 Lively Ct – representative of LVT tenant union. We are seeking tenant housing stability,
31 transparent communication and tenant-landlord relations built on partnership and respect. Want to take
32 this opportunity to thank you for all the efforts over the last decade to bring those displaced by the flood
33 back. Asking for your acknowledgement and support as we work to better understand and refine
34 expectations of management. Natasha Deathereage, 414 Carter Dr – took 7 years to return to Lyons,
35 all ever wanted was stability and a safe place for my children. I’m grateful and blessed that we ended
36 up here. Have not always felt comfortable with management in the 6 months of living here. I have had
37 4 violations of my lease that have threatened evictions, accused of situations that are not true. Bubbles
38 Megan, 501 Carter Ct- very honored to call Lyons home. Eternally grateful for bringing this opportunity
39 to many of us that wouldn’t be able to afford to live in Lyons otherwise. HPM was not taking
40 responsibility for problems arising just a few months moving into a brand-new house. HPM hired me, I
41 was taking calls and emails from new neighbors moving in, it felt I was really helping the community
42 and property management. As residents we feel HPM has not made efforts to meet us in a healthy
43 communication, we are here to hopefully move towards that. Currently in litigation with HPM, met
44 several times with Paul Capps which has said in open tenant meetings to not talk to Mayor Rogin,
45 Administrator Simonsen or the Town. We have the right to live peacefully and feel safe in our homes.
46 Sonny Smith, 405 Carter Dr – resident for over 14 years. I was away of the town for over a year and
47 was very excited to come back and get an ADA place in LVT, I was promised a lot of things. The way
48 LVT has been treated people and bombarding people has not been healthy nor is making things happy

49 for residents, it's been uncomfortable. These issues need to be addressed. Johannah Reimer, 422
50 Carter Dr –mentoring Lyons girls for the past 10 years, because of this I knew I wanted to raise my
51 child here. Lyons is a beautiful and a special place that has been welcoming. LVT has not been
52 welcoming, however. Careless construction with nails, shards of glass, scraps of metal and
53 constructions crews prevent my child from playing outside. Violation of my lease because my child had
54 toys. Inspections in my house take up to 15 minutes, I don't know what they are doing in my house, it
55 should only take 3 minutes. I have very little trust, it's stressful enough being a single mother. We
56 deserve to be treated equally and that diversity, beauty of playfulness of children be welcomed and
57 celebrated. May Campbell, 422 Carter Dr – Community, collaboration, communication, kindness, etc,
58 Lyons Love. I have lived here for 20 years. Watching, listening and anticipating the built of affordable
59 housing has been a wonderful, exciting process. Seeing it become reality was like a dream come true.
60 Show support to LVT residents. Crea, 606 Lively Ct – I was displaced from Lyons during the flood. We
61 felt home and secure for maybe a week and then all this started. We feel disrespected as tenants on a
62 regular basis, the notices use threatening language and evictions. We care for our home with love,
63 intention and respect. I have a dream that LVT will become a prototype model affordable housing
64 comminute to Lyons, Boulder County and the nation. Steve Simms, 809 5th Ave – I apologize for the
65 outburst of the last meeting, good working relationship last couple of weeks. Angry about the process
66 not so much about River Bend. The process that drives me crazy is getting information on a Friday, the
67 other side gets a lot of time. We look forward to the success of River Bend. Apple valley Plant section
68 across the river could stay with the Town. Preserve that section of land, protect some of that unique
69 land. Eric Kean, 741 Baker St Longmont – regarding the housing comments, this is not who we are as
70 a town, people need help. Noise ordinance is very confusing and complicated. Asking for permission
71 to continue to have music at Main Stage on the patio through the month of September. Please rewrite
72 noise ordinance, it's very confusing. Brett Adams, 364 McConnell Dt - great to hear and see from our
73 neighbors of LVT. Lot 2 in LVP currently zoned as low density residential, not appropriate for that spot.
74 Please consider rezoning to open space or agriculture. **BOT Response** – Trustee Hamrick was
75 shocked to hear about LVT and would love to support them. It does not represent Lyons in any way.
76 Trustee Daty feels that nobody should live in fear if they are using intimidation, bullying and harassment
77 it's not okay or fair. Trustee Lowell finds LVT issues very disturbing, the whole subdivision looks awful. A
78 conversation with Paul Capps needs to happen. MPT Williams feels this is unconscionable and that
79 we'll do what we can. Trustee Browning mentioned that this is not what they spent 10 years working to
80 have in Lyons and asks for outstanding items. Trustee Delman feels sorry that this is happening.
81 Wonderful place to not being able to have kids outside playing. Mayor Rogin says they did not work
82 that hard to welcome tenants like this. Great to form a tenants' union, we are not giving up on you.
83 Director Caplan – Summit biggest outstanding item is landscaping. Administrator Simonsen, we wanted
84 to get some direction from you first. Attorney Dittman, contacting some of the funding entities and Mr.
85 Capps is a fair game. Development agreement is the best leverage to address some of these issues.
86 Administrator Simonsen, Main stage can have music until 9 PM on Fridays and Saturdays. The board
87 agrees to give them permission Thursday through Sunday until 9 PM, through September.
88

89 V. Staff Reports

- 90 1. Boulder County Sheriff's Office Report – Burglary at open garage during the morning early August,
91 flock camera identified the vehicle. September is national preparedness month. Fire Ban went back to
92 stage 1 today. Community BBQ this Friday at Lyons Middle High School. Sgt. Sears gives traffic tickets
93 statistics. Work on moving some of the cameras and getting them to other places is supposed to start
94 soon.
- 95 2. **Administrator's Report** – We are out for invitation for bidding for street rehabilitation, sewer inspection
96 on North of Town has been completed. Public Works groups are refreshing mulch, this Saturday Artisan
97 Market with around 50 vendors. We have 3 Cross Country meets compared to the annual 2.
98 Spooktacular scheduled for October 26th. Sales Taxes flat.
- 99 3. Legal Update – HB-24B1010-1001 passed out of the general assembly concerning property tax.

100

101 VI. Ordinances and Public Hearings

102 1. 2nd Reading –Public Hearing - Ordinance 1167 – an Ordinance of the Town of Lyons, Colorado,
103 Approving the TEBO Annexation Application located at 4545-4559 Ute Highway and 4602 Highland
104 Drive – Attorney Dittman, LMC requires an annexation agreement to be part of final public hearing. It
105 also requires us to send this agreement to the applicant by a certain time. LMC requires that a
106 finalized and signed Annexation agreement be completed 2 weeks before final public hearing. **PH**
107 **with no speakers.** Planner Bowen, portion of Highland Dr will be annexed. **Motion:** to continue
108 agenda items 6.1, 6.2 and 6.3 to October 7th, **Moved by:** Trustee Browning, **Seconded by:** MPT
109 Williams, **Motion passes unanimously.**

110

111 i. Resolution 2024-74 – a Resolution of the Town of Lyons, Colorado Approving a Finding of Fact on
112 Annexation Application for the TEBO Property located at 4545 Ute Highway and 4602 Highland Drive

113

114 2. 2nd Reading – Public Hearing – Ordinance 1168 – an Ordinance of the Town of Lyons, Colorado,
115 Approving CEC Zoning for 4545 Ute Highway for Tebo Annexation

116

117 3. 2nd Reading – Public Hearing – Ordinance 1169 – an Ordinance of the Town of Lyons, Colorado
118 Approving R-3 Zoning for 4602 Highland Drive Tebo Annexation

119

120 4. 2nd Reading – Public Hearing – Ordinance 1170 – an Ordinance of the Town of Lyons, Colorado,
121 Amending Sec. 16-3-150 (D)(1), and Sec. 2-8-120 Of the Lyons Municipal Code to Create a Minimum
122 Area Variance Process to Allow for the Subdivision of Lots Recorded on March 20, 1929 – Planner
123 Bowen provides staff report. Attorney Dittman, BOA approval criteria is additional the intent is not to
124 replace. All existing notice processes and others required by the BOA apply equally to this new
125 variance process. Currently there are no appeals of BOA decision to BOT, will be proposing an
126 amendment to this. **PH opens at 8:28 pm.** No speakers. **PH closes at 8:28 pm.** **Motion:** To
127 approve, **moved by:** Trustee Daty, **Seconded by:** Trustee Browning
Motion: to Amend D(2)(A) second sentence. In order to grant a variance from section, the BOA shall
128 find that all of the following criteria have been satisfied in addition to the variance criteria or approval,
129 as set forth in Section 16-14-70. **Moved by:** Mayor Rogin, **Seconded by:** Trustee Browning. **Motion**
130 **passes unanimously.** **Motion:** to Amend C. Variances requested under this section shall be subject
131 to the application, notice, and public hearing requirements applicable to variances heard by the BOA
132 and contained within section 16-14-10 et seq **Moved by:** Mayor Rogin, **Seconded by:** MTP Williams
133 **Motion passes unanimously.** **Motion:** to Amend D. Applicant may appeal a decision of the BOA on
134 a variance request under this section to the BOT within 30 days of the BOA. An applicant aggrieved
135 by the decision of the BOT may appeal such decision to the Boulder County District Court pursuant to
136 Colorado rules of civil procedure 106(a)(4). **Moved by:** Mayor Rogin, **Seconded by:** MTP Williams
137 **Motion passes unanimously** **Motion:** to Amend D(2). Variance from Minimum Lot Zise for 1929
138 Lots **Moved by:** Mayor Rogin, **Seconded by:** MTP Williams. **Motions passes unanimously.** **Motion**
139 **as amended passes unanimously**

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141

142 5. 2nd Reading – Public Hearing – Ordinance 1171 – an Ordinance of the Town of Lyons, Colorado
143 Approving and Accepting the Local Historic Designation for the Depot Building at 430 5th Avenue,
144 Lyons, CO - Kristen Bruckner provides staff report. **PH opens at 8:35 PM. No Speakers. PH closes**
145 **at 8:35 PM.** **Motion:** To approve, **Moved by:** MTP Williams, **Seconded by:** Trustee Hamrick. MPT

146 Willaims, I appreciate hard work from HPC and Kristen, happy to see this first one and there will be
147 more. **Motion passes unanimously.**

148

149 6. 2nd Reading – Public Hearing– Ordinance 1172 – an Ordinance of the Town of Lyons, Colorado,
150 Amending Sections 16-10-90 of the Lyons Municipal Code to Allow Farmer’s Markets as a Principal
151 and Conditional Use in Commercial and Commercial-Downtown Zones – Planner Bowen provides
152 staff report. Three requested changes made from first reading. **PH opens at 8:39 PM. No Speakers.**
153 **PH closes at 8:39 PM. Motion:** To Approve, **Moved by:** Trustee Daty, **Seconded by:** Trustee
154 Lowell, Motion passes unanimously.

155 VII. Consent Agenda

156 1. Resolution 2024-82 – a Resolution of the Town of Lyons, Colorado, Forming a Wildfire Mitigation Ad
157 Hoc Committee

158 2. August 19, 2024, Regular BOT Meeting Minutes

159 3. August and September Accounts Payable

160 **Motion:** To Approve, **Moved by:** MPT Williams, **Seconded by:** Trustee Hamrick **Motion**
161 **passes unanimously**

162

163 VIII. Items Removed from Consent Agenda

164

165 IX. Boards & Commissions – Mayor Rogin, 3 openings on LAHC

166

167 X. General Business

168 1. Resolution 2024-72 – A Resolution of the Town of Lyons, Colorado, Approving a Development
169 Agreement with Lyons Properties, LLC (Riverbend) at 501 W. Main Street – Planner Bowen provides
170 staff report. Time was granted to come to consensus with applicant and neighbors. Administrator
171 Simonsen, we held another meeting last week, applicant made significant changes to noise. Outdoor
172 amplification to 50 per year, no more than 10 silent discos per year and applicant and neighbors
173 looked at different lighting. We came to an agreement with neighbors, developer and the Town.
174 Applicant Chris Legh, 629 1st Ave - we had a meeting last Friday, biggest concert was having outdoor
175 amplification 365 days. The new structure is going to solve the outdoor music. No need for a silent
176 disco, we requested 10 per year. As applicants we don’t want to hear complaints, we are doing our
177 best. Would like the trustees to allow drums inside as long as we abide to noise limits. Neighbors are
178 okay with this as long as they don’t hear it. Neighbors liked the light no concern with eagle nesting
179 periods. Like to propose for light year-round unless a raptor begins to nest there. Great asset for the
180 property. Administrator Simonsen, the wall rock is the Town’s property I’m not concerned about eagle
181 nest, my concern is if there is another raptor nesting there. Not many concerns regarding noise inside
182 as long we can’t hear 25 ft from building. Trustee Lowell, evacuation plan looks more like an
183 emergency preparedness plan. Administrator Simonsen, evacuation plan would get reviewed with the
184 new floodplain. **Motion:** To approve, **Moved by:** Trustee Daty, **Seconded by:** MPT Williams,
185 **Motion:** to amend agreement with neither amplified nor non-amplified brass horns (saxophone,
186 trumpet, trombone, etc.) or non-electronic drum sets can be used outside on the Property. Clarinets,
187 harps, flutes, and electronic drum sets are permitted outside until 8 p.m. in compliance with the
188 requirements of this Agreement and within the Town’s noise ordinance **Moved by:** Trustee Browning,
189 **Seconded by:** MPT Williams, **Motion passes unanimously.** **Motion:** to amend lighting be allowed
190 year-round, **Moved by:** Trustee Browning, **Seconded by:** MPT Williams, Mayor Rogin, curious about
191 the limiting them for February 1st to July 1st. Administrator Simonsen, those are dates raptors nest.
192 Discussion regarding lighting not being an issue for Golden Eagles or other raptors. **Motion passed**

193 **unanimously. Motion:** To amend subparagraph 2, all amplified and non-amplified are allowed inside
194 as long as in compliance with noise ordinance, **Moved by:** Trustee Browning, **Seconded by:** MPT
195 Williams **Motion passes unanimously. Motion:** To amend item X, neither amplified or non-amplified
196 brass hors or electronic drum sets can be used outside in the property. Clarinets, harps, flutes and
197 electronic drum sets are permitted outside until 8PM in compliance with the requirements of this
198 agreement and the noise ordinance **Moved by:** MPT Williams, **Seconded by:** Trustee Daty **Motion**
199 **passes unanimously.** Trustee Browning, a benefit to this agreement and the Town is the applicant's
200 cooperation to provide and supply vendors that are providing taxable services. This agreement also
201 benefits the Town water system. **Motion as amended passes unanimously**

202

- 203 2. Discussion / Direction on IGA Task Force Recommendations – Mayor Rogin, we all expressed our
204 gratitude for the work that the IGA Task Force did. I suggest directing staff to contact Boulder County,
205 reopen the conversation and come up with a new timeline and talk about an extension for the current
206 IGA. Trustee Browning, touring the properties that are available is a good idea. Discussion regarding
207 what type of extension, staff to start conversation with Boulder County for now.
- 208 3. Discussion / Direction on Allowing EV Charging and Battery in Parks and Open Space (POS) Zoning
209 at Sandstone Park – Attorney Dittman, looking for direction on how to proceed with the signing of the
210 EV charging station and Sandstone Park. This is a potential violation of the existing POS zone. POS
211 zoning district currently only allows for accessory buildings or uses such as parking lots, solar
212 generation facilities and associated pertinences including battery storage as a conditional use. There
213 is not approval for this to be done there now. A few options on how to proceed. First, the code allows
214 for uses not identified, if they can be reasonably interpreted to be similar in nature or degree to a
215 permitted or allowed use. The board can determine that the EV charging is similar to the solar use or
216 that it's an accessory use, or we can do a text amendment to the entire zoning code and final option is
217 to go to the voters. Trustee Browning, text amendment is the cleanest way. The board agrees with the
218 text amendment. Attorney Dittman suggests that a workshop be done first, it'll have to go to the
219 Planning Commission as well.
- 220 4. Discussion / Direction on Lyons Valley Park Lots – Administrator Simonsen provides staff report.
221 Trustee Lowell, my opinion is to rezone parcel 1 to Municipal. Mayor Rogin, I think we should refer to
222 our Boards and Commissions to get their input. Trustee Daty would love to hear from the PCDC.
223 Trustee Hamrick, great to get input from Boards and Commissions and even people living near the
224 parcels. MPT Williams, we definitely need to change the zoning and want to hear what B&C have to
225 say. Trustee Browning and Delman agree to hear from B&C first.
- 226 5. Discussion / Direction on Apple Valley Water Treatment Plant Property – Director Caplan gives
227 background information. Administrator Simonsen, another option is to sell as it is to Boulder County.
228 Trustee Lowell, my concern is the river itself, if we sell this parcel the river belongs to whoever owns
229 that lot, and they can enforce it. My preference is to sell the whole lot and put a conservation easement
230 on the river property, public access is guaranteed. Trustee Browning, we have been doing this for years,
231 it's time to get this sold. The water and wastewater fund needs the money. Administrator Simonsen, if
232 you're looking for the most funds then the best bet is to make a buildable lot, and it'll become a
233 residence. Trustee Hamrick, my preference is not to sell this to a private individual, the access to the
234 river may be taken away. Discussion regarding doing a new appraisal. Trustee Delman and MPT
235 Williams agree to sell and have an access easement before we sell. Administrator Simonsen will look
236 at the access easement, what it takes, timeframe and cost. Hope to hear from Boulder County if they
237 have an interest.

243 XI. Trustee Reports and Requests for Agenda Items
244 1. Trustee Hamrick – Nothing to report
245 2. Trustee Daty – Flood recovery projects tour with HUD officials. I attended session 2 with the Boulder
246 County Homelessness Working group. Mayor Rogin will attend session 3 on September 18th. The first
247 Sunday event that the Chamber put up was a success. HHSC will meet Sep 9th and LAHC will meet
248 Sep 10th.
249 3. Trustee Lowell – EAB met last month, main topic was the herbicide application along the St Vrain trail
250 extension.
251 4. MPT Williams - HPC will be taking a deeper look into Native American concerns.
252 5. Trustee Browning - EVC met August 21st and discussed a possible local business contractor policy for
253 local businesses. The EVC will be hearing from UEB about the time of service and electric rates
254 demand. UEB is meeting on Wednesday.
255 6. Trustee Delman – PRC has not met. Orchard Apple cider pressing party on Sep 21st. Went to LMJ on
256 Sunday evening, trash was horrible. Administrator Simonsen, we are aware and are seriously
257 discussing changes in our park's operations.
258 7. Mayor Rogin– PCDC did not meet. Administrator Simonsen, Town Hall scheduled for September 25th,
259 6-8 PM at the Lyons Regional Library.
260

261 XII. Summary of Action Items:
262 1. Updated FTE chart that shows salary, benefits and paid contractors
263 2. Summit Housing agreement and review most updated copy and list of items still incomplete
264 3. Send Mr. Capps link to tonight's recording
265 4. Send Mainstage approval of Music for September
266 5. Finance Director to carve out the new sales tax
267 6. TEBO annexation items continued to October 7th
268 7. Ordinance 1170 passes on 2nd as amended
269 8. Ordinance 1171 passes on 2nd
270 9. Ordinance 1172 passes on 2nd
271 10. Boulder county IGA extension
272 11. Schedule tour to properties in IGA
273 12. EV charging deadlines coming up
274 13. Refer Lyons valley Park Lots to Boards and Commissions
275 14. Details on conservation easement
276 15. Advertise Town Hall Night at the library
277

278 Adjournment: **Motion:** To Adjourn at 10:40 Pm, **Moved by:** MPT Williams, **Seconded by:** Trustee
279 Hamrick, **Motion passed unanimously**

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281
282
283 Respectfully Submitted by:

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287
288 Maria Marquez-Rubio, Deputy Town Clerk

289
290
291
292 _____
Hollie Rogin, Mayor

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