

1                                   **TOWN OF LYONS BOARD OF TRUSTEES MEETING**  
2                                   HYBRID MEETING  
3                                   LYONS TOWN HALL, 432 5<sup>TH</sup> AVENUE LYONS, COLORADO

4  
5                                   DRAFT MEETING MINUTES  
6                                   **TUESDAY, SEPTEMBER 3, 2024**

7  
8                                   **5:00 pm – 6:50 pm WORKSHOP**

9  
10                                  5:00-5:55 pm IGA Taskforce Presentation  
11                                  6:00-6:50 pm Budget Workshop: Capital and Staffing

12  
13                                  **7:00 pm BOARD OF TRUSTEES REGULAR MEETING**

- 14  
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

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

#### V. Staff Reports

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

100  
101 VI. Ordinances and Public Hearings

- 102 1. 2<sup>nd</sup> 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 7<sup>th</sup>, **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. 2<sup>nd</sup> 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. 2<sup>nd</sup> 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. 2<sup>nd</sup> 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 Dady, **Seconded by:** Trustee Browning  
128 **Motion:** to Amend D(2)(A) second sentence. In order to grant a variance from section, the BOA shall  
129 find that all of the following criteria have been satisfied in addition to the variance criteria or approval,  
130 as set forth in Section 16-14-70. **Moved by:** Mayor Rogin, **Seconded by:** Trustee Browning. **Motion**  
131 **passes unanimously.** **Motion:** to Amend C. Variances requested under this section shall be subject  
132 to the application, notice, and public hearing requirements applicable to variances heard by the BOA  
133 and contained within section 16-14-10 et seq **Moved by:** Mayor Rogin, **Seconded by:** MTP Williams  
134 **Motion passes unanimously.** **Motion:** to Amend D. Applicant may appeal a decision of the BOA on  
135 a variance request under this section to the BOT within 30 days of the BOA. An applicant aggrieved  
136 by the decision of the BOT may appeal such decision to the Boulder County District Court pursuant to  
137 Colorado rules of civil procedure 106(a)(4). **Moved by:** Mayor Rogin, **Seconded by:** MTP Williams  
138 **Motion passes unanimously** **Motion:** to Amend D(2). Variance from Minimum Lot Zise for 1929  
139 Lots **Moved by:** Mayor Rogin, **Seconded by:** MTP Williams. **Motions passes unanimously.** **Motion**  
140 **as amended passes unanimously**  
141  
142 5. 2<sup>nd</sup> 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 5<sup>th</sup> 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

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

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

VII. Consent Agenda

1. Resolution 2024-82 – a Resolution of the Town of Lyons, Colorado, Forming a Wildfire Mitigation Ad Hoc Committee
  2. August 19, 2024, Regular BOT Meeting Minutes
  3. August and September Accounts Payable
- Motion:** To Approve, **Moved by:** MPT Williams, **Seconded by:** Trustee Hamrick **Motion passes unanimously**

VIII. Items Removed from Consent Agenda

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

X. General Business

1. Resolution 2024-72 – A Resolution of the Town of Lyons, Colorado, Approving a Development Agreement with Lyons Properties, LLC (Riverbend) at 501 W. Main Street – Planner Bowen provides staff report. Time was granted to come to consensus with applicant and neighbors. Administrator Simonsen, we held another meeting last week, applicant made significant changes to noise. Outdoor amplification to 50 per year, no more than 10 silent discos per year and applicant and neighbors looked at different lighting. We came to an agreement with neighbors, developer and the Town. Applicant Chris Legh, 629 1<sup>st</sup> Ave - we had a meeting last Friday, biggest concert was having outdoor amplification 365 days. The new structure is going to solve the outdoor music. No need for a silent disco, we requested 10 per year. As applicants we don’t want to hear complaints, we are doing our best. Would like the trustees to allow drums inside as long as we abide to noise limits. Neighbors are okay with this as long as they don’t hear it. Neighbors liked the light no concern with eagle nesting periods. Like to propose for light year-round unless a raptor begins to nest there. Great asset for the property. Administrator Simonsen, the wall rock is the Town’s property I’m not concerned about eagle nest, my concern is if there is another raptor nesting there. Not many concerns regarding noise inside as long we can’t hear 25 ft from building. Trustee Lowell, evacuation plan looks more like an emergency preparedness plan. Administrator Simonsen, evacuation plan would get reviewed with the new floodplain. **Motion:** To approve, **Moved by:** Trustee Daty, **Seconded by:** MPT Williams, **Motion:** to amend agreement with neither amplified nor non-amplified brass horns (saxophone, trumpet, trombone, etc.) or non-electronic drum sets can be used outside on the Property. Clarinets, harps, flutes, and electronic drum sets are permitted outside until 8 p.m. in compliance with the requirements of this Agreement and within the Town’s noise ordinance **Moved by:** Trustee Browning, **Seconded by:** MPT Williams, **Motion passes unanimously.** **Motion:** to amend lighting be allowed year-round, **Moved by:** Trustee Browning, **Seconded by:** MPT Williams, Mayor Rogin, curious about the limiting them for February 1<sup>st</sup> to July 1<sup>st</sup>. Administrator Simonsen, those are dates raptors nest. 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 horns 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 Dady **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
- 209 3. Discussion / Direction on Allowing EV Charging and Battery in Parks and Open Space (POS) Zoning  
210 at Sandstone Park – Attorney Dittman, looking for direction on how to proceed with the signing of the  
211 EV charging station and Sandstone Park. This is a potential violation of the existing POS zone. POS  
212 zoning district currently only allows for accessory buildings or uses such as parking lots, solar  
213 generation facilities and associated pertinences including battery storage as a conditional use. There  
214 is not approval for this to be done there now. A few options on how to proceed. First, the code allows  
215 for uses not identified, if they can be reasonably interpreted to be similar in nature or degree to a  
216 permitted or allowed use. The board can determine that the EV charging is similar to the solar use or  
217 that it's an accessory use, or we can do a text amendment to the entire zoning code and final option is  
218 to go to the voters. Trustee Browning, text amendment is the cleanest way. The board agrees with the  
219 text amendment. Attorney Dittman suggests that a workshop be done first, it'll have to go to the  
220 Planning Commission as well.  
221
- 222 4. Discussion / Direction on Lyons Valley Park Lots – Administrator Simonsen provides staff report.  
223 Trustee Lowell, my opinion is to rezone parcel 1 to Municipal. Mayor Rogin, I think we should refer to  
224 our Boards and Commissions to get their input. Trustee Dady would love to hear from the PCDC.  
225 Trustee Hamrick, great to get input from Boards and Commissions and even people living near the  
226 parcels. MPT Williams, we definitely need to change the zoning and want to hear what B&C have to  
227 say. Trustee Browning and Delman agree to hear from B&C first.  
228
- 229 5. Discussion / Direction on Apple Valley Water Treatment Plant Property – Director Caplan gives  
230 background information. Administrator Simonsen, another option is to sell as it is to Boulder County.  
231 Trustee Lowell, my concern is the river itself, if we sell this parcel the river belongs to whoever owns  
232 that lot, and they can enforce it. My preference is to sell the whole lot and put a conservation easement  
233 on the river property, public access is guaranteed. Trustee Browning, we have been doing this for years,  
234 it's time to get this sold. The water and wastewater fund needs the money. Administrator Simonsen, if  
235 you're looking for the most funds then the best bet is to make a buildable lot, and it'll become a  
236 residence. Trustee Hamrick, my preference is not to sell this to a private individual, the access to the  
237 river may be taken away. Discussion regarding doing a new appraisal. Trustee Delman and MPT  
238 Williams agree to sell and have an access easement before we sell. Administrator Simonsen will look  
239 at the access easement, what it takes, timeframe and cost. Hope to hear from Boulder County if they  
240 have an interest.  
241  
242

243 XI. Trustee Reports and Requests for Agenda Items

- 244 1. Trustee Hamrick – Nothing to report
- 245 2. Trustee Dady – 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 18<sup>th</sup>. The first
- 247 Sunday event that the Chamber put up was a success. HHSC will meet Sep 9<sup>th</sup> and LAHC will meet
- 248 Sep 10<sup>th</sup>.
- 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 21<sup>st</sup> 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 21<sup>st</sup>. 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 25<sup>th</sup>,
- 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 7<sup>th</sup>
- 268 7. Ordinance 1170 passes on 2<sup>nd</sup> as amended
- 269 8. Ordinance 1171 passes on 2<sup>nd</sup>
- 270 9. Ordinance 1172 passes on 2<sup>nd</sup>
- 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 \_\_\_\_\_

289 Maria Marquez-Rubio, Deputy Town Clerk

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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](mailto:hr@townoflyons.com) as soon as possible, but no later than 72  
296 hours before the scheduled event.