

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

**VIRTUAL LINK**  
<https://us02web.zoom.us/j/81638650953?pwd=3NbdnCy4wtRXJ7MGRiTdqfS94oosa9.1>

**Meeting ID: 816 3865 0953**

**Passcode: 604655**

**MONDAY, SEPTEMBER 16, 2024**  
**DRAFT MEETING MINUTES**

**6:20- 6:50 pm Workshop: Process to Update Noise Ordinance**

**7:00 pm Board of Trustees Regular Meeting Begins**

- I. Roll Call and Pledge of Allegiance – **Present:** Mayor Rogin, MPT Williams, Trustee Daty, Trustee Lowell, Trustee Browning, Trustee Delman, **Absent:** Trustee Hamrick
- II. Land Acknowledgement / Moment of Silence
- III. Approve Agenda – **Motion:** To approve, **Moved by:** Trustee Daty, **Seconded by:** Trustee Lowell, **Motion:** To remove item 3 from Boards and Commissions, **Seconded by:** Trustee Lowell **Motion passes unanimously, Motion as amended passes unanimously.**
- IV. Audience Business (In Person Only) and Follow Up – Leslie Reynolds, 114 Stone Canyon Dr – Lyons Regional Library president. Lyons Library gathering on Wednesday October 16<sup>th</sup>, 5-:30 – 7 PM, come learn about library services and enjoy some treats. Gil Sparks, 2169 Apple Valley Rd – presentation about the history of the Library by Trustee Browning. New system for public access to the community room 24/7. Please come and invite friends for Library celebration. Steve Simms, 809 5<sup>th</sup> Ave – thank you for the discussion regarding Apple Valley Treatment property and noise ordinance. Any type of technology or automation available to aide and simplifying the process for the Sheriff office regarding noise. Jerilyn Patterson, 705 Clarendon Dr Longmont - Library is producing a documentary by and about the Town of Lyons. **Responses** - Trustee Daty and Mayor Rogin are very happy to celebrate the library.
- V. Staff Reports
  1. Boulder County Sheriff's Office Report – Great turnout for Community BBQ as well the 50<sup>th</sup> Anniversary. Complaints on 2<sup>nd</sup> Ave between McConell and the park for speeding and racing, working with Public Works to get more speed signs up. 4 out of the 6 Flock cameras are up. Presented stats. Trustee Daty – thank you for attending the Emergency Preparedness Meeting. You mention there is a way for vulnerable/ special needs citizens to contact Boulder County in an emergency. Sgt. Sears, call dispatch or email me to update or add a caution note/ premise hazard, we will add that to our CAD system. Trustee Browning, there were several town residents and/or elderly residents who did not drive or didn't have a car during the recent fire evacuation. They could not have gotten out of Town. St. Sears, call 911 we have task force assigned for those missions.
  2. Administrator's Report – It is okay to report/call 911 for mental health crisis, vulnerable adults or any person who might be experiencing homelessness or in need of services. Lyons Fire Protection district is willing to help until we get more help. LVT and HPM will be coming on Oct 7<sup>th</sup> to address complaints and share ideas how to improve

communication and tenant relationships. CDOT requiring leases on Main St, CML aware and addressing how it's being applied throughout the State. Graffiti increased in Bohn Park and Visitor Center last weekend; another reason we need those cameras up. CWCB grant not awarded for construction of the restoration of the Carter Dr stream bank; they want to see more partnership involved. Sub grant with DRCOG safe street for all was not awarded. Opportunity to apply for grant safe routes to school which covered the 1<sup>st</sup> portion, it's due November 1<sup>st</sup>. The Federal government has delayed the award of brick application for storm water. IGA property tour tomorrow 9/17 and Town Hall at the Library on September 25<sup>th</sup>. Trustee Lowell – still chance to apply for CWCB grant? Administrator Simonsen, we are welcome to resubmit if we show more partnership.

### 3. Legal Update - None

## VI. Ordinances and Public Hearings

1. First Reading – Ordinance 1173 - An Ordinance of the Town of Lyons, Colorado, Implementing Ballot Question 1 concerning the increase of the Town's Lodging Occupation Tax to a Maximum of 8% - Attorney Dittman, in 2022 the BOT referred to the ballot a ballot measure to change the lodging tax from a flat rate of \$2 to 5%. Section 5 of that resolution said to implement an ordinance. Two possible paths, send ballot language to codifier or implement ordinance to intent ballot question. This question is too complicated, option 2 is the cleaner. We are not changing the lodging tax just codifying the code to what happened in 2022. **Motion:** To approve, **Moved by:** Trustee Dady, **Seconded by:** Trustee Browning **Motion passes unanimously**

## VII. Consent Agenda

1. Resolution 2024-83 – A Resolution of the Town of Lyons, Colorado, Awarding Construction Agreement to Vance Brothers, Inc. for 2024 Pavement Treatments, Project 24-PAVEMENT-01
2. Resolution 2024-84 – A Resolution of the Town of Lyons, Colorado, Accepting the Public Improvements at 4196 Ute Hwy (Spirit Hound Distillers)
3. Resolution 2024-85, A Resolution of the Town of Lyons, Colorado, Supporting the St. Vrain Valley School District 2024 Bond Measure
4. September 3, 2024, Regular BOT Meeting Minutes
5. September Accounts Payable

**Motion:** To approve, **Moved by:** MPT Williams, **Seconded by:** Trustee Lowell, Trustee Browning pulled item 5 **Motion passes unanimously.**

## VIII. Items Removed from Consent Agenda

1. Item 5 – Trustee Browning, payable to JVA Inc, is that for Wastewater Treatment Plant study and where do we stand on contract? Director Caplan, this invoice was from a couple of months ago, it was miscoded and here it is again. \$4,000 left on the contract. **Motion:** To approve, **Moved by:** Trustee Browning, **Seconded by:** MPT Williams **Motion passes unanimously**

## IX. Boards & Commissions

1. Appointment of Cayla Piper to the Student Advisory Commission
2. Appointment of Reagan Friedman to the Student Advisory Commission
3. Sustainable Futures Commission Update - None

## X. General Business

1. Discussion / Direction on Approving Cash in Lieu of Four CBT Units for Property Located in Lyons Valley Park Filing No. 8 – Director Caplan presented background information. Water action in Longmont with shares selling for the lowest \$42,00 and the highest for \$72,000, there was a second action with shares selling for an average of \$52,000. According to UEB and some of the trustees it is worthwhile hearing this proposal. Discussion regarding private/public sales and if action sales include a 10% buyer's premium auctioneers' fee. Trustee Browning, has the Town done any exploration or discussion with water brokers regarding getting the maximum price? Dave Wickum, 812

Mountain View Dr – handed Mr. Caplan settlement statement for \$200,200.00 / \$200,000 for shares and \$200 for closings costs. We came before the BOT in November 2022, presentation was made. Mr. Chatfield surveyed neighboring communities and most of them have a cash under program, that was presented to the board. The board at that time gave a hard no, we went and bought shares on open market. Getting ready to buy 4 more shares, we can give this money to the Town. Keith Chatfield, 2002 Blue Yonder Way Ft Collins – we have another deal going, we like the Town, we would rather have the cash land here. Mr. Wickum, there is a lot of water right now with Chimney Hollow and 3 more reservoirs coming out back East. We want to check with the Town first before moving forward with the other deal. More discussion regarding action buyers fee and brokers commissions. Trustee Browning, what was the amount offered last time? Director Caplan says that they didn't go that far. Trustee Browning, my suggestion is to for staff to consult with experienced, reputable water brokers and other municipalities to determine the best way to dispose the Town's surplus water shares and how to maximize the return. Not enough information to determine what the current market value is, we also need UEB input. Mayor Rogin, what is your timing for a decision? Mr. Chatfield, we're in the process of sealing a deal right now, short window. Director Caplan, my recommendation is to accept this and assist capital improvement funds. Trustee Lowell, let's get a recommendation from the UEB, I propose a top end of \$240K. Trustee Delman also proposes a top end of \$240K. MPT Williams is comfortable with \$225K. Trustee Daty, I would trust the UEB recommendation, I'm with everybody else's range. Administrator Simonsen, is it fair for both parties to do some more research, take it to UEB, draft a resolution for next meeting with an amount to be determined. Mr. Chatfield, we are going to continue with our opportunity to obtain the shares. Mayor Rogin, we are responsible for ratepayers to obtain a maximum return. Mr. Wickum, let's stay positive, I'd love to work something out with the Town, let's see what happens.

2. Discussion/Direction on Proposition 123 Affordable / Attainable Housing Goals – Planner Bowen provided staff report. Prop 123 extremely competitive, we have 3 strategies that we can justify with DOLA. The more strategies we adopt the more competitive we will be for funding. Discussion regarding inclusionary zoning. Planner Bowen, other novel, innovative, creative approach include the feasibility study for Housing Authority and the joint housing coordinator. Trustee Daty, I would like to see the HHSC input as well, housing is part of their mandate. Trustee Browning, articles about inclusionary zoning have a common theme that it works best in municipalities that have thriving growing, expanding development. That is the opposite of Lyons, we are built out expect for about 8 lots. Potential harm to developers could be done by adopting these policies. I rather see tax incentives from the Town and the County to get more attainable or affordable housing in Lyons.
3. Discussion / Direction on Noise Ordinance Update and Process - Mayor Rogin, general agreement to explore this topic. Trustee Daty, this reminds me of IGA task force; we want feedback from different people/categories such business owners, residents, etc. Mayor Rogin, a task force takes a lot of staff time, it doesn't have to be that quite detailed. Staff to make a recommendation for public input. Trustee Daty, Chamber of Commerce would be a great partner to surveying businesses. Trustee Browning, encourage to get EVC and the Town musicians group involved, how do we enforce it? Mayor Rogin, let's get a spreadsheet together and then we can go over what your suggestions might be for community engagement.

#### XI. Trustee Reports and Requests for Agenda Items –

1. Trustee Lowell – Nothing to report
2. Trustee Daty – HHSC met last week, asking BOT direction for specific housing goals. Human Services working on the get help guide handbook. Gathering information to host a fair in spring to prepare citizens for emergencies. LAHC met on Sep 10<sup>th</sup>, talked about sculpture tour incorporated on the 1<sup>st</sup> Sunday the Camber is organizing. October 9<sup>th</sup> Town

Hall and Library Art Show. This Saturday (9/22) Clarifier dedication as International World Peace site.

3. MPT Williams - HPS meets tomorrow night.
4. Trustee Browning - UEB met on Sept 4<sup>th</sup>, discussed utilities related to TEBO annexation. Budget requests and discussed waste improvement facility draft document from JVA. EVB meets on Wednesday.
5. Trustee Delman, PRC met and made recommendations for 4 parcels for LVP deeded lots. Discussed Park host leaving and possibility about park rangers instead of security. Apple cider pressing party at the community Orchard this Saturday.
6. Mayor Rogin, attended the SVVSD annual mayors breakfast last week. CML District free meeting last week. Attended CML executive board meeting on Friday. CDOT demanded that St. Vrain and Barking Dog pay for sitting in right of way. CDOT is requesting \$6,800 per year from the St. Vrain Market, I have contacted CML and some legislators. Neil Sullivan request is that BOT send a letter of inquiry about this practice to CDOT. Attorney Dittman, CML contacted me about his, apparently Lyons is the only place in Colorado where this is being done.

## XII. Summary of Action Items

1. Reschedule SFC update for November
2. 2<sup>nd</sup> Ave Speed Limit Signage Installation
3. Carter Court opportunity on future agenda
4. Clerk's office check ballot issues that have implemented ordinances
5. Notify SAC appointees
6. Water shares research and potentially bring back resolution with \$ TBD
7. HHSC prop 123 recommendations
8. Start work on noise ordinance
9. CDOT right of way letter
10. Apply for safe routes to school grants
11. Noise ordinance/ Salida case
12. Hobbs V. Salida ordinance case briefing/decision schedule

**Motion:** To enter Executive session at 9:25 PM, **Moved by:** MTP Williams, **Seconded by:** Trustee Delman, **Motion passes unanimously**

An executive session being conducted pursuant to C.R.S. Sections 24-6-402(4)(e) and 24-6-402(4)(b) to determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, instruct negotiators, and specifically, determining negotiating positions and strategies regarding the Tebo Annexation Agreement.

## XIII. Adjournment - **Adjourned at 10:08 PM from executive session.**

Respectfully Submitted by:

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Maria Marquez-Rubio, Deputy Town Clerk

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Mayor Hollie Rogin

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