

TOWN OF LYONS BOARD OF TRUSTEES MEETING
HYBRID MEETING
LYONS TOWN HALL, 432 5TH 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.**

Audience Business (In Person Only) and Follow Up – Leslie Reynolds, 114 Stone Canyon Dr – Lyons Regional Library president. Lyons Library gathering on Wednesday October 16th, 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 5th 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 50th Anniversary. Complaints on 2nd Ave between McConnell 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 7th to address complaints and share ideas how to improve

55 communication and tenant relationships. CDOT requiring leases on Main St, CML aware
56 and addressing how it's being applied throughout the State. Graffiti increased in Bohn Park
57 and Visitor Center last weekend; another reason we need those cameras up. CWCB grant
58 not awarded for construction of the restoration of the Carter Dr stream bank; they want to
59 see more partnership involved. Sub grant with DRCOG safe street for all was not awarded.
60 Opportunity to apply for grant safe routes to school which covered the 1st portion, it's due
61 November 1st. The Federal government has delayed the award of brick application for
62 storm water. IGA property tour tomorrow 9/17 and Town Hall at the Library on September
63 25th. Trustee Lowell – still chance to apply for CWCB grant? Administrator Simonsen, we
64 are welcome to resubmit if we show more partnership.
65

66 3. Legal Update - None
67

68 VI. Ordinances and Public Hearings

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

78 VII. Consent Agenda

79 1. Resolution 2024-83 – A Resolution of the Town of Lyons, Colorado, Awarding
80 Construction Agreement to Vance Brothers, Inc. for 2024 Pavement Treatments, Project
81 24-PAVEMENT-01
82 2. Resolution 2024-84 – A Resolution of the Town of Lyons, Colorado, Accepting the Public
83 Improvements at 4196 Ute Hwy (Spirit Hound Distillers)
84 3. Resolution 2024-85, A Resolution of the Town of Lyons, Colorado, Supporting the St.
85 Vrain Valley School District 2024 Bond Measure
86 4. September 3, 2024, Regular BOT Meeting Minutes
87 5. September Accounts Payable

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

90 VIII. Items Removed from Consent Agenda

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

96 IX. Boards & Commissions

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

100 X. General Business

101 1. Discussion / Direction on Approving Cash in Lieu of Four CBT Units for Property Located
102 in Lyons Valley Park Filing No. 8 – Director Caplan presented background information.
103 Water action in Longmont with shares selling for the lowest \$42,00 and the highest for
104 \$72,000, there was a second action with shares selling for an average of \$52,000.
105 According to UEB and some of the trustees it is worthwhile hearing this proposal.
106 Discussion regarding private/public sales and if action sales include a 10% buyer's
107 premium auctioneers' fee. Trustee Browning, has the Town done any exploration or
108 discussion with water brokers regarding getting the maximum price? Dave Wickum, 812
109
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112 Mountain View Dr – handed Mr. Caplan settlement statement for \$200,200.00 /
113 \$200,000 for shares and \$200 for closings costs. We came before the BOT in November
114 2022, presentation was made. Mr. Chatfield surveyed neighboring communities and
115 most of them have a cash under program, that was presented to the board. The board at
116 that time gave a hard no, we went and bought shares on open market. Getting ready to
117 buy 4 more shares, we can give this money to the Town. Keith Chatfield, 2002 Blue
118 Yonder Way Ft Collins – we have another deal going, we like the Town, we would rather
119 have the cash land here. Mr. Wickum, there is a lot of water right now with Chimney
120 Hollow and 3 more reservoirs coming out back East. We want to check with the Town
121 first before moving forward with the other deal. More discussion regarding action buyers
122 fee and brokers commissions. Trustee Browning, what was the amount offered last
123 time? Director Caplan says that they didn't go that far. Trustee Browning, my suggestion
124 is to for staff to consult with experienced, reputable water brokers and other
125 municipalities to determine the best way to dispose the Town's surplus water shares and
126 how to maximize the return. Not enough information to determine what the current
127 market value is, we also need UEB input. Mayor Rogin, what is your timing for a
128 decision? Mr. Chatfield, we're in the process of sealing a deal right now, short window.
129 Director Caplan, my recommendation is to accept this and assist capital improvement
130 funds. Trustee Lowell, let's get a recommendation from the UEB, I propose a top end of
131 \$240K. Trustee Delman also proposes a top end of \$240K. MPT Williams is comfortable
132 with \$225K. Trustee Daty, I would trust the UEB recommendation, I'm with everybody
133 else's range. Administrator Simonsen, is it fair for both parties to do some more
134 research, take it to UEB, draft a resolution for next meeting with an amount to be
135 determined. Mr. Chatfield, we are going to continue with our opportunity to obtain the
136 shares. Mayor Rogin, we are responsible for ratepayers to obtain a maximum return.
137 Mr. Wickum, let's stay positive, I'd love to work something out with the Town, let's see
138 what happens.
139

140 2. Discussion/Direction on Proposition 123 Affordable / Attainable Housing Goals – Planner
141 Bowen provided staff report. Prop 123 extremely competitive, we have 3 strategies that
142 we can justify with DOLA. The more strategies we adopt the more competitive we will be
143 for funding. Discussion regarding inclusionary zoning. Planner Bowen, other novel,
144 innovative, creative approach include the feasibility study for Housing Authority and the
145 joint housing coordinator. Trustee Daty, I would like to see the HHSC input as well,
146 housing is part of their mandate. Trustee Browning, articles about inclusionary zoning
147 have a common theme that it works best in municipalities that have thriving growing,
148 expanding development. That is the opposite of Lyons, we are built out expect for about
149 8 lots. Potential harm to developers could be done by adopting these policies. I rather
150 see tax incentives from the Town and the County to get more attainable or affordable
151 housing in Lyons.
152

153 3. Discussion / Direction on Noise Ordinance Update and Process - Mayor Rogin, general
154 agreement to explore this topic. Trustee Daty, this reminds me of IGA task force; we
155 want feedback from different people/categories such business owners, residents, etc.
156 Mayor Rogin, a task force takes a lot of staff time, it doesn't have to be that quite
157 detailed. Staff to make a recommendation for public input. Trustee Daty, Chamber of
158 Commerce would be a great partner to surveying businesses. Trustee Browning,
159 encourage to get EVC and the Town musicians group involved, how do we enforce it?
160 Mayor Rogin, let's get a spreadsheet together and then we can go over what your
161 suggestions might be for community engagement.
162

163 XI. Trustee Reports and Requests for Agenda Items –

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

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

171 3. MPT Williams - HPS meets tomorrow night.

172 4. Trustee Browning - UEB met on Sept 4th, discussed utilities related to TEBO annexation.
173 Budget requests and discussed waste improvement facility draft document from JVA. EVB
174 meets on Wednesday.

175 5. Trustee Delman, PRC met and made recommendations for 4 parcels for LVP deeded lots.
176 Discussed Park host leaving and possibility about park rangers instead of security. Apple
177 cider pressing party at the community Orchard this Saturday.

178 6. Mayor Rogin, attended the SVVSD annual mayors breakfast last week. CML District free
179 meeting last week. Attended CML executive board meeting on Friday. CDOT demanded
180 that St. Vrain and Barking Dog pay for sitting in right of way. CDOT is requesting \$6,800
181 per year from the St. Vrain Market, I have contacted CML and some legislators. Neil
182 Sullivan request is that BOT send a letter of inquiry about this practice to CDOT. Attorney
183 Dittman, CML contacted me about his, apparently Lyons is the only place in Colorado
184 where this is being done.

185

186 XII. Summary of Action Items

187 1. Reschedule SFC update for November

188 2. 2nd Ave Speed Limit Signage Installation

189 3. Carter Court opportunity on future agenda

190 4. Clerk's office check ballot issues that have implemented ordinances

191 5. Notify SAC appointees

192 6. Water shares research and potentially bring back resolution with \$ TBD

193 7. HHSC prop 123 recommendations

194 8. Start work on noise ordinance

195 9. CDOT right of way letter

196 10. Apply for safe routes to school grants

197 11. Noise ordinance/ Salida case

198 12. Hobbs V. Salida ordinance case briefing/decision schedule

199

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

202 An executive session being conducted pursuant to C.R.S. Sections 24-6-402(4)(e) and
203 24-6-402(4)(b) to determine positions relative to matters that may be subject to
204 negotiations, develop a strategy for negotiations, instruct negotiators, and specifically,
205 determining negotiating positions and strategies regarding the Tebo Annexation
206 Agreement.

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

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211 Respectfully Submitted by:

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215 Maria Marquez-Rubio, Deputy Town Clerk

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“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 as soon as possible, but no later than 72 hours before the scheduled event.”