

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

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DRAFT AGENDA

MONDAY, OCTOBER 7, 2024

5:30 – 6:15 pm Workshop

***Boulder County IGA Process – Next Steps
and***

6:20 pm – 6:50 pm Workshop

Update on JVA Wastewater Treatment Facilities Master Plan

7:00 pm BOARD OF TRUSTEES REGULAR MEETING

Roll Call and Pledge of Allegiance - **Present:** Mayor Rogin, MPT Williams, Trustee Hamrick, Trustee Daty, Trustee Lowell, Trustee Browning **Absent:** Trustee Delman

Land Acknowledgement / Moment of Silence

Approve Agenda – **Motion:** move to approve **Moved by:** Trustee Browning **Seconded by:** MPT Williams **Motion:** move to remove consent item VIII.2 – Reso 2024-87 **Moved by:** Mayor Rogin **Seconded by:** MPT Williams **Agenda as amended passes unanimously**

Audience Business (In Person Only) & Follow Up – Sarah Lorang, Foothills Hwy, Chair of HPC, asking for support from BOT as a referral source for building permits for downtown, including demolition, new construction and exterior modifications. These buildings currently face the threat of drastic changes or demo, without safeguards in place. Look forward to collaborating with the town. Lori Kran, Estes Ct, thanked everyone for their work and dedication. HPC and LAHC commissions would like you to consider striking the slogan “Good old Days” and removing the flag. We understand that the good old days event holds a place in the hearts of many locals, the phrase can signal a notion that excluded many, is not inclusive. We want everyone to feel valued and included. **Board Response** – agrees that HPC should be part of the review/referral process when major reviews as all others are, glad the issue was brought before the board.

Follow Up from Summit Housing Group and Highland Property Management Regarding Lyons Valley Townhomes – Mayor Rogin this is a follow up to the number of complaints received from residents there at LVT. Paul Capps, staff has been working diligently to work on tone and be more communicative, hear the feedback is good. Facebook page created, created master email / phone list for better communications. Staffing challenges, people onsite two days a week, hiring additional person from Longmont office. Positive steps have been made, open to ways to improve. Trustee Daty reviewed questions from HHSC. Newsletter every other week. Challenge with warranty items; maintenance staff and I have been involved with contractors. Discussion with Matt Allen on how to communicate to residents / fear of retaliation. Mr. Capps, have to be consistent across the board; trying not to nitpick and watch tone. We have standards, restrictions and rules we have to follow, we do not retaliate. Trustee Lowell, predecessor Rusty Snow invited us to visit the Longmont project, and that Lyons would replicate that in landscaping. Late in the year for hydroseeding. Mr. Capps, no permanent irrigation. Inherited this project it would be cost prohibitive for multi-use, not

61 for SFH. Working with Aaron on different projects, hopefully hydroseeding next week. Will be
62 replacing 20-25 dead trees, looking at timing and preferred species. Mayor Rogin, w/o permanent
63 irrigation, what is the plan to keep these alive, so we aren't here again. Mr. Capps, temporary
64 irrigation and then use a drought tolerant seed mix. Perhaps tenants can share in the responsibility
65 of watering. Trustee Hamrick, at 9/3 meeting, blown away by all citizens that came and spoke.
66 Hopefully some process / procedures are put in place, follow up with citizens in a few months. Mr.
67 Capps, two sides to every story; a few residents have been antagonistic and some of those
68 comments weren't true. We have to adapt, and I feel like we are heading in that direction. Trustee
69 Dady suggested that his staff attend the newly formed citizens association. Mr. Capps we cannot
70 legally discuss private residents' issues. MPT Williams, I am not impressed with a company that
71 has a lot of money and is clearly not respecting the fact that they were insensitive to the residents.
72 This company's culture does not speak very well. Mr. Capps, we have made mistakes and are trying
73 to move forward. Trustee Browning, as vacancies occur, how is your company going to make sure
74 that those vacancies are advertised to Lyons residents? Mr. Capps, we have to work off of the waiting
75 list established. We pledged to let the town know of vacancies, but we must stick to the waiting list.

76

VI. 77 Staff Reports

78 Boulder County Sheriff's Office Report – Sgt. Sears reported 5th flock camera installed; complaints
79 of speeding on 2nd Ave, PW moved speed signs around town. A lot of wildlife, be safe on the
80 highway. Presented stats; the numbers are a little higher due to more patrol in the area. If you hit
81 an elk, get out of the road, make sure everyone is safe and call 911. Complaints of kids using the
82 cemetery as a playground, that is not ok.

83 Administrator's Report – Administrator Simonsen stated we continue to work with CDOT regarding
84 ROW. Starting a large guardrail project on HWY 36 north of town from Apple Valley to Pinewood,
85 one lane traffic every day till Christmas. Pre-Application meeting with Think Generator/Tamburello,
86 getting ready to start work on south plant. New runoff situation with Highlands Ditch we are working
87 on. Have five RLF loans out. Nice weather helping parks revenue; Diversion Day on 10/19, Rave
88 to the Grave, Spooktacular, Fire District hosting another limb drop off on 10/19 8-12 at PW facilities.
89 X Country track meet 10/26. Finance packet included in packet. Very pleased that new .5% sales
90 tax generated \$26K in July. Budget survey showed street repair is highest concern. CDOT ROW
91 issue, are we being picked on? Mayor Rogin, as far as CML can tell, it's not happening anywhere
92 else. Region 4 response was that they waived this rule during covid, has taken this long for them to
93 catch up. Not being handled consistently.

94 Legal Update – Attorney Dittman already working on legislation for next year. On AV Water Plant,
95 working on template for conservation easement.

96

VII. 97 Ordinances and Public Hearings

98 2nd Reading –Public Hearing - Ordinance 1167 – an Ordinance of the Town of Lyons, Colorado,
99 Approving the TEBO Annexation Application located at 4545-4559 Ute Highway and 4602 Highland
100 Drive (**To Be Continued until 11/04/2024**) Attorney Dittman provided background on continuation;
101 Mr. Tebo reviewing agreement **Motion:** move to continue to a date certain of 11/4 **Moved by:**
102 Trustee Browning **Seconded by:** MPT Williams **Motion passes unanimously**

103 i. Resolution 2024-74 – a Resolution of the Town of Lyons, Colorado Approving a Finding of Fact
104 on Annexation Application for the TEBO Property located at 4545 Ute Highway and 4602
105 Highland Drive (**To Be Continued until 11/04/2024**)

106 2nd Reading – Public Hearing – Ordinance 1168 – an Ordinance of the Town of Lyons, Colorado,
107 Approving CEC Zoning for 4545 Ute Highway for Tebo Annexation (**To Be Continued until**
108 **11/04/2024**) **Motion:** move to a date certain of 11/4 **Moved by:** Trustee Dady **Seconded by:**
109 Trustee Browning **Motion Passes unanimously**

110 2nd Reading – Public Hearing – Ordinance 1169 – an Ordinance of the Town of Lyons, Colorado
111 Approving R-3 Zoning for 4602 Highland Drive Tebo Annexation
112 (**To Be Continued Until 11-04-2024**) **Motion:** move to a date certain of 11/4 **Moved by:** Trustee
113 Dady **Seconded by:** Trustee Browning **Motion passes unanimously**

114 2nd Reading – Public Hearing – Ordinance 1173 - an Ordinance of the Town of Lyons, Colorado,
115 Implementing Ballot Question 1 Concerning the Increase of the Town's Lodging Occupation Tax
116 to a Maximum of 8% - Attorney Dittman gave background; ballot measure passed in 2022, never
117 codified, this is a housekeeping measure. **PH opened at 8:18 pm. No speakers, closed at 8:19**

118 **pm Motion:** move to approve **Moved by:** Trustee Browning, **Seconded by:** Trustee Lowell

119 **Motion passes unanimously**

120 ~~120~~ 1st Reading - Ordinance 1174 – An Ordinance of the Town of Lyons, Colorado, Amending Chapter
121 16 of the Lyons Municipal Code to Allow for The Development of Electric Vehicle Charge Stations
122 – Planner Bowen, pending agreement with developer to install a new EV charging station. Our
123 code does not mention EV chargers, not a permitted use within land use code. This draft
124 addresses this; addressed entire area as opposed to just the parks zoning. Would require special
125 review in the CEC zone. Trustee Browning asked about 25' setback – would not be allowed in
126 Sandstone. Would require a waiver. Mayor Rogin would like feedback from Fire District. **Motion:**
127 move to approve **Moved by:** MPT Williams **Seconded by:** Trustee Lowell **Motion passes**
128 **unanimously**

VIII129 Consent Agenda

130 1. Resolution 2024-86 – A Resolution of the Town of Lyons, Colorado, Accepting a Wastewater
131 Treatment Facility Master Plan by JVA Inc.

132 2. Resolution 2024-87 - A Resolution of the Town of Lyons, Colorado, Approving a Ditch
133 Crossing Agreement with Highland Ditch for the St. Vrain Corridor Trail Project (**removed**
134 **from agenda**).

135 3. September 16, 2024, Special and Regular BOT Meeting Minutes

136 4. October Accounts Payable

137 **Motion:** move to approve **Moved by:** MPT Williams **Seconded by:** Trustee Lowell **Trustee**
138 **Browning removed Accounts payable Agenda as amended passes unanimously**

139
IX140 Items Removed from Consent Agenda – Trustee Browning inquired about an account payable
141 item relating to four Lake McIntosh Shares. This purchase had been authorized by the prior
142 BOT, but only recently completed. **Motion:** move to approve **Moved by:** Trustee Browning
143 **Seconded by:** MPT Williams **Motion passes unanimously**
144

X145 Boards & Commissions

146 1. Appointment of Phoebe Moellenberg to Student Advisory Commission

147 2. UEB Input Regarding Installation of Three-Phase Power to Downtown – Chair Kerr stated our
148 understanding is when you add services customer pays for those services. The idea of 3-
149 phase doesn't make sense for electric fund to pay for that upgrade. The fund will never be
150 solvent; the customer will see a return, but the electric fund will lose. Discussion on use of
151 grants or general fund revenues being used. Using monies budgeted for undergrounding
152 electric that could help fund, a benefit to electric infrastructure. How many businesses have
153 actually requested, maybe two. Discussion on how three phase works and potential costs.

X154 General Business

155 1. Resolution 2024-88, A Resolution of the Town of Lyons, Colorado, Approving the First
156 Amendment to the Development Agreement with Lyons Properties LLC. – Attorney Dittman
157 provided background information; developer is requesting additional changes to agreement.
158 Chris Legh, applicant, I had missed what was proposed and voted on. MPT Williams, my
159 understanding that at the time that we did agree on that. Mayor Rogin, only thing changing is
160 removing in specificity in that section and the last one for special events. Attorney Dittman, if
161 we remove it we need to specify how long acoustic can be played for. Outdoor quiet hours
162 are from 10pm to 8 am. Attorney Dittman recommends amending section 2.2 A.10 to state
163 acoustic music until 10pm. change 2.2 B 1 to include acoustic music. B6 to add 50 events per
164 calendar year. Discussion on PUD as it states 8pm, and best way to move forward. Attorney
165 Dittman recommended a minor amendment. This agreement clarifies the intent. Add
166 language to 1.1D to amend PUD to match this agreement **Motion:** move to approve
167 amendments as presented by attorney **Moved by:** Trustee Lowell **Seconded by:** Trustee
168 Dady **Motion passes unanimously**

169 2. Discussion / Direction Regarding the Boulder County IGA Process – Mayor Rogin stated in
170 workshop we discussed no executive sessions, a March timeline for completion, public
171

engagement including surveys, Mayor and MPT w/staff as liaisons. BOT direction is to move forward with those recommendations. Discussion on keeping with Comp Plan housing goals; beneficial for board to discuss if another taskforce is needed.

3. Discussion / Direction Regarding Value of CBT Shares & Ability to Sell Shares – Director Caplan presented; current IGA w/Longmont specifically states we cannot sell shares. Trustee Browning, old discussions that if we got to the point of build out and had say 10 excess shares, would Longmont allow. Director Caplan part of understanding is what we dedicate to them is not what we own. Every year is different due to droughts, etc. Discussion on meeting with Longmont to ask if we can modify agreement. UEB landed on \$56K per share

4. Discussion / Direction on Approving Cash in Lieu of Four CBT Units for Property Located in Lyons Valley Park Filing No. 8 – Discussion on accepting cash-in-lieu, and not at issuance of building permit. Staff recommends 3 months. Price recommendation from UEB is \$56K. Trustee Browning thinks there is a possibility we could get more than that if we negotiate with Longmont. If the town disposes of surplus shares is a huge change from what the town has done historically. For the record this is greatly increased if we accept this from these developers. Dave Wickum, Mtn View Drive, we were told previously that the payment would be at time of building permit. Your code says that. Requested 2 shares by Jan 2025 and 2 shares due by Oct 2025. Kieth Chatfield, at that time we were negotiating for \$50K, not interested in paying \$56K. I'm confident I will get it for less and then will dedicate them then. Mr. Wickum, we are not partners in this. We can make decisions independently; can I have a few days and get back to you. I've lived here 26 years, a little more vested and want to think about it. Thanked the board. Offer stands till next board meeting.

5. Discussion / Direction on CDOT Speed Study on Portion of Hwy 36 – Administrator Simonsen presented; new studies include several new factors. Previous studies require us to accept the new speed limits which could potentially go up. Discussion on requesting when speed study is done; looking for direction to move forward. Board would like to know when study would be done and new methodology. Include safe streets data. Ask how safe streets for all results affect this speed study.

~~200~~ Trustee Reports and Requests for Agenda Items

1. Trustee Hamrick – SFC meets this week
2. Trustee Dady – response to regional working group on homelessness. Give nod if you agree and I will email them. Approved. HHSC meets 10/14 Ex Directo of BOCO housing will be there. November agenda request to ask HHSC to review and then we can update code to reflect housing goals for HHSC. LAHC meets tomorrow at 4:30.
3. Trustee Lowell – Ecology board met and discussed noxious spraying on trails was moot; Siberian elm is most invasive species. Mark and I met with Andrew Bowen on Fire Mitigation Taskforce. BOCO met with me and primarily focused on Meily; only accomplished half of mitigation. On 9/27 SVLHWCD and Highland Ditch worked on trout rescue. When Highland closes their headgates, the trout get trapped, they rescued 274 trout.
4. MPT Williams – HPC is coming into the sense of who they are.
5. Trustee Browning – EVC met 9/18 working on recommendation on purchasing policy and preference to local businesses. Concerns of CDOT rents of ROW. UEB met 9/18, a potentially expensive water line repair by Planet Bluegrass, value of shares. Progressing on time of use rates.
6. Mayor Rogin – Downtown looks great. The heart photo booth the town paid for, hopefully we can save from the elements. Met with members from delegation from Kosovo. They have the same kinds of challenges we face. Attended metro mayors caucus, Aurora running a bill to enforce license plate registration. Connect for Health Colorado looking at an enrollment date here in Lyons. Senator Marchman here next week.

~~204~~ Summary of Action Items

1. No executive sessions for IGA
2. Potential IGA wrap up dates of February / March

3. Public Engagement to include surveys / smaller group input sessions (staff to draft potential survey questions for review)
4. Estimate on odor control repairs
5. Monthly utility status report going forward
6. Distribute the HPC documents to the board
7. Email Mr. Capps tree species / planting timing guidelines.
8. Mr. Capps to follow up with approximate number of those on the waiting list.
9. Ord 1167 moved to date certain 11/4
10. Ord 1168 moved to date certain 11/4
11. Ord 1169 moved to date certain 11/4
12. Staff to draft potential list of items to modify in Longmont water agreement
13. Cash in lieu offer to Mr. Wickum on the table until the next meeting.
14. The board would like to know when CDOT speed study will be done and new methodology / if administrator is satisfied with answers, sign letter.
15. November agenda request to ask HHSC to review and then we can update the code to reflect housing goals for HHSC.
16. Ask BOCO process on public input from those outside limits
17. Follow up with Mr. Capps in a few months
18. How to protect the heart on High Street from elements.

XIV. Adjournment - **Motion** – move to adjourn **Moved by:** MPT Williams **Seconded by:** Trustee Browning **Motion passes unanimously. Meeting adjourned at 10:22 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 on the basis of disability in its services, programs, or activities. Persons needing accommodations or special assistance should contact the Town at dvasquez@townoflyons.com as soon as possible, but no later than 72 hours before the scheduled event.”