

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 21, 2024

WORKSHOP

5:30 pm – 6:00 pm

Discussion of Housing Goals

and

6:00 pm – 6:50 pm

IGA Revision

7:00 pm BOARD OF TRUSTEES REGULAR MEETING

- I. Roll Call and Pledge of Allegiance – **Present:** Mayor Rogin, MPT Williams, Trustee Hamrick, Trustee Dady, Trustee Lowell, Trustee Browning, Trustee Delman
- II. Land Acknowledgement / Moment of Silence
- III. Approve Agenda- **Motion:** move to approve **Moved by:** MPT Williams **Seconded by:** Trustee Dady **motion passes unanimously**
- IV. Audience Business (In-Person Only) & Follow Up – Kay Sparks, Apple Valley, preserving affordable housing that we have is as important as finding new affordable housing. Letter of support to BOCO for Seward Property purchase. Referenced over 30 people who wanted one bedroom homes, that list given to Leigh Williams and is now over 70 people. Will work with developers, and last nationally mixed housing can be done. The bottom line is community values. Cindy Fisher, Stone Canyon, staff said to disregard IGA taskforce, I understand the BOT appointed the taskforce, were difficult meetings because we were so diverse. Find it unbelievable that staff want to disregard, it was hard, miserable and I wanted to quit a million times. All that effort - feels like a wasted summer, extremely dismissive on all of it. I watched the 10/7 meeting, we don't understand what the town wants, many people came here because of its open space, its trails, its animals. Any time you want to put a building on open space, get ready because no one likes it. People are here for the open space. No development in area C, the Walters property, it's selfish and not considerate. Matt H. 346 Steamboat Valley, major disregard from staff, motivations from town staff to take my home. Not a wealthy guy, hoping to live in a kind town. None of you guys came to visit me and I want that on the record. Gil Sparks, Apple Valley, LCF, passed out 83K in grants. Have been able to grow that amount and raise grant amount from 5k to 7K. Like to extend the invitation to attend party at Farmette at 6pm on 11/16. LCF annual appeal in quiet phase, rolling out new grant match. Sean Dunn, Reese Street, thanked the BOT, Staff/Sherriff, here for those that can't be here, please send letter of support for BOCO purchase of 224 Seward. Let's have a conversation about building bridges, not building barriers. Great opportunity to support our community. Julie Jacobs, Reese St, in support of letter of support of BOCO purchase of 224 Seward, friends and neighbors there are terrified of this being scraped. We want our neighbors to be able to stay here. I assumed that many could/ would come, wrong assumption because many unable to be a part of this conversation who can't be here. Let's get

creative and be open. There's a lot of us/them, that is an illusion, we are them and they are us. Fi, Carter Court, I don't envy your position, I live in affordable housing, I am very grateful for the opportunity to be there. Just because I have a house over my head, it doesn't make it a home. Being able to share it makes it a home. When we are pushed into the box as renters, we need to be able to collaborate and create. Heard option to make Carter Court lots a community garden or something, not sure how you could put a house there. An amazing opportunity to develop community there. I do have a plan for the community garden. Valerie Mulvany, Stickney, here to support the purchase of Seward, just want my friends to stay. Anthea Rice, Stickney, here to support BOCO purchase of 224 Seward, I do want affordable housing all around me. Hopefully not with the attitude that low-income housing might affect my view of the river / property values. Jon Corson-Rikert, Horizon Drive, echoed Cindy's concerns, survey concerns, be very careful what you want to achieve with this survey, be very clear on what you want/talk to a social scientist. Like suggestions on multiple / ranked choice. Zach Tucker, Longmont, spend every day here, leases for LMJ /Planet on docket, express gratitude for the year, fire presented challenges between festivals, glad sheriffs/ fire were willing to come out and help. Thanks to all. Jocelyn Fankhouser, Cobblestone Ct, the triangle lot in question is in my back yard. Great concerns, town planner made a recommendation not fully factual, referenced building affordable housing on that lot as it is in the floodway. The flood plain manager did not make a note of that for PCDC recommendations. We are in a group flood insurance rate that will be affected. The PRC recommendation is not included; HUD dollars cannot be used for affordable housing. Didn't hear any off rise for Riverbend, I ask that you rezone this to POS per COMP plan. David Mencin, Cobblestone, echo Jocelyn, that particular lot in flood plain/way will include letter in packet. Recommendation PRC, extensive discussion post flood, no flood plain recommendations, I disagreed with no fiscal impact, there would be an impact on flood rate increases. Steve Good, Stone Canyon, agrees with Cindy Fisher's comments. **Board Response:** Trustee Hamrick thanked the community for speaking; Trustee Daty glad we can have this conversation. No vote tonight, just a discussion item. Trustee Lowell supports 224 Seward, triangle lot, disturbing to see conceptual layout, Comp plan shows this to be POS, don't know if in flood way, extensively used for park space. Lot has sat hallow since 1997. This lot to give you a brief history, several lots should have been transferred to the town 15 years ago, they threw this lot in when he passed. Mayor Rogin thanked the room; 224 Seward is in my backyard and very happy to see the support and effort in the room. Addressing comment that we are discarding the IGA recommendations; we just met and discussed which items to keep; we asked staff, and they give recommendations. We make the decisions; you said PRC commission wasn't given to the PCDC. That's not how this works, we ask all the commissions for recommendations, they report to the board, not to the PCDC. Staff have done a lot of hard work on this. The town does not want to take anyone's home. Gave background on rezoning process. MPT Williams thanked the Seward neighbors for their words, especially the spirit of the town. To say that the town staff has disregarded IGA recommendations, is not a factual use of words. They may disagree; but disagree and disregard are two different things. Trustee Browning, 224 Seward on my radar for years, glad to see BOCO stepping forward. Walter's property - I don't understand the staff report, the board is not yet at the point of discussing property by property, please email the board with your issues. Trustee Delman thanked everyone for coming, the staff report didn't negate what IGA taskforce recommended, gave another perspective. Adding ranked choices is a great idea. Administrator Simonsen stated that intent of staff was not to disregard IGA taskforce, staff was asked to give it's own recommendation. I did not attend all 10 meetings; it was a basic staff recommendation. IGA aware that staff were not on board. To Matt H, no motivation to condemn your home, IGA is a long-term document for a 10–20-year period, not a snapshot of today. Floodway / Floodplain comments, we do discuss, the triangle lot is split into all three zones, TOL does not have the same regs as BOCO or Boulder, we allow for building with restrictions. We have never denied building in the 1%, we understand federal funds cannot be used, we never said we would use those funds. Also, we are not part of the flood insurance group, no one's rates are going up. We don't allow new buildings in the floodway. The NFIP was here in August I believe to go over rates, we will not be affected. Mayor Rogin stated she requested the drawings, that's why staff presented them.

120. Staff Reports

- 121 1. Boulder County Sheriff's Office Report – Rave to the Grave went well; Halloween parade this
122 Saturday; CU football game the same night. Lots of golf carts in town without slow-moving
123 triangles, make sure you get one. HHSC meeting, our dispatch uses smart 911, go online and
124 register, if you call 911 all the information you enter will show up, (special needs, etc.) working on
125 general offenses. Apologize for stats, they were off. Updated them on current stats. With new
126 cameras it is hard to compare last year's data.
- 127 2. Administrator's Report – Administrator Simonsen stated pursuing CDOT lease of ROW on Main.
128 It is not being applied consistently around the state. It does feel unfair for our business owners.
129 Presented alternative, will be on future agenda. If the town wants to add that space to our CDOT
130 permit, there is no charge to individual businesses, but we would be responsible for all
131 tables/chairs. If the restaurant wants its own dedicated table for private seating, they will need to
132 get their own lease. Safe Streets consultants were at library, great online response and had 20
133 show up. Moss Rock provided hotel update at the last LURA meeting. Fire Dist. working with
134 BOCO for another free limb drop off. Another couple of big cross-country events. Daylight savings
135 starts a week from Sunday. Busy with Budget prep, 3 special meetings and a LURA meeting.
136 Working with Asheville on personal time.
- 137 3. Legal Update – None
- 138 **Motion:** move to adjourn as BOT and reconvene as Liquor Licensing Authority **Moved by:**
139 **Trustee Daty Seconded by:** Trustee Williams **Motion passes unanimously**
- 140 **Public Hearing - Approving or Denying a New Hotel & Restaurant Liquor License**
141 **Application Submitted by Indian Bites located at 432 Main Street – Motion:** move that the
142 entire corporate limits of the Town of Lyons be considered as the neighborhood for purposes of
143 this liquor license application and the public hearing. **Moved by:** Trustee Daty **Seconded by:**
144 **MPT Williams motion passes unanimously** Staff presented background; applicant confirmed
145 additional liquor license in Longmont. Discussion on board / community happy to see the space
146 being used once again. **Motion:** move to approve **Moved by:** Mayor Rogin **Seconded by:**
147 **Trustee Daty Motion passes unanimously Motion:** move to adjourn as Liquor Authority and
148 reconvene as BOT **Moved by:** MPT Williams **Seconded by:** Trustee Delman **Motion passes**
149 **unanimously.**
150

151. Ordinances and Public Hearings

- 152 1. 2nd Reading and Public Hearing – Ordinance 1174 - An Ordinance of the Town of Lyons,
153 Colorado, Amending Chapter 16 of the Lyons Municipal Code to Allow for the Development of
154 Electric Vehicle Charge Stations – Attorney Dittman provided background information; BOT
155 requested when EV charging station in Sandstone Park, this zoning issue came up. **Public**
156 **Hearing opened at 8:16 pm no speakers PH Closed at 8:16 Motion:** move to approve **Moved**
157 **by:** Trustee Daty **Seconded by:** MPT Williams Discussion on signing statement for electrification
158 in our community, more EV's in our community. Agree with conditional use that brings more
159 people to our community. **Motion passes unanimously.**
- 160 2. 1st Reading – Ordinance 1175 – an Ordinance of the Town of Lyons, Colorado, Approving a Lease
161 of Town Property to Telluride Bluegrass Festivals, Inc. for the 2025 and 2026 Rockygrass
162 Festivals – Director Mitchell provided staff report, been a long time since we have had a multi-
163 year agreement, helpful during budgeting, proposing a 4.5% increase now, and 4.3% for 2026.
164 The board can certainly recommend something else. Covers revenue expectations for the town
165 if at full capacity during this lease period. Trustee Daty does this rate follow inflation? The Finance
166 director provided those numbers to me; up to 2023. Not always and often that we are at capacity
167 on weekdays; it covers costs. Discussion on residents' access to the park, Director Mitchell –
168 yes, with proof of living in Lyons. Often a challenge the first day, but we can always work through
169 this. Trustee Browning - sales tax discussions agreed to before 2nd reading. **Motion:** move to
170 approve **Moved by:** Trustee Daty **Seconded by:** MPT Williams **motion passes unanimously.**
- 171 3. 1st Reading - Ordinance 1176 - an Ordinance of Lyons, Colorado Approving a Lease of Town
172 Property to Telluride Bluegrass Festival, Inc. for the 2025 And 2026 Rocky Mountain Folks
173 Festivals – Director Mitchell provided staff report: same as above only for four days instead of
174 five as above. **Motion:** move to approve **Moved by:** Trustee Daty **Seconded by:** Trustee Hamrick
175 **Motion passes unanimously.**
176

177. Consent Agenda

- 178 1. Resolution 2024-89 – a Resolution of the Town of Lyons, Colorado, Awarding and

Approving a Construction Contract with Dietzler Construction Corporation for Construction of the St. Vrain Trail Extension Project, Project 24-SV TRAIL EXT-01

2. October 7, 2024, Regular BOT Meeting Minutes
3. October 10, 2024, Special BOT Meeting Minutes
4. October 14, 2024, Special BOT Meeting Minutes
5. October Accounts Payable

Motion: move to approve Moved **by:** MPT Williams **Seconded by:** Trustee Delman **motion passes unanimously.**

II. Items Removed from Consent Agenda

X. Boards & Commissions

1. LAHC Request to Submit Volunteer for Governor's Creative Leadership award – Kristen Bruckner, Arts Coordinator for the town, award through CO Creative Industries, immediately thought of Chrystal DeCoster, a tireless force for the last 10-15 years. Chair Paterno wrote a letter and cited her work on town hall art shows, was the lead on the LaVern Sculpture effort, and served on LAHC for many years. I wanted to get your blessing to submit the letter. Mayor Rogin, for the record, makes a formal recommendation to submit the nomination for Chrystal DeCoster. This is the least we can do. **Moved by:** Mayor Rogin **Seconded by:** Trustee Dady **Motion passes unanimously.** Kristen noted golf cart art tour.
2. Parks and Recreation Commission Update – Tom Delker, on behalf of Yelena Hughes, who is 'retiring' looking for new member, especially if they want to be chair. We get input from Dave Cosgrove, at every meeting, review funding sources, work on trails, pedestrians, sidewalks, parks. Guiding principles from master plan, goals continue to develop to maintain open spaces, expand trail connectivity, equitable access to all. Give input to budget, on maintenance items, gas to EV small equipment, new trash cans, stream work in LMJ, improvement requests for shade structure in LMJ and picnic tables. Noted events, projects. Provided input on triangle lot. Dark Sky initiatives, safe routes to school review. Lots to work on, please let us know if you have any questions or suggestions for things for us to work on. Trustee Lowell, what does the commission see as priorities for Bohn? A second sport court, lights for the field? Mr. Delker – we will discuss at next meeting and bring it back to you. Discussion on posting minutes from meetings. Trustee Browning, thank you for keeping Hat Rock Trail on the list. On trail request for next year, Martin Parcel top of the list; DRBOP survey; long history there. Landed on loop trail and small single access trail to prevent social trails. The intent is to follow DRBOP. Look carefully at the language in there on regional trails. Discussion on request to install a light for pickle ball court, request to review **10-minute break at 8:49 pm.**

9pm check in – BOT states Carter Court lots can be moved to future agenda

X. General Business

1. Discussion / Direction Regarding Housing Goals – Mayor Rogin gave recap on workshop; splitting up deed restricted affordable housing / Attainable housing and ADU's for 61-120% AMI. What does the board want to do next? MPT Williams would like to see survey completed to get a better sense of the town as a whole before we move forward. See if Studio Shed can come present to us? Trustee Browning - uncertainty in my mind how to measure where we are now; two different numbers in housing futures plan, they don't match. Need to know that number so we can factor that into our percentages; good with keeping existing goals for now. MPT Williams asked if Seward would be counted towards Prop 123; if BCHA housing purchased and redeveloped. Mayor Rogin - direction is for staff to bring information on other communities, similar sized, who have used this approach, number of current residential units, schedule developer to present. Draft survey for BOT review. Trustee Browning noted comments from Comp Plan on affordable housing.
2. Discussion / Direction Regarding a Letter of Support to Boulder County Housing Authority – Administrator Simonsen gave background, talked with Susana Lopez-Baker, BOCO did put a cash offer this morning, wanted a letter because they are hearing our community. Is this something we want before they spend the money. Their goal would be to put under new MH plan to redevelop and potential ownership and keeping the micro units. Drafted a letter, BOT can edit. Discussion on maintaining and redeveloping; VS currently a legal, non-conforming lot.

236 Their goal is to keep anyone who wants to live in an individual MH unit to stay. They have a
237 model in Ponderosa MH Park in Boulder to see how they did it. Discussion on grandfathering
238 zoning, Attorney Dittman, 50% of modifications trigger the rezoning. Community vocal in support
239 of this project; board direction is to send letter.

240 3. Discussion / Direction Regarding IGA Revisions – Mayor gave workshop background; open to
241 schedule special meetings to dive into this; landed on board is interested if BOCO will discuss
242 affordability vs. density. Unanimously agreed to take IGA taskforce's recommendation to
243 remove density. When BOT gets to property by property review appropriate for special
244 meetings. Survey questions, want them to be short, go out to ideally every person in town over
245 18. Use goal of by 2050 for deadline; on question 1, keep top 3 options. Going population vs.
246 households. Question 2 areas for growth; have people rank choices where growth preferred.
247 Add none of the above as an option. Question 3 – what town resources do you support?
248 Change wording to "support housing affordability". Do we want to rank as well/ask which they
249 support, make 'A - local tax revenue, B – property tax waivers/rebates, C – reword to waiver of
250 connection fees or contribution of town water rights, contribution of town owned land, or none of
251 the above. Question 4 – What do you think Lyons Affordable housing goals should be? Say no
252 future goal needed. Questions 5 – 8, combine 5 & 6, use yes / no / I don't know and rank. Add
253 a comment box / lands on 7 questions plus a comment box. Staff to prep and distribute. Time
254 frame discussed, if we can get it out this week, due 11/12 review on Nov 18th meeting.

255 4. Discussion / Direction Regarding Lyons Valley Park Lot Rezoning – Administrator Simonsen
256 sent this out to all boards/commissions chair emails. Heard from most, didn't do it as an all or
257 none, submitted comments. L hill recommended for POS, small triangle lot by L hill and was a
258 split on PCDC as well. If no response, assume it is not a pressing issue. Or option is to not do
259 anything. Mayor Rogin proposed parcels 2, 3 and 4 be POS prep for PCDC and then draft
260 ordinance. Carter Court put off for the night. Discussion on triangle lot - spot zoning/comp plan.
261 Comp plan shows this should be POS. Trustee Lowell initially thought municipal zoning but
262 should be POS. Administrator Simonsen - municipal zoning could be facilities, need for the town
263 to use that property. For years it's been a weed/rock patch. Discussions on shed for kayaking,
264 paddle boards, parking lot, park and rec storage. Could store mowers, cones, and equipment.
265 Discussion on future land use; on comp plan map showing as part of the parks / ponds but is
266 zoned Business. MPT Williams voiced concerns about McConnell as a whole, no weed
267 mitigation, fences in disrepair, and not sure what HOA is doing about that. Concerns about R3
268 zoning, very naturally flows as POS. I prefer municipal, have a specific use in mind, parking lot,
269 or small dog park. More options for municipal zoning. Trustee Delman POS, not totally against
270 municipal. Trustee Browning favors Municipal, it is broad enough and will continue to be
271 undeveloped. Trustee Dady, to meet Prop 123, cost of developments, very few town owned lots,
272 still leaning R3, would go municipal if I thought we could move the equipment and tear down the
273 brown shed and use it for housing. Trustee Hamrick, conflicted, thought POS, thought R3. At
274 some point the board is going to have to make some tough decisions. Behooves us to look at
275 those properties, know there are issues. Will go municipal, but we need to have those tough
276 discussions. Mayor Rogin, I do think this should be R3; the town has 90 acres of Parks and 170
277 acres open space, we all love our open space. Currently zoned B – reiterate that we directed
278 staff to bring potential properties for infill, they did a good job. Staff have talked to developers
279 who do believe it can be developed. This is right next to a subdivision, it is next to utilities,
280 streets and I know I will get outvoted and that is fine. Every single filing in LVP has been
281 opposed. Board consensus is to zone to Municipal to PCDC then ordinance to BOT

282 5. Discussion / Direction Regarding Vacant Lots on Carter Court - tabled

283 6. Discussion / Direction Regarding an Easement and Sale of the Property at 2186 Apple Valley
284 Road – Cassidy Davenport presented, discussed with BOCO conservation easement
285 process/costs. A conservation easement can go on that lot and can be site specific. Can take
286 several months, can write in conditions (fishing, tubing for example.) TOL would pay for Phase I
287 Environmental Study, survey costs, recording, closing costs, more of a partnership, they may
288 pay some costs. How might easement affect future sales, liability if purchased, who is liable?
289 Land division, only a possibility. What is maintenance goal? With easement BOCO does
290 monitoring and checkups. Trustee Lowell, I wanted to guarantee public access down from the

bridge, thought we could use the dividing line on the map. Attorney Dittman, if you didn't go through the county, used private, same issues, costs. If not with county, is it truly a conservation easement. Would the future property owner get the true value of his property? It could potentially cost \$45K +, initially thought public access easement would be easy, if the goal is to preserve access to that position of the river that is the way to go. Will decrease the value of the property. Discussion on existing public access at bridge; Discussion on very little access off Apple Valley, estimate on decreased value of the property. The mayor prefers to sell as is and put funds in water fund. Trustee Browning agrees, conservation easement doesn't really make sense. If it does get done, do it asap. Trustee Delman, public access easement. Trustee Dady agrees with Mayor/Trustee Browning. Sell as is, get maximum value and no easement. Trustee Hamrick seems like an easement on the north side would be unimpactful, all for getting maximum value, but don't think it will impair the sale. MPT Williams supports easement, asked for more information on price impact with an access easement. Trustee Browning stated he would now favor a listing with the access easement. Board direction (4-3) is to create public access easement as condition of sale, list for sale

7. Discussion / Direction on a Proposed Update to the Noise Ordinance – Trustee Browning requested additional research on other communities (Golden), within mountain communities and with similar geographical challenges and their accepted decibel levels; are they home rule or statutory towns. Notify music venue owners, and public notices to residences affected. Prefer staff to consult with Grace brothers on how to measure decibel levels. Timing – have final decision before next music season. Mayor Rogin - vaster amount of announcing; will do best to notify the community. Schedule another noise ordinance workshop.

~~XI.~~ Trustee Reports and Requests for Agenda Items

1. Trustee Hamrick – SFC meeting two weeks ago; discussed time of use rates
2. Trustee Dady – Thanked Mayor for attending LAHC meeting; missed HHSC meeting; have slideshow. Requested self-evaluation forms for BOT
3. MPT Williams – HPC meets last week; saw correspondence from BOT member to staff that are dangerous, cannot be proved in court of law. The tone and accusation were not appropriate, never appropriate unless you have proof that this was intentionally withheld, when clerk responded, an apology would have been acceptable. I think the staff works very hard; don't accuse staff unless you have proof that your accusation is true.
4. Trustee Browning – EVC presented on time of use, affects businesses in different ways. Chairman Kerr drafted most of that language. Will be a difficult issue for this board, has been worked on by UEB for a long time. The reason I sent the email was because I didn't want to get into a public discussion. I have a firm conviction that things were not done in a proper fashion. I have proof and have requested a meeting with the Mayor / Town Administrator, feel strongly that the board has the right to receive accurate information. And I will be glad to offer proof that the conduct of town staff is not up to par, and I will not apologize.
5. Trustee Delman – nothing to report; Mayor, open seat on PRC.
6. Trustee Lowell, Ecology Board –
7. Mayor Rogin - attended LAHC meeting; got \$6,500 from LCF, a movie night, Cemex grant for mural on backside of Spirit Hound building; productive meeting with CDOT and staff. Senator Marchman met with Neil Sullivan, brought her to town hall, need bill in legislature for security measure funding. She was amenable to that.

XII. Summary of Action Items:

1. Get number of ADU's in town for BOT review
2. Get an accurate number of housing units/structures in town/not using census numbers
3. Have a housing developer (studio shed) present to the board on potential smaller projects
4. Request BOCO housing presentation from HHSC for BOT review.
5. Ord 1174 passes to 2nd reading
6. Ord 1175 passes to 2nd reading
7. Indian Bites liquor license approved
8. Request PRC to look at lighting for pickle ball court.
9. Carter Court Vacant lots moved to a future meeting before year end.

10. Send BOCO letter of support for purchase of 224 Seward purchase.
11. Requested self-evaluation forms for BOT
12. LAHC to send Decoster Award Letter
13. Staff to draft housing survey for BOT review
14. DRBOP PRC to review
15. How to bring MH up to code; is 50% value, attorney Dittman to review
16. Add settlement to consent

Motion: enter into executive session **Moved by:** MPT Williams **Seconded by:** Trustee Lowell **motion passes unanimously** Entered into executive session at 11:08 pm

XIII. Executive Session – An executive session being conducted pursuant to C.R.S. § 24-6-402(4)(b) for legal advice from attorneys representing the Town concerning matters related to a legal complaint filed by a former Town employee. **Executive session concluded at 11:16pm.**

XIV. Adjournment - **Meeting adjourned at 11:17 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 hr@townoflyons.com as soon as possible, but no later than 72 hours before the scheduled event.”