

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

WATCH AT: WWW.TOWNOFLYONS.COM/LIVESTREAM

DRAFT AGENDA
MONDAY, NOVEMBER 4, 2024

5:30 pm – 6:50 pm Workshop

5:30 pm – 6:00 pm 2025 Budget Discussion / Residential & Commercial Property Taxes

6:00 pm – 6:50 pm Housing Goals / Developer Panel

7:00 pm BOARD OF TRUSTEES REGULAR MEETING

- I. Roll Call and Pledge of Allegiance – **Present:** Mayor Rogin, MPT Williams, Trustee Hamrick, Trustee Daty, Trustee Lowell, Trustee Browning, Trustee Delman
- II. Land Acknowledgement / Moment of Silence -
- III. Approval of Agenda – **Motion:** move to approve **Moved by:** Trustee Browning **Seconded by:** MPT Williams **Motion passes unanimously**
- IV. Audience Business and Follow Up – IN PERSON ONLY – Gil Sparks, Apple Valley Rd, LCF had a very successful grant giving season, this Sunday at 6pm at Lyons Farmette is grant reception, you are all invited. Annual appeal mailers go out next week, please consider donating. Kay Sparks, Apple Valley Road, appreciated tonight's workshop. HHSC commission has the opportunity to review what you want to do with Town parcels; submitted recommendations on that and on Prop 123. HHSC shows angst of community; deed restriction in some way, shape or form is going to be helpful in the long term for the community. **Board response:** Trustee Daty thanked LCF for all their hard work; we recognize what a strong partnership we have with you. Thanked Kay for speaking up and discussing how exciting it is to have options. Trustee Hamrick thanked Gil for his leadership with LCF; asked staff to recirculate the HHSC review of town properties. Mayor Rogin echoed thanks to the Sparks for being a big part of the community.
- V. Staff Reports
 1. Boulder County Sheriff's Office Report – Sgt. Sears reported that parade went well, no issues, thanked PW staff. With the cold weather, no puffing makes it easy to steal vehicles and you could be ticketed. Niwot area has had a rash of burglaries; while out of town let your neighbors know, leave lights on timers. Safe streets walk through last week; presented stats. Mayor Rogin thanked them for patrolling the cemetery on Halloween; appreciate the presence. Potential to speak at PTO meeting on how to cross the crosswalk. Director Mitchell thanked Sgt Sears for letter of support for safe streets.
 2. Administrator's Report – Administrator Simonsen highlighted October events; Parks / PW have everything winterized in time for the freeze. New lighting contractor this year. Street sweeping 11/18; need everyone's help to get cars off the road. Pushing housing survey this week; please share. Community education on code compliance. Holiday parade is Saturday, December 7th at 6pm. Tree Lighting ceremony is day after Thanksgiving; 5pm in Sandstone Park. Discussion on survey; Facebook, eblast and on utility bill, send to Board & Commissions and HOA's. Tracking by IP addresses. Trustee Hamrick asked about conceptual diagrams for LVP lots, any for IGA. Planner Bowen, not yet. Trustee Daty loves graphics from code compliance. Eblast for street sweeping going out. Trustee Browning – we need to be realistic about homeowner responsibility. Just because the code says it, we aren't going to enforce that. Trustee Hamrick, I agree, if somebody plants a tree, they need to know that they could be responsible. ADU's glad to see the workshop. No mention of the fact that we waive tap fees. The Apple Valley water treatment plant listing up soon.
 3. Legal Update – Summary of ADU bill passed last legislative session; will send follow up memo. There will be a process where you can submit your code to DOLA, and they will review for compliance. Not required: additional parking; limitations on owner occupancy requirements; can

require at issuance of permits, once constructed and fully licensed they can leave the property and no longer will have to meet that requirement. You can't require zoning, that would increase the cost. What we can do: limit size, number of ADU's on a property and other general health and safety. Once law is in effect, HOA can no longer have provisions that would restrict ADU's. would be unenforceable in CO. Discussion if CML tracking lawsuits from HOA's? Will municipalities be involved in any litigation? Attorney Dittman - no, town is responsible for issuing permits, not enforcing HOA covenants. Mayor Rogin, what is official supportive community? Attorney Dittman stated this makes sure ordinances are compliant; submit to DOLA and they will rubber stamp it. Not on the DOLA website currently.

VI. Ordinances and Public Hearings

1. 2nd Reading –Public Hearing - Ordinance 1167 – an Ordinance of the Town of Lyons, Colorado, Approving the TEBO Annexation Application located at 4545 Ute Highway and 4602 Highland Drive **(Move to a date certain of 12/2)** – Attorney Dittman, waiting on TEBO response / submittal of Annexation Agreement, will need them back by 11/18. Planner Bowen stated they should have submitted by 11/18. **Motion:** move to a date certain of 12/2 **Moved by:** Trustee Daty **Seconded by:** MPT Williams **Motion passes unanimously.**
 - i. Resolution 2024-74 – a Resolution of the Town of Lyons, Colorado Approving a Finding of Fact on Annexation Application for the TEBO Property located at 4545 Ute Highway and 4602 Highland Drive **(Move to a date certain of 12/2)** **Motion:** move to a date certain of 12/2 **Moved by:** Trustee Daty **Seconded by:** MPT Williams **Motion passes unanimously**
2. 2nd Reading – Public Hearing – Ordinance 1168 –an Ordinance of the Town of Lyons, Colorado, Approving CEC Zoning for 4545 Ute Highway for Tebo Annexation **(Move to a date certain of 12/2)** **Motion:** move to a date certain of 12/2 **Moved by:** MPT Williams **Seconded by:** Trustee Hamrick **Motion passes unanimously**
3. 2nd Reading – Public Hearing – Ordinance 1169 –an Ordinance of the Town of Lyons, Colorado Approving R-3 Zoning for 4602 Highland Drive Tebo Annexation **(Move to a date certain of 12/2)** **Motion:** move to a date certain of 12/2 **Moved by:** MPT Williams **Seconded by:** Trustee Lowell **Motion passes unanimously**
4. 2nd Reading – Ordinance 1175 – an Ordinance of the Town of Lyons, Colorado, Approving a Lease of Town Property to Telluride Bluegrass Festivals, PBC. for the 2025 and 2026 RockyGrass Festivals – Director Mitchell presented staff report; financial impacts now show increase in rates of 4.5% for 2025; 4.3% for 2026. Planet has increased its rates by 7.1%; lodging tax discussion could be held separately. MPT Williams, not comfortable passing without lodging tax discussion; why do we not get the full amount, or did we get the full amount? Director Mitchell, we received the amount based on the camp site = 5 people. We did receive the amount we expected from previous boards conversation. This is on the 12/16 agenda for full discussion. **PH opened at 7:58 pm.** Zack Tucker, Longmont, VP Planet Bluegrass, nothing too different from last year. Helps us to have a two-year lease for planning purposes; very open to lodging tax discussions. **PH closed at 7:59 pm** **Motion:** move to approve **Moved by:** Trustee Daty **Seconded by:** MPT Williams Discussion on lodging tax issue at a later time; paragraph 8.E states PB is liable to comply with all state/local laws, that includes our local tax laws. Trustee Daty appreciates relationship with PB. Mayor Rogin thanked PB for patience and with more potential camp sites, would like to have tax discussion once. **Motion Passes unanimously**
5. 2nd Reading - Ordinance 1176 - an Ordinance of Lyons, Colorado Approving a Lease of Town Property to Telluride Bluegrass Festival, PBC. for the 2025 And 2026 Rocky Mountain Folks Festivals – Director Mitchell, very similar to last ordinance this is only for four days. **PH opened at 8:04** No speakers **PH closed at 8:04 pm** **motion:** move to approve **Moved by:** Trustee Daty **Seconded by:** Trustee Hamrick **motion passes unanimously.**

VII. Consent Agenda

1. Resolution 2024-90 – A Resolution of the Town of Lyons, Colorado, Approving an Extension to the Boulder County Intergovernmental Development Agreement
2. Resolution 2024-91 - a Resolution of the Town of Lyons, Colorado, Awarding and Approving a Professional Services Agreement with Ayres Associates, Inc for Construction Management for the St. Vrain Trail Extension Project, Project 24-SV TRAIL EXT-02

3. Resolution 2024-92 – a Resolution of the Town of Lyons, Colorado, Awarding and Approving a Professional Services Agreement with Kimley-Horn and Associates, Inc for a Streetlight Conversion Study, Project 24-LIGHTING-01
4. Resolution 2024-93 – a Resolution of the Town of Lyons, Colorado, Approving the Third Amendment to the Subdivision Improvement Agreement (SIA) for the Remaining Lyons Valley Park (LVP) Lots
5. Resolution 2024-94 – a Resolution of the Town of Lyons, Colorado, Ratifying the Decision of the Board of Trustees to Accept Cash-in-Lieu of Water Rights Dedications from Wikstrom Builders LLC for Lots 11 and 12 of Block 2 Lyons Valley Park Subdivision Filing 8
6. Resolution 2024-95 - a Resolution of the Town of Lyons, Colorado, Awarding a Construction Agreement to Dream Builders, Inc. for US 36 12-Inch Waterline Repair Project - Project Number 24-US36WATERLINE-01
7. Resolution 2024-96 – a Resolution of the Town of Lyons, Colorado, Approving a Settlement Agreement with Zachary Bertges
8. Resolution 2024-97 – A Resolution of the Town of Lyons, Colorado Amending an Intergovernmental Agreement with the Colorado Department of Transportation for the St. Vrain Trail Extension
9. October 21, 2024, Regular BOT Meeting Minutes
10. October Accounts Payable

Motion: move to approve **Moved by:** Trustee Lowell **Seconded by:** MPT Williams Trustee Browning pulled item 6 Reso 2024-95 **Consent as amended passed unanimously**

VIII. Items Removed from Consent Agenda

1. Trustee Daty asked about options presented; Trustee Browning, budget concerns, waterline that broke, there is a dual water line there, \$76K to be paid in 2024, where is the other \$36K coming from? Director Caplan, taking all of it from Capital fund, would need budget amendment. **Motion:** move to approve **Moved by:** Trustee Browning **Seconded by:** MPT Williams **motion passes unanimously**

IX. Boards & Commissions

1. Mayoral Appointment - Heidi Johnson to Lyons Arts and Humanities Commission
2. Mayor noted opening on Parks and Recreation commission/2 openings on HHSC

X. General Business

1. Resolution 2024-84 – a Resolution of the Town of Lyons, Colorado, Approving an Annexation Agreement with TEBO at 4545 Ute Highway and 4602 Highland Drive (Move to a date certain of 12/2) – **Motion:** move to a date certain of 12/2 **Moved by:** MPT Williams **Seconded by:** Trustee Hamrick **Motion passes unanimously**
2. Discussion and Direction Regarding 2025 Budget / Property Tax – follow up from workshop; Trustee Hamrick, at first looking to hold the middle, keep the same. It does make sense to go for the 5.5% increase and raise the mill levy. If we hold/freeze it will compound over time. Trustee Daty I have to agree; so hesitant to ask businesses for more, I get that. Town's revolving loan funds, two funds, one through SBBA a one-time offer, we changed to revolving, has \$55K, we could use that to help. Keep the RLF fund. Ability to look at SBBA funds to help. Property tax rebate option not in parameters / intent of funding. Could use for electric service line for example. Trustee Lowell, did we work the budget with the current mill levy? Director Eyestone draft budget built with \$965K, not doing stream bank which freed up \$125K. TRsuttee Lowell in favor of holding to 2024. MPT Williams in favor of moving to the 5.5%. Trustee Browning – message needs to be sent to taxpayers and future boards, that Lyons will not max out it's tax capacity every year if it doesn't have to. Exactly what Gov Polis asked municipalities to do; need to look at overall tax situation over the last several years. Have raised sales tax to highest in BOCO, raised lodging / MJ tax. Maximized max of 5.5 every year, would like to see us hold the line for one year. So much depends on whether this tax gets a substantial lodging / sales tax influx from hotel or other commercial development, future boards won't have much choice to increase, in favor of keeping it the same. Trustee Delman, could we increase it less than the 5.5%? worry about businesses making it in this town. Could go have to 2.75%. Mayor

Rogin would like to hold / freeze it this year. We can find the \$66K, we have no idea what the next few years development will bring. Trustee Dady willing to change to holding the line based on reviewing next year. **4-3 to hold**. Trustee Hamrick, very concerned about surprise costs, especially with aging infrastructure. Build a capital model, to know what it costs to run the business. It is surprise oriented. Major emergencies every year. Do research on annual emergency costs. LEAF budget request, perhaps designating money to LCF. Director Eyestone, we received \$55K from state backfill property tax, discussed deferring that revenue to 2025 to fund Commercial Incentives or go to fund balance. Would become a wash, does board want to include? Could potentially be used for CDOT ROW lease and maintenance, electric undergrounding, 3 phase power, banners? Mayor Rogin likes keeping it in a separate pot; keeps RLF open. Trustee Browning, inclined to keep in general fund and then appropriate as needed. MPT Williams agrees with Trustee Browning as does Trustee Delman. Gather ideas from Chamber / EVC on how we can assist? Director Simonsen, short on funding for flock cameras, need to add additional \$6K to budget, need to add that amount. Trustee Browning, on fire mitigation funding, ADU \$500 tax rebate on ADU with income restricted ADU, see if BOCO would be willing to match, a \$5K cap for 10 properties. I hope it would qualify under DOLA's umbrella.

3. Discussion / Direction on Capital Improvement Projects using .05 Sales Tax for 2025 – Director Eyestone, does BOT want to prioritize capital project with estimated revenue of \$224K could be used for debt payment, stormwater / street / wastewater improvements. No decision tonight needed; looking for direction. MPT Williams would like to see it for stormwater; Trustee Dady for sidewalks. Trustee Browning - Prior board wisely did not allocate to one project; streets are in such poor condition due to stormwater. How do you assign percentages? Director Caplan could be used as a grant match as well. Mayor Rogin ok without providing direction right now; agree with the obvious choice, but don't want to miss any opportunities. Trustee Dady would like to hear back from SRTS first. Trustee Lowell would like to see it go Wastewater. Trustee Delman wait until SRTS grant, then decide. Trustee Hamrick, if opportunities come up, \$238K not a lot, if we could leverage as a match. Could also be used as leverage to borrow 3-3.5 million. Board consensus is to wait for more information/ keep it set aside.
4. Discussion / Direction to Amend the Legislative Policy Concerning Remote Participation – Mayor made suggestions; realized that technology changes constantly; use webinar platforms and staff trying to do the best. Trustee Dady great service since covid, need safeguards in place. Losing all the archived meetings was huge, glad we could retrieve them. Administrator Simonsen stated staff concurs, will need a little training. Mayor Rogin would like to see an end to remote public participation, with the exception of ADA. Deadline to submit comments Sunday, midnight that will upload Monday morning.
5. Discussion / Direction to Staff Following the Housing Workshop – follow up from workshop, good information, waiting for survey results. Trustee Dady thanked staff for organizing panel, not an easy process. It is necessary to have these hard discussions and get on board with housing goals. Trustee Browning agrees with Trustee Dady, urgent need for more housing. Trestle surveyed the town after the flood asking these same questions. Availability of land is the tough question; use town owned land, we cannot use any substantial land, has to be voted on. We must focus on what voters will approve; the need is obvious it is how you get it done. Mayor Rogin, does the board have interest in owner-deed restricted options? Where would we build these? Perhaps subdivide and rezone the brown shed property? MPT Williams, we have got to communicate with the public. Administrator Simonsen - would hate to subdivide one lot; McCain lot with Brown shed building option would provide 30 1-bedroom apartments. Discussion on partnering with BOCO; funding; opportunity funding; legislation passed on giving municipalities first right of refusal. HB 24-1175 on right of refusal not really applicable to us.

10-minute break at 8:44 pm. Meeting resumed at 8:58 pm

XI. Trustee Reports and Requests for Agenda Items

1. Trustee Delman – PRC did not meet, need additional member
2. Trustee Browning – UEB & EVC meeting next week. Met with chamber last week; let EVC know about delinquent sales tax policy upcoming.

- 229 3. MPT Williams – Nothing from HPC, note my intention for 2025 budget to increase
230 compensation for Mayor/Trustees to 35% AMI
231 4. Trustee Lowell – fire mitigation taskforce, trying to schedule tours, next wed 13th/14th, Nicole
232 Palestro, to see if anything needs to be done to L hill property, invite Aaron/Andrew. Ecology
233 board meets on the 12
234 5. Trustee Dady – HHSC has not met, looking at draft ADU's and You, updating goals, have
235 them share survey, has 2 vacancies. LAHC meets 11/12. Homeless working group meets
236 12/11 with several action items. Mayor believes they understand that Lyons is an outlier, fine
237 to go and listen to, we don't have the resources to address these issues. TD how do we feel
238 about this regional approach.
239 6. Trustee Hamrick – SFC meets next Thursday, need one member, David DeCoster resigned.
240 7. Mayor Rogin – Consortium of Cities met here last week; discussed area agency on aging,
241 getting copies of the aging report. SVVSD gala on Saturday, had a huge silent auction, Lyons
242 had the best basket. DRCOG next week, met with 7 chairs of the B &C's last week. PCDC
243 met, Planner Bowen presented a primer on how to conduct meetings.
244

245 XII. Summary of Action Items:

- 246 1. asked staff to recirculate the HHSC review of town properties.
247 2. Educate on waiver of tap fees on ADU's.
248 3. Attorney Dittman to research if CML is tracking lawsuits from HOA's?
249 4. Ordinance 1167 moved to date certain of 12/2
250 5. Resolution 2024-74 moved to date certain of 12/2
251 6. Ordinance 1168 moved to date certain of 12/2
252 7. Ordinance 1169 moved to date certain of 12/2
253 8. Ordinance 1175 passed on 2nd reading
254 9. Ordinance 1176 passed on 2nd reading
255 10. Resolution 2024-84 moved to a date certain of 12/2
256 11. Staff to research subdividing / rezoning the brown shed property for owner, deed
257 restricted options?
258 12. Board consensus is to hold the line on property taxes for the 2025 budget.
259 13. Research capital model to understand all operating numbers and annual emergency
260 costs for budgeting purposes.
261 14. Follow up with LCF on facilitating budget request from LEAF
262 15. \$55K backfill dollars to go to general fund.
263 16. Future agenda item for future ADU incentive program.
264 17. Allocate 5K for ADU incentive for 2025 budget
265 18. Keep .05% sales tax set aside for now, no definite project identified.
266 19. Bring resolution on legislative policy amendments to 11/18 agenda.
267 20. Memo on ADU CML
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269 XIII. Adjournment – **Motion:** move to adjourn **Moved by:** Trustee Lowell **Seconded by:** Trustee
270 Delman **meeting adjourned at 10:15 pm.**
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273
274 Respectfully submitted by:
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278 _____
279 Dolores M. Vasquez, CMC – Town Clerk
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281

Hollie Rogin, Mayor