

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

WATCH AT: WWW.TOWNOFLYONS.COM/LIVESTREAM

DRAFT AGENDA
TUESDAY, JANUARY 20, 2026

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, Trustee Williams

Land Acknowledgement & Reflective Moment of Silence

Approval of Agenda – **Motion:** move to approve **Moved by:** MPT Williams **Seconded by:** Trustee Lowell **Motion passed unanimously**

Audience Business & Follow-up – Mariah McCreary, 323 Seward, working to establish a farmers' market for the town; I have submitted a special use application to hopefully get it into Sandstone Park, have done it the last 2 years in Moxies parking lot and feel ready to expand it here; more food access for us and our neighbors. **BOT Response:** board is happy to see this effort and wish her luck. **Staff response:** agrees, hopefully another access for us and our neighbors.

Holocaust Remembrance Proclamation

Staff Reports

Boulder County Sheriff's Office Report – Sgt Crist / McKim unable to attend; Sgt. Crist and Deputy Roseborough attended SAC and discussed graffiti problem in town. 1/25 Sgt McKim will take over as sergeant. She has been shadowing and is ready to go. SRO vehicle has new Lyons HS wrap.

Administrator's Report – updated on April 7th municipal election; all nomination petitions due next Monday at 4:30 pm. OMW sponsorship; sensor at WWTF is holding / operating. CDOT ADA replacement project continues, hope to finish this week. Curbside limb pickup yesterday and today. BOCO ballot box to be moved to library after this election. Staff to review impact for additional hauling costs and when did board approve the STFA 5th Ave project.

Legal Update – Wireless proceedings; preempt local control, seek to limit our ability to require fees, types of permits we can require; limit ability to regulate what types of facilities we allow. Ability to regulate camouflage requirements. FCC interpretations of rules would be put into jeopardy. Filed robust comments entering into the record numerous examples of how we work well with them. Feel certain this will go to federal court. Lyons is not a direct participant, working on behalf of CML and town well represented. It is difficult for town to file independent comments at this point. Could be future opportunities for comments. My law firm is not a telecom law firm for clarification. Congressional level legislation that bundles together that takes many things entirely out of our hands. Working with Neguse's office but doesn't seem likely to move forward. Directed to notify board of future "me too" clause / opportunity.

Ordinances and Public Hearings

2nd Reading and Public Hearing – Ordinance 1196 – an Ordinance of the Town of Lyons, Colorado, Annexing the Property at 4497 Ute Highway to the Town of Lyons (**continued from 10/16/2025 BOT meeting**) – Planner Ritchie stated town staff unable to secure agreements, applicant doesn't support and has not offered an amended redline. Staff are not requesting to continue; if BOT denies applicants cannot apply for one year. Unable to come to agreement on reimbursement / lack of information on applicant's side, unwilling to sign on to unknown number. Discussion on reimbursement clause; if TEBO improved Highland Dr area, the town would reimburse? Staff: yes, and I have encouraged the two to connect. It is a common clause when costs are unknown for improvements. We would put into clause that future annexor would agree to pay their portion. Modifications to ditches are included. Discussion: Tebo has a 2-year obligation to put up water rights / tap fees? Does he have to do the roads? Director Caplan, we would have to review, the town could do it at some point and have him

61 pay for it. Legal: would be for current existing properties. Recommends voting it down to get clock
62 moving. Staff research if applicant is aware of the one-year stipulation. **Motion:** move to continue to
63 date certain February 2, 2026 **Moved by:** Mayor Rogin **Seconded by:** MPT Williams **motion passes**
64 **unanimously**

652. 2nd Reading – Public Hearing - Ordinance 1197- an Ordinance of the Town of Lyons, Colorado, Zoning
66 4497 Ute Highway of the '4497 Ute Highway Annexation' to Commercial Eastern Corridor (CEC)
67 **(continued from 10/16/2025 BOT meeting)** -Staff report is same as above. **Motion:** move to
68 continue to date certain February 2, 2026 **Moved by:** Mayor Rogin **Seconded by:** MPT Williams
69 **motion passes unanimously**

703. 2nd Reading and Public Hearing – Ordinance 1203- an Ordinance of the Town of Lyons, Colorado,
71 Approving the Rezoning of 4651 & 4652 Ute Hwy from Commercial Eastern Corridor (CEC) to PUD
72 CEC **(Continue to 2/2/26 meeting)** – Staff: no change from 1st reading, applicant requested
73 continuance; reverter clause, CPW recommendations. Legal: to what extent is time-based zoning
74 legal? No great examples: not something you would typically do. A legislative act: a reversion would
75 require action as well. Limiting uses to more palatable uses, which would most likely occur on
76 property. Discussion on time limitations on when we could require development agreement, vested
77 rights. CEC zoning options? That would be separate application. They would need to withdraw and
78 reapply. Trustee Hamrick: did we clear up CPW referral; Staff: I encouraged applicant to meet with
79 CPW, no legal obligation to follow; streambank restoration was to rebuild habitat. **Motion:** move to
80 continue to date certain February 2, 2026 **Moved by:** MPT Williams **Seconded by:** Trustee Lowell
81 **Motion passes unanimously**

824. 2nd Reading and Public Hearing – Ordinance 1211 – an Ordinance of the Town of Lyons, Colorado
83 Approving a Ballot Question Regarding the Increase of the Use Tax by 1.0% to be Approved by Voters
84 at the April 7, 2026, Election – Director Eyestone: this would approve ballot question to align use tax
85 with sales tax with a 1% increase. Trustee Lowell: Use tax applies to taxes on purchases of vehicles
86 (new / used)? Staff: Yes, depending on if dealers charge it, if not the county catches. Trustee Hamrick
87 would like to delay to June as letter from Mossrock notes effect on the project. **PH opened at 7:56**
88 **no speakers Closed at 7:56 pm Motion:** move to approve **Moved by:** MPT Williams **Seconded**
89 **by:** Trustee Daty Discussion: MPT Williams, my biggest concern / many businesses aren't aware of
90 what the town has done to help businesses; track record of businesses not succeeding in town; we
91 need to make sure we receive the revenue we are due and make sure businesses succeed. Changing
92 the rules in the middle of the game; I would like to see both sales / use tax be equal, doing that now
93 potentially harms those in the process and doesn't feel like much we can do. Trustee
94 Browning - affordability; too many taxes raised in the last few years; lower use tax encourages new
95 construction. I don't care if our rates are different. The town is always going to need the money. Do
96 a better job collecting current taxes. Argument of letting voters decide; we've got very big
97 infrastructure projects that we will have to ask ratepayers for money. Opposed and will vote no.
98 Trustee Williams - inclined to support, correction to oversight, alignment is common practice.
99 Sympathetic to concern about it being a regressive tax, if we levy in on large projects without setting
100 them on their heels. Two uncertainties remain; voters will choose. And every current development
101 can be discussed. Will be voting for. Trustee Hamrick; is conflicted, need other sources of funds.
102 Mossrock letter changed my mind; that is a game changer for this town. Seem very straight forward;
103 doesn't seem like a ton of money; will vote no. Trustee Daty - I supported first reading but looking at
104 budget forecast and feel responsible for oversight. We also have heard from developers; it would be
105 easier for voters to decide, but not sure they have the full picture. Trustee Lowell: Staff said difference
106 was \$66K, Mossrock has been waiting for years, this gives them pause, agree w/MPT don't like
107 changing rules in the middle. I will be voting against this. Mayor Rogin, I'm not sure I agree that
108 voters don't understand; I do understand all concerns and will be voting no. Potential lodging tax at
109 hotel would be greater than use tax. We can't bind the hands of a future board; and to have them wait
110 is wrong. Issue of not being business friendly; many don't know what we have done. We have: 1.
111 Worked with CDOT on lease for SVM 2. paying for outdoor furniture for downtown. 3. Noise ordinance
112 was modified. 4. Farmers market was allowed; 5. PBG 2-year leases for continuity, More to do. EVC
113 to work more on policy vs. marketing tactics. 2 meetings a year with EVC / Businesses to establish
114 goals. Trustee Daty will be voting no as well. **Motion FAILS 6-1**

VIII.5 Consent Agenda

116. Resolution 2026-04 – A Resolution of the Town of Lyons, Colorado, Awarding and Approving a
117 Professional Service Agreement for 3rd Avenue Stormwater Design BRIC Project to Drexel Barrel &
118 Co.
119. Resolution 2026-05 - A Resolution of the Town of Lyons, Colorado, Awarding and Approving a
120 Professional Service Agreement for Design for 3rd Avenue and Stickney St. Sidewalks Safe Routes
121 to School Project to Drexel Barrel & Co.
122. Resolution 2026-06 – a Resolution of the Town of Lyons, Colorado Approving a Memorandum of
123 Understanding with WaterNow Alliance Regarding Strengthening Community Resilience Through
124 Green Stormwater Infrastructure
125. January 5, 2026, Regular BOT Meeting Minutes
126. January Accounts Payable
127 **Motion:** move to approve **Moved by:** MPT Williams **Seconded by:** Trustee Lowell Trustee Browning
128 pulled item 1 (Reso 2026-04) Trustee Lowell pulled item 3 (Reso 2026-06). **Motion passes**
129 **unanimously**

~~IX~~10 Items Removed from Consent Agenda

- 131 Trustee Lowell – Item 3 Res 2026-06 – supports, cover memo confusion, fiscal impacts; Director
132 Caplan stated it was an oversight. **Motion:** move to approve **Moved by:** Trustee Lowell **Seconded**
133 **by:** MPT Williams **Motion passes unanimously.** Trustee Browning - Item 1 – Reso 2026-04 BRIC
134 Grant – previously authorized funds still funded through state agency due to court injunction. Should
135 that go away at some point our risk is \$161K; stormwater fund probably can't handle **Motion:** move
136 to approve **Moved by:** Trustee Browning **Seconded by:** MPT Williams **Motion passes unanimously**
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~~X~~8 Boards & Commissions

~~X~~10 General Business

141. Agenda Request: Water Tap for Orchard / Adrean Kirk & Glen Delman – Glen Delman stated we
142 have two requests; we have been in touch with confluence neighbors and let them know everything
143 we are requesting. We are requesting a spigot and have received a grant from a wonderful family
144 that will pay for installation, digging and maintenance. No plans for toilet. Original DRBOP asks for a
145 vault toilet. Next request is to put in 14 more trees, that would fill out the orchard, have 35 now. Plenty
146 for food and can handle the water, pruning and maintenance. All 35 trees have been sponsored by
147 community members. Opportunity for elementary school outdoor education. Board response: Trustee
148 Dady is glad they reached out; what was their reaction? Mr. Delman, some support, not everyone
149 back from holidays. Text from Ryan in support of. Trustee Lowell: soil is amenable to growing trees;
150 Mr. Delman, it's mixed with better compost, some trees have grown well; different times to establish.
151 Need more consistent water supply. Trustee Williams asked if there were any impeding projects for
152 water taps. Staff: no current plans. We have two taps available. One specifically for a community
153 project. Trustee Browning: feedback from confluence is creep; what assurances that this is how big
154 it will get. Mr. Delman, this will fill out what is appropriate for the space; any more trees would take up
155 more space towards confluence circle and harder to manage. Administrator Simonsen, the confusion
156 is partly because this is only for the small lot in front, not the entire lot. Not expanding lease area.
157 Mayor Rogin, is there a point where you won't need to water trees after being established? Mr.
158 Delman, after 1-2 years, much less watering is required. MPT Williams appreciated grass roots effort,
159 thoughtful ness and respect. Board consensus: 1. No charge for water tap 2. Use DRBOP tap for
160 purpose intended. 3. Town rate for water usage is appropriate 4. No financial support for installation.
161 5. Ok with additional 14 fruit trees.
162. Discussion / Direction on Sales Tax Reporting for Event Venues – Mayor Rogin: want to determine if
163 this is a good use of staff time; and an update. Trustee Browning: summer weddings / amount of
164 sales for food, flowers, equipment rental is substantial. Most provided by out-of-town vendors who
165 should be reporting. Not easy for town staff to track. How to make sure we are getting all sales taxes
166 due. Try to make a monthly voluntary report, could pass an ordinance; my preference is to work with
167 vendors. Some tax leakage for sure. Director Eyestone, you are on the right track; would like to see
168 if venues are willing to share who they used in the last summer; and spot check. Larger caterers /
169 florists do report. See what percentage that leakage is before we implement policy. Staff time will be
170 follow-up of those not remitting. Discussion on food trucks; **Direction: get list of regular vendors**
171 **from 2025 and spot check first.**
172. Resolution 2026-07 – a Resolution of the Town of Lyons, Colorado, approving a Policy Regarding
173 Grant Submittals and Letter of Support Guidelines – Administrator Simosen: staff is looking for
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175

guidance on things like when do staff need permission to apply, accept or submit letters of support. Usually when another group asks for a letter of support, they need it within a matter of days and we only meet twice a month. Proposed staff parameters, when BOT approval is needed and letter of support recommendation. Trustee Hamrick supports dollar thresholds; should Mayor sign off on letter of support; Trustee Dady supports; Trustee Lowell: add grant application / LOS forwarded to BOT at next possible meeting. Discussion: many times, the board goes three weeks between meetings, too long. Specify time to notify board and add provision that says BOT may allow it to proceed if withdrawn. Add: anything that prohibits commissions of doing work without authority from BOT / Staff. Similar mechanism of controlling endorsing policy? Staff: some terms have identified legislative policies, and mayor has authority to speak on behalf of town. **Motion:** continue to February 2nd meeting with amendments as noted **Moved by:** Mayor Rogin **Seconded by:** MPT Williams **Motion passes unanimously**

XII Trustee Reports

1. MPT Williams– HPC meets tomorrow
2. Trustee Browning - UEB met last week; Aaron / Jim going to MEAN conference tomorrow; discussing rate increases. Chair Kerr stepped down / Jim Botsford new chair. Spirithounds presented on BOD high strength charges; EVC no quorum; Grace Barrett new chair.
3. Trustee Williams – PCDC meeting was cancelled.
4. Trustee Hamrick – SFC met on the 8th and discussed the workplan for the year, and an Earth Day event; Jeff Christy resigned.
5. Trustee Dady – SAC had a full board; sheriff's department presented on graffiti; town clerk presented on elections. SAC will discuss proposals. Request from Trustee Lowell on data from dog park. Will be the liaison 2/12 at 3:30 pm. LAHC met, met new municipal flag artist. Submitting two options. LCD has begun transitioning funding for art shows. How will they report to the BOT; a resolution to dissolve LAHC? Priority is to hire admin officer. Priscilla Cohan fund has over \$30K. I signed up for Doing Democracy Day and am going to state capital with exchange students
6. Trustee Lowell – Ecology board meets tonight; PRC met 1/12 discussed skating rink; beavers and damage; taking down trees and they carry gerardia; when are we going to get them out of there; we don't do it in the spring or winter, Director Cosgrove's on top of it.
7. Mayor Rogin – Clerk Vasquez discussed if SAC could run candidate forum. Missed HHSC meeting; going to DRCOC tomorrow; CML ex board meets Friday; met with a resident on flock cameras, easy to hack into. These are not on town property; on CDOT and sheriff owns data. Some retention policies to negotiate.

XIII Summary of Action Items

1. Send Safe Streets for All (5th Ave) (when board approved) to Trustee Browning
2. Quantify costs for WWTF
3. Legal to inform board of Me-Too option for wireless
4. Ord 1196 moved to 2/2 notify applicant
5. Ord 1197 moved to 2/2 notify applicant
6. Ord 1203 moved to 2/2
7. Ord 1211 failed on 2nd reading
8. EVC to work on policy and bi-annual report w/businesses
9. Orchard request approved with 5 listed conditions.
10. Get info from venues, conduct sales tax spot checking vendors prior to implementation of policy
11. Reso 2026-07 moved to 2/2
12. Mayor Rogin to work on retention policy for flock cameras and bring back

XIV Adjournment – **Motion:** move to adjourn **Moved by:** MPT Williams **Seconded by:** Tanya Dady meeting adjourned at 9:42 pm

Respectfully submitted by:

Dolores M. Vasquez, CMC – Town Clerk

Mayor Hollie Rogin