

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

ZOOM LINK

<https://us02web.zoom.us/j/86037295599?pwd=QzBnU3doTlhDVXRXM3Eza3dzNktHQ09>

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DRAFT AGENDA

THURSDAY, APRIL 29, 2021

SPECIAL BOARD OF TRUSTEES MEETING 5:00 PM

- I. Roll Call and Pledge of Allegiance – **Present:** Mayor Angelo, Mayor Pro Tem Browning, Trustee Lowell, Trustee Miller, Trustee Rogin, Trustee Waugh, Trustee Karavas
- II. A Reflective Moment of Silence
- III. Approve Agenda- **Motion:** move to approve the agenda **Moved by:** Trustee Karavas **Seconded by:** Trustee Lowell **Motion:** move item V.1 to after item 6.5 **Moved by:** Mayor Pro Tem Browning **Seconded by:** Trustee Karavas Mayor Pro Tem Browning, although we typically hold those first, the other agenda items cover all those items **Vote passes 7-0**
- IV. Audience Business – Steve Simms, 5th Ave, loss of food source for fish habitat. Looking for a long-term eye on the situation would like to create that type of awareness as we are still new in the situation.
- V. Public Hearings and Ordinances
 - 1. 1st Reading – Ordinance 1099 – An Ordinance of The Town of Lyons Colorado Amending Section 4-10-20 of The Lyons Municipal Code Concerning the Definitions for the Lodging Occupation Tax – **Motion:** Move to approve 1099 **Moved by:** Mayor Pro Tem Browning **Seconded by:** Trustee Karavas **Vote passes 6-0**
- VI. General Business

Discussion/Direction – Follow up to April 22, 2021 BOT Discussion on Planet Bluegrass Issues - Trustee Miller disclosed she works for Planet Bluegrass, no financial stake and feels like she can make unbiased decisions. **Mayor Angelo moved for abstention and recusal of Trustee Miller** **Seconded: Trustee Karavas** Mayor Angelo in 35 years of serving the public/10 years on BOT, never have had someone who earns a living with a business on the agenda not recuse themselves. It leaves a question open. Mayor Pro Tem Browning, town code of ethics covers this; any contract that pays money impedes fair judgement, whether you are a stake holder or not. If any trustee has a financial interest to maintain public confidence. I support the motion. Trustee Rogin asked

53 Trustee Miller about what percentage of annual income comes from Planet Bluegrass? Trustee
54 Miller maybe 15-20 percent. **Vote passes 4-2 Yes:** Mayor Angelo, Mayor Pro Tem Browning
55 Trustee Lowell, Trustee Karavas **NO:** Trustee Waugh, Trustee Rogin **Trustee Miller left the**
56 **meeting at 5:18pm** Trustee Waugh disclosed in past Lyons Properties has allowed camping and
57 previous camping/lodging tax we no longer have that relationship, happy to recuse/abstain from
58 those topics.

59 a. Sub Committee Report – Mayor Pro Tem updated board on negotiations with PB, an agreement
60 has been reached. Covers payment of 2019 taxes and they agree to pay on other events
61 (academy/song school). Camping sites have been defined and agreed to. Many amendments to
62 ALU and Keynotes on PB Site and PB Farm. Unable to consolidate the agreements for both
63 properties as they are owned by separate entities. Created a third category of events. PB would
64 like to have some larger events, but not festivals, with cap of 1K people. Discussed number of
65 people that could be accommodated and self-contained. A cap of 10 of those mid-tier events.
66 Major events (festivals) had required shut down time of 10:30 pm w/30-minute leeway. Under
67 existing contract for minor events, no cap and no time limit. Number of things in agreements that
68 have dropped by the wayside over the 20+ years; why keep them in there? The underpass for
69 pedestrians was also considered. The Farm property: limitations are pretty clear, Farm limited to
70 support main events at the Planet property. We retained those limitations, only expanded use is
71 increasing number of major events from 6 to 8 and event days from 10 to 12; crowd size limit be
72 revised to 4500. No change in use at Farm on Keynote map. Recommended decreasing # of
73 campers and increasing # of vehicles. Business licenses and sales tax, PB will be responsible.
74 Weddings/caterers/florists they will need to report sales tax and get a business license. Last 2
75 years BOT has allowed lineups on Sundays, make that permanent. Trustee Rogin thanked
76 Mayor Pro Tem for all the hard work; the discussions with PB/Zack were really productive and
77 collegial. My hope is we can settle these matters and move on to other issues. Trustee Karavas
78 ; old notes show discussion wanting to hammer this out and make it a 2- or 5-year contract. Is
79 that doable? Trustee Rogin, one of the versions was a review in a year, I think a 3-5-year
80 review is soluble for both parties and I would support it. Mayor Pro Tem agrees. Trustee Rogin,
81 think about setting a schedule for staff/PB to meet to address issues and then bring to BOT, no
82 subcommittee.

83 b. Planet Bluegrass Report – Zack Tucker - this was a very productive process to go through,
84 thanked everyone for their hard work. We've learned a lot doing this over 20 years, it's great to
85 update to best practices for town/attendees. This big jump will make it much easier to work
86 together in the future. Historical tax that is owed, none of academy/song school occurred on
87 town property.

88 2. Discussion/Direction on Amending the Amendable Letter of Understanding for Planet Bluegrass –
89 Attorney Dittman, no longer necessary given changes in new settlement agreement. Previously had
90 to address every year, now resolved. Mayor Pro Tem, item 6.5 would address items 6.2 thru 6.4
91 **Motion:** Move: to hear item 6. 5 Resolution 2021-49 first **Moved by:** Mayor Pro Tem Browning
92 **Seconded by:** Trustee Lowell **Vote passes 6-0** **Motion:** move to take no action on this item since it
93 has been addressed on 2021-49 **Moved by:** Mayor Pro Tem Browning **Seconded by:** Trustee
94 Karavas **Vote passes 6-0**

95 3. Discussion/Direction on Amending the Minor Keynotes for Planet Bluegrass – **Motion:** move to take
96 no action as it has been addressed by Resolution 2021-49 **Moved by:** Mayor Pro Tem Browning
97 **Seconded by:** Trustee Lowell **Vote passes 6-0**

98 4. Discussion/Direction – Planet Bluegrass Lineup for Song school – **Motion:** move to take no action as
99 it was addressed by Resolution 2021-49 **Moved by:** Mayor Pro Tem Browning **Seconded by:**
100 Trustee Lowell **Vote passes 6-0**

101 5. Resolution 2021-49 – A Resolution of the Town of Lyons, Colorado Approving a Mutual Release and
102 Settlement and Agreement to Amend Planet Bluegrass Keynotes and Amendable Letters of
103 Understanding Between the Town of Lyons, Colorado, Telluride Bluegrass Festival, PBC, Planet
104 Bluegrass Annex, LLC, And Craig Ferguson – Attorney Dittman the version online has a few minor
105 errors, non substantive issues have been fixed, which will be the final. Trustee Rogin so process is
106 BOT approves, mutual execution, and resolutions at a future meeting. We will act as if they are
107 enacted as these events are coming up soon and it takes time to draft the documents. **Motion:** move
108 to approve **Moved by:** Mayor Pro Tem Browning **Seconded by:** Trustee Rogin Mayor Pro Tem

109 Browning noted for record, there was a time crunch, PB needed to move forward with 2021 events.
110 **Vote passes 6-0**

111 6. Resolution 2021-47, A Resolution of The Town of Lyons Approving A Lease of Town-Owned
112 Property with Telluride Bluegrass Festival, PBC for the 2021 Rockygrass Festival – Director Mitchell
113 stated difference this year the two festivals are slated to be 2 weeks apart/reached out to Zack about
114 concessionaire at LMJ for the two festivals, and we will discuss. Trustee Waugh asked about the
115 \$4,100 daily fee covers daily rates if everything was rented out those days. Director Mitchell
116 confirmed. Trustee Waugh, no lodging tax then? We would be double charging them, it is already
117 built in, correct? Mayor Pro Tem Browning, the town doesn't collect any fees while the Planet leases
118 it; we aren't charging the campers anything they are so they will be paying lodging tax. Discussion
119 on reducing tax. Attorney Dittman, no double tax since the town doesn't tax itself; PB is not being
120 taxed twice. Mayor Angelo, PB has done a great job managing the parks and it would be nice to
121 give staff a break. Mayor Pro Tem Browning, I have requested: staff has prepared an analysis if
122 town retained control vs. PB. Done 3-4 years ago, rates and days have changed, please update.
123 **Motion:** approve Resolution 2021-47 **Moved by:** Mayor Pro Tem Browning **Seconded by:** Trustee
124 Lowell Mayor Angelo asked, do we expand the camping at the parks during the festivals? Town
125 Administrator Simonsen confirmed. **Vote passes 6-0**

126 7. Resolution 2021-48 – A Resolution of The Town of Lyons Approving A Lease of Town-Owned
127 Property with Telluride Bluegrass Festival, PBC for the 2021 Rocky Mountain Folks Festival –
128 Director Mitchell, leases used to be for 9 days each, this year a total of 9 days, 5 for Rocky Grass, 4
129 for Folks. **Motion:** move to approve **Moved by:** Mayor Pro Tem Browning **Seconded by:** Trustee
130 Lowell Trustee Rogin, super cool if concessionaire could stay there during festivals **Vote passes 6-0**
131 Mayor Angelo thanked subcommittee, staff, Zack Tucker, and Craig Ferguson.
132 8. Discussion/Direction to Town Attorney on CDPHE CORA Response – **motion:** move to after second
133 executive session **Moved by:** Mayor Pro Tem Browning **Seconded by:** Trustee Waugh **Vote**
134 **passes 6-0**

135 **Motion:** move to adjourn to executive session **Moved by:** Mayor Pro Tem Browning **Seconded by:**
136 Trustee Karavas **Entered into executive session at 6:31 pm.**
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138 VII. Summary of Action Items

140 VIII. Executive Session - This is an executive session being conducted pursuant to C.R.S. Sections 24-6-
141 402(4)(e) and 24-6-402(4)(b) for the purpose of determining positions relative to matters that may be
142 subject to negotiations, developing strategy for negotiations, and instructing negotiators, and for
143 receiving legal advice from attorneys representing the Town on specific legal questions, and specifically,
144 determining negotiating positions and strategies regarding Planet Bluegrass, and obtaining advice as
145 needed from legal counsel on related legal issues. – **NOT NEEDED**

146 Executive Session - This is an executive session being conducted pursuant to C.R.S. Sections 24-6-
147 402(4)(e) and 24-6-402(4)(b) for the purpose of determining positions relative to matters that may be
148 subject to negotiations, developing strategy for negotiations, and instructing negotiators, and for
149 receiving legal advice from attorneys representing the Town on specific legal questions, and specifically,
150 determining negotiating positions and strategies regarding the Town's Energy Cost-Savings Contract
151 with Honeywell International, Inc. for the new wastewater treatment plant, and obtaining advice as
152 needed from legal counsel on related legal issues. – **Executive session adjourned at 7:17pm**

153 All present for regular meeting at 7:19 pm – **Motion:** move to direct Attorney Dittman to follow
154 instructions as were discussed in executive session **Moved by:** Trustee Rogin **Seconded by:** Trustee
155 Miller **Vote passes 7-0**

156 IX. Adjournment – **Motion:** move to adjourn **Moved by:** Trustee Karavas **Seconded by:** Trustee Lowell
157 **Vote passes 7-0** Meeting adjourned at 7:21 pm.

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162 Respectfully Submitted by:
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166 Dolores M. Vasquez, CMC – Town Clerk

Mayor Nicholas Angelo

167

168 "The Town of Lyons will not discriminate against qualified individuals with disabilities on the basis of disability in its services,
169 programs, or activities. Persons needing accommodations or special assistance should contact the Town at
170 hr@townoflyons.com as soon as possible, but no later than 72 hours before the scheduled event."

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