



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

ZOOM LINK:

<https://us02web.zoom.us/j/85883231804?pwd=aJFDTmhBMFF0UTFwN3RZR1d5ajFWUT09>

Meeting ID: 858 8323 1804

Passcode: 823173

Dial by your location

+1 301 715 8592

Meeting ID: 858 8323 1804

DRAFT AGENDA

MONDAY, JUNE 7, 2021

5:30 pm – 6:50 pm WORKSHOP

Discussion on Broadband Issues

Presentation By: Ken Fellman

Lyons Communications Presentation

7:00 PM BOARD OF TRUSTEES REGULAR MEETING

- I. Roll Call and Pledge of Allegiance – **Present:** Mayor Angelo, Mayor Pro Tem Browning, Trustee Waugh, Trustee Rogin, Trustee Karavas, Trustee Lowell, Trustee Miller
- II. A Reflective Moment of Silence -
- III. Approve Agenda – **Motion:** move to approve **Moved by:** Trustee Karavas **Seconded by:** Trustee Lowell **passes 7-0**
- IV. Audience Business – Joe & Ralph Ford, 4th and Broadway, interested in using the Visitors Center for Ralph’s vegetable stand. Been there 8 years, helped thru flood, covid, fire evacuation and LEAF. Anyone who comes to his shop who can’t afford it gets the food for free. Being displaced by new hotel, last day is June 8th. He would like to stay in the community, the location is a challenge. The Visitors Center is a great spot, and he would help out in any way needed. Would continue offering all the same things, and during any holiday or special events he can help facilitate and do what he can. Bonita Yoder, 401 2nd Ave, support Ralph and he is a community person. I was informed I had 60 days to remove/repair deck there. I need feedback; I had submitted a flood permit application and that would have grandfathered me into the less restrictive flood regulations. The permit was issued and expired. I thought we were all in a covid pause. I felt a little blindsided, I will be on the 6/17 agenda to ask the BOT for additional time for the deck repair and to extend my flood permit. My concern is if in 2 weeks from now I learn a determination and then the date to repair the deck would pass. I’m here to ask for help from the board.
- V. Boulder County Sheriff’s Report -Sgt. Crist he is grateful for the town and their support for Mayor Klepel’s funeral; all the support that everyone gives the sheriff’s office. Speed trailer back out for summer months; working on emergency plan for parks. Parks have



52 been good, talked with Park Hosts/Marissa. We are at the point where the tubing ban will
53 be enacted. Ban should be issued sometime tomorrow. Ralph Price has been releasing
54 about 250 CFS in anticipation of runoff. They are projecting high water for next 30 days.
55 On track for a normal year with the rivers. Trustee Lowell the CFS reading at McConnell
56 bridge is a little misleading. I went down the river this weekend in a kayak, and I would not
57 put a tube into that river. Trustee Waugh asked about ash/fire residue in river. Trustee
58 Lowell stated not sure about human effects but did not harm aquatic. Trustee Karavas
59 asked about staffing; Sgt. Crist we just got 2 more for day shifts, doing a little better. Still
60 short on extra duty for parks/weekend traffic. Still a skeleton crew. Trustee Karavas how
61 is the catch and release going? Sgt. Crist still status quo, Sheriff Pelle is advocating at the
62 state level to go back to pre-covid status. Have reduced some standards, is laxing up a
63 little. Trustee Karavas, how is morale? Sgt. Crist, that one is harder. We are all hanging
64 in there. It is a very stressful job; but our guys are rising above that.
65

66 VI. Trustee Reports

- 67 1. Trustee Lowell – April 18th, Ecology Board mtg; has Facebook page up and running.
68 Weed management discussion, Nutrifix, working with Director Cosgrove. Ecology Board
69 submitted their 20-page plan for Comp Plan. Algae in pond, contract awarded to install
70 nano bubblers. Contractor had issues with bond requirements but worked out and back
71 on track.
- 72 2. Mayor Pro Tem Browning – shout out to Harry Kellogg and Sheriff’s office for moving a
73 huge limb that fell on Hwy 7 in front of Town Hall. Perennial plants that were put in years
74 ago on Hwy 36, have been ripped up and replaced with annuals. Would have been
75 thoughtful to let those people know. On Sunday over 900 people in LMJ and it was pretty
76 packed, we need to continue to monitor
- 77 3. Trustee Rogin – grateful for hearing live music again while I’m walking my dog. Attended
78 BOCO Consortium.
- 79 4. Trustee Karavas – new outfall permits issued. Now need to install monitoring station just
80 above the new outfall, would like to see it installed asap, maybe Longmont would go
81 halves with us. UEB really wants to return to in-person meetings. Want to be notified of
82 new permits and utility billing issues. Looking at lighting regs in LMC. Will be updating
83 net metering policy.
- 84 5. Trustee Miller – I love the new sculpture placed on Railroad & Broadway. HHSC met last
85 month, meet again on Monday. Determined that fraud is happening with ZTrip vouchers.
- 86 6. Trustee Waugh – Did not attend last PCDC workshop; reviewed the joint meeting with
87 BOT. Gregg Oetting announced he will be stepping down after almost a decade on the
88 board. I am grateful for business owners in Town of Lyons, met with a small group and
89 enthusiasm for TOL and substantial change to business-friendly environment was really
90 encouraging.
- 91 7. Mayor Angelo – I am thankful for Cherie Maureaux, works on mental wellness, and
92 anyone who is feeling down, she has given me permission to give her cell # 720-612-
93 9774 and email is mentalwellness@leaflyons.org. Congressman Neguse visited, toured
94 on the golf cart, showed our many improvements. SFC will hold recycling event.
95

96 VII. Boards & Commissions

- 97 1. Mayoral Appointments –
 - 98 A. Chris Cope to Utilities & Engineering Board
 - 99 B. Maya Caplan to the Student Advisory Commission
 - 100 C. Laura Mayo to the Ecology Board
- 101 2. Economic Vitality Commission Update – Paul Dreyer – A lot happening at EVC, we are
102 really excited to be working with PCDC on Comp Plan. Recently EVC drafted email letter
103 to ThinkGenerator (Tamburello) just to extend our assistance. They would love to



104 continue the conversation and put together a working group to provide
105 thoughts/recommendations for greater comp plan specifically the Eastern corridor.
106 Trustee Rogin thanked Mr. Dreyer for running a great team. Mr. Dryer is grateful for
107 Trustee Rogin's calm presence at the meetings.
108

109 VIII. Staff Reports

- 110 1. Flood Recovery Update – Bridge weeks away from opening; 4th Ave Ped Bridge,
111 submitting structural/hydraulic review for CDOT. Ordering bridge soon to use CDBG
112 funding. Outfall extension is complete. Stormwater project pre bid meeting today. Back up
113 power is out to bid; on lift station waiting for quotes/environmental clearance.
- 114 2. Administrator's Report – Grateful for how beautiful Bohn Park is and how exciting it is to
115 see our businesses and parks thriving. No COVID testing in town, ended in May. WWTF
116 submitted a \$3.4 million grant for improvements needed at the plant. Summit – special
117 meeting on June 17th if BOT is available. Talking with Division of Housing, City of
118 Longmont and Boulder County. Is the BOT available in pursuing the Visitors Center for Mr.
119 Ford? Trustee Lowell, I'm not crazy about it; what happened to the Amazon lockers?
120 Amount of traffic the bathrooms get is already high. And town property should not be used
121 for businesses. Mayor Pro Tem, I agree, if the town is going to provide
122 water/sewer/electric we should get a fair lease. It needs to be licensed and pay sales tax.
123 Trustee Rogin, absolutely in favor of staff pursuing. We just leased town property to a
124 vendor in LMJ, so precedence is there. Trustee Karavas I would be interested to see what
125 we could come up for this individual. While this is being done, EVC and Trustee Rogin
126 could maybe look for a long-term solution. Trustee Miller – concurs with Trustees
127 Rogin/Karavas. Trustee Waugh, school starts in 9 weeks. I see no reason for a town
128 building to be sitting there empty. It does need to be a registered business; but a great
129 resource for our town and it would be a shame not to try to come up with something.
130 Mayor agrees with Trustee Waugh; it is incumbent upon us to help this person. Received 2
131 grants for revitalizing Main St: \$150k for solar bollards and ambiance lighting on Main.
132 Waiting to hear on \$305K. Looking at summer limb pick up. Trustee Lowell asked about
133 water rescue stations; Administrator Simonsen stated they have been ordered and
134 working with Fire to install. Summer concert series starts 7/6; bridge opening/dedication
135 for 2nd Ave bridge July 8th. This Saturday 9-3 Artisan fair in Bohn Park. Look for funding for
136 broken storm/sewer vault when Broadway projects kicks off.
- 137 3. Legal Update – CDOT/Crown Castle project, meeting with them will provide update. Mr.
138 Frysig is making timely payments. Honeywell motion to dismiss was vacated. Arbitration to
139 begin. Attendance policy in section 5 of ethics code read in. Callahan still negotiating.
140 **Motion:** move to adjourn as BOT and open as Lyons Liquor Authority **Moved by:** Trustee
141 Karavas **Seconded by:** Mayor Pro Tem Browning **Motion passes 7-0**

142 IX. Lyons Liquor Licensing Authority

- 143 1. New Tavern License Application – The Prickly Pear Tavern, 160 Main Street – Attorney
144 Dittman asked Trustee Miller to recuse herself as she had signed the petition. Trustee
145 Miller left the meeting at 8:31 pm. Public Hearing Opened at 8:32pm. Applicant Jason Reiff
146 working hard to bring a family friend space; fully aware of the issues the last business
147 faced. Have no interest in any conflict; working with LEAF to start a new project and would
148 like to hear from the community as to what they want. Shirley Oliver - want to open up the
149 space and is a staple of downtown, to the artists. Jason, I also own LaCuna Botanicals;
150 looking to try to take this space and contribute more to the community. No questions from
151 BOT. Public Hearing closed at: 8:38 **Motion:** Move to approve **Moved by:** Mayor Pro Tem
152 Browning **Seconded by:** Trustee Lowell Administrator Simonsen stated we are expanding
153 the footprint of the license to include the Western Stars Gallery. **Motion passes 6-0**
154 **Motion:** adjourn as Liquor Licensing Authority and enter as BOT **Moved by:** Trustee
155 Lowell **Seconded by:** Mayor Pro Tem Browning **Motion passes 6-0**



156 **Trustee Miller rejoined the meeting at 8:46 pm**

157
158 X. Public Hearings and Ordinances

159
160 XI. Consent Agenda

161 1. Resolution 2021-56 – a Resolution of the Town of Lyons, Colorado
162 Amending the Town of Lyons Fee Schedule

163 2. Resolution 2021-57 – a Resolution of the Town of Lyons, Colorado Approving
164 the Flood Recovery State Repayment Plan

165 3. June Accounts Payable

166 4. May 17, 2021, Regular BOT Meeting Minutes

167 **Motion:** move to approve **Moved by:** Trustee Lowell **Seconded by:** Trustee Waugh
168 **Motion passes 7-0**

169
170 XII. Items Removed from Consent Agenda

171
172 XIII. General Business

173 1. McIntosh Water Share Dedication Request – Spirit Hounds Distillery – Director Caplan gave
174 staff report. Increasing water usage and will be expanding. Staff reviewed and
175 recommended passing. Trustee Waugh asked if they are requesting another ¾ tap or
176 upsizing? Director Caplan stated they are looking to increase to a 1” tap. Trustee Waugh
177 asked how many Mac shares? Director Caplan, 1.4 to a CBT so 8.4 for a 2” tap. And 1.4 for
178 a 1” tap. Mayor I think they meet all the requirements, no objection. **Motion:** move to
179 approve application **Moved by:** Mayor Pro Tem Browning **Seconded by:** Trustee Lowell
180 Trustee Waugh, opportunity here for Mac shares recently purchased by town and we can
181 help by dedicating is .4 so they only have to buy one. Mayor Pro Tem Browning stated the
182 only issue before us is if this constitutes economic development, nothing else. **Motion**
183 **passes 7-0**

184 2. Community Farm Project Update – UEB reviewed, with concerns on water shares, still town
185 property, town retains rights. If temporary use, we only need to report to Longmont, they had
186 no concerns. Water fund should not be supporting any infrastructure needs. Is enterprise
187 fund for utility, funded with other options. UEB no problem with not charging base fees.
188 Trustee Waugh, this farm project, who are the beneficiaries? They are going to give away
189 food and help LEAF. And education as well. Trustee Waugh in favor, the ask is a little
190 extreme, we just had a conversation about another business needing a space and we
191 couldn’t possibly help him. We are being very generous in providing the water/connection
192 the rest are over the top. The group should handle the other things. Trustee Rogin can staff
193 write a grant? Administrator Simonsen, we have been communicating with them. Mayor Pro
194 Tem Browning agrees with UEB, no costs out of water fund. Split the costs, pay wholesale
195 rate, If they exceed 3K gallons then pay the higher rate. Mayor Angelo concurs. Vasi, idea is
196 to be a public place to come in and learn and pick fruit. We intend to educate on a monthly
197 basis. Project in line with plan created after flood. Appreciate the board listening. Mayor Pro
198 Tem Browning has a good compromise, my concern, will we have a lease agreement,
199 insurance in place? Administrator Simonsen stated the nonprofit has to supply the
200 insurance. Consensus on TOL sharing expenses? Board concurs, Trustee Karavas: but
201 BOT reserves right to use the water if needed. Director Caplan commented that rate
202 structure for water is set; don’t recommend changing that. UEB discussed changing LMC on
203 rate structures.

204 3. Discussion/Direction on COVID Emergency Resolution – Administrator Simonsen stated
205 the current Emergency Declaration expires on 6/30; things really lightening up. Not sure of
206 impacts to parks yet; recommend keeping in place to be eligible for federal funding. Board
207 Concurs. On 6/21 agenda for follow-up.



- 208 4. Discussion/Direction on Return to In-person Board Meetings – Administrator Simonsen,
209 vaccinated status will be needed, do you want a hybrid model, or audience in town hall?
210 Mayor Pro Tem, I am all for it, as long as no computers needed, too much feedback.
211 Trustee Karavas good with hybrid, Trustee Waugh likes hybrid, great to call in remotely if
212 out of town. Trustee Lowell agrees. Trustee Rogin, I love in person meetings; we just had
213 Memorial Day and would like to wait till first meeting in July to be cautious. I am vaccinated
214 and would like to know if there is someone not vaccinated so I can choose to wear a mask.
215 Trustee Miller I'd rather stay home. Trustee Karavas, state statutes required us to be in
216 person to vote. Attorney Dittman – Colorado Supreme Court made the decision to allow;
217 safest interpretation once our local emergency declaration expires we must return to old
218 ways.
- 219 5. Discussion Regarding Amendment to Planet Bluegrass Keynotes – Attorney Dittman BOT
220 entered into negotiations with PB/board approved resolution and agreement, Mr. Craig
221 Ferguson, original signatory on original contract, will not sign as an individual. This doesn't
222 make any sense; I can advise the board only, unlikely Mr. Ferguson would have any claims
223 against the town that wouldn't be covered under governmental immunity. I recommend not
224 accepting the last edit; Mayor Pro Tem, during the entire negotiations it was understood he
225 would be a party of the agreement. If Zach Tucker didn't share those documents, that's
226 between them. Mr. Ferguson sent an email 5 days ago stating: "I am very intentionally
227 maintaining my personal claims that the Town's insurance company has claimed sovereign
228 immunity and more importantly to me, Trustee Browning's legal conduct in dealing with
229 sales tax issues, being unable to follow either the State Code or Lyons code. Five minutes
230 of video and that's an open and shut case. If Browning were to agree to not run for the
231 Board or Mayor next term, I will then release the town. He offered to sign if I didn't run for
232 Mayor/BOT again. My personal opinion is it's very close to violation state bribery statute. I
233 have serious reservations about a prominent businessman trying to influence who would be
234 a candidate for the board. He is entitled to run for the BOT anytime, he is NOT entitled to
235 threaten the board or me. Trustee Waugh several residents in town have made comments
236 that they don't feel Mayor Pro Tem Browning could be impartial or fair to Mr. Ferguson.
237 Trustee Rogin, being part of subcommittee, despite whatever public opinion may be, the
238 goal was to reach a mutual ground. This was a good faith negotiation. I believe Zach took
239 all the documents to Mr. Ferguson, and now at the 11th hour he wants to change it. I am
240 highly disappointed that it has come to this. Mayor Angelo, I've served for 10 years, and I
241 have never met a person (Mayor Pro Tem) with a higher level of integrity, I could care less
242 what three people think about this man, I know this man and his integrity is impeccable.
243 Trustee Karavas regarding email; what do state statutes say about that. Zach Tucker, I of
244 course brought everything to Craig, he reviewed it, and after further review he wasn't happy
245 with the personal release. His concerns are that this document encumbers a lot of
246 properties. Our hope with this was not to throw a wrench but to remove Craig's blanket
247 release and move forward. Trustee Rogin, I have a really hard time trusting him at his word
248 right now. Mayor Pro Tem Browning, the document is absolutely clear, not a blanket
249 release. Mayor Pro Tem Browning, since this is not signed; this board should direct staff to
250 collect 2019 taxes, penalties and interest by end of business day on Friday if a full signed
251 agreement not received. 2nd set future agenda for 6/21 or 7/6 to consider liquor license
252 suspension for violations of LMC by not paying taxes. Trustee Miller, I have worked for PB
253 very part time; a 1000 hours working with the town, every ability to vote unbiased. Trustee
254 Waugh, 2019 taxes involved a business in which I am a minority owner and I will be
255 recusing myself and leaving the meeting. **Trustee Waugh left the meeting at 10:00 pm.**
256 **Motion:** move to recuse Trustee Miller **Moved by:** Mayor Pro Tem Browning **Seconded**
257 **by:** Mayor Angelo **Motion passes 4-2 Trustee Miller left the meeting at 10:01 pm.**
258 **Motion:** direct staff to send email letter for past due 2019 taxes to go out by end of week, if
259 fully signed version approved by the board not received by end of day Friday. **Moved by:**



260 Mayor Pro Tem Browning **Seconded by:** Mayor Angelo Trustee Rogin feels like another
261 quick pro quo, I don't feel good about voting for it. I have another idea; but way over doing
262 a tit for tat on this. Mayor Angelo, we spent so much time/energy on this, we bent over
263 backwards to make it work. We compromised, that is the essence of governing and what
264 do we get for it, it's a matter of principal to me. Mayor Pro Tem Browning, I don't like
265 having to take a step like this either. Having negotiated in good faith for months, and
266 having given in on point after point, I don't feel we can work in good faith with Mr. Ferguson
267 now. **Vote: YES: Mayor Angelo, Mayor Pro Tem Browning, Trustee Karavas NO:**
268 **Trustee Lowell, Trustee Rogin Motion passes 3-2.** Mayor Pro Tem intent at next
269 meeting to suspend/revoke PB liquor license.
270

271 XIV. Discussion on Future Agenda Items

- 272 1. Amend LMC – Nuisance process to be moved to Municipal Code.
- 273 2. Meet with planners to update planning review process.

274 XV. Summary of Action Items

- 275 1. Install monitor above new outfall asap.
- 276 2. Bring proposal for Ralph/Visitor Center
- 277 3. Executive Session Honeywell next BOT meeting 6/17
- 278 4. Resolution ratifying decision on Community Garden with conditions.
- 279 5. Resolution Updating COVID emergency Resolution to include hybrid model
- 280 meetings.
- 281 6. Resume in-person meeting July 6th.
- 282 7. Notify Mr. Ferguson that agreement needs to be signed by end of day Friday.
- 283 8. Follow up with Garden Club on perennials/annuals.
- 284 9. ZTrip Vouchers fraud follow up.
- 285 10. Appreciation for Chair Oetting
- 286 11. Subcommittee for Eastern Corridor
- 287
- 288

289 XVI. Adjournment – **Motion:** move to adjourn **Moved by:** Trustee Karavas **Seconded by:**
290 Trustee Lowell **Motion passes 5-0.** Meeting adjourned at 10:17 pm.
291

292 Respectfully Submitted by:

293 _____
294 _____
295 _____
296 _____
297 Dolores M. Vasquez, CMC – Town Clerk

Nicholas Angelo, Mayor

298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314



315
316
317
318
319
320
321
322
323

“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.”