



1 TOWN OF LYONS BOARD OF TRUSTEES MEETING
2 VIRTUAL MEETING
3 LYONS TOWN HALL, 432 5TH AVENUE, LYONS, COLORADO
4

5 ZOOM LINK

6 <https://us02web.zoom.us/j/84939333376?pwd=TWVqdjVVOXFpGM5Rkd3QkM2TXdEdz09>
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8 Meeting ID: 849 3933 3376

9 Passcode: 678704

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11 +1 312 626 6799 US (Chicago)

12 Meeting ID: 849 3933 3376
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14 DRAFT AGENDA

15 **MONDAY, JULY 19, 2021**
16

17 5:30 pm – 6:15 pm

18 *PCDC Subcommittee on Fire Mitigation*

19 6:15-6:50 pm

20 *Update and Discussion Regarding Potential Grant Opportunities,*
21 *Projects and Matching Funds*
22
23

24 7:00 PM BOARD OF TRUSTEES REGULAR MEETING
25

- 26 I. Roll Call and Pledge of Allegiance – **Present:** Mayor Angelo, Mayor Pro Tem Browning,
27 Trustee Rogin, Trustee Karavas, Trustee Lowell, Trustee Waugh **Absent:** Trustee Miller
28
- 29 II. A Reflective Moment of Silence
30
- 31 III. Approve Agenda – **Motion:** move to approve agenda **Moved by:** Trustee Rogin **Seconded**
32 **by:** Trustee Karavas **Motion:** friendly amendment under Boards & Commissions add LAHC
33 update **Moved by:** Mayor Pro Tem Browning **Accepted. Amendment passes 6-0 Motion:**
34 **Amendment:** Remove Item 12.2 Yoder request **Moved by:** Mayor Pro Tem Browning
35 **Seconded by:** Trustee Karavas Mayor Pro Tem Browning - BOT had thorough
36 discussion/clear direction to staff, no need to cover again. **Motion passes 6-0 Original**
37 **Motion approve agenda as amended Passes 6-0**
38
- 39 IV. Audience Business – LaVern Johnson, 306 Evans, announce that people are asking when
40 we will have Good Old Days next year, would like it June 25th hope town can budget for it.
41 Bonita Yoder, 401 2nd Ave, I think the 30 days was unrealistic deadline; need demo permit
42 and contractors are booked out 4-5 weeks. Tracking system for permits in BOCO.
43 Considering filing for a judicial review of the Town's/BOT decision on 6/21. One, I hadn't
44 received notification of approved permit & I think the 30-day notice was unfair. Happy to
45 continue to work with staff, with Attorney's approval.
46



47 V. Boulder County Sheriff's Office Report – Sgt. Crist updated on parks activity, getting very
48 busy. Only minor issues, great park host relationships. Water rescue plan, working with
49 Chief Zick and communication upgrades. Gearing up for upcoming festival weekend. In my
50 5th year at Lyons, would very much like to stay one more year. That would bring me to the
51 end of my tenure, potential to petition for another year. I would appreciate the support.
52 Board consensus was to support Sgt. Crist's request to stay an additional year.
53

54 VI. Trustee Reports

- 55 1. Mayor Angelo – I understand frustration and situations that cause frustrations. We need to
56 be more civil in tone, entitled to disagree, and make points of view known, it affects morale
57 when we can't be a little kinder to one another. It reflects on us as a governing body. Met
58 with State Rep. Karen McCormick; LAHC meeting went well. CHARM recycle event still
59 planned, will be announced. Student Advisory has not met.
- 60 2. Trustee Lowell – Will be absent from 8/2 and 8/16 meetings; take to heart Mayor Angelo's
61 comments, before every board meeting, I write 655 at top of page, that's how many people
62 voted for me. Reflecting on recusal motion; may not have occurred to them that many of
63 those people that voted for me hold my same thoughts on Summit. A sad day when a
64 trustee cannot speak. If you think there is prejudice/bias just mute me.
- 65 3. Mayor Pro Tem Browning – PRC meets tonight.
- 66 4. Trustee Rogin – Thanked Trustee Lowell, I hear you. Grateful for Riverbend for making
67 Yoga available. EVC/HPC meet Wednesday morning. Personal perspective I find the
68 hostility towards the Administrator to be completely inappropriate in a professional setting
69 and we all deserve respect.
- 70 5. Trustee Karavas – Longs Peak project higher costs, plan to install conduit to later be able to
71 run lines. Library request to add rooftop solar. Director Caplan is doing an excellent job
72 since being appointed Utilities Director.
- 73 6. Trustee Waugh – PCDC workshop, new member. Quarterly sprint meeting, working with
74 Paul Dryer on eastern corridor committee. Grateful for the river. I agree, and I am
75 sometimes not as civil as I need to be.

76
77 VII. Boards & Commissions

- 78 1. LEAF – Cherie Maureaux Mental Health Awareness – offer individual/group counseling;
79 group classes to teach life skills. Building emotional intelligence, coping skills. Topics
80 include suicide awareness. Big community-based idea of what mental health should be.
81 LEAF in 2019 did not have a mental health therapist, one-man show with a solid based
82 curriculum. Even though a busy load, we are always available. Provided contact information.
- 83 2. LAHC Update – Lauren Click, art opening last week went well, Emmett Culligan's piece
84 donated to Town's collection. Ute Grant application was denied, reapplying for another.
85 Mayor Pro Tem Browning stated the potential use of depot for LAHC, board has never had a
86 discussion on the use/zoning/historical restrictions. BOT needs to discuss before anyone
87 uses.

88
89 VIII. Staff Reports

- 90 1. Utilities Update – Director Caplan-Sensus data storage can be taken care of inhouse.
91 Longs Peak project addendum added; will allow for more bids due 7/23/21. Hwy 7 project
92 begins September, completely closed from mm 29-33. Have requested paper information
93 for Town Hall. WWTF new permit, beginning rerating project. GOCO grant for restroom by
94 Black Bear Hole/WWTF that would need 1" water tap and would use 2 flood taps. Want to
95 make sure I get a board directive; I hear several opinions, but would like clear direction, not
96 individual instructions. Mayor Angelo, what any individual member relays to you is
97 irrelevant, you only follow board direction. They can ask questions, but no directives. Longs



98 Peak are you concerned about cost increases. Director Caplan, yes, that is why I requested
99 the extension. Mayor Angelo, pumps not able to be used because of ash in river. Once
100 clear, possible to go back to Longmont and get those taps reimbursed? Director Caplan, in
101 general no, perhaps adjustments, switched to another location?

- 102 2. Finance Update – Administrator Simonsen, 2020 Audit in final weeks, appears on month-by-
103 month basis, sales tax is doing well. 10-20% increase each month; about \$107K more than
104 we budgeted for. Main Street grants available for every business in town, up to \$50K each
105 business - up to \$1 million. Can really assist local businesses? Auditor’s meet with BOT
106 next meeting. Mayor Angelo asked how much is local vs. online? Administrator Simonsen, I
107 reviewed, about 98% of sales online. Trustee Waugh very significant, not surprised. Would
108 like to see it in every report. We are failing our local businesses.
- 109 3. Administrator’s Report – Governor cancelled Covid emergency, BOCO did not. US 36 fiber
110 installation; affecting traffic flow. CDOT requested change in VMS, out of their realm. Pretty
111 disruptive and is happening all the way up the mountain. LMJ leased by Planet Bluegrass on
112 June 21st; locals can walk through with valid proof of address. Mayor Pro Tem Browning
113 asked about curbside limb pickup. Separate agenda item? This program has had to be
114 shepherded year after year. For 3 years, the BOT has appropriated funds, and for 3 years
115 in a row it has not gotten done. Staff has tried to mix with SFC cleanup day, separate budget
116 item. Public Works should handle this; they don’t even seem to be involved.
- 117 4. Legal Update – Attorney Dittman provided customer satisfaction surveys to BOT. Executive
118 session on Callahan tonight.

119
120 IX. Public Hearings and Ordinances

- 121 1. 2nd Reading and Public Hearing – Ordinance 1102 – an Ordinance of the Town of Lyons,
122 Colorado Amending Sections of the LMC Addressing Condominiumization Regulations –
123 Attorney Dittman provided staff report; not currently legal for ADU to convert to SRF.
124 Several utility issues. Public Hearing opened at 8:26 pm. Closed at 8:27 no speakers.
125 **Motion:** move to approve **Moved by:** Mayor Pro Tem Browning **Seconded by:** Trustee
126 Waugh **Motion:** section 17-15-40 3rd line, after words provide additional: water share
127 dedication, tap fees, and utility connection fees, unless waived by BOT for good cause
128 shown **Moved by:** Mayor Pro Tem Browning **Seconded by:** Trustee Rogin Mayor Pro Tem
129 Browning - drafted on the fly, would require all fees for any additional dwelling unit. **Motion**
130 **on amendment Passes 6-0 Motion: Approve Ordinance as amended Passes 6-0**
- 131 2. 2nd Reading and Public Hearing - Ordinance 1103 – An Ordinance of the Town of Lyons,
132 Colorado Amending Section 13-3-90 of the Lyons Municipal Code Amending Net Metering
133 Policies – Director Caplan provided staff report on regeneration policies and concerns.
134 Mayor Angelo-originally the law was if someone produced more than we had to put into the
135 grid. Attorney Dittman, only for municipalities over 5K people. Does not pertain to us. Mayor
136 Angelo, when we encouraged solar installation, we agreed to pay retail rate. Director
137 Caplan explained the “bank” system of reimbursement. Discussion on “Grandfathering” time
138 limit, pay back periods and UEB decisions. **Public Hearing opened at 8:51 pm.** Clerk
139 Vasquez read in comments from Julie Boyle and Dave Hatchimonji (see attached). **Public**
140 **Hearing closed at 9:10 pm. Motion:** move to adopt **Moved by:** Mayor Pro Tem Browning
141 **Seconded by:** Trustee Karavas **Motion:** amend section to change sunset to 2030 **Moved**
142 **by:** Mayor Pro Tem Browning **Seconded by:** Trustee Lowell **Motion Passes 5-1 NO:**
143 Trustee Karavas Trustee Rogin thanked Director Caplan, will be voting no, valid point that
144 we need to verify wind energy. Heard nothing of energy line loss & we need to encourage
145 renewable energy. **Motion approve ordinance as amended Passes 4-2 NO:** Mayor
146 Angelo, Trustee Rogin
- 147 3. 2nd Reading and Public Hearing – Ordinance 1104 – an Ordinance of the Town of Lyons,
148 Colorado Amending Chapter 2, Article 8, Section 150(c)(1)of the Lyons Municipal Code



- 150 Concerning the Responsibilities of the Parks and Recreation Commission – Attorney
151 Dittman provided background, simply adding two words “open space” to further define their
152 scope. **Public Hearing opened at 9:20 pm** no speakers **Public Hearing closed at**
153 **9:21pm Motion:** move to approve **Moved by:** Mayor Pro Tem Browning **Seconded by:**
154 **Trustee Karavas Motion carries 6-0**
- 155 4. 2nd Reading and Public Hearing – Ordinance 1105 – an Ordinance of the Town of Lyons,
156 Colorado Amending Ordinance 1057 Section 7-40 (b) Regulating Trees and Shrubs –
157 Attorney Dittman reincorporating previous language, amendments at first reading are
158 incorporated **Public Hearing opened at 9:23 pm** No speakers **Public Hearing closed at**
159 **9:23 pm Motion:** move to approve **Moved by:** Mayor Pro Tem Browning **Seconded by:**
160 **Trustee Karavas Motion carries 6-0**
161 **10-minute break at 9:25 pm. Meeting resumed at 9:36.**
162
- 163 X. Consent Agenda
164 1. Resolution 2021-70, a Resolution of the Town of Lyons Approving the Second Amendment to
165 the Professional Services Agreement with Murraysmith, Inc. for On-Call Engineering Services
166 2. Resolution 2021-71, a Resolution of the Town of Lyons, Colorado Supporting a DOLA Clean
167 Energy Initiative (CEI) Grant for a Lyons Solar Farm and Battery Storage Project
168 3. June Accounts Payable
169 4. July 1, 2021, Ethics Committee Meeting Minutes
170 5. July 6, 2021, Regular BOT Meeting Minutes
171 **Motion:** Move to approve **Moved by:** Trustee Karavas **Seconded by:** Trustee Lowell
172 **Trustee Karavas pulled Item 2 Motion carries, pass as amended 6-0**
173
- 174 XI. Items Removed from Consent Agenda
175 Item 2, Reso 2021-71, Trustee Karavas, the numbers in your report do not include the 3-
176 month reserve? Director Caplan – no, that amount would be \$633K for 3 months of
177 expenditures. Trustee Karavas - you feel comfortable with that number moving forward?
178 Director Caplan, yes, if we could do it without any bonding. Discussion on reserves,
179 potential to borrow from another enterprise fund. Administrator Simonsen stated, no, an
180 enterprise fund can lend to the General Fund, not sure without voter approval. Attorney
181 Dittman, those enterprise funds should be self-sufficient. Trustee Karavas - will insurance
182 cover if the batteries are struck by lightning? Administrator Simonsen - we would have to
183 see if there is a specific umbrella, it would be listed as an asset. Mayor Angelo, what is the
184 timing for submittal to DOLA, #1 need election, #2 don't know if it will be successful. If
185 DOLA says yes and election isn't successful, where does that put us? Director Caplan, as
186 soon as possible, tomorrow. Heard this afternoon from DOLA rep; he is aware of this
187 concern. They will take this into consideration when they issue grant. Mayor Pro Tem
188 Browning we are voting tonight to apply for a grant, not the same as accepting the grant.
189 **Motion:** move to approve **Moved by:** Trustee Karavas **Seconded by:** Mayor Pro Tem
190 **Browning Motion passes 6-0**
191
- 192 XII. General Business
193 1. Resolution 2021-72– a Resolution of the Town of Lyons, Colorado Approving an
194 Amendment to the Summit Housing Group Development Agreement – Administrator
195 Simonsen presented; consideration of several concessions: landscaping/garages/accepting
196 lots from Summit/potential of \$150K of ARP funds to offset utility costs/waiving use/parks
197 tax. Close to \$600K in considerations for project to move forward. Attorney Dittman, this
198 has been presented to Summit and they are agreeable. Trustee Lowell, item 7, 3
199 undeveloped lots that the town may acquire, what is town's liability with known issues on
200 lots. Discussion on governmental immunity. Does not cover gross negligence and willful &



201 wanton negligence. Mayor Pro Tem Browning - on fencing, Summit will still be installing
202 fence. **Motion:** move to approve Reso 2021-72 **Moved by:** MPT Browning **Seconded by:**
203 Trustee Karavas **Motion:** amendment (see attached) circulated to BOT by Attorney Dittman
204 to adjust \$150K **Seconded by:** Trustee Lowell Trustee Waugh, will vote yes for amendment,
205 fundamentally against giving \$150K to a developer. I don't agree, we could put it toward
206 other uses. Trustee Lowell, when does clock start ticking? What is the base line and when
207 do we measure that? Attorney Dittman, day this is executed. **Motion passes 6-0. Motion:**
208 amendment to delete Item 7, "property in lieu of park impact fee" in its entirety. **Moved by:**
209 Trustee Lowell **Motion dies for lack of a second. Motion:** amendment "upon passage of
210 the 4th amendment to the Lyons Valley Park Filing 8 Subdivision Improvement Agreement
211 by the Town of Lyons Board of Trustees, there shall be no further Town of Lyons financial
212 aid or financial incentives considered for the benefit of the Summit Housing Group by either
213 town staff or the Board of Trustees further, the town staff and the Board of Trustees shall
214 consider no further amendments to SIA expressly for the benefit of the Summit Housing
215 Group **Moved by:** Trustee Lowell **Seconded by:** Trustee Waugh Trustee Lowell, we need to
216 put a stamp on this and get this moving. Given the delays, financial reasons/purchase of
217 additional SFR lots. This is it, no further concessions. Mayor Angelo, would you consider
218 the town applying for grants another concession? Trustee Lowell, no, as long as there were
219 no town funds used. Trustee Rogin - I thought we could not bind future boards? Attorney
220 Dittman, you could pass it and it would be completely unenforceable. You cannot bind a
221 future board or this board. **Motion FAILS 4-2 NO:** Mayor Angelo, Mayor Pro Tem Browning,
222 Trustees Rogin & Karavas **Vote on amended Reso 2021-72 Passes 4-2 NO: Trustees**
223 **Waugh and Lowell**

- 224 2. Agenda Request – 401 2nd Avenue – Building Permit Extension Request **Removed from**
225 **agenda**
- 226 3. Discussion/Direction to Regulate/Permit RV parking at the WWTF – Administrator Simonsen
227 provided staff report; Trustee Waugh, entire area in floodway? Administrator Simonsen, a
228 tiny corner where we were going to place new restroom facility. Mayor Pro Tem Browning,
229 discussed during parking ordinance; would like to direct staff to figure out a way to do this.
230 Trustee Waugh the only RV sites in the floodway are owned by the TOL not one tiny home.
231 Floodway is a deal breaker for me, makes no sense at all to store RV's in the flood way.
232 That is completely against what we have made every other citizen do. Trustee Rogin – I
233 agree, the floodway is a complete dealbreaker. The RV's in LMJ have people right there
234 who will drive them out in a flood event. Not the right place, encourage staff to look for other
235 places, perhaps the eastern corridor. Mayor Angelo asked what FEMA restrictions are.
236 Administrator Simonsen, the first hurdle is floodway, if you can't meet that then none of the
237 other issues matter. No long-term storage that can become debris in a flood event. I
238 suppose we could request a waiver from Flood Regs Mayor: send letter to see if the new
239 bridge comes into play. **Board consensus to find alternative site**
- 240 4. Update on Listing of the Apple Valley Water Treatment Plant Property – Administrator
241 Simonsen, I have not been able to give this the amount of time the board requested; we
242 contacted all local realtors, had two say they had interest. They had 14 days to provide
243 proposal. One local said he was not included, gave him 2 weeks, he did not respond. I
244 reached out to the Boulder area realtors and have not had one response. Going to ask
245 planning staff to take lead; received notice on Friday that Longmont is applying for brown
246 fields program, asked if we would like to be a partner, as they get more points for submittal
247 and small municipalities would benefit. Very preliminary, but if we could secure funding for
248 the demo of the plant it would greatly increase the value.

249
250 XIII. Discussion on Future Agenda Items

- 251 1. LAHC workshop – Colorado creative community



252 2. Limb pickup

- 253
- 254 XIV. Summary of Action Items
- 255 1. Monthly sales tax numbers local vs. online.
- 256 2. Staff to research alternative sites for RV parking.
- 257 3. Planning staff to lead Apple Valley WF sale & partner with Longmont
- 258 4. Follow up with CIRSA on solar batteries
- 259 **Motion:** move to enter into executive session: **Moved by:** Mayor Pro Tem Browning **Seconded**
- 260 **by:** Trustee Lowell **Motion passes 5-0** Mayor Angelo left early. Entered into executive session at
- 261 10:50 pm
- 262

263 XV. Executive Session - Executive Session Pursuant to C.R.S. Sections 24-6-402(4)(E) And 24-

264 6-402(4)(B) For the Purpose of Determining Positions Relative To Matters That May Be

265 Subject To Negotiations, Developing Strategy For Negotiations, And Instructing Negotiators,

266 And For Legal Advice From Attorneys Representing The Town's Municipal Court Complaint

267 against Dennis and Christine Callahan for violations of the Lyons Municipal Code.

268

269 XVI. Adjournment – meeting adjourned at 11:05 pm.

270

271 Respectfully Submitted by:

272

273

274

275 _____

276 Dolores M. Vasquez, CMC – Town Clerk

275 _____

276 Mayor Nicholas Angelo

277

278 “The Town of Lyons will not discriminate against qualified individuals with disabilities on the basis of disability in

279 its services, programs, or activities. Persons needing accommodations or special assistance should contact the Town

280 at hr@townoflyons.com as soon as possible, but no later than 72 hours before the scheduled event.”