

TOWN OF LYONS BOARD OF TRUSTEES MEETING  
VIRTUAL MEETING  
LYONS TOWN HALL, 432 5<sup>TH</sup> AVENUE, LYONS, COLORADO

**ZOOM LINK**

<https://us02web.zoom.us/j/81499785331?pwd=S3B5eURDS3ZhZWlYREdCNEd zd nUx>

**UT09**

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DRAFT AGENDA

**MONDAY, OCTOBER 18, 2021**

*5:30 pm – 6:15 pm*

*PCDC-Recommendations for Lyons Municipal Code Revisions & Updates*

*6:15 pm – 6:50 PM*

*SV Trail Extension Update & Discussion*

**7:00 PM BOARD OF TRUSTEES REGULAR MEETING**

- I. Roll Call and Pledge of Allegiance – **Present:** Mayor Angelo, Mayor Pro Tem Browning, Trustee Rogin, Trustee Karavas, Trustee Lowell **Absent: Trustee Waugh, Trustee Miller**
- II. A Reflective Moment of Silence – Covid Victims and General Colin Powell
- III. Approve Agenda- **Motion:** move to approve the agenda **Moved by:** Trustee Karavas **Seconded by:** Trustee Rogin Motion **carries 5-0**
- IV. Audience Business – **Susan Foster**, PO Box 1444, Lyons, CO, spoke against the cell tower on Hwy 66 and in favor of a more transparent government. **Neil Sullivan**, 7 Eagle Nest Lane, trail behind Spirithounds, we are not in favor of current plan design, neighboring businesses have mentioned they are not in favor. We feel this would negatively impact the business in deeming that leased property useless to us. Very important to us during COVID, to sever that property in the current map would 1. Reduce size significantly from today's use and 2. With trail w/fence line we could have complications with the state on alcohol consumption. Even though the lease represents knowledge of potential trail system that shows a map of proposed trail system, not well communicated, suggest board takes time to speak to those businesses affected; wondering if BOT is aware of utility access issues on that trail system. We have witnessed sucker trucks trying to get to town/Longmont utilities, this trail goes right through where those are; ditch property would avoid both those issues, don't take the easy way out, think of your businesses and put plan A as your first priority, and B & C as negatives. **Julie Vandomelen**, 105 Eagle Canyon Circle, no notification from town, all

communication told us to go through CDOT. Over 400 emails on this issue, 75 emails deemed privileged. All parties thought they had to go thru a Town process. Something shut all that down. No mention of mitigating impacts on residential issues. Site visit by staff to discuss siting options, odd if you have no role. After complaints, tower went up, magically it went down. What is the town's role in this? Meeting was set up and no agenda given. Only real information the residents have gotten is from the guys working the project. I come to you with a plea to be more transparent; my ask is simple, hold a public meeting to address affected neighbors. **Ron Ravel**, 124 Longs Peak Dr, discussed Longs Peak Project, HOA documented request, to be sent to Town Clerk Vasquez. **Tess McDonald**, 3376 JJ Kelly Road, confused with what happened with 5G tower, community safety considerations would be my ask. I hope that Lyons being a certified creative district, allocates money.

V. Boulder County Sheriff's Office Report – Sgt. Crist not in attendance.

VI. Trustee Reports

1. Trustee Lowell – Ecology board meeting to discuss priorities.
2. MPT Browning – LAHC met last week, proceeding with several prospective projects. Potential mural on Town Hall. Ute Trail Marker in LMJ proceeding. Creative District in the works and have turned in budget request. PRC would like to present to the board for traffic control on 2<sup>nd</sup> Ave.
3. Trustee Karavas – UEB had rep meet with Clarion for Comp Plan
4. Trustee Rogin – HPC did not meet, rescheduling. Porch Talk at 3pm this Thursday. EVC meets this week. I agree we should have a public meeting on cell tower.
5. Mayor Angelo – no Student Advisory meetings

VII. Boards & Commissions

VIII. Staff Reports

1. Utilities Update – Admin Simonsen reported that Longmont waterline/pump station project moving forward; triangle parking lot by fire station will be closed until March 2022; and right outside of Town Hall working from 11/1 – 11/15 working from 9pm to 5am per CDOT mandate. Longs Peak Dr moving along, hit bedrock sooner than anticipated, sewer line to be completed by end of next week, water line first week in November. Welch Ct sewer bids due by end of day today. A lot of vandalism around town recently, brand new thermometer installed at new effluent was stolen. We had a backup, so we won't be out of compliance, but very concerning. New requirement from State to test for biohazard in waste. All new electric meters in; we do have a few spares.
2. Administrator's Report – COVID update; staff busy with 2022 budget; public hearing scheduled for 11/15 and final adoption Dec 6<sup>th</sup>. Scholl Foundation donated during flood, toured the town, and invited us to apply for next round of funding and called and donated \$25K for meaningful, feel good, non-infrastructure project, would like BOT feedback. Clarion & Associates has new website up, Lyonsthive.com for initial survey. Spooktacular 10/30. RTD plans for area, does not appear they will restore any next year, looking at alternatives for smaller vehicles and keeping ZTrips.
3. Legal Update – Attorney Dittman, Callahan settlement agreement on next agenda. Honeywell still pending arbitration. Yoder abatement, she did not respond, will issue show cause, searching for hearing officer. Show cause order to go out this week. Opioid settlement and CAMU meeting.

IX. Public Hearings and Ordinances

1. 2<sup>nd</sup> Reading - Public Hearing – Ordinance 1110 – an Ordinance of the Town of Lyons, Colorado Amending Sections of the LMC to Update the Wireless

Communications Facilities Code – Attorney Dittman provided background; Discussion on potential applications & using existing code; BD existing code does have limitations but not designed for small cell facilities and does not address new federal law. Discussion on density increases, more fiber connectivity, possibility of banning small cell towers. **Public Hearing opened at 8:04 pm** Julie Vandomelen, 105 Eagle Canyon Cir., many years in public service in Lyons, really committed to transparent; please build in due process. Reconsider what does this ordinance really do? It strips out all due process from previous code. You can ask for a lot more information upon submittal; request use by special review; insert public notice requirement. You can and should follow your own zoning/code. Big issue is environmental health issues, make sure they are living within those limits; citizens should have the assurance; make them monitor them. I recommend continuing to a date certain, what's the rush, plenty of time to get this right. Sara Hart – 2154 Apple Valley Rd. main concern is high correlation between lightning strikes and these towers. Who would be liable? Other areas have looked at protecting their communities first. Hope that this community will move through this process with as much time as needed. Needed remediation processes in place before this gets put in place. Susan Foster, PO Box 1444 – fires are my expertise, cell tower fires in CA. Telecom Equipment is exempt from federal code; electric fire safety, 12 tests, asking telecom to run, a professional engineer that when they stamp/seal they are putting their reputation on the line. Public Safety must be a priority. I am offering my services at no charge; Jami Calabrese, 10 Eagle Nest Lane, asking for transparency and due process. There are rights granted to local governments that are not included, what is the rush? Asking you to press pause on this ordinance, look at other municipalities that are in compliance. It's our legal right why not put in the strictest regs to begin with. we have legal rights being left on the table with this ordinance. Ask for basic engineering rigor. Sarah Hollingstead, 1247 Apple Valley Road, need due process and public transparency. Fire is a main concern. Need simple requirements around planning and zoning, we have until spring, so think thoughtfully of citizens. Nadia Auch, 106 Eagle Canyon Cir., echo fellow neighbors, trying to understand what took place, please put the brakes on this ordinance, does not consider the safety of the residents. Lightning strikes, if we can't even get out of our community, there are 45 families here. Put these towers at industrial sites first. Deena Stuerman, 2 Eagle Nest Lane, don't see why we can't slow down on this ordinance. Put every local right granted to us in this ordinance. We've had years, why now? We need to exercise our rights and transparency. Safety of citizens is the main concern. We can regulate on location, order of preference, aesthetics. Put residents first. **Public Hearing closed at 8:38 pm.** MPT Browning asked Brandon what public notice requirements we could implement. Attorney Dittman, no specific limitation, again only willful ROW, not state/federal. Trustee Rogin - any reason to pass this quickly? Attorney Dittman, installation of CDOT Fiber on Hwy 36 makes it economically feasible for other providers to install. CDOT said they would consider using the towns existing code; **Motion:** move to approve Ord 1110 **Moved by:** MPT Browning **Seconded by:** Trustee Lowell MPT Browning, I appreciate the sincerity and passion of the residents. Make sure everyone understands this is not a watering down of what we have now. Existing ordinance is outdated and replacing with one that is enforceable. This has been talked about for months, and the CDOT/Crown Castle issue pushed this issue as to why we need to update our code. The State has given CDOT the authority to issue these permits and having that CDOT/Crown Castle infrastructure in place makes it easier for them to apply. This is a start, if additional provisions, that should be done, starting point is get an ordinance on the books that we can enforce. Public Notice, we could put that in the ordinance, but can accomplish same result by adopting policy. I'm reluctant without knowing if we can do that. To communities

in Malibu that have fought Telecom to the Supreme Court, good for them, the Town of Lyons can't afford that. If Denver and Malibu want to fight them more power to them. We are already fighting an international company and we simply need to get an enforceable ordinance on the books. Trustee Karavas -Town staff/boards have been working for years to update code; Mayor Angelo, apologize to members of Eagle Canyon community for not having a more open discussion. **Motion carries 5-0 Break at 9:03pm. Meeting resumed at 9:14pm.**

X. Consent Agenda

1. Resolution 2021-106 - A Resolution of The Town of Lyons, Colorado Ratifying the Third Amendment to The Professional Services Agreement With J-U-B Engineers, Inc. For Construction Management Services for Stormwater Improvements and Lyons Roadway Repairs Projects
2. Resolution 2021-107 - A Resolution of the Town of Lyons, Colorado Approving Amendments to the Legislative Policy Concerning Quasi-Judicial Procedures and other Miscellaneous Amendments
3. Resolution 2021-108 - A Resolution of the Town of Lyons, Colorado, Approving an Agreement for the Joint Use of Facilities Between the Town of Lyons and the St. Vrain Valley School District RE-1J
4. Resolution 2021-109 – a Resolution of the Town of Lyons, Colorado Authorizing the Expenditure of Public Funds to Publish a Factual Pro/Con Statement Concerning the Town of Lyons Referred Ballot Question No. 2G
5. Resolution 2021-110 - A Resolution of the Town of Lyons, Colorado Ratifying the First Amendment to the Professional Services Agreement with DeFalco Construction Company for the Bohn Park Storm Water Improvement Project #: 21-STRM-05
6. October Accounts Payable
7. October 4, 2021, BOT Meeting Minutes  
**Motion:** move to approve **Moved by:** Trustee Karavas **Seconded by:** Trustee Lowell **MPT Browning Removed Item 4 Reso 2021-109 Motion passes 5-0**

- XI. Items Removed from Consent Agenda – Item 4 Reso 2021-109 - MPT Browning these pro/con statements seem to hold no weight, never enamored with process for getting this drafted. Never convinced this process is worth spending money on. A lot of information on this has been discussed, UEB has explained. Trustee Lowell I concur. A little late in the game; I've already voted. Trustee Rogin, I understand concerns, but more information is always better. Mayor Angelo agrees with Trustee Rogin. On single hauler ballot question, no pro/con statement and a lot of misinformation went out. **Motion:** move to approve **Moved by:** Trustee Rogin **Seconded by:** Trustee Karavas **Motion carries 3-2 YES:** Mayor Angelo, Trustee Karavas, Trustee Rogin **NO:** Trustee Lowell, MPT Browning

XII. General Business

1. Resolution 2021-111 – a Resolution of the Town of Lyons, Colorado Authorizing the Mayor to Execute all Agreements and to Perform all other Actions Necessary to Join the Colorado Opioids Settlement Memorandum of Understanding – Attorney Dittman provided background; BOCO to be regional distributor of monies. Lyons to receive about 5%; we can spend it on anything related to opioid abatement; not as restrictive as first thought. No match required and five years to spend. No downside for town to sign. **Motion:** move to approve **Moved by:** Trustee Karavas **Seconded by:** Trustee Lowell **Motion carries 5-0**
2. Discussion/Direction on Potential RV Parking Site Locations – Mayor Pro Tem Browning stated parking ordinance goes into effect Jan 2022, only feasible place for short term - take one row of parking spaces in Bohn Park and convert to accommodate during RV's. Don't think we would be impacting parking in Bohn,

except for the occasional special event. Suggesting six RV spaces, not in floodway. Should be able to do internally, we know measurements, buy a few new timbers. Would be nice to educate that there are spaces available, anywhere from \$60 a month. Trustee Rogin, great idea, at least try it for a year. Was there a survey completed? Trustee Lowell, not crazy about the idea, only for RV's, not for unattached trailers, work trailers? MPT Browning, should offer it to them first, then to others. Trustee Karavas, I have reservations as well, but agree we need to offer a solution, and higher fee. Task EVC with finding a local business to be entrepreneurial and concerned about staff time. Mayor Angelo, if we are talking about being able to plow the streets effectively, obstructed views, absolutely in favor. We can't control the vandalism; deeply in favor of this. Administrator Simonsen stated staff is not in favor of it; Director Mitchell stated the perception of seeing vehicles parked there, people will want to park there. Last week we had a text from PW asking if there were new camp hosts; someone had dropped a camper shell there. And increased costs for cameras. Trustee Rogin, the folks interested in starting something up, where are they? Administrator Simonsen, Mr. Tamburello was very interested; we did the grading for the limb pickup. MPT Browning, a first come first serve for Lyons's residents as soon as there is a private sector the town gets out of the business. Clerk Vasquez noted that the Town's insurance provider CIRSA had deep reservations. Trustee Rogin, after hearing from staff I don't agree this is a good idea. It is not incumbent on us to take all this risk for 6 RV's; MPT Browning asked to poll the board. Trustee Lowell, no, absolutely not. Trustee Karavas, no at this point, look for more options, Trustee Rogin, no way. MPT Browning, yes, and staff should be prepared to enforce the Ordinance. Mayor Angelo, I agree and pursue private business, like Mr. Tamburello.

XIII. Discussion on Future Agenda Items

1. Trustee Rogin – Lyons was redistricted last week and now Lyons, Ward, Nederland are not represented by BOCO and represented by somebody different. Marta Lochamin to speak to town.
2. Tax/Revenue – change lodging tax; PB wanting to modify annexation agreement.
3. Mayor Discussion on Depot Use
4. Update on Creative Art District
5. PRC request for Stop signs on 2<sup>nd</sup> Ave

XIV. Summary of Action Items

1. Potential public meeting on cell tower
2. Yoder Show Cause to be issued
3. Eblast Reso 2021-111 Pro/Con
4. Follow up with Mr. Tamburello on RV parking
5. Educate about RV/Parking Ordinance
6. PRC 2<sup>nd</sup> Ave Stops on next agenda
7. Invite Commissioner Lochamin to speak to redistricting

- XV. Adjournment – **Motion:** move to adjourn **Moved by:** Trustee Lowell **Seconded by:** Trustee Karavas **Motion passes 5-0** Meeting adjourned at 10:17 PM

Respectfully Submitted by:

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Dolores M. Vasquez, CMC – Town Clerk

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Mayor Nicholas Angelo

**“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](mailto:hr@townoflyons.com) as soon as possible, but no later than 72 hours before the scheduled event.”**