

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

ZOOM LINK:

<https://us02web.zoom.us/j/82924862297?pwd=QkFheHhJNG12dVpWcGJnWUFuZTRlQT09>

Meeting ID: 829 2486 2297

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DRAFT AGENDA

MONDAY, DECEMBER 20, 2021

WORKSHOP

5:30 pm – 6:00 pm

Update on 4th Ave Ped Bridge Funding

6:00 PM - 6:50 PM

Discussion on Amending & Updating the Employee Handbook of the Town of Lyons

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 Karavas, Trustee Lowell **Absent:** Trustee Rogin, Trustee Miller
- II. A Reflective Moment of Silence – in remembrance of tornado/covid victims.
- III. Approve Agenda – **Motion:** move to approve **Moved by:** Trustee Karavas Seconded **by:** MPT Browning **Motion carries 5-0**
- IV. Audience Business – Claudia Kean, 228 Welch Dr, on behalf of PRC, we support putting parks funds towards 4th Ave ped, new sidewalk east side eventually. Other sources should be pursued, but willing to use PRC funds. Chrystal DeCoster, 113 5th Ave, quick but hearty thank you from LAHC; by your support of art shows and creative district formation, you walk the walk. Ian Brighton, 323 Evans, echo Claudia's comments, critically important for the community. Urge folks to keep supporting that.
- V. Boulder County Sheriff's Office Report – Sgt. Crist reported he met with camera systems with plan for two cameras placed on either side of town, working with CDOT. Hopefully operational in a few weeks. Losing 2 day-shifters here, Gary Robinson back to the mountains, and Loya took a position within the organization. I have two that have expressed interest. Crime rate down, no significant rise like we saw last year. PSA, please lock your cars, do not leave them running with the keys in them. And big shout out to LEAF that organized the food give away, they helped 50-60 folks. Trustee Lowell, animal control officer, are they under your scheduling or just rotates. Sgt Crist, four animal control employed, they come up when they are called. Two veteran animal control officers just retired. Two new on board, and they split up the county three ways. No regular officer that stays in town but do random patrols. Trustee Lowell, could we request they come in on certain days? Sgt Crist would be handled like extra patrol, will put feelers out.
- VI. Trustee Reports
 1. Trustee Lowell – eye opening tour of Cemex, I would not want to work there, but I have great respect for those that work there.

2. Trustee Waugh – businesses emailed and asked for feedback on design guidelines and review processes
3. Trustee Karavas – UEB reviewing stormwater studies; High pressure water line for 1st Ave was completed and I believe turned on today.
4. MPT Browning – PRC met on 13th; scheduling lights out Lyons for 8/12/22 LCF grant received to fund; new officers Chair Yelena Hughes, Tomas Delker vice-chair; unanimously approved expenditure of small dog area. Special PRC meeting tonight with approval to use Parks funds for 4th Ave ped bridge sidewalks. I have requested agenda items during January to discuss possible referendum on ballot on desire/support of trail to Hall Ranch.
5. Mayor Angelo – SFC requested two liaisons to UEB; LAHC met to discuss town hall use for art sales. Projects proposals for Depot. Shout out to Dr. Gregg, great concert.

VII. Boards & Commissions

1. Mayoral Appointments:
 - a. Gil Sparks to the Parks & Recreation Commission
 - b. Edward Kean to Sustainable Futures Commission

VIII. Staff Reports

1. Finance Update – Director Eyestone presented; sales tax is still extraordinarily strong; up 33% YTD; updated on local vs. non-local. Will continue to report and update. YTD numbers as of November look good, Summit monies strengthened the funds. YTD expenditures are all in good shape, will have year end transfers. We are exceeding in all funds in comparison to last year. Trustee Waugh we should celebrate to some extent on sales tax; my concern is this is a post-covid sign of the times; people getting out. Would like to follow up offline on local so we have a better picture of where sales tax is going to come from?
2. Utility Update – Director Caplan – lots of projects, 1st Ave high pressure went live this evening. Hoping to not hear of any issues, asphalt down on that section of the road. The two water breaks were repaired, and we were able to get the roads repaved. Working on McConnell/2nd Ave on Welch Ct. sewer line. Longs Peak water line work completed today. Hopefully electric done by end of week and project tied up by first of February. Conduit going in by fire station, to get electric lines in. Longmont helping us with this. New backup system for Eagle Canyon completed. Summit is ready to begin, grading will start soon and applying for blasting permits. Longmont water line on 4th/Park Dr. crosses our stormwater line; we need to figure out how to correct, no cost estimates yet. Mayor Angelo asked about LVP lift station, how are you feeling about that? Aaron, waiting to get parts/funding to correct alarms going off, included in 2022 budget, two months for parts. Will rebuild pumps. Trustee Lowell, no surprise it will be difficult to grade; pre-blast survey, to videotape prior, helps blasting contractor and homeowner. Aaron to investigate. Trustee Lowell, does our engineering person, check to make sure cuts and grades are to spec? Director Caplan, when we negotiated with Summit, they were advised to set aside funds to pay for an analysis and inspection. Discussion on annual water letter to Longmont and dedicating 1.4 shares of Lake Mac for upsizing the ¾ tap. Spirithounds will be putting up the shares. Discussion on re-rating WWTF.. Trustee Karavas asked about Ramey's report, effluent/BOD down in 2021 but influent up? Director Caplan to look into. Discussion on the missing 24K gallons of water, we found the meter in Bohn Park not in billing system.
3. Administrator's Report – Board to email any questions to Administrator Simonsen. She was delayed in flight back to CO.
4. Legal Update – Attorney Dittman updated the board on Honeywell, arbitrators have been appointed. Callahan, interview conducted, other contractors performed work as subs, may be coming back to you for additional action. Yoder show cause hearing occurred last week; requested proposed order; once decision is made, bank will most likely step in to correct the issues. Ms. Yoder did do work on her property, all without a permit. "L" hill property; Mr. Sampson believes the deed was drafted at that time;

contacted title company, title report no major issues, should be inexpensive and simple, we should be able to close this up after many years.

IX. Public Hearings and Ordinances

1. 1st Reading – Ordinance 1116 – An Ordinance of The Town of Lyons, Colorado Approving an Amendment to a Contract to Buy and Sell Real Estate with Lyons Ute Hwy, LLC For Lot 1, Railroad Subdivision – Attorney Dittman, Mr. Tamburello requested waiver of requirement of submittal of PUD, BOT approved, and this simply removes that requirement. **Motion:** move to approve **Moved by:** MPT Browning **Seconded by:** Trustee Karavas **Motion passes 5-0**
2. 2nd Reading – Public Hearing – Ordinance 1112 - an Ordinance of the Town of Lyons, Colorado Amending Chapter 16, Article 6 of the Lyons Municipal Code Updating Commercial & Mixed-Use Design Standards (**Open and continue to a date certain**) Attorney Dittman, at last BOT meeting, BOT requested public input; no time with holidays, requesting to continue to Jan 18, 2022. **Motion:** move to continue to a date certain January 18, 2022, **Moved by:** Trustee Waugh **Seconded by:** Trustee Lowell **Motion passes 5-0**
3. 2nd Reading – Public Hearing – Ordinance 1113 - an Ordinance of the Town of Lyons, Colorado Amending Chapter 16, Article 17 Of the Lyons Municipal Code Updating the Site Plan and Development Plan Review Process (**Open and continue to a date certain**) **Motion:** move to a date certain 1/18/22 **Move by:** MPT Browning **Seconded by:** Trustee Karavas **Motion passes 5-0**
4. 2nd Reading – Public Hearing – Ordinance 1114 – An Ordinance of the Town of Lyons, Colorado, Amending Certain Sections of Chapter 16 of the Lyons Municipal Code to Allow for Marijuana Centers, Marijuana-Infused Product Manufacturers, and Cultivation Operations in Town Zoning Districts Previously Allowing for Medical Marijuana Centers, Medical Marijuana-Infused Product Manufacturers, and Medical Marijuana Optional Premises Cultivation Operation – **Mayor Angelo recused himself.** Attorney Dittman provided background, updating zoning, housekeeping measure. **Public Hearing opened at 8: 10 pm. No speakers Public Hearing closed at 8:10 Motion:** move to approve **Moved by:** Trustee Karavas **Seconded by:** Trustee Waugh **Motion passes 4-0. Mayor Angelo recused himself.**
5. 2nd Reading – Public Hearing – Ordinance 1115 – an Ordinance of the Town of Lyons, Colorado Amending Section 18-15-10 of the Lyons Municipal Code Adopting by Reference the 2020 National Electric Code as the Town of Lyons Electric Code. Director Caplan gave staff updates; **Public Hearing opened at 8:13 pm no speakers public hearing closed at 8:13 pm. Motion:** move to approve **Moved by:** Trustee Karavas **Seconded by:** MPT Browning **Motion passes 5-0**

X. Consent Agenda

1. Resolution 2021-132 - A Resolution of the Town of Lyons, Colorado Ratifying the Eleventh Amendment to The Disaster Recovery Services Agreement with Otak, Inc. (Formerly Loris and Associates, Inc.) For Capital Improvement and Drainage Design Services – 2ND Avenue and Bridge Project (**Continued from 12/6 BOT Meeting**)
2. Resolution 2021-133 – A Resolution of The Town of Lyons, Colorado Ratifying the First Amendment to The Construction Agreement for The Lyons Valley River Park Water Quality Improvement Project, Project # Lvrv-Wq1, With EcoResource Solutions, Inc.
3. Resolution 2021-134 – A Resolution of The Town of Lyons, Colorado, Adopting A New Employee Handbook Applicable to Employees of The Town of Lyons
4. Resolution 2021-135 – A Resolution of The Town of Lyons, Colorado Accepting a Six Thousand Dollar (\$6,000) Economic Development Funding Grant from Boulder County
5. Resolution 2021-136 – a Resolution of the Town of Lyons, Colorado Approving the Second Amendment to the Construction Agreement with DeFalco Construction Company for The Bohn Park Stormwater Improvement Project: Red Hill Gulch

6. Resolution 2021-137 – a Resolution of the Town of Lyons, Colorado Approving a Construction Agreement with Mountain Constructors, Inc. for 4th Avenue Pedestrian Bridge, Trail Connections, and Street Improvements Project, Project 21-4AVE-PB-05
7. Resolution 2021-138 - A Resolution of the Town of Lyons, Colorado Authorizing an Intergovernmental Agreement Between the Town of Lyons and The Lyons Fire Protection District for Fueling Services
8. December Accounts Payable
9. December 6, 2021, BOT Meeting Minutes
Motion: move to approve **Moved by:** Trustee Karavas **Seconded by:** Trustee Lowell
MPT Browning removed item 6 Resolution 2021-137 **Motion passes 5-0**

XI. Items Removed from Consent Agenda

I am in favor of it, a few aspects for the record. Financing of the \$200K shortfall, Director Sanders mentioned a possibility of access to unexpended pilot funds, what would towns internal financing options be? 1. Sales tax...but 2022 projected revenue totals, are we looking at sales tax receipts above projections? Any additional potential funds? Director Eyestone, I feel we will see an additional \$50K, probably conservative, but not see those till next year, early February. 2. After 2021 closes, not all funds expended, what is timetable to close out? Director Eyestone we could receive invoices in Jan, not paid till February, so close to same sales tax timeline. 3. Staff recommendation to have enough \$ available to cover project, use flood claw back funds. Could the board reallocate to replenish any funds? Director Eyestone, yes, that would be my recommendation as well. **Motion:** move to approve **Moved by:** MPT Browning **Seconded by:** Trustee Karavas **Motion passes 5-0**

XII. General Business

1. Discussion/Direction on Extending the Boulder County/Cemex IGA – Administrator Simonsen stated the County assumed our Comp Plan had been completed, they are not comfortable entering into a long-term agreement without public input, would just extend for one year, if any issues come up, we could address at that time. Very comfortable with the extension, has worked for us for over 10 years. If BOT agrees, county will draft. BOT consensus is to extend.
2. Discussion/Direction on LAHC Art Shows in Town Hall and Mural on Town Hall – Mayor Angelo, I have not been in favor of art sales in town hall, some of the most important legislation passed in these chambers. Not against an exhibition. I also have trouble with a mural being painted on Town Hall, stucco is a difficult medium, there are two windows and a door. It boils down to concept of measurements being taken of the building without this issue ever being brought before the board of trustees. What is happening is we need to discuss roles, responsibilities and procedures and their relationship to the BOT. MPT Browning – we really have two issues here; one is art shows, I personally do not have a problem with it. Perhaps more definite guidelines in place; I am in favor of continuing them. Second issue, I do think the LAHC is working on draft protocols on how major art projects are approved before spending significant sums of town money. They need to notify the board. I would like to see a detailed cost breakdown; I would like to see boards/commissions portion of agenda come before the board; not comfortable with this, put-on future agenda. Trustee Karavas, I would like to see town history hung to preserve, with so many new residents, it is important to preserve. Mural, I would rather see exactly where the money is coming from; costs for protection and clean up if vandalized. Trustee Lowell, I agree on the mural, we need more information. Art in town hall, bit of a pilgrim, when I would come to ecology board, and I would see art with price tags and wondered who comes into look at this? You need an alternative venue, and the depot works perfectly. I believe Kim Mitchell was going to put out an RFP for interest in the depot. Trustee Waugh I agree with the mural, not enough information to decide. Art show – good way to support our artists. Inexpensive way to support our resident artist, would like to see them continue.

XIII. Discussion on Future Agenda Items

1. MPT Browning – possible referendum

XIV. Summary of Action Items

1. Sgt. Crist to look into additional animal patrol shifts.
2. Look into pre-blast survey.
3. Review Ramey's effluent report numbers.
4. Staff to work with County to draft IGA extension
5. Detailed cost breakdown for Mural.
6. Art shows to continue at town hall council chambers.

- XV. Adjournment – **Motion:** move to adjourn **Moved by:** Trustee Karavas **Seconded by:** MPT Browning **Motion passes 5-0** meeting adjourned at 8:55 pm.

Respectfully Submitted by:

Dolores M. Vasquez, CMC – Town Clerk

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 as soon as possible, but no later than 72 hours before the scheduled event.”