

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/83109232372?pwd=WjVhVWlxNU9lQXp1VW9WNWxEEdVFDdz09>

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8 Meeting ID: 831 0923 2372

9 Passcode: 022673

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11 +1 312 626 6799

12 Meeting ID: 831 0923 2372

13
14 DRAFT AGENDA
15 **MONDAY, MARCH 7, 2022**

16 **5:30 pm – 6:00 pm**

17 *Executive Session - Executive session pursuant to C.R.S. Sections 24-6-402(4)(e) and 24-6-402(4)(b) for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators, and for legal advice from attorneys representing the Town regarding the Town's legal dispute with Honeywell International, Inc. over Honeywell's breach of contract of the Energy Cost-Savings Contract and design and construction defects in the Lyon's wastewater treatment plant.*

18 **6:00 pm – 6:50 pm**

19 PCDC Update

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21 7:00 PM BOARD OF TRUSTEES REGULAR MEETING

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23 I. Roll Call and Pledge of Allegiance **Present:** Mayor Angelo, Mayor Pro Tem Browning, Trustee Rogin, Trustee Waugh, Trustee Lowell, Trustee Karavas **Absent:** Trustee Miller
- 24
25 II. A Reflective Moment of Silence - In honor of the people of Ukraine, Covid Victims, Marshall Fire neighbors
- 26
27 III. Approve Agenda **Motion:** move to approve **Moved by:** Trustee Karavas **Seconded by:** MPT Browning **Trustee Miller joined the meeting at 5:33 pm motion passes 7-0**

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29 **Motion:** enter into executive session **Moved by:** MPT Browning **Seconded by:** Trustee Rogin
30 **Motion passes 7-0**

31 **Motion: enter to regular meeting at 5:57 pm**

32 **Motion:** amend agenda to move audience business to after Trustee Reports **Moved by:** Trustee Karavas **Seconded by:** Trustee Lowell **Motion passes 7-0**

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47 IV. Boulder County Sheriff's Office Report - Sgt Crist tomorrow at 3pm will meet to discuss practicalities of bringing a couple of part time co-responders into Lyons. Have additional resources that is helping prompt this. Vehicle trespasses are on the uptick in town; crime of opportunity. Keep your cars/stuff locked up; if you see something, say something. Still working on Flock cameras; still in phase waiting for CDOT approval, hopeful to hear something this week. Will be putting together a proposal/report on the importance of cameras. Majority support cameras in town, it does an excellent job to assist police in putting pieces together. It will be a huge benefit for the town. And working with Chief Zick on water rescue plan for the upcoming summer season. MPT said there is a small group of Lyons Clean Up helpers, one was working down by the river, next to parking area by inflow channel, there was so much trash, that has become party central, at least 4 cases of beer cans, if deputies could patrol there.

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60 V. Trustee Reports

- 61 1. Trustee Rogin – attended DRCOG and Consortium of Cities last week; EVC/HPC have not
62 met this month. Comp Plan meeting Thursday.
- 63 2. MPT Browning – PRC met 2/23, students from CU presented and will work on walkability
64 study. No cost to the town. Library presented a proposal on a story walk for kids; will be
65 working with Director Cosgrove on location, also no cost to town. Last June our board passed
66 a resolution to allow Spirithounds to use Lake MacIntosh water shares since they exceeded.
67 To date no shares have been dedicated. Future agenda item on failure to dedicate and
68 consider revoking Lake Mac or deadline.
- 69 3. Trustee Waugh – PCDC covered in workshop; comp plan session later this week. Thanked
70 the board for understanding my absence due to health issues.
- 71 4. Trustee Lowell – CEMEX meeting on Wednesday; need replacement
- 72 5. Trustee Miller – HHS meets next Monday at 3:30pm
- 73 6. Trustee Karavas – UEB met last Wednesday; meet again on the 16th.
- 74 7. Mayor Angelo – Student Advisory met; letter to commissioners regarding CEMEX.
75 Will report on LAHC at next meeting.
76

77 VI. Audience Business – Ian Brighton, 322 Evans, upcoming budget decisions for projects, the
78 safe routes to school has already been cut. East side really critical for safety; congestion is
79 growing in old town, Old Man Winter was a great success, but residents parking bumper to
80 bumper, terrible sidewalks. I support these events, but help us with walkability.
81

82 VII. Boards & Commissions

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84 VIII. Staff Reports

- 85 1. Flood Recovery Update – Director Sanders 4th Ave ped bridge working on sidewalks/ramps. Got
86 State permit, delivering the bridge early, stored on road on south side of 4th/Evans, road closed
87 to traffic. When we demo'd some areas discovered storm pipe pretty much rotted out, will be
88 replacing. Funded through town, not the project. LOMR for new flood plain mapping, setting up
89 a call with CWCB to see if required, we did a no-rise on most projects, may not need it.
90 Broadway project in design, 2 meetings this week for businesses to give input and concerns.
91 March 15th meeting for public input, will be held at library. Has a multi modal trail which will
92 enhance walkability and 47 parking spaces. Trail Extension waiting on budget/funding. GOCO
93 project at Black Bear/2nd Ave. work on utilities begins this week. Health and safety benefits will
94 install rescue stations and installing restroom. Bohn Park drainage; we had requested additional
95 funding, went back to design consultants, contractor, engineer; said when fields are draining the
96 fields should not be eroding away as they are. Plan to recompact the warming track, infield had
97 top dressing pulled will compact and grade again, clean the top material, replace and new top
98 dressing and will assess after that. Weather is an issue. Back up power project to Eagle canyon
99 lift station/PW bldg. complete. Trustee Lowell asked if 4th Ave/McCain issue resolved? Director
100 Sanders, with storm water drainage issue, we had to tear out the driveway, curb and gutter. We
101 will be replacing 20ft and he is ok with that. Trustee Lowell, I thought it was an access issue with
102 him only accessing from Railroad? Director Sanders, Can we make decisions in the field I can
103 bring back if needed. Trustee Rogin, I would like to bring it back, we spent a lot of time working
104 on this and not comfortable amending anything until we discuss. Mayor Angelo, how much to
105 replace storm drainage? Director Caplan can answer. Mayor Angelo, why now 47 parking stalls
106 instead of 51? Tracy, we can adjust the spacing, driveways off of Broadway, turn lane into
107 Oskar Blues. Attorney Dittman, the driveway that was taken out, did he install? Director
108 Sanders, no the town put it in at his request it is on town property.
- 109 2. Utility Update – Director Caplan, we didn't need to spend budgeted money on undergrounding
110 on railroad no overages, in Longmont's budget. Have another project that needs \$25K; any
111 concerns? It is to set up the SCADA system for electric, NLine handles now, I will be trained on
112 it. Stormwater issue on 4th waiting on bids. Budget is \$25K for design on 2nd/\$40K for jetting,
113 we could cut back on those. There is reserve, no big projects to date. Trustee Karavas asked
114 stormwater study, scoped everything, I don't recall this being one? Director Caplan, I don't know
115 they would have seen it.
- 116 3. Administrator's Report – new spring programs; Eco pass continuing for 2022. Boulder County
117 says by late spring we may have a solution for the old Y route. Resident parking passes are
118

119 now available; Lyons Thrive comp plan 3/9 at library. CDC has released new COVID
120 guidelines, new tool called community levels and transmission levels. MPT Browning stated the
121 code compliance officer position was not just to enforce but to actively assist with applications,
122 when we name a position and fund it it should be that. We did not delegate authority to the new
123 HR person. My family will be seeing Ukrainian refugees in our extra rooms; big obstacle is
124 transportation. Would like it to be brought up for any refugees to be able to access the public
125 transportation system.

- 126 4. Legal Update – working on parking ordinance as requested; updating code for special meeting
127 regulations; and L hill dedication
128

129 IX. Public Hearings and Ordinances

- 130 1. 2nd Reading – Public Hearing – Ordinance 1112 - an Ordinance of the Town of Lyons, Colorado
131 Amending Chapter 16, Article 6 of the Lyons Municipal Code Updating Commercial & Mixed-
132 Use Design Guidelines **(Continued from January 18, 2022 BOT Meeting)** – Planner Strom
133 presented; with the many land use applications, PCDC felt important to update now and then
134 revisit when comp plan is complete early 2023. **Public Hearing opened at 7:57 pm** No
135 speakers **Public Hearing closed at 7:57 pm Motion:** move to approve **Moved by:** MPT
136 Browning **Seconded by:** Trustee Karavas **Motion:** move to adopt redline version **Moved by:**
137 Trustee Rogin **Seconded by:** Trustee Karavas **amendment passes 7-0**, MPT Browning,
138 planner Strom highlighted some very needed changes. Reducing the guidelines from 36 pages
139 to 11 pages, is great. Trustee Rogin agrees; my first PCDC was about design guidelines, very
140 happy with this. **Vote on ordinance as amended passes 7-0**
- 141 2. 2nd Reading – Public Hearing - Ordinance 1113 - an Ordinance of the Town of Lyons, Colorado
142 Amending Chapter 16, Article 17 Of the Lyons Municipal Code Updating the Site Plan and
143 Development Plan Review Process **(Continued from January 18, 2022 BOT Meeting)** –
144 Planner Strom presented; PCDC effort modifies to include modifying terms, threshold criteria,
145 removal of outdated requirements. **Public Hearing opened at 8:05 pm** No speakers **Public**
146 **Hearing closed at 8:06 pm Motion:** move to approve **Moved by:** Trustee Lowell **Seconded**
147 **by:** MPT Browning **Motion:** include amendments 1, 2, 4, 5 & 6 **Moved by:** MPT Browning
148 **Seconded by:** Trustee Karavas MPT Browning provided clarification on proposed amendments
149 **Motion passes 7-0 Motion:** . Page 12, 16-17-20(d) – (Step 4) Insert the following as the initial
150 part of Step 4: "After receipt of a proposed Development Plan (Step 2 above), it shall be
151 promptly distributed to applicable Town staff, all Town advisory boards and commissions, and
152 referral agencies. Any supplemental information or documents received as a part of Step 3
153 above (determination of completeness) shall also be provided by supplemental distribution to
154 applicable Town staff, all Town advisory boards and commissions, and referral agencies, each
155 of whom will be given twenty-five (25) business days from the determination of completeness in
156 Step 3 to provide comments to the Town Administrator. Surrounding and interested property
157 owners shall be notified within ten (10) business days of determination of completeness in Step
158 3 of the submission of a Development Plan and shall also be notified that the Development Plan
159 can be viewed at Town Hall or online. [Remainder of paragraph as in draft.] **Moved by:** MPT
160 Browning **Seconded by:** Trustee Karavas MPT Browning, this does two things, provides notice
161 earlier in the process and specifies when property owners get noticed. **Motion passes 7-0**
162 **Motion:** Page 19, 17-17-70 (a) – [Location and Extent Review] Add at the end of subsection
163 (a): "; provided, however, that Location and Extent Review shall not be required for any Town
164 project for which the majority of funding (including grant funding) is authorized by the Board of
165 Trustees." **Moved by:** MPT Browning **Seconded by:** Trustee Lowell MPT inconsistencies and
166 gaps eliminating a step on location/extent review. Is redundant and unnecessary. Conflict
167 between governmental agencies; gives the town opportunity to comment on othe projects,
168 unnecessary if town is approving. Trustee Rogin asked staff if any potential drawbacks?
169 Administrator Simonsen, during flood it was forgotten, if BOT has approved, I'm ok with this as
170 well. Attorney Dittman makes sense legally. **Motion passes 7-0 Vote on ordinance as**
171 **amended passes 7-0**
- 172 3. 2nd Reading – Public Hearing - Ordinance 1119 – an Ordinance of the Town of Lyons, Colorado
173 Amending the Lyons Municipal Code and Zoning Map to Allow Solar in the Parks and Open
174 Space Zone – Planner Strom presented; **Public Hearing opened at 8:30 pm** No Speakers

175 **Public Hearing closed at 8:30 pm Motion:** move to approve **Moved by:** Trustee Lowell
176 **Seconded by:** Trustee Karavas Mayor Angelo, not the right location, I understand abiding by
177 the will of the people. This site, with it's lack of potential to produce energy, cannot run WWTF
178 on a microgrid. Personally I think the demand for electricity will be so far what we can
179 comprehend, this facility is not the answer. We own property that would allow for expansion.
180 Election, was stated, and reason we did not include the two other locations, I will be voting
181 against. Trustee Waugh I concur and will also vote against. **Motion passes 5-2 NO: Mayor**
182 **Angelo, Trustee Waugh**

- 183 4. 2nd Reading – Public Hearing – Ordinance 1120 – an Ordinance of the Town of Lyons, Colorado
184 Setting the Compensation of the Mayor and Members of the Board of Trustees for Terms of
185 Office Commencing April 2022, to be effective January 1, 2023 – Trustee Rogin recused
186 herself; Attorney Dittman presented and noted version uploaded did not include a clause that
187 any board member could decline compensation. Administor Simonsen gave overview. **Public**
188 **Hearing opened at 8:38 pm** No speakers **Public Hearing closed at 8:39 pm Motion:** move to
189 approve **Moved by:** Trustee Lowell **Seconded by:** Trustee Waugh **Motion passes 6-0** Trustee
190 Rogin recusued herself
191 Break at 8:40 pm **Trustee Miller left the meeting at 8:47 pm.**
192 Meeting resumed at 8:48 pm

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194 X. Consent Agenda

- 195 1. March Accounts Payable
196 2. February 7, 2022, BOT Meeting Minutes
197 3. February 22, 2022, BOT Meeting Minutes
198 4. February 23, 2022, Special BOT Meeting Minutes (Not available)

199 **Motion:** move to approve **Moved by:** Trustee Karavas **Seconded by:** Trustee Waugh
200 **Motion passes 6-0**

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202 XI. Items Removed from Consent Agenda

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204 XII. General Business

- 205 1. Discussion/Direction to Form a Wildfire Mitigation and WUI Code Task Force – Planner Strom,
206 follow up to workshop; any interest from board? MPT Browning asked for clarification on task
207 force vs. commission. Attorney Dittman, resolution for task force, ordinance to change code for
208 commission. Trustee Rogin, a suggestion, considering urgency, I support resolution at next
209 meeting, then look at creating a more permanent one. MPT Browning agrees, it is quicker.
210 People more willing to join a task force of limited duration. For a town of our size, a heck of a lot
211 boards and commissions. Trustee Waugh concurs, a temporary committee and let future board
212 decide. Mayor concurs. Attorney Dittman any suggestions for number of members, duration?
213 Trustee Rogin, use current number of members and for one year. Trustee Lowell I'd like to see
214 a member of Lyons Fire district on it; MPT Browning, at least one member of BOT/PCDC on
215 there, and one from PRC. Trustee Lowell, also ecology board member. Trustee Rogin, maybe
216 someone from the County? Mayor Angelo, fantastic idea; and one year is great. Trustee
217 Karavas, if we continue to add members from outside of the town, would they really be willing to
218 participate? What are boundaries of this task force? Attorney Dittman, they would have to follow
219 all of the rules we all do.
- 220 2. Discussion/Direction to Staff Regarding 2021 Preliminary Year-End Financial Update – Director
221 Eyestone presented; any reappropriation of monies requires a budget amendment resolution.
- 222 3. Discussion/Direction to Staff Regarding Project Funding Shortfalls – Manager Sanders
223 presented; four projects safe routes to school (4th ave ped bridge), can get an extension from
224 CDBG. Black Bear hole improvements deadline is 6/22 can request extension. Trail extension
225 has not started, deadline is 9/24. 36/Broadway in design and funding deadline is 2/24. Director
226 Eyestone presented funding options from GF, Parks Fund, Streets. Staff recommends delaying
227 Trail project until 2023; Safe Routes 2 School use parks funds, funds from trail project and delay
228 small dog park project. Black Bear hole – use parks funds and conservation trust funds. 36
229 Broadway use general fund, delay 2022 transfer to streets and delay depot landscaping. Staff is
230 still pursuing additional funding; if that is awarded we can reappropriate. MPT Broadway project
231 into 2023, if overage, potentially that funding might be another source. And new dispensary
232 business to go online as well, one source of potential funding. Trustee Lowell confused by

233 funding shortfalls for trail/Safe Routes, numbers don't match what we were presented a meeting
234 ago. Manager Sanders, after workshop on this, we utilized other funds and these are the new
235 figures. Trustee Lowell, the \$100K donation, it's a stretch to use on SR2S, was to be used for
236 parks. I would like to see that go to the Black Bear hole project. Trustee Rogin, do we have a
237 rough estimate of use tax for hotel? Director Eyestone, approximately \$216K. Trustee Waugh
238 for consistency sake, not a big fan of delay street fund transfer, that money needs to be
239 allocated. The longer we wait the more expensive, I personally cannot support. MPT Browning,
240 I have the same concern; staff has done a great job trying to plug these gaps; I proposed
241 instead of permanently depleting the fund, borrow the money and identify how that would be
242 repaid. Also, if revenues exceed like they did in 2021 we could use that. Maybe enter into
243 agreement with LURA as a backstop. I am fairly confident it would be possible to replenish that
244 money. This board can set up a road map for how to replenish for future boards. Trustee Rogin,
245 hotel development plan agreement not even approved; the hotel may not get built. I don't like
246 spending money we don't have. Mayor what causes a \$425K shortfall? Manager Sanders, these
247 are projected costs, a big estimate for sure. Soft costs have been a lot higher than in previous
248 years. Mayor Angelo - my concern is every project runs into issues, I fear this number will
249 change and it's not going to go down. The 4th Ave bridge and Broadway are way more important
250 than the trail. Administrator Simonsen, should we look at the pots of money we are not touching
251 and see if that is more appealing. Maybe more from parks? Trustee Karavas, where is Scholl
252 grant at? Administrator Simonsen, that is not aware till late fall, No from Boetcher foundation.
253 With County having vision zero for bicyclists, we may be able to ask them for additional funds.
254 Trustee Karavas, how about PAAP project? Manager Sanders, we reallocated almost \$80K
255 from those other projects. MPT Browning, use more of parks/conservation funds and use less
256 from streets. Manager Sanders, SR2S slated to be completed by end of May as well as GOCO;
257 maybe we focus on those two projects for now.. **SR2S option is approved by consensus.**
258 **Black Bear Hole option is approved by consensus. Broadway suggestions to take more**
259 **from parks/conservation funds and \$100K less from streets.** Director Cosgrove, I do have
260 similar reservations to MPT's point, these are certainly park projects, as they are completed,
261 that also means we will have to increase budgets for staffing/maintenance. Trustee Waugh
262 good points, but not a dime of streets revenue, we do this constantly, spend money we don't
263 have. Another example of us spending money for people who don't live in this town to have nice
264 things, while those who live here get nothing. I am done talking about this. Trustee Karavas, do
265 you have any suggestions? **Table Broadway for now.**

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267 4. Discussion/Direction on Potential Sale of Apple Valley Water Treatment Property
268

- 269 I. Resolution 2022-22 – a Resolution of the Town of Lyons, Colorado Declaring 2186 Apple Valley
270 Road, 2157 Apple Valley Road, and 0 N. St. Vrain Drive as Surplus Property – Administrator
271 Simonsen, in April 2021 the board authorized sale of property. Several realtors interested now;
272 first step is to declare a surplus. Does board have interest in declaring any or all lots as surplus.
273 Also, do we want to use a realtor, all agree appraisal is not needed. Trustee Waugh there is
274 \$300K right there for project shortfall. In favor of declaring all as surplus. Mayor Angelo, those
275 funds need to go to the water fund correct? Administrator Simonsen, purchased for \$10K at the
276 time, asset added to water fund at the time. It could go to pay for improvements at plant.
277 Realtors saying spring is prime time; I've already had two offers, has significant value. Trustee
278 Lowell I am four square against selling 0 N. St. Vrain, we pay a lot of lip service to river access;
279 people do use that shore. I think it would be criminal if we gave up river access; of course
280 realtors are salivating. I am only in favor of listing 2186 Apple Valley; the other one if the
281 neighbor wants sure, but not much value. MPT Browning, direction given almost a year ago;
282 2186 AV was to be listed with a realtor and sold; not the other lot. Only a tiny corner of it not in
283 the flood plain/way; I don't think you can build. Trustee Rogin, if I remember correctly we
284 couldn't even find a realtor who wanted these properties; in favor of selling all the properties.
285 Administrator Simonsen, in choosing a reator, only 2 have ability with brokers opinion. Trustee
286 Waugh I will support Lowell/Mayor does too. Karavas sell all three. Consensus is to sell 2186
287 and flag pole only. **Motion:** approve 2022-22 declaring 2186 Apple Valley and 2157 Apple
288 Valley as surplus and have town staff to have realtor to work with realty to be determined

289 **Moved by:** Trustee Lowell **Seconded by:** Trustee Waugh **Attorney Dittman to remove 0 St**
290 **Vrain Drive from resolution.** Trustee Karavas so the lot not being sold will still need to be
291 maintained, is trespassed on, injury claims. Do we need to change our insurance coverage to
292 cover our butts. **Motion passes 5-1 NO: Trustee Karavas**
293

294 ii. Discussion/Direction on Hiring a Realtor or Listing by Owner – Board direction is to pick realtor
295 out of a hat if both are qualified.
296

297 XIII. Discussion on Future Agenda Items

- 298 1. Trustee Lowell – Martin Parcel Annexation
- 299 2. McCain property - agreement terms are being met?
- 300 3. MPT Browning - Spirit Hounds water share dedication

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302 XIV. Summary of Action Items

- 303 1. Spirit Hounds/Lake Mac water share dedication.
- 304 2. Research transportation opportunities for refugees
- 305 3. Resolution forming Wildfire Mitigation Taskforce at next meeting.
- 306 4. Resolution with proposed budget amendments at next meeting
- 307 5. Resolution to list 2186 and Flag pole properties as surplus

308 XV. Adjournment – **Motion:** move to adjourn **Moved by:** Trustee Karavas **Seconded by:** Trustee
309 Waugh **Motion passes 6-0** meeting adjourned at 10:58 pm
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313 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 as soon as possible, but no later than 72 hours before the scheduled event.”