

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

ZOOM LINK:

<https://us02web.zoom.us/j/81525411063?pwd=NWt0TEh0UjpsOXpJInlnaWpkNUs4Zz09>

Meeting ID: 815 2541 1063

Passcode: 199043

Dial by your location

+1 929 205 6099

Meeting ID: 815 2541 1063

DRAFT AGENDA

TUESDAY, JANUARY 18, 2022

6:00 pm – 6:45 pm

Lyons Fire Protection District Updates

7:00 PM BOARD OF TRUSTEES REGULAR MEETING

1. Roll Call and Pledge of Allegiance – Present: Mayor Angelo, Mayor Pro Tem Browning, Trustee Miller, Trustee Lowell, Trustee Karavas, Trustee Waugh Absent: Trustee Rogin

II. A Reflective Moment of Silence

III. Approve Agenda – Motion: move to approve agenda Moved by: Trustee Waugh

Seconded by: Trustee Lowell Motion passes 6-0

IV. Audience Business

1. Michael Rudder – McConnell Drive – in support of Hall Trail

V. Boulder County Sheriff's Office Report – Sgt Crist: working with camera systems for the cameras at either end of town, waiting for CDOT approval, should move quickly. Meeting with Chief Zick on water rescue plan for next year. Significant amount of water rescues this year, trying to smooth out process.

VI. Trustee Reports
1. MPT Browning – PRC met 1/10 County Survey on CR 69 complete; BOCO open space expected to complete first part of review sometime in January.
2. Trustee Lowell – Ecology Board, I did not attend. 2022 annual report updates received. Only 4 more meetings and the new board is seated, hopeful to tie up loose ends on L hill and annexing Martin Parcel.
3. Trustee Miller – HHS met 1/10, Fire joined to discuss evacuation of vulnerable citizens during a disaster.
4. Trustee Waugh - unable to attend last PCDC meeting; would like update on sale of Apple Valley water plant
5. Trustee Karavas – congratulate Aaron/staff on High Pressure line on 1st Ave and all new valves, good job. 2nd Ave bridge seems seals on decking is already cracking; need to get seams filled and resealed.

6. Mayor Angelo – LAHC met and discussed native American sculpture, town hall mural. SFC met to discuss 2022 goals. Action items: driveway/drainage on Evans, when curb put in, they could not use driveways and now drainage freezes over at night. Can be addressed in

56 memos from counsel. 1. Ed Bruder 2. Analysis and justification on Wee Casa Sewer Charges 3. Riverbend taps, when did town officially take action?

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59 VII. Boards & Commissions
- 60 1. Lyons Arts & Humanities Commission
 - 61 A. Request for Letter of Recommendation - Lyons Creates - Lauren Click presented; MPT
 - 62 Brownling asked what a fiscal agent was? Lauren Click stated the Town would handle the
 - 63 finances until Lyons Creates would become their own 501c3
 - 64 B. Discussion/Direction on Mural on Town Hall - Jocelyn Farrell presented conceptual
 - 65 drawings; budget amounts. Trustee Lowell stated that is a wonderful mural. MPT
 - 66 Brownling \$5K from budget? Mayor Angelo, originally not in favor of this, but I think it is
 - 67 absolute dynamite. A few concerns: painted on stucco, needs to be some kind of
 - 68 protective element on both sides. Also, graffiti worries me. Board supports.

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70 VIII. Staff Reports
- 71 1. Finance Update - Director Eyestone presented: still accruing debts for 2021 thru end of
 - 72 February, not concrete numbers. Sales tax came in very strong; all funds' revenues are
 - 73 exceeding costs. MPT Brownling, 4th Ave project, what might be a realistic date to look at
 - 74 that? Director Eyestone, early March, last meeting in February we won't have closed out
 - 75 that month. Trustee Karavas, Summit housing, money in enterprise funds, in roll up, where
 - 76 is that money showing up? Director Eyestone, it is accounted for in the roll up breakdown.
 - 77 Utility Update - Director Caplan presented on board concerns: LVP lift station parts still on
 - 78 order. Effluent/Influent numbers coming from Ramey; emergency utility shutdown
 - 79 procedures in report, electric undergrounding plans with NLine. Update on Riverbend PUD
 - 80 submitted drainage report. MPT Brownling, WWTf influent about 1 million gallons a month,
 - 81 what is percentage of flow capacity? Aaron, the million gallons is what is used to process
 - 82 the waste, that is on top of the influent. Updated the BOT on Longs Peak project, short
 - 83 \$300K for paving, delay with storm water inlets. Should start cleaning up staging area. 1st
 - 84 Ave water line project complete. Came in slightly under budget. Still waiting for Summit to
 - 85 get bond, no further work until we receive. Working on credit card terminal for bulk water,
 - 86 HUTF report turned in; 1/3 of towns sewer lines jettied and videoed. Trustee Miller, crack
 - 87 sealing done when it was wet and rainy, it's just going to crack/ruin again. Are they going
 - 88 to redo? Aaron, under warranty for one year, we don't expect any issues. Mayor Angelo,
 - 89 reclamation of staging area on Longs Peak, what is schedule? Director Caplan, no solid
 - 90 schedule, trucks coming in tomorrow to remove concrete/dirt. Goal is to have removed
 - 91 before they prep the road.
 - 92 3. Administrator Simonsen stated Boards & Commissions training
 - 93 this Saturday, and next Tuesday, only need to attend one session. BOT does not need to
 - 94 attend. Working to educate staff on new employee handbook; CIRSA has done annual
 - 95 inspection, thanked staff for hard work. If interested in running for the BOT, please see
 - 96 Town Clerk. Reminder to all, RLF available to business. \$130K available to loan. Yearend
 - 97 parking/camping revenues well above anything we projected. All Bohn Park kiosks are
 - 98 functioning. More graffiti in Bohn Park this weekend. Trying to plan for outdoor activities,
 - 99 winter wonderland concerts and old man winter. Lucky Lyons 5K and 10K potentially
 - 100 coming in spring.
 - 101 4. Legal Update - Attorney Dittman: Frysig matter is closed, satisfaction of judgment filed.
 - 102 Opioid settlement max amount available to us soon, then can discuss how to best use
 - 103 funds. Honeywell, Filanc & TetraTech have filed a suit against Honeywell, named the
 - 104 Town, will delay our negotiations even further. Yoder matter: hearing and order due last
 - 105 week. Decision in two parts. Determined home was a nuisance and unfit for habitation. 2nd
 - 106 impossible for Yoder to abate because it is in the flood zone. Left with no options,
 - 107 proposing appealing to municipal court. If we don't appeal, then house will sit as is. Very
 - 108 disappointing decision. Trustee Lowell, if judged not fit for human habitation, and she
 - 109 continues to live there on occasion, what recourse does the town have? Attorney Dittman
 - 110 could be a health and safety violation. Hope is bank will step in and fix the issues.
 - 111 Consensus is to appeal decision. "L" properly, title work came back less complex,

112	preparing to draft warranty deed. Will be resolved by end of term, small amount of work,	
113	need Mr. Bell to sign.	
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IX. Public Hearings and Ordinances

1. 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 Guidelines (open and continue to a date certain) Public Hearing closed at 8:33 pm no comments, Public Hearing closed at 8:33 pm Motion: move to a date certain of March 7, 2022, Moved by: MPT Browning **Seconded by:** Trustee Karavas **Motion passes 6-0**

2. 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) Public hearing opened at 8:36 pm no comments Public Hearing closed at 8:37 pm. Motion: continue to date certain 3/7/22 Moved by: MPT Browning **Seconded by:** Trustee Karavas **Motion Passes 6-0**

3. 2nd Reading – Public Hearing – Ordinance 1117 – an Ordinance of the Town of Lyons, Colorado Approving a Lease of Town Property to Raul Vasquez – Administrator Simonson presented; Trustee Vaughn requested a review of lease rate; contacted Boulder County, only lease a few office spaces and agriculture, so not applicable. Googled vacant land leases, only 8 listings and not comparable. Could not find a good comp; only Bureau of Land Management, received no response from their office. This lease has been renewed numerous times, two previous leases included price index increase, not in these last two leases. Also discussed the 10 feet for trail, Mr. Vasquez is very workable with us, sent him language and he was agreeable. Attorney Dittman, language, did he agree to the language? Mayor Angelo asked, it states he would have to remove any buildings, are there any? Administrator Simonson, yes, depending on different alignments of trail there could be one building. Trustee Vaughn any record why CPI was removed from last lease? Administrator Simonson, I do not know why that changed. Mayor Angelo, do we have an amount of what that would be? For budgeting purposes, we used 3.5%. Attorney Dittman, I didn't know that had been removed, we recommend escalator clauses. MPT Browning when was Spiritounds lease renewed? Administrator Simonson, it's due for renewal, it has lapsed. **Public Hearing opened at 8:48 pm** No comments **Public Hearing closed at 8:49 pm Motion:** approve Ordinance 1117 **Moved by:** MPT Browning **Seconded by:** Trustee Karavas Trustee Vaughn, I agree it should be fair and consistent, and if we continue to use different time frames, absolutely necessary to put CPI in there, I pay almost 5 times for the 3 acres; not here to penalize Mr. Vasquez, go with \$3300.00 and go with CPI, we need to understand the value. More than fair; all of our leases need a CPI index clause **Motion:** amendment to include CPI clause **Moved by:** Trustee Vaughn **Seconded by:** MPT Browning **Motion Passes 4-1 NO:** Mayor Angelo **Trustee Miller not on camera Motion:** add language on trail section, to be included "15 Feet during construction 10 feet after" **Moved by:** MPT Browning **Seconded by:** Trustee Lowell **Motion Withdrawn already in document. Vote on ordinance as amended Motion passes 5-0**

4. 2nd Reading – Public Hearing – 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 provided background; **Public hearing opened at 8:56 pm** no comments **Public Hearing closed at 8:57 pm Motion:** move to approve **Moved by:** MPT Browning **Seconded by:** Trustee Karavas **Motion passe 5-0, Trustee Miller not on the screen. 5- minute break at 9:00 pm. Meeting resumed at 9:05 pm. Trustee Miller rejoined the meeting at this time.**

X. Consent Agenda

1. Resolution 2022-4 - a Resolution of the Town of Lyons, Colorado Approving the Construction Agreement for the GOCO Black Bear Hole and 2nd Ave Trailhead Improvements Project with NIX

167 2. Resolution 2022-6 – A Resolution of the Town of Lyons, Colorado Ratifying the Fifth Amendment to the Professional Services Agreement for Design Services with Anderson Consulting Engineers, Inc. for the Stormwater Improvements Project
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170 3. Resolution 2022-7 - a Resolution of The Town of Lyons, Colorado Appointing One New Member to the Board of Directors of the Lyons Regional Library District
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172 4. January Accounts Payable
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174 5. January 3, 2022, BOT Meeting Minutes
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176 6. January 6, 2022, Special BOT Meeting Minutes
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178 Mayor Angelo removed item 3 Motion passes 6-0
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180 XI. Items Removed from Consent Agenda
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182 Item 3, Resolution 2022-7, Mayor Angelo complimented Gil Sparks, now on 3 boards/committees, his wife as well. Thank you for your commitment to the town of Lyons.
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184 Motion: move to approve Moved by: Mayor Angelo Seconded by: MPT Browning Motion passes 6-0
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186 XII. General Business
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188 1. Resolution 2022-8 – a Resolution of the Town of Lyons, Colorado Approving the Third Amendment to the Carroll Agreement – Director Caplan gave background; asked is agreement ok if solar farm is not placed in that location? Attorney Dittman stated the agreement reads town MAY, doesn't require us to build it there. Motion: move to approve Moved by: MPT Browning Seconded by: Trustee Karavas MPT Browning stated this is the 3rd amendment, each time situations have come up, I've always found the Carroll's to be very reasonable. Motion passes 6-0
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193 2. Discussion/Direction to Staff on Utility Issues – Director Caplan: during Longmont's waterline project, location where their water line and our storm water line intersect; Longmont has offered their contractor to do the work at cost to the town; our engineer reviewed and has a solution; question is cost, not a town project, they would like the invoice sent to the town. Wanted to verify we wouldn't run into any problems. Is that ok? It is a \$19K cost to come out of stormwater fund. Could potentially come out of ARPA funding, not as familiar. Board consensus is to fund from stormwater fund and proceed. Next, Longmont removal of water lines from St Vrain creek in Apple Valley. We signed agreement with BOCO that we would remove, Longmont offered to remove one of our lines as it is basically underneath one of their lines, second is not in their construction limits, have discussed with residents, are offering a cost sharing; estimate of \$30K, we have until 2025 to meet county requirements, or we can pursue, I believe we could use ARPA funding for this project. Administrator Simonsen, Longmont is already doing the permitting through the county which is huge, saving town money and time. I believe this project will be eligible, especially if it comes in at lower end. MPT Browning if we take \$30K from WWTF re-rating are we still above 3-month reserve? Administrator Simonsen, we were getting close, but still have time to absorb. And DOLA regularly comes to us to see if we have a need. Board consensus is to go ahead and work with Longmont approves the \$30K Next, solar farm location, we do have the offer of a \$1 million dollar grant if town accepts. Need to update zoning to allow for solar in Bohn Park. Attorney Dittman, nowhere in POS zoning allows, would be a text amendment. Administrator Simonsen, DOLA wants to know if we are going to accept the grant; we don't need to declare a sight. On 2/7 UEB can come back with update. If you all are fine with location, we could start ordinance for text amendment. Trustee Karavas, CML suggested we write this into zoning code, stating approved by a vote of the people. Trustee Lowell, confused, a vote stated any use other than POS required a vote, so who for all parks. Attorney Dittman, the voters did approve this location, so it would only affect this park. The other parks would be by conditional use review only. Board consensus is to accept grant, UEB's preferred location and voters approved.
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220 3. Resolution 2022-9 A Resolution of The Town of Lyons, Colorado Referring a Question to the Registered Electors of the Town of Lyons Pursuant To C.R.S. § 31-11-11(2) A Question Regarding an Off-Highway Connecting Trail Between Lyons's Existing Parks and Trails System and Hall Ranch Open Space – MPT Browning, this is just a question to ask voters their thoughts. Since we are already having an election, it won't cost us anything. Clerk Vasquez noted if there are not enough candidates running for office, we would have to hold the election for this one question. Motion: move to approve Moved by: MPT Browning Seconded by:

Trustee Lowell Clerk Vasquez read in Trustee Rogin's comments and BCOS comments. Mayor Angelo stated we gave the County until the end of January; we should be a little more patient. I have dealt with the county on open space issues on 3 different occasions: the Olson property, Steamboat and Stone Canyon. The best way to get this done, if we really want to achieve it, is to be patient, let's see what their study says. Not take a nonbinding resolution to the commissioners as leverage. I don't know what the necessity of degrading it is. I don't understand the importance. The county has kept this property wild, and when it becomes public, there will be an inordinate amount of traffic. MPT Browning, my intent will be to rescind the resolution if the election is cancelled. Mayor Angelo, not talking about patience of last 20 years, I'm talking about the patience of when we passed the last resolution. Be patient and wait until it comes out. Nobody has been more responsive to creating open recreation space than Boulder County. Trustee Miller I will be voting no. Trustee Karavas like Administrator and Clerk to remind us of agreement that any purchase of land in our planning area we would be notified. Mayor Angelo, I think honestly this is a staff-to-staff issue, the board has already given direction to staff to work with the county. It takes patience. **Vote: NO:** Mayor Angelo, Trustee Miller, Trustee Vaughn **YES:** MPT Browning, Trustee Lowell, Trustee Karavas **Vote is 3-3 motion fails.**

XIII. Discussion on Future Agenda Items
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XIV. Summary of Action Items
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1. Transfer of lots 17, 39 and 40 from Summit
2. Request on 3/7 agenda how to fund portion of 4th Ave bridge project
3. Sale of Apple Valley water treatment plant
4. Necessary revisions to LMC regarding special meeting procedures
5. Finalize local match/funding on 36/Broadway project

XV. Adjourment – Motion: move to adjourn Moved by: Trustee Vaughn Seconded by: Trustee Lowell Motion passes 6-0 meeting adjourned at 10:30pm
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1. Fire fighting efforts for rentals (Trustee Vaughn)
2. Fire equipment needed for 3 story building fire protection (Trustee Vaughn)
3. Update on sale of Apple Valley water plant property
4. Follow-up on 2nd Avenue bridge re-sealing of decking
5. A. Ed Bruder B. Analysis and justification on Wee Casa Sewer Charges C. Riverbend taps, when did town officially take action
6. Update on Flow/Load Capacity at WWTF
7. Cost estimate for new basins at WWTF
8. Appeal Yoder decision
9. Proceed with the 2 Longmont projects and fund as directed.
10. Accept \$1million grant from DOLA and move forward with solar farm
11. Bring Ordinance forward with text amendment for solar farm in POS zone
12. L Hill warranty deed
13. Evans storm drainage
14. Follow-up on Denver Post comments
15. Lyons Creates letter of support
16. Town hall mural follow-up
17. Crack seal on north side of town follow-up
18. Yoder follow-up

Mayor Nicholas Angelo

Respectfully Submitted by:
 Dolores M. Vasquez, CMC – Town Clerk



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287 "The Town of Lyons will not discriminate against qualified individuals with disabilities on the basis of disability in its services,
288 programs, or activities. Persons needing accommodations or special assistance should contact the Town at hr@townoflyons.com as soon as
289 possible, but no later than 72 hours before the scheduled event."