

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 Join Zoom Meeting

7 <https://us02web.zoom.us/j/85610167521?pwd=Mjc2OTE4bH2YTlRlK3B3RzV1a2lRQT09>

8 Meeting ID: 856 1016 7521

9 Passcode: 159815

10 One tap mobile

11 +12532158782,,85610167521# US (Tacoma)

12 +13462487799,,85610167521# US (Houston)

13 DRAFT AGENDA

14 **TUESDAY, FEBRUARY 22, 2022**

15 *Workshop 6:00-6:50 pm*

16 *PROJECT BUDGET SHORTFALL DISCUSSION*

17 7:00 PM BOARD OF TRUSTEES REGULAR MEETING
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- 22 I. Roll Call and Pledge of Allegiance – **Present:** Mayor Angelo, Mayor Pro Tem Browning, Trustee
23 Waugh, Trustee Miller, Trustee Lowell, Trustee Karavas, Trustee Rogin
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- 25 II. A Reflective Moment of Silence – in honor of COVID deaths; those affected by the fires and all the
26 men and women in our armed forces. Apologized to Cathy Rivers for interrupting; and comment on
27 social media that impugns the integrity of this BOT strikes a nerve; to imply that this board took
28 money under the table is cowardice.
29
- 30 III. Approve Agenda – **Motion:** move to approve **Moved by:** Trustee Karavas **Seconded by:** Trustee
31 Waugh **Motion passes 7-0**
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- 33 IV. Audience Business – none
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- 35 V. Boulder County Sheriff's Office Report – Sgt Crist reported things are status quo, working on follow
36 up cases. A couple of vehicle trespass incidents this week; crime of opportunity; lock your stuff up.
37 Auto thefts up 130% up this year; FLOCK cameras will help out. CO #1 in the state for auto thefts.
38
- 39 VI. Trustee Reports
40 1. **Trustee Lowell** – ecology board met last Tuesday, mainly on Planet Bluegrass. Kudos to
41 Aaron Caplan for blasting notifications. Hopeful in next four meetings we see Martin Parcel
42 annexation on the docket.
43 2. **Trustee Rogin** – EVC met the 16th; Paul Dryer elected chair, discussed Mossrock, Think
44 Generator, Comp Plan and moving concerts to Wednesday evenings. HPC met to reschedule
45 porch talk, walking tour. Kudos to Trustee Lowell on annual report. Grateful for heated car
46 seats.
47 3. **Trustee Waugh** – prepping for PCDC issues to be brought to board, comp plan going well.
48 4. **Trustee Karavas** – UEB did not meet; will meet next week.
49 5. **Trustee Miller** - HHS met 2/14 discussed open seats, 911 evacuation procedures; need for
50 tenant/rental education and how to move forward with advocacy programs for tenant rights. A
51 lot of big houses in the area; now 3 people unrelated is not enough.
52 6. **MPT Browning** – PRC meets tomorrow at 6pm. I distributed an FYI email to PRC commission
53 a link to workshop materials tonight. Also sent BOT list of priorities for this board. Fire
54 mitigation is priority, as is sale of Apple Valley property. Need to apply for grants for fire
55 mitigation.
56 7. **Mayor Angelo** – ill for student meeting; SFC discussed they did not receive a referral for hotel;
57 all commissions should receive referrals. Discussed CEMEX, the fact that they may not be able
58 to upgrade to the highest standards for air quality. Met with Fire/Chief Zick will pursue fire
59 mitigation analysis; could assist with chipping.
60
- 61 VII. Boards & Commissions
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63 VIII. Staff Reports

- 64 1. **Finance Update** – Director Eyestone reported on monthly financials; Mayor Angelo asked, local vs
65 out of state, when was law changed? Director Eyestone, I believe 2019, and pandemic helped.
66 MPT Browning, it became effective mid-year 2019 so you can't really analyze year to year.
67 2. **Utility Update** – Director Caplan provided updates; meeting with MEAN and renewable energy,
68 Gunnison, Glenwood Springs, Aspen and Lyons, all from CO. and leading the way. Apple Valley
69 parcels: town should pursue the sale; two parcels, one with water plant on it, the other goes
70 underneath the new bridge. **Trustee Waugh left the meeting at 7:36 pm.** Administrator
71 Simonsen, Boulder County has an easement there, and with Dave Miller Ditch. Director Caplan the
72 reseeding on Longs Peak to begin soon. Discussion on Apple Valley Water Plant sale; MPT
73 Browning, on WWTF we exceeded BOT numbers, a one-time occurrence? What is status of testing
74 port/pretreatment requirements for Oskar Blues? They sold most of operations to Monster; the little
75 barn in Lyons was part of the sale. What controls in place to ensure they are pretreating? Director
76 Caplan, they do have a sampling port installed; something we need to investigate.
- 77 3. **Administrator's Report** – noted Trustee Waugh left the meeting; BCPH rescinded health order,
78 mask mandate ended 2/18; will be meeting monthly with Fire/hosting public meetings as well.
79 Ready to perform evacuation drills; potentially different sirens, work with HOA's in area for staging
80 areas. Work on handling tubing ban more in house; days of Lyons fireworks may well be over.
- 81 4. **Legal Update** – Attorney Dittman – Honeywell, updated lawsuits with Filanc and Tetra Tech issued;
82 these are Honeywell's issues to deal with. Is a delay tactic, but town must deal with. March 7th
83 executive session for Honeywell. Yoder has filed a cross appeal; court decided she cannot correct
84 the issues. Callahan, we are working with current homeowners on a plan to update. "L" hill will be
85 done before end of term.
- 86
- 87 IX. Public Hearings and Ordinances
- 88 1. 1st Reading - Ordinance 1119 – an Ordinance of the Town of Lyons, Colorado Amending the Lyons
89 Municipal Code and Zoning Map to Allow Solar in the Parks and Open Space Zone – Attorney
90 Dittman, election passed to allow solar in Bohn Park for solar project. Best option is to update
91 zoning and would not be a use by right. Mostly clerical housekeeping measure. **Motion:** move to
92 approve Ord 1119 **Moved by:** MPT Browning **Seconded by:** Trustee Karavas Trustees
93 Miller/Rogin the voters approved this. **Motion passes 5-1 NO:** Mayor Angelo
- 94 2. 1st Reading – Ordinance 1120 – An Ordinance of the Town of Lyons, Colorado Setting the
95 Compensation of the Mayor and Members of the Board of Trustees for Terms of Office
96 Commencing April 2022 – Trustee Rogin recused herself. Administrator Simonsen, LMC does not
97 allow seated board to increase their own compensation, has been 5 years, since 2017. Would go
98 from \$200 for trustees to \$400 a month and Mayor from \$400 monthly to \$700 monthly. No health
99 care to be provided. Could be effective April when new board is seated, not budgeted for, so could
100 also be effective January 2023. Mayor, would board consider a stipend for childcare in addition?
101 Trustee Miller, I consider this a stipend anyway. I am in favor of increasing the rate. Trustee Lowell,
102 in favor, concerned about budget. I suggest we allow compensation but make effective 2023.
103 **Motion:** move to approve ordinance 1120 **Moved by:** MPT Browning **Seconded by:** Trustee
104 Lowell **Motion:** amend to approve with effective date Jan 2023 **Moved by:** Trustee Lowell
105 **Seconded by:** Trustee Karavas MPT Browning, not in budget, new board signed up with current
106 compensation in place. **Motion on amendment passes 5-0 Motion:** amend sec 1 to add sub
107 paragraph c to add any member may decline compensation. **Moved by:** MPT Browning **Seconded**
108 **by:** Trustee Karavas **Motion passes 5-0 Motion:** amendment that any BOT member with childcare
109 ages be compensated an additional amount of \$100 per month. **Moved by:** Mayor Angelo
110 **Seconded by:** MPT Browning **clarify to say seek reimbursement for childcare or dependent**
111 **care up to \$100 per month.** Trustee Miller, we tried to do something like this in the past, I think
112 raising the compensation is enough, and there should be some accountability. Attorney Dittman,
113 have a reimbursement form **Motion passes 5-0 Vote on ordinance as amended passes 5-0 Ten**
114 **minute break at 8:38 pm.**
- 115 X. Consent Agenda
- 116
- 117 1. Resolution 2022-18 – a Resolution of the Town of Lyons, Colorado Ratifying a Contract
118 Amendment with CGRS, Inc., for the Welch Court Sewer Line Project and the 1st Avenue
119 Water Line Project
- 120 2. Resolution 2022-19 – a Resolution of the Town of Lyons, Colorado Ratifying a Contract
121 Extension for Duran Construction for the Longs Peak Drive Improvement Project
- 122 3. Resolution 2022-20 - a Resolution of the Town of Lyons, Colorado Approving the First
123 Amendment to the Construction Agreement with Network Infrastructure Construction
124 Company, dba "NIXCO" for the GOCO Black Bear Hole and 2nd Ave Trailhead Project

125 4. Resolution 2022-21 - a Resolution of the Town of Lyons, Colorado Approving the First
126 Amendment to the Construction Agreement with Mountain Constructors, Inc. for the 4th Ave
127 Pedestrian Bridge and Connection Project
128 5. February Accounts Payable
129 6. February 1, 2022, Special BOT Meeting Minutes
130 **Motion:** move to approve **Moved by:** Trustee Karavas **Seconded by:** MPT Browning **Motion**
131 **passes 6-0**
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133 XI. Items Removed from Consent Agenda
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135 XII. General Business
136 1. Discussion/Direction to Staff Regarding Lyons Depot Proposals – Administrator Simonsen provided
137 background; late this afternoon we received a letter from Lyons Creates requesting to be removed from
138 consideration. MPT Browning recused himself from workshop when there were competing proposals.
139 No longer feel the need. MPT Browning, the use of this facility by a nonprofit, does not comply with
140 zoning, will need to update. Also received information from Christina Wells, she had some suggestions
141 that should be carefully considered from Historic Preservation side. We also should look carefully at
142 side of property that fronts 5th/Hwy 7 for parking. Trustee Rogin, applicant should consider what
143 options are if History Colorado says no. If we agree to LEAF and they build buildings on the property,
144 who owns those buildings then, what if we decide to not renew lease? Trustee Karavas, how much of
145 western corner of property sits in CDOT's ROW? Administrator Simonsen, quite a bit. And the entire
146 property has a covenant on it. Trustee Lowell thought this would be an easy decision; take to heart her
147 message on historic nature of depot. So, before we consider letting LEAF lease, considerable amount
148 of work with Historic Commission to be done. Let's figure out zoning and work with historic commission.
149 MPT Browning, this is to give direction to staff. Trustee Rogin, I agree, up to LEAF to determine what
150 uses are allowed and if it meets their needs, expansion aside. Have staff pursue those discussions
151 with LEAF. Mayor Angelo, if determined by State Historical society, that site has been considered for a
152 new town hall, if that could become a reality, to give up the one remaining beautiful historic site. Let's
153 see what can come of it. Staff to research
154 2. Discussion/Direction on 2022 Parks Operations – Entire LMJ park capacity limits are roughly 6K; have
155 tracked on weekends and holidays, thru staff, gate attendants, reservations. Lisa Ramsey is taking
156 over park's coordination duties. Looking for a third-party security service, RFP is posted, due 2nd week
157 of March. Have extra duty budgeted. Have expanded camping spots as well. Discussed Park hours,
158 golf carts/ATVs on paths, paid parking at Black Bear Hole and 2nd Ave Trailhead. MPT Browning, golf
159 carts should not be on paths or in parks. Why are park hours set by ordinance? That should be at the
160 administrator's discretion. We hear over and over that the parks are too crowded and so are the
161 neighborhoods, ugly orange cones up and down the road all summer long. We need to go to a
162 reservation system; a lot of municipalities are doing it. Town should consider its own uniformed park
163 rangers. Last years security was not particularly effective. Need to keep in mind low-cost parking for
164 low income. We must include everyone. Trustee Rogin – ATV/Golf carts issue, can golf carts park for
165 free? Trustee Lowell, can picnic tables be reserved for town residents, let's say a third? Trustee
166 Karavas, if staff can handle occupation loads ok, I don't want to see golf carts/ATVs on trails. We are
167 trying to squeeze parking in anywhere we can. Administrator Simonsen on multi-modal paths golf carts
168 would be allowed. And park hours are only for crowds gathering, not walking on paths through the
169 parks. Attorney Dittman, resident vs. non-resident, it violates the first amendment, and equal protection
170 clause. Director Cosgrove, guidance on shelter reservations was we could adjust rates for residents,
171 but you could not restrict access to anyone. Direction to draft ordinance to repeal hours provision in
172 code.
173 3. Resolution 2022-15, a Resolution of the Town of Lyons, Colorado Approving Lyons Urban Renewal
174 Authority Guardrails – MPT Browning provided background information; already approved by LURA.
175 This is basically a policy. **Motion:** approve **Moved by:** MPT Browning **Seconded by:** Trustee Karavas
176 **Motion passes 6-0**
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178 XIII. Discussion on Future Agenda Items
179 1) Consideration of Requiring an Ordinance Instead of a Resolution for Election Questions – Mayor
180 Angelo only reason on here, I wanted public input on election questions. Counsel assured me that
181 a resolution could have a public discussion, don't mind striking. Can't see many times having to
182 draft a resolution or an emergency ordinance that would preclude any public comment. Attorney
183 Dittman, earlier this year, ballot questions came up. Nothing in LMC requires an ordinance, State
184 law states it can be done via resolution or ordinance. You could still have public hearing on any
185 resolution. MPT resolutions can be done a lot quicker and cheaper. Consensus is to not have this
186 on the agenda.
187

- 188 XIV. Summary of Action Items
189 1. Bring rezoning agreement for McCain property to next meeting for BOT review.
190 2. Add project shortfall list to agenda
191 3. March 7th executive session (potential)
192 4. Research uses of Depot building with State Historical Society/LEAF
193 5. Draft ordinance to repeal park hours provision
194 6. Amended compensation ordinance
195 7. Check in with new OB owners
196 8. LEAF proposal rezoning.
- 197
198 Motion: enter into executive session **Moved by:** MPT Browning **Seconded by:** Trustee Karavas
199 **Motion passes 6-0** entered into executive session at 10:05 pm.
200

201 XV. Executive Session – An executive session being conducted pursuant to C.R.S. Sections 24-6-
202 402(4)(e) for the purpose of determining positions relative to matters that may be subject to
203 negotiations, developing strategy for negotiations, and instructing negotiators with regard to a
204 Development Plan Agreement with Moss Rock Development, LLC.

205 XVI. Adjournment
206 **Motion:** move to adjourn **Moved by:** MPT Browning meeting adjourned at 11:15 pm.
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208 Respectfully Submitted by:

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211
212 Dolores M. Vasquez, CMC – Town Clerk

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