

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

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5 ZOOM LINK:

6 <https://us02web.zoom.us/j/89326353013?pwd=L3dad3huN3A5MXFTREpNMjZTSFpMQT09>

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8 Meeting ID: 893 2635 3013

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13 Meeting ID: 893 2635 3013

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15 DRAFT AGENDA

16 **MONDAY, MARCH 21, 2022**

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18 6:30 PM BOARD OF TRUSTEES REGULAR MEETING

19 I. Roll Call and Pledge of Allegiance

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21 II. A Reflective Moment of Silence

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23 III. Approve Agenda

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25 IV. Board of Ethics – Discussion of Complaint Filed Regarding Trustee Miller by Drew Weaver; Attorney Dittman provided background. Board discussion on frivolous claim. Trustee Miller made statement on ongoing legal dispute with her significant other's business and Mr. Weaver, she is not involved. Board consensus was to dismiss.

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29 V. Audience Business

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31 VI. Boulder County Sheriff's Office Report-Sgt Crist reported on staffing; levels coming up post covid. Uptick in traffic enforcement; new electronic ticket system; very beneficial to staff, thanked Dolores Vasquez, Marissa Davis and Deb Anthony for getting the municipal codes into system, went live last month. FLOCK camera stalled in CDOT approval process, thought it would be installed by now. Co-responder meeting went well; this crew is just phenomenal. New graffiti under 2nd ave bridge

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38 VII. Trustee Reports

39 1. Trustee Rogin – King Soopers shooting anniversary; please take care of yourself and others.

40 2. Trustee Lowell – bat houses, stocking ponds via CEMEX, annual reports are all out and ready for distribution

41 3. Trustee Karavas – UEB met last Wednesday, MPT Browning sat in for me; discusses solar farm, water share for Spirit Hound to be heard later

42 4. Trustee Waugh – PCDC had a workshop, updated on development projects, comp plan and wildfire taskforce. What is the scope? A lot to do with this, looking for direction in understanding their role.

43 5. Trustee Miller – Goodwill grants decided; 5K to LEAF, \$4250 library and \$4250 for food forest; all had requested more. LCF requested funds, did not approve, not project based. RTD funds \$40K, Via (transportation) to run buses, RTD trying to figure out how to get that back, smaller shuttles so more efficient. Still have a few openings.

44 6. MPT Browning – PRC met last Monday; discussed Lights Out night August 8th, PRC/Library update coming soon. Funding and use of parks funds for projects. While they had concerns, realize all 3 projects were tied to parks. They will be discussing Planet Bluegrass utility issues at end of March.

45 7. Mayor Angelo – Thankful for staff, wonderful to help each other and be kind to each other. LAHC discussed mural projects on eastern hotel wall, CEMEX, small water tank on AV, town hall. Attended mayors meeting at SVVSD innovation center. SVVSD has

60 had no teacher losses, mentor classes for students to become teachers, graduation
61 rates up. Two-year associate degrees at no cost. COVID learning impacts on kids.
62 Shout out to middle school who are going to nationals for robotics. SFC updating building
63 code to make more environmentally sustainable. Wants to meet with new BOT on 3/28.
64 Discussed Ithaca program

65 8. Ukraine Proclamation – Mayor Angelo read in.
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67 VIII. Staff Reports

- 68 1. Utility Update – Director Caplan out, Administrator Simonsen updated the board.
69 2. Administrator's Report – hosting US 36 focus groups with businesses. Public session
70 upcoming 3/31 @ 6pm. On 4/4 meeting will bring to the board what we have heard. HR
71 issues, staffing issues for public works, only have 3 full time guys. Offer on code compliance
72 position. Learned today that very good possibility we can use ARPA funds for local match
73 for federal grants. Staff to review. MPT Browning asked if we can use ARPA, which projects?
74 Administrator Simonsen stated the US 36 and Safe Routes.
75 3. Legal Update – filed joint motion to dismiss with Honeywell. New court case, firing of school
76 district superintendent, open meeting laws. Guidance from CML is to avoid serial meetings
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78 IX. Public Hearings and Ordinances

- 79 1. 1st Reading Ordinance 1121 – An Ordinance of the Town of Lyons, Colorado Amending
80 Certain Sections of Chapter 2, Article 2 of the Lyons Municipal Code Concerning Board
81 Meetings and Procedures – Attorney Dittman provided background, antiquated code;
82 happy to take additional recommendations. **Motion:** move to approve **Moved by:** MPT
83 Browning **Seconded by:** Trustee Waugh MPT Browning, I would like an amendment to
84 include that code allows for majority of BOT to call a special meeting; but how? Basic
85 procedure is to contact Town Clerk to basically poll the board. Attorney Dittman,
86 Longmont has pretty good language; will have ready for 2nd reading. Trustee Rogin likes
87 the suggestion; also include subject of meeting. Mayor, I think 2 board members being
88 able to call a special meeting precludes us from having any open meeting law violations.
89 I'd like language also stating any board member can just ask the mayor. **Motion passes**
90 **7-0**
91 2. 1st Reading – Ordinance 1122 – An Ordinance of the Town of Lyons, Colorado Repealing
92 and Replacing Chapter 16, Article 8 of the Lyons Municipal Code Concerning Off-Street
93 Parking Regulations – Planner Strom presented various updates that comply with current
94 federal/state regulations. Trustee Rogin, was PCDC involved at all? Planner Strom, no,
95 quick turnaround, and is not a requirement. Trustee Rogin, definition of "adjacent", also
96 across the street, what happens if more than one business claims "dibs" on the spaces.
97 Planner Strom, no tracking system currently exists. Attorney Dittman, very difficult issue;
98 allowing contiguous as long as it wasn't residential. Mayor Angelo, any thought to
99 expanding and enforcing the 2-hour parking on High/Railroad? Planner Strom, this would
100 cause problems with downtown businesses. Administrator Simonsen, it is very difficult to
101 enforce; staffing issues, BOT could fund a position. Mayor Angelo, bicyclists jam up all
102 the parking all weekend. Educate them to park on 2nd Ave. Administrator Simonsen, one
103 way to reduce on RR is to advertise No Vehicles on certain length can be there. Is a
104 safety issue for fire. Planner Strom, identified in development review process, much
105 larger parking discussion to be had, but this is not that. **Motion:** move to approve **Moved**
106 **by:** Trustee Karavas **Seconded by:** MPT Browning **Amendment:** sec 16-8-20 K strike
107 everything after "contiguous, with the subject property" so that the sentence reads: "For
108 the purposes of this subsection, "adjacent" shall mean parking which is contiguous with
109 the subject property." **Moved by:** Trustee Rogin **Seconded by:** Trustee Karavas Trustee
110 Rogin, addresses the doubling up; and not taking away from existing businesses. Need to
111 keep it freed up enough to accommodate all. Discussion on future projects, HWY
112 36/Broadway improvements. MPT Browning this wouldn't preclude use of those parking
113 spaces, just not allowed to be counted. **Motion passes 6-0 Trustee Waugh stepped**
114 **away. Motion:** amendment to section 16-8-2 E. add after decorative fence "of non-
115 combustible materials as approved by the town" **Moved by:** Trustee Karavas **Seconded**
116 **by:** Trustee Miller. **Motion passes 7-0. Vote on ordinance as amended passes 7-0**

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X. Consent Agenda

1. Resolution 2022-27 - a Resolution of the Town of Lyons Accepting Public Improvements of the Bohn Park Stormwater Improvement Project: Red Hill Gulch
 2. Resolution 2022-28 - a Resolution of the Town of Lyons Accepting Public Improvements of the Lyons 2nd Avenue Bridge Replacement Project
 3. Resolution 2022-29 – A Resolution of The Town of Lyons, Colorado Approving an Amendment to The Lyons Planning Area Comprehensive Development Plan Intergovernmental Agreement
 4. March Accounts Payable
 5. January 13, 2022, Special BOT Meeting Minutes
 6. February 23, 2022, BOT Meeting Minutes
 7. March 7, 2022, BOT Meeting Minutes
- Motion: approve Moved by: Trustee Rogin Seconded by: Trustee Karavas motion passes 7-0**

XI. Items Removed from Consent Agenda

XII. General Business

1. Discussion/Direction on Marquee Display Request by Peter Baumgartner – Administrator Simonsen, current social media policy does not allow for use of marquee for any events that are not town events. Board can make an exception. MPT Browning when I became aware of this issue and noted that policy does not allow staff to make exception. I requested it be on agenda. It should be loosened to allow; let's repeal the policy for now and allow this posting until we can update. Trustee Lowell agrees, these various groups speak to the fabric of our community; overly restrictive, use good judgement. Administrator Simonsen, since this topic has been brought up, I have had 3 requests. Mayor Angelo, in favor of loosening regs by resolution by next board and advertise Death of a Pugilist. Trustee Miller, don't want it to be a big hassle for staff; I can see both sides. If for a fundraiser for a nonprofit should be ok. Trustee Waugh in favor of this request; in general, economic vitality issue. Maybe they could work with staff on this policy. Not the best use of staff time/resources, perhaps an advertising fee. Trustee Rogin, fine with this request, not sure if the new board has an appetite to address this. **Consensus is to approve request.**
2. Discussion/Direction Regarding McCain Agreement – Planner Strom presented; recent construction on Safe Routes has brought this up; Mr. McCain has not completed the conditions of approval; staff recommends granting extension date of installation of fence to Memorial Day. Mr. McCain requested the rezoning, applicant stated, and intent shows no vehicular access from 4th Ave. staff recommends all fencing should be completed by Memorial Day. Attorney Dittman, if conditions are not met, zoning is not effective. MPT Browning, when someone requests a special favor from this board, and this board passed contrary to staff/PCDC recommendations, not a good idea to come back and re-trade the agreement. You are expected to live up to promises made; staff's recommendations are very reasonable and if not done zoning change goes away. Trustee Rogin, I completely agree, extremely frustrated, there should absolutely be no driveway poured on 4th. Staff has been more than generous. Trustee Lowell concurs, extremely difficult decision to grant zoning and he is bound to that agreement. That fence should have been installed by now; wholeheartedly agree, no vehicular access from 4th Ave. Trustee Karavas agree with colleagues, and why May 27th, he's been given plenty of time. I would rather see the time shortened, and no driveway on 4th. Mayor Angelo, is 4th Ave fence to be a solid fence? Planner Strom, yes, and date comes from language stating fence to be installed 3 weeks after completion of safe routes to school project completion. Mayor Angelo, is it a CDOT or Federal requirement be a 90-degree angle? Manager Sanders, CDOT standards do not dictate curb, in general vertical curb used in nonresidential areas; driveway originally installed was supposed to be vertical and changed at Mr. McCains request and town supporting vertical curb for additional curb. ADA ramps at every curb as well. Planner Strom vertical curb really is a safety issue. **Consensus it to abide by staff recommendations.**

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3. Discussion/Direction Regarding Spirit Hounds Water Dedication Waiver Request
Administrator Simonsen reported an agenda request received from Crain Englehorn that the town dedicate 1.4 Lake Macintosh water shares for them. Attorney Dittman they requested and were granted Lake Mac shares; it is up to the board. Craig Engelhorn, Spirit Hounds, we were surprised we would have to increase our tap size, and not immediately clear that we would have to dedicate any water. We've clearly learned and know the town is sitting on some Lake Mac shares and are asking for economic relief. Sprinkler system will require additional Lake Mac shares and that is in our budget. MPT Browning, commented that what began with the fact there is no legitimate lack of clarity if Spirit hounds would have to dedicate shares. They received a grace period; and specifically requested Lake Mac. They were required by the board, code, resolution, and their own submitted request. I'm tired of this. My preference would be to set a deadline for transfer of Lake Mac share, if not met then that condition is revoked, and they put up a CBT share. And give them until Memorial Day as well. Mayor Angelo, extremely dangerous precedent, resolution is plain English. Trustee Waugh, I think it came from where we used proceeds from a lawsuit to purchase water shares and hold them to support economic development. I think it is totally reasonable to consider this. If not this request, when will we use? Mayor Angelo, difference between economic development and economic gratuity. It never implied we were buying those shares to give them away. MPT Browning discussion when Lake Mac shares were purchased; can also be used for affordable housing. If this town is serious about more affordable housing that is one of the best things this town can bring to the table. Trustee Karavas, that's my recollection as well; and yes, this business has paid a lot, so has every other business. This business has also cost the taxpayers a lot of money. I am in favor of a deadline as well. Trustee Waugh, 60 days is not sufficient. Mayor Angelo, can we sell them a town share? Attorney Dittman, we could not unless they were declared surplus. **Attorney Dittman to place resolution revoking Lake Mac authorization if water share not dedicated within 60 days on future agenda.**

XIII. Discussion on Future Agenda Items


XIV. Summary of Action Item

- 60-day deadline to dedicate Lake Mac water share - Spirit Hounds
- Resolution - Spirithounds
- Change Marquee
- Follow staff recommendations McCain

XV. 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 a Development Plan Agreement With Moss Rock Development, LLC **Motion:** move to adjourn and enter into executive session **Moved by:** MPT Browning **Seconded by:** Trustee Karavas Entered into executive session 9:35 pm.

XVI. Adjournment - Meeting adjourned at 10:40 pm

Respectfully Submitted by:


Dolores M. Vasquez, CMC – Town Clerk


Mayor Nicholas Angelo