

1 TOWN OF LYONS BOARD OF TRUSTEES MEETING  
2 HYBRID MEETING  
3 LYONS TOWN HALL, 432 5<sup>TH</sup> AVENUE, LYONS, COLORADO  
4

5 ZOOM LINK:

6 <https://us02web.zoom.us/j/89438674046?pwd=RIRVRzYwTXM4OWw2UnhGVUJxaGRBZz09>  
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8 Meeting ID: 894 3867 4046

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16 DRAFT AGENDA

17 **MONDAY, MAY 2, 2022**

18 **5:30 pm – 6:50 pm**

19 **WORKSHOP**

20 ***BOT Priority Setting***  
21  
22  
23

7:00 PM BOARD OF TRUSTEES REGULAR MEETING

- 24 I. Roll Call and Pledge of Allegiance – Present: Mayor Rogin, MPT Farrell, Trustee  
25 Delman, Trustee Dady, Trustee Oetting, Trustee Elson, Trustee Williams  
26
- 27 II. Land Acknowledgement – Mayor Rogin read in  
28
- 29 III. A Reflective Moment of Silence  
30
- 31 IV. Approve Agenda  
32 **Motion:** move to approve agenda **Moved by:** MPT Farrell **Seconded by:** Trustee  
33 Williams **passes unanimously**  
34
- 35 V. Audience Business – Heidi Burke, 206 Cobblestone Court, fire mitigation in Bohn Park,  
36 parent and educator, passion for bringing back to children what we have lost,  
37 unrestricted learning in nature. Concerned about mitigating the only wild space in our  
38 town that we can walk/ bike to. It is wild and free, not to mean the children are rebellious  
39 or it's chaotic. It's that adults are not in control of their learning, Children learning in nature  
40 in their own terms is lost and we have to go their to build forts, see wildlife, muck about  
41 and they call it the enchanted forest. I call it the secret forest, only locals know about it.  
42 Having these wild encounters with nature fosters positive vibes. We don't need to have  
43 another manicured area, it will no longer be a secret place. Yelena Hughes, 142 Stone  
44 Canyon Drive, on behalf of the of the PRC, presented for Library story walk.  
45
- 46 VI. Mayoral Proclamation  
47 1. Archaeology and Historic Preservation Month  
48 2. Municipal Clerks Week – read in by Mayor Rogin  
49
- 50 VII. Boulder County Sheriff's Office Report – Sgt Crist out sick; town was relatively quiet and  
51 prepping for upcoming busy season.  
52
- 53 VIII. Ordinances and Public Hearings  
54
- 55 IX. Consent Agenda

- 56 1. Resolution 2022-43 – a Resolution of the Town of Lyons, Colorado Accepting
- 57 Public Improvements of the 1<sup>st</sup> Avenue and Welch Court Water and Sewer Project
- 58 2. Resolution 2022-44 – a Resolution of the Town of Lyons, Colorado Approving a
- 59 First Amendment to the 2021 Installation and Maintenance of Seasonal Landscape
- 60 Services Agreement with CoCal Landscape Services, Inc.
- 61 3. Resolution 2022-45 – a Resolution of the Town of Lyons, Colorado Approving an
- 62 IGA with Boulder County for the Opioid Settlement
- 63 4. Resolution 2022-46 – A Resolution of the Town of Lyons, Colorado Ratifying the
- 64 Third Amendment to the Professional Services Agreement with Murraysmith, Inc.
- 65 for Design Services for the 4th Ave Pedestrian Bridge, Trail Connections, and
- 66 Street Improvements Project
- 67 5. Resolution 2022-47 – A Resolution of the Town of Lyons, Colorado Approving
- 68 the Fourth Amendment to the Professional Services Agreement with
- 69 Murraysmith, Inc. for On-Call Engineering Services
- 70 6. Resolution 2022-48 – A Resolution of the Town of Lyons, Colorado Approving a
- 71 Professional Services Agreement with Horrocks Engineers, Inc. for Design and
- 72 Right-of-Way Services for the St. Vrain Regional Trail Project
- 73 7. Resolution 2022-49 A Resolution of the Town of Lyons, Colorado Ratifying the
- 74 the Second Amendment to the Professional Services Agreement with North Line
- 75 GIS, LLC
- 76 8. Resolution 2022-50 – A Resolution of the Town Of Lyons, Colorado Approving
- 77 the Fourth Amendment to the Professional Services Agreement with
- 78 Murraysmith, Inc. for Design Services for the 4th Ave Pedestrian Bridge, Trail
- 79 Connections, and Street Improvements Project
- 80 9. May Accounts Payable
- 81 10. April 18, 2022, BOT Meeting Minutes

82 **Motion:** move to approve **Moved by:** Trustee Williams **Seconded by:** Trustee

83 Oetting Trustee Farrell removed item 6. **Consent as amended passes**

84 **unanimously.**

85

86 X. Items Removed from Consent Agenda

- 87 1. MPT Farrell previous board had need to design trail, need to understand
- 88 scope/challenges. Manager Sanders updated the board on trail location, project
- 89 funded in the past and had to turn back the funding as negotiations with Highland
- 90 ditch failed. CDOT funding now, fully support, and want us to work with Highland,
- 91 alignment choices, most of property is town's, need easement by distillery,
- 92 owned by Highland or go by Clark's they have a 50 year lease. All business
- 93 owners along trail in favor, would curve around Town property that is being
- 94 leased by distiller, they are not in favor of that option. Many utilities installed by
- 95 Clarks shed in the back; crossing 3 ditches, need crossing agreements. Met with
- 96 Highland in November, they are agreeable to working with us. We need to pass
- 97 this to be able to work with Highland ditch, could take months if not a year. CDOT
- 98 has encouraged us to work with them so we don't lose funding. If we turn funding
- 99 away again, it may not come back. No funding shortfall at this time. Hard to
- 100 estimate unknown costs. But we are always looking for additional funding
- 101 sources. Trustee Williams asked the \$30K , is that from BOCO? Manager
- 102 Sanders, yes, they have committed to that amount and have said maybe more
- 103 available. **Motion:** move to approve **Moved by:** MPT Farrell **Seconded by:**
- 104 Trustee Williams **Motion passes unanimously.**
- 105

106 XI. Boards and Commissions

- 107 1. PRC/Lyons Regional Library – Storywalk Presentation – Kara Bauman, Library,
- 108 presented. Great opportunity to expand literacy opportunities; fully
- 109 fund/maintained and will work with staff. Would be permanent/semi-permanent,
- 110 we would perform any maintenance, change up quarterly at the Library's
- 111 expense. MPT Farrell, request – use part of new walking bridge and gardens and

112 Bohn as opposed to LMJ as that is already so crowded. Kara, we are open to all  
113 options, and that is totally doable. Trustee Oetting - any bilingual/stories in  
114 Spanish? Kara, yes absolutely. Administrator Simonsen, Bohn is wonderful, you  
115 can do longer stories. When you choose location, work with me on flood permit.  
116 **Board gave a unanimous thumbs up.**  
117

118 XII. General Business

119 1. Spirit Hound Request for Extension on Purchase Lake McIntosh Share – Director  
120 Caplan reported; Spirithound is struggling to find the shares, willing to continue  
121 search, or pay cash in lieu. If we accept the cash, we must still acquire the  
122 rights. We have dedicated 1.4 shares of our stock to cover Spirithounds over use  
123 of water. I prefer to have applicant pursue those shares, they have gained benefit  
124 of using those shares, risk is they could cost more. It is their responsibility.  
125 Recommend extending deadline and if not able to dedicate, we accept cash in  
126 lieu, and add a 10% contingency. Brad, Spirithounds, we are trying, will keep  
127 looking. Cash comes in to be in good faith I guess. Third option, if town has 8  
128 shares, we would like to buy 2. Mayor Rogin, if we accept cash, it would be for 2  
129 shares + 10%. Brad that is about \$23K +/- Trustee Delman, is there a contract  
130 date for shares in case the Town needs them? Director Caplan, we rededicate  
131 the water shares every year; no way to reallocate, need more shares to replenish  
132 what we have already dedicated. We could accept cash and search for shares  
133 on our own or keep in water fund. Attorney Dittman, selling shares not a realistic  
134 option, we can't forecast the future of water, recommend maintain requirement or  
135 accept the cash. Selling shares not an option. Trustee Oetting can the board  
136 have a water share training? Direction from board is to extend for 60 days. Mayor  
137 Rogin, if deadline not met, then accept cash in lieu, would prevent Spirithound  
138 from having to come before the board again. Trustee Elson, I like the extension,  
139 can we use the number for cash in lieu for cost of shares in 60 days? Director  
140 Caplan, hard to predict what cost would be. There is always a risk. Lake  
141 Macintosh is much smaller, only Longmont uses, and they own over 50% of  
142 shares. Seems to be more volatile since the Town started accepting Lake Mac  
143 shares. Board consensus is to extend for 60days from May 20<sup>th</sup> to July 18<sup>th</sup> BOT  
144 meeting. Schedule BOT training on water shares.

145 2. Wildfire Mitigation Update and Discussion – Planner Strom presented  
146 background; taskforce formed and completed several tasks. Looked at adopting  
147 WUI code, broad approach and needs to be joint effort. Staff met with Fire  
148 district, very productive. Fire district started outreach strategy, working with  
149 community HOA's. CO fire commission formed WUI subcommittee, recommend  
150 town wait and use that to our advantage. CWPP plan adopted over 10 years ago,  
151 very useful document that meets a lot of the towns goals. Will continue to work to  
152 meet taskforce goals. Town to join fire district in working with HOA's and  
153 educate. Volunteer opportunities to mitigate, and town to assist fire with grant  
154 applications. PCDC to continue to review WUI code and try to integrate it where  
155 we can. Trustee Delman, mitigation on Martin Parcel, how would mitigation there  
156 change the look/feel? Administrator Simonsen, Emily Grubler with fire will be  
157 doing an assessment of both parcels, will know more in a few weeks. Then will  
158 bring back to board for review. Trustee Oetting, aware fire is working with  
159 HOA's, discussion is what WUI code regs/responsibilities will be. Can new code  
160 officer get involved sooner rather than later? Good for him to get ahead, meet the  
161 neighbors and understand the price we are all going to have to pay to clean up  
162 our properties. Administrator Simonsen, we communicated that HOA's would  
163 have to take more responsibility. We want to work with the neighborhoods, want  
164 to focus on Lyons proper and fire to tackle unincorporated Boulder County.  
165 Phillip, coordinated effort is huge, meeting again next week, very useful. MPT  
166 Farrell, Stone Canyon also on the calender, may need to coordinate with fire.  
167 Packet page 222, fire checklist, can we post on website, eblast? Administrator

168 Simonse, fire district asked to take the lead on that and asked that we not do  
169 that. We put together an evacuation checklist, they did not want us to use, need  
170 to use Boulder County OEM checklist. Waiting for them to get through election  
171 and it is a timing issue. We will eventually get it on the website and will link to the  
172 OEM website. Attorney Dittman, legislation currently pending, that would require  
173 all municipalities to adopt a form of the WUI code, not sure what that is, could be  
174 stricter of more bare bones. CML is opposing, may not be feasible for smaller  
175 jurisdictions. Mayor Rogin, 18 million from Neguses office, any word on that?  
176 Administrator Simonsen, will be funnelled through different agencies, we will  
177 work with Boulder County, should be here soon. Discussion on evacuation  
178 practices, meetings with HOA's. Mayor Rogin, the plan in our packet, an  
179 implementation plan for that plan? Planner Strom, no when fire adopted this, the  
180 town wasn't in coordination with fire. Trying to get it out now for education  
181 purposes. Adopted 10 years ago and never shared with the town. Chief Zick is  
182 working to get that out. .

183 XIII. Trustee Reports

- 184 1. Trustee Williams – nothing, needs contact information for historic preservation.
- 185 2. Trustee Elson – attended Ecology board meeting. SFC met at Oskars, good  
186 meeting.
- 187 3. MPT Farrell – PCDC met with Clarion; feedback from open house last month was  
188 more desire for utilities and hazard mitigation. Next open house June 16<sup>th</sup> at  
189 7pm. One goal of comp plan is to retire the LPPA, will be incorporated in the  
190 comp plan. Need to identify density. Will be coming to BOT in July.
- 191 4. Trustee Oetting – on UEB board, last meeting cancelled. Will meet May 4<sup>th</sup>.  
192 Need contact info for student advisory commission.
- 193 5. Trustee Dady – met with EVC reviewed goals. Dovetailed with comp plan, seems  
194 everyone is taking this seriously. Met with Brianna Hoyt and got a better  
195 understanding of her role. Housing and Human Services Commission, a lot of  
196 excitement for Summit Housing. Want to work with Lyons locals who want to  
197 come back; attended opening for them, very enlightening. Would like this board  
198 to meet with Summit.
- 199 6. Trustee Delman – PRC meets a week from tonight.
- 200 7. Mayor Rogin – attended DRCOG online, moving to in person this month. Trustee  
201 Oetting will be my alternate.

202  
203 XIV. Staff Reports

- 204 1. Flood Recovery Update – Manager Sanders gave overview on last two recovery  
205 projects. 4<sup>th</sup> Ave ped bridge sidewalks almost completed, bridge delay. Any  
206 changes to streambank/stream you change floodplain, need to file LOMR with  
207 County and FEMA. Trying to schedule a meeting with with County, if you reduce  
208 water in stream you may need a LOMR as well. That would take care of all  
209 recovery projects. We received 9.5 million from State, have paid back 3.5 million  
210 to date. Will repay as they start closing out projects and reimbursing us. We  
211 should be ok there budget wise. CIP projects – Hwy 36 improvements in design,  
212 need to meet with CDOT in June for design review, need to be at at least 30  
213 percent. Hope to be ready to go out to bid late fall. Trail extension awarded  
214 tonight. GOCO funds for improvements to Black Bear Hole and 2<sup>nd</sup> Ave. parking,  
215 moving along. Adding a restroom, parking blocks and landscape. Trustee  
216 Delman, what is completion date? Manager Sanders, pushing for end of June.  
217 Remind public to stay out of construction areas, people are taking down fences,  
218 moving cones, climbing on equipment, it is a liability. Mayor Rogin asked about  
219 LOMR, when will we know if we need one? Manager Sanders, need to schedule  
220 a call with CWCP with in next couple of weeks, could be over \$100K, depending  
221 on how many projects. Mayor Rogin, any impact to opening of Ped bridge?  
222 Manager Sanders, no, we did a no rise certificate.

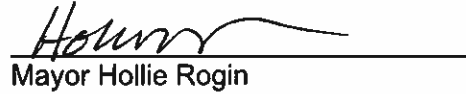
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- 2. Administrator's Report – to followup on Tracy's report LOMR, we know all the town's projects didn't require one, what we need to know is about all the other projects. Summit was hit hard by damage to equipment, delay project and thousands of dollars in damage. So disappointed, should be more respectful. Trustee Daty, remark from Paul Capps, he mentioned Aaron. Administrator Simonsen, they want to start building homes with out infrastructure in place. Director Caplan, and fire risk is big. Foundation only permits is an option, but can get costly. Administrator Simonsen covered local events. Bears are out. Lyons Ditch requesting to lease 8 CBT shares, is done annually. Probably using potable water in Bohn, Hwy 7 still under construction. Personnel has taken a major turn; hired office manager/permit tech, code officer, 2 new Maint I positions, and 3 seasonals.
- 3. Legal Update – Attorney Ditman presented legislation on WUI Code, energy efficiency code, session ending soon, full update to follow. Ex Sess on Honewell at next meeting.

- XV. Summary of Action Items:
  - 1. Goal setting updated list to BOT
  - 2. Storywalk to move forward.
  - 3. Resolution needed to extend Spirit hounds deadline untill July 18<sup>th</sup> BOT meeting
  - 4. Schedule Water Share training
  - 5. Follow up with fire on Steamboat/Fire meeting
- XVI. Adjournment – **Motion:** move to adjourn **Moved by:** Trustee Daty **Seconded by:** Trustee Williams **Moiton passes unanimously**

Respectfully Submitted by:

  
Dolores M. Vasquez, CMC – Town Clerk

  
Mayor Hollie Rogin

"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](mailto:hr@townoflyons.com) as soon as possible, but no later than 72 hours before the scheduled event."