

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

4 ZOOM LINK:

5 <https://us02web.zoom.us/j/89853206104?pwd=TnBzbEd0a0RlUkNhbVBjYz09>

6 Meeting ID: 898 5320 6104

7 Passcode: 006937

8 Dial by your location

9 +1 312 626 6799

10 Meeting ID: 898 5320 6104

11 Minutes

12 **MONDAY, JUNE 6, 2022**

13 *WORKSHOP*

14 *5:30 PM – 6:50 PM*

15 *CEMEX Referral Packet*

16 7:00 pm BOARD OF TRUSTEES REGULAR MEETING

- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24 I. Roll Call and Pledge of Allegiance – Present: Mayor Rogin, MPT Farrell, Trustee
25 Delman, Trustee Oetting, Trustee Elson, Trustee Dady, Trustee Williams.
- 26
- 27 II. Land Acknowledgement
- 28
- 29 III. Approve Agenda – **Motion:** move to approve **Moved by:** Trustee Oetting **Seconded by:**
30 Trustee Dady **Motion passes unanimously.**
- 31
- 32 IV. A Reflective Moment of Silence – Ferguson family and friends feeling tragic loss.
- 33
- 34 V. Audience Business - none
- 35
- 36 VI. Mayoral Proclamation – Juneteenth Day
- 37
- 38 VII. Boulder County Sheriff's Office Report – Sgt Crist could not attend; reported that things
39 in town were status quo.
- 40
- 41 VIII. Ordinances and Public Hearings
- 42
- 43 IX. Consent Agenda
- 44 1. Resolution 2022-58 – a Resolution of the Town of Lyons, Colorado Accepting
45 Public Improvements of the Longs Peak Drive Water and Sewer Project
- 46 2. Resolution 2022-59 – a Resolution of the Town of Lyons, Colorado Accepting
47 Public Improvements of the 4th Avenue Stormwater Project
- 48 3. Resolution 2022-60 – a Resolution of the Town of Lyons, Colorado Accepting
49 Public Improvements of the Railroad Avenue Electric Underground Project
- 50 4. Resolution 2022-61 – a Resolution of the Town of Lyons Colorado Ratifying a
51 Professional Services Agreement with Denver Metro Protective Services for
52 Lyons Area Parks
- 53 5. June Accounts Payable

54 6. May 16, 2022, BOT Meeting Minutes

55 **Motion:** approve **Moved by:** Trustee Delman **Seconded by:** Trustee Oetting
56 **Motion passes unanimously.**

57
58 X. Items Removed from Consent Agenda

59
60 XI. Boards & Commissions

- 61 1. Ecology Board update – see attached. Trustee Oetting asked about public engagement
62 on Martin Parcel wanting to keep it as wild as possible. Potential conflict with fire
63 mitigation. Steve Simms, EAB Chair, met with fire chief on funding coming available for
64 just this. Will do a more robust assessment of the parcel. From ecological perspective
65 would be fabulous to keep wild, but town will assess bigger picture of fire mitigation.
66 Trustee Oetting, your recommendations will be important to us. Trustee Dady asked
67 about natural resource position and what you see that position accomplishing. Chair
68 Simms, natural resource person, to look at economic drivers, balance usage of natural
69 beauty. MPT Farrell asked about education forum put on in local schools; it was
70 outstanding. Trustee Delman – fire mitigation on Martin, could it be more heavily
71 mitigated on south side? Mayor Rogin, waiting to hear back from Fire on their
72 assessment. Encouraged a reset so that town knows what board is doing. Staffing is
73 Administrator Simonsen's purview, reach out to her. Please inform board of events; ask
74 for BOT's guidance on applying for grants; we will be addressing goals and please make
75 town hall is aware of all public meetings.

76
77 XII. General Business

- 78
79 1. Municipal Court Judge Brown Compensation Modification Request – Judge Brown
80 submitted letter; recommend same compensation for court, any administrative duties in
81 excess of 6 hours monthly to be paid at \$160 hourly. Trustee Dady asked how many
82 administrative cases a month? Judge Brown have not handled one yet. Attorney
83 Dittman, prior 2 BOT's amended general penalty provisions adding abatement for civil
84 matters. Since then, maybe 3 cases in past 4 years. Mayor Rogin - people need to be
85 paid for what they do. How many hours does court take? Judge Brown, sometimes 1-
86 1.5 hours; average is 3-4 hours a month of court time. Mayor Rogin how do we
87 structure payment? Attorney Dittman state code stated all judges must be paid an
88 annual salary. Mayor Rogin, are you amenable to reducing your annual salary and
89 getting paid by the hour? Judge Brown, I would need to consider that, it would be a
90 reduction in payment. MPT Farrell, is this for direction only? Attorney Dittman, direct
91 staff to bring back for amendment. Trustee Williams budget impacts concern me.
- 92 2. Discussion/Direction Regarding Zoning Violations on 431 Fourth Avenue and Deadline
93 for Fence Installation – Director Caplan updated on Safe Routes to School project;
94 rezoning of lot to industrial with conditions that included fencing the property. Deadline
95 was not met; on June 1st notice of violation issued, with fine set at \$100 a day till
96 complete. He removed gates and as of this morning conditions were met. Have 4 days
97 of violations; staff/attorney time so understandable to incur the fees. Does the board
98 desire to revoke the zoning? Waive fines? Up to the BOT. Trustee Delman, so by him
99 being late, this cost the town money? Director Caplan, yes staff/attorney time to put
100 together violation notice. Trustee Delman, so a \$400 fine? Trustee Oetting, did we incur
101 more than \$400 in attorney fees? Not ok for him to waste taxpayers' money; was this
102 rezoning considered spot zoning? Attorney Dittman, yes this would be considered spot
103 zoning, past review point. Trustee Dady asked for definition of spot zoning. Attorney
104 Dittman stated rezoning makes sense with surrounding properties and flow of town. Not
105 allowed under law to rezone for single benefit of sole property owner. That is
106 considered illegal, needs to follow comp plan. He is the only property owner that
107 benefits from this zoning. Trustee Elson, I agree that fines should be implemented.
108 What happens if zoning is revoked? Attorney Dittman, it would be a non-conforming
109 use: he missed deadline. Is rezoning effective? Colorado law takes property rights

110 seriously. Trustee Williams, would this involve litigation? Attorney Dittman, if someone
111 is unable to continue their business, the potential exists. Trustee Williams, in favor of
112 fines; leave zoning as is. Trustee Daty, how do we respond to residents' concerns?
113 Attorney Dittman, there is no rezoning on the table now. Challenge period has passed.
114 They can address now during comp plan process or rezone in future. MPT Farrell if
115 5/27 was day of violation, why only charging from 6/3? Habitual landowner who pushes
116 boundaries, for 20 years. He was given extension, and still missed it. We have bent
117 over backwards, why not be 9 days and at \$1K? Director Caplan, other issues in town;
118 and have to issue violation first. MPT Farrell, why \$100? Attorney Dittman - we weren't
119 sure how long it would take to put up a fence, at a \$1000 a day it seemed excessive.
120 MPT Farrell, incredibly frustrating and will continue to be. We don't be generous in the
121 future. Trustee Daty, same sentiment. What happens if he doesn't pay the fine?
122 Attorney Dittman, if he doesn't pay, can issue summons to municipal court;
123 Administrator Simonsen asked for clarification on posting notice? How should staff set a
124 fine for guidance moving forward? Attorney Dittman should be staff, with board
125 direction. Mayor Rogin, I am furious that we are again spending all of this time talking
126 about this property. The last board gave him every concession, was told the design and
127 fence would fit in with the neighborhood, which it clearly does not. I would like to see
128 how to enforce that the zoning never took effect. MPT Farrell, a habitual offender, we
129 shouldn't be a strong arm, need to be clear that this is not ok and we aren't going to
130 tolerate it. There is very little consequence and we have been taken advantage of.
131 Trustee Delman, we should be stricter, not sure how we can change the current fines.
132 Seems logical to do benefit analysis of zoning issue. Trustee Elson agrees, and not
133 sure we can charge more than what was issued. Trustee Williams, agree analysis is
134 beneficial; fine can't be changed. Trustee Daty agree with analysis and shares concern
135 that this individual won't pay. Not okay to take up time and resources. Trustee Oetting,
136 he's using up peoples tax dollars, and I get very frustrated. Anyone who donated to
137 library should be furious, don't know if we should go so far to rescind. Board consensus
138 was to issue fine and see risk/benefit analysis to rescind zoning.

139 **5-minute break at 8:36pm. Meeting resumed at 8:42 pm.**

- 140 3. Discussion/Direction Cemex Referral – Trustee Daty recused herself due to serving on
141 CEMEX committee for non-profits, can't guarantee I can be totally unbiased.
142 Administrator Simonsen gave background; how does BOT want to respond? Deadline
143 is 6/10, this Friday. Mayor Rogin substitutive discussion in workshop. If we asked for a
144 delay, who would determine? Administrator Simonsen, I guess on how we worded it,
145 but referrals go to planning commission, I believe. Mayor Rogin, ask both. Would like
146 to request delay till October, boards/commissions need to discuss and weigh in, in
147 middle of comp plan update, need community feedback. MPT Farrell, agree with
148 October, how do we want to engage community? Mayor Rogin, up to staff on how to
149 engage community. Also, what happens on Dowe Flatts directly impacts south side.
150 Trustee Oetting, can we ask Mr. Tamburello how this affects his plans? Mr. Paul
151 Tamburello stated from his perspective, when property purchased, we knew about
152 sunsetting claims, always thought that would make a great hospitality site; however,
153 majority of investors worry about once above 2nd floor you would be staring at a plant.
154 Definite impact if they are there for another 15 years or even indefinitely. Trustee
155 Oetting, we don't know how long they are talking about trucking in materials. Paul
156 Tamburello my partner Bart Lorang has done a tremendous amount of work; Mr.
157 Lorang, financial analysis, surface shows two options, initial reaction is to take 15 years.
158 when you do cold financial analysis, most profitable option is 15 years. Board
159 consensus is to ask for extension on Cemex Referral until 10/22. Trustee Oetting would
160 like to state if extension not granted go for denial. Mayor Rogin, ask for extension, cross
161 denial bridge when we get to it.
- 162 4. Discussion/Direction on Amending the LMC that allows STR's in Commercial Zones. –
163 pulled from agenda.
- 164 5. Follow up to BOT Goals and Priorities – Administrator Simonsen, by no means a final
165 document; took top 5 goals identified; want to fine tune so we can get this out to
166

167 boards/commissions and public. MPT Farrell, need to consider public relations element.
168 Incorporate and evaluate how to get this done. What could we do for staff morale?
169 What can we be doing to help staff feel good about their jobs/futures? Trustee Oetting,
170 staff morale directly linked to staff retention, staff turnover extremely expensive. Trustee
171 Williams, this captures what we were discussing; trying to help population at large
172 understand what happens, most importantly is for this board to act with integrity.
173 Administrator Simonsen, would you like me to break down the final 6 goals into more
174 measurable actions? Then take to boards for steps, then on to shared drive so people
175 can add to it? Potential review every quarter. Preview this document with them so they
176 know what could be coming in next year. There are several boards with no goals; do we
177 want to come up with mechanism, so everyone has an action step? MPT Farrell,
178 definitely going to want to be a part of this; would be useful for each of us to ask if you
179 don't see yourself here, how do you want to be involved. Trustee Williams I want to
180 stick to the 5 main goals at this point.
181

182 XIII. Trustee Reports

- 183 1. Trustee Delman – can we limit building height? New hotel to be 40 feet, would like to
184 see it stay a small town, not the same feel with big buildings. And also, can we find
185 money to hire another sheriff?
- 186 2. Trustee Williams – HPC meeting upcoming
- 187 3. Trustee Dady – 6/13 housing committee meets; EVC met knows about goals; open seat
188 on commission. Attended HWY 7 reopening will always appreciate the amount of work
189 that went into that.
- 190 4. MPT Farrell – PCDC is working on comp plan, next open house in person at library. For
191 stakeholders, ideal if we could all attend in person with Clarion. Summertime is difficult
192 time to get people to participate. Late August/early September will meet with final draft
193 to adopt by late December; told them this is ambitious as it will be budget season. Fire
194 task force, 6/25 tree limb drop off in front of new PW building; we need more afternoon
195 volunteers from 12-3 pm.
- 196 5. Trustee Elson – SFC meets Thursday, Ecology board presentation at high school
- 197 6. Trustee Oetting – UEB meets on 6/8; student advisory committee trying to get restarted.
198 Went to Heil ranch reopening, a lot of work that went into that effort; for safety reasons
199 parking lot there closing at noon.
- 200 7. Mayor Rogin – LAHC has not met; Metro Mayors midyear caucus, most favorite perk of
201 being a mayor is parking pass you can use anywhere in Denver. Garden Party last
202 night, people love coming to Lyons. Would like to meet new code enforcement Zack at
203 next meeting. How do trustees feel about a monthly/quarterly tea with trustees perhaps
204 at Stone Cup to interact with community?
205

206 XIV. Staff Reports

- 207 1. Flood Recovery Update - Safe Routes bridge still waiting on design then contractor
208 back out 60-70% complete; LOMR working on getting funding. Black Bear Hole project
209 hopeful to have foundation poured for bathroom. 30% design for HWY 36 project. MPT
210 Farrell asked about need for traffic study; hard to visualize space, how is this to be
211 completed safely? Manager Sanders, traffic study not required, very narrow road.
212 Administrator Simonsen what is being suggested reduces number of potential
213 interactions. We have looked at options, others are so costly/timely. Mayor Rogin have
214 seen this in Boulder, when you go to community can you get safety data to review.
215 Trustee Dady any chance that SRTS/4th Ave Bridge open in time when school starts?
216 Tracy to follow up
- 217 2. Administrator's Report – Administrator Simonsen presented - upcoming joint PCDC/BOT
218 meeting for 7/11; both congressman have confirmed they have submitted Lyons for
219 congressional spending; Senator Bennet to submit for gap for Broadway funding;
220 Hickenlooper submitted for funding for St Vrain trail. Not a done deal; but to even be
221 selected is impressive. Election schedule for potential November ballot, we followed up;
222 Longmont/Lyons/Firestone applied for brownstone grant, awarded 2 million dollars; to

223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279

hear from CDPHE which projects they are interested in funding. In COVID declaration I can assist businesses, Prickly Pear asked to host farmers market Sunday morning 9-2 till Labor Day, it has been approved. Ball fields will be open more regularly; fields are now done; only locked when prepped for games. Staff would like to apply for reimagine destination grant \$20K, no local match nor significant staff times. LCF is needing space to store materials, can they use the visitors center? Informed BOT of local business tax seizure.

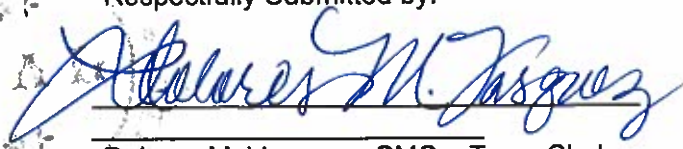
3. Legal Update – reminder on open meeting laws, any time more than two of you, be very careful, we don't discuss town business. We try to post as a precaution. Honeywell, good ruling on federal court cases, probably means those will be dismissed fairly quickly.

XV. Summary of Action Items:

1. Draft Resolution to amend Judge Brown's compensation for June 20th agenda
2. Risk/Benefit analysis to rescind zoning for 431 4th Ave.
3. Request extension for CEMEX referral until October 2022 and requesting meeting with BOCO.
4. Update names on BOT goals (MPT Farrell)
5. VS to fine tune goals; work with Mayor to get out to chairs of boards/commissions.
6. Future agenda items on restricting building height and ask Sgt Crist for data on hiring additional staff. (Trustee Delman)
7. Have Code Compliance Officer Zack introduced at next meeting
8. Safety Data for Railroad option (Tracy)
9. Get updated schedule for 4th Ave ped bridge for opening of school
10. Submit for Re-Imagine Destination grant.
11. Allow LCF to store materials at visitor's center.
12. Follow up on fire task force

XVI. Adjournment – **Motion:** move to adjourn **Moved by:** MPT Farrell **Seconded by:** Trustee Dady **Motion passes unanimously.** Meeting adjourned at 10:18 pm

Respectfully Submitted by:



Dolores M. Vasquez, CMC – Town Clerk



Mayor Hollie Rogin

280

281 **“The Town of Lyons will not discriminate against qualified individuals with disabilities on the basis of disability in its**
282 **services, programs, or activities. Persons needing accommodations or special assistance should contact the Town at as soon as**
283 **possible, but no later than 72 hours before the scheduled event.”**

