

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

6 MINUTES

7 **MONDAY, JUNE 20, 2022**

8 WORKSHOP

9 5:30 PM – 6:50 PM

10 Water 101

11 7:00 pm BOARD OF TRUSTEES REGULAR MEETING

- 12  
13  
14 I. Roll Call and Pledge of Allegiance (7:06pm) – **Present:** Mayor Rogin, MPT Farrell, Trustee  
15 Delman, Trustee Oetting, Trustee Elson, Trustee Dady, Trustee Williams  
16  
17 II. Land Acknowledgement  
18  
19 III. Approve Agenda – **Motion:** move to approve **Moved by:** Trustee Oetting **Seconded by:**  
20 Trustee Dady **Motion passes unanimously**  
21  
22 IV. A Reflective Moment of Silence  
23  
24 V. Audience Business- None  
25  
26 VI. Boulder County Sheriff's Office Report- Sgt. Bill Crist reported co-responder Lynette has moved  
27 into her office at the depot and has been doing ride along. There is a tubing ban, water levels  
28 running at 690 CFS, we will continue to watch and keep in place until water levels lower. Speed  
29 trailer is up and running. National Night out is Aug 2<sup>nd</sup> in Bohn Park. The department has been  
30 hit with covid. Mayor Rogin did we catch Graffiti artist? Sgt Crist No, and it is an open  
31 investigation. Cameras are currently acting as deterrents.  
32  
33 VII. Introduction and Update: Chief Peter Zick, Lyons Fire Protection District- Came to Lyons in  
34 March of 2021, in Phoenix area for 35 years. We had our election in March of this year and our  
35 Mill Levy was approved and I am working on getting the hiring process in place. We are  
36 transitioning from a volunteer fire department to almost all paid staff. We are receiving a new  
37 fire truck and it should be here in about 50 days. It will be a big community event when it  
38 arrives. Steve Pischke has been working with town. We started a prevention program and have  
39 introduced the program to every business; we will work to do yearly inspections. We met with  
40 the chair of the mitigation task force. We plan on working on closely in the future with the  
41 community instead of each homeowner. We have met with a few HOAs and some HOAs did  
42 not want to meet. Mayor Rogin who is the new chair? Chief Zick - Zack Bertges. MPT Farrell, I  
43 met the mitigation group in Stone Canyon, and it was wonderful, but one of the questions was  
44 that HOAs lawyers don't want to get involved with the neighborhood and how do we overcome  
45 that? Chief Zick after Marshall fire I think that this will happen as the rebuilding starts  
46 happening. We have had a few big calls and we had the 37E fire and it was great to have good  
47 communication with the Town Administrator. We had a catastrophic accident in the river last  
48 week where an individual died. Thank you for the community for coming together after the loss  
49 of Griffon Ferguson.  
50  
51 VIII. Ordinances and Public Hearings  
52 1. 1<sup>st</sup> Reading – Ordinance 1123 – an Ordinance of the Town of Lyons, Colorado Requiring the  
53 Undergrounding of Electric Lines when Upsizing Electric Service - Director Caplan - this came  
54 about due to residences upgrading their service size. Then the correspondence with the town  
55 trying to underground the main distribution lines. It does make sense to underground the  
56 residences lines when they are upgrading their service. This would require any property owner  
57 that wants to upgrade their service would need to underground their service. This usually  
58 happens when they underground or upgrade their lines. Trustee Oetting, I want to make sure  
59 that this is coming with a recommendation with the UEB. Director Caplan yes, I met with them,

60 and they vetted this. Trustee Oetting If a Commission makes a recommendation how does  
61 this happen? Attorney Dittman usually there is a formal resolution. Administrator Simonson we  
62 usually have a workshop unless it is straight forward. If you are making improvements, now is  
63 the time. Mayor Rogin how many requests have there been to require a bigger service?  
64 Director Caplan typically it is about 2 per year and this year so far there have been 4. Mayor  
65 Rogin - what is the average cost per foot? Director Caplan, it depends on where they are at it  
66 is hard to get an average if they are on bedrock or in town. Some estimates show \$4-20 per  
67 foot is a guess. Mayor Rogin in the ordinance it states another modification into existing  
68 service so besides amps what other? Director Caplan building on to their garage or someone  
69 putting in a new structure and need to move lines. You only need to increase wire if you  
70 increase panel size. Administrator Simonsen we recently had a tree fall and it knocked down a  
71 line and it will easily cost them 10K. Mayor Rogin is there a safety risk in needing more power  
72 and not upgrading. Director Caplan - it usually is on your own system, and we would not allow  
73 someone to update if they don't have the right wire size. If the line is too small, they would  
74 have to upgrade this, and they can choose overhead or underground it. **Motion:** approve Ord  
75 1123 **Moved by:** Trustee Farrell **Seconded by:** Trustee Williams Trustee Oetting if this  
76 comes with the recommendation of the UEB I would take this recommendation seriously. MPT  
77 Farrell from a safety standpoint I think that this makes sense. Mayor Rogin I fully support  
78 undergrounding electric and the modification to existing services is vague and think that  
79 homeowners will want to know. Is it possible to be more specific? Director Caplan we can look  
80 at it. Trustee Delman besides costs, what are the negatives? Director Caplan none from the  
81 town perspective. The homeowners would have to deal with landscaping. Administrator  
82 Simonsen they would have to get locates more frequently Attorney Dittman We can we bring  
83 back more specific reasons why it would be necessary to underground lines. **Vote: Motion**  
84 **passes unanimously**

- 85
- 86 2. Public Hearing – Resolution 2022-62 – a Resolution of the Town of Lyons, Colorado  
87 Approving a Subdivision of 423 Reese. Public Hearing opened at 7:41. pm Director Caplan  
88 presented staff report. This is a request to subdivide a parcel of land. This is currently in a  
89 condominium association with 2 detached houses. The homes were constructed in 1903 and  
90 1940. This subdivision does not have future development, and this is to accommodate the  
91 existing buildings. This did go before the BOA for a variance on the setbacks and it did go  
92 before the PCDC, and they had recommendations. It does conform to the Comprehensive  
93 plan. The PCDC recommendations are 1. The Applicant shall resolve any minor technical  
94 issues, as directed by Town Staff, on the amended plat. 2. The Applicant shall pay all  
95 reasonable fees and costs incurred by the Town and its consultants, in reviewing and  
96 processing the amended plat. 3. The Applicant shall be additionally bound by all conditions of  
97 the variance approval contained in BOA Resolution 2022-01. 4. The Applicant shall negotiate  
98 with the Town an easement and easement agreement for the stormwater conveyance  
99 structure. 5. The Applicant shall submit to the Town of Lyons Board of Trustees a waiver  
100 request for the water rights and tap dedication requirements for the subdivision. Mayor Rogin,  
101 you referenced the BOA condition what is that? Attorney Dittman the homeowners would not  
102 expand the existing buildings. MPT Farrell after this is approved, they cannot go in and  
103 change the building. Attorney Dittman they cannot expand the footprint. Director Caplan when  
104 you were referring to the stormwater, they still need to do an easement. Attorney Dittman,  
105 there is a stormwater ditch that divides the property. There is not documentation of who owns  
106 that ditch and what is for. In the stormwater master plan, it shows the town using this and we  
107 don't want to give that up. The town would like to leave the maintenance responsibilities to the  
108 homeowners but would like the right to access in case of issues and this would also give us  
109 the right to underground it in the future. We didn't want to do this if it was not approved  
110 tonight. They would have to come back with a resolution for an easement. If we can't come to  
111 an agreement the minor subdivision does not pass. MPT Farrell is it wise to add a deadline to  
112 this? Attorney Dittman August 1<sup>st</sup> if we don't meet that deadline, it is not approved unless they  
113 come back. Trustee Oetting, we realized people in town were condominiumizing properties  
114 and I don't think that we were excited about this because they did not have ADU  
115 requirements. Is it a good thing to unwind the condominiumization? Attorney Dittman this  
116 property is unique there are 2 single family homes on the property they have separate  
117 connections for utilities. This decreases density they already have a tap. I think it was a

118 mistake that they sold the property and that is why they condominiumized the property and this  
119 is undoing that. This is probably the best possible outcome in this case and would not  
120 recommend this for all lots. This is a policy decision. Trustee Oetting the condominium goes  
121 away in this process. This just cleans things up. Danielle Lynn, 423 Reese, presented her  
122 application See attached. I am the managing member of the condominiums and Sandra Haber  
123 the other owner agrees, but out of town. Open public hearing 8:04pm No Public Comments.  
124 Close public hearing 8:05pm **Motion:** Approve Resolution 2022-62 **Moved by:** Trustee  
125 Oetting **Seconded by:** Trustee Williams MPT Farrell Amendment on the easement agreement  
126 to set a deadline for this. Does this include the recommendations from the PCDC? Attorney  
127 Dittman yes

128 **Motion:** Amending item #2 negotiate and approve easement agreement before the Board of  
129 Trustees meeting on August 15th **Moved by:** Trustee Mayor Pro Tem Farrell **Seconded by:**  
130 Trustee Oetting **Vote on Amendment passes unanimously Vote on Resolution as**  
131 **amended passes unanimously**  
132

133 IX. Consent Agenda

- 134 1. Resolution 2022-63 – A Resolution of the Town of Lyons, Colorado Declaring Surplus  
135 Property and Listing for Sale
- 136 2. Resolution 2022-64 – A Resolution of the Town of Lyons, Colorado Approving a  
137 Professional Services Agreement with Crest Insurance Group of Colorado, LLC for Benefits  
138 Broker Services
- 139 3. Resolution 2022-65 – a Resolution of the Town of Lyons, Colorado Adopting the Boulder  
140 County Multi-Hazard Mitigation Plan
- 141 4. June Accounts Payable
- 142 5. June 6, 2022, BOT Meeting Minutes

143 **Motion:** approve consent **Moved by:** Trustee Daty **Seconded by:** Trustee Williams  
144 MPT Farrell would like to pull 2022-65 from consent. **Motion passes unanimously.**  
145  
146

147 X. Items Removed from Consent Agenda

- 148 1. Resolution 2022-65 – a Resolution of the Town of Lyons, Colorado Adopting the Boulder County  
149 Multi-Hazard Mitigation Plan - MPT Farrell Should this be taken to the commissions and have  
150 them go through this. I think this covers important elements and I would like to see this in the  
151 comprehensive plan. I am for passing this otherwise. Administrator Simonsen this is a document  
152 that is a requirement moving forward if you want federal assistance in the future. You have to  
153 have things that you have identified as hazards in your community and work on improving to try  
154 and prevent. these. We keep fine tuning, and it would be great to have others look at it. MPT  
155 Farrell should we have feedback from the commissions before approving. Administrator  
156 Simonsen they are hoping it is adopted in June, so everyone is covered moving forward **Motion:**  
157 approve 2022-65 with edits on word hazard on section 2 and direct commissions to add to it their  
158 agendas and get their feedback for additions **Moved by:** Trustee Farrell **Seconded by:** Trustee  
159 Oetting **Motion passes unanimously.**  
160

161 XI. Boards & Commissions

- 162 1. Housing and Human Services (HHSC) Update- Julie Jacobs We are looking at 3 initiatives: first  
163 is Summit affordable housing. We hope to get the word out and assist anyone who might need  
164 help filling out the application. We would like to do a workshop in October for flood impact and  
165 one in November for Lyons residents. The other thing we are working on is a vulnerable list to  
166 reach out to people and we have flipped this model and we plan to reach out to the people on  
167 this list and sign them up for alerts and help them through this process. We are empowering  
168 them to help themselves and it takes liability away from the town. We would like to work on safe  
169 and affordable housing. Kay Sparks - we are looking at an assessment and services. What are  
170 the priorities? If you look at the comprehensive plan what is a priority? It is very large and two  
171 empty spots on our commission. What is your feedback on the large goal? MPT Farrell, I  
172 appreciate your questions about the Comprehensive plan, and I cannot help with this evening,  
173 and we can take this to the subcommittee and getting back to you. Summit, what is the is the  
174 priority process and who can apply. There are a number of residences that would like to move  
175 their parents closer. Maybe this is a group that can be added to a priority. Kay Sparks - we have  
176 a lot of enthusiasm; the application has to be no older than 90 days. Our purpose for the

177 workshop is getting a list of the things that you need. The priority is on folks have been displaced  
178 and need housing or want to come back, no more than 80% of the area income and 2 months'  
179 rent in your bank account. Mayor Rogin, I thought summit is 60% AMI Administrator Simonsen  
180 AMI is 60%. They will not start the process before 90-100 days of completion, and they are a  
181 year out. We are working with this commission to get this information out. AMI for this area is  
182 \$90,000. Trustee Dady Section 8 vouchers will be allowed.  
183

## 184 XII. General Business

185 Discussion/Direction on Railroad Avenue Options- Broadway Project and design - Manager  
186 Sanders - There are 4 options on this project: Option one, there is a living street with a shared  
187 road with cars bikes and pedestrians. Cars would be in a 5-mile zone only going west an hour  
188 zone and have a pedestrian safe zone. Option 2 would be a one-way road and a 6-foot-wide lane  
189 for pedestrians only. It would have ADA delineators. Option 3 we would have an 8-foot-wide lane  
190 for bicycles and pedestrians and road to the south. You may not be able to keep cars at that  
191 speed. Option 4 would be to shut down the road to cars altogether. We would still have access  
192 for the Fire Department. Trustee Oetting, we are not the first town to install a Woonerf? Do you  
193 have access to what the safety is on this? If we ever get a roundabout, we will have the same  
194 argument. Manager Sanders our engineers don't have any data on this. The slower the speed of  
195 a vehicle the safer the area is. We did also check with the sheriff's office and there is no report of  
196 speeding in the last 10 years. Boulder has two, one at junction place. The engineer feels like  
197 they could have better delineators. We would have flexible bollards so that it would be clear.  
198 Trustee Oetting even if we found data in Europe it would not really apply here. Do you think we  
199 will see more of these? Manager Sanders Yes, it is a new concept that is trending up. Trustee  
200 Dady I was hit on a motorized scooter in Amsterdam. I was on a bicycle, and it was scary. I am  
201 very skeptical that any vehicle or golf cart will slow down to 5mph. I am leaning to option 4. What  
202 does CDOT say? Manager Sanders CDOT looked at option one. This is town priority and CDOT  
203 will not dictate what we are doing Trustee Dady What is the multi-modal trail looks like on  
204 Broadway Manager Sanders this is a 10-foot-wide trail that starts at 5<sup>th</sup> Ave and goes down 3<sup>rd</sup>  
205 Ave on the South side of the road. You will turn on the existing sidewalk by the post office and  
206 will have to cross at the crosswalk. Bicycles and pedestrians will be on the same sidewalk  
207 Trustee Dady I would like to know what CDOT would recommend Manager Sanders they didn't  
208 look at all four they only looked at option one and would not tell us their option because it is our  
209 property. The City of Boulder traffic engineer said to address first ADA, Pedestrian, then bicycle,  
210 then vehicles. Discussion on options/safety/costs. Administrator Simonsen I think it is confusing if  
211 fire is in a hurry for people trying to go through. Trustee Oetting What option would be the best  
212 for changing it in the future. Seems like that would be option 4. If we did one or two, we would  
213 put more costs to it. Manager Sanders there is cost to all of them. Option 4 would be the least  
214 cost. MPT Farrell option 2 makes the most sense. People will have their own lane. Trustee Dady  
215 has anyone talked about putting in a sidewalk Manager Sanders the road is narrow, and we  
216 would have to put it into the north which would require a retaining wall and the acquisition of  
217 private property can take 6-12 months. Mayor Rogin asked for a vote Option 1 No one, Option 2  
218 MPT Farrell, Trustee Delman, Mayor Rogin, Trustee Dady. Mayor Rogin asks if you didn't vote for  
219 option 2 why? Trustee Oetting, I have no issue shutting off road completely and making it all  
220 pedestrian. Trustee Elson I like option 4 and I don't like that the walking path is only 6 feet.  
221 Trustee Williams I can live with two but liked option 4 the best because 6 feet isn't wide enough.  
222 Trustee Delman my guess is that most bikes will be in the road so there will not be a problem.  
223 Mayor Rogin, bicycles, and cars share the same space. Trustee Delman agreed

224 **5-minute break taken at 9:09pm Return from Break at 9:15pm**  
225

### 226 a. Clarification on Town Role in CEMEX subcommittee

227 Administrator Simonsen - this was added by a few trustees. Cemex and the Board of Trustees  
228 had a workshop, a committee was never formalized. There is no board of trustee members on it  
229 and formal appointment was never made. Mayor Rogin now what do we think about having  
230 board of commissions attending? Trustee Oetting they did mention that they wanted the student

231 advisory commission to come, and I attended with them. If someone from the student advisory  
232 committee attends, I don't think they should attend by themselves. I am willing to attend. Attorney  
233 Dittman not quasi-judicial. Trustee Oetting, they asked the Ecology board and the SFC. Maybe it  
234 is inappropriate as far the extension. Mayor Rogin while the decision making is in progress, I  
235 don't think that boards and commissions should attend to keep it clean. MPT Farrell the purpose  
236 of asking for an extension was because of this and by having our commissions involved I am not  
237 sure this is a negative. I am unclear. Mayor Rogin, we have asked for an extension, and they  
238 have not responded further. This will be open for public comment until August. We are deciding if  
239 boards and commission members can attend meetings while we are working on the referral. My  
240 concern is that members may hear something we are not aware that don't think to tell us. I just  
241 see for a potential for a breakdown of communication. Trustee Oetting - I did go to a meeting,  
242 and it was not clear what it was about, whether they were lobbying or trying to be a good partner.  
243 The commissions should not have a part in the 15-year extension, and I was uncomfortable with  
244 how they were going about it. Trustee Williams, I think it is better they are not involved Trustees  
245 Elson I would agree. Trustee Oetting after we get the 15-year decision I think then we create a  
246 committee. Administrator Simonsen if this becomes a town commission then they need to follow  
247 town meeting rules. Trustee Dady I served on this committee for the last few months, and I think  
248 they are trying to understand how to help the community. Maybe trustees that attend need to  
249 step down. I think it makes sense if they continue to mine, that we keep an open dialogue.  
250 Trustee Delman - no one should be a part of this while we make the referral but after the referral  
251 then we should be apart. Mayor Rogin, I think we are all in agreement on this - we have  
252 commissions that need to be informed.  
253

254 b. Discussion/Direction on height limits of buildings in town

255 Administrator Simonsen, Trustee Delman wanted to review this. Currently the height limits have  
256 a 35' height limit and some have a calculation that is some many feet above its width. and some  
257 have a 40' Trustee Delman - having 40' heights in a small town can make it not have a small-  
258 town feel, I know the hotel will be this tall. Administrator Simonsen the hotel is below this 40'  
259 height limit. Mayor Rogin considering that there was an issue with the upload of the document  
260 that were code references to the height limits in different zones Mayor Rogin Do you know of any  
261 other towns that have lowered the height limits? Attorney Dittman it is up to the town, and this  
262 would only apply to future buildings not existing. It is not unheard of to decrease. Mayor Rogin if  
263 we were to decrease and if they knock the building down, they cannot rebuild to the higher limit.  
264 Trustee Oetting this feels like we are going after a strategy, and I think we need work on a tactic.  
265 How do we maintain the character of Lyons and will come up that in the comprehensive plan? It  
266 could be design changes to downtown. Trustee Elson it should be part of the comp plan.  
267 Trustees all concur.  
268

269 XIII. Trustee Reports

- 270 1. Trustee Oetting- The UEB gets very technical. We had a ex meeting regarding the Water  
271 Treatment Plan. Can we bring UEB people into Ex Sessions? Attorney Dittman we have  
272 done that in the past. A few people have applied for the Student Advisory Commission
- 273 2. Trustee Elson- SFC had a meeting at the same time as our last meeting. The EAB meets  
274 tomorrow night.
- 275 3. Trustee Williams – Historic Preservation did not meet this month. Will be talking at Lyons  
276 Good Old Days
- 277 4. Trustee Dady – HHSC spoke about Summit housing. Lynette Anderson M-F 12pm-8pm will  
278 be the co-responder and can reach out to her on mental health issues. I was unable to  
279 attend EVC. The EVC has a subcommittee working on parking in town.
- 280 5. Trustee Delman- the work on the dirt jump bike park has begun along with fencing around the  
281 recycling center, swift water rescue stations, parking at the black bear hole and bathroom at the  
282 trail head.
- 283 6. MPT Farrell – July 11 is the BOT/PCDC dual meeting and a summary of what has happened.  
284 PCDC has expressed concern on what will happen with the COMP Plan in the next five months  
285 and don't want it to be rushed. Fire mitigation has been discussed and Zack Bertges will be a  
286 part. Looking forward to the two new planners. Need to address algae in ponds. Tree Limb Drop  
287 off event is this weekend at Public Works Building 9am-3pm

288 7. Mayor Rogin – Attended the DRCOG subregional forum and 2- and 3-year targets and the  
289 possibility of a regional economic development district which could bring funding our way. Also  
290 discussed greenhouse gas measures. The Denver Metro region including us is not going to meet  
291 the goals and DRCOG is looking at what the mitigation efforts that we will have to put into effect.  
292 They may not apply to us because of our size. I would like data about the number of golf carts  
293 we have in town because this takes traffic off the roads. Met with Joe Neguse and other regional;  
294 Mayors and we discussed what is happening in our districts. LAHC Crystal DeCoster gave her  
295 resignation. Butterfly affect is free and at Riverbend this weekend. Pride day was great and the  
296 Juneteenth flag ceremony great. I Would like to talk about gun violence prevention measures,  
297 and we were provided with 10 options and would there be interest in a discussion.  
298

299 XIV. Staff Reports  
300

- 301 1. Utility Update-Director Caplan on 431 4<sup>th</sup> zoning violation and we did get the invoice out an it was  
302 paid.  
303 2. Finance Update - Director Eyestone Financial information from MAY 31 are looking good and  
304 nothing is unexpended. Revenues exceed expenses. Sales tax is up 11.6% from last year. We  
305 budget 5.9% which was conservative. We are about 55% of local sales tax.  
306 3. Administrator's Report- See  
307 4. Legal Update – Honeywell, Tetra Tech attempt to dismiss the case was denied and now this will  
308 move towards discovery. The federal court case is decided we will have another ex-session.  
309 Planning on doing a memo on conditional zoning and hoping to have this on the next meeting. If  
310 you are going to CML hope to see you all there.  
311

312 XV. Summary of Action Items:

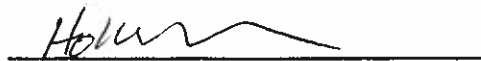
- 313 1. Easement Agreement between property owners of 423 Reese and the Town of Lyons by  
314 August 15, 2022  
315 2. Take the Boulder County Multi Hazard Mitigation Plan to Commissions and get their  
316 feedback  
317 3. Recruit Housing and Human Services open positions  
318 4. UEB EX Session on the WWTP  
319 5. Press Release for Lynette Anderson Boulder County Co-responder  
320 6. Discussion on Algae in the Ponds  
321 7. Discussion on Parking  
322 8. Data about number of Golf Carts in town  
323 9. Gun Violence Workshop  
324 10. Developing a spreadsheet on water shares since 2003  
325 11. Getting more specific information on Undergrounding Electric  
326

327 XVI. Executive Session - Executive Session Pursuant to C.R.S. Sections 24-6-402(4)(E) And 24-6-  
328 402(4)(B) For the Purpose Of Determining Positions Relative To Matters That May Be Subject To  
329 Negotiations, Developing Strategy For Negotiations, And Instructing Negotiators, And For Legal Advice  
330 From Attorneys Representing The Town Regarding The Sale Of Town Owned Property **Motion:** enter  
331 into executive session **Moved by:** MPT Farrell **Seconded by:** Trustee Oetting **Motion passes**  
332 **unanimously.** Entered into Executive session at 10:23 pm  
333

334 Respectfully Submitted by:

335   
336

337 Marissa Davis – Deputy Town Clerk  
338

  
Mayor Hollie Rogin