

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 https://us02web.zoom.us/j/89102540946?pwd=rxAQW7_Z3y0Ygn2Upv4PSA6wTgRmPk.1

7 Meeting ID: 891 0254 0946

8 Passcode: 983003

9 Dial by your location

10 +1 312 626 6799

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13

14 MINUTES

15 **TUESDAY, JULY 5, 2022**

16 5:30 PM – 6:50 PM WORKSHOP

17 REVENUE 101
18

19 7:00 PM BOARD OF TRUSTEES REGULAR MEETING
20

- 21 I. Roll Call and Pledge of Allegiance – Present: Mayor Rogin, MPT Farrell, Trustee Daty,
22 Trustee Oetting, Trustee Delman, Trustee Elson, Trustee Williams
23
- 24 II. Land Acknowledgement
25
- 26 III. Approve Agenda – **Motion:** move to approve **Moved by:** Trustee Oetting/Williams
27 **Motion:** move to remove trustee reports; email to Clerk Vasquez and she will include in
28 minutes **Moved by:** MPT Farrell **Seconded by:** Trustee Oetting **Friendly amendment by**
29 **Mayor Rogin: include staff reports Amendment passes unanimously; agenda as**
30 **amended passes unanimously.**
31
- 32 IV. A Reflective Moment of Silence
33
- 34 V. Audience Business – Christina Trapani Scott, 413 5th Ave, leash laws; a week ago my dog
35 attacked in LMJ, sustaining severe injuries. Person was ticketed and has taken
36 responsibility for it; not first time in LMJ we have been approached by dogs off leash. Hope
37 something can be done.
38
- 39 VI. Boulder County Sheriff's Office Report
40
- 41 VII. Staff Introductions
42 1. Introduction of Zachary Bertges, David Kimmett and Alexander Painter
43
- 44 VIII. Ordinances and Public Hearings
45 1. 2nd Reading – Public Hearing – Ordinance 1123 – an Ordinance of the Town of Lyons,
46 Colorado Requiring the Undergrounding of Electric Lines when Upsizing Electric
47 Service – Director Caplan provided in-depth background as requested by the BOT.
48 Mayor Rogin asked if undergrounding is Town ROW, will we share cost, who will
49 maintenance? Director Caplan, any work going to main of electric line into ROW
50 requires a ROW Permit, can discuss fees. MPT Farrell, concerned about cost; maybe
51 RLF or adding to utility bill in installments? Director Caplan, something we could look
52 into, need to determine the who and how. **Public Hearing opened at 7:32 pm. No**
53 **speakers PH Closed at 7:32 pm. Motion:** move to approve **Moved by:** MPT Farrell
54 **Seconded by:** Trustee Oetting MPT Farrell, can we send back to UEB, not an urgent
55 issue/perhaps staff as well to look at how we could make it less burdensome to
56 homeowners. Director Caplan, UEB has looked at this, but not from a financing side.

57 Staff could look into as well. Trustee Oetting read in UEB Chair Kerr's comments.
58 Mayor Rogin, would this have a chilling effect on anyone wanting to build an ADU?
59 Director Caplan, already required for them to connect and all tap fees and other things
60 are waived. VS we aren't seeing that new ADU's are in great demand. Trustee Oetting
61 detached ADU's are already required to underground. **Motion: amendment** accept
62 the redline version of the ordinance **Moved by: MPT Farrell Seconded by: Trustee**
63 **Oetting Motion passes unanimously** Attorney Dittman you certainly could approve
64 and give staff time. **Motion: move to approve with stipulation that staff come back**
65 **with funding options in next two months. Moved by: MPT Farrell Seconded by:**
66 **Trustee Oetting Motion passes unanimously.**
67

68 IX. Consent Agenda

- 69 1. Resolution 2022-66 – a Resolution of the Town of Lyons, Colorado Amending the
70 Compensation of the Municipal Court Judge for the Town of Lyons
- 71 2. Resolution 2022-67 – a Resolution of the Town of Lyons, Colorado Approving the
72 Second Amendment to the Professional Services Agreement with NIXC.
- 73 3. Resolution 2022-68 – a Resolution of the Town of Lyons, Colorado to
74 Extend JUB contract 4th Ave Ped Bridge
- 75 4. Resolution 2022-69 – a Resolution of the Town of Lyons, Colorado
76 Extending Mountain Constructors Contract for 4th Ave Ped Bridge
- 77 5. Resolution 2022-70 – a Resolution of the Town of Lyons, Colorado
78 Amending Murray Smith Contract for 4th Ave Ped Bridge
- 79 6. July Accounts Payable
- 80 7. June 20, 2022, BOT Meeting Minutes
- 81 **Motion: move to approve Moved by: Trustee Daty Seconded by: Trustee Delman**
82 **Motion passes unanimously**

83
84 X. Items Removed from Consent Agenda

85
86 XI. Boards & Commissions

- 87 1. SFC Update – Dan Matsch, Chair presented mission/goals. Requested budget for
88 partial funding of sustainable coordinator. Trustee Oetting asked about CEMEX;
89 municipalities can make a lot of decisions on how they source materials; how do you
90 think your commission could play a role in understanding the costs if we want to buy
91 more sustainable products for the US 36 project/Hotel project. Dan, to the extent that
92 with resources we have we would love to work with you guys. MPT Farrell, comp plan
93 very low participation; please ask your commission to fill out survey.
- 94 2. Mayoral Appointments:
 - 95 a. Lily Hirt, Kristin Quinn, Cole Thomas, and Karys Corsale to Student Advisory
96 Committee Trustee Oetting stated he would like to give them something of
97 substance.
 - 98 b. Anita Miller to LAHC

99
100 XII. General Business

- 101
102 1. Discussion/Direction on Spirithounds Water Dedication Cash-in-Lieu Offer – Director
103 Caplan gave update; offering \$26,000 cash instead of having to dedicate the water
104 shares as they have had a difficult time finding shares. Our water rights portfolio would
105 not change; the Trustees then could decide to look for shares on our own or put into
106 water fund to pay off Capital improvements projects or decline their offer and require
107 the CBT share. Trustee Oetting, McIntosh much cheaper; but if you can't buy them,
108 they aren't. Were they offering too low? Director Caplan, you work with Highlands
109 Ditch Company and it's difficult to gauge. Trustee Oetting do you feel we have enough
110 shares to absorb this and accept the money? Director Caplan, yes, I do. MPT Farrell,
111 do we know the going rate? Administrator Simonsen we have reached out to our
112 broker. MPT Farrell, I am a little uncomfortable as we could end up in a sticky situation
113 if another business needs water. Don't want to set a precedence of favoritism. Trustee
114 Elson same boat, if we sell them at that price and have to purchase at four times the

115 rate doesn't really help us out. Neil Sullivan, Spirithounds, we have spent a lot of time
116 searching for water shares, with no success for months. Completely surprised that
117 someone is finding them online as we speak. The town is sitting on 8 undedicated
118 shares; we are that economic growth that needs them. If there is not a surplus, then
119 cash-in-lieu would make sense if it got us compliant with the town. Trustee Oetting
120 should we set a policy that has smaller businesses do cash-in-lieu of. **Board**
121 **consensus is to accept cash in lieu.** Administrator Simonsen, it is possible to
122 purchase smaller increments; and if you accept cash-in-lieu you don't have to
123 purchase if you think our portfolio is robust enough. Director Caplan will be including
124 this at next workshop. **Board consensus to direct staff to split the proceeds**
125 **between purchasing one share and the other half into the water fund.**

126 **Break at 8:50 pm. Meeting resumed at 9:00 pm.**

- 127 2. Discussion/Direction on Lyons Creates use of Visitors Center – Administrator
128 Simonsen presented that they have been looking for a nice space to work out of. Really
129 just gauging interest in pursuing use of existing visitors center as an arts/visitors'
130 center. Is zoned POS, is there any interest from the board? There are some tourism
131 dollars available; but want nod from BOT. Trustee Oetting, doesn't current zoning
132 block up the situation? Attorney Dittman initiative petition really locked up the parks; if
133 parks Master Plan allows as a use, there is potential. Could potentially subdivide.
134 Trustee Dady in favor of finding a way so that A) we could reopen the visitors center
135 and B) Create an Arts Center it's a win/win. I envision a sculpture park. **Board**
136 **consensus is to pursue options with Lyons Creates. Also, direct staff to work**
137 **with Lyons Creates for funding sources.**
- 138 3. Update on CEMEX Referral Application Response – Administrator Simonsen stated
139 BOCO granted an extension until July 22. Special meetings for boards and
140 commissions; special BOT meeting to formalize response. Trustee Oetting, process
141 question, what options will we have for expert opinion? Many zoning questions for the
142 County. Administrator Simonsen - only giving referral comments. Mayor Rogin is
143 there a similar document we could see? Administrator Simonsen, no they have said a
144 letter, an email. MPT Farrell, we need to address Comp Plan/Planning Area. Mayor
145 Rogin, does timeline work for the board? Public Meeting 7/19 at 5pm for 90 minutes.
146 Special BOT meeting following at 7pm to formulate response. Staff then draft memo
147 response, MPT and I will review and submit. Trustee Oetting– any legal recourse to
148 challenge process? Attorney Dittman, a few possibilities, none with good outcomes;
149 governments are generally given benefit of the doubt and would have to find a very
150 specific reason. They are generally not successful. Mayor Rogin - we do want to keep
151 a good working relationship with the county. Consensus is to hold 7/19 special
152 meeting; Trustee Dady cannot make it Clerk Vasquez to send formal email for dates.
153 Boards & Commission's to respond by 7/15.
- 154 4. Discussion/Direction of Potential Ballot Measures – Administrator Simonsen, any
155 changes in sales tax/lodging tax/property taxes need to be voted on; Board would like
156 to pursue lodging tax/not property taxes and no on sales.
- 157 5. Discussion/Direction on Zoning Issues:
 - 158 a. Adding Non-Profit Organizations to Municipal Zoning as a Conditional Use –
159 Administrator Simonsen - potential of adding administrative text amendment to
160 zoning regs to allow Non-Profits on municipal zoning. First step is to draft
161 amendment to code to allow; asking to direct PCDC to review and
162 recommendation back to you. This would be fully vetted by PCDC/BOT.
 - 163 b. Short-Term Rentals in Commercial Downtown Zone – Director Caplan coming
164 up on 300 block of Main Street; several homes that now want to be a mixed use.
165 How do we work with this? Require them to meet all commercial code
166 requirements? Do you want to direct PCDC to review? Attorney Dittman,
167 licensing scheme currently allows but zoning code does not reflect that. Board
168 consensus is to send to PCDC to review.
- 169 6. Discussion/Direction on Authorizing Code Compliance Officer to be able to issue
170 Administrative Citations – Director Caplan, what do we want our Code Officer to be
171 doing? Previous board had some directives; is that the continued desire? Purely
172 educational or a little bit more? Presented options to amend code; documents where

173 authority is; and what they are allowed to do. Zack Bertges, it is confusing for people
174 to understand what I can/can't do. Mayor Rogin, do you feel comfortable with that
175 extended role? Zack, yes, I do, it is very basic. Intent of last board is different than
176 what falls under my role. Addressing current lack of authority will help me out. Mayor
177 Rogin for context at the time we didn't have Alex/Dave to concierge the processes.
178 Administrator Simonsen - tonight is for direction and will need to draft updated job
179 description. Board consensus it to move forward with changes.
180

181 XIII. Trustee Reports
182

183 XIV. Staff Reports

- 184 1. Flood Recovery Update
- 185 2. Administrator's Report
- 186 3. Legal Update – Honeywell update
187

188 XV. Summary of Action Items

- 189 1. 2-month deadline for staff to work on funding policy for Ord 1123
- 190 2. Accept cash-in-lieu from Spirit Hounds and split between water fund and pursue
191 purchase of one lake mac water share
- 192 3. Staff to work with Lyons Creates on use of Visitors Center and Funding
- 193 4. Clerk Vasquez to send email to B & C's and BOT re: calendar dates for CEMEX special
194 meeting on 7/19.
- 195 5. Firm up ballot measures for board to review on 7/18; (lodging and separate out
196 camping)
- 197 6. Direct PCDC to review zoning text amendment for non-profits in Muni zoning.
- 198 7. Review Parks Master plan for zoning regs.
- 199 8. Direct PCDC to review STR's in Commercial zoning.
- 200 9. Direct staff to update job description for Code compliance to include ability to issue
201 administrative citations.
- 202 10. Trustee Daty needs rep at EVC 7/20
203

204 XVI. Future Agenda Items

- 205 1. Trustee Farrell – review our priorities/goals before 7/11 joint meeting with PCDC.
- 206 2. Trustee Oetting – Delman wanted to review Sheriff's contract; would like to follow up
207 on this.
- 208 3. Trustee Delman – pathways commission would like to be reinstated.
209

210 XVII. Adjournment – **Motion:** move to adjourn **Moved by:** Trustee Daty **Seconded by:** Trustee
211 Oetting
212

213 Meeting adjourned at 10:21 pm.
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215
216 Respectfully Submitted by:

217 
218 Dolores M. Vasquez, CMC – Town Clerk
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220
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226 Mayor Hollie Rogin
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228
229

226 "The Town of Lyons will not discriminate against qualified individuals with disabilities on the basis of disability in its services,
227 programs, or activities. Persons needing accommodations or special assistance should contact the Town at hr@townoflyons.com
228 as soon as possible, but no later than 72 hours before the scheduled event."
229