

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

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5 ZOOM LINK:

6 <https://us02web.zoom.us/j/84758068860?pwd=emlpdU94dEVKbklsR1Jpb2pMMkRGUT09>

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8 Meeting ID: 847 5806 8860

9 Passcode: 998610

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17 Meeting ID: 847 5806 8860

18
19 MINUTES

20 **MONDAY, AUGUST 15, 2022**

21 *WORKSHOP:*

22 5:30 PM – 6:20 PM

23 *Presentation of Comprehensive Annual Financial Report*

24 6:20 PM – 7:00 PM

25 *Golfcart Registration Program*

26
27
28 7:00 BOARD OF TRUSTEES REGULAR MEETING

- 30 I. Roll Call and Pledge of Allegiance – **Present:** Mayor Rogin, MPT Farrell, Trustee
31 Delman, Trustee Dady, Trustee Oetting, Trustee Elson, Trustee Williams
32
- 33 II. Land Acknowledgement
34
- 35 III. Approve Agenda- **Motion:** moved to approve **Moved by:** Trustee Williams **Seconded**
36 **by:** Trustee Oetting **Motion passes unanimously**
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- 38 IV. A Reflective Moment of Silence
39
- 40 V. Audience Business – Kenyon Waugh, 1104 4th Avenue, lodging tax, too low at \$2;
41 significant increase/burden on my costs; address impacts on municipal services;
42 increase should be phased in over time. Timing issue: taking reservations 14 months out
43 hard to recoup or ask for more money. Imperative that the town charge its own
44 campgrounds/campers the tax. Zack Tucker, 1804 Tyler Ave, Longmont, on behalf of
45 Planet Bluegrass, thanked the staff for the support of this year's festivals. Lodging tax:
46 make sure this percentage is a percentage of sites not of total sales. Timing as well; sell
47 camping tickets twelve months out, appreciate being able to reach our sales cycle.
48
- 49 VI. Boulder County Sheriff's Office Report – Sgt. Crist reported the speed trailer is in the
50 shop; moving into the Depot building on Wednesday; planning on hosting open house;
51 flock cameras on verge of going live. Holding off until after move. Staffing update; down
52 15 officers, recovering from all the different issues. Hard to retain and hire new officers.
53 Explained staffing hours/availability/response time. Town may want to budget to have a
54 dedicated full-time officer in town in the future.
55
56

- 57 VII. Ordinances and Public Hearings
58 1. 2nd Reading – Public Hearing - Ordinance 1125 – An Ordinance of the Town of Lyons,
59 Colorado Amending Section 4-10-20 of the Lyons Municipal Code Concerning the
60 Definitions for the Lodging Occupation Tax – Attorney Dittman provided background,
61 housekeeping measure. Public Hearing opened at 7:34 pm No speakers Closed at 7:35
62 pm **Motion:** Move to approve **Moved by:** Trustee Williams **Seconded by:** Trustee
63 Oetting Trustee Delman asked if lodging tax is paid at LMJ? Attorney Dittman, no, town is
64 the taxing entity; we would be taxing ourselves. **Motion passes unanimously**
65 2. 1st Reading – Ordinance 1126 – An Ordinance of the Town of Lyons, Colorado Repealing
66 and Replacing Section 10-10-30 of the Lyons Municipal Code Prohibiting the Open
67 Carrying of Firearms in Public Places – Attorney Dittman provided background; any open
68 carrying of any firearm will violate town code. Does not infringe upon 2nd amendment
69 rights. Does not apply to inside of private businesses; only public places (streets,
70 sidewalks, parks in town limits.) Trustee Daty, does this include schools/town hall?
71 Attorney Dittman if proper signage is posted. Trustee Oetting, a possibility to put this as a
72 ballot measure? Would really like community feedback. Attorney Dittman, not aware of a
73 single municipality that have referred it to a ballot. MPT Farrell – a private business that
74 serves alcohol, that already is not allowed. Attorney Dittman, private businesses can
75 allow what they want. MPT Farrell, can we amend to include those businesses that serve
76 alcohol? Attorney Dittman, no, we can't reach into the private business sector/we can't
77 restrict. **Motion:** move to approve **Moved by:** Trustee Daty **Seconded by:** Trustee
78 Williams **Motion passes unanimously**
79 3. 1st Reading – Ordinance 1127 – An Ordinance of the Town of Lyons, Colorado,
80 Amending Section 16-3-210 of the Lyons Municipal Code to List Firearms Sales,
81 Firearms Manufacturing, Ammunition Sales, and Ammunition Manufacturing as
82 Prohibited Uses in the Commercial-Downtown (CD) Zoning District – Attorney Dittman
83 provided background; provides a prohibited list in that zoning district. Has been vetted by
84 BOCO sheriff. Trustee Oetting, have any passed with the favor of allowing with hunting?
85 Attorney Dittman, harder to enforce. Discussion on expanding to other zoning districts.
86 Planner Kimmitt, it could be expanded to include all zones; best route is to use a
87 distance from protected area, similar to Marijuana regs; taking issues could arise. MPT
88 Farrell what would conditional use review look like with this? Brandon, no option for
89 conditional use in this zone. Discussion on expanding to other zones; conditional use
90 permits. **Motion:** move to approve **Moved by:** Trustee Daty **Seconded by:** Trustee
91 Williams Discussion on public input, PCDC approval; explore expanding to a distance
92 requirement. **Motion passes 6-1 MPT Farrell No.**
93 4. 1st Reading - Ordinance 1128 – An Ordinance of the Town of Lyons, Colorado
94 Authorizing and Approving the Buy and Sale of Property Located at 2157 Apple Valley
95 Road – Attorney Dittman provided background; agreement not received in time to post
96 within 24 hours; recommending voting down so a special meeting can be held and keep
97 this on track. Intention is to bring back with all **Motion:** move to approve **Moved by:**
98 Trustee Williams **motion dies for lack of a second.**
99
- 100 VIII. Consent Agenda
101 1. Resolution 2022-71 – A Resolution of the Town of Lyons, Colorado Amending the
102 Personnel Handbook and Ratifying the Juneteenth Holiday
103 2. Resolution 2022-76 – A Resolution of The Town of Lyons, Colorado Urging Federal,
104 State, And Local Action on Gun Violence Prevention
105 3. Resolution 2022-80 – A Resolution of the Town of Lyons Accepting Fiscal Year Ending
106 December 31, 2021, Financial Audit
107 4. Resolution 2022-81 – A Resolution of the Town of Lyons, Colorado Opting Out of the
108 FAML Program
109 5. August Accounts Payable
110 6. July 18, 2022, BOT Meeting Minutes
111 **Motion:** Move to approve **Moved by:** Trustee Daty **Seconded by:** Trustee Oetting MPT
112 pulled item 1 employee handbook **Motion passes unanimously**
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IV. Items Removed from Consent Agenda – item 1 Reso 2022-71 MPT Farrell amendment: EEO (see page 104 of packet, page 7-8) Delete: The Town prohibits retaliation against any employee for filing a complaint under this policy or for assisting in a complaint investigation. If an employee believes there has been a violation of our EEO or retaliation standard, there is a policy regarding the complaint procedure. Add: See policy regarding complaint procedure in section E. **Motion:** Continue to a date certain Sept 6th **Moved by:** MPT Farrell **Seconded by:** Trustee Oetting **Motion passes unanimously**

IX. Boards & Commissions

1. LAHC Mural Update – Android Jones mural update and Bohn Park utility box murals.

X. General Business

1. Resolution 2022-81 – A Resolution of the Town of Lyons, Colorado Referring a Question to the Electors of the Town of Lyons on whether the Lodging Occupation Tax Shall be Increased to a Maximum of 8% per Night. – **Motion:** move to approve **Moved by:** MPT Farrell **Seconded by:** Trustee Williams Discussion on effective date/clarify that it is a lodging tax only/voter education **Motion: amendment** Shall the Town of Lyons change the Town's lodging occupation tax from \$2.00 per day per occupied lodging room or accommodation, including camping or campsites, and short-term rentals, to up to 8% of the cost of the rental fee, price, or other consideration paid, with the initial rate set at 5%, adjustable by resolution of the Board of Trustees, commencing on bookings made after January 1, 2023, increasing tax revenues to \$135,000 the first fiscal year and whatever amounts are raised annually thereafter, to be used to address visitor impacts and fund community projects and capital improvements as determined by the Town of Lyons Board of Trustees, with any additional funds used to fund any lawful municipal purpose as determined by the Board of Trustees; and shall the Town be permitted to collect, retain, and expend all revenues derived from such tax as a voter-approved revenue change and an exception to limits which would otherwise apply under Article X, Section 20 of the Colorado Constitution or any other law? **Moved by:** Mayor Rogin **Seconded by:** Trustee Daty **Friendly amendment:** add "up to" before \$135,000 **Moved by:** Trustee Oetting **Accepted by Mayor Rogin** Discussion on business concerns, Town of Lyons tax exemption status; adjust rates for the parks; **Vote on amendment passes unanimously; vote on resolution as amended passes unanimously.**
Five-minute break at 8:59 pm. Meeting resumed at 9:08 pm

2. Resolution 2022-82 – A Resolution of the Town of Lyons, Colorado Referring Question to the Electors of the Town of Lyons on whether Arts and Cultural Facilities shall be a Permitted Use and Non-Profit Facilities shall be a Conditional Use in the Parks and Open Space Zoning District – Attorney Dittman provided background Trustee Oetting can the PCDC be the final say in conditional use reviews? Attorney Dittman, yes, the last BOT took that ability away. **Motion:** move to approve **Moved by:** MPT Farrell **Seconded by:** Trustee Delman **Motion: amendment change text to:** Shall the permitted and conditional uses for the Parks and Open Space (POS) zoning district be expanded to allow arts and cultural facilities as a permitted use and non-profit facilities as a conditional use within POS zone? **Moved by:** MPT Farrell **Seconded by:** Trustee Oetting **Amendment passes unanimously motion to approve as amended passes unanimously.**

3. Discussion/Direction to Staff on Developing a Golf Cart Registration Program – Director Caplan presented; discussion on trails that will allow golf carts; liability insurance requirements. Board consensus is to have staff come back with an Ordinance on golf cart requirements as discussed.

XI. Trustee Reports

1. Trustee Williams – HPC has not had a quorum to be able to meet.

- 170 2. Trustee Delman – PRC looking into Corona Hill, have talked to County. Mayor to
171 talk with Chair as boards should not be meeting with the County
172 3. MPT Farrell – workshop on sensitive places; 9/15 due date for comp plan.
173 Encourage your commissions to submit comments to planner Painter.
174 4. Trustee Oetting – SAC will be scheduling next meeting a week from Thursday.
175 UEB discussed solar, water share portfolio
176 5. Trustee Dady – EVC and HSSC could also not meet due to no quorum; HHSC
177 attended Summit groundbreaking; working on how to create a list of potential
178 applicants, can they make a formal budget request for code compliance for
179 ADU's?
180 6. Trustee Elson – EAB meets 8/23 to discuss state watershed. SFC would like a
181 student representative. Also have a budget request for a sustainable coordinator.
182 7. Mayor Rogin – Summit groundbreaking was great; BOCO meeting on CEMEX is
183 Wednesday.
184

185 XII. Staff Reports

- 186 1. Finance Update – Administrator Simonsen presented; question on the \$20,500 for
187 American Arbitrator's Association – Attorney Dittman, fee is paid up front from all
188 parties involved.
189 2. Utility Update – MEAN looking to develop a Green Rate (Wind energy), is town utility
190 rates up to date? Solar generation/storage out to bid. Complication in funding for
191 project. Undergrounding electric update. Water policies being updated to bring to the
192 board. MPT Farrell asked about RV dump station. Discussion on Grow Smart Water
193 Meeting in Estes; Trustee Oetting cannot attend.
194 3. Administrator's Report – two congressional projects (US 36/LOMR) kicked out;
195 WWTF upgrades still in the running. Goats have arrived; one issue is electric fence
196 installed, not allowed per code, addressing it. 4th inquiry for annexation.
197 4. Legal Update – Honeywell, we defeated another attempt by TetraTech, and they have
198 paid their share of the deposit.
199

200 XIII. Summary of Action Items:


- 201 1. Research EBike regulations in other municipalities
202 2. Bring Ordinance 1128 back on Sept 6th BOT meeting (2nd Reading)
203 3. Reso 2022-71 continued to September 6th BOT meeting
204 4. Future agenda item on distance rule for firearm sales
205 5. Have staff come back with an Ordinance on golf cart requirements as discussed.
206 6. Have UEB to present at next BOT meeting
207 7. Public comments on firearms.
208 8. Mayor to reach out to PRC Chair regarding meeting with the County
209

210 **Motion:** move to enter into executive session **Moved by:** MPT Farrell **Seconded by:**
211 Trustee Dady **Motion Passes unanimously. Entered into executive session at 10:13**
212 **pm.**
213

- 214 XIV. Executive Session - Executive session pursuant to C.R.S. Sections 24-6-402(4)((a)) For
215 the purpose of the discussion of the sale of Town-owned property at the former water
216 treatment plant facility site located at 2186 Apple Valley Rd and N St Vrain Dr,
217 Mountains, CO 80540
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219 **Meeting adjourned at 10:28 pm.**
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221 Respectfully Submitted by:

222 
223
224 Dolores M. Vasquez, CMC – Town Clerk
225



Mayor Hollie Rogin

