

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

5 ZOOM LINK:

6 <https://us02web.zoom.us/j/82698847399?pwd=UUxZZXRLbUJRdWZJWlQ4RlhtTUxyUT09>
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8 Meeting ID: 826 9884 7399

9 Passcode: 237322

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16 DRAFT AGENDA

17 **TUESDAY, SEPTEMBER 6, 2022**

18 WORKSHOP:

19 5:30 PM – 6:00 PM

20 Brian Horan, Galloway, Traffic Study

21 6:00 PM – 6:50 PM

22 2023 Budget Introduction
23
24
25

26 7:00 BOARD OF TRUSTEES REGULAR MEETING

- 27 I. Roll Call and Pledge of Allegiance – **Present:** Mayor Rogin, MPT Farrell, Trustee Delman,
28 Trustee Daty, Trustee Oetting, Trustee Elson, Trustee Williams
29
- 30 II. Land Acknowledgement
31
- 32 III. Approve Agenda – **Motion:** move to approve **Moved by:** Trustee Daty **Seconded by:** Trustee
33 Oetting **Motion:** amend to move staff reports to before consent **Moved by:** Mayor Rogin
34 **Seconded by:** Trustee Oetting **Motion passes unanimously agenda as amended passes**
35 **unanimously**
36
- 37 IV. A Reflective Moment of Silence
38
- 39 V. Audience Business – Deputy Mitch Rosebrough, SRO at Lyons High School, Sgt. Bill Crist's
40 last year here, as well as my last year at the school. Advocating for Bill to stay here in Lyons,
41 he has the experience of what is happening here now. He is my supervisor for the SRO program,
42 my mentor. He does a lot for this town; he does a good job of setting things up for this town.
43 Mandatory change in the guard is not a fair practice; where do we go from here? Please take a
44 few minutes and write a letter to his supervisor. Sally Van Meter, 218 Ewald Ave., Corona Hill
45 ariel spray by BOCO. Very concerned, worth it to challenge the spray, less than two blocks from
46 my home, better communication. Can the board send a letter challenging; if we don't say
47 something it will be accepted.
48
- 49 VI. Boulder County Sheriff's Office Report – Sgt. Crist reported Flock cameras are fully functional;
50 deputies to be brought up to speed. Mid-year report is ready; pretty much carbon copy as last
51 year, a few less calls. New Undersheriff sworn in; Undersheriff Tommy Sloan retiring.
52 **Motion:** adjourn as BOT, open as Liquor Licensing Authority **Moved by:** Trustee Williams
53 **Seconded by:** Trustee Daty **Motion passes unanimously**
54
- 55 VII. Liquor Licensing Authority
56 1. Premise Modification Request – Submitted by Moxie Mercantile located at 355 Main Street –
57 Deputy Clerk Marissa Davis presented; new license just issued, now want to use larger area
58 out front; currently in good standing and no negative comments. **Motion:** move to incorporate
59 licensing area as all of town limits **Moved by:** Mayor Rogin **Seconded by:** Trustee Williams
60 **Motion passes unanimously.** Applicant Andy Clark, want to include picnic tables in parking
61 lot for music events. **Motion:** move to approve **Moved by:** MPT Farrell **Seconded by:** Trustee
62 Delman **Motion passes unanimously**
63 **Motion:** adjourn as Liquor Licensing Authority and enter as BOT **Moved by:** MPT Farrell
64 **Seconded by:** Trustee Williams **Motion passes unanimously**

66 VIII. Ordinances and Public Hearings

67 1. 2nd Reading – Public Hearing - Ordinance 1126 – An Ordinance of the Town of Lyons,
68 Colorado Repealing and Replacing Section 10-10-30 of the Lyons Municipal Code Prohibiting
69 the Open Carrying of Firearms in Public Places – Attorney Dittman presented on process for
70 public hearings and staff report. **Public Hearing opened at 7:35 pm.** Sharon McConnell,
71 1416 Apple Valley; as in McConnell Drive; grew up in that area, as a kid grew up going behind
72 shed and practiced shooting; approve of this, gives a few seconds delay, slow it down as
73 much as possible. As a grandparent would like my family to be able to come to Lyons and
74 feel safe. We are growing, in favor of people having guns and using them responsibly. In the
75 best interest of our community, family friends and guests. Kevin Lorusso, 3425 Shields, not
76 from here, from Rocky Mountain Gun Owners, love this town, want to talk about issue of open
77 carry, section 13 article 2 of state statute; this still allows for concealed carry, depriving a
78 whole age group. This is in response to gun tragedies. When you allow individuals to be the
79 source; when you extrapolate that data, we have an issue of gun violence. 97-99% of all gun
80 crime is used by criminals, not law-abiding citizens. This is an issue of fear. April Krause,
81 505 Goranson Ct., my family and I have lived here 6 ½ years, followed Redstone Review
82 column on gun violence; have had unsettling experiences in town where I have seen
83 someone open carry and I leave. I urge you to pass this for the safety of our citizens and my
84 family. Kelly Taylor Russel, 838 2nd, I love this town; I don't like guns, I feel scared when I see
85 them, I worry about the ease of access, I worry about mass shootings and the mental health
86 crisis. Not here to vilify anyone who owns, uses. You have your fears and I have mine, in one
87 hundred percent support of this ordinance and encourage you to use your power of a vote.
88 Voting yes is a step in the right direction and are in good company. People like Abe Lincoln
89 faced fears and no doubt they were not alone. My husband is still flabbergasted that he can
90 walk on someone's property and face a gun. BOCO District Attorney Dougherty support the
91 two ordinances, the vast majority of American's want to see leaders like you. Federal
92 government has done very little, very politically divisive. Prosecutor for 25 years now, I
93 appreciate the second amendment but have seen way too much gun violence. I was at the
94 King Soopers when that mass shooting occurred. We are not immune to the gun violence.
95 Not saying these ordinances will solve any problems, but I urge you to pass them. There will
96 always be opposition, thank you for taking on this issue. My number is 303-441-3700 if you
97 have any questions. Gil Sparks, 2169 Apple Valley, I support what you are doing. I disagree
98 with previous speaker. Member of Rocky Mountain Elk Foundation, am a Vietnam vet, points
99 to consider: signage - how are we going to communicate this to the people? 2nd, enforcement,
100 what are boundaries public vs. private. Amy Hartenstine, 207 Welch Drive, support
101 ordinance, many people coming into town and I don't want people open carrying in our parks,
102 sidewalks. Open carry makes people more aggressive, hard to separate the good guys from
103 the bad guys. Justin King, 5355 Alpine, most good guys open carry, you're letting the bad
104 guys hide now. You may have a bunch of guys concealed that are now in our parks. Justus
105 Milauck, directed toward law abiding citizens, where we can be ticketed, jailed, fined. Most
106 criminals conceal until they are going to use it. Not sure how you are going to keep people
107 from doing this, there are a lot of hunters. I don't have a concealed permit, but it is my right.
108 The criminals aren't going to look at any of these laws. I know people are scared of guns, it's
109 hopeful thinking we are going to solve gun violence with this. I don't come to these meetings
110 ever, and I appreciate being able to speak. Tiffany Martindale, my kids love living here where
111 things don't happen. We live at the entrance of a very busy gateway to Estes. Urge you to
112 pass this ordinance; the gun violence is frankly embarrassing, Carrying firearms in public does
113 not make it safer. I want to keep our kids safe; encourage you to pass this to help reduce the
114 risk of bad things happening here. Taj Schimek, 622 Overlook, carrying a gun in Lyons open
115 spaces is a huge responsibility and until we have common sense laws I will continue to
116 support these laws. Sarah Moyle, 145 Kelling Drive, voice my support for this ordinance, why
117 do people even open carry? I heard I'm afraid; guns and fear should not go together. 2nd
118 people open carry because they want to intimidate. I don't think this kind of ordinance
119 prevents gun violence; it helps us examine why we have these mass shootings. Paul Felt, all
120 here are concerned about firearms. Unintended consequences, kids walking with an air soft
121 gun can get in trouble, consider if carrying a long arm in your pickup when hunting. Kurt
122 Pennington, 522 2nd Ave, not against open carry, my experience is people that open carry are
123 not your criminals, typically law abiding citizens, I feel like I'm talking against stacked odds,

124 I've been around guns all my life, I understand there is a lot of fear in the town, you need to
125 educate yourself, teach your children, the safe program by the State is great, in agreement we
126 need signage, I feel like everything like this ordinance takes more and more away from the 2nd
127 amendment rights, need to understand who the criminals are, they pick easy targets. (See
128 attached comments emailed in) **Public Hearing closed at 8:08 pm.** Trustee Oetting asked
129 Sgt Crist how they would handle someone who was open carrying in the parks? Sgt Crist, it is
130 a conversation/education. Signage is huge, do people even know the rules? We use
131 education and if it escalates we will treat it differently. Discussion on penalties. **Motion: move**
132 **to approve Moved by: Trustee Daty Seconded by: Trustee Williams MPT Farrell,** this
133 weighed heavy on me today. Glad I can be able to make a change. Trustee Daty, feel a huge
134 responsibility sitting in this spot, do not take it lightly. Our duty to keep our community safe.
135 Important to empower law enforcement. Mayor Rogin, Student Advisory Commission was
136 asked to weigh in as this is their future, they are in support of us passing both of these
137 ordinances. Trustee Oetting, the SAC held a special meeting to address; they understood
138 culturally where they are standing. They wanted to talk to kids with a different opinion. They
139 are scared, about what could happen and about the town's culture. Trustee Delman, gun
140 owners make a very valid point that the criminals aren't going to follow, but something needs
141 to be done. Trustee Elson, the bad guys are going to do what they are going to do but this is
142 a deterrent. Trustee Williams, this is a reasonable and enforceable law. Mayor I to believe
143 this is a step in the right direction. **Motion: amendment get language from MPT Moved by:**
144 **MPT Farrell Seconded by: Trustee Williams Discussion on definition of firearm. Motion**
145 **passes unanimously Motion: get language from Mayor Moved by: Mayor Rogin**
146 **Seconded by: MPT Farrell BD clarified these are exceptions. Motion passes unanimously**
147 **on amendment. Motion on ordinance as amended passes unanimously**
148 2. 2nd Reading – Public Hearing - Ordinance 1127 – An Ordinance of the Town of Lyons,
149 Colorado, Amending Section 16-3-210 of the Lyons Municipal Code to List Firearms Sales,
150 Firearms Manufacturing, Ammunition Sales, and Ammunition Manufacturing as Prohibited
151 Uses in the Commercial-Downtown (CD) Zoning District – Attorney Dittman provided
152 background; no current businesses affected. Recommend deferring to federal definition of
153 firearm. **Public Hearing opened at 8:33pm** Tiffany Martindale, 417 5th Ave, former
154 experience as Main St Manager, want to help local businesses, passing this is a powerful way
155 to honor the downtown businesses. Sends a message of welcome to those coming into our
156 community. Sarah Moyle, 145 Kelling, also support, economic consideration; I don't think any
157 limitations, however, in enforceability, ask you to carefully consider what commercial zoning is
158 that could inhibit the full enforcement of this ordinance. Gil Sparks, 2165 Apple Valley,
159 consider if you want to limit this to commercial firearms/ammo as opposed to someone
160 wanting to sell it to a friend. **Public Hearing closed at 8:37 pm. Motion: move to approve**
161 **moved by: Trustee Daty Seconded by: Trustee Williams Motion: amendment in last**
162 **whereas, Get language from MPT Moved by: MPT Farrell Seconded by: Mayor Rogin**
163 **Motion passes unanimously. Motion on ordinance as amended passes unanimously.**
164 **Five-minute break at 8:39 pm Meeting resumed at 8:50 pm**
165 3. 2nd Reading – Public Hearing - Ordinance 1129 – An Ordinance of the Town of Lyons, Colorado
166 Authorizing and Approving the Buy and Sale of Property Located at 2157 Apple Valley Road –
167 Director Caplan provided background; **Public Hearing opened at 8:52pm** no speakers **Public**
168 **Hearing closed at 8:53pm Motion: move to approve Moved by: Trustee Williams Seconded**
169 **by: MPT Farrell Motion passes unanimously.**
170 Check in with BOT – any items to move to next meeting if possible? Mayor suggested
171 dispensing with staff reports. And tonight, would have been Flood Manager Sanders last flood
172 recovery update; she is thankfully staying with the town and was given a gift on behalf of the
173 board.
174 4. 1st Reading - Ordinance 1130 - an Ordinance Of The Town Of Lyons, Colorado, Amending
175 Section 16-3-260 Of The Lyons Municipal Code To List Arts And Cultural Facilities And
176 Services And Nonprofit Organization Facilities And Services As Conditional Uses Within The
177 Municipal Facilities And Services Zoning District (M) – Director Caplan provided background;
178 text amendment to conditionally allow these uses per recommendation of PCDC. Trustee
179 Daty recused herself due to her relationship with LCF and LEAF. Left meeting at 8:58 pm
180 **Motion: move to approve moved by: Trustee Delman Seconded by: Trustee Oetting**
181 **Motion: amendment page 83 change "church" to "house of worship" Moved by: Mayor**

182 Rogin **Seconded by: MPT Farrell Motion on amendment passes unanimously. Motion**
183 **on ordinance as amended passed unanimously**
184

185 IV. Consent Agenda
186

- 187 1. Resolution 2022-71 – A Resolution of the Town of Lyons, Colorado Amending the Personnel
- 188 Handbook and Ratifying the Juneteenth Holiday
- 189 2. Resolution 2022-85 – a Resolution of the Town of Lyons, Colorado Ratifying an Access
- 190 Agreement with Circle K for a Ground Water Monitoring Well located at 0 Railroad Avenue
- 191 3. Resolution 2022-86 – A Resolution of the Town of Lyons, Colorado Approving the Third
- 192 Amendment to the Construction Agreement with Network Infrastructure Construction
- 193 Company, dba "NIXCO" for the GOCO Black Bear Hole and 2nd Ave Trailhead Project
- 194 4. September Accounts Payable
- 195 5. August 15, 2022, BOT Meeting Minutes
- 196 6. August 18, 2022, Special BOT Meeting Minutes
- 197 **Motion: move to approve Moved by: Trustee Daty Seconded by: Trustee Oetting Motion**
198 **passes unanimously**
199

200 V. Items Removed from Consent Agenda
201

202 VI. Boards & Commissions

- 203 1. Mayoral Appointments:
 - 204 a. Tiffany Martindale to Economic Vitality Commission (EVC)
 - 205 b. Eric Lennert to Economic Vitality Commission (EVC)
- 206 2. Utility and Engineering Board Update – Jim Kerr, Chair of UEB provided report; page 6,
- 207 opportunity to transition to higher grade of electric, have raised rates; would like board
- 208 direction. Discussion on rate study, solar rates, efforts to get renewable energy, and
- 209 battery storage. MPT Farrell asked if the UEB felt it was being represented in the comp
- 210 plan? Jim, on my agenda this week to read the update. As a whole the utilities are not
- 211 being represented. Discussion on Inflation Reduction Act and tax credits for
- 212 municipalities.
213

214 VII. General Business

- 215 1. Resolution 2022-87 – A Resolution Of The Town Of Lyons Accepting 2 Lake McIntosh
- 216 Reservoir Company Water Shares For The Water Dedication From Spirit Hound Distillers
- 217 And Rescinding The Requirement To Provide Cash In Lieu Of Shares – Director Caplan
- 218 provided background; **motion: move to approve moved by: Trustee Daty Seconded by:**
219 **Trustee Williams motion passes unanimously**
220

221 VIII. Trustee Reports

- 222 1. Trustee Williams -HPC has not met this summer, meeting next Thursday.
- 223 2. Trustee Elson – EAB met last Thursday, would have like to be involved with the goats,
- 224 concerned with the trees across the street dying. SFC to make a budget request for a staff
225 position.
- 226 3. MPT Farrell – ask PCDC to review STR's in AG zone and come back with recommendations.
- 227 Fire protection issues, what is our 2022 budget, what has been spent and what is remaining?
228 Status of Martin Parcel? RFP to mitigate, what is scope and status? Reopen discussion with
229 Fire Protection District and look at grant opportunities? How can town support residents to
230 reduce fire risk. Dates/info on limb program. Ask PCDC to attend comp plan open house in
231 October. Look at expanding the firearm zoning to safe spaces. Disappointed in draft of comp
232 plan; challenging to draft a map. Oct 10th open house with Clarion, budget standpoint, we
233 might need to extend our wish list of a January adoption of comp plan. Can we send a letter
234 of support for Sgt. Crist to stay as well as communication on where residents can contact
235 BOCO on spraying.
- 236 4. Mayor Rogin – BOCO planning gave a thumbs down on the CEMEX application.
237 Commissioner meeting on September 14th; LAHC has not met; MPT and I going to CML
238 district meeting tomorrow.
- 239 5. Trustee Oetting – Next UEB meeting not for a while; Growing Water Smart meeting in Estes;
240 I can't attend; SAC will work on items from their priority list; mental health issues on kids in
241 town. Many kids in stress not feeling they are not in the right culture, no services from the

242 town or in Lyons. Officer Rosi may not be back here as well; he is funded as a coach, would
243 hate to lose him as well.

244 6. Trustee Daty – EVC met 8/17, thanked Brianna Hoyt, wants to know when her position will
245 be posted/job description. Anyone can be a member of the chamber; they need financial
246 support. The town used to be a cornerstone member; happy to attend the chamber meetings
247 on behalf of the town. Would like to ask for budget money for membership. Would like to
248 meet/visit with Lynette Anderson's replacement/OUR center representative.

249 7. Trustee Delman – PRC no update; Rocky Mtn Rescue, member for 19 years, want our
250 support for fire/EMS rescue services for the county. Want a percentage to support areas not
251 covered.

252 8. Mayor Rogin asked if any interest in postponing the executive session. **Motion; move to**
253 **postpone to 9/19 Moved by: Mayor Rogin Seconded by: Trustee Daty Motion passes**
254 **unanimously**

255

256 IX. Staff Reports

257 a. Flood Recovery Update

258 b. Legal Update

259

260 X. Summary of Action Items:

261 1. Address bus stops w/parking directly in front of.

262 2. Send word doc budget worksheets to board

263 3. BOT to complete budget worksheets by end of next week; email to clerk/town
264 administrator

265 4. Have town staff review fee schedule/staffing and recommend changes for budget.

266 5. Sgt Crist to share new BOCO Sheriff's email with BOT

267 6. Ordinance 1130 to 2nd reading

268 7. Ask PCDC to review STR's in AG zone and come back with recommendations.

269 8. Fire protection issues, what is our 2022 budget, what has been spent and what is
270 remaining?

271 9. Status of Martin Parcel? RFP to mitigate, what is scope and status?

272 10. Reopen discussion with Lyons Fire and look at grant opportunities?

273 11. How can town support residents to reduce fire risk.

274 12. Dates/info on limb program.

275 13. Ask PCDC to attend comp plan open house in October.

276 14. Look at expanding the firearm zoning to safe spaces

277 15. Send a letter of support for Sgt. Crist to stay in Lyons

278 16. Communication to residents on how they can contact BOCO on spraying.

279 17. When will Main Street Manager position be posted/job description?

280 18. Budget item for Chamber membership

281 19. Meet Lynette Anderson's replacement/OUR center representative.

282 20. Revisit sidewalk study

283 21. Look at loan program/Code enforcement on ADU

284

285 XI. Executive Session - Executive session pursuant to C.R.S. Sections 24-6-402(4)((a)) For the
286 purpose of the discussion of the sale of Town-owned property at the former water treatment
287 plant facility site located at 2186 and 2188 (aka 0 N. St Vrain Drive) Apple Valley Rd and N
288 St Vrain Dr, Mountains, CO 80540

289
290 XII. Adjournment – **Motion: move to adjourn Moved by: Trustee Williams Seconded by:**
291 **Trustee Daty Motion passes unanimously. Meeting adjourned at 9:55 pm.**

292

293

294 Respectfully submitted by:

295

296

297

Dolores M. Vasquez, CMC – Town Clerk

Hear
Mayor Hollie Rogin