

Workshop 5:30 pm – 6:45 pm
Wastewater
Treatment Plant Influent Concerns – Joe/Victoria

DRAFT AGENDA

TOWN OF LYONS

TUESDAY, JANUARY 2, 2018 @ 7:00 pm

SHIRLEY F. JOHNSON COUNCIL CHAMBER
LYONS TOWN HALL, 432 5TH AVENUE, LYONS, COLORADO

- I. Roll Call and Pledge of Allegiance
Present: Mayor Connie Sullivan, Mayor Pro Tem Greenberg, Trustee Mike Karavas, Trustee Juli Waugh, Trustee Jim Kerr, Trustee Barney Dreistadt.
Absent/Excused: Trustee Wendy Miller.
- II. A Reflective Moment of Silence
- III. Approve Agenda
- IV. Boulder County Sheriff's Report, Sgt Bill Crist
Sgt Bill Crist gave an update on Sheriff Joe Pelle's son Jeff who was injured in the line of duty. The new schedule for deputies will be starting the first of February. Deputies will be changing shifts to 12 hours from 6:00 am to 6:00 pm and 6:00 pm to 6:00 am. They are also going back to a larger district on January 25, 2018 which will allow for more response as needed.
- V. Staff Reports
 1. Flood Recovery – Flood Recovery Manager Richard Markovich reported that FEMA authorized the purchase of the Public Works site. The Town will be hiring an independent engineer to develop the site for access off of Highway 66. This will take pressure off of town staff but still allow the Town to be involved. FEMA will be viewing version requests.
Administrator Simonsen reported that the Boulder County Collaborative shifted funds to award the Town of Lyons 1 million dollars for the Public Works building. Prices have changed in 4 years and the facility was not adequate. Now that the site is outside of town there are additional needs, and it will be a fully functioning building.
Mayor Sullivan stated the BOT would like to send a note of thanks to the Collaborative.
Flood Recovery Manager Markovich reported it was important to secure this funding at this time; the Lyons Fire Protection District is considering adoption of the 2015 fire code, which will require a sprinkler system in the new building. Sustainability will also be included; we are hoping to show the insurance company that. We will reconsider the temporary building and if it is cost effective to relocate.
McConnell Drive Bridge project is moving forward quickly, the emergency drive is in place. We are asking the board to approve an on-site project manager today. Phase I is complete, Phase II came in at estimated costs and will start sometime this month.
The 4th and Evans cul-de-sac, the original version did not include improvements. We will seek additional funding for features.
Mayor Sullivan asked if the contract for McConnell bridge project manager would affect the grant for staffing. Administrator Simonsen stated that it would not; it is additional funding separate from grants for staffing.

Mayor Sullivan stated in regards to the cul-de-sac, citizens are anxious to see that are we going to still do that.

Flood Recovery Manager Markovich stated it was just a basic roadway request to begin with, and then the cul-de-sac was considered. We feel that is the correct direction due to 2 cars not being able to pass each other. Engineers that were hired came up with the cul-de-sac/eyebrow, can do this in the version request funded by FEMA. For the guardrail and wall, we can look for other funds to do this project or put in another version to FEMA

Administrator Simonsen stated we have identified a few different ideas; we only have one version left if submitted now it will go to the bottom of the list. Instead we have \$135,000 to put the road back, put back one car one direction and build in a natural speed bump.

If we want a cul-de-sac we will have to have other funding, versus holding up the PAP. Mayor Sullivan stated this is bad news for some on that street. Flood Recovery Manager Markovich stated we are looking to achieve the objective.

Administrator Simonsen stated, another alternative is we could use the CDBG-DR funds for paving, but then we would not be able to pave other streets that were damaged in the flood.

Mayor Pro Tem Greenberg asked about outreach, what is the plan to do some outreach?

Flood Recovery Manager Markovich stated the version request was the last ditch effort to add on the additional work but they advised us against it, not sure what the next step will be.

Administrator Simonsen stated we have contacted the residents; we will move forward and hopefully get some other funding for the cul-de-sac.

Administrator Simonsen reported that the annual CIRSA property inspection was complete, we need to address, sooner than later, 2 ADA parking stalls at Town Hall. This creates some challenges for us, the area closest is not at a good grade and the other is not paved. This was not budgeted for and we will have to address.

The Town did complete the inventory that was required for the audit.

VI. Audience Business

1. Town of Lyons Mayor's Proclamation in Support of Radon Action Month in Colorado
Mayor Sullivan – Mayor Sullivan read the proclamation during Trustee Reports

VII. Board and Commission Updates – None presented

VIII. Ordinances and Public Hearings

1. Public Hearing - Ordinance 1025, an Ordinance of the Board of Trustees of the Town of Lyons Amending Chapter 13 of the Lyons Municipal code to Enact a New Article 6 Concerning the Establishment and Administration of a Storm Water Utility Enterprise and the Imposition of Storm Water Fees and Storm Water Utility Formation (This item was continued from the December 8, 2017 BOT meeting)

Town Attorney Guckenberger staff report attached.

UEB Chair Aaron Caplan reported the UEB has had time to go over the ordinance and discussed including fees by zoning; rates for storm water; Flat rate vs. percentage based, examples from other communities. Much storm water is collected in Boulder County and is moved through Lyons to the river. This may justify more of a flat rate structure. Make Storm water Section 5 and follow other utility code format.

Board discussion on Agriculture zone exemptions, research on rates, and attorney's recommendation of a rate study.

Trustee Kerr stated we already had a study done and it doesn't seem that the fee is high enough to cover what we have, or not enough to cover what is in the study.

Trustee Dreistadt asked is there urgency to this.

Town Attorney Guckenberger stated not from my perspective, you could ask for further review and study.

Chair Caplan stated the UEB feels we can do a rate study. There is \$60,000 allocated for the rate study, we have a capital improvement plan, staff who can give numbers for maintenance, what is equitable to the various users, have everyone pay their portion.

Town Administrator Simonsen stated to clarify, we have \$40,000

Trustee Dreistadt asked for staff recommendation.

Town Administrator Simonsen stated we reach out to see if there is technical assistance to look at our proposed schedule.

DOLA has some grants; we put out an RFP to see what the cost of a rate study would be.

Trustee Dreistadt stated passing the ordinance now may be premature. We need to understand the frame work first.

Public hearing opened at 7:55 p.m.

1. LaVern Johnson, Evans Street, I think it's a waste of money to do the rate study, charge the \$10 and start collecting and let the boards refine it. Ms. Johnson stated I think \$10 is plenty, there are those with limited income to consider, water and sewer is high, people can only pay so much.

2. Coco Gordon, 5th Ave, I am on the UEB but speaking on behalf of myself. It is logical to have something steady to count on, a minimal amount to charge makes a lot of sense to have funds set aside for start projects.

Public Hearing Closed at 7:59 p.m.

Trustee Dreistadt stated a lot of great work has been done, I would feel more comfortable if the UEB had more time to work on it. Validation of independent third party study, we should continue until that work has been done.

Trustee Kerr stated the UEB has looked at this and recommended \$10 per month, and allocating fees per unit vs. impervious property. We won't find out more with the study; what if someone did contest would we pay it back?

Town Attorney Guckenberger stated there could be a potential for a refund.

Trustee Kerr stated I think it is very unlikely to happen. I would be more for passing right now, and then get a sense. Consistency with the code should be addressed prior to adopting. We could delay for that purpose, but not for a rate study, I don't think it is needed.

Trustee Karavas agreed with Trustee Kerr, I don't want to spend more money on a rate study, we have already done some, and I'm in favor of moving it forward and make adjustments if needed along the way.

Trustee Waugh concurred with the other trustees. Mayor Sullivan asked did we budget an amount.

Town Administrator Simonsen stated we budgeted \$66K in fees collected in 2018 and \$40K in expenses.

Mayor Pro Tem Greenberg stated I think this board needs to get this going. I am okay with public testimony, \$10 is reasonable and remove exemptions for agricultural zones. Do we need to exempt town park property? Attorney Guckenberger stated yes, it is obligated to pay unless the Board exempts it.

Mayor Pro Tem asked has anyone figured out how much the Town would be charged?

Mayor Sullivan stated we have been talking about this for a long time, we want to get done. It may not be perfect; I like the structure of it more than the other enterprise codes. I would defer to the town attorney to make it a high priority. Do not delay to reformat. I believe anyone would have a hard time saying this is an unreasonable fee for the amount of work that has been identified to be completed. Maybe consider this an initial base fee and we can build on this. We have relied on the UEB for other rates also; I think a flat fee is defensible. I agree with removing the Ag exemption. I hate to kick this to a brand new board, Questions use of the fund 13-6-50 for only construction and maintenance, could this also require property for retention. Town Attorney Guckenberger stated it would follow under construction, maintenance and operation. Mayor Sullivan stated over all this is a very thorough ordinance, my preference is to move forward with this tonight.

Mayor Sullivan stated 13-6-60 should be taken out, set all by ordinance to be consistent, fee shall be imposed as follows...Town Attorney Guckenberger stated the BOT can direct amendments or ask staff and the UEB to work together and continue the ordinance tonight and bring it back to the BOT with changes.

UEB Chair Caplan stated part d shouldn't be a b or c.

Mayor Sullivan asked for a motion.

Motion: Mayor Pro Tem Greenberg moved to approve Ordinance 1025 with the following changes: Remove language adopting fee schedule by resolution and add language to be adopted by ordinance, add language to B.1. - add and all town owned properties as exemption and other public row, remove B.2 and move B.3 to B.2., and add section for fee to be included as section C. to charge a fee of \$10 per customer per month and exemption as section C., and allow fees to be changed by ordinance.

Trustee Dreistadt asked for a friendly amendment to add a whereas clause that as storm water runoff causes negative health and safety impacts to the town.... And move the fees to prior the exemptions.

Mayor Pro Tem Greenberg and Trustee Waugh accepted the friendly amendment.

Direction to staff that UEB validate the rate study and staff pursues technical assistance. Trustee Waugh added she would like the town to track the accountability to the town.

Action: Approve, **Moved by** Mayor Pro Tem Greenberg, **Seconded by** Trustee Juli Waugh. Motion passed unanimously.

IX. Consent Agenda

1. Resolution 2017-135, a Resolution Approving a Lease of Town Owned Property with Telluride Bluegrass Festival, Inc, for the 2018 Rocky Grass Festival
2. Resolution 2017-136, a Resolution Approving a Lease of Town Owned Property with Telluride Bluegrass Festival, Inc, for the 2018 Folks Festival
3. Resolution 2018 -1, a Resolution Designating the Original Public Notice Location and the Official Newspapers of General Circulation for the Town of Lyons, Colorado
4. Resolution 2018 -3, A Resolution Approving a Professional Services Agreement with StS Environmental, LLC for Sampling and Analysis of the Town's Sewer Collection System
5. Resolution 2018 -5, A Resolution Awarding the Bid for the Lyons Valley River Park In-Stream Restoration Flood Recovery Construction Project (Project No. PW: 20F) to and Approving a Construction Agreement with Colt & Steel Corporation
6. Resolution 2018 -6, A Resolution Awarding the Bid for Construction Observation Services for Construction of McConnell Bridge to and Approving a Professional Services Agreement with Loris and Associates, Inc.
7. First Reading - Ordinance 1026, an Ordinance of the Town of Lyons Adopting a New Article 10 to Chapter Four of the Lyons Municipal Code Imposing a Lodging Excise Tax for the Town of Lyons Effective [June 1, 2018](#) if Approved by the Registered Electors of the Town of Lyons at an Election to be Held [on April 3, 2018](#).
8. December 2017 Accounts Payable

Trustee Dreistadt asked to have item #2 removed

Mayor Sullivan asked to have item #1 removed

Motion: Trustee Karavas moved to approve items 3 – 8 on the Consent Agenda

Action: Approve, **Moved by** Trustee Mike Karavas, **Seconded by** Trustee Juli Waugh. Motion passed unanimously.

X. General Business

1. Discussion/Direction to Staff from Workshop

Town Administrator Simonsen stated in the workshop staff gave the BOT an over view of some of the influent issues at the WWTP, BOD demand and caused by different organics going to the WWTP. BOT

gave direction to staff to work with local businesses and help them come into compliance, make sure that what is in a proposed ordinance is implementable instead of suggesting items that are impossible due to cost or historic building restrictions. Mayor Sullivan stated she would like an action plan to be brought to the BOT the first meeting in March along with the ordinance and to set a goal of receiving BOD at levels of 500 or less by March. BOT all agreed to this plan.

XI. Items Removed from Consent Agenda

1. Resolution 2017-135, a Resolution Approving a Lease of Town Owned Property with Telluride Bluegrass Festival, Inc, for the 2018 Rocky Grass Festival

Mayor Sullivan asked why the format of the contract changed so drastically this year and Section 7 regarding lease, the language was 50% of the maximum, the BOT wanted to put a minimum amount now that PBG Farm will be camping and parking cars. Town Attorney Guckenberger explained that there is an 'opportunity' cost for closing the park entirely because the entity has its own parking, we should be guaranteed a minimal. Parks/Public Works Director Cosgrove stated the average is \$38K - \$45K for both events. Mayor Sullivan asked what the objection was from PBG. Brian Eyster, representing PBG, stated Rocky Grass did not specify a minimum but identified 800 max, the average numbers pre-flood were 750 with a minimum of 700 and maximum of 800, those are the numbers that both parties were comfortable with, PBG is planning to park cars at Bohn and parking and camping at the Planet Bluegrass Farm this year (300 vehicles). Trustee Miller stated we may have to revise the format in 2019 when we have more information on use of the Planet Bluegrass Farm parking. Mayor Pro Tem Greenberg stated the intent of Planet Bluegrass Farm is that they will still camp 700 campers at LMJ Park, can this be confirmed. Town Attorney stated this should be taken back one more time and have it written clearly.

Motion: Trustee Waugh moved to continue Resolution 2017-135 to the January 16, 2018 BOT meeting for approval with minimum amounts and dollars specified

Action: Continue, **Moved by** Trustee Juli Waugh, **Seconded by** Trustee Mike Karavas.

Motion passed unanimously.

2. Resolution 2017-136, a Resolution Approving a Lease of Town Owned Property with Telluride Bluegrass Festival, Inc, for the 2018 Folks Festival

Trustee Dreistadt stated smoking is prohibited in the parks and that is not included, liquor in the parks is mentioned so shouldn't smoking be referenced also, at the festivals smoking is allowed in campers and tents.

Motion: Trustee Karavas moved to LMC Section 11-4-100 to (K) Local Ordinance Conformance in the Lease. **Action:** Approve, **Moved by** Trustee Mike Karavas, **Seconded by** Trustee Barney Dreistadt.

Motion passed unanimously.

XII. Trustee Reports (5 minutes per person)

Trustee Dreistadt stated the LAHC would have a new display in the Council Chambers by the next BOT meeting.

Mayor Pro Tem Greenberg stated the library site plan review are very close to being done and asked that staff include the site plan review in staff reports as soon as they are available.

Trustee Karavas thanked staff and the UEB for the work on Ordinance 1025.

Trustee Waugh stated the marketing tourism grant subcommittee is moving along quickly and will be presenting to the BOT. EDC will be setting their goals at their next meeting.

Mayor Sullivan stated DRCOG is changing the structure on how to allocate money for projects, there will be a new format that benefits small communities, similar to the Boulder County Collaborative they would sub allocate to the county, they are asking us to approve an IGA to work together as a sub group through Boulder County, this may be a really good deal for the town to get some small projects done. Mayor Sullivan stated the IGA would be brought to the BOT.

Mayor Sullivan read the Radon Proclamation.

XIII. Executive Session was not called for tonight.

XIV. Adjournment

Motion: Mayor Pro Tem Greenberg moved to adjourn at 9:10 pm

Action: Adjourn, **Moved by** Mayor Pro Tem Greenberg, **Seconded by** Trustee Mike Karavas.

Respectfully submitted by:

Deb Anthony, MMC – Town Clerk

Mayor Connie Sullivan

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