

**TOWN OF LYONS, COLORADO  
RESOLUTION 2018- 90**

**A RESOLUTION OF THE TOWN OF LYONS RATIFYING THE DECISION MADE BY THE  
BOARD OF TRUSTEES AT THEIR REGULAR MEETING ON SEPTEMBER 17, 2018  
TO UPHOLD THE TOWN ADMINISTRATOR'S DECISION CONCERNING THE LYONS  
PROPERTIES APPEAL OF THE TOWN ADMINISTRATOR'S DECISION PURSUANT TO  
LYONS MUNICIPAL CODE SECTION 13-1-210**

**WHEREAS**, Lyons Properties, LLC owns subject property located at 501 W. Main Street, Lyons, CO.; and

**WHEREAS**, the subject property which served as River Bend Trailer Park was heavily damaged in the 2013 flood and has been re-developed through a Planned Unit Development Agreement and now serves as River Bend Wedding Venue and Wee Casa Tiny Homes Resort; and

**WHEREAS**, On January 12, 2016, The Town of Lyons and Lyons Properties, LLC entered into a Memorandum of Agreement (MOA), and

**WHEREAS**, the utility fees had been accruing monthly for utility taps retained and associated usage fees, as with every flood account in the Town of Lyons; and

**WHEREAS**, Lyons Properties, LLC was disputing the number of sewer taps allocated and utility fees. Lyons Properties, LLC had not made utility payments on the account and had accrued a delinquent amount of \$56,276.67; and

**WHEREAS**, On July 19, 2018 Lyons Properties, LLC made a "good faith" payment of \$5,000.00; and

**WHEREAS**, On July 25, 2018 Lyons Properties, LLC was sent a Notice of Deficiency and Termination for the delinquent amount of \$49,903.72; and

**WHEREAS**, On July 31, 2018 Lyons Properties made a payment of \$27,440.03 and submitted a Notice of Formal Appeal; and

**WHEREAS**, On August 6, 2018 Lyons Properties, LLC met with Town Administrator and Town Staff and a written request was submitted requesting extension of shut-off deadline and appealing the Town Engineer's sewer tap calculations; and

**WHEREAS**, On August 7, 2018 Lyons Properties, LLC requested a 12-month payment plan to bring account current and an Appeal of the Town Administrator's decision pursuant to Lyons Municipal Code Section 13-1-201; and

**WHEREAS**, An Appeal was set for the September 7, 2018 Regular Board of Trustees Meeting and the Administrator granted a 12-month payment plan executed by Mr. Stephen Beck on August 8, 2018 on behalf of Lyons Properties, LLC; and

**WHEREAS**, the Board of Trustees at their Regular Board of Trustees Meeting on September 7, 2018 heard the Appeal of the Town Administrator's Decision, and received evidence from both Lyons Properties, LLC and Town Staff; and

**WHEREAS**, the Board of Trustees at their Regular Board of Trustees Meeting on September 17, 2018, upheld the Town Administrator's decision to enforce the Memorandum of Agreement; including the Town Engineer's sewer tap calculations, and utility fees owed.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF LYONS, COLORADO THAT:**

**Section 1.** The foregoing recitals are incorporated herein by reference.

**Section 2.** The Board of Trustees unanimously voted to uphold the Town Administrator's decision regarding enforcement of the Memorandum of Agreement between the Town of Lyons and Lyons Properties, LLC regarding all provisions including the Town Engineer's sewer tap calculations, payment of delinquent utility charges.

**Section 3.** This resolution shall take effect immediately upon its approval by the Board of Trustees.

**ADOPTED THIS 1<sup>st</sup> DAY OF OCTOBER 2018.**

TOWN OF LYONS, COLORADO

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Connie Sullivan, Mayor

ATTEST:

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Deb Anthony, MMC – Town Clerk