

# Workshop 5:30 pm – 6:45 pm

## BUDGET/GENERAL FUND BOARD LIAISONS, BUDGET ITEMS AND REQUESTS

### MINUTES TOWN OF LYONS

**7:00 P.M., MONDAY, NOVEMBER 7, 2016**

BOARD OF TRUSTEES MEETING  
SHIRLEY F. JOHNSON COUNCIL CHAMBER  
LYONS TOWN HALL, 432 5<sup>TH</sup> AVENUE, LYONS, COLORADO

I. Roll Call and Pledge of Allegiance

**Roll Call. Present:** Mayor Connie Sullivan, Mayor Pro Tem Dan Greenberg, Trustee Mike Karavas, Trustee Juli Waugh, Trustee Jim Kerr, Trustee Barney Dreistadt, Trustee Wendy Miller.

II. A Reflective Moment of Silence

III. Approval of the Agenda

**Motion:** Mayor Pro Tem Greenberg moved to approve the Agenda

**Action:** Approve, **Moved by** Mayor Pro Tem Dan Greenberg, **Seconded by** Trustee Jim Kerr. Motion passed unanimously.

IV. Boulder County Sheriff Report, Sgt Bill Crist –not present

V. Staff Reports

1. Update on Grease Trap Inspections

Code Enforcement Officer Amy Lynn reported to the BOT how a major part of operating and maintain the new wastewater plant is ensuring all commercial discharge to the sanitary sewer is properly pretreated. Code Enforcement/Public Works staff will be inspecting all grease traps in food establishments. Fats, Oils and Grease (FOG) can be a major problem for a sewer system and can lead into backups. Restaurants are a significant source of FOG; the FOG program is intended to prevent FOG from entering the sewer system. Grease traps are required in all food preparation establishments per the town's municipal code. The town will begin routine inspections of all grease traps/interceptors in January 2017; this will also include the wastewater classification survey.

BOT discussion concerning working with businesses, being sensitive to the business owners, work with owners on what is required and work with them to get the grease traps in place, help business owners fill out classification survey, understanding the difference between traps and interceptors, quarterly reports versus weekly reports, for the reporting to be reasonable and not a burden, updating the code to be clear on what the town wants. 

2. Cash flow projections and assumptions for flood recovery projects

 Town Administrator Simonsen and Finance Deputy Director Margi McDonald presented the cash flow projections and assumptions for flood recovery projects. Town Administrator Simonsen stated the BOT may want to have a workshop to go over all of this information. Finance Margi McDonald stated the cash position and November projections are looking quite dire since the last presentation, funds have been reduced by nearly \$2, 000,000 since last month. BOT discussion concerning the time it takes get reimbursements from the state and FEMA, process to get the money back, criteria for supporting documents, biweekly phone calls with the state and FEMA concerning the town's request for reimbursement,

Lyons gets the payables in quickly, the town is paying big bills now due to LaVern Johnson Park and the Confluence area right now. Finance, Margi McDonald stated at this rate the town will run out of money if the stated doesn't start reimbursing the town faster for projects. Ms. McDonald stated the town has not been able to accurately predict when the payments will come in, but should have an estimate by the end of November. BOT discussion concerning the advance from the state, how to maneuver projects so cash flow stays the same, the projects coming up are high dollar projects, the need for a work shop to prioritize the projects that are critical to the town, the cash flow projections and assumptions, the state has not populated the spread sheet yet. Mayor Sullivan stated it was an eye opener to Senator Bennett when he was here yesterday; we took him around to see the 2 bridges, Bohn Park and the trailer court that has not been cleaned up yet. Mayor Sullivan stated Senator Bennett was surprised that the town has so many big projects left. Mayor Sullivan stated we are going to have to keep asking until we get the response we need. The BOT asked to have the spread sheet simplified to show critical infrastructure projects.

### 3. Lyons Valley Park Filing #8 Electric Infrastructure Update

 Town Administrator Simonsen reported Markel has started Filing #8B, which is near completion. Markel has contacted NLine to install the underground electric and as a part of this the town staff has become aware of a clause in the original 1986 SIA where the town agreed to incur the cost of electric infrastructure in all the filings. Town Attorney Guckenberger has reviewed the documents and agrees the town is responsible. The cost to the town for this filing is \$51,000; Public Works Director Miller feels that he has it in his budget. Town Attorney Guckenberger stated the town can amend the IGA to avoid this with the future filings and how to flag it for future boards.

### 4. Emergency Authorization of Purchase of Lift Station Pump for Eagle Canyon

 Town Administrator Simonsen stated during my absence a lift station pump at Eagle Canyon has failed and needs to be replaced as soon as possible. Town Finance Director Cavalier approved the replacement pump. This is something that you can't wait for two weeks for the BOT to meet you have to get it ordered right away. Notification was sent out to the Mayor when it was ordered. Mayor Sullivan stated Town Finance Director Cavalier did notify her. The lift station is currently running on one pump, the pump that failed will be replaced as soon as the new pump comes in.

### 5. Town Administrator Simonsen stated she has received the resignation of Jacque Watson, Deputy Town Clerk. Ms. Watson will work through the end of November and then use paid time off through December 2016.

Town Administrator Simonsen stated Lyons has been selected as one of the Best Small Adventure Town in Colorado and will be featured in the Elevations Magazine. Mayor Sullivan congratulated Arielle Hodgson on this.

## VI. Audience Business

1. Aaron Caplan, Lyons, stated he had attended the Lyons Prepared Meeting concerning the high water mark initiative through National Flood Insurance. Town Administrator Simonsen stated the town is working on this along with the town engineers and will work with Lyons Prepared.
2. Johnathon LaCross, Lyons, stated he has 4 children and they want to have a pool. Mr. LaCross stated he checked with the HOA and a fence can't be over 3 feet, then checked with the town and found that the Lyons Municipal Code requires a minimum of a 6 ft fence to the maximum of an 8 ft around a swimming pool although the International Residential Building Code only requires a 4 ft fence. The BOT asked staff to come to the BOT with a recommendation.
3. Bonita Yoder, Lyons resident stated she wanted to acknowledge Rosi Dennett – Front Range Land Solutions for her steadfast consistency in dealing with grant applications. Ms. Dennett went above and beyond, she tracked me down and helped me meet the deadline. I am

requesting that you bring her back to finish the work she started. Though I am not privy to your internal investigations, I talked with town employees Joe Kubala and Christy Crosser and they are concerned about the institutional memory loss without Ms. Dennett to finish the remaining 2 buyouts and 2 elevations that remain to be completed. Ms. Yoder also stated it will be a big loss for the town to lose Jacque Watson, I appreciate all the work she has done. Mayor Sullivan thanked Ms. Yoder for coming and speaking tonight and stated that she knows many people appreciated Ms. Dennett's contributions and we have not discussed yet how to fill the gap.

- VII. Boards and Commissions – no one from Boards or Commissions spoke tonight.
- VIII. Consent Agenda
  - 1. Resolution 2016-93, a Resolution Approving a Professional Services Agreement with Tri-State Fireworks, Inc.
  - 2. Resolution 2016-94, a Resolution Approving a Contract with Design Concepts for a Land Use and Management Plan for Newly Acquired Properties
  - 3. Resolution 2016-95, a Resolution Approving an Intergovernmental Agreement (IGA) Between the Town of Lyons (the “Town”) and the Lyons Regional Library District (the “District”)
  - 4. Resolution 2016-96, a Resolution Approving an Amendment to the Services Agreements with Industrial Automation Gurus, LLC to Provide and Install Water and Sewer SCADA Upgrades
  - 5. November 2016 Accounts Payable
  - 6. October 3, 2016 BOT Meeting Minutes
  - 7. October 5, 2016 Special BOT Meeting Minutes
  - 8. October 10, 2016 Special BOT Meeting Minutes
  - 9. October 24, 2016 Special BOT Meeting Minutes

Town Clerk Anthony read the Consent Agenda into the record.

Trustee Dreistadt asked to pull item VIII-2 Resolution 2016-94

**Motion:** Trustee Karavas moved to approve the Consent Agenda with the exception of Resolution 2016-94.

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

- IX. General Business
  - 1. Update/Discussion concerning Waste Water Treatment Plant  
Gary Berngard, Honeywell's Program Manager presented his report to the BOT – report is attached to the minutes. Finance Deputy Director Margi McDonald gave the financial review of the project. UEB Chair, Aaron Caplan inquired about the water usage being high for one month. Discussion concerning FOG and the state requiring 7day a week over sight has gone down to 5 days and soon will be down to 3 days. Mr. Berngard commended town code enforcement Amy Lynn for working with commercial properties to work towards being in compliance with grease traps/interceptors. Mayor Sullivan asked about the sustainable goals and if we were able to accomplish any and would we be able to in the future. Mr. Berngard stated advanced ecological would not bring energy savings but the sludge that is being hauled one day per week could be refined to Class A Biosolids, the BOT could consider a pilot project to conduct on site and start a greenhouse that could sell Class A Fertilizer.  
Mr. Berngard invited the BOT to the Grand Opening of the WWTP at 11:00 am, November 18, 2016, there will be food and tours of the new plant.  
The BOT thanked Mr. Berngard/Honeywell for all they have done for the town, including the Town Hall Plaza and the new WWTP.

**Motion:** Trustee Waugh moved to amend the agenda to discuss item #2 from the Consent Agenda to item #2 under General Business

**Action:** Approve, **Moved by** Trustee Juli Waugh, **Seconded by** Trustee Barney Dreistadt. Motion passed unanimously.

2. Resolution 2016-94, a Resolution Approving a Contract with Design Concepts for a Land Use and Management Plan for Newly Acquired Properties

Flood Recovery Manager Matt Manley reported The Town of Lyons has successfully completed a process for soliciting proposals in an effort to identify a preferred consultant team to create a Land Use & Management Plan for Newly Acquired Properties. The funds for this project were awarded to the Town of Lyons through a Community Development Block Grant – Disaster Recovery (CDBG-DR) grant which is being administered by the Colorado Department of Local Affairs (DOLA). This process is intended to evaluate and plan for the future use of the vacant parcels in a way that reflects the desires of the residents of the Confluence Neighborhood, balances the needs and operational constraints of the Town of Lyons, and gives consideration to the vision of all residents of Lyons, while abiding by the deed restrictions imposed on the sites. This planning effort is critical for the Town to properly plan for the flood recovery and future management of these parcels in accordance with the open space restrictions. The Lyons community must effectively weave these properties into their existing parks, trails, and open space system and work with neighborhoods and adjacent property owners on possibly finding unique opportunities to collaborate on potential uses while taking into consideration ongoing operations and maintenance efficiencies, revenue generating potential, and identifying ways to ensure that these properties fit with the overall character of the community. The desired outcome of this project is six fold:

1. To plan for new, alternative passive and active recreational uses of those properties that have been/will be acquired by the Town of Lyons.
2. Plan for the expansion and connectivity of properties to parks, schools, central business district, public facilities, neighborhoods, and existing and proposed trail systems, including regional trail facilities.
3. Provide for safe access to the St. Vrain River corridor - the center piece of the Town's parks and trail system.
4. Ensure that any new or reconstructed facilities will have the resiliency to withstand future flood events and provide for the further protection of the Town of Lyons - flood conveyance, mitigation and resiliency.
5. To create sustainable municipal revenue stream(s) to assist in the operations and maintenance costs and other Town services through increased visitation of Lyons parks, cultural, and special events.
6. Increase both passive and active recreational opportunities for Town residents and visitors, including physically or access-challenged persons.

The planning process is intended to include a series of public meetings soliciting public input and allowing stakeholders the opportunity to provide feedback regarding the planning effort throughout the process. Specific property owners, neighborhoods, stakeholders, and others may be contacted to ensure proper communication and feedback occurs. Once the community engagement process has been completed and favorable conceptual uses have been identified, the consultant will be tasked with creating illustrative designs (perspectives, plan views and cross-sections) of the various lots which will become part of the Town of Lyons Parks and Open Space Network. Once the preferred alternatives are determined and vetted against the deed- restrictions and flood-mitigation standards, a Management Plan will be developed along with a fiscal impact analysis. Lastly, the consultant team will be tasked with helping to identify funding sources that can be targeted toward the adaptation of vacant lots. Lyons is pursuing all funding sources available to implement recovery efforts; however there are no discretionary funds available to the Town for the implementation phase of this plan.

A final draft of the **Lyons Flood Recovery Land Use and Management Plan for Acquired Properties** shall include:

- **Conceptual Use Plan** including site specifications, design elements, user information, etc.
- **Conceptual Designs** including a variety of illustrations for alternative and preferred uses
- **Management Plan** including Fiscal-Impact Analysis

An RFP for this project was written by Town Staff and vetted by members of the Town's Finance Dept. Parks & Rec. Dept, and Town Administration in addition to DOLA staff members

and residents of the Confluence community. The RFP was posted on August 16, 2016 via the Rocky Mountain E-bids System (Cover Letter Attachment A). Additionally, small, women- and minority-owned businesses were solicited by the Town on a firm-by-firm basis by utilizing the Colorado Diverse Business Directory (Cover Letter Attachment B).

On Thursday September 15, 2016, the Town received five (5) proposals for the project, one from each of the following firms: Consilium Design, DHM Design, Studio CPG, Design Concepts and Kimley – Horn

A selection team comprised of 3 staff members, 2 confluence neighborhood residents, 1 ecology board member, 1 parks and recreation board member and 1 member of the Lyons Volunteers was comprised to review the submissions, select finalists, interview finalists and recommend a preferred consultant team to the Board of Trustees. Members of the selection committee included: Matt Manley, Flood Recovery Manager, Dave Cosgrove, Parks & Recreation, Toby Russell, Sustainable Coordinator, Greg Lowell, Ecology Board, Rick DiSalvo, Lyons

Volunteer/Resident and Pam Barnes, Parks & Rec Commission/Resident. Each selection team member received one copy of the five proposals on Friday, September 16, 2016. The selection team members had one week to review and score the proposals before meeting as a group on Friday, September 23, 2016. During this meeting, 5 team members (Dave Cosgrove could not meet) discussed their perspectives of the various proposals. Each team member submitted their weighted scores for each firm's submission. The scores were averaged and the team members were comfortable inviting the firms with the top 3 highest average scores to participate in an interview. The 3 finalist were: Consilium Design (83.9) | Design Concepts (80.9) | DHM Design (82.9). Interviews were held on the afternoon of Wednesday, September 28, 2016 (DHM Design and Consilium Design) and the morning of Thursday, September 29, 2016 (Design Concepts). The selection team could not be joined by Greg Lowell, but Sally Truitt from the Town Finance Dept participated along with the other 5 selection team members. Each team was given one hour to present and answer questions. After the final interview took place, the selection team convened to discuss the results. The group unanimously selected the Design Concepts team to be the recommendation for the Land Use & Management Plan for Newly Acquired Properties. Design Concepts references were then called. All references gave very favorable feedback. Each firm that participated in the interview process received a phone call and a debriefing interview from Matt Manley. Kimley-Horn also requested and received a debriefing phone call though they were not selected as finalist. Design Concepts' financial solvency was also checked by staff as part of this process. Form A305 was requested and received from the firm. This form provided some background information and financial references. Additionally the firm provided the Town with an Income Statement and a Balance Sheet. The firm appears to be a financially viable choice for this project. Design Concepts has proposed a budget of \$147,600 for this project (the lowest of the 5 bidders). The overall budget for the grant is \$165,000. This will allow some room for additional expenses related to the planning of these properties.

Trustee Dreistadt stated looking at the timetable submitted in the packet, implementation of the plan would not occur until June 2017 or later, would it be possible to implement prior to that, specifically small lot usage. Town Administrator Simonsen reported an action step would be added in March of 2017 to bring this to the BOT for consideration of action. Project Manager Manley the timeline has been bumped up to sooner so those wanting to plant gardens would not lose another season. Trustee Waugh stated she removed this item because she wanted to understand the selection process better and to understand why Kimley-Horn was not selected. Project Manager Manley described the process and how the selection committee hired Design Concepts.

Mayor Sullivan stated the memo with this item is the best I have ever read. If all cover memos were that complete the BOT would not need all the accompanying documents, this cover memo needs to be used as a template for all employees.

**Motion:** Trustee Dreistadt moved to approve Resolution 2016-94

**Action:** Approve, **Moved by** Trustee Barney Dreistadt, **Seconded by** Trustee Juli Waugh.  
Motion passed unanimously.

**Motion:** Trustee Karavas moved to take a 5 minute break at 8:55 pm.

**Action:** Adjourn, **Moved by** Trustee Mike Karavas, **Seconded by** Trustee Wendy Miller.  
Motion passed unanimously.

2. Resolution 2016-97, a Resolution Accepting the State Monitoring Site Visit Report and Town Response Dated October 20, 2016

Town Administrator Simonsen reported on June 1, DHSEM was at Town Hall for a monitoring visit, which is the step before an audit to assist entities in preparing for an audit, DHSEM sent a site letter and report and the town has to respond, Town Finance Director Cavalier responded to the letter.

Finance, Margi McDonald reported in response to the recommendation staff has come up with an action plan, policies and procedures have requested, once they are finalized they will be sent to the Town Attorney for review, will then be presented to the BOT and then training of staff will begin. There will be what is called a Desk Visit from DOLA in December. BOT/Staff discussion included how the document will be useful for compliance, tracing responses to documents, the possibility of using RACI charts to show responsibility for each process and who needs to be included on communications, training, cash management, advances, cost reasonableness, minimum 3 quotes for RFP's, cost reasonableness for change orders, lack of reimbursement for leased equipment, bringing the documents to the BOT for discussion and for the BOT to understand what staff deals with on a daily basis with compliance and the complexity of what is expected of staff.

DHSEM Monitoring Site Visit and Town Response will be attached to the minutes.

**Motion:** Mayor Pro Tem Greenberg moved to approve Resolution 2016-97

**Action:** Approve, **Moved by** Mayor Pro Tem Dan Greenberg, **Seconded by** Trustee Barney Dreistadt.

Motion passed unanimously.

3. Action Plan Response to HUD Investigation

Mayor Sullivan presented the results of the internal review. The Board and the Town Administrator have determined that the Town will benefit from adopting administrative procedures and regulations for quality control of the procurement process, as authorized by Section 4-3-30(b)(4) of the Lyons Municipal Code. Such procedures may include, but not be limited to, the following: Ensuring adequate posting time of RFPs, in compliance with grant funding source requirements; Identifying whether a given contract requires Board of Trustee approval; Ensuring that contracts contain "not-to-exceed" amounts, or other appropriate limits on expenditure; Adequate documentation regarding changes in contracts, associated costs, and corrections made to documentation provided to funding agencies. Institute a requirement for annual internal training to be conducted for all employees involved in the procurement of contracted services. Develop a procedure for conducting a periodic internal audit for compliance with Town policies and procedures with a formal presentation of results to the Board of Trustees. Establish a process for ensuring all audit reports and corresponding responses are presented to the Board of Trustees and formally accepted by resolution. Establish a process for creating a publicly available legislative history for high- risk grant-funded disaster projects. State Partnership Actions would include the following; Request the State provide additional, on-site resources to assist with oversight of disaster grant procurement, reimbursement and documentation procedures. Request assistance from the State to perform a comprehensive review of disaster-related procurement files. Request the State more closely monitor the Town's financial status by creating a cash flow analysis status report and reviewing it monthly with Town management.

BOT discussion included procurement policies, grant guidelines, purchasing policies, administrative directive, setting goals in the code, who has the authority to do what, compliance with grant funding, corrective actions with steps, a threshold before coming to the BOT, decisions on whether you need to go out to bid, knowing the grant guidelines, being competitive on anything over \$10,000, emergencies would allow for a single source, annual training, training processes in place, training specific to town policies, goal standardization and training for all those handling contracts, making the process the same for all, objective based

mechanism if training and pass some sort of understanding, develop finance policies, internal audit and presentation to the BOT. Mayor Sullivan stated we need to get the Audit Commission formed. Trustee Waugh stated she would be the liaison, sending audit reports to the BOT that they can approved by resolution, helping the BOT understand what staff is dealing with, create public history for grant projects, risk of claw back or being denied, appeal process, demonstrate what is reasonable and necessary, legislative history, project creating value and putting in a document to see the complexities, project management. Mayor Sullivan stated due to the complexities of projects there would be value to put it in a document, put in the context to some of the decision of reasonable and necessary. Trustee Dreistadt stated it is a standard process in project management, state decision and then rationale. Town Administrator Simonsen stated there is \$500,000 - \$600,000 in question of being paid back to the town. Mayor Sullivan stated I can see 5 – 10 of these being on the consent agenda. Mayor Sullivan stated there are some we need to discuss with the state, they control the purse strings and are willing to use the money as leverage on the town, we need to ask for more resources where we need them, if the state wants it done a certain way they need to provide the recourses the town needs so we can work on the policies and running the town, the town needs their Administrator back, we need to have a conversation with the state and staff to see what kind of support is needed and the state needs to keep our cash flowing. Town Administrator Simonsen stated we have made that request and it has been pending this action, a lot of time has been wasted, staff will debrief again and see of this is the most reasonable approach now. Mayor Pro Tem Greenberg stated the state needs to provide additional onsite resources and staff needs to have a say in who we get and see what their qualifications are, we want a say in the approval of that person. Town Administrator Simonsen stated the last person the state paid to be here did not help, I wrote the state 4 times and DOLA twice before he was asked to not come back. If the state has concerns they should come here and access the files, let us know what we need to do to correct them this was a contract from two years ago, we want this to be meaningful and helpful to the staff, we need to ask for things that will help us. Mayor Pro Tem Greenberg stated we need to be proactive and keep up with demand, this needs to be a collaborative effort between the town and the state, we need complete and comprehensive reviews. Trustee Dreistadt stated a type of self-reporting procedural requirements that the Town Attorney could help us understand and if something is found what do you do. When conduct compliance reviews are done and you find something that is not correct, what would the procedure be. Discussion concerning how important it is to partner with the state concerning the towns cash flow issues, to have functional, useful data to get the state to understand our cash flow issues, when does the town put a halt to projects due to the questionable cash flow, the need for a strategy to pay back the advances. Mayor Sullivan stated if we were to have a 100 year event at this time we have a serious risk out there, we need a good status report on what we have done, what we need and the risk involved. Mayor Sullivan stated she and the Town Administrator would work to turn this into a document and action steps. Trustee Karavas asked how staff was doing since the investigation. Town Administrator Simonsen stated there are morale issues and numerous other issues, mostly hard to move forward with a lack of trust, concern that if grants are recouped that jobs would be lost, anger, similar to grieving cycles, sadness, how do we move forward with people who don't trust us, anger in regard to who apologizes to us for jumping the gun and turning this into a federal investigation when it didn't need to be, concerns about Rosi Dennett, Deb Anthony and my reputations. Town Administrator Simonsen stated she has been debriefing with staff, we are looking at having someone come in and debrief with the entire staff to enable everyone to move forward, it's a mixed bag right not, morale is low. Mayor Sullivan stated DHSEM did say they would put out a statement that they are satisfied, I think we are doing a phenomenal job, if we don't say it often enough, we know no one is making mistakes on purpose, I am not surprised to hear what you are saying, I do hope if we can put a lid on this, there is nothing to hide here. Finance Technician Tracy Sanders stated we need a statement for other grant funded sources, they need to know what this is about, not that it is closed, need to know the closure. Mayor Sullivan stated we are happy to put the details to that focused on the action steps, there will be discussion with the state to see what they want to see that will include what the state thought happened and what the BOT did, I will need authorization to include some to the details, I don't want to put the stuff out there without the

balance. Finance Technician Tracy Sanders asked the BOT to brief staff on what the initial investigation was for. Mayor Sullivan stated we need to get that from DHSEM, there is a piece of this that they don't have. Town Administrator Simonsen asked if it was possible to send them the action plan and then anticipate DHESM to issue a statement. Mayor Sullivan stated we need to take the document and beef it up and bring it back to the BOT to sign off on it. Town Administrator Simonsen stated have see the detail you are talking about, we want to know in general the area of concern and what we have done. Town Attorney Guckenberger stated there are BOT privileges at stake that I will provide to the BOT and something to provide to the grant funders in the interim.

Mayor Sullivan asked for a motion to extend the meeting past 10:30 pm.

**Motion:** Trustee Waugh stated it is now 10:23 pm and moved to extend the meeting past 10:30 pm to finish the last item on the agenda.

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

#### 4. Discussion/Direction – Land Purchase Agreement/Annexation Plan of Longmont Water Plant Property

Town Administrator Simonsen stated the City of Longmont has agreed to lease/purchase the property to the town and has stated this would show ownership of the property to the town. Town Attorney Guckenberger disagrees and stated lease/purchase would not equate to ownership by the town. Town Administrator Simonsen stated another option would be CDBG-DR money, Kathy Fedler, Longmont has stated the state is entertaining transferring HUD housing money to infrastructure, we could put the plant on the property and do a direct purchase with CDBG-DR money. Mayor Sullivan stated she has contacted HUD Director, Rick Garcia and he stated that they might also be able to cover the cost of relocating the CDOT site so it would open a space for housing; Mr. Garcia is to follow up with Mayor Sullivan. BOT/Staff discussion concerning the cost of the property and the appraisals, difference in appraisals being one includes that there is water/sewer to the property one does not, there currently is no town water/sewer to this property, would it be possible to quick claim the property, asking Boulder County if there would be any exceptions to policies with the IGA to allow to subdivide the property and only purchase what we need, current IGA with Longmont on the property ends this year but there is an option to renew, possible owner financing, the need to have an emergency plan in place to move the temporary PW building within 90 days, election issues, having a plan B for public works building in case we are served notice to move the temporary building within 90 days, cost to move the temporary building, go back to Longmont and see if they have any more ideas, the need for a temporary site other than the site the PW temporary building is on until we can find a permanent place, contingency plan for where to put PW.

Mayor Sullivan stated the OIG lists a piece of land that is out of the flood plain but is an unpopular choice. Town Administrator Simonsen stated you would risk an initiative being filed. Mayor Sullivan stated we need to have the discussion for a critical facility in Bohn Park. Town Administrator Simonsen stated we would need to look at the Carroll Agreement. Mayor Sullivan stated if PW needs to go there where it would be. BOT/Staff discussion concerning the option to place the PW Building at Bohn Park. BOT directed Staff to look at all the constraints as there may be a need for a temporary site, the BOT agreed the best place would be east of town, going east leads the town toward housing, it would be the best pathway to actually getting housing. Trustee Kerr stated we need to end the discussion and direct staff to come up with a contingency plan. Trustee Waugh stated the town needs to pursue every option to purchase the Longmont property and a contingency plan and come back to the BOT. Trustee Dreistadt we would still need a contingency plan if we bought the Longmont property.

Mayor Pro Tem Greenberg stated the BOT needs to give direction to Staff so that no one can say there goes staff again trying to get Bohn Park, the BOT needs to give staff permission to look at Bohn Park, the BOT is going to have to back up staff if we are going to pursue Bohn Park as a contingency. Mayor Sullivan stated there are promising paths forward if the timing does not work out we should move the building temporarily, we need to consider a better place and I

agree this should not be put on staff. Trustee Miller if we have to move the PW temporary building temporarily give them the option of the skate park and a ball field as it may temporarily appease them and we would also have a place for the PW building. Trustee Kerr asked if the Railroad Ave Property across from the Fire Dept could be used. Town Administrator Simonsen stated the lot is not big enough. Mayor Pro Tem Greenberg stated it is the BOT's decision to direct staff to look at Bohn Park.

X. Items Removed from the Consent Agenda

XI. Trustee Reports

Trustee Dreistadt passed out material to the BOT that he received concerning the Demography Summit.

XII. Summary of Action Items

Town Administrator Simonsen and Mayor Sullivan will move forward with action plan documents for compliance and training for staff.

XIII. Adjournment

**Motion:** Mayor Greenberg moved to adjourn the meeting at 11:02 pm.

**Action:** Adjourn, **Moved by** Mayor Pro Tem Dan Greenberg, **Seconded by** Trustee Wendy Miller. Motion passed unanimously.

Respectfully submitted by:

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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](mailto:hr@townoflyons.com) as soon as possible, but no later than 72 hours before the scheduled event."