

5:00 pm – 6:00 pm Special LURA Meeting

6:00 pm – 6:45 pm

BUDGET WORKSHOP

MINUTES

BOARD OF TRUSTEES REGULAR MEETING

TOWN OF LYONS

MONDAY, OCTOBER 7, 2019 @ 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 Barney Dreistadt, Trustee Mark Browning, Trustee Wendy Miller, Trustee Mike Karavas, Trustee Jocelyn Farrell and Trustee Caleb Roberts.

II. A Reflective Moment of Silence

III. Approve Agenda

Motion: Mayor Pro Tem Dreistadt moved to approve the Agenda.

Seconded by: Trustee Karavas

Motion passes unanimously.

Mayor Sullivan asked that staff advertise the fact that there will be a Public Hearing at the October 21, 2019 BOT meeting for comments concerning the Pay as You Throw. Mayor Pro Tem Dreistadt stated if anyone is present tonight for the Pay as You Throw, they could make their comments tonight.

IV. Boulder County Sheriff's Report, Sgt Bill Crist

Sgt Bill Crist reported lots of traffic the past few weekends due to looking at the fall leaves and those going to Rocky Mnt. Park.

Sgt Crist stated he has received some request for the speed trailer and would be putting it out more regularly.

Sgt Crist stated he has been working with the town and deputies for the Halloween Parade and Parade of Lights.

Sgt Crist stated there is an open investigation concerning car break ins in the McConnell Drive area, these are crimes of opportunity, you must be diligent about keeping your cars locked, all vehicles were unlocked, there are two types of vehicle trespass, one is the type that breaks out a window the other is when one ransacks an open car, this sends us in a different direction and we have some leads.

Sgt Crist stated he had focused on getting the residents and Lyons Den together for some mediation, it was refreshing to get everyone to the table to hear how it affects other people, it went well in that aspect, we determined long term goals for the next year, short term we did not come to terms. The Lyons Municipal Code (LMC) is written difficult, a ticket was given out this weekend LMC 10-11-10 Unreasonable Noise on Friday night, the LMC states if the noise can be heard 25 ft from the source that annoys someone, this makes it easy for someone to complain, this will not be up to the Lyons Municipal Judge and the Prosecutor, the owner did indicate this would be the last outdoor venue for this year, at the mediation he had stated he was going to have bands until the weather got bad, we hope to come up with some ideas before spring, maybe directional type sound, redesign the stage, install more baffles, a new sound ordinance would draw a hard line in the sand. Mayor Sullivan asked if the complaint was Friday night. Sgt Crist stated the ticket was issued Friday, the first complaint came in at 7:25 pm, I was in town at the Lyons Football game, I directed the Deputy to have the owner to either turn the music down or turn it off, a half hour later another complaint came in, when the Deputy got there the music was shut down and the ticket was issued. Trustee Karavas asked about the noise from a chain saw or an impact hammer. Town Administrator Simonsen stated if it is construction noise, we would not do anything if it was within the correct hours and homeowners

60 have the right to do maintenance to their homes. Sgt Crist stated that is what I have been
61 saying if we write tickets, we are opening pandora's box, the town ordinance needs to be
62 rewritten. Mayor Sullivan stated she does not agree that we have opened pandora's box, we
63 have done everything we can, work through how it is impacting the neighborhood, it is what is
64 in our code and our code has served us well over the years, find ways to find solutions, we are
65 trying to appease the neighbors and not run a business out of town. Trustee Miller stated there
66 are other commercial businesses there, from where I am live at across the street from the
67 Lyons Den, the music from a town anniversary party was louder than the Lyons Den, the
68 amplification off the rocks is crazy, we can't write an ordinance for decibels, I have talked with
69 the owner and he is interested in an over lay district so he knows where his boundaries are.
70 Direction to staff is to rewrite the noise ordinance over the winter to be enforceable in the spring.

71
72 V. Staff Reports

73 1. Flood Report – see attached. Flood Recovery Lead Tracy Sanders gave Flood report.

74 Trustee Farrell asked if it would be possible to delay in paving to correlate the time with the
75 pedestrian bridge. Flood Recovery Lead Sanders stated she would look at this as we still need
76 the environmental work I will see if we can get it to come together. Trustee Browning asked if
77 staff were still exploring options for the fencing height and if a variance is being contemplated.
78 Town Administrator Simonsen stated yes and we are hoping to have this on the November 4th
79 BOT meeting, it was approved when the other code was in place, the fence was designed to
80 120 mph and the wind load is 140 mph, we will put the notice in the paper for the November 4,
81 2019 BOT Meeting to have the Variance Board look at this.

82 2. Administrative Report – see attached. Town Administrator Simonsen gave reports on the
83 following: Lyons Den Mediation, FEMA EHP Training, Muggins Gulch Project, State Hwy 66
84 PEL, CU Denver Presentation, Community Development, Community Programs.

85 Trustee Karavas stated the State Hwy 66 PEL, 20 year plan, no turning left and a frontage road
86 does not make sense, I measured the roads and found room for a frontage road in front of the
87 businesses, I don't want them to screw up the access to the businesses. Mayor Sullivan asked
88 if there had been a response to the letter the town sent. Town Administrator Simonsen stated
89 they are aware, they have been to Lyons, the frontage road is not a firm line, they did not
90 understand how the ROW was used by the businesses. Trustee Karavas stated I understand
91 there are triggers, this would permanently change the use of the properties. Mayor Sullivan
92 suggested a discussion concerning this as an item on a future agenda.

93 Trustee Roberts asked about the water loop easement with the property owner at 407
94 Steamboat, we would have to open the IGA with Boulder County and he wants to hook up to
95 our utilities, is he already permitted to build with Boulder County. Town Administrator Simonsen
96 stated he would prefer to be on municipal services, we are not planning to open the IGA with
97 Boulder County.

98 Trustee Farrell asked for follow up on the Lyons Fire Protection District letter, are there some
99 safety issues if your home is 3 stories, things that you may want to do personally. Town
100 Administrator Simonsen stated we should talk with Lyons Fire Protection District to see what to
101 do to be safer, they would like to see sprinklers in home and keeping up with smoke detectors.
102 Mayor Pro Tem Dreistadt stated the letter sent out stated their inability to service a 3-story
103 building, we should have sent a letter telling they should figure out how to do so as soon as they
104 can. Town Attorney Dittman stated looking at the duties of the Lyons Fire Protection District,
105 can they refuse service to the town, how this is justified, are they saying they won't in the future
106 also, would they have to make the taxes higher. Town Administrator Simonsen stated they will
107 fight a fire; they are saying they have no ability to fight the fire if the 3rd floor is consumed or to
108 rescue someone on the third floor. Mayor Sullivan stated we all have to figure out how to meet
109 new standards, saying you are not going to does not seem to be an option, the town would like
110 to help the Lyons Fire Protection District. Town Administrator Simonsen stated the Lyons Fire
111 Protection District does have an agreement with the City of Longmont, City of Longmont would
112 send a truck if they were not fighting a fire of their own, Lyons Fire Protection District will do
113 everything they can, but don't have the ability to get someone off the third floor without a bucket
114 truck.

115 Town Administrator Simonsen stated staff continues to work with Summit on engineering plans,
116 they are planning to close on the property before the end of this month, then there will be 90
117 days of public input, they plan is to start construction in February, construction will take 12 -14
118 months, the single family units will be completed sooner.

119 Town Attorney Dittman stated the matter with Paul Frysig for eviction is set for a court date
120 Friday October 11, 2019, either the Town Administrator or the Town Clerk will be attending with
121 me.

122
123 VI. Audience Business

1. Glenn Kikel, Lyons, stated he and his wife attended an Electro Smog Conference of 300 professionals. Mr. Kikel stated 3% of the population is affected adversely, it starts with anxiety, wireless should be 300 yards from residences, 5G is on the horizon and will have very serious affects. Mr. Kikel stated towns can make requests, we can use fiber optic versus wireless. Mr. Kikel handed out pamphlets to the BOT and left some for the SFC. Mr. Kikel asked that the BOT call him and his wife after they read the pamphlet.

VII. Consent Agenda

1. Resolution 2019 -102, a Resolution of the Town of Lyons, Colorado Approving the Second Amendment of the Construction Agreement with TCC Corporation for Public Works Operations Building Project: 18-MKPWOB-07
2. Resolution 2019 - 103, of the Town of Lyons, Colorado to Approve the Third Amendment to Professional Services Agreement with NV5, Inc.
3. Resolution 2019 - 104, a Resolution of the Town of Lyons Colorado Approving the Fourth Amendment to the OTAK/Loris and Associates, Inc., for 2nd Avenue Bridge Project Design
4. Resolution 2019-,105 a Resolution of the Town of Lyons Colorado Determining that Flood Response and Recovery for Plaster and Paint Analysis During Repair and Preservation of the Historical Lyons Depot Building Performed and Provided by Built Environment Were Reasonable and Necessary
5. Resolution 2019-106, a Resolution of the Town of Lyons Colorado Determining that the Archaeological Monitoring Services Required for Repair and Preservation of the Historical Lyons Depot Building Performed and Provided by Avalon Archaeology, LLC Were Reasonable and Necessary
6. Resolution 2019 – 107, a Resolution of the Town of Lyons Colorado that Flood Response and Recovery for Inspection of Wood to be Used for Repair and Preservation of Historical Depot Building Performed and Provided by Anthony & Associates Were Reasonable and Necessary
7. September 16, 2019 Board of Trustees Meeting Minutes
8. August 26, 2019 Board of Trustees Special Meeting Minutes
9. September 26, Board of Trustees Special Meeting Minutes
10. October 2019 Accounts Payable

Trustee Karavas moved to pull items # 1 and # 3 off the Consent Agenda.

Motion: Trustee Roberts moved to approve items #2 and 4 thru 10 on the Consent Agenda.

Seconded by: Trustee Farrell

Motion passes unanimously.

VIII. General Business

1. Update on Condominiumization of Existing Structures

Town Attorney Dittman discussed the condominiumization of R- 1 properties and presented the Glenwood Springs and Littleton codes on this. Normally this is in new neighborhoods it is now happening in the older parts of neighborhoods. Glenwood Springs uses the minor subdivision process for this, there is not a standard practice out there, if we decide to go with the minor subdivision process it would be best way for the town to review. Town Attorney Dittman stated the condo boom of the 1980's is returning. Town Attorney Dittman asked what direction the BOT would like to see staff take on this.

BOT discussion concerning ADU's on R-1 properties, should there be separate utility taps and water share, updating short term rentals regarding this and not permit ADU's to be built on these properties, not wanting any more density, incentives. Trustee Roberts asked if staff could point the BOT to the Minor Subdivision process. Town Attorney Dittman stated according to staff's interpretation, it would be difficult if not impossible to condominize with an ADU, it is not a major concern but would look at it with this process. Town Attorney Dittman stated we could have the PCDC look at this and bring a recommendation back to the BOT, this process is entirely different. Town Attorney Dittman stated a minor subdivision could be denied by the PCDC and then taken to the BOT. Trustee Roberts stated there is not a public process for this now. Town Attorney Dittman stated that is correct. Trustee Roberts stated I propose to have PCDC look at this. Mayor Sullivan stated it should be a minor change to the code, not opposed to PCDC looking at this, seems like the place to start, is there a big concern about this? Town Administrator Simonsen stated there were 3 places on one street last year, can they add an ADU.

The BOT agreed to refer this to the PCDC and have them make a recommendation to the BOT.

2. Update on Potential Ban on the Sale of Flavored Vaping Products

Town Attorney Dittman stated it is feasible to ban vaping products, this year a State law allows municipalities to be more restrictive than state law, the biggest change has been raising the age of purchase to 21 and banning vaping. Carbondale and City of Boulder have banned the sale of flavored tobacco that includes cigars, the fines in Boulder are \$5,000. This is permissible by law if the Student Advisory Committee wants to pursue this further. Mayor Pro Tem Dreistadt stated currently there is a ban on smoking on all town property, how does vaping fit into the ban on all town property. Town Attorney Dittman stated the LMC is currently written inclusive to make it include vaping. Trustee Farrell asked if this would be a public vote. Town Attorney Dittman stated it would not be a public vote this would be passed by ordinance by the BOT. Mayor Sullivan stated the FDA is looking at banning vaping also, the students perspective is how many people will die of guns before something is done, legitimate use for these products are for people to stop smoking the flavored ones are attractive to kids, the students have brought up a lot of interesting questions, they see students vaping in class and elsewhere in the schools, kids are stating in junior high, the students want to appeal to 5th grade kids and younger to educate them. Town Attorney Dittman stated statistics say 33% of the kids in high schools in Boulder are vaping. Mayor Sullivan stated Colorado has the highest percent of kids vaping.

3. Update on 2019 State Ballot Issues

Town Attorney Dittman reported on the statewide Tabor appeal, HB 1257 and Proposition CC, these appeals are state ballot issues and will be on the November 2019 ballots. Mayor Sullivan stated DRCOG also supports this. Town Attorney Dittman stated he included a sample resolution in support of Proposition CC if the BOT would like to support this. BOT discussion concerning the statewide Tabor appeal.

After discussion the BOT directed staff to bring the Resolution in support of Proposition CC for the October 21, 2019 BOT meeting. Items Removed from Consent Agenda

4. Resolution 2019 -102, a Resolution of the Town of Lyons, Colorado Approving the Second Amendment of the Construction Agreement with TCC Corporation for Public Works Operations Building Project: 18-MKPWOB-07

Trustee Karavas stated his concern for change order 19 is about the dirty fill, how was it hauled away and how did we miss this, it could have been used on other projects and now we need to get rid of it.

Motion: Trustee Karavas moved to approve Resolution 2019-102

Trustee Roberts asks if the fill has already been moved. Flood Recovery Lead Sanders stated Iron Woman is taking the product there, we could ask TCC to see if there are any other options.

Seconded by: Mayor Pro Tem Dreistadt

Motion passes unanimously.

3. Resolution 2019 - 104, a Resolution of the Town of Lyons Colorado Approving the Fourth Amendment to the OTAK/Loris and Associates, Inc., for 2nd Avenue Bridge Project Design

Trustee Karavas stated OTAK/Loris and Associates, Inc bid the project and signed on to do it for a certain amount. Flood Recovery Lead Sanders stated Pinyon is a subcontractor with Otak and they are requesting more for the environmental review. Trustee Karavas stated maybe Otak should pay for it, they stated they could do this for a certain amount, this is not proper contracting procedures.

Motion: Trustee Karavas moved to approve Resolution 2019-104

After BOT discussion the Motion dies for lack of a second.

Motion: Mayor Pro Tem Dreistadt moved to continue Resolution 2019-104 to the October 21, 2019 BOT meeting.

Seconded by: Trustee Karavas

Motion passes unanimously.

IX.

Trustee Reports (5 minutes per person)

Trustee Farrell stated LAHC has a submission for the painting of the first power box, this will be part of the 2019 budget and LAHC plans to do one every year.

Trustee Farrell requested an update on the WWTP at the next BOT Meeting.

Mayor Pro Tem Dreistadt stated the Audit Committee meeting was good, the best ever, we have had, we have added a number of citizens who have confidence in our town, it was a very beneficial meeting.

Mayor Pro Tem Dreistadt stated he attended the Smart City Session/DRCOG, they provided 2 flash drives with all the information if anyone is interested, one was given to Town Administrator

Simonsen and asked that it be put on a shared drive so everyone could access it if they want to.

Mayor Pro Tem Dreistadt stated he attended Larry Cohn's Memorial Service, after BOT discussion they asked to have the LAHC pick up the Flood Memorial for Larry Cohn.

Trustee Browning stated the SFC will be meeting this week to discuss the PAYT proposals. Trustee Browning asked how does the town share the information from the proposal and how much can they share? There needs to be more advance notice and presentation to PAYT. There needs to be public input at the October 21st and the November 4th BOT meetings before direction is given to staff. Maybe it is by SFC recommendation to the BOT. How does the town inform the public what is in the proposals, this issue has generated so much information, we need more advanced notice, and explain how we got here, maximize what we can tell the public about the competing bids. Mayor Sullivan stated public comment allows them to hear what we are hearing, SFC will be at the meeting. Mayor Sullivan stated she would prefer this be under General Business, then take public comment on the presentation, then revisit on the November 4, 2019 agenda, if we want to move forward or public input at both meetings. Trustee Browning state splitting this over two weeks would be better. Mayor Sullivan stated it is time for the paper and social media we are dedicated to public input. Town Attorney Dittman stated a public listening session. Trustee Browning stated at the November 4th meeting there could be discussion on how to set policies, a workshop with one or more commissions to discuss the process and how we want to go about this.

Trustee Browning stated he has asked several times for staff to have the discussion on policies and procedures concerning the MacIntosh Lake water shares and it has not been on and agenda for discussion yet and he is disappointed that it has not been on an agenda. This is the 4th meeting that Trustees have brought this up, we need to talk about the process to set policy on this. Staff stated it would be on the October 21, 2019 agenda.

Mayor Pro Tem Dreistadt and Trustee Browning in terms of the process, seeing how it's going with the action items at the end of each meeting, a spread sheet for the BOT to see if something has fallen off.

Mayor Pro Tem Dreistadt suggested a follow up session with Planet Bluegrass.

Trustee Farrell stated she is concerned that the BOT did not get as far along with the budget, there are big issues to consider, we should have a workshop before anything else timing wise. Staff stated the workshop for the October 21, 2019 BOT Workshop is for the 2020 Budget.

Mayor Sullivan stated she will be meeting with Congressman Joe Neguse, he wants to hear about the town concerns, I will mention the 2nd Avenue Bridge and the challenges in the quarries with immigration employees.

Trustee Roberts stated we can review the list of action items at each meeting, more for a feeling of confidence not just saying things, we have a responsibility to speak and take action, more follow through.

Trustee Browning stated he tried to communicate to the SFC to endorse a program that they need to get involved to educate the public they should not rely on town staff, only one half time person is dedicated to SFC, he can't do it by himself, what are they doing to educate the public. Trustee Roberts asked what the avenue is to say what we think to a Board/Commission.

X. Summary of Action Items

Workshop – five-year funding plan for the WWTP, possible solutions, staff to bring forward ideas on a bond for the WWTP and other ideas

Executive Session - Lyons WWTP/Honeywell

October 21, 2019 – Pay as You Throw presentation and public input pay as you throw

Smart City Session – move the information to shared drive

Send Linda Wickman's email to the BOT concerning Pay as You Throw

Appointments to Boards and Commissions, Chris Meliane to UEB and Brianan Hoyt to LAHC
Check vacancies on the Boards and Commissions and send them to Mayor Sullivan

Resolution supporting Positions CC for the October 21, 2109 BOT Meeting

Spread sheet with Summary Action Items

Staff Recommendations to the BOT concerning Mac Intosh Lake Water Shares

Legal Update Regarding Lyons Fire Protection District

317
318 PEL Discussion/Direction
319

320 Follow up session with Planet Bluegrass
321

322 XI. Executive Session (9:00 pm)

323 **Motion:** Mayor Pro Tem Dreistadt moved to go to Executive Session pursuant to C.R.S.
324 Section 24-6-402(4)(b) for the purpose receiving legal advice from attorneys representing the
325 Town regarding the MOA with Lyons Properties and the Town's legal complaint against
326 Lyons Properties in Boulder County Court

327 **Seconded by:** Trustee Karavas

328 **Trustee Miller excusing herself from the Executive Session as she works for Lyons**
329 **Properties.**
330

331 XII. Adjournment – meeting adjourned at 9:23 pm
332

333
334 Respectfully submitted by:
335

336
337
338 _____
339 Deb Anthony, MMC Town Clerk

337
338 _____
339 Mayor Connie Sullivan

340
341
342 "The Town of Lyons will not discriminate against qualified individuals with disabilities on the basis
343 of disability in its services, programs, or activities. Persons needing accommodations or special
344 assistance should contact the Town at hr@townoflyons.com as soon as possible, but no later than
345 72 hours before the scheduled event."

FLOOD RECOVERY UPDATE

updated: 10/7/19

To: Board of Trustees and Town Administrator

From: Flood Recovery Lead Tracy Sanders

BOT Meeting Date:

Public Works Building

Funding:

- FEMA - site purchase, site prep, paving, utilities to site
- Insurance - Replacement of 5,300 sf Public Works Building (pre-flood size and type) and replacement of inventory lost
- CDBG-DR - approximately 4,300 Public Works Operations Center

Current Update:

- Civil
 - 2nd Civil includes roads, utilities, curb, fence and foundation-
 - Final water & sewer connections will be completed in November
- Replacement building
 - Krische
 - Waiting for final invoices to submit to insurance for final reimbursements.
 - All inventory items lost in the flood need to be replaced before the end of the year.
 - The Fire District will not issue a TCO until low pressure hydrant is connected.
 - It is estimated the PRV will be installed by mid October
- Operations building
 - TCC
 - Working on punch list items

Schedule:

- Current funding deadline:
 - FEMA – December 31, 2019
 - CDBG-DR – December 2019

2nd Ave Bridge

Funding:

- FEMA – Bridge replacement with mitigation
- CDBG DR

Current Update:

- 30% design in FEMA review.
 - FEMA is finalizing approval process
 - An extension request has been submitted to DHSEM and FEMA.

Schedule:

- Estimate design completion: fall/winter 2019/2020

FLOOD RECOVERY UPDATE

updated: 10/7/19

- Estimate construction start date: TBD
- Current funding deadline:
 - FEMA – May 31, 2021 (extension request has been submitted)

Bohn Park phase II

Funding:

- FEMA, & Insurance – Park and ballfields
- Rockies - trees and ballfields
- LCF – landscaping
- Town Conservation Fund
- Insurance

Current Update:

- Seeding-in process
- custom pavilion – starting foundation construction
- Pump house- in design
- Ballfields -fencing height does not meet current building code requirements. Working on determining how to meet current building code

Schedule:

- Estimate construction completion: June 30, 2020
- Current funding deadline:
 - FEMA – December 31, 2019 (requested extension)
 - Other

Lyons Valley River Park

Funding:

- FEMA – Park/ponds

Current Update:

- Items to be completed for substantial completion are as follows
 - Irrigation along corridor trail (will start work 2nd week of October)
 - Kayaking masts (in the queue to be painted)
 - Beach groundwater underdrains (received schedule and will begin work in November)
 - Leaking between the two ponds (received schedule and will begin work in October)
 - Handrails (will be completed after beach drainage construction)
 - Sidewalk repair (will be completed after all other work is complete)
- The Town reached out to a pond specialist to get a second opinion of what can be done for the algae growth.
 - Carp will be delivered mid-October. The carp will eat the grass which in turn will reduce future algae growth.
 - Report from Sierra Ponds is in view by Town staff.

Schedule:

- Estimate construction completion date: December 31, 2019

FLOOD RECOVERY UPDATE

updated: 10/7/19

- Current funding deadline:
 - FEMA – December 31, 2019 (requested extension)

Northwest Utilities (remaining work: Apple Valley water line relocation)

Funding:

- FEMA

Current Update:

- Water line install from the east to the west is complete. Boring and connecting the line on Planet Bluegrass will be completed this week.
- After boring 3 services connections will need to be installed, sending out Request for Quotes for this work.
- Paving is currently scheduled to start on October 10.

Schedule:

- Estimated construction completion date: October 31, 2019
- Current funding deadline:
 - FEMA – December 31, 2019
 - CDBG-December 31, 2019

Waste Water Treatment Plant

Funding:

- FEMA – paving fencing, lighting, electric gate

Current Update:

- See Outfall project for update on final connection and permit

Schedule:

- Estimate construction start date: October/November 2019
- Current funding deadline:
 - FEMA – December 31, 2019 (requested extension)

Eastern Corridor Utilities Development

Funding:

- EDA– Utilities
- CDBG-DR – match to EDA grant

Current Update:

- Working with contractor on a schedule.
 - PRV (Pressure Reducing Valve)” contractor has started work, will be completed in the next week or two.
 - Boring: waiting on CDOT permit and pursuing option to utilize existing abandoned lines that belong to Longmont under the highway. The contractor was able to locate the line that runs under Hwy 36, will need to run a camera through to ensure it is clear. The contractor is having trouble locating existing Longmont line that runs under Hwy 66.
 - Revising design to incorporate additional boring instead of open cut which is scheduled to begin in November.

FLOOD RECOVERY UPDATE

updated: 10/7/19

- Lift Station: complete

Schedule:

- Estimate construction completion date: December 2019
- Current funding deadline:
 - EDA – June 2020
 - CDBG-DR – December 2019

Pedestrian Bridge at 4th & Evans

Funding:

- Safe Routes to School grant

Current Update:

- Need to execute IGA with funder before moving forward with environmental and design
- The Town is researching the scope and funding for this project to ensure enough funding is in place.
 - Hydraulic modeling for the bridge is in process. This will help determine what size bridge is needed and help determine opinion of cost.

Schedule:

- Estimate construction start date: 2020/21
- Current funding deadline:

Outfall Extension

Funding:

- CPDHE
- City of Longmont
- Town of Lyons

Current Update:

- Submitted permit application to CDPHE to allow discharge into the new outfall. Hopefully this will be approved before the end of the year.

Schedule:

- Current funding deadline:
 - CDPHE – November 24, 2019 (requested extension)

4th & Evans Paving

Funding:

- FEMA-curve paving, guard rail and retaining wall

Current Update:

- Town only received 1 bid and the bidder was disqualified because they did not attend the mandatory pre-bid meeting.
- The Town will update the design and rebid early next year since it is getting late in the season to schedule paving. Plus some additional work could be completed on the bio-engineered slope.

Schedule:

FLOOD RECOVERY UPDATE

updated: 10/7/19

- Estimated design: winter 2019/2020
- Estimate construction start date: spring 2020
- Current funding deadline:
 - FEMA – December 31, 2019 (Requested extension)

Uniform Relocation

Funding:

- CDBG-DR

Current Update:

- Finishing up last CDBG claim

Schedule:

- Estimate completion:

CDBG Paving/Road Repairs

Funding:

- CDBG

Current Update:

- Starting on design. Once 30% is complete the Town staff will meet with effected neighborhoods.
- Environmental clearance in process

Schedule:

- Estimated design completion: Spring 2020

Lyons Valley River Park Bank Stabilization

Funding:

- CDBG-DR

Current Update:

- RFQ proposals in review, contract award will be presented at October 14 BOT
- Environmental clearance in process

Schedule:

- Estimated design completion: fall/winter 2019

Advance Warning System Expansion

Funding:

- CDBG-DR

Current Update:

- Environmental clearance will be needed
- project manager is starting some research on how the waring system process works in conjunction with Boulder County OEM.

Schedule:

- Estimated design completion: TBD

Storm Drainage

FLOOD RECOVERY UPDATE

updated: 10/7/19

Funding:

- CDBG-DR-TBD

Current Update:

- No funding is available at this time however there is potential for funding later from CDBG-DR through the BCC
- Working on defining scope of this project

Schedule:

- Estimated design completion: TBD

Trail Extension (Welcome to Lyons Sign to Hwy 36)

Funding:

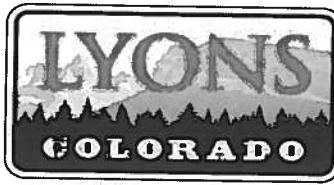
- TIP Grant in process

Current Update:

- CDOT Letter of Concurrence is Available

Schedule:

- Estimate construction start date: TBD
- Current funding deadline:
 - No funding yet



BOARD OF TRUSTEES MEETING
OCTOBER 7, 2019

AUDIENCE BUSINESS SPEAKER SIGN IN

*IF YOU WOULD LIKE TO ADDRESS THE BOARD OF TRUSTEES
DURING AUDIENCE BUSINESS PORTION OF THE MEETING,
PLEASE PRINT AND SIGN YOUR NAME LEGIBALLY
INCLUDING YOUR ADDRESS*

1. GLENN KIKEL 4 EAGLE NEST LN, LYONS
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____

TO: Mayor Sullivan and Members of the Board of Trustees
FROM: Victoria Simonsen, Town Administrator
DATE: October 4, 2019
ITEM: Administrator's Report

☐ ORDINANCE
☐ MOTION / RESOLUTION
☒ INFORMATION

Lyons Den Mediation: A mediation session occurred between two neighbors on Kelling Drive and Lyons Den owners. Both sides were able to voice their perspectives, but there was no concrete agreement on how to move forward. The owner plans to play outdoor, amplified music as long as weather permits. The owners will notify dispatch if the music is disruptive to them inside their homes and a ticket will be issued if the volume is 'unreasonable'.

FEMA EHP Training: The town completed its Environmental and Historic Preservation training as mandated by FEMA following the Bohn Park Phase II incident involving disturbance of an area that had not had full historic/cultural clearance. Both FEMA Region 8 staff and town staff participated.

Muggins Gulch Project: CDOT has notified us that they will be shutting down Hwy 36 North near Muggins Gulch to make their final flood-impacted highway improvements. Two options are being considered: a 30-day closure both directions or 72-day closure leaving one lane open. This would be a March/April project. Local businesses were notified at the last Chamber of Commerce meeting and more information will be provided when the schedule and timing is decided.

State Highway 66 PEL: The public input process for the proposed Planned Environmental Linkage study have closed. CDOT staff provided a presentation to the trustees, planning commission and business owners affected, and staff also attended the open houses offered last week. Attached is a letter sent to CDOT outlining our concerns with the PEL as well as the Access Control Plan. It is important to note that CDOT has a primary goal of moving traffic safely and efficiently along the corridor. It is not to slow traffic down or provide additional access for businesses. This is a long-term plan that will only be implemented as land uses change or if a large funding source provided the opportunity to make the changes. They are requesting Lyons participating in an IGA supporting the plan. If we do not participate, we will be subject to the statutory access management plan which is probably more restrictive than the proposed plan.

CU Denver Presentation: Students of the College of Architecture and Planning, Resilience Planning Course visited Lyons and learned about the 2013 flood and mitigation measures implemented during our rebuilding. They also learned about historic preservation, elevating houses, and use of buy out properties while here. They were appreciative to get first hand knowledge and a site visit to learn about resiliency measures.

Community Development Updates

- **Current Development**
 - 446 Main Street developing drainage plan with CDOT and Town
 - 435 Park Street issues – Owner and local contractor developed without permits.
 - Building Dept:
 - 9 building permits issued (one ADU), valued at \$212,012
 - 27 inspections
- **Planning and Zoning**
 - 407 Steamboat Valley Road - Jon Calvin the owner of 407 Steamboat Valley Road needs a letter from the Town to get a building permit from the County. We have worked with Jon to explore annexation options and the County indicated without opening the IGA there is no way to allow annexation of the property. We are hoping to get an updated estimate for the cost of purchasing an easement identify as a top priority in the 2016 Water Capital Improvements Plan and determine a mechanism or agreement for working together on a drainage easement in the future if one is identified as optimal on the property.
 - The Town of Lyons received a letter from the Lyons Fire Protection District indicating the District inability to fight fires on three story buildings. Staff is investigating the best approach. At least one developer has stated they are planning to wait for resolution to redevelop in Downtown Lyons
 - Held CDOT Access Control Plan Community meeting to solicit community input on the Access Control Plan. The Town responded with citizen and community concern regarding the Plan. In the meeting, CDOT indicated that Lyons was one of the only communities it works with that does not have a road or transportation impact fee.
 - Ongoing High Street Study to address nuisance drainage flows from Steamboat Valley Drainage Basin
 - A local business has not submitted for zoning compliance, nor meeting with Ramey regarding waste water or copper compliance, as requested. Staff will pursue these issues further in October.
 - Scheduled Boulder County Buyout Tour October 8; 1:30 – 4 PM
 - Developing neighborhood license agreements for Botanic Gardens and several confluence neighbors
 - Evaluating non substantial modifications to Dave Miller Ditch easement and infrastructure design
 - We are currently in the process of replacing our Code Enforcement Officer and hope to hire one in the coming weeks
 - Administrative process to fix Railroad Right of Way easement
 - Staff have received all information on the Martin Parcel transfer and should be ready for 10/21/19 BOT meeting
 - Planning and Community Development Commission – review of the sustainability action plan.
 - Historic Preservation Commission is inactive and needs reinstituted. t of Way annexation map in the eastern corridor the map recorded was in error.

- Licensing:
 - Short Term Rental Licenses YTD
 - Compliant
 - (17) licenses issued or currently processing
 - (2) On hold for Commercial Downtown Amendment adoption
 - Non-Compliant
 - (1) unlicensed renter has received second Administrative Citation (\$500)
 - Business licenses YTD
 - Compliant
 - YTD - (233) Licenses Issued, Processing or On Hold
- Main Street Updates
 - Business Gap Strategy - DOLA Main Street Consultant: Kicked off the contract with ArLand Land Use Economics to develop a Business Recruitment Strategy for Lyons. They are building on the Market Opportunity Assessment and Business Inventory documents developed in early 2019 with Main Street consultant RPI to provide a framework for recruiting businesses to Lyons. We will attempt to convene a small group of key stakeholders from diverse business sectors, property owners, real estate agents, developers, the local bank, and the Town to develop an informed approach to business recruitment. The project timeline is expected to be September through January 2020.
 - Downtown Design Guidelines - DOLA Main Street Consultant: Continued conversations with Main Street regarding a consultant to assist with finalization of downtown design guidelines. Main Street is willing to fund a facilitator to conduct public review meetings of the guidelines. They do not have a facilitator who is also a design professional, so are only offering a meeting facilitator. This doesn't meet our goals. We identified a source in the current 2019 budget to allocate to a design professional and are hoping to develop an RFQ for the outreach.
 - Worked with Ayres & Associates on an annual business promotion communications calendar.
 - Delivered three new business licenses
 - We are currently without a Main Street Manager and have listed the position to solicit potential candidates.

Community Programs/Relations Updates:

- Seasonal staff is wrapping up following a busy, but successful summer, Bohn Park hosts have returned to AZ. Plan to be back here next spring. LMJ Park is back to one park host for the off-season. Trident Security finished up Sept 15. Visitor Center closed for the Season on Sept 29.
- LMJ Camping and Parking Revenue continues to be strong, as weather has been warm and dry. Parking Revenue for September was \$10,600. Camping occupancy for RV was over 90% in September and tent camping was 100% on weekends in September.

- Staff has submitted a grant application for \$15K from Boulder County Sustainability Grant. Another Zero Waste grant is due by October 11. SFC has input for that grant as well.
 - The Single Hauler / Pay As You Throw RFP has had two submissions. SFC plans to meet at their October commission meeting and present to the BOT on Oct 21.
 - Staff helped support the movie night at Lyons M/S High School, loaning out the portable movie screen that the Town purchased.
 - Staff has been utilizing the govquote procurement system to get qualified bids for supplies (signs, barricades, toilet paper (lots for the parks!), trash bags, etc)
 - Hotel feasibility RFP was issue with submissions due Oct 1, end of day. Will be reviewed by the EVC.
 - Fort Generation Wild (partnership with GOCO), has been up in Bohn Park since late August. Scheduled to be removed Oct 2, 2019.
 - Staff has been working on planning for the Lyons Spooktacular and sponsorship.
 - Mad Hatters picnic lunch at LMJ was celebrated with the seniors and awards were given for most outrageous hat and most creative.
 - Staff is planning a costume party for the seniors at Walt Self in late October, a Thanksgiving Potluck Lunch in November and a tour of Holiday Lights for December.
-
- Crack sealing in three neighborhoods has been completed: Lyons Valley Park, Stone Canyon and Steamboat/Horizon/Vasquez.
 - Rumble Strips will be placed in the median along US-36 from Boulder to Estes Park (excluding Lyons) beginning Monday Oct 7. Normal working hours will be from 7 am to 7 pm, Monday — Friday. No weekend work is planned, however; Saturday work may be necessary, if delays are encountered.



PUBLIC WORKS & NATURAL RESOURCES

WATER UTILITIES

(303) 651-8416 | LONGMONTCOLORADO.GOV/WATER

September 27, 2019

Town of Lyons
Victoria Simonsen, Town Administrator
P.O. Box 49
Lyons, CO 80540

Dear Ms. Simonsen:

The City of Longmont has completed a comprehensive cost of service analysis for the water utility. This letter serves as notice, pursuant to our Water Service Agreement, that the City of Longmont intends to update the water rate charged to the Town of Lyons.

In this five-year period, a major capital project will be undertaken to expand the capacity of the Nelson-Flanders Water Treatment Plant. This expansion will replace capacity currently available at the Wade Gaddis Water Treatment Plant, which will be decommissioned. Though allocated to all customer classes, the increase in the cost of water treatment is the primary driver of the cost increase for the Town of Lyons.

The following is the rate schedule proposed to collect the cost of service for the Town of Lyons:

| Lyons Water Rate per 1,000 gallons | | | | | |
|------------------------------------|--------|--------|--------|--------|--------|
| Current Rate | 2020 | 2021 | 2022 | 2023 | 2024 |
| \$1.85 | \$2.04 | \$2.24 | \$2.44 | \$2.66 | \$2.86 |

Longmont's City Council will consider ordinances to formally adopt these rates in October and November. As always, we appreciate the opportunity to provide water service to the Town of Lyons. Please feel free to contact me directly at 303-651-8379 with questions on the information in this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Becky Doyle".

Becky Doyle
PWN Rate Analyst/Manager

Cc: Dale Rademacher, Barbara McGrane, Jon Robb

September 27, 2019

LYONS
COLORADO

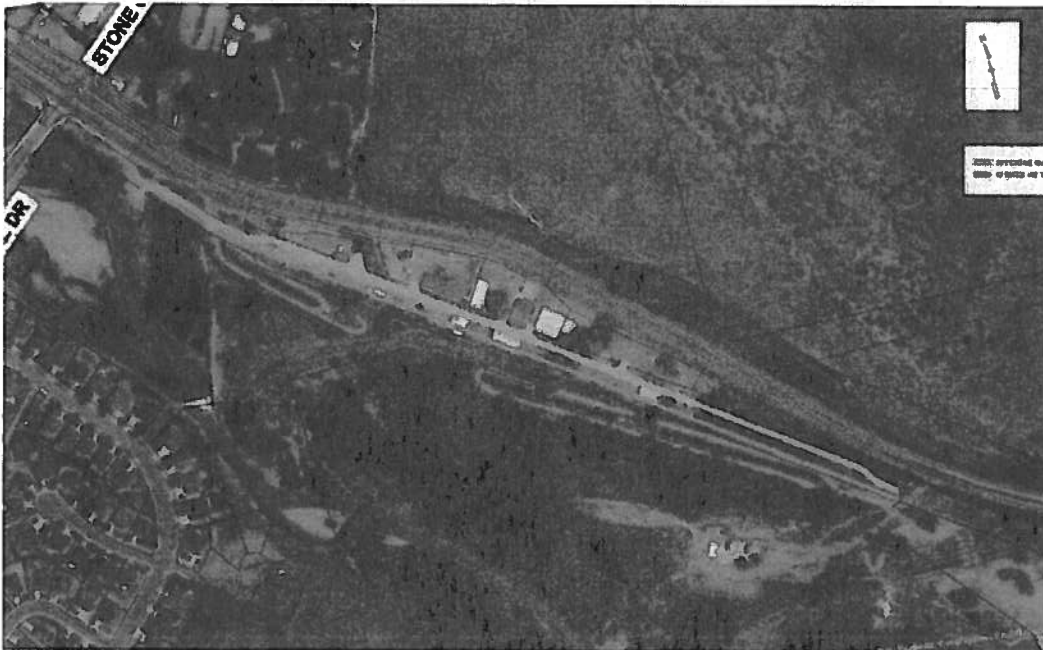
Dear Tim,

On behalf of the Town of Lyons, the Board of Trustees, the Planning and Community Development Commission and our businesses and residents I'd like to offer Town of Lyons' comments on the Colorado Department of Transportation's DRAFT Access Management Plan.

In general, the Town is concerned that if adopted the DRAFT Access Control Plan may limit our ability to actualize the Town's future development plans. The town is actively expanding its eastern growth potential by extending utilities to the east and recently completed a planning effort for the Eastern Corridor (the area between McConnell Drive and the eastern intersection of Highland Drive and Ute Highway) entitled the Lyons Primary Planning Area Master Plan. That plan identified the area in Lyons that is included in the Access Control Plan as a critical development area. It included on street parking with zero lot line setbacks on the state highway and the creation of a mixed-use development in the area between the two intersections of Highland Drive with periodic three-quarter turns.

We are also planning to use the railroad right of way for a trail and haven't had a clear planning effort to determine its utilization as a 'backage' road as identified in the graphic below. There are businesses in this section of road that rely on drive by traffic turning left as they drive west along Ute Highway (State Highway 66) that believe their business would suffer or disappear if their left in access is reduced or eliminated.

DOUBLE GATEWAY
TO THE ROCKIES



I've attached some concerns we have heard from citizens and businesses, but we haven't had time to hold community meetings to identify issues with individual property owners, businesses and residents to discuss the Access Control Plan. One individual didn't have a chance to write up a response but asked that CDOT move #39 and #40 to the middle of 4652 Ute Highway rather than the eastern edge.

TELEPHONE

303.823.6622

FACSIMILE

303.823.8257

432 5TH AVENUE • P.O. BOX 49
LYONS • COLORADO 80540

TOWNOFLYONS.COM

We appreciate all the time and effort that CDOT and all other Ute 66 partners have put into developing the Access Control Plan, but we feel a more detailed local transportation planning effort is necessary to identify how multimodal circulation will fit with and potentially modify the Access Control Plan.

Sincerely,

A handwritten signature in dark ink, appearing to read "Paul Glasgow". The signature is fluid and cursive, with the first name "Paul" being more prominent than the last name "Glasgow".

Paul Glasgow, AICP
Director of Community Development
Town of Lyons, CO

Dear Paul Glasgow and Lyons BOT,

I am a property owner along the Eastern corridor on rt 36, 4196 Ute Hwy. I just attended the meeting on September 17, 2019, to review the DRAFT State Highway (SH) 66 Access Control Plan (ACP).

Their draft plan, according to CDOT was based on the projected traffic, improved safety, and moving traffic. And their plan accomplishes that by removing many of the businesses road access points, creating back-age roads frontage roads, and forcing vehicles to make u turns. They admitted it did not fully incorporate the future plan of the Town of Lyon's Eastern corridor in that their plan does not accommodate for the increased pedestrian and bicycle traffic. They also admitted that the median and frontage/back-age roads they propose will adversely affect businesses. Everything I have read indicates that there is a substantial negative effect on businesses. I would encourage the town to obtain their studies that indicate this and share it with us business owners. [Paul, would you mind asking them for copies of these studies and their conclusions. I have not been able to get them.]

I wholeheartedly praise them for trying to address the safety issues along this stretch of road. As someone who loves this town immensely, and as someone who has seen an accident happen, run into rt 36 traffic to give aid to people, I want this road to be safer. But there are also other ways besides their current draft that would accomplish the needed safety as well as incorporate the towns plan for this eastern corridor.

I feel as a business owner that this draft of the access control plan did not adequately incorporate the future plan of the Town of Lyons' vision for the Eastern corridor. The town has wisely envisioned and planned for the eastern corridor to be more like downtown- with more business [retail and commercial] activity, more pedestrian and bike activity and access to these businesses, as well as a lot more motor vehicle traffic entering and exiting the businesses. I know the town is trying to be business friendly and that is very appreciated. This plan does not incorporate the business interests and even has a substantial negative impact on those businesses.

Their draft plan fails to incorporate any of this. In the meeting, the CDOT representative admitted that with increased bicycle and pedestrian traffic and increased business usage [like downtown], a lower speed limit would provide the needed safety. And it is also reasonable to conclude it would also benefit the businesses. So as a business owner, I am asking the town to formally reject their current draft plan and alternatively suggest the following items below. Furthermore, I would like the town to communicate these suggested items below to the member of CDOT who are in charge of the other drafted plans for this section of rt 36. I believe the anacronym is PEL. Sorry I am not sure but Paul should know.

Requests for BOT and Paul to communicate to amend the current draft:

1. Provide more pedestrian crossings, provide sidewalks on both sides of the street.
2. Slow the speed limit [as a layperson I would think 30mph is adequate but would also think 25mph to mimic downtown], have the appropriate speed lowering to the East by 15mph increments to keep to their codes.

3. I also suggest we get rid of the back-age road behind the business to the South of rt 36 as this has a drastic and negative effect on the business , is very expensive for the town to build, adversely affects the proposed bike/walking path.
4. Do not install a center median and force traffic to make u-turns, go on frontage and back-age roads adversely affecting businesses.
5. Maintain as many of the curb cut access points that currently exist. Of course if it makes sense to limit some and provide a nearby shared access or something that will not make it confusing or limit business enter/exits.

Lastly, I have received differing statements from CDOT about the possible timeline. I Was initially told 5yrs and today we were told 20yrs. It would be good to try to get more of a concrete answer from CDOT.

I appreciate all what you BOT do as well as very much appreciate all of what Paul does. If I can help in any part of this process, please do not hesitate to ask.

Sincerely,

A handwritten signature in dark ink, appearing to read "M. Brown" or similar, with a stylized flourish at the end.

From: Forest Kitzis
To: Paul Glasgow
Subject: CDOT Traffic control plan meeting
Date: Wednesday, September 18, 2019 1:50:43 PM
Attachments: image001.png

Paul:

Great meeting you yesterday. As you might expect, my client has a vested interest in preemptively addressing the access closures to his property (see attached assessor map).

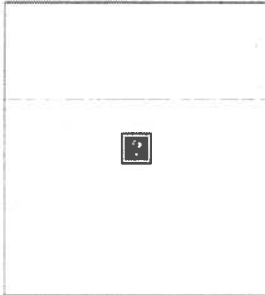
In the least, I would like to propose that access to either #33 or #34 (as set forth on the draft plan) not be closed. Please let me know how best to begin this conversation with you and or CDOT.

Also, I am interested in the greater PEL study. I understand that this is also in draft form, but is this something that can be accessed online, or that you can provide?

Please reach out at your convenience.

Kind regards,

Forest Duane Kitzis
Associate General Counsel



3111 28th Street
Boulder, Colorado 80301
Phone: (303) 447-8326 x105
Email: fkitzis@teboproperties.com