

**TOWN OF LYONS, COLORADO
RESOLUTION 2020-48**

**A RESOLUTION OF THE TOWN OF LYONS, COLORADO DETERMINING THAT FLOOD
RESPONSE AND RECOVERY FOR TEMPORARY PUMP STATION CONTROLS FOR THE
POTABLE WATER PUMP STATION PERFORMED AND PROVIDED BY BROWNS HILL
ENGINEERING AND CONTROLS WERE REASONABLE AND NECESSARY**

WHEREAS, the Town of Lyons (“Town”) is a statutory municipality in the State of Colorado with a population of approximately 2,000 individuals; and

WHEREAS, a result of the extensive flooding suffered by the Town in September of 2013 (the “Flood”), the Governor of Colorado declared a state of disaster emergency for Boulder County as set forth in Executive Order D 2013-026, dated September 13, 2013, and the President of the United States declared the Flood a federal major disaster on September 14, 2013; and

WHEREAS, due to the emergent nature of the Flood and the officially declared state of disaster in Boulder County, the Governor of Colorado authorized the use of National Guard assets for Flood-related missions; and

WHEREAS, consequently, residents of the Town were strongly encouraged to evacuate, the Colorado National Guard assisted in evacuating some residents of the Town, and residents who had evacuated remained unable to return to Town for a minimum of six weeks after the Flood; and

WHEREAS, the Town experienced an acute and immediate need for emergency flood response and recovery services, both during and after the Flood (“Services”); and

WHEREAS, the need for equipment rental, materials, repairs and services arose during the Flood and were essential to assist with emergency protective measures and preservation of key infrastructure; and

WHEREAS, the need for some of the equipment rental, repairs and services, such as for excavation, debris removal, and restoration of utility services, arose in the immediate aftermath of the Flood; and

WHEREAS, pursuant to Ordinance 942, the Town operated under an official declaration of local disaster emergency through midnight on January 12, 2014; and

WHEREAS, the Flood destroyed essential infrastructure, including roads and bridges, and law enforcement closed the main road into Town, which resulted in limited or no access to Town Hall until approximately December 2013; and

WHEREAS, the Flood destroyed electrical and communications infrastructure essential to telephone, cell phone and internet services, which prevented or interfered with the Town’s ability to function during the Flood and until staff could occupy Town Hall in December 2013; and

WHEREAS, the Public Works Department did not have adequate personnel, equipment, or materials to perform the urgent and necessary services because of the broad range and scope of such services and because of its limited capacity and resources of Public Works staff

and equipment, and because the Flood had destroyed or displaced the Town's already limited inventory of equipment and materials; and

WHEREAS, the Town determined that the volume of services that needed to be performed during and immediately after the Flood far exceeded the resources and capacity of the Town, its staff, and its equipment and materials; and

WHEREAS, the Town determined that it needed the assistance of commercial entities to perform the services and obtain the necessary equipment in a timely manner for the health, safety, and welfare of its citizens, as well as the protection of property; and

WHEREAS, the Town temporarily suspended normal procurement processes during the emergency phase of the disaster due to the limited or non-existent access to Town Hall, telephone, cell phone, and Internet services; and

WHEREAS, due to the emergent nature of the Flood and limited access to Town, the Town decided to contract with contractors familiar with and could access the Town and that possessed resources and capacity to perform the needed work; and

WHEREAS, the Town's Water Pump Station and Control System was substantially damaged in the 2013 Flood event and needed immediate inspection, analysis, design and repair, in order to re-start the pump station and to run the controls system; and

WHEREAS, the Town engaged the assistance and expertise of Browns Hill Engineering and Controls ("Contractor") to provide professional services for inspection, analysis, design and repair of the Town's Water Pump Station and Controls System; and

WHEREAS, the Contractor had previously serviced the Pump Station and control system before the 2013 Flood, it was determined by Town staff that they were familiar with the operation of the Pump Station and were the most qualified contractor in the immediate need for it to be restored to service; and

WHEREAS, on October 8, 2013, the Town entered into that certain Flood Recovery Services Agreement (Contract# 4145-DR-AE-002) with the Contractor to provide the aforementioned services; and

WHEREAS, the Contractor satisfactorily provided the necessary emergency services at the time of the Flood response and into recovery work; and

WHEREAS, after the majority of the initial Flood response was completed, Town staff evaluated the Contractor's invoices for the services for the Town water pump station and control system repairs, and determined that the costs charged by the Contractor for its services were either consistent with or less than the costs quoted by other comparable contractors; and

WHEREAS, in December 2016, the Town formally adopted procedures concerning procurement; and

WHEREAS, the Board of Trustees desires to acknowledge and find that services performed and provided by Browns Hill Engineering and Controls were reasonable in scope and cost, and necessary for the health, safety, and welfare of the Town and its citizens, and to protect property.

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

Section 1. The above recitals are hereby incorporated by reference.

Section 2. The Board of Trustees hereby finds that the flood response and recovery work performed and provided by Browns Hill Engineering and Controls resulted in the Town and its citizens receiving essential flood response and recovery repairs and services that were necessary due to the 2013 flood event at a cost that was less than or comparable to costs charged by other commercial companies providing similar rates and services in the area, and that therefore the services performed and provided by Browns Hill Engineering and Controls were reasonable in scope and cost and necessary for the health, safety, and welfare of the Town and its citizens, and to protect property.

Section 3. This resolution shall become effective immediately upon adoption.

ADOPTED THIS 16th DAY OF MARCH 2020.

TOWN OF LYONS

By: _____
Connie Sullivan, Mayor

ATTEST:

Dolores M. Vasquez, CMC - Town Clerk