

**Town of Lyons, Colorado
Board of Trustees
BOT Agenda Cover Sheet
Agenda Item No: IX. 3.
Meeting Date: 3/16/2020**

TO: Mayor Sullivan and Members of the Board of Trustees

FROM: Dave Cosgrove, Director of Parks and Public Works

DATE: 3/16/2020

ITEM: Resolution 2020-44, A RESOLUTION OF THE TOWN OF LYONS, COLORADO APPROVING AN OPERATIONS AND MAINTENANCE AGREEMENT BETWEEN THE TOWN OF LYONS AND LYONS DITCH COMPANY

ORDINANCE
 MOTION / RESOLUTION
 INFORMATION

- I. REQUEST OR ISSUE:** The Town of Lyons and the Lyons Ditch Company have had a desire since prior to the flood of 2013 to enter into an Operations & Maintenance agreement to better document the ditch facilities and the responsibilities and rights of each party. The Town and the Lyons Ditch Company each own, control and operate facilities that the other party may wish to utilize from time to time for the purpose of conveying water and each party has the desire to cooperate and to foster a positive working relationship that will enhance the health, safety and welfare of the residents of the Town and of the Ditch Company's service area. This is the Operations and Maintenance agreement for 2020.
- II. RECOMMENDED ACTION / NEXT STEPS:**
Approve resolution 2020-44, A RESOLUTION OF THE TOWN OF LYONS, COLORADO APPROVING AN OPERATIONS AND MAINTENANCE AGREEMENT BETWEEN THE TOWN OF LYONS AND LYONS DITCH COMPANY
- III. FISCAL IMPACTS:** Fiscal impacts, should there be any, would be associated with the Town's Responsibilities in section 3.A. of the agreement and are typically accounted for in various regular maintenance budgets on an annual basis. Such items might include clearing debris from the headgate in LMJ park, jetting out stilling or wet wells, storm sewer camera/jetting in areas along the ditch through town or possibly even assisting with replacement of sections of pipe. All of the Lyons Ditch infrastructure through LMJ Park was replaced with flood recovery efforts.

IV. BACKGROUND INFORMATION: The Town of Lyons is a shareholder in the Lyons Ditch Company and has a longstanding history of working with the Lyons Ditch to ensure continued delivery of water and service to its shareholders. Per the ditch bylaws, the Town has a representative seat on the Lyons Ditch board. In 2012 the Town and Lyons Ditch Company came together to draft the first Operations and Maintenance agreement to better facilitate operations and understand maintenance responsibilities. Since that time both parties have worked to revise the document, including making changes as they relate to major impacts caused by the 2013 flood.

The O & M allows for the reasonable use and access of the ditch by both parties and to define related responsibilities of each party, appropriate notifications and contacts, start up and shut down times, how to resolve conflict and other related issues.

V. LEGAL ISSUES: None.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES: N/A

PROPOSED MOTION: "I MOVE TO APPROVE Resolution 2020-44, A RESOLUTION OF THE TOWN OF LYONS, COLORADO APPROVING AN OPERATIONS AND MAINTENANCE AGREEMENT BETWEEN THE TOWN OF LYONS AND LYONS DITCH COMPANY

Attachments:

1. Resolution 2020-44
2. Lyons Ditch O & M Agreement
3. Lyons Ditch Exhibit