

TO: Mayor Angelo and Members of the Board of Trustees
FROM: Victoria Simonsen, Town Administrator
DATE: February 3, 2022
ITEM: Administrator's Report

ORDINANCE
 MOTION / RESOLUTION
 INFORMATION

Town Hall offices will be closed on Monday, February 21st in recognition of the President's Day holiday. The Board of Trustees meeting will be held on Tuesday, February 22, 2022.

Municipal Election: There was one certified mayor candidate and six certified trustee candidates who submitted packets for municipal office. There were no write-in candidates received by the January 31 deadline. As such, the Board is not required to host a municipal election in April 2022, and will be presented with a resolution at their February 7th meeting cancelling the election.

Board and Commission Training: The town offered two options for Board and Commission Training this month: Approximately 45 people attended the training; staff recorded the session so others can watch it until it is offered again. Staff received positive feedback on the presentation, opportunity to meet others, and the information received.

We posted the board and commission training to the Town's You Tube Channel. We are attaching the link to the recording in case anyone would like to review. The first 30 minutes or so are introductions of members. And the full recording is about 2 hours.
https://www.youtube.com/watch?v=_a96iHbqlzA

The paperwork for members to review is included here:
<https://www.townoflyons.com/DocumentCenter/Index/244>

And this is the link to boards and commissions on the town website too
<https://www.townoflyons.com/180/Boards-Commissions>

COVID Update:

- Data patterns in Boulder County mirror what is happening across Colorado and nationally
- Case numbers declining but remain high transmission
 - State backlog of cases continues
 - Demographic (race/ethnicity/municipality) reporting is paused due to the surge
- Positivity decreasing
- Hospitalization numbers falling, but issues continue to impact health care systems
 - Backlog of non-COVID needs
 - Staffing shortages
- Deaths continue to rise

- Transmission Level: The Boulder County one-week cumulative incidence rate according to county data is 762.3 cases/100,000 persons in the last 7 days, which is lower than last week's rate of

1,378.2 cases/100K. The shaded area of the graphs represents the period of time over which we anticipate seeing an additional backlog of cases.

- Testing positivity: On average, 2,752 PCR tests were conducted per day in the past week, lower than the average 3,156 PCR tests per day during the week prior. There was a decrease in positivity this week to 16% compared to last week at 20.8%.
- Hospitalizations: As of 1/31/22, 69 people were hospitalized with COVID-19 related illness in Boulder County hospitals compared to 104 last week. Pediatric Cases: As of 1/31/2022, the four Children's Hospitals have 34 confirmed COVID-19 hospitalizations and 17 persons under investigation (PUIs).
- Deaths: Boulder County has had 91 deaths since May 1, 2021, for a total of 348 deaths. The death rate in Boulder County since May 2021 is 27.8/100K. The death rate from 3/2020-4/2021 was 78.55/100K. Among the 91 deaths since May 1st, 2021, the average age at the date of death was 70 years of age for the unvaccinated and 82 years of age for the vaccinated. Since May 2021, 15 or 17% of deaths were among those associated with long-term care facilities.
- Cases by Age Groups: Case numbers were highest among 23-34 year-olds (444 this week, 934 last week). Case rates decreased or leveled off among age groups.

Follow Up Items from January 18, 2022 BOT Meeting

- **Transfer of lots 17, 39 and 40 from Summit**

Attached to this report, please find the quitclaim deed for the transfer of Lots 39 and 40 to the Town of Lyons effective November 23, 2021. The staff has reached out to Summit staff and the assessor requesting the status of Lot 17.

- **Status of the Apple Valley Water Treatment Plant**

Staff reached back out to local realtors to gauge their interest in assisting the town with options for the water treatment plant. Five local realtors responded that they would be happy to help. In discussions with four of them, they were all in agreement that in this market, an appraisal would not be worth the town's money. There would probably not be a good comparable due to the zoning (rural residential) and the use (municipal) being unique. Instead, they agreed that the value is what the market will bear right now. They also felt that we did not need to demolish the existing plant. That we should list it 'as is' and see what will be offered. With land in the area going for much more than previously, they felt it could be sold in its current condition. The other issue is if we are willing to sell both parcels – the one with the plant on it and the one to the north. This will make a significant difference in value. See attached photos. Two realtors felt quite confident that the town could sell both parcels, in their current state for between \$350 – 400K.

Staff is recommending that we declare the land as 'surplus', list both properties in their current condition, advertise as needed for the sale of public land, and consider the offers submitted within the next 30 days. Staff would like direction on this item.

Necessary Revisions to Special Meeting Procedures

Attorney Dittman is preparing the ordinance to revise the current code language to better reflect today's practices. He plans to present the first reading at the February 22nd Board meeting.

Notice for special meetings

In the meantime, the Town Clerk will be more specific on the topic of the special meeting, who is requesting it, and why it cannot wait until the next regular meeting. The time of the meeting will also take into consideration the trustee's and the public's availability to attend.

Finalize Local Match / Funding on US 36 / Broadway Avenue Project

The Lyons Urban Renewal Authority approved the use of \$40,000 of funding toward this project, leaving a \$20,000 balance. This is budgeted to come out of the Streets Fund.

Discuss the Budget for 4th Ave Ped Bridge Project

The Recovery Manager will be presenting the current funding shortfall and potential options during the BOT meeting on February 7th. The staff has already received direction to use the Recovery set aside of \$200K but continue to look for other options as well.

Health and Safety Efforts for Rentals

The town building official, code compliance and fire district have held one initial meeting to discuss how to address situations that have been reported as unsafe. It was decided to reach out to the landlords of those properties and make them aware that we have concerns and request an inspection. We will also develop fliers to give to tenant upon utility sign up about Tenant Rights, who to contact with concerns, etc. This will continue to be a priority for all groups.

Fire Equipment Needed for a Three-story Building Fire Protection

The Fire Protection District is addressing this issue with any proposed development as it is considered. Depending on the structure, location, use, etc. there may be different solutions. Most new construction would require a sprinkler system for a building that includes sleeping units. The sprinkler should provide enough time for occupants to leave the building. Other options may be smoke suppression systems and third-floor standpipes. The fire district has explained that a ladder truck would need to be justified as they do not have the funds to purchase it, a building to house it, or the training to use it. All of these factors will need time to plan and finance.

The town's current code allows for up to forty feet height limit. It would be up to the owner to incur insurance rates to cover a building of this stature. The fire district continues to review and consider the situation. Mutual aid agreements are in place in the meantime.

Update on Sale of Apple Valley Water Plant Property

Administrator Simonsen talked with four local realtors. Most expressed that an appraisal would be a waste of money in this market. There are no comps to use for this situation; with the building being a municipal use, but the property is zoned Rural Residential, in the county. The realtors in the area believe that they have a good estimate of its value. Most agree that to know what the market will bear, the town needs to list it.

There are actually two separate parcels on this site. One with the actual plant facilities and the other adjacent to the river with two separate easements. Realtors feel that the parcels together, and with facilities, may bring at least \$350K.

There are a couple of different options to move forward: Conduct a Competitive Market Analysis or a Brokers Price of Opinion. These are two different mechanisms that need more information to move forward. Staff can provide that analysis if desired. Or the Board of Trustees could declare the property as "excess property" and approve the sale. Staff would host an onsite visit with realtors, list the property or properties 'as is' with all interested local dealers, take offers for 30-45 days and negotiate the sale with those offers that the Board wants to consider.

Follow-up on 2nd Avenue Bridge Re-sealing of Decking

The Town Engineer reviewed the concern of separation at the seams of the bridge. It is normal to have some expanding and contracting with extreme weather changes. Since this is not a safety concern this will be addressed at the one-year warranty walk with the contractor in July.

2nd Avenue Bridge Approach Seems to Create Quite a Lift

The bridge was designed to road standards. It is noted that the north approach feels like a sharp adjustment where it meets the bridge; however, driving the speed limit, should not cause an issue.

Ed Bruder Water Quality Analysis

This situation was reviewed during the early term of this seated board. Mr. Bruder filed a lawsuit and all correspondence with him at the staff level ended. If the Board would like to direct staff to revisit this item, we request direction from the Board.

Justification on Wee Casa Sewer Charges

The formula was based on previous town engineer, Jim Blankenship's analysis of the proposed development at the time of application. He based the formula on a 4:1 ratio of four tiny homes to one residential home's use of water during the winter months (no irrigation included). This was part of a signed MOA with both parties. If the Board wishes to revisit this, it will require spending engineering costs to review Mr. Blankenship's calculations or have someone do a new analysis.

Riverbend Taps: When Did the Town Officially Take Action?

Staff believes that the first action taken on the miscount of taps was at the end of 2006 when Administrator Gary Cinnamon wrote the 2006 Water Letter to Longmont. The paragraph from that letter states:

When the Town provided the City of Longmont the number of existing water taps to determine the System Availability Charge, a mistake was made and it wasn't discovered until an audit of existing taps was completed on November 2, 2006. The Town included 31 additional water taps that did not exist. Riverbend Trailer Court purchased 31 sewer taps in 1973 and for what ever reason the Clerk at that time entered the Sewer Taps into the water tap book. There are no water taps in that area because the Town does not have a water main on that side of the highway. All of the residences on that side of the road enjoy well water and are not hooked up to the water system. In our agreement for treated water service we determined the System Availability Charge using 736 Service Connections where we actually had 705. This report has the accurate number of water taps as of November 1, 2006 (817); this number reflects the reduction of 31 water taps. The Town apologizes for any inconvenience or hardship this may cause the City, but we are also very happy the mistake was discovered and is being corrected

reduction
of
31

Cost Estimate for New Basins at WWTF

Wright Water Engineers estimated a new basin to cost \$250,000 in 2019. With rising costs and contingencies, we should estimate \$300,000.

Update on Flow/Load Capacity at WWTF

The new permit has an effluent limit using a 30-day average. The maximum 30-day average flow of effluent is .3065 MGD or 306,500 gallons a day. The highest 30-day average last year was in June with a 207,000 gallon average for the month. That is 67% of the capacity limit. When a facility reaches 80% on its permit limits .2452 or 245,200 gallons, design on expanding the plant must be started. Staff will be monitoring and reviewing this with regard to new development with the UEB and provide an update in the March Utility Update to the board.

Proceed with the Two Longmont Projects and Fund as Directed

Stormwater repair at 4th and Park Drive is complete. Staff had a site visit with Longmont to review the scope of the removal of the abandoned water line in the St. Vrain Creek.

Accept \$1million Grant from DOLA and Move Forward with Solar Array

DOLA is preparing the contract and estimated it would be sent to the Town by mid-March. Staff is working with the UEB on the RFP for the project.

Evans St. Storm Drainage

It appears there may a couple of items that may be causing some ice build-up on the southeast side of Evans Street at 2nd Ave. Some of this issue appears to be related to the fact that with on-street parking it is difficult to plow around cars, therefore the snow is not getting cleared off of the street, in turn not allowing for proper drainage and ice to build up. In addition, there may be some pooling of water at the drainage inlet, although it was not observed. Staff is looking into replacing the cobble in the inlet with a smaller rock to increase water flow.

Driveway Concerns on Evans

After many discussions and site visits by Town staff and engineers, it has been determined that there is not much more that can be done to alleviate the driveway concerns (scraping bottom of low profile vehicle and grade of driveway) expressed by the homeowner at 339 Evans. The following have been considered or attempted:

1. Ramp: the town purchased a curb bridge for the owner to try. He indicated that it did not help the situation. A longer ramp into the street would more than likely impede parking and snowplowing in the winter.
2. Driveway Improvements: The majority of the driveway is within the town's right of way. Driveway improvements would be quite costly and may cause other drainage or maintenance issues. It may move the problem to the bottom of the driveway instead of the top.
3. Shave Curb: The curb and gutter were placed to convey stormwater to the inlet and shaving down the curb could potentially cause some drainage issues onto the property in a large storm event.

The town is aware that the new angle of the driveway is an inconvenience; however, the purpose of the project was to mitigate stormwater and repair damaged roads. The curb and gutter and grade of the road allow stormwater to be captured and conveyed appropriately to avoid flooding or pooling on a large storm event. The town is willing to consider other ideas if proposed.

Follow-up on Denver Post Comments Regarding Flood and Housing

Administrator Simonsen visited with the reporter who wrote the article in the Denver Post. When interviewing, reporters often take pieces of the discussion and use them to make their story. It appears that the overall intent of the story was fairly accurate.

2021 Crack Sealing and Patching Services:

Trustee Miller mentioned concern over weather conditions (moisture and cold temps) in which crack sealing and patching on the north side of town were performed earlier this fall. Staff was in contact with the contractor during the time the application was being done during cold or wet temps, and the contractor was in the next day to discuss it. They did reschedule the remaining services and agreed to come back out to revisit several areas. In addition, they also warranty their services for a period of a year. They have completed other services in town in past years in similar weather conditions and they have held up. The staff has checked areas and has it scheduled to review periodically and follow up to see if any warranty issues need to be addressed with the contractor.

Annexation of Martin Parcel

The PCDC has identified the annexation of this parcel as one of their priorities for March. They have been consumed with other developments and the Comprehensive Plan over the past few months. They are aware that this is a Board priority to complete.

Martin Parcel-County Road 69 Right of Way/Access:

Town staff has been working with Boulder County Parks and Open Space Resource Planning Manager, Jeff Moline who arranged with Boulder County's Real Estate division to complete a survey of the Martin Parcel and the Right of Way off CR69 onto the parcel. It is attached for your review. Staff has followed up with Mr. Moline and will be setting an on-site meeting to review the survey when weather conditions allow. In addition, the next steps will be discussed about potential permitting and other opportunities.

Lyons to Hall Trail-Corona Hill Assessment Update-Boulder County Parks and Open Space:

On January 24, 2022, town staff has received an update from Boulder County on the Corona Hill assessment. As was mentioned by Senior Planner, Ernst Strenge in December of 2021, the Boulder County Trails and GIS staff reported that they would need additional time to complete their assessment of a potential trail corridor and were hoping to get it done in January. It has been reported that they are running a model in GIS using International Mountain Bicycling Association (IMBA) trail standards to determine if a sustainable trail is possible, which requires tweaking parameters, running the model, and assessing the subsequent results multiple times.

After taking time off over the holidays, both Trails and GIS staff were pulled onto the Marshall Fire assessments and recovery, and therefore have not been able to get back to the assessment. The newly reported estimate for the Trails and GIS staff to complete this assessment is mid-February barring any further delays.

It has been reported that the rest of the assessment from other departments is near completion and that the results are currently being compiled into a report, which will be submitted to Lyons once fully completed.

Lyons Creates Letter of Support

The letter was sent to the LAHC Chair on January 20, 2022, for support of their fiscal sponsorship under the Boulder County Arts Alliance.

Town Hall Mural Follow-up

There is a meeting scheduled for Thursday, February 4 via zoom to discuss the next steps and to provide the artist a summary of BOT comments, including that they would like to have a protective coat to ensure graffiti or tagging can be easily removed; they liked that it was a community collaborative art project and that is one-third tax-funded and part of the annual public art appropriation. It was suggested that cameras be installed in the courtyard. The comments regarding the use of native birds such as eagles, dippers, kingfishers, or a swallow instead of a peacock will be communicated. The next step is to have a discussion with LAHC and the artist regarding the trustee comments and community outreach, modifications, etc.

Bring Ordinance Forward with Text Amendment for a Solar Farm in POS Zone

This item is on the February 7 Board of Trustees meeting on First Reading.

Send a Copy of the Honeywell Suit when it Arrives

The administrative staff has not received a copy as of this writing. It will be forwarded to the Board when the attorneys send it.

“L” Hill Warranty Deed

Town attorneys need to draft the deed for signature by Mr. Bell

Yoder Decision - Appeal and Follow up

Town Attorney will need to give an update at the February 7th meeting.