

**TOWN OF LYONS, COLORADO  
RESOLUTION 2021-04**

**A RESOLUTION OF THE TOWN OF LYONS, COLORADO  
ACCEPTING PUBLIC IMPROVEMENTS OF THE LYONS VALLEY RIVER PARK PROJECT**

**WHEREAS**, the Town of Lyons determined to re-excavate a section of the Lyons Valley River Park ponds, trails and vegetation that was washed out during the flood as part of Flood Recovery ("Project"); and

**WHEREAS**, the Town obtained funding for the Lyons Valley River Park Project from Federal Emergency Management Agency (FEMA) through the PAAP/pilot program under PW 1078; and

**WHEREAS**, all construction work for the project by Roberts Excavation Corporation ("Construction Contractor") is complete and has been inspected by DHM Design Corporation ("Design Engineer") and the Public Works Department, and has been found to be acceptable and in accordance with the plans and specifications; and

**WHEREAS**, a Certificate of Substantial Completion was executed on November 30, 2020 as shown in **Exhibit 1**; and

**WHEREAS**, the Construction Contractor has submitted a Memo of Final Completion dated December 1, 2020 as shown in **Exhibit 2**; and

**WHEREAS**, the Design Engineer and Town have submitted a Memo of Final Completion and Notice of Acceptance dated December 3, 2020 as shown in **Exhibit 3**; and

**WHEREAS**, Staff has received the record drawings from the Contractor, which reflect how the project was built, as well as lien releases for the improvements constructed; and

**WHEREAS**, Staff recommends accepting the Lyons Valley River Park Project improvements;

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

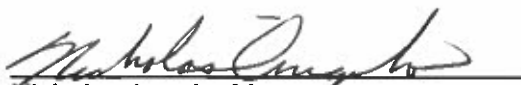
Section 1. The above recitals are hereby incorporated by reference.

Section 2. The Board of Trustees hereby accepts ownership and maintenance of the Public Improvements for the Lyons Valley River Park Project.

Section 3. This resolution shall take effect immediately upon adoption.

**ADOPTED this 4<sup>th</sup> day of JANUARY 2021.**

TOWN OF LYONS:

  
\_\_\_\_\_  
Nicholas Angelo, Mayor

ATTEST:

  
\_\_\_\_\_  
Dolores Vasquez, CMC, Town Clerk

**EXHIBIT 1 –  
Certificate of Substantial Completion**

Lyons Valley River Park

# CERTIFICATE OF SUBSTANTIAL COMPLETION

Owner's Project No: PW20F

Project: **Lyons Valley River Park**

As described in the Invitation for Bids, Bid No. PW20F

Contractor: **Roberts Excavation Corporation**

1801 1<sup>st</sup> Street

Berthoud, CO 80513

Contract For: **Lyons Valley River Park**

Contract Date: July 18, 2018

This Certificate of Substantial Completion applies to all Work under the Contract Documents except for the following specified parts thereof:

The Work to which this Certificate applies has been inspected by authorized representatives of the Owner, Contractor and Engineer, and that Work is hereby declared to be substantially complete in accordance with the Contract Documents on Date of Substantial Completion

A list of items to be completed or corrected may be attached hereto dated July 2019. This list may not be all-inclusive, and the failure to include an item in it does not alter the responsibility of the Contractor to complete the Work in accordance with the Contract Documents.

The items in the list shall be completed or corrected by the Contractor of the above date of Substantial Completion.

11-30-20

To be effective, this form must be signed by the Owner, the Engineer, and the Contractor.

**David Cosgrove**

Owner

Date

**Mark Wilcox**

Engineer:

Date

**Roberts Excavation Corp.**

Contractor:

Date

Signature:   
David Cosgrove (Nov 30, 2020 11:02 MST)

Email: dcosgrove@townoflyons.com

Signature:   
Mark Wilcox (Nov 30, 2020 12:50 MST)

Email: mwilcox@dhmdesign.com

Signature:   
Joe Shinagle (Nov 30, 2020 12:59 MST)

Email: jshinagle@robertsx.com

**EXHIBIT 2 –  
Roberts Notice of Final Completion**



**Lyons Valley River Project – Landscape Warranty Period**

September 5, 2019

To: Town of Lyons

ATTN: Ms. Tracy Sanders / Mr. Dave Cosgrove

Subject: Landscape Warranty

Project Name: Lyons Valley River Park

Please let this letter serve as notice to the stakeholders of the Lyons Valley River Park project that Roberts Excavation Corp. has substantially completed the landscape within the park and is filing for the landscape maintenance and warranty period to begin for said location on August 30<sup>th</sup>, 2019. This is based off DHM Design's review memo indicating such.

Sincerely,

Roberts Excavation Corporation

A handwritten signature in blue ink, appearing to read "Joe Shinagle", is written over a horizontal line.

Signature of Authorized Representative

Joe Shinagle / Project Manager

Print Name / Title

**EXHIBIT 3 –  
Engineer and Town Notice of Acceptance**

## Memorandum

To: **Victoria Simonsen, Town Administrator**  
**Tracy Sanders, Town Project Manager**

From: **Mark Wilcox, DHM Design, Project Landscape Architect**

Reference is made to a Construction Contract between the Town of Lyons and Roberts Excavation, dated July, 2018.

Subject: **Completion of Lyons Valley River Park**

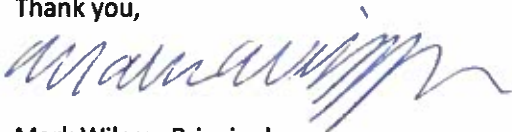
Refer to the attached Substantial Completion notification from the Contractor dated July 2019. The Contractor has completed all work for the Lyons Valley River Park Improvements as described in the Project Manual and Construction Drawings for 2017 LYONS VALLEY RIVER PARK, Project No.: PW20F, dated May 23, 2018

The Contractor has provided as-builts of the construction drawings in accordance with the requirements of the project manual. All work has been tested, inspected and found to be acceptable. Final warranty replacements of plantings will be completed August 2021.

It is our recommendation that the Board of Trustees accept the public infrastructure installed as noted with a warranty period beginning on July 2019 hence expiring at the end of the day on August 31, 2021.

*End of Comments*

Thank you,



Mark Wilcox, Principal

DHM Design Corporation

Lyons Valley River Park

## NOTICE OF ACCEPTANCE

Date: December 3, 2020

RE: Lyons Valley River Park

As described in the Invitation for Bids

This is to inform you that the above referenced project has been satisfactorily completed in accordance with the Contract documents and is hereby accepted.

Final payment will be made on or about December 28, 2020

Final acceptance does not relieve the Contractor of the minimum one (1) year guarantee on all work and materials incorporated into this Project. Such guarantee shall begin on the date specified in the contract and other agreements in place.

Town of Lyons, Colorado, Owner  
By:

**Victoria Simonsen**

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Town Administrator

Signature:   
Victoria Simonsen (Dec 3, 2020 10:22 MST)

Email: [vsimonsen@townoflyons.com](mailto:vsimonsen@townoflyons.com)








# Fianl Acceptance.LVRP.Roberts Ex

Final Audit Report

2020-12-03

Created:	2020-12-03
By:	Tracy Sanders (tsanders@townoflyons.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAOVJ1cWX3-FW4ILO-V5wNSND7FeX93pT

## "Fianl Acceptance.LVRP.Roberts Ex" History

-  Document created by Tracy Sanders (tsanders@townoflyons.com)  
2020-12-03 - 5:18:14 PM GMT- IP address: 65.101.227.171
-  Document emailed to Victoria Simonsen (vsimonsen@townoflyons.com) for signature  
2020-12-03 - 5:18:33 PM GMT
-  Email viewed by Victoria Simonsen (vsimonsen@townoflyons.com)  
2020-12-03 - 5:21:34 PM GMT- IP address: 65.101.227.171
-  Document e-signed by Victoria Simonsen (vsimonsen@townoflyons.com)  
Signature Date: 2020-12-03 - 5:22:05 PM GMT - Time Source: server- IP address: 65.101.227.171
-  Agreement completed.  
2020-12-03 - 5:22:05 PM GMT



**Lyons Valley River Project – Landscape Warranty Period**

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Sincerely,

Roberts Excavation Corporation

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Signature of Authorized Representative

Joe Shinagle / Project Manager

Print Name / Title



# Western States Reclamation, Inc.

3756 Imperial Street ♦ Frederick, Colorado 80516 ♦ (303) 833-1986 ♦ Fax (303) 833-4447

August 28, 2019

This memo is to advise the stakeholders of the Lyons Valley River Park project that WSRI has substantially completed the landscape within the park and is filing for the landscape maintenance and warranty period to begin for said location on August 30<sup>th</sup>, 2019.

Thanks,

Matt Trbovich



August 30, 2019

**Mr. Joe Shinagle**  
Roberts Excavation, Inc.  
1801 1<sup>st</sup> Street  
Berthoud, CO 80513

Reference: **Lyons Valley River Park**  
Town of Lyons  
Project No. PW20F  
**Notice of Landscape Acceptance and Maintenance Period**

Joe,

This letter serves as documentation that landscaping and seeding items for the Lyons Valley River Park project in the Town of Lyons has been accepted by the Town. A project inspection revealed that the landscaping and seeding work has been completed in accordance with the plans and specifications and is accepted as of August 30, 2019. The **Landscape Maintenance Period** will begin on **August 30, 2019**, and end on **August 30, 2021**, subject to the terms and conditions of the contract. A field review letter from DHM Design is attached for your reference.

This is not a letter of substantial completion for the project, but only releases the maintenance activities associated with the Landscape Maintenance for the project. Retainage and final payment will not be released until full project substantial completion is issued for the remaining punch list work items, not associated with Landscaping and Seeding work.

The punch list work shall be completed as soon as possible, but no later than December 31, 2019, unless weather impacts prevent the completion. It is in the best interest of all parties involved in project that construction be finished before the substantial completion deadline.

Respectfully,

The Office of  
**Otak, Inc.**

A handwritten signature in blue ink, appearing to read "K. Dooley".

Kevin Dooley, PE  
Construction Project Manager

Cc: Dave Cosgrove (Town of Lyons)  
Matt Trbovich (Western States Reclamation)  
Mark Wilcox (DHM)



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Signature of Authorized Representative

Joe Shinagle / Project Manager

Print Name / Title

# DHM DESIGN

LANDSCAPE ARCHITECTURE | LAND PLANNING | ECOLOGICAL PLANNING | URBAN DESIGN

August 26, 2019

Subject: LVRP Landscape Substantial Completion

TO: Dave Cosgrove, Town of Lyons

Mr. Cosgrove,

We've reviewed the Lyons Valley River Park project site with Western States Reclamation to confirm site observations noted from our site assessment completed on August 2, 2019 were complete.

The irrigation system has been modified and is currently functioning properly with adequate coverage and little if any signs of erosion and sediment transport on the slopes. Straw wattles were installed in some of the problem areas and along the perimeter of the ponds.

The wetland benches and associated plantings are establishing, however with the fluxuation of the upper pond water surface elevation we will need to continue to monitor the health and establishment of the wetland vegetation over the course of the 2 year maintenance period.

Reseeding operations have been completed through broadcasting of seed in disturbed areas and areas lacking vegetation. Areas of additional seed will be required along the straw wattles and in a few areas along the shoulders of the trail. Seeded areas will need to be monitored throughout the warranty period and reseeded will be required where seed doesn't establish and bare earth remains. Western States will continue to monitor and reseed as required.

There were minimal noxious weeds observed on the site at the time of the inspection. As part of the 2 year warranty and maintenance we recommend mechanically removing the noxious listed weeds from the property and monitoring for future occurrences. A weed management plan should be developed to accommodate future weed control and monitoring on the property.

We recommend mowing the annual species, raking up the plant material and removing it from the property. Leaving the mowed weeds will stabilize the soils and allow for grasses to germinate. This work is to be completed as part of the 2 year warranty and maintenance work required under the contract.

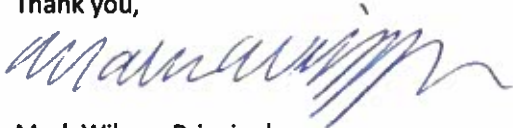
The installed plant material should continue to be monitored for success. At the time of the site inspection, we observed approximately 6 dead cottonwoods and several others that were in a state of decline. The dead cottonwoods noted in an earlier observation report have been replaced. All other installed woody vegetation and shrubs appeared to be in good health and should continue to be monitored.

# DHM DESIGN

We recommend substantial completion be provided to Western States on landscape items with the condition of continued monitoring and maintenance as required under the contract for proper establishment and health of the landscape and management of the weeds on site.

Please don't hesitate to call or email with any questions you may have.

Thank you,

A handwritten signature in blue ink, appearing to read 'Mark Wilcox', with a stylized flourish at the end.

Mark Wilcox, Principal

DHM Design Corporation