

DRAFT AGENDA
TOWN OF LYONS

7:00 P.M., TUESDAY, JANUARY 19, 2016

BOARD OF TRUSTEES MEETING
SHIRLEY F. JOHNSON COUNCIL CHAMBER
LYONS TOWN HALL, 432 5TH AVENUE, LYONS, COLORADO

I. Roll Call and Pledge of Allegiance

Roll Call. Present: Mayor Pro Tem Connie Sullivan, Trustee LaVern Johnson, Trustee Barney Dreistadt, Trustee Dan Greenberg, Trustee Jim Kerr, Trustee Dawn Weller. **Absent:** Mayor John O'Brien

II. A Reflective Moment of Silence

III. Approval of the Agenda

Motion: Trustee Greenberg moved to approve the January 19, 2016 BOT Agenda

Action: Approve, **Moved by** Trustee Dan Greenberg, **Seconded by** Trustee Dawn Weller.

Motion passed unanimously.

IV. Sgt Nick Goldberger, Sheriff's Dept Report

Town Administrator Simonsen reported for Sgt Goldberger.

January 15, 2016 there was a rock/mud slide across the hwy at 16500 North St Vrain.

The Skate Park has been shut down until repairs can be completed, skaters are taking down the signs and going over the fence to use the park, the Sheriff's Office will be watching and will ticket offenders, this is a safety issue.

The Sheriff's office and Fire Dept are working with town staff to use some of the buyout homes for training purposes. After discussion the BOT asked Staff to put door knockers out in the Confluence Area once the exact dates are known.

V. Audience Business - Limited to 15 minutes - All comments will be limited to 4 minutes per person

1. Rick Disalvo – Confluence Area, Mr. Disalvo commended staffs hard work to make the buyouts happen. Mr. Disalvo stated dialog between neighbors and staff has improved but there is still some heavy lifting to be done. Mr. Disalvo stated they had heard it might be possible for homeowners to lease some of the buyout properties and asked if town staff could send out a draft ahead of time for the homeowners to look at.

VI. Confluence Update Signal at McConnell/Stone Canyon Update

Flood Recovery Engineer, Joe Kubala, reported at this point 14 residences and 2 vacant lots that have been processed through the buyouts. Hazardous materials consultants will be going through the houses, we are on schedule to open the demo bids on the January 27th and award the project on February 1, 2016. The town will need to acquire permits from the State for the asbestos removal; we are also asking the contractor to take care of all the trees and mitigate the dust, move the foundations, fill the voids and seed the property. This project should be completed by the 29th of February. Mr. Kubala reported there are still some homes on the buyout list and we expect to close on them soon. Mr. Kubala reported he would be working with the Lyons Volunteers to save some materials from the buyout homes that will be delivered to a nonprofit.

Flood Recovery Engineer, Joe Kubala reported 2 of the three older flood permits are almost ready to be released and they are still working with Doug Miller on his flood permit. Mr. Kubala reported that he and Permit Tech Wyppler are in constant contact with those who are waiting on permits.

Flood Recovery Engineer Kubala reported the McConnell/Stone Canyon pre construction meeting is scheduled for tomorrow. The signal poles have been picked up and are on their way to CDOT, construction should begin in the next week and the project should be completed in the next 6 weeks, weather permitting.

VII. Ordinances – First Reading - Second Reading – Public Hearing

1. Public Hearing, Resolution 2015 - 135, a Resolution Approving a Final Plat and SIA for 2nd and Park Subdivision (commonly known as the Valley Bank Property), within the Town of Lyons

Town Clerk Anthony reported the applicant has asked that this be continued to the February 1, 2016 BOT meeting.

Motion: Trustee Greenberg moved to continue the Public Hearing to the February 1, 2016 BOT meeting.

57 **Action:** Approve, **Moved by** Trustee Dan Greenberg, **Seconded by** Trustee Barney Dreistadt.
58 Motion passed unanimously.
59

60 2. Emergency Ordinance 997, an Ordinance Amending Sections 2-1-10, 2-1-20, and 2-1-30 of the Lyons
61 Municipal code to Conform with State Law Regarding Election Deadlines and Declaring an Emergency
62 Town Clerk Anthony reported legislation in 2015 made changes in the Colorado Revised State Statutes to the
63 election code that went in to affect the first of this year. Those changes conflict with our municipal code, I need
64 for them both to be the same in order to efficiently run the election. Most of the changes were due to enabling
65 the military to be able to vote, enough time to get the ballots to them and for them to get them back, we have
66 10 UOCAVA voters. This change needs to be made before January 25, 2016.
67 Mayor Pro Tem Sullivan opened the Public Hearing at 7:27 pm and closed the Public Hearing at 7:28 pm with no
68 one speaking.

69 **Motion:** Trustee Greenberg moved to approve Ordinance 997 as an Emergency.

70 **Action:** Approve, **Moved by** Trustee Dan Greenberg, **Seconded by** Trustee Barney Dreistadt.
71 Motion passed unanimously.
72

73 VIII. Consent Agenda

- 74 1. January 2016 Accounts Payable
- 75 2. January 4, 2016 BOT Meeting Minutes
- 76 3. Meadow Park Construction Update

77 **Motion:** Trustee Greenberg moved to approve items 1 & 2 on the Consent Agenda

78 **Action:** Approve, **Moved by** Trustee Dan Greenberg, **Seconded by** Trustee Barney Dreistadt.
79

80 IX. General Business

- 81 1. Resolution 2016- 8, a Resolution to Approve Application to DOLA for CDBG-DR Funding for Local Match and
82 Other Expenses and Approval for Being the Fiscal Sponsor for the NRCS EWP Stream Restoration in Each SSV3 of
83 the S St Vrain From the Town of Lyons to County Road 69.

84 Town Engineer Jim Blankenship reported this resolution by the Board of Trustees is to direct staff to complete
85 applications for matching funds through CDBG-DR Watershed January 2016 cycle to the NRCS EWP Watershed
86 Protection Program and upon receipt of said grant for matching funds, to be the local sponsor for the two work
87 areas inside. Two reaches adjacent to the Town of Lyons would be sponsored by the Town for the restoration
88 and implementation of resilient and ecological sustainable stream and upland flood plain improvements to
89 protect personal and public property and infrastructure. The two areas are the South St Vrain Reach 3 from
90 Town of Lyons to County Road 69 (Old S St Vrain Road) and McConnell Drive to US36 which is from the
91 Highland Ditch diversion east to US36.

92 The NRCS conducted damage assessments through the identified reaches and has determined that each of
93 these reaches can be funded through their EWP program (see attached Q/A regarding the program). As part of
94 the assessments, preliminary cost estimates were completed for implementation of the improvements
95 necessary to implement the project goals. The project goals in this case are to protect property and
96 infrastructure up to the 100-year storm event. The program through the NRCS provides 75% of the funding
97 needed to implement the project. The program also has some limited funds for planning efforts. The program
98 has a limited time window and all work must be completed within a 2-year window, which includes other
99 activities such as contracting and closeout, so the work period is actually quite less when factoring in those
100 requirements. These projects would likely be design-build, similar to the Creek project in Town, in order to
101 meet the tight timelines. Matching funds are available by grant through the January 2016 CDBG-DR Watershed
102 Pilot Programs as administered by DOLA. The program will grant up to \$3M per watershed for projects as per
103 their program guidelines. All projects must be rated by the Watershed Coalition, in this case the SVCC. The
104 SVCC has met and rated this project as 2nd on the list for support. While the SVCC has completed its evaluation
105 and ranking, the final decision comes from the State.

106 **Town Requirements and Commitments** are to enter into contract with State of Colorado for NRCS EWP funds
107 (Town has done this previously for properties in Town along the creek), enter into contract with the State of
108 Colorado for CDBG-DR Watershed Funds for the match and commit to management and administration of the
109 CDBG-DR and NRCS grants, including the adaptive management of the project after implementation. Adaptive
110 management includes such things as restoration of failed vegetation, restoration of areas damaged by runoff
111 events (but no flood events), and other activities to meet program requirements for the successful applicant.
112 Notes on Requirements and Commitments and other:

113 A. Staff will be involved in the project and the financial commitment is not expected to exceed the amounts
114 listed below. Staff has determined that the commitment necessary to support these important projects can fit
115 into the workload given the timing of these will come after several other projects are completed.
116 B. Staff will work with the SVCC and Boulder County to determine possible ways to share resources including
117 project management, construction management and to find ways to fund raise for the out of pocket expenses.
118 Some means discussed to cover the out of pocket expenses if they occur are homeowner assessments,
119 fundraisers, re-allocation of capital, others.
120 C. If the CDBG-DR grant is not awarded to the Town, then the out of pocket expenses are much greater. See
121 amounts in item B, C, E and F below in the financial summary for the estimated amounts should the grant not
122 be awarded. At this time, staff does not see a way the Town could fund these matching funds for either
123 project, however the Board can discuss and direct staff otherwise.
124 D. Town Staff and the Lyons Watershed Board have worked with the SVCC to identify costs eligible for the
125 NRCS and CDBG-DR projects and the financial summary is based on those efforts, which included discussions
126 with State staff at DOLA too.
127 E. The SVCC has agreed to also apply for CDBG-DR grant to match work in Apple Valley and be the sponsor for
128 the Apple Valley work. Boulder County has agreed to be the local sponsor for the SSV1 and SSV2 and the
129 breaches downstream of US36. Boulder County staff will be presenting their proposal to the County
130 Commissioners later this month and plans on using county funding for the match and other local costs.

131 Project Financial Summary: SSV3:

132 DAMAGE REPORTS INSTALLATION COST BY NRCS AND CWCB - \$674,280

133 GRANT FUNDING FOR MATCH ELIGIBLE FOR CDBG-DR (*) - \$210,427

134 LOCAL OUT OF POCKET CONTRIBUTIONS - \$33,714

135 McConnell TO US36

136 DAMAGE REPORTS INSTALLATION COST BY NRCS AND CWCB - \$3,155,858

137 GRANT FUNDING FOR MATCH ELIGIBLE FOR CDBG-DR (*) - \$902,861

138 LOCAL OUT OF POCKET CONTRIBUTIONS - \$157,793 (**)

139 (*) – TOWN TO APPLY FOR GRANT THROUGH CDBG-DR TO COVER THIS MATCH, SOME CONTRIBUTION
140 MAY BE IN-KIND DONATIONS, REQUIRES EWP PLANNING DOLLARS THAT ARE NOT LISTED

141 (**) – COSTS ESTIMATED FOR ADAPTIVE MANAGEMENT AND MINOR ADMINISTRATIVE COSTS, MUST BE
142 COMMITTED TO COVER, BUT SOME MAY NOT BE NECESSARY IF PROJECT REVEGETATION IS SUCCESSFUL
143 AND MAINTENANCE IS LIMITED

144 BOT discussion included commitment for the Town to be the local sponsor if the grant is awarded, direction on
145 how to proceed if the grant is not awarded, direction to staff, the match for the projects, grants are due this
146 Friday, selection won't be for a few months, SSV3 being the priority, stream safety, reducing the impacts on
147 Lyons, protecting utilities in a flood event, design constraints, Creek Collation ranked the projects and grants,
148 money will go to the counties hit the hardest, how staff would manage this, most work being eligible for the
149 program, hiring grant managers, consultants and contractor to help manage the project, financial person,
150 various levels of town staff, processing permitting through Boulder County, US Army Core of Engineers, the
151 Town Attorney, Town Administrator Simonsen would be the grant manager, Town Engineer Blankenship would
152 manage the consulting and contracting teams, being pro active on scheduling, in-kind opportunities, going back
153 to Boulder County if we don't get the grant for monetary help, Boulder County doing work upstream from
154 Lyons, striking the language in the title stating the town is the fiscal agent – until the town received
155 confirmation of receiving the grant and to say Old South St Vrain Bridge not County Road 69. David Batts,
156 Watershed Commission reported this is a power ball opportunity for Lyons, we need to get this done to take
157 care of our parks and the McConnell area. 

158 **Motion:** Trustee Dreistadt moved to approve Resolution 2016-8 with taking out and approval of being the fiscal
159 sponsor and changing county road 69 to Old South St Vrain.

160 **Action:** Approve, **Moved by** Trustee Barney Dreistadt, **Seconded by** Trustee Dan Greenberg.

161 Motion passed unanimously.

162
163 2. Resolution 2016-10, a Resolution Approving Change Order#1 in the Amount of \$15,159 to the Contract with
164 Bryan Construction, INC, for the Lyons Depot Library Rehabilitation/Renovation
165 Town Administrator Simonsen reported The Board is aware that Town staff has been working diligently towards
166 the repair and rehabilitation of the Lyons Depot Library through grants provided by DOLA Energy Mineral
167 Impact Fund, History Colorado- The State Historic Fund, Lyons Community Foundation, and Longmont
168 Community Foundation in addition to insurance payment for flood and hail damage. The attached Change

169 Order #1 for Bryan Construction summarizes all construction changes requested by the project team to date for
170 approval for a net change order cost of \$15,159.
171 There are 2 significant individual change orders. The first for repair of Freight Building foundation (PCO 006),
172 previously approved as Resolution 2015-131, of not to exceed \$11,203.17. The final charge for this work was
173 \$7,941. The second (PCO 007) is for installation of a sewage lift station/ejection pump due to insufficient grade
174 to allow for gravity drain to the sewer main. That change order is for \$7,349 and includes all mechanical and
175 electrical work for installation. There are several other low cost, no cost or credit change orders as shown.
176 The approved budget has contingency funds of \$27,632 built in which leaves \$12,474 in contingency funds
177 remaining. The foundation and building structure has been fully exposed and construction work is greater than
178 70% complete, therefore no additional large change orders are expected. Known additional potential change
179 orders include:

- 180 • \$2400 charge for additional Structural Engineering fees to address unexpected foundation issues
- 181 • ~\$1000 charge to downsize the AHU filter intake due to inability to re-use previous intake after
- 182 structural re-enforcement of roof/wall
- 183 • ~\$900 potential charge for duct size increase to minimize noise
- 184 • Potential credit if sandstone wall cap is donated
- 185 • ~\$2000 potential credit for unused allowance for wood siding restoration

186 Overall the project is going well and interior completion is anticipated early March. Exterior work completion is
187 dependent on ground thaw and warmer temperatures. Overall project completion is now estimated for April,
188 but could be earlier or later depending on weather. Staff recommends approval of Resolution 2016-10.
189 BOT discussion concerning DOLA, State Historic Fund, work should be completed in April, contingency.

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191 **Motion:** Trustee Greenberg moved to approve Resolution 2016-10, **Action:** Approve, **Moved by** Trustee Dan
192 Greenberg, **Seconded by** Trustee Jim Kerr.
193 Motion passed unanimously.

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195 X. Items Removed from the Consent Agenda
196 3. Meadow Park Update

197 In September of 2015 Krische Construction began flood recovery work in Meadow Park to complete phase II.
198 The project is moving along and is still on schedule to be completed in May of 2016. Work completed to date
199 includes clearing and grubbing of site, tree removal, sewer line installation with manholes one through seven,
200 new gas main to the restrooms, electric main lines, foundation pours for new restroom, picnic shelter and
201 WPA Shelter, framing of the new restroom, completion of river structures one and two, and survey work. The
202 next phase of work will continue through the winter and will encompass the remainder of river structures
203 three through eight, framing of concessions stand, new restroom and WPA Shelter, water main installation,
204 grading, survey of remaining park features to include the ice rink, playgrounds and new tent spaces.
205 Like any large construction project we have incurred some add services/change orders to the original contract.
206 Some of these changes have been credits for design changes or material adjustments and others have been
207 additional charges for items that were not in the drawings during the bidding process. These change orders
208 have not caused any delay to the project schedule and are listed below;

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		Credit	Add
Change Order # 1	Tree house adjustment price	\$1,297.00	
Change Order # 2	Add gas lines to Fire Pits (ice rink)		\$5,863.00
Change Order # 3	Remove Tent Site, Credit on tables, grills, shrubs	\$3,749.00	
Change Order # 4	HVAC system upgrade for heat to restrooms		\$11,402.00
Change Order # 5	Duct size changes and exhaust grilles		\$1,105.00
Change Order # 6	Electrical credit changes for removing lights	\$2,447.00	
Change Order # 7	Electric add for soap dispensers		\$830.00
Total		\$7,493.00	\$19,200.00

218 The Meadow Park Phase II contract was a not to exceed amount of \$6,172,760.00. With the current field order
219 adds and projects credits above we are currently \$11,707.00 over the contract amount. There are contingency
220 funds within the flood recovery budget to cover overages for these additional services.

221
222 BOT discussion concerning negation of the Memorandum of Agreement with Riverbend, the Thomas Easement,
223 when construction on the diversion and water control system will start, schedule to finish the project, not to
224 exceed amounts, budget for the project, savings on Meadow Park could be used at Bohn Park, change orders,
225 large items and those that exceed amount approved would be brought to the BOT for approval, change order –
226 to not heat the bathrooms in the winter months, REMA Pilot Program, keeping the BOT up to date with change
227 orders.

228
229 **Motion:** Trustee Greenberg moved to close as the BOT and open as the Lyons Local Liquor Authority
230 **Action:** Approve, **Moved by** Trustee Dan Greenberg, **Seconded by** Trustee Jim Kerr.
231 Motion passed unanimously.

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233 XI. Lyons Local Liquor Authority Consent Agenda
234 1. Special Events Permit - Can'd Aid - Old Man Winter Event
235 **Motion:** Trustee Greenberg moved to approve the Lyons Local Liquor Authority Consent Agenda
236 **Action:** Approve, **Moved by** Trustee Dan Greenberg, **Seconded by** Trustee LaVern Johnson.
237 Motion passed unanimously.
238 **Motion:** Trustee Greenberg moved to close as the Lyons Local Liquor Authority and reopen as the BOT
239 **Action:** Approve, **Moved by** Trustee Dan Greenberg, **Seconded by** Trustee Jim Kerr.
240 Motion passed unanimously.

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242 XII. Trustee Reports
243 Trustee Johnson reported at the Parks Meeting they discussed Meadow Park and Bohn Park, Good Old Days,
244 LCF has given them a Grant of \$2,500 for Good Old Days, next Parks meeting February 1, 2016.
245 Trustee Dreistdat reported the ECD will meet Thursday at 10:00 am, the focus will be the work plan for 2016,
246 focal points will be marketing, tourism, design planning, business services, safety and parking.
247 Trustee Dreistadt reported LAHC is working on getting their reporting processes in place and funding
248 management combined with a work plan. LAHC will hold an Art Show Opening this Saturday, there will be cello
249 music for the reception.
250 Trustee Dreistdat reported the Lyons Volunteers will be deploying every week on Tuesday instead of
251 Wednesday. Trustee Dreistdat reported he attended the Confluence Meeting and left with an upbeat feeling ,
252 things are getting better, they do have some questions about the foot bridge.
253 Trustee Greenberg reported the Library Board is meeting tonight and will be approving two new trustees (Darcy
254 Sagers and Sara Cathode) for the Library Board and the BOT to approve, will have to look at the resolution the
255 BOT passed to see if it needs to be amended with these names, there will also be discussion concerning on

256 whether or not they will move back to the Lyons Depot or stay on Main Street until they can build a new
257 Library. BOT discussion concerning using the Lyons Depot as a municipal building.
258 Trustee Greenberg reported he and Flood Recovery Planner Cody Humphrey met with the Lyons Fire District
259 concerning the possibility of low income housing on the town owned triangle across from the Fire Dept.
260 Discussion at the Fire Dept meeting also included who would be charged to clean up hazard materials in the
261 Lyons Fire District, if a spill were to happen. Trustee Greenberg asked that the BOT have a discussion at an
262 upcoming meeting concerning this. Trustee Greenberg asked where staff was with the marijuana moratorium,
263 change to URA bylaws, affordable housing policy as he would like to have this board take care of these items
264 before the new BOT is seated in April.
265 Mayor Pro Tem Sullivan reported the Ecology Board will be meeting tomorrow. Mayor Pro Tem Sullivan
266 attended the Metro Mayors Caucus, they have formed a committee to look at the new URA laws, to fix what is
267 not working and to clarify what triggers there are with the new rules to the old rules. Mayor Pro Tem reported
268 she would like this BOT to look at the electric rates after the study comes back, update on the buyout
269 properties so the BOT can be prepared to make decisions on those properties.
270 Trustee Kerr reported the UEB sent a letter to town staff stating they had looked at the issues with Evans Street
271 and they feel the road could be moved over according to town code. Trustee Kerr stated the UEB is interested
272 to see what town staff has to say on this issue. Town Administrator Simonsen stated staff has not seen the
273 letter from UEB. Trustee Kerr stated it would be minor shift of the road. Town Administrator Simonsen stated
274 head on parking is not allowed in the residential areas, even though they have done so in the past, these
275 decisions should be left up to staff.
276 Trustee Kerr reported he had met with Andres Ross from MEAN, they are concerned that the town has asked
277 what it would take to get out of the contract, raises in electric costs from MEAN should be minimal this year.
278 Trustee Kerr stated he would be attending the MEAN meeting in Nebraska this week.
279 Trustee Weller reported updated the BOT on the Sustainable Futures Committee, recycling training materials,
280 salvaging items from the buyout properties, energy audit, and the charging station grant has been awarded to
281 the town and should be in place by summer. Trustee Weller reported Dianne Dandean talked to the SFC
282 concerning partnering with Tread Lightly/Smart Home to find homes ready to do solar that would be willing to
283 look at batteries that would stand up if electricity was out, no cost to the homeowner, islands would be located
284 for power capacity. Trustee Weller reported Ms. Dandean would need letter of support from the UEB and SFC.
285

286 XIII. Staff Reports

287 Town Administrator Simonsen updated the BOT on the following;
288 Memo of understanding with Riverbend
289 Transition of the new wastewater plant
290 NFIP pre audit of flood plane permits
291 RFP for utility rate studies
292 Boulder County to come to Lyons twice a year to chop up tree branches.
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294 XIV. Adjournment - Trustee Greenberg moved to adjourn at 9:44 pm, Trustee Kerr seconded the motion.
295

296 Respectfully submitted by:
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300 _____
Deb Anthony, MMC – Town Clerk

300 _____
Connie Sullivan, Mayor Pro Tem

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