

Updated  
Agenda

4:00 pm to 6:50 pm  
QUASQUICENTENNIAL CELEBRATION  
at Shirley Johnson Council Chambers  
432 5<sup>th</sup> Ave, Lyons, CO

DRAFT AGENDA  
TOWN OF LYONS

**7:00 P.M., MONDAY, APRIL 4, 2016**

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

- I. Roll Call and Pledge of Allegiance
- II. A Reflective Moment of Silence
- III. Approval of the Agenda
- IV. Sgt Nick Goldberger, Sheriff's Dept Report
- V. Audience Business - Limited to 15 minutes - All comments will be limited to 4 minutes per person
- VI. Confluence Update Signal at McConnell/Stone Canyon Update
- VII. Ordinances – First Reading - Second Reading – Public Hearing
  1. Public Hearing, Resolution 2015 - 135, a Resolution Approving a Final Plat and SIA for 2<sup>nd</sup> and Park Subdivision (commonly known as the Valley Bank Property), within the Town of Lyons  
"Staff is recommending that the public hearing on this item be conducted at a future BOT meeting, and is also recommending that this item be scheduled at the same meeting that the Final PUD Plan for this project is considered. This will enable the Board to conduct a consolidated public hearing on this project for final approval in order that the project zoning and the Final Plat may be considered for approval by the Board at the same meeting. The Applicant is also requesting this revised schedule as Habitat for Humanity and Developer have arrived at a different structure to complete this project. Staff, Habitat for Humanity and the Applicant remain excited about the opportunity to bring affordable units to the Town, and this project will be scheduled for your consideration at a future meeting. If the Board concurs with Staff's recommendation and the request from Habitat for Humanity and the Applicant, no formal action on this agenda item should be taken this evening."
- VIII. Consent Agenda
  1. April 2016 Accounts Payable
  2. March 21, 2016 BOT Meeting Minutes
  3. Resolution 2016-39, a Resolution Modifying the Approval of Resolution 2015-83 Authorizing Staff to Enter Into a Contract with Krishe Construction for the Construction of Meadow Park Phase II Project PW20-B1, by Reconciling the Not to Exceed Value Referenced in Resolution 2015-83 with the Contingency Provision Contained in the Contract
- IX. General Business
  1. Discussion concerning Affordable Housing Policies
- X. Items Removed from the Consent Agenda
- XI. Trustee Reports
- XII. Staff Reports
- XIII. Adjournment

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

**BOARD OF TRUSTEES UPDATE**

**APRIL 4, 2016**

**Re: 2<sup>nd</sup> & Park (Valley Bank) Subdivision and PUD**

Applicant/owner: Downtown Lyons Development, LLC

304 2<sup>nd</sup> Avenue

Town of Lyons

**From: Cody Humphrey, Housing Recovery Coordinator**

---

The following is a brief overview of the PUD Rezone and Plat Process for the 2<sup>nd</sup> & Park project (the "Project"). There are two distinct approval processes that are being followed:

- (1) Approval of a Preliminary and Final PUD Plan in accordance with the procedures set forth in Chapter 16 of the Code; and
- (2) Approval of a Major Subdivision Final Plat in accordance with the procedures set forth in Chapter 17 of the Code.

**PUD Plan:**

Approval of a PUD Plan is a two-step process. The Preliminary PUD Plan is approved by the PCDC and the Final PUD Plan is reviewed by PCDC with a recommendation made to the BOT.

**Major Subdivision Final Plat:**

Approval of a Major Subdivision Final Plat is a three-step process. For a Final Plat, a sketch plan, preliminary plan, and Final Plat all need to be approved. Each of the three proposed subdivision documents (sketch plan, preliminary plan, and Final Plat) requires a hearing before each of the PCDC and the BOT.

To date, and to the extent practicable in order to achieve administrative efficiencies, the process for approval of the planned unit development (PUD) and the Final Plat have run concurrently. This overview highlights what procedural steps the project has completed up to this point and what remaining steps are required in order to have the Final PUD Plan and Final Plat considered by the BOT for approval.

**What has been completed to date:**

- I. Resolution 2015-63: Waiving or Reducing Tap Fees for Habitat for Humanities  
BOT  
*Approved*  
June 15, 2015

Resolution 2015-63 waives the water and wastewater tap fees and the associated water shares for each of up to six (6) individual homes to be built by Habitat for Humanity ("Habitat"). Habitat remains responsible for the school fee, community investment fee, and water meter and construction meter tap fees.

- II. Major Subdivision Sketch Plan  
PCDC  
*Recommend approval with conditions*  
September 28, 2015
- III. Ordinance 987: Approving Sketch Plan for 2<sup>nd</sup> & Park Major Subdivision PUD  
BOT  
*Approved unanimously*  
October 19, 2015
- IV. Major Subdivision PUD Preliminary Plan (consideration of Preliminary PUD Plan and preliminary plan)  
PCDC  
*Motion to continue; no formal action taken by PCDC*  
October 26, 2015
- V. Ordinance 989: Approving Preliminary Plan for 2<sup>nd</sup> & Park Major Subdivision PUD  
BOT (consideration of Preliminary PUD Plan and preliminary plan)  
*Approved unanimously, with conditions*  
November 2, 2015

- VI. Major Subdivision PUD Final Plan  
PCDC (consideration of Final PUD Plan and Final Plat)  
*Recommend approval with conditions* (conditions listed in ATTACHMENT 1)  
November 23, 2015

**What steps remain to be completed:**

**April 18<sup>th</sup>, 2016\***

- I. 1<sup>st</sup> Reading of Ordinance to Approve the Final PUD Plan and Development Agreement for 2<sup>nd</sup> & Park Subdivision
- II. 1<sup>st</sup> Reading of Ordinance to Approve the Vacation of Alley through 2<sup>nd</sup> & Park Subdivision

**May 2<sup>nd</sup>, 2016\***

- I. 2<sup>nd</sup> Reading of Ordinance to Approve the Final PUD Plan and Development Agreement for 2<sup>nd</sup> & Park Subdivision
- II. 2<sup>nd</sup> Reading of Ordinance to Approve the Vacation of Alley through 2<sup>nd</sup> & Park Subdivision
- III. Resolution to Approve the Final Plat and form of Subdivision Improvement Agreement (SIA) for the project

**Delayed effective date of Ordinances**

In accordance with Section 2-2-160 of the Municipal Code, the Ordinances referenced above will be effective 30 days following publication following second reading.

\* These are tentative dates. The timing of these future BOT actions will depend on when the Applicant's application (for both the Final PUD Plan and Final Plat) are deemed complete by Town Staff. Currently, the application has not been deemed to be complete by Town Staff. The Applicant has been advised in writing regarding the deficiencies in the application. The Municipal Code prohibits any further action on the application until such time as the application deficiencies have been remedied. Specifically, Section 17-10-40(4) of the Municipal Code states that "no further processing of an incomplete application shall be undertaken until the Town Planner determines that the applicant has remedied the application's deficiencies."

## ATTACHMENT 1

1. An administratively approved change in use on Lot 1 shall be restricted to the permitted listed uses in the C-Commercial district. A change in use on Lot 1 to any of the listed C-Commercial conditional uses shall be subject to additional Conditional Use Review or Use by Special Review by the PCDC and BOT. The addition of a second story to the commercial building on Lot 1 for any use, including residential use, shall be subject to PCDC Development Plan review and approval.
2. Adequate hard surface walkways shall be provided to connect the duplex buildings with the parking to the north.
3. All new exterior site lighting shall be downcast cut-off fixtures.
4. All new exterior electric services shall be underground.
5. The storm water detention pond shall be protected with a drainage easement granted to the Town for that purpose.
6. Allow all permitted C-Commercial district uses.
7. Mixed Use is allowed on Lot 1 with Conditional Use Review or Use by Special Review. Mixed use building (a building with less than 50% of the total gross floor area of the building consisting of residential uses, all of which residential uses are located on upper floors, where combined with a permitted nonresidential use on the ground level).
8. In addition to the uses allowed by conditional review in the C zone district, the following uses allowed by-right in the C zone district shall also be allowed only upon Conditional Use review or Use by Special review in the proposed PUD-C zone district:
  - a. Entertainment facility
  - b. Marijuana retailing center
  - c. Food or beverage establishment which serves alcohol
9. Lots 2-7 shall be restricted to affordable housing through an instrument approved by the Town.

10. Enhanced Grading and landscaping shall be provided for Lots 2-7 to minimize visual impacts.
11. Building Permits for Lots 2 through 7 shall only be issued to Habitat for Humanity. *Footing and Foundation permits may be issued to the property owner.*
12. Building Permits for Lots 2 through 7 shall only be issued if the approved affordability deed restriction and parking easement has been recorded and the approved project infrastructure is *substantially complete.*
13. Rezoning for Lots 2 through 7 shall only take effect upon issuance of a building permit pursuant to conditions number 11 and 12 noted above.

Town of Lyons  
A/P Summary BI-Monthly  
4/4/16

Date & Check #	Handchecks	Description	Amount
3/25/16 94158	Electric Fund	utilities TOL	\$ 4,593.95
3/25/16 94159	M E A N	RITA installment	\$ 631.02
3/25/16 94160	Old Stone Church	public meeting space 3.17.16	\$ 87.50
3/25/16 94161	Young, Janice	musician for art show opening 4.2.16	\$ 150.00
3/25/16 94162	Petty Cash	replenish petty cash for office	\$ 342.12
<b>Total Handchecks.....</b>			<b>\$ 5,804.59</b>

Payroll 3/25/16 ..... **\$ 40,004.47**

Unpaid Invoices - Vendor	Amount	Grant Funds	Grant Name
437 Main St. Partnership, LLC: \$	2,258.00	\$ 2,258.00	DOLA Staffing
American Red Cross Health & Safety: \$	297.00		
Art Point of View: \$	75.00	\$ 75.00	LCF Sr. Programming
B & G Equipment: \$	560.42		
BC Interiors, Inc.: \$	333.00		
Boulder County Finance: \$	468.00		
Brekke Storage: \$	230.00		
Browns Hill Engineering: \$	2,090.00		
Brownstein Hyatt Farber, LLP: \$	961.45		
Canaima Outdoors, Inc.: \$	750.00		
CIRSA: \$	100.00		
Clark's Hardware: \$	78.39		
Colorado Aerial Photo Service: \$	47.70		
Colorado Analytical Lab: \$	395.90		
Colorado Rockies Baseball Club: \$	180.00	\$ 180.00	LCF Sr. Programming
CPS Distributors, Inc.: \$	18.29		
Deep Rock Water: \$	118.89		
Front Range Land Solutions: \$	9,675.00		
Gateway Auto: \$	1,137.30		
Hygiene Propane Services: \$	260.00		
Innovative Computer: \$	907.50		
JLB Companies, Inc: \$	1,260.00	\$ 1,260.00	DEF & CDBG
Lewan & Associates: \$	473.74		
Longmont Humane Society: \$	387.50		
Longmont, City of: \$	90.00		
Loris and Associates: \$	12,881.09	\$ 12,881.09	FEMA
Louzan & Stillman, LLC: \$	6,666.00		
Lyons Automotive: \$	719.99		
Lyons Recorder: \$	153.63		
Martin Marietta Materials: \$	534.48		
McIntyre, David: \$	150.00		
Montoya, Andrea: \$	100.00	\$ 100.00	LCF Sr. Programming
Morrill, Scott: \$	500.00		
Nebraska Municipal Power Pool: \$	160.00		
New Horizons CLC of Denver: \$	295.00		
Nittman, Justin: \$	490.00		
Old Stone Church: \$	87.50		
Poysti & Adams, LLC: \$	9,451.01		
QED: \$	133.50		
Quill: \$	710.87		
Ramey Environmental Compliance: \$	7,009.37		
Safelite Autoglass: \$	326.90		
Service Experts: \$	76.00		

Town of Lyons  
A/P Summary Bi-Monthly  
4/4/16

The Preservation Studio, Inc.:	\$	240.00	\$	122.90	DOLA
Vasquez, Raul:	\$	400.00	\$	400.00	FEMA
Verizon Wireless:	\$	313.48			
Widner Michow & Cox:	\$	14,143.86			
Unpaid Invoices as of 3/31/16	\$	78,695.76	\$	17,276.99	Total grant expenditures

<b>Total (hand checks, unpaid invoices &amp; payroll</b>	<b>\$</b>	<b>124,504.82</b>
--	-----------	-------------------

1 Workshop 5:30 pm – 6:45 pm  
2 PRESENTATION OF LYONS PARKS FLOOD RECOVERY PLAN/PROCESS – DHM  
3 Design/Ballard King Associates/Parks Staff  
4

5 DRAFT AGENDA  
6 TOWN OF LYONS

7 **7:00 P.M., MONDAY, MARCH 21, 2016**

8 BOARD OF TRUSTEES MEETING  
9 SHIRLEY F. JOHNSON COUNCIL CHAMBER  
10 LYONS TOWN HALL, 432 5<sup>TH</sup> AVENUE, LYONS, COLORADO  
11

12 I. Roll Call and Pledge of Allegiance

13 Roll Call. Present: Mayor John O'Brien, Trustee Barney Dreistadt, Trustee Jim Kerr, Trustee Dawn Weler.

14 Absent: Mayor Pro Tem Connie Sullivan, Trustee LaVern Johnson, and Trustee Dan Greenberg.  
15

16 II. A Reflective Moment of Silence  
17

18 III. Approval of the Agenda

19 IV. Motion: Trustee Greenberg moved to approve the Agenda.

20 Action: Approve, Moved by Trustee Dan Greenberg, Seconded by Trustee Barney Dreistadt.  
21

22 V. Sgt Nick Goldberger, Sheriff's Dept Report

23 Sgt Goldberger stated he is working on having the DEA Drug Takeback Day the same day as the Lyons Cleanup Days  
24 on May 22, 2016; the drugs could be dropped off at the Lyons Substation for 4 hours that day.

25 Sgt Goldberger stated he received an email from CDOT stating they would lower the speed limit to the east and west  
26 of Stone Canyon through the construction area to 35 mph.

27 Sgt Goldberger reported on a stolen vehicle found in the Lyons Cemetery and reiterated if the town had a camera  
28 system in place there would be a better chance when something like this happens.

29 Sgt Goldberger reported he has been working with Lyons Code Enforcement concerning abandoned vehicles.

30 Sgt Goldberger reported on a situation recently in Longmont where 2 gentlemen wearing masks were walking down  
31 Main Street carrying AR guns, while it is legal, open carry is allowed, Longmont Police responded. Sgt Goldberger  
32 stated the Sheriff's Dept would respond if that were to happen here in Lyons. BOT discussion concerning open carry  
33 and police response to open carry.

34 Sgt Goldberger reported there are still continued computer fraud cases along with Craig's list, please don't engage.  
35



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

37 1. Nicholas Angelo, Ute Hwy, stated he was glad to hear the town will be sponsoring a drug take back program. Mr.  
38 Angelo stated some facts concerning the danger of prescription over doses.

39 Mr. Angelo reported the yellow lines in the construction area are gone and feels that if there were an accident there  
40 may be some liability for the town

41 2. Rick DiSalvo, Evans, stated he has reviewed the recovery plan for Bohn Park, the ponds, and the conceptual  
42 drawings for unnamed buy out properties. Mr. DiSalvo stated this was supposed to be just for Bohn Park. Mr. DiSalvo

43 asked that the portion of the plan pertaining to the buyout properties be removed from the Bohn Park Recovery Plan.

44 3. Pam Barnes, Prospect, reported that she agreed with Mr. DiSalvo about taking the section about the buyout  
45 properties out of the Bohn Park Recovery Plan. Ms. Barnes stated members of the Confluence Area plan to be united  
46 and active in the planning process for the areas in the confluence.  
47

48 VII. Housing Committee Update

49 BOT discussion concerning housing policies and the housing survey with housing policies being presented to legal and  
50 then the BOT. The BOT agreed to having discussion at the April 4, 2016 BOT meeting with the goal to adopt a code  
51 with 3-4 guidelines at the April 18, 2016 BOT. The BOT agreed it would be premature to make decisions concerning

52 reduced tap fees when the study has not been completed on the tap fees.

53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100  
101  
102  
103  
104  
105  
106  
107

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

1. Public Hearing, Resolution 2015 - 135, a Resolution Approving a Final Plat and SIA for 2<sup>nd</sup> and Park Subdivision (commonly known as the Valley Bank Property), within the Town of Lyons Continue to April 4, 2016 BOT Meeting

Motion: Trustee Dreistadt moved to Continue Resolution 2015-135 to April 4, 2016 BOT meeting.

Action: Continue Moved by Trustee Barney Dreistadt, Seconded by Trustee Dan Greenberg.

Motion passed unanimously.

IX. Consent Agenda

1. Item taken off – the February 7, 2016 Meeting Minutes were passed by the BOT at the last meeting.

2. March 2016 Accounts Payable

3. Resolution 2016-32, a Resolution Accepting Boulder County Environmental Sustainability Matching Grant Funds and Approving a Related Intergovernmental Agreement with Boulder County.

4. March 7, 2016 BOT Meeting Minutes

5. Resolution 2016 -38, a Resolution Awarding a Bid to and Approving a Contract with Duran Excavating, INC to Furnish and install the 12" Water Transmission Main in Locations A( Riverbend), B (Railroad Ave) and C (Upper 5<sup>th</sup>) in the Town of Lyons

6. Resolution 2016-33, a Resolution Supporting Eco-Cycle's Application for an EPA Environmental Education Grant to Develop a Zero-Waste Action Plan for the Town

7. Resolution 2016-34, a Resolution Authorizing a Contract with Ground Engineering Consultants for Quality Assurance and Materials Testing for Lyons US-36 Streetscape Program

8. Resolution 2016-35, a Resolution Approving the Boulder County Hazard Mitigation Plan That Meets the Requirements Established by Title 44 CFR 201.6, Pending its Adoption.

9. Financial Update for January and February 2016

10. February 23, 2013 Special BOT Meeting Minutes

Motion: Trustee Greenberg moved to approve the Consent Agenda

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

Motion passed unanimously.

X. General Business

1. Resolution 2016-36, a Resolution Approving and Adopting the Final Planning Report of the Town of Lyons Parks Flood Recovery Planning Process Go to the link to see the Plan

<https://securisync.intermedia.net/web/s/YupZDSpavFPKKuKyhNLVAA>

Parks Director Cosgrove reported the Town of Lyons Department of Parks, Recreation and Cultural Events in conjunction with DHM Design and S2O Design and Engineering facilitated the public process to complete the process and associated plans for the Lyons Parks Flood Recovery Planning Process

([www.lyonsparksmpl.com](http://www.lyonsparksmpl.com)) From July through November of 2015. Through a series of nine public

meetings, utilizing the Lyons Recovery Action Plan and other existing Town planning documents and

information, staff and consultants have taken great care to incorporate information about proposed

improvements, amenities, and facilities that have been developed and accepted by the public through

public voting, stakeholder input, comments gathered on a project-specific web site and comment cards

that were provided at each meeting. This process focused on the following areas:

1) Develop a plan to restore and enhance Bohn Park.

2) Develop a plan to restore and enhance Lyons Valley River Park (McConnell Ponds) and Corridor Trail areas.

3) Develop a comprehensive Trails Plan-based on current trails, existing master plans, and new opportunities given the flood event, solicit public input to develop a comprehensive Trails Master Plan to ensure maximum connectivity to parks, neighborhoods, schools, downtown district and local businesses, local transit, regional trail connections, and other critical access points.

4) Develop a River Restoration Plan for designated park areas and other associated public lands including the Black Bear Hole and other "pocket parks".

5) Address concepts for new opportunities for potential flood acquisition properties-Park Development Opportunities/Stream Access and Restoration/Trail Connections and Alignments/Recreational Opportunities/Etc.

108 6) Operations and Maintenance Plan/Financial Analysis-Given the flood event and magnitude of the  
109 recovery efforts, develop strategies for best practices for operations and maintenance, new maintenance  
110 standards for all parks/facilities/amenities, budget requirements and availability to  
111 meet desired outcomes, staffing requirements and availability to meet desired outcomes, cost of required  
112 services based on planned amenities, facility management requirements, expense vs. revenue analysis for  
113 proposed parks/amenities, and overall cost benefit analysis for major parks  
114 and associated amenities. This may require additional services.

115 DHM has had the opportunity to incorporate and summarize all of the information from the process into a  
116 final draft plan document which has been provided for your review. This process culminated in the  
117 completion of 30% design plans for the Bohn Park Flood Recovery Plan, Lyons Valley River Park Flood  
118 Recovery Plan, Trails Plan, Concepts for the Acquisition Properties and Operations and  
119 Maintenance/Financial Analysis. The Bohn Park Flood Recovery Plan was approved by the Lyons Board of  
120 Trustees on November 30, 2015. As per Section 1 of Resolution 2015-118- A RESOLUTION APPROVING  
121 THE BOHN PARK FLOOD RECOVERY PLAN, Town Staff proceeded with developing a Request for Proposal  
122 (RFP) for Construction Documents and corresponding Bid documents based on this plan to move forward  
123 with this project. The 2016 Lyons Bohn Park Final Design and Bid Project is set to kick off in March 2016  
124 and carrying through the bidding for construction in summer of 2016 with the completion of Bohn Park  
125 construction in the summer of 2017. Staff Recommendation: Staff recommends the approval of a  
126 resolution Adopting/Approving the Lyons Parks Flood Recovery Process/Plan.

127 Following BOT and Staff discussion the BOT agreed to making the following changes to the Resolution;  
128 Add a Whereas stating - pages 48-53 of the Report, which contains concepts for potential use of properties acquired  
129 through the flood buy-out program under the heading, "Acquisition Properties/Recreation Opportunities," are not an  
130 integral part of the plans developed from the Planning Process and therefore are not included in this approval and  
131 change Section 1 to read as - Section 1 to read as follows; The Board of Trustees hereby formally approves and adopts  
132 the Final Planning Report of the Town of Lyons Parks Flood Recovery Planning Process, excluding the "Acquisition

133 Properties/Recreation Opportunities" " section found on pages 48-53 of such Report.   
134 Motion: Trustee Greenberg moved to approve Resolution 2016-36 with changing Section 1 to read as follows; The  
135 Board of Trustees hereby formally approves and adopts the Final Planning Report of the Town of Lyons Parks Flood  
136 Recovery Planning Process, excluding the "Acquisition Properties/Recreation Opportunities" section found on pages  
137 48-53 of such Report and adding a Whereas to read as follows - pages 48-53 of the Report, which contains concepts  
138 for potential use of properties acquired through the flood buy-out program under the heading, "Acquisition  
139 Properties/Recreation Opportunities," are not an integral part of the plans developed from the Planning Process and  
140 therefore are not included in this approval

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

142 Motion passed unanimously.

144 2. Resolution 2016-37, a Resolution Approving a Contract with DHM Design for the 2016 Lyons Bohn Park Flood  
145 Recovery Final Design and Bid Project PW:20E

146 Parks Director Cosgrove reported there was a discrepancy in the contract with the numbers, the numbers in the  
147 resolution were correct and they have been corrected in the contract. The Town of Lyons solicited proposals for the  
148 2016 Lyons Bohn Park Flood Recovery Final Design and Bid Project Number PW 20E related to the September 2013  
149 flood. Seven hundred and seventy-four companies were sent the full Request for Proposal (attached) via the Rocky  
150 Mountain E-Purchasing System, several were landscape architect/design firms or landscape construction firms and  
151 several were river restoration engineers or whitewater park consultants.

152 Three proposals were received from such design firms on the RFP deadline date of February 25, 2016-Design  
153 Workshop, THK Associates, Inc. and DHM Design all submitted valid proposals. After careful review and scoring of the  
154 three proposals by a team which included town staff, town engineers, and town board and commission members, the  
155 review team identified DHM Design to be the most qualified bidder providing the most comprehensive services in line  
156 with the criteria and scope spelled out in the RFP. Town staff and the evaluation team also identified DHM as having  
157 substantial and critical background related to post flood recovery efforts, specific to Lyons. DHM assisted Lyons  
158 immediately following the flood with the Lyons parks damage assessment process, GOCO Flood Recovery Grant, and  
159 Meadow Phase I Process. In addition, DHM has familiarity with the Town of Lyons community and town process.  
160 Therefore, we recommend the final design and bid project for Bohn Park be awarded to DHM Design.

161 DHM Design outlined a full scope, schedule and cost breakdown for this project in their submitted proposal and has  
162 noted the notice of award/kick off in March 2016 and carrying through the bidding for construction in summer of  
163 2016 with the completion of Bohn Park construction in the summer of 2017. The primarily funding source for this  
164 project will be FEMA reimbursement. The professional services agreement is set for an amount not to exceed Six  
165 Hundred Forty Thousand Four Hundred Four Dollars (\$640,404.00). This not-to-exceed amount is comprised of the  
166 base bid price of \$592,954.00, the optional Construction Administration Services price of \$25,160 (Optional CA  
167 Services for DHM @ \$12,760, Optional CA Services for S20 @ \$9,600 and Optional CA Services for Irrigation @

168 \$2,800), and the optional Skate Park Design Services price of \$22,290 ( Optional Skatepark Design-Pillar Design Group  
169 @ \$19,890 and reimbursable expenses @ \$2,400).  
170 BOT discussion concerning the project, the BOT requested that Parks Director Cosgrove give them semi-weekly  
171 reports on the project.  
172 Motion: Trustee Johnson moved to approve Resolution 2016-37 with the corrections to the contract noted by Parks  
173 Director Cosgrove and Parks Director Cosgrove to give the BOT semi-weekly reports on the project.  
174 Action: Approve, Moved by Trustee LaVern Johnson, Seconded by Trustee Barney Dreistadt.  
175 Motion passed unanimously.  
176

177 XI. Items Removed from the Consent Agenda - No Items Were Removed From the Consent Agenda  
178

179 XII. Trustee Reports  
180 Trustee Kerr reported he would be attending the NMPP Conference.  
181 Trustee Kerr reported the UEB would be reviewing the first quarter electric reports and would try to be ready to  
182 report to the BOT on April 18<sup>th</sup> but htat it may be May 2<sup>nd</sup> before the report for the first quarter would be ready.  
183 Trustee Kerr reported the PCDC approved the Riverbend PUD and Zoning application, this will be in front of the BOT  
184 May 2, 2016.  
185 Trustee Kerr stated he had been in contact with Public Works concerning maintenance that will need to be completed  
186 at the Lyons Electric Sub Station, this will require shutting down the entire substation and loss of power to Lyons  
187 residents for the time to complete the maintenance, we are working with Longmont to see if they can provide backup  
188 power to the Lyons residents would not be without power for the few hours needed for maintenance.  
189 Mayor O'Brien reported he attended DRCOG last Wednesday and that Alise Jones is the new Chair for DRCOG.  
190 Mayor O'Brien stated he would attended the Metro Mayors Caucus on Thursday, 41 mayors were in attendance.  
191 Mayor O'Brien appointed Emily Dusell to the Human Service and Aging Commission.  
192 Trustee Greenberg reported he attended the Library District meeting, they are still working to seek clarity on the title  
193 work research and if the town is still willing to share the \$4,000 to complete the title work. Town Administrator  
194 Simonsen stated yes it is reasonable to share the cost to get this figured out and recorded.  
195 Trustee Greenberg stated the Library District is looking at the entire area as to where to build the new library and  
196 how a mini campus that included town hall would open up more space. If that does not work then they will see what  
197 they could do at the RTD lot. Town Administrator Simonsen reported the Library District sponsored a 4 hour charette  
198 today at town hall; they are moving forward with their plans.  
199 Trustee Dreistadt thanked Town Administrator Simonsen for sending out the staff report.  
200 Trustee Dreistadt stated Toby Russell and Arielle Hodgson are working on a template for key businesses in town for  
201 daily and annual receipts that will show how businesses are affected during different town events.  
202 Trustee Johnson reported on the Parks and Rec Commission meeting, and Good Old Days.  
203 Trustee Johnson reported on the Qusaquicentennial event April 4, 2016 from 4:00 pm to 6:50 pm.  
204

205 XIII. Staff Reports - see attached  
206

207 XIV. Executive Session  
208 Motion: Trustee Greenberg moved to go into Executive Session pursuant to pursuant to C.R.S. Sec. 24-6-402(4)(e) to  
209 determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations and  
210 instructing negotiators regarding terms and conditions of a utility easement to be acquired by the Town for a pending  
211 public works project and Executive Session pursuant to C.R.S. Sec. 24-6-402(4)(a) and (e) for the purpose of discussing  
212 the possible purchase, acquisition, lease, sale, or transfer of a real property interest and for determining positions  
213 relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing  
214 negotiators regarding property that may be suitable for placement of a public works building and to adjourn at the  
215 end of the Executive Session.  
216 Action: Approve, Moved by Trustee Dan Greenberg, Seconded by Trustee Barney Dreistadt.  
217 Motion passed unanimously (8:20 pm)



218  
219 XV. Adjournment – Executive Session adjourned at 10:15 pm  
220

221 Respectfully submitted by:  
222  
223

224  
225  
226  
227  
228  
229  
230

---

Deb Anthony, MMC, Town Clerk

John E O'Brien, Mayor

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

**Item # - VII- 3**

**Meeting Date: April 4, 2016**

**Subject: RESOLUTION 2016-39, A RESOLUTION MODIFYING THE APPROVAL OF RESOLUTION 2015-83 AUTHORIZING STAFF TO ENTER INTO A CONTRACT WITH KRISCHE CONSTRUCTION FOR THE CONSTRUCTION OF MEADOW PARK PHASE II PROJECT PW 20-B1, BY RECONCILING THE NOT-TO-EXCEED VALUE REFERENCED IN RESOLUTION 2015-83 WITH THE CONTINGENCY PROVISION CONTAINED IN THE CONTRACT**

**Presenter: Dave Cosgrove-Town of Lyons Director of Parks and Recreation and Sloane Nystrom-Town of Lyons, Parks Project Manager**

**Background Information:** In August of 2015 the town of Lyons and Krische Construction entered into a construction agreement for the Meadow Park Phase II project PW 20B1 related to the flood of September 2013. The project began in September of 2015 and will be completed in early summer of 2016.

The original resolution 2015-83, authorized Town staff to enter into a contract with Krische Construction for the not-to-exceed amount of Six Million One Hundred Seventy-Two Thousand Seven Hundred Sixty Dollars (\$6,172,760.00) (the "Contract"), and authorized the and the Mayor or Mayor Pro Tem to execute such Contract.

A modification is needed, by way of resolution, due to the fact that the the not-to-exceed amount in the Contract that the Board authorized was subject to adjustment contingencies as provided in Sections 5 and 7 of the Contract, but Resolution 2015-83 did not reference such adjustment contingencies. To ensure consistency between the Contract and the resolution authorizing the Contract, and to ensure that the costs of the contract may be reimbursed by grant funds as appropriate, the Board desires to modify the contract authorization memorialized in Resolution 2015-83 in recognition of the fact that such authorization encompassed the full Contract amount including adjustment contingencies referenced in the Contract. Sections 5 and 7 of the Krische Construction contract are included below to reference the specific language that speaks to adjustments and modifications.

**5.00 CONTRACT SUM AND PAYMENT:** The Owner shall pay to the Contractor for performance of the Work encompassed by this Agreement, and the Contractor will accept as full compensation therefore the sum of: *Six Million One Hundred Seventy-Two Thousand Seven Hundred Sixty Dollars (\$6,172,760.00)* subject to adjustment as provided by the Contract Documents ("Contract Price"). The Town has appropriated sufficient funds for completion of this Work.

**7.00 MODIFICATIONS AND AMENDMENTS:** Should work beyond that described in the Contract Documents be required, it will be paid for as extra work at a cost to be agreed upon in separate written agreement by the Town and the Contractor prior to commencement of the additional work. Such additional agreements shall be executed and approved by all persons required by Town purchasing ordinances or policies. Unless specifically excluded, such written agreements shall be considered part of the Contract Documents

**Staff Recommendation:** Staff recommends the approval of a resolution modifying resolution 2015-83 authorizing staff to enter into a contract with Krische Construction for the construction of Meadow Park Phase II Project PW 20-B1, by reconciling the NOT-TO-Exceed value referenced in resolution 2015-83 with the contingency provision contained in the contract.

**TOWN OF LYONS, COLORADO  
RESOLUTION 2016-39**

**A RESOLUTION MODIFYING THE APPROVAL OF RESOLUTION 2015-83 AUTHORIZING STAFF TO ENTER INTO A CONTRACT WITH KRISCHE CONSTRUCTION FOR THE CONSTRUCTION OF MEADOW PARK PHASE II PROJECT PW 20-B1, BY RECONCILING THE NOT-TO-EXCEED VALUE REFERENCED IN RESOLUTION 2015-83 WITH THE CONTINGENCY PROVISION CONTAINED IN THE CONTRACT**

**WHEREAS**, the Board of Trustees approved a Concept Plan for Phase 2 of the Meadow Park Redesign and Construction Project via Resolution 2015-22; and

**WHEREAS**, in accordance with the Concept Plan and the Town's purchasing policies, the Town solicited bids on June 26, 2015 for the construction of Meadow Park Phase 2 ("Project"); and

**WHEREAS**, the Town received two qualified bids for the Project on the deadline date of July 30, 2015; and

**WHEREAS**, Town staff and the Town's design consultants, Ripley Design and S2O, reviewed the proposals and found Krische Construction to be the lowest qualified bidder; and

**WHEREAS**, Krische Construction represented that it possesses the skill and experience necessary for the construction services associated with the Project; and

**WHEREAS**, via Resolution 2015-83, the Board of Trustees awarded the bid to Krische Construction, authorized Town staff to enter into a contract with Krische Construction for the not-to-exceed amount of Six Million One Hundred Seventy-Two Thousand Seven Hundred Sixty Dollars (\$6,172,760.00) (the "Contract"), and authorized the and the Mayor or Mayor Pro Tem to execute such Contract;

**WHEREAS**, the not-to-exceed amount in the Contract that the Board authorized was subject to adjustment contingencies as provided in Sections 5 and 7 of the Contract, but Resolution 2015-83 did not reference such adjustment contingencies; and

**WHEREAS**, to ensure consistency between the Contract and the resolution authorizing the Contract, the Board desires to modify the Contract authorization memorialized in Resolution 2015-83 in recognition of the fact that such authorization encompassed the full Contract amount including adjustment contingencies referenced in the Contract.

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

Section 1. The Town Board of Trustees hereby declares that that the amount of the contract awarded in Resolution 2015-83 to Krische Construction for Meadow Park Phase 2 PW 20-B1 encompassed the full contract amount of Six Million One Hundred Seventy-Two Thousand Seven Hundred Sixty Dollars (\$6,172,760.00) as well as adjustment contingencies referenced in the Contract and hereby modifies the Contract approval set forth in Resolution 2015-83 to include such adjustment contingencies.

Section 2. Town staff is hereby authorized to take such actions as are necessary to implement this Resolution.

Section 3. This resolution shall be effective upon its adoption.

**ADOPTED this 4<sup>th</sup> Day of April, 2016.**

TOWN OF LYONS

By: \_\_\_\_\_  
John E. O'Brien, Mayor

ATTEST:

\_\_\_\_\_  
Debra K. Anthony, Town Clerk

# Lyons Housing Survey 2016

The Town of Lyons and Lyons Special Housing Committee have been working to restore affordable housing in response to losing over 100 homes in the 2013 flood. Affordable housing has been previously identified as a priority in the pre-flood Comprehensive Plan and as a high priority in the Lyons Recovery Action Plan. This survey is intended to help ensure that housing policies and projects address what the people of Lyons want as well as the needs of the Lyons community as indicated in a housing needs assessment. Responses will also be used to ensure Lyons residents get the information they desire about any upcoming projects.

Please complete this survey if you are a Town of Lyons resident (or a resident displaced by the 2013 flood) who is 18 years or older. All of your responses to this survey are completely anonymous and will be reported in group form only. The survey should take about 5 minutes.

“Affordable housing” means housing that people can afford, meaning that they spend no more than 35% of their income on housing. While affordable housing can be created using a variety of methods, certain kinds of affordable housing are easier to fund, because they are eligible for existing state and federal tax credits or fit with typical affordable housing development models in use by public and private developers.

Thanks very much for your time.

1. In your opinion, how important is it for affordable housing to be available in Lyons?

- Essential                     
  Very important                     
  Somewhat important                     
  Not at all important

2. Please rate how important you feel each of these affordable housing benefits is to the future of Lyons:

	<i>Very important</i>	<i>Somewhat important</i>	<i>Not at all important</i>
Bring people back who lost homes in the flood .....	1	2	3
Increase diversity in Lyons.....	1	2	3
Help people who grew up here to stay here .....	1	2	3
Provide housing options for employees of local schools, police, municipal government and local businesses to live in the community .....	1	2	3
Recover and increase the property and sales tax base .....	1	2	3
Increase town utility revenues .....	1	2	3
Help artists and musicians who want to live in town .....	1	2	3
Support your friends and family who want to live in town.....	1	2	3
Help seniors afford to live in town .....	1	2	3
Other (Please Specify _____) .....	1	2	3

3. Please indicate how frequently you get information from each of these sources, if at all, about important Town of Lyons issues, including affordable housing.

<i>source</i>	<i>Frequent source</i>	<i>Infrequent source</i>	<i>Not at all</i>
Town website (www.townoflyons.com) .....	1	2	3
Email notices sent from the Town .....	1	2	3
Newsletter or flyer mailed with utility bill.....	1	2	3
Facebook or other social media .....	1	2	3
Local newspapers .....	1	2	3
Word-of-mouth (e.g., friends or neighbors).....	1	2	3
Town staff or Board of Trustee members .....	1	2	3
Other (Please Specify _____) .....			

4. Do you have any other questions or suggestions for the Town regarding affordable housing in Lyons?

---



---



---