



Meeting Agenda

4:30 – 6:00 PM, Wednesday, Aug 17th, 2016

Lyons Town Hall

I. Roll Call, Agenda, Minutes

- Amendments to Agenda
- Approve Minutes from Aug 3d
- Upcoming Meetings

II. Audience Business

III. Liaison Updates

- Board of Trustees Update
- Staff, Engineering Update

IV. Continued Business

- Water Backflow Prevention Cross Connection Control (BPCCC) Ordinance
- Tap/Connection Fee policy for subsidized housing/ADU

V. New Business

- CSU Energy Assessment Report by Cary Weiner- 5 PM
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VI. Parking Lot

- Wastewater Pretreatment Policy
- Reserve/Rate Stabilization Funds
- LRAP INF 2.2.1
- Municipal Code Corrections
- Town Utility Account Tracking
- Pipe Water Rates



UEB Meeting Minutes, 3 Aug 2016

Meeting Time and Location: Began at 4:30 at Lyons Town Hall

Attendance:, Aaron Caplan, Lee Hall, Coco Gordon, John Cowdry, Dan Reitz

Staff: Jim Blankenship, Rusty Ribble, Lagenia Reimer, Amy Lynn **Liaisons:** Jim Kerr **Guests:**

Previous Minutes: . Reviewed and approved Jul 20th minutes with modification in the 2nd line of 110 gallons to 110,000 gallons

BoT Update: Nothing to report not on the agenda

Staff Update: Our new utility clerk and permit technician, Lagenia Reimer, and our new code enforcement officer, Amy Lynn introduced themselves. Lagenia mentioned working with Toby to complete MEAN's Distributed Generation Registration of Existing Facilities Report. Amy reported code enforcement is working on grease trap inspections.

The rate study of the electric utility by EPSM was approved by the BoT and Jim B. is working on the contract and hoped to get the work started next week. The SCADA system upgrade to include upgrading all locations of the system rather than just the few that were currently having a problem was also approved by the BoT.

Accessory Dwelling Unit (ADU) Tap Fees: It was expressed that we should be able to reduce tap fees for ADU's if nothing physical was being done at the location.

There was concern about the fines from Longmont when we go over are daily maximum water usage. For 2015 according to the Billing from Longmont that maximum was 899,875 gallons per day. That does change based on the number of taps the town has. It was noted that the UEB had heard the town went over this limit this year and it is mentioned in the billing letter from Longmont that we went over in 2006 and 2012 and look to still be paying fines on these.

Concern about the age and integrity of individuals wastewater systems on their property was mentioned. Could it handle the additional load from an ADU.

Advised that there would be a joint PCDC/UEB meeting on Monday Aug 8th at 7 PM.

Backflow Prevention and Cross Connection Control (BPCCC) Policy: Jim B felt the UEB, Public Works and Engineering should be able to come up with the ordinance needed to enforce the new BPCCC program that the state is requiring water suppliers develop by the end of 2016. We had been given a sample ordinance that appeared pretty complete and could relatively easily be modified for Lyons needs.

Aaron will find the ordinances from a few other municipalities and send those out for comparison. After we develop our draft ordinance we can send it to Ramey, the town's Environmental Wastewater contractor for their review and then submit to the BoT.

Low Income Heating and Energy Assistance Program (LIHEAP): We reviewed this Federal program that MEAN, our electric supplier, sent us information on. Is this something the town should be aware of? Should this be looked into as something additional to what the town already offers or perhaps in place of that program. Maybe the town could send out an eblast on this program. **Aaron will mention it to Toby as he is also working with LEAP.**

Meeting ended: 5:45 pm. **Minutes Submitted by:** Aaron Caplan

Sec. 13.08.180. - Cross-connection control.

- A. *Purpose.* The purpose of this section is:
1. To protect the public potable water supply of the city from the possibility of contamination or pollution by isolating within its customers' internal distribution system such contaminants or pollutants which could backflow or back-siphon into the public water system.
 2. To promote the elimination or control of existing cross-connections, actual or potential, between its customers' on-site potable water systems and non-potable systems.
 3. To provide for the maintenance of a continuing program of cross-connection control that will effectively prevent the contamination or pollution of potable water systems by cross-connection.
 4. To provide that backflow prevention devices within structures, building and appurtenant plumbing shall be regulated by the city's plumbing code, as adopted and in effect from time to time, and in accordance with this section.
- B. *Authority.* The city, as the water purveyor, has primary responsibility and authority for preventing water from unapproved sources, or any other substances, from entering the public potable water system. Authority to implement and maintain this program on cross-connection is contained in the following legislative actions:
1. The Federal Safe Drinking Water Act of 1974.
 2. Sections 25-2-207, 25-2-108 and 25-1-114, C.R.S.
 3. Colorado Primary Drinking Water Regulations (CPDWR) 5 CCR 1003-1, Article 12.
 4. Cross-Connection Control Manual, 5th edition, Colorado Department of Public Health and Environment.
- C. *Responsibility.* The public works director or his designee shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow or back-siphonage of contaminants or pollutants through the water service connection. If the public works director determines that an approved backflow device is required at the city's water service connection to any customer's premises, the public works director shall give notice in writing to said customer to install an approved backflow prevention device at each service connection to such customer's premises. The customer shall install the approved device or devices at the customer's own expense within 90 days of the receipt of the notice or the customer's water service will be discontinued until the proper device or devices are installed.
- D. *Administration.*
1. The city will operate a "cross-connection control program", which includes the required recordkeeping related to initial inspection, hazard level, initial device testing, yearly device testing and device replacement, etc.
 2. Each owner of property that is located in the city or served by the city water system, or that has city water facilities on such property, shall allow his or her property to be inspected for possible cross-connections, and such owner shall follow the provisions of the city's cross-connection program if a cross-connection is permitted.
- E. *General requirements.* The following requirements shall be met for all containment backflow prevention

assemblies, required on identified hazardous cross connections:

1. Commercial, industrial and institutional buildings shall have an approved reduced pressure zone assembly to isolate all building fixtures and taps from the city distribution system.
2. Backflow prevention assemblies are to be installed in an accessible location to facilitate maintenance, testing and repair. Drawings must show various installations.
3. All backflow prevention assemblies shall be installed on the customer side, immediately following the water meter.
4. In no case will it be permissible to have connections or tees between the meter and service line backflow prevention assembly.
5. The valves associated with the backflow prevention device shall not be used as the inlet or outlet valve of the water meter. Test cocks shall not be used as supply connections.
6. In order to ensure that backflow prevention assemblies continue to operate satisfactorily, they shall be tested at the time of installation and on an annual schedule thereafter. Such test shall be conducted in accordance with American Society of Sanitary Engineering (A.S.S.E.) and/or University of Southern California, Foundation of Cross-Connection Control and Hydraulic Research (U.S.C. F.C.C.C. and H.R.) performance standards and field test procedures as directed by the Colorado Department of Public Health and Environment.
7. All costs for design, installation, maintenance, repair and testing shall be borne by the customer.
8. All fire sprinkler systems shall conform to the applicable sections in the current edition of pamphlets Thirteen, Twenty-Four and Twenty-Five of the National Fire Protection Association and local fire district policy.
9. All identified hazardous cross-connections to the city water system shall conform or be brought into conformance with the requirements of this section within one year of adoption of this section.

F. *Standards for backflow prevention assemblies.* Any backflow prevention assembly required herein shall be a model and size approved by the department of public works. Only approved backflow prevention assemblies shall be used. The term *approved backflow prevention assembly* shall mean an assembly that has been manufactured in full conformance with the standards established by the latest version of the Colorado Department of Public Health and Environment Cross-Connection Control Manual. Final approval shall be evidenced by a "certificate of approval" issued by an approved testing laboratory certifying full compliance with Colorado Department of Public Health and Environment standards and A.S.S.E. and/or U.S.C. F.C.C.C. and H.R. specifications. The following testing laboratories are qualified to test and certify backflow prevention assemblies, and an assembly being listed on their periodic approved list shall constitute meeting all of the above requirements:

1. A.S.S.E., American Society of Sanitary Engineering, 28901 Clemens Road, Suite 100, Westlake, Ohio 44145.
2. U.S.C. Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California, OHE 430-D University Park-MC, 1453, Los Angeles, California 90089-14534.2.

G. *Installations.* The following requirements shall apply with respect to installation of any backflow prevention assembly:

1. Backflow prevention assemblies shall be installed in accordance with the specifications of the city plumbing code, as adopted and in effect from time to time.
2. Backflow prevention assembly installations shall be inspected and approved for use by the building department.
3. All backflow assemblies shall be installed in the horizontal position unless a variance is obtained for other installation pursuant to the variance procedures applicable to the city's plumbing code. Any variance granted may include specifications for vertical installation and may contain such other terms and conditions as are determined necessary by the director of public works or the chief building official.
4. A single check valve is not considered to be a backflow prevention assembly.
5. Reduced pressure backflow prevention devices shall be installed above ground. The unit shall be placed at least 12 inches above finish grade to allow clearance for the repair work. A concrete slab at finish grade is recommended. Proper drainage shall be provided for the relief valve and drainage may be piped away from the location, provided that the valve and drain line are readily visible from above grade and provided that the relief valve is separated from the drain line by a minimum of double the diameter of the supply line. A modified vault installation may be used if constructed with ample side clearances. Precautions shall be taken to protect aboveground installations from freezing and damage, and the city may impose installation specifications upon an installation to protect the same from freezing or damage, and to protect the public water system and water supply.

H. *Testing and maintenance.* The following requirements shall apply with respect to testing and maintenance of cross-connection assemblies:

1. Identified hazardous cross connections (containment protection): It is the duty of the owner and customer at any premises where any backflow prevention assemblies are installed to have a certified test made of those assemblies at least once per year. Such duty shall be a joint and several obligation of the owner and customer. In those specific instances where the department of public works deems the hazard to be great enough, certified inspections and testing at more frequent intervals may be required. These tests shall be at the expense of the owner and customer and shall be performed by a certified technician approved by the Colorado Department of Public Health and Environment and the department of public works. An inspection of the assembly may be performed at any time pursuant to the right-of-entry procedures of this section.
2. As necessary, the assembly shall be repaired or replaced at the expense of the owner/customer whenever the assembly is found to be defective. Records of all such tests, repairs or replacements shall be kept for three years by the owner/customer and the department of public works.
3. Existing assemblies shall be tagged by the technician performing the test at the completion of the test, showing the names of the technician and date of test.
- 4.

All testing equipment used in the testing of backflow prevention assemblies shall be checked for accuracy yearly, or more often, and the proof of compliance shall be submitted to the department of public works upon request.

5. The department of public works retains the right to test or otherwise check the installation and operation of any containment assembly at any time to assure proper operation.
- I. *Right of entry.* A representative of the department of public works will carry proper credentials of his or her office. By previously arranged appointment and upon presentation of proper credentials, the department of public works representative shall have the right of entry to inspect any and all buildings and premises for the presence of cross-connections, for possible hazards relative thereto, and for determining compliance with this section. This right of entry shall be a condition of water service in order to protect the health, safety and welfare of the customers throughout the city's distribution system. Where building security is required, the backflow assembly should be located in an area not subject to security. Questions regarding proper credentials should be directed to the department of public works.
- J. *Violations.*
 1. Failure of an owner or customer to cooperate in the installation, maintenance, testing or inspection of backflow prevention assemblies required by these standards shall be grounds for the discontinuance of water service to the premises or the requirement of installation of an air-gap separation from the public potable water system.
 2. Service of water to any premises may be discontinued by the director of public works if unprotected cross-connections exist on the premises. When any defect is found in an installed backflow prevention assembly, or if a backflow prevention assembly has been removed or bypassed, water service may be discontinued until such conditions or defects are corrected.
 3. Discontinuance of service may be summary, immediate and without written notice whenever, in the judgment of the public works director, such action is necessary to protect the purity of the public potable water supply or the safety of the water system.
 4. It shall be unlawful for any person to violate any provision of this section, which violation shall be punishable by a fine by not imprisonment. Such fine may be imposed in addition to any discontinuance of water service or other action taken by the department of public works. The municipal court is authorized to enter orders for injunctive relief to require compliance with this section.

(Ord. No. 1468-2005, § 1, 4-19-2005)

The Chair of the PCDC stated with the goal the BoT gave is to encourage people to get a permit to build a legal ADU. Since the new regulations on ADU's were enacted no one has done this. There was also concern about safety from the police and fire departments when people are living in ADU's that are not registered with the town.

It was mentioned that having an ADU is a business and probably requires a person have a business license, and some homeowner's insurance carriers won't cover the loss of an ADU if it is not permitted as required by the jurisdiction.

The PCDC expressed that they thought there should not be separate taps for accessory use and mentioned some municipalities require ADU's use the services of the primary dwelling. Golden is an example that requires this. Larimer county actually forbids rent be collected for ADU's and that they are only to be used for expanded family or temporary guest use.

The UEB's concern is the well being of the utilities and who pays for the buildout to handle the additional water, sewer or electric services needed. It was mentioned that a family with 5 kids could move in and require much more than a ADU which is very limited in size. It was also mentioned that for water there is a limit of 270,000 gallons per year from a single tap and usage over that requires payment of additional fees. There is already code in place that is not being enforced that would help collect more revenue from high usage customers.

The UEB advised we had felt that ADU's were the same as multi dwelling units.

The town would be collecting more revenue from consumption. With regard to wastewater the new plant we built must have taken some growth into consideration and there is no likelihood of having rampant growth from ADU's.

It was mentioned about the concern developers might have with them being required to pay additional tap fees for multi dwelling units and ADU's not being required to do so. Someone advised that Lyons Valley Village does not allow for multi dwelling units and where else is there concern about any new development. The size of an ADU also prevents a developer from trying to build a primary dwelling and accessory dwelling unit and take advantage of any new regulations for ADU's that allow for no or reduced tap fees.

There was one question on whether Water Shares are based on new Taps or new Lots.

Because of the above reasons it was asked if ADU's should not be required to be on the same tap, and if there usage is expected to be more than the standard ¾ inch water tap then they should pay for a larger tap to be installed and all fees associated with that. It was also asked if ADU's should specifically be excluded from being considered multi dwelling units. Chapter 13 of the Municipal Code on Utilities is the purview of the UEB. Could the UEB discuss these considerations and work on modifications to the code with respect to Tap Fees for ADU's and to present to the BoT in conjunction with the PCDC's updated code on zoning for ADU's.

Sec. 13-1-10. – Definitions

Current

Unit means, unless otherwise specifically defined by another section of this Chapter: (1) in reference to a residential use, a residential dwelling, mobile home, apartment house or motel, designed primarily for occupancy by one (1) person, one (1) family or otherwise intended as a single living or sleeping area, whether temporary or permanent; or (2) in reference to a nonresidential use, the property or the use controlled by a consumer.

Proposed

Unit means, unless otherwise specifically defined by another section of this Chapter: (1) in reference to a residential use, a **principal** residential dwelling, **an accessory residential dwelling**, mobile home, apartment house or motel, designed primarily for occupancy by one (1) person, one (1) family or household or otherwise intended as a single living or sleeping area, whether temporary or permanent; or (2) in reference to a nonresidential use, the property or the use controlled by a consumer.

Sec. 13-2-110. - Electric community investment fee.

Current

a) Fee required. Except as otherwise provided by this Section, no building permit for new construction shall be issued unless and until an electric community investment fee in the amount of four thousand five hundred dollars (\$4,500.00) is paid in accordance with this Section. The electric community investment fee is assessed for the purpose of maintaining and providing improvements to the electric distribution system which are necessary to permit extension of services to new construction.

(b) For purposes of this Section only, *new construction* shall mean the erection, construction, fabrication or relocation of a residential or nonresidential building within the Town. *New construction* shall not include:

- (1) The alteration, modification, rehabilitation or expansion of an existing building that does not increase the number of dwelling units or increase the gross floor area of the building by more than seventy-five percent (75%);
- (2) Replacement of an existing building with a new building, provided that the new building does not increase the number of dwelling units; or
- (3) An accessory building or structure as defined by [Chapter 16](#) of this Code.

Proposed

(a) Fee required. Except as otherwise provided by this Section, no building permit for new construction shall be issued unless and until an electric community investment fee in the amount of four thousand five hundred dollars (\$4,500.00) is paid in accordance with this Section. The electric community investment fee is assessed for the purpose of maintaining and providing improvements to the electric distribution system which are necessary to permit extension of services to new construction.

(b) For purposes of this Section only, *new construction* shall mean the erection, construction, fabrication or relocation of a residential or nonresidential building within the Town. *New construction* shall not include:

- (1) The alteration, modification, rehabilitation or expansion of an existing building that does not increase the number of dwelling units or increase the gross floor area of the building by more than seventy-five percent (75%);
- (2) Replacement of an existing building with a new building provided that the new building does not increase the number of dwelling units; or
- (3) An accessory building or structure as defined by Chapter 16 of this Code. Creation of an Accessory Dwelling Unit as defined by Chapter 16 of this Code shall not constitute an increase in the number of dwelling units for purposes of this Section.

Sec. 13-3-50. - Nonmetered service rates and charges.

Current

Dwelling means a building or portion thereof, including a mobile home designed exclusively for residential occupancy and one-family, two-family and multiple dwellings; but not including hotels, boarding houses, motels and lodging houses.

Proposed

Dwelling (Principal and Accessory) means a building or portion thereof, including a mobile home designed exclusively for residential occupancy and one-family, two-family and multiple dwellings; but not including hotels, boarding houses, motels and lodging houses.

Sec. 13-3-90. - Connection or tap fees

Current

(3) Where a building served by a single tap includes more than one (1) residential dwelling unit, the connection or tap fee provided by this Subsection shall be increased by an additional eleven thousand five hundred dollars (\$11,500.00) for each additional dwelling unit.

Proposed

(3) Where a building served by a single tap includes more than one (1) *principal* residential dwelling unit, the connection or tap fee provided by this Subsection shall be increased by an additional eleven thousand five hundred dollars (\$11,500.00) for each additional dwelling unit. . Creation of an Accessory Dwelling Unit as defined by Chapter 16 of this Code shall not constitute an increase in the number of dwelling units for purposes of this Section.