



Meeting Agenda

4:30 – 6:00 PM, Wednesday, Jan 9th, 2019

Lyons Town Hall

I. General Business

- Amendments to Agenda
- Approve Minutes from Dec 19th
- Upcoming Meetings
- Audience Business

II. Liaison Updates

- Board of Trustees Update
- Staff, Engineering Update

III. Continued Business

- Electric line ownership demarcation
- LMC Chapter 13 Code modifications

IV. New Business

- Street Light Placement/ Removal

V. Parking Lot

- High St. Steamboat Valley Storm Drainage
- Electric Utility Meters
- MEAN Distributed Generation Policy / Solar Farm
- LRAP INF 2.2.1



UEB Meeting Minutes, Dec.19, 2018

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

Attendance: Aaron Caplan, Jim Kerr, Jay Stott, Lee Hall, Coco Gordon, Dan Reitz, Chuck Keim

Staff: Joe Kubala

BOT Liaison: Mike Karavas

Guests:

Previous Minutes: Dec 5 minutes approved. **Request for Aaron to forward MEAN minutes and updates to UEB.**

BoT Report: .- highland Ditch issues, botanical garden approved, BOD surcharge passed. Staff will report on financial impact in 90 days.

Staff Update: .- 4\$ increase on sewer takes effect in Jan. BOD surcharge takes effect in February. Bloomfield Alley streetlight. Add ordinance to agenda for next meeting. Riverbend argument that they have 30 water taps. Have not signed PUD or done drainage improvements. Clarify that if base rate is not paid taps revert to town. Need to get a hydrant live in eastern corridor. Will rebid the water meters. RFP will be to UEB soon. New polymer in centrifuge in water treatment plant. Improving performance considerably. Will cut hauling costs. Ramey cut to 4 days/week. Lots of cost savings. Relating of plant should be done by Jan 19.

Wastewater: high strength waste, utility data.

Jim Kerr has done a deep dive on utility data, working through how to generate data for wastewater rates. Review of Jim's write up.

Water rights dedication: discussion of update to language 17-14-10 regarding water rights allocated to town/ requirements for subdivision, etc. Tap fee code:13-3-90- new connections need to pay tap fees as outlined. Discussion of appropriate place for this language, section 17 or section 3.. Revising of language. Discussion of status of ongoing developments: Summitt, Markel, others? Discussion of allocation of water shares to Longmont given that we have 24 unused shares in our agreement with Longmont.

Motion to Send new language 7-14-10 to board: passed unanimously

Meeting ended: 6 pm. **Minutes Submitted by:** Jay Stott & Aaron Caplan

Lyons Code on Water Lines Section 13-3-100

(g)

Obligation to maintain equipment and lateral service lines. The owner of any premises or property receiving water services shall keep, maintain and repair the following elements of the water system in good repair and condition, properly functioning, and shall be obligated for the cost and expense associated with such maintenance and repair: the stop-cock, the stop-cock box and cover, and the lateral service line extending from the water main to the building or structure receiving water service, but not including the service, maintenance and repair of the water meter. Nothing in this Section shall permit any owner to excavate, cut or disturb any public right-of-way, public street or public property without the consent and approval of the Town Administrator.

Omaha Power-

OPPD says it will restring a downed line or string a new line as long as there is a clear corridor of air space from the power pole to the point where the wires attach to the house. OPPD crews will also untangle lines from fallen trees in most cases. They will not remove the trees. If a fallen tree has branches that have created an obstruction in the air-space corridor, then the homeowner should have the branches removed.

If electrical lines were torn from a house, or the electric meter or power pole mast attached to the house has been damaged, a private electrician will be needed to make the repairs. Meter sockets and power masts attached to a house are the responsibility of the homeowner. OPPD is responsible for the wires from the power pole to the point just before they enter a property's conduit system. OPPD crews may be able to make temporary repairs to restore electricity in some cases, but permanent repairs must be completed by an electrician.

Diagram of who owns what -

<https://www.pplelectric.com/reliability/delivering-electricity/yours-ours.aspx>

<https://www.firstenergycorp.com/content/dam/customer/get-help/files/brochures/WhoOwnsWhatCEI-0114.pdf>

News article - According to Xcel Energy, tree branches in contact with the overhead power lines between the pole and house are the responsibility of the homeowner.

Longmont Chapter 14.32

14-32-190 E . Liability.

1.

All lines, wires, apparatus, instruments, meters, transformers, poles, telecommunication equipment, and material supplied by the city at its expense or under its standard policies will be and remain the property of the city. The city's property shall not be worked upon or interfered with by any customer or other unauthorized person(s). The customer shall be responsible for any damage to or loss of the city's property located on the customer's premises, caused by or arising out of the acts, omissions or negligence of the customer or others, or the misuse or unauthorized use of the city's property by the customer or others. The cost of making good such loss and/or repairing such damage shall be paid by the customer. This provision also applies to damages to city facilities during the course of construction activities at a development site.

14-32-200 -C. Customer's wiring and equipment.

1.

It shall be the customer's responsibility to provide suitable protective equipment such as fuses, circuit breakers and relays to adequately protect their equipment. If three-phase equipment is used, it shall be the customer's responsibility to protect it against phase failure, phase reversal, and under- and over-voltage. More specific requirements governing conditions of service are also contained in other regulations herein.

2.

The customer's wiring shall be in accordance with applicable wiring codes. The city reserves the right to refuse or discontinue service to customer where customer's equipment or wiring is in hazardous conditions, or not in conformity with lawful codes and local regulations. All customers shall be solely responsible for the maintenance and safety of

their wiring and equipment, and the city shall not in any way be liable for accident or damages occurring to the customers or to third parties because of contact with or failure of any portion of the customer's installation.

14-32-210 A.

Point of delivery and metering equipment requirements.

1.

The point of delivery is that point on the consumer's premises (or other agreed point) where the city terminates its electrical service conductors, and the customer's wires are connected to the city's conductors. All equipment on the load side of the point of delivery shall belong to, and be the responsibility of the customer, except meters and metering equipment and other equipment provided by the city, including instrument transformers. If an outage occurs due to failure of the housing components, the customer is responsible for repairs.

2.

It shall be the responsibility of the customer, or the customer's electrical contractor, to obtain the city's most current standards and specifications, to advise the city of the customer's requirements in advance of installing the service entrance equipment, and to ascertain that the location is acceptable to the city.

3.

The customer shall furnish and install a meter housing approved by the City of Longmont for the installation of the city's metering equipment. If, in the city's discretion, instrument transformers are required, an approved location and mounting bracket shall be provided for outdoor type instrument transformers, or if an outdoor installation is not desirable, the customer shall furnish and install an approved suitable metal enclosure for the installation of instrument transformers and the metering sockets for which the city will furnish and install the meters. In the case of meter clusters, the customer shall furnish and install metering equipment that has been approved by the LPC engineering and metering divisions. LPC staff will inspect installations at the time of service connection. LPC staff shall not install the service meter until the customer installs a meter housing approved by LPC.

4.

In multi-unit buildings each meter socket shall be plainly and permanently marked with an engraved brass badge to indicate which apartment or unit it supplies. The marking shall be the same as the mailing address for each apartment or unit. The owner or developer shall be responsible for all electricity delivered through unmarked, illegible or incorrectly labeled meter sockets. The city will bill all expenses incurred by the utility related to correcting improperly labeled meters to the developer or owner, who shall pay such expenses within 30 days of receipt of said billing.

List of issues the Board of Trustees would like looked at in Section 13 of LMC

Code needs to be clarified/simplified. This is mostly in article 1 of section 13, but can work on all of section 13

1- town admin does not have the power to enact administrative regulations or make interpretations on the code that may not be clear. Engineer is probably best person to do this. Very common in various levels of government.

2- add enterprise fund declarations to each utility section as was done with stormwater and being added to wastewater.

Since stormwater utility was added later many other parts of code do not reference it. Be sure it is included in article 1 and anywhere else it may be needed.

3- create universal definition section

4- water share dedication issues. Currently only required for annexation or subdivision. Town does not have good records of past occurrences. Should water share be required with purchase of a tap? Clarification on what tap fees were previously meant to cover and what to we think that should be now or what is distribution of \$ for tap fees.

5- clarification of lien process/mechanics. Other town codes are more specific on how that should happen. 13-1-130

6- guidance on interest for delinquent utility acts. What amount is appropriate? Can it be waived? Under what circumstances? Administrative costs/late fees. Late fees are very low. Interest 180, late fee 150

7- appeals. Sec 210. Current code allows appeal of basically everything. What can and can't be appealed should be clarified and procedures/criteria included. Ch 2 art 4 sec 20 does discuss quasi judicial proceedings, may offer some guidance. Many towns don't allow this type of appeal.

8- what is effect of entering into a payment plan? Temporary cure? What is legal effect of this needs to be clarified. Is this mandatory for the town?

9- need for trigger to inform BoT of excessive delinquency.

10- privacy of utility data? Under what circumstances can data be released? For what purposes? There are no state standards for municipal utilities. There are for investor owned utilities. The UEB could talk to APPA or CAMU.

Estes Park -13.20.020 - Director; powers.

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The Water Department Director shall have the immediate control and management of all things pertaining to the Water Department, and shall perform all acts that may be necessary for the prudent, efficient and economical management and protection of the municipal water system, including the power and authority to adopt and promulgate administrative regulations.

13.22.030 - Governing body.

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The members of the Board of Trustees shall serve as the governing body of the Enterprise and shall be known collectively as the Board of Directors of the Enterprise (the "Enterprise Board"). Acting as the Enterprise Board, the Board may exercise the Town's legal authority relating to water activities as defined in the Act. The Enterprise Board hereby is directed to take all actions necessary to cause the Enterprise to comply with all applicable laws.

Lien's Both Longmont and Estes Park have very similar code to ours. It would seem like the process for placing the Lien does not belong in the code. That is something the Clerk and Deputy Clerk would need to have information on or get that from the Boulder County Clerk.

13.32.080 - Unpaid water and connection charges a lien.

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All water and connection charges shall be charged against the owner of the property served, shall be a lien upon the respective lots or parcels of land where the water is used from the time when due and shall be a perpetual charge against the lots or parcels of land until paid. In the event said charges shall not be paid when due for property within Town limits, the Town Clerk shall certify such delinquent charges to the County Treasurer and the charges shall be collected in the same manner as though they were part of the taxes. On all delinquent water and connection charges for property outside the Town limits, there shall be a charge of one and one-half percent (1.5%) per month on the amount due, which shall be added to the amount due until paid. In the case of condominiums to which water is furnished, the consumption of every condominium unit, the lien for the unpaid water, interest and costs, if any, imposed by this Code shall attach upon such condominium unit in an amount which is computed by dividing the total amount of the lien by the number of condominium units.

Longmont 14.20.80 - G.

Owners of every building, premises, lot or structure, and lessees at the Vance Brand Municipal Airport, shall be liable for all water delivered to the premises and any wastewater collected from the premises. All water and wastewater rents and rates shall be a charge and lien upon the premises to which water is delivered and wastewater collected, from the date the same becomes due until paid. The city may collect such liens and liabilities by an action at law or equity to enforce the lien. In addition to an action at law or equity to enforce the lien, all water rents and rates may be certified by the clerk to the Boulder or Weld County treasurer to be collected and paid over by the Boulder or Weld County treasurer in the same manner as taxes. In case the tenant in possession of the premises or building contracts to pay the water and wastewater rent, such contract does not relieve the property owner from such obligation and lien, and the city shall not be required to look to any person whatsoever, other than the owner, for the payment of water and wastewater rents and rates.

Residential Street Lighting

The Town of Lyons installs and maintains all street lighting in the town.

Requests for a streetlight

A petition is required in order to indicate that a strong consensus of the property owners in a given block support the idea of installing an additional light. The Town requests that the petitioner try to obtain signatures from 100% of the property owners in the block but if that is not possible, the Town will still consider the request if at least 60% of the property owners sign the petition in favor of the additional light.

Considerations in determining streetlight placement include:

- The light must be readily installed.

- Streetlight placement must provide useful light to pedestrian and vehicular traffic.

- The light must not disturb other neighborhood residents.

Requests for streetlights are prioritized and installed as the budget allows

Requests for a streetlight to be turned off

A petition is required in order to indicate that a strong consensus of the property owners in a given block support the idea of turning off the light. The Town requests that the petitioner try to obtain signatures from 100% of the property owners in the block but if that is not possible, the Town will still consider the request if at least 60% of the property owners sign the petition in favor of the additional light.

Considerations in determining if a streetlight can be turned off include:

- Turning the light off must not create a safety hazard.

- Turning the light off must be approved by Fire and Sheriff.

Sec. 11-1-70. - Residential Street Light Change Requests

- a. The Town of Lyons installs and maintains all street lighting in the town.
- b. Considerations in determining streetlight placement include:
 - i. The light must be readily installed.
 - ii. Streetlight placement must provide useful light to pedestrian and vehicular traffic.
 - iii. The light must not disturb other neighborhood residents.
 - iv. Requests for streetlights are prioritized and installed as the budget allows
- c. Considerations in determining if a streetlight can be turned off include:
 - i. Turning the light off must not create a safety hazard.
 - ii. Turning the light off must be approved by Fire and Sheriff.
- d. Requests for a street light to be turned off or for the addition of a new street light should use the following process.
 - i. A petition is required in order to indicate that a strong consensus of the property owners in a given block support the idea of installing an additional light. The Town requests that the petitioner try to obtain signatures from 100% of the property owners in the block but if that is not possible, the Town will still consider the request if at least 60% of the property owners sign the petition in favor of the change to the residential street lighting.
 - ii. The Town Engineer will review the request to make sure it meets the required considerations listed above.
 - iii. If the request has the required property owner approval and meets the required considerations the work will be scheduled as budget and time permit.

TOWN OF LYONS ADMINISTRATIVE POLICY

Date Issued: January ___, 2018

Effective Date: _____

Subject: Residential Street Light Requests

I. PURPOSES OF THIS POLICY

A. To set forth a general policy for providing a procedure by which Lyons residents may request additional lighting on residential streets.

B. To establish the responsibilities of the Town and residents regarding the cost of installation, operation, and maintenance of street lights on residential streets.

C. To ensure consistent application of the criteria for determining whether or not to approve a street light request by residents.

D. To provide general guidelines to assist Town employees in handling street light requests.

II. SCOPE

These rules apply to requests submitted to the Town by Town residents for the installation of street lights on residential streets (“Street Light Request”). The installation of street lights on residential streets is a service the Town has chosen to provide for the benefit of its residents. This service is discretionary and is not required by law.

III. DEFINITIONS

There are no specialized words or terms used in this policy. Words shall have their general meaning as defined by the Merriam Webster Online Dictionary (<http://www.merriam-webster.com/>).

IV. PAYMENT

A. The Town shall not install any street light until the individual(s) requesting the street light (“Applicant(s)”) have paid all installation costs of the proposed street light to the Town. Given the limited budget of the Town, the cost of installation, maintenance, and repair of any street light shall be borne by the Applicant(s).

B. The Town shall provide to the Applicant(s) a cost estimate if a Street Light Request is approved or approved with conditions. The Applicant(s) are responsible for collecting the required funds contributed by each benefitted household. The funds contributed by each household, if any, shall be on a voluntary basis and no representation that a contribution is necessary shall be made by the individual(s) soliciting funds.

V. **PROCESS**

A. **Submission of Requests:**

A.1. Petition. Before a Street Light Request is considered, the Applicant(s) shall circulate a petition to all property owners along the roadway for which the street light is proposed (“Roadway”). The petition should reflect that at least seventy-five percent (75%) of the property owners along the Roadway approve of the proposed street light and its proposed location. Petition forms are available from the Town Clerk upon request.

A.2. Application to Town. Street Light Requests should be made in writing to the Town Clerk’s office. All Street Light Requests must be submitted on Town-approved forms from the Town Clerk’s office unless otherwise stated in this policy. It is the responsibility of the Applicant(s) to provide all of the information and documents required by the Town. Incomplete requests shall not be considered. Street Light Requests must include the following:

A.2.a. A petition showing the names, addresses, and phone numbers of all persons living on the Roadway;

A.2.b. The petition must have the signatures of at least seventy-five percent (75%) of all persons living on the Roadway showing their consent to the proposed street light at the proposed location;

A.2.c. The petition must include the name, address, and contact information for the Applicant(s);

A.2.d. The approximate desired location of the proposed street light depicted in a graphic; and

A.2.e. An application fee in the amount set forth in the Town's fee schedule, as amended from time to time.

A.3. Communication with Town. The Town may contact the Applicant(s) to gather any information or documents required by this policy for a complete application, additional information as deemed necessary by the Town Clerk, or to clarify any information provided by the Applicant(s).

B. Town Review of and Decision on Requests:

B.1. Approval of a Street Light Request is within the sole discretion of the Town.

B.2. Upon receipt of a complete Street Light Request, the Town Clerk shall forward the Request to the Town's Director of Utilities ("Utilities Director") for review and consideration.