

Meeting Agenda

4:30 – 6:00 PM, Wednesday Jun 5th, 2019 Lyons Town Hall

I. General Business

- Amendments to Agenda
- Approve Minutes from May 8th, May 15th
- Upcoming Meetings
- Audience Business

II. Liaison Updates

- Board of Trustees Update -
- Staff, Engineering Update -

III. Continued Business

- LMC Chapter 13 Code modifications

IV. New Business

- MEAN Renewable Energy Survey
- New Cell Phone Tower
- 2019 Q1 Financials

V. Parking Lot

- LRAP 2.2.1/ Hwy 66 project
- Stormwater - Steamboat Valley/High street
- Lighting Section in Construction Design Manual
-



UEB Meeting Minutes, May 8, 2019

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

Attendance: Aaron Caplan, Lee Hall, Coco Gordon, Jim Kerr

Staff: Victoria Simonsen **BOT Liaison:** Mike Karavas **Guests:**

Previous Minutes: March 20, 2019 minutes **approved**.

BoT Report: . Town approved hiring a company to do more in depth research on the Town's water rights in particular how they can be used for Bohn Park. They will present at a workshop.
Received an update on the FEMA fund budget. It might be short \$200,000 or 1% of the budget.
There is a suggestion to make 4th Ave one way going South from Railroad to Evans as part of the reconstruction of the road at the curve of 4th and Evans. This could reduce the cost of the project by \$30,000..
We should also look at the storm drainage on 4th as part of the construction. Maybe enlarging the inlet.
The Eastern Main St. Project documents that had not been submitted and were suppose to prevent us from getting the next round of funding were submitted and we were advised we may again be allowed to ge tthe next round of funding.
Some talk of whether the Town should look into getting a drone.

Staff Update: Victoria met with Longmont and the Water Attorney and all felt the town has enough water rights for the coming years, as long as we are getting a C-BT water share with each new connection to the water system.

Will be a Board Workshop on May 20th to discuss rerating of the WWTP, the Eastern Corridor Utilities and Water Rights. Concerns the centrifuge could be increasing BOD test results. Ramey cleaned the grit chamber and FOG interceptors at WWTP and they were terribly dirty. Ramey also had jetting and cameraing data from lines around town from the work they had been doing for the past 3 years.

CDPHE gave the go ahead to start bidding for the Eastern Corridor Utilities with the understanding that we could not start accepting the waste from the new development until we did what needed to be done to meet CDPHE requirements. The contract for this was then awarded and construction is set to begin.

Received a number of submissions to the RFQ for a new contracted Engineering Firm. **Jim Kerr will review them with staff.**

The 5 year water tank inspection was done. There were some spots that were a concern and were treated or sealed.

No update on a new utility director. The new high pressure fire hydrant at the Eastern Corridor did get installed. Wastewater Surcharge for High Strength Waste is now being charged.

Meeting ended: 5:50 pm. **Minutes Submitted by:** Jay Stott & Aaron Caplan



UEB Meeting Minutes, May 15, 2019

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

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

Staff: **BOT Liaison:** Mike Karavas **Guests:**

Previous Minutes: March 20, 2019 minutes **approved**.

BoT Report: . Mike K.-

Staff Update: Victoria- Monday workshop Wastewater Status Update, Water Rights Update, full report will be in the packet. Local resident wants to request developing a water bank? BoD this two weeks was at 274 (very low)- very inconsistent data. Only 2 >1000 in the last 10 samplings. Very little response to pretreatment letter. Need for pretreatment plan. Some businesses interested. No development on utility director. Apple Valley Water Line- line is being moved, who is responsible for the cost of reconnect 5 homes that will need new service lines?

LMC Chapter 13 Code modifications: New application form for owners/tenants. **Recommend to**

Staff: Include copy of relevant code and current fee schedule with utility application.

(Recommendation Passed Unanimously)

Business License Application now includes data on wastes and need for waste management and classification survey? What about electric needs? Do we want more info? The UEB did not think anything additional was needed for utilities in the business license application at this time. Answers to the current questions gives enough information to allow staff to dig deeper if they have concerns.

Discussion of fee schedules (looked at Longmont for comparison). Amount of effort expended by staff dealing with delinquent accounts is large and suggests larger late fees and reconnect fees. What fees are appropriate? \$29 for reconnect, \$20 late fee? \$30 disconnect fee? Include fees in late notice.

Aaron to check with Staff - Are we offering any after hours reconnects? Are we turning off water meters at all? Or only electric? A pole disconnect or after hours reconnect should be the cost of work. Limit staff to making 1 phone call.

Meeting ended: 5:50 pm. **Minutes Submitted by:** Jay Stott & Aaron Caplan

Utility Fee Schedule;

Late Fee - \$20 assessed the 1st day of the following month, includes mailing notice of shut off and 1 phone call

Meter Disconnect - \$30

Meter Reconnect - \$30

Pole Disconnect/Reconnect - cost of work

After Hours Reconnect - cost of work

Attorney's Fees - Any dispute requiring involvement of Town attorney will require payment of all attorney and court fees unless the proceeding is resolved in favor of customer.

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.

Sec. 13-1-20 Control and Management of Town Utilities - Only Change - "Electric Department, Water Department and Sewer Department" becomes "Electric Utility, Water Utility, Wastewater Utility and Stormwater Utility."

Otherwise the UEB sees this as appropriate. It says "Town Administrator shall have the immediate control and management of all matters pertaining to the operation and maintenance ... and shall perform all acts that may be necessary for the prudent, efficient and economical management, protection and enforcement of the Town Utility Systems." :Attorney can recommend any changes he might deem appropriate.

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.

Adding declaration statement will happen in sections 2 through 4 . Only needed to add stormwater to Sec 13-1-20 for section 1 of chapter 13.

3- create universal definition section

For section 1 move the definitions in 13-1-160 a to 13-1-10

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.

New

Sec. 13-3-90. - Connection or tap fees and Water Rights Dedication Requirement

Unless otherwise approved by the Board of Trustees as permitted by this Code, the following tap fees for water service from the public water system shall be collected on all new connections or taps. All consumers shall pay, in addition to the applicable connection or tap fee, all costs and expenses of installation of water service, including labor, materials, equipment, supplies, acquisition of easements and rights-of-way and a Town-approved water meter.

All new connections or taps shall meet the water rights dedication requirements of [Section 17-14-10](#) except: (1) where the application of [Section 17-14-10](#) would conflict with provisions of any subdivision improvements agreement or other development agreement; or (2) where the Board of Trustees, in its sole discretion, determines that the connection in question will not negatively impact the Town's water supply in such a way as to require the dedication of water rights. The dedication of water rights to the Town shall be made prior to the issuance of the building permit for the approved development.

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

New Sec. 13-1-130. - Lien on property served.

All fees, rates and other charges for electric, water, wastewater and stormwater connections and services shall be a charge and a lien upon the premises or property to which such service is delivered from the date such fees, rates and charges become due and until paid. The owner of the premises or property shall be obligated and liable for all services delivered to or taken and used upon such premises or property. In case a tenant in possession of the premises or building or an agent for the owner contracts to pay any fees, rates or charge, such contract does not relieve the property owner from such obligation and lien, and the town shall not be required to look to any person whatsoever, other than the owner, for payment. All delinquent fees, rates and other charges for electric, water, wastewater and stormwater may be certified to the County Treasurer by the Town Clerk and collected in the same manner as general taxes.

The UEB saw that Longmont, Estes Park and Nederland do not have any mention of the following line and recommends leaving it off unless the town attorney thought there was legal need. We thought this should be handled by staff as a staff procedure or might already be handled earlier in the process such as when notice of service shut off was sent. "Prior to such certification, the town shall mail notice to the record owner of the property or premises of the Town's intent to certify such delinquency."

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

See the following 2 pages on LMC Modification - Interest - Late Fees.

Also decided Fees stay on rate sheet rather than included directly in code. Interest currently set at 8% this is some usury limitation CO has and so we may want to leave this rate.

Discussion on whether interest rates encourage payment because of additional penalties or if they only impose an additional burden on those with economic hardship. We could exclude interest from anyone who has qualified and is on the reduced rate plan. It was felt leaving the wording that the administrator could make a decision to remove interest if it encouraged payment was enough to cover this and did not need additional language to exclude reduce rate payers.

Recommend to Staff: Include copy of relevant code and current fee schedule with utility application.

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.

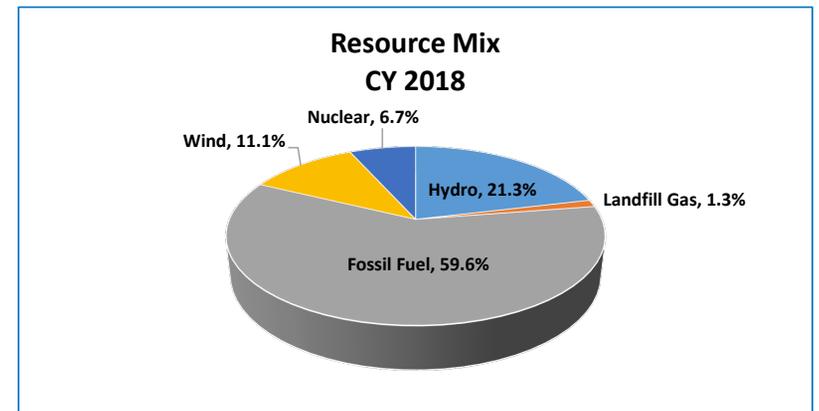
LYONS
Municipal Energy Agency of Nebraska
Resource Mix
CY 2018

	Fuel Type	MWh	% of Total	CO2 Emission Factor (3) (lbs/MWh)	CO2 Emissions (lbs)	CO2 Emissions (tons)
1	Total Energy Requirements	12,257				
2						
3	WAPA (Member's allocation)	785	6.4%	0	0	0
4	MEAN Overall Mix (1)	1,825	14.9%	0	0	0
5	Subtotal Hydro	2,610	21.3%	0	0	0
6						
7	Wind (Member's direct contract) (4)	436	3.6%	0	0	0
8	MEAN Overall Mix (1)	926	7.6%	0	0	0
9	Subtotal Wind	1,362	11.1%	0	0	0
10						
11	Landfill Gas (Member's direct contract) (4)	0		0		0
12	Landfill Gas Equivalent	0				
13	MEAN Overall Mix (1)	155	1.3%	0		
14	Subtotal Landfill Gas	155	1.3%	0	0	0
15	Subtotal Renewable	4,127	33.7%	0	0	0
16						
17	MEAN Overall Mix (1)	826	6.7%			
18	Subtotal Nuclear	826	6.7%			
19						
20	MEAN Overall Mix (1)	7,173	58.5%	2,554	18,321,492	9,161
21	MEAN Overall Mix (1)	131	1.1%	1,608	210,700	105
22	MEAN Overall Mix (1)	0	0.0%	0	0	0
23	Subtotal Overall Mix (1)	7,304	59.6%		18,532,192	9,266
24						
25	Total Resources	12,257	100.0%		18,532,192	9,266

26
27 (1) MEAN supplemental mix to Member/City reporting their WAPA, Wind and other non-carbon
28 resources individually.

29	Coal	65.0%	7,173
30	Nuclear	7.5%	826
31	Oil/natural gas	1.2%	131
32	Wind	8.4%	926
33	Hydro	16.5%	1,825
34	Landfill gas	1.4%	155
35	Market	0.0%	0
36	Total	100.0%	11,036

37
38 (2) Assumes market purchases are 50% natural gas, 50% coal.
39 (3) Source: U.S. EPA, eGRID 2016.
40 (4) Renewable Energy Credit (REC) is equal to 1 MWh of contracted renewable energy (Wind, LFG).



Participant Information

Annually, MEAN surveys its Participants to obtain their interest in renewable energy. Survey results are collected by MEAN and tracked for power supply planning [and to develop estimated individual participant financial impacts, upon request].

Please take a moment to complete this survey.

* 1. Participant's Information

Full Name:

Title:

Name of

City/Town/Village:

Email Address:

Phone Number:

* 2. Please complete the following statement: I anticipate changing my community's resource mix in the next

- 1-2 years
- 3-5 years
- 6-10 years
- 11 years and beyond
- We do not anticipate changing our community's resource mix

* 3. Would your community like to add any wind and/or landfill gas resources out of MEAN's current renewable energy resource pool?

Yes

No

* 4. If MEAN added a solar pool, how likely would your community be to subscribe to this pool?

- Very likely
- Somewhat likely
- Not likely

* 5. If MEAN added a solar pool, at what price range (per MWh) would your community consider adding solar energy to your resource mix? (select all that apply)

\$55-60

\$50-55

\$45-50

<\$45

* 6. Wind pricing has become competitive in the market. If MEAN added wind energy at current prices that could lower the aggregate price of the pool, at what price range (per MWh) would your community consider adding additional wind to your energy mix? (select all that apply)

\$44 - \$46

\$42 - \$44

\$40 - \$42

\$38- \$40

* 7. Attached to the email, which included the link to this survey, was a copy of your current resource mix. Would you like someone to contact you regarding making potential changes to your current renewable resource mix?

Yes

No

Thank you for completing the 2019 Renewable Energy Survey

Thank you for completing the 2019 Renewable Energy Survey. If you have any questions regarding this survey, renewable energy, or receiving an estimated financial impact report, please contact Carol Brehm at 1-800-234-2595

Thank you for completing the 2019 Renewable Energy Survey

Thank you for completing the 2019 Renewable Energy Survey. Someone will be in contact with you regarding making potential changes to your current renewable resource mix. If you have any questions regarding this survey, please contact Carol Brehm at 1-800-234-2595

January 31, 2019

Paul Glasgow
Director of Planning
Town of Lyons
432 5th Avenue
Lyons, CO 80540

RE: Special Use Review for 603 Indian Lookout Road, Lyons, Co
PIN: 120318306001

Dear Mr. Glasgow:

Below is the requested information to support Cingular Wireless PCS, LLC by AT&T Mobility's ("AT&T") Special Use Review Permit for a Monopine at 603 Indian Lookout Road, Lyons, CO.

GENERAL DESCRIPTION

AT&T is seeking approval of a Special Use Review Permit to allow construction and operation of a 55' Monopine (50' antennas height) telecommunications tower. The proposed site is zoned A-2 (Agriculture) and will be located on a small leased area within the larger 25.91 acre-parcel owned by Robert and Leona Forsberg. The Monopine and associated facilities and equipment will be contained in the leased area and it will be accessed from Indian Lookout Road where an existing dirt road leads to the tower site.

The purpose of this telecommunications tower is to ensure that the residents have reliable access to AT&T's network and have state of the art communications services. A 50' antenna height is necessary to ensure that the surrounding trees do not interfere with radio transmissions of the Monopine. Co-locating is not an option. The existing Monopine on the Forsberg property is not tall enough to meet AT&T's network needs. If AT&T were to co-locate on this Monopine, its antennas would be below the tree line and not provide adequate network coverage. The other tower in Lyons is: 4324 Ute Rd, Lyons, CO 80540, which is a non-registered telecommunication tower. It is 1.7 miles from our proposed location and 389' lower in elevation. The distance from the proposed site and the lower elevation would not provide the necessary coverage for AT&T's network.

DOCUMENTATIONS-- EXHIBITS

1. Application Fee of \$500 and \$1500 for the Liability Account (Copy of Checks)
2. Land Use Application-- Attached
3. Signed Landlord Authorization Letter Authorizing Zoning Application- Attached
4. Existing Coverage Map and Proposed Coverage Map
5. Photo Simulations
6. Pictures of examples of AT&T Monopines

7. Title Review- Summary (Full Title Review is on USB Drive)
8. A signed certification that notice was sent to mineral estate holder:

Director, Boulder County Parks & Open Space, P.O. Box 471. Boulder, CO 80306	Boulder County Attorney's Office P.O. Box 471 Boulder, CO 80306
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9. Excel Spreadsheet of telecommunication towers and antennas within 4-mile radius (USB drive)
10. Vicinity Map Page T-1, Site Plans Pages ZD-1 to ZD-4- and pictures of site --Attached

**REQUIREMENTS OF TOWN OF LYON'S MUNICIPAL CODE
ARTICLE 11 – WIRELESS TELECOMMUNICATIONS**

**SECTION 16-11-50 ADMINISTRATIVE REVIEW AND USE BY SPECIAL REVIEW SUBMITTAL
REQUIREMENTS**

Section (a)(4):

In Lyons, there are 2 Towers, neither of which will support co-location by AT&T:

- a) 40.22486, -105.279: 603 Indian Lookout Road, Lyons, CO 80540
Existing 50' Monopine on the property, but it is an insufficient height. Radio transmissions from a tower lower than 50', would be blocked by the existing trees and vegetation on the Forsberg property. The signal coverage would not provide the necessary coverage for AT&T's network.
- b) 40.20992, -105.254: 4324 Ute Rd, Lyons, CO 80540
This is a non-registered telecommunication tower. It is 1.7 miles from our proposed location and 389' lower in elevation. The distance from the proposed site and the lower elevation would preclude ATT from obtaining any of their network coverage.
- c) All other antennas in the area do not support co-location. I have attached a spreadsheet of the addresses and coordinates of those antennas.

Co-locating on either of the existing telecommunication towers will not satisfy ATT's network requirements.

Section(a)(5) and (6)

ATT&T proposes to install a 55' Monopine with 9 panel antennas attached at 50', 3 sector mounts, 3 squids and 9 remote radio heads. There will be an 8'x8' concrete equipment shelter, a generator and an ice bridge. **See Site Plans pages ZD-3 and ZD-4.**

ADDITIONAL REQUIREMENTS FOR SPECIAL USE REVIEW APPLICATION

Section (b)(1) WAITING FOR PHOTO SIMULATIONS

The visual impact of the proposed Monopine is depicted in the Photo Simulations. An analysis of the simulations shows the minimal impact that the Monopine will have on the surrounding landscape.

Location 1- the Monopine is set back sufficiently to preclude seeing it from this angle.

Location 2- the Monopine is camouflaged by the existing Monopine and only a small portion of it can be seen.

Location 3- the Monopine is visible but blends in with the existing pine trees and vegetation.

The fence surrounding the leased area is depicted on **page ZD-2 of the Site Plans**. AT&T will use the fence material recommended by the Town.

Section(b)(2) and (3)

The technological design, the size, height, type and architectural elevation are depicted on **T-1, and ZD-1 to ZD-4 of the Site Plans**.

Section(b)(4)

The Monopine will not be illuminated.

Section (b)(5)

The 50' antenna height is necessary to AT&T's communication network. There are 2 propagation maps that depict the lack of coverage in this area.

Map 1: Existing coverage: It is apparent that there are significant gaps in network coverage that prevents users from receiving adequate cell phone service.

Map 2: Proposed coverage with Monopine (antennas at 50' and RAD at 46'): The area of coverage expands substantially and provides coverage in the more difficult to reach areas in both Lyons and Boulder County. The Monopine extends above the tree line so the propagation map accurately reflects the extent of coverage.

17-11-120 Ridgeline

"A ridgeline shall include any point...where the top of a ridge meets the sky. Development of a structure upon a ridgeline would cause the structure to protrude above the ridgeline and result in the structure having a backdrop of the sky." **Lyon's Municipal Code, Section 17-11-120.**

I have included various pictures of the proposed site. The proposed location will not result in any structure having the sky as the backdrop. Furthermore, the color and height of the Monopine will blend with the existing pines on the property

Section (b)(6)

The proposed location is the optimal site in terms of both network coverage and aesthetics. As reflected in the Propagation Map, the natural elevation of the Forsberg property allows for better network coverage with a smaller Monopine. If we selected a site at a lower elevation, then the Monopine would have to be taller and it would look significantly out of place with the natural setting of the Town. Additionally, there is already a 50' Monopine on the Forsberg property. Thus, the location minimizes the adverse impact on the community by locating AT&T's Monopine near an existing Monopine and minimizing the number of sites that house telecommunication facilities in the Town. It is also located away from the ridgeline, which minimizes the view from lower elevations.

Section 16-11-50(4)

Although AT&T considered co-locating, there were no Towers in the Town at the elevation or height that provided the necessary network coverage. **(See Section(a)(4) above)**. Rooftop antennas were not viable since placement would be in the Business District, which is substantially lower in elevation than the Forsberg property. The proposed Monopine on the Frosberg property is the most feasible location for AT&T's network.

If you require any additional information, please contact me at (303) 641-2871.

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