

- I. Roll Call And Pledge Of Allegiance
- II. A Reflective Moment Of Silence
- III. Approval Of The Agenda
- IV. Sgt. Nick Goldberger, Sheriff's Office Report
- V. Staff Reports
  - V.1. May Staff Reports
    - Documents: [V - MAY STAFF REPORTS.PDF](#)
- VI. Audience Business
  - Limited to 15 minutes - all comments limited to 4 minutes per person.
- VII. Board And Commission Update (15 Min)
  - VII.1. Lyons Regional Library District
    - VII.1.a. Cover Page - Lyons Regional Library District
      - Documents: [VII -1- COVER PAGE - LYONS REGIONAL LIBRARY DISTRICT 5.16.16.PDF](#)
    - VII.1.b. Lyons Regional Library District IGA
      - Documents: [VII -1 LYONS REGIONAL LIBRARY DISTRICT IGA.PDF](#)
  - VII.2. UEB - 2016 Goals
    - Documents: [VII - 2 UTILITY ENGINEERING BOARD MAY 2016 COVER LETTER.PDF](#)
    - VII.2.a. UEB - Electric Utility Review
- VIII. Liquor Licensing Authority Consent Agenda
  - VIII.1. Special Events Permit - Burning Can Beer Festival-Can'd Aid-June 4, 2016
    - Documents: [VIII- 1 SPECIAL EVENT PERMIT BURNING CAN FESTIVAL CAND AID.PDF](#)
  - VIII.2. Mojo Taqueria Restaurant - New Hotel/Restaurant Liquor License
    - Documents: [VIII-2 MOJO TAQUERIA RESTAURANT - NEW HOTEL RESTAURANT LICENSE.PDF](#)
    - VIII.2.a. Mojo Taqueria License Procedure And Outline
      - Documents: [VIII -2 MOJO TAQUERIA LICENSE PROCEDURE AND OUTLINE.PDF](#)
- IX. Consent Agenda
  - IX.1. May 2, 2016 BOT Meeting Minutes
  - IX.2. May Accounts Payable
    - Documents: [IX-2 BOT PAYABLES 051616.PDF](#)
  - IX.3. Resolution 2016-48, A Resolution Modifying The Agenda, Order And Manner Of

Business Of Meeting Of The Town Of Lyons Board Of Trustees And Repealing  
Resolution No. 2010-42

Documents: [IX-3 48- COVER SHEET CONDUCT OF MEETINGS \(1\).PDF](#)

IX.3.a. Resolution 2016-48 Conduct Of Meetings

Documents: [IX-3 RESOLUTION 2016-48- CONDUCT OF MEETINGS .PDF](#)

IX.4. First Reading - Ordinance 1,000, And Ordinance Of The Board Of Trustees Of The Town Of Lyons Conditionally Rezoning Property Within The Town Of Lyons, Commonly Known As 304 2nd Avenue, From The (B)Business District To PUD-C (PUD-Residential, Conditionally Approving The Final PUD Plan And Approving The Development Agreement For The Subject Property

Documents: [IX-4 ORDINANCE 1000 COVER SHEET.PDF](#)

IX.4.a. Ordinance 1000 Attachment B

Documents: [IX-4 ORDINANCE 1000 ATTACHMENT B.PDF](#)

IX.4.a.i. Ordinance 1000 Attachment C

Documents: [IX-4 ORDINANCE 1000 ATTACHMENT C.PDF](#)

IX.4.a.ii. Ordinance 1000 - Final PUD Plan

Documents: [IX-4 ORD 1000 FINAL PUD PLAN.PDF](#)

IX.4.a.ii.1. Ordinance 1000 - Site Development Plan

Documents: [IX-4 2ND AND PARK - A01 - SITE DEVELOPMENT PLAN - 042516.PDF](#)

IX.4.a.ii.2. Ordinance 1000 - 2nd And Park Drainage Report

Documents: [IX-4 2ND\\_AND\\_PARK\\_DRAINAGE\\_REPORT.PDF](#)

IX.4.a.ii.3. Ordinance 1000 - 2nd And Park Park Design Report

Documents: [IX-4 2ND\\_AND\\_PARK\\_DESIGN\\_REPORT.PDF](#)

IX.5. First Reading - Ordinance 1,001, An Ordinance Of The Board Of Trustees Of The Town Of Lyons Conditionally Vacating Certain Right Of Way Consisting Of A Portion Of The Alley As Dedicated In The Putnam Plat Of The Town Of Lyons Recorded At Book 2, Page 77 And Book 4, Page 48 Of The Boulder County Real Property Records

Documents: [IX-5 1001 - COVER SHEET FOR ORDINANCE 1001.PDF](#)

IX.5.a. Ordinance 1001 - An Ordinance Of The Board Of Trustees Of The Town Of Lyons Conditionally Vacating Certain Right Of Way Consisting Of A Portion Of The Alley As Dedicated In The Putnam Plat Of The Town Of Lyons Recorded At Book 2, Page 77 And Book 4, Page 48 Of The Boulder County Real Property Records

Documents: [IX-5 1001 - ORDINANCE ALLEY VACATION VALLEY BANK \(2ND PARK\).PDF](#)

IX.5.b. Resolution 2016-49, A Resolution Designating A Town Of Lyons Alternate Representative To The Municipal Energy Agency Of Nebraska Management Committe/Alternate Director To Mean Board Of Directors, Authorizing The Alternate To Vote On The Town's Behalf, And Generally Authorizing The Alternate To Vote Whenever The Primary Representative Is Absent

Documents: [IX-6 49-COVER SHEET - MEAN ALTERNATES \(2\).PDF](#)

IX.5.b.i. Resolution 2016-49 - A Resolution Designating A Town Of Lyons Alternate Representative To The Municipal Energy Agency Of Nebraska Management Committee/Alternate Director To Mean Board Of Directors, Authorizing The Alternate To Vote On The Town's Behalf, And Generally Authorizing The Alternate To Vote Whenever The Primary Representative Is Absent

Documents: [IX-6 RESOLUTION 2016-49- MEAN ALTERNATES.PDF](#)

IX.6. FIRST READING - Ordinance 1,002, An Ordinance Amending Article 4 Of Chapter 11 Of The Lyons Municipal Code By Repealing And Reenacting Section 11-4-60 To Substitute The Name "LaVern M. Johnson Park" For The Park Formerly Known As Meadow Park

Documents: [IX -7 1002-ORDINANCE ELIMINATING MEADOW PARK REF IN CODE 5 10 16.PDF](#)

IX.7. Resolution 2016-50, A Resolution Approving Amendment #1 Of The Intergovernmental Agreement With The City Of Longmont, Colorado For The Boulder County Collaborative Community Development Block Grant - Disaster Recovery, Debris Removal And EDA Grant Match

Documents: [IX-8 BOT COVER SHEET RESO 2016-50.PDF](#)

IX.7.a. Resolution 2016-50 - A Resolution Approving Amendment #1 Of The Intergovernmental Agreement With The City Of Longmont, Colorado For The Boulder County Collaborative Community Development Block Grant - Disaster Recovery, Debris Removal And EDA Grant Match

Documents: [IX-8 RESOLUTION 2016-50.PDF](#)

IX.7.a.i. IX-8 Reso 2016-50 Supplemental Agreement

Documents: [IX-8 RESO 2016-50 SUPPLEMENTAL AGREEMENT.PDF](#)

IX.7.a.ii. IX-8 Original IGA With Longmont Boulder County Collobrative CDBG-DR IGA Lyons

Documents: [IX-8 ORIGINAL IGA WITH LONGMONT BOULDER COUNTY COLLOBRATIVE CDBG-DR IGA LYONS.PDF](#)

## X. General Business

X.1. Prioritize Rd 3 CDBG-DR Infrastructure Grant Projects

Documents: [X-1 STAFF MEMO.PDF](#)

X.1.a. CDBG Round 3 Infrastructure List

Documents: [CDBG 3 INFRASTRUCTURE LIST.PDF](#)

X.1.b. Additional Notes For Round 3 CDBG Infrastructure Projects

Documents: [ADDITIONAL NOTES FOR ROUND 3 CDBG INFRASTRUCTURE PROJECTS.PDF](#)

X.2. Discussion Concerning BOT Compensation And Election Terms

X.3. Discussion Concerning Building Permit Fees

## XI. Items Removed From The Consent Agenda

## XII. Trustee Reports

XII.1. Summary Of Action Items

XIII. Executive Session - This Is An Executive Session Being Conducted Pursuant To C.R.S. Sections 24-6-402(4)(A) And (E) For The Purpose Of Discussing The Purchase, Option To Purchase, Acquisition, Or Lease Of Real Property Interests In The Eastern Corridor Using Disaster Recovery Funds And For Determining Positions Relative To Matters That May Be Subject To Negotiations, Developing Strategy For Negotiations, And Instructing Negotiators Regarding Real Property Interests In The Eastern Corridor.

XIV. Adjournment

## April 2016 Monthly Reports to Town Administrator

### Deb Anthony - Staff Report

#### Items and Projects

- Riverbend PUD/Zoning
- 304 2<sup>nd</sup> Ave/PUD/Zoning
- Amended Plat – Sharon McConnell
- New employee paper work for 4 new employees
- Working with Arielle Hodgson and Dolores Vasquez to streamline the BOT Packets
- Working on the CCR 2015 Water Report with Kathryn Manko and Ramey Environmental Services
- Interviews for the HR Generalist, two year temporary position
- CIRSA – Insurance Claims
- Deputy Clerk Jacque Watson and I will be hosting a Records Maintenance - Clerks Association Class here on June 24, 2016 – we are preparing for the class.
- Keeping up with Resolutions, Ordinances and Contracts that need to be signed.
- New Admin Employees
- Lagenia Reimer – Utility Billing Clerk started to work May 9, 2016, we are happy to have her on board!
- Temporary Employee Jayne Rhodes will be taking the position as the HR Generalist for the Town starting May 24, 2016!
- Both Jayne and Lagenia will work with Deb Russell, Dolores Vasquez and I. I am happy to have a full team again!

### Kyle Miller, Director Public Works

#### Memo- March Staff Report

1. Made several attempts to pull Cat6 cable over to the Library
2. Multiple repeated locates (total Locates 2016 to date 773)
3. Continual grading McConnell temp bridge and 2<sup>nd</sup> Ave
4. Have started moving excess dirt in Bohn Park to bunkers
5. Finalized chipping day with Boulder County (May 25<sup>th</sup>)
6. Replaced the SCADA level sensor at the Apple Valley Tank
7. Secured Century Link pole in confluence so it would not fall
8. Placed Town Hall Plaza lights
9. Completed Electric Service contractor RFP and posted on Ebids
10. Interviewed for the two open positions in Public Works
11. Completed backfill and re-graveled New electric service Lyons Finest
12. Scheduled Inmates for Town Projects

### Jacque Watson, Economic Development and Community Relations/Deputy Town Clerk

#### Board and/or Commission Items:

LAHC is busy preparing for the Last Thursdays Art Walk events

EDC is focusing on its 2016 work plan

### **Jacque continued**

Jacque and Arielle will be attending the National Main Street Conference in Milwaukee from May 23-25. They received a scholarship that covers all costs from DOLA in order to pay for conference expenditures.

#### **New Liquor License Applications:**

- Mojo Kitchen

#### **Liquor License Renewals:**

- Julie's Thai Kitchen – hotel/restaurant
- Lumber Liquors – retail liquor store
- Lyons Fork – hotel/restaurant
- Valero – 3.2%

#### **Marijuana License Renewals**

- St. Vrain Industries, LLC. - cultivation

#### **State Ordered Stipulations (2016)**

- La Mariposa – underage sales
- Lumber Liquor – underage sales
- Spirit Hound Distillers – underage sales

#### **Business License, Building Department and Code Enforcement**

**2 New Business Licenses** – McCody Concrete Doors/Products – 2619 Canton Court, Fort Collins; Backyard Bistro – 1720 Marshall Road #32, Boulder, CO (special events). **ALSO** 34 notices sent out twice for Business License renewals which are not in compliant. Fees are charged until paid.

#### **7 New Contractor Licenses & several renewals**

**Code Enforcement** – 2 reported code violations. Follow up is being scheduled by Code Enforcement.

Assessing the town for weed mitigation and road conditions for Public Utility.

**Building Permits** – 19 (reroofs, deck, basements, solar, restore garage, AC/Furnace)

**Building Permits with FLD** – 3 this goes with the FPDP listed below.

**2016 Flood Plain Development Permits** – 1 issued (Miller), 2 in queue (Leonard, Hubbard)

#### **Economic Development Associate Highlights:**

- EDC conducted successful Lyons Chamber of Commerce Social
- Attending Main St. National Conference in May
- Met with EDC Chair for BOT Meeting Commission Update
- Electronic BOT Agenda and Packet successful
- Final production of 2016 work plan

#### **Continuous**

- Daily updates to the website, including managing the calendars and fine-tuning pages and outline
- Working with Toby Russell and Trustee Barney Dreistadt on the Business Impact Analysis Spreadsheet. This document collects voluntary information from participating businesses to analyze impacts of public events, private events, and other relevant influences on local business.
- Updating the tourism website with businesses and events
- Semiweekly eblasts to the community
- Working with staff for any website issues, including building and allotting permissions to pages, electronic agendas & packets, calendars, etc.
- Biweekly dept. head meetings



## TOWN OF LYONS

# ECONOMIC DEVELOPMENT COMMISSION

### ORGANIZATION

The Economic Development Commission (EDC) is volunteer group commissioned by the Town of Lyons to increase sustainable value through enhanced management and services.

### MISSION

The EDC works to protect and enhance the accessibility, attractiveness and economic sustainability of Lyons Business District, by creating and facilitating development activities on behalf of local business and property owners that add or retain jobs and generate revenues.

## FIVE AREAS OF FOCUS

### MARKETING, PROMOTION & TOURISM

- o Branding
- o Website – [lyonscolorado.com](http://lyonscolorado.com)
- o Brochure
- o Business List Insert
- o Street Banners
- o Directional Signs
- o Kiosks
- o Parks & River Recreation Campaign

### BUSINESS DEVELOPMENT

- o Hotel Feasibility
- o URA
- o Revolving Loan
- o Data Collection
- o Business Index
- o BD Collateral/Web Site
- o Business License

### DESIGN AND PLANNING

- o Commercial Rules & Regs
- o Planter Plan/Garden Club
- o Commercial Beautification

### MEMBER SERVICES

- o Advocacy
- o Business E-Newsletter
- o Business Visits
- o Commission/Volunteer Recruiting

### SAFETY AND PARKING

- o Street Striping
- o Smoking Ordinance
- o Snow Removal/Ice Melt
- o Parking Study



[LYONSCOLORADO.COM](http://LYONSCOLORADO.COM)



## Monthly Report to the Administrator

Department: Parks, Recreation & Cultural Events Period Ending: April, 2016

### Highlights of the Month:

- Meadow Park construction continues: All of the river work completed prior to spring runoff. Punch list walk thru completed with the contractor for river work, sub contractor, the town and S2O. The items identified on the list were minor and are being addressed this week for a final inspection which should occur on or before May 13, 2016. All of the willows, seeding and blanketing have been completed for bank stabilization for spring runoff. The River Bend landscaping, that was agreed to in the MOA, between them and the town has been installed with only the irrigation to complete. We met on site with Steve Beck, Mike Whipp and the landscape contractor to layout the material and Sloane confirmed the planting was completed to their satisfaction with another on site meeting on Monday May 9, 2016. The buildings have all been painted and are receiving their graffiti coating application. Tent and picnic sites in the east core have all been installed. The concrete pour of patio areas will occur the week of May 9<sup>th</sup> which include around the new restroom, under the picnic shelter, trash enclosures and the WPA shelter. The front of the park is in the process of being cleaned up in preparation for the Memorial Day RV camping opening.

#### Town of Lyons Project Schedule/Milestones:

May 25, 2016-Park Open for RV Camping

July 1, 2016-Grand Opening Date per Contract

July 16-July 25, 2016-Town of Lyons Lease with Planet Bluegrass for RockyGrass Festival

#### Staging of Project to Meet Scheduling Objectives/Strategy:

-Riparian Restoration Plan to Meet Spring Run-Off Demands

-Completion of Work/Landscape to complete requirements of adjacent landowner agreements

-Staging of work to ensure use of areas needed for opening of camping and festival season. i.e. completion of front entrance improvements, parking lot/access roads and turnaround, north trail from front entrance, clean up and repair of east parking lot and tent sites, water line construction coming out of park, east core completion including all tent/picnic sites and landscaping, river corridor work/restoration from structure 1 thru 4 including trails and all plant materials.

It was determined that there may need to be some adjustments to the general public grand opening date to allow for proper "grow-in" times for certain landscape areas, but overall, milestone dates could be reached.

- The 2016 Lyons Bohn Park Final Design and Bid Project is underway and staff and consultants have been meeting weekly on Thursdays since the start of April. A public meeting to discuss skatepark design was held on April 28 at Town Hall from 6-7:30 pm. Attached please find the weekly updates as requested by the Board of Trustees regarding the meetings and design process. Please note these are posted on [www.LyonsParksmpt.com](http://www.LyonsParksmpt.com) and will be the source to find these documents in the future. Conceptual building designs and material choices reviewed last week. Looking ahead we will be meeting to discuss utilities and resiliency of the river in the reach through Bohn Park and how to design for future flooding. That project will meet weekly to stay on schedule for specifications and drawings to be completed in July and the RFP for construction sent out for bid.
- 
- The Bohn Park Berm project is scheduled to start the week of May 9, 2016 and be completed by June 1, 2016-depending on weather. Parks staff has screened the required additional dirt, set a backflow preventer and added a irrigation clock in order for the required work to begin.

- Parks staff has completed a summer recreation brochure. It has several program offerings for youth, adults and Lyons senior population. It is posted on the Town website at <http://www.townoflyons.com/DocumentCenter/View/598> or copies can be picked up in the Parks and Recreation office.
- Eagle monitoring services agreement with Ecosystem Services was approved by the Board at the May 2, 2016 meeting. They will begin the monitoring and reporting June 1<sup>st</sup> for the USFWS permit.
- 

**Board and/or Commission Items:**

- PRC Meeting-May 9, 2016 @ 6pm Agenda:
  - 1) Bohn Park Final Design and Bid Process Update
  - 2) Meadow Park Phase II Project Update
  - 3) Special Events Update-Overview, Vols. Needed for All Events, KidSpace organizer needed
  - 4) Staffing Update-Park Host/Parks Summer Seasonal
  - 5) Swimming Hole Update
  - 6) Other Discussion

**Employee Issues / Highlights:**

- Parks has filled the Meadow Park Host position and the new hosts, Dave and Diane Marquardt, will be coming to Lyons May 16.

**Safety Requirements Completed:**

- Required CIRSA paperwork-monthly vehicle, equipment, facility and park inspections, etc.

**Upcoming Events to Communicate to Public / Board / Staff:**

See the attached monthly newsletter for upcoming Parks and Recreation events and programs.

Check out [www.lyonsoutdoorgames.com](http://www.lyonsoutdoorgames.com) for information and to register for the Lyons Outdoor Games June, 4, 2016.

See the attached poster for the Lyons River Run 5K.

MAY 2016

VOLUME 12 ISSUE 5

Town of Lyons  
Department of Parks,  
Recreation & Cultural  
Events  
P.O. Box 49  
Lyons, CO 80540  
303-628-6230



To access the Town of Lyons full page 2016 calendar, please visit [www.townoflyons.com](http://www.townoflyons.com)

**Upcoming Events**

Adults Adm. \$5+ Book Club  
Walt Sell Building  
May 19th, 2016

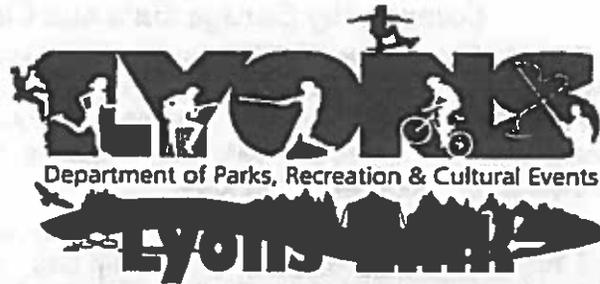
Staff Computer Class  
Lyons Library  
May 20th, 2016

Adults Adm. \$0+ Birthday Celebrations  
Walt Sell Building  
May 27th, 2016

Town Hall Council  
May 30, 2016

Lyons Outdoor Games  
Bohn Back  
June 4, 2016

Sandstone Summer Concert  
Sandstone Park  
Thursdays  
June 9th - August 11th



Department of Parks, Recreation & Cultural Events

**LYONS 18th ANNUAL SANDSTONE SUMMER CONCERT SERIES**

**MUSIC ON THE RAUL VASQUEZ COMMUNITY STAGE IN SANDSTONE PARK**

**JUNE 9TH - AUGUST 11TH THURSDAY NIGHTS 6:30PM**



Come and Enjoy Ten Wonderful Nights of Music in Sandstone Park 4th and Broadway - Near the Visitors Center and Downtown

June 9th <b>Laser Boom</b>	July 14 <b>Tapelo Honey</b>
June 16th <b>Take Down the Door</b>	July 21st <b>Interstate Stash Express</b>
June 23rd <b>Baldon Wolford &amp; the Hit Beams</b>	July 28th <b>Arthur Lee Land</b>
June 30th <b>Blue Canyon Boys</b>	Aug 4th <b>The Tiller's Band</b>
July 7th <b>Bonnie &amp; the Clydes</b>	Aug 11th <b>Samba Dende</b>



**LYONS 2016 THURSDAYS**



It's a fun and exciting time to visit the Lyons Farmers Market. Each week we have a variety of fresh produce, meats, and more. We also have a variety of local products to choose from. The market is open every Thursday from 9:00 am to 2:00 pm. We are located at 4th and Broadway in Lyons, CO. We are excited to have you visit with us every week. We have a variety of products to choose from. We are excited to have you visit with us every week. We have a variety of products to choose from. We are excited to have you visit with us every week.

**FARMERS MARKET**  
9:00 am - 2:00 pm  
Thursdays  
June 9 - August 11



The Lyons Outdoor Games June 3-4 is a premier Colorado outdoor lifestyle, adventure sport and music festival. Celebrating 14 years this year! Send your kids up a climbing wall and drink craft microbrew from over 50 craft microbreweries around the country as you watch world class athletes compete in professional kayaking, dirt jumping and slacklining comps! Get in on it and sign up for this year's Beer Relay or kick off your flip flops and jump on a slackline or throw a disc at our new disc golf event. Visit with some of the outdoor industry's leading companies and get some fun swag. Oh- and then see a national touring act while throwing down some awesome eats to satisfy your hunger! Tickets can be purchased at [www.lyonsoutdoorgames.com](http://www.lyonsoutdoorgames.com).

## Community Garage Sale and Clean Up Day

The Sustainable Futures Commission (SFC) is sponsoring Lyons' second annual Community Garage Sale Saturday May 21, from 8 AM till noon. To get the word out, the SFC will send announcements to the local papers, Craigslist, and other venues. Garage sale signs will be posted the day of the event indicating areas where sales will be held. Watch for upcoming Town eblasts for information on how to "register" your address as a garage sale participant.

The very next day, Sunday, May 22, the Town cleanup day will be held from 9-1. Upcoming Town emails will provide info on the exact location for Cleanup Day. As in the past, most types of materials, EXCEPT hazardous materials, can be dropped off. Some items will incur a cost, such as electronic waste (printers, computers, TVs, VCRs, etc.). Mattresses, tires, scrap metal, and all CHARM items will be accepted for free recycling. CHARM (Center for Hard to Recycle Materials) items include hard plastic items (lawn chairs, barrels, etc.), printer cartridges (no toner cartridges please), clothing, text books, bicycle tubes, plastic bags, and scrap metal. Please keep items separate to ease sorting.

The SFC is also looking for a charity to participate that can accept your donations of lightly used household items, clothing, books, and small furniture to promote reuse and recycle. Check the Town website and emails for information on whether these items can be dropped off for donation.

Branches and yard waste are accepted and will be recycled, but please keep separate from your other trash.

No "normal" recyclables, such as glass, cans, bottles, paper, or cardboard here please! Take those recyclable products to the recycle bins on Railroad Avenue, as usual.

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### Book Club

Let's gather and enjoy reading some great literature! This is a book club for Active Adults 50+ meeting at the Walt Self Building. To be a part of the book club, you must RSVP. Next, you can go to the Lyons Regional Library to pick up your copy of the book. The book club will meet on Thursdays on the listed dates at Walt Self to discuss the book and decide on the next book to read. We have lots of fun, don't miss out!

Age: 50+  
Fee: FREE  
Dates: May 19th, June 16th, July 14th,  
August 11th  
Time: 12:30 PM-2:00 PM  
Location: Walt Self Building  
Instructor: Lori LeGault and Library Staff

### Basic Computer Skills Class

Lyons Parks and Recreation in collaboration with the Lyons Regional Library is pleased to offer a basic computer skills class for Lyon's Seniors' at the Lyons Regional Library. This class will go over e-mail, Facebook, and internet skills, and can help you get more connected with all of the most used Lyons Facebook pages. There is a maximum of 5 participants for this class so you must RSVP.

Age: 50+  
Fee: FREE  
Dates: May 20th, June 10th, July 29th  
Time: 1-2PM  
Location: Lyons Regional Library Irary Staff  
Group Size: Maximum 5

### Monthly Birthday Celebration



Join us on the 4th Friday of every month to celebrate that month's birthdays! There will be birthday cake, coffee, and some other fun means of celebrating.

Age: 50+  
Fee: FREE  
Dates: May 27th, June 24th, July 22nd,  
August 26th  
Time: 1-3PM  
Location: Walt Self Building  
Instructor: Parks & Recreation Staff

### Fitness Class

Lyons Recreation Program Assistant, Lori LeGault will be leading a 1 hour and 15 minute total body workout. Participants will do a 30 minute brisk walk on back roads, then upon arrival back at Walt Self we will do 30 minutes of strength training using resistance bands. The session will end with 15 minutes of balance and flexibility. You are allowed to join in/or duck out during any portion of the class. Please dress appropriately for exercise with layers and bring a water bottle.

Age: 50+  
Fee: FREE  
Dates: Every Wednesday  
Time: 10:15 AM-11:30 AM  
Location: Walt Self Building Basement  
Instructor: Lori LeGault

### Recreational Adult Ultimate Frisbee

The Town of Lyons is pleased to offer a recreation league for Adults who wants to play ultimate Frisbee. Participants will meet and play at the Bohn Park Multi Use Field. Teams will be mixed on a weekly basis. To register call 303-823-8250 or e-mail [recreation@townoflyons.com](mailto:recreation@townoflyons.com).

Age: 18 years and up  
Fee: \$42  
Dates: June 9, 16, 23, 30, July 7, 14, 21  
Time: 7:00-8:15 PM  
Location: Bohn Park Multi Use Field  
Instructor: Zach Martinez  
Size: Minimum 10/ Maximum 30  
Deadline to Register: May 26th

### Recreational Team Sports for Kids

The Town of Lyons is pleased to offer a recreation non-competitive league for kids who want to play team sports for fun without committing to one thing for an entire season. Participants will meet and play a variety of ball sports.

Teams will be regularly mixed and all participants are encouraged to play. To register call 303-823-8250 or e-mail [recreation@townoflyons.com](mailto:recreation@townoflyons.com).

Age: 8-12 year olds  
Fee: \$42  
Dates: June 9, 16, 23, 30, July 7, 14, 21  
Time: 6:00-7:00 PM  
Location: Bohn Park Multipurpose Field  
Instructor: Zach Martinez  
Size: Minimum 10/ Maximum 30  
Deadline to Register: May 26th

### Summer Running Club for Kids

The Town of Lyons is pleased to offer a recreation running club for kids who want to keep active and love to run! Since kids' goals are different, each child will be tasked in the beginning with choosing a realistic mileage goal and can then work toward meeting that goal with friends. A potluck will follow on the last day of running. To register call 303-823-8250 or e-mail [recreation@townoflyons.com](mailto:recreation@townoflyons.com).

Age: Entering 1st Grade-6th Grade  
Fee: \$35  
Dates: June 8, 13, 15, 20, 22, 27, 29  
July 6, 11, 13, 18, 20, 25, 27  
Time: 9:00 AM-10 AM  
Deadline to Register: June 1st

### Yoga for Teens

The Town of Lyons is pleased to offer yoga for teens throughout summer. Bring a yoga mat and water. To register e-mail [recreation@townoflyons.com](mailto:recreation@townoflyons.com).

Age: 12-16 year olds  
Fee: \$8/per class  
Dates: Tuesdays from June 7<sup>th</sup>-August 9<sup>th</sup>  
Time: 10:30 AM-11:30 AM  
Location: Walt Self Basement (May be at Sandstone Park some days, check door for sign)  
Instructor: Lori LeGault  
Size: Minimum 5/ Maximum 10

### Youth Mindfulness Summer Series

The Town of Lyons Parks and Recreation is pleased to offer a 4-Part series of weekly mindfulness activities for kid's ages 11-15. Meeting one day a week and do a variety of activities including yoga, musical guests and jam sessions, journal writing, summer reading, ball sports, theater improv, hiking and much more. We will journey around Lyons for all activities. See [www.townoflyons.com](http://www.townoflyons.com) for more details.

Age: 11-15  
Fee: \$120 for all 4  
Dates: June 23, 30, July 7, 14  
Time: 10:00 AM-3:30 PM  
Location: Meet at Lyons visitor's center  
Instructor: Lori LeGault plus many more  
Size: Minimum 8/ Maximum 20

### Tennis Camp for Kids (3 days/week)

The Town of Lyons is pleased to offer entry level tennis lessons at the Bohn Park Multi Use Sport Court. Participants need to bring a tennis racquet and water, it's advisable to wear a hat and sunscreen.

Age: 5-8 year olds, 9-12 year olds  
Fee: \$60 per weekly session  
Dates: June 6-9 June 13-16  
June 20-23  
Time: 5-8 yr olds 9:00 AM -9:45 AM  
9-12 yr old 9:50 AM -10:35 AM  
Location: Bohn Park Multi Use Sport Court  
Instructor: Judi Laursen, USPTA  
Camp Size: Minimum 4/ Maximum 6

### JumpBunch Sports Camps

JB Sports is an internationally-acclaimed fitness program that utilizes a non-competitive sports and fitness curriculum to develop important skills such as hand-eye coordination, teamwork, and self-confidence. Our custom-built program for school-agers will enhance your child's physical fitness as well as cognitive development. We'll teach your child two different sports or fitness activities each week, including golf, soccer, field hockey, volleyball, and many more! Let us show your child how much fun fitness can be!

#### JumpBunch Sports School Age Camp

Age: 7-12 Year Olds  
Fee: \$82  
Dates: June 9,14,16,21,23,28,30  
Time: 9:00 AM-10:00 AM  
Location: Bohn Park Multipurpose Field  
Instructor: Trained Jumpbunch Staff  
Size: Minimum 4/ Maximum 20  
To Register: <http://suburban-denver.jumpbunch.com>  
Deadline to Register: June 2<sup>nd</sup>

#### JumpBunch Preschool Age Camp

Age: 3-6 Year Olds  
Fee: \$82  
Dates: June 9,14,16,21,23,28,30  
Time: 10:00 AM-11:00 AM  
Location: Bohn Park Multipurpose Field  
Instructor: Trained Jumpbunch Staff  
Size: Minimum 4/ Maximum 15  
Register at: <http://suburban-denver.jumpbunch.com>  
Deadline to Register: June 2nd

## LYONS REDSTONE MUSEUM

PO Box 9, Fourth & High Streets, Lyons, CO 80540  
(303) 823-5925/5271 lavern921@aol.com

Museum open Weekends in May, and daily April 30 to Oct 2  
(Mon.-Sat 9:30am-4:30pm, Sun 12:30-4:30pm)

Come & Enjoy: Old-time life in Lyons displays and photographs; high school grad photos; Gift Shop; 3,000 Used Book Sale; Genealogy and Newspaper Archives; New Exhibits every year; 2013 Flood Memorabilia. (Admission by Donation) Get more info through our Newsletter, Facebook and Web Pages.

### QUASQUICENTENNIAL CELEBRATION 2016

The museum and Town of Lyons are celebrating the 125th Anniversary of Lyons Incorporation April 6, 1891-2016. We have developed a commemorative envelope with a sketch of the town in 1881, with postmark cancel April 6, 2016. Enclosed is a history of the town and copies of black and white historical photos. Buy in Town \$5 or mail \$7.00 to the Museum. Special program to be presented at Good Old Days; 1pm-Museum; 6pm-Sandstone Park.



### MAY HISTORY MONTH

(Open weekends, 4/30-5/1; 5/7-8; 5/14-15; 5/21-22; 5/28-29)

May 7, 5-7 p.m., Redstone Museum, Opening Reception, Free.

"Art at the Redstone Museum" exhibition. Explore 103 years of Lyons history through its artists from the 1911 landscape works of Newt Thomas to the 2014 series of prints by artist Larry Cohan depicting scenes of the 2013 Lyons flood. Bring forth your "inner artist" in the Creative Corner. Take on the "I Spy" challenge. Art will be on display during the 2016 season.

### 40<sup>TH</sup> LYONS "GOOD OLD DAYS" June 25

9:30 am - 4:30 pm, Sat. & 1 pm - 4:30 pm Sun - Museum Open House.

1 p.m. - 3 p.m. Sat. June 25, Museum Lawn, Program and New Exhibits. HISTORY PROGRAM: Honor 125th Town Anniversary; Good Old Days 40th Anniv.; Honor Class of 1966 as Mr/Mrs. Good Old Days (50 years); Alumni stories and Reunions; Honor Classes of '06's (1926, 1936, etc.); Honor Pioneers attending, and Lyons Grad Class of 2016 from Pioneer families. 6 p.m. Sandstone Park: Welcome, Introductions, History Speeches

### MUSEUM HAPPENINGS Summer 2016

#### \*LYONS HISTORY CONVERSATIONS 3<sup>RD</sup> Sunday

June 19, July 17, Aug. 21, Sept. 16, 4:30-6:30pm Walt Self Senior Center, 335 Railroad Avenue.

History conversations with historians and guests. Topics include: town's history; quarries; campaigns fought; our schools closing and Coffintop Dam construction; and Lyons Pioneers.

#### \* LYONS LAST THURSDAYS

The Museum will also be participating in the Lyons Last Thursdays events organized by the Lyons Arts and Humanities Commission. It will have extended hours and special events.

## Red Rock Ramblers Square Dances

Saturday Nights

June 18th-September 4th

Rounds 7:30pm and Squares 8- 10:15PM

Lyons Elementary School Gym

Mainstream, W2 + Tips; Wear soft soled shoes, wood floor



June 3-4; State Festival-Grand Junction

June 18th- Caller Mike Hogan

June 25th- Dave Guille

July 2nd- Mountain Magic

July 9th- Mike Sikorsky

July 16th-Jerry Junck

July 23rd- Dan Nordbye

July 30th- Lynn Stobel

August 6th- Barb Haines

August 13th- Deborah Carroll & Jon Jones

August 20th- Dean Dederman

August 27th- Dee Dee Dougherty

Sept. 3rd- Lanny Weakland

Sunday, Sept. 4th -Lanny Weakland/E Glenn

(Special Plus) 2-5:00pm "Labor Day Wing Ding"

## **Pam Maestas**

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**Subject:** FW: Recreation News

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**From:** Dave Cosgrove  
**Sent:** Monday, May 09, 2016 2:28 PM  
**To:** Pam Maestas; Victoria Simonsen  
**Subject:** FW: Recreation News

Here is some additional news for staff reports that I neglected to add, my apologies.

---

**From:** Lori LeGault  
**Sent:** Monday, May 09, 2016 1:41 PM  
**To:** Dave Cosgrove  
**Subject:** Recreation News

News in Recreation:

~Current programming is going well. The Active Adult 50+ programs are all thriving in attendance except Senior Birthday Celebrations. We're working on that to see why. Last week was the AA50+ trip to the Arvada Center and the group had a great time seeing the theater production.

~I'm Looking forward to the Summer Recreation programs starting soon! We're preparing for those programs to begin, ordering equipment, talking to instructors, etc. I'm working in conjunction with Lyons Elementary School to decide on a parenting series for families of younger children. Most likely we will use the elementary school as the location for these classes. Additionally I am working on brining in a speaking presentation to be directed at parents and teens together regarding the current issues facing today's teens in Lyons. All of these programs would be offered in the Fall.

~Since the Recreation Brochure went out, I've added a few more small things:

1. Drop-in Pickle Ball---Sam Keene has volunteered to be in charge of this but I said I would put the word out on Facebook because he doesn't do facebook. They are doing drop in pickle ball 5 days a week at times when nothing else is going on at the tennis court.
2. Bird Walks—Davis has offered to do two free bird watching walks on Old South St. Vrain Road. Folks have to get themselves over to the Heil Valley Parking lot, and be able to do a 3 mile stroll.

~The HSAC Commission is pleased after the last meeting where Wendy Miller and Mayor Sullivan attended. They're hoping to get going in a good positive direction again. We are meeting twice this month to plan to go in front of the BOT and do some education on what issues the HSAC feels the town needs, ie. What services do we need locally and what is better to be going to neighboring communities in search of support services.

Sincerely,  
Lori LeGault



Join us at  
Lyons  
Good Old Days  
after the race

Amazing Prizes  
Including Tickets  
to Planet Bluegrass  
Festivals



# LYONS RIVER RUN

## 5<sup>K</sup>

Kids Fun  
Run

Saturday, June 25th, 2016  
8am Start

Chip  
Timed  
Event

at Sandstone Park

Register Online at [www.townoflyons.com](http://www.townoflyons.com)

Please join us by registering at one of these convenient front angle locations.  
\* indicates those stores that collect registration forms and money through 6/20/16.

### LYONS

- Lyons Town Hall  
432 5th Ave  
(303) 823-6622
- Lyons Visitor Center  
4th Ave. & Broadway  
(303) 823-6622

### BOULDER

- Flatirons Running  
629 Broadway  
(303) 554-7837
- Farrell's eXtreme Bodyshaping  
2408 Arapahoe Ave.  
(720) 498-2841

### LONGMONT

- Longmont Athletic Club  
10 Mountain View Ave.  
(303) 772-1700
- Shoes & Brews  
63 S. Pratt PKWY  
(720) 340-4290

### FT. COLLINS

- Runners Roost  
2720 Council Tree Ave.  
(970) 224-9114
- Altitude Running  
150 E. Harmony Rd. Unit 2c  
(970) 377-8005



[www.townoflyons.com](http://www.townoflyons.com)



**Lyons Bohn Park Final Design  
Full Day Programming Workshop  
Thu, Apr 14, 2016 10:00 AM - 5:00 PM Mountain Daylight Time  
S2o Design and Engineering  
429 B Main Street  
Lyons. CO. 80540**

- Please join my meeting from your computer, tablet or smartphone.  
<https://global.gotomeeting.com/join/625845429>
- You can also dial in using your phone.  
United States +1 (408) 650-3123  
Access Code: 625-845-429

**9:00 AM at 2<sup>nd</sup> Avenue Trailhead area - Mark-DHM, Sloane-TOL, Jon and Grant --  
ECOS, Nathan – S2O**

**2<sup>nd</sup> Avenue Trailhead**

Site walk/ review of trail alignment with stream plantings

**9:30 to 10:30 am - River Restoration/ Ecology/ USACE Permitting – Jon and Grant with  
ECOS**

Delayed discussion until April 21, 2016 meeting

- Ecological restoration goals
- Fish habitat/instream structures
- Raptor discussions
- planting plan and plant palettes
- river access/overlook
- miller memorial
- floodplain connectivity and resiliency
- bioengineering/bank protection
- trails and trail head (especially below 2nd ave.)

**10:30 Irrigation/ Water source/ Well design coordination – Jill Bersano with KDI**

- Town of Lyons to look into water rights and we can expect for irrigation and what is the aquifer capacity. Testing may need to be completed. We have assumed 90 GPM pre flood
- Town of Lyons has requested 2 wells and pumps for more efficient distribution of irrigation water to landscapes along highway and future McConnell Ponds and Bohn Park.
- Need to review existing well capacity. Existing well pre flood was around 35' deep with approximate 19' of water. It tended to pull air towards the end of the existing irrigation schedule.

# DHM DESIGN

- Existing well pumped water around 1500 to 2000 feet to Bohn Park and then out to the “Welcome to Lyons” sign.
- Town of Lyons to provide specifications from existing pump. John’s Well Service is the company that has maintained and repaired the existing pump
- Town of Lyons has requested that new wells have remote access (Ethernet or cellular), a submersible pump, water filtration, and an above ground pump house

## **11:00 AM - Architecture Programming Discussion – Ken and Janine with BRS**

- Shelters
  - Enclose during storm events but with open air feel
  -
- Restroom
  - With small utility storage room
- Storage
  - Stand alone storage for 1 tractor/ mower and sports equipment
  - 1 car garage with enclosed bays in back for bulk materials. 10yds per bay approximately
  - Locate behind ballfields
- Mechanical
- Structural
- Town of Lyons to forward link to park design standards (completed)
- Steamboat mountain is an iconic/ framing image for architecture
- Interaction with river is important
- Anything at Meadow Park we can integrate within Bohn Park
  - Local sandstone materials, natural materials, stone and wood
  - Less traditional detailing
  - Town of Lyons likes the use of river rock
  - Keep well lit – use of natural/ solar light tubes
- Historic Structures shown on Towns website. If not available Dave has information
- Concerns with vandalism of wood. How accessible? How is treated?
- Use of sliding doors on buildings? Town of Lyons is intrigued but not certain we can use
- Use of glass? Town of Lyons is concerned with maintenance and breaking
- Town of Lyons likes use of mix of colors in stone and different layers
- Town may route gas line through the park site. Do we need to connect gas lines to the building?
- No cooling needed
- Base Flood Elevation plus 2’ for building ffe’s – S20 to help with flood elevations
- Design for 2012 IBC
- Use 1 ¼ car garage for storage
- 
- 

## **Pedestrian Bridge Structural Review**

- Bridge situation sheet needed
- Existing pre-flood bridge is 69’ chord length (plus or minus). Possibly reuse existing bridge at over flow?
- New bridge at 4<sup>th</sup> Avenue

## Electrical Requirements for Building and Site

- Lighting needs
- Need lighting at parking lot
- Need security lighting for park
- Need lighting along St Vrain Trail between 4<sup>th</sup> and 2<sup>nd</sup>.
- Lighting control to turn zones on and off.
- Add plug ins and panels for special events

Field lighting – Musco or Qualite

## 1:00 PM - Recreation and Playgrounds-

Water features/outdoor play/classroom/interpretive

River access/river overlooks

Miller memorial/stone picnic area

Baseball field needs/dugout design/scoreboard(s)/shelter- Naming of fields/memorials/etc.

Tennis court/sport court programming needs and design

Review other recreation opportunities

- Climbing feature for adults and kids. To include opportunities for recreation, classes, events, competition
- University of Washington has a good example of a climbing wall for reference
- Large Playground
  - Chance to remove eastern playground
  - There are 4 existing swings. Review condition and consider replacement?
  - Integrate an outdoor classroom
- Smaller playground – opportunity to make bigger if needed
  - Possible parkour course? (Kompan)
  - Include something for smaller kids
- Review playground options from different playground manufacturers with Town
  - RMR
  - Kompan
- ADA Overlook
  - Include gathering, picnic, informal concerts
  - Consider new location based on best experience
- Instream/ ADA overlook
  - ADA route to St Vrain, possible sculpted concrete jetty
  - Use of river rock and sandstone caps
  - Address CPW concerns with instream structures
  - More value for tubing recreation than kayaking
  - Stadium seating along river – similar to preflood stone work
  - Review photos from Ed Bruder of preflood conditions
- Ditch return flows
  - Add stone for features for play experience
- Flower planters

# DHM DESIGN

- Get preflood count from Mike
- Need to be irrigated
- Discuss plant types
- Strategically locate planters
- Public Art
  - Strategic placement at bridges, entrances, trail junctions
- Park ID Sign
  - Needs to be relocated
  - Originally built and supplied by Blue Mountain Stone
- Miller Memorial – label as picnic area
  - Existing memorial - Flat patio, sandstone benches, grill in middle
  - Use as rental space for events and picnicking
  - 35' diameter (existing preflood)
  - Need 4x standard grill size with stone base
- Vasquez Memorial
- Remove and salvage plaque
- Add trail south side of multi-use field
- 8' wide crusher fines for main trails
- 6' wide for lesser trails
- Ballfields
  - 200 seating each field
  - Field #1 – Vasquez field
    - Removeable fence section in outfield
    - Gates in outfield
  - Field #2 – Bohn Field
    - Scoreboard
    - Town standards for skinned infield
    - Baseball/ softball use
  - Batting Cage
    - Removeable net
    - Electrical access
- Sand Volleyball Courts
  - Build only 1
  - Move behind field #1
  - Keep old location of volleyball courts as informal lawn area

**2:00 PM – Instream Recreation/ Structures/ Floodplain Permitting**

**3:00 PM – General Site Discussion**

## **Civil Site Discussions**

Drainage/ Water Quality

Detention?

# DHM DESIGN

## Review ditch requirements

### Utilities

- Follow UDFCD standards
- Detention may not be required – Town of Lyons to review with Jim
- Water quality will be important
- West side of Bohn Park is the South Ledge Ditch
- East side of Bohn Park is the Meadow Ditch (WQ basin at end of line)
- Will get alignment of ditch returns from Civil Arts
- Gas is Xcel
- Water is City of Longmont
- Electric – Town has substation
- Survey to shoot manholes, profile ditches, inverts
- ICON to size ditch return flows correctly
- 2 weeks review by Jim Blankenship
- Develop drainage for existing park
- ICON to take DHM grades and develop proposed drainage

## Parking Lot Design and Paid Parking

### 2<sup>nd</sup> Avenue access

### Traffic and pedestrian flow/gates

### Parks host area design

- Outdoor yard area/ patio/ picnic tables, grill, lawn, berming?
- Lighting for security at host area
- 

### Food truck location and design/needs

### Dumpster/ trash

- Need 3 – 8 yd dumpsters with steel doors

## St Vrain Trail

- Consideration for disc golf – St Vrain Disc Golf

## 4:00 PM - Skate Park Goals/ Review

- Review budget versus timing with community
- Post flyer to project website
- Town of Lyons to send to Chris Cope and Greg Plavidal

## Bike Park/ Bike Trails coordination

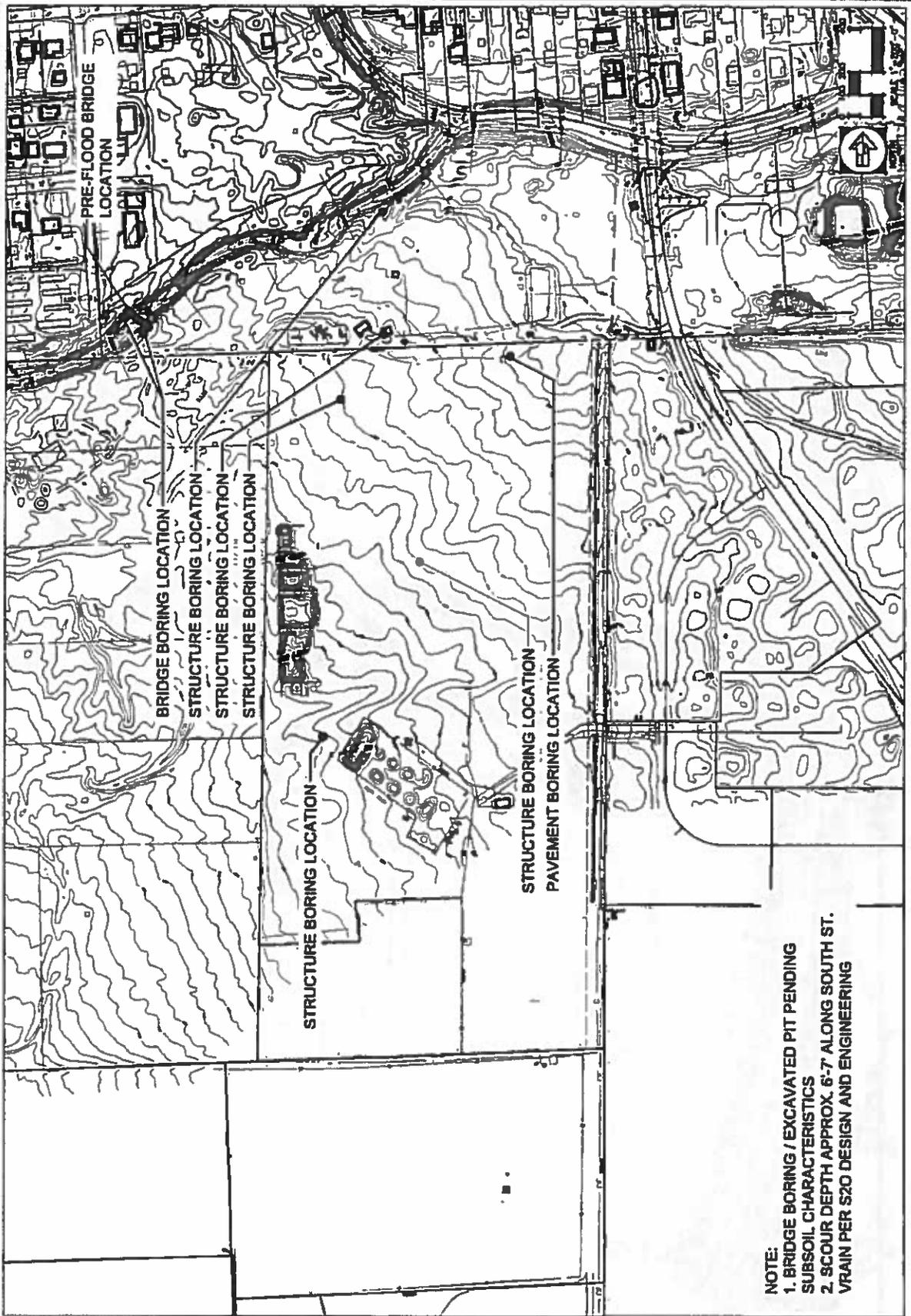


**Lyons Bohn Park Final Design  
Progress Meeting Notes/  
BOT Weekly Update  
April 21, 2016  
10:00 am**

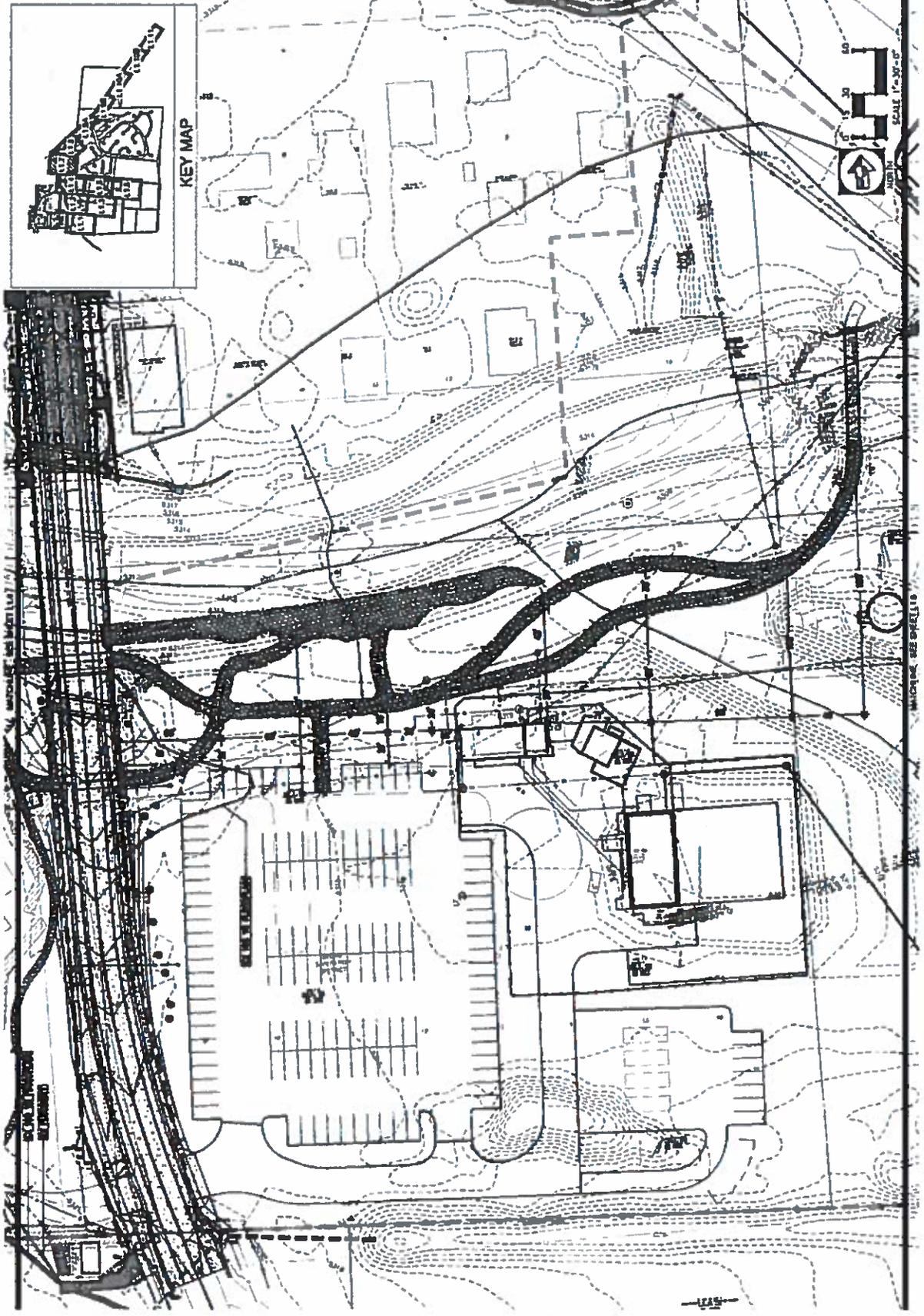
1. **ECOS –River Restoration/ Ecology/ USACE Permitting – Jon and Grant with ECOS**
  - a. ECOS confirmed that the Biological Assessment completed for the stream work covers the entirety of Bohn Park
  - b. The Nationwide Permit (NWP) 3A Maintenance covers all associated in restoring the instream structures. We can modify structures slightly from original locations
  - c. SHPO has cleared Bohn Park of any historic structures
  - d. NWP 27 is in place
  - e. Dave Cosgrove has water rights information and is reviewing to determine what our availability to use ditch return flows.
  
2. **Public Notification, Coordination, Meetings, Reporting**
  - a. Skate Park Public Meeting #1 – April 28 at Town Hall Board Room
  
3. **Data Collection**
  - i. mapping & survey updates – field work in progress, expected to be completed week of May 2
  - ii. geotechnical updates – scour depths, hydraulics being reviewed. Encountered large cobbles and boulders fairly shallow. Will need to utilize excavator provided by Town to dig exploratory pits. Pits at bridge abutment will need to get down below scour depth. Scour depth anticipated at 6' to 7' depth
  - iii. Any additional information needs
  
4. **2<sup>nd</sup> Avenue Trailhead updates –trail alignment has been staked and Stream Team is installing**
  
5. **Program Refinement/ Programming discussions**
  - a. Review of concept plan for further program development
  - b. Site Items
    - i. Ditch return flows/ water quality ponds were reviewed. Preflood the Town had three ponds. Town wants to reconsider layout and introduce use of vegetation.

# DHM DESIGN

- ii. Possible eagles at Bohn Park and Black Bear Hole. ECOS has been notified and is monitoring. No documented locations and state has no information. With current permitting state has not alerted the Town of any active nests in the vicinity. Will continue to observe for signs of eagle habitat
  - iii. Instream fisheries – create a pool drop environment more so than a riffle pool
  - iv. Skatepark meeting coming up. May expect to see Team Payne attend. Present process, document the Parks Flood Recovery Process used to get us to where we are today, deed restrictions, flood plain.
- c. Civil Items
- d. Architecture Items
  - i. Review architecture programming and updated program
- e. 4<sup>th</sup> Avenue Bridge Discussion
  - i. 6-7' depth scour depth below stream is anticipated
  - ii. Will need dewatering permit.
  - iii. DHM to forward geotechnical information to team once information is known.
  - iv. S2O to continue work on bridge situation sheet and update with current hydrology once available
  - v. Town to verify bridge code
  - vi. Review existing north bridge abutment for possible reuse
  - vii. Use Big R bridge or approved equal. Bridge to be self-weathering steel, wood deck, wood rub rail
  - viii. H5 or HS20 bridge rating is ok. 1' of freeboard required



**NOTE:**  
 1. BRIDGE BORING / EXCAVATED PIT PENDING  
 SUBSOIL CHARACTERISTICS  
 2. SCOUR DEPTH APPROX. 6'-7' ALONG SOUTH ST.  
 VRAIN PER S20 DESIGN AND ENGINEERING



**Lyons Bohn Park Final Design  
Progress Meeting Notes/  
Weekly Update  
April 28, 2016  
3:30 pm  
Lyons Annex – trailer adjacent to S20**

Conference Call (712) 432-0926

Access Code: 564031

**1. 3:30 PM Fire Review of 30% Design**

- a. Met with JJ with Lyons Fire to review 30% designs and to receive comment
- b. 8' wide emergency access routes minimum. 10' preferred if possible. If not then maintain shoulders to accommodate emergency vehicles.
- c. Provide loop trail to center of ballfields for access from north, south and east.
- d. Provide emergency access to skate park from east side trail
- e. No sprinkling/ suppression of buildings required
- f. Provide flush knox box.
- g. Fire will want to review plans beginning at conceptual plans
- h. Fire access to restroom and signature shade structure area. Remove parking in this area to provide access.
- i. Recommended that we place a fire hydrant by building. Can be designed off of future water line
- j. Fire to review mechanical plans and other plans once available. Email [plans@lyonsfire.org](mailto:plans@lyonsfire.org)

**2. 4:00 PM Architecture Review**

- a. Food truck alley along north side of multi-use field to have electrical and water hookups
- b. Code review to be completed by Safe Built
- c. BOT to review plans at 50%, 75% and 90% levels. DHM to present
- d. Architecture concepts to be developed this week and early next week. Will plan on presenting at next Thursday's weekly meeting

# DHM DESIGN

- 3. 4:30 PM Greenway/ Play Area Update Review**
  - a. Reviewed preliminary plans for approval**
  
- 4. Skate Park Public Meeting #1 –**
  - a. Review presentation and approach to the meeting.**
  - b. Reviewed concerns with water table level and geotechnical soils. May need to elevate skate park above ground**
  
- 5. Program Refinement/ Programming discussions**
  - a. DHM to provide weekly BOT updates with notes and updated diagrams/ sketches, etc.**
  - b. Continue to place updates on website for community review**
  - c. Excavator on site this week. Schedule geotechnical pits for next week**
  - d. Town has sustainability plan for use in review of the project requirements. Review goals for parks and incorporate as required. Document on town's website**
  - e. Forward tree survey completed by ECOS to design team**
  - f. Review parking slopes and design standards with Jim and Joe with the Town.**

**The Town of Lyons Presents**

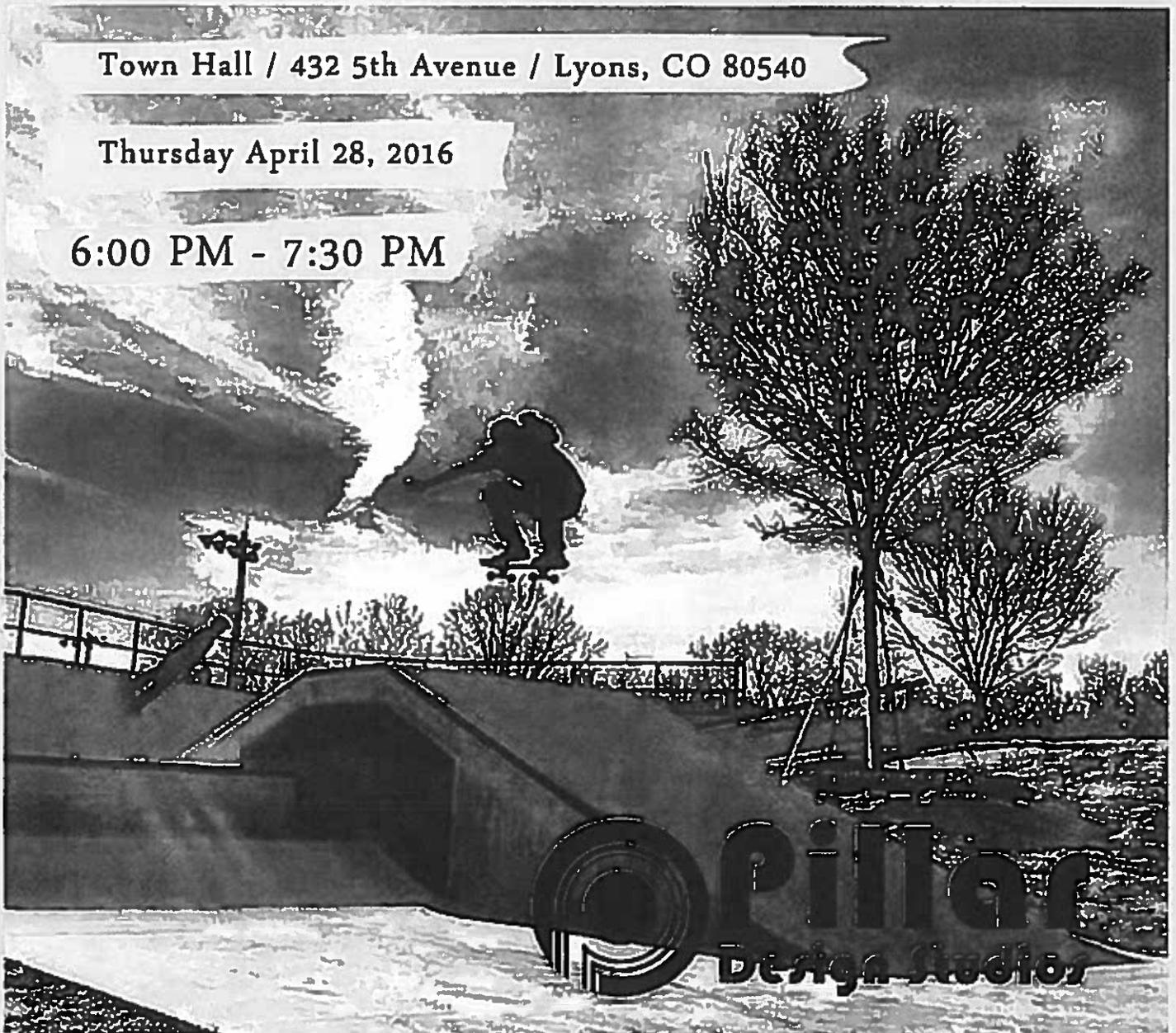
# LYONS SKATEPARK PUBLIC DESIGN MEETING

**[ The Town of Lyons invites you to share  
your design ideas for your public skatepark ]**

Town Hall / 432 5th Avenue / Lyons, CO 80540

Thursday April 28, 2016

6:00 PM - 7:30 PM



**Pillar**  
Design Studio

**Can't make it? Catch up on the action at [WWW.LYONSPARKSMP.COM](http://WWW.LYONSPARKSMP.COM)**

# BOHN PARK - LYONS, COLORADO

## Architectural Program

4/29/2016

Restroom Building Item Space	Area	Comments
1.0 Mens Room 2 Toilets 2 Urinals 3 Lavatories Baby changing counter Hose bib under sink	240 nsf	
1.1 Womens Room 4 Toilets 3 Lavatories Baby changing counter Hose bib under sink	240 nsf	
1.2 Assisted Restroom Toilet Lavatory Accessible room Baby changing counter Hose bib under sink	100 nsf	
1.3 Storage Janitor sink Sundries and cleaning equipment Ballfield maintenance equipment First aid equipment xx	120 nsf	

**BOHN PARK - LYONS, COLORADO**  
**Architectural Program**

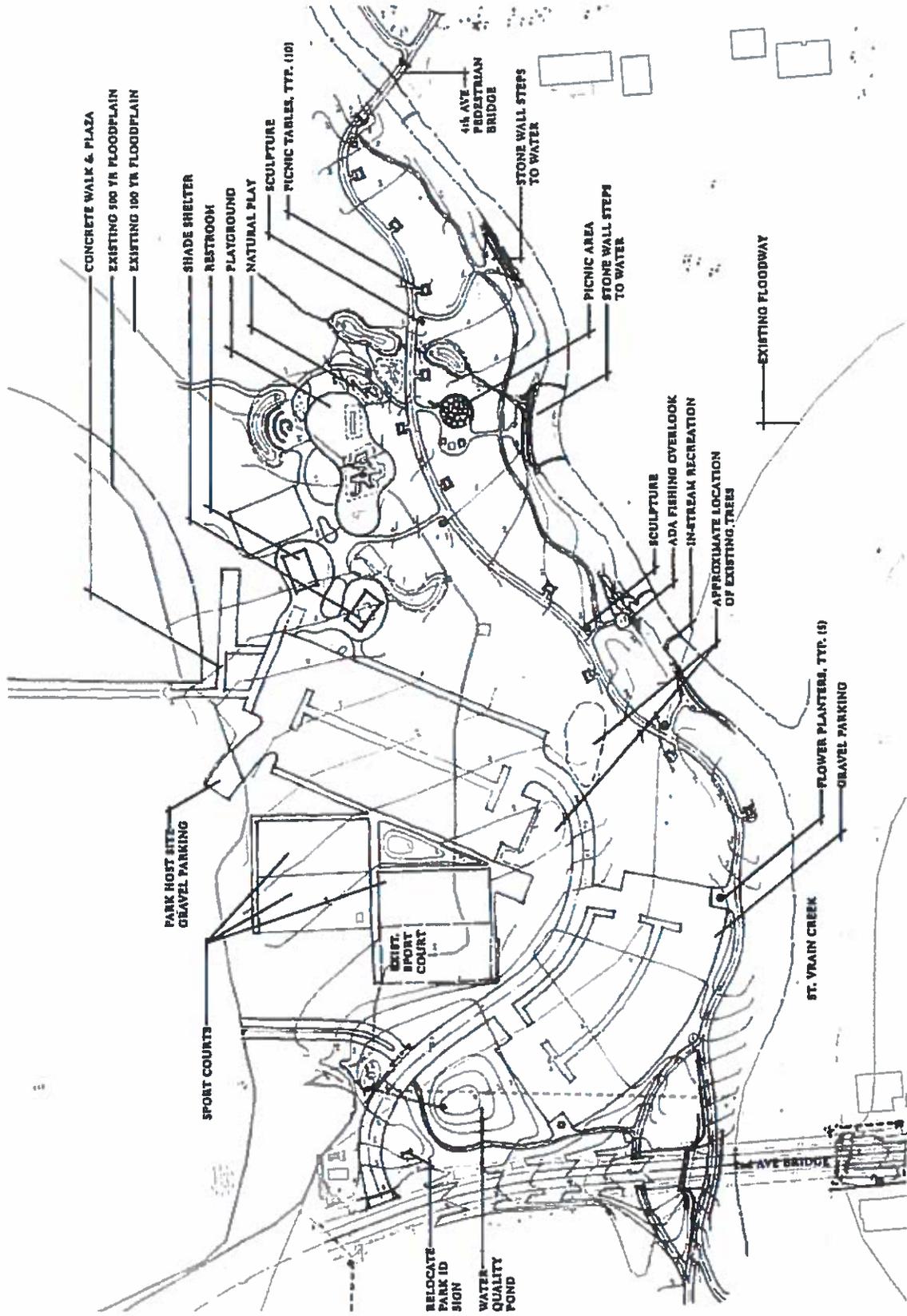
4/29/2016

xx

1.4 Mechanical/Electrical & Plumbing Chase      142 nsf  
 Systems  
 All electric  
 Year round operations

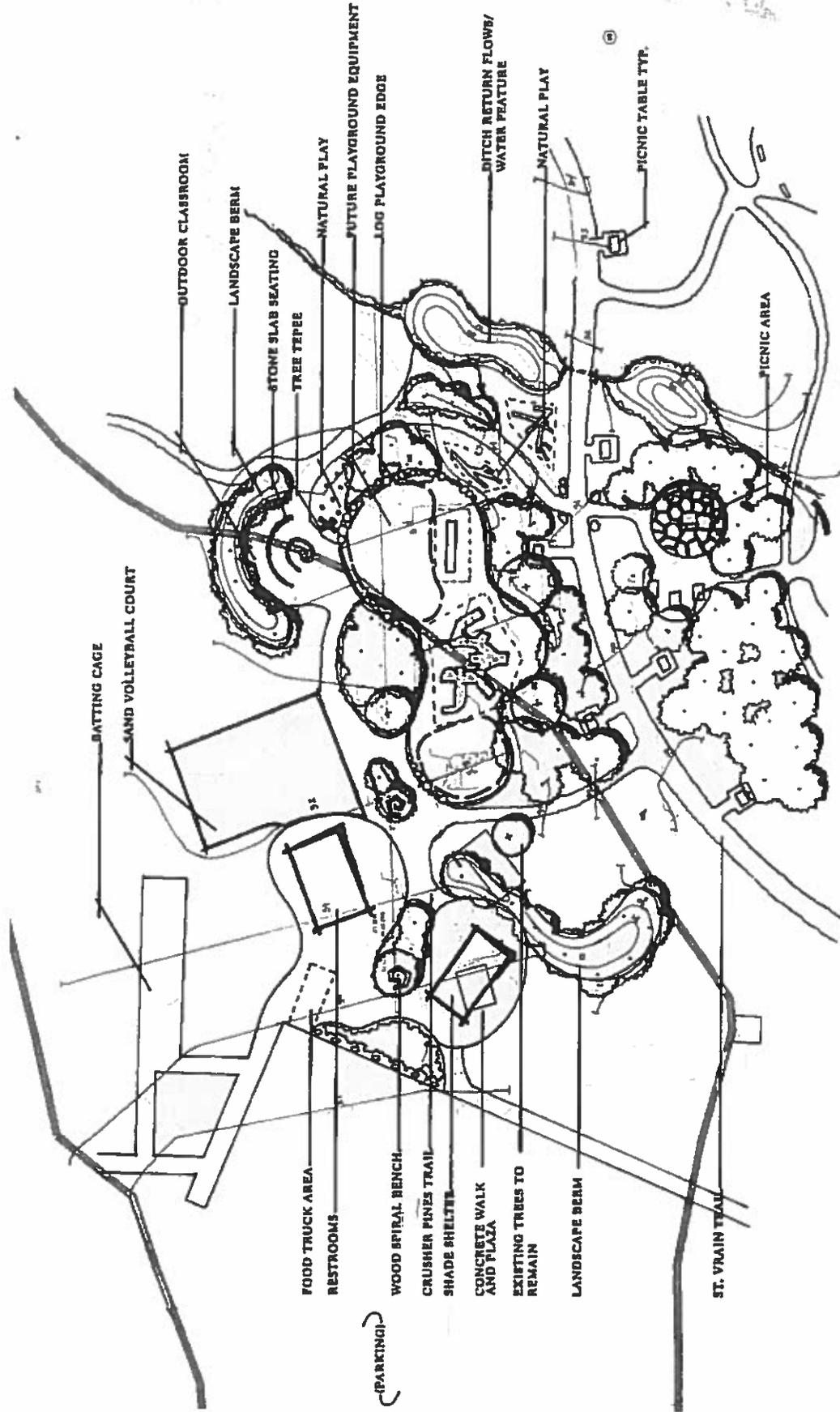
Total Net Area	842 nsf
Grossing Factor	0.2
Total Gross Area	1010 gsf

Picnic Shelter Item Space	Area	Comments
2.0 Mens Room	800 gsf	Provide 2 shelters
Shelter area		
Low side walls with counters		
Lighting		
Picnic table seating for 30 (6 per table)		
Hose bib nearby		



**Grading & Layout Concept**  
 Bohm Park Final Design

April 20th, 2016



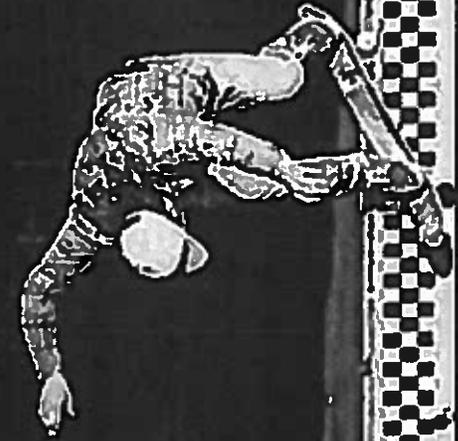
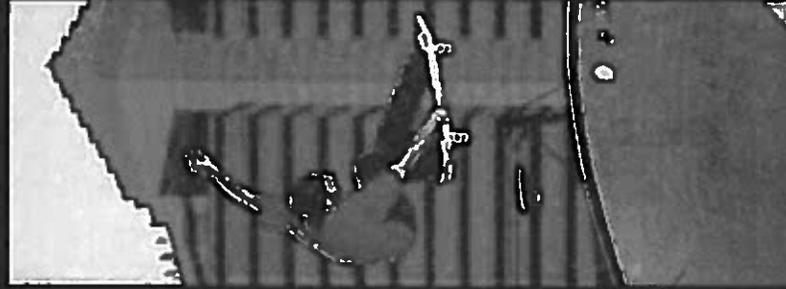
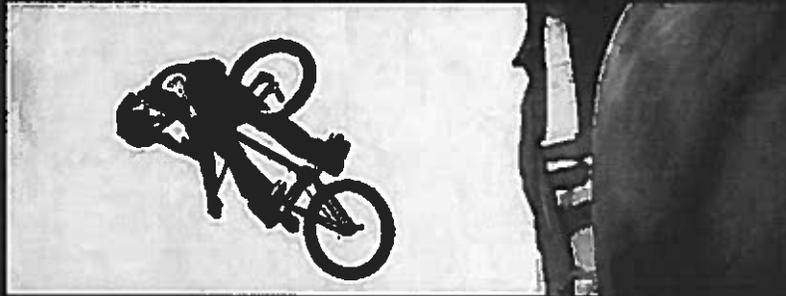
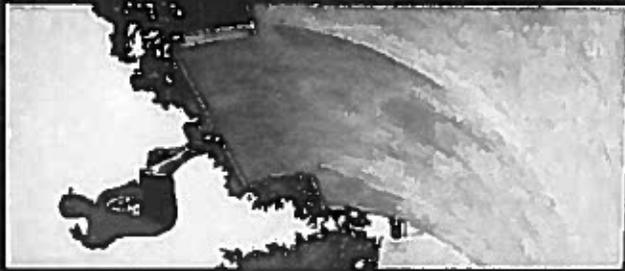
**Grading & Layout Concept - Enlargement**  
 Bohn Park Final Design  
 April 28th, 2016

ST. VRAIN CREEK

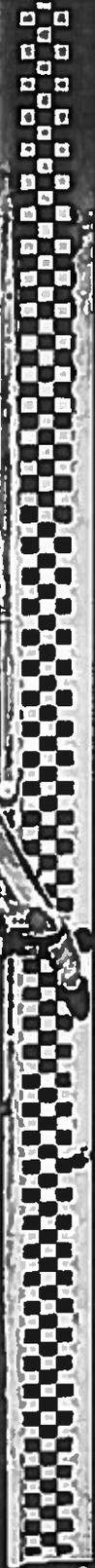


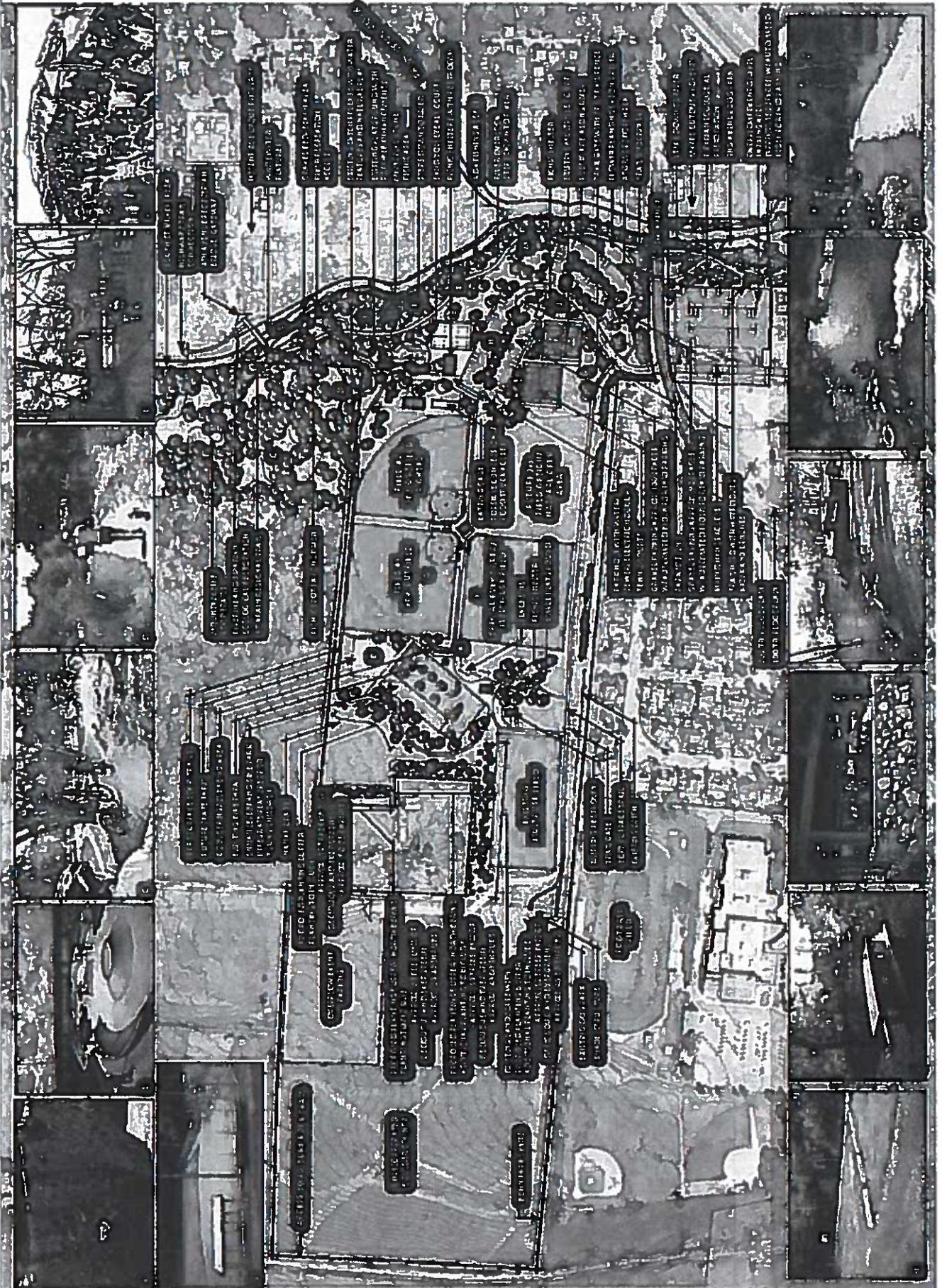


# Skateparks Designed for your Community



**Pillar**  
Design Studios



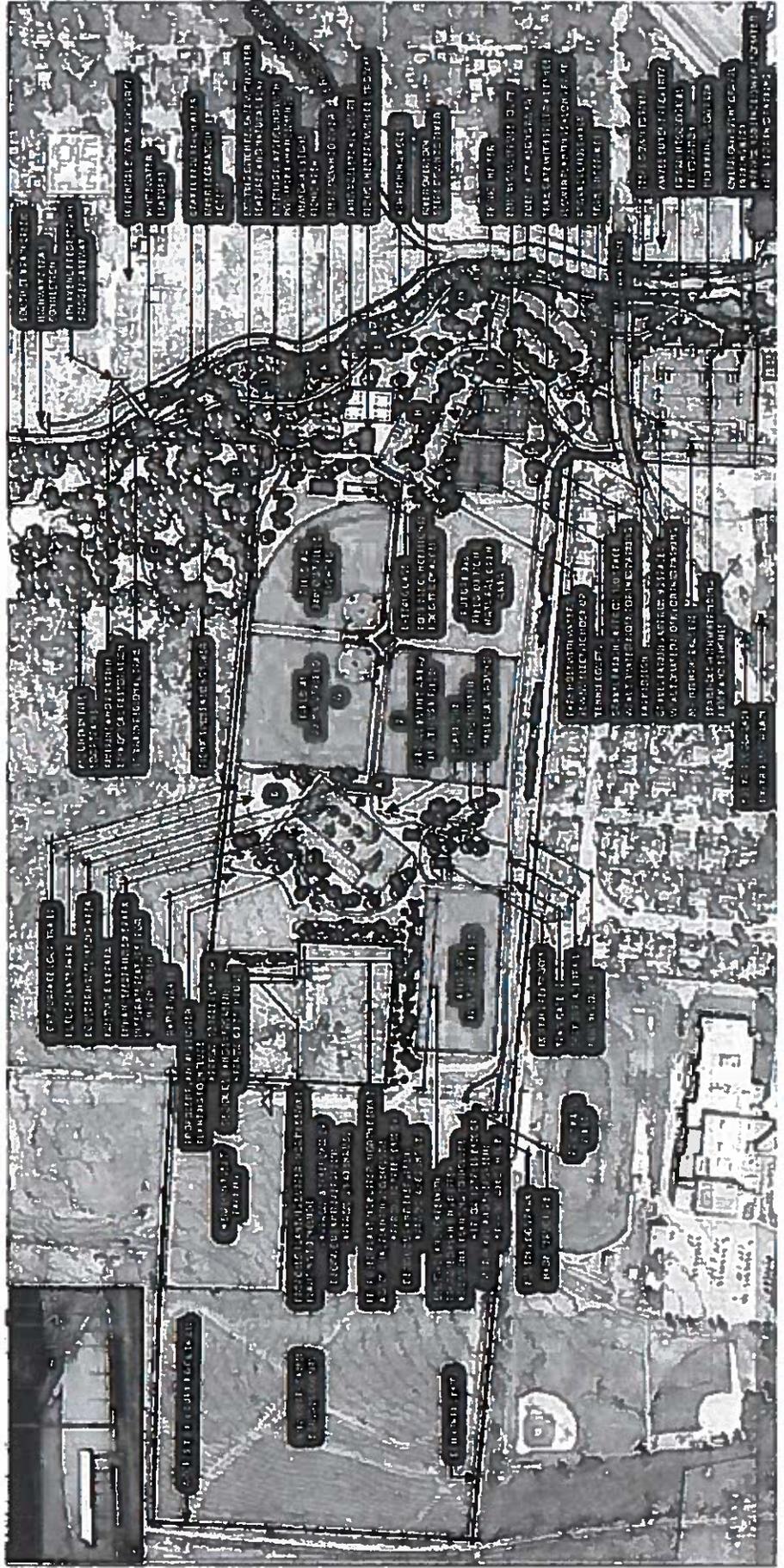


# Previous Planning Efforts

- Feedback heard to date.
  - General comments - Prioritize the Skate Park
  - Skate Park high priority from the website comments
  - 13/50 comments on survey cards want a skate park

# Budgets

- Balance budgets within context of full park development
- Design skate park within requirements of existing Deed restrictions



# Precedent Skate Parks

TOWN OF LYONS PARKS - FLOOD RECOVERY PLANNING PROCESS  
OCTOBER 2nd, 2013

BOHN PARK - PREFERRED ALTERNATE  
SKATE PARK EXAMPLES



**NATHAN LAZARUS SKATE PARK - NEDERLAND, COLORADO**  
SIZE: 12,340 SF



**DISCOVERY SKATE PARK - WHEAT RIDGE, COLORADO**  
SIZE: 12,000 SF



**GUNNISON SKATE PARK - GUNNISON, COLORADO**  
SIZE: 14,000 SF



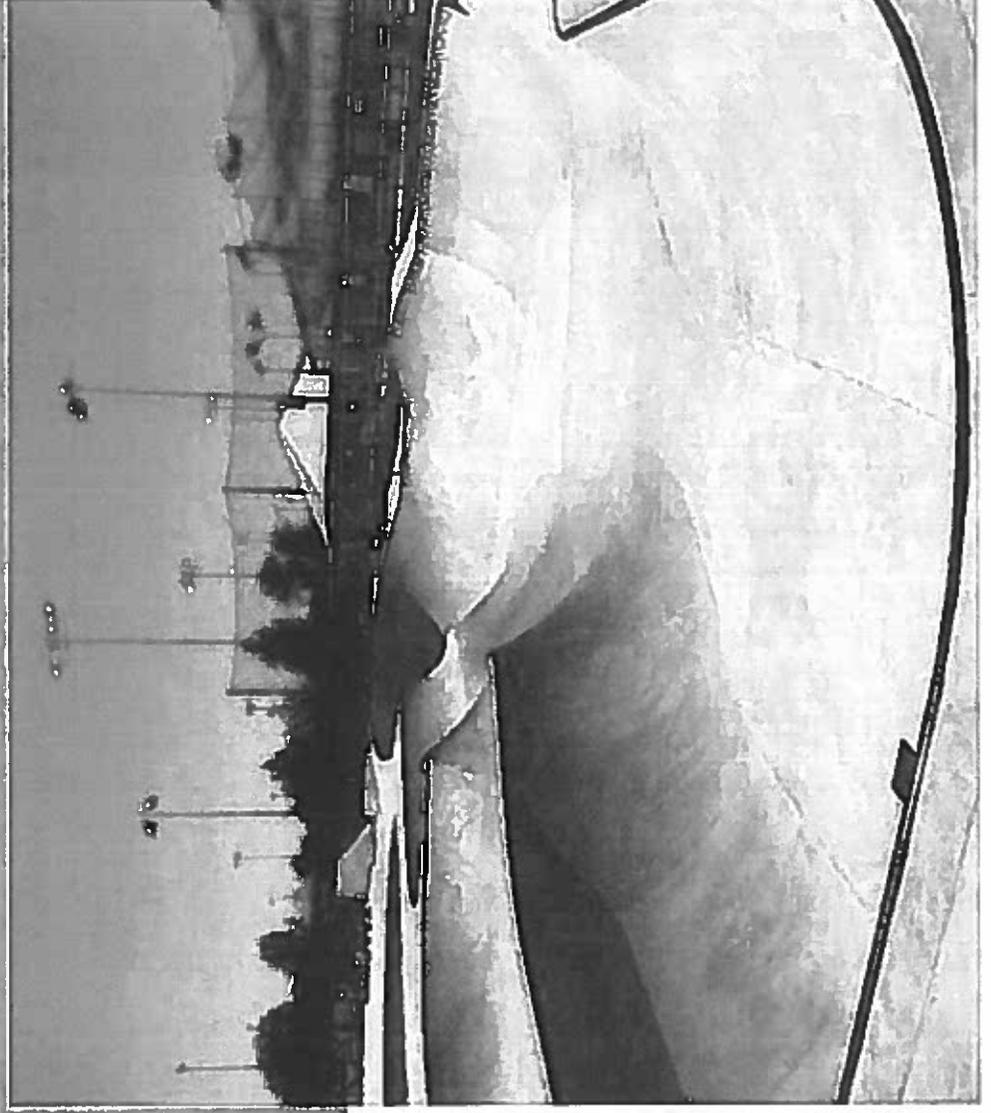
**TRAIL WINDS SKATE PARK - THORNTON, COLORADO**  
SIZE: 14,000 SF



# Precedent Skate Parks

## **Broomfield Skate park**

- **General Information:** 150 Lamar St. Broomfield, CO 80020. 720 877 8285 – Aaron Stewart- [astewart@broomfield.org](mailto:astewart@broomfield.org) - 303-464-5510
- **Hours of operation-** 6am- 10 pm
- **Size-** 10,000 - 20,000 sq. ft.
- **Type-** Concrete
- **Average daily attendance-** 26-50
- **Average yearly attendance-** 35,000



# Precedent Skate Parks

## **JAYCEE SKATEPARK**

**General Information:** 2000 Cedar Lane, Greenville, NC 27858 -Hours of

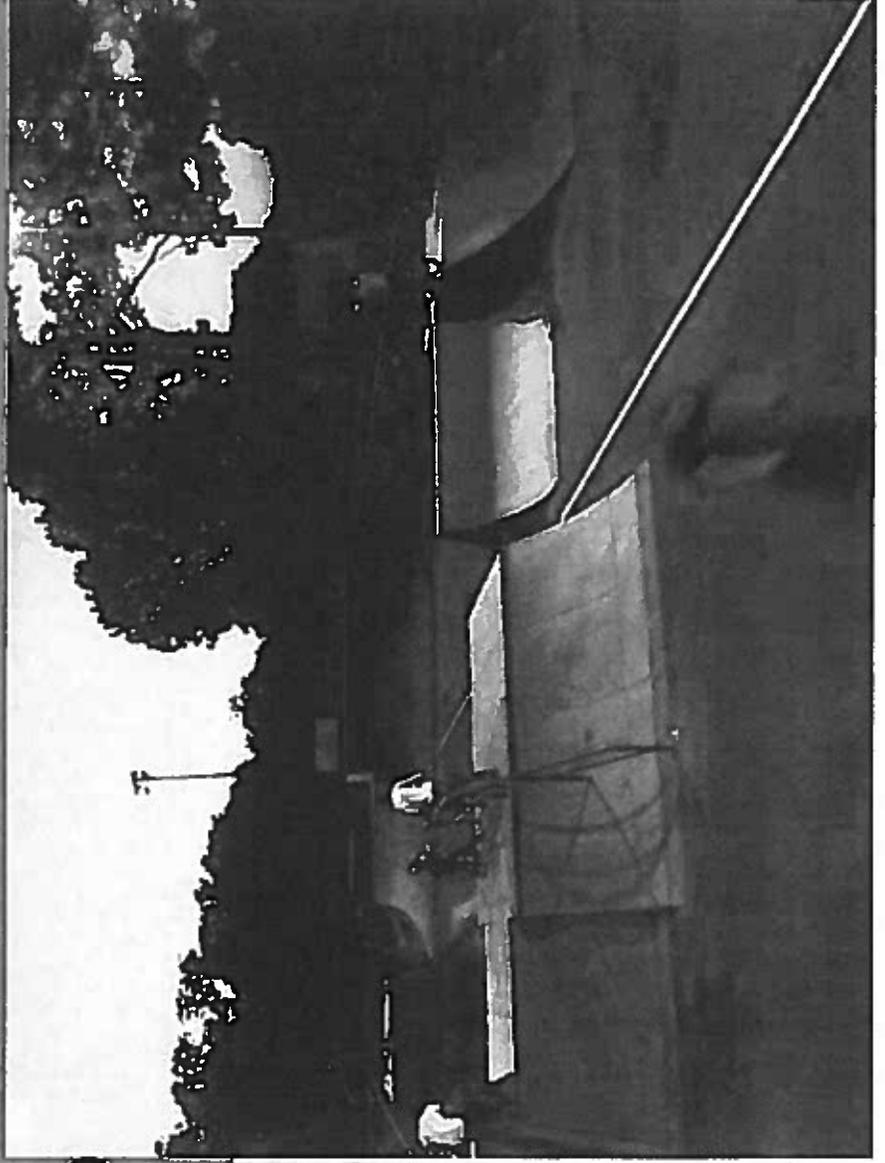
**operation-** 9 a.m.- 10 p.m. Daily

**Size-** 10,000- 20,000 sq ft

**Type-** Outdoor, wooden

**Average daily attendance-** 26-50

**Average yearly attendance-** 3,000



# Precedent Skate Parks

## **MARSH CREEK SKATEPARK**

**General Information:** 3016 North New Hope Road, Raleigh, North

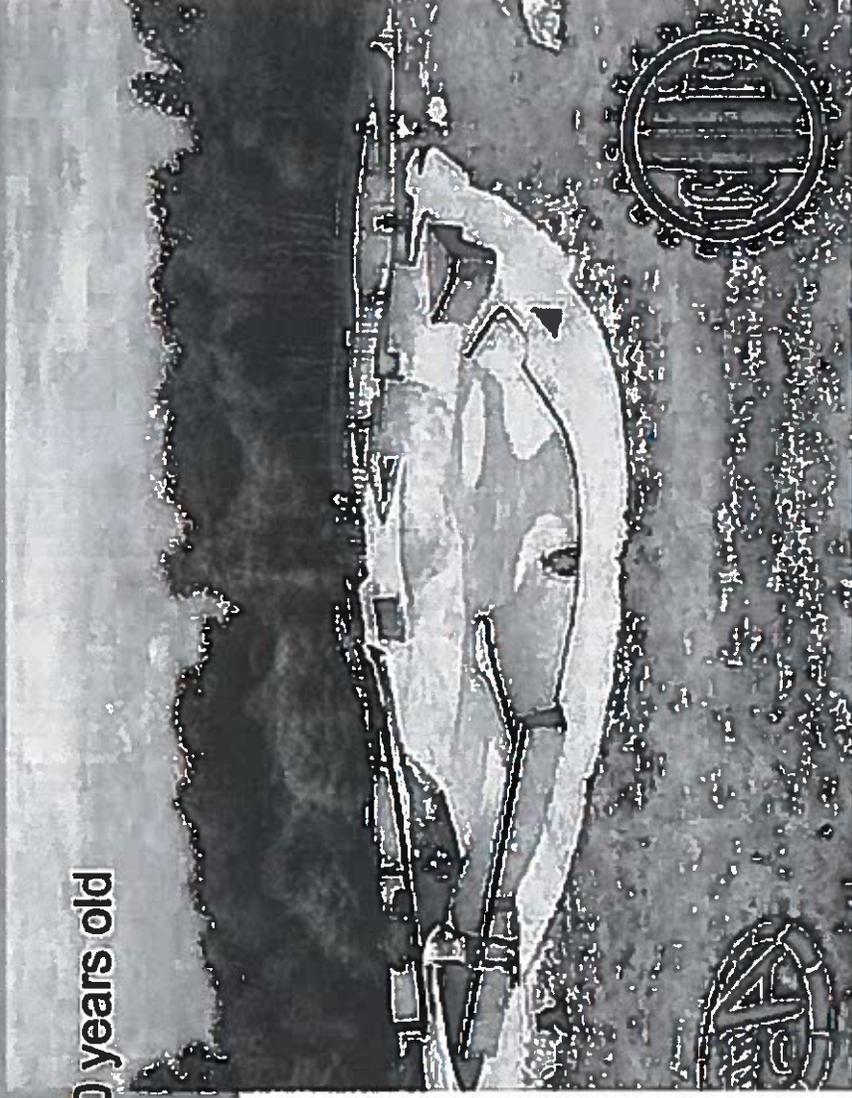
**Carolina Size-** 10,000 - 20,000 sq. ft.

**Type-** Concrete

**Average daily attendance-** 51-100

**Average yearly attendance-** 5,500

**Age of majority of park users-** 16-20 years old



# Schedules/ Timelines

- Available funds vs Community Preferences





## **Skatepark Project Information:**

### **Town Website:**

<https://www.lyonsparkmp.com>

### **Additional Info:**

**Facebook: Pillar Design Studios**

**Instagram: pillardesignstudios**

**Meeting Date: May 16, 2016**

**Item #: VII - 1**

**Lyons Regional Library District**

**BOT Presentation 5/16/16**

The Lyons Library District is looking forward to a close collaboration with the newly seated mayor and BOT. Thanks for letting us give you a brief update on our new library building and process. At this time, we are asking for approval of staff time to consider amendment to our current IGA (attached) per the changes discussed below.

**Background:**

The Lyons Library District received mill levy funding in a November, 2014, referendum. In December, 2014, the library district entered into an Intergovernmental Agreement (IGA) with the town to rent the depot library and surrounding property for 50 years with the intention of temporarily occupying the Depot Library when restoration was complete. The ultimate goal was to build a new library building on the same site. The district began operating independently from the town in July, 2015 and hired F&D International as our owner's representative to begin planning for a new building.

The District staff and board soon realized that temporarily moving into the Depot, while simultaneously planning for the new building, would adversely affect our ability to provide services to our patrons; hence our decision not to move from our temporary Main St. location. Also F&D advised that the buildable area in the existing IGA was overly constrained with site issues such as size, drainage, and preserving the historic character of the depot as required by the Colorado State Historic Fund who gave grant money to the Depot restoration.

**Where we are today:**

F&D International has recently completed a survey and re-plat of the entire municipal campus area, including title search and vacation of railroad easements through the Depot site.

The Library Building Committee has completed a community survey and has been undergoing an intensive preliminary design process. We are ready for public comment and are hosting a design workshop on May 23 at Oskar Blues and hope you will all be able to attend.

The Library District would like to amend the IGA to be able to build on some portion of the current skate park, recycle, and/or RTD lot area adjacent to the Depot site and are asking for the BOT's cooperation on this idea. We would also like to address any concerns you have about the IGA amendment.

**Next steps:**

The Library District will form a small IGA committee to work with Town staff to draft legal language for the IGA amendment and request BOT action.

The Library District will seek funding for the building project, most likely through a USDA loan. This will most likely require a November ballot item to split the District's mill levy revenues between building debt service and operations. We do not intend to ask for an increase in the mill levy.

**INTERGOVERNMENTAL AGREEMENT AMONG  
THE COUNTY OF BOULDER, COLORADO,  
THE COUNTY OF LARIMER, COLORADO  
THE TOWN OF LYONS, COLORADO AND  
THE LYONS REGIONAL LIBRARY DISTRICT**

The Board of County Commissioners of Boulder County ("**Boulder County**"), the Board of County Commissioners of Larimer County ("**Larimer County**"), the Board of Trustees of the Town of Lyons (the "**Town**") and the Board of Trustees of the Lyons Regional Library District (the "**District**") (collectively, the "**Four Parties**") enter into this Agreement regarding operations of the District, pursuant to C.R.S. §24-90-107(2)(e).

**RECITALS**

A. The District was formed on September 3, 2013, pursuant to resolutions adopted by Boulder County, Larimer County and the Town, as authorized by §24-90-107, C.R.S.

B. Pursuant to C.R.S. §24-90-107(2)(e), within 90 days of District formation, an intergovernmental agreement ("**IGA**") was to be entered among the Four Parties to govern interim library operations prior to funding of the District and other issues.

C. Section 24-90-107(2)(e) allows the time period for entering into such an IGA to be extended by agreement of the parties.

D. At a tax mill election held in November, 2013, District electors did not authorize tax funding for the District, rendering it incapable of assuming operational responsibility for library operations in 2014.

E. By intergovernmental agreement of the Four Parties dated November 19, 2013, the deadline for entering into the interim operations IGA was extended until December 31, 2014.

F. By intergovernmental agreement dated July 16, 2014 (the "**Property Availability IGA**"), the Town of Lyons and the District agreed that the site of the Town's "**Depot library**" would be made available to the District for operating a library if the District was successful in obtaining voter approval to fund the District. The Property Availability Agreement also provided for parking lot availability and other matters relating to possible library operations by the District.

G. A second tax mill election was held on November 4, 2014, resulting in elector approval of tax funding for the District beginning in fiscal year 2015.

H. The Four Parties now desire to enter into an IGA in accordance with C.R.S. §24-90-107(2)(e).

**NOW, THEREFORE**, Boulder County, Larimer County, the Town and the District agree as follows:

### **1. Transition Dates**

a. Operations Transfer. The District shall assume operational responsibility for the Lyons library on July 1, 2015. Such responsibility shall include hiring and paying employees to operate the library, paying for utilities and other costs and services necessary to operate the library, paying for insurance, setting policies for patrons' use of the library and its materials, and other actions customarily taken to operate a library. The Town shall transfer to the District on or before July 1, 2015, all materials currently housed in the library or stored for library use, as well as all furniture, fixtures and equipment used or available to be used in library operations, whether at the current temporary library location at 405 Main Street (the “**Main Street site**”), in storage facilities, or at the Depot library building at 400 5th Avenue (the “**Depot site**”). The consideration for the transfer shall be the District's performance of this Agreement, including relieving the Town of financial and supervisory responsibility for operating the library.

b. Facilities Transfer. The Lyons municipal library, at the time of this Agreement, is being operated by the Town in leased facilities at the Main Street site. The temporary library relocation was made necessary by flood-related damage to the building at the Depot site in September 2013 as well as pre-flood conditions that were in need of repair. The Federal Emergency Management Authority (“**FEMA**”) is reimbursing the Town for most of the rent for the Main Street site. Repairs are being funded through a combination of Town insurance and grants obtained by the Town from a number of sources, including the Colorado State Historic Fund, the Colorado Department of Local Affairs, the Longmont Community Foundation and the Lyons Community Foundation. It is not anticipated that the Depot site building will be ready for re-use as a library until late in 2015. In order to (i) allow adequate time for completion of repairs and (ii) allow for continual operation of a library in Lyons, the Town shall continue to lease the Main Street site for so long as FEMA reimbursement is available. The Town agrees to make the Main Street site available to the District for library operations, at no additional charge, beginning July 1, 2015, until the earlier of (i) the completion of repairs to the Depot site and library operations are able to be returned to that site, or (ii) FEMA’s reimbursement program ends. If FEMA reimbursement ends before Depot site repairs are completed and library operations are able to be returned to that site, the District shall assume the cost of renting the Main Street site or such other site as the District may deem appropriate for library operations. The Town, under the Property Availability IGA, has agreed to lease the Depot site to the District

for 50 years at \$1.00 per year. The effective date of such lease shall be the date library operations are returned to the Depot site. Beginning no later than the forty-ninth (49th) anniversary of the lease effective date the Town and District shall commence good faith negotiations regarding the extension of the lease, termination of the lease, or other matters relating to the continuation of library and resource center services to residents of the Lyons area.

## **2. Library District Board of Trustees Appointments**

### **a. Initial Trustee Terms**

Pursuant to C.R.S. § 24-90-108(2) and (3), the following persons are appointed to the initial Board of Trustees of the District, with such terms beginning retroactively on September 3, 2013 and to end on the dates indicated below:

Term ending September 2, 2014 (previously extended by action of the Four Parties to December 31, 2014) – Lou Thackston

Term ending September 2, 2015 - Clark Hodge

Term ending September 2, 2016 - Kathleen Crane (for remainder of term of former trustee Michael Carroll, who resigned)

Terms ending September 2, 2017 – Julia Cimmet, Jennifer Voss

Terms ending September 2, 2018 – Andrew Biel, Mark Browning

### **b. Subsequent Trustee Terms**

Pursuant to C.R.S. §24-90-108(3)(1), subsequent Board of Trustee terms shall be for the length of time specified in the District bylaws.

### **c. Appointment to Fill Vacancy**

Sandy Banta is hereby appointed to fill the District Board of Trustees vacancy occasioned by the expiration of the initial term of Lou Thackston. Such appointment shall be effective upon the approval of this IGA by all parties.

### **3. Skate Park and Recycle Center**

Under the Property Availability IGA, the Town agreed to make a good faith effort to relocate both the skate park and recycling center currently located along Railroad Avenue between Fourth and Fifth Avenues in order to provide additional parking space for the library. The Town has pursued relocation of both facilities and the Town and District further agree as follows with respect to such matters:

a. Skate Park – When the Town is able to remove the existing skate park from its current location (either by relocating it to another site, destroying it because no other site could be found, or a combination thereof), the District shall pay 50% of any costs incurred by the Town in removing the skate park structures, with the Town paying the remaining 50%.

b. Recycle Center – The Town is currently exploring options for relocation and improvement of the recycling center, including seeking grants for such purpose. The Town and District agree to negotiate in good faith to share financial arrangements for such relocation, which may include the District providing matching funds for grants or sharing costs for moving and re-installing components of the recycling center.

### **4. "Municipal Campus" Cooperation**

The Town is currently exploring the feasibility, including funding possibilities, of a "Municipal Campus" plan for the general area including the current Town Hall, the Depot site, the "RTD" parking lot, and Railroad Avenue. The District and Town agree to cooperate in such planning efforts in order to enhance the desirability of any such "Municipal Campus" for their mutual benefit and the benefit of Lyons-area citizens. The Town is fully aware of the District's desire to proceed in a reasonably expeditious manner with designing and constructing a new library and community resource center and remains committed, pursuant to the Property Availability IGA and the Town's own prior extensive efforts to achieve a new library/resource center, to assisting the District in such efforts. Both the District and Town, however, recognize the possible benefits of coordinating efforts to most efficiently use tax funds, grants, donations and other revenue sources to provide enhanced civic and cultural opportunities for citizens. To that end, the Town and District agree to cooperate in good faith if the Town decides to proceed with a "Municipal Campus" project.

### **5. Meeting Room Use**

Based on public input with respect to desired features of a new library and community resource center to be built by the District, the District plans to include in its new facility one or more public meeting rooms. The Town has a current need, and anticipates a future need, for

additional meeting space. In consideration of the considerable organizational and financial assistance provided by the Town to the District, the District agrees to make available to the Town on a to-be-determined preferential basis, use of meeting rooms in any facility constructed by the District. The length and frequency of such use shall be structured so as not to interfere with library functions or to unreasonably interfere with meeting room use by community groups and area businesses. Meeting room policy and procedures will be determined by the District after the new facility is designed.

## **6. Payroll Services**

If requested by the District to do so, the Town agrees to provide payroll services for the District, and the District agrees to pay the Town's reasonable overhead costs in providing such services. If the District requests the use of the Town's payroll services, the Town's provision of those services will not affect the status of any library personnel as employees of the District and not of the Town.

## **7. Title Issues**

The Town will continue to own, and will lease to the District pursuant to the Property Availability IGA, the Depot site. Although a lease will not require a title insurance policy, the Town agrees that as the owner it is responsible for defending any and all title disputes relating to the Depot site and any adjoining property owned by the Town. In the event of a question as to the validity of the Town's claim of ownership, the Town agrees to take reasonable steps necessary to confirm its ownership of the Depot site, including seeking to obtain appropriate deeds or other forms of documentation as to such property, and, if necessary, bringing a quiet title action or other legal proceeding to resolve any possible title disputes.

## **8. Zoning**

The Depot site is currently zoned "M" for municipal use, and the Town agrees that Municipal zoning is appropriate for constructing and operating a library/community resource center on the Depot site. In the event that one or more variances from the zoning standards is required, the District may file a variance application with the Town's Board of Adjustments and the Town agrees to cooperate to the extent possible with any such application. Authority to approve or deny variance requests within the Town rests solely with the Board of Adjustment, and the parties agree that the Town cannot interfere with the Board of Adjustments' jurisdiction. Variances that could be requested by the District include: (1) reducing from 20 feet to 10 feet the "front yard" setback distance specified in Zoning Code §16-3-260(e)(1).a, and [if applicable] (2) eliminating the requirement in Zoning Code §16-3-260(e)(1).d that the yard between the

zone district boundary and any building shall be not less than three (3) times the height of the proposed building.

## **9. Irrigation**

The Depot site is currently irrigated with river water obtained by the Town with its water rights at a cost of \$50 for the Town's Lyons Ditch share of water. The Town also owns the sprinkler system that waters the Depot site. The Town agrees to make available to the District sufficient water to irrigate landscaping on the Depot site. The District agrees to pay the Town's annual Lyons Ditch water share cost and to assume the costs of equipment maintenance, repair or replacement for the sprinkler system on the Depot site.

## **10. Baggage Building**

As set forth in the Property Availability IGA, it is anticipated that the wooden "Baggage Building" connected to the historic sandstone Depot building may need to be moved to accommodate a new library/community resource center on the Depot site. If such move occurs, the Town and District agree to each pay 50% of the moving expenses. The Town shall retain ownership of the Baggage Building and shall have the first right to use the building for other Town purposes at a site to be determined by the Town, or to sell the building. The Town shall notify the District on or before June 30, 2016 whether it intends to use or sell the Baggage Building. If the Town declines to use or sell the Baggage Building or fails to notify the District of its intentions by the date referenced herein, then the District shall have the right to use, move, sell or destroy the Baggage Building, in the District's sole discretion.

## **11. Annual Financial Statements and Report**

Pursuant to C.R.S. § 24-90-109(2), the District is required to make an annual report to the Town, Boulder County and Larimer County, showing the condition of its trust during the year, the sums of money expended, the purposes of the expenditures and such other statistics and information as the District board of trustees deems to be of public interest. The District shall provide a representative to present such report at a meeting of the Town Board of Trustees on or before October 31 of each year and to answer any questions or provide such additional information as the Town Board of Trustees may reasonably request. The District also agrees to provide such an in-person annual presentation to the Board of Commissioners of Boulder County and the Board of Commissioners of Larimer County, if requested to do so.

## **12. Integration**

This Agreement, together with prior Intergovernmental Agreements among the Four Parties with respect to the District, contains the entire understanding of the parties and neither it, nor the rights and obligations hereunder, may be changed, modified, or waived except by an instrument in writing signed by the parties. To the extent that a conflict exists between this Agreement and prior agreements between the Four Parties, the terms of this Agreement shall control.

## **13. Severability**

If any provision of this Agreement is determined to be unenforceable or invalid for any reason, the remainder of this Agreement shall not be void, but shall remain in full force and effect.

## **14. Counterparts**

This Agreement may be executed in multiple counterparts, each of which shall be deemed to be an original and all of which, when taken together, shall constitute one and the same Agreement.

## **15. Governing Law and Venue**

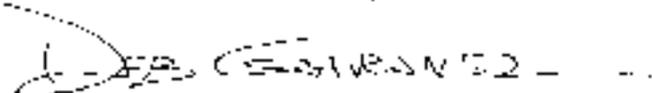
It is the intention of the Four Parties that all questions of construction and interpretation of this Agreement and the rights and obligations of the Four Parties hereunder shall be determined in accordance with the laws of the State of Colorado. Venue shall be in the District Court of Boulder County, Colorado.

**IN WITNESS WHEREOF**, Boulder County, Larimer County, the Town and the District have signed this Agreement to be effective on the date last written below.

*[Remainder of Page Left Blank Intentionally, Signature Pages Follow]*

[Signature Page to Intergovernmental Agreement Among the County of Boulder, Colorado, the County of Larimer, Colorado, the Town of Lyons and the Lyons Regional Library District]

**BOARD OF COUNTY COMMISSIONERS  
BOULDER COUNTY, COLORADO**

  
Deb Gardner, Vice-Chair

12/30/14  
Date

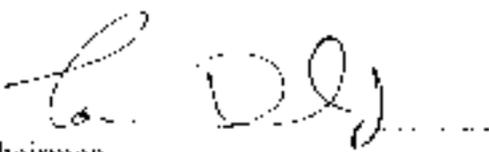
ATTEST:





[Signature Page to Intergovernmental Agreement Among the County of Boulder, Colorado, the County of Larimer, Colorado, the Town of Lyons and the Lyons Regional Library District]

**BOARD OF COUNTY COMMISSIONERS  
LARIMER COUNTY, COLORADO**

  
Chairman

12/10/2014  
Date

ATTEST:  




DATE: 12 10 14  
APPROVED AS TO FORM:  
  
COUNTY ATTORNEY

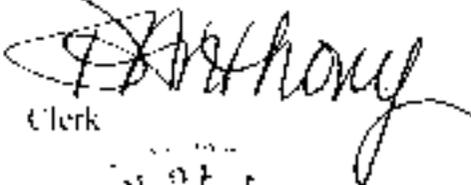
[Signature Page to Intergovernmental Agreement Among the County of Boulder, Colorado, the County of Larimer, Colorado, the Town of Lyons and the Lyons Regional Library District]

**TOWN OF LYONS, COLORADO**

  
Mayor

12/25/2014  
Date

ATTEST:

  
Clerk



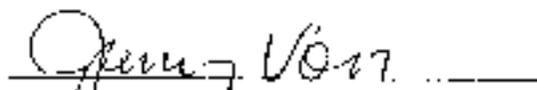
*[Signature Page to Intergovernmental Agreement Among the County of Boulder, Colorado, the County of Larimer, Colorado, the Town of Lyons and the Lyons Regional Library District]*

**LYONS REGIONAL LIBRARY DISTRICT**

  
President, Board of Trustees

12/19/14  
Date

ATTEST:

  
Secretary, Board of Trustees



The Utility and Engineering Board would like to present its summary of work for 2015 and its priorities for 2016 as requested in the Lyons Municipal Code section 2-8-60.

We would ask the Board of Trustees if there are some additional priorities they would like added, some priorities that should be removed and to to prioritize the list for 2016. This will help give us guidance on what is most important at this time.

We have also included a summary first quarter financial review of the three utilities, electric, water and wastewater.

The final topic is to find clarity on what is required in restricted funds. I have been working with staff to collect the various ordinances and resolutions that discuss this. The 2004 resolution included in this packet appears to be the basic starting point.

We then have requirements for various bonds and notes which require certain amounts be restricted and are listed below. These appear to be what the general 2004 resolution wanted to cover and so an individual bond or note requirement would be considered a sub restriction within the account set up for rate stabilization, not in addition to that account.

You might also note that the rate stabilization resolution does not use 3 months operating expenses as the reserve amount. That is what the individual note for the water and wastewater fund requires and so I believe that has been used as the general requirement but is not actually in an ordinance or resolution for the electric fund.

#### Restricted funds for Electric Fund:

Rate Stabilization Resolution 2004-23– 10% (min)-20%(max) of annual revenues

2003 Bond – Reserve acct equal to principal and interest of that year’s payment

2006 Electric Note – the same amount every year...\$34,190

#### Restricted funds for Water/Sanitation Fund:

Rate Stabilization Resolution 2004-23 – 10% (min)-20%(max) of annual revenues

2003 Water Note – 3 mos of operating and maint. (per auditors – haven’t gone through note yet)

Sincerely,

Aaron Caplan  
Chair Lyons UEB



## 2015 Review

Calculated 2016 budget for the utility funds.

Reviewed the Request For Proposals (RFPs) and the Proposals themselves for

1. Water and Wastewater, Rate and Capital Improvement Project Studies
2. Storm Drainage Master Plan

Worked on the Lyons Recovery Action Plan (LRAP), Infrastructure Section 1.1.1 - Update the Long Range Water Plan, the Master Wastewater Plan and the Storm Drainage Master Plan to reflect the Town's existing conditions and expanded planning area. Develop a master plan for the electric utility.

1. The Water, Wastewater and Storm Drainage are all under study by independent companies paid for by grant funding.
2. The Electric Utility first needed some analysis. We determined that it would be complicated and costly to try and break the contract with our current electric provider, MEAN, which would allow the town to either sell the utility or find another provider. Based on a rate comparison with other electric providers and the lack of places to find savings we don't see much gain in pursuing this option. We also felt the town's electric service has been pretty reliable.
3. Proposals for a Study of our Electric Rates and Capital Improvement Projects were then put out for bids. The 2 bids received came in way over budget. Staff is working on new RFP's for this.

Reviewed Lyons Environmental Sustainability Action Plan, (LESAP).

Planned and Budgeted to upgrade Lyons electric metering system.

Had a meeting with Longmont Water to discuss water rights. This included our options for sources of water rights other than Colorado Big Thompson water, and a cash in lieu of water rights policy.



## 2016 Priorities

Supply the trustees with a quarterly review of utility funds with regards to 3 months operating expenses, and an annual budget for the utilities.

Develop a wastewater pretreatment ordinance for Lyons Municipal Code (LMC)

Monitor the electric utility meter upgrade.

Finish Work on LRAP Infrastructure 1.1.1. Once the studies being done are in we will review and aggregate data for the various master plans.

Reassess tap or connection fee policy based on results from the studies and incorporate affordable housing considerations.

Begin work on LRAP INF 2.2.1 - ( Develop and implement a capital improvement and maintenance plan for Lyons' transportation system that considers emergency and normal operating conditions, future land use, collector connections, street master plans, street connections and multi-modal transportation.)

Review and suggest updates for the LMC utility sections.

Update and revise the Lyons Design and Construction Manual (DCM) or Manual of Design Criteria and Standard Specifications for Construction of Public Improvements of the Town.

Attend MEAN quarterly board meetings and monitor industry-wide and regulatory changes that could affect MEAN's rates, renewable energy practices or other issues of concern to Lyons.

Utility Performance 2016

	Revenue (\$)	Expenses (\$)					Rev - Exp.	Utility (MwH or Kgal)		Fund Total (\$)*	
	(All Sources)	Purchase	Capital	Debt	All Other	Total Exp.		Purch. Amt	Sold Amt	Start	Finish
<b>Electric Fund</b>									91.1%		
1st Quarter	\$390,812	\$243,384	\$2,399	\$0	\$31,283	\$277,066	\$113,746	3,188	2,905		
Budget (1st Q)	\$413,839	\$247,002	\$26,869	\$38,057	\$93,275	\$405,202	\$8,637				
2nd Quarter											
Budget (2nd Q)											
3rd Quarter											
Budget (3rd Q)											
4th Quarter											
YTD	\$390,812	\$243,384	\$2,399	\$0	\$31,283	\$277,066	\$113,746				
Budget (annual)	\$1,655,355	\$988,007	\$107,475	\$152,228	\$373,098	\$1,620,808	\$34,548				
	24%	25%	2%	0%	8%	17%					
<b>Water Fund</b>											
1st Quarter	\$152,404	\$17,370	\$2,100	\$155,691	\$61,847	\$237,008	-\$84,603	5,915	10,521		
Budget (1st Q)	\$257,000	\$36,720	\$1,794	\$76,345	\$138,612	\$253,471	\$3,529				
2nd Quarter											
Budget (2nd Q)											
3rd Quarter											
Budget (3rd Q)											
4th Quarter											
YTD	\$152,404	\$17,370	\$2,100	\$155,691	\$61,847	\$237,008	-\$84,603				
Budget (annual)	\$1,028,000	\$146,880	\$7,175	\$305,381	\$554,447	\$1,013,883	\$14,117				
	15%	12%	29%	51%	11%	23%					
<b>Sanitation **</b>											
1st Quarter	\$115,210	\$0	\$1,943	\$0	\$88,915	\$90,858	\$24,351				
Budget (1st Q)	\$138,373	\$0	\$1,100	\$75,111	\$96,714	\$172,925	-\$34,552				
2nd Quarter											
Budget (2nd Q)											
3rd Quarter											
Budget (3rd Q)											
4th Quarter											
YTD	\$115,210	\$0	\$1,943	\$0	\$88,915	\$90,858	\$24,351				
Budget (annual)	\$553,492	\$0	\$4,400	\$300,445	\$386,854	\$691,699	-\$138,207				
	21%		44%	0%	23%	13%					

**TOWN OF LYONS, COLORADO  
RESOLUTION 2004-23**

**A RESOLUTION ESTABLISHING A RATE STABILIZATION ACCOUNT IN THE  
TOWN'S WATER FUND, SANITATION FUND AND ELECTRIC FUND**

**WHEREAS**, the Town of Lyons, Colorado, (the "Town") is a statutory municipal corporation of the State of Colorado and is authorized and empowered by Articles 32 and 35 of Title 31, C.R.S., to own and operate public utilities; and

**WHEREAS**, pursuant to this authority, the Town has developed its own electric, water, and sewer systems (collectively, "Town Utility Systems") operated by the Town Electric Department, Water Department and Sanitation Department, respectively (collectively, "Town Utility Departments"); and

**WHEREAS**, as established by Resolution No. 1993-14 and affirmed by resolution each subsequent year, the Town's Water Fund, Sanitation Fund and Electric Fund are enterprises under the provisions of Article 45.1, Title 37, C.R.S. and are excluded from the provisions of Section 20 of Article X of the Colorado Constitution (collectively, "Utility Funds"); and

**WHEREAS**, the Town Utility Systems have been and continue to be operated as enterprises and are self-supporting government owned businesses which receive under 10% of their annual revenues in grants from all Colorado state and local governments combined; and

**WHEREAS**, the Lyons Board of Trustees (the "Board") is the governing body of each Utility Fund with the authority to manage the revenues derived or to be derived from the activities of each respective fund; and

**WHEREAS**, by Ordinances 755 (Water), 615 (Sewer) and 764 (Electric), the Board has approved loan agreements and the issuance of bonds for purposes of financing improvements to the Town Utility Systems ("Agreements") ; and

**WHEREAS**, the Agreements require the Town to pay its bond obligations from the revenues of the Utility Funds; and

**WHEREAS**, from time to time, unexpected non-recurring events, such as water line breaks and associated repairs or a dramatic decrease in projected tap fees, render the balances in the Utility Funds insufficient to meet bond obligations without an emergency increase in utility rates; and

**WHEREAS**, the Board finds and determines that the cost of such unpredictable

events should not be borne by Town utility customers in the form of emergency utility rate increases; and

**WHEREAS**, the Town desires to insulate the users of Town Utility Systems from such emergency rate increases by setting aside excess unrestricted Utility Fund balances to meet bond obligations when other revenue sources are unexpectedly low; and

**WHEREAS**, the Town desires to establish a rate stabilization account in each of the Town's Utility Funds for the above purposes.

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

**Section 1.** The above and foregoing recitals are incorporated herein by reference and are adopted as findings and determinations of the Board of Trustees.

**Section 2. Creation of Rate Stabilization Accounts** There is hereby created in the Town Water Fund, Sanitation Fund and Electric Fund a separate Rate Stabilization Account for each fund.

**Section 3. Purpose of Accounts** The purpose of each Rate Stabilization Account is to provide a contingency for meeting the bond and loan revenue requirements of the utility fund in which the account is located when other revenue sources are inadequate or when extraordinary expenses occur. The Rate Stabilization Accounts are intended to protect Town utility customers against reduced utility service levels or increased utility rates due to temporary revenue shortfalls or unpredicted one-time expenditures. The Rate Stabilization Accounts are not intended for and shall not be used to insulate Town utility customers from rate increases due to inflation, additional debt or other ordinary increases in service costs.

**Section 4. Account Management** The Rate Stabilization Accounts created hereby shall be managed by the Town of Lyons Finance Director. The target minimum balance of each Account shall be ten percent (10%) of the annual revenue generated from user fees by the utility fund in which the Account is located for the previous calendar year. The target maximum Account balance of each account shall be twenty percent (20%) of the annual revenue generated from user fees by the utility fund in which the Account is located for the previous calendar year. Maximum Account balances shall be determined by the Finance Director based on his or her assessment of potential liabilities of each utility and with the goal of avoiding excessive Account balances. Account balances should be returned as closely as possible to the target minimum balance within twelve (12) months of necessary expenditures. Account funds determined by the Finance Director to be excess shall be transferred to the non-

restricted cash balance of the utility fund in which the Rate Stabilization Account is located.

**Section 5. Use of Funds** Funds in the Rate Stabilization Accounts shall be used only to meet the debt obligations of the utility fund in which the Account is located in the event that all other revenue sources of the fund are inadequate to meet such obligations. The Board of Trustees of the Town of Lyons, acting also as the governing body of each utility enterprise, may authorize the use of Rate Stabilization Account funds in accordance with this section and the purposes of the Account.

**Section 6. Termination of Accounts** The Rate Stabilization Accounts created hereby shall remain open as long as the Town Water Fund, Sanitation Fund or Electric Fund in which the Account is located has debt obligations. If any utility fund becomes debt free, the Finance Director is authorized to close such fund's Rate Stabilization Account upon approval of the Board of Trustees, which approval may be given by motion. Upon closure, the balance of a Rate Stabilization Account shall be transferred to the non-restricted cash balance of the utility fund in which the Account is located.

**Section 7. Repealer.** All resolutions and orders of the Board of Trustees, or parts thereof, inconsistent with the provisions of this Resolution are hereby repealed to the extent only of such inconsistency or conflict.

**Section 6. Severability.** If any section, paragraph, clause, or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the validity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Resolution, the intent being that the same are severable.

**ADOPTED THIS 5<sup>th</sup> DAY OF APRIL, 2004.**

**TOWN OF LYONS, COLORADO**

  
\_\_\_\_\_

Richard Hinshaw, Mayor

ATTEST:

  
\_\_\_\_\_  
Debra Babler, Town Clerk/Treasurer

**Agenda Item No: VIII-1**

**Meeting Date:** May 16, 2016

**Subject:** Liquor Licensing Authority  
**Presenter:** Jacque Watson, Deputy Town Clerk

**Applicant:** Can'd Aid  
**Address:** Bohn Park, Second Avenue, Lyons, CO

**Background:**

Can'd Aid submitted a Special Events Permit application April 21, 2016, for Burning Can, to be held in conjunction with Lyons Outdoor Games. According to the State Liquor Code, this matter should be decided before the Local Liquor Licensing Authority. The site of this event was posted on April 21, 2016 and may be considered by the Authority at this time.

Approval by the Board of Trustees should be contingent on the Town not receiving any objections to the application within the ten-day posting period. In the event objections are filed in the Clerk's office, a public hearing before the Board of Trustees should occur. The Clerk's Office has not received any objections to this Special Events Permit to date. Due to the absence of filed complaints, the Local Liquor Licensing Authority does not have to conduct a public hearing before making a decision on this special event permit.

Although approval and subsequent issuance of this special event permit rests solely on the Local Liquor Licensing Authority, this application must be sent in to the State of Colorado Department of Revenue within ten days after event approval.

The Burning Can and Lyons Outdoor Games will be held Saturday, June 4, 2016 in Bohn Park.



OFFICE OF THE SECRETARY OF STATE  
OF THE STATE OF COLORADO

**CERTIFICATE OF FACT OF GOOD STANDING**

I, Wayne W. Williams, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

The Oskar Blues CAN'd Aid Foundation

is a

Nonprofit Corporation

formed or registered on 09/19/2013 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 20131537614 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 05/10/2016 that have been posted, and by documents delivered to this office electronically through 05/11/2016 @ 14:25:21 .

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 05/11/2016 @ 14:25:21 in accordance with applicable law. This certificate is assigned Confirmation Number 9645349 .



Secretary of State of the State of Colorado

\*\*\*\*\*End of Certificate\*\*\*\*\*

Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Validate a Certificate page of the Secretary of State's Web site, <http://www.sos.state.co.us/biz/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us/> click "Businesses, trademarks, trade names" and select "Frequently Asked Questions."

# 2015 Lyons Outdoor Games Site Map 2.0



**Agenda Item No: VIII-2**

**Meeting Date:** May 16, 2016

**Subject:** Liquor Licensing Authority  
**Presenter:** Jacque Watson, Deputy Town Clerk  
**Applicant:** Mojo Kitchen, DBA Mojo Taqueria Hotel/Restaurant  
Liquor License  
**Address:** 216 Main Street, Lyons, CO 80540

**Background:**

Pursuant to Colorado Revised Statutes, 12-47-312(1), the applicant is hereby advised that with regard to the application for a new Beer and Wine Retail Liquor License, an investigation has been made, and based on the results thereof, the following has been determined:

That the application was filed on March 25, 2016 in the Town Clerk's office and a public hearing was scheduled for Monday, May 2, 2016, and was continued to May 16, 2016. With a new liquor license application, the Local Liquor Licensing Authority must hold a public hearing in accordance with C.R.S. 12-47-311(1). The Town must post notice of hearing for a period of not less than 10 days; this hearing date represents 18 days. Publication of the hearing was published in a newspaper of general circulation on April 7, 2016.

That, although there was an active liquor license at this premise for more than 40 years, the premises being considered does not currently hold a liquor license, thus making this an application for a new license. Therefore, the applicant has supplied a petition of support signed by adult inhabitants of the neighborhood.

That from the evidence submitted, the applicant is leasing the premises from 5930 Washington Avenue, LLC and that 5930 Washington Avenue, LLC is the lawful owner of the premises.

That selling liquor in the manner currently proposed in the application is not in violation of the zoning codes as stated in the Lyons Municipal Zoning Code.

That Colorado Bureau of Investigation is conducting a background investigation on Michael Ty Hammes, the owner of Mojo Taqueria.

The public hearing on this application is continued to May 16, 2016 at 7:00 p.m. in the Shirley F. Johnson Council Chambers of the Lyons Town Hall, 432 5<sup>th</sup> Avenue, Lyons, CO. At said hearing, the applicant shall have an opportunity to be heard regarding all matters related to this application, including all matters set forth herein.

# Colorado Liquor Retail License Application

**New License**     **New-Concurrent**     **Transfer of Ownership**

- All answers must be printed in black ink or typewritten
- Applicant must check the appropriate box(es)
- Applicant should obtain a copy of the Colorado Liquor and Beer Code: [www.colorado.gov/enforcement/liquor](http://www.colorado.gov/enforcement/liquor)
- Local License Fee \$ \_\_\_\_\_

1. Applicant is applying as a/an  Individual  
 Corporation  Limited Liability Company  
 Partnership (includes Limited Liability and Husband and Wife Partnerships)  Association or Other

2. Applicant If an LLC, name of LLC; if partnership, at least 2 partner's names; if corporation, name of corporation FEIN Number  
 MOJO KITCHEN, LLC 81-1534810

2a. Trade Name of Establishment (DBA) State Sales Tax Number Business Telephone  
 Mojo Taqueria 30468834 303-859-9493

3. Address of Premises (specify exact location of premises, include suite/unit numbers)  
 216 E MAIN ST

City	County	State	ZIP Code
LYONS	BOULDER	CO	80540

4. Mailing Address (Number and Street)	City or Town	State	ZIP Code
314 Mc CONNELL DR	LYONS	CO	80540

5. Email Address  
 TYHAMMES @ GMAIL . COM

6. If the premises currently has a liquor or beer license, you **must** answer the following questions

Present Trade Name of Establishment (DBA)	Present State License Number	Present Class of License	Present Expiration Date

Section A Nonrefundable Application Fees	Section B (Cont.) Liquor License Fees
<input checked="" type="checkbox"/> Application Fee for New License..... \$ 600.00 <input type="checkbox"/> Application Fee for New License w/Concurrent Review .... \$ 700.00 <input type="checkbox"/> Application Fee for Transfer ..... \$ 600.00	<input type="checkbox"/> Liquor Licensed Drugstore (City)..... \$227.50 <input type="checkbox"/> Liquor Licensed Drugstore (County) ..... \$312.50 <input type="checkbox"/> Manager Registration - H & R ..... \$ 75.00 <input type="checkbox"/> Manager Registration - Tavern ..... \$ 75.00 <input type="checkbox"/> Master File Location Fee ..... \$ 25.00 X _____ Total _____ <input type="checkbox"/> Master File Background ..... \$250.00 X _____ Total _____ <input type="checkbox"/> Optional Premises License (City)..... \$500.00 <input type="checkbox"/> Optional Premises License (County) ..... \$500.00 <input type="checkbox"/> Racetrack License (City)..... \$500.00 <input type="checkbox"/> Racetrack License (County) ..... \$500.00 <input type="checkbox"/> Resort Complex License (City)..... \$500.00 <input type="checkbox"/> Resort Complex License (County) ..... \$500.00 <input type="checkbox"/> Retail Gaming Tavern License (City) ..... \$500.00 <input type="checkbox"/> Retail Gaming Tavern License (County)..... \$500.00 <input type="checkbox"/> Retail Liquor Store License (City)..... \$227.50 <input type="checkbox"/> Retail Liquor Store License (County) ..... \$312.50 <input type="checkbox"/> Tavern License (City) ..... \$500.00 <input type="checkbox"/> Tavern License (County)..... \$500.00 <input type="checkbox"/> Vintners Restaurant License (City) ..... \$750.00 <input type="checkbox"/> Vintners Restaurant License (County)..... \$750.00
Section B Liquor License Fees	
<input type="checkbox"/> Add Optional Premises to H & R .....\$100.00 X _____ Total _____ <input type="checkbox"/> Add Related Facility to Resort Complex .....\$ 75.00 X _____ Total _____ <input type="checkbox"/> Arts License (City) .....\$308.75 <input type="checkbox"/> Arts License (County) .....\$308.75 <input type="checkbox"/> Beer and Wine License (City).....\$351.25 <input type="checkbox"/> Beer and Wine License (County) .....\$436.25 <input type="checkbox"/> Brew Pub License (City) .....\$750.00 <input type="checkbox"/> Brew Pub License (County).....\$750.00 <input type="checkbox"/> Club License (City) .....\$308.75 <input type="checkbox"/> Club License (County) .....\$308.75 <input type="checkbox"/> Distillery Pub License (City).....\$750.00 <input type="checkbox"/> Distillery Pub License (County) .....\$750.00 <input checked="" type="checkbox"/> Hotel and Restaurant License (City) .....\$500.00 <input type="checkbox"/> Hotel and Restaurant License (County) .....\$500.00 <input type="checkbox"/> Hotel and Restaurant License w/one opt premises (City) .....\$600.00 <input type="checkbox"/> Hotel and Restaurant License w/one opt premises(County).....\$600.00	

**Questions? Visit: [www.colorado.gov/enforcement/liquor](http://www.colorado.gov/enforcement/liquor) for more information**

**Do not write in this space - For Department of Revenue use only**

Liability Information			
License Account Number	Liability Date	License Issued Through (Expiration Date)	Total
			\$

7. Is the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager under the age of twenty-one years?	Yes	No		
	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
8. Has the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager ever (in Colorado or any other state):				
(a) Been denied an alcohol beverage license?	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
(b) Had an alcohol beverage license suspended or revoked?	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
(c) Had interest in another entity that had an alcohol beverage license suspended or revoked?	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
If you answered yes to 8a, b or c, explain in detail on a separate sheet.				
9. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes", explain in detail.	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
10. Are the premises to be licensed within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
	Waiver by local ordinance? Other: _____	<input type="checkbox"/> or <input checked="" type="checkbox"/>		
11. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a Limited Liability Company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any <u>current</u> financial interest in said business including any loans to or from a licensee.	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
12. Does the Applicant, as listed on line 2 of this application, <b>have legal possession of the premises by virtue of ownership</b> , lease or other arrangement?	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/> Ownership <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Other (Explain in Detail) _____				
a. If leased, list name of landlord and tenant, and date of expiration, <b>exactly</b> as they appear on the lease:				
Landlord <b>5930 WASHINGTON AVENUE, LLC</b>	Tenant <b>MOJO KITCHEN</b>	Expires <b>2-28-2021</b>		
b. Is a percentage of alcohol sales included as compensation to the landlord? If yes complete question 13. <span style="float:right;"><input type="checkbox"/> <input checked="" type="checkbox"/></span>				
c. Attach a diagram and outline or designate the area to be licensed (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11".				
13. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies), will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business. Attach a separate sheet if necessary.				
Last Name <b>None</b>	First Name	Date of Birth	FEIN or SSN	Interest/Percentage
Last Name <b>None</b>	First Name	Date of Birth	FEIN or SSN	Interest/Percentage
<b>Attach copies of all notes and security instruments, and any written agreement, or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.</b>				
14. Optional Premises or Hotel and Restaurant Licenses with Optional Premises: Has a local ordinance or resolution authorizing optional premises been adopted? <span style="float:right;"><input type="checkbox"/> <input checked="" type="checkbox"/></span>				
Number of additional Optional Premise areas requested. (See license fee chart) <input style="width:100px;" type="text"/>				
15. Liquor Licensed Drug Store applicants, answer the following: (a) Does the applicant for a Liquor Licensed Drug Store have a license issued by the Colorado Board of Pharmacy? If "yes" a copy of license must be attached. <span style="float:right;"><input type="checkbox"/> <input checked="" type="checkbox"/></span>				
16. Club Liquor License applicants answer the following: <b>Attach a copy of applicable documentation</b>				
(a) Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain? <span style="float:right;"><input type="checkbox"/> <input checked="" type="checkbox"/></span>				
(b) Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain? <span style="float:right;"><input type="checkbox"/> <input checked="" type="checkbox"/></span>				
(c) How long has the club been incorporated? <input style="width:100px;" type="text"/>				
(d) Has applicant occupied an establishment for three years (three years required) that was operated solely for the reasons stated above? <span style="float:right;"><input type="checkbox"/> <input checked="" type="checkbox"/></span>				
17. Brew-Pub License or Vintner Restaurant Applicants answer the following: (a) Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached) <span style="float:right;"><input type="checkbox"/> <input checked="" type="checkbox"/></span>				
18a. For all on-premises applicants. (If this is an application for a Hotel, Restaurant or Tavern License, the manager must also submit an individual History Record - DR 8404-I)				
Last Name of Manager <b>HAMMES</b>	First Name of Manager <b>MICHAEL</b>	Date of Birth <b>11/28/72</b>		
18b. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number. <span style="float:right;"><input type="checkbox"/> <input checked="" type="checkbox"/></span>				
Name	Type of License	Account Number		
19. Tax Distraint Information. Does the applicant or any other person listed on this application and including its partners, officers, directors, stockholders, members (LLC) or managing members (LLC) and any other persons with a 10% or greater financial interest in the applicant currently have an outstanding tax distraint issued to them by the Colorado Department of Revenue? <span style="float:right;"><input type="checkbox"/> <input checked="" type="checkbox"/></span>				
If yes, provide an explanation and include copies of any payment agreements.				

OFFICE OF THE SECRETARY OF STATE  
OF THE STATE OF COLORADO

**CERTIFICATE OF FACT OF GOOD STANDING**

I, Wayne W. Williams, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

Mojo Kitchen, LLC

is a

Limited Liability Company

formed or registered on 02/16/2016 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 20161110330 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 03/18/2016 that have been posted, and by documents delivered to this office electronically through 03/21/2016 @ 13:38:46 .

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 03/21/2016 @ 13:38:46 in accordance with applicable law. This certificate is assigned Confirmation Number 9560111 .



A handwritten signature in blue ink that reads "Wayne W. Williams". The signature is written in a cursive style and is positioned above a horizontal line.

Secretary of State of the State of Colorado

\*\*\*\*\*End of Certificate\*\*\*\*\*  
*Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Validate a Certificate page of the Secretary of State's Web site, <http://www.sos.state.co.us/biz/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us> click "Businesses, trademarks, trade names" and select "Frequently Asked Questions."*

20. If applicant is a corporation, partnership, association or limited liability company, applicant must list all **Officers, Directors, General Partners, and Managing Members**. In addition, applicant must list any stockholders, partners, or members with **ownership of 10% or more in the Applicant**. All persons listed below must also attach form DR 8404-I (Individual History Record), and submit fingerprint cards to the local licensing authority.

Name	Home Address, City & State	DOB	Position	% Owned
Michael Hannes	314 McCadden Dr Lyons, CO	11/28/70	Owner	100%
Name	Home Address, City & State	DOB	Position	% Owned
Name	Home Address, City & State	DOB	Position	% Owned
Name	Home Address, City & State	DOB	Position	% Owned
Name	Home Address, City & State	DOB	Position	% Owned

\*\* If Applicant is owned 100% by a parent company, please list the designated principal officer on question #20  
 \*\* Corporations - The President, Vice-President, Secretary and Treasurer must be accounted for on question #20 (Include ownership percentage if applicable)  
 \*\* If total ownership percentage disclosed here does not total 100%, applicant must check this box:  
 Applicant affirms that no individual other than these disclosed herein, owns 10% or more of the applicant, and does not have ownership in a prohibited liquor license pursuant to Title 47 or 48, C.R.S.

**Oath Of Applicant**

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.

Authorized Signature 	Printed Name and Title MICHAEL T. HANNES, OWNER	Date 11/28/10
--------------------------	--	------------------

**Report and Approval of Local Licensing Authority (City/County)**

Date application filed with local authority	Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application 12-47-311 (1) C.R.S.)
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The Local Licensing Authority Hereby Affirms that each person required to file DR 8404-I (Individual History Record) has:  
 Been fingerprinted  
 Been subject to background investigation, including NCIC/CCIC check for outstanding warrants  
 That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with, and aware of, liquor code provisions affecting their class of license  
 (Check One)  
 Date of inspection or anticipated date \_\_\_\_\_  
 Will conduct inspection upon approval of state licensing authority

The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 12, Article 46 or 47, C.R.S.  
**Therefore, this application is approved.**

Local Licensing Authority for Town of Lyons	Telephone Number 303-823-6627	<input checked="" type="checkbox"/> Town, City <input type="checkbox"/> County
Signature 	Print	Title Mayor
Signature (attest)	Print	Title
		Date

**REPRESENTATION OF APPLICATION CONCERNING CRIMINAL HISTORY  
SUPPLEMENT TO APPLICATION FOR LIQUOR LICENSE**

I, Michael Ty Hammes, applied for a liquor license from the Town of Lyons Liquor Licensing Authority. As part of the processing of my application, I am required to undergo a federal and state criminal background check to determine the suitability of my character for the holding of a liquor license.

I understand that the Town of Lyons has submitted certain information provided by me to federal and state agencies for a criminal background check as part of the processing of my license application. To date, the Town has not received any federal or state reports and that such reports are necessary to determine the quality of my character as required by the applicable liquor laws.

In order to expedite the processing of my application, I hereby state and represent to the Town of Lyons Liquor Licensing Authority the following:

1. I have not been convicted (including my entering of a plea of guilty or no contest) of a crime in any federal or state court during the past 45 years, except for the following:  
  
\_\_\_\_\_  
  
\_\_\_\_\_

2. I understand and agree that, in the event the Town Liquor Licensing Authority issues the requested liquor license, the Authority may revoke or rescind its approval of the license following a hearing upon a determination that my representation in (1) above is false.

APPLICANT:

  
\_\_\_\_\_

Print Name: Michael Ty Hammes

Print Name: \_\_\_\_\_

2ND AVENUE (80' ROW) ↑

FRAME SHED

DECK

KITCHEN

ONE-STORY FRAME

PATIO (INCLUDED)

ENTRANCE

18.8' NEW ENTRANCE

29.2'

3.0'

32.3'

16.1'

22.5'

16.2'

15.7'

8.1'

10.2'

8.3'

80.8'

140.93'

N 89° 50' 58" E

FOUND #5

RET

10'

205.93'

216 EAST MAIN ST. (POSTED)

HWY. 36

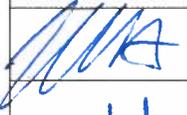
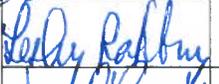
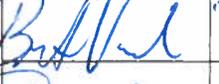
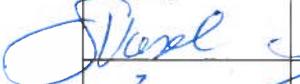
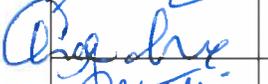
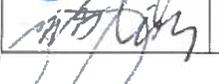
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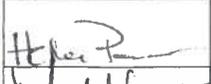
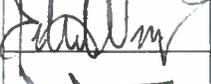
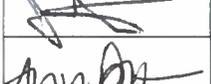
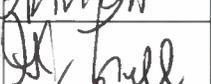
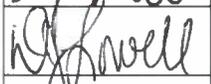
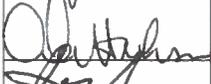
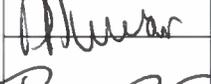
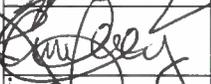
 LICENSED PREMISES

Petition to the Lyons Liquor Licensing Authority

I, the undersigned, am aware that an application for a retail hotel and restaurant liquor license has been filed with the Lyons Liquor Licensing Authority by 216 E MAIN ST LYONS, CO 80540 and proposed to be located at

I am at least 21 years of age and am a resident or owner or manager of a business located within the defined neighborhood boundaries of the proposed liquor establishment. I have indicated below whether I consider the granting of the above-mentioned liquor license to be desirable and necessary for the reasonable requirements of the neighborhood:

Signature	Printed Name	Address	Date Signed	Yes ✓	No ✓
	Michael Banner	314 McConnell Dr	3-11-16	✓	
	Erika Anderson	314 McConnell Dr	3-11-16	✓	
	DAVID RAHBANY	313 MCCONNELL DRIVE	3/11/16	✓	
	Lesley Rahbany	313 McConnell Dr Lyons, CO	3-11-16	✓	
	Jennifer Booth	310 McConnell Dr Lyons, CO 80540	3-12-16	✓	
	Ian Brighton	322 Evans	3-12-16	✓	
	Theresa Brighton	322 Evans	3-12-16	✓	
	R. Taylor Sims	482 W. Higgins	3-12-16	✓	
	BONNIE SIMS	482 W Higgins	3-12-16	✓	
	Caleb Roberts	434 Rees St	3/12/16	✓	
	BRIAN VASEL	307 McConnell Dr	3/12/16	✓	
	Susan Vasel	307 McConnell Dr	3/12/16	✓	
	Suzy Canturica	309 McConnell Dr	3/12-16	✓	
	ANDRE CHALFOUX	309 MCCONNELL DR	3/12/16	✓	
	L.M. KETT	308 McConnell	3/12/16	✓	
	Scott Sharkey	318 McConnell	3/19/16	✓	

SIGNATURE	PRINTED NAME	ADDRESS	DATE	YES	NO
	Hella Pannewig	318 McConnell	3-19-16	✓	
	Peter A. Nagy	209 Welch Ct.	3-20-16	✓	
	JOHN HUNTER	305 McCONNELL	3-20-16	✓	
	Ann Herrmann	316 Mcconnell Dr	3-20-16	✓	
	Greg Lowell	411 Raymond Ct.	3-20-16	✓	
	Donna Lowell	411 Raymond Ct	3-20-16	✓	
	Anne Haakenson	317 McConnell Dr	3-20-16	✓	
	Steve Herrmann	30 McCONNELL	3-20-16	✓	
	NANCY PORTNER	501 GORANSON CT.	3-20-16	✓	
	Seth Portner	501 Goranson Ct	3/20/16		
	Deanne Duncan	507 Goranson Ct.	3/20/16	✓	
	Brian Miller	813 Upper 5th Ave	3/20/16	✓	
	Adam Schwartz	312 McConnell Dr	3/20/16		
	JENNIFER CRUZ	540 METLY ST.	03/20/16	✓	
	MATT BOOTH	310 McConnell	03/20/16	✓	

# **TOWN OF LYONS LIQUOR LICENSING AUTHORITY**

## **NEW LIQUOR LICENSE PROCEDURE OUTLINE**

The following is an outline to assist the Liquor Licensing Authority through the liquor licensing proceeding for a new liquor license for the common types of applications (wine & beer, or retail liquor store, hotel and restaurant). This is a *quasi-judicial* proceeding, meaning that it must be conducted with a certain level of formality akin to a judicial or court proceeding. Any appeal of your decision will be made “on the record” to the district court which means that the court will only review a transcript and documentary evidence presented to the Authority; therefore, the evidence presented and the record must clearly support your decision.

The public hearing should be conducted in the following sequence and with the following questions (and others) so that the following minimum information is presented:

1. Call the Liquor Licensing Authority to order and introduce the matter:

**“I call to order a public hearing of the Lyons Liquor Licensing Authority. The Authority shall consider the application of Mojo Taqueria.**

2. Enter the application and all supporting documents into the record.

**“The application submitted to the Town Clerk together with all supporting documents are hereby made part of the record. Any other documents presented to the Authority during this hearing shall also be made part of the record if a copy is given to the Town Clerk.”**

3. Determine whether the notice and posting requirements were met. Notice must be provided by posting a sign on the premises plus publication of notice in the newspaper at least 10 days before hearing. Ask the Town Clerk:

**“Was notice properly posted and published for this matter?”**

4. The Authority must establish the boundaries of the "neighborhood" to be affected by the license. The Authority has substantial latitude to determine the area of the neighborhood to be affected. The neighborhood can be the entire Town, if the Authority elects, and this has been the Town Board’s practice in the past. Once determined, a statement describing the boundaries of the neighborhood should be made on the record. I recommend that the Board make the following statement on the record:

**"I move that the entire corporate limits of the Town of Lyons be considered as the neighborhood for purposes of this liquor license application and the public hearing."**

5. Testimony should be presented by the applicant and other adult persons who reside within the designated neighborhood. Certain persons have a legal right to speak, such as business owners and liquor license holders in the neighborhood, adult residents in the neighborhood, representatives of neighborhood groups, and any school principal or representative of a school located within 500 feet of the proposed business. Persons outside of the “neighborhood” may testify at the Authority's discretion if the testimony would benefit the Authority.

**“The Applicant may make a presentation to the Authority concerning the requested liquor license application. After the applicant, other interested persons will be provided an opportunity to address the Authority. The applicant and any other person who speaks may ask questions of, and cross examine, any other person who speaks at this hearing.”**

Testimony should relate to the following factors which are involved in the Authority's license decision:

Reasonable requirements or need of the Town for this license and business

Desires of the adult inhabitants of the Town concerning this license

Number, type, and availability of liquor outlets located in or near the Town.

6. Other information that is relevant pertains to the following questions which may be asked by any member of the Authority:

**Is or will the applicant be in legal possession of the premises. Has the applicant provided to the Town evidence of ownership or a lease agreement?**

**Does the zoning of the property permit the proposed liquor use?**

**Does the Applicant hold another liquor license or have an interest in any other business which is licensed under the state laws governing liquor licenses?** Except in limited circumstances, an applicant may not own or have a direct or indirect interest in another license or in a liquor licensed business.

**Did the Town's investigation of the applicant disclose any reason why the applicant cannot hold the license he or she is requesting?**

**Has a liquor license been denied for the same premises or for a premise within 500 feet of the applicant's premises within the**

**last two years, based on a finding that the needs of the neighborhood do not support a new liquor business?**

If so, the license cannot be received or acted upon by the Authority.

**Motion to Approve or Deny an Application:**

A motion to **approve** should be stated as:

"I move to approve the liquor license application for Mojo Taqueria. I specifically find that the establishment meets the reasonable needs of the neighborhood and the desires of the adult residents of the neighborhood."

To **deny** a license because the applicant or the business fails to meet a mandatory requirement of the state laws such as location within proximity of a school, the motion is fairly simple and must only require a statement or finding concerning the defect. For example:

"I move to deny the liquor license application for Mojo Taqueria. My motion is based on a finding that [state the basis for the denial and specifically refer to the evidence presented which supports your finding]."

To **deny** a license request based on the needs or desires of the neighborhood or other subjective reasons, the Authority is advised to close the public hearing and then move to postpone the decision until the next regular Board meeting to permit the Town Attorney to draft findings for denial. The suggested motion would be:

"I move to close the public hearing and postpone the decision on the liquor license for [Mojo Taqueria] until [date of next meeting] at 7:30 p.m. in this same meeting room. This motion is requested to permit the Town staff to prepare recommended findings for denial to be considered by the Authority prior to rendering a decision. At this time, I am not moving for denial, but request that the Authority consider the prepared findings which may support such a motion at the [date of next meeting] meeting."

You should contact the Town Administrator or Town Attorney concerning any questions you may have involving liquor licensing and hearing procedures.

Town of Lyons  
A/P Summary Bi-Monthly  
5/16/16

Date & Check #	Handchecks	Description	Amount
5/06/16 94323	DeFalco Construction Co	Hwy 36 Streetscape - CDOT	\$9,802.80
5/06/16 94324	DeFalco Construction Co	Hwy 36 Streetscape - CDOT	\$211,991.00

Total Handchecks..... **\$221,793.80**

Payroll 5/06/16 ..... **\$39,709.38**

<u>Unpaid Invoices - Vendor</u>	Amount	Grant Funds	Grant Name
4 Rivers Equipment:	\$ 350.00		
Alberts Water and:	\$ 110.00		
American Fence Company,	\$ 201.60	\$201.60	FEMA
American Fund Service	\$ 1,994.00		
Avid4 Adventure, Inc.:	\$ 2,182.50		
Birch Communications:	\$ 657.71		
Brekke Storage:	\$ 230.00	\$230.00	FEMA
Brownstein Hyatt Farber, L	\$ 938.89		
BVGSA:	\$ 125.00		
Carquest Auto Parts Store:	\$ 12.05		
Caselle:	\$ 1,394.00		
Chase Paymentech:	\$ 438.08		
Clark's Hardware:	\$ 485.07		
Colorado Analytical Lab:	\$ 731.00		
Colorado Dept. of Revenu	\$ 1,994.00		
CPS Distributors, Inc.:	\$ 92.25		
Deep Rock Water:	\$ 15.77		
DHM Design:	\$ 32,898.12	\$32,898.12	FEMA
Electric Fund:	\$ 3,867.56		
Extreme Event Production	\$ 3,300.00		
Federal Payroll Taxes	\$ 14,885.62		
Green Spot, The:	\$ 250.00		
Hill Petroleum:	\$ 682.67		
Honnen Equipment Co:	\$ 1,854.95		
Humana, Inc:	\$ 1,125.59		
Innovative Computer:	\$ 7,055.00	\$5,322.50	FEMA
Interstate Rentals & Sales:	\$ 44.15		
JLB Companies, Inc:	\$ 3,770.00	\$3,770.00	FEMA
Longmont Humane Societ	\$ 387.50		
Longmont, City of:	\$ 10,328.42		
Loris and Associates:	\$ 20,017.50	\$20,017.50	FEMA
Lyons Recorder:	\$ 8.00		
McDonald Farms Enterpris	\$ 2,520.00		
N Line Electric, LLC:	\$ 9,741.10	\$1,830.00	FEMA
Petty Cash - Parks:	\$ 100.00		
PLIC-SBD Grand Island:	\$ 351.54		

Town of Lyons  
A/P Summary Bi-Monthly  
5/16/16

Quill:	\$	793.60
Ramey Environmental Co	\$	27,569.13
Rexel:	\$	48.23
Rock Solid Landscapes, Inc	\$	22,231.59
Simonsen, Victoria:	\$	40.63
Social Knowledge LLC:	\$	300.00
Starkovich, Jacob:	\$	446.30
United HealthCare Insuran	\$	20,495.94
US Bank	\$	2,592.20
Utilities Refund:	\$	272.86
Utility Notification Center:	\$	125.84
Vision Service Plan (VSP):	\$	405.18
Workwell Occupational:	\$	36.00
Xcel Energy:	\$	134.03
Xpress Bill Pay:	\$	143.75

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<b>Unpaid Invoices as of 5/10/16</b>	<b>\$200,774.92</b>	<b>\$64,269.72 Grant Expenditures</b>
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<b>Total (hand checks, unpaid invoices &amp; payroll)</b>	<b>\$462,278.10</b>
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**Agenda Item No: IX - 3**  
**Meeting Date: May 16, 2016**

**Subject: Resolution 2016 – 48, A RESOLUTION MODIFYING THE AGENDA, ORDER AND MANNER OF BUSINESS OF MEETINGS OF THE TOWN OF LYONS BOARD OF TRUSTEES AND REPEALING RESOLUTION NO. 2010-42**

**Presenter: Victoria Simonsen, Town Administrator**

**Background:** Mayor Connie Sullivan and the current Board of Trustees desires to modify the manner in which the BOT Meetings are conducted, in an effort to be more efficient while still providing the public with the opportunity to participate meaningfully in the discussion of Town business.

**Staff Recommendation:**  
Approval of Resolution 2016-48

**TOWN OF LYONS, COLORADO  
RESOLUTION 2016- 48**

**A RESOLUTION MODIFYING THE AGENDA, ORDER AND MANNER OF BUSINESS OF  
MEETINGS OF THE TOWN OF LYONS BOARD OF TRUSTEES AND REPEALING  
RESOLUTION NO. 2010-42**

**WHEREAS**, Section 2-2-140 of the Lyons Municipal Code provides that the Board of Trustees may by resolution amend or modify the agenda, order and manner of business of Board meetings; and

**WHEREAS**, by Resolution No. 2010-42, the previous Board of Trustees changed the order of business for Board meetings; and

**WHEREAS**, the current Board of Trustees now desires to repeal Resolution No. 2010-42 and to modify the manner in which it conducts meetings, in an effort to be more efficient while still providing the public with the opportunity to participate meaningfully in the discussion of Town business.

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

Section 1. Order of Business. The general order of business for meetings of the Town of Lyons Board of Trustees shall be as follows:

- I. Roll Call and Pledge of Allegiance
- II. A Reflective Moment of Silence
- III. Approve Agenda
- IV. Boulder County Sheriff's Report
- V. Staff Reports
- VI. Audience Business
- VII. Board and Commission Updates
- VIII. Liquor/Urban Renewal/Marijuana Authority Business
- IX. Consent Agenda
- X. General Business
- XI. Items Removed from Consent Agenda
- XII. Trustee Reports (5 minutes per person)
- XIII. Summary of Action Items
- XIV. Executive Session (if needed)
- XV. Adjournment

The order of business at any meeting is subject to modification upon the approved motion of any member of the Board of Trustees.

Section 2. First Reading Ordinances. All Ordinances, except those necessary for the immediate preservation of the public peace, health or safety, shall contain the following recital:

WHEREAS, approval of this Ordinance on first reading is intended only to confirm that the Board of Trustees desires to comply with state law and the Lyons Municipal Code by setting a public hearing in order to provide Town staff and the public an opportunity to present testimony and evidence regarding the application. Approval of this Ordinance on first reading does not constitute a representation that the Board of Trustees, or any member of the Board of Trustees, supports, approves, rejects or denies the application or the proposed project.

No public comment shall be taken on first reading ordinances, except whereas question exists as to whether the public notice and publication requirements were satisfied for the ordinance in question.

Section 3. Second Reading Ordinances. Approval of an ordinance on first reading shall result in the ordinance being scheduled for second reading and a public hearing, typically at the next regularly scheduled meeting of the Board of Trustees. Subject to the requirements of any given ordinance, upon introduction of an ordinance on second reading, the general order of business shall be as follows:

- I. Brief staff report, if applicable
- II. Applicant presentation, if applicable
- III. Public hearing
- IV. Board questions for staff and/or applicant
- V. Motion and second on the ordinance
- VI. Discussion of ordinance among Board members
- VII. Vote

Section 4. Consent Agenda.

(a) The Consent Agenda shall consist of, at a minimum, the following items:

- I. Resolutions
- II. Financial Reports
- III. Approval of Minutes

(b) Prior to any action being taken on the Consent Agenda, the Clerk shall read the title of each item into the record. Any item may be removed from the Consent Agenda and placed on the regular agenda upon the request of any member of the Board of Trustees. Any request to remove an item from the Consent Agenda shall be made after a motion has been made to approve the Consent Agenda and such motion has been seconded. In the event one or more items are removed from the Consent Agenda, the Board shall vote on the Consent Agenda minus any removed items.

(c) At the discretion of the Mayor, public comment may be heard on resolutions or other Consent Agenda items.

Section 5. Nothing in this Resolution shall supersede any requirements for the adoption of ordinances set forth in the Colorado Revised Statutes or in Sections 1-6-6(F)-(H) of the Lyons Municipal Code.

Section 6. Resolution No. 2010-42 is hereby expressly repealed by this Resolution.

ADOPTED THIS 16th DAY OF MAY 16, 2016.

**TOWN OF LYONS, COLORADO**

ATTEST:

\_\_\_\_\_  
Connie Sullivan, Mayor

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

**Town of Lyons, Colorado  
Board of Trustees  
BOT Agenda Cover Sheet  
Agenda Item No: IX.4  
Meeting Date: May 16, 2016**

**TO:** Mayor Sullivan and Members of Board of Trustees

**FROM:** Marcus McAskin and Rosi Dennett

**DATE:** May 10, 2016 (prepared for May 16, 2016 meeting)

**ITEM:** Ordinance No. 1000: Ordinance Rezoning 304 2<sup>ND</sup> Avenue from the Business (B) Zone District to PUD-C and PUD-R, Conditionally Approving the Final PUD Plan, and Approving the Development Agreement for the Subject Property

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ORDINANCE  
 MOTION / RESOLUTION  
 INFORMATION

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- I. **REQUEST OR ISSUE:** Ordinance No. 1000 (“Ordinance”): (1) approves the rezoning of certain property commonly referred to as 304 2<sup>nd</sup> Avenue and as more particularly described in Exhibit A of the Ordinance (the “Subject Property”) from the Business (B) Zone District to the PUD-C (PUD-Commercial) and PUD-R (PUD-Residential) Zone Districts as more particularly shown in the Final PUD Plan; (2) conditionally approves the Final PUD Plan; and (3) approves the Development Agreement for the Subject Property by and between the Town of Lyons and the property owner of record, Downtown Lyons Development, LLC, a Colorado limited liability company (“Owner”).

The Subject Property was originally developed and occupied by Valley Bank.

The Owner is also currently processing the 2<sup>nd</sup> & Park Subdivision and Planned Unit Development Final Plat (the “Final Plat”). The Final Plat proposes subdividing the Subject Property into seven (7) new lots as follows:

- Lot 1 encompasses the northern portion of the Subject Property including the existing office building. The Owner is proposing that Lot 1 be rezoned from Business (B) to PUD-C.
- Lots 2 – 7 encompasses the remaining southern 51’ of the Subject Property (fronting the Park Street ROW). The Owner is proposing that Lots 2 – 7 be rezoned from Business (B) to PUD-R.

Habitat for Humanity of the St. Vrain Valley, Inc., a Colorado nonprofit corporation (“Habitat”) is currently under contract to acquire Lots 2 – 7 from the Owner following the date on which the Final Plat is recorded. At the present time, Town Staff is informed that

Habitat intends on commencing horizontal improvements on Lots 2 – 7 following the date on which the Final Plat is recorded with the intent of completing foundations and related improvements to Lots 2 – 7 during the balance of 2016.

Maps highlighting the existing and proposed zoning of the Subject Property are attached to this Agenda Cover Sheet as **ATTACHMENT A** and are incorporated by reference.

- II. **RECOMMENDED ACTION / NEXT STEP:** Approve Ordinance No. 1000 on first reading and schedule a public hearing and second reading of the Ordinance on a time and date certain.

Currently, it is anticipated that second reading of the Ordinance will occur on Monday, June 20, 2016.

- III. **FISCAL IMPACTS:** No major fiscal impact. The Owner's summary of the project-specific fiscal impacts is summarized in the "Project Summary and Written Statement," a copy of which is attached hereto as **ATTACHMENT B** and incorporated by reference.

- IV. **BACKGROUND INFORMATION:** On November 23, 2015, the PCDC reviewed and approved the PUD Final Plan with conditions. The list of conditions is attached to the Ordinance as Attachment B. Staff has been working with the applicant and his representatives to complete the required submittal requirements, and Staff determined that the recently-submitted final plan documents are sufficient to proceed to the first reading of the Ordinance. The items listed in the referral response from the Town Engineer, attached hereto as **ATTACHMENT C**, will be addressed prior to the second reading. **ATTACHMENTS D – G**, attached hereto, include Site Development Plan, Drainage Report and Design Report.

It was determined to process both the Final PUD Plan and Final Plat proposals concurrently, so that the required public hearings can be combined into one public hearing. Therefore, the second reading of the Ordinance for Final PUD Plan and the Resolution for Final Plat will be considered by the BOT at the same meeting (tentatively scheduled for June 20, 2016). The Resolution for the Final Plat does not require two readings and is not under consideration at this May 16, 2016 meeting.

The terms of the permanent affordability covenant (or deed restriction) associated with the residential portion of the Final PUD Plan will be included in the development agreement to be considered at the second reading of the Ordinance. Habitat for Humanity of the St.Vrain Valley will present the specifics of how the program is implemented to the BOT at the next BOT meeting on June 6, 2016.

- V. **LEGAL ISSUES:** N/A.

- VI. **CONFLICTS OR ENVIRONMENTAL ISSUES:** N/A

- VII. **SUMMARY AND ALTERNATIVES:** The Board of Trustees has the following options:

(1) Adopt Ordinance No. 1000 on first reading, as may or may not be amended;

- (2) Direct Town Staff to make revisions to the Ordinance and schedule consideration of the Ordinance on a future Board of Trustees meeting agenda for first reading; or
- (3) Reject or deny the Ordinance.

**PROPOSED MOTION:** "I MOVE TO APPROVE ORDINANCE NO. 1000, AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF LYONS, COLORADO, REZONING PROPERTY WITHIN THE TOWN OF LYONS, COMMONLY KNOWN AS 304 2ND AVENUE, FROM THE (B) BUSINESS ZONE DISTRICT TO THE PUD-C (PUD-COMMERCIAL) AND PUD-R (PUD-RESIDENTIAL) ZONE DISTRICTS, CONDITIONALLY APPROVING THE FINAL PUD PLAN, AND APPROVING THE DEVELOPMENT AGREEMENT FOR THE SUBJECT PROPERTY ON FIRST READING, AND FURTHER MOVE TO SCHEDULE SECOND READING AND PUBLIC HEARING ON THIS ORDINANCE FOR MONDAY, JUNE 20, 2016 AT 7:00 PM AT TOWN HALL."

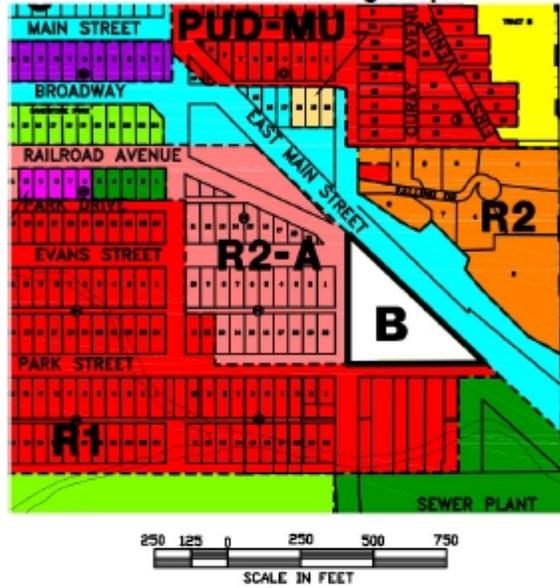
**ATTACHMENTS:**

- ATTACHMENT A: Existing and Proposed Zoning Maps
- ATTACHMENT B: Project Summary and Written Statement
- ATTACHMENT C: Town Engineer Review Comments May 11, 2016
- ATTACHMENT D: A00 Final PUD Development Plan Cover Sheet April 25, 2016
- ATTACHMENT E: A01 Site Development Plan April 25, 2016
- ATTACHMENT F: Drainage Report January 13, 2016
- ATTACHMENT G: Design Report January 13, 2016

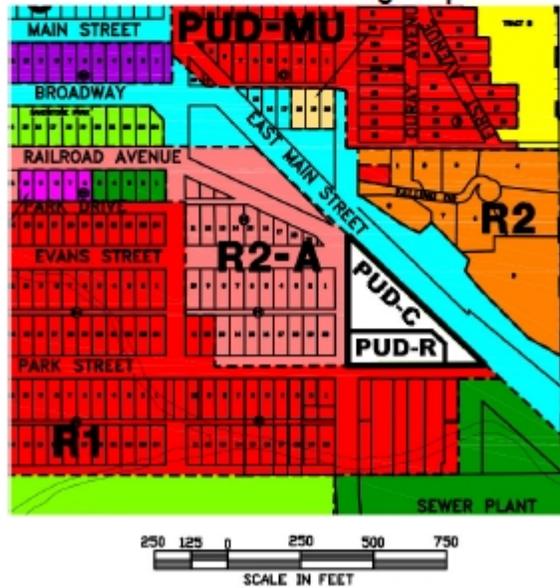
# ATTACHMENT A

PROPOSED  
2<sup>nd</sup> & Park Subdivision and PUD  
304 2<sup>nd</sup> Avenue, Lyons CO

### EXISTING Zoning Map



### PROPOSED Zoning Map



PROPOSED  
2<sup>nd</sup> & Park Subdivision and PUD  
304 2<sup>nd</sup> Avenue, Lyons CO

## Project Summary and Written Statement

### 1. Background

The Property located at 304 2<sup>nd</sup> Avenue is currently zoned B (Business) and was originally developed and occupied by Valley Bank. It was recently purchased by Downtown Lyons Development LLC (Craig Ferguson) and currently provides principal offices for two Lyons based businesses, Colorado Advanced Restoration Experts LLC and Redrock Construction LLC. The property comprises: a 29,890 sf (0.686 acre) triangular shaped lot; a single one story 2500 sf building with an attached and covered 3 bay drive-up customer service area; paved parking with 30 spaces; landscaping including 11 mature trees; two curb cuts on the 2<sup>nd</sup> Avenue frontage and one curb cut on Park Street which provide access to the drive-up lanes and parking lot; sidewalks in the right-of-way along the 2<sup>nd</sup> Avenue and Park Street frontages; sidewalks internal to the Site for pedestrian circulation; and, access to irrigation water as a shareholder in the Lyons Ditch which parallels the 2<sup>nd</sup> Avenue property line. The southern portion of the existing parking lot is in the 100 year flood plain. The Site is currently served by Town of Lyons water, sewer and electric service as well as natural gas and cable utilities. The southern curb of the existing parking lot currently extends approximately 10' into the Park Street ROW. This encroachment will be eliminated as part of the proposed development.

### 2. Proposed Use and Development

- a. The Project proposes subdivision of the existing single lot into 7 smaller lots as follows: Lot 1 (approx 20,283 sf) would encompass the existing building and the northern portion of the Property with a narrow extension along the diagonal lot line to include the southeast triangular corner of the Property; and, Lots 2 through 7 would encompass the remaining southern 51' of the existing Property.
- b. Lot 1 would be rezoned from B (Business) to PUD-C (PUD Commercial). The PUD-C district would incorporate the uses allowed in the C (Commercial) zone district with the following modifications: "Mixed-use building (a building with less than fifty percent (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)" would be included as an allowed use. Any conditional uses permitted in the C (Commercial) zone district would require a Special Use Review prior to allowance in the PUD-C zone district. At a minimum, the PUD-C would allow for: future addition of a second floor to the existing building which could include office space or optionally, up to 4 additional dwelling units; and, reduction of the required setback between the existing (or future expanded) building and: the adjacent existing R2-A zone district to the west; the proposed PUD-R zone district to the south; and, existing R-2 zone district across Highway 36. Addition of a second story to the existing building would require development review approval by the Town of Lyons Planning and Community Development Commission.
- c. Lots 2 through 7 would be rezoned from B (Business) to PUD-R (PUD Residential). These lots would be developed by Habitat for Humanity as permanently affordable single family homes targeted to serve Lyons residents who were displaced by the 2013 Flood. At a minimum the PUD-R would allow: 6 homes to be grouped in pairs, each pair having an interior zero lot line; reduced corner side yard setback on Lot 2 (2<sup>nd</sup> Avenue); reduced front yard setbacks on Lots 2 through 7 (Park Street); reduced minimum average lot size (approximately 1,601 sf) for Lots 2 through 7 (as allowed for affordable housing under Section 16-4-200 of the Town of Lyons Municipal Code). Each home would have a covered entry facing Park Street with fenced private space located in the rear and non-zero side yards.
- d. Lot 1 will have exclusive use of 14 dedicated off street parking spaces: 7 spaces north of the building (in the area where the drive-up bays and cover will be demolished); 6 spaces southeast of the building; and, 1 HC space southwest of the building. Lots 2 through 7 will have exclusive use of 12 off street parking spaces located on the south side Lot 1 and accessed from 2<sup>nd</sup> Avenue via an east/west driveway shared with Lot 1. In addition, all the Lots will participate in a shared parking easement on 3 visitor parking spaces with the minimum conditions that Lot 1 will maintain the residential parking spaces and will have use of visitor spaces during daily business hours Monday through Friday. This parking arrangement provides the following significant advantages: continuation of Park Street frontage character without front driveways and garage doors; efficient use of paving through shared use of parking between uses with differing duty cycles; preservation of existing Park Street ROW landscaping and improvements; and, maximizing Park Street on-street parking.

- e. A new public sewer main is proposed to extend east from the existing main in 2nd Avenue in the new driveway south of the existing building on Lot 1 and will include new service connections for the residences and interception of the existing sewer service to the commercial building. A new water service from the main in 2<sup>nd</sup> avenue will be installed to serve the existing building on Lot 1. The existing water service to the existing building on Lot 1 will be intercepted and re-routed to serve the proposed residence on Lot 2. New water services for Lots 3 through 7 will be installed from the existing main in Park Street. To minimize work disturbance to Park Street, these 5 new services will be combined in 2 street cuts in Park Street (2 service lines in one, 3 in the other). A new gas main extends east from the existing main in 2nd Avenue to serve the new residences. The existing gas service to the commercial building is adequate. Proposed new underground electrical service extends from an existing overhead pole at the southeast corner of the site to a new ground mount transformer which feeds the 6 residences from the rear of the lots. The existing electrical service to the commercial building is adequate. Communications utilities already serve the Site and will be distributed in coordination with the providers to the rear of the residential lots.
- f. The proposed improvements will require the removal of (4) mature trees from the site or adjacent ROW. At a minimum, new landscape improvements will include the new planting of: (4) trees in the Park Street ROW; (2) trees in the 2<sup>nd</sup> Street ROW; and, (3) trees elsewhere on the interior of Lot 1.
- g. Portions of proposed Lots 3, 4, 5, 6 and 7 lie within the 100 year flood plain as defined by FEMA. The first floor of these residences will be elevated a minimum of 2' above the local base flood elevation (BFE). The proposed residences have no basements. A flood plain development permit will be required for development and construction on this area of the Site.
- h. Construction of the Project will commence immediately upon final approval of this Subdivision and PUD and development infrastructure design drawings by the Town of Lyons. We anticipate completion of proposed ground and utility work on the Site no later than 4 months following such final approvals. Subject to availability and demand of qualified buyers, construction of proposed residences on Lots 2 through 7 will commence at that time. Completion of demolition and remodel of improvements on Lot 1 is subject to "Alternate Phasing" noted on Drawing 01/ A01.

### 3. Written Statement

#### a. Need for the Proposed PUD:

The PUD-R is required in order to accomplish the development of affordable residences as an extension of an existing residential neighborhood proximate to downtown Lyons. The PUD allows an increase in density (i.e. decrease in minimum lot size) which is not available in the standard residential zone districts.

The PUD-C allows mixed commercial/residential use and variance in required setbacks to allow greater flexibility in future beneficial redevelopment of the Site. These are not allowed in the existing B zone district.

#### b. Impacts on adjacent properties:

The Project is bounded by existing full width R.O.W. on its entire perimeter which limits any negative impacts to neighboring properties.

The Project provides required off-street parking leaving existing on-street parking available as overflow.

The Park Street frontage reflects and reinforces the scale and character of the adjacent residential neighborhood.

#### c. Impact on area accesses and traffic patterns:

No new curb cut accesses area proposed and one existing curb cut on Park Street is being abandoned.

Park Street and 2<sup>nd</sup> Avenue are lightly traveled and in good condition. The additional daily trips attributable to (6) residences should be accommodated without negative impact.

#### d. Availability of utilities:

See Item 2.e. above

#### e. Impacts on public facilities and services:

The Project includes (2) designated fire lanes (See Dwg 01-A01) on the north side of Park Street to accommodate emergency vehicle access to the (6) new residences and adjacent properties.

f. Fiscal Impacts:

The PUD-R will result in the following positive fiscal impacts on the Town of Lyons:

- i. 6 residential properties will be added as paying consumers of Town of Lyons municipal electric, water and sewer services
- ii. Potential increase in the property tax base
- iii. Expansion in consumers of Lyons based retail and services

The PUD-C will result in the following positive fiscal impacts on the Town of Lyons:

- i. Availability of a "mixed use" zoning will provide for expansion of additional in-fill housing proximate to downtown with similar benefits to those listed above.
- ii. Potential increase in the property tax base

g. Environmental impact:

The proposed improvements will require the removal of (4) mature trees from the site or adjacent ROW. At a minimum, new landscape improvements will include the new planting of: (4) trees in the Park Street ROW; (2) trees in the 2<sup>nd</sup> Street ROW; and, (3) trees elsewhere on the interior of Lot 1.

The Project will result in cleanup and re-establishment of flow in the Lyons Ditch in the 2<sup>nd</sup> Street R.O.W.

h. Relationship to Comprehensive Plan:

The Project aligns with and supports the following strategies and goals of the Town of Lyons Comprehensive Plan:

Land Use and Growth Strategy 1.1.3: Ensure that new development is compatible with the neighborhood in which it is located by evaluating projects with respect to magnitude, scale and diversity of product type so that no single project or combination of projects overtakes the character of the community. Also consider buffers and transitions between land uses; street and trail connections and building height, location and appearance.

Land Use and Growth Strategy 1.3.2: Review and update annexation, zoning and subdivision regulations and fees to streamline the process and facilitate high quality residential and business development and support infill and redevelopment strategies that are consistent with the goals of this plan.

Housing Objective 1.1: Promote safe, stable, diverse neighborhoods throughout Lyons that provide a range of housing options and link residents to destinations to learn, work, shop and recreate.

Housing Strategy 1.1.2: Encourage denser housing (more homes per acre) near the center of Town to promote walking, help strengthen downtown and provide more housing options.

Housing Objective 1.2: Increase opportunities for affordable housing.

Housing Strategy 1.2.1: Investigate ways to make construction more affordable for owner builders.

Housing Strategy 1.2.2: Work with nonprofit partners such as Boulder County Housing and Human Services, Colorado Division of Housing, Habitat for Humanity, interested landowners and developers to explore opportunities to integrate affordable housing units into proposed development and redevelopment projects, including commercial and market-rate housing projects.

i. Public Benefits:

The addition of 6 units of privately developed affordable housing in Lyons.

The southern curb of the existing parking lot currently extends approximately 10' into the Park Street ROW. This encroachment will be eliminated as part of the proposed development.

See also Item f. (Fiscal Impacts) above.

j. Project Name:

"2<sup>nd</sup> and Park PUD and Subdivision"

k. Legal Description of land within the PUD Districts:

See LEGAL DESCRIPTIONS on Drawing Sheet A00 of this submittal

- I. Total acreage of the Project:  
See PROJECT STATISTICS table on Drawing Sheet A00 of this submittal
  
- m. Preservation of functional open space:  
The Project proposes shared access to parking provided at the rear of the residences on Lots 2-7 which maximizes usable open space on the Park Street face of the homes. The rear yards of the residences are also free of parking pads and driveways. A public utility easement overlays the southeastern corner of Lot 1 which comprises the turf lined drainage channel and water quality pond.
  
- n. Architectural Intent:  
See conceptual renderings (attached) of the residences proposed for Lots 2-7. The near term size and exterior character of the existing building on Lot 1 will remain as-is excepting the eventual demolition of the existing drivethrough service area.
  
- o. Intended use of buildings and sizes:  
See PROJECT STATISTICS table on drawing Sheet A00 of this submittal
  
- p. PUD connection to surrounding properties and uses:  
The Project utilizes existing and replaced pedestrian sidewalks in the abutting R.O.W. of Park Street and 2<sup>nd</sup> Avenue for connection to the existing neighborhood.

May 11, 2016

2<sup>nd</sup> and Park PUD

Review Comments on Concept Plan

Prepared by: Jim Blankenship, P.E.  
Town Engineer

Reference is made to 2<sup>nd</sup> and Park Subdivision and PUD, 304 2<sup>nd</sup> Avenue, Lyons, Colorado, prepared by JM Associates, Boulder, Colorado, dated 4/25/2016.

Town Engineering has completed an initial review of the documents submitted. This review has resulted in questions and comments that will require amendments and changes to the documents. The information as amended may result in additional comments on subsequent submittals.

Reviewed items:

1. 2<sup>nd</sup> and Park Subdivision and PUD, Final Development Plan, prepared by JM Associates, dated 4/25/2016
2. Proposed 2<sup>nd</sup> and Park Subdivision and PUD, 304 2<sup>nd</sup> Avenue, Lyons, CO, Project Summary and Written Statement, dated 4/25/2016
3. Utility layout, Sewer Main, Grading Plan and General Details, 2<sup>nd</sup> and Park Subdivision PUD, prepared by Cornerstone Engineering, Inc, dated 1/14/2016
4. Final Plat, 2<sup>nd</sup> and Park Subdivision and Planned Unit Development, prepared by PLS Group, dated 12/17/2015
5. Alley Vacation Legal Description
6. Design Report for 2<sup>nd</sup> and Park Subdivision and PUD, 304 2<sup>nd</sup> Avenue, Lyons, CO, prepared by Cornerstone Engineering Inc, dated January 13, 2016
7. Drainage Report for 2<sup>nd</sup> and Park Subdivision and PUD, 304 2<sup>nd</sup> Avenue, Lyons, CO, prepared by Cornerstone Engineering, Inc, dated January 13, 2016

#### PUD and Development Plan

Cover Sheet

Amend paragraph "Flood". Add a sentence that states "The flood plain permit review and approval process may result in amendments or changes to the information depicted in these plans".

Fire and Emergency Service Access

Add statements to this paragraph regarding fire department access and coordination including the designated fire lane on Park Street and the amendments to the site access from 2<sup>nd</sup> Avenue. Note if the fire department is requiring use of the access drive between the remaining building and homes or north of the remaining building.

## Lyons Ditch

Add to the paragraph regarding the Lyons Ditch. Include the following statement: "The Lyons Ditch has historically overtopped and flooded the parking lot of the Valley Bank site, where the proposed homes will be located. This project will address that overflow to protect the homes and other private property from damage resulting this common occurrence".

## 2<sup>nd</sup> Avenue

Of note is that the Town is currently designing the replacement of the 2<sup>nd</sup> Avenue Bridge including improvements to streets, walks and storm drains at 2<sup>nd</sup> and Park next to this site. These improvements are not expected to impact this site in any manner, however construction may need to be coordinated between the two projects.

## Sheet A01

Concern over phasing of the north parking lot. This parking lot is shown as draining to pond mitigation facilities in the southeast corner of the project. If this is phased in this manner, then the drainage plan as presented is not adhered to and the site continues to drain runoff to the street in an un-mitigated manner, inconsistent with the goals of improvements made with re-development. See comment under Grading Plan below as well regarding this area and drainage connection to the pond. Additionally, how is the three year period for re-construction guaranteed? Will the applicant provide a bond or letter of credit to confirm this work will be done? This phasing places some un-necessary burdens on Town Staff such as management of the PUD when there are no other triggers than the 3-year period and then enforcement of this clause when/if the time comes to do so. If there is no means to guarantee this work, it places Town in an awkward position of having to enforce this clause on this applicant or potentially another project owner down the road.

Concern over apparent 0' setback from end of parking lot to property line. Drainage conveyance must be on-site and plan will need to be amended, if this 0' setback is permitted.

In note 34, remove the word "Potential". There is on street parking available except at the proposed fire lane segment as noted.

Is there parking on 2<sup>nd</sup> Avenue? If so, indicate on the plan similar to as shown on Park and if not, note as such and see comment on signs below, no parking signs may be necessary.

Add a note on this plan that all public improvements shall be in accordance with the Town of Lyons Manual for the Design and Construction of Public Improvements and the Town of Lyons Municipal Code. This affect those items listed in the key notes such as 9, 10 and portions of the private improvements that are located in the public right of way and/or affect public infrastructure.

Indicate locations of signage that is proposed or will remain including no parking for fire lane, street signs and stop signs and others that may be necessary to support the design plan, access points and parking areas.

Curb heads at north end of islands in parking behind new homes may need to be pulled south a couple of feet to accommodate the sewer main and easement. This will be reviewed in detail during the review of public improvement plans.

Final elevations of buildings are subject to review through the flood plain development permit process, which requires substantially more information than provided on the PUD. Suggest removing note

regarding the elevation listed and/or if keeping the note, add the above statement and list the elevations as conceptual.

### Final Plat

A full and complete subdivision submittal in accordance with the Lyons Municipal Code will be required. Dedication of easements for public infrastructure is expected. Plat map must meet statutory requirements. Provide closure calculations on the boundary of the property.

Provide easements along the front and side yards for gas, electric, phone, cable TV, or other dry utility providers. Provide these easements along front, side and other lot lines as needed for provisions for service and future relocations of existing facilities or future underground of existing electric. Should electric be underground in the future, pad mounted transformers would be needed and will require space in on-site easements.

Update names on parcels of surround lots as these ownerships have changed.

Conform all borders meet Boulder County recording requirements and that any proposed shading can be accepted on a recorded plat at the county and will be visible with reproduction. Make changes as needed to confirm this.

A subdivision improvement agreement will be required to be filed with the plat. This will include the agreement and attachments necessary to complete this process with the Board of Trustees. An opinion of costs signed and stamped by the project engineer is required to support a letter of credit or other security for the construction and acceptance of public improvements.

### Utility Layout, Sewer Main Design, Grading Plan, General Details

#### Utility Plan

Water services must run perpendicular from the main to the right of way and may not cross another lot. Amendments are needed for the services for Lots 3, 6 and 7.

Define "Pencil" as noted on the electric feed to the lots. Electric service from Pole to site must be within easement on site. Updated and make sure there is an easement to support this install.

Sewer service for Lot 6 will need to come from outside the manhole, downstream. Typically the Town does not allow connections of services to the manholes, however for Lot 7, it appears this will be the best option in this case only due to depths of the systems. Make sure there is clearance from the lot 6/7 corner to this service for Lot 7 for future maintenance of the line (open cut repair) without having to cross the property corner into Lot 6 and private property.

Provide a dimension line from the center of the 8" pipe to the gutter pan of the islands south of the main.

Proposed service for the existing building is shown as  $\frac{3}{4}$ ". There is mention of adding a second story in the PUD elsewhere. Is the  $\frac{3}{4}$ " sufficient? Could not find any calculations on this in the plans or reports. The plan shows the curb stop for the water service located in the middle of the Lyons Ditch and this is not acceptable. The routing of this line crosses the historically problematic Lyons Ditch alignment and consideration must be made of the underground transmission of groundwater from this ditch into the new trench leading to the building and mitigation of this potential issues. It may be better to place the proposed meter and curb stop between the curb and the sidewalk to minimize issues with reading the

meter on the other side of the ditch. Note the callout for the meter does not point to what appears to be the meter pit location symbol.

Is there a need for fire sprinkler systems? If so, this could be paired with the water service routing. Could not find a discussion in this regard in the submittal.

There is some sort of circular symbol shown on service lines for lots 6 and 7 and other locations on the plans, but not called out in the legend. Make sure that all items shown on this plan for utility related work are identified in the legend. Also, remove any items not related to utility plans or things typically shown on the utility plans, such as drainage flow arrows and other non-pertinent data. *This comment about symbols and the legend is typical for all sheets but not repeated.*

The Town acceptance stamp will be provided separately and replaces the stamp saying “approved” in the top right of this sheet. *This comment applies to all sheets in this set and is not repeated.*

#### Sewer Main Design

See comments about service lines for Lot 6 and 7 above and update accordingly. Update profile too.

The proposed terminal manhole is very shallow and does not appear the standard manhole detail will work for this location. Provide the detail for this terminal manhole that will work for the shallow manhole.

Cannot read the note in the profile, looks like it lists a minimum cover of 4', but the terminal manhole is only 3.4' deep, which would not allow this minimum to be in effect.

The existing main in 2<sup>nd</sup> Avenue is 10”.

Callouts for service line lengths cover up the services themselves, please correct this.

Not seeing the existing service for the existing building that is called out to be re-connected, please include.

On plan notes, include that patch limits are approximate as shown, subject to final excavation depths and disturbance in the streets.

#### Grading Plan

Grading for site drainage shall remain on site. Revise swale along northeast side to reflect this. Parking appears to extend to property line, which means that drainage will be directed into the parking lot and/or storm drain added, provided the parking extending to the property line is acceptable.

Final building elevations and grading in flood plain subject to flood plain permit review process.

Steps to buildings are in the public right of way and will require a license. This license may require the removal of such steps in the future if the road expands of the right of way is needed for other public purposes. All steps within the right of way must meet code requirements and include handrail and will be private improvements.

Detail review of grading and drainage report will be completed with the flood plain development permit.

### Drainage Report

A detailed review of the grading and drainage report will be completed with the flood plain development permit. Amendments to the plans as presented at this time may be necessary through this process, however they should not have an impact on the concept of the PUD as presented.

Existing site does not have an approved drainage study for the improvements as they exist. While comparing proposed runoff to existing runoff, it's important to note this fact and to compare the runoff to bare historic ground. Downstream drainage facilities are limited and were not installed to address developed properties. The applicant must include the historic runoff calculations from bare ground and make comparison to those for this site and conclude that the additional runoff will not impact downstream properties as it discharges from this site and into the available drainage systems. Note that the outfall to the St Vrain Creek is adjacent to this site and the Town is currently installing storm systems to capture upstream runoff from the adjacent Town property and upstream tributary 2<sup>nd</sup> Avenue Basin.

### Design Report

Not reviewed at this time due to time constraints of scheduled hearing. Comments, if any, will be issued separately.

There are no plan markups offered. This letter is the extent of the review at this time.

-END OF MEMORANDUM-

**PROJECT AREA**  
0.686 Acres (Property), 2.340 Acres (estimated area of existing B district to be rezoned to PUD-C and PUD-R)

**PROJECT CONTACT INFO**  
Owner: Lyons Downtown Properties LLC [Craig Ferguson] PO Box 769 Lyons, CO 80540 (303) 823-9633  
Planner: JM Associates Inc. [Jerry Moore] PO Box 18390 Boulder, CO 80308 (303) 449-1887  
Surveyor: PLS Group [Byran Short] 6843 N. Franklin Ave Longmont, CO 80538 (970) 669-2100  
Civil: Cornerstone Engineering [Mike Todd] 1692 Bg Thompson Ave Estes Park, CO 80517 (970) 586-2458

**PROJECT INTENT**  
The Property located at 304 2nd Avenue is currently zoned B (Business) and was originally developed and occupied by Valley Bank. It was recently purchased by Downtown Lyons Development LLC (Craig Ferguson) and currently provides principal offices for two Lyons based businesses, Colorado Advanced Restoration Experts LLC and Redrock Construction LLC. The property comprises: a 29,890 sf (0.686 acre) triangular shaped lot, a single one story 2500 sf building with an attached and covered 3 bay drive-up customer service area, paved parking with 30 spaces; landscaping including 11 mature trees; two curb cuts on the 2nd Avenue frontage and one curb cut on Park Street which provide access to the drive-up lanes and parking lot; sidewalks in the right-of-way along the 2nd Avenue and Park Street frontages; sidewalks internal to the Site for pedestrian circulation; and, access to irrigation water as a shareholder in the Lyons Ditch which parallels the 2nd Avenue property line. The southern portion of the existing parking lot is in the 100 year flood plain. The Site is currently served by Town of Lyons water, sewer and electric service as well as natural gas and communication utilities. The southern curb of the existing parking lot currently extends approximately 10' into the Park Street R.O.W. This encroachment will be eliminated as part of the proposed development.

**SUBDIVISION**  
The Project proposes subdivision of the existing single lot into 7 smaller lots as follows: Lot 1 would encompass the existing building and the northern portion with a narrow extension along the diagonal lot line to include the southeast triangular corner of the Property; and, Lots 2 through 7 would encompass the remaining southern 51' of the existing Property.

**PUD (with rezoning)**  
Lot 1 would be rezoned from B (Business) to PUD-C (PUD Commercial). The PUD-C zone district would comprise the area legally described as the PUD DISTRICT elsewhere on this sheet excepting the PUD-R zone district described in the following paragraph. The PUD-C district would incorporate the uses allowed in the C (Commercial) zone district with the following modification: Mixed-use building with less than fifty percent (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), "Entertainment facility", "Marijuana retailing center", and "Food or beverage establishment which serves alcohol" would be included as Conditional Uses or Uses by Special Review. The current use on Lot 1 is "Professional Office". 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. At a minimum, the PUD-C would allow for: future addition of a second floor to the existing building; and, reduction of the required setbacks between the existing (or future expanded) building and the adjacent existing R2-A zone district and proposed PUD-R zone district (see PROJECT STATISTICS below). Addition of a second story to the existing building on Lot 1 for any use, including residential use, shall be subject to PCDC Development Plan review and approval.

Lots 2 through 7 would be rezoned from B (Business) to PUD-R (PUD Residential). The PUD-R zone district would additionally comprise the combined frontage of Lots 2 through 7 on 2nd Avenue and Park Streets as extended to the intersecting centerlines of these rights of way. Lots 2-7 would be developed by Habitat for Humanity as permanently affordable single family homes targeted to serve Lyons residents who were displaced by the 2013 Flood. At a minimum the PUD-R zone district would allow: 6 homes to be grouped in pairs, each pair having an interior zero lot line; reduced corner side yard setback on Lot 2 (2nd Avenue); reduced front yard setbacks on Lots 2 through 7 (Park Street); reduced interior rear yard setbacks; and, reduced minimum average lot size for Lots 2 through 7 as allowed for affordable housing under Section 16-4-200 of the Town of Lyons Municipal Code. See PROJECT STATISTICS below for a tabular summary of bulk and density requirements for the Project. Each home would have a covered entry facing Park Street with fenced private space located in the rear and non-zero side yards.

Rezoning for Lots 2 through 7 shall only take effect upon issuance of a building permit to "Habitat for Humanity" and such permits shall only be issued if an approved affordability deed restriction and parking easement has been recorded and the approved project infrastructure is in place.

**PARKING**  
Lot 1 will include 14 dedicated off street parking spaces: 7 spaces accessed from a curb cut and drive aisle north of the existing building extending from 2nd Avenue; and 7 spaces (including 1 van accessible space) accessed from a curb cut and drive aisle south of the existing building extending from 2nd Avenue.

Each of Lots 2 through 7 will have 2 exclusively assigned spaces on Lot 1 dedicated by a private parking easement and accessed via a private driveway and sidewalk easement (see EASEMENTS below).

Lots 1 and 2 through 7 will share the use of 3 designated visitor parking spaces located in the southwest corner of Lot 1 via a shared parking easement (see EASEMENTS below).

All standard offstreet parking spaces are 9'-0" wide x 16'-0" long (curb-to-curb). Accessible parking space is 8'-0" wide x 16'-0" long with adjacent 5'-0" wide x 16'-0" long access aisle. All parking spaces include a 2'-0" min front curb overhang allowance and are served by 24'-0" wide drive aisles. All parking and drive aisles are hard paved. Lot 1 is responsible for maintenance of all off-street parking and driveways.

**LANDSCAPE**  
The proposed improvements will require the removal of (4) mature trees from the site or adjacent ROW. At a minimum, new landscape improvements will include the new planting of: (4) trees in the Park Street ROW; (2) trees in the 2nd Street ROW; and, (3) trees elsewhere on the interior of Lot 1. On all lots, areas of disturbed soil will be replaced with irrigated turf unless otherwise noted on Drawing 01/A01. Where existing curb cuts are removed or remodeled, new curb & gutter, public sidewalks, backfill, turf landscaping and irrigation will be installed. Privacy fencing enclosing residential yards will be 6' high cedar picket fencing. Maintenance of existing or installation of new landscaping in the R.O.W. of Park Street and 2nd Avenue will be the responsibility of abutting property owners and sleeves will be installed beneath new sidewalks to accommodate extension of irrigation to these areas. Any additional landscaping proposed on Lots 2 through 7 will be included in building permit submittals associated with construction of residences on these properties.

**FLOOD**  
Portions of proposed Lots 2, 3, 4, 5, 6 and 7 lie within the 100 year flood plain as defined by FEMA. The first floor of these residences will be elevated a minimum of 2' above the local base flood elevation (BFE). The proposed residences have no basements. All development in the flood plain must be in accordance with the Lyons Municipal Code, including minimum flood protection elevations for new construction which are noted on Drawing 01/A01. A flood plain permit will be required for development and construction on the Site.

	Proposed		Bldg	2nd		Park	Railroad	Side	Rear	Min req	Prov		
	sf	Ftprint		sf	ft								
<b>PUD-C</b>													
Lot 1	20,283	3,000	6,000	35	16	N/A	N/A	10	30	N/A	12.00	14.00	4
Shared parking											1.50		
<b>PUD-C Subtot</b>	<b>20,283</b>	<b>3,000</b>	<b>6,000</b>				9				<b>12.00</b>	<b>15.50</b>	
<b>PUD-R</b>													
Lot 2	1,632	800	1,400	30	7	10	6	N/A	0	11	2.25	2.00	1
Lot 3	1,581	800	1,400	30	N/A	10	6	N/A	6/0	11	2.25	2.00	1
Lot 4	1,581	950	1,550	30	N/A	10	6	N/A	6/0	1	2.25	2.00	1
Lot 5	1,581	950	1,550	30	N/A	10	6	N/A	6/0	11	2.25	2.00	1
Lot 6	1,581	800	1,400	30	N/A	10	6	N/A	6/0	11	2.25	2.00	1
Lot 7	1,651	800	1,400	30	N/A	10	6	N/A	6/0	6/11	2.25	2.00	1
Shared Parking											1.50		
<b>PUD-R Subtot</b>	<b>9,607</b>	<b>5,100</b>	<b>8,700</b>								<b>13.50</b>	<b>13.50</b>	<b>10</b>
<b>2nd Lot sizes</b>	<b>1,601</b>												
<b>PROJECT Tot</b>	<b>29,890</b>	<b>8,100</b>	<b>14,700</b>								<b>25.50</b>	<b>29.00</b>	<b>10</b>

**UTILITIES**  
See Sheet C1

**GRADING AND DRAINAGE**  
See Sheet C2

**FIRE AND EMERGENCY SERVICE ACCESS**  
The Property is currently served by two fire hydrants: one located on Park Street near the southeast corner of the Property and the other located on the northwest corner at the intersection of Park Street and 2nd Avenue. Additionally the property is bounded on three sides by public R.O.W. (Park Street, 2nd Avenue, Railroad Avenue).

**EASEMENTS**  
Lot 1 shall be encumbered by the following easements (see also Final Plat - Sheet P1):

A Public Utility Easement containing the proposed sanitary sewer main and services, gas main, electric and gas utility main, communications services, sedimentation pond and storm sewer inlet overlies the southern 33'-6" of Lot 1 and includes the 8' wide strip of Lot 1 along its northeast diagonal property line and the connecting southeast triangular corner of the Lot. For the benefit of parking and pedestrian access to Lots 2 through 7, a Shared Driveway and Sidewalk Easement overlies the 24' wide driveway south of the existing building on Lot 1 and includes the 8' wide peninsular walkways that terminate at the residential lot rear property line. For the benefit of providing parking for each individual residential lot, private parking easements P2 through P7 each overlay 2 parking spaces which are assigned to the respective numbered lot for dedicated private parking. For the benefit of providing shared visitor parking for Lot 1 and Lots 2 through 7, a Shared Parking Easement overlies the 3 parking spaces in the southwest corner of Lot 1. These spaces would be available exclusively to Lot 1 during business hours Mon - Fri, 8am to 5pm and available exclusively for shared use by Lots 2 through 7 at all other times.

**LYONS DITCH**  
Lot 1 includes 5 shares of the Lyons Ditch which runs north/south in the 2nd Avenue R.O.W. just outside the western property line of the Site. No changes will be made to these facilities without prior approval of the Lyons Ditch Company.

**PROJECT PHASING**  
Construction of the Project will commence immediately upon final approval of this Subdivision and PUD and development infrastructure design drawings by the Town of Lyons. We anticipate completion of proposed ground and utility work on the Site no later than 4 months following such final approvals. Subject to availability and demand of qualified buyers, construction of proposed residences on Lots 2 through 7 will commence at that time. Completion of demolition and remodel of improvements on Lot 1 is subject to "Alternate Phasing" noted on Drawing 01/A01.

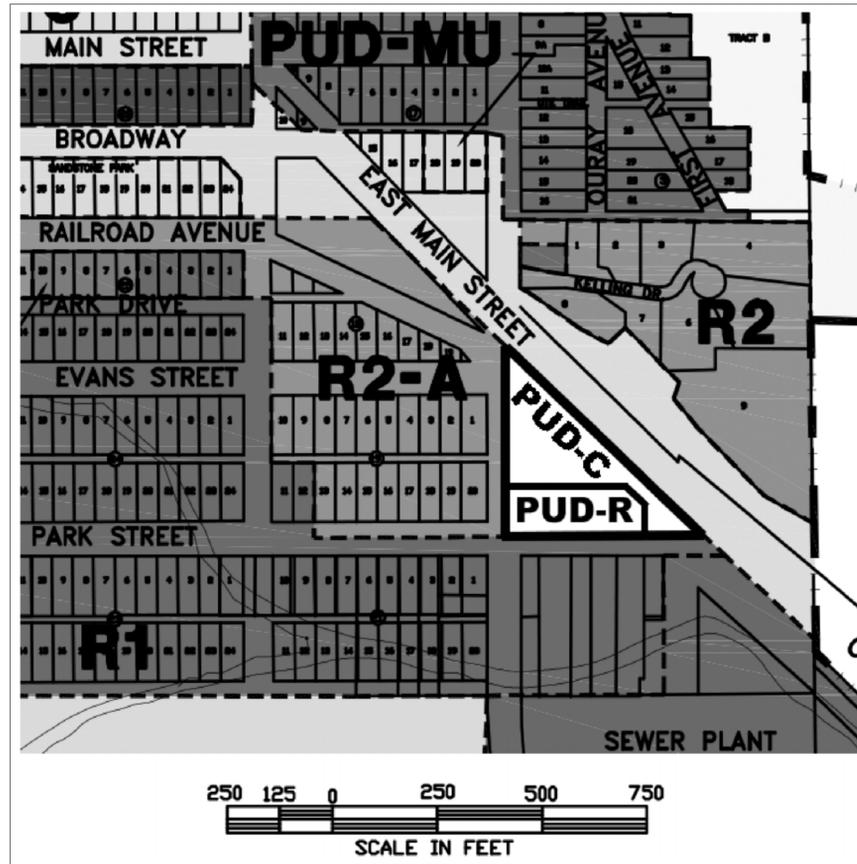
**DEVELOPMENT AGREEMENT**  
Approval of the Subdivision and PUD is conditioned upon execution of a Development Agreement between the Property Owner and the Town of Lyons that may include additional performance criteria, constraints, intentions and agreements between the parties which are not fully reflected in other documents.

# 2nd & Park Subdivision and PUD

## 304 2nd Avenue

### Lyons, Colorado

# FINAL PUD DEVELOPMENT PLAN



## Vicinity Map

## SHEET INDEX

- |     |                       |    |            |
|-----|-----------------------|----|------------|
| A00 | Cover Sheet           | P1 | Final Plat |
| A01 | Site Development Plan | S1 | Survey     |
| C1  | Utilities Plan        |    |            |
| C2  | Sewer Main            |    |            |
| C3  | Grading               |    |            |
| C4  | Site Improvements     |    |            |
| C5  | Detail Sheet          |    |            |
| C6  | Erosion Control Plan  |    |            |

**LEGAL DESCRIPTION OF PROPERTY**

ALL THAT PORTION OF LOTS 6 THROUGH 14, INCLUSIVE, BLOCK 10, PUTNAM PLAT OF THE TOWN OF LYONS, WHICH LIES SOUTHERLY OF THE RIGHT OF WAY OF THE CHICAGO, BURLINGTON AND QUINCY RAILROAD DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF BLOCK 10, PUTNAM PLAT OF THE TOWN OF LYONS; THENCE EAST 308.90 FEET ALONG THE SOUTH LINE OF SAID BLOCK 10; THENCE NORTH 41 DEGREES 27 MINUTES 50 SECONDS WEST, A DISTANCE OF 310.08 FEET; THENCE NORTH 43 DEGREES 17 MINUTES 10 SECONDS WEST, A DISTANCE OF 38.30 FEET; THENCE NORTH 45 DEGREES 23 MINUTES 50 SECONDS WEST, A DISTANCE OF 37.73 FEET; THENCE NORTH 48 DEGREES 54 MINUTES 30 SECONDS WEST, A DISTANCE OF 20.17 FEET; TO THE NORTH LINE OF SAID BLOCK 10; THENCE WEST ALONG THE NORTH LINE OF SAID BLOCK 10, A DISTANCE OF 35.25 FEET TO THE NORTHWEST CORNER OF SAID BLOCK 10; THENCE SOUTH ALONG THE WEST LINE OF SAID BLOCK 10, A DISTANCE OF 300.00 FEET TO THE POINT OF BEGINNING; EXCEPT THAT TRACT OF LAND CONVEYED BY PAUL A. MORRIS AND BARBARA J. MORRIS TO THE STATE DEPARTMENT OF HIGHWAYS IN DEED RECORDED APRIL 11, 1972, ON FILM 767 AS RECEPTION NO. 014209, COUNTY OF BOULDER, STATE OF COLORADO. NOTE FOR INFORMATIONAL PURPOSES ONLY: THE ABOVE LEGAL DESCRIPTION ENCOMPASSES THE PLATTED ALLEY DIVIDING SUBJECT LOTS, WHICH ALLEY WAS VACATED PURSUANT TO UNRECORDED BOARD OF TRUSTEES MEETING.

**LEGAL DESCRIPTION OF AREA WITHIN PLANNED UNIT DEVELOPMENT (PUD) DISTRICTS**

ALL THAT PORTION OF LOTS 6 THROUGH 14, INCLUSIVE, BLOCK 10, PUTNAM PLAT OF THE TOWN OF LYONS, LYING SOUTHWESTERLY OF EAST MAIN STREET, TOWN OF LYONS, COUNTY OF BOULDER, STATE OF COLORADO, AND THE EAST 1/2 OF 2ND AVENUE LYING SOUTHWESTERLY OF EAST MAIN STREET AND LYING NORTH OF THE CENTERLINE OF PARK STREET, TOWN OF LYONS, COUNTY OF BOULDER, STATE OF COLORADO, AND THE NORTH 1/2 OF PARK STREET LYING SOUTHWESTERLY OF EAST MAIN STREET AND LYING EAST OF THE CENTERLINE OF 2ND AVENUE, TOWN OF LYONS, COUNTY OF BOULDER, STATE OF COLORADO.

**TOWN OF LYONS APPROVAL CERTIFICATE:**

The Town of Lyons, Colorado, by motion of its Town Board of Trustees and following a recommendation of the Lyons Planning Commission did on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, adopt and approve the within plat and accept the dedications hereon made.

ATTEST:

Mayor or Mayor Pro Tem

Town Clerk (Town Seal)

**PLANNED UNIT DEVELOPMENT CERTIFICATE:**

The undersigned Town Clerk for the Town of Lyons certifies that an application for the zoning or rezoning of the property described in this plat to a Planned Unit Development was approved by Ordinance No. \_\_\_\_\_ of the Town of Lyons, passed and adopted on final reading on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Town Clerk (Town Seal)

**DEDICATION:**

KNOW ALL MEN BY THESE PRESENTS, THAT we, \_\_\_\_\_ and \_\_\_\_\_, being the owner(s) of the land described above, caused the land to be laid out and platted under the name of \_\_\_\_\_ and do hereby dedicate and grant to the public forever and in fee simple all streets, alleys, roadways, thoroughfares, fire lanes, utility and drainage easements, park land and open space as indicated or illustrated on this plat in compliance with the Town of Lyons Subdivision Regulations, and the landowners shall bear all expense involved in planning, design and construction of all public improvements except to the extent expressly stated in any Town-approved and recorded subdivision improvements agreement. Dedication shall be final upon adoption of a resolution by the Board of Trustees accepting the property dedicated by this plat. Except as otherwise stated on this plat, there shall be no limitation or restriction upon the purpose or public use of property dedicated by this plat.

In Witness Whereof, we do hereunto set our hands and seals this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Manager, Lyons Downtown Properties LLC

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2015, by \_\_\_\_\_.

Witness my hand and official seal.

My commission expires: \_\_\_\_\_

Notary Public

**LIENHOLDER SUBORDINATION CERTIFICATE:**

The undersigned holders of mortgage interests and liens against the property offered for dedication and transfer to the public and Town of Lyons consents and approves of such dedication and transfer and subordinates and releases its interests to such dedicated and transferred property.

In Witness Whereof, we do hereunto set our hands and seals this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Mortgagee/Lienholder:

STATE OF COLORADO

ss

COUNTY OF BOULDER

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2015, by \_\_\_\_\_.

Witness my hand and official seal.

My commission expires: \_\_\_\_\_

Notary Public

**SURVEYOR'S CERTIFICATE:**

I, \_\_\_\_\_, do hereby certify that the boundary survey and plat of 304 2nd Avenue, Lyons, Colorado was made under my supervision and the accompanying Zoning Amendment Map accurately represents said survey.

Registered Land Surveyor

**CLERK AND RECORDER CERTIFICATE:**

STATE OF COLORADO

ss.

COUNTY OF BOULDER

I hereby certify that this instrument was filed in my office at \_\_\_\_\_ o'clock, \_\_\_\_\_ M., this \_\_\_\_ day \_\_\_\_\_, 2015 and

is duly recorded in Plan File \_\_\_\_\_.

County Clerk or Deputy County Clerk

JM Associates, Inc.

Architecture / Planning

PO Box 18390  
Boulder, Colorado 80308  
(303) 449-1887

2nd & Park Subdivision and PUD

304 2nd Avenue  
Lyons, Colorado

A00

04/25/16 FINAL PUD PLAN

- -

**PLAN NOTES**

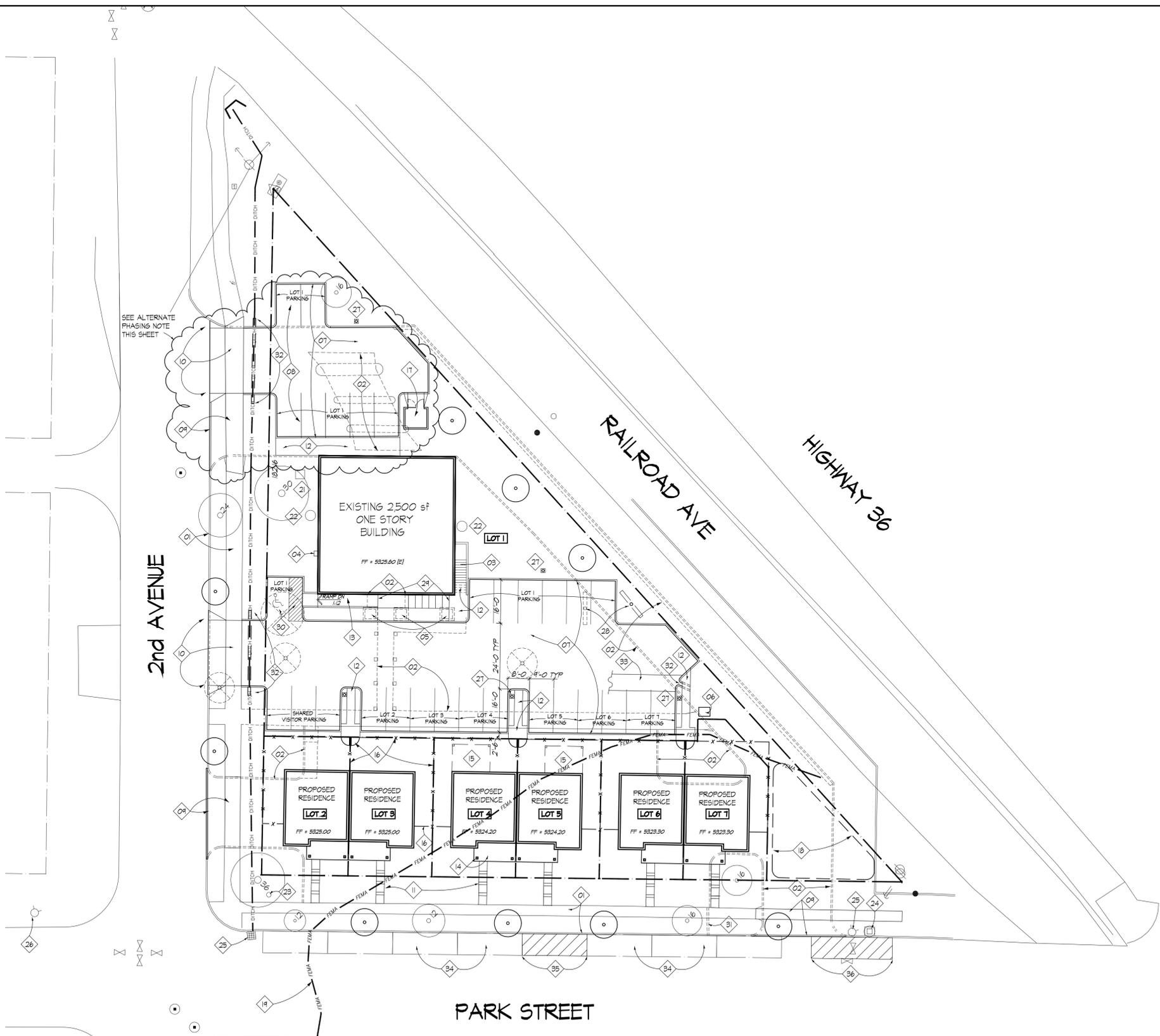
- 1. FLOOR ELEVATIONS OF RESIDENCES ON LOTS 2 THROUGH 7 ARE BASED ON 3'-0" ABOVE BASE FLOOD ELEVATION

**KEY NOTES**

- 01 EXISTING IMPROVEMENTS TO REMAIN - TYP
- 02 EXISTING IMPROVEMENTS TO BE REMOVED
- 03 EXISTING EXTERIOR STAIR TO BASEMENT
- 04 EXISTING GAS METER
- 05 EXISTING PLANTERS TO BE REMOVED
- 06 PROPOSED NEW TRANSFORMER LOCATION
- 07 PAVED PARKING WITH 6" CONC CURB AND PAN - TYP
- 08 TYPICAL PARKING SPACE IS 9'-0" W 16'-0" L W 2'-0" CURB OVERHANG AND DRIVE AISLES ARE 24'-0" - TYP.
- 09 CONC CURB AND SIDEWALK TO MATCH EXISTING WHERE EXISTING CURB/CUT IS REMOVED
- 10 24'-0" FLARED CONCRETE PAN AND ATTACHED SIDEWALK.
- 11 CONCRETE SIDEWALK AND STEPS - TYP
- 12 7'-0" CONCRETE SIDEWALK, REMODEL (E) STEPS TO BASEMENT AS NECESSARY TO MATCH NEW SIDEWALK ELEVATION.
- 13 4'-6" CONCRETE HG RAMP W/ 6" W X 6" H CONC CURB AND HANDRAILS BOTH SIDES
- 14 COVERED ENTRY PORCH WITH COLUMNS - TYP
- 15 OUTLINE OF OPTIONAL 4th BEDROOM EXTENSION ON SECOND FLOOR AVAILABLE ON LOTS 4 & 5 ONLY.
- 16 6'H PRIVACY FENCING AND GATE - TYP
- 17 9'-0" W X 8'-0" D X 6'-0" H TRASH ENCLOSURE WITH CONC PAD AND CURB RAMP
- 18 TURF LINED SEDIMENTATION POND (WATER QUALITY ONLY)
- 19 100 YR FLOOD PLAIN BOUNDARY
- 20 NEW STACKED SANDSTONE PLANTER TO MATCH EXISTING
- 21 EXISTING TRANSFORMER
- 22 EXISTING A/C CONDENSING UNIT
- 23 EXISTING WATER METER
- 24 EXISTING STORM SEWER MANHOLE
- 25 EXISTING GRATE INLET
- 26 EXISTING FIRE HYDRANT
- 27 POLE MOUNTED CUTOFF LIGHT FIXTURE (12'-0" H)
- 28 RELOCATE EXISTING POLE MOUNT ILLUMINATED SIGN TO THIS LOCATION
- 29 5'-0" CONCRETE SIDEWALK WITH (7) 6" RISERS @ 2'-6" OC
- 30 8'-0" X 16'-0" ACCESSIBLE PARKING SPACE W/ 5'-0" ACCESS AISLE
- 31 REMOVE EXISTING SIDEWALK CHASE AND PATCH EXISTING WALK
- 32 SIDEWALK CHASE
- 33 CONC DRAIN PAN - SEE GRADING AND DRAINAGE PLAN
- 34 POTENTIAL ON STREET PARALLEL PARKING SPACE WITH MIN 8" W X 24" L SPACES SHOWN - NO STRIPING PROPOSED
- 35 8" W X 25' L DESIGNATED FIRE LANE WITH RED CURB PAINT, HATCHED NO PARKING AREA AND "NO PARKING" SIGNAGE. CENTER FIRE LANE ON LOT 5 FRONTAGE
- 36 8" W X 20' L DESIGNATED FIRE LANE WITH RED CURB PAINT, HATCHED NO PARKING AREA AND "NO PARKING" SIGNAGE. CENTER FIRE LANE ON (E) FIRE HYDRANT.
- 0 NEW TREE
- 06 EXISTING TREE TO REMAIN W/ CALIPER
- 07 EXISTING TREE TO BE REMOVED

**ALTERNATE PHASING**

AT THE OPTION OF LOT 1 OWNER, THE PROPOSED DEMOLITION AND IMPROVEMENTS SHOWN WITHIN THE CLOUDED AREA MAY BE DEFERRED UNTIL THE ADDITION OF A SECOND FLOOR TO THE EXISTING BUILDING, SUCH DEFERRAL NOT TO EXCEED 3 YEARS FROM THE APPROVAL DATE OF THIS DEVELOPMENT PLAN.



**01 SITE DEVELOPMENT PLAN**

A01 1" = 40.0'

**JM Associates, Inc.**

Architecture / Planning  
 PO Box 18390  
 Boulder, Colorado 80308  
 (303) 449-1887

**2nd & Park Subdivision and PUD**

304 2nd Avenue  
 Lyons, Colorado

**A01**

04/25/16 FINAL PUD PLAN

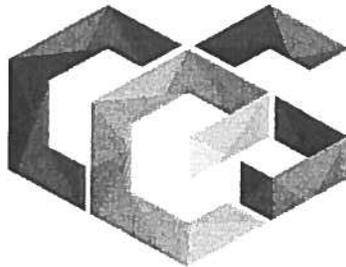
# **DRAINAGE REPORT**

FOR

**2<sup>nd</sup> & PARK SUBDIVISION AND PUD**

**304 2<sup>nd</sup> Avenue  
Lyons, Colorado**

PREPARED BY:



**CORNERSTONE**  
ENGINEERING & SURVEYING, INC.

1692 Big Thompson, Suite 200  
Estes Park, CO 80517  
970-586-2458

January 13, 2016

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### TECHNICAL APPENDICES

Appendix A - Hydrologic Analysis

Appendix B - Water Quality Control Volume

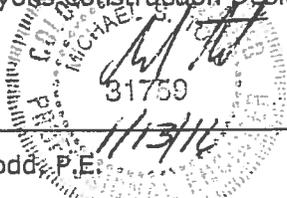
Appendix C - Soils information

Appendix D - Drainage Channel Analysis

I hereby certify that this drainage report for the Drainage Design of the 2<sup>nd</sup> and Park Subdivision & PUD, 304 2<sup>nd</sup> Avenue, Lyons, Colorado was prepared by me or under my direct supervision for the owners thereof and meet or exceed the criteria in the Town of Lyons Construction Design Manual for Stormwater Design Standards.

\_\_\_\_\_  
Michael Todd, P.E.

State of Colorado No. 31759



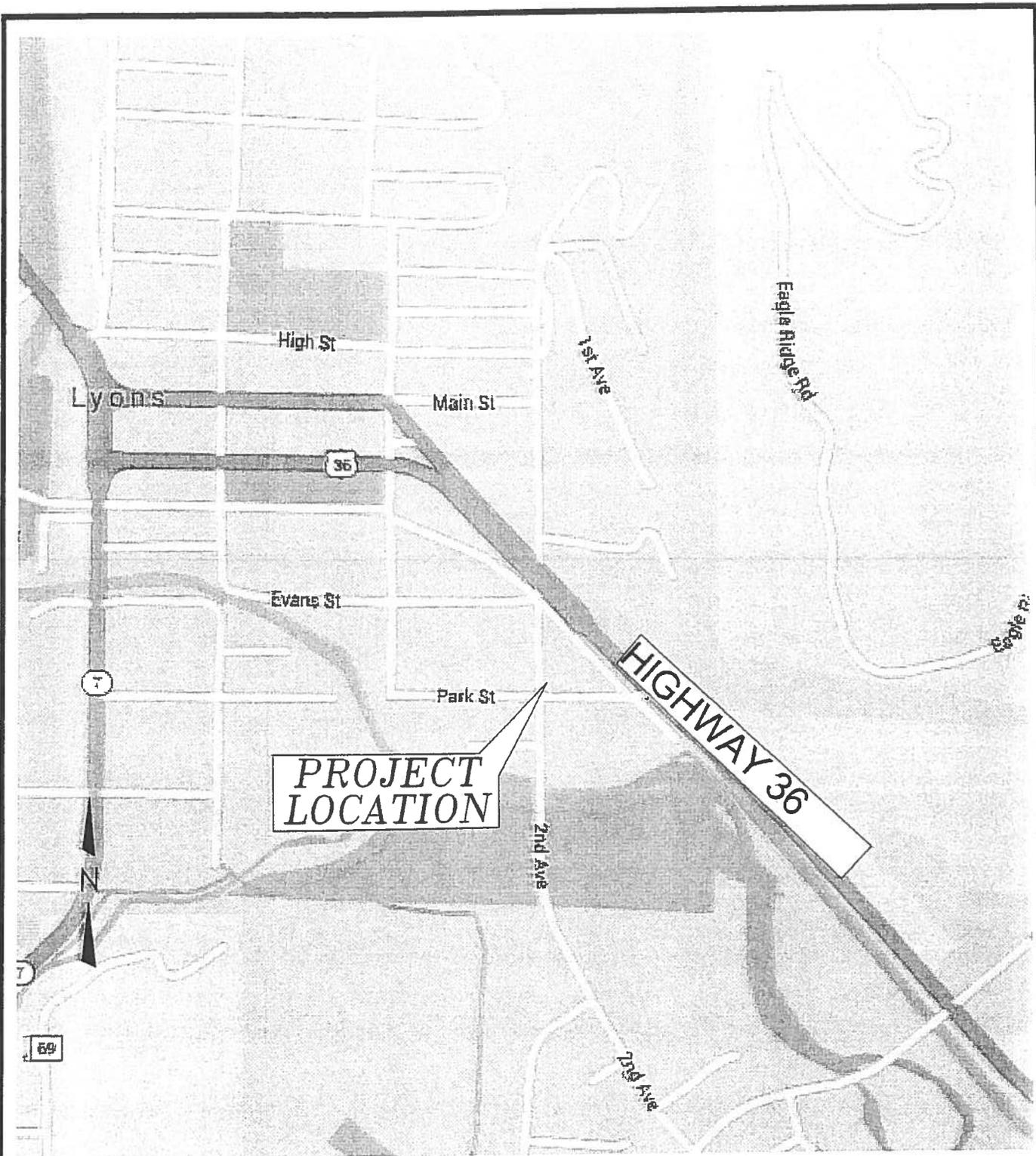


FIGURE 1

JOB No: 284.013

MAP TAKEN FROM GOOGLE MAPS MAP

**VICINITY MAP**

SCALE 1"=500'

2nd & PARK SUBDIVISION  
AND PUD  
VICINITY MAP  
LYONS, COLORADO



**CORNERSTONE**  
ENGINEERING & SURVEYING, INC.

1692 BIG THOMPSON AVE, SUITE 200, ESTES PARK, CO 80517  
PH: (970) 586-2456 FAX: (970) 586-2459

BY: MST

DATE: 10/8/15

FILE: M:\CES\_Jobs\207\_001\_2ND & PARK\TRAFFIC.dwg

## **1.0 SCOPE**

This report is a drainage analysis of stormwater runoff for 2<sup>nd</sup> & Park Subdivision and PUD, 304 2<sup>nd</sup> Avenue in Lyons Colorado. Included herein is a drainage analysis providing the following details:

1. Identification of project site drainage patterns in the basin for the historic and developed conditions.
2. Peak runoff rates for the historic 2 year and 100 year frequency storms.
3. Determination of Best Management Practice for stormwater quality.

## **2.0 PROJECT DESCRIPTION**

The Project is located at the Northeast corner of 2<sup>nd</sup> and Park Avenue in Lyons Colorado, in the SE ¼ Section 18, T3N, R70W of the 6<sup>th</sup> P.M., Boulder County, Colorado.

The property address is 304 2<sup>nd</sup> Avenue and is currently Zoned B (Business) and was originally developed and occupied by Valley Bank and currently provides principal offices for two Lyons based businesses. The property comprises: a 29,890 sf (0.686 acre) triangular shaped lot; a single one story 2500 sf building with an attached and covered 3 bay drive-up customer service area; paved parking with 30 spaces; landscaping including 11 mature trees; two curb cuts on the 2<sup>nd</sup> Avenue frontage and one curb cut on Park Street which provide access to the drive-up lanes and parking lot; sidewalks in the right-of-way along the 2<sup>nd</sup> Avenue and Park Street frontages; sidewalks internal to the Site for pedestrian circulation. The southern portion of the existing parking lot is located within the 100 year flood plain. The southern curb of the existing parking lot currently extends approximately 10' into the Park Street ROW. This encroachment will be eliminated as part of the proposed development.

The Project proposes subdivision of the existing single lot into 7 smaller lots as follows: Lot 1 (approx. 20,283 sf) would encompass the existing building and the northern portion of the existing lot to the southern curb line of the parking area. Lot 2 would also include approximately 1,480 sf in the southeast corner of the property for the stormwater water quality pond. Lots 3 through 7 (approx. 9,607 sf combined) would encompass the southern portion of the existing lot.

Lot 1 is proposed to be rezoned from B (Business) to PUD-C (PUD Commercial). Lots 2 through 7 would be rezoned from B (Business) to PUD-R (PUD Residential). These lots would be developed by Habitat for Humanity as permanently affordable single family homes targeted to serve Lyons residents who were displaced by the 2013 Flood. Each home would have a covered entry facing Park Street with fenced private space located in the rear and non-zero side yards.

The property is abutted to the west by R2-A zone district with residential development. Abutted to the south by proposed PUD-R zone district with resident development and existing R-2 zone district across Highway 36 with commercial development.

Lot 1 will include 29 off street parking spaces: 7 spaces north of the building (in the area where the drive-up bays and cover will be demolished); 6 spaces southeast of the building, 1 HC space southwest of the building and 15 spaces along the southern edged of the south parking area.

The proposed improvements will require the removal of (4) mature trees from the site or adjacent ROW. At a minimum, new landscape improvements will include the new planting of: (4) trees in the Park Street ROW; (2) trees in the 2<sup>nd</sup> Avenue ROW; and, (3) trees elsewhere on the interior of Lot 1.

	<b>Existing Impervious Area</b>	<b>Proposed Impervious Area</b>
<b>Roadway, Parking, Sidewalks</b>	17,042 sq. ft.	11,095 sq. ft.
<b>Structures</b>	5,274 sq. ft.	7,077 sq. ft.
<b>Total Impervious</b>	19,616 sq. ft.	18,172 sq. ft.

### **3.0 BASIN DESCRIPTION**

Currently no offsite stormwater enters the site except for a small portion along Railroad Avenue on the easterly edge of the property. The Town of Lyons is in the process of reconstructing Railroad Avenue with curb and gutter. The proposed reconstruction of Railroad Avenue will prevent the current offsite stormwater from entering the property. For the purpose of this report no offsite stormwater is assumed to enter the property. The Lyons Ditch parallels the west side of the property, but does not enter the property.

The total basin contributing surface drainage to the proposed 2<sup>nd</sup> & Park Subdivision is approximately 0.686 acres. Stormwater flows are divided into a North Basin and South Basin.

The North Basin consist of approximately 4,973 sq. ft. and is located in the area north and west of the existing building. Stormwater from the grass area west of the existing building and at the far northern portion of the property primarily flow into the Lyons Ditch. Stormwater from the driveway flow west to 2<sup>nd</sup> Avenue through the existing driveway curb cut.

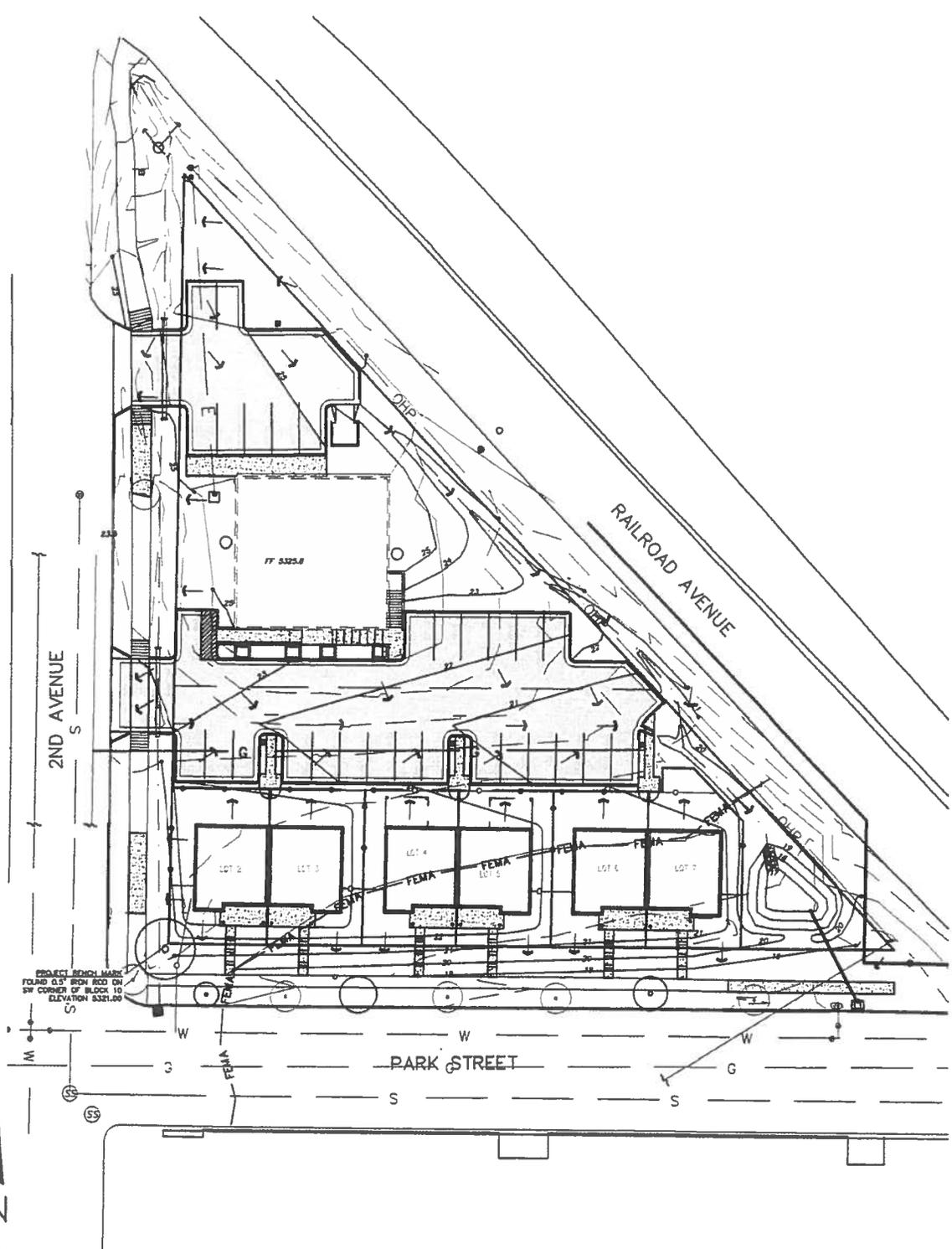
<b>NORTH BASIN</b>	<b>Existing Impervious Area</b>	<b>Proposed Impervious Area</b>
<b>Roadway, Parking, Sidewalks</b>	3,280 sq. ft.	2,837 sq. ft.
<b>Structures</b>	0 sq. ft.	0 sq. ft.
<b>Total Impervious</b>	3,280 sq. ft.	2,837 sq. ft.

The South Basin consist of approximately 24,916 sq. ft. and is located south and east of the existing building (existing building is included in the south basin). Flows from the south basin flow primarily to the south exiting the property at the two driveway entrances and a curb chase located along the south edge of the existing parking area.

<b>SOUTH BASIN</b>	<b>Existing Impervious Area</b>	<b>Proposed Impervious Area</b>
<b>Roadway, Parking, Sidewalks</b>	13,762 sq. ft.	8,258 sq. ft.
<b>Structures</b>	2,574 sq. ft.	7,077 sq. ft.
<b>Total Impervious</b>	16,336 sq. ft.	15,335 sq. ft.

### **Soils Information**

Boulder County Soils Report information was mapped by the **Natural Resources Conservation Service (NRCS)**. Soil classification shows the proposed developed area to be primarily Colluvial Land (Cu) with the remaining being Niwot Soils (Nh). The proposed development area soils consist of gravely sandy loam. The gravely sandy loam of the Colluvial Land (Cu) is classified as a Group A. With Niwot Soils (Nh) classified as a Group B. With the primary soil being a soil Group A, a soil group A was used for the drainage calculations.



JOB No: 807.001

0 25 50  
SCALE 1" = 50'

2nd & PARK SUB.  
DEVELOPMENT

BY: MST DATE: 10/07/15  
FILE: G-1



**CORNERSTONE**  
ENGINEERING & SURVEYING, INC.

1692 BIG THOMPSON AVE, SUITE 200, ESTES PARK, CO 80517  
PH. (970) 586-2458 FAX: (970) 586-2459

### Overall Basin Area

The overall basin/ development area that collects drainage consist of approximately 0.686 acres. The calculated flows rates for the overall basin are:

<b>Total Basin 0.686 Acres</b>	<b>2 Year Event</b>	<b>100 Year Event</b>
<b>Existing</b>	0.61 cfs	3.06 cfs
<b>Proposed</b>	0.53 cfs	2.82 cfs

Approximate Maximum Slope = 6%; Time of Concentration = 8 minutes.

Flows from the site continue down the 2<sup>nd</sup> Avenue to storm drains or curb line flows to the Saint Vrain River. Stormwater from the site does not cross any other property prior to dispersing into Saint Vrain River.

### On-site Stormwater Flow

Approximately 0.686 acres contribute to the on-site stormwater flow leaving the proposed developed.

- The proposed development is bordered on all three sides with public streets with no off site flow entering the site. The proposed development will produce a combined projected decrease on-site stormwater flow of approximately .08 cfs for the 2 year event, and 0.24 cfs for the 100 year event.

## 4.0 DESIGN METHODS AND ASSUMPTIONS

### 4.1 Criteria for Hydrologic Analysis

The method of analysis used for determining peak runoff rates was the Rational Method as follows:

$Q = C I A$  where:  $Q$  = peak runoff rate in cubic feet per second

$C$  = combined runoff coefficient

$I$  = storm intensity in inches per hour

Intensity was determined for Area III in L.C.SWDS

$A$  = area in acres

Time of concentration for overland flow was calculated using the

following equation:  $T = \frac{0.395(1.1 - C_5)L^{1/2}}{S^{1/3}}$  where:

$C_5$  = the 5-year runoff coefficient

L = length of flow in feet

S = slope in percent

T = Time of concentration in minute

The method of analysis used for determining gravity open channel flow rates was the Manning Equation as follows:

$$V = 1.49/n(A/P)^{.6667} S^{.5}$$

and  $Q = VA$  where:

Q = peak runoff rate in cubic feet per second (CFS)

V = velocity (fps)

n = manning number

n = .024 corrugated pipe

n = .013 concrete pipe

A = area (sf)

P = wetted perimeter (ft)

S = slope (ft/ft)

Equation used in calculating orifice flows:

$$V^2 = 2gh \quad \text{where:}$$

V = velocity (fps)

g = acceleration due to gravity (fps<sup>2</sup>)

h = vertical head (FT)

## **4.2 Drainage Plan Development**

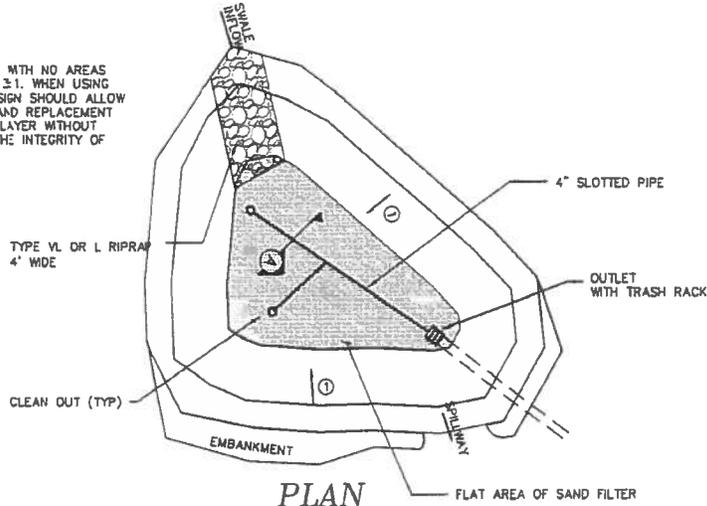
Due to the small project area, the proposed developable area was evaluated as a single basin. The basin was used as basic units for the Rational Method calculation for peak runoff. The southeast corner of the basins served as design points of interest for the 2-yr, 100-yr flows and calculation of water quality control structures. The results of the hydrologic analysis appear in **Appendix A**.

### **4.2.1 Detention Basin Design**

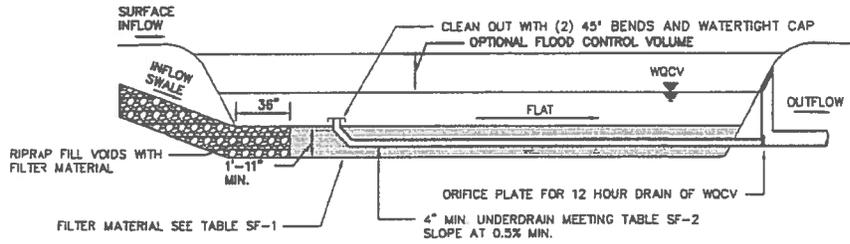
The proposed 2<sup>nd</sup> Avenue & Park Subdivision and PUD is projected to have a decrease flow of 0.08 cfs for the 2 year event and 0.24 cfs for the 100 year event.

No additional property owners or development will be impacted with the proposed development prior to the flows entering Saint Vrain River.

① 4:1 SIDESLOPES WITH NO AREAS GREATER THAN 3:1. WHEN USING WALLS, THE DESIGN SHOULD ALLOW FOR REMOVAL AND REPLACEMENT OF THE FILTER LAYER WITHOUT JEOPARDIZING THE INTEGRITY OF THE WALL.

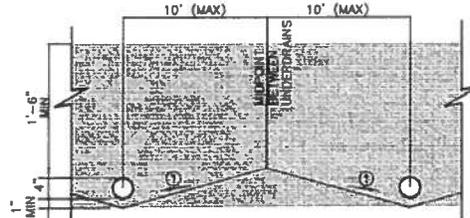


**PLAN**  
NOT TO SCALE



**PROFILE**  
NOT TO SCALE

NOTE: THIS DETAIL SHOWS A PARTIAL INFILTRATION SECTION. FOR FULL INFILTRATION ELIMINATE UNDERDRAIN AND PROVIDE 1'-6" OF FILTER MATERIAL. FOR NO INFILTRATION PROVIDE IMPERMEABLE MEMBRANE SECURED TO CAST-IN-PLACE CONCRETE WALL. SEE DETAILS SF-2 AND SF-3.



① SLOPE (STRAIGHT GRADE) SUBGRADE (2-10%) TO UNDERDRAIN TO REDUCE SATURATED SOIL CONDITIONS BETWEEN STORM EVENTS (OPTIONAL)

**SECTION A**  
NOT TO SCALE

JOB No: 807.001

2nd & PARK SUB.  
SAND FILTER PLAN,  
PROFILE AND SECTION

BY: MST

DATE: 10/07/15

FILE: G1



**CORNERSTONE**  
ENGINEERING & SURVEYING, INC.

1692 BIG THOMPSON AVE, SUITE 200, ESTES PARK, CO 80517  
PH: (970) 586-2458 FAX: (970) 586-2459

With no anticipated increase in the physical conditions below the proposed development no detention is recommended.

#### **4.2.2 Hydraulic Structures**

With the impervious area being reduced for the proposed development hence reducing the peak flows during the 2 year and 100 year event, no hydraulic evaluation was done for curb line flow, inlet, storm drains or the Lyons Ditch.

The Lyons ditch currently enters a 12" cnp under the proposed southern parking lot entrance and remains underground until after it crosses Park Street. With no proposed increase in the stormwater flows, extension of the 12" cnp culvert across the driveway is proposed.

A new drainage channel is proposed to convey stormwater from the parking area on the north side of the existing office building to the water quality pond. The channel is proposed to be a 1 foot wide at the bottom with 3 to 1 side slopes and a minimum slope of 2%. Based on open channel flow calculations the proposed channel will adequately convey the stormwater flows up through the 100 year event.

#### **4.2.3 Water Quality**

Existing Drainage from site currently is divided into two separate basins. The North Basin stormwater exits the site via sheet flow from the lawn area, west of the existing building and at the far north end of the property, into the Lyons Ditch, and the existing driveway entrance to 2<sup>nd</sup> Avenue. The proposed development will reduce the impervious area in the north basin by approximately 440 square feet or (~9%).

The proposed grading will direct the water east across the parking area. A new drainage channel is proposed to convey the stormwater from the north parking area south to the proposed water quality pond.

The South Basin area currently leaves the property via the south driveway entrance to 2<sup>nd</sup> Avenue, the driveway entrance to Park Street and a curb chase to Park Street. The impervious area will be reduced with the propose development providing additional grass buffer area along Park Street. The proposed drainage and grading is to direct the stormwater from the north half of the residential lots, driveway parking,

sidewalk area and existing building to a sand filter basin at the south east corner of the property. The sand filter basins have been sized to collect stormwater from the average runoff producing storm event for the entire property. The sand filter basin was calculated at 560 cubic feet with a 12 hour release time. Sediment filtration is to be achieved through ground infiltration. The sand filter basin is to have Type VL riprap weirs for stormwater overflow when the basin volume is exceeded.

#### **4.2.4 Construction Erosion Control**

##### **A) BMP's for Stormwater Pollution Prevention**

###### **1) Structural Practices**

- A silt fence is to be placed along the south and west (downhill) sides of the property where there is disturbed soil.
- Erosion Logs or straw bales are to be set intercepting the proposed flow lines at entrance to stormwater inlets.
- Erosion mat is to be installed in the shallow channels with grass seed immediately following construction.

###### **2) Non-Structural Practices**

- All slopes are to be returned to their pre-construction grade.
- Disturbed slopes that exceed 30% are to have soil erosion mats installed.
- All areas of disturbance are to be graded so water shall be dispersed into sheet flow and directed off the area of disturbance into existing native vegetation buffer areas.
- Within two weeks of the frost being out of the ground, all disturbed areas are to be seeded and mulched with native seed. Seeding and mulching is to be as specified in the construction plans on specifications.

##### **B) Final Stabilization and Long Term Stormwater Management**

- Stabilization will not be considered final until all surfaced areas have received their final surface; uniform vegetative cover has been established with a density of at least 70% of

pre-disturbance levels or equivalent permanent, physical erosion reduction materials has been employed. Additional erosion control measures may be required upon site inspection for specific operations as conditions warrant.

C) Other Controls

- Off-site tracking of material shall be controlled to minimize the tracking. Streets shall be cleaned when earth materials are tracked, spilled or washed onto the streets as directed by the project engineer. When cleaning streets, they shall not be washed until they have been scraped and swept and inlet protection has been properly installed.

D) Inspection and Maintenance

A Colorado stormwater discharge permit for construction shall be required by the general contractor prior to starting and site disturbance.

- For BMP's to function effectively the project site is to be inspected every 14 days and after any significant storm event that causes erosion, sediment transport or vehicular tracking.
- Specific areas to be inspected are all structural sediment control devices, areas of point source flows onto or off of the sites and the stream banks in areas of excavation.
- General overview of the entire site should be made every 14 days.
- Any deficiencies observed during inspections are to be corrected with in five (5) calendar days of observance or prior to any storm event that would cause pollutants to degrade waters of the United States.
- If drainage, erosion or sediment problems become apparent during construction, such as when off-site sedimentation occurs, the BMP's shall be re-evaluated and reimplemented in an effective manner.
- Following each inspection, inspection reports are to be fully executed and placed in a folder.

## **5.0 CONCLUSIONS**

The proposed 2<sup>nd</sup> & Park Subdivision and PUD is projected to have a combined decrease stormwater discharge rates by the amounts, 0.08 cfs, and 0.24 cfs for the 2-year and 100-year storm events. Impervious area within the developed basin will decrease from the existing use 1,444 ft<sup>2</sup> (~7%). The developed area of the North Basins will be directed to the southeast corner of the norther parking area and channel to the water quality pond at the property's southeast corner.

The South Basin will be directed to the southeast corner of the property to be collected in the water quality basin. Flows leaving the water will discharge to Park Street and be conveyed to 2<sup>nd</sup> Avenue then to the Saint Vrain River via storm drain and/or curb and gutter. Sediment control and water quality is to be obtained from filtration through the sand filter basins located in the southeast corner of the property. Based on no projected increased flow and the stormwater being contained to the existing storm drainage system below the proposed development, no stormwater detention is recommended.

# APPENDIX A

## HYDROLOGIC ANALYSIS

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## Depth-Duration-Frequency and Intensity-Duration-Frequency Tables for Colorado Hydrologic Zones 1 through 4

Blue cells are inputs.

Project: 2nd & Park Subdivision, Lyons Colorado

Where is the Watershed Located?

Located within UDFCD Boundary

Located outside of UDFCD Boundary

Hydrologic Zone (1, 2, 3, or 4) =  (see map)

Elevation at Center of Watershed =  ft

Watershed Area (Optional) =  sq. mi.

(Optional) Select a location within the UDFCD boundary:

### 1. Rainfall Depth-Duration-Frequency Table

If within the UDFCD Boundary, Enter the 1-hour and 6-hour rainfall depths from the USDCM Volume 1.  
Otherwise, Enter the 6-hour and 24-hour rainfall depths from the NOAA Atlas 2 Volume III.

Return Period	Rainfall Depth in Inches at Time Duration								
	5-min	10-min	15-min	30-min	1-hr	2-hr	3-hr	6-hr	24-hr
2-yr	0.23	0.36	0.46	0.53	0.80	0.95	1.06	1.23	1.83
5-yr	0.37	0.59	0.75	0.86	1.31	1.42	1.49	1.61	2.36
10-yr	0.47	0.74	0.94	1.08	1.65	1.78	1.87	2.02	2.87
25-yr	0.59	0.93	1.18	1.36	2.07	2.28	2.44	2.69	3.68
50-yr	0.70	1.11	1.40	1.62	2.47	2.76	2.98	3.32	4.39
100-yr	0.80	1.28	1.61	1.87	2.85	3.25	3.55	4.02	5.16
500-yr	1.03	1.65	2.07	2.40	3.66	4.11	4.45	4.99	6.37

**Note:** Refer to Figures 4-1 through 4-12 of USDCM Volume 1 for 1-hr and 6-hr rainfall depths.  
Refer to NOAA Atlas 2 Volume III isopluvial maps for 6-hr and 24-hr rainfall depths.  
Rainfall depths for durations less than 1-hr are calculated using Equation 4-4 in USDCM Volume 1.

### 2. Rainfall Intensity-Duration-Frequency Table

Return Period	Rainfall Intensity in Inches Per Hour at Time Duration								
	5-min	10-min	15-min	30-min	1-hr	2-hr	3-hr	6-hr	24-hr
2-yr	2.73	2.18	1.83	1.26	0.80	0.50	0.37	0.22	0.08
5-yr	4.46	3.55	2.98	2.06	1.31	0.82	0.61	0.36	0.12
10-yr	5.59	4.46	3.74	2.59	1.65	1.02	0.76	0.45	0.15
25-yr	7.03	5.61	4.70	3.25	2.07	1.29	0.96	0.57	0.19
50-yr	8.38	6.68	5.61	3.88	2.47	1.53	1.14	0.67	0.23
100-yr	9.65	7.70	6.46	4.46	2.85	1.77	1.31	0.78	0.27
500-yr	12.40	9.89	8.30	5.74	3.66	2.27	1.69	1.00	0.34

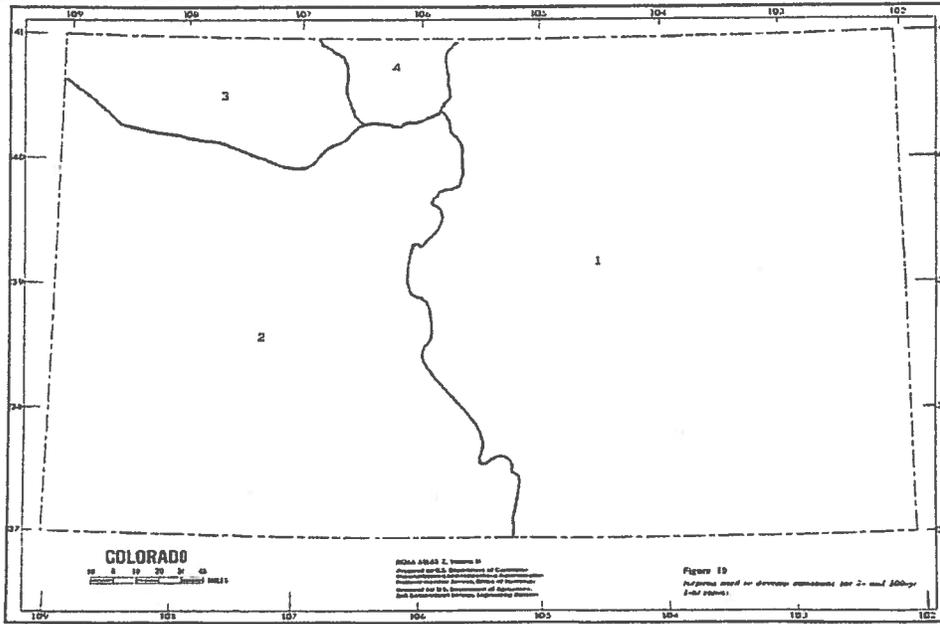
**Note:** Intensity approximated using 1-hr rainfall depths and Equation 4-3 in USDCM Volume 1.

1.04

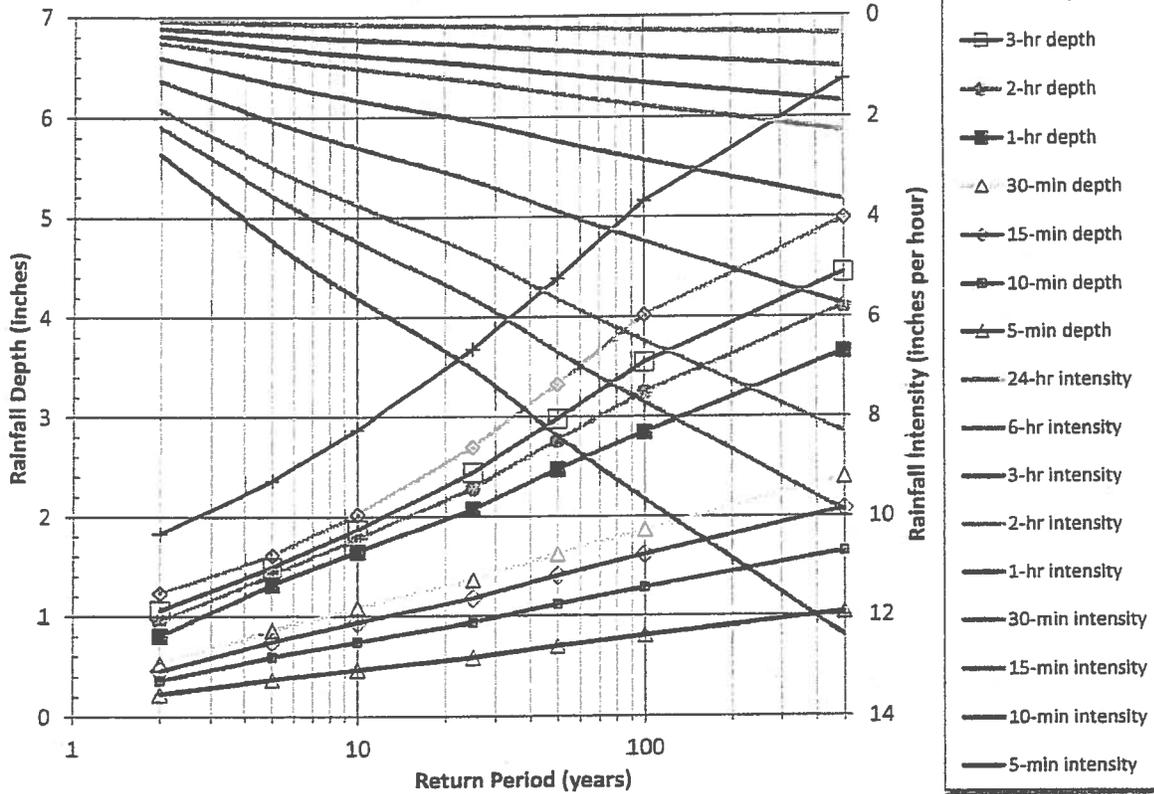
$$2\text{yr} - 1\text{hr} = 0.80 \text{ inches}$$

$$100\text{yr} - 1\text{hr} = 2.85 \text{ inches}$$

## Depth-Duration-Frequency and Intensity-Duration-Frequency Tables for Colorado Hydrologic Zones 1 through 4



### Design Rainfall IDF & DDF Chart





**NOAA Atlas 14, Volume 8, Version 2**  
**Location name: Lyons, Colorado, US\***  
**Latitude: 40.2217°, Longitude: -105.2650°**  
**Elevation: 5333 ft\***  
 \* source: Google Maps



**POINT PRECIPITATION FREQUENCY ESTIMATES**

Sanja Penca, Deborah Martin, Sandra Pavlovic, Ishani Roy, Michael St. Laurent, Carl Trypaluk,  
 Dale Unruh, Michael Yekta, Geoffrey Bonnin

NOAA, National Weather Service, Silver Spring, Maryland

[PF tabular](#) | [PF graphical](#) | [Maps & aeriels](#)

**PF tabular**

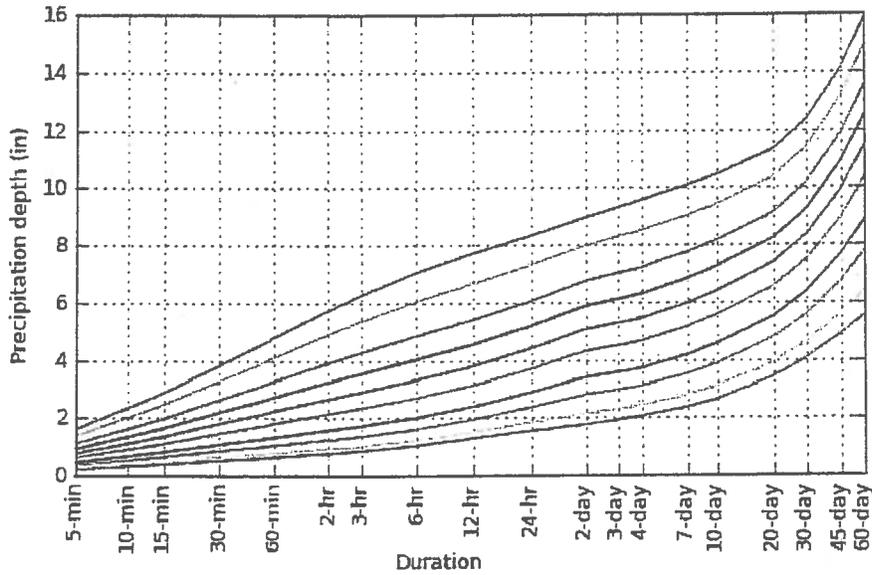
<b>PDS-based point precipitation frequency estimates with 90% confidence intervals (in inches)<sup>1</sup></b>										
Duration	Average recurrence interval (years)									
	1	2	5	10	25	50	100	200	500	1000
5-min	0.216 (0.173-0.273)	0.262 (0.210-0.331)	0.357 (0.284-0.452)	0.453 (0.358-0.576)	0.612 (0.478-0.844)	0.756 (0.569-1.05)	0.917 (0.663-1.30)	1.10 (0.758-1.60)	1.37 (0.902-2.05)	1.60 (1.01-2.39)
10-min	0.317 (0.253-0.399)	0.384 (0.307-0.485)	0.522 (0.416-0.661)	0.663 (0.525-0.844)	0.896 (0.700-1.24)	1.11 (0.833-1.53)	1.34 (0.971-1.91)	1.61 (1.11-2.35)	2.01 (1.32-3.01)	2.34 (1.48-3.51)
15-min	0.386 (0.309-0.487)	0.468 (0.375-0.591)	0.637 (0.507-0.807)	0.809 (0.640-1.03)	1.09 (0.854-1.51)	1.35 (1.02-1.87)	1.64 (1.18-2.33)	1.97 (1.35-2.87)	2.45 (1.61-3.67)	2.85 (1.80-4.28)
30-min	0.515 (0.412-0.649)	0.624 (0.499-0.788)	0.848 (0.676-1.07)	1.08 (0.852-1.37)	1.46 (1.14-2.01)	1.80 (1.35-2.49)	2.18 (1.58-3.10)	2.62 (1.80-3.82)	3.27 (2.15-4.90)	3.81 (2.41-5.71)
60-min	0.640 (0.513-0.807)	0.772 (0.617-0.974)	1.05 (0.833-1.32)	1.33 (1.05-1.69)	1.80 (1.41-2.49)	2.23 (1.68-3.09)	2.71 (1.96-3.85)	3.26 (2.25-4.76)	4.08 (2.68-6.11)	4.76 (3.01-7.13)
2-hr	0.766 (0.617-0.958)	0.920 (0.740-1.15)	1.24 (0.997-1.56)	1.58 (1.26-1.99)	2.14 (1.69-2.94)	2.66 (2.02-3.66)	3.24 (2.36-4.57)	3.90 (2.71-5.66)	4.89 (3.25-7.27)	5.71 (3.65-8.50)
3-hr	0.851 (0.689-1.06)	1.01 (0.820-1.26)	1.36 (1.10-1.70)	1.73 (1.38-2.17)	2.34 (1.85-3.19)	2.90 (2.21-3.97)	3.53 (2.59-4.96)	4.25 (2.98-6.14)	5.33 (3.57-7.90)	6.24 (4.01-9.23)
6-hr	1.04 (0.849-1.29)	1.23 (0.996-1.51)	1.61 (1.30-2.00)	2.02 (1.62-2.51)	2.69 (2.15-3.65)	3.32 (2.55-4.51)	4.02 (2.98-5.60)	4.83 (3.41-6.91)	6.03 (4.07-8.86)	7.03 (4.58-10.3)
12-hr	1.30 (1.06-1.59)	1.51 (1.23-1.85)	1.94 (1.58-2.39)	2.39 (1.93-2.95)	3.12 (2.50-4.17)	3.79 (2.93-5.08)	4.54 (3.38-6.25)	5.38 (3.84-7.63)	6.64 (4.53-9.66)	7.69 (5.06-11.2)
24-hr	1.55 (1.28-1.88)	1.83 (1.51-2.23)	2.36 (1.94-2.88)	2.87 (2.35-3.53)	3.68 (2.95-4.82)	4.39 (3.41-5.80)	5.16 (3.87-7.01)	6.03 (4.32-8.42)	7.28 (5.00-10.5)	8.31 (5.52-12.0)
2-day	1.76 (1.46-2.13)	2.13 (1.77-2.58)	2.80 (2.31-3.39)	3.40 (2.79-4.14)	4.30 (3.45-5.53)	5.06 (3.94-6.58)	5.86 (4.41-7.83)	6.73 (4.86-9.27)	7.97 (5.52-11.3)	8.96 (6.02-12.8)
3-day	1.92 (1.60-2.31)	2.30 (1.91-2.76)	2.97 (2.46-3.58)	3.58 (2.95-4.33)	4.50 (3.63-5.75)	5.27 (4.14-6.83)	6.10 (4.62-8.12)	7.00 (5.08-9.60)	8.28 (5.78-11.7)	9.31 (6.30-13.3)
4-day	2.05 (1.72-2.46)	2.43 (2.03-2.91)	3.10 (2.58-3.72)	3.71 (3.07-4.48)	4.64 (3.75-5.92)	5.43 (4.27-7.00)	6.27 (4.77-8.32)	7.19 (5.24-9.83)	8.50 (5.96-12.0)	9.56 (6.50-13.6)
7-day	2.36 (1.98-2.80)	2.77 (2.33-3.30)	3.50 (2.93-4.18)	4.16 (3.46-4.99)	5.13 (4.17-6.47)	5.94 (4.70-7.59)	6.80 (5.20-8.94)	7.72 (5.67-10.5)	9.02 (6.37-12.6)	10.1 (6.90-14.2)
10-day	2.62 (2.21-3.10)	3.08 (2.59-3.64)	3.86 (3.24-4.58)	4.54 (3.79-5.43)	5.55 (4.51-6.93)	6.37 (5.05-8.07)	7.22 (5.54-9.42)	8.13 (5.99-10.9)	9.40 (6.67-13.0)	10.4 (7.18-14.6)
20-day	3.41 (2.90-4.01)	3.92 (3.32-4.60)	4.77 (4.03-5.62)	5.50 (4.62-6.51)	6.54 (5.34-8.06)	7.37 (5.89-9.23)	8.23 (6.37-10.6)	9.13 (6.79-12.1)	10.4 (7.42-14.2)	11.3 (7.90-15.8)
30-day	4.06 (3.46-4.75)	4.63 (3.94-5.41)	5.57 (4.73-6.54)	6.37 (5.38-7.51)	7.48 (6.13-9.15)	8.36 (6.70-10.4)	9.25 (7.18-11.8)	10.2 (7.59-13.4)	11.4 (8.21-15.5)	12.3 (8.68-17.1)
45-day	4.86 (4.17-5.65)	5.56 (4.76-6.47)	6.70 (5.71-7.82)	7.63 (6.48-8.96)	8.91 (7.32-10.8)	9.89 (7.95-12.2)	10.9 (8.46-13.8)	11.8 (8.87-15.5)	13.1 (9.48-17.7)	14.1 (9.95-19.4)
60-day	5.53 (4.75-6.41)	6.38 (5.48-7.40)	7.75 (6.63-9.01)	8.84 (7.53-10.3)	10.3 (8.47-12.4)	11.4 (9.19-14.0)	12.5 (9.74-15.7)	13.5 (10.2-17.6)	14.8 (10.8-20.0)	15.8 (11.2-21.8)

<sup>1</sup> Precipitation frequency (PF) estimates in this table are based on frequency analysis of partial duration series (PDS). Numbers in parenthesis are PF estimates at lower and upper bounds of the 90% confidence interval. The probability that precipitation frequency estimates (for a given duration and average recurrence interval) will be greater than the upper bound (or less than the lower bound) is 5%. Estimates at upper bounds are not checked against probable maximum precipitation (PMP) estimates and may be higher than currently valid PMP values. Please refer to NOAA Atlas 14 document for more information.

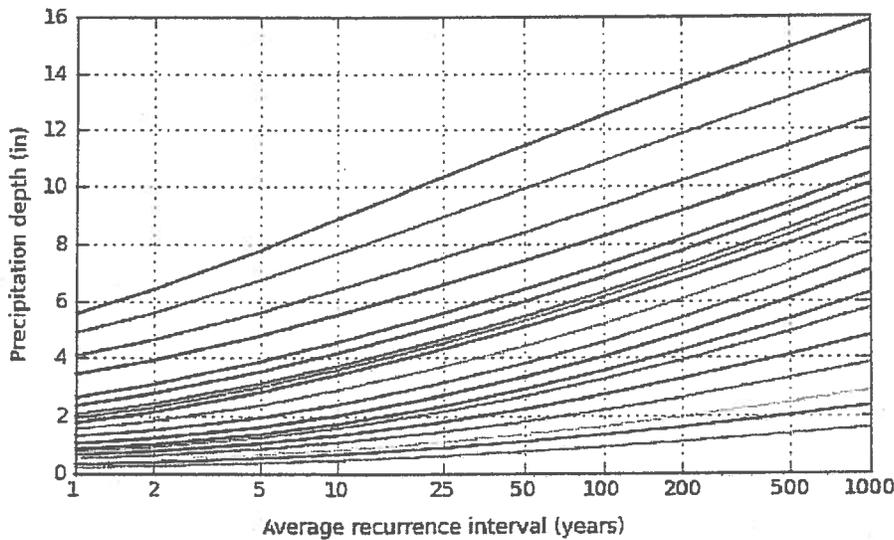
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**PF graphical**

PDS-based depth-duration-frequency (DDF) curves  
 Latitude: 40.2217°, Longitude: -105.2650°



Average recurrence interval (years)
1
2
5
10
25
50
100
200
500
1000



Duration	
5-min	2-day
10-min	3-day
15-min	4-day
30-min	7-day
60-min	10-day
2-hr	20-day
3-hr	30-day
6-hr	45-day
12-hr	60-day
24-hr	

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**Maps & aeriels**

Small scale terrain



2yr - Existing

**CALCULATION OF A PEAK RUNOFF USING RATIONAL METHOD**

Project Title: 2nd and Park Subdivision  
 Catchment ID: Full Basin Existing

**I. Catchment Hydrologic Data**

Catchment ID = Existing  
 Area = 0.69 Acres  
 Percent Imperviousness = 66.00 %  
 NRCS Soil Type = A A, B, C, or D

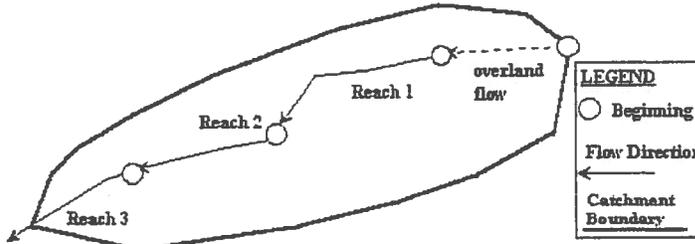
**II. Rainfall Information  $I$  (inch/hr) =  $C1 * P1 / (C2 + Td)^{C3}$**

Design Storm Return Period,  $T_r$  = 2 years (input return period for design storm)  
 $C1$  = 28.50 (input the value of  $C1$ )  
 $C2$  = 10.00 (input the value of  $C2$ )  
 $C3$  = 0.786 (input the value of  $C3$ )  
 $P1$  = 0.80 inches (input one-hr precipitation—see Sheet "Design Info")

**III. Analysis of Flow Time (Time of Concentration) for a Catchment**

Runoff Coefficient,  $C$  = 0.38  
 Override Runoff Coefficient,  $C$  = \_\_\_\_\_ (enter an override  $C$  value if desired, or leave blank to accept calculated  $C$ ).  
 5-yr. Runoff Coefficient,  $C-5$  = 0.42  
 Override 5-yr. Runoff Coefficient,  $C$  = \_\_\_\_\_ (enter an override  $C-5$  value if desired, or leave blank to accept calculated  $C-5$ ).

Illustration



NRCS Land Type	Heavy Meadow	Tillage/Field	Short Pasture/Lawns	Nearly Bare Ground	Grassed Swales/Waterways	Paved Areas & Shallow Paved Swales (Sheet Flow)
Conveyance	2.5	5	7	10	15	20

Calculations	Reach ID	Slope $S$	Length $L$	5-yr Runoff Coeff $C-5$	NRCS Conveyance	Flow Velocity $V$	Flow Time $T_f$
		ft/ft	ft			input	output
	Overland	0.0620	140	0.42	N/A	0.29	8.01
	1						
	2						
	3						
	4						
	5						
	Sum		140				
						Computed $T_c$ =	8.01
						Regional $T_c$ =	10.78
						User-Entered $T_c$ =	8.01

**IV. Peak Runoff Prediction**

Rainfall Intensity at Computed  $T_c$ ,  $I$  = 2:35 inch/hr  
 Rainfall Intensity at Regional  $T_c$ ,  $I$  = 2:10 inch/hr  
 Rainfall Intensity at User-Defined  $T_c$ ,  $I$  = 2:35 inch/hr

Peak Flowrate,  $Q_p$  = 0.61 cfs  
 Peak Flowrate,  $Q_p$  = 0.55 cfs  
 Peak Flowrate,  $Q_p$  = 0.61 cfs

100 yr Existing

**CALCULATION OF A PEAK RUNOFF USING RATIONAL METHOD**

Project Title: 2nd and Park Subdivision  
 Catchment ID: Full Basin Existing

**I. Catchment Hydrologic Data**

Catchment ID = Undeveloped  
 Area = 0.69 Acres  
 Percent Imperviousness = 66.00 %  
 NRCS Soil Type = A A, B, C, or D

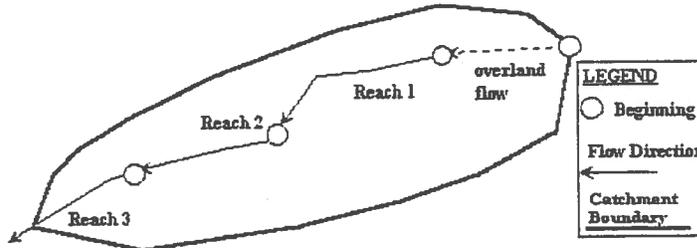
**II. Rainfall Information**  $I$  (inch/hr) =  $C1 * P1 / (C2 + Td)^{C3}$

Design Storm Return Period,  $T_r$  = 100 years (input return period for design storm)  
 $C1$  = 28.50 (input the value of C1)  
 $C2$  = 10.00 (input the value of C2)  
 $C3$  = 0.786 (input the value of C3)  
 $P1$  = 2.85 inches (input one-hr precipitation--see Sheet "Design Info")

**III. Analysis of Flow Time (Time of Concentration) for a Catchment**

Runoff Coefficient,  $C$  = 0.53  
 Override Runoff Coefficient,  $C$  = \_\_\_\_\_ (enter an override C value if desired, or leave blank to accept calculated C.)  
 5-yr. Runoff Coefficient,  $C-5$  = 0.42  
 Override 5-yr. Runoff Coefficient,  $C$  = \_\_\_\_\_ (enter an override C-5 value if desired, or leave blank to accept calculated C-5.)

Illustration



NRCS Land Type	Heavy Meadow	Tillage/Field	Short Pasture/Lawns	Nearly Bare Ground	Grassed Swales/Waterways	Paved Areas & Shallow Paved Swales (Sheet Flow)
Conveyance	2.5	5	7	10	15	20

Calculations

Reach ID	Slope S	Length L	5-yr Runoff Coeff C-5	NRCS Conveyance	Flow Velocity V	Flow Time T <sub>f</sub>
	ft/ft	ft				
Overland	0.0620	140	0.42	N/A	0.29	8.01
1						
2						
3						
4						
5						
Sum		140				

Computed T<sub>c</sub> = 8.01  
 Regional T<sub>c</sub> = 10.78  
 User-Entered T<sub>c</sub> = 8.01

**IV. Peak Runoff Prediction**

Rainfall Intensity at Computed T<sub>c</sub>,  $I$  = 8.37 inch/hr  
 Rainfall Intensity at Regional T<sub>c</sub>,  $I$  = 7.48 inch/hr  
 Rainfall Intensity at User-Defined T<sub>c</sub>,  $I$  = 8.37 inch/hr

Peak Flowrate,  $Q_p$  = 3.06 cfs  
 Peak Flowrate,  $Q_p$  = 2.74 cfs  
 Peak Flowrate,  $Q_p$  = 3.06 cfs

2yr Proposed

**CALCULATION OF A PEAK RUNOFF USING RATIONAL METHOD**

Project Title: 2nd and Park Subdivision  
 Catchment ID: Full Basin Proposed

**I. Catchment Hydrologic Data**

Catchment ID = Proposed  
 Area = 0.69 Acres  
 Percent Imperviousness = 61.00 %  
 NRCS Soil Type = A A, B, C, or D

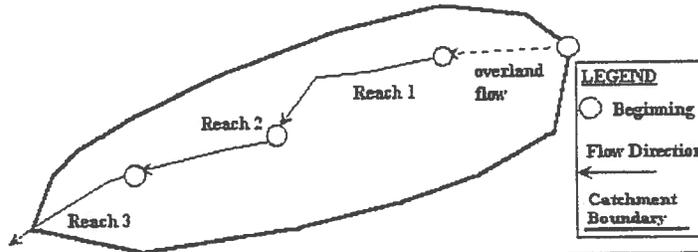
**II. Rainfall Information**  $I$  (Inch/hr) =  $C1 * P1 / (C2 + Td)^{C3}$

Design Storm Return Period,  $T_r$  = 2 years (input return period for design storm)  
 $C1$  = 28.50 (input the value of C1)  
 $C2$  = 10.00 (input the value of C2)  
 $C3$  = 0.786 (input the value of C3)  
 $P1$  = 0.80 inches (input one-hr precipitation--see Sheet "Design Info")

**III. Analysis of Flow Time (Time of Concentration) for a Catchment**

Runoff Coefficient,  $C$  = 0.33  
 Override Runoff Coefficient,  $C$  = \_\_\_\_\_ (enter an override C value if desired, or leave blank to accept calculated C.)  
 5-yr. Runoff Coefficient,  $C-5$  = 0.38  
 Override 5-yr. Runoff Coefficient,  $C$  = \_\_\_\_\_ (enter an override C-5 value if desired, or leave blank to accept calculated C-5.)

Illustration



NRCS Land Type	Heavy Meadow	Tillage/ Field	Short Pasture/ Lawns	Nearly Bare Ground	Grassed Swales/ Waterways	Paved Areas & Shallow Paved Swales (Sheet Flow)
Conveyance	2.5	5	7	10	15	20

Calculations.

Reach ID	Slope S	Length L	5-yr Runoff Coeff	NRCS Conveyance	Flow Velocity V	Flow Time T <sub>f</sub>
	ft/ft input	ft input	C-5 output	Input	fps output	minutes output
Overland	0.0620	140	0.38	N/A	0.28	8:48
-1						
-2						
-3						
-4						
-5						
Sum		140				

Computed T<sub>c</sub> = 8.48  
 Regional T<sub>c</sub> = 10.78  
 User-Entered T<sub>c</sub> = 8.48

**IV. Peak Runoff Prediction**

Rainfall Intensity at Computed T<sub>c</sub>,  $I$  = 2.30 inch/hr  
 Rainfall Intensity at Regional T<sub>c</sub>,  $I$  = 2.10 inch/hr  
 Rainfall Intensity at User-Defined T<sub>c</sub>,  $I$  = 2.30 inch/hr

Peak Flowrate,  $Q_p$  = 0.53 cfs  
 Peak Flowrate,  $Q_p$  = 0.48 cfs  
 Peak Flowrate,  $Q_p$  = 0.53 cfs

*Decreased = 0.08 cfs.*

100yr Proposed

**CALCULATION OF A PEAK RUNOFF USING RATIONAL METHOD**

Project Title: 2nd and Park Subdivision  
 Catchment ID: Full Basin Proposed

**I. Catchment Hydrologic Data**

Catchment ID = Proposed  
 Area = 0.89 Acres  
 Percent Imperviousness = 61.00 %  
 NRCS Soil Type = A, A, B, C, or D

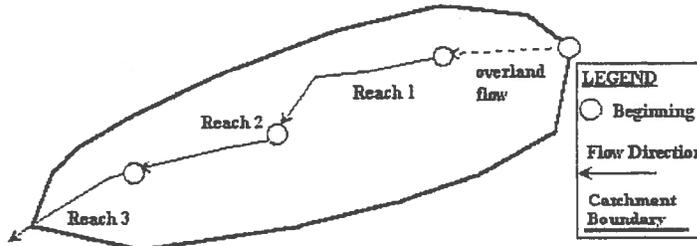
**II. Rainfall Information**  $I$  (inch/hr) =  $C1 * P1 / (C2 + Td)^{C3}$

Design Storm Return Period  $T_r$  = 100 years (input return period for design storm)  
 $C1$  = 28.50 (input the value of  $C1$ )  
 $C2$  = 10.00 (input the value of  $C2$ )  
 $C3$  = 0.786 (input the value of  $C3$ )  
 $P1$  = 2.85 inches (input one-hr precipitation--see Sheet "Design Info")

**III. Analysis of Flow Time (Time of Concentration) for a Catchment**

Runoff Coefficient,  $C$  = 0.50  
 Override Runoff Coefficient,  $C$  = \_\_\_\_\_ (enter an override  $C$  value if desired, or leave blank to accept calculated  $C$ ).  
 5-yr. Runoff Coefficient,  $C-5$  = 0.38  
 Override 5-yr. Runoff Coefficient,  $C$  = \_\_\_\_\_ (enter an override  $C-5$  value if desired, or leave blank to accept calculated  $C-5$ ).

Illustration



NRCS Land Type	Heavy Meadow	Tillage/Field	Short Pasture/Lawns	Nearly Bare Ground	Grassed Swales/Waterways	Paved Areas & Shallow Paved Swales (Sheet Flow)
Conveyance	2.5	5	7	10	15	20

Calculations:

Reach ID	Slope $S$	Length $L$	5-yr Runoff Coeff $C-5$	NRCS Conveyance	Flow Velocity $V$	Flow Time $T_f$
	ft/ft input	ft input	output	input	fps output	minutes output
Overland	0.0620	140	0.38	N/A	0.28	8.48
1						
2						
3						
4						
5						
Sum		140				

Computed  $T_c$  = 8.48  
 Regional  $T_c$  = 10.78  
 User-Entered  $T_c$  = 8.48

**IV. Peak Runoff Prediction**

Rainfall Intensity at Computed  $T_c$ ,  $I$  = 8.20 inch/hr  
 Rainfall Intensity at Regional  $T_c$ ,  $I$  = 7.48 inch/hr  
 Rainfall Intensity at User-Defined  $T_c$ ,  $I$  = 8.20 inch/hr

Peak Flowrate,  $Q_p$  = 2.82 cfs  
 Peak Flowrate,  $Q_p$  = 2.57 cfs  
 Peak Flowrate,  $Q_p$  = 2.82 cfs

*Decrease 0.24 cfs*

# FLOOD INSURANCE STUDY

VOLUME 4 OF 4



## BOULDER COUNTY, COLORADO AND INCORPORATED AREAS

<i>Community Name</i>	<i>Community Number</i>
BOULDER, CITY OF	080024
BOULDER COUNTY (UNINCORPORATED AREAS)	080023
ERIE, TOWN OF	080181
JAMESTOWN, TOWN OF	080216
LAFAYETTE, CITY OF	080026
LONGMONT, CITY OF	080027
LOUISVILLE, CITY OF	085076
LYONS, TOWN OF	080029
NEDERLAND, TOWN OF	080255
SUPERIOR, TOWN OF	080203
*WARD, TOWN OF	080292

Boulder County



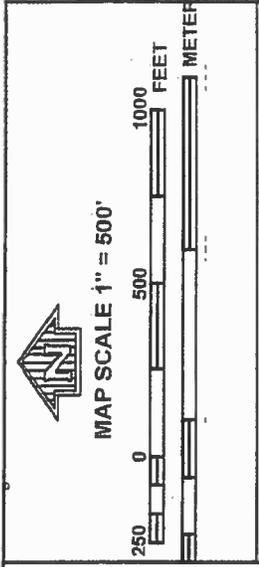
\* No Special Flood Hazard Areas Identified

Revised: December 18, 2012



Federal Emergency Management Agency

FLOOD INSURANCE STUDY NUMBER  
08013CV004B



**NFIP**  
**NATIONAL FLOOD INSURANCE PROGRAM**

**PANEL 0232J**

**FIRM**  
**FLOOD INSURANCE RATE MAP**  
**BOULDER COUNTY,**  
**COLORADO**  
**AND INCORPORATED AREAS**

**PANEL 232 OF 615**  
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:	NUMBERS	PANEL	SUFFIX
COMMUNITY	080023	0232	J
BOULDER COUNTY	080023	0232	J
LYONS, TOWN OF	080023	0232	J

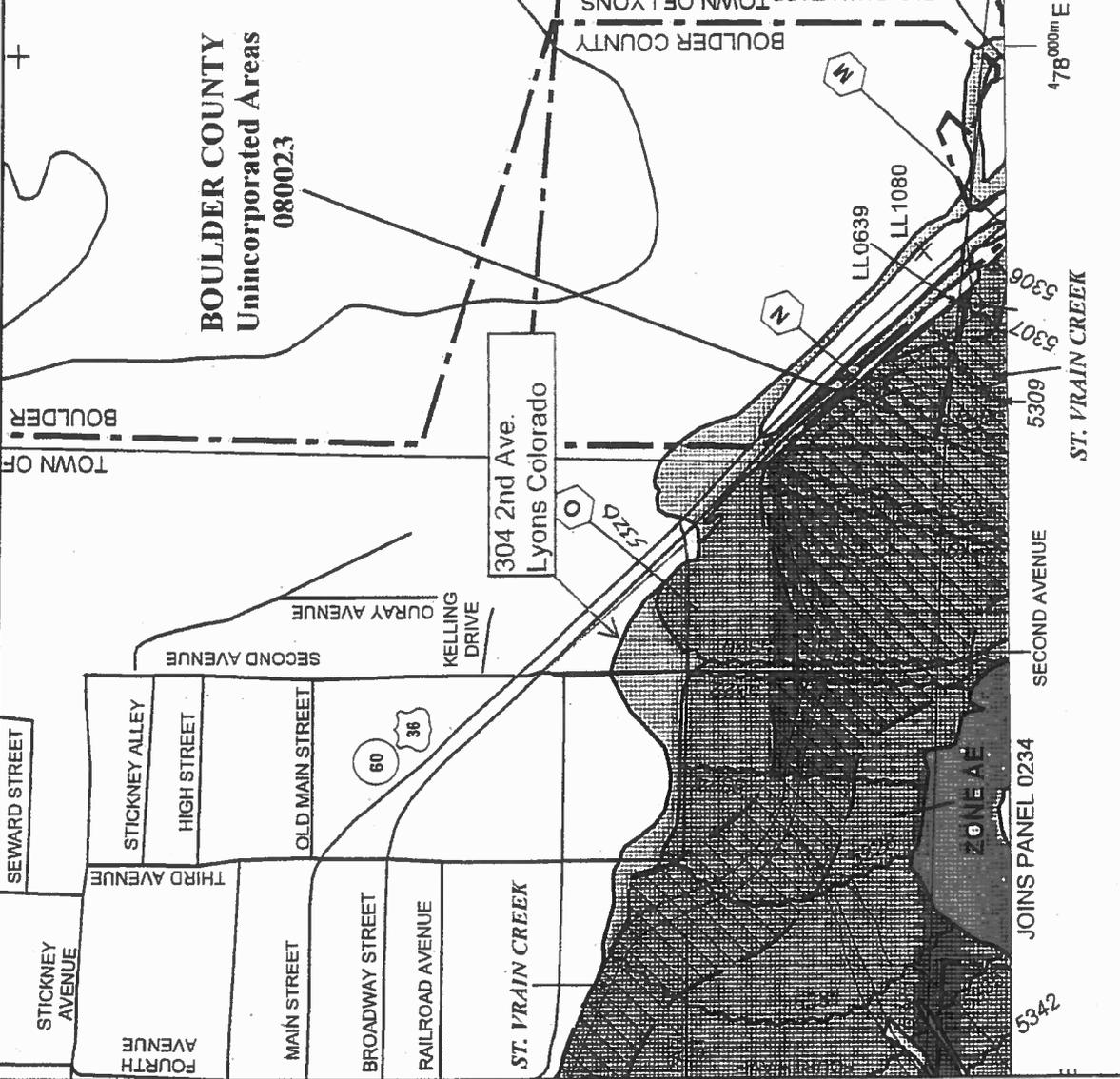
Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.

**MAP NUMBER**  
**08013C0232J**

**MAP REVISED**  
**DECEMBER 18, 2012**

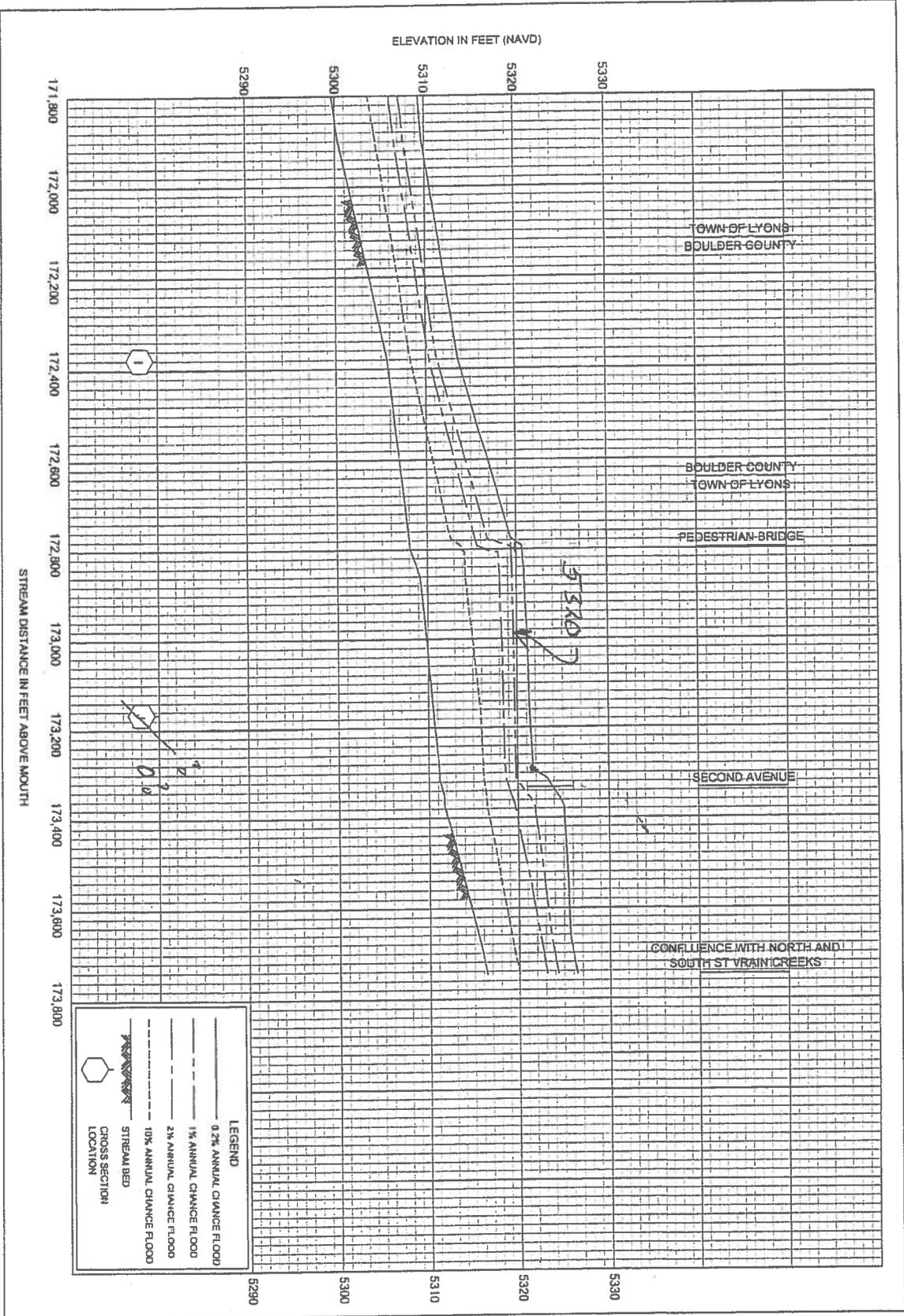
**FEDERAL EMERGENCY MANAGEMENT AGENCY**

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at [www.msc.fema.gov](http://www.msc.fema.gov)



**SHOWN ON THIS PANEL IS LOCATED WITHIN TOWNSHIP 3 NORTH, RANGE 70 WEST.**

0232J



# APPENDIX B

WATER QUALITY CONTROL VOLUME

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**Design Procedure Form: Sand Filter (SF)**

Sheet 1 of 2

**Designer:** Mike Todd  
**Company:** Cornerstone Engineering & Surveying, inc  
**Date:** October 6, 2015  
**Project:** 2nd and Park Subdivision  
**Location:** 2nd and Park Street, Lyons, Colorado

<p><b>1. Basin Storage Volume</b></p> <p>A) Effective Imperviousness of Tributary Area, <math>I_p</math> (100% if all paved and roofed areas upstream of sand filter)</p> <p>B) Tributary Area's Imperviousness Ratio (<math>i = I_p/100</math>)</p> <p>C) Water Quality Capture Volume (WQCV) Based on 12-hour Drain Time <math>WQCV = 0.9 * (0.91 * I_p^2 - 1.19 * I_p + 0.78 * I)</math></p> <p>D) Contributing Watershed Area (including sand filter area)</p> <p>E) Water Quality Capture Volume (WQCV) Design Volume <math>V_{WQCV} = WQCV / 12 * Area</math></p> <p>F) For Watersheds Outside of the Denver Region, Depth of Average Runoff Producing Storm</p> <p>G) For Watersheds Outside of the Denver Region, Water Quality Capture Volume (WQCV) Design Volume</p> <p>H) User Input of Water Quality Capture Volume (WQCV) Design Volume (Only if a different WQCV Design Volume is desired)</p>	<p><math>I_p =</math> <u>61.0</u> %</p> <p><math>i =</math> <u>0.610</u></p> <p>WQCV = <u>0.22</u> watershed inches</p> <p>Area = <u>29,889</u> sq ft</p> <p><math>V_{WQCV} =</math> <u>537</u> cu ft</p> <p><math>d_s =</math> <u>0.43</u> in</p> <p><math>V_{WQCV\ OTHER} =</math> <u>537</u> cu ft</p> <p><math>V_{WQCV\ USER} =</math> _____ cu ft</p>
<p><b>2. Basin Geometry</b></p> <p>A) WQCV Depth</p> <p>B) Sand Filter Side Slopes (Horizontal distance per unit vertical, 4:1 or flatter preferred). Use "C" if sand filter has vertical walls.</p> <p>C) Minimum Filter Area (Flat Surface Area)</p> <p>D) Actual Filter Area</p> <p>E) Volume Provided</p>	<p><math>D_{WQCV} =</math> <u>1.5</u> ft</p> <p><math>Z =</math> <u>4.00</u> ft / ft</p> <p><math>A_{Min} =</math> <u>119</u> sq ft</p> <p><math>A_{Actual} =</math> <u>160</u> sq ft</p> <p><math>V_T =</math> <u>560</u> cu ft</p>
<p><b>3. Filter Material</b></p>	<p>Choose One _____</p> <p><input checked="" type="radio"/> 18" CDOT Class C Filter Material</p> <p><input type="radio"/> Other (Explain): _____</p>
<p><b>4. Underdrain System</b></p> <p>A) Are underdrains provided?</p> <p>B) Underdrain system orifice diameter for 12 hour drain time</p> <p style="margin-left: 20px;">i) Distance From Lowest Elevation of the Storage Volume to the Center of the Orifice</p> <p style="margin-left: 20px;">ii) Volume to Drain in 12 Hours</p> <p style="margin-left: 20px;">iii) Orifice Diameter, 3/8" Minimum</p>	<p>Choose One _____</p> <p><input checked="" type="radio"/> YES</p> <p><input type="radio"/> NO</p> <p><math>y =</math> <u>18.0</u> ft</p> <p><math>Vol_{12} =</math> <u>537</u> cu ft</p> <p><math>D_o =</math> <u>5 / 16</u> in      <b>MINIMUM DIAMETER = 3/8-Inch</b></p>

Design Procedure Form: Sand Filter (SF)

Sheet 2 of 2

Designer: Mike Todd  
Company: Cornerstone Engineering & Surveying, inc  
Date: October 6, 2015  
Project: 2nd and Park Subdivision  
Location: 2nd and Park Street, Lyons, Colorado

5. Impermeable Geomembrane Liner and Geotextile Separator Fabric

A) Is an impermeable liner provided due to proximity of structures or groundwater contamination?

Choose One

<input type="radio"/> YES	<input checked="" type="radio"/> NO
---------------------------	-------------------------------------

6-7. Inlet / Outlet Works

A) Describe the type of energy dissipation at inlet points and means of conveying flows in excess of the WQCV through the outlet

Type VL Riprap at the inlet and outlet

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# APPENDIX D

## SOILS INFORMATION

76.89%

**Boulder County Area, Colorado****Cu—Colluvial land****Map Unit Setting**

*National map unit symbol:* jprk  
*Elevation:* 7,500 to 9,000 feet  
*Mean annual precipitation:* 6 to 10 inches  
*Mean annual air temperature:* 39 to 43 degrees F  
*Frost-free period:* 80 to 100 days  
*Farmland classification:* Not prime farmland

**Map Unit Composition**

*Colluvial land:* 80 percent  
*Estimates are based on observations, descriptions, and transects of the mapunit.*

**Description of Colluvial Land****Setting**

*Landform:* Valleys  
*Landform position (three-dimensional):* Side slope, base slope  
*Down-slope shape:* Concave  
*Across-slope shape:* Linear  
*Parent material:* Colluvium

**Typical profile**

*H1 - 0 to 3 inches:* gravelly sandy loam  
*H2 - 3 to 60 inches:* gravelly sand, very gravelly sand, gravelly loamy sand  
*H2 - 3 to 60 inches:*  
*H2 - 3 to 60 inches:*

**Properties and qualities**

*Slope:* 9 to 25 percent  
*Depth to restrictive feature:* 2 to 60 inches to lithic bedrock  
*Natural drainage class:* Excessively drained  
*Runoff class:* Low  
*Capacity of the most limiting layer to transmit water (Ksat):*  
 Moderately high to high (0.60 to 6.00 in/hr)  
*Calcium carbonate, maximum in profile:* 10 percent  
*Available water storage in profile:* Very low (about 0.3 inches)

**Interpretive groups**

*Land capability classification (irrigated):* None specified  
*Land capability classification (nonirrigated):* 7s

Hydrologic Soil Group: A ↙

## Data Source Information

Soil Survey Area: Boulder County Area, Colorado  
Survey Area Data: Version 11, Sep 22, 2014

23.2%

## Boulder County Area, Colorado

### Nh—Niwot soils

#### Map Unit Setting

*National map unit symbol:* jps8  
*Elevation:* 4,900 to 5,500 feet  
*Mean annual precipitation:* 12 to 18 inches  
*Mean annual air temperature:* 48 to 52 degrees F  
*Frost-free period:* 140 to 155 days  
*Farmland classification:* Not prime farmland

#### Map Unit Composition

*Niwot and similar soils:* 85 percent  
*Estimates are based on observations, descriptions, and transects of the mapunit.*

#### Description of Niwot

##### Setting

*Landform:* Terraces, flood plains  
*Landform position (three-dimensional):* Tread  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear  
*Parent material:* Loamy over sandy and gravelly alluvium

##### Typical profile

*H1 - 0 to 14 inches:* loam  
*H2 - 14 to 60 inches:* gravelly sand

##### Properties and qualities

*Slope:* 0 to 1 percent  
*Depth to restrictive feature:* More than 80 inches  
*Natural drainage class:* Poorly drained  
*Runoff class:* Very low  
*Capacity of the most limiting layer to transmit water (Ksat):*  
 Moderately high to high (0.60 to 6.00 in/hr)  
*Depth to water table:* About 18 to 36 inches  
*Frequency of flooding:* Occasional  
*Frequency of ponding:* None  
*Available water storage in profile:* Low (about 4.4 inches)

##### Interpretive groups

*Land capability classification (irrigated):* 4w  
*Land capability classification (nonirrigated):* 5w  
*Hydrologic Soil Group:* B



*Ecological site:* Wet Meadow (R067XB038CO)

## Data Source Information

Soil Survey Area: Boulder County Area, Colorado  
Survey Area Data: Version 11, Sep 22, 2014

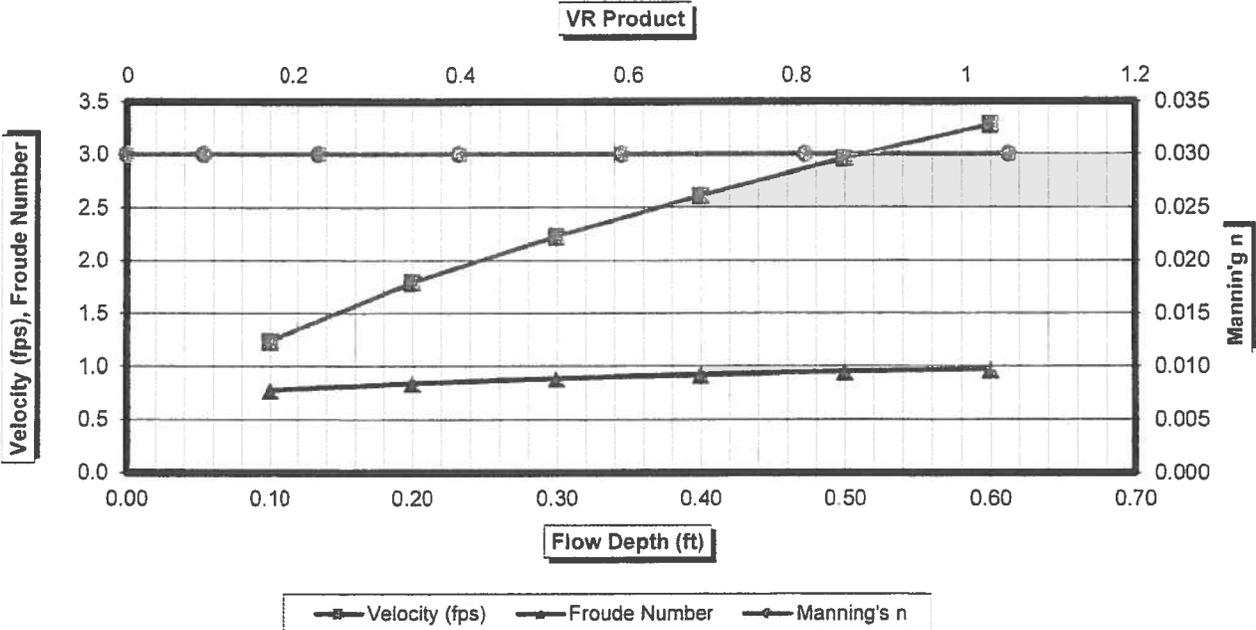
# APPENDIX D

## DRAINAGE CHANNEL ANALYSIS

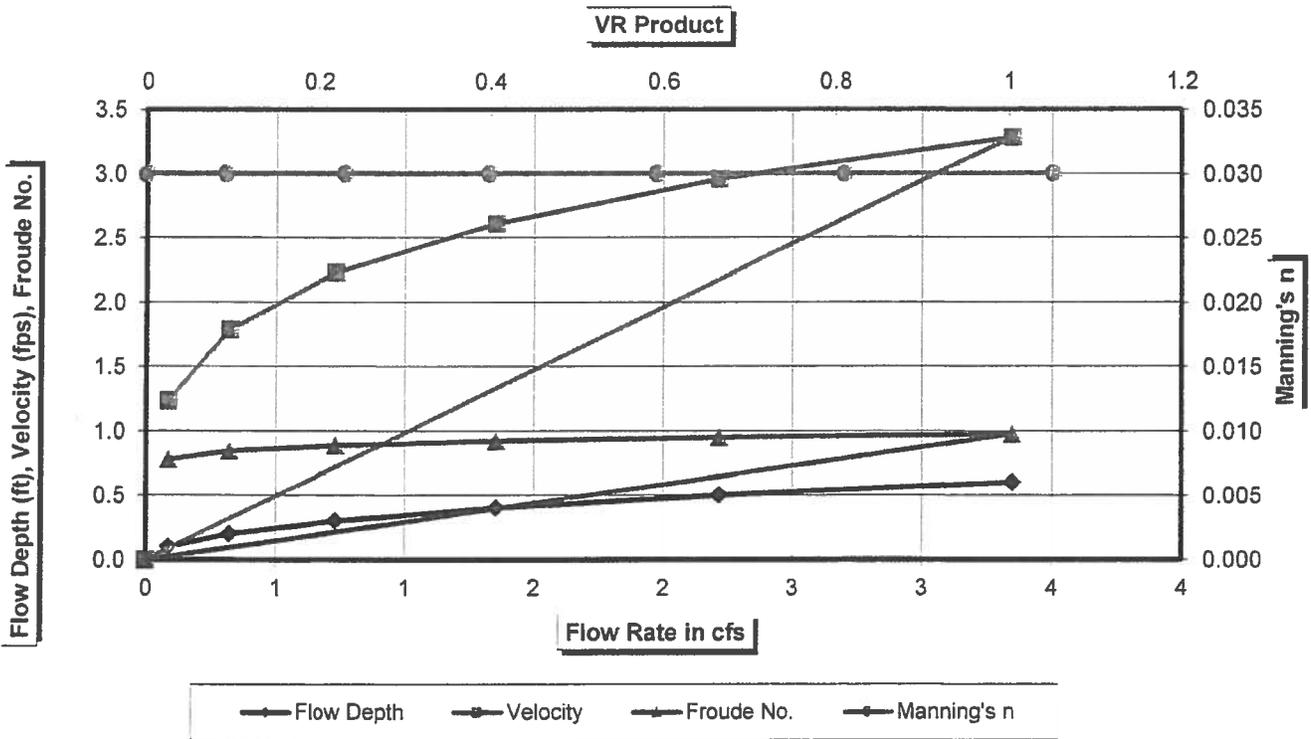


# RATING CURVE FOR TRAPEZOIDAL CHANNEL

## Velocity, Froude Number, & Manning's n vs. Flow Depth

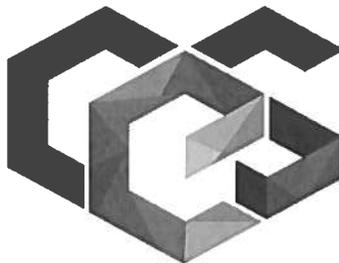


## Velocity, Flow Depth, Froude Number & Manning's n vs. Discharge



**DESIGN REPORT**  
**FOR**  
**2<sup>nd</sup> & PARK SUBDIVISION AND PUD**  
**304 2<sup>nd</sup> Avenue**  
**Lyons, Colorado**

PREPARED BY:



**CORNERSTONE**  
ENGINEERING & SURVEYING, INC.

1692 Big Thompson, Suite 200  
Estes Park, CO 80517  
970-586-2458

JANUARY 13, 2016

## **1.0 SCOPE**

This report is a design report for site development for the proposed 2<sup>nd</sup> & Park Subdivision and PUD, 304 2<sup>nd</sup> Avenue in Lyons, Colorado. Included herein:

1. Street Report.
2. Water Distribution System Report.
3. Sewer Collection System Report.
4. Request for Design Waivers.

## **2.0 PROJECT DESCRIPTION**

The Project is located at the Northeast corner of 2<sup>nd</sup> and Park Avenue in Lyons Colorado, in the SE ¼ Section 18, T3N, R70W of the 6<sup>th</sup> P.M., Boulder County, Colorado.

The property address is 304 2<sup>nd</sup> Avenue and is currently Zoned B (Business) and was originally developed and occupied by Valley Bank and currently provides principal offices for two Lyons based businesses. The property comprises: a 29,890 sf (0.686 acre) triangular shaped lot; a single one story 2500 sf building with an attached and covered 3 bay drive-up customer service area; paved parking with 30 spaces; landscaping including 11 mature trees; two curb cuts on the 2<sup>nd</sup> Avenue frontage and one curb cut on Park Street which provides access to the drive-up lanes and parking lot; sidewalks in the right-of-way along the 2<sup>nd</sup> Avenue and Park Street frontages; sidewalks internal to the Site for pedestrian circulation. The southern portion of the existing parking lot is located within the 100 year flood plain. The southern curb of the existing parking lot currently extends approximately 10' into the Park Street right-of-way. This encroachment will be eliminated as part of the proposed development.

## **3.0 STREET REPORT**

The proposed development is abutted to the west by 2<sup>nd</sup> Avenue, the south by Park Street and the east by Railroad Avenue. All vehicle access on and off the property will be onto 2<sup>nd</sup> Avenue.

2<sup>nd</sup> Avenue is a north south collector street providing access from US Highway 36 at the north end to Stone Canyon Drive at the south end.

2<sup>nd</sup> Avenue consists of one lane in each direction and is stop signed controlled at each end. 2<sup>nd</sup> Avenue provides semi direct access from the north to the Lyons Middle and High school, picking up local residential streets along the way.

Park Street is an east west local street off US Highway 36 at the east end to a dead end at the St. Vrain river at the west end. Park Street consists of one lane in each direction and is stop signed controlled at each end. Park Street provides to primarily residential area.

No new streets are proposed as part of the development plan. Currently 2 street cuts exist from the property onto 2<sup>nd</sup> Avenue with one street cut onto Park Street. The street access onto Park Street will be abandoned with the two accesses onto 2<sup>nd</sup> Avenue. The street access from the north parking lot will be narrowed from approximately 46 foot width to 24 foot width. The street access from the southern parking area is to be moved approximately 60 feet north of the current access moving further from the 2<sup>nd</sup> and Park Street intersection.

A geotechnical design with pavement design was prepared by Landmark Engineering, Inc. and has been submitted under separate cover with the development packet.

#### **4.0 WATER DISTRIBUTION SYSTEM REPORT**

Existing Water mains are located in 2<sup>nd</sup> Avenue and in Park Street adjacent to the proposed subdivision. No new water mains are proposed for the development. A water service exist from the water main in Park Street to the existing office building. The development proposes to install a new ¾" service from the existing main in 2<sup>nd</sup> Avenue to the existing office building. The new six residential units are proposed to be fed with service lines from the water main located in Park Street. The water service that currently serves the office building would be used for Lot 2. Lots 3 through 7 would have new water services installed from the main located in Park Street. We are proposing to limit the number of street cuts in Park Street for the new service lines. By having only two street cuts the proposed service for Lot 2 would be connected in front of Lot 3 requiring it to be laid parallel to the property line for approximately 20 feet.

The calculated water consumption requirement for 6 new residential units at 400 gallons per day per unit is 2400 gallons per day (15 gallons per minute per unit requires a peak demand of 90 gallons per minute consumption).

Two fire hydrants are currently located within 250 feet of the furthest point of all existing and propose structures. One fire hydrant is located at the southeast property corner. The second fire hydrant is located across 2<sup>nd</sup> Avenue from the southwest property corner. The fire flow requirements for the existing commercial structure is 3500 gallons per minute with a fire flow requirement for the residential units of 1500 gallons per minute.

## **5.0 WASTEWATER COLLECTION SYSTEM REPORT**

A new sewer main running east/west is proposed to be located in the south parking area. The new sewer main will connect to the existing sewer main located in 2<sup>nd</sup> Avenue with a new manhole. The east end of the new sewer main will terminate at the east side of the parking area. The office building and each residential unit will connect to the new sewer main with its own service line. The new main is proposed to be 168 lf of 8" SDR 35 with a 0.40% slope.

The anticipated loading on the sewer main:

- 3.5 persons per unit x 100 gallons per person per day x 6 units = 2100 gpd
- Commercial 300 gallons per day/ 1000 BLD sf x 2500 sf building = 750 gpd
- Total combined loading is 2850 gpd.
- Assuming total loading over 2 hour period = 24 gallons per minute

Sewer main capacity of 8" diameter pipe at 0.4% slope flowing 75% full is 40 gallons per minute with a flow velocity of 0.32 feet per second.

## **REQUEST FOR DESIGN VARIANCE**

- 1) In order to minimize the number of street cuts in Park Street for water service connection, we here by request a variance to run the water service parallel to the south property line for the service to Lot 2. This will require installing approximately 20 linear feet parallel with the property line as opposed to running perpendicular to the property line.
- 2) Based on the traffic analysis submitted with the preliminary design showing no estimated increase in traffic flows from the historic use, we here request no additional traffic analysis be required.

**Town of Lyons, Colorado  
Board of Trustees  
BOT Agenda Cover Sheet  
Agenda Item No: IX.5  
Meeting Date: May 16, 2016**

**TO:** Mayor Sullivan and Members of Board of Trustees

**FROM:** Marcus McAskin

**DATE:** May 10, 2016 (prepared for May 16, 2016 meeting)

**ITEM:** Ordinance No. 1001: Ordinance Conditionally Vacating Certain Right-of-Way Consisting of a Portion of the Alley as Dedicated on the Putnam Plat of the Town of Lyons Recorded at Book 2, Page 77 and Book 4, Page 48 of the Boulder County Real Property Records

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ORDINANCE  
 MOTION / RESOLUTION  
 INFORMATION

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- I. **REQUEST OR ISSUE:** Ordinance No. 1001 (“Ordinance”) vacates approximately 1,933 square feet of ROW, specifically the 20’ alley ROW that bisects the property located at 304 2<sup>nd</sup> Avenue (the “Subject Property”). The legal description of the ROW proposed to be vacated (the “Alley ROW”) is set forth at Exhibit A of the Ordinance.

During review of the 2<sup>nd</sup> & Park Subdivision and Planned Unit Development Final Plat (the “Final Plat”), Downtown Lyons Development, LLC (the “Owner”) and Town Staff identified the fact that the Town may have attempted to vacate the Alley ROW back in 1982. Specifically, the minutes of the July 6, 1982 Board of Trustees meeting<sup>1</sup> include reference to an intent to vacate the Alley ROW:

McIntyre moved to rezone Lots 6-14, Block 10, to "B" zoning, with the recommendations of the Planning Commission, as stated in the memo dated June 15, 1982, included, and the platted alley dividing the property be vacated; recognizing that the original zoning of the property was in error, and the proposed zoning will better implement the purposes and scope of its zoning regulations, and will promote the public health, safety and welfare of the Town. Second by Cinnamon. Roll call vote: McIntyre-yes, Cinnamon-yes, Johnson-yes, Hultgren-yes, Brackett-yes, Rigdon-yes, Custer-yes. V & C

In Colorado, vacation of public ROW must proceed in accordance with the provisions of

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<sup>1</sup> Not recorded in the Boulder County real property records.

Part 3 of Article 2 of Title 43, Colorado Revised Statutes (titled "Vacation Proceedings: Roads, Streets, and Highways").

Specifically, C.R.S. § 43-2-303(2)(c) sets forth that no municipal roadway<sup>2</sup> may be vacated other than by an ordinance approved by the governing body of the municipality.

In order to properly vacate the Alley ROW, the Town Attorney is recommending that the Board of Trustees consider the Ordinance vacating the Alley ROW. Currently, it is anticipated that the Ordinance will be recorded concurrently with the Final Plat.

Upon recordation of the Ordinance, ownership of the Alley ROW shall revert to the Owner or the then-owner of Lot 1 of the Final Plat, in accordance with the provisions of C.R.S. § 43-2-302(1)(c) and as contemplated in Sec. 16-1-160 of the Municipal Code (in the definition of *Vacation of right-of way*).

- II. **RECOMMENDED ACTION / NEXT STEP:** Approve Ordinance No. 1001 on first reading and schedule a public hearing and second reading of the Ordinance on a time and date certain.

Currently, it is anticipated that second reading of the Ordinance will occur on Monday, June 20, 2016.

- III. **FISCAL IMPACTS:** None.

- IV. **BACKGROUND INFORMATION:** The Alley ROW (along with other rights-of-way) were dedicated to the Town pursuant to the Putnam Plat of the Town of Lyons recorded on April 1, 1890 at Book 2, Page 77 in the Boulder County Clerk and Recorder's Office, as re-surveyed and superseded by that certain Dieterich Plat recorded on March 20, 1929 at Book 4, Page 48 in the Boulder County records.

As relevant here, the Alley ROW runs east-west through the Subject Property and currently bisects the Subject Property. The Town Engineer has reviewed the proposed vacation of the Alley ROA and has no objection to the same. Additional background information, including reference to the minutes of the July 6, 1982 Board of Trustees meeting, is set forth in Section I. above.

- V. **LEGAL ISSUES:** None. The Board of Trustees is authorized to vacate Town right-of-way pursuant to C.R.S. § 43-2-303(1)(a).

- VI. **CONFLICTS OR ENVIRONMENTAL ISSUES:** N/A

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<sup>2</sup> The definition of "roadway" includes any platted or designated public alley, whether or not it has been used as such.

**VII. SUMMARY AND ALTERNATIVES:** The Board of Trustees has the following options:

- (1) Adopt Ordinance No. 1001 on first reading, as may or may not be amended;
- (2) Direct Town Staff to make revisions to the Ordinance and schedule consideration of the Ordinance on a future City Council agenda for first reading; or
- (3) Reject or deny the Ordinance.

**PROPOSED MOTION:** "I MOVE TO APPROVE ORDINANCE NO. 1001, AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF LYONS, COLORADO, CONDITIONALLY VACATING CERTAIN RIGHT-OF-WAY CONSISTING OF A PORTION OF THE ALLEY AS DEDICATED ON THE PUTNAM PLAT OF THE TOWN OF LYONS RECORDED AT BOOK 2, PAGE 77 AND BOOK 4, PAGE 48 OF THE BOULDER COUNTY REAL PROPERTY RECORDS, AND FURTHER MOVE TO SCHEDULE SECOND READING AND PUBLIC HEARING ON THIS ORDINANCE FOR MONDAY, JUNE 20, 2016 AT 7:00 PM AT TOWN HALL."

TOWN OF LYONS,  
COLORADO

ORDINANCE NO. 1001

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF LYONS CONDITIONALLY VACATING CERTAIN RIGHT-OF-WAY CONSISTING OF A PORTION OF THE ALLEY AS DEDICATED ON THE PUTNAM PLAT OF THE TOWN OF LYONS RECORDED AT BOOK 2, PAGE 77 AND BOOK 4, PAGE 48 OF THE BOULDER COUNTY REAL PROPERTY RECORDS**

WHEREAS, certain rights-of-way were dedicated to the Town of Lyons pursuant to the Putnam Plat recorded on April 1, 1890 at Book 2, Page 77 in the Boulder County Clerk and Recorder's Office, as re-surveyed and superseded by that certain Dieterich Plat recorded on March 20, 1929 at Book 4, Page 48 in the Boulder County records (collectively, the "Putnam Plat of the Town of Lyons"); and

WHEREAS, specifically, a twenty foot (20') public alley right-of-way was dedicated to the Town running east-west between Lots 5-8 and Lots 9-14, Block 10, Putnam Plat of the Town of Lyons (the "Public Alley"); and

WHEREAS, Downtown Lyons Development, LLC ("DLD LLC") is the current owner of portions of portions of Lots 6 through 14, inclusive, Block 10, and consisting of 0.686 acres more or less (the "Valley Bank Property");

WHEREAS, the Public Alley bisects the Valley Bank Property; and

WHEREAS, DLD LLC has requested that the Town vacate that portion of the aforementioned Public Alley which lies within the Valley Bank Property (such portions to be vacated hereinafter referred to as the "Alley ROW") as more particularly described in **Exhibit A**, attached hereto and incorporated herein by reference; and

WHEREAS, the Town Engineer has been contacted and has reported no objection to the proposed vacation of the Alley ROW; and

WHEREAS, the Alley ROW to be vacated is no longer needed for right-of-way purposes, the rights of the residents of the Town of Lyons will not be prejudiced or injured by the vacation of said Alley ROW, and it is in the public interest to do so; and

WHEREAS, the Board of Trustees of the Town of Lyons is authorized to vacate Town right-of-way pursuant to C.R.S. § 43-2-303(1)(a).

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF LYONS, COLORADO, as follows:

Section 1. That the Board of Trustees of the Town of Lyons hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the Alley ROW as more particularly described in **Exhibit A** attached hereto and incorporated herein by this reference, is hereby vacated upon the satisfaction of all of the following conditions:

- a) The vacation of the Alley ROW shall not take effect until this Ordinance is recorded in the real property records of the Boulder County Clerk and Recorder;
- b) This Ordinance shall be recorded concurrently with the final subdivision plat for the development known as "2<sup>nd</sup> & Park Subdivision and Planned Unit Development" (the "Final Plat");
- c) The Final Plat shall contain utility easements dedicated to the public for any existing or proposed utilities within the boundaries of the Final Plat in a form satisfactory to the Town Engineer after consultation with the Town Attorney; and
- d) If this Ordinance is not so recorded by December 31, 2016, then this Ordinance shall become null and void and of no force or effect.

Section 3. Upon full and complete satisfaction of the conditions set forth in Section 2 of this Ordinance, ownership of the Alley ROW shall revert to DLD LLC or the then-owner of Lot 1 of the Final Plat, in accordance with the provisions of C.R.S. § 43-2-302(1)(c) and as contemplated in Sec. 16-1-160 of the Municipal Code (in the definition of *Vacation of right-of way*).

Section 4. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 5. Effective Date. Except as otherwise expressly provided herein, the provisions of this Ordinance shall become effective thirty (30) days after publication following final passage in accordance with Section 2-2-160 of the Lyons Municipal Code.

**INTRODUCED AND PASSED ON FIRST READING THIS 16<sup>th</sup> DAY OF MAY, 2016.**

**INTRODUCED, PASSED, ADOPTED AND ORDERED PUBLISHED THIS \_\_\_ DAY OF JUNE, 2016.**

**TOWN OF LYONS, COLORADO**

\_\_\_\_\_  
Connie Sullivan, Mayor

ATTEST:

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

## Exhibit A

### ALLEY ROW DESCRIPTION

#### Alley Vacation – Legal Description

##### Description – vacate 20' alley:

A portion of a 20 foot wide alley located in Block 10, PUTNAM PLAT OF THE TOWN OF LYONS, which lies southerly of the right of way of the Chicago, Burlington and Quincy Railroad described as follows:

COMMENCE at the Southwest corner of Block 10, PUTNAM PLAT OF THE TOWN OF LYONS;

thence N 00°59'15" E along the West Line of said Block 10 a distance of 139.42 feet to the Northwest corner of Lot 9, said Block 10 and the POINT OF BEGINNING;

thence S 89°19'47" E for a distance of 106.08 feet to the westerly right of way of the Chicago, Burlington and Quincy Railroad;

thence N 42°25'02" W for a distance of 27.39 feet along said right of way line;

thence N 89°19'47" W for a distance of 87.26 feet to the Southwest corner of Lot 8, said Block 10;

thence S 00°59'15" W along the west line of said Block 10 for a distance of 20.00 feet to the POINT OF BEGINNING;

Containing 1,933 square feet, more or less.

**Agenda Item: IX -6**

**Meeting Date: May 16, 2016**

**Subject: Resolution 2016-49 - Resolution Designating a Town of Lyons Alternate Representative to the Municipal Energy Agency of Nebraska Management Committee/Alternate Director to Mean Board of Directors, Authorizing the Alternate to Vote on the Town's Behalf, and Generally Authorizing the Alternate to Vote Whenever the Primary Representative is Absent**

**Background Information:**

Passing this resolution will give Trustee Kerr voting rights, as the Alternate Director to the Mean Board of Directors. This would allow Trustee Kerr to vote on the Town's behalf when the Primary Representative (Public Works Director or Town Administrator) is absent.

**Recommended Action:** Approve Resolution 2016-49.

**RESOLUTION 2016-49**

**A RESOLUTION DESIGNATING A TOWN OF LYONS ALTERNATE REPRESENTATIVE TO THE MUNICIPAL ENERGY AGENCY OF NEBRASKA MANAGEMENT COMMITTEE/ALTERNATE DIRECTOR TO MEAN BOARD OF DIRECTORS, AUTHORIZING THE ALTERNATE TO VOTE ON THE TOWN'S BEHALF, AND GENERALLY AUTHORIZING THE ALTERNATE TO VOTE WHENEVER THE PRIMARY REPRESENTATIVE IS ABSENT**

WHEREAS, the Town of Lyons, State of Colorado, is a party to the Municipal Energy Agency of Nebraska's Electrical Resource Pool Agreement; and

WHEREAS, pursuant to the terms of such Agreement, it is the responsibility of the Town of Lyons to designate a representative and alternate representative to the Municipal Energy Agency of Nebraska Management Committee and Alternate Director to MEAN Board of Directors, provided for under the terms of said Agreement; and

WHEREAS, the Town has appointed both a primary representative and an alternate representative, but neither is available to attend MEAN Meetings, and

WHEREAS, the Town needs to appoint another alternate to serve in that capacity and to attend MEAN meetings, and to authorize the designated alternate to vote on the Town's behalf at that meeting; and

WHEREAS, to avoid having to specifically authorize an alternate to exercise the Town's voting power at future meetings, the Town's Board of Trustees would like this Resolution to grant the authority to alternates attending future Management Committee/Alternate Director to the MEAN Board of Directors meetings to vote on the Town's behalf when attending in the place of the primary representative.

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

Section 1. The Board of Trustees hereby appoints Trustee James Kerr to serve as Alternate Director to represent the Town on the Municipal Energy Agency of Nebraska Management Committee and Alternate Director to Mean Board of Directors. The Town Clerk is hereby directed to give written notice to the Municipal Energy Agency of Nebraska of the appointment of James Kerr, Trustee for the Town of Lyons as alternate representative to said MEAN Management Committee/Alternate Director to Mean Board of Directors.

Section 2. The Board further declares that any person duly appointed as an alternate representative to the MEAN Management Committee/ Alternate Director to MEAN Board of Directors, shall, by virtue of this Resolution, be expressly authorized to exercise the Town's voting rights when said alternate attends a Management Committee meeting in place of the primary representative.

Section 3. The appointment of Trustee Kerr will run until April 16, 2018 with the powers and duties incident to such office. This Resolution shall be deemed a certificate issued in compliance with the Municipal Cooperative Financing Act contained in the Nebraska Revised Statutes §18-2401 et. seq. (1987).

ADOPTED THIS 16<sup>th</sup> DAY OF MAY 2016.

TOWN OF LYONS, COLORADO

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Connie Sullivan, Mayor

ATTEST:

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Debra K. Anthony, Town Clerk

**TOWN OF LYONS, COLORADO  
ORDINANCE NO. 1002**

**AN ORDINANCE AMENDING ARTICLE 4 OF CHAPTER 11 OF THE LYONS MUNICIPAL CODE BY  
REPEALING AND REENACTING SECTION 11-4-60 TO SUBSTITUTE THE NAME "LAVERN M.  
JOHNSON PARK" FOR THE PARK FORMERLY KNOWN AS MEADOW PARK**

**WHEREAS**, pursuant to Sections 31-25-301 and 31-25-303, C.R.S., the Lyons Board of Trustees ("Board") has the authority to maintain public parks and to improve and govern such parks; and

**WHEREAS**, pursuant to Resolution 2016-44, the Board changed the name of Meadow Park to LaVern M. Johnson Park ("Park") effective May 2, 2016 in recognition of LaVern M. Johnson's lengthy and dedicated service to the Town; and

**WHEREAS**, in Resolution 2016-44, the Board directed staff to present for its consideration an ordinance to revise as appropriate all references to Meadow Park in the Lyons Municipal Code ("Code"), including but not limited to Section 11-4-60 of the Code; and

**WHEREAS**, Sections 4-4-90 and 4-5-80 of the Code reference Meadow Park, but only for purposes of dedicating certain tax revenues adopted in 1986 to purchase such Park; and

**WHEREAS**, the Board finds that it is not appropriate to change the reference to Meadow Park in Sections 4-4-90 and 4-5-80 so that the Code accurately reflects the use for which those tax revenues were originally dedicated; and

**WHEREAS**, the Board finds that it is appropriate to repeal and reenact Section 11-4-60 of the Code to recognize the change in name of the Park because this section regulates present-day activity in the Park.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF  
LYONS, BOULDER COUNTY, COLORADO:**

**Section 1.** Section 11-4-60 of the Lyons Municipal Code is hereby repealed and reenacted to read in its entirety as follows:

**Sec. 11-4-60. Limitation of parking in LaVern M. Johnson Park.**

It shall be unlawful to park any motor vehicle, including motorcycles, in LaVern M. Johnson Park from 12:00 noon on Friday until 5:00 a.m. on Monday, except in parking areas designated from time to time by the Board of Trustees.

**Section 2. Codification Amendments.** The codifier of the Town's Municipal Code, Municode, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Lyons Municipal Code.

**Section 3. Repeal.** Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

**Section 4. Severability.** If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or applications of this Ordinance are not determined by the court to be inoperable. The Board of Trustees declares that it would have adopted this Ordinance and each section, subsection, sentence, clause,

phrase, or portion thereof, despite the fact that any one or more section, subsection, sentence, clause, phrase, or portion would be declared invalid or unconstitutional.

**Section 5. Effective Date.** This Ordinance shall become effective thirty days after publication following final passage.

INTRODUCED AND PASSED ON FIRST READING THIS 16th DAY OF MAY, 2016.

ADOPTED, APPROVED AND ORDERED PUBLISHED BY THE BOARD OF TRUSTEES OF THE TOWN OF LYONS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS MEETING HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

**TOWN OF LYONS, COLORADO**

\_\_\_\_\_  
Connie Sullivan, Mayor

ATTEST:

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

**Agenda Item:** IX.8

**Meeting Date:** May 16, 2016

**Subject:**

Resolution 2016-50, a Resolution Approving Amendment #1 of the Intergovernmental Agreement with the City of Longmont, Colorado for the Boulder County Collaborative Community Development Block Grant – Disaster Recovery, Debris Removal and EDA Grant Match

**Background Information:**

On February 24, 2016 the Agreement for Delegation of Activities between the City of Longmont and Town of Lyons for the Boulder County Collaborative CDBG-DR flood recovery funds for infrastructure projects was executed. This is a request to update the original agreement (see attached) with the latest budget amounts and to add two more projects to the Town's allocation.

Specifically, the budget updates reflect actual expenditures from the recent purchase and demolition of 341 Park, and add the debris removal for \$22,140 and EDA Grant Match (CEC Sewer & Water) for \$768,359. The details are described in the attached Supplemental Agreement No.1.

**Recommended Action:**

Approval of Resolution 2016-50 to approve and authorize the mayor to sign the Supplemental Agreement No. 1.

**TOWN OF LYONS, COLORADO**

**RESOLUTION 2016-50**

**A RESOLUTION APPROVING THE FIRST AMENDMENT TO THE AGREEMENT FOR DELEGATION OF ACTIVITIES REGARDING BOULDER COUNTY COLLABORATIVE CDBG-DR SUB-ALLOCATION BETWEEN THE CITY OF LONGMONT AND THE TOWN OF LYONS**

**WHEREAS**, The City of Longmont is the fiscal agent for the Boulder County Collaborative (“Collaborative” or “BCC”) Community Development Block Grant-Disaster Recovery (“CDBG-DR”) sub-allocation from the State of Colorado’s Department of Local Affairs (“DOLA”) funds from the U.S. Department of Housing and Urban Development (“HUD”) and is responsible for the development, implementation, administration, and evaluation of HUD’s CDBG-DR funds on behalf of the Collaborative Partners (“Partners”); and

**WHEREAS**, The Town of Lyons entered into an agreement with the City of Longmont on February 24, 2016 for delegation of activities associated with Collaborative sub-allocation of flood recovery funds as specified in Grant No.B-13-DS-08-001: INF-00023; and

**WHEREAS**, The City of Longmont and the Town of Lyons desire to amend the agreement to update the budget and to add the debris removal and Economic Development Administration projects to the agreement; and

**WHEREAS**, The specific details of the amendment are described in the Supplemental Agreement No.1.

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

Section 1. The Board hereby approves the Supplemental Agreement No.1.

Section 2. All other provisions of the original agreement shall remain in full force and effect.

Section 3. The Mayor or Mayor Pro Tem is authorized to sign the Supplemental Agreement No.1 and the Town Clerk is authorized to attest to the Mayor or Mayor Pro Tem’s signature.

**ADOPTED this 16<sup>th</sup> day of MAY, 2016.**

TOWN OF LYONS

BY: \_\_\_\_\_

ATTEST:

Connie Sullivan

\_\_\_\_\_

Debra K. Anthony, Town Clerk

**SUPPLEMENTAL AGREEMENT NO. 1**

This Supplemental Agreement is made this \_\_\_\_\_ day of \_\_\_\_\_, 2016, between the City of Longmont, Colorado, a Colorado municipal corporation (“City”), and the Town of Lyons (“Delegate”).

In consideration of mutual promises set forth herein and by consent of all of the parties hereto:

1. That certain Agreement entered into between the City and the Delegate executed February 24, 2016, entitled Agreement for Delegation of Activities (“Agreement”) shall be and hereby is modified, altered and amended in the following respects only:

- a. Appendix A is revised to Appendix A-1 – Work Program: INF-00023, attached to this Supplemental Agreement, and incorporates all changes therein.
- b. Appendix A is expanded to include Appendix A-2 – Work Program: INF-00021 and Appendix A-3 – Work Program: INF-00022, attached to this Supplemental Agreement.
- c. Appendix B is revised to Appendix B-1 – Budget: INF-00023, attached to this Supplemental Agreement, and incorporates all changes therein.
- d. Appendix B is expanded to include Appendix B-2 – Budget: INF-00021 and Appendix B-3 – Budget: INF-00022, attached to this Supplemental Agreement.

2. All other provisions of the Agreement shall remain in full force and effect.

3. This Supplemental Agreement must be signed and returned to the City of Longmont Housing and Community Investment Office by the Delegate within thirty (30) days of the date of execution of this Supplemental Agreement or this Supplemental Agreement may be canceled and voided by the City.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

CITY OF LONGMONT

ATTEST:

\_\_\_\_\_  
CITY MANAGER

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

APPROVED AS TO INSURANCE PROVISIONS:

\_\_\_\_\_  
ASSISTANT CITY ATTORNEY

\_\_\_\_\_  
RISK MANAGER

APPROVED AS TO FORM AND SUBSTANCE:

---

CDBG-DR PROGRAM MANAGER

DELEGATE:

ATTEST:

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TOWN ADMINISTRATOR

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TOWN CLERK

**Return Original Document to:  
Longmont CDBG Office  
350 Kimbark Street  
Longmont, CO 80501**

**APPENDIX A (Revised to APPENDIX A-1)**

**WORK PROGRAM: INF-00023**

**Delegate:** Town of Lyons

**Project:** CDBG-DR Buyouts and Acquisitions Program

**Goal or Activity Description:** The Town of Lyons will purchase one (1) mobile home park and approximately three (3) flood-impacted properties and those that are in hazardous locations, both inside and outside the floodplain. Properties will be purchased at pre-flood value and maintained in perpetuity as open space or other limited allowable use.

**Area of Service:** To be determined on a property-by-property basis.

**National Objective:**

**Low/Mod Income Benefit:**  **Percentage Met:** TBD

**Urgent Need:** \_\_\_\_\_

**CDBG-DR Eligible Activity Pursuant to 24 CFR 570.201:** (a) Acquisition  
(d) Clearance/Demolition

**Covered Project:** No  
(Major infrastructure project total cost of \$50 million or more, including at least \$10 million of CDBG-DR funds.)

**Compliance with Davis Bacon Act Required:** No

**Compliance with Section 3 of the Housing and Urban Development Act of 1968 Required:** Yes  
(Refer to Title 24 CFR Part 135 and the Boulder County Collaborative Section 3 plan dated January 18, 2016.)

**MBE/WBE Contract Statement Required:** Yes  
(Refer to Boulder County Collaborative CDBG-DR Required Bid and Contract Documents Instructions.)

**Compliance with Resilience Performance Standards Required:** No

**Work Program**

**Completion Date**

**1. Household Assistance Programs**

N/A

**2. Environmental Review/Assessment**

TBD (site specific)

<b>3. Procurement &amp; Contracting</b>	<b>TBD</b>
<b>4. Acquisition – Sub Allocation Round 1, Obligation 1</b>	<b>February 29, 2016</b>
<b>5. Acquisition – Sub Allocation Round 2, Obligation 1</b>	<b>November 30, 2016</b>
<b>6. Clearance &amp; Demolition</b>	<b>November 30, 2016</b>
<b>7. Design/engineering</b>	<b>N/A</b>
<b>8. Construction</b>	<b>N/A</b>
<b>9. Project Delivery</b>	<b>December 31, 2016</b>
<b>10. Pre Agreement Tasks</b>	
(A) Architectural/Engineering	
(B) Environmental Review/Assessment	<b>X</b>
(C) Real Property/Easement/Acquisition/Lease	<b>X</b>
(D) Permits/Surveys	<b>X</b>
(E) Legal/Bonding/Insurance	
(F) Construction Costs	
(G) Construction Management	
(H) Other (Please Specify)	

**APPENDIX A-2**

**WORK PROGRAM: INF-00021**

**Delegate:** Town of Lyons

**Project:** Economic Development Administration (EDA) Grant Match – Sewer Lines, Lift Station, and Water Distribution Loop for Commercial Eastern Corridor (CEC)

**Goal or Activity Description:** The Town of Lyons will extend the sanitary sewer collection system, add a lift station, and add domestic water points of connection to the Commercial Eastern Corridor area.

The sewer system is a new installation to serve the area and includes a collection main that will accept waste flows from the service area and deliver it by gravity to a new wet well and pump station. The pump station will discharge into a force main that runs approximately 7,000 feet west to a point of connection with the existing wastewater collection system, where a lift station will be installed approximately 300 feet west of the eastern Highland Drive intersection with SH66, along the north side of the highway.

The water system will consist of new components connecting to an existing 12-inch water transmission main running through the corridor. The components include 3 pressure reducing valves (PRVs) in vaults with amenities to connect the transmission main and create the points of connection for the distribution system. The PRVs will be located adjacent to existing permitted access points along SH66 east of the US36 intersection.

The new sewer and water facilities will help serve new planned residential and commercial development. The number of new homes and businesses that could result from this project are to be determined since planning, engineering, and land acquisition processes are in progress. This new development is crucial to replacing housing destroyed by the flood and spurring economic development in Lyons.

**Area of Service:** Census Tract 0136.01, Block Group 1

**National Objective:**

**Low/Mod Income Benefit:**   N/A                        **Percentage Met:**   N/A    
**Urgent Need:**     X    

**CDBG-DR Eligible Activity Citation from 24 CFR 570.201:** (c) Public Facilities  
(g) Payment of Non-Federal Share  
**24 CFR 570.202:** N/A

**Covered Project:** No  
(Major infrastructure project total cost of \$50 million or more, including at least \$10 million of CDBG-DR funds.)

**Compliance with Davis Bacon Act Required:** Yes

**Compliance with Section 3 of the Housing and Urban Development Act of 1968 Required?** Yes

(Refer to Title 24 CFR Part 135 and the Boulder County Collaborative Section 3 plan dated January 18, 2016)

**MBE/WBE Contract Statement Required:** Yes

(Refer to Boulder County Collaborative CDBG-DR Required Bid and Contract Documents Instructions.)

**Compliance with Resilience Performance Standards Required?** Yes

<u>Work Program</u>	<u>Completion Date</u>
1. Household Assistance Programs	N/A
2. Environmental Review/Assessment	June 30, 2016
3. Procurement & Contracting	February 28, 2017
4. Acquisition	N/A
5. Clearance & Demolition (including re-vegetation)	N/A
6. Design/engineering	February 28, 2017
7. Construction	September 30, 2017
8. Project Delivery	October 31, 2017
9. Pre Agreement Tasks	
a. Architectural/Engineering	X
b. Environmental Review/Assessment	X
c. Real Property/Easements/Acquisition/Lease	X
d. Permits/Surveys	X
e. Legal/Bonding/Insurance	
f. Construction Costs	
g. Construction Management	
h. Project Delivery	X
i. Other (Please Specify)	

**APPENDIX A-3**

**WORK PROGRAM: INF-00022**

**Delegate:** Town of Lyons

**Project:** Flood Debris Removal

**Goal or Activity Description:** The Town of Lyons will use CDBG-DR funds to reimburse a portion of flood debris removal that was determined to be ineligible for reimbursement by FEMA. The FEMA Debris Removal Project Worksheet (PW 1091) was written as right-of-way debris removal for health and safety purposes. All flood debris removal activities resulted in the removal of 4,200.45 tons of mixed household flood items and construction/demolition (C&D) debris, 6,430 tons of mixed sediment (mud, silt, rock) debris, 93.13 tons of asphalt, 574.68 tons of vegetative debris, 175 units of white goods, 14,230 lbs. of electronic waste, 1,352 lbs. of household hazardous waste, and 7 small gas engines.

The portion of total debris removal covered by this work program included 5,125 cubic yards of mixed sediment and 389 cubic yards of vegetative debris. This local debris was hauled to Bohn Park in Lyons for possible re-use of clean fill material by the Town of Lyons. However, Lyons determined the material to be unsuitable for reuse. A separate contractor ended up hauling this debris from Bohn Park to a landfill. FEMA determined that only the hauling from the park to the landfill was eligible, and determined the first haul to the park was ineligible. The Town of Lyons and Boulder County decided to split the cost of the two invoices covering the hauling of flood debris to the park, which total \$44,279.65.

**Area of Service:** Census Tract 0137.01, Block Group 4

**National Objective:**

**Low/Mod Income Benefit:**   N/A  

**Percentage Met:**   N/A  

**Urgent Need:**     X    

**CDBG-DR Eligible Activity Citation from 24 CFR 570.201:** (f) Interim Assistance

**24 CFR 570.202:** N/A

**Covered Project:** No

(Major infrastructure project total cost of \$50 million or more, including at least \$10 million of CDBG-DR funds.)

**Compliance with Davis Bacon Act Required:** No

**Compliance with Section 3 of the Housing and Urban Development Act of 1968 Required?** No

(Refer to Title 24 CFR Part 135 and the Boulder County Collaborative Section 3 plan dated January 18, 2016)

**MBE/WBE Contract Statement Required:** No  
 (Refer to Boulder County Collaborative CDBG-DR Required Bid and Contract Documents Instructions.)

**Compliance with Resilience Performance Standards: Required?** No

<u>Work Program</u>	<u>Completion Date</u>
1. Household Assistance Programs	N/A
2. Environmental Review/Assessment	June 12, 2014 (FEMA REC) May 31, 2016 (Adopt REC)
3. Procurement & Contracting	November 7, 2013
4. Acquisition	N/A
5. Clearance & Demolition (including re-vegetation)	N/A
6. Design/engineering	N/A
7. Construction	N/A
8. Debris Hauling	March 14, 2014
9. Project Delivery	June 17, 2014
10. Pre Agreement Tasks	
a. Architectural/Engineering	
b. Environmental Review/Assessment	
c. Real Property/Easements/Acquisition/Lease	
d. Permits/Surveys	
e. Legal/Bonding/Insurance	
f. Construction Costs	
g. Construction Management	
h. Project Delivery	<b>X</b>
i. Other (Please Specify)	<b>X (hauling)</b>

**APPENDIX B (Revised to APPENDIX B-1)**

**BUDGET: INF-00023**

**Delegate:** Town of Lyons

**Project:** CDBG-DR Buyouts and Acquisitions Program

<b>Task</b>	<b>Total Project Costs</b>	<b>CDBG-DR Funds</b>	<b>Other Funds</b>	<b>Other Funding Sources</b>
CDBG-DR Buyouts and Acquisitions Program – Round 1, Obligation 1	\$608,108.52	\$599,002.44	\$0	N/A
Project Delivery* (Not to exceed 15%)	\$0	\$9,106.08		
<b>Subtotal</b>	<b>\$608,108.52</b>	<b>\$608,108.52</b>		
CDBG-DR Buyouts and Acquisitions Program – Round 2, Obligation 1	\$1,920,063	\$1,632,053.55	\$0	N/A
Project Delivery* (Not to exceed 15%)	\$0	\$288,009.45		
<b>Subtotal</b>	<b>\$1,920,063.00</b>	<b>\$1,920,063.00</b>		
<b>Total</b>	<b>\$2,528,171.52</b>	<b>\$2,528,171.52</b>	<b>\$0</b>	

**CDBG-DR Funds on an Advance Basis:** \$0

**CDBG-DR Funds on a Reimbursement Basis:** \$2,528,171.52

\*Up to 15 percent of total project costs funded by CDBG-DR may be used for project delivery costs. Project delivery costs shall not exceed 15 percent of total project costs. Project delivery costs are those costs associated with implementing and carrying out eligible CDBG-DR activities and may include staff time, technical assistance, and consulting fees. Project delivery costs require sufficient documentation to be an acceptable reimbursable cost. Hours attributed to each project should be tracked daily and reported separately on an approved timesheet format. Project delivery may also include costs associated with charges incurred from Hagerty Consulting. These charges could include time directly spent on an activity or distributed on a fair share basis for program-wide implementation and monitoring. Hagerty Consulting support to the Town of Lyons will first be drawn from the \$500,000 set-aside for the Town of Lyons and the Town of Jamestown. These set-aside funds are managed separate and apart from the project budgets covered by this Agreement. In the event that these set-aside funds are fully expended, charges incurred

from Hagerty Consulting would then be drawn from the project delivery budgets included in this Agreement. Excluding Hagerty Consulting costs, any project delivery costs not incurred by the Delegate will be applied to the project itself.

**Expenditure Milestones:**

**CDBG-DR Buyouts & Acquisitions Program – Round 1, Obligation 1**

	<b>Date</b>
50% draw down by:	February 29, 2016
75% draw down by:	March 31, 2016
<b>Substantial Completion of Work Program and Submittal of Final Pay Request (date certain):</b>	<b>April 10, 2016</b>

**Expenditure Milestones:**

**CDBG-DR Buyouts & Acquisitions Program – Round 2, Obligation 1**

	<b>Date</b>
50% draw down by:	June 30, 2016
75% draw down by:	September 30, 2016
<b>Substantial Completion of Work Program and Submittal of Final Pay Request (date certain):</b>	<b>December 31, 2016</b>

If target date for expenditure milestones are not met, the City has the authority to use any remedies stated in the Agreement including, but not limited to, those specified in §10(a).

**Disposition of Program Income:** No program income is anticipated.

**APPENDIX B-2**

**BUDGET: INF-00021**

**Delegate:** Town of Lyons

**Project:** Economic Development Administration (EDA) Grant Match – Sewer Lines, Lift Station, and Water Distribution Loop for Commercial Eastern Corridor (CEC)

<b>Task</b>	<b>Total Project Costs</b>	<b>CDBG-DR Funds</b>	<b>Other Funds</b>	<b>Other Funding Sources</b>
EDA Grant Match – Sewer Lines, Lift Station, and Water Distribution Loop for CEC	\$1,536,717	\$653,105.15	\$768,358	EDA
Project Delivery* (Not to exceed 15%)	\$0	\$115,253.85		
<b>Total</b>	<b>\$1,536,717</b>	<b>\$768,359</b>	<b>\$768,358</b>	

**CDBG-DR Funds on an Advance Basis:** \$0  
**CDBG-DR Funds on a Reimbursement Basis:** \$768,359

For any projects requiring CDBG-DR funding on an Advance basis, the City is responsible for procuring all project activities and providing payment to contractors. The Delegate is responsible for all other project management activities.

**\*Project Delivery:**

\*Up to 15 percent of total project costs funded by CDBG-DR may be used for project delivery costs. Project delivery costs shall not exceed 15 percent of total project costs. Project delivery costs are those costs associated with implementing and carrying out eligible CDBG-DR activities and may include staff time, technical assistance, and consulting fees. Project delivery costs require sufficient documentation to be an acceptable reimbursable cost. Hours attributed to each project should be tracked daily and reported separately on an approved timesheet format. Project delivery may also include costs associated with charges incurred from Hagerty Consulting. These charges could include time directly spent on an activity or distributed on a fair share basis for program-wide implementation and monitoring. Hagerty Consulting support to the Town of Lyons will first be drawn from the \$500,000 set-aside for the Town of Lyons and the Town of Jamestown. These set-aside funds are managed separate and apart from the project budgets covered by this Agreement. In the event that these set-aside funds are fully expended, charges incurred from Hagerty Consulting would then be drawn from the project delivery budgets included in this Agreement. Excluding Hagerty Consulting costs, any project delivery costs not incurred by the Delegate will be applied to the project itself.

**Expenditure Milestones:**

EDA Grant Match – Sewer Lines, Lift Station, and  
Water Distribution Loop for CEC

**Date**

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50% draw down by:

June 30, 2017

75% draw down by:

August 31, 2017

**Substantial Completion of Work Program and  
Submittal of Final Pay Request (date certain):**

---

**October 31, 2017**

If target date for expenditure milestones are not met, the City has the authority to use any remedies stated in the Agreement, including, but not limited to, those specified in §10(a).

**Disposition of Program Income:** No program income is anticipated.

**APPENDIX B-3**

**BUDGET: INF-00022**

**Delegate:** Town of Lyons

**Project:** Flood Debris Removal

<b>Task</b>	<b>Total Project Costs</b>	<b>CDBG-DR Funds</b>	<b>Other Funds</b>	<b>Other Funding Sources</b>
Flood Debris Removal	\$44,279.65	\$18,818.57	\$22,140.15	Boulder County
Project Delivery* (Not to exceed 15%)	\$0	\$3,320.93		
<b>Total</b>	<b>\$44,279.65</b>	<b>\$22,139.50</b>	<b>\$22,140.15</b>	

**CDBG-DR Funds on an Advance Basis:** \$0  
**CDBG-DR Funds on a Reimbursement Basis:** \$22,139.50

For any projects requiring CDBG-DR funding on an Advance basis, the City is responsible for procuring all project activities and providing payment to contractors. The Delegate is responsible for all other project management activities.

**\*Project Delivery:**

\*Up to 15 percent of total project costs funded by CDBG-DR may be used for project delivery costs. Project delivery costs shall not exceed 15 percent of total project costs. Project delivery costs are those costs associated with implementing and carrying out eligible CDBG-DR activities and may include staff time, technical assistance, and consulting fees. Project delivery costs require sufficient documentation to be an acceptable reimbursable cost. Hours attributed to each project should be tracked daily and reported separately on an approved timesheet format. Project delivery may also include costs associated with charges incurred from Hagerty Consulting. These charges could include time directly spent on an activity or distributed on a fair share basis for program-wide implementation and monitoring. Hagerty Consulting support to the Town of Lyons will first be drawn from the \$500,000 set-aside for the Town of Lyons and the Town of Jamestown. These set-aside funds are managed separate and apart from the project budgets covered by this Agreement. In the event that these set-aside funds are fully expended, charges incurred from Hagerty Consulting would then be drawn from the project delivery budgets included in this Agreement. Excluding Hagerty Consulting costs, any project delivery costs not incurred by the Delegate will be applied to the project itself.

**Expenditure Milestones:**  
Flood Debris Removal

	<b>Date</b>
50% draw down by:	June 30, 2016
75% draw down by:	June 30, 2016

**Substantial Completion of Work Program and  
Submittal of Final Pay Request (date certain):** **June 30, 2016**

If target date for expenditure milestones are not met, the City has the authority to use any remedies stated in the Agreement, including, but not limited to, those specified in §10(a).

**Disposition of Program Income:** No program income is anticipated.

## **AGREEMENT FOR DELEGATION OF ACTIVITIES**

### **Boulder County Collaborative CDBG-DR Sub-Allocation Grant No. B-13-DS-08-001: INF-00023**

**THIS AGREEMENT**, including attached conditions, is made by and between the City of Longmont, Colorado, a Colorado municipal corporation (“City”), and the Town of Lyons (“Delegate”).

**WHEREAS**, the City is the fiscal agent for the Boulder County Collaborative (“Collaborative” or “BCC”) Community Development Block Grant-Disaster Recovery (“CDBG-DR”) sub-allocation from the State of Colorado’s Department of Local Affairs (“DOLA”) funds from the U.S. Department of Housing and Urban Development (“HUD”) and is responsible for the development, implementation, administration, and evaluation of HUD’s CDBG-DR funds on behalf of the Collaborative Partners (“Partners”); and

**WHEREAS**, HUD has allocated the State of Colorado CDBG-DR funds for recovery from the disasters in 2011, 2012, and 2013, and DOLA has allocated a sub-allocation of these funds to the Collaborative through the State’s Third Amendment to the State’s Action Plan submitted to HUD dated June 26, 2015; and

**WHEREAS**, the Collaborative has determined a method of distribution of the sub-allocation based on its intergovernmental agreement detailing the targeted percentage amount each Partner will receive for infrastructure and/or housing assistance projects; and

**WHEREAS**, the Delegate possesses the authority and management capability necessary to assist the City in the execution of its responsibilities as a CDBG-DR sub-grantee and has been determined by the City to be an appropriate party to assume the primary administration of an activity described as Buyouts and Acquisitions in CDBG-DR Program Grant No. B-13-DS-08-001; and

**WHEREAS**, by this Agreement, the parties are making provisions for the administration and conduct of that activity by the Delegate.

**THEREFORE, WITNESSETH**, the City and the Delegate do mutually agree as follows:

**1. WORK TO BE PERFORMED.** The Delegate shall, in a timely and satisfactory manner, as determined by the City, perform the activities described in the work program set forth in **Appendix A**.

**2. COMPLIANCE WITH APPROVED PROGRAM.** All activities authorized by this Agreement will be performed in accordance with the goals and objectives set forth in **Appendix A**, the budget set forth in **Appendix B**, and the conditions, assurances, and requirements set forth in CDBG-DR Program Grant No. B-13-DS-08-001 as detailed in **Appendix C**. Prior to undertaking any activity or making any expenditure that is not clearly consistent with the terms and conditions of this Agreement, the Delegate shall, in writing,

request the written approval of the City. No reimbursement shall be made for any such expenditure or activity that does not receive this prior written approval of the City.

**3. FUNDS AUTHORIZED AND SCHEDULE OF PAYMENTS.** Subject to the receipt of funds from the State of Colorado, the City will reimburse the Delegate for expenditures verified by vouchers and similar documentation authorized in **Appendix A**.

For each month covered by this Agreement, the Delegate shall submit, as an invoice, a financial statement of expenses incurred in that month within ten (10) working days of the close of each month. Within ten (10) working days of receipt of the invoice, the City will determine in its reasonable discretion if those expenditures are authorized in **Appendix A**, and if so authorized, make payment of approved expenditures or notify the Delegate in writing of its decision to disapprove, and of any conditions to be met for approval. In no event will the Delegate receive reimbursement in excess of the total amount of CDBG-DR funds authorized by this Agreement and detailed in the budget set forth in **Appendix B**.

**4. PROGRAM INCOME.** Program income as defined in 24 CFR 570.504, generated by the Delegate, will be sent to the City while the Grant Agreement under B-13-DS-08-0011 with DOLA remains open and will be used for other CDBG-DR eligible activities under the sub-allocation as determined by the Collaborative. Program income received after the Grant Agreement with DOLA is closed out can be retained and used by the Delegate that is a CDBG entitlement jurisdiction for any CDBG eligible use. Program income received by the Delegate that is not a CDBG entitlement jurisdiction after the Grant Agreement with DOLA is closed out, will be returned to the City and the City will place the program income in the Countywide Down Payment Assistance Program account to be used throughout the county for down payment assistance. Appropriate documentation of the receipt and use of program income during the term of this Agreement will be provided to the City.

**5. REVERSION OF ASSETS.** Upon the expiration or termination of this Agreement, the Delegate shall transfer any CDBG-DR funds on hand at that time and any accounts receivable attributable to the use of CDBG-DR funds to the City. Any real property under the Delegate's control that was acquired or improved in whole or in part with CDBG-DR funds in excess of \$25,000 must either:

(A) Be used to meet one of the national objectives outlined in the March 5, 2013, Federal Register Notice (78 FR 14329) or 24 CFR 570.208 until five (5) years after the expiration of this Agreement. If however, the real property being acquired is part of a buyout or flood mitigation acquisition where the future and on-going use of the property is as open space, then the undeveloped real property will be considered to meet the HUD national objective;

OR

(B) Be disposed of in a manner that results in the City being reimbursed in the amount of the current fair market value of the property, less any portion of the value attributable to expenditures of non-CDBG-DR funds for acquisition of, or improvements to, the property.

If there is real property being acquired or improved under this Agreement with CDBG-DR funds, the Delegate and the City must have reached a prior agreement as to which of the above options will be used and enforced. The option for this Agreement is (A).

Paragraph 5 only applies to any funds or real property provided to or acquired by the Delegate under this Agreement.

**6. REPORTS, RECORDS, MONITORING AND EVALUATION.** The City will monitor, evaluate, and provide guidance, direction, and technical assistance to the Delegate in the conduct of activities listed in this paragraph. The Delegate will provide the following:

(A) Quarterly Reports. Within five (5) working days after the end of each quarter (by March 5, June 5, September 5 and December 5), the Delegate shall submit the following:

(1) Progress report of the Delegate's activities and accomplishments during the period with emphasis on the objectives of the project specified in **Appendix A**.

(2) Financial statement of CDBG-DR expenditures made by the Delegate during the period, including a comparison of accumulative CDBG-DR expenditures made in the conduct of the project to the specific cost categories and expenditure milestones set forth in the budget in **Appendix B**.

(3) Any special report made necessary by the imposition of the City or HUD, or additional reasonable requirements pursuant to CDBG-DR Program Grant No. B-13-DS-08-001.

(B) Project Completion Report. Within fifteen (15) days of the earlier of termination or completion of the project, the Delegate shall submit one (1) copy of the project completion report, and one (1) copy of the final financial status report. Electronic submission of these and all reports is encouraged. The project completion report shall contain a certification from the Delegate that the project is complete and all costs for reimbursement have been submitted to the City.

(C) Annual Audit. A complete annual audit is not required by federal law if the Delegate is a non-federal entity that expends less than \$750,000 in federal funds annually, including funds authorized by this grant. However, all financial and other records must be available for review or audit by appropriate officials of the City, State, HUD, and the General Accounting Office. If the Delegate will expend \$750,000 or more in federal funds during the calendar year in which the grant award made under this Agreement is expended, a single or program-specific audit must be submitted to the City for review immediately upon completion. The Delegate will include the activities delegated by the terms of this Agreement in its audit which shall be undertaken in accordance with the provisions of OMB Super Circular Title 2 of the CFR, Subtitle A, Chapter II, Part 200, and which shall include a compliance review as per 24 CFR 44.5.

(D) Retain Records. The Delegate will retain and permit access by the City, State, HUD, and the Comptroller General to inspect all program records pertaining to the grant for a period of at least four (4) years after the date of this grant close-out. Records to be maintained by Delegate will include, but are not limited to, the following: applications including eligibility determination, national objective and LMI determination, environmental clearance, duplication of benefit, beneficiary information, and other compliance documentation as required.

For housing projects/programs, the Delegate shall also retain and permit access by the City, State, HUD, and the Comptroller General to inspect all individual household assistance records pertaining to the grant for a period of at least ten (10) years after the date of this grant close-out.

(E) Cooperate with Evaluation. The Delegate will ensure the cooperation of its staff and other responsible officials in the efforts of the City to monitor and evaluate the Delegate's activities. The Delegate will actively assist the City in the following activities:

(1) On-site visits by the City made to monitor the progress of the activities delegated, to review compliance with the terms of this Agreement, and to offer assistance in the conduct of the project. Such on-site visits will be undertaken within ninety (90) days of this grant award, and then every six (6) months until grant close-out.

(2) Any special monitoring or evaluation activities made necessary by the imposition by the City, State, or HUD of additional reasonable requirements pursuant to HUD CDBG-DR Program Grant No. B-13-DS-08-001.

**7. COMPLIANCE WITH FEDERAL, STATE, AND LOCAL LAWS.** The Delegate shall comply with all applicable federal, state, and local laws, rules, statutes, charter provisions, ordinances, regulations, policies, guidelines, and requirements with respect to the acceptance and use of federal funds for this federally assisted program. **Appendix C** requires that the Delegate assure and certify compliance with said requirements, including the following:

- (A) Residential Anti-Displacement and Relocation Assistance Plan included in **Appendix F**.
- (B) Affirmation of Duplication of Benefits included in **Appendix H**.
- (C) Financial Management Questionnaire to affirm proficient financial controls and procurement processes included in **Appendix I**.

**8. CHANGES.** This Agreement is an integration of the entire understanding of the parties, and any amendment must be signed by the authorized representative of both parties. Notwithstanding the foregoing, the City, State, or HUD may, from time to time, impose other reasonable conditions in connection with the activities delegated under the terms of this Agreement, and the Delegate will comply with such conditions upon receiving written notice from the City, State, or HUD or will agree to terminate this Agreement pursuant to Paragraph 11 herein.

The City Manager may approve and sign any amendments on behalf of the City that are consistent with the purposes of this Agreement and do not substantially increase the obligations of the City hereunder.

**9. NON-DISCRIMINATION.** In the performance of this Agreement, the Delegate shall not discriminate against any employee or applicant for employment with regard to race, color, religion, sex, national origin, disability, age, ancestry, or political belief. The Delegate further agrees that no person will be denied equal access to, excluded from participation in, or be denied the proceeds of any CDBG-DR funded project subject to this Agreement, and will adhere to the non-discrimination provisions promulgated pursuant to the Executive Orders and federal statutes referenced in **Appendix C**.

**10. ENFORCEMENT.** The City may, for cause and upon giving fifteen (15) days' written notice to the Delegate, undertake one or more of the following courses of action:

- (A) Withhold funds until the situation has been corrected;
- (B) Suspend the Delegate's authority to spend funds or to conduct the project until the situation is corrected; or
- (C) Terminate this Agreement in whole or in part.

Cause shall include, but not be limited to:

- (A) Failure, for any reason, of the Delegate to fulfill in a timely and proper manner its obligations under this Agreement;
- (B) Submission by the Delegate to HUD, the State, or to the City of reports that are incorrect or incomplete in any material respect;
- (C) Ineffective or improper use of funds provided under or generated by this Agreement; or
- (D) Suspension or termination by the State or HUD of the grant to the City under which this Agreement is made, or the portion thereof delegated by this Agreement.

Delegate shall comply with the provisions of the Recapture Plan in **Appendix G**.

**11. TERMINATION.**

(A) Either party may terminate this Agreement without cause upon thirty (30) days' written notice to the other party.

(B) The Delegate may terminate this Agreement, upon thirty (30) days' written notice to the City, if the Delegate is unable or unwilling to comply with such additional

conditions as may be lawfully applied by the City, State, or HUD. In such event, the City may require the Delegate to ensure that adequate arrangements have been made for the transfer of the delegated activities to another Delegate or to the City.

(C) In the event of any termination, all property and finished or unfinished documents, data, studies, and reports purchased or prepared by the Delegate under this Agreement shall become the property of the City, and the Delegate shall be entitled to compensation for any unreimbursed expenses reasonably and necessarily incurred in satisfactory performance of the Agreement. Notwithstanding the above, the Delegate shall not be relieved of liability to the City for damages sustained by the City by virtue of any breach of the contract by the Delegate, and the City may withhold any reimbursement to the Delegate for the purpose of set-off until such time as the exact amount of damages due to the City from the Delegate is agreed upon or otherwise determined.

(D) In the event of any termination, the City shall de-obligate any remaining unexpended grant funds for the project, and shall provide notice to Delegate that such project has failed to meet its expenditure milestones (included in **Appendix B**) and the corresponding HUD timeliness requirements and that as a result, the Delegate is required to immediately return to the City any previously received funds for the project for re-allocation to another project.

**12. SUBCONTRACTING AND ASSIGNMENT.** The Delegate shall not assign, delegate, nor subcontract any of the work or services authorized by this Agreement without the prior written approval of the City.

**13. COPIES OF PLANS.** The City will be provided with copies of plans, reports, studies, or other documentation signifying and giving evidence of the completion of the activities authorized by the terms of this Agreement at such time as the Delegate has fulfilled its responsibilities in executing the terms of this Agreement.

**14. LIABILITY.** The Delegate and the City each assume responsibility for the actions and omissions of its own agents and employees in the performance or failure to perform work under this Agreement. It is agreed that such liability for actions or omissions of their own agents and employees is not intended to increase the amounts set forth in the Colorado Governmental Immunity Act, now existing, or as the same may be later amended. By agreeing to this provision, the parties do not waive nor intend to waive the limitations on liability which are provided to the parties under the Colorado Governmental Immunity Act § 24-10-101 et seq., C.R.S., as amended.

**15. INSURANCE.** The Delegate will procure and maintain in full force and effect such insurance or self-insurance that will insure its obligations and liabilities under this Agreement, including workers' compensation, automobile liability, and general liability.

**16. NOTICE.** Any notice provided for in this Agreement shall be in writing and shall be sufficiently given if delivered in person, by prepaid overnight express, or by registered or certified mail, postage prepaid, return receipt requested, and addressed to the following:

In case of the City, to:  
Kathy L. Fedler  
CDBG-DR Program Manager  
Civic Center Complex  
350 Kimbark Street  
Longmont, CO 80501

In case of Delegate, to:  
Victoria Simonsen  
Town Administrator  
Town of Lyons  
432 5<sup>th</sup> Avenue  
Lyons, CO 80540

Either party may designate another address by written notice as provided in this section.

17. **PROVISIONS CONSTRUED AS TO FAIR MEANING.** The provisions of this Agreement shall be construed as to their fair meaning and not for or against any party based upon any attribution to such party of the source of the language in question.

18. **HEADINGS FOR CONVENIENCE.** All headings, captions, and titles are for convenience and reference only and of no meaning in the interpretation or effect of this Agreement.

19. **NO THIRD PARTY BENEFICIARIES.** None of the terms or conditions in this Agreement shall give or allow any claim, benefit, or right of action by any third person not a party hereto. Any person other than the City or Delegate receiving services or benefits under this Agreement shall be only an incidental beneficiary.

20. **WAIVER.** No waiver of any breach or default under this Agreement shall be a waiver of any other or subsequent breach or default.

21. **GOVERNING LAW.** This Agreement shall be governed and construed in accordance with the laws of the State of Colorado.

22. **STATUS OF DELEGATE.** Delegate shall perform under this Agreement as an independent contractor and a separate entity and not as an employee or agent of the City. **Delegate's employees and volunteers are not entitled to City of Longmont workers' compensation benefits or its insurance carriers or funds. Delegate is obligated to pay federal and state income tax on money, if any, earned pursuant to this Agreement.**

23. **RELATIONSHIP OF THE PARTIES.** It is mutually agreed and understood that nothing contained in this Agreement is intended or shall be construed as in any way establishing the relationship of co-partners or joint ventures between the parties hereto or as construing the Delegate, including its agents and employees, as an agent of the City. The Delegate shall remain an independent and separate entity. When Delegate provides services as listed above, Delegate personnel shall do so as volunteers and not as paid employees.

24. **VERIFICATION OF LAWFUL PRESENCE.** Delegate shall verify the lawful presence in the United States of each natural person eighteen (18) years of age or older who applies for state or local public benefits or for federal public benefits for the applicant, prior to providing the benefits as required by Article 76.5 of Title 24 of the Colorado Revised Statutes, Restrictions on Public Benefits, C.R.S. 24-76.5-101, et seq. Delegate shall verify the lawful

presence in the United States of each such applicant by requiring the applicant to: 1) produce (i) a valid Colorado driver's license or a Colorado identification card, issued pursuant to Article 2 of Title 42, C.R.S.; or (ii) a United States military card or a military dependent's identification card; or (iii) a United States Coast Guard merchant mariner card; or (iv) a Native American tribal document; and 2) execute an affidavit in substantially the form shown on **Appendix E** stating: (i) that he or she is a United States citizen or legal permanent resident; or (ii) that he or she is otherwise lawfully present in the United States pursuant to federal law.

For an applicant who has executed an affidavit stating that he or she is an alien lawfully present in the United States, Delegate shall verify the applicant's lawful presence for federal public benefits or state or local public benefits through the federal Systematic Alien Verification of Entitlement Program ("Save Program"), operated by the United States Department of Homeland Security or a successor program designated by the United States Department of Homeland Security. Until such verification of lawful presence is made, the affidavit may be presumed to be proof of lawful presence for purposes of this section. If Delegate is unable to use the Save Program after reasonable efforts are made to use the program, Delegate shall request the City to verify the lawful presence of the applicant through the Save Program.

**35. EFFECTIVE DATES.** This Agreement shall be in effect from February 23, 2016, through December 31, 2016.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**CITY OF LONGMONT:**

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
DATE

APPROVED AS TO FORM:

\_\_\_\_\_  
ASSISTANT CITY ATTORNEY

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PROOFREAD

\_\_\_\_\_  
DATE

APPROVED AS TO FORM AND SUBSTANCE:

\_\_\_\_\_  
CDBG-DR PROGRAM MANAGER

\_\_\_\_\_  
DATE

APPROVED AS TO INSURANCE PROVISIONS:

\_\_\_\_\_  
RISK MANAGER

\_\_\_\_\_  
DATE

CA File: 9939

State of Colorado     )  
  ) ss.  
County of Boulder     )

I attest that the foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by \_\_\_\_\_, as the Mayor of the City of Longmont.

Witness my hand and official seal.

\_\_\_\_\_  
City Clerk, Notary Public

My commission expires \_\_\_\_\_.



**APPENDIX A**

**WORK PROGRAM: INF-00023**

**Delegate:** Town of Lyons

**Project:** CDBG-DR Buyouts and Acquisitions Program

**Goal or Activity Description:** The Town of Lyons will purchase one (1) mobile home park and approximately three (3) flood-impacted properties and those that are in hazardous locations, both inside and outside the floodplain. Properties will be purchased at pre-flood value and maintained in perpetuity as open space or other limited allowable use.

**Area of Service:** To be determined on a property-by-property basis.

**National Objective:**

**Low/Mod Income Benefit:** X      **Percentage Met:** TBD

**Urgent Need:** \_\_\_\_\_

**CDBG-DR Eligible Activity Pursuant to 24 CFR 570.201:** (a) Acquisition  
(d) Clearance/Demolition

**Covered Project:** No  
(Major infrastructure project total cost of \$50 million or more, including at least \$10 million of CDBG-DR funds.)

**Compliance with Davis Bacon Act Required:** No

**Compliance with Section 3 of the Housing and Urban Development Act of 1968 Required:** Yes  
(Refer to Title 24 CFR Part 135 and the Boulder County Collaborative Section 3 plan dated January 18, 2016.)

**MBE/WBE Contract Statement Required:** Yes  
(Refer to Boulder County Collaborative CDBG-DR Required Bid and Contract Documents Instructions.)

**Compliance with Resilience Performance Standards Required:** No

**Work Program**

**Completion Date**

**1. Household Assistance Programs**

N/A

**2. Environmental Review/Assessment**

**TBD (site specific)**

- |  |                          |
|--|--------------------------|
| <b>3. Procurement &amp; Contracting</b>                      | <b>TBD</b>               |
| <b>4. Acquisition – Sub Allocation Round 1, Obligation 1</b> | <b>February 29, 2016</b> |
| <b>5. Acquisition – Sub Allocation Round 2, Obligation 1</b> | <b>November 30, 2016</b> |
| <b>6. Clearance &amp; Demolition</b>                         | <b>November 30, 2016</b> |
| <b>7. Design/engineering</b>                                 | <b>N/A</b>               |
| <b>8. Construction</b>                                       | <b>N/A</b>               |
| <b>9. Project Delivery</b>                                   | <b>December 31, 2016</b> |
| <b>10. Pre Agreement Tasks</b>                               |                          |
| (A) Architectural/Engineering                                |                          |
| (B) Environmental Review/Assessment                          | <b>X</b>                 |
| (C) Real Property/Easement/Acquisition/Lease                 | <b>X</b>                 |
| (D) Permits/Surveys  | <b>X</b>                 |
| (E) Legal/Bonding/Insurance                                  |                          |
| (F) Construction Costs                                       |                          |
| (G) Construction Management                                  |                          |
| (H) Other (Please Specify)                                   |                          |

**APPENDIX B**

**BUDGET: INF-00023**

**Delegate:** Town of Lyons

**Project:** CDBG-DR Buyouts and Acquisitions Program

<b>Task</b>	<b>Total Project Costs</b>	<b>CDBG-DR Funds</b>	<b>Other Funds</b>	<b>Other Funding Sources</b>
CDBG-DR Buyouts and Acquisitions Program – Round 1, Obligation 1	\$644,387	\$644,387	\$0	N/A
Project Delivery* (Not to exceed 15%)	N/A	N/A		
<b>Subtotal</b>	\$644,387	\$644,387		
CDBG-DR Buyouts and Acquisitions Program – Round 2, Obligation 1	\$1,920,063	\$1,920,063	\$0	N/A
Project Delivery* (Not to exceed 15%)	N/A	N/A		
<b>Subtotal</b>	\$1,920,063	\$1,920,063		
<b>Total</b>	<b>\$2,564,450</b>	<b>\$2,564,450</b>	<b>\$0</b>	

**CDBG-DR Funds on an Advance Basis:** \$0  
**CDBG-DR Funds on a Reimbursement Basis:** \$2,564,450

\*Up to 15 percent of total project costs funded by CDBG-DR may be used for project delivery costs. Project delivery costs shall not exceed 15 percent of total project costs. Project delivery costs are those costs associated with implementing and carrying out eligible CDBG-DR activities and may include staff time, technical assistance, and consulting fees. Project delivery costs require sufficient documentation to be an acceptable reimbursable cost. Hours attributed to each project should be tracked daily and reported separately on an approved timesheet format. Project delivery will also include costs associated with charges incurred from Hagerty Consulting. These charges could include time directly spent on an activity or distributed on a fair share basis for program-wide implementation and monitoring. Excluding Hagerty Consulting costs, any project delivery costs not incurred by the Delegate will be applied to the project itself.

**Expenditure Milestones:  
CDBG-DR Buyouts & Acquisitions Program – Round 1, Obligation 1**

	<b>Date</b>
50% draw down by:	February 29, 2016
75% draw down by:	February 29, 2016
<b>Substantial Completion of Work Program and Submittal of Final Pay Request (date certain):</b>	<b>February 29, 2016</b>

**Expenditure Milestones:  
CDBG-DR Buyouts & Acquisitions Program – Round 2, Obligation 1**

	<b>Date</b>
50% draw down by:	June 30, 2016
75% draw down by:	September 30, 2016
<b>Substantial Completion of Work Program and Submittal of Final Pay Request (date certain):</b>	<b>December 31, 2016</b>

If target date for expenditure milestones are not met, the City has the authority to use any remedies stated in the Agreement including, but not limited to, those specified in §10(a).

**Disposition of Program Income:** No program income is anticipated.

## APPENDIX C

### COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM CERTIFICATIONS

The Delegate hereby assures and certifies that it will comply with the regulations, policies, guidelines, and requirements with respect to the acceptance and use of federal funds for this federally assisted program. Also, the Delegate gives assurances and certifies with respect to the grant that:

- A. It possesses legal authority to make a grant submission and to execute a community development and housing program;
- B. Its governing body has duly adopted or passed as an official act a resolution, motion or similar action authorizing the person identified as the official representative of the Delegate to enter into subsequent contracts, all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the Delegate to act in connection with the Agreement and to provide such additional information as may be required;
- C. It has developed its request for funds and funded project so as to give maximum feasible priority to activities which benefit low and moderate income families, or aid in the prevention or elimination of slums or blight;
- D. It will affirmatively further fair housing;
- E. It will minimize the displacement of persons as a result of activities assisted with CDBG-DR funds and will assist persons actually displaced as a result of such activities, as described in the Residential Anti-Displacement and Relocation Assistance Plan included as **Appendix F**;
- F. The Agreement will be conducted and administered in compliance with:
  1. Title VI of the Civil Rights Act of 1964 (Public Law 88-352), and implementing regulations issued at 24 CFR 570 Part 1;
  2. The Fair Housing Act (42 U.S.C. 3601-3619) and the Delegate will administer all programs and activities related to housing and community development in a manner to affirmatively further fair housing;
  3. Section 109 of the Housing and Community Development Act of 1974, as amended, and the regulations issued pursuant thereto;
  4. Section 3 of the Housing and Urban Development Act of 1968, as amended, and implementing regulations issued at 24 CFR Part 135;

5. Executive Order 11246, as amended by Executive Orders 11375, 11478, 12086 and 12107, and implementing regulations issued at 41 CFR Chapter 60;
6. Executive Order 11063, as amended by Executive Order 12259, and implementing regulations issued at 24 CFR Part 107;
7. Section 504 of the Rehabilitation Act of 1973 (Public Law 92-112), as amended, and implementing regulations issued at 24 CFR Part 8;
8. The Age Discrimination Act of 1975 (Public Law 94-135), as amended, and implementing regulations issued at 24 CFR Part 146;
9. The acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and the implementing regulations at 49 CFR Part 24;
10. The labor standards requirements as set forth in 24 CFR Part 570, Subpart K, and HUD regulations issued to implement such requirements;
11. Executive Order 11988 relating to the evaluation of flood hazards, and Executive Order 11288 relating to the prevention, control, and abatement of water pollution;
12. The flood insurance purchase requirements of Section 202(a) of the Flood Disaster Protection Act of 1973 (Public Law 93-234);
13. The regulations, policies, guidelines, and requirements of 24 CFR Part 85 - Administrative Requirements and OMB Super Circular Title 2 of the CFR, Subtitle A, Chapter II, Part 200 as they relate to the acceptance and use of federal funds under this federally-assisted program;
14. Section 402 of the Vietnam Veterans Adjustment Assistance Act of 1974 (Public Law 93-508), as amended and implementing regulations when published for effect;
15. The Americans with Disabilities Act of 1990;
16. The regulations, policies, guidelines and requirements of OMB Super Circular Title 2 of the CFR, Subtitle A, Chapter II, Part 200. The grant activity will be part of the Delegate's annual audit and that audit will be submitted to the City for review;
17. The provisions of the National Environmental Policy Act of 1969, and the regulations issued pursuant thereto;

18. The Clean Air Act, as amended (42 U.S.C. 1857 et seq.), and the regulations of the Environmental Protection Agency with respect thereto, at 40 CFR Part 15, as amended;
  19. The Archeological and Historic Preservation Act of 1974 (Public Law 93-291), Public Law 89-665, Executive Order 11593, and the procedures described by the Advisory Council on Historical Preservation in 36 CFR Part 800.
- G. No member of or delegate to the congress of the United States shall be admitted to any share or part of this Agreement or to any benefit to arise from same;
  - H. No member, officer, or employee of the Delegate, or its designees or agents, no member of the governing body of the locality in which the program is situated, and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the program during his/her tenure or for one (1) year thereafter, shall have any interest, direct or indirect, in any contract or subcontract, or the process thereof, for work to be performed in connection with the program assisted under the grant, and that it shall incorporate, or cause to be incorporated, in all such contracts or subcontracts a provision prohibiting such interest pursuant to the purposes of this certification;
  - I. It will comply with the provisions of the Hatch Act which limits the political activity of employees;
  - J. It will give HUD and the Controller General or any authorized representatives access to and the right to examine all records, books, papers, or documents related to the grant, and that it will maintain such records, books, papers, or documents for three (3) years after the close of the project;
  - K. It will comply with the lead-based paint requirements of 24 CFR 570.608 issued pursuant to the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4831 et seq.);
  - L. It will not use CDBG-DR funds for publicity or propaganda purposes designed to support or defeat legislation pending with federal, state, or local governments;
  - M. Real or personal property purchased in whole or in part with CDBG-DR funds shall not be disposed of through sale, use, or location without the written permission of the City, State, and HUD. The proceeds from the disposition of real property shall be considered program income and subject to 24 CFR 570.504;
  - N. It will not attempt to recover any capital costs of public improvements assisted in whole or in part with funds provided under Section 106 of the Housing and Community Development Act by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged

or assessment made as a condition of obtaining access to such public improvements, unless:

1. Funds received under Section 106 of the Act are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than Title I of the Act; or
  2. For purposes of assessing any amount against properties owned and occupied by persons of low and moderate income, the Delegate certifies to the City that it lacks sufficient funds received under Section 106 of the Act to comply with the requirements of Subparagraph 1 above.
- O. Funds will be used solely for necessary expenses related to disaster relief, long-term recovery, restoration of infrastructure and housing, and economic revitalization in the most impacted and distressed areas for which the President declared a major disaster in the aftermath of the September 2013 floods, pursuant to the Stafford Act.
- P. The Delegate certifies that it has adopted and is enforcing the following policies:
1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and
  2. A policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location that is the subject of such nonviolent civil rights demonstrations within its jurisdiction.
- Q. The Delegate will not use grant funds for any activity in an area delineated as a special flood hazard area or equivalent in FEMA's most recent and current data source, unless it also ensures that the action is designed or modified to minimize harm to or within the floodplain in accordance with Executive Order 11988 and 24 CFR part 55. The relevant data source for this provision is the latest issued FEMA data or guidance which includes advisory data (such as Advisory Base Flood Elevations) or preliminary and final Flood Insurance Rate Maps.
- R. The Delegate certifies that it has reviewed the requirements of the March 5, 2013, Federal Register Notice (78 FR 14329) and the June 3, 2014, Federal Register Notice (79 FR 31964) and requirements of Public Law 113-2 applicable to funds allocated by this Notice, and that it has in place proficient financial controls and procurement processes (refer to **Appendix I: Financial Management Questionnaire**) and has established adequate procedures to prevent any duplication of benefits as defined by section 312 of the Stafford Act (refer to **Appendix H: Affirmation of Duplication of Benefits**), to ensure timely expenditures of funds and to detect and prevent waste, fraud, and abuse of funds.

## APPENDIX D

### MONITORING SCHEDULE

**Delegate:** Town of Lyons

**Project(s):** INF-00023 – CDBG-DR Buyouts and Acquisitions Program

At a minimum, the project will be visited within ninety (90) days of the date of this Delegation Agreement, and then at least every six (6) months until grant close-out.

The Delegate will be informed of the time of an on-site visit and the general subject matter to be covered. An exit review of tentative conclusions will be held with the Delegate to be followed by a formal communication within thirty (30) days.

The monitoring review(s) will cover:

- Review of accounting system.
- Review of Delegate's understanding of program financial requirements.
- Review of files for required policies and procedures and documentation.
- Review of records system for maintenance of appropriate documentation.
- Project/program review for compliance with all program requirements.

If it is determined that the Delegate has not met a requirement of the CDBG-DR Program, the City will provide written notice of this determination and give the Delegate an opportunity to demonstrate within a stated timeline that it has done so. If the Delegate is unable to demonstrate compliance, the City will take corrective action or remedial action. Said action will be designed to prevent a continuation of the deficiency, mitigate to the extent possible, its adverse effects or consequences, and prevent its recurrence.

Delegate may be required to submit and comply with proposals for action to correct, mitigate, and prevent a performance deficiency through one or more of the following:

- Prepare and follow a schedule of actions for carrying out the affected activities, consisting of schedules, timetables, and milestones necessary to implement the affected activities;
- Establish and follow a management plan that assigns responsibilities for carrying out the remedial action;
- Cancel or revise activities likely to be affected by the performance deficiency before expending program funding for the activity.

**APPENDIX E**

**AFFIDAVIT**

I, \_\_\_\_\_, swear or affirm under penalty of perjury under the laws of the State of Colorado that (check one):

- I am a United States citizen, or
- I am a Permanent Resident of the United States, or
- I am lawfully present in the United States pursuant to Federal law.

I understand that this sworn statement is required by law because I have applied for a public benefit. I understand that state law requires me to provide proof that I am lawfully present in the United States prior to receipt of this public benefit. I further acknowledge that making a false, fictitious, or fraudulent statement or representation in this sworn affidavit is punishable under the criminal laws of Colorado as perjury in the second degree under Colorado Revised Statute 18-8-503 and it shall constitute a separate criminal offense each time a public benefit is fraudulently received.

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

## APPENDIX F

### RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN

Every effort will be made to minimize temporary or permanent displacement of persons due to a CDBG-DR project undertaken by the Delegate.

However, in the event of displacement as a result of a federally funded award, the Delegate will comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, for any household regardless of income, which is involuntarily and permanently displaced.

If the property acquired is an occupiable lower-income dwelling but will not be used for low/moderate income housing under 104(d) of the Housing and Community Development Act of 1974, as amended, the displacement and relocation plan shall provide that before obligating and spending funds that will directly result in such demolition or conversion, the Delegate will make public and submit to Boulder County Collaborative CDBG-DR the following information:

- (A) A description of the proposed activity;
- (B) The general location on a map and appropriate number of dwelling units by number of bedrooms that will be demolished or converted to a use other than as low and moderate income dwelling units as a direct result of the assisted activity;
- (C) A time schedule for the commencement and completion date of the demolition or conversion;
- (D) The general location on a map and appropriate number of dwelling units by number of bedrooms that will be provided as replacement dwelling units;
- (E) Comparable replacement housing in the community within three (3) years of the commencement date of the demolition or rehabilitation;
- (F) The source of funding and a time schedule for the provision of replacement dwelling units;
- (G) The basis for concluding that each replacement dwelling unit will remain a low and moderate income dwelling unit for at least ten (10) years from the date of initial occupancy;
- (H) Relocation benefits for all low or moderate income persons shall be provided, including reimbursement for moving expenses, security deposits, credit checks, temporary housing, and other related expenses and either:
  - 1. Sufficient compensation to ensure that, at least for five (5) years after being relocated, any displaced low/moderate income household shall not bear a ratio of shelter costs to income that exceeds thirty (30) percent; or

2. If elected by a family, a lump-sum payment equal to the capitalized value of the compensation available under subparagraph 1. above to permit the household to secure participation in a housing cooperative or mutual housing association, or a Section 8 certificate of voucher for rental assistance.
- (I) Persons displaced shall be relocated into comparable replacement housing that is decent, safe, and sanitary, adequate in size to accommodate the occupants, functionally equivalent, and in an area not subject to unreasonably adverse environmental conditions;
  - (J) Provide that persons displaced have the right to elect, as an alternative to the benefits in subparagraph (H).2 above, to received benefits under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 if such persons determine that it is in their best interest to do so; and
  - (K) The right of appeal to the Boulder County Collaborative where a claim for assistance under subparagraph (H).2 above, is denied by the Delegate. The Lead Agency's CDBG-DR Program Manager's decision shall be final unless a court determines the decision was arbitrary and capricious.
  - (L) Paragraphs a. through k. above shall not apply where the HUD Field Office objectively finds that there is an adequate supply of decent, affordable low/moderate income housing in the area.
  - (M) Consistent with the goals and objectives of activities assisted under the Act, the Delegate will take the following steps to minimize the displacement of persons from their homes:
    1. All public facilities projects (water, sewer, gas, etc.) will be designed so that there will be not displacement of any residences or business;
    2. No homes will be demolished that can be reasonably rehabilitated; and
    3. There will be no displacement of any residential or business occupants on CDBG-DR projects.

## APPENDIX G

### BOULDER COUNTY COLLABORATIVE RECAPTURE PLAN

#### Overview

The Boulder County Collaborative (“BCC”) is responsible for making a good faith effort to only fund eligible applicants and projects with the Community Development Block Group-Disaster Recovery (“CDBG-DR”) funds from the Department of Housing and Urban Development (“HUD”). The City is the Lead Agency for the BCC and is also responsible to monitor recipients of the CDBG-DR funds for compliance with the terms of their award. In the execution of these responsibilities, the City may on occasion seek to recapture funds awarded to residents or sub-grantees (“recipients”) who did not spend the funds according to the rules of the Program, or who were awarded funds erroneously. HUD does not distinguish between persons who received funds due to an error on the part of staff or an error on the part of the applicant, however HUD does have different recapture (“collection”) processes for residents who deliberately withheld or falsified information in the application process, as this is fraud.

HUD has no set guidelines or regulations for recapture of funds from individuals. This plan and timeframe was designed to be consistent with OMB Circular A-87 (2 CFR Part 225), OMB Circular A-85, 31 U.S.C.37.901, and 902, 24 CFR 17 Subpart C, 31 CFR, Forgivable Promissory Note, Homeowner/Contractor Agreement, closing documents and/or Grant Agreements signed by recipients of the program, and is designed to provide guidance on recapturing funds erroneously given out or erroneously spent through the HUD CDBG-Disaster Recovery Program (Program) from the 2013 flood in Boulder County.

The first part of this plan deals with recapture procedures for funds awarded erroneously or for Program non-compliance. The second part of this plan deals with the recapture of funds obtained fraudulently. In the third part of the plan, BCC puts forth the method by which it will redistribute the recaptured funds within the local community.

#### Background

The City of Longmont, as the Lead Agency for the BCC, conducts an internal review of Program files. The review is to determine that in the awarding and disbursing of Program funds, the files are documented according to program policies. Documentation must be in the files and the review is to determine whether safeguards exist to ensure that recipients use funds for their intended purposes.

The Statute of Limitations for initiating recapture proceedings is six (6) years following signature on the application forms [24 CFR 28.35(a)].

## **Choice to Not Recapture or Settle for Less than Whole Amount**

The various federal regulations cited above establish the City as the Lead Agency with authority to recapture the full amount of ineligible assistance whether awarded due to errors by BCC Partners or a Housing Assistance Program recipient. However, for claims under \$100,000, if the City, State, or HUD determines that the recipient cannot repay ineligible grant assistance, BCC may choose to 1) forgive the funding; or 2) negotiate another amount. If negotiated, the City may defer the repayment to sale, refinance, or transfer of the existing home or otherwise place a lien on the property, or enter into a repayment plan with the recipient. BCC defines "ability to pay" as: "determined based on an assessment of the respondent's resources available both presently and prospectively from which BCC could ultimately recover the total award, which may be predicted based on historical evidence."

The City will make initial determinations and bring findings to the BCC in determining whether to recapture ineligible assistance. The BCC will consider the cost effectiveness of such action given the amount of ineligible assistance and the availability of records to support BCC's determination.

*BCC may forgo collection of ineligible assistance if the following conditions are met:*

1. A demand for recovery of the ineligible assistance was made; and
2. The ineligible assistance did not result from inaccurate or false information, knowingly or fraudulently, provided by the recipient; and
3. BCC determines that the recipient is unable to comply with the ineligible assistance repayment demand but is otherwise willing and able to meet BCC requirements; and
4. BCC determines that it is in the best interest of the Federal Government to forgo collection of the ineligible assistance for amounts less than \$5,000. BCC will normally return files concerning default amounts that are less than a threshold amount of \$5,000 because the minimum cost to pursue a legal proceeding to recover money is unlikely to be less than that amount.

*Note that ALL FOUR conditions above must be met for forbearance.*

BCC may elect to accept a compromise settlement. If a compromise amount is negotiated and then put on an installment plan, the executed contract must say that if the recipient defaults, the recipient will owe the ENTIRE amount of the originally determined ineligible assistance, not just the negotiated amount. Assessment of a recipient's negotiated compromise amount will be based on the recipient's financial statements, obtained on penalty of perjury, showing assets, liabilities, income, expenses, credit reports, and other pertinent financial information, 31 U.S.C. 902.2(g).

## ***Requirements for Recapturing Funds Awarded Erroneously or for Non-Compliance with Program Rules***

### **Notification**

The City will provide notice to recipients upon determining that ineligible assistance was received. The notice will be delivered by registered or certified mail, or will be delivered by some other means that can be confirmed and documented. The notice will:

1. Specify in detail the reason(s) that the assistance was determined to be ineligible, stating the amount of ineligible assistance to be repaid;
2. Offer a meeting for the recipient to discuss the basis for the claim giving the recipient an opportunity to provide facts, figures, written records, or other information that might alter the determination that the assistance was ineligible;
3. Outline the recipients appeal rights;
4. Specify the address to which a response must be sent;
5. Contain a statement that failure to submit an answer within fifteen (15) days of receipt of the letter may result in the imposition of the maximum amount of penalties, allowable by law/regulation, and assessments sought.

Generally, the City will set the meeting within thirty (30) days of the date of the initial letter. Upon request, the City may grant additional time for the recipient to assemble the necessary documentation. If additional time is granted, the recipient file will be documented, on a case-by-case basis, as to why additional time was granted.

### **Corrective Action**

If the problem causing the assistance to be ineligible can be corrected, appropriate corrective action will be required. For example:

- Where the recipient is a homeowner and did not follow the Forgivable Promissory Note requirement to obtain flood insurance, the insurance must be obtained promptly, and upon demonstrating proof of insurance, the recipient will re-sign the Forgivable Promissory Note in order to restart the term of the loan, also known as the Effective Period.
- If the recipient is a homeowner and is not using the house as his or her primary residence, when the recipient proves (s)he has moved into the home permanently, the Forgivable Promissory Note document will be re-signed and the Effective Period will restart.
- If a sub-grantee executes a change order on an infrastructure project without a sufficient cost estimate and signatures, then the recipient will need to obtain a cost estimate that justifies the change in costs and also get appropriate signatures.

If the recipient is a homeowner and the problem causing the assistance to be ineligible cannot be corrected, a recipient who has defaulted on the requirements but wishes to remain in the dwelling may stipulate to reverting from the current loan structure and converting the loan into a conventional non-forgivable mortgage loan having a fixed term (between five (5) and fifteen (15) years), or into a deferred loan with repayment of principal and interest due at sale, refinance, or transfer of the property at the currently prevailing interest rate. Examples of an irremediable violation of a Forgivable Promissory Note are:

- The homeowner is renting the property and is unwilling to terminate the lease.
- The homeowner will not allow final inspection.
- The homeowner received more monies than what was reported in the application for federal assistance.

For recipients of assistance under the Buyout or Acquisition Programs, if the recipient refuses a repayment plan or ceases payments on the repayment plan, the City will institute legal proceeding to recover the funds since there will be no mechanism available for the City to lien a property that was already sold.

If a sub-grantee has expended funds ineligibly and a corrective action cannot be determined, then the City will negotiate a zero interest loan repayment plan with the sub-grantee.

### **Repayment Agreement**

If violations are irremediable, then the City may seek repayment of all ineligible assistance received by a recipient, plus the cost of collection to the fullest extent permitted by law. The City's efforts to collect ineligible assistance may include repayment agreements, court orders, garnishment of wages and/or income tax returns, the use of private or public collection agents, intergovernmental agreements with the BCC Partner, and any other remedies available on a case-by-case basis.

The recipient may repay BCC in a lump-sum payment of the entire amount or by entering into a repayment agreement. A recipient who is a homeowner and who has defaulted on the rehabilitation requirements but wishes to remain in the dwelling, may agree to converting the current loan into a conventional non-forgivable mortgage loan having a fixed term (between five (5) and fifteen (15) years) at the currently prevailing interest rate.

A repayment agreement is a formal document prepared by the City and signed by the recipient, in which the recipient acknowledges the debt and the amount owed. The agreement specifies:

1. The amount to be paid, including processing fees;
2. How the amount owed is to be repaid;
3. Where payments are to be sent;
4. The specific date the payment is due each month; and
5. Consequences of delinquent or defaulted payments.

The terms will not require prohibitive payments for the homeowners that would force the recipient to sell the property (except in cases of fraud), and will be over a period of time consistent with the recipient's ability to pay. However, the City will not pursue the debt if notification of the right to collect the debt has not been communicated to the recipient within ten (10) years of the City's right to collect the debt first accrued, unless facts material to the City's right to collect were not known, 31 U.S.C. 901.4.

31 U.S.C. 901.8(g) allows the City to decide not to charge interest on the repayment agreement if it can be shown that interest is "against equity and good conscience." The recipient will pay a set fee each payment period equaling the repayment amount, plus the processing costs of collection, 31 U.S.C. 901.9(c). BCC approval of a repayment schedule will take into consideration the best interests of the recipient, the BCC, the State of Colorado, and the Federal Government.

A lien will be placed on the property for the duration of the payment schedule, 31 U.S.C. 901.8(c). The City will retain copies of all correspondence and a record of all conversations between the City and the recipient regarding ineligible assistance received by a recipient. If a recipient refuses to enter into a repayment schedule, the City will initiate enforcement actions such as civil or criminal penalties.

31 U.S.C. 3711(e) states that HUD, (the City in this case), must report the recipient to the Consumer Credit Reporting Agencies if the recipient goes past due on the payment plan or if a settlement is not reached.

#### Requirements for Collecting Ineligible Assistance Obtained by Possible Fraud:

*NOTE: 24 CFR 28.10(d) states that no proof of specific intent to defraud is required to establish liability under this program.*

If the BCC paid too much assistance on the recipient's behalf because of discrepancies in information furnished by the recipient, and if the City has sufficient evidence that the recipient intentionally misrepresented its circumstances, the City must pursue debt collection. In cases where the City has compelling evidence that the recipient knowingly omitted or falsified information in order to receive a Housing Assistance Grant, Buyout or Acquisition Assistance, Rental Assistance, or Infrastructure Grant, the City will seek repayment of all ineligible assistance received by the recipient by turning the case directly over to the HUD Office of Inspector General (OIG) and local law enforcement officials.

#### **General Administrative Procedures**

The City may choose to handle collections or may decide to hire a private collection agency to handle collections for this program, 31 U.S.C 901.5, as long as the following conditions are met in the contract with the collection agency:

1. The collection agency is a City-approved collector who can transfer funds to the City;

2. The City retains the right to resolve disputes, to compromise debts (negotiate settlement amounts less than the full amount), suspend or terminate collection, and refer debt for litigation;
3. The collection agency cannot offer debtors discounts or incentives;
4. The contract with the collection agency requires the collection agency to follow the Privacy Act of 1974 and state and federal laws for debt collection practices, including the Fair Debt Practices Act, 15 U.S.C., 1692; and
5. The collection agency accounts for all amounts collected.

The City will be responsible for file and documentation maintenance, communication with recipients, and arrangements for appeal hearings. The City is also responsible for reports to the State and/or HUD. The City will manage procurement of a private collection agency and payment of same, if this method of collection is chosen, and other financial matters associated with the Program, using approved BCC and federal procurement and financial accounting standards if it chooses to hire a collection agency.

The City will maintain full and complete documentation of all debts, calculations performed, and communications with recipients. In all communications, precaution will be taken to prevent the distribution of any Personally Identifiable Information (PII).

Administrative costs on recapture will reflect only the actual costs of recapture.

The City or designee will collect the monies due, and all collection data will be entered as a miscellaneous "Housing Program Collection," "Buyout Program Collection," or "Infrastructure Program Collection." This category will be added to the City's financial chart of accounts. The City will ensure that all money collected from the recipient is reported to the State and/or HUD and repaid to the State and/or HUD, if required.

### **Redistribution Plan**

Any funds recaptured by the City through its efforts will be returned to the BCC account. These funds will be made available for redistribution by BCC within the Housing Assistance Program, Buyout and Acquisition Program, or the Infrastructure Program, whichever is applicable. Funds recovered from the program will be reassigned to the same Program. New recipients will be selected from the wait list in priority order based on the existing Program rules.

New recipients will be identified and contacted as funds become available. No commitments will be made based on projected collections.

If collected funds exceed eligible recipients at the Program end, remaining collected funds will be transferred to another CDBG-DR eligible activity after approval by the State or HUD of a substantial amendment.

# BOULDER COUNTY COLLABORATIVE RECAPTURE PLAN

## APPENDIX

### STEPS IN THE PROCESS FOR THOSE ELIGIBLE TO RESTART THE EFFECTIVE PERIOD

1. Verify, to the extent possible, that all information in the recipient's file is current, complete, and accurate.
2. The City will send a certified *NOTICE OF CONCERNS REGARDING PROMISSORY NOTE EFFECTIVE PERIOD* letter to the recipient indicating the recipient is out of compliance with the Forgivable Promissory Note, but the five (5) year Effective Period can be restarted by having the recipient agree to comply with all provisions of the Promissory Note. Appeal information will also be included in the letter.
  - (A) If the recipient responds to the initial notification within fifteen (15) days of the date of the letter and agrees to restart the Effective Period, completes all required paperwork to document the resolution of the compliance issue(s), and re-signs the Promissory Note with the new Effective Date, no further action will be required and recapture will not be necessary.
  - (B) If the recipient responds to the initial notification within fifteen (15) days of the date of the letter and opts to appeal, (s)he must follow the procedure outlined in the BCC Housing Program Appeals Procedure, copies of which are available from the City.
  - (C) If the recipient responds to the initial notification within fifteen (15) days of the date of the letter and opts to pay back the funds, the City will work with the recipient to negotiate a repayment plan and complete necessary documentation. The City may negotiate a reduced or fully waived repayment under certain conditions of financial hardship proven by the recipient. Assessment of a recipient's negotiated compromise amount will be based on the recipient's financial statements, obtained on penalty of perjury, showing assets, liabilities, income, expenses, credit reports, and other pertinent financial information. This reduction of payment must have prior approval from the State or HUD. The City will place a lien on the property for the duration of the payment schedule, and release it once the debt is fully paid. Actual administrative costs of recapture may be added to the payment amount for each payment period.
  - (D) If the recipient does not respond within fifteen (15) days from the date of the first letter, a second certified *NOTICE OF SERIOUS ONGOING CONCERNS* letter will be sent to the recipient. This letter will clearly state the basis of the ineligible assistance determination and the amount of ineligible

assistance to be repaid, along with the recipient's appeal rights and the specific actions to be taken by the City. This letter will also specify a date and time for a meeting with BCC officials, approximately fifteen (15) days from the date of the letter, to discuss the issues stated in the letter. The recipient will have the opportunity to reschedule the meeting to a more convenient date and time, provided the response is prior to the originally scheduled meeting date.

- (E) If the recipient does not respond to the second letter within the allotted time period, a third certified *FINAL DETERMINATION NOTICE/DEMAND LETTER* will be sent to the recipient. This letter will state that recapture proceedings will be initiated thirty (30) days from the date of the letter unless the recipient initiates the formal appeal process before then. If there is no response from the recipient, the file will be turned over to the legal department or a collection agency for recapture. The City will report the recipient to Credit Reporting Bureaus.
3. If a compromise amount is negotiated and then put on an installment plan, the contract must say that if the recipient defaults, (s)he will owe the ENTIRE amount of the distribution, not just the negotiated amount.
  4. For any negotiated settlements where full payment is not immediate, upon discharge of the debt, the discharge must be reported to the State or HUD.

#### **STEPS IN THE PROCESS OF RECAPTURING A NON-FRAUDULENT DISTRIBUTION**

1. Verify, to the extent possible, that all information in the recipient's file is current, complete, and accurate.

#### **For Housing Assistance or Buyout/Acquisition Program Recipients:**

2. The City will send a certified *NOTICE OF CONCERNS* letter to the recipient detailing the specific compliance issue which compels recapture of the distribution.
  - (A) If the recipient responds to the initial notification within fifteen (15) days of the date of the letter and can provide documentation proving compliance with the Forgivable Promissory Note, or in the case of buyouts, documentation to the contrary of funds received, the City will update the file accordingly and document the satisfactory resolution.
  - (B) If the recipient responds to the initial notification within fifteen (15) days of the date of the letter and can show that the concern stated in the letter can, in fact, be remediated and the recipient is willing to do so and restart the Effective Period, refer to STEPS IN THE PROCESS FOR THOSE ELIGIBLE TO RESTART THE EFFECTIVE PERIOD for guidance.

- (C) If the recipient responds to the initial notification within fifteen (15) days of the date of the letter and opts to appeal, (s)he must follow the procedure outlined in the BCC Housing Program Appeals Procedure, copies of which are available from the City of Longmont.
- (D) If the recipient responds to the initial notification within fifteen (15) days of the date of the letter and opts to pay back the funds, the City will work with the recipient to negotiate a repayment plan and complete necessary documentation. The City may negotiate a reduced or fully waived repayment under certain conditions of financial hardship proven by the recipient. Assessment of a recipient's negotiated compromise amount will be based on the recipient's financial statements, obtained on penalty of perjury, showing assets, liabilities, income, expenses, credit reports, and other pertinent financial information. This reduction of payment must have prior approval from the State and/or HUD. The City will place a lien on the property for the duration of the payment schedule, and release it once the debt is fully paid. Actual administrative costs of recapture may be added to the payment amount for each payment period.
- (E) If the recipient does not respond within fifteen (15) days from the date of the first letter, a second certified *NOTICE OF SERIOUS ONGOING CONCERNS* letter will be sent to the recipient. This letter will clearly state the basis of the ineligible assistance determination and the amount of ineligible assistance to be repaid, along with the recipient's appeal rights and the specific actions to be taken by the City. This letter will also specify a date and time for a meeting with BCC officials, approximately fifteen (15) days from the date of this letter, to discuss the issues stated in the letter. The recipient will have the opportunity to reschedule the meeting to a more convenient date and time, provided the response is prior to the originally scheduled meeting date.
- (F) If the recipient does not respond to the second letter within the allotted time period, a third certified *FINAL DETERMINATION NOTICE/DEMAND* letter will be sent to the recipient. This letter will state that recapture proceedings will be initiated thirty (30) days from the date of the letter unless the recipient initiates the formal appeal process before then. If there is no response from the recipient, the file will be turned over to the legal department or collection agency for recapture.

**For Sub-grantees (BCC Partners) Recipients:**

3. The City will send a certified *NOTICE OF CONCERNS* letter to the recipient detailing the specific compliance issue which compels recapture of the distribution.
  - (A) If the recipient responds to the initial notification within fifteen (15) days of the date of the letter and can provide documentation proving compliance or a feasible alternative solution, the City will update the file accordingly and document the satisfactory resolution.
  - (B) If the recipient does not respond within fifteen (15) days from the date of the first letter, a second certified *NOTICE OF SERIOUS ONGOING CONCERNS* letter will be sent to the recipient. This letter will clearly state the basis of the ineligible assistance determination and the amount of ineligible assistance to be repaid, along with the recipient's appeal rights and the specific actions to be taken by the City. This letter will also specify a date and time for a meeting with BCC officials, approximately fifteen (15) days from the date of the letter, to discuss the issues stated in the letter. The recipient will have the opportunity to reschedule the meeting to a more convenient date and time, provided the response is prior to the originally scheduled meeting date.
  - (C) If the recipient does not respond to the second letter within the allotted time period, a third certified *FINAL DETERMINATION NOTICE/DEMAND* letter will be sent to the recipient. This letter will state that recapture proceedings will be initiated thirty (30) days from the date of the letter unless the recipient initiates the formal appeal process before then. If there is no response from the recipient, the file will be turned over to the legal department or a collection agency for recapture.
4. The City will maintain reports for collections not in default on a quarterly basis and aggregate the data.
5. The aggregated data will be reported quarterly to the State.
6. If a compromise amount is negotiated and then put on a repayment plan, the contract must say that if the recipient defaults, the recipient will owe the ENTIRE amount determined ineligible and not just the negotiated amount.
7. For any negotiated settlements where full payment is not immediate, upon discharge of the debt, the discharge must be reported to the State and/or HUD.

**Approval and Revision Tracking**

Policy and Procedure Name	BCC Recapture Plan	Original Approval Date	
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Complete the below for each revision:

No.	Brief Description of Revision	Date sent for Approval	Signature of Person Approving	Date/Approval

## APPENDIX H

### DUPLICATION OF BENEFITS AFFIRMATION

#### **SUBJECT: AFFIRMATION OF DUPLICATION OF BENEFITS FOR BOULDER COUNTY COLLABORATIVE CDBG-DR PROGRAM**

Grant Recipient Local Government: **Town of Lyons**

By entering into this Agreement, the Delegate affirms the following:

The Delegate acknowledges the Lead Agency received CDBG disaster recovery funds through a contract with the State of Colorado on behalf of the Boulder County CDBG-DR Collaborative.

The Delegate hereby affirms that no additional sources or amounts of matching funds beyond those indicated at the time of this CDBG-DR award for housing, infrastructure, or other applicable disaster recovery assistance have been obtained or will be utilized for the project(s) authorized under this intergovernmental Agreement.

Duplication of Benefits sources include, but are not limited to, the Federal Emergency Management Agency (FEMA), Army Corp of Engineers (USACE), Federal Highway Administration (FHWA), private insurance companies, the National Flood Insurance Program (NFIP), state or federal grants, the Small Business Administration (SBA), and Not for Profit Agency Assistance.

The Delegate understands the responsibility to immediately notify the State of Colorado if any additional funds are received for the project(s) contained in the application cited above. In addition, the Lead Agency will follow its prescribed Recapture Plan, if and when it becomes necessary, to try to recoup funds that are a non-reported Duplication of Benefits from Delegate.

Under penalty of perjury of violation of federal and state laws applicable to the application for a grant under the program, the Delegate hereby states and certifies to the United States Department of Housing and Urban Development and the State of Colorado that by approving and signing this Agreement, the information included in this Agreement is true and accurate and that if at any time the Delegate becomes aware that the information included is inaccurate, it is the responsibility of the Delegate to bring the inaccuracy to the attention of the program.

**APPENDIX I**

**FINANCIAL MANAGEMENT QUESTIONNAIRE**

1. List those who will perform the following financial management functions and include titles.

- (A) *Signs contracts:*  
\_\_\_\_\_ Title: \_\_\_\_\_
- (B) *Receives invoices:*  
\_\_\_\_\_ Title: \_\_\_\_\_  
\_\_\_\_\_ Title: \_\_\_\_\_  
\_\_\_\_\_ Title: \_\_\_\_\_
- (C) *Approves payment of invoices/purchase orders:*  
\_\_\_\_\_ Title: \_\_\_\_\_  
\_\_\_\_\_ Title: \_\_\_\_\_
- (D) *Prepares requests for payment:*  
\_\_\_\_\_ Title: \_\_\_\_\_
- (E) *Signs requests for payment:*  
\_\_\_\_\_ Title: \_\_\_\_\_  
\_\_\_\_\_ Title: \_\_\_\_\_  
\_\_\_\_\_ Title: \_\_\_\_\_  
\_\_\_\_\_ Title: \_\_\_\_\_
- (F) *Makes journal entries:*  
\_\_\_\_\_ Title: \_\_\_\_\_
- (G) *Post to general ledger and/or prepares monthly financial statements:*  
\_\_\_\_\_ Title: \_\_\_\_\_
- (H) *Maintains custody of checkbook:*  
\_\_\_\_\_ Title: \_\_\_\_\_
- (I) *Signs checks (minimum of two):*  
\_\_\_\_\_ Title: \_\_\_\_\_  
\_\_\_\_\_ Title: \_\_\_\_\_
- (J) *Reconciles bank statements:*  
\_\_\_\_\_ Title: \_\_\_\_\_
- (K) *Compiles fiscal year-end financial statements:*  
\_\_\_\_\_ Title: \_\_\_\_\_

2. Identify by title the individuals who are covered by a bond or insurance and the amounts. Include Chief Elected Official/Chief Executive Officer if involved in financial transactions.

***Attach copy of bonds or insurance***

Title: \_\_\_\_\_ Amount: \_\_\_\_\_  
 Title: \_\_\_\_\_ Amount: \_\_\_\_\_  
 Title: \_\_\_\_\_ Amount: \_\_\_\_\_  
 Title: \_\_\_\_\_ Amount: \_\_\_\_\_

3. Identify name of company that issued the bond or insurance policy.

Issue Date: \_\_\_\_\_ Expiration Date: \_\_\_\_\_  
 Issue Date: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

4. What is your fiscal year end date? \_\_\_\_\_  
 5. The most recent audit covered what \_\_\_\_\_  
 Identify name of firm that prepared the \_\_\_\_\_

6. Name and telephone number of local official to contact regarding this questionnaire.

Name	Title	Phone #
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**I certify that this information is true to the best of my knowledge.**

Signature: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_

**Agenda Item:** X.1

**Meeting Date:** May 16, 2016

**Subject:** Prioritization of Round 3 CDBG-DR Infrastructure Grant Projects

**Background Information:**

At the BoT workshop on May 2, 2016, staff presented an update on the infrastructure projects included in Round 2 Community Development Block Grant – Disaster Recovery (CDBG-DR) and the list of projects that need to be prioritized for the upcoming Round 3 CDBG-DR. The BoT requested that the prioritization be discussed as a general business item at the next BoT meeting. Attached is the list of Round 3 projects in the order of preference by Town Staff as discussed in the workshop. Also attached is a brief explanation of each project.

The tentative date for Round 3 funds to be available is in the fall, and prioritization is necessary at this time to enable Staff to prepare grant applications for each project to start the County Collaborative's review process. The total amount available for Lyons in Round 3 is estimated to be \$2,500,000. The top ten projects listed on the attached list can be completed within this budget, leaving the remaining projects in need of a funding source. In addition, one of the buyouts is Round 2 is considering withdrawing from the buyout program which would make approximately \$400,000 available for a project or projects to move up from Round 3.

**Recommended Action:** Direction to Staff on the prioritization of infrastructure projects for Round 3 CDBG-DR.

**CDBG-DR Round 2 Infrastructure Grants (County Collaborative)**

4/27/16

One buyout (341 Park – Stacy property) was funded through Round 1 CDBG-DR, but the amount is still included in the Town’s Round 2 acquisition amount stated below. Round 2 funds will become available in 2 to 3 months upon completion of the Environmental Analysis. The Lyons share of funds for Round 2 is estimated to be \$ 4,927,592 and is divided into two obligations to minimize completion time restrictions. The total of the following list of projects is within the estimated budget for Round 2 (with \$7,082 remaining).

Round 2 – Obligation 1 (Completion deadline 11/30/17)

1. Buyouts (3 Properties & Mobile Home Park)	\$2,564,450
2. Waste Water Treatment Plant	788,189
3. PA Local Match (Debris Removal)	22,000
4. URA Consultants (Buyout Rentals)	88,000

Round 2 – Obligation 2 (Completion deadline TBD)

1. EDA Grant Match (CEC Sewer/Water)	768,359
2. PA Local Match (McConnell Bridge)	669,000
3. HMGP Match Elevation (1 Property)	20,512

**CDBG-DR Round 3 Infrastructure Grants (County Collaborative)**

RFQ (Request for Quotes) for consulting firm to complete the required Unmet Needs Assessment to be posted 4/15/16. Once completed and submitted to the State, State will proceed with updating the Action Plan with HUD (which is anticipated to be submitted to HUD in early summer). The tentative date for Round 3 funds to be available is in the fall, and the total amount available for Lyons is estimated to be \$ 2,500,000. The following top ten projects can be completed within this budget. If the buyout does not occur, items ten and eleven can be included in this round. The remaining projects will continue to be unmet needs and total approximately \$4 million (not including park development of buyout properties).

1. FEMA PA Match (2 <sup>nd</sup> Avenue Bridge)	\$ 80,000
2. Buyouts (1 Potential Property)	375,000
3. Replace Damaged Pavement	290,000
4. Relocation of Waterline (Apple Valley) Design	300,000
5. Apple Valley Waterline Permitting & Agreements	200,000
6. Colo. Parks & Wildlife/LWWCF Match Trail Extension	350,000
7. Storm Drainage, Curb & Gutter in Flood Damaged Areas	120,000
8. Storm Drainage, Curb & Gutter of Damaged Roads	600,000
9. Utility Base Rate Reimbursement	75,000
10. Restoration of Buyout Properties	200,000
11. Electric Meter Upgrade	300,000
12. Black Bear Hole Restroom	90,000

13. Apple Valley Waterline Construction	1,000,000
14. Lyons Valley River Park Recovery/Fuse Plug	275,000
15. Replacement Pumps and Motors at Water Pump Station	250,000
16. Bohn Park Pump House & Filter	195,000
17. Tree Replacement	75,000
18. Waste Water Treatment Plant Addendum	95,000
19. Park Development of Buyout Properties	TBD
20. DRCOG Match (Main Street)	400,000
21. Skate Park Relocation	350,000
22. Sidewalks in Flood Damaged Areas	335,000
23. DRCOG Match (Broadway)	330,000

### **Additional Notes for Round 3 CDBG Infrastructure Projects**

- 1.** Matching funds for all FEMA PA projects applied to 2<sup>nd</sup> Avenue Bridge replacement project.
- 2.** Seven property owners still on buyout list (346 Park-Arp, 401 2<sup>nd</sup>-Yoder, 194 2<sup>nd</sup>-James/Tarbet, 115 Park-Kier, 337 Park-Miller, 338 4<sup>th</sup>-Hubbard, and 423 Evans-Kanizay) but only one has recently expressed continued interest in buyout (346 Park-Arp). All seven homes have either been repaired or are in the process of being elevated and reconstructed. A deadline date for property owner decision needs to be determined as soon as possible to enable the Town to finalize the budget for Round 3 CDBG.
- 3.** Replace pavement damaged by heavy flood recovery construction traffic. (Evans, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> McConnell, etc.)
- 4.** Design work for relocation of the waterline in Apple Valley.
- 5.** Permitting and agreements for relocation of waterline in Apple Valley.
- 6.** Matching funds for Colorado Parks & Wildlife/LWWCF grant for trail extension from McConnell to Hwy 36/66 junction.
- 7.** Improvements (storm drainage, curb & gutter) required to bring streets up to code because of damage sustained from heavy flood recovery construction traffic.
- 8.** Add storm drainage, curb & gutter to areas damaged by flood (Evans St.)
- 9.** Utility base rate reimbursement for buyout households for period between flood and buyout closings.
- 10.** Restoration of damaged buyout properties outside of the demolition footprint (approximately 10 acres at \$20,000 per acre).
- 11.** Electric meters destroyed in the flood are being replaced with upgraded meters with radio-read capabilities. Can be done in three phases, if needed for funding purposes.
- 12.** Black Bear Hole needs public restroom and was removed from Main Street improvement bids due to lack of funds.

- 13.** Construction of relocated waterline in Apple Valley. This project would be coordinated with the City of Longmont to share in easement and construction costs. Town could seek CDPHE or use water fund reserves for this project if not funded.
- 14.** Fuse plug needed to modify the ponds in LVRP to handle high flood water. Ideally, this expense would be covered through the Parks Pilot Program if funds are available.
- 15.** Three new or refurbished vertical turbine pumps at the water pump station may be needed in the future due to change in operation during the months following the flood. Could be paid by water fund.
- 16.** The new irrigation system at Bohn Park will require a pump house and filter that did not exist previously. Could be paid through Parks Pilot Program if sufficient funds remain in the project.
- 17.** This amount would supplement tree replacement included in stream restoration and parks projects, and allow for larger caliper trees than traditionally funded through grants.
- 18.** Town may not have to pay this if Honeywell contingencies cover it. Could be paid by water fund.
- 19.** Amount to be determined when planning review process is completed. Depending on the type of development, GOCO and Colorado Parks and Wildlife grants could be pursued.
- 20.** Completion of final improvements for DRCOG Main Street project that were eliminated due to high bids. The funds will build standard sidewalks and pavement for Black Bear Hole parking lot. No other funds have been identified for this project.
- 21.** Relocation of skate park from RTD parking lot to Bohn Park. May be funded through Parks Pilot Program if sufficient funds are available. Town could seek GOCO grant for this project.
- 22.** Add standard sidewalks in flood damaged areas.
- 23.** DRCOG grant for Broadway has not yet been awarded, but town will need matching funds if awarded.