

WORKSHOP 6:15 PM – 6:45 PM
UPDATE ON AFFORDABLE HOUSING DEVELOPMENT COMPETITION DRAFT OVERVIEW

DRAFT AGENDA
TOWN OF LYONS

7:00 P.M., MONDAY, JANUARY 4, 2016

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

- I. Roll Call and Pledge of Allegiance
- II. A Reflective Moment of Silence
- III. Approval of the Agenda
- IV. Sgt Nick Goldberger, Sheriff's Dept Report
- V. Audience Business - Limited to 15 minutes - All comments will be limited to 4 minutes per person
- VI. Ordinances – First Reading - Second Reading – Public Hearing
 1. Public Hearing, Second Reading, Ordinance 993, an Ordinance Rezoning Property Within the Town of Lyons, Commonly Known as 323 5th Ave, From the R-2A Zone District to the R-3 Zone District.
 2. Public Hearing, Second Reading, Ordinance 994, an Ordinance Amending Section 13-2-60 of the Lyons Municipal Code to Increase Electric Service Rates
 3. Public Hearing, Second Reading, Ordinance 995, an Ordinance Amending Section 13-4-60 of the Lyons Municipal Code to Increase Wastewater Service Rates
 4. First Reading - Ordinance 996 – an Ordinance Approving an Extension of the Temporary Moratorium on the Acceptance and Processing of any Applications or Petitions for Annexation for any Property Within the Lyons Planning Area Pending the Completion of a Master Planning Process for the Lyons Planning Area, and Declaring an Emergency.
 5. Public Hearing, Second Reading, Ordinance 991, an Ordinance Annexing an Enclave of Certain Land into the Town of Lyons, Colorado Known as the Black Bear East Enclave Annexation No. 1 and Declaring an Emergency
- VII. Consent Agenda
 1. Resolution 2016 -1, a Resolution Designating the Original Public Notice Location and the Official Newspapers of General Circulation for the Town of Lyons, Colorado
 2. Resolution 2016-5, a Resolution Authorizing a Contract with SJR Environmental for the Town of Lyons Hazardous Materials Identification for the Buyout Demolition Program.
 3. Resolution 2016-3, a Resolution Approving Celebrating One Action 2016 Arts + Immigration
 4. January 2016 Accounts Payable
 5. Resolution 2016-6, a Resolution Approving CDBG Disaster Recovery Program Federal Requirements
 6. Resolution 2016-7, a Resolution Approving a Minor Subdivision Plat and a Lot Line Adjustment the Property at 323 5th Ave, Lyons, Colorado, Also Known as the Jones Property
- VIII. General Business
 1. Resolution 2016-4, a Resolution Approving a Memorandum of Understanding between the Town of Lyons a Statutory Municipality of the State of Colorado and Lyons Properties, LLC, a Colorado Limited Liability Company.
 2. Resolution 2016-2, a Resolution Adopting a Classification and Pay Plan for the Employees of the Town of Lyons, Colorado
 3. Discussion concerning the use of pet friendly salt on sidewalks
- IX. Items Removed from the Consent Agenda

X. Executive Session

An executive session for discussion of the possible purchase or acquisition of real or personal property and determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations and instructing negotiators, and receiving legal advice from attorneys representing the Town on any specific legal questions pursuant to C.R.S. Sec. 24-6-402(4)(a), Sec. 24-6-402(4)(e), and Sec. 24-6-402(4)(b), respectively, and specifically, discussion of the proposed acquisition of easements in the Meadow Park Area, instructing negotiators regarding said easements, and obtaining advice as needed from the Town Attorney on any related legal issues.

XI. Trustee Reports

XII. Staff Reports

XIII. Adjournment

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

Agenda Item: VI – 1 and VII - 6

Meeting Date: January 4, 2016

Subject: Resolution approving minor subdivision plat and lot line adjustment for Jones property at 323 5th Avenue, and Ordinance to rezone same property from R2A to R3.

Background Information:

323 5th Avenue contains two detached single-family residences. One of the two was substantially damaged in the 2013 flood and is eligible for the 404 buyout program. However, the other residence is still habitable, and the owner would like to take advantage of the buyout while still retaining ownership and use of the second dwelling unit. Accordingly, the owner submitted an application for a minor subdivision plat to create Lot 1, the habitable lot with the existing single-family unit, and Lot 2, an outlot that would be processed through the 404 program and eventually acquired by the Town as open space.

The minor subdivision plat is necessary to make Lot 1 a legal lot and to create Lot 2 as an outlot that can be acquired through the 404 program. The rezoning is necessary because Lot 1, once subdivided, is too small for the minimum lot area in the current R2A zone district; by rezoning to R3, Lot 1 will exceed that zone district's minimum lot area. The lot line adjustment is also needed to conform to minimum lot standards.

It is recommended that the Board hold a single public hearing on the resolution and ordinance to discuss the interrelationship between the two, before voting separately on the two items.

Recommended Action: Approve the resolution authorizing the minor subdivision plat and lot line adjustment, and approve by separate vote the ordinance rezoning Lot 1 from R2A to R3.

**TOWN OF LYONS, COLORADO
ORDINANCE 993**

**AN ORDINANCE REZONING PROPERTY WITHIN THE TOWN OF LYONS,
COMMONLY KNOWN AS 323 5th AVENUE, FROM THE R-2A ZONE DISTRICT
TO THE R-3 ZONE DISTRICT**

WHEREAS, pursuant to C.R.S. § 31-23-301, the Town of Lyons possesses the authority to zone, rezone, change, supplement, and revise the zoning classifications or designation of property and to regulate land uses within the Town of Lyons; and

WHEREAS, the owner of property within the Town of Lyons applied for the rezoning of certain property from the R2A zone district to the R3 zone district so that the property, following the approval of a minor subdivision plat, could meet the minimum lot area for the R3 district; and

WHEREAS, the Town desires to rezone the landowner's property in order to bring the zoning into conformance with the Comprehensive Plan; and

WHEREAS, the rezoning will protect the health, safety, and welfare of the Town by encouraging the efficient use of property and providing a greater variety of housing density and types of housing; and

WHEREAS, as required by law, the Town of Lyons Planning and Community Development Commission considered the application for rezoning and recommended that the Board of Trustees approve the application for rezoning; and

WHEREAS, the Board of Trustees conducted a public hearing following proper notice to the public.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LYONS, BOULDER COUNTY, COLORADO:

Section 1. The following property is hereby rezoned from the R2A Zone District to the R3 Zone District, the Board specifically finding that the rezoning is supported by the Town of Lyons Comprehensive Plan:

Lot 1, Jones Minor Subdivision, Town of Lyons Plat, Town of Lyons, Boulder County, Colorado.

Section 2. The Town Administrator, Town Planner, and other appropriate staff are authorized and instructed to revise the official zoning map for the Town of Lyons so that the zoning and special use designation of the property described in this Ordinance is illustrated in graphic form. Failure to amend the official zoning map in accordance with this Ordinance shall not, however, have the effect of limiting, preventing, or precluding the effect or effective date of this Ordinance.

Section 3. Severability and Repeal. If any provision of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining provisions of this Ordinance will remain valid, it being the express intent of the Town of Lyons that the provisions of this Ordinance are severable. All other ordinances or resolutions or parts of ordinances or resolutions in conflict with the provisions of this Ordinance are hereby repealed, provided that such repeal shall not repeal any repealer clauses in such ordinances nor revive any ordinance thereby.

INTRODUCED AND PASSED ON FIRST READING THIS 21st DAY OF DECEMBER 2015

INTRODUCED, AMENDED, PASSED, ADOPTED AND ORDERED PUBLISHED THIS 4TH DAY OF JANUARY 2016.

TOWN OF LYONS, COLORADO

John E. O'Brien, Mayor

ATTEST:

Debra K. Anthony, Town Clerk

Agenda Item: VI.2
Ordinance No. 994
Meeting Date: January 4, 2016

Subject: Ordinance 994 amending the Municipal Code to increase electric rates.

Background Information:

The Town was recently informed that its electricity supplier would be making changes to the wholesale rates charged to the Town. The Town's Utilities and Engineering Board undertook a study of the Town's utility rates to determine what increases would be appropriate.

Recommended Action: Pass Ordinance No. 994 on second reading following a public hearing.

**TOWN OF LYONS, COLORADO
ORDINANCE 994**

AN ORDINANCE AMENDING SECTION 13-2-60 OF THE LYONS MUNICIPAL CODE TO INCREASE ELECTRIC SERVICE RATES

WHEREAS, the Town of Lyons, Colorado ("Town"), is authorized pursuant to State Law., to enact general regulations concerning utility services; and

WHEREAS, the Town owns and operates a municipal electric utility and has from time to time adopted and amended regulations that set various fees and rates for electric service; and

WHEREAS, the Town has been notified that the cost of wholesale electricity from its supplier will go to a standard monthly rate; and

WHEREAS, the Town Board finds that adjustments to its rate schedule for electric service must be made to align with the change in the wholesale rate structure; and

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 proposal. 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 proposal.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LYONS, BOULDER COUNTY, COLORADO:

Section 1. Section 13-2-60 of the Lyons Municipal Code is hereby amended by removing seasonal rates and setting the Residential Additional Use Rate to 0.1275.

Section 2. Section 13-2-70 of the Lyons Municipal Code is hereby amended by removing seasonal rates and setting the Nonresidential Additional Use Rate for up to and including 5,000 kilowatt hours per month to 0.1262, and setting the Nonresidential Additional Use Rate for every kilowatt hour or portion thereof over 5,000 kilowatt hours per month to 0.1139.

Section 3. The Residential Base Rate is \$13.00 and is not changed by this Ordinance. The Nonresidential Base Rate is \$18.00 and is not changed by 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 21st DAY OF DECEMBER 2015.

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 4th DAY OF JANUARY 2016

TOWN OF LYONS, COLORADO

John E. O'Brien, Mayor

ATTEST:

Debra K. Anthony, Town Clerk

Agenda Item: VI.3
Ordinance No. 995
Meeting Date: January 4, 2016

Subject: Ordinance 995, amending the Municipal Code to increase wastewater rates.

Background Information:

The Town's Utilities and Engineering Board has determined that the Town will not be able to meet the debt service on the loan for the new wastewater plant, and concluded that an increase in base rate would be necessary.

Recommended Action: Pass Ordinance No. 995 on second reading following a public hearing.

**TOWN OF LYONS, COLORADO
ORDINANCE NO. 995**

**AN ORDINANCE AMENDING SECTION 13-4-60 OF THE LYONS MUNICIPAL CODE TO INCREASE
WASTEWATER SERVICE RATES**

WHEREAS, the Town of Lyons, Colorado ("Town"), is authorized pursuant to Article 35 of Title 31, C.R.S., to enact general regulations concerning utility services; and

WHEREAS, the Town owns and operates a municipal wastewater utility and has from time to time adopted and amended regulations that set various fees and rates for wastewater service; and **WHEREAS**, the Town has completed the building of a new wastewater treatment plant and now has \$300,000 in annual loan payments for the next 20 years; and

WHEREAS, the Town's Board of Trustees finds that the payments on the loan for the construction of the new wastewater plant cannot be met without a corresponding increase in certain wastewater service fees; and

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 proposal. 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 proposal.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF
LYONS, BOULDER COUNTY, COLORADO:**

Section 1. Section 13-4-60 of the Lyons Municipal Code is hereby amended by increasing the base rate for all consumers with flat rate Town-provided water service to \$98.50.

Section 2. Section 13-4-60 is further amended by increasing the base rate for Residential consumers with metered Town-provided water service to \$22.65.

Section 3. Section 13-4-60 is further amended by increasing the base rate for Residential consumers without metered Town-provided water service to \$22.65.

Section 4. Section 13-4-60 is further amended by increasing the base rate for Nonresidential consumers with metered Town-provided water service to \$22.65.

Section 5. Resolution 2014-19, which purported to increase wastewater rates, is hereby rendered null and void.

Section 6. 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 7. Effective Date. This Ordinance shall become effective thirty days after publication following final passage.

INTRODUCED AND PASSED ON FIRST READING THIS 21ST DAY OF DECEMBER 2015.

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 21ST DAY OF DECEMBER 2015

TOWN OF LYONS, COLORADO

John E. O'Brien, Mayor

ATTEST:

Debra K. Anthony, Town Clerk

Agenda Item No: VI - 4
Meeting Date: January 4, 2016

Subject: ORDINANCE 996, AN ORDINANCE APPROVING AN EXTENSION OF THE TEMPORARY MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF ANY APPLICATIONS OR PETITIONS FOR ANNEXATION FOR ANY PROPERTY WITHIN THE LYONS PLANNING AREA PENDING THE COMPLETION OF A MASTER PLANNING PROCESS FOR THE LYONS PLANNING AREA, AND DECLARING AN EMERGENCY

Presenter: Town Administrator Victoria Simonsen

Background:

The previously approved temporary moratorium on the acceptance or processing of any new application or petition for annexation of property to the Town of Lyons pursuant to C.R.S. 31-12-101, et seq. is hereby extended for a period of 90 days for any annexations in the Town's Eastern Corridor and 180 days for annexations in the Town's western planning area. The Board of Trustees finds and declares that the provisions of the moratorium ordinance are temporary in nature and shall terminate with regard to the Town's Eastern Corridor 90 days after the effective date of this Ordinance, or on or about April 4, 2016, and shall terminate with regard to the Town's western planning area 180 days after the effective date of this Ordinance, or on or about June 23, 2016, or upon adoption of the master plan for the Lyons Planning Area, whichever is earlier. All other provisions of Ordinance 978, as amended by Ordinance 990, shall remain in full force and effect.

This Ordinance is necessary for the immediate preservation of the public peace, health and safety because a delay in its effective date could allow for the submission of annexation applications or petitions that do not conform to the new master plan that is intended to guide future annexation proposals.

Staff Recommendations: Approving Ordinance 996 and an Emergency

TOWN OF LYONS, COLORADO

ORDINANCE NO. 996

AN ORDINANCE APPROVING AN EXTENSION OF THE TEMPORARY MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF ANY APPLICATIONS OR PETITIONS FOR ANNEXATION FOR ANY PROPERTY WITHIN THE LYONS PLANNING AREA PENDING THE COMPLETION OF A MASTER PLANNING PROCESS FOR THE LYONS PLANNING AREA, AND DECLARING AN EMERGENCY

WHEREAS, the Town of Lyons is a party to an Intergovernmental Agreement with Boulder County regarding the Lyons Planning Area, which consists of the Town and those parts of unincorporated Boulder County adjacent to the Town that have been deemed generally suitable for eventual annexation and development; and

WHEREAS, the Town's Board of Trustees applied for grant funding for the purpose of studying and preparing a master plan for the Lyons Planning Area; and

WHEREAS, in order to maintain the status quo and to ensure that any new proposals for annexation and development would be subject to the new master plan, the Board by Ordinance 978 imposed a temporary moratorium on the filing, acceptance and processing of any petitions for annexation pending the completion of the plan; and

WHEREAS, by adoption of Ordinance 990, the Board approved an amendment to the temporary moratorium ordinance to exempt the annexation of Town-owned land from the moratorium; and

WHEREAS, based on the progress made to date on the Master Plan, the Board believes that an extension of 90 days to complete the master planning effort for the Town's Eastern Corridor and 180 days to complete the planning effort for the Town's Western planning area will be adequate to allow for completion of the Master Plan; and

WHEREAS, this Ordinance is necessary for the immediate preservation of the public peace, health and safety to ensure that no new annexation applications or petitions are submitted that would be incompatible with the Town's Master Plan.

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

SECTION 1. The foregoing recitals are incorporated and made part of this Ordinance.

SECTION 2. The previously approved temporary moratorium on the acceptance or processing of any new application or petition for annexation of property to the Town of Lyons pursuant to C.R.S. 31-12-101, et seq. is hereby extended for a period of 90 days for any annexations in the Town's Eastern Corridor and 180 days for annexations in the Town's western planning area; and

SECTION 3. The Board of Trustees finds and declares that the provisions of the moratorium ordinance are temporary in nature and shall terminate with regard to the Town's Eastern Corridor 90 days after the effective date of this Ordinance, or on or about April 4, 2016, and shall terminate with regard to the Town's western planning area 180 days after the effective date of this Ordinance, or on or about June 23, 2016, or upon adoption of the master plan for the Lyons Planning Area, whichever is earlier.

SECTION 4. All other provisions of Ordinance 978, as amended by Ordinance 990, shall remain in full force and effect.

SECTION 5. This Ordinance is necessary for the immediate preservation of the public peace, health and safety because a delay in its effective date could allow for the submission of annexation applications or petitions that do not conform to the new master plan that is intended to guide future annexation proposals.

INTRODUCED, PASSED, ADOPTED AND ORDERED PUBLISHED JANUARY 4, 2016.

TOWN OF LYONS

By: _____
John E. O'Brien, Mayor

ATTEST:

By: _____
Debra K. Anthony, Town Clerk

Agenda Item: VI -5

Ordinance No. 991

Meeting Date: January 4, 2016

Subject: Ordinance for approval of the annexation to the Town of Lyons of the Black Bear Enclave No. 1, and declaring an emergency.

Background Information:

A portion of the property that is the subject of this annexation request is owned by the Town and abuts the St. Vrain River. Access to and permission to work on the Town-owned property is critical as part of the stream bank restoration project. As long as the property is within Boulder County's jurisdiction, the Town would be bound to follow the County's permitting process, which is longer and more complex than the Town's. Therefore, the Town applied to annex the property so that the work can be completed faster. Because the property is part of an enclave – meaning it has been surrounded by land within the Town's boundaries for at least three years - the annexation can be completed by ordinance, without the need for a petition and bypassing some other procedural requirements. Certain notice and publication provisions must still be followed, and the Clerk has certified that those steps have been taken. The ordinance has been defined as an emergency ordinance necessary to protect the public health, safety and welfare because any delay in the effective date could jeopardize the funding for the stream bank restoration project. Adoption of the ordinance as an emergency would allow for it to become effective immediately.

Note that any annexed property must be zoned by the Town within 90 days after annexation. We would typically attempt to run the zoning process simultaneously with the annexation, but because of the time sensitivities involved, we recommend completing the annexation process and then pursuing the zoning in a month or so.

Recommended Action: Adopt Ordinance No. 991, approving the annexation as an emergency ordinance, on second reading following a public hearing.

TOWN OF LYONS, COLORADO

ORDINANCE 991

**AN ORDINANCE ANNEXING AN ENCLAVE OF CERTAIN LAND INTO
THE TOWN OF LYONS, COLORADO KNOWN AS THE BLACK BEAR
EAST ENCLAVE ANNEXATION NO. 1 AND DECLARING AN
EMERGENCY**

WHEREAS, the real property as described and depicted on the map attached hereto as Exhibit A (the "Enclave Property") is located in an unincorporated area of Boulder County, Colorado; and

WHEREAS, the Enclave Property has been entirely contained within the boundaries of the Town of Lyons for a period of not less than three (3) years; and

WHEREAS, the Town Board of Trustees finds that:

- the Enclave Property meets the applicable requirements of Section 31-12-106, C.R.S., and is therefore eligible for annexation to the Town of Lyons; and
- no annexation transition committee is required to be formed pursuant to Section 32-12-106(1.1)(b), C.R.S., as the Enclave Property does not have a population exceeding one hundred persons; and

WHEREAS, the Town properly initiated this annexation proceeding in accordance with Section 31-12-106(1), C.R.S. and notice of the annexation proceeding was prepared and given in accordance with the requirements set forth in Section 31-12-108(2), C.R.S; and

WHEREAS, annexation of the Enclave Property will not result in detachment of any area from any school district and the attachment of the same to another school district; and

WHEREAS, this Ordinance is necessary for the immediate preservation of the public peace, health and safety because the Town is in the process of a stream bank restoration project that will, when completed, mitigate against property damage and possible injury or loss of life, and the Town and its contractors must gain immediate access to the Enclave Property as part of that restoration project.

WHEREAS, the Town Board of Trustees finds that it is in the best interests of the Town to annex the Enclave Property into the Town.

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

SECTION 2. The Town Board of Trustees hereby directs staff to complete all necessary procedures required for annexation of said Enclave Property to the Town including: (1) filing for recording three certified copies of this annexation ordinance and a map of the annexed Enclave Property containing a legal description of the Enclave Property annexed hereby ("Annexation Map") with the Boulder County Clerk and Recorder; and (2) filing the original of this annexation ordinance together with a copy of the Annexation Map with the Town Clerk of the Town of Lyons, Colorado.

SECTION 3. Zoning. In accordance with Section 31-12-115(2), C.R.S., the initial zoning of the Enclave Property shall be accomplished within ninety (90) days after 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 Town 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. Emergency. This Ordinance is necessary for the immediate preservation of the public peace, health and safety because the Town is in the process of a stream bank restoration project that will, when completed, mitigate against property damage and possible injury or loss of life, and the Town and its contractors must gain immediate access to the Enclave Property as part of that restoration project. .

INTRODUCED AND PASSED ON FIRST READING NOVEMBER 30, 2015.

INTRODUCED, READ, PASSED, ADOPTED AS AN EMERGENCY ORDINANCE BY A VOTE OF THREE-FOURTHS OF THE BOARD OF TRUSTEES AND ORDERED PUBLISHED THIS 4TH DAY OF JANUARY 2016.

TOWN OF LYONS

By: _____
John E. O'Brien, Mayor

ATTEST:

Debra K. Anthony, Town Clerk

Agenda Item No: –VII-1

Meeting Date: January 4, 2016

Subject: Resolution 2016-1, a Resolution Designating the Official Public Notice Location and the Official Newspapers of General Circulation for the Town of Lyons, Colorado

Presenter: Deb Anthony, Town Clerk

Background: The Colorado Revised Statutes require the Town to designate at least one official public notice location and at least one newspaper of general circulation for legal notices. The designations must be approved by the Board of Trustees at the first regular meeting of the year.

As in past years, the official posting location for public notices will be Lyons Town Hall on the bulletin board in the business office. The Lyons Recorder shall be the official newspaper of general circulation for legal notices, but the Resolution provides that if timing requirements cannot be met in any given week, the Town may use any newspaper of general circulation within the Town, including but not limited to the Denver Post or Longmont Times-Call.

Note that in accordance with a change in state law in 2014, all newspapers designated for official legal notices must automatically upload all legal notices to www.publicnoticecolorado.com, a website created by the Colorado Press Association to dissuade local governments from attempting to forego newspaper publication in favor of publishing on the community's website.

Recommended Action: Staff recommends approving Resolution 2016-1.

RESOLUTION 2016-1

**A RESOLUTION DESIGNATING THE OFFICIAL PUBLIC NOTICE LOCATION AND
THE OFFICIAL NEWSPAPERS OF GENERAL CIRCULATION
FOR THE TOWN OF LYONS, COLORADO**

WHEREAS, the Colorado Revised Statutes require Towns to designate official public notice locations and official newspapers of general circulation for legal notices; and

WHEREAS, the official posting location and official newspaper must be approved by the Board of Trustees at the first regular meeting of the year.

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

Section 1. The official posting location for public notices shall be on the bulletin board in the front office at the Lyons Town Hall, 432 5th Ave, Lyons, Colorado 80540s.

Section 2. The official newspaper of general circulation for publication of legal notices shall be the Lyons Recorder; except that, where the Town Administrator or the Town Clerk determines that the submission schedule, publication deadline, or other circumstance makes publication in the Lyons Recorder ineffective or otherwise undesirable, the Town may publish official notice in another newspaper circulated within the Town, including but not limited to, the Denver Post or Longmont Times-Call. Pursuant to Section 24-70-103, Colorado Revised Statutes, newspapers of general circulation are now required to upload all legal notices at coloradopublicnotice.com, at no cost to the Town.

ADOPTED THIS 4th DAY OF JANUARY, 2016.

TOWN OF LYONS

Mayor John E. O'Brien

ATTEST:

Debra Anthony, Town Clerk

Item No – VII -2

December 30, 2015

To: Victoria Simonsen, Administrator
Lyons Town Board of Trustees

Reference: Hazardous Materials Inspections for Buyout Properties

On December 29, Proposals were received for the Demolition Program Hazardous Materials Identification. Eighteen (18) Consultants submitted proposals for the project. After reviewing the proposals, an Ad-Hoc committee selected SJR Environmental from Fort Collins, Co.

The work will include identifying Asbestos, Lead Paint, Mold and any other visible hazardous materials. This work must be performed prior to demolishing any buildings. The contract will include field inspection, laboratory work, and field monitoring of any asbestos removal that is required. The maximum contract amount is not to exceed \$68,250.00.

The work is expected to begin in early January, and will be completed 2 weeks after the final buyout properties are closed.

RESOLUTION 2016- 5

A RESOLUTION AUTHORIZING A CONTRACT WITH SJR ENVIRONMENTAL CONSULTING FOR HAZARDOUS WASTE IDENTIFICATION FOR BUYOUT DEMOLITION PROGRAM

WHEREAS, the Town of Lyons (the "Town") has the authority to enter into contracts for any lawful municipal purpose pursuant to C.R.S. § 31-15-101; and

WHEREAS, the Front Range Flood of 2013 caused extensive damage to the Town's properties; and

WHEREAS, the Town's has purchased numerous properties and need to demolish the structures on these properties.

WHEREAS, the Board of Trustees, in consultation with the town staff, issued a Request for Proposals seeking companies that are capable of performing said professional services; and

WHEREAS, the Town has reviewed the proposals received and selected SJR Environmental Consulting. as the successful Consultant.

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

Section 1. The Town Board of Trustees hereby selects SJR Environmental Consulting. as the successful Consultant for completing the Hazardous Waste Identification, and authorizes the Mayor or the Town Administrator to execute and the Town Clerk to attest the Administrator's or the Mayor's signature on an Agreement for Professional Services with SJR Environmental Consulting in accordance with the terms and conditions set forth in the Request for Proposal with a maximum amount not to exceed \$68,250.00.

ADOPTED THIS 4TH DAY OF JANUARY 2016.

TOWN OF LYONS, COLORADO

By: John E O' Brien, Mayor

ATTEST:

Debra K. Anthony, Town Clerk

Item# VII-3

**TOWN OF LYONS
RESOLUTION 2016-3
RESOLUTION 2016-3, A RESOLUTION CELEBRATING
ONE ACTION 2016: ARTS + IMMIGRATION**

WHEREAS, the arts can play a vital role in encouraging community conversation on critical issues that strengthen our town; and

WHEREAS, the power of art can build alliances across diverse segments of our community; and

WHEREAS, the One Action 2016: Arts + Immigration Project is a yearlong, arts-based, countywide project that invites cultural, arts, immigrant and educational organizations to create programs that foster conversations on both historic and contemporary issues of immigration.

WHEREAS, immigration is one of the largest single factors in our nation's social, cultural, and economic development; and

WHEREAS, immigrants have enriched the United States beyond measure, bringing many contributions to our society along with the unique customs and traditions of their ancestral homelands; and

WHEREAS, this project has the potential to elevate Lyons as a model for how communities can become more inclusive by presenting a highly innovative example of cross-cultural collaboration for other communities to emulate;

NOW THEREFORE, BE IT RESOLVED by Board of Trustees of Lyons, Colorado, that 2016 will be the year of

One Action on Arts + Immigration

and urge all Lyons residents to participate, collaborate and engage in events, performances and discussion about the current and historical impacts of immigration in our community, and how we can move towards a more equitable and inclusive community.

ADOPTED THIS 4th DAY OF JANUARY 2016

TOWN OF LYONS

Mayor John E. O'Brien

ATTEST:

Debra Anthony, Town Clerk

Town of Lyons
A/P Summary Bi-Monthly
01/04/16

Date & Check #	Handchecks	Description	Amount
12/28/15 901512018	Land Title Guarantee Co	HMGP-Buyout 315 5th Av Allison	\$ 256,096.00
12/28/15 901512019	Land Title Guarantee Co	HMGP-Buyout 342 Park Dickes	\$ 99,597.00
Total Handchecks.....			\$ 355,693.00
Payroll 01/04/16			\$ 37,023.75

<u>Unpaid Invoices - Vendor</u>	Amount	Grant Funds	Grant Name
American Fence Company, Inc.:	\$ 75.00	\$75.00	FEMA
American Heritage Life Insurance	\$ 70.64		
American Funds Service Compan	\$ 1,907.49		
B & G Equipment:	\$ 139.24		
Colorado Analytical Lab:	\$ 116.90		
Colorado Department of Revenu	\$ 1,811.00		
Deep Rock Water:	\$ 180.27		
DHM Design:	\$ 13,100.40	\$13,100.00	FEMA
Federal Payroll Taxes	\$ 13,574.83		
Goranson Construction:	\$ 2,831.00		
Hill Petroleum:	\$ 611.83		
Home Depot:	\$ 458.68		
Hygiene Propane Services:	\$ 572.00		
JLB Companies, Inc.:	\$ 8,715.00	\$5,645.00	FEMA
Krische Construction, Inc.:	\$ 623,844.62	\$623,844.62	FEMA
Kristin Nordeck Brown, PC:	\$ 1,000.00		
Landis+Gyr Technologies, LLC:	\$ 8.96		
McDonald Farms Enterprises Inc:	\$ 2,507.90		
N Line Electric, LLC:	\$ 2,508.65		
North Line GIS, LLC:	\$ 1,320.00		
One Way, Inc:	\$ 135.00		
Peak Communication:	\$ 993.27		
Powell, Arianne:	\$ 100.72		
Reserve Account:	\$ 500.00		
Simonsen, Victoria:	\$ 166.04		
Stamey Associates, Inc.:	\$ 5,333.30		
Standard Fence Co:	\$ 2,844.00	\$2,844.00	FEMA
Starkovich, Jacob:	\$ 662.10		
Trestle Strategy Group, LLC:	\$ 7,576.25	\$7,576.25	CDBG-DR R1 Facility Site
Verizon Wireless:	\$ 314.13		
	\$ 693,979.22	\$ 653,084.87	

Grand Total (unpaid, hand checks & payroll)	\$ 1,086,695.97
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Item No. VII-5
Town of Lyons
Board of Trustees

Meeting Date: 01/04/2016

Subject:

A Resolution adopting the following policies and procedures as required by CDBG-DR:
Collaborative:

City Appeals Process - Displacement - State CDBG Disaster Recovery 6 11 12

Collaborative - Affirmative Fair Housing

Collaborative - Code of Conduct Resolution

Collaborative - DOB Verification Letter

Collaborative - Equal Employment Opportunity Policy

Presenter:

Victoria Simonsen, Town Administrator

Staff and Selection Team Recommendation:

It is recommended that the Town of Lyons Board of Trustees adopts 2015-6 #6, authorizing certain actions and individuals to perform certain designated functions required by federal regulations.

Background:

The Town of Lyons, Boulder County, has been afforded the opportunity to participate in the Community Development Block Grant (CDBG)—Disaster Recovery Program funded by the **U.S. Department of Housing and Urban Development and through the City of Longmont, Boulder County Collaborative.**

It is necessary under the program regulations to authorize certain actions and individuals to perform certain designated functions required by federal regulations.

Attchments:

City Appeals Process – Displacement – State CDBG Disaster Recovery 6 11 12

Collaborative – Affirmative Fair Housing

Collaborative – Code of Conduct Resolution

Collaborative – DOB Verification Letter

Collaborative – Equal Employment Opportunity Policy

TOWN OF LYONS, COLORADO
RESOLUTION 2016-6, A RESOLUTION APPROVING CDBG
DISASTER RECOVERY PROGRAM FEDERAL REQUIREMENTS

WHEREAS, the Town of Lyons, Boulder County, has been afforded the opportunity to participate in the Community Development Block Grant (CDBG)—Disaster Recovery Program funded by the U. S. Department of Housing and Urban Development and through the City of Longmont, Boulder County Collaborative; and,

WHEREAS, it is necessary under the program regulations to authorize certain actions and individuals to perform certain designated functions required by federal regulations:

NOW THEREFORE BE IT RESOLVED, that the Town of Lyons, Boulder County as legal recipient of the CDBG-DR funds, does hereby authorize the following actions.

Equal Employment Opportunity and Fair Housing Officer.

WHEREAS, equal opportunity regulations of the CDBG – Disaster Recovery Program requires the appointment by the recipient of an Equal Opportunity Officer, (EEO Officer) to have responsibility for maintaining all pertinent EEO files, submitting on a timely basis all required reports, answer all related correspondence and monitor all EEO areas;

NOW THEREFORE BE IT RESOLVED, by the Town of Lyons, Boulder County that Victoria Simonsen, Town Administrator is hereby appointed as the EEO and Fair Housing Compliance Officer for the life of the CDBG Disaster Recovery Program and as such is charged to faithfully execute all duties and responsibilities required under the Equal Employment Opportunity and Fair Housing Policies approved by the Town of Lyons.

Equal Employment Opportunity and Fair Housing.

WHEREAS, the U.S. Department of Housing and Urban Development and the City of Longmont, Boulder County Collaborative are required to take actions to affirmatively further fair housing in compliance with Title VIII of the Civil Rights Act of 1968, as amended and Executive Order 11063, as amended;

NOW THEREFORE BE IT RESOLVED, that the attached "Town of Lyons – Equal Employment Opportunity Policy and the Affirmative Fair Housing Policy" for the Town of Lyons, Boulder County is hereby adopted.

Uniform Relocation and Real Property Appeals Process.

WHEREAS, the Uniform Relocation Assistance and Real Property Acquisition Policies Act and HUD require recipients to have a written appeals process for any person who has been displaced as a result a CDBG-DR assisted project. The Town of Lyons will make available and promptly provide a written appeals process to any and all affected displaced persons.

NOW THEREFORE BE IT RESOLVED, that the attached "Town of Lyons – Appeals Process – Displacement under HUD's CDBG Disaster Recovery Program" for the Town of Lyons, Boulder County is hereby adopted.

BE IT FURTHER RESOLVED, by the Town of Lyons, Boulder County Victoria Simonsen, Town Administrator is hereby appointed as CDBG Relocation Appeals Process Administrator for the life of the CDBG Disaster Recovery Program and as such is charged to faithfully execute all duties and responsibilities as listed in the Town's Uniform Relocation and Real Property Appeals Process and approved herein.

Code of Conduct.

WHEREAS, the U.S. Department of Housing and Urban Development and the City of Longmont, Boulder County Collaborative requires an established written Code of Conduct for recipients participating in the Community Development Block Grant (CDBG) – Disaster Recovery Program;

NOW THEREFORE BE IT RESOLVED, that the attached "Town of Lyons – Code of Conduct" for the Town of Lyons, Boulder County is hereby adopted.

Affirmation of Duplication of Benefits.

WHEREAS, the U.S. Department of Housing and Urban Development and the City of Longmont, Boulder County Collaborative requires a signed Affirmation of Duplication of Benefits signed from the Town of Lyons Chief Executive Assistance/Town Administrator, Victoria Simonsen, for recipients participating in the Community Development Block Grant (CDBG) – Disaster Recovery Program assuring notification to the City of Longmont of any additional sources or amounts of matching funds beyond those indicated at the time of the CDBG-Disaster Recovery award for housing, infrastructure, or other applicable disaster recovery assistance have been obtained or will be utilized for the CDBG-Disaster Recovery projects;

NOW THEREFORE BE IT RESOLVED, that the attached "Affirmation of Duplication of Benefits Policy" for the Town of Lyons, Boulder County is hereby adopted.

ADOPTED THIS 4TH DAY OF JANUARY 2016

TOWN OF LYONS

By _____

John O'Brian, Mayor

ATTEST

Deb Anthony, Town Clerk



AFFIRMATION OF DUPLICATION OF BENEFITS For BOULDER COUNTY COLLABORATIVE CDBG-DR PROGRAM

**SUBJECT: AFFIRMATION OF DUPLICATION OF BENEFITS For BOULDER COUNTY
COLLABORATIVE CDBG-DR PROGRAM**

Grant Recipient Local Government: Lyons, Colorado

The undersigned chief executive official represents the above local government that received CDBG disaster recovery funds through the above contract.

The undersigned chief executive official of the above local government hereby affirms that no additional sources or amounts of matching funds beyond those indicated at the time of the 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 the Partner Agreement for Delegation of Activities.

DOB 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 undersigned chief executive official understands the responsibility to immediately notify the City of Longmont Boulder County Collaborative if any additional funds are received for the project(s) contained in the application cited above. Under Penalty of perjury of violation of Federal and State laws applicable to the application for a grant under the program, I hereby state and certify to the United States Department of Housing and Urban Development and the State of Colorado that the information I have provided is true and accurate and that if at any time I become aware that the information I have provided is inaccurate, that it is my responsibility to bring the inaccuracy to the attention of the program.

Name and Signature of Chief Executive Officer

Date



Boulder County Collaborative

Affirmative Fair Housing Policy For: Lyons, Colorado

This notice is published pursuant to the requirements of Executive Order 11063 on equal opportunity in housing and nondiscrimination in the sale, rental and financing of dwellings, and in other housing related transactions, built, rehabilitated, or replaced with federal assistance, and with Title VIII of the Civil Rights Act of 1968, as amended, which prohibits discrimination in the provision of housing because of race, color, creed, religion, sex, national origin, disability or familial status.

Town of Lyons, Colorado advises the public that it will administer its assisted programs and activities relating to housing and community development in a manner to affirmatively further fair housing in the sale or rental of housing, the financing of housing and the provision of brokerage services.

Town of Lyons shall assist individuals who believe they have been subject to discrimination in housing through the resources of the Colorado Department of Regulatory Agencies, Civil Rights Division or the U.S. Department of Housing and Urban Development.

Town of Lyons has designated the following *Victoria Simonsen, Town Administrator* as the contact to coordinate efforts to comply with this policy. Inquiries should be directed to:

NAME: Victoria Simonsen, Town Administrator

OFFICE: Town Hall

ADDRESS: 432 5th Ave.

CITY/STATE/ZIP CODE: Lyons, CO 80540

PHONE NUMBER: 303-823-6622

HOURS: Mon-Fri 8:30am-4:30pm





Boulder County Collaborative

Code of Conduct For: Lyons, Colorado

PURPOSE

The purpose of this Code of Conduct is to ensure the efficient, fair, and professional administration of federal grant funds in compliance with 24 CFR; Part 85 (85.36(b).(3)) as also included in 2 CFR 200 "Super Circular", and other applicable federal and state standards, regulations, and laws.

APPLICATION

This Code of Conduct applies to all officers, employees, or agents of the Town of Lyons engaged in the award or administration of contracts supported by federal grant funds.

REQUIREMENTS

No officer, employee, or agent of the Town of Lyons shall participate in the selection, award, or administration of a contract supported by federal grant funds, if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

- a. The employee, officer, or agent;
- b. Any member of his/her immediate family;
- c. His/her partner; or
- d. An organization which employs, or is about to employ any of the above;

has a financial or other interest in the firm selected for award or home selected for assistance.

The Town of Lyons's officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or subcontractors.

REMEDIES

To the extent permitted by federal, state, or local laws or regulations, violation of these standards may cause penalties, sanctions, or other disciplinary actions to be taken against the Town of Lyons's officers, employees, or agents, or the contractors, potential contractors, subcontractors, or their agents.

Passed and adopted this 4th day of January 2016.

Victoria Simonsen , Town Administrator

ATTEST:

Deb Anthony, Town Clerk



Town of Lyons

Appeals Process – Displacement under the Collaborative CDBG Disaster Recovery Program

The Town of Lyons, will promptly review appeals in accordance with the requirements of applicable law and 49 CFR § 24.10 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act or URA) regulations.

Any person who has been displaced for a federally-assisted project may file a written appeal with the Town of Lyons if the person believes that the Town of Lyons failed to properly consider their application for assistance under the Uniform Act.

Relocation assistance issues that may be appealed include, but are not limited to, a person's eligibility for a relocation payment or the amount of a relocation payment provided. Relocation payments include payment for moving, replacement housing or commercial re-establishment expenses.

A person has the right to be represented by legal counsel or other representative in connection with his or her appeal, but solely at the person's own expense. The Town of Lyons shall permit the person to inspect and copy all materials pertinent to his or her appeal, except materials which are classified as confidential. The imposition of reasonable conditions on the person's right to inspect will be set consistent with applicable laws.

The time limit for filing an appeal is sixty (60) days after the person receives written notification of the Town of Lyons's determination on the person's eligibility for assistance or the amount of assistance claimed.

A displaced person may contact the Town of Lyons if they wish to discuss filing an appeal.

Contact person Victoria Simonsen, Town Administrator
Address 432 5th Ave, Lyons, CO 80540
Telephone No. 303-823-6622

Written appeals shall be considered regardless of form. A written appeal must be submitted to:

Contact person Deb Anthony, Town Clerk
Address 432 5th Ave, Lyons, CO 80540
Telephone No. 303-823-6622

The Town of Lyons will respond to the appellant within fifteen (15) calendar days of receipt of the appeal to acknowledge receipt of the appeal, to provide an opportunity to the person to submit additional information and to inform the person when they can expect a decision.

In deciding an appeal, the Town of Lyons will consider pertinent justification and material submitted by the person to ensure a fair and full review of the appeal. The Town of Lyons shall make a written determination on the appeal, including an explanation of the basis on which the decision was made, and provide a copy to the person within 45 days after receipt of all information submitted by the person in support of the appeal.

The Town of Lyons's response shall include, but need not be limited to:

1. The determination on review of the appeal;
2. The factual and legal basis upon which the decision is based, including any pertinent explanation;
3. If any payment or other relief to the person is required to be made, the amount and manner of payment should be outlined in the response to the individual along with a statement of the person's right to seek the assistance in the event such relief is not provided within 45 days; and
4. If the full relief requested is not granted a statement of the person's right to seek a judicial review.

Request for Additional Time

If a person makes a reasonable request for additional time to gather information and prepare for a written appeal or request a review by the Town of Lyons, he or she shall be granted a reasonable amount of time.

Determination on Persons Not Displaced

Review of a displacing Agency's determination that a person is not displaced is to be undertaken in the same manner as explained above.

Tracking

The Collaborative will develop a tracking system to ensure all deadlines are met when an appeal is filed.



Boulder County Collaborative

Equal Employment Opportunity Policy

For: Town of Lyons

DECLARATION ESTABLISHING AN EQUAL EMPLOYMENT POLICY INCLUDING PROVISIONS TO BENEFIT INDIVIDUALS WITH DISABILITIES

WHEREAS, the Town of Lyons, Colorado desires to assure equal opportunity to all individuals, regardless of race, color, religion, sex, sexual orientation, marital status, national origin or ancestry, citizenship status, age, physical or mental disability unrelated to ability, sexual orientation, military status or an unfavorable discharge from military service, to avail themselves of gainful employment opportunity; and

WHEREAS, the Town of Lyons, Colorado has determined that the passage of a declaration promoting equal employment opportunity is an effective method of providing gainful employment to minority, elderly, women, and persons with disabilities desiring employment with the Town/City/County of Lyons, Colorado.

BE IT THEREFORE RESOLVED AS FOLLOWS: for the purpose of this declaration, the term "minority" will refer to American Indians, Asians, Blacks, or Hispanics, or to such protected classes as youth, elderly, women, or persons with disabilities.

- A. The Town of Lyons, hereby declares to uphold, defend, enforce, and advocate for all laws related to Equal Employment Opportunity including, but not limited to, the following:
1. Title VI of the Civil Rights Act of 1964 which prohibits discrimination in the participation in or benefits of programs or activities receiving federal financial assistance on the basis of race, color, or national origin.
 2. Title VII of the Civil Rights Act of 1964 which prohibits discrimination because of race, color, religion, sex or national origin in all employment practices including hiring, firing, promotions, compensation, and other terms, privileges and conditions of employment.
 3. Title IX of the Education Amendments of 1972 which prohibits discrimination in federally assisted education programs.

4. The Equal Pay Act of 1963 which covers all employees who are covered by the Fair Labor Standards Act. The Act forbids pay differentials on the basis of sex.
 5. The Age Discrimination Act of 1967 which prohibits discrimination because of age against anyone between the ages of 40 and 65.
 6. Federal Executive Order 11246 which requires every contract with federal financial assistance to contain a clause against discrimination because of race, color, religion, sex, or national origin.
 7. Section 504 of the Rehabilitation Act of 1973 and DOL Implementing Regulations at 29 CFR 32 which prohibits any discrimination based on disability.
 8. Section 188 of WIA and the U.S. DOL Regulations at 29 CFR Parts 31 and 32 which provides that no person in the United States shall be excluded from participation in, be denied the benefits of, or be subject to discrimination on the basis of race, color, or national origin, under any program or activity receiving Federal financial assistance from the Department of Labor.
 9. The Americans with Disabilities Act of 1990 which prohibits discrimination against people with disabilities on the basis of their disability.
 10. Colorado Anti-Discrimination Act which prohibits discrimination based on race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, or unfavorable discharge from military service in connection with employment, real estate transactions, access to financial credit, and the availability of public accommodations.
- B. The Town of Lyons, will assure non-discriminatory employment practices in recruitment, recruitment advertising, employment, placement, layoff or termination, promotion, demotion or transfer, rate of pay or other forms of compensation and use of facilities.
- C. The Town of Lyons, will not contract with other agencies, banks, businesses, vendors, etc., who practice or establish a pattern of discrimination based on race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, or unfavorable discharge from military.

D. The Town of Lyons, will incorporate into any contract for construction work, or modification thereof, subject to the relevant rules, regulations, and orders of the Secretary of Labor or of any prior authority that remains in effect, which is paid in whole or in part with the aid of such financial assistance, the following "Equal Opportunity Clause":

1. In the event of the contractor's non-compliance with the provisions of this Equal Employment Opportunity Clause, the Act or the Rules and Regulations of the Department, the contractor may be declared ineligible for future contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations, and the contract may be cancelled or voided in whole or in part, and other sanctions or penalties may be imposed or remedies invoked as provided by statute or regulation. During the performance of this contract, the contractor agrees as follows:

- a) That he or she will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, marital status, national origin or ancestry, citizenship status, age, physical or mental disability unrelated to ability, sexual orientation, military status or an unfavorable discharge from military service; and, further, that he or she will examine all job classifications to determine if minority persons or women are underutilized and will take appropriate affirmative action to rectify any underutilization.
- b) That, if he or she hires additional employees in order to perform this contract or any portion of this contract, he or she will determine the availability (in accordance with the Department's Rules and Regulations) of minorities and women in the areas from which he or she may reasonably recruit and he or she will hire for each job classification for which employees are hired in a way that minorities and women are not underutilized.
- c) That, in all solicitations or advertisements for employees placed by him or her or on his or her behalf, he or she will state that all applicants will be afforded equal opportunity without discrimination because of race, color, religion, sex, sexual orientation, marital status, national origin or ancestry, citizenship status, age, physical or mental disability unrelated to ability, sexual orientation, military status or an unfavorable discharge from military service.
- d) That he or she will send to each labor organization or representative of workers with which he or she has or is bound by a collective bargaining or other agreement or understanding, a notice advising the labor organization or representative of the contractor's obligations under the Act and the Department's Rules and Regulations. If any labor organization or representative fails or refuses to cooperate with the contractor in his or her efforts to comply with the Act and Rules and Regulations, the contractor will promptly notify the Department and the contracting agency and will recruit employees from other sources when necessary to fulfill its obligations under the contract.
- e) That he or she will submit reports as required by the Department's Rules and Regulations, furnish all relevant information as may from time to time be requested by the Department or the contracting agency, and in all respects comply with the Act and the Department's Rules and Regulations.

- f) That he or she will permit access to all relevant books, records, accounts and work sites by personnel of the contracting agency and the Department for purposes of investigation to ascertain compliance with the Act and the Department's Rules and Regulations.
- g) That he or she will include verbatim or by reference the provisions of this clause in every subcontract awarded under which any portion of the contract obligations are undertaken or assumed, so that the provisions will be binding upon the subcontractor. In the same manner as with other provisions of this contract, the contractor will be liable for compliance with applicable provisions of this clause by subcontractors; and further it will promptly notify the contracting agency and the Department in the event any subcontractor fails or refuses to comply with the provisions. In addition, the contractor will not utilize any subcontractor declared by the Illinois Human Rights Commission to be ineligible for contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations.

- D. The Town of Lyons, assures that it will actively provide nondiscriminatory outreach, selection, and service to all individuals.
- E. Efforts will be made to hire minority individuals for all job categories so that minority employment in all categories of the work force will represent a proportionate share of minority populations in the Town of Lyons, as well as surrounding areas.
- F. The Town of Lyons, will provide accommodations to the best of its ability for employees with disabilities, contingent on budget and structural limitations.
- G. All Town of Lyons, employees are expected to adhere to the above policy and to work actively for its implementation both internally and in carrying out Town/City program activities.
- H. The Town Lyons, designates the Lyons Town Administrator/Mayor and Town Board/City Council/County Board to carry out the EEO/AA plan.

Signed this 4th day of January 2016

Mayor, John E O'Brien

ATTEST:

Town Clerk, Deb Anthony, MMC

(SEAL)

Agenda Item: VI – 1 and VII - 6

Meeting Date: January 4, 2016

Subject: Resolution approving minor subdivision plat and lot line adjustment for Jones property at 323 5th Avenue, and Ordinance to rezone same property from R2A to R3.

Background Information:

323 5th Avenue contains two detached single-family residences. One of the two was substantially damaged in the 2013 flood and is eligible for the 404 buyout program. However, the other residence is still habitable, and the owner would like to take advantage of the buyout while still retaining ownership and use of the second dwelling unit. Accordingly, the owner submitted an application for a minor subdivision plat to create Lot 1, the habitable lot with the existing single-family unit, and Lot 2, an outlot that would be processed through the 404 program and eventually acquired by the Town as open space.

The minor subdivision plat is necessary to make Lot 1 a legal lot and to create Lot 2 as an outlot that can be acquired through the 404 program. The rezoning is necessary because Lot 1, once subdivided, is too small for the minimum lot area in the current R2A zone district; by rezoning to R3, Lot 1 will exceed that zone district's minimum lot area. The lot line adjustment is also needed to conform to minimum lot standards.

It is recommended that the Board hold a single public hearing on the resolution and ordinance to discuss the interrelationship between the two, before voting separately on the two items.

Recommended Action: Approve the resolution authorizing the minor subdivision plat and lot line adjustment, and approve by separate vote the ordinance rezoning Lot 1 from R2A to R3.

**TOWN OF LYONS,
COLORADO**

RESOLUTION 2016- 7

**A RESOLUTION APPROVING A MINOR SUBDIVISION PLAT AND A
LOT LINE ADJUSTMENT THE PROPERTY AT 323 5TH AVENUE,
LYONS, COLORADO, ALSO KNOWN AS THE JONES PROPERTY**

WHEREAS, the Town of Lyons possesses the authority to approve the subdivision of land within the Town; and

WHEREAS, the owner of property within the Town of Lyons applied for a minor subdivision plat at 323 5th Avenue, pursuant to Article 3 of Chapter 17 of the Lyons Municipal Code; and

WHEREAS, the subject property contains two detached single-family dwellings, one of which was substantially damaged in the flood of September 2013; and

WHEREAS, the owner wishes to retain that portion of the lot containing the intact structure, and to use the minor subdivision process to convert the portion of the property that was more significantly damaged into an outlot that can then be acquired by the Town with grant funds and retained as open space; and

WHEREAS, the owner's application also includes a request for a lot line adjustment between the residential lot and the outlot; and

WHEREAS, if approved, the resulting Lot 1 will not meet the minimum lot area for the current R2A zone district, and therefore the applicant has also filed an application to rezone the property from R2A to R3 so that Lot 1 will conform to the minimum lot area requirement in the R3 zone district; and

WHEREAS, the Board of Trustees will be called upon to approve the rezoning by separate ordinance; and

WHEREAS, the Planning and Community Development Commission and Board of Trustees conducted public hearings on the application for approval of a minor subdivision plat and a lot line adjustment following proper notice to the public; and

WHEREAS, the record for this case includes, but is not limited to, the Lyons Municipal Code, the Lyons Comprehensive Plan, and all other applicable ordinances, resolutions and regulations together with all Town of Lyons land use application processing policies that relate to the subject matter of the public hearing, the land use application and accompanying maps, reports, studies and all other submittals of the applicant, any evidence or correspondence submitted by members of the public at the public hearing, and the staff files and reports of the town planner pertaining to the application; and

WHEREAS, the Town of Lyons Planning and Community Development Commission has recommended approval of this minor subdivision plat; and

WHEREAS the Board of Trustees has determined that the minor subdivision plat, including the lot line adjustemnt, subject to any and all conditions set forth herein, furthers the public health, safety, convenience and general welfare of the community; generally conforms with the Town's Comprehensive Plan; is compatible with surrounding uses; and otherwise meets the applicable criteria set forth in Chapter 17 of Title 9 of the Lyons Municipal Code.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF LYONS, COLORADO, as follows:

Section 1. The minor subdivision plat for the property at 323 5th Avenue, including the requested lot line adjustment, is hereby approved, the Board specifically finding that the minor subdivision plat is support by the Town of Lyons Comprehensive Plan, subject to any and all conditions imposed by the Board of Trustees, including but not limited to the following conditions which have been accepted by the applicant

1. Removal of the dedication language from the plat;
2. Designation of Lot 2 as an outlot on the plat;
3. The applicant's resolution of any minor technical issues; and
4. The applicant's payment of all reasonable fees and costs incurred by the Town and its consultants in reviewing and processing the subdivision and lot line adjustment application prior to recordation of the subdivision documents.

Section 3. Upon the applicant's completion of any and all changes to the mylar as may be required by this resolution, the Mayor or Mayor Pro Tem is authorized to sign same and the Town Clerk is authorized to attest the mayor's signature.

Section 4. The town administrator, town planner, and other appropriate staff are authorized to make any changes to the mylar form of the approved documents as may be needed to conform the documents to the conditions set forth in this resolution and to the form and content requirements of the Town in existence at the time the documents are submitted for signature, and to make such other changes that are expressly stated in the motion for approval. No other deviation or variance from the form and content of the documents submitted for the Board's consideration are approved except to the extent stated in this Resolution.

Section 5. Severability. If any provision of this Resolution should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Resolution that can be given effect without the invalid portion, provided that such remaining portions or applications of this Resolution are not determined by the court to be inoperable. The Board of Trustees declares that it would have adopted this Resolution 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 6. Repeal. All other ordinances or resolutions or parts of ordinances or resolutions in conflict with the provisions of this Resolution are hereby repealed, provided that such repeal shall not repeal any repealer clauses in such ordinances nor revive any ordinance thereby.

Section 7. Effective Date. This Resolution shall become effective immediately upon signing by the mayor.

APPROVED THIS 4th DAY OF JANUARY 2016.

TOWN OF LYONS

By: _____
John E. O'Brien, Mayor

ATTEST:

By: _____
Debra Anthony, Town Clerk

Agenda Item: VII. 2.
Meeting Date: January 4, 2016

Subject: Adoption of Resolution 2016-2; Classification and Pay Plan for the Employees of the Town of Lyons, Colorado for 2016

Presenter: Victoria Simonsen, Town Administrator

Background:

In accordance with Section 1-7-6 of the Lyons Municipal Code, the Board of Trustees should review the compensation and classification scale of employees annually. Attached is the updated 2016 staff classification, pay grade and salary range schedule. Adjustments have been made based on the adopted 2016 annual budget and the addition / modification of job positions and duties.

Staff is recommending that a new classification and compensation survey be conducted in the second half of 2016 and presented with the 2017 budget. The last survey was conducted in 2011 and adopted in 2012.

RESOLUTION 2016-2
A RESOLUTION ADOPTING A CLASSIFICATION AND PAY PLAN FOR THE
EMPLOYEES OF THE TOWN OF LYONS, COLORADO

WHEREAS, in accordance with Section 1-7-6 of the Lyons Municipal Code of the Town of Lyons, Colorado, the Board of Trustees periodically reviews the compensation and benefits paid to appointed officers and regular employees of the Town to determine the appropriate compensation for those positions going forward; and

WHEREAS, in 2011 the Town of Lyons Board of Trustee determined that a need existed for a more comprehensive analysis of each position, and authorized an agreement with Organizational Development Services (ODS) pursuant to which ODS prepared a Classification and Pay Plan for Town employees; and

WHEREAS, in preparing the Plan, ODS reviewed each position to ensure it was being properly classified, established pay levels for each class of jobs, and conducted a comprehensive survey and analysis of the pay and benefits paid to individuals in similar positions in other communities; and

WHEREAS, the work performed by ODS culminated in a final report containing recommendations for the classification of each position, new job descriptions for each position, and a recommended salary schedule for Town employees; and

WHEREAS, the Board of Trustees amended the findings and recommendations made by ODS to reflect more comparable communities and positions,

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

Section 1. The Classification and Pay Plan and Salary Schedule for the Employees of the Town of Lyons, Colorado dated January 4, 2016 is hereby approved.

ADOPTED THIS 4th DAY OF JANUARY 2016.

TOWN OF LYONS

John E. O'Brien, Mayor

ATTEST:

Debra K. Anthony, Town Clerk

**Staff Classification of Work, Pay Grades and Ranges
Adopted by Board of Trustees January 4, 2016
Resolution 2016-2**

<u>ADMINISTRATION</u>	<u>PAY GRADE</u>	<u>MONTHLY RANGE</u>	<u>HOURLY RANGE</u>
Town Administrator	34	\$ 6,905 - 9,715	Exempt
Town Clerk	24	4,238 - 5,964	Exempt
Economic Dev Coordinator	24	4,238 - 5,964	Exempt
Economic Dev Associate		2,249 - 4,499	12.98 - 25.96
Records/Court Clerk	16	2,868 - 4,036	16.54 - 23.28
Permits Clerk	16	2,868 - 4,036	16.54 - 23.28
Administrative Assistant	16	2,868 - 4,036	16.54 - 23.28
Utility Billing Clerk	14	2,602 - 3,661	15.01 - 21.12
Receptionist	11	2,254 - 3,162	13.00 - 18.24
 <u>FINANCE</u>			
Finance Director/Treasurer	28	5,152 - 7,250	Exempt
Accounts Clerk II	16	2,868 - 4,036	16.54 - 23.28
Accounts Clerk I	14	2,602 - 3,661	15.01 - 21.12
 <u>PUBLIC WORKS</u>			
Public Works Director	28	5,152 - 7,250	Exempt
Maintenance Worker III	19	3,320 - 4,637	19.15 - 26.75
Heavy Equipment Operator	19	3,320 - 4,637	19.15 - 26.75
Maintenance Worker II	16	2,868 - 4,036	16.54 - 23.28
Maintenance Worker I	14	2,602 - 3,661	15.01 - 21.12
 <u>PARKS AND RECREATION</u>			
Parks/Rec & Culture Director	28	5,152 - 7,250	Exempt
Foreman I	19	3,320 - 4,637	19.15 - 26.75
Parks/Rec Assistant	16	2,868 - 4,036	16.54 - 23.28
Parks Maintenance Worker II	16	2,868 - 4,036	16.54 - 23.28
Parks Maintenance Worker I	14	2,602 - 3,661	15.01 - 21.12
Recreation Coordinator	14	2,602-3,661	15.01 - 21.12

VIII-3

December 10, 2015

Debbie Anthony, Town Clerk
Mayor and Lyons Board of Trustees
Town of Lyons
PO Box 49
Lyons, CO 80540

Re: Request for Amendment to Lyons Municipal Code, Section 11-1-50

Mayor and Lyons Board of Trustees:

It was suggested to me that a letter would be the best way to ask for the issue of ice melt usage in Lyons to be addressed. That is the intent of this letter, which is attached to an email to Town Clerk Debbie Anthony.

Seeing a mention of the shoveling requirement in a recent Lyons Town email, and also a Town post on the Lyons FB page, I am asking that the Town Board consider amending the Lyons Municipal Code, Sec. 11-1-50 as below.

I would like to see an upgrade to Sec. 11-1-50 that would phase in a requirement for any ice melt used in Lyons public areas and in front of businesses, to be eco-friendly, non-toxic, salt-free and, pet and child safe. It all goes into the water/eco system at some point and is most likely tracked into homes or businesses as well. Consciously trying to avoid walking on ice melt becomes more difficult during the weather in which it is used and walking in the streets isn't the best choice in some locations.

There appear to be a number of resources for this type of product online to choose from, that would meet this criteria.

Please consider this letter my official communication and the total of my comments to the Town Board on this matter. Trusting in the process, I wouldn't anticipate appearing before the Town Board and adding to your lengthy agendas ~ hence the letter. If I may offer anything further, please contact me. Knowing the number of critical items that require your attention, I appreciate your consideration of this minor matter.

Sincerely,
Linda Wickman
POB 446; 218 Park
Lyons, CO 80540
303-823-6723