

TOWN OF LYONS URBAN RENEWAL AUTHORITY
VIRTUAL MEETING
THURSDAY, June 9, 2022 @ 4:00 PM

Join Zoom Meeting

[https://us02web.zoom.us/j/86252075539?](https://us02web.zoom.us/j/86252075539?pwd=d1pjQUhFL2ZnRkpRRXk2WW84Z290QT09)
pwd=d1pjQUhFL2ZnRkpRRXk2WW84Z290QT09

Meeting ID: 862 5207 5539

Passcode: 542098

Dial by your location

+1 312 626 6799 US

Meeting ID: 862 5207 5539

DRAFT MEETING AGENDA

- I. Roll Call And Pledge Of Allegiance
- II. Approval Of Agenda
- III. Consent Agenda
 - III.1. April 28, 2022 LURA Meeting Minutes
Documents:
[APRIL 28.2022 MINUTES.PDF](#)
- IV. General Business
 - IV.1. Resolution 2022-4 Of The Town Of Lyons Urban Renewal Authority Accepting Appointment Of Commissioner To The Authority
Documents:
[RESOLUTION 2022- 04 ACCEPTING APPT OF COMMISSIONER BEAM BOULDER COUNTY\(24238430.1\).PDF](#)
[URA APPOINTMENT_BEAM.PDF](#)
 - IV.2. Swearing In Of Emily Beam, Boulder County Representative, To Replace Commissioner Michelle Krezek On The Lyons Urban Renewal Authority
 - IV.3. Discussion/Direction On Amending The Meeting Date And/Or Time
 - IV.3.a. Lura Bylaws
Documents:
[LURA BYLAWS AMENDED 3.22.18 \[NOT EXECUTED\]\(22930701.1\).PDF](#)
 - IV.4. Other Items
- V. Executive Session - Executive Session Pursuant To C.R.S. Sections 24-6-402(4)(E) And 24-6-402(4)(B) For The Purpose Of Determining Positions Relative To Matters That May Be

Subject To Negotiations, Developing Strategy For Negotiations, And Instructing Negotiators,
And For Legal Advice From Attorneys Representing The Town Regarding A Tax Increment
Financing Agreement With Moss Rock Development, LLC

VI. Adjournment

TOWN OF LYONS URBAN RENEWAL AUTHORITY

THURSDAY, APRIL 28, 2022 @ 6:00 pm

HYBRID MEETING

Workshop

Introduction to Urban Renewal Authorities and LURA 101

Join Zoom Meeting:

<https://us02web.zoom.us/j/82212466527?pwd=aE1ZNTBtZWVpYU9uTXpKk05Bb0xsQT09>

Meeting ID: 822 1246 6527

Passcode: 259383

Dial by your location

+1 929 205 6099 US

Meeting ID: 822 1246 6527

DRAFT MEETING AGENDA

- I. Roll Call and Pledge of Allegiance – Chair Rogin, Comm Farrell, Comm Elson, Comm Oetting, Comm Siegrist, Comm Krezek, Comm Dreistadt Absent: Comm Williams, Comm Dady, Comm Delman, Comm Cope
Chair Rogin asked for votes to be by a show of hand.
- II. Approval of the Agenda – **Motion:** move to approve **Moved by:** Comm Oetting **Seconded by:** Comm Farrell **Motion:** move to amend to move ex sess to beginning of next meeting so absent members can attend **Moved by:** Chair Rogin **Seconded by:** Comm Farrell **Motion passes unanimously Agenda as amended passes unanimously**
- III. Consent Agenda
 1. February 24, 2022, LURA Meeting Minutes
 2. January 27, 2022, LURA Meeting Minutes
Motion: move to approve **Moved by:** Comm Dreistadt **Seconded by:** Comm Siegrist **Motion passes 4-0 (0 abstentions/0 no votes)**
- IV. General Business
 1. Resolution 2022-03 Approving a Redevelopment and Reimbursement Agreement with Saint Vrain Properties, LLC, for improvements at 455 Main Street – Ex Dir Simonsen presented background; bids on project came in over 150K of their anticipated costs; asking for LURA to cover \$150K gap in project financing. Initially asked for 90% of property tax increment. Director Eyestone presented 3 scenarios for review. Applicant Connie Sullivan presented on façade improvements, electrical upgrades. Keeping ask at \$150K. Discussion on availability of the remaining 80%. **Motion:** move to approve **Moved by:** Comm Krezek **Seconded by:** Comm Dreistadt. Attorney Quander asked if motion could be amended to state that beginning of financing would commence when agreement is executed, intent going forward 20% allotted **Motion:** amendment as stated by URA Attorney Quander she may make necessary wording adjustments for commencement of disbursements **Moved by:** Comm Dreistadt **Seconded by:** Comm Elson **Motion passes 7-0 Resolution as amended passes 7-0**

2. Presentation by Moss Rock Properties, LLC to Consider Tax Increment Financing and Improvements to 343, 347, 349, 359 Main Street. Discussion and Direction to Staff – Applicant, Edna Johnson and Adam Cassidy presented. Hotel project 79-room boutique hotel. Want to play a significant role in the activation of the downtown/Main St. corridor to make Lyons less of a drive through town and more of a stop and stay town. Completed approval process with Lyons BOT. Expect construction to start later in 2022, with 18–22-month construction, opening 2024. First rooftop amenity in Lyons. Asking for \$4.5 million gap funding. **Comm Delman joined the meeting at 7:27 pm.** Comm Delman asked if sandstone/façade improvements were based off the 20% or 15%? Adam stated he would need to get back to the board. Comm Dreistadt asked if sales/use tax had been looked at since the hotel was going to purchase a significant amount of building materials that may be an option. And then using the hotel as collateral, would guaranty hold up? Adam, we specified to reserve the right to collateralize the TIF benefit. Lender would most likely ask for that and we would be obliged to provide. On use tax, no ability to make detailed forecast on use tax. Safe to assume furniture, fixtures alone for this project will be 3 million all subject to use tax. Construction materials up to 18 million. We are not asking to participate in that, only in the increment. Comm Dreistadt, it may be worth considering. Comm Oetting request for contingency on cost overruns, would that be considered to cure blight? Attorney Quander we will be holding an executive session to get into this, some allow, some don't. You could deem it an ineligible expense. Comm Oetting, fire suppression systems, anything above and beyond building code? Adam, hard to answer, will get back to you. Standpipe and sprinkler systems, code is code. There are other materials that enhance fireproofing, those types might be above and beyond, but not that level of detail yet. Comm Farrell, curious about difference in gap, it is off by about 1 million. Adam, intentional, we understand the town could also use it, we are not asking for all of it. Comm Dreistadt, consideration is speed of payback/reimbursement, maybe additional scenarios of a more rapid payback. If faster reimbursement can occur, if multiple of the gap represented by forecast TIF, I would expect the bank would be happy with that. Director Eyestone will run additional scenarios. Attorney Quander this is the initial presentation. Now board would spend time in ex session to determine appropriate direction to negotiate. Then applicant can make decisions of next steps. We will take that ex sess at next meeting. Comm Rogin can funds be used for items already done (asbestos abatement)? Attorney Quander confirmed, it technically cures blight, but is the board comfortable committing those funds. Consensus is to accept Attorney Quanders' recommended next steps.
3. Other Items – Michelle Krezek announced she is retiring at the end of next month so stepping down from LURA board. Thanked everyone, when we started in 2015 skeptical but it has been a great relationship with the County. 3 LURA requests in the last two weeks. I will let Victoria know about my replacement. Chair Rogin thanked her and wished her all the best in her retirement.
- V. Executive Session - Executive Session Pursuant to C.R.S. Sections 24-6-402(4)(E) And 24-6-402(4)(B) For the Purpose of Determining Positions Relative to Matters That May Be Subject to Negotiations, Developing Strategy for Negotiations, and Instructing Negotiators, and for Legal Advice from Attorneys Representing the Town Regarding a Tax Increment Financing Agreement with Moss Rock Development, LLC

- VI. Adjournment – **Motion:** move to adjourn **Moved by:** Comm Krezek **Seconded by:** Comm Oetting **Motion passes unanimously** Meeting adjourned at 7:47 pm.

Respectfully Submitted by:

Dolores M. Vasquez, CMC – Town Clerk

Chair Hollie Rogin

TOWN OF LYONS URBAN RENEWAL AUTHORITY

RESOLUTION NO. 2022 - 04

**A RESOLUTION OF THE TOWN OF LYONS URBAN RENEWAL AUTHORITY
ACCEPTING APPOINTMENT OF COMMISSIONER TO THE AUTHORITY**

WHEREAS, the Town of Lyons Urban Renewal Authority (the “Authority”) is a duly constituted urban renewal authority, established and operating pursuant to the laws of the State of Colorado, and in particular the provisions of C.R.S. § 31-25-104;

WHEREAS, H.B. 15-1348 affected changes to Urban Renewal Law, C.R.S. § 31-25-101, *et. seq.*, including the provisions establishing membership of the boards of urban renewal authorities;

WHEREAS, C.R.S. § 31-25-104(2.5) provides, in part: “[I]n order to represent the collective interests of the county and all taxing bodies levying a mill levy within the boundaries of the urban renewal authority area other than the municipality, one additional commissioner on the authority must be appointed by the board of county commissioners of the county in which the territorial boundaries of the urban renewal authority area are located, one additional commissioner must also be a board member of a special district selected by agreement of the special districts levying a mill levy within the boundaries of the urban renewal authority area, and one additional commissioner must also be an elected member of a board of education of a school district levying a mill levy within the boundaries of the urban renewal authority area. If the number of members of the governing body causes the authority to have an even number of commissioners, the mayor shall appoint an additional commissioner to restore an odd number of commissioners to the authority.”

WHEREAS, Commissioner Michelle Krezek previously served as the Authority board member who was an appointee on behalf of Boulder County, but has submitted her resignation in light of her retirement; and

WHEREAS, the Authority received notification from Boulder County of the appointment of Emily Beam to serve on the Authority board until such time as Boulder County appoints a new member.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF THE TOWN OF LYONS URBAN RENEWAL AUTHORITY:

Section 1. The foregoing recitals are incorporated herein by this reference.

Section 2. Pursuant to C.R.S. § 31-25-104(2.5), the Authority accepts and recognizes the appointment of Emily Beam to this Authority.

Section 3. A copy of this Resolution on file with the Authority Clerk shall serve as a certificate of such appointment pursuant to C.R.S. § 31-25-104(2)(b).

Section 4. This Resolution shall be effective upon approval by the Authority.

Adopted this 9th day of June, 2022

TOWN OF LYONS URBAN RENEWAL AUTHORITY

BY: _____
Chair Hollie Rogin

ATTEST:

Dolores M. Vasquez, CMC - Town Clerk



Board of County Commissioners

May 19, 2022

Victoria Simonson, Executive Director
Lyons Urban Renewal Authority

Via E-mail: vsimonsen@townoflyons.com

Tony Chacon, Executive Director
Longmont Urban Renewal Authority

Via E-mail: tony.chacon@longmontcolorado.gov

Executive Director Simonson and Executive Director Chacon,

The Boulder County Commissioners have appointed Emily Beam, Financial Systems Comptroller, as the Boulder County representative on both the Lyons Urban Renewal Authority and the Longmont Urban Renewal Authority.

Emily can be reached at EBeam@bouldercounty.org. Please include Emily in any future communication regarding your respective Authorities.

Sincerely,

Marta Loachamin, Chair
Boulder County Board of County Commissioners

CC: Emily Beam
Ramona Farineau, Boulder County Chief Financial Officer
Ben Pearlman, Boulder County Attorney

Matt Jones County Commissioner **Claire Levy** County Commissioner **Marta Loachamin** County Commissioner

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Mailing Address: P.O. Box 471 • Boulder, CO 80306 • www.BoulderCounty.org • commissioners@bouldercounty.org

**BYLAWS
OF
TOWN OF LYONS URBAN RENEWAL AUTHORITY**
(Adopted June 1, 2015; Amended March 7, 2016; Amended March 22, 2018)

ARTICLE I – THE AUTHORITY

Section 1. Name of Authority. The name of this urban renewal authority shall be the “Town of Lyons Urban Renewal Authority”, which authority was established on May 18, 2015 by the Town of Lyons Board of Trustees (the “Town Board”) Resolution No. 2015-46. The Town of Lyons Urban Renewal Authority shall be referred to in these Bylaws as the “Authority.”

Section 2. Office of Authority. The office of the Authority shall be 432 5th Avenue, Lyons, Colorado 80540, or at such other place in the Town of Lyons (the “Town”), Colorado as the Town Board may direct.

Section 3. Authority to Enact Bylaws. The Authority is authorized by C.R.S. § 31-25-105(1)(a) to make and adopt bylaws, orders, rules, and regulations to effectuate the purposes of Part 1 of Article 25 of Title 31, Colorado Revised Statutes (the “Urban Renewal Law”).

ARTICLE II – OFFICERS

Section 1. Commissioners. In accordance with C.R.S. § 31-25-115(1), and pursuant to Resolution No. 2015-46, the Town Board, comprised of seven (7) members, including the mayor of the Town, designated itself to serve as the Authority. In accordance with C.R.S. § 31-25-104(2.5), and pursuant to Resolution No. 2018-1, the Authority accepted the appointments of three (3) commissioners to the Authority by Boulder County, St. Vrain Valley School District RE-1J, and the special districts. Pursuant to C.R.S. § 31-25-104(2.5), if the number of members of the governing body causes the Authority to have an even number of commissioners, the mayor shall appoint an additional commissioner to restore an odd number of commissioners to the Authority. The mayor of the Town, each of the trustees of the Town Board, the commissioner appointed by Boulder County, the commissioner appointed by St. Vrain Valley School District RE-1J, the commissioner selected by agreement of the special districts, and the commissioner appointed by the mayor of the Town, shall constitute the Board of Commissioners of the Authority (the “Commissioners”). The terms of the seven (7) commissioners who are also members of the Town Board and the mayor shall be coterminous with their terms on the Town Board. The terms of the three (3) commissioners appointed by Boulder County, St. Vrain Valley School District RE-1J, and the special districts shall be as designated by their respective appointing parties. The term of the one (1) commissioner appointed by the mayor shall be coterminous with the mayor’s term. A commissioner holds office until his or her successor has been appointed.

Section 2. Officers. The officers of the Authority shall be a Chairperson, Vice Chairperson, Secretary and Executive Director. The mayor of the Town shall serve as the *ex officio* Chairperson of the Authority. The mayor pro tem of the Town shall serve as the *ex officio* Vice Chairperson of the Authority. The town clerk of the town shall serve as the *ex officio*

Secretary of the Authority. The town administrator of the Town shall serve as the *ex officio* Executive Director of the Authority.

Section 3. Chairperson. The Chairperson shall preside at all meetings of the Authority. Except as otherwise authorized by resolution of the Authority, the Chairperson shall sign all contracts, deeds, and other instruments made by the Authority.

Section 4. Vice Chairperson. The Vice Chairperson shall perform the duties of the Chairperson in the absence or incapacity of the Chairperson.

Section 5. Temporary Chairperson. In the absence of both the Chairperson and Vice Chairperson, the Commissioners may appoint an acting chairperson to preside at any meeting of the Authority.

Section 6. Executive Director. The Executive Director of the Authority shall oversee the day-to-day operations of the Authority. The Executive Director shall serve as an advisor to the Authority and may serve on committees or in other capacities consistent with the Urban Renewal Law as the Commissioners may determine; provided, however, that the Executive Director shall not be considered a Commissioner of the Authority within the meaning of the Colorado Urban Renewal Law, any other applicable law, or these Bylaws, and shall not be permitted or required to act in the capacity of a Commissioner at any time.

Section 8. Recording Secretary. The Recording Secretary shall keep the records of the Authority, shall act as secretary of the meetings of the Authority and record all votes, shall keep a record of the proceedings of the Authority and shall perform all duties incident to this office. That person shall keep in a safe custody all Resolutions, contracts and instruments entered into by the Authority.

Section 9. Legal Counsel for the Authority. The Authority may employ an attorney or attorneys licensed to practice in the state of Colorado to provide legal counsel to the Authority and the Executive Director on issues relating to the Urban Renewal Law and other general and special legal matters of interest to the Authority.

Section 10. Additional Personnel. The Authority may from time to time employ such personnel as it deems necessary to exercise its powers, duties and functions as prescribed by the Urban Renewal Law, and all other laws of the State of Colorado and the Town.

ARTICLE III – MEETINGS

Section 1. Annual Meetings. An annual meeting of the Authority shall be held in each calendar year on the same evening and at the same location as the first regular meeting of the Town Board or as soon thereafter as may be practicable given the scheduling matters of the Authority.

Section 2. Regular Meetings. Regular meetings of the Authority shall be held on the last Thursday of each month at 6 p.m.

Section 3. Special Meetings. Special meetings of the Authority shall be called by the Executive Director on the written request of the Chairperson or any three (3) Commissioners of the Authority on at least twenty-four (24) hours written notice to each Commissioner, served personally by electronic mail if available or left at his or her usual place of residence; provided, however, that a special meeting may be held on shorter notice if all Commissioners are present or have waived notice thereof in writing. Provided that reasonable efforts are made to contact a Commissioner as provided in this Section 3, failure of a Commissioner to receive notice shall not invalidate any special meeting. At such special meeting, no business shall be considered other than as designated in the notice, but if all of the Commissioners of the Authority are present at a special meeting, any business which may lawfully come before a regular meeting may be transacted at that special meeting.

Section 4. Quorum. A majority of the Commissioners shall constitute a quorum.

Section 5. Order of Business. Regular or special meetings of the Authority shall not be required to follow any specific agenda order or process, although the following order shall typically be used as a guide for the Authority's order of business:

1. Call to Order
2. Roll Call
3. Consideration of minutes of the previous meeting
4. Consideration of Resolutions
 - a. Public hearings
 - b. General business
5. Other business
6. Adjournment

An opportunity for general public comment on matters not listed on the agenda may, at the discretion of the Chairperson, be provided to persons in attendance at any meeting of the Authority.

Section 6. Manner of Voting. The voting on all questions before the Authority shall be by voice or by show of hands unless a roll call vote is requested by any Commissioner of the Authority or required by law. The yes votes, no votes and abstentions shall be entered in the minutes of each meeting. Every Commissioner of the Authority, when present, must vote unless excused from voting on matters involving the consideration of his or her own official conduct or when his or her personal or financial interest is involved. Any Commissioner of the Authority must state at the time of abstention the reason for abstention.

ARTICLE IV – CONFLICT OF INTEREST

No Commissioner, other officer, or employee of the Authority nor any immediate member of the family of any such Commissioner, officer, or employee shall acquire any interest, direct or indirect, in any project or in any property included or planned to be included in any project, nor shall he or she have any interest, direct or indirect, in any contract or proposed

contract for materials or services to be furnished or used in connection with any project. If any Commissioner, other officer, or employee of the Authority owns or controls an interest, direct or indirect, in any property included or planned to be included in any project, he or she shall immediately disclose the same in writing to the Authority, and such disclosure shall be entered upon the minutes of the Authority. Upon such disclosure, such Commissioner, officer, or other employee shall not participate in any action by the Authority affecting the carrying out of the project planning or the undertaking of the project unless the Authority determines that, in the light of such personal interest, the participation of such Commissioner in any such act would not be contrary to the public interest. Acquisition or retention of any such interest without such determination by the Authority that it is not contrary to the public interest or willful failure to disclose any such interest constitutes misconduct in office.

ARTICLE V – POWERS

Section 1. General Powers. The Authority shall have all of the general powers of such an authority granted to it under the Urban Renewal Law.

Section 2. Expenditures of Monies. The Authority may expend monies for the acquisition of real estate, or interests therein, and utilize the laws of eminent domain for such acquisition purposes; provided however, such acquisition of real estate shall be for the purpose of effecting a redevelopment project or urban renewal project specifically approved by the Commissioners.

ARTICLE VI – AMENDMENTS

These Bylaws may be amended by an affirmative vote of two-thirds of the membership of the Board of Commissioners at any regularly scheduled or special meeting of the Authority.

APPROVED AND ADOPTED:

By: _____
Connie Sullivan, Chair

Date: _____

APPROVED AS TO FORM:

By: _____
Caitlin Quander, Authority Counsel