

URBAN RENEWAL AUTHORITY
BUDGET MEETING
6:00 pm – 6:45 pm

DRAFT AGENDA

TOWN OF LYONS

MONDAY, DECEMBER 18, 2017

SHIRLEY F. JOHNSON COUNCIL CHAMBER
LYONS TOWN HALL, 432 5TH AVENUE, LYONS, COLORADO

- I. Roll Call and Pledge of Allegiance
Roll Call. Present: Mayor Connie Sullivan, Mayor Pro Tem Dan Greenberg, Trustee Mike Karavas, Trustee Jim Kerr, Trustee Barney Dreistadt, Trustee Wendy Miller
Absent: Trustee Juli Waugh.
- II. A Reflective Moment of Silence
- III. Approve Agenda
 **Motion:** Trustee Karavas moved to approve the Agenda
Action: Approve, **Moved by** Trustee Mike Karavas, **Seconded by** Trustee Barney Dreistadt. Motion passed unanimously.
- IV. Boulder County Sheriff's Report, Sgt Bill Crist – no update tonight
- V. Staff Reports
 - 1. Financial Update
Finance Director Canada updated the BOT on the Town's Financials, including balance sheets concerning the General Fund and the Cash Flow Sheet.
 - 2. Town Clerk Anthony reported Lumber Liquor has been sold, the new owner has submitted the paperwork to the town and the State, we are waiting for background checks, the new owner will be given a temporary license contingent on the background checks, the BOT should see this new license for approval in January 2018.
 - 3. Town Administrator Simonsen updated the BOT on the issues on upper 5th Avenue, On December 6th, Town Engineer Kubala, Trustee's Dreistadt, Miller and Town Administrator Simonsen met with the residents on upper 5th Avenue; it was agreed to bring forward a recommendation to the BOT to pay Steve McCain for the service work on 5th Avenue that lies in the ROW and the other work would be negotiated with homeowner Will Slater and the neighborhood. Town Administrator Simonsen stated another workshop will be scheduled for January concerning the sewer line being brought up to code that is in the public ROW, neighbors would maintain the lateral until it could be relocated at that time it would come before the BOT. Town Administrator Simonsen stated if accepted by the BOT as a capital improvement we would agree to jet the line annually for the next five years, Steve McCain believes that will keep the line free of clogs until a new line can be put in place.
 - 4. Mayor Pro Tem Greenberg asked if the EEO statement on the town website included transgender persons under its current listing. Town Attorney Guckenberger stated it does.
- VI. Audience Business - no audience business
- VII. Board and Commission Updates

Mayor Sullivan appointed Josh Schnable to the PCDC.

HSAC - Amy Rheinholds, Co-Chair reported accomplishments for 2017 included Lyons Goodwill Fund is now in the budget, Meals on Wheels have been taken over by LEAF, Nine Health Fair Table, needs assessment involvement in Peak to Peak Housing Group. The goals for 2018 include changing their name to Lyons Health and Human Service Commission, filling the two open seats, 12% Affordable Housing Goal, Task Force for Health Care Services including an additional survey regarding change of medical services since the clinic closed, Tenant/Landlord Resource page on the website, community conversation on transportation, aging in place communication, working with the Sheriff and Fire Department concerning how vulnerable adults are identified in emergencies. HSAC voted to recommend a 12% to Low and Affordable Households, currently there are 26 in Lyons: 12 at Bloomfield; 12 at Walt Self; 8 at Mountain Gate and 6 Habitat, which makes it 3.6% currently. BOT discussion included Boulder County Housing Partnership's Regional Housing Strategy and that Lyons remain involved to make sure we don't miss out on any opportunities, tenant/landlord rights, confirmation that the last hospital was not going to pursue purchasing the Lyons Medical Clinic.

VIII. Ordinances and Public Hearings

1. Public Hearing - Ordinance 1025, an Ordinance of the Board of Trustees of the Town of Lyons Amending Chapter 13 of the Lyons Municipal code to Enact a New Article 6 Concerning the Establishment and Administration of a Storm Water Utility Enterprise and the Imposition of Storm Water Fees Storm Water Utility Formation

Mayor Sullivan stated her recommendation is to continue the public hearing on Ordinance 1025 to the January 2, 2018 BOT meeting.

BOT discussion concerning how complicated the fee structures can be and UEB Chair Kaplan could not be present tonight but will be at the January 2, 2018 meeting to explain the different possibilities for structuring the fees.

Motion: Mayor Pro Tem Greenberg moved to continue Ordinance 1025 to the January 2 2018 BOT meeting.

Action: Table, **Moved by** Mayor Pro Tem Dan Greenberg, **Seconded by** Trustee Jim Kerr. Motion passed unanimously.

IX. Consent Agenda

1. Resolution 2017-135, a Resolution Approving a Lease of Town Owned Property with Telluride Bluegrass Festival, Inc, for the 2018 Rocky Grass Festival
2. Resolution 2017-136, a Resolution Approving a Lease of Town Owned Property with Telluride Bluegrass Festival, Inc, for the 2018 Folks Festival
3. Resolution 2017-150, a Resolution Authorizing a Contract Between the Town of Lyons and Carl Marshbanks, CPA for the year of 2018
4. Resolution 2017-151, a Resolution Approving a Professional Services Agreement with [Contractor] to Prepare a Parking Analysis of Downtown Lyons.
5. Resolution 2017-153, Appointing the Election Official for the Regular April 3, 2018 Election
6. Resolution 2017-154, a Resolution Approving Payment to Hatrock Excavating
7. Resolution 2017-156, a Resolution Approving a Contract Amendment for Town of Lyons DOLA Staffing Assistance Grant – Flood Recovery Supplement (EIAF #7640)
8. December 2017 Accounts Payable
9. November 28, 2017 Board of Trustees Special Meeting Minutes
10. December 4, 2017 Board of Trustees Meeting Minutes

Trustee Miller asked at Resolution 2017-154 be removed from the Consent Agenda.

Town Administrator Simonsen asked that Resolutions 2017-135 &136 be continued to the January 2, 2018 BOT meeting.

Mayor Sullivan asked that the December 4, 2017 BOT meeting minutes be pulled from the Consent Agenda.

Motion: Mayor Pro Tem Greenberg moved to continue items 1 & 2 to January 2, 2018 BOT meeting and to approve items 3, 4, 5, 7, 8, and 9.

Action: Approve, **Moved by** Mayor Pro Tem Dan Greenberg, **Seconded by** Trustee Mike Karavas.

Motion passed unanimously.

X. General Business

1. Update Concerning Honeywell and BOT Direction to Staff

Town Administrator Simonsen reported she and Mayor Sullivan met with representative from Honeywell on December 14, 2017, both representatives from Honeywell were new to the situation, time was spent walking them through the issues, they are wanting to put together a proposal before the BOT no later than the February 5, 2018 BOT meeting. Town Administrator Simonsen stated they had also spoken to the Energy Office and they will support all the items the town is recommending they be reimbursed for and feel strongly those charges not should not be charged to Lyons, as well as a request on the baseline for the plant, small data sets and reconsideration of the baseline for the energy contract. Mayor Sullivan stated she agrees with Town Administrator Simonsen that it was disappointing they had not prepared for the meeting and were not familiar with Lyons and all we have learned in this process concerning the contract, invoices and how significant this would be to the town. Mayor Sullivan thanked staff for their time in preparing for the meeting.

2. Resolution 2017-152, a Resolution Adopting the Boulder County Regional Housing Partnership's Priorities and Strategies for Expanding access to Diverse Housing for the Community

Town Planner Glasgow reported the goal listed for Lyons/Nederland is too low. It would mean that we only need to add 20 homes between the two communities. The town's goal is to add 100 housing units, and we should not set our goals too low.

BOT discussion included sharing in Boulder County's plans for affordable housing; the goal for Lyons locally is to replace the 100 units and add an additional 12% of new workforce housing, is Boulder County Open Space going to continue to take land when we need it for housing, are they partners in this plan, or a separate entity; not considering this to be the limit if we adopt the plan, 2035 being too far in the future Lyons needs it sooner, putting in our recommendations for future update to the plan – our goal is more than what is currently in the their plan, this is on top of the need identified prior to the flood, on top is the housing lost from the flood and on top if what Boulder County needs then that number would get up to around 160, if housing developed adjacent to Lyons that would help the numbers for Lyons, share with Boulder County to this extent but has nothing to do with the goals for the town for work force living.

Mayor Pro Tem Greenberg stated I don't hear anyone saying not to pass this Resolution, I want it to be clear that we don't consider this to be the limit, in section 1 or a whereas stating this. Town Attorney Guckenberger stated both places would be appropriate, if the resolution is passes, a section 1 could be added stating the town does not consider this to be the limit.

Mayor Sullivan stated this is a county wide issue, Lyons medial income is too high, change section 1 to county wide goal, it does not express Lyons goals, need holistic approach and comment to county regarding POS, it should not supersede any individual community goals, this could be inserted in the 4th whereas.

The next comprehensive plan should have a separate section for housing explaining the goal and how to get there; we need expert advice for how to make this a reality. 

Motion: Mayor Pro Tem Greenberg moved to approve Resolution 2017-152 with the changes outlined by Mayor Sullivan. (this is a county wide issue, Lyons medial income is too high, change section 1 to county wide goal, it does not express Lyons goals, need holistic approach and comment to county regarding POS, it should not supersede any individual community goals, this could be inserted in the 4th whereas)

Seconded by Trustee Jim Kerr.

 Mayor Pro Tem Greenberg and Trustee Kerr accept Trustee Dreistadt's friendly amendment

Action: Approve, **Motion passed unanimously.**

3. BOT Discussion and Direction to Staff Concerning CDBG-DR Action Plan Substantial Amendment

Town Administrator Simonsen reported there is going to be a substantial amendment going though on December 22, 2017, with three major areas recommended for changes and it relocates the funds to Colorado, in line with the needs 4 years after the flood, reallocating the revitalization program for housing and infrastructure, funds from Division for Housing to the collaborative, 4 million of housing funds allocated to Lyons that were going through the collaborative would go to housing and would be earmarked for Lyons and we would have until 4 quarter of 2019 to be spend it, they are taking public comment, there have not been

any comments to date. Mayor Sullivan stated it is important to have a record to support the changes, with the changeover in the BOT in April we need strong attention to what this BOT has in mind, a lot of money for us to do something with for affordable housing, to make sure we have our time frame in writing from the state that would clarify how the money will be tracked, go on record saying we support this and the money remains available to Lyons. Town Administrator Simonsen reported to date the 4 million has been earmarked for Lyons in good faith for a Lyons Housing Project, if we don't come up with a project then it gets returned to the state, the 4 million will remain committed to the Town of Lyons for a housing project until the 4th quarter of 2019. Trustee Dreistadt stated opportunities are opening up to us now, we need to engage with the state housing. Town Administrator Simonsen they will continue to hold our hand through this and until we are assigned a person to help Allison Kelly will be helping us.

Motion: Mayor Pro Tem Greenberg moved to direct staff to submit comments in support of the substantial amendment.

Action: Approve, **Moved by** Mayor Pro Tem Dan Greenberg, **Seconded by** Trustee Jim Kerr.

Motion passed unanimously.

4. Resolution 2017-155, a Resolution Adopting a Land Use & Management Plan for Deed Restricted Buy Out Properties

Town Planner Glasgow reported Staff proposes adoption of the DRAFT Land Use and Management Plan for Deed Restricted Buy-out Properties (DRBOP). Staff encourages trustees to review the DRAFT Plan in advance of meeting.

RECOMMENDED ACTION / NEXT STEPS Incorporate Trustee directed feedback into final adopted plan. Identify steps and process for annual review and prioritization.

FISCAL IMPACTS: Adoption itself will have little impact. Implementation will have substantial fiscal impact associated with construction, operation and maintenance. Fiscal analysis detail provided in Chapter 3 of the Plan.

BACKGROUND INFORMATION: Final draft plan, is the most current draft, in its entirety along with appendix items. It includes background outlining the planning process. The historic flood of September 2013 impacted nearly every aspect of the Lyons, Colorado community. Roads, bridges, infrastructure, and utilities suffered significant damage. Businesses were hard hit. Cultural centers were affected. Park lands were devastated. In the tragedy, more than 200 homes were damaged or destroyed, many never to be rebuilt. River bottoms were scoured and environmental assets such as trees and wildlife habitat were destroyed. As a result, the Town of Lyons acquired or will acquire 27 former residential properties with flood recovery funding. These properties incurred substantial flood damage or complete destruction. Funding from the Hazard Mitigation Grant Program (HMGP) of the Federal Emergency Management Administration (FEMA) and the Community Development Block Grant for Disaster Recovery (CDBG-DR) program of Housing and Urban Development (HUD) was used to acquire the properties. A primary goal of these programs is the removal of flood damaged structures and prevention of rebuilding to mitigate the impact of future floods. Upon acquisition, these properties carry use restrictions as perpetual open space. Each of these parcels is referred to as a Deed-Restricted Buy-Out Property ('DRBOP') or a 'buy-out'. The Town of Lyons, in conjunction with the consultant team of Design Concepts, GreenPlay, and Amec Foster Wheeler developed the *DRBOP Land Use & Management Plan* for the buy-out sites as a blueprint for the future. The project engaged the Lyons community to plan for use of these properties. The buy-out properties comprise approximately 20 acres of undeveloped public land located in the St. Vrain River confluence, an area with both ecological and recreational value. This plan envisions these lands as open space within a restored riparian habitat intertwined with opportunities for passive and active outdoor enjoyment and social interaction. This may include trails for walking and biking, seating for individuals or small groups, public gardens, public art, and river access in an environment that serves as wildlife habitat and designed to mitigate future flood hazards.

The **DRBOP Land Use and Management Plan** has three sections: A **Concept Plan** with rendered graphics and imagery to illustrate the community vision with narrative of site elements and projected costs, A **Management Plan** that outlines fiscal-impacts on operations and maintenance, and describes potential funding opportunities, A **Neighborhood Licensure Program** for residents including site specifications, design elements, licensing, and user information

LEGAL ISSUES: Deed restrictions limit uses, and approval process for capital improvements need to be referred to appropriate buy-out agency.

CONFLICTS OR ENVIRONMENTAL ISSUES: Buyouts are located in the flood hazard zone, create wildlife corridors, and include riparian ecology. Use conflicts may occur between visitors and adjacent property owners.

SUMMARY AND ALTERNATIVES: The Plan itself contains alternative land use concepts including an intermediate access and naturalization step and a preferred site option and site alternatives. These alternatives are illustrated in the appendix. Buildout site elements do not need to be constructed at one time, but can be phased as funds become available.

Design Concepts was present at the meeting and stated there had not been any substantial changes since the last workshop in November.

Trustee Dreistadt asked if the Steering Committee have any recommendations. Town Planner Glasgow stated it did not go back to them.

Mayor Pro Tem Greenberg stated on page 7 Emerging Issues Parking Study, does this mean the parking study should be completed prior to implementing other aspects? Parks/Public Works Director Cosgrove stated to be an effective plan it should be implemented simultaneously; however, it can stand alone. Amenities probably won't change; parking study first would lower the impact to the neighborhood. Neighbors expect that the town would take steps to regulate and mitigate the impact (7-9 weekends a year).

Trustee Dreistadt asked will the Parking Study cover this area. Town Planner Glasgow stated this would be a phase II of parking for the broader community. Phase I focuses on the downtown area, would like to begin development of the plan and adopt parking recommendations as properties develop.

Mayor Sullivan stated the revenue generation is minimal (\$1000), why is there no recommendation for camping? When built out the maintenance will be much higher than the revenue generated.

Design Concepts Alex stated parking revenue is my number one suggestion, planned; progressive parking would give sufficient revenue. The wherewithal was not there for pursuing Martin property for camping, there is a slippery slope and lukewarm reception to camping on Martin and the Ecology Board did not recommend it, the wildlife corridor is mentioned and the camping discussed was experiential camping, not profit camping.

Mayor Sullivan stated the report identifies the area as an important natural amenity. Did the participants indicate that they were supportive of tax increases to maintain the property if no revenue generation. The bold statements of "The Town will do this" were not in the draft documents. As the community changes, this document does not show flexibility for changing conditions on page 7 it is rigidly worded, but not leaving any room for changes this should be a living, breathing document, ideas and recommendations but not the only route.

Mayor Pro Tem Greenberg stated the entire town is a wildlife corridor, while I am supportive of the experiential camping idea, it should reflect that development in the area should be slowed down and impacts considered parallel, this needs included in the plan, the town would need to generate \$24K next year to maintain as a natural area it is not about grabbing money just for the sake of making profit.

Town Planner Glasgow stated he prefers the strong language and recommended it, page 4. Introduction, allows for flexibility, stipulates what should occur. It gets outdated quickly and becomes eroded.

Mayor Sullivan stated we have the responsibility to look at the community as a whole, this is too prescriptive for a concept plan, on page 15 the language may need to change or be struck, the Martin introduction paragraph emphasizes too heavily that it is a major wildlife habitat.

Design Concepts Carter stated we envisioned a more flexible language, but Town Planner Glasgow felt it wouldn't have enough teeth, is there a way to be more selective and have a few "will" statements and soften a few statements.

Trustee Karavas stated an emergency access is an issue on the Martin Parcel, maybe we shouldn't accept it from Boulder County if we don't want to maintain it.

Mayor Sullivan stated there is a lot of Boulder County land that we don't have access to, as far as moving forward we need to satisfy the grant, reflects what most people want to see which is how to fund ongoing maintenance.

 **Motion:** Mayor Pro Tem Greenberg moved to approve Resolution 2017-152 with the following changes;

Discussion on limited camping as describe by Town Planner Glasgow which is reflected in the document, statements referred to by the Mayor "will" should be changed to a softer tone as recommended.

Mayor Sullivan stated as a friendly amendment change "will" to "should" as staff sees appropriate.

Friendly amendment accepted by Mayor Pro Tem Greenberg and Trustee Kerr.

Amendment: Mayor Sullivan moved to add a whereas that reflects this is intended to be a living breathing document that is subject to change as the needs of the community changes.

Trustee Karavas seconds the amendment.

Action: Approve amendment. **Motion passed unanimously**

Mayor Pro Tem Greenberg stated on page 14 Martin Property, is the description accurate. Design Concepts Axel states yes. Mayor Pro Tem Greenberg stated uses should be considered not that it is a wild life area.

Mayor Sullivan stated as a friendly amendment on page 14 strike the language on small sign it is to prescriptive.

Friendly amendment dies for lack of second.

Overall vote: Motion passes unanimously.

Trustee Dreistadt moved to take a brief break, Trustee Karavas seconded the motion. Motion passed unanimously. 9:22 p – 9:32 pm

5. BOT Discussion and Direction to Staff Concerning April Ballot Measures

Mayor Sullivan asked for discussion on Lodging Tax, Broadband Provider, and Term Limits. After BOT discussion the BOT directed staff and the Town Attorney to prepare for putting Broadband on the ballot either public/private or through another municipality, Term Limits – to extend to 2 – 4 year terms versus the 3 – two year terms it is now, and the Lodging Tax. Trustee Miller suggested an event or ticket tax and asked what the limits as statutory towns are. Town Attorney Guckenberger will look at this.

XI. Items Removed from Consent Agenda

1. Resolution 2017- 154, a Resolution Approving Payment to Hatrock Excavating

Trustee Miller stated under fiscal impacts on the cover sheet it talks about the 6 inch pipe that Hatrock replaced. Town Administrator Simonsen stated the Lyons Municipal Code requires an 8 inch pipe. Trustee Miller stated the 5th Ave residents are concerned about when the next workshop would be. BOT discussion concerning the sewer line on 5th Ave. Trustee Dreistadt stated one person should present their facts, but not debate, due to multiple issues it is impossible to make progress at the workshop, it has to be facts presented and then the BOT will discuss the facts. Mayor Sullivan stated workshops traditionally don't include public input, if they have additional information, it would need to be provided ahead of time, the workshop needs to be facilitated as normal workshops are, the BOT needs to feel prepared to make a decision. Town Administrator Simonsen stated if we could get the information from the representative we can have what we need for the workshop. Trustee Miller stated Steve McCain stated he would be willing to adjust the price if the town were to get a few quotes for the same and asked if that happened. Town Administrator Simonsen stated it has been sent to two different contractors and have not heard back yet, there is a clause in the resolution stating pending on quotes or average of. Trustee Karavas asked what the code says about raw sewage running in the street. Town Administrator Simonsen stated this needs to be talked about at the workshop.

Motion: Mayor Pro Tem Greenberg stated a whereas should be added that we are trying to reach resolution and that it does not set a precedent.

Action: Approve, **Moved by:** Mayor Pro Tem Greenberg, **Seconded by:** Trustee Karavas
Motion passes unanimously.

XII. Trustee Reports (5 minutes per person)
Mayor Sullivan thanked staff for the Boards and Commission Holiday Party it was well attended and well organized.
Trustee Karavas asked to have the BOT look at the Boards and Commission Ordinance in the near future.

XIII. Motion Mayor Pro Tem Greenberg moved to go to Executive Session pursuant to C.R.S. Sections 24-6-402(4)(a), 24-6-402(4)(e), and 24-6-402(4)(b), to discuss the possible purchase, acquisition, or transfer of real property interests and determining related negotiating positions and strategies and instructing negotiators for the purpose of providing affordable housing within the Town and to reconvene for action necessary.
Motion: Mayor Pro Tem Greenberg moved to direct staff to submit comments in support of the substantial amendment.
Action: Approve, **Moved by** Mayor Pro Tem Dan Greenberg, **Seconded by** Trustee Dreistadt at 10:20 pm

Executive Session closed at 11:02 pm.
Mayor Pro Tem Greenberg moved to direct staff to move forward consistent with the Executive Session.
Trustee Dreistadt seconded the motion.
Motion passes unanimously.

XIV. Adjournment - Mayor Pro Tem Greenberg moved to adjourn at 11:06 pm, Trustee Karavas seconded the motion. Motion passes unanimously.

Respectfully submitted by;

Deb Anthony, MMC – Town Clerk

Mayor Connie Sullivan

“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.”