



Boulder County CDBG-DR Collaborative Standing Meeting Minutes – November 9, 2018

Facilitator: Kathy Fedler, City of Longmont

BCC Partners: Michelle Krezek, Boulder County
Deb Gardner, Boulder County
Leslie Irwin, Boulder County
Kristyn Unrein, Boulder County
Crystal Launder, City of Boulder
Joel Wagner, City of Boulder
Sandi Seader, City of Longmont
Molly O'Donnell, City of Longmont
Philip Strom, City of Longmont

Chris Krolick, Town of Jamestown
Karen Gerrity, Town of Nederland (ph)
Victoria Simonsen, Town of Lyons
Erika Archer, Town of Lyons
Tracy Sanders, Town of Lyons
Harold Dominguez, City of Longmont
Peter Gibbons, City of Longmont
Kyndra Daniels, City of Longmont
Audrey Dakan, City of Longmont

Guests: Dave Bowman, DOLA
Glenn Christensen, Big Elk Meadows Association (BEMA)
Bobby Clevenger, BEMA
Nick Miller, GEI Consultants

Cathy Faughnan, BEMA
John Betke, State Engineer's Office

Location: Lyons Town Hall, 432 5th Avenue, Lyons, CO

Agenda and Discussion Items:

- Big Elk Meadows Sunset Lake Dam Funding Decision (visitors from Big Elk Meadows Association)
- Changes to or Approve Minutes from August 10th Meeting
- July 2018 HUD Monitoring Report Results
- 2019 BCC Meeting Scheduling
- Round 3 Grant Award Status
- General Infrastructure & Housing Program Progress Updates and Status
 - Expenditure progress to date
 - Expenditure projections for current and upcoming projects
- Community Project Report Out
- Update on Housing Projects (Ponderosa and Lyons)
- FEMA PA Closeout Technical Assistance Workshop
- Advocacy and Agitation - Concerns/Issues?

Handouts:

- BCC Snapshot
- Projections Summary & Obligation Projections by Project

Meeting Minutes:

2:35 pm - Introductions

Big Elk Meadows Sunset Lake Dam Funding Decision – Molly O'Donnell

Molly introduced BCC staff's issue surrounding the Big Elk Meadows (BEMA) Sunset Lake Dam project issues to the group:

BCC staff has been working with Boulder County on their Round 3 infrastructure project priority list for a year. Award via intergovernmental agreement needs to occur as soon as possible in order to meet expenditure deadlines. Boulder County has 9 projects on the list, with 4 LMI projects at the top, then 3 urgent need projects, then the BEMA project, then Sunset-Boston Reconstruction, a \$2.1 million LMI project. Originally the list had 6 LMI projects worth over \$7.8 million at the top, including the Sunset-Boston project. Since then, the program has lost \$1.8 million of LMI projects due to eligibility or other Boulder County funding priorities. When Sunset-Boston was moved below urgent need projects, BCC staff became concerned since HUD funding is intended to serve primarily LMI populations. The Guiding Principles included in the original BCC IGA compel our communities to prioritize LMI projects and the communities have done so in their project selections since the start of the program. BCC staff's opinion is that the funding should balance Boulder County's need to meet local match needs on big-ticket, critical urgent need projects with the BCC's priority to fund LMI projects, and therefore, that the BEMA project should be de-prioritized. BCC staff provided its project determination on eligibility and the BCC's guiding principles and strategic priorities to the BCC communities, which concludes that the project is eligible, but does not meet the guiding principles and strategic priorities as well as the other projects on the list.

Boulder County reported that Sunset-Boston is at the bottom of the list because they need a contingency project that could be phased in case of cost overruns on other projects. Big Elk Meadows is not a good contingency project because they cannot tell BEMA the project is funded and then reduce funding later.

Boulder County invited the project proponents from BEMA to present their case to the BCC communities. BEMA's engineer provided a PowerPoint presentation explaining the project damages and need. The representative from the State Dam Engineer's Office provided clarification on the dam rating system and risk levels. BEMA representatives described the financial unmet needs and an accounting of how funding received to date has been used. They reported that the FEMA funding provided for dam reconstruction was removed for Sunset Lake since it was in a PAAP with the other lakes and they prioritized the other dams. It was clarified that 2 homes were lost from landslides during the flood, and 1 house had significant flood damage, but most of the damage was to infrastructure. BEMA representatives also clarified the emergency egress issue, showing that the Rainbow Lake Bridge is not currently a 3rd egress since the bridge is unfunded.

Community comments:

- Harold Dominguez had concerns about cost-benefit compared to finishing the Rainbow Lake Bridge. BEMA responded that the fire department determined that there is not sufficient turn radius for fire trucks to access the lakes for water. Additionally, it wasn't built with FEMA funding since BEMA ran out of funding. Harold reported concerns with not funding an LMI project.

- Sandi Seader was concerned that if any other projects on Boulder County’s list have overruns, then Longmont would be left to fill the gap on Sunset-Boston, which is not what Boulder County and Longmont have previously agreed to via a separate intergovernmental agreement regarding completion of the Sunset-Boston project.
- Joel Wagner asked if the loss of water rights if the dam is not built would impact the community. BEMA representatives responded that there is no specific monetary value but they are required to release water downstream and spend between \$60,000-80,000 every 2 years to defend the rights. If the water storage is not used, then after 10 years the rights are abandoned.
- Dave Bowman stated the project does not fit a public benefit purpose and he is not excited to defend the project to HUD as a use of public funds. If the Fire District and CWCB provided support for the project, Dave could consider some public benefit, but the Fire District and CWCB were not one of the entities that provided a letter of support for the project. Dave would be in favor of providing the approximately \$75,000 in funding to pay for an HOA assessment for the community’s LMI residents (estimated at \$6,200 each for 12 households).
- Victoria Simonsen was not in support of the project since the lake system was not open to the public. She reported that Lyons still has approximately \$20 million of unmet needs for critical reconstruction projects that this money could go to instead.
- Karen Gerrity stated that this project is not a compelling ask at this time due to the lack of public access and the benefits are to primarily second homes.
- Molly O’Donnell asked Boulder County if another urgent need project could be phased to provide partial funding as a contingency project at the bottom of the priority list. Michelle Krezek reported that no other projects are phaseable, but contingency is built into individual project budgets.
- Michelle Krezek expressed concern that BCC staff is Longmont staff, therefore Boulder County asked the issue to come to the BCC communities for decision. BCC staff concurred, stating that Harold Dominguez is representing the BCC, while Sandi Seader is representing Longmont on the issue in the effort to keep a separation.
- Michelle Krezek and Deb Gardner stated that hearing about Lyons’ remaining unmet need for infrastructure and public safety projects is a game changer.

Action Items:

1. Lyons will provide an updated unmet needs list to BCC and Boulder County with projects that are feasible within the CDBG-DR timelines. **Post-meeting update:** Lyons provided the project list November 16, 2018, Boulder County is currently reassessing the funding options.
2. Dave Bowman will connect with CWCB on support for the project. **Post-meeting update:** CWCB was not familiar with the project.
3. Boulder County will ask BEMA if the Fire District provided support for the project.

August 10, 2018 Standing Meeting Minutes Review

Motion to approve made by Sandi Seader, seconded by Victoria Simonsen. All in favor, none opposed.

Update on Housing Projects (Ponderosa & Lyons)

Boulder – Crystal Launder provided a PowerPoint presentation with an update on the Ponderosa Mobile Home Park Resiliency & Stabilization project. Robust community engagement efforts continue between the City of Boulder and the residents, often using innovative and unique methods. The City has partnered with Habitat for Humanity to offer an opt-in option for residents to participate in new construction of homes in-place. The Concept Plan Phase I will include infrastructure upgrades to water, sewer, stormwater, and streets beginning in January 2020. Phase II will include additional units constructed on the western edge of the property and community amenities. Long-term upgrades will include new single family, mobile home, and duplex housing options in place of or in addition to existing mobile homes, plus improved pedestrian circulation and creek access, a neighborhood center, and a pocket park. Phasing of the project will allow people to move from their current home to a new home without having to leave Ponderosa for a long construction period.

Lyons – (updated provided by Alison O’Kelly of DOLA on 1/4/19) The CDBG-DR-funded affordable housing development will be called the Lyons Valley Townhomes, and is proposed to include 29 2-bedroom/1.5-bath multi-family rental units and 11 3-bedroom/2-bath single family rental units on the Bell parcel located in Lyons Valley Park on Carter Drive off of McConnell Drive. The development will target 60% Area Median Income (AMI) households. Summit Housing Group, the Town of Lyons, and DOLA are actively working together on the CDBG-DR funding and Low Income Housing Tax Credits (LIHTC) applications, with a targeted presentation to the State Housing Board on February 12, 2019. Environmental review is kicking off with a target completion deadline of May 2019, at which time Summit Housing Group can close on the property purchase. Start of construction is currently targeted for July 2019, Certificate of Occupancy for September 2020, and Lease-up for December 2020.

5:11 pm – Meeting adjourned.

ITEMS ADDRESSED POST-MEETING VIA EMAIL ON 11/20/2018:

July 2018 HUD Monitoring Report Results – Molly O’Donnell

HUD reviewed Lyons Buyouts and Longmont Housing, but didn’t get to Boulder County Buyouts and new Boulder County Housing files as planned. There were no findings for Lyons Buyouts or Longmont Housing. HUD followed up on open findings related to Boulder County’s Housing Program from the 2017 monitoring; they closed one and kept 3 open. The BCC had one new concern regarding monitoring of sub-recipients: our monitoring plan in place at the time was more aggressive than what we actually accomplished in practice. The Corrective Action is to update the monitoring plan and update sub-recipient agreements to reflect the revised plan. This has been completed so we expect this Concern to be closed when the State responds to HUD. HUD stressed the need to hold sub-recipients to performance measures to ensure that progress milestones are met and timely expenditure of funds occurs. This is/will be reflected in the updated IGA’s we’ve been working on.

2019 BCC Meeting Scheduling – Molly O’Donnell

This item will be deferred to the next meeting. We are considering the need to move to quarterly BCC meetings.

Round 3 Grant Award Status – Molly O’Donnell

Round 3 grants are awarded for City of Boulder, Jamestown, Longmont, and the St. Vrain & Lefthand District. Lyons is expected to be complete by the end of November. Boulder County's IGA is in draft form and finalization is dependent on the final list of projects. Final IGA is anticipated in December.

Expenditure Progress and Projections – Molly O'Donnell

BCC Snapshot Highlights (as of 11/2/18)

- \$30,810,866 has been expended to date; the program is 41.3% complete.
- 49.7% of our actual reimbursements have been LMI, compared to our program projection of 61.1%.
- 79% of the program's time has passed in the original grant timeline to 9/30/2019, while 41.3% of the program has been reimbursed.
- 63% of the program's time has passed in the extended grant timeline to 9/30/2020, so with 41.3% of the program complete, we are still behind.
- See the snapshot for community-specific data

Projections and Upcoming Deadlines

- The *Projections Tracker* shows what the communities each reported they would get reimbursed compared to their actuals to date. No community except the City of Boulder has met its own projections. We found that some of them were heavily over-estimated. Reminder that the State holds us to these projections and could make decisions about granting extensions or pulling the funding based on them.
- The next obligation is fast approaching – March 31, 2019. The RFR submittal deadline is MARCH 1, 2019.
- Refer to the *Obligation Projections by Project* worksheet. We are due to expend \$20,761,015 between October 2018 – March 2019, including \$15,493,930 in infrastructure and \$5,267,085 in Housing.
- WE WILL NOT MAKE THIS DEADLINE.
- Revised projections for March 2019 were due to the State November 19th. BCC staff had to prepare projections in short order to make the deadline, so the projections provided in the *Obligation Projections by Project* were given to the State. The estimates were prepared based on project readiness for Infrastructure, and based on a proportional split across obligations for Housing.
- We are only projecting to make it to 49% of the required expenditures in infrastructure; the rest we are requesting extensions on or moving to the later obligation. The extension request are not guaranteed, especially since we are asking for so much.
- The Housing target is not anticipated to be met. Home Access is not anticipated to be at risk since we anticipate the projection will be met. Whether HUD will grant an extension for the remainder of the programs is TBD.
- Note that the completed projects in blue will not be allowed an extension, so this funding is it – if reimbursements for these projects are not complete in time, the funding is forfeited.
- **Overall, these project-specific projections are critical to meet. DOLA has expressed specific concern about the likelihood of actually reimbursing our programs within the grant timeframes. Dave calculated that if we carry on our average monthly infrastructure draw, it will take us 44 months to complete the program!**

Community Project Report Out

Item not discussed due to time constraints.

Advocacy & Agitation

Item not discussed due to time constraints.

FEMA PA Closeout Technical Assistance Workshop

All BCC Partners are now moving into the PA closeout process and several CDBG-DR funded projects are going to be wrapped up in this. Longmont's Recovery Office has now submitted 18 projects for PA closeout and 8 projects have completed the process. Longmont's team, led by Peter Gibbons, has come up with a solid process for preparing closeout packages that is well received by DHSEM and FEMA. This includes, but is not limited to, an ultra-tight package using DHSEM's file naming convention guidance and a roadmap of sorts to what is included in the package. Even with a highly organized package, Longmont saw review times on the order of **596 days!!** Imagine the review time for a closeout package that is not prepared exactly how DSHEM/FEMA wants to see it. In order to ensure we can provide CDBG-DR match for FEMA reimbursements subject to the closeout process within the timeframes allowed by our grant program, we want to help make sure your BCC project closeout packages are in great shape. But beyond that, we want to offer the opportunity to hear about Longmont's experience to all of our partners going through this process for the benefit of your whole PA program whether CDBG-DR funds are involved or not. An invitation was sent out to BCC Partners for a FEMA PA Closeout Workshop for November 28th at 2 p.m. in the City of Longmont Council Chambers. We strongly urge that staff attend this workshop. BCC staff is also working with DOLA and DHSEM to see if a process to complete reimbursements without waiting for closeout to complete is possible. We will report back if there is an option available.

Next Meeting Date: January 11, 2019 – Location TBD