



Boulder County CDBG-DR Collaborative Standing Meeting Minutes – August 10, 2018

Facilitator: Molly O'Donnell, City of Longmont

BCC Partners: Michelle Krezek, Boulder County
Deb Gardner, Boulder County
Kristyn Unrein, Boulder County
Erika Archer, Town of Lyons
Kyndra Daniels, City of Longmont
Audrey Dakan, City of Longmont

Megan Davis, City of Louisville
Karen Gerrity, Town of Nederland
Peter Gibbons, City of Longmont
Sandi Seader, City of Longmont (ph)
Philip Strom, City of Longmont

Location: City of Longmont City Council Study Session Room, 350 Kimbark Street

Agenda and Discussion Items:

- Changes to or Approve Minutes from April 13th Meeting
- HUD Monitoring Recap
- Insurance/Bond/Tax Submissions for Duplication of Benefits
- Round 3 Grant Award Status
- General Infrastructure & Housing Program Progress Updates and Status
 - Expenditure progress to date
 - Expenditure projections for current and upcoming projects
- Released funds from communities to be re-allocated early-mid 2019 ~\$1M
- Failed projects cost coverage by BCC Partners
- Community Project Report Out
- Update on Housing Projects (Ponderosa and Lyons)
- Advocacy and Agitation - Concerns/Issues?

Handouts:

- BCC Snapshot
- Projections Summary

Meeting Minutes:

2:35 pm - Introductions

April 13, 2018 Standing Meeting Minutes Review

Vote to approve occurred via email after the meeting. Four votes to approve the minutes were received from City of Boulder, Jamestown, Lyons, and Longmont. Boulder C Nederland, and Louisville did not vote.

HUD Monitoring Recap – Molly O’Donnell

HUD monitoring of the State occurred July 9-13, 2018, including site visits to Longmont and Boulder County. Lyons CDBG-DR Buyouts, Boulder County CDBG-DR Buyouts, Longmont HAP, and Boulder County HAP were selected for monitoring, however time constraints only allowed monitoring of Lyons CBDG-DR Buyouts and Longmont HAP. HUD indicated they may come back within the year to go back to Boulder County to review what they did not have time to complete. Overall, HUD stressed using and monitoring performance measures to ensure sub-recipients are expending funding timely to meet deadlines. This will be even more important as HUD considers extension requests on a project-by-project basis and as BCC transitions to carrying the load of funding through to the end as other State programs close out. If a project is not meeting its performance measures, it may not be granted an extension request.

Insurance/Bond/Tax Submissions for Duplication of Benefits – Molly O’Donnell

Master Duplication of Benefits (DOB) analysis is complete for City of Boulder, Jamestown, and Lyons. Boulder County and BCC are in progress analyzing how the Flood Recovery Sales Tax affects DOB and grant award is pending completion of that analysis. Michelle Krezek indicated that if data provided is not enough to satisfy requirements, the Boulder County Commissioners would request to provide affidavits in lieu of data.

Round 3 Grant Award Status – Molly O’Donnell

The State executed the IGA Amendment with BCC to award Round 3 funds on May 9, 2018. Since then, the BCC has been finalizing its IGA template revisions to respond to State monitoring feedback on changes that needed to be incorporated, and also working with each community to finalize applications, complete eligibility review, and draft grant awards. All IGAs/IGA Amendments to award Round 3 funding are targeted to be complete by September – October 2018.

Expenditure Progress to Date – Molly O’Donnell

Molly reported on the BCC Snapshot which details the funding, amount reimbursed, LMI projections, and LMI actuals to date for each BCC community. As a whole, the \$74,541,428 program is 36.5% complete, with reimbursements totaling \$27,214,645. LMI projections stand at 61.1% of program funding benefitting LMI populations, with LMI actuals at 46.6%. LMI charts show that Boulder County carries the largest portion of the BCC’s LMI projections at 42.7%, therefore the BCC is most reliant on Boulder County to meet the program LMI goals. City of Boulder has provided the most actual LMI expenditures to date, with 52.5% of total reimbursements benefitting LMI populations.

Grant timeframe charts show that 71% of the original grant timeframe to September 2019 is complete, with only 29% remaining. If extensions are granted, the extended grant timeframe is to September 2020, which brings the total timeframe to 53% complete.

PLEASE NOTE THE DISCONNECT between time completed and spending completed - 71% of time and only 36.5% of funding spent. Even if extensions are granted, 53% of time is gone and only 36.5% of funding spent.

BCC Community-specific charts show that Boulder County is 36% complete with its program, City of Boulder is 88% complete, Jamestown is 9% complete, Longmont is 11% complete, Louisville is 100% complete, Lyons is 41% complete, Nederland is 94% complete, and the St. Vrain & Lefthand Water Conservancy District is 0% complete.

Expenditure Projections for Current & Upcoming Projects – Molly O’Donnell & Kyndra Daniels

Molly and Kyndra reported on the BCC Partner Projections handout, which focused on communities’ progress in meeting expenditure projections for the September 20, 2018 obligation deadline. To date, no community has met its September projection and most, if not all communities are unlikely to. In some instances this is due to waiting for grant award prior to being able to be reimbursed, but in others it is due to slow reimbursement requests on behalf of the communities or project readiness issues. These projections were provided to the State and the BCC will be held to them. If the State does not meet its obligation expenditure deadlines, then the BCC projects that did not meet their projections are at risk of losing funding. It is vitally important that the projections are taken seriously, meaningfully prepared, and performance monitored. The next round of projections will be due to the State/HUD in December 2018. Kyndra will reach out in October to get each community’s input. Molly also requested that reimbursement requests to meet the September 2018 deadline be submitted by August 24, 2018.

Released funds from communities to be re-allocated early-mid 2019 ~\$1M – Molly O’Donnell

The BCC anticipates that upwards of \$1 million will be released by Louisville, Nederland, and the Down Payment Assistance Program, with the potential for other funding to be released as well. This funding will come back to the BCC communities for re-distribution. Michelle Krezek commented that her recollection was that the BCC already decided that all needs were met except for Boulder County and Longmont. Molly responded that Louisville, Nederland, Jamestown, and City of Boulder have confirmed needs are met. Philip stated that Lyons may be interested in pursuing further funding due to changes in circumstances.

Failed Projects Cost Coverage by BCC Partners – Molly O’Donnell

HUD regulations require that a national objective be achieved in order for full reimbursement on a project to be eligible. For infrastructure projects, this means that construction must be completed for the national objective to be achieved. HUD only allows reimbursement up to 30% design for a project that does not end up being constructed, and even in that case it is only when the costs up to the 30% design point can reasonably be considered a planning activity or as a feasibility study. The BCC agreed to set aside \$200,000 of Round 3 funding for Planning Activities to prepare for this possibility. If conversion to a planning activity is not possible, then those costs revert to General Administration. The BCC’s general administration allocation was only 2.9% of funding, which is inordinately small compared

to what it typically costs to deliver a program of this magnitude. The BCC is projected to run out of General Administration funding well before the end of the program. Therefore, projects that drop out and are not eligible as a planning activity have no funding source available. The BCC must require the communities to cover costs for projects that drop out and cannot convert to a planning activity. The IGA Amendments for Round 3 funds will include this condition.

Housing is treated a bit differently since the program is the activity and the program still includes completed activities that meet a national objective. HUD allows for project delivery costs incurred to be covered regardless if the household completes a national objective and is still within the 15% project delivery maximum.

Community Project Report Out

Longmont – Construction on Resilient St. Vrain Project Reach 2A from Main Street to upstream of S. Pratt Parkway, which will be funded by FEMA, has been awarded and will begin shortly. The CDBG-DR-funded Reach 2B will advertise for bid in October-November 2018. The waterline relocation aspect of Reach 2B is going to bid in August, and acquisitions and relocations are nearing completion. Overall, Longmont's FEMA recovery process is mainly focusing on close outs and time extensions currently. Housing Assistance programs are virtually complete with final reimbursements to Longmont expected in September.

Lyons – The CDBG-DR Buyout Program is substantially complete with only a small amount of demolition remaining. The Uniform Relocation Act, which dictated payments for the displacees of the Buyout Program, is ongoing. There were over 20 displacees that needed to be compensated but only an estimated 4 are anticipated to be remaining to compensate. The Eastern Corridor Utility Extension Project must first correct Town BOD levels at the existing plant prior to receiving a permit to construct the new force main and lift station. The Public Works Building is continuing design and civil site work is in construction. The St. Vrain Trail Extension design is progressing while the Town works with the ditch companies on the crossing agreements and private property owners on easement conflicts; the trail must be completed by the end of 2018 to meet the Colorado Parks and Wildlife Grant Requirements. The McConnell Bridge Replacement is complete. The 2nd Ave Bridge is being re-designed per FEMA's request to include a clear span to allow for 500 year flow.

Jamestown – The Gillespie Gulch Drainage Culvert Project is complete. Eligibility determination is currently ongoing at FEMA and could take 6-12 months. CDBG-DR funding on this project is dependent on FEMA's determination. The Lower Main Street Bridge Replacement is under construction. The James Canyon Roadway Replacement Project has been awarded and is anticipated to be complete by November 2018. The Rain Gauge has been installed and the design development portion of the project has provided recommendations for the automated flood warning system improvements. An MOU with Boulder County OEM is almost complete to transfer the facility over. The Structure Elevations Project is stalled without a path forward due to budget constraints of the FEMA HMGP requirements, but Jamestown is working with the State to determine if any alternative path exists. Jamestown is also working with the State and BCC to determine a path forward for a coordinated match on PW 684. Jamestown expects to complete all flood recovery projects by the end of 2018, with only reimbursements ongoing into 2019.

Boulder County – First submittals of appeals to FEMA regarding codes and standards ineligibility issues were not successful. Boulder County staff is working on second submittals now, which are required to

be submitted within 60 days, however there is no time limit for FEMA to review second appeals so this issue could drag out for a long time. Weld and El Paso Counties have been through similar issues, and it is speculated that FEMA under-allocated the State's funding to cover the flood event. Boulder County has told FEMA since the original allocations came through that \$50 million would only cover half of their need. Boulder County may be looking to BCC communities to provide letters of support as part of the second appeal process.

Erika Archer asked Boulder County staff whether any updates are available from Boulder County, DHSEM, or FEMA on Leidos/Tetra Tech eligibility. Kristyn Unrein clarified that the FEMA Public Assistance (PA) program has deemed those costs eligible, but the hold up is in the FEMA HMGP program. Both Jamestown and Lyons have large scale reimbursements at risk and pending HMGP eligibility determination. Boulder County has not heard anything regarding HMGP eligibility of these costs recently. Michelle Krezek suggested the letter Boulder County sent to DHSEM/FEMA on Leidos/Tetra Tech eligibility be resent with all three communities signing on to re-spark conversations on this issue.

City of Boulder – Wonderland Creek Greenways Improvements are substantially complete, with only revegetation remaining. Joel Wagner indicated to Molly that once a ribbon-cutting was scheduled, BCC communities would be invited.

Louisville – Close-out of the CDBG-DR funded project is complete, and other FEMA projects are currently in the closeout process.

Update on Housing Projects (Ponderosa & Lyons)

Boulder – (provided via written update) After an extensive grassroots community engagement process, the groundwork for which has been set for the Ponderosa residents to be able to carry on, the Ponderosa Concept Plan went to public hearing on June 7, 2018. It proposes annexation of the property to replace utilities, offer replacement housing options, introduce common amenities, and improve vehicular circulation. With a primary goal of nondisplacement, phasing will occur strategically over time on a timeline informed by the choices (age in existing home, replace home with Habitat home, or leave) of today's residents.

At the beginning of Q4 2018, site plan and annexation documents will be submitted, with a plan for all entitlements, including technical document approval and building permits, to be secured within 15 months. From January to September 2020, utilities will be installed. Home construction is slated to begin at the end of 2020.

Lyons – Victoria Simonsen was not present, who has the most detail on the status of the housing projects, but Erika Archer reported that the projects in the planning phase are anticipated to meet the Town's affordable housing target.

Advocacy & Agitation

None.

3:45 pm – Meeting adjourned.

Next Meeting Date: September 14, 2018 – Location TBD