

## **Niwot LID Advisory Committee Meeting Minutes**

June 4, 2019

Mountain View Fire & Rescue Station  
8500 Niwot Road, Niwot, CO

The meeting was called to order at approximately 7:00 pm.

**Members Present:** Laura Skaggs, Anne Postle, Bruce Rabeler, Lisa Rivard, Cornelia Sawle, Jim Eastman, Mary Coonce, Biff Warren

**Guests:** Chuck Klueber, Tony Santelli

**Staff:** Joan Barilla

### **Approval of Minutes:**

The board considered the minutes of the May 7, 2019 meeting.

**ACTION:** Mary moved to approve the minutes of the May 7, 2019 meeting, as amended; Cornelia seconded the motion and it passed unanimously.

### **Treasurer's Report:**

Bruce presented the monthly Treasurer's Report to the committee. The March Sales Tax Revenue Report was discussed; Bruce noted that the revenue collected in March 2019 was the single highest total for a March in the past five years. This at least raises the possibility that perhaps an error was made by the state in remitting the district's March revenue to the county.

The board discussed the various sector data included in the report, specifically sales taxes that are collected in the Real Estate sector, including the challenges associated with getting correct information as to whether or not a property is located within the LID. In respect to short-term rentals, it appears that 30 days is the threshold that determines whether sales tax needs to be applied to a short-term rental transaction: If the rental is less than 30 days, then sales tax should be collected; if it is more than thirty days, then the rental is no longer considered short-term and no sales tax is collected.

Bruce walked the board through the LID's budget numbers through May of 2019. He pointed the board to a list of events and other funding requests that the LID may see before the end of the year, totaling approximately \$44,000 when compared to requests from past years. Jim noted that the Jazz on Second Avenue sponsors have decided to take a hiatus in 2019 and not hold the festival this fall. It was also noted that Oktoberfest will not be held this year.

The board spent some time discussing the general economic climate of Old Town.

Joan discussed the 2018 reserve with the committee, referencing the estimated 2018 year-end reserve document that was included in the meeting packet. The reserve amount will remain an estimate until all of the 2018 reimbursements have been processed; based on the information provided to county staff, the reserve should be about \$131,000. Six reimbursements request are still working their way through the county process. Joan explained that the county has been working closely with the community sponsors in order to procure the paperwork necessary to close out the reimbursements.

The committee discussed the protocols that have been used in the past to process reimbursement requests.

Mary mentioned the productive and positive meeting that she and community representatives had with county accounting and budgeting staff at the end of April.

**Funding Requests:**

**1. Niwot Business Association – Economic Development Director – \$25,000**

Tony Santelli presented the funding request on behalf of Catherine McHale and the NBA. Tony explained that the funding request is to cover July 1, 2019 – June 30, 2020. The funding request is the same as it was last year, and covers the salary of the economic development director for 12 months. Tony walked through the proposal and discussed the projects and work that is conducted by Catherine and how it benefits Old Town specifically and the Niwot community in general.

Jim questioned whether the LID can approve a funding request that crosses two fiscal years. Joan answered that she asked the county budget staff this question, and was told that the LID actually cannot encumber funds across two fiscal years. Staff recommended that the LID consider this request for the last six months of 2019, and that the NBA return in January 2020 with a funding request to cover the full 2020 calendar year.

**ACTION:** On a motion from Jim, seconded by Anne, the committee voted unanimously to APPROVE the funding request for \$12,500.00, to cover the final six months of 2019. The committee asked the NBA to submit a finding request for January 2020 consideration, to fund the economic development director for the entirety of 2020.

**Old Business:**

**Sidewalk Improvements on Second Avenue**

Joan informed the committee that she and Mark had met with county transportation and attorney staff to get their opinions regarding the maintenance of sidewalks within the district. Mike Thomas of the county transportation department noted that the department cannot manage any project that the LID may be interested in funding to make repairs to the district sidewalks, but that he would be happy to provide assistance to the effort.

Biff asked who owns the responsibility for repairing the sidewalks. While the sidewalks are indeed located within the county's Second Avenue right-of-way, it is the county attorney's opinion that the LID was formed for the exact purpose of completing infrastructure investments, like sidewalk repairs, in the district, and as such, is the entity responsible for completing such projects.

Chuck reported that he has begun to take a look at a sidewalk repair project. As the committee knows, last year the NBA discussed with the committee a tree planting project for the south side of Second Avenue; if this project were to move forward, it would require lifting up the brick pavers embedded in the south sidewalk in order to install irrigation lines for the trees; the pavers could then be repaired when reinstalled.

Chuck also noted that he looked into a grant program for historic districts that is administered by the state, and while concrete sidewalk repairs are not an allowable use for the grant, reconstruction of

wood sidewalks is, so it's possible that this grant could provide funding to repair the wooden sidewalk in front of the Tribune building. It was noted that it may be possible that the grant can be used to repair the pavers; Chuck will look into this.

The committee members briefly discussed their interest in the Second Avenue tree project; while there was general agreement that trees would be beneficial for Old Town, the committee felt that the timing is not right for the LID to make a large expenditure from its reserve to fund a tree project.

Chuck will look into the cost of repairing the pavers.

In respect to any liability associated with the pavers, because the sidewalks are located within the county right-of-way, no Second Avenue property owners are subject to liability concerns. Joan asked the county attorney's about LID liability, and there is none.

### **Indemnity Language**

The County Attorney's Office has recommended that the LID include indemnity language on the LID Funding Request Form. This will provide clarity that Boulder County and the LID cannot be held liable for any actions that occur at a LID-sponsored event.

### **Petition for Inclusion – 304 Franklin Street**

Biff reported that the County Commissioners will be holding an inclusion hearing for 304 Franklin, the Lefthand Animal Hospital, at 2:00pm on June 18. Biff expects the hearing to be a routine matter.

### **BOCC/LID Annual Meeting**

Joan informed the committee that there are no dates in August or September that provide an opportunity for all the committee members and all the county commissioners to meet.

Laura provided some context for new LID members about the history and goals of the annual BOCC/LID annual meeting. Jim added that the meeting provides an opportunity for each board to get to know each other and discuss issues and concerns.

Laura initiated a conversation regarding the agenda for the meeting. Tony mentioned to the committee that the NBA has launched a study to look at the incorporation of Niwot; the study is scheduled to be completed by September 15. Tony discussed a number of ideas that an incorporated town may want to discuss and have greater control over.

Laura suggested that the issues surrounding incorporation are not the purview of the LID, and questioned whether it should be a topic of discussion at the annual meeting. The committee in general agreed that the agenda should revolve around issues germane to the LID.

The committee discussed the following issues as potential agenda items for the joint meeting: Update on the parking lot, moratorium outcomes, next steps with the alley, and a State of the Community / Vision 2029 presentation.

Bruce suggested that the annual meeting be held on the same date of the regular August LID meeting. Joan informed the committee that the commissioners are available on August 6. The committee agreed to hold the annual meeting on this day.

**Announcements**

Anne informed the committee that at the First Friday Art Walk the winner for the Why Not, Niwot? juried art show will be announced.

The meeting was adjourned at approximately 8:40 p.m.