

Woodland Park Downtown Development Authority Board of Directors

**City Hall - City Council Chambers
220 W. South Avenue, Woodland Park, CO**

REGULAR MEETING MINUTES

November 1, 2016 - 7:30 AM

CALL TO ORDER AND ROLL CALL: Merry Jo Larsen, Chair, called the meeting to order at 7:30AM.

IN ATTENDANCE - Board of Directors: Merry Jo Larsen (Chair), Al Born (Secretary), Tanner Coy (Treasurer), Noel Sawyer (Vice Chair), Jon DeVaux, Ellen Carrick, Jan Wilson, Jerry Good, Elijah Murphy. **Others Present:** Kelly Rodarmel, David Buttery, Sally Riley, Jane Manon, Suzanne Leclercq, Darlene Jensen, Debbie Miller, Ron Konieczny, Steve Jeroslow, Dan Taylor, Brook Smith

ADDITIONS, DELETIONS, OR CORRECTIONS TO THE AGENDA: Coy suggests adding an executive session for the purpose of a Board conference with DDA legal counsel.

MOTION: To accept agenda with the executive session added. DeVaux/Carrick.
Passed 9-0

APPROVAL OF MINUTES:

MOTION: To approve the Minutes of October 4th and October 7th. Wilson/Sawyer.
Passed 9-0

OPENING RECORDS:

Executive session recording: 5/5/15

Executive session recording: 4/7/16

MOTION: To open audio recordings of DDA meetings dated 5/5/15 and 4/7/16 for public inspection. DeVaux/Coy.

Born amends motion to table request until the board has had a chance to review a letter received the previous evening. Good seconds Born's amendment.

VOTE ON AMENDMENT TO MOTION: Passed 9-0

VOTE ON MOTION: Passed 9-0

WOODLAND STATION:

Grading Plan and Permit: Coy says the DDA received a grading permit issued by the City. Grant money has been received by Keep Woodland Park Beautiful. He suggests moving to approve the Mallet bid, proceed with grading and authorize corresponding expenses to the limit approved in the budget and with grant funds. Sawyer asks for agenda item 6 (Finance Report) prior to continuing this discussion. Board discussion moves to the finance report.

FINANCE REPORT:

Finance Update: DDA Beautification program is slightly over budget, incurring \$1,159 in expenses. Coy recommends authorizing additional expense and adding beautification expense to the 2017 budget.

MOTION: To approve additional expenditure and include beautification in 2017 budget. Born/Murphy. Passed 9-0

Coy presents an updated budget spreadsheet. It appears 2016 net revenue will be near \$54,000 and ending fund balance will be near \$100,000. Printing costs are exceeding projection. Legal fees are likely to exceed budget as well. No abatements are currently pending. There is some risk that changing legislation will affect DDA revenues. DDA legal counsel Paul Benedetti has warned the DDA three times about this. An itemized expense report is provided. Larsen suggests that Board members print their own board meeting packets as needed, saving money. Board reaches consensus to no longer print board packets for all members. Sawyer questions the Woodland Station Improvement expense budgeted in years beyond 2017. Coy explains that the only budget the Board needs to approve is for 2017, everything beyond that is still subject to change any time. Sawyer thinks the financials are sound and the DDA can afford the investment in Woodland Station that is being discussed for 2016. Born thinks it is prudent for the DDA to grow its fund balance. He discusses broader economic trends and future unknown variables that may affect the DDA's revenues and expenses. He suggests a conservative approach to the budget. Murphy thinks improving Woodland Station can make it a productive piece of property that can generate revenue. Born agrees that Woodland Station should be an income generating property.

WOODLAND STATION:

Grading Plan and Permit: Coy says the estimate Lamb provided for grading is in the \$30,000 range. The estimate Mallett provided is in the \$20,000 range. Those estimates are for grading work and very little materials. Additional landscape costs should be anticipated. John Schwab of JPS Engineering provided a grading and erosion control plan that was used for the estimates by Lamb and Mallett. DeVaux says there may be litigation and Woodland Station might become something else. He asks what will be accomplished by this. Coy wants to make it clear to the Board and everyone that approving the Mallett's estimate and the corresponding budget will yield a functional topography, some materials, some compaction, but not a complete project. Landscape and surface materials and other work will remain incomplete and should be added later. His concern in proceeding is that, to use the grant funds available without additional funds from the DDA, the grading work will begin but work will stop when only half complete.

MOTION: Approve the Mallett estimate and authorize \$12,750 to combine with grand funds to pay Mallett Excavating for grading work.

Born suggests that to be consistent the DDA should have a tight time frame and a performance bond. Larsen says we'll be consistent with everyone on that site. Murphy thinks the final date for completion should be June 1st. Larsen suggests March 1st. Coy asks the Board if the Chair will be able to sign the contract with Mallett Excavating if the performance bond and March 1st deadline are added to it. There is general consensus that the Chair will be authorized to sign the contract.

Sawyer/Wilson. Passed 9-0

Site 2 Dirt: Good believes receiving \$10,000 grant revenue for Woodland Station is impeded by the dirt issue. He proposes asking DDA legal counsel to send a letter to the owners of the dirt, requesting two weeks for removal and offer DDA assistance in the removal if needed, and offer \$2,000 if the dirt will be abandoned. Born discusses a previous MOU. He recounts recent history of excavation of Lot 2, Site 1 and dialogue he's had with another party claiming ownership of the dirt. He suggested they abandon claims to Site 1 dirt and focus on Site 2 dirt, and work with the DDA to relocate the dirt or accept payment from the DDA for fair market value of the dirt. He says the other party will need a new ZDP in order to remove the Site 2 dirt, and the land owner will need to sign that ZDP. DeVaux thinks Born should continue discussion with the other party.

MOTION: Request that DDA legal counsel send the other party a letter allowing two weeks for the other party to remove the dirt, with DDA assistance if needed, or accept a \$2,000 payment for the DDA to keep the dirt. Good/Wilson.

Born says the DDA's grading permit would allow the other party to remove Site 2 dirt. He asks legal counsel David Neville if it is cumbersome to change rules and regulations for the principals in this case. By principal, Born refers to Steve Randolph. Neville considers the principal of the new ZDP to be the DDA and says it doesn't allow Mr. Randolph to take any more action on Lot 2, it is the DDA's permit. Wilson wants the offer of \$2,000 payment out of the motion.

MOTION: Amend the current motion to remove the \$2,000 payment offer. Wilson/Good. Passed 8-1.

Neville clarifies that the Board has not admitted who owns the dirt and is hesitant to make a motion that suggests ownership of the dirt is agreed to be someone else. Born says the owner is Baker Site Development. Neville says that is a legal conclusion that has not been reached. Born says Steve Randolph is acting as an agent for Baker Site Development. Coy asks if the motion should be changed to address Steve Randolph or affiliates who wish to claim ownership of the dirt come forward and deal directly with the DDA to reach agreement regarding ownership and removal of the soil within two weeks or the DDA moves past the issue. Neville suggests the Board is considering the dirt abandoned because it has been on the site for two and a half years. Good modifies his motion.

REVISED MOTION: Request that DDA legal counsel draft a letter asking anyone claiming ownership of the dirt to come forward within two weeks or the dirt would be considered abandoned and the Board would move forward. Good/Wilson. Passed 7-2.

FINANCE REPORT:

City Loan: Coy wants direction from the Board regarding upcoming discussion with City Council. Financial data has been provided to the Board and Coy would like to know if the 2017

proposed budget can be approved and if the payment plan proposal should be submitted to City Council. Larsen would like to move forward with a payment plan to the City as aggressively as the DDA can handle.

MOTION: Move forward with a payment plan as presented to the City as aggressively as the DDA can handle.

DeVaux proposes making a \$5,000 payment to the City in January and reconsidering the debt topic after learning more about legislative issues in January and the TIF certifications from the County Assessor. Sawyer makes it clear the Board is considering only a payment plan to the City. Sawyer recuses himself from this vote. Born points out the declining reserve fund balance projected in the DDA budget if the City debt is refinanced through bonds.

Wilson/Murphy. Passed 9-0.

CASE CONSULTING PROPOSAL: Coy reports that the changes requested to this document have been made, it is a go.

DONNIE BESON LETTER: A letter from Donnie Beson is discussed. Larsen doesn't think the DDA is prepared to employ anyone at this time and suggests thanking Mr. Beson for his letter.

COMMITTEE REPORTS:

Events Committee: Larsen says several events have submitted applications. Some events are being planned for Woodland Station.

GENERAL DISCUSSION: Murphy cites a report that Woodland Park is the 16th fastest growing town in the United States currently. He suggests the DDA should meet more frequently than once per month and scheduling meetings on the Tuesdays preceding each City Council meeting. Larsen suggests any additional meetings should be tried in the evenings.

AUDIENCE PARTICIPATION: Dan Taylor is planning development in the DDA on vacant land between the Dinosaur Center and Pikes Peak Avenue. His wife and he would build a car wash. He's also working with another local business in the DDA to expand in the same location. The whole idea was born on the help of the DDA to make it happen. He asks the Board to be aware of this during their financial discussions. He says new streets would need to be completed as part of this plan. He will be added to future agendas for further discussion. Tim Dienst asks Coy where in the budget TIF repayments to other taxing districts from the Trail Ridge Apartment project are reflected. Coy says those payments may be in the TIF Reimbursement budget or in the net revenues. Deb Miller announces several Chamber of Commerce events. Darlene Jensen announces a walkability concept plan has been completed. It will be presented to the DDA on December 6th.

MOTION: To enter Executive Session for the purpose of discussing legal matters with DDA legal counsel. Coy/Wilson. Passed 9-0.

Executive Session called to order at 9:10 AM. In Attendance: Merry Jo Larsen, Noel Sawyer, Jon DeVaux, Al Born, Elijah Murphy, Tanner Coy, Jerry Good, Jan Wilson.

Larsen, Chair, read the purpose of the Executive Session into the record.

RECONVENE REGULAR MEETING: Following the Executive Session, Larsen reconvened the regular meeting at 9:39 AM.

MOTION: To adjourn meeting. Wilson/Coy. Passed 9-0.

MOTION: To adjourn the meeting. Wilson/Coy. Passed 9-0

Meeting adjourned 9:42 AM

Recorded by: Tanner Coy

APPROVED THIS 27 DAY OF February, 2017

Merry Jo Larsen

Al Born, Secretary/Treasurer

Merry Jo LARSEN CHAIRMAN