

**Woodland Park Downtown Development Authority Board of Directors**

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

**SPECIAL MEETING MINUTES**

**March 13, 2018 -- 7:30AM**

**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), Noel Sawyer (Vice Chair), Tanner Coy (Treasurer), Al Born (Secretary), Ellen Carrick, Jan Wilson, Jerry Good, Elijah Murphy

**Absent:** Jon DeVaux

**Others Present:** Bob Volpe, Brooke Smith, Carl Andersen, Dan Taylor, Ed Beaumont, Jane Mannon, Lynn Jones, Sally Riley, Shannon Anderson, Suzanne Leclercq

**ADDITIONS, DELETIONS, OR CORRECTIONS TO THE AGENDA**

**MOTION:** To approve agenda. Sawyer/Wilson Passed 8 - 0

**TIF APPLICATION DRAFT**

Ellen Carrick began the discussion by stating that she and Al Born met with Sally Riley, Planning Director on March 9, and based on that meeting made revisions to the TIF process. Revisions were provided to the Board and to the audience. Tanner Coy stated that attorney Paul Benedetti has reviewed the draft and provided comments which were emailed to Ellen Carrick; Paul said he would be available during the meeting via phone call if necessary. Al Born stated that the goal is to develop a simple process that takes advantage of two bodies of expertise – the City's Planning Department and the loan analyst at the financial institution. Carrick read through the Basic Provisions and Objectives section. Al Born explained in further detail each of the financial and administrative criteria. Noel Sawyer stated that the chart in the first section is incorrect. Carrick added that Paul Benedetti had also indicated the chart is not accurate and he provided a corrected chart. Next, Carrick read through the revised TIF Application Process and questions were discussed.

Ed Beaumont, real estate broker for Par Vest, stated that it is necessary to avoid what happened with Natural Grocers and shared additional comments: His concern is that minds were made up before the presentation was made. The DDA can't take a developer who is already under contract with a seller around town and show them DDA property. Property was annexed into the DDA with the understanding that Leadership Circle would get a TIF. There is no reason that they shouldn't get a TIF; the TIF was a huge part of the pitch. How can they be expected to go through all these steps? By the time they've done them all, they're in too deep and have to move forward whether or not they have a TIF. Larsen explained that the reason the Board is addressing the application is because of what happened with Natural Grocers. Coy stated that although he agrees with Beaumont's concern about contract interference, it was Matt Miles who contacted the DDA and requested a meeting to see other available

land; there was no intent to steal business or interfere with the contract. In response to a comment made about Brian Fleer, Coy reminded everyone that Brian Fleer worked primarily for the City of Woodland Park as the Economic and Downtown Development Director. Coy also added that, speaking for himself, his mind was not made up prior to the presentation. Elijah Murphy suggested using an initial questionnaire at the very beginning of the process identifying who is requesting the TIF—the developer or the owner.

Sawyer acknowledged points from Dan Taylor and Ed Beaumont that a developer or owner should not have to spend \$100,000 in preparation without any indication of a TIF commitment from the Board, as was the case with Natural Grocers. He also questioned the order as indicated in the TIF Application section. Sally Riley stated that spending \$100,000 for the entitlement process is way over the normal amount; \$50,000 would be closer to normal. It's a matter of having skin in the game. A person proposing a new project must do a fair amount of planning and design work in order to have a viable project. The DDA Board could make their decision before having that information, but she recommends making a decision when it has information on a viable project. She added that part of the high cost for Natural Grocers was due to all the back and forth because they did not listen to the City's comments.

Born stated that the TIF is not used to guarantee the success of a business, nor is it up to the Board to define the risks. If a business fails, the TIF is not carried to the next owner. If the property is resold, the TIF does not pass with the sale. (Noel Sawyer suggested later in the discussion that this statement be stricken from the record; that whether or not the TIF carries to the next owner would be negotiated in the contract). Sally Riley suggested that this area may be a question for Benedetti as to how contracts are written and what happens to the TIF if there is a sale.

Murphy stated his concern about the TIF application process staying in line with the DDA charter. He feels it is the DDA's business to consider the risks. Coy agreed that the risks can't be ignored entirely.

Born talked through the *Attach Description of the Proposed Project* section. These steps are completed before entering into project negotiations.

Jerry Good stated that there is an element that hasn't been addressed—the impact of the development on the city, on existing businesses and on fire and EMS services. There should be more than just developer rights taken into consideration.

Larsen asked Ed Beaumont if he has an understanding of how this will move forward. Beaumont stated that it would be nice to get an idea of what's on the table. He likes step 1 (pre-application meeting is held between the applicant and two DDA representatives) of the TIF Application Process. He also addressed transferability of a TIF and feels it should be transferrable in a sale. Jan Wilson explained that a transfer would be part of contract negotiations, not automatically done. Beaumont stated that it looks like Natural Grocers is going to move forward and now needs to get a TIF. He would like to know if a developer can apply for a TIF if a project is already underway.

Carl Andersen, owner of Andersen Enterprises, Inc., suggested that steps 2 (a report to the Board and preliminary discussion), 4 (TIF application) and 5 (the Board begins deliberation) of the TIF Application Process are very similar and should be combined as the second step of the process. Dan Taylor added that in step 1 of the process (pre-application meeting), the developer and the Board should agree on the areas in which the DDA is willing to provide assistance.

The Board agreed to finalize the TIF Application at the next regular meeting on April 3. Due to the municipal election on April 3, the DDA regular meeting will be held at the Historic Ute Inn at 7:30AM.

**LAWSUIT SETTLEMENT NEGOTIATION – EXECUTIVE SESSION**

Chair Larsen called for a five-minute break prior to adjourning to Executive Session.

**ADJOURN TO EXECUTIVE SESSION:** for the purpose of determining positions relative to matters involving development projects within the City of Woodland Park Downtown Development Authority District, regarding:

- a. Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators under C.R.S. 24-6-402 (4)(e).

Chair Larsen read the purpose of the Executive Session into the record at 9:17AM.

**MOTION:** To adjourn to Executive Session. Coy/Wilson Passed 7 - 0

Meeting adjourned to Executive Session at 9:19AM.

The following people were present at the Executive Session: Merry Jo Larsen (Chair), Noel Sawyer (Vice Chair), Tanner Coy (Treasurer), Al Born (Secretary), Jan Wilson, Jerry Good, Elijah Murphy, Lynn Jones (Ellen Carrick recused herself from the session.) Paul Benedetti participated via phone.

Paul Benedetti joined the Executive Session via phone at 9:58AM and signed off from the Executive Session at 10:35AM. Elijah Murphy left the Executive Session at 10:11AM.

**RECONVENE REGULAR MEETING:** Following the Executive Session, Larsen reconvened the regular meeting at 10:41AM. The following people were present following the Executive Session: Merry Jo Larsen (Chair), Noel Sawyer (Vice Chair), Tanner Coy (Treasurer), Al Born (Secretary), Jan Wilson, Jerry Good, Lynn Jones

**GENERAL DISCUSSION**

None

**AUDIENCE PARTICIPATION ON ITEMS NOT ON THE AGENDA**

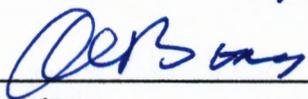
None

**MOTION:** To adjourn meeting. Wilson/Sawyer Passed 6 - 0.

Meeting adjourned 10:43AM.

Recorded by: Lynn Jones, Assistant to the Board.

APPROVED THIS 10<sup>th</sup> DAY OF APRIL, 2018

  
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Al Born, Secretary