

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

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

**REGULAR MEETING MINUTES**

**May 3, 2016 – 7:30 AM**

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

**IN ATTENDANCE - Board of Directors:** Merry Jo Larsen (Chair), Noel Sawyer (Vice Chair), Al Born (Secretary/Treasurer), Tanner Coy, Jon DeVaux, Vera Egbert, Jerry Good, Dale Schnitker, Jan Wilson. **Absent:** None. **Staff:** Brian Fler, Executive Director; Carol Lindholm, DDA Staff. **Others Present:** David Buttery, Sally Riley, Wallie Dingwell, Darlene Jensen, Neil Levy, Brooke Smith, Debbie Miller, Arden Weatherford, Tim Dienst, Jane Enger, Judy Crummett.

**ADDITIONS, DELETIONS OR CORRECTIONS TO THE AGENDA:** None.

**APPROVAL OF MINUTES:**

**MOTION:** To approve the Agenda, and to approve the Minutes of the April 7, 2016 Regular DDA Meeting. Born/Schnitker. Passed 9-0.

**MAIN STREET UPDATE:** Darlene Jensen, Main Street Coordinator, gave a report on Main Street Activities. They are working on a kiosk at Bergstrom Park. The Woodland Park business directory map will be displayed at the kiosk, and copies will be available to take along. Ralph Holloway's building will house a Mortgage company. Main Street is developing a website. The site will have links to businesses and partners. Woodland Park Main Street is now a member of the National Main Street program and a member the Center for Non-Profit Excellence. The Old Fashioned 4<sup>th</sup> of July is being sponsored by Main Street and Build A Generation. May 21 is a Keep Woodland Park Beautiful cleanup day.

**FINANCE REPORT:** Fler referred to the packet provided. Fler referenced the Certificate of Valuation by Teller County Assessor. The DDA budget is based on this; and Fler then referenced the 4/26/16 Finance Report. Fler tracks the property tax revenue closely. Fler explained how abatements can affect the budget. Fler referred to the 2015 budget. The property tax revenue was more than was anticipated – \$398,962 was budgeted, actual was \$409,663. We did not spend as much as was budgeted, so there was a balance of \$21,678. The DDA has the million dollar debt with the City. Fler referred to Property Tax Revenue report for 2015 which showed the revenue month by month. Fler referenced the Woodland Park DDA TIF Revenue from 2003 through 2015 and noted how it has increased over the years. Back to the Finance Report. \$20,000 was budgeted for abatements. The recent request for an abatement was denied. Fler does not anticipate any abatements in 2016. The DDA owes the City \$36,000 [toward the City loan] due by June 27, 2016. Dingwell reported that \$9,000 of the \$36,000 had been paid out in March. Coy asked about the 2015 \$21,000+ surplus. Does this stay in the fund balance? That's how Fler understands it. Coy asked if the \$21,000 surplus would go to the City debt. Buttery said it could, if that's what the Board wanted to do, or this could be deferred until 2017. Fler asked, for example, if we were to pay off the City loan and we had excess revenue at the end of the year, would that excess carry forward? It is not a use or lose situation, per Buttery, the balance would carry forward. Sawyer asked if there had been

any further discussion about of re-financing the City loan. Fler said that there has been a lot of discussion, and this will be discussed in Executive Session. Coy asked that if we subtracted the \$20,000 abatement expense from total expense that would equal \$489,814 expense, would that then give the DDA a 39,000 surplus for 2016? Fler said that would assume we don't overspend in any other lines. Fler asked for approval of the Finance Report

**MOTION:** To approve the Finance Report. Coy/Wilson. Passed 9-0.

**WOODLAND STATEMENT IMPROVEMENTS PROPOSAL; Purpose of Improvements, Potential Improvement Plan, Funding Considerations, Fee Considerations:** Fler referenced the "Woodland Station Lot 2 Site – Site Grading and Erosion Control" document prepared by JPS Engineering. Fler also referenced an estimate from Lamb Construction. Fler noted that Coy and Larsen had met with John Schwab of JPS Engineering, along with Sally Riley and Carol Lindholm. This is a carryover from the last DDA meeting, looking for opportunities for Woodland Station. Fler asked Coy and/or Larsen for comments on the meeting. Larsen did not think that the JPS plan was what they had discussed. This shows the levels/terracing, but this looks very confining for other projects. Fler noted that the original reason for improving Woodland Station was to accommodate the Farmers Market; this is no longer a consideration. If the Board is interested in pursuing some improvements at Woodland Station, there is some budget available. This is a first step. Fler referred to the Lamb estimate, which is broken down in phases: Phase I @ \$10,307; Phase II @ \$17,268 for a total of \$27,575. There is also the option to remove the topsoil @ \$4,138. All of this would total \$31,714.47. If the Board elects to do anything, we would do some engineering in the field for compaction and testing, so if we want to eventually sell the ground, we would have some engineering specs that would not have to be revisited. If the Board decides to make improvements, this is the kind of magnitude of engineering we'll have to do to get through Planning. If the Board wants to bid this out, Fler feels that the bids will be within 5% of this bid. So this is the magnitude of expense, given the conversations the Board has had to date, to accommodate special events. The Board needs to decide if this is a priority for 2016. If so, Fler suggests more discussion about design, and what the Board wants to accomplish.

Larsen noted that we do want to market the site, and we don't want to do a lot to it or put a lot of money in it, but in the meantime we want to be able to use the site. How do we do enough that it's usable, and do it economically.

Good asked if there was some purpose, some intended use for the site. Otherwise, why spend the money? Are there specifics about how the site would be used? Larsen responded, yes and no. We would still like to try to accommodate the Farmers Market, possibly in August. But the site would also be used for other events, which have not been put together yet. Larsen said they have music festivals, steampunk, gun fighter event, sporting shows and events; there is a list of events that is coming together, but we're not there yet. Fler agreed that we need a collective mission moving forward. Fler referenced Item 7 on the Agenda: Woodland Station Work Program Meeting: this would be to discuss what the Board wants to see happen in Woodland Station in the future.

Coy sees two options. One is to leave it as is and try to market it. The other is to make some improvements so that it can be used in the meantime until we have viable proposals. Coy is in favor of moving forward with some improvements for maximum community benefit until such time that new construction on the site is not only viable, but more valuable to the community than event/public use. With minimal investment, create the most versatile event & public use venue at Woodland Station that will yield maximum return on investment for DDA and downtown commercial properties. If we move forward this could be a viable venue for Farmers Market and

other events. Schnitker asked if money would be exchanged for events in Woodland Station. Tanner thought that yes, for use of Woodland Station, money should be exchanged. Larsen concurred. Fler said there was not a policy, but a policy could be created. Coy noted the following considerations: Liability Insurance, marketing plan to promote the venue, ongoing operation/maintenance/management costs/schedules, special events permits and corresponding requirements, short term use/lease agreements, and phased improvement schedule. These are considerations moving forward. DeVaux suggested looking at other cities and their fee schedules for events. We need to gather this information before we move forward.

Fler noted that we are currently considering special events until a developer wants to put the money down. Fler then moved to the next agenda item.

**WOODLAND STATION WORK PROGRAM MEETING:** Fler noted, we need to talk about some planning, like a business plan for Woodland Station moving forward, and plan the budget accordingly. This is probably a parallel track to supporting special events. Fler suggested holding a work program meeting this month. DeVaux asked if we could have data from other cities by then. Fler said that he and Jensen have some data from Steamboat Springs. Sawyer would like to have events in Woodland Station in order to bring new people to Woodland Park. Sawyer felt that the cost to make improvements is reasonable. Sawyer felt that events would benefit the downtown merchants. Egbert asked who would coordinate the events. There is a lot of work that goes into events. So, before Egbert is willing to spend the money to improve the land, she would like to see letters of intent from events entities, and would like to know who is going to do the work. DeVaux said the event planning could be farmed out. Larsen and Wilson said they had people to coordinate events. Fler said the DDA would have to drive it and set the standard. Coy said he didn't think we needed anybody; for example, Farmers Market plan their own event; Rock & Gem Show plan their event, etc. We, the DDA, are not event planners. Sawyer said the big issue is cost. We have to get past that hurdle. Coy said a successful general contractor recently called him about Woodland Station and he is going to come up and look at Woodland Station. Coy asked if he should ask for a competitive bid from the GC. Fler said that first the Board needs to decide what you're going to do, before we get competitive bids. Fler thinks we need to have the Work Program Meeting soon to set the framework. Larsen noted that we saw a bid today. Larsen referenced the Woodland Station layout concept that Coy had presented at a previous meeting. We want to make improvements as economically as possible. Larsen would like to have an Events Committee comprised of Larsen, Coy and Wilson, and anybody else who would like to be on the committee. Larsen would like this Committee to take the lead and to come back to the Board on the use of Woodland Station using Coy's Woodland Station concept. Fler said it could operate parallel. Sawyer said that if we had events committed, the Board might be willing to spend the money on improvements. DeVaux felt we need the Work Program meeting first, and then the Events Committee. Larsen disagreed. Born referenced Lamb's bid. A significant portion of the land is steep; we need to keep this in mind. The Lamb bid is approximately \$32,000, but there are also 14 exclusions. Some of these could incur costs that would go well beyond \$32,000. We look at our budget and we do have the \$20,000 from the abatement line, but then that puts a stress on the rest of the budget, and that frightens Born. Born is looking at a more conservative approach for this year. Maybe this is not a one year project; maybe it starts this year and gets fully implemented and funded next year if we have some surplus. Fler suggested that the Board have the Work Program meeting to form the direction. DeVaux noted that there is not the sense of urgency now that the Farmers Market is locating at Vectra. Larsen asked for a motion to start an Events Committee comprised of Larsen, Wilson and Coy so that they can start putting this together; the kinds of events that are coming. Sawyer understood that the committee is not promising events, but putting out feelers. Larsen said they have already put out feelers, but the Committee would come back to the Board with the events, and what the needs will be.

**MOTION:** To form an Events Committee comprised of Larsen, Wilson and Coy, and anyone else who would like to join, to come up with information on events to bring back to the Board in a more structured form. Larsen/Wilson. Passed 6-3, with Egbert, DeVaux and Born voting no.

DeVaux said the Board will need an overall plan and a contract that an attorney would need to draw up. Larsen disagreed.

Larsen asked if we are going to get three bids. Fler needs more information before we get more bids. We'll have the Work Program meeting and then come back to the full Board.

Born suggested that the DDA should not use deficit financing on projects like this. Fler said that would be part of the Board discussion and ultimately is a Board decision.

Larsen noted that these events are to help make a stronger downtown and to help the downtown merchants. Without a stronger downtown we're less likely to market Woodland Station. We cannot lose sight of this purpose.

Larsen then requested that we have a workshop, a mixer with the business people at the Cultural Center to discuss pedestrian safety, traffic and parking; their experiences and their ideas. Let them know we are actively pursuing the best interests of the downtown with Woodland Station, and let them know what Main Street and the DDA are trying to do.

Fler asked Jensen about the Main Street visioning program. Will there be any public meetings connected with this? Jensen said they are currently waiting on the DOLA proposal to come back to them in regard to walkability, pedestrian safety and access around to the back of the buildings. There will be a public meeting as a part of that process, but that meeting will not take place before July 1.

**CITY/DDA IGA REGARDING LOAN:** To be discussed in Executive Session

**GENERAL DISCUSSION BY DDA BOARD:** Good remarked on the culvert installed at Fountain Creek at the Trail Ridge Apartments and asked why a similar culvert could not be installed at Woodland Station. Buttery explained the requirements by the State Dept. of Health & Environment and the US Army Corps of Engineers which said they needed to maintain an open channel in Woodland Station. At Trail Ridge, FEMA was involved due to infrastructure at that location. The Trail Ridge work was done to protect the infrastructure; at Woodland Station, the purpose was for drainage. At Woodland Station, they said – don't cover it. Buttery said that they could request a box culvert and submit it; it could take multiple years for the review to occur. It didn't seem like it would be successful. Good thought it might be good to pursue. Buttery explained that if a box culvert was used, you could not put a building over it, although you could put parking over it. Or, you could re-route the channel, which was going to cost about \$1.7MM-1.8MM.

**AUDIENCE PARTICPATION ON ITEMS NOT ON THE AGENDA:** Weatherford read from and commented on the April 7 DDA Regular Meeting Minutes: "Fler has learned that several Board members had been contacted by Arden Weatherford. Fler has discussed this with Paul Benedetti, DDA legal counsel. Benedetti advised that no conversations should take place between Weatherford and Board members referencing Lot 2. Benedetti has recommended that Weatherford address concerns to Fler, Benedetti, and/or Buttery, who will then report back to the Board. If there is a settlement or a proposed settlement the Board will make the final

decision. Larsen agreed that it's very important that Board members not have any conversation with Weatherford on this matter."

Weatherford then commented as follows: This implies I have been bothering Board members. Which I have not. The Board and the public should know: At the March 1 DDA meeting I made a proposal to settle for substantially less property than originally agreed. Through an email chain starting on March 3 from Carol Lindholm, Mr. Fleer organized a lunch meeting with you, myself, Fleer and Mr. DeVaux on March 8. I thought we had a productive meeting, and I had three questions. You asked me to send them by email which I did on March 14. I received no response from that email. I had a phone conversation with Mr. Fleer on March 18. He asked me to develop my questions in more detail, which I did and emailed to him on March 30. Also on March 30, Mr. Fleer replied: "Arden, I am in receipt of your thoughts below. Please let me compile a formal response and get back to you soon"

The April 7 minutes show Mr. Fleer tried to add this matter to the agenda and was not allowed to because "it was determined that this topic could not be added to the Executive Session today as it was not posted." This topic was not on today's agenda either. You are directing me to talk to Mr. Fleer. Yet he cannot get an answer from the Board. Just how are you going to deal with this?

Fleer responded that he would schedule a meeting with Weatherford with Fleer and Buttery, so that Weatherford can bring forth his proposal. This is on advice of DDA Counsel.

Miller announced that the Chamber will be distributing rack cards promoting signature events. The Chamber recently conducted a lodging tour. Charis graduation will occur in a couple of weeks.

Riley reported on the Lofthouse property. Habitat for Humanity is moving forward with nine condo units. They're planning on having 200 volunteers on May 11 to do demolition. VFW Hall restoration is also in process. Larsen asked if Big O was going to expand. Riley said the expansion was on hold for now.

Good asked if Home Depot was assisting at the VFW building. Riley responded, yes. Good wondered if the Board or the City should give public recognition. DeVaux said there was going to be a corporate media event for Home Depot surrounding this project. Good felt the community should recognize this.

Crummett noted that there would be no benefit to moving the Farmers Market this season.

At 8:45 AM the Board took a short break prior to Executive Session.

#### **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, pursuant to: 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); with regard to: the City/DDA Loan Agreement.

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

Meeting adjourned to Executive Session at 8:50 AM.

**RECONVENE REGULAR MEETING:** Following the Executive Session, Larsen, Chair, reconvened the regular meeting at 9:17 AM.

The following persons were in attendance at the Executive Session: Merry Jo Larsen (Chair), Noel Sawyer (Vice Chair), Al Born (Secretary/Treasurer), Tanner Coy, Jon DeVaux, Vera Egbert, Jerry Good, Dale Schnitker, Jan Wilson. **Absent:** None. **Staff:** Brian Fler, Executive Director; Carol Lindholm, DDA Staff. **Also Attending:** David Buttery, City Manager; Neil Levy, Mayor; Wallie Dingwell, Finance Director.

**MOTION:** To adjourn the meeting. DeVaux/Sawyer. Passed 9-0.

Meeting was adjourned at 9:18 AM.

Recorded by:

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Carol J. Lindholm, DDA Staff

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016

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Al Born, Secretary/Treasurer