City of Woodland Park
Downtown Development Authority

March 5, 2024 at 7:30 AM

AGENDA

1. **CALL TO ORDER AND ROLL CALL**
2. **PLEDGE OF ALLEGIANCE**
3. **ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA**
4. **CONSENT AGENDA**
    a. Minutes January 9, 2024 (Presented for approval in April)
    b. February 13, 2024 (Presented for approval in April)
5. **PUBLIC COMMENT ON ITEMS NOT ON AGENDA**
6. **UNFINISHED BUSINESS** (Public Comment may be heard) **None**
7. **NEW BUSINESS**
    a. TAVA update **(Weaver)**
    b. Design Guidelines Discussion **(Perry)**
    c. NETCO Grant Proposal **(Perry)**
    d. COG Report **(Perry)**
8. **PUBLIC COMMENT REGARDING NEW BUSINESS None**
9. **REPORTS**
    a. Board Chair Report
    b. Treasurer Report
    c. Board Member Reports
    d. City Attorney's Report
10. **ADJOURNMENT**

Woodland Park Downtown Development Authority Board of Directors

Tuesday, January 9, 2024, 7:30 a.m.

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

Regular Meeting

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE
All attendees participated.

3. CONSENT AGENDA
Motion to approve the minutes of October 3, 2023, by Mr. Neal, second by Mr. Born. Mr. Born pointed out that on page 8 the Invoice for $200 was listed as Rampart Services when it should have been Rampart Surveys. Chair Perry concurred and stated after reviewing the minutes from January 2019, we all need to do a better job in reviewing and editing minutes. Particularly since Rebecca the DDA Administrator is doing the minutes from the recording. Mr. Neal amended his motion and Mr. Born concurred that the motion includes the correction communicated by Mr. Born. Voice roll call, minutes approved unanimously.

4. ROLE CALL

PRESENT:	Chair Tony Perry Vice-Chair Jon Gemelke Secretary Rusty Neal, Council Liaison Jerry Good David Mijares Eric Cabrera Al Born
ABSENT:	Arden Weatherford
STAFF:	Aaron Vassalotti, City Manager

GUESTS: Mark Weaver, Developer
Josh Myers, DDA Attorney (VIA Zoom)
Jot Singh, Attorney for the Carter Family (VIA Zoom)

5. PUBLIC COMMENT ON ITEMS NOT ON AGENDA
Chair Perry asked for public comment on items not on the agenda. Mr. Good asked if he could bring up a topic. Chair Perry agreed. Mr. Good stated we were getting sloppy with posting. Chair Perry stated that he would take responsibility for the miscommunication. Chair Perry also stated that November and December were cancelled and there was a miscommunication with the city on the cancellations. Chair Perry also stated that it is clear he did not have Mr. Good's correct mobile number as he contacted each member individually. Chair Perry stated he now believes he has Mr. Good's mobile number although Mr. Good has never acknowledged. Mr. Good also stated he felt it was disingenuous that Mr. Neal made a joke about whether there would be a meeting or not. Mr. Neal stated he was only joking that maybe there would be a meeting as two had been skipped. Mr. Nal stated that Mr. Good's statements were not accurate. Again. Chair Perry stated that the admin has had issue with email that he city IT will be working on and that Mr. Good texted Chair Perry stating he was the only one that showed up. Chair Perry apologized and stated now he has Mr. Good's number. Chair Perry apologized and stated it will not happen again and that the meetings have been posted properly. Mr. Neal wanted to go back and address the disingenuous comment by Mr. Good. He explained that he was embarrassed that two were cancelled so yes, he did joke that maybe a third would actually happen he hoped.

Hearing no comment from the public, Chair Perry closed this section of the meeting.

6. UNFINISHED BUSINESS (Public Comment may be heard) NONE

7. NEW BUSINESS

a. TAVA Update.

Mark Weaver updated DDA Board Members regarding the progress made on the Woodland Station property. Mr. Weaver asked if everyone has seen the fill dirt on Woodland Sation. He stated that the dirt is coming from CORE Electric and that it is 1800 cubic yards of clean fill dirt with another 2000 cubic yards delivered for a total of approximately 4000 cubic yards to the site. It will be used for TAVA Phase I and it will be stockpiled to be used on the rest of the property. He said the price was right.

Chair Perry made reference to clean fill dirt and Mr. Weaver explained that since there is a VCUP and this complies with the requirements of the VCUP.

On Agenda for Planning Committee this Thursday night. Mr. Mijares said we did not understand the significance of that statement. Mr. Weaver said the city has been working hard and Mr. is a consultant working with the city.

Mr. Good asked if the detention pond still there. Mr. Mijares said it looks deeper. Mr. Wever said yes, and you also see the erosion control around stockpile so that it is properly mitigated for erosion.

TAVA is aiming for a groundbreaking in May or June. Mr. Mijares says April for revegetation with real construction.

Chair Perry stated he agrees that the city has worked hard with the TAVA Group to move it forward and that he would like it faster, but it has to be slow and methodical and they ae solving a lot of the ills and the fill dirt is like mana from heaven. The delays may have worked in TAVAs for as construction companies may be a little hungrier.

b. CORA Request

The CORA request came on December 6th but was sent to the wrong address and therefore returned by USPS.

c. NETCO Grant Report

Fire Chief Lambert is putting together a spreadsheet or data of the impact of DDA on NETCO. Chief Lambert has come to the DDA from the beginning asking for relief. Chair Perry stated that the DDA double dings the fire district by taking funds and supporting building more buildings in the district the fire district needs to support. We will have more discussion in February and will ask the district to give us a target of funds that

Mr. Cabrera stated he fired from the fire department as a lieutenant down in Florida. He stated that there is a lot of planning that goes into assets as they come online. The fire department evaluates those assets and they stand ready around the clock to protect us. Mr. Cabrera offered for anyone in the community to contact him with any questions or if they wanted some education. Chair Perry stated

d. COG Report

Chair Perry, we have two objectives to solve with the COG. How do we maximize the use of COG to maximize for the City of Woodland Park. Second, to continue to honor Mrs. Carter.

Statement from the DDA Attorney read into the statement by Chair Perry. "The DDA continues to work with the City to identify the appropriate location to relocate the cog car to, both temporarily and on a permanent basis. By letter dated June 29, 2023, Debra Fortenberry (Fortenberry Law Group) informed the City and DDA that she had been engaged by Susan (Carter) Ball, Steven Carter and Douglas Carter – the surviving children of Duane and Myrna Carter <u>and</u> that Ms. Fortenberry's clients prefer to maintain the cog car at its current location perpetually. The DDA is not aware of any written agreements that require the cog car to be maintained at its current location. Therefore, I've asked DDA counsel to prepare a bill of sale transferring ownership of the cog car (and all related equipment) to the City. A resolution approving the bill of sale and authorizing execution of the bill of sale by the DDA will be prepared for consideration and approval by the DDA Board at the February 6th regular meeting. To the extent that there is any communication with the Carter family related to seeking their input on potential relocation sites, the same will be facilitated through Ms. Fortenberry and DDA counsel, per Ms. Fortenberry's request."

8. PUBLIC COMMENT REGARDING NEW BUSINESS.

Mr. Jot Singh, attorney for the Carter Family joining via zoom. He stated he was concerned about statements by Chair Perry regarding ownership of the COG, a statement that there was not a contract and the facts are in dispute

Attorney Joshua Myers stated he and Attorney McAskin would be happy to discuss with the Carter Attorney's.

9. REPORTS

   a. Board Chair Report.

      Chair Perry has stated that since he has been chair there have been three CORA Requests. Two unrelated to the COG. Chair Perry again stated that the DDA would work with the city to solve tech issues.

   b. Treasurer Report.

      Mr Cabrera reported that we had a few invoices, property closing of $200 and to Rampart Surveys and two payments to the Admin for the meetings we skipped for a total of $400. We also had a TIF reimbursement to Trail Ridge Apartments (Woodland Park Associates) for $61,181.94. Chair Perry stated that we confirmed that Woodland Park Associates had paid their taxes, and we also had the DDA Attorney Mr. McAskin that verify the reimbursement level at 75%.

      Chair Perry stated that the DDA cancelled the two meetings and that still honor paring the admin the minimum.

      Mr. Gemelke, pointed out that page 28 was part of AJ Pizza construction expense and should not have been included in the packet. Chair Perry this document will be part of a future discussion once we have received the final information from AJ's Pizza.

      Board Member Reports. None.

   c. DDA Attorney's Report. None.

Motion:

Al Born made a motion to approve all reports.

2ND:

Council member Neal seconded the motion.

VOTE:

7-0, Unanimous.

Chair Perry adjourned the meeting at 8:15 a.m.

Minutes prepared by Chair Perry

Woodland Park Downtown Development Authority Board of Directors

Tuesday, February 6, 2024, 7:30 a.m.

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

Regular Meeting

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE
   All attendees participated.

3. CONSENT AGENDA
   No minutes were available. Chair Perry explained that the DDA admin had recently resigned and had not provided January 2024 minutes. Chair Perry volunteered to complete January 2024 minutes and Secretary Neal volunteered to complete February 2024 minutes to be provided at March 2024 meeting.

4. ROLE CALL

PRESENT:	Chair Tony Perry Vice-Chair Jon Gemelke Secretary Rusty Neal, Council Liaison Jerry Good David Mijares Eric Cabrera Al Born
ABSENT:	Arden Weatherford
STAFF:	Aaron Vassalotti, City Manager
GUESTS:	Mark Weaver, Developer Mr Marcus McAskin, DDA Attorney (VIA Zoom)

Mr John Gomes, Chairperson, NETCO
Deputy Chief, Dave Rile, NETCO
Mr Dave Paul, Secretary, NETCO

5. PUBLIC COMMENT ON ITEMS NOT ON AGENDA
   Chair Perry asked for public comment on items not on the agenda.

   Hearing none, Chair Perry closed this section of the meeting.

6. UNFINISHED BUSINESS (Public Comment may be heard) NONE

7. NEW BUSINESS

   a. TAVA Update.

      Mark Weaver updated DDA Board Members regarding the progress made on the Woodland Station property concerning Preliminary Plat being presented to and voted on by the City Council at the previous Council Meeting. Council Approved the Preliminary Plat. Now the TAVA Group is working on the Final Plat which should be complete in 45-60 days. Ground breaking is still targeted for May 2024.

      Secretary Neal in his role as City Council Liaison clarified that the City Council did approve the Preliminary Plat with several conditions that were established by the Planning Commission and agreed to by the developer.

      Mr Weaver acknowledged the Conditions and that the TAVE Group would meet all the conditions or an acceptable solution.

Chair Perry did offer to the DDA Members and public that it was completely normal for conditions to be attached to any Preliminary Plat at this stage in a project.

b. NETCO Grant Discussion.

Chair Perry explained that the DDA Body had been discussing providing a Grant to NETCO for a few years. He pointed out that of all the districts that are affected by TIF funds, NETCO is harmed the most because we keep adding buildings, which is part of our job but we take away funds from their ability to protect the buildings. Chair Perry said this would be a "serious stab at starting something specific." Advocating as Chair of the Board a Seed Grant for a Capital Project to purchase a required item, specifically a Ladder Track, approximately $1.5 million. Additionally, Chair Perry said he would also be willing to establish a public effort to help raise funds to help purchase the Ladder Track with a target of next year.

Two questions must be addressed: Does the DDA have reserve funds enough to provide a grant without affecting the operations of the DDA? He believes the answer is believed to be yes. The second questions is Can the DDA provide a grant, does the DDA have the legal authority to provide a grant? Prior to having Mr McAskin opinion on the questions, Chair Perry pointed out that the February meeting was just to gather information and discuss. He would then have an agenda item for March 2024 in which the Board would vote on establishing the aforementioned fund.

Mr McAskin opinioned on the question of whether the DDA has the legal authority to make the grant to the fire district, "yes." There is a provision in the Statute that provides the DDA with any and all powers that are ordinarily reserved to a corporation in the state of Colorado and Corporations are authorized by law to make Grants.

Mr McAskin also stated that there is supplemental authority whereby DDAs could make a grant back to the Municipality, Woodland Park. Then the City could then route the grant funds to the fire district. It probably is an unnecessary process but could have merit if the city were also considering the grant of municipal dollars to the same grant, then it might merit further discussion.

Chair Perry concurred with Mr McAskin's opinion. He pointed out that NETCO has a professional management team and a board voted on by the citizens, so there are checks and balances. He felt that the approach for accounting and providing funds to the fire district needed the city's and fire district's perspectives. Which approach should be decided between the city and the fire district in the next month.

Mr Vassalotti was asked for his opinion on which approach to handle funds. Mr Vassalotti provided his opinion that it would probably be best for the DDA to provide the grant funds directly to the fire district, but also said the City could facilitate if needed.

Mr Born asked Mr McAskin if the proper definition of a grant is that it is a one-time situation that it does not confer any ongoing flow of funds?

Mr McAskin felt that was likely correct unless the Board in meeting with the fire district and discussing further, had a situation that might take the generation of the needed funds over a lengthy timeline, but that could be handled through a multi-year grant structure. But repeated that ordinarily a grant is a one-time event. He also felt that there needed to be an Memorandum of Understanding or Inter-Governmental Agreement between the DDA and fire district.

Chair Perry brought up the point that the DDA has a reserve but would have to vote to allocate the money to the fund but then it would need to go back to City Council for their approval.

Secretary/City Liaison Neal felt that we would have to take our amended budget change back to the City for their approval since we do not currently have a line item to handle the fund.

Mr Gemelke asked how it would be received by other taxing districts and repercussions should we expect and are we protected from lawsuits from other entities that might say, "you gave the fire district 'this', what are you going to give us."

Chair Perry offered that he wasn't concerned about lawsuits because the DDA has every right to do this.

Mr Gemelke asked Mr McAskin for his thoughts.

Mr McAskin felt the risk of a lawsuit from another district was remote. He also offered that if in the future there were extra funds, future grants would be possible.

Secretary Neal offered that he felt the risk of a lawsuit was small but if another district wanted to make a similar request, they would have the opportunity to come before a future DDA board and present their need and the DDA Board at that time could then decide to fund that new request or not.

Mr Good had a side comment about who we should be giving TIFs.

A presentation was then provided by Chairperson John Gomes, Deputy Chief Dave Rile, and Secretary Dave Paul.

Chair Perry then asked for a consensus to move forward with the Grant. All members supported the Grant for NETCO.

c. COG Report.
Chair Perry informed the DDA Board and public that the completely

executed copy of the agreement between DDA and Ute Pass Historical Society regarding the transfer of ownership of the COG Car and the metal stage coach had been provided by the Carter family attorney. Ownership of the COG Car and metal stage coach belongs to the Ute Pass Historical Society. Chair Perry pointed out that the language clearly indicates that the COG is subject to being moved.

Chair Perry opened the COG Report to public comment. Mr Weaver asked where the ownership paper came from. Chair Perry reiterated that it was provided by the Carter Family's attorney.

d. Admin Resignation.

Chair Perry restated that our Administrator did resign.

8. PUBLIC COMMENT REGARDING NEW BUSINESS. None

9. REPORTS

a. Board Chair Report. Ms Hill is going to help get a Citizen's Initiative Capital Fund for the Ladder Truck word out to all the public.

b. Treasurer Report.

Mr Cabrera reported that we only had one invoice; Legal in the amount of $250.00.

c. Board Member Reports. None.

d. DDA Attorney's Report. None.

Motion:

Al Born made a motion to ratify the expenses for January 2024 and approve all reports.

2ND:

Dave Mijares seconded the motion.

VOTE:

7-0, Unanimous.

Chair Perry adjourned the meeting at 8:39a.m.

Minutes prepared by Secretary Neal

NORTHEAST TELLER COUNTY FIRE PROTECTION DISTRICT

OFFICE OF THE CHIEF
Tyler Lambert

Amounts per year of Tiff funds from Fire Department to DDA

2010	34,501.36
2011	32,456.69
2012	32,621.53
2013	49,764.91
2014	39,983.18
2015	61,467.77
2016	79,528.57
2017	102,229.90
2018	110,982.06
2019	100,811.88
2020	117,212.53
2021	125,570.62
2022	126,823.41
2023	141,956.73
Total:	1,155,911.14
Projected for 2024:	167,354.90
Today's cost of ladder truck:	1,500,000.00

Tyler Lambert, Fire Chief

1010 EVERGREEN HEIGHTS DRIVE • WOODLAND PARK, COLORADO 80863
BUSINESS 719-687-1866 • FAX 719-687-1885
tlambert@netellerfire.org

CITY OF WOODLAND PARK
220 W. South Avenue
P.O. Box 9007
Woodland Park, CO 80866
719-687-9246
719-686-1010/Fax
Federal Tax ID # 84-6002740
CO Tax Exempt # 98-00978

Please Select

MAIL	DEPT

Woodland Park COLORADO
City Above the Clouds
1891

Vendor Information

Name	Michow Cox & McAskin LLP	Vendor #	
Address	6530 S. Yosemite Street	Contact	Markus McAskin
Address	Suite 200	Phone #	(303) 459-2725
City/State/Zip Code	Greenwood Village, CO 80111	Fax #	
Federal Tax ID #	81-1299804		

Invoice #	Date	Description	Amount	G/L Acct. #
	10/04/23	WPDDA.Sept2023.001	627.50	
	02/06/24	WPDDAJan2024.001	2,027.00	
			2,654.50	**TOTAL**

Special Instructions:

30 Character Expenditure Description

Legal Expense

	Date	Signature
Department Manager		
City Manager		

Department Manager approval required for all purchases.
City Manager approval required for all purchases over $1,000.00.

MICHOW | GUCKENBERGER | MCASKIN
ATTORNEYS AT LAW

Matter No: 17.GC
RE: General Counsel

Confidential Attorney – Client Privileged Communication

Woodland Park Downtown Development Authority
Attn: Mr. Rusty Neal
220 W. South Avenue
Woodland Park, CO 80866 US

Invoice Date: 10/04/2023

Invoice Number: WPDDA.Sep2023.001

Federal Tax ID No: 81-1299804

Date	Attorney	Description	Hours	Rate	Amount
09/25/2023	A. Schubert-Zhang - WPDDA	Obtain signatures for AJ's Pizza agreement.	0:00	90.00	0.00
09/27/2023	M. McAskin - WPDDA	Review and respond to T. Perry email re TIF Agreement (AJ's Pizza). Email A. Shubert-Zhang re same.	0:18	250.00	75.00
09/27/2023	A. Schubert-Zhang - WPDDA	Continue obtaining signatures for AJ's Pizza agreement.	0:30	90.00	45.00
09/28/2023	M. McAskin - WPDDA	Review and respond to T. Perry emails (.2), meeting with L. Sloane regarding grant funding research (.2).	0:24	250.00	100.00
09/28/2023	L. Sloan - WPDDA	Research Downtown Development Authority's ability to provide grants to Fire District (.5); discuss with M. McAskin (.5).	1:00	125.00	125.00
09/29/2023	A. Schubert-Zhang - WPDDA	Continue obtaining signatures for AJ's Pizza agreement.	0:30	90.00	45.00
10/02/2023	L. Sloan - WPDDA	Continue researching Downtown Development Authority's ability to provide grants to Fire District.	0:30	125.00	62.50
10/03/2023	M. McAskin - WPDDA	Review and respond to T. Perry email re grant authority; provide C.R.S. Section 31-25-808(1)(g) as guidance for next steps.	0:18	250.00	75.00
10/03/2023	L. Sloan - WPDDA	Continue researching Downtown Development Authority's ability to provide grants to Fire District (.4); discuss same with M. McAskin (.4).	0:48	125.00	100.00

Message:

Subtotal:	
Discount:	
Sales Tax:	
Deposits:	
Payments/Credits:	
Balance Due:	$627.50

MICHOW | GUCKENBERGER | McASKIN
ATTORNEYS AT LAW

Matter No: 17.GC
RE: General Counsel

Confidential Attorney – Client Privileged Communication

Woodland Park Downtown Development Authority
Attn: Mr. Rusty Neal
220 W. South Avenue
Woodland Park, CO 80866 US

Invoice Date: 02/06/2024

Invoice Number: WPDDAJan2024.001

Federal Tax ID No: 81-1299804

Date	Attorney	Description	Hours	Rate	Amount
01/06/2024	M. McAskin - WPDDA	Review and respond to T. Perry emails; send meeting link.	0:12	270.00	54.00
01/08/2024	J. Myers - WPDDA	Phone call with M. McAskin to go over anticipated discussion on agenda items to be discussed during the WPDDA Meeting.	0:24	250.00	100.00
01/08/2024	M. McAskin - WPDDA	Prepare for/participate in WPDDA conf. call re cog car with T. Perry, R. Neal, A. Vassilotti (2.25), telephone call N. Williams (.25), draft bill of sale, review and revise same (.5), telephone call J. Myers re Jan 9 agenda and meeting attendance (.25).	3:15	270.00	877.50
01/09/2024	J. Myers - WPDDA	Attend Board Meeting via Zoom; prepare attorney notes on meeting and send to M. McAskin via email [1.3]; discussion with M. McAskin re: background on matter and his request that I proceed with review of CORA documents and correspond with legal counsel for interested residents [.6].	1:54	250.00	475.00
01/09/2024	M. McAskin - WPDDA	Debrief with J. Myers re WPDDA Board meeting (.25), review and respond to T. Perry and R. Neal emails (.2); email S. LeClerq regarding CORA request (.2)	0:39	270.00	175.50
01/10/2024	J. Myers - WPDDA	Read and reply to email from T. Perry requesting copy of CORA response documents.	0:06	250.00	25.00
01/19/2024	J. Myers - WPDDA	Read email from M. McAskin; review email inbox history for link to CORA response documents; draft and send reply email to M. McAskin re: same.	0:12	250.00	50.00

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01/19/2024	M. McAskin - WPDDA	Review D. Fortenberry email. Email T. Perry and A. Vassalotti regarding same.	0:18	270.00	81.00
01/23/2024	M. McAskin - WPDDA	Review and respond to N. Williams email.	0:15	270.00	67.50
01/24/2024	M. McAskin - WPDDA	Discuss Fortenberry email and fully executed property transfer agreement with N. Williams.	0:12	270.00	54.00
01/30/2024	M. McAskin - WPDDA	Review and respond to T. Perry email regarding proposed grant to NETCO (fire district).	0:15	270.00	67.50

Message:

Subtotal:

Discount:

Sales Tax:

Deposits:

Payments/Credits:

Balance Due: $2,027.00