City of Woodland Park
Downtown Development Authority

September 10, 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 August 6, 2024
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. Micro Grants (**Gemelke**)
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. **ADJO URNMENT**

Woodland Park Downtown Development Authority Board of Directors

Tuesday, August 6th, 2024, 7:30 a.m.

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

Regular Meeting

1. CALL TO ORDER AND ROLL CALL
   CALL TO ORDER AT 7:30 A.M. BY CHAIR GEMELKE

   PRESENT: Jon Gemelke
   Arden Weatherford
   Tony Perry
   David Mijares
   George Jones
   Jerry Good
   Al Born

   ABSENT: Eric Cabrera

   STAFF: Aaron Vassalotti, City Manager

   GUESTS: Mark Weaver

2. PLEDGE OF ALLEGIANCE

   All attendees participated.

3. ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA

   None.

4. CONSENT AGENDA

   Motion:

   Mr. Born moved to approve the July 2nd, 2024, minutes as presented.

   2nd:

   Chair Gemelke seconds.

   VOTE:

   Voice roll call vote, motion was approved unanimously by a vote of 7-0.

5. PUBLIC COMMENT OF ITEMS NOT ON AGENDA

None.

6. UNFINISHED BUSINESS (Public Comment may be heard)

None.

7. NEW BUSINESS

a. TAVA Update

Mr. Weaver presented the TAVA update. The SDA was voted on and approved at council last week. They are still working on comments that pertain to the exhibits for the SDA, but it is getting closer to being signed. Lamb Excavation is scheduled to start next week. They had a meeting with CDOT last week, and they continue to move forward. They are anticipating a construction start in September.

b. Bylaws, Foundation Plan, Sunshine Law

Chair Gemelke noted we received a Cora request for the by-laws that start on page 10 of the agenda packet. He also noted the Foundation Plan that begins on page 19, and it states who we are and what we are trying to accomplish as the DDA. He acknowledged that Mr. Born has been here since the inception of the DDA. Page 25, letter E, speaks to improving the environment and security for pedestrians, which Chair Gemelke believes we are lacking in that aspect. He also noted letter G of that page, regarding assistance to prevent deterioration within the district. He believes this gives weight to the micro grant concept. He also noted letter H, regarding preserving historically significant buildings within the district. Letter M speaks to promoting additional residential units within the district. He noted how we are house short in Woodland Park. He also noted letter T, regarding the encouragement of renovation of deteriorated structures. He also noted the Sunshine Laws on page 32. No one should be conducting DDA business on their cell phones because if we get a Cora request, they can potentially seize your phone. A discussion on DDA business can be conducted between two members; however, the joining of a third member necessitates the end of the conversation regarding DDA matters. Chair Gemelke requested that all board members read over the Bylaws, the Foundation Plan, and the Sunshine law.

Mr. Good questioned if we had any documents regarding the overlay district that also referenced how Woodland Station was supposed to be developed.

Mrs. Schmink noted there is a DDA boundary and there is the Woodland Station Overlay Zone District. There is also a section of code in the zoning ordinance that addresses that. There is also a resolution associated with design standards. There is also a foundation plan for the downtown area.

Mr. Good requested we bring that to the table and look over it, there are conditions in the overlay district that are more stringent.

Mr. Perry believes that the requirements in the overlay are more relaxed, and he suggested that Mr. Good provide examples for the board to discuss.

Mr. Good would prefer it if the board was given the items Mrs. Schmink mentioned for review so that the board can be aware of them.

8. PUBLIC COMMENT REGARDING NEW BUSINESS

9. REPORTS

   a. Board Chair Report

Chair Gemelke thanked Mr. Perry for the time he spent as Chair, he also thanks the board thinking he could become the next chair. He also noted to the public that they can reach out at any time to share their thoughts and ideas.

   b. Treasurer Report

Mr. Perry presented the Treasurer Report. We paid one legal expense for $108.00; this is listed on page 52. There is also a July invoice that will be paid this week. Mr. Robough, with Microtel, believes based on the TIF reimbursement schedule, he should have received a 75% reimbursement instead of the 50% that our inherited spreadsheet indicated. We sent that question to the attorney but have not heard back.

Mr. Vassalotti believes it may be 75% reimbursement for another year.

Mr. Perry noted that once we do hear back from the attorney and we do in fact need to give a 75% reimbursement for another year, we will need to submit for an additional 25% to rectify the already submitted 50%.

Chair Gemelke questioned if there was a way they could view what type of funds we have for projects they may want to take on, outside of paying expected bills and reimbursements.

Mr. Perry noted that there is, but we need to work with the city and confirm the schedule for payments to Vectra. If we work under the assumption that the DDA will be shut down in 2032 then we need to make sure that those debts are paid before then. We are also going to go back and look at the remaining active TIF deals to make sure the reimbursement schedules are correct.

Mr. Vassalotti noted they are in the budget process right now and they can plan to circle back in October.

Motion:

Mr. Born moves to ratify the treasurer's report.

2nd:

Councilman Jones seconds.

VOTE:

Voice roll call vote, motion was approved unanimously by a vote of 7-0.

c. Board Member Reports

None.

d. City Attorney's Report

None.

10. ADJOURNMENT

Mr. Born moved adjournment 7:54 a.m.

WORK SESSION "REIMAGINING BERGSTROM PARK"

Mr. Gemelke introduced Steve Plutt, Mr. Bergstrom's right hand man for some time.

Mr. Plutt – Mr. Bergstrom donated most of the property to the Saddle Club. He had bought the land from Ira Jones in 1949. He owned the Midland Terminal right of way and gave parts of it away over the years. That is how that piece was given to the city for the park. The baggage car was the Midland Terminal's, when the terminal went under in 1949, Mr. Bergstrom bought that property and donated it to the Home Demonstration Club.

Mrs. Schmink – The baggage car is currently locked; the Historical Preservation Committee has been wanting to turn it into a pocket museum. They did receive a grant to get the asbestos removed. We need to write a grant application to the state to obtain funds to get the MEP drawings done in order to take the structure to the next step. We are unsure who the building is currently owned by, the mayor and Mr. Plutt believe it's the city.

Mr. Weaver – TAVA is considering removing the bathrooms and putting in more parking, they have plans for bathrooms in a future phase. They could keep the baggage car and baggage building; they would like to put in a large Wayfinding map showing where you are in the city and where spots are throughout the city, as well as some sort of monument to recognize Mr. Bergstrom. This is going to become a destination for a lot of people. We need to anticipate people coming and stopping and looking around. They are going to need a lot of parking, in anticipation of people coming.

Mr. Good – Bergstrom park is a public facility. He is not in favor of taking away the bathrooms and more of the park.

Police Chief – The police department would welcome the closure of the bathrooms

Mr. Gemelke – TAVA plans to have bathrooms open during business hours, so the bathrooms aren't necessarily going away, they are just moving. The current bathrooms are not the bathrooms we want to present to the public.

Mr. Good – Only wanted to point out that we need public bathrooms in town that are clearly identifiable and available. The bathrooms are part of the public park, and it should serve the public's interest.

Mr. Weaver – There are roughly 4 public restrooms in town, TAVA is not trying to takeover Bergstrom Park and make it something that it doesn't want to be, they are simply considering the future and the people that will be coming to town and needing parking and needing to find their way around.

Mr. Perry – This is public property owned by the city, we are trying to reimagine this space and what it could be for 2024, not look back on Woodland Station plans of the last 23 years. It has one of the last remaining rest areas for the state, which is for a reason because of the problems those kinds of properties have. This is about how do we reimaging it for the best of the business district. It needs to maximize the benefit of the city, because where it's located it is a high profile area.

Mr. Plutt – He is thrilled to hear TAVA would like to recognize Mr. Bergstrom. He is excited to hear a monument to him would be built, there was a memorial for the Eric Dickson, Teller Counties only death in the Vietnam War, it was finally removed due to damage. He thanked everyone and TAVA for wanting to keep his memory alive.

Mr. Weatherford – This is a public park; he is not in favor of making it more parking. He could see getting rid of the bathrooms in the state they are in. He is not enthused of widening the Highway, that does not help make Woodland Park more pedestrian friendly, This is an opportunity to give a good impression for people driving by or stopping into town.

Mr. Weaver – He did see that bathroom space as being all parking.

Mr. Gemelke – He didn't consider the bathroom space being converted to all parking, he is not necessarily opposed to it, however he does sense some resistance. It would be nice to keep some green space for people to get out and sit at.

Mayor Case – Is this a required space for parking, does it meet some sort of parking requirement?

Mr. Weaver – No.

Cindy Keating, Parks and Recreation Director – Her Park Board was unable to make it this morning, she would suggest that she lets her team share their plans and we come back and present them, or we could attend their meeting in which is the 2nd Wednesday of each month.

Mr. Mijares – The space has a lot of possibilities, there is ability to add green space at the front of the park and then reconfigure the car park. The space should be utilized for pedestrian access, revisioning the park makes more sense than working with the leftovers from the past.

Ms. Keating – We don't currently have plans for this park, but there have been discussions in the past about a splash pad or water feature since there is water at the park. The master plan of Memorial Park did include a type of splash pad/water feature, if we were to decide to put on here, we would most likely not do one in Memorial Park.

Mr. Plutt – In regard to moving the baggage house, if anyone wanted to get it recognized as a land or historic landmark, if you move it, it will no longer qualify. He also noted Mr. Bergstrom was a charter member of the very first chamber of Commerce and he was pro-growth.

Mr. Gemelke – Thought it would be great if the baggage house could stay where it is. It would be a nice welcoming area for people to come and park and sit at picnic tables and see the signage for what is around town like Mr. Weaver suggested.

Mr. Good – We all have an invested interest with how this park turns out, it would be nice to have some public feedback and suggestions.

Ms. Keating – It's always nice for the public to have something to look at that they can comment and make suggestions on. It would be most beneficial if we came up with a draft for the public to see and provide feedback.

Mr. Vassalotti – We could get a smaller group together with our Communications Coordinator and come up with a plan to engage the public.

Mr. Mijares – His first suggestions would be removing the restrooms and splitting the green space with parking for more green frontage on Highway 24, in addition to some picnic tables in the green space.

Steve Smith, Council Member – He's been here 32 years and never knew there were public access bathrooms and Bergstrom Park, when we make changes, are they going to be noticeable to the community?

Mr. Weaver – That is why he suggested the large Wayfinding map for tourists to see what is nearby and where they can go.

Mayor Case – Noted that you can always be a customer to a business and use their restroom.

Mr. Smith – The convenience is what he is looking for and the notability of where things are.

Mayor Case – As long as she's been here, those bathrooms have been vandalized regularly and it is a constant battle to keep that area a friendly and safe place to use. They are not attractive to the public; they have always been an issue with abuse.

Mr. Schmidt – A large portion of sidewalk will be taken away for the TAVA project and this is an opportunity to reimagine how to get an 8/10 ft. wide bike trail to make a connection all the way through Centennial. A bikeable path through that entire park and connections with the TAVA development and down towards Fountain Creek is something to take into consideration. It makes pedestrian traffic more accessible to the downtown district.

Linda Alread, architect, member of the Historical Preservation Committee – When you have picnic tables, you need to have bathrooms, at least close by. She is not in favor of the idea of a beautiful spot like this becoming a parking lot. When you come to see pretty areas like this you don't want to see a parking lot in the middle of town.

Mr. Plutt – The property we're standing on now was donated by Mr. Bergstrom.

Mr. Weatherford – At some point we will need bathrooms on that side of the Highway, we do already have multiple public restrooms available.

Mr. Born – How important is the TAVA circle, if that wasn't there would it change the entire concept?

Ms. Keating – That space was supposed to be an amphitheater but it's very hard to have an amphitheater that close to the highway with all the traffic. It could probably be repurposed for something else.

Mr. Born – Could the lot across S. Center St., the Rhapsody Building, be purposeful if it was no longer a building?

Mr. Plutt – That building was designed by a world famous architect; it has a lot of history to it.

Mr. Gemelke – We want to do the best for Woodland Park, TAVA will draw a lot of people, and we want it to be friendly, the bike trail is a great idea for that side of the highway. CDOT is forcing this turn lane, it is not up for discussion.

Mr. Schmidt – From the Traffic Impact Study, no matter what goes in there, it will need the deceleration lane. Successful businesses have successful access. Consumers want to frequent businesses that are safe and maneuverable.

Mr. Gemelke – We will schedule another public meeting and let Parks & Rec and the Historical Society take the lead in designing plans.

Mr. Gemelke moved adjournment at 8:49 a.m.

TAVA
HOUSE

SAVE THE DATE

GROUNDBREAKING CEREMONY

THURSDAY, SEPT 19

10AM

WOODLAND STATION

GUEST SPEAKERS

REFRESHMENTS SERVED

Woodland Park
COLORADO
City Above the Clouds
1891

September 3, 2024

Dear Downtown Development Authority,

At the August 8, 2024 DDA Work Session for "Reimagining Bergstrom Park" we discussed the City of Woodland Park Parks and Recreation Advisory Board taking the lead on this project, while continuing to work with the DDA Board and TAVA.

City staff along with the Parks and Recreation Advisory Board feel it would be in the best interest of all parties to hire a consultant to assist with the "Reimagining of Bergstrom Park".

As we work through this process of acquiring a consultant, we will keep the DDA and TAVA groups informed of the progress.

Please feel free to contact me if you have any questions or would like to discuss this further.

Regards,

Cindy Keating

Cindy Keating, CPRP
Parks and Recreation Director
719-687-5211
ckeating@city-woodlandpark.org

Woodland Park City Hall, 220 W. South Avenue,
P.O. Box 9007, Woodland Park, CO 80866
Office: 719.687.9246 | Website: www.city-woodlandpark.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

Woodland Park
COLORADO
City Above the Clouds
1891

Please Select

MAIL	DEPT

Vendor Information

Name	Michow Cox & McAskin LLP	Vendor #	
Address	5299 DTC Boulevard	Contact	Markus McAskin
Address	Suite 300	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. #
	07/11/24	WPDDA.July2024.001	270.00	
			270.00	TOTAL

Special Instructions:

CHAIR [signature] 9-5-24

30 Character Expenditure Description

Legal Expense

[signature] Treasurer 09/05/2024

	Date	Signature
Department Manager		
City Manager		

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

Matter No: 17.GC
RE: General Counsel

Confidential Attorney – Client Privileged Communication

Woodland Park Downtown Development Authority
Chair/Treasurer
220 W. South Avenue
Woodland Park, CO 80866 US

Invoice Date: 08/05/2024

Invoice Number: WPDDA.Jul2024.001

Federal Tax ID No: 81-1299804

Date	Attorney	Description	Hours	Rate	Amount
07/11/2024	M. McAskin - WPDDA	Review and respond to T. Perry email re Microtel reimbursement agreement, review agreement and 1st amendment.	1:00	270.00	270.00

Message:

Subtotal:

Discount:

Sales Tax:

Deposits:

Payments/Credits:

Balance Due: $270.00

DDA Grant Disbursement Check Request from City

To: Finance Director, City of Woodland Park

From: Downtown Development Authority

Subject: TIF Reimbursement

Meeting Approval Date:	09-05-2024
Payable To:	Purple Mountain Hospitality II
Reference:	TIF Reimbursement Agreement
Reimbursement Amount:	$23,094.64
Reimbursement GL:	
V#:	
Invoice Received:	

Note: Payment reviewed by City and DDA Attorney:

Chair/Vice-Chair

Jon Gemelke Jon Gemelke 09/05/2024

Print Name Signed Date

Treasurer/Secretary

Tony L. Perry Tony Perry 09/05/2024

Print Name Signed Date

Purple Mountain Hospitality II, LLC R0056402
Microtel

	AV	base AV	AV increment	mill levy	tax increment	reimb rate	TIF reimb	paid	tax
2018		16,560.00	(16,560.00)		-		-		-
2019	25,740.00	16,560.00	9,180.00	0.0802180	736.40	75%	552.30		2,064.81
2020		16,560.00	(16,560.00)		-	75%	-		
2021		16,560.00	(16,560.00)		-	75%	-	29,710.15	
2022	445,850.00	16,560.00	429,290.00	0.0807350	34,658.73	75%	25,994.05		
2023	445,850.00	16,560.00	429,290.00	0.0814100	34,948.50	75%	26,211.37		
2024	1,246,400.00	16,560.00	1,229,840.00	0.0751143	92,378.57	50%	46,189.29		
2024	1,246,400.00	16,560.00	1,229,840.00	0.0751143	92,378.57	25%	23,094.64		
2025						50%	-		
2026								29,710.15	
2027									
2028									
2029									
2030									
2031									
2032									

2024 Attornye McAskin determined reimbursement should be 75% for 2024.

RE: Three Subjects

Marcus McAskin <MMcAskin@mgmfirm.com>

Thu 7/11/2024 2:57 PM

To:Tony Perry <tperrydda@city-woodlandpark.org>
Cc:Aaron Vassalotti <avassalotti@city-woodlandpark.org>;Jon Gemelke <jgemelkedda@city-woodlandpark.org>

1 attachments (234 KB)

DDA Payment - 2020 TIF - PMH2 - AUTHORIZED.pdf;

[EXTERNAL]

Tony:

Thanks for the email. And Jon congrats on your election to the Chair position.

I went back and reviewed the agreement (and the first amendment to the agreement, which changed the "Completion of Construction" date from November 30, 2018 to November 30, 2019).
The date of issuance of the CO is not operative, it's the date on which the property owner filed an application for CO with the City (or in this case, the Pikes Peak Regional Building Dept).

Aaron – would it be possible to check with anyone at the City or PPRBD to figure out when the property owner applied for the CO?

Given that the CO was issued on 27 April 2020, I think it's reasonable to assume that the application for CO was filed either late in calendar year 2019 or early in 2020.

Section 4.1 of the Agreement defines "Completion of Construction" as:

"[the property owner] . . . shall complete construction of all the Improvements, including the Eligible Improvements, on the Property on or before November 30, 2019 as evidenced by an application for a certificate of occupancy filed with the City or other entity having jurisdiction ("Completion of Construction") . . .".

Section 5.1 of the Agreement (payment term) provides as follows:

"The Reimbursement Obligation shall commence upon the first anniversary of the date of Completion of Construction and terminate the earlier of (i) payment in
full of the Reimbursement Obligation or (ii) the 15th anniversary of the date of this Agreement (the "Payment Term"). [Note: Agreement was executed in June of 2017, so Reimbursement Obligation will terminate in June of 2032].

The last sentence of Section 5.3 of the Agreement provides as follows:

The Reimbursement Obligation for years 1 through 5 of the Payment Term shall be Seventy Five Percent (75%) of Available TIF Revenue; then for years 6 through 11 of the Payment Term, the Reimbursement Obligation shall be Fifty Percent (50%) of Available TIF Revenue; then for years 12 through 14 of the Payment Term, the Reimbursement Obligation shall be Twenty Five Percent (25%) of Available TIF Revenue.

Two scenarios (dependent on date of application for CO).

Scenario 1 (CO application filed in late 2019). Reimbursement obligation starts on first anniversary of that date (or in calendar year 2020):

Year 1	2020	75%
Year 2	2021	75%
Year 3	2022	75%
Year 4	2023	75%
Year 5	2024	75%
Year 6	2025	50%
Year 7	2026	50%
Year 8	2027	50%
Year 9	2028	50%
Year 10	2029	50%
Year 11	2030	50%
Year 12	2031	25%
Year 13	2032	25%
Year 14	2033	25%

[Note: under Scenario 1 we likely don't get to the Year 14 TIF reimbursement, given that the Reimbursement Obligation terminates in June of 2032 by operation of the Agreement].

Scenario 2 (CO application filed in 2020). Reimbursement obligation starts on first anniversary of that date (or in calendar year 2021):

Year 1	2021	75%
Year 2	2022	75%
Year 3	2023	75%
Year 4	2024	75%
Year 5	2025	75%
Year 6	2026	50%
Year 7	2027	50%
Year 8	2028	50%
Year 9	2029	50%
Year 10	2030	50%
Year 11	2031	50%
Year 12	2032	25%
Year 13	2033	25%
Year 14	2034	25%

[Note: under Scenario 2 we likely don't get to the Year 13 or Year 14 TIF reimbursements, given that the Reimbursement Obligation terminates in June of 2032 by operation of the Agreement].

Please note that under either scenario above, the reimbursement rate to be applied in 2024 (2023 taxes due and payable in 2024) = 75%. Therefore, I'm inclined to agree with your conclusion that an additional disbursement of 25% of the calculated values is appropriate.

Once we know for certain the date of application for CO (if that's available), we can finalize the spreadsheet using Scenario 1 or 2 above.

And, based on other records available on the thumb drive (see attached), it appears that the parties are operating under Scenario 1 above, given that there is a record of a reimbursement payment being made in 2020 (for taxes paid in 2019). This supports a conclusion that the application for CO may have been filed in late 2019.

Hope this helps.

Regards,

Marcus

From: Tony Perry <tperrydda@city-woodlandpark.org>
Sent: Thursday, July 11, 2024 1:20 PM
To: Marcus McAskin <MMcAskin@mgmfirm.com>
Cc: Aaron Vassalotti <avassalotti@city-woodlandpark.org>; Jon Gemelke <jgemelkedda@city-woodlandpark.org>
Subject: Three Subjects

Hi Marcus,

1. We had our annual organizational meeting in July per usual. After the last city council, Jon Gemelke, Eric Cabrera, and Jerry Good were all reappointed unanimously to three-year terms. I believe the entire DDA Board was in support of this.

2. The officers and Board Members for the coming year are as follows:

   a. Jon Gemelke - Chair

   b. Eric Cabrera - Vice Chair

   c. Al Born - Secretary

   d. Tony Perry - Treasurer

   e. George Jones - Council Liaison

   f. Jerry Good - Member

   g. David Mijares - Member

   h. Arden Weatherford - Member

3. Purple Mountain Hospitality aka Microtel Hotel

Mr. Rabaut (the owner) reached out regarding our recent approval of his TIF Reimbursement and question the 50% reimbursement rate versus 75%.

As you know, the current DDA Board and City of Woodland Park has relied on the Master Spreadsheet of TIF Reimbursements and the master spreadsheet construction. In this case after reviewing and with the additional data of the Certificate of Occupancy date I am inclined to agree with Mr. Rabaut. I have included Aaron in this email so he can review as well. As you know, unlike the AJ's Pizza TIF Agreement that you constructed for the DDA (excellent clear work) previous TIF Agreements were not stout in my opinion only and based on interaction with the various parties there were a lot of verbal representations not codified in the agreement.

This is clearly an issue where we need your assessment. I have attached the following:

- TIF Reimbursement Agreement
- Current Master Spreadsheet
- Image of the CO provided by Mr. Rabaut.

If I am reading the TIF Agreement properly I believe Section 5.1 establishes the start date of the reimbursement process with the CO as the primary factor. To be fair, I believe the spreadsheet was set up with original expectations and we are aware there were delays in the construction for a myriad of reasons.

If you concur and with your guidance and Aaron's concurrence, we can remedy the situation with an additional disbursement of 25% of the calculated values. We would add a line, realign the spreadsheet to match the CO and footnote the spreadsheet for future reference. Of course, this would go on the record at the next meeting as well. If I am not correct, please provide guidance so we can communicate back to Mr. Rabaut.

Have a great weekend.

Thank You,

Tony L. Perry
Treasurer
Downtown Development Authority