Woodland Park Downtown Development Authority Board of Directors

Tuesday, April 5, 2021-7:30 AM

Ute Pass Cultural Center

210 E Midland Avenue, Woodland Park, CO

AGENDA

1. Call to Order and Roll Call

1. The Regular Meeting of the Woodland Park Downtown Development Authority Board of Directors was held on April 5, 2022, on Zoom Videoconference. Chairperson Larsen declared a quorum present and called the meeting to order at 7:30 am. The following Board Members attended.

PRESENT: Chair Merry Jo Larsen, Chairperson

Jerry Good, Vice-chairperson
Jon Gemelke, Secretary

Matt McCracken, Treasurer

Rusty Neal, (Council Liaison)

Tony Perry
Arden Weatherford
David Mijares

Al Born

ABSENT: None.

STAFF: Michael Lawson, City Manager

Aaron Vassalotti, Finance Director
Rebecca Allen, DDA Assistant

GUESTS: Tanner Coy, Former DDA Treasurer

Kellie Case, City Council Member
Brooke Smith, Resident of Woodland Park

2. **Pledge of Allegiance**

Postponed to next month due to change of location without flag.

3. **Additions, Deletions or Corrections to the Agenda**

Chair Larsen asked if there were any additions, deletions, or corrections to the agenda.

Hearing none, Chair Larsen asked for a motion to approve the agenda.

MOTION:

Rusty Neal, Council Liaison, made a motion to approve the agenda.

2ND:

David Mijares seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

8-0, Unanimous.

4. Approval of Minutes

a. March 1, 2022

Chair Larsen asked for a motion to approve the March 1, 2022, Regular Meeting Minutes of the DDA Board of Directors.

MOTION:

Treasurer McCracken made a motion to approve the March 1, 2022, Regular Meeting Minutes of the DDA Board of Directors with pending corrections.

2ND:

Rusty Neal, Council Liaison, seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

8-0, Unanimous.

5. Woodland Station/Mike Williams Update

Chair Larsen invited Secretary Gemelke to update Board Members on the progress of Woodland Station.

Secretary Gemelke stated there was not much to report.

David Mijares inquired if Mr. Williams was on Zoom.

Michael Lawson, City Manager, stated he was not.

Chair Larsen stated there were some renegotiations but they were moving forward.

Rusty Neal inquired about the 90-day timeframe.

Chair Larsen inquired about giving them an extension of 30 days and inquired of the Board if they wanted a separate meeting for the update from Mr. Williams.

Board Members discussed the possibility of an executive session.

Rusty Neal, Council Liaison, stated that it did not meet the standards for an executive session.

(Al Born joined the meeting at 7:35 am).

Secretary Gemelke inquired about the legal implications of this.

Arden Weatherford stated that you cannot have outsiders in negotiation in an Executive Session and if so, it is effectively a public hearing. Mr. Weatherford stated there are ways to keep information confidential without having an executive session, but that Mr. Williams could not be there.

David Mijares stated that the three months were up, and they could come to a public meeting

Tony Perry stated that we should avoid an Executive Session and Mr. Williams could appear at a public meeting. Mr. Perry also stated that Mr. Williams needs to provide evidence of moving forward on the project.

(Marcus McCaskin joined via phone call at 7:40 am).

(Mike Williams joined via phone call at 7:41 am).

Mike Williams, Developer, stated that the project was moving forward but that the other representatives of the project could not make the meeting today. Mr. Williams stated that they had explored two options. Option A had issues, but Plan B was moving forward. Mr. Williams stated that since the Special Meeting with the DDA three months ago, they have held several meetings with property owners. One of those property owners decided that they did not want to sell so that Option A with the proposed outdoor recreation area would not be viable.

Mr. Williams addressed negotiations with several property owners. Mr. Williams stated that they addressed the Asbestos concerns and relocation expenses of the trailer park, but nothing was definitive. Mr. Williams stated that they had brought an excavation expert on the Woodland Station project who stated that Option A would not work. The conclusion is that it will just be the Woodland Station area and they were looking at a hospitality housing complex with entertainment and recreation. Mr. Williams opened the floor for questions from Board Members.

Rusty Neal, Council Liaison, asked Mr. Williams for a summary of Option B.

Mr. Williams stated it would be primarily a mixed use of residential, retail, office, and indoor entertainment but the idea of hospitality housing was entertained.

Rusty Neal, Council Liaison, inquired about the difference between Option A and B.

Mr. Williams stated that in Option A there was an outdoor entertainment option. In Option B, there was a housing option, and it would limit the scope of entertainment. In Option B, there would be unique housing and retail options and that the project could be completed in less time.

Chair Larsen inquired about the importance of Mr. Weatherford participating in the discus of Woodland Station.

Mr. Williams stated that they welcome Mr. Weatherford's participation but that would be a decision of the Board.

Arden Weatherford had no comments at this time.

Tony Perry stated that he understood that the scope of the project would be limited to residential and retail and that, at this time, there should be no further discussion and that it should be clear that Mr. Weatherford would not vote on any project he could benefit from, but this discussion can be moved to the future.

Mr. Williams inquired about a possible Executive Session. Mr. Williams asked for permission to extend the timeline of the deliverables. Mr. Williams also asked for an architectural review from the DDA. Mr. Williams also asked for more clear lines of communication between the DDA Board and the development team including a once-a-month meeting.

Chair Larsen inquired which city employee would be responsible for communication between the development team.

Michael Lawson stated that it would either be Aaron Vassalotti, Finance Director

or Karen Schminke, Planning Director.

Chair Larson stated that the architectural review would be a separate entity.

Mr. Perry advised that the DDA would provide an outline of the previous TIF agreements, and that the DDA no longer had an architectural committee and that, from his perspective, the DDA should disband the architectural committee. That would simplify the lines of communication and that city guidance should be sufficient. In terms of Option B, it is similar to what has been proposed from the past. Mr. Perry stated that he would not vote on an extension of the time. Mr. Perry further stated that this could also be revisited at a further date.

Mr. Williams stated his opinion on perspective developments and that an extension of time was no unreasonable from his viewpoint.

David Mijares stated that it would not be appropriate to lock up the property from other developers.

Chair Larsen stated that she disagreed and that the time period could be extended.

Vice-Chair Good insisted that Arden Weatherford recuse himself from the discussion and the vote regarding Woodland Station.

Rusty Neal, Council Liaison, stated that he would like three things on the record. First being that Arden Weatherford recuse himself and that no discussions be private and that the entire DDA be notified of any communications between Mr. Weatherford and the development team, if he is part of Mr. William's development. Second being that he could not find any historical evidence of an architectural review board and that all nine members of the Board constitutes the design review board. But the architectural process should start with the City Planner. The third being that there was until the next DDA meeting, the first Tuesday in May, to present to the Board and he would not be inclined to extend the time-period unless there was significant progress towards the deliverables.

The Board was in consensus that Mr. Williams had until the first meeting in May to produce deliverables.

David Mijares suggested that Mr. Williams meet with Karen Schminke, Planning Director, via a Smart meeting and he volunteered to attend as a DDA representative.

Chair Larsen stated that she was amenable to Mr. Mijares' suggestion.

Mr. Williams stated his response to Board Members concerns.

Vice-Chair Good stated that a lawsuit held up the property for years.

Chair Larsen stated that Mr. Williams had until the first meeting in May to produce deliverables.

Mr. Williams stated his concerns and requested that Mr. Weatherford recuse himself from further discussion on the Woodland Station property.

Tony Perry stated that it was very critical that it be put on the record that there was an exclusive negotiation between Mr. Williams and that is why no other developers have been entertained.

Tony Perry asked for clarification on the reasoning behind Mr. Williams request that Arden Weatherford recuse himself from further discussion and vote on the Woodland Station Property.

Rusty Neal, Council Liaison, clarified the reasoning behind a recusal for Mr. Weatherford, specifically if he is a party of the development. Rusty Neal, Council Liaison, requested further that if the basis of recusal is that Mr. Weatherford was the plaintiff in the DDA lawsuit then all DDA Board members who engaged in the time of the lawsuit as defendants recuse themselves, specifically, Mary Jo Larsen, Jerry Good, and Al Born.

Vice-Chair Good stated that he would be in touch with the DDA attorney.

6. Discuss DDA Records

Chair Larsen updated Board Members on DDA records and the history behind the records. Chair Larsen stated that all these records were stored electronically by the city.

Rusty Neal, Council Liaison, stated that was correct from his viewpoint.

Tony Perry stated that this project would be getting organized and having the records available electronically for the public.

Chair Larsen stated that he was amenable to this suggestion.

Tony Perry stated that it would be an organizational project to make it accessible to the city.

Rusty Neal, Council Liaison, inquired about the clarification of the number of boxes.

Tanner Coy, Former DDA Board Member, stated that twelve boxes were scanned by the city and that there was an entire two-thirds box accumulated after the scan and there were thirteen boxes stored that predate the scanning period.

7. Finance Report

Chair Larsen invited Treasurer McCracken to speak about the Finance Report.

Treasurer McCracken thanked others for the help in updating the finance report and presented the Finance Report to DDA Board Members.

Chair Larsen inquired about TIF applicants.

Tony Perry clarified applicants' initials for Chair Larsen and stated that Treasurer McCracken and himself were working on presenting the TIF agreement schedule to the entire DDA Board of Directors.

8. Present Revised 2022 Budget

Treasurer McCracken presented the revised 2022 DDA Budget and the updated numbers for 2022.

Rusty Neal, Council Liaison, inquired if a vote was needed.

MOTION:

Treasurer McCracken made a motion to approve the 2022 revised DDA Budget and present it to City Council.

2nd:

Al Born seconded the motion.

Discussion:

There was no discussion regarding the motion.

Vote:

8-0, Unanimous, (Rusty Neal, Council Liaison, Recused)

9. Proposal for Services from Tanner Coy

Chair Larsen and Treasurer McCracken stated that Tanner Coy's services were not needed at this time.

10. Discuss Rebecca Allen Contract

Chair Larsen opened the floor for Board Members to discuss Rebecca Allen's contract for DDA Assistant work and opened the floor for discussion among Board Members.

Chair Larsen stated that the contract would be rewritten to amend the pay raise allotment after 6 months.

Motion:

Tony Perry made a motion to approve the new DDA Assistant Contract with pending correction.

2nd:

Rusty Neal, Council Liaison, seconded the motion.

Vote:

9-0, Unanimous.

11. Discuss Sales Tax Vendor Fee

Chair Larsen opened the floor for discussion on the sales tax Vendor fee.

Chair Larsen stated that she suggested that this sales tax Vendors fee money be placed into a downtown investment fund.

Rusty Neal, Council Liaison, stated this City budget line does not exist anymore and stated the history behind the sales tax Vendors' fee.

Secretary Gemelke inquired if the money had been distributed.

Rusty Neal, Council Liaison, stated that he didn't think it had ever been distributed or used.

Chair Larsen inquired about the possibility of utilizing the balance of the remaining funds for projects.

Tony Perry inquired about the Council's possible distribution of the money.

Michael Lawson, City Manager, clarified Rusty Neal's statement that there was a 2021 balance but stated that this funding has already been spent. The former Vendor's fee line items (General Fund and 410 Fund) balances were $0.

(Marcus McCaskin, DDA Attorney Representative, left the meeting at 9:12 am).

Secretary Gemelke stated this was not under the purview of the DDA Board of Directors.

Michael Lawson, City Manager, stated that he would be willing to provide a 2022 Budget to see where these funds were allocated.

12. Enterprise Zones/Downtown Colorado Presentation by Michael Lawson

Chair Larsen invited Michael Lawson, City Manager, to present before the DDA Board of Directors.

Michael Lawson, City Manager, presented a briefing before the Board and opened the floor for discussion among Board Members.

Michael Lawson, City Manager, stated that was under the City's purview and it was a relationship between the state and El Paso County.

Tony Perry stated that this was a good program.

Chair Larsen inquired about a possible presentation about this topic.

Board Members discussed the possibility of another presentation.

Tony Perry stated he would work with Mr. Lawson on this public presentation.

Vice-Chair Good stated that it needed to be placed on the website.

Stated that the Chamber of Commerce would be willing to work with the DDA on this matter.

MOTION:

Tony Perry made a motion to create another line item in the DDA Annual Budget for Memberships and to utilize funding from that line item for membership in DCI.

SECOND:

Al Born seconded the motion.

DISCUSSION:

Rusty Neal, Council Liaison, stated that he would recuse himself from this vote.

VOTE:

8-0, Unanimous, (Rusty Neal, Council Liaison, Recused)

13. General Discussion for items not on the agenda.

Rusty Neal, Council Liaison, stated that the DDA.org website has been taken down.

Chair Larsen inquired about the Cog Car and the management of it and inquired about the Historical Society taking over the management of the Cog Car.

Rusty Neal, Council Liaison, stated the Historical Preservation Committee had discussed turning this into a museum but were waiting on Mr. Williams to present a development plan for Woodland Station.

14. Audience Participation for items not on the agenda

Chair Larsen opened the floor up for audience participation regarding items not on the agenda.

There was no audience participation for items not on the agenda.

15. Adjourn

Chair Larsen asked for a motion to adjourn.

MOTION:

Rusty Neal, Council Liaison, made a motion to adjourn.

2ND:

Treasurer McCracken seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

9-0, Unanimous.

Hearing no further business before the DDA Board of Directors, Chair Larsen adjourned the meeting at 9:42 am.

Minutes prepared by Rebecca Allen