

**RECORD OF PROCEEDINGS
FORT LUPTON URBAN RENEWAL AUTHORITY
FEBRUARY 16, 2016**

The Fort Lupton Urban Renewal Authority met at the City Complex, 130 South McKinley Avenue, the regular meeting place of the Board, on Tuesday, February 16, 2016. Chairperson Barbara Kirkmeyer called the meeting to order at 6:15 p.m. and invited everyone to join her in the Pledge of Allegiance.

ROLL CALL

Roll call was handled by each member introducing themselves; Beth Block, Mark Grajeda, Timothy Hoskens, Barbara Kirkmeyer, Kay Marsh, Gary Montoya, Vincent Ornelas (Alternate), Eugene Reynolds, Carol Ruckel and Zo Stieber. Also present were City Administrator Claud Hanes, City Clerk Nanette Fornof, and Finance Director Leann Perino.

APPROVAL OF AGENDA

The agenda was approved as presented.

PERSON TO ADDRESS THE AUTHORITY

No one signed up to address the Authority.

NEW BUSINESS

AM 2016-001: Approve a Resolution Authorizing the Execution of an Intergovernmental Agreement Between FLURA and Weld Re-8

The next three agenda items reflect the approval of Intergovernmental Agreements (IGA) with the Weld County Re-8 School District, Fort Lupton Fire District and Weld County. Since FLURA hasn't hired counsel, the authority is requesting the IGAs be addressed at a later date, once counsel has reviewed the documents.

In 2015, FLURA was approached by Weld County School District RE-8 officials to discuss protecting the District's ability to pay back their voter-approved debts. Specifically, former Board of Education President, Mike Simone, and the District's Superintendent, John Hoag, asked FLURA to exclude current and future mill levy overrides and debt service mill levies, also known as ballot issues 3A and 3B, from the Fort Lupton Core Urban Renewal Plan.

It was mentioned the School District's election was held in November 2015, so new school board members haven't received information regarding this issue.

It was moved by Zo Stieber and seconded by Kay Marsh to dismiss this agenda item until additional information is obtained. Motion carried unanimously by a voice call vote.

AM 2016-002: Approve a Resolution Authorizing the Execution of an Intergovernmental Agreement Between FLURA and Fort Lupton Fire District

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In 2015, FLURA was approached by Fort Lupton Fire Protection District officials to discuss concerns about protecting the District's ability to pay back their voter-approved debts and address other perceived negative financial impacts associated with FLURA's Core Urban Renewal Plan (Core Plan) area.

Specifically, Fire Chief Phil Tiffany, Fire District Board members, Larry Leinweber, Arlen Ingbarth, and the Fire District's attorney, John Dent, asked FLURA to completely exclude current and future voter approved general obligation bonds, also known as the Fire District Debt Service Mill Levy, from the Fort Lupton Core Urban Renewal Plan. In addition, the Fire District officials asked FLURA to offer a "seat at the table" to one of their respective board members so their District's concerns would be heard. Finally, the Fire District wanted to ensure that in the event so-called "Greenfield" parcels included in the Core Plan develop and create a substantial need for new equipment or increased staffing, that they would have an opportunity to work with FLURA to offset the negative impacts.

After considering the Fire District's requests/concerns, the 2015 FLURA Board, formally led by Fort Lupton City Council members, tentatively agreed to exclude the Fire District's Debt Service Mill Levy, reserve a seat on the FLURA Board for a Fire District Board member, and include a section in the intergovernmental agreement that would give the Fire District the ability to negotiate with FLURA to obtain relief for "significant and quantifiable disproportionate impacts" tied to the development of large vacant parcels or "Greenfields" in the Core Plan. FLURA's attorney, Paul Benedetti, drafted an IGA that included these key elements.

The Fire District received the FLURA attorney's IGA and the Fire District's attorney chose to create a new IGA that contained similar provisions to protect the Fire District's Debt Service Mill Levy and reserve a seat on the FLURA Board for a Fire District Board Member. The primary difference between the two versions of the IGAs is the Fire District's inclusion of a paragraph that states, "There will be a 50% Pass-through if the TIF revenue received by FLURA from the 6 large parcels of land that are largely undeveloped, but surrounded by urban level development as defined in the Act (C.R.S. 31-25-107), The Fire District shall receive a 50% pass through each year as to those vacant land parcels or any vacant land parcels added to the FLURA boundaries..."

Of note, at a recent meeting with Phil Tiffany, John Dent and Larry Leinweber, the Fire District offered the FLURA Board \$75,000 if they would completely exclude the Fire District from the Core Plan. This option may still be available and subject to further negotiations with the Fire District.

Several Fire District Board member were in attendance to tonight's meeting. They inquired about the proposed Intergovernmental Agreement with Weld County government and if there could be the consideration the Fire District receive the same provision. The District is concerned about being able to purchase additional equipment because the revenue source would be limited because FLURA would be receiving the additional property tax income which would have gone to the District.

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Fire Chief Tiffany explained the District is working on lowering the ISO rating by equipment and training the Fire District has either purchased or implemented. Will this be in jeopardy because the Fire District purchasing ability will be limited? There is discussion about building a new fire station in the next four to five years; will this need to be put on hold because of the lack of revenue.

The District is also looking at needing new radios, additional equipment and additional personnel; how will FLURA affect these requests? Fire Chief Tiffany would like the Authority to consider implementing the same provision to the Fire District IGA, as the Weld County IGA.

It was moved by Beth Block and seconded by Timothy Hoskens to dismiss this agenda item until additional information is obtained. Motion carried unanimously by a voice call vote.

AM 2016-003: Approve a Resolution Authorizing the Execution of an Intergovernmental Agreement Between FLURA and Weld County Government

In 2015, FLURA was approached by Weld County officials to discuss sharing fifty percent of FLURA's TIF revenues from the Fort Lupton Core Urban Renewal Plan (Core Plan). In exchange, the County offered to include adjacent unincorporated properties into the Core Plan.

There are two versions of intergovernmental agreements for the FLURA Board to consider: one version drafted by the FLURA attorney and one by Weld County's attorney. Both IGAs have a provision to include a fifty percent share of future property tax TIF revenues from the Core Plan. The primary difference between the two IGAs, however, relates to restrictions on how FLURA spends TIF revenue. The FLURA attorney's version of the IGA states, "The remaining fifty percent (50%) of the County Tax Levy Allocation Revenues each year shall be used by the Authority for payment of any amounts authorized by the Urban Renewal Plan and Act for purposes of administering the Plan, complying with applicable legal and contractual obligations and eliminating the conditions of blight in the Urban Renewal Area."

In contrast, the County attorney's version of the IGA states, "The remaining fifty percent (50%) of the County Tax Levy Allocation Revenues each year shall be used by the Authority for payment of any amounts authorized by the Plan and Act for the purposes of financing public infrastructure, such as water, sewer, parks, storm drainage, streets and roads, sidewalks and traffic lights; complying with legal and contractual obligations; and eliminating the conditions of blight in the Urban Renewal Area."

Acting as the FLURA Board, the Fort Lupton City Council chose to defer this IGA and any further discussions to the newly seated FLURA Board for consideration.

There was some discussion regarding this concept and the consensus of the Authority was in favor of the theory.

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Chairperson Kirkmeyer, requested a motion approving the proposed IGA between FLURA and Weld County. The Authority indicated since the other two IGAs needed to be reviewed by counsel, this IGA should also be reviewed prior to approval.

It was moved by Timothy Hoskens and seconded by Carol Ruckel to dismiss this agenda item until additional information is obtained. Motion carried unanimously by a voice call vote.

Bylaws and Mission Statement

The Authority amended Golden's Urban Renewal Authority's Bylaws and Mission Statement. Chairperson Kirkmeyer led the Authority through the review process. The proposed changes will be applied and the revised version will be presented to the Authority at their next meeting.

Election of Officers

It was moved by Carol Ruckel and seconded by Mark Grajeda to appoint Timothy Hoskens by acclamation as Vice Chairperson. Motion carried unanimously by a voice call vote.

It was moved by Kay Marsh and seconded by Timothy Hoskens to appoint Beth Block by acclamation as Secretary. Motion carried unanimously by a voice call vote.

It was moved by Mark Grajeda and seconded by Gary Montoya to appoint Gene Reynolds by acclamation as Treasurer. Motion carried unanimously by a voice call vote.

It was moved by Carol Ruckel and seconded by Timothy Hoskens to appoint Claud Hanes by acclamation as Executive Director. Motion carried unanimously by a voice call vote.

Direction on FLURA Attorney

Staff indicated they have met with two attorney firms who could handle Urban Renewal Authority issues. Staff is recommending the Authority consider Murray Dahl Kuechenmeister Renaud, LLP's firm for legal representative. Staff will request Murray's attendance at the March 15, 2016 meeting, so the Authority can interview him.

STAFF REPORTS

Executive Director Claud Hanes informed Dollar Tree has purchased the George's Rental building on Denver Avenue. The business inquired about "incentives" the City might be able to offer; it was the consensus of the Authority to deny their request since this type of business doesn't meet the downtown conception plan.

Mr. Hanes also informed the Authority LaMarvilla is for sale, however the building doesn't have city water and is on a septic system and isn't part of FLURA.

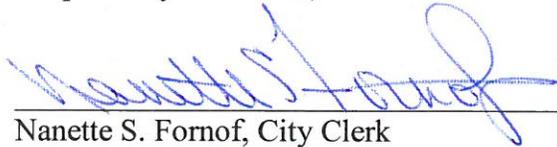
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BOARD REPORTS

Chairperson Kirkmeyer, thanked everyone for the efforts in regard to the amendments to the Bylaws and Mission Statement.

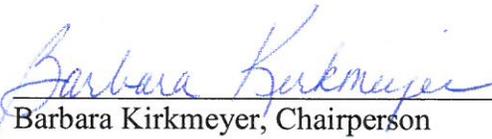
There being no further business, the meeting at adjourned at 8:16 p.m. The next FLURA meeting will be held on March 15th. There will be no meeting on March 1st, due to Election Caucuses.

Respectfully submitted,



Nanette S. Fornof, City Clerk

Approved by Fort Lupton Urban Renewal Authority



Barbara Kirkmeyer, Chairperson