

OCTOBER Meeting ED Notes

C4C Updates

- C4C annual written report was completed last month and the next semi-annual in person EDC report will be on Nov. 16th. Our next quarterly written report will be due at the end of October.
- Mayor reached out to leadership at the AFA to ensure process was going as expected for visitors center. Nothing new to report but second round of RFPs will be on hand in November.
- UCCS is on track
- No new news on sports stadium at this point but hopeful that Bob will be able to discuss something at state EDC meeting in November.
- USOM just submitted requisition number 7 and it was approved last week.
- S/W infrastructure component now has an updated letter from Mayor appointing Travis Easton and newly appointed CFO Charae McDaniel as the authorized signers for that req. process. The URA will also be working closely with Kathleen Krager and Ryan Phips as well. CP&Y is the authorized independent engineer.

URA AREA UPDATES

Gold Hill Mesa:

Set to present in November or December. Waiting on final confirmation.

City Aud:

A&A development is ready but wants to begin in Spring, city will participate in blight study waiting on Norwood piece to begin. A&A does have a meeting scheduled with Ryan Teferteller to begin their side of the work. Sam G. and Perry S. have expressed interest in doing a House of Blues concept in the city aud but more work in front of city and us to get there.

S. Nevada:

S. Nevada streetscape was formally approved by council earlier this month. Sam and Ray are here to today to discuss their bond numbers. Danny Mientka has a proposal he's putting together for corridor development but we will have to wait until next month to see what that looks like. Natural grocers set to open TOMORROW! Mad Greens is no longer coming in but Walt and Mark are quickly finding another tenant.

Polaris Point/Copper Ridge:

Submitted their second requisition for \$94,044 towards environmental assessments for the I-25 to Powers connection.

Vineyards:

Updated photos of building construction are attached to this sheet.

GENERAL UPDATES: We MOVED. Today we are now in Suite 603

- 1) Had a great presentation to the parks board regarding URA functions. They were very happy with it and were particularly interested in city auditorium block. They also asked questions regarding low income housing and gentrification. Also had a great discussion and presentation to UCCS business class students who were interested in learning how business functions with the URA.
- 2) S/E Colorado Springs was featured on the Extra with Renee Roberts last week. Taj Stokes (who leads Thrive) became sick last minute and asked me to fill in the morning of. Went very well. Going to be working with the administration to push for any added incentives that can be given to a business that locates to the S/E side of town as opposed to anywhere else.
- 3) Jim DiBiase's updated study will be completed next week.
- 4) Field of dreams project may be seeking URA designation. Should have a presentation next month from them.
- 5) Hyperloop test track group has expressed interest in working with the URA and city leadership to help with where they want to do a track and what possibilities can be open to them. They've been talking with a lot of individuals around town but I want to make sure the board knows that we're involved.
- 6) Had some great calls with DCI over the last few weeks. One was with a lobbyist group representing Colorado Builds who is looking at a possible legislative concept in 2018 that would provide some additional flexibility within TIF for affordable housing (along with other infrastructure-oriented type of uses). Another call was discussing a district court in Wheat Ridge invalidating an anti-TIF initiative in Wheat Ridge. DCI has been an excellent partner and source for us.
- 7) Thank-you from downtown partnership for table sponsorship.
- 8) Budget ongoing moving to final draft.

EVENTS:

- 1) What: I-25 Cimarron ribbon cutting ceremony.
When/Where: 1:00PM 10/26 @ America the Beautiful Park.
Why it's important: Major component to the downtown corridor that feeds the S/W downtown URA area.
- 2) What: CONO's Coffee and Community series/graduation on S/E side with Mayor Suthers.
When/Where: 11:30-2:00PM 11/4 @ Sand Creek Library.
Why it's important: Important because of our interest in work and community on the S/E side.
- 3) What: Urban Land Institute Colorado Springs and Denver Workshops.
When/Where: (Colorado Springs 12:00-2:30 PM @ HB&A 102 E. Moreno) (Denver 12:00-2:30 PM @ Alliance for Sustainable Colorado 1536 Wynkoop St. Denver 80202)
Why it's important: I sit on the local ULI chapter and we are members of the Urban Land Institute. These events will focus healthy communities, walkability, urban design and quality of life through housing affordability. Great attention for PlanCOS as well.

September Meeting ED Notes

C4C Updates

C4C Annual report is coming up with the state. This has a very heavy jobs produced focus so the Museum will be providing more than in past reports. Our next quarterly report will be due at the end of October and our next semi-annual meeting with the EDC will take place on Nov 16.

David and I got Jeff Kraft and Charlie Sweet (UCCS) to discuss process of handling their project moving forward. Everyone is on the same page with expectations and feels good about the direction.

I haven't received any new news with the Sports stadium or AFA visitor's center. Hoping that with our timing of the semi-annual meeting EDC meeting that we'll have some of the submittals turned in for the AFA RFP process that should be concluding in mid to late November.

URA AREA UPDATES

Gold Hill Mesa:

Had a great meeting 2 weeks ago with Robert Hadley and Stephanie Copeland at Gold Hill Mesa discussing their commercial component to that project and they are picking a date for one of our next 3 meetings to come in and present to you all.

City Aud:

City Aud Block Still in conversations with the developers on how the study funding will be handled. To be continued.

S/W

Yesterday Council approved a resolution approving a service plan allowing for the creation of the SW Downtown Metropolitan District Nos. 1 and 2. Passed 6-1 with Bennet and Pico absent.

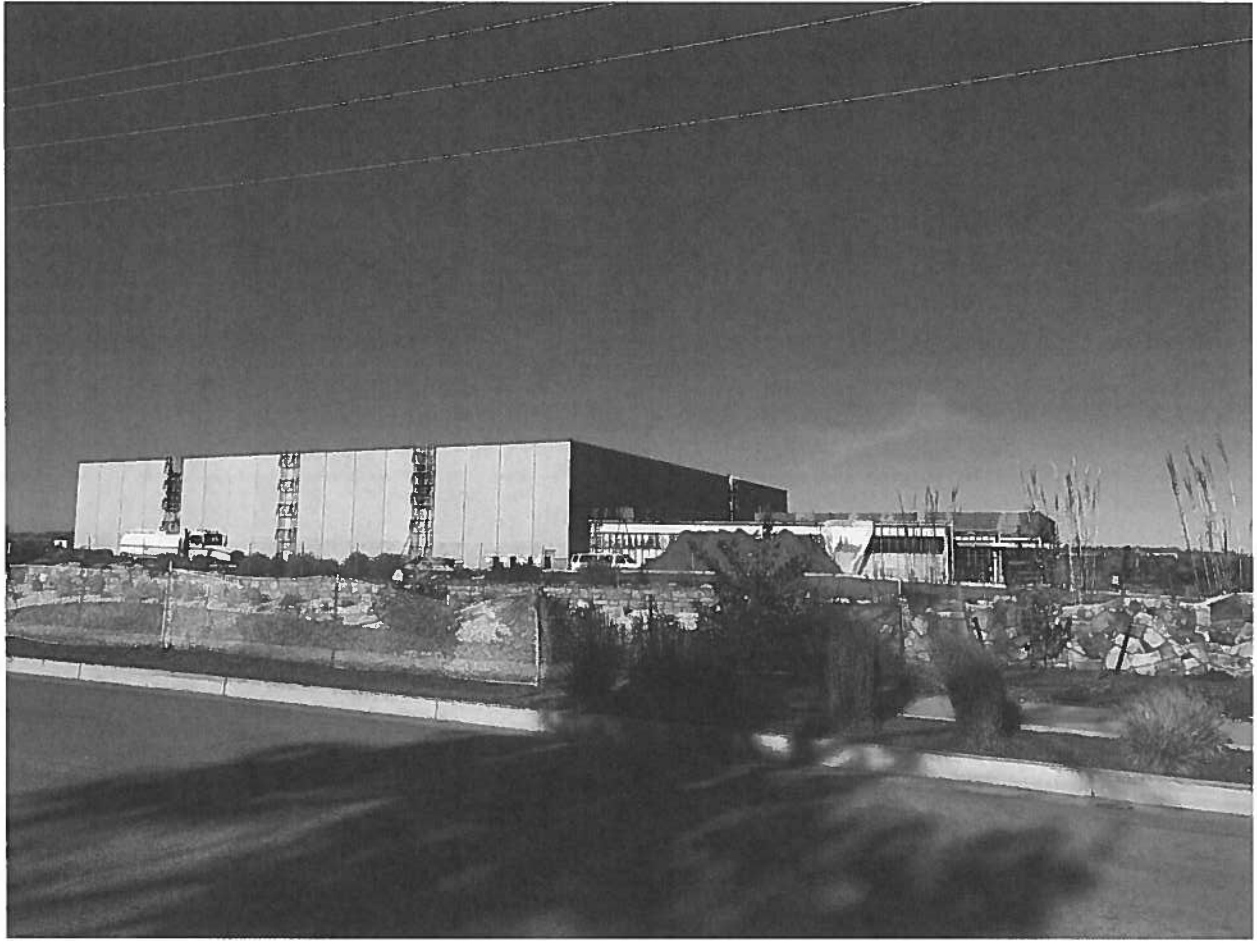
S. Nevada:

Ryan Tefertiller had a great presentation during council work session on the 25th regarding the design standards. It went very well but I'm going to be reaching out to some council members to discuss some comments that came up regarding public input, how it is funded, displacement of low income people. Should be heard by council formally in October for formal approval.

GENERAL UPDATES:

- 1) Had a great discussion with business leaders at a chamber connect event last week. All good comments from the participants and many wanted to thank the board for the great work.
- 2) S/E Colorado Springs continues to pick up steam. There was a meeting to discuss the foundation and small business components to HB 1326 with local community leaders down at Sierra HS last week and today from 12-2 El Pomar is hosting an event on S/E possibilities at Silver Key.

- 3) This Monday, The Mayor, Chair Palermo and I (along with a city council member) will be interviewing the Mayor's top 5 choices for our recently vacated board seat. Looks like he will have some great people to choose from.
- 4) Insurance. Jill Webb with CB insurance will be coming in next month to go over everything for the board.
- 5) Jim DiBiase's project studies haven't officially launched yet. Jim has told me he will be signing the retainer agreement shortly so we can start moving forward with the numbers.
- 6) I've had two individuals/organizations reach out to me regarding potential Urban Renewal projects but nothing of significance to report out on either one at the moment.
- 7) Most of my focus after this week will be all on the budget.





Web Version | Update preferences | Unsubscribe

News

Brownstein Hyatt
Farber Schreck

District Court Invalidates Wheat Ridge Anti-TIF Initiative

On September 8, 2017, a Jefferson County District Court ("Court") essentially struck down Ballot Question 300 ("BQ300"), approved by the Wheat Ridge ("the City") voters on November 3, 2015.

The ballot question was an amendment to the City Charter which required that any agreement to share tax increment revenues must be ratified by the Wheat Ridge City Council at a regularly scheduled public hearing, and, if the amount exceeds \$2.5 million, must be ratified by Wheat Ridge voters.

A challenge to the initiative was brought in the form of a declaratory judgment action by the Long's Peak Metropolitan District ("District"), which is a party to a Cooperation Agreement with the Wheat Ridge Urban Renewal Authority ("Authority"). The Cooperation Agreement included a pledge by the Authority to the District of incremental tax revenues. The District alleged that the measure could have the effect of invalidating its existing Cooperation Agreement, as well as make it more difficult, time consuming and costly to negotiate an additional agreement, which it is actively seeking. Both parties filed Motions for Summary Judgment, on which the Court ruled on September 8, 2017.

The Court first addressed the question of standing, and found that the District did properly allege an injury-in-fact to a legally protected interest sufficient to demonstrate standing. The Court also found that the matter was sufficiently "ripe" for it to enter judgment.

Most notably, the Court found that the fundamental subject matter at issue, namely the remediation of urban blight, was a matter of mixed local and state concern. The Court went on to conclude that, because BQ300 required additional procedures for approval of tax increment financing ("TIF") that are not required by the statute, BQ300 was in conflict with state law, and therefore invalid – at least to the extent it required the additional procedures.

The City argued that BQ300 only addressed the issue of "internal financial controls of the City," which is a matter of strictly local concern, not urban blight and TIF arrangements. The Court disagreed, and noted that "local ordinances which require an additional layer of local government and/or voter approval with regard to TIF deposited into the urban renewal authority's special fund necessarily restrict (and potentially eliminate) that authority's access to the funds intended to combat slums and blight." The Court noted the risk of a ripple effect, in which developers, seeking a receptive community in which to invest, might relocate a planned project from one community to another, thus triggering additional restrictions.

Ultimately, the Court found a clear operational conflict between the requirements of BQ300 and the specific language in the Urban Renewal Law, C.R.S. 31-25-101 *et seq.*, which provides that urban renewal authorities have the power to enter into contracts, execute instruments, and take a broad variety of actions in furtherance of the goals of an urban renewal plan.

The Court allowed to stand the portion of BQ300 which required that an urban renewal plan be adopted in a public hearing before the City Council, because that requirement is consistent with a requirement that already exists in the Urban Renewal Law. And the Court stopped short of declaring that the entirety of BQ300 was valid and unenforceable.

Of note, a group of citizens in Arvada are currently collecting signatures on a petition to place a measure before Arvada voters that is very similar to BQ300. The Arvada measure includes the same requirement that both City Council and voters approve TIF Agreements of more than \$2.5 million, with the additional requirement that neither the City nor the Authority may sell or transfer property, the appraised value of which is more than \$1 million, unless ratified by City Council and a vote of the people.

It is unclear how the Court's recent decision will affect the Arvada measure. To the extent the Arvada measure is the same as BQ300, however, it is likely to be found similarly invalid.

Carolynne C. White
Shareholder
cwhite@bhfs.com
303.223.1197

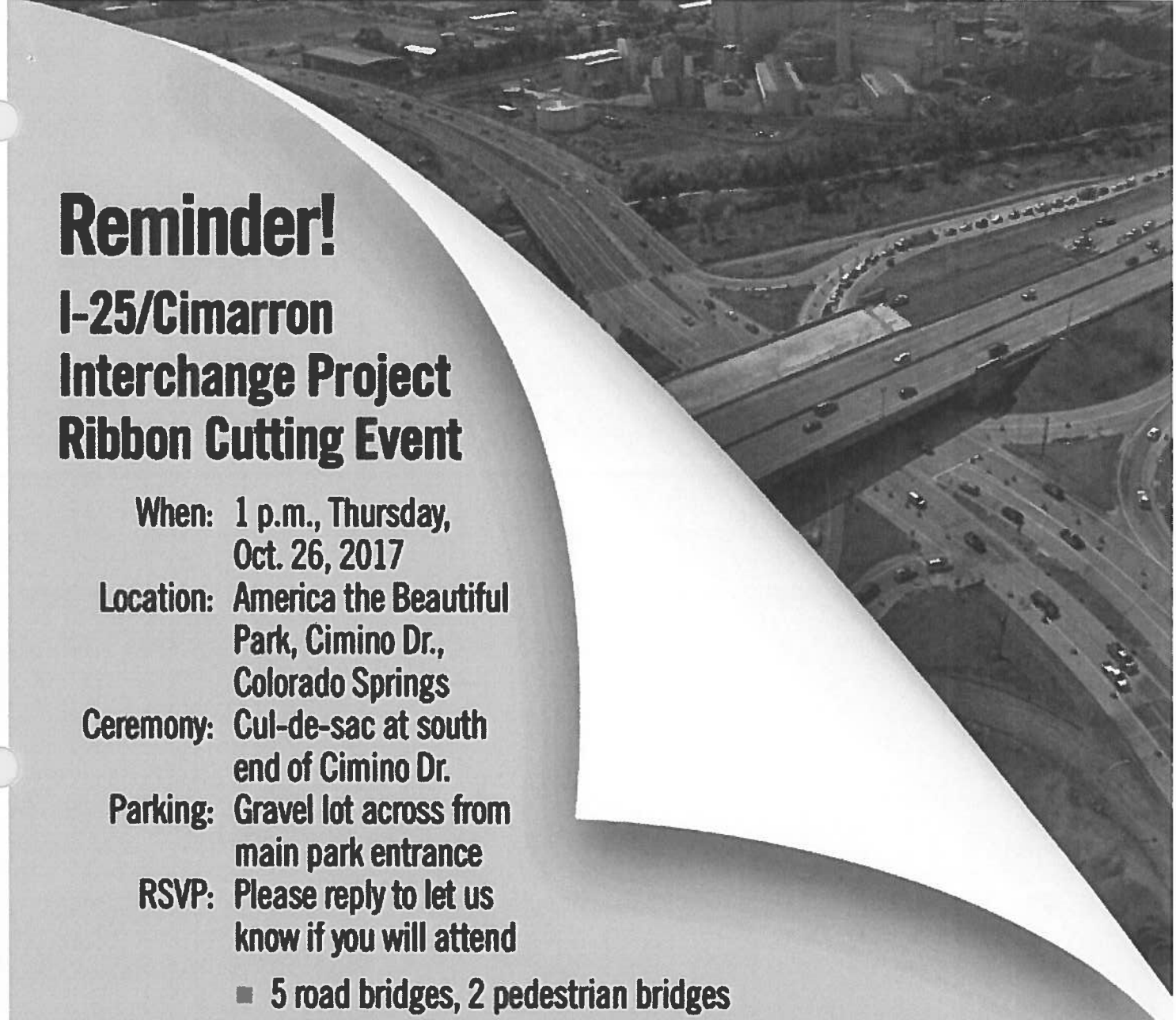
Kim Seter, of Seter and Vander Wall, represented the District in successfully prosecuting this litigation.

This document is intended to provide you with general information regarding Jefferson County District Court's ruling on Ballot Question 300. The contents of this document are not intended to provide specific legal advice. If you have any questions about the contents of this document or if you need legal advice as to an issue, please contact your regular Brownstein Hyatt Farber Schreck, LLP attorney. This communication may be considered advertising in some jurisdictions.

© 2017 Brownstein Hyatt Farber Schreck, LLP
All Rights Reserved. Attorney Advertisement.

www.bhfs.com

[Edit your subscription](#) | [Unsubscribe](#)



Reminder!

I-25/Cimarron Interchange Project Ribbon Cutting Event

When: 1 p.m., Thursday,
Oct. 26, 2017

Location: America the Beautiful
Park, Cimino Dr.,
Colorado Springs

Ceremony: Cul-de-sac at south
end of Cimino Dr.

Parking: Gravel lot across from
main park entrance

RSVP: Please reply to let us
know if you will attend

- 5 road bridges, 2 pedestrian bridges
- 31 months of design and construction
- 84 girders
- 350,000 cubic yards of dirt
- 2100 feet of Upper Fountain Creek reconstructed
- 32,000 cubic yards of concrete
- 1.8 million pounds of rebar
- 9 miles of PVC pipe
- 25,000 tons of asphalt




I-25/Cimarron Interchange
Design-Build Project



Civics

Graduation



Join us for a graduation ceremony with Mayor Suthers to cap off our Coffee and Community series at the Sand Creek Library! If you have attended more than one Coffee and Community session you will receive a certificate and photo with the Mayor. Food trucks and a mobile ballot station will be out in the parking lot.

Remember to bring your ballots for the November 7th election!

Nov. 4th
11:30am - 2pm





ULI Colorado and the City of Colorado Springs are pleased to announce a collaborative effort in support of the “PlanCOS” comprehensive planning initiative currently underway. A select group of ULI Colorado members will have the opportunity to provide input to the PlanCOS Comprehensive Plan with a focus on best ULI practices.

Workshops will focus on three key topics:

- Healthy communities through walkability
- Great places through urban design
- Quality of life through housing affordability

The PlanCOS team and members of the ULI Colorado Springs committee have structured this effort into two “workshop” lunches:

- **Colorado Springs Workshop**
 - Where: HB&A, 102 East Moreno Avenue
 - When: Wednesday, November 8th from 12:00-2:30 PM
- **Denver Workshop**
 - Where: Alliance for Sustainable Colorado, 1536 Wynkoop St., Denver 80202
 - When: Wednesday, November 15, 12-2:30pm

Members of the PlanCOS team (elected and appointed city officials, PlanCOS steering committee members and co-creators) are also cordially invited to attend, and engage with workshop participants.

A presentation of the workshop, which will include a final opportunity to provide feedback on the results, will take place at the regularly-scheduled meeting time of the ULI COS Committee on November 16th from 12:30-1:30 pm.

Please email charles.allisongodfrey@uli.org to express your interest in this program and RSVP.