

URBAN RENEWAL AUTHORITY BOARD

April 24, 2019

3:00 PM

● **ROLL CALL**

PRESENT: Smith, Troxell, Cunniff, Stephens, Summers, Wise, Febvre, Gutowsky, Pignataro, Gorgol
ABSENT: Johnson
Staff Present: Atteberry, Coldiron
Legal Counsel: Carolynne White, Brownstein Hyatt Farber Shreck

● **AGENDA REVIEW**

Executive Director Atteberry stated there were no changes to the published agenda.

Josh Birks, Economic Health Director, noted next month's regular Board meeting has been cancelled. He introduced Clay Frickey as the new Redevelopment Program Manager.

● **CITIZEN PARTICIPATION**

Eric Sutherland questioned the URA member appointment process and stated the Board does not understand the constitutional implications of diverting money away from other taxing entities.

● **CITIZEN PARTICIPATION FOLLOW-UP**

Chair Troxell requested input from counsel related to the Board being duly constituted to serve as a URA Board. Counselor White replied she is comfortable from a legal analysis perspective that this Board is duly constituted to serve.

● **DISCUSSION ITEMS**

1. **Resolution No. 096 Appointing a Vice Chair. (Adopted)**

The purpose of this item is to discuss the election of the Fort Collins Urban Renewal Authority Vice Chair and other associated changes.

Chair Troxell discussed the duties of the Vice Chair and suggested a process for electing a Vice Chair.

Boardmember Cunniff expressed interest in the position.

Boardmember Febvre suggested Boardmember Wise for the position.

Boardmember Wise respectfully declined and supported Boardmember Cunniff for the position.

Boardmember Cunniff discussed his history with the URA and its projects.

Boardmember Gutowsky made a motion, seconded by Boardmember Summers, to nominate Boardmember Cunniff as the Vice Chair.

RESULT:	RESOLUTION NO. 096 ADOPTED [UNANIMOUS]
MOVER:	Susan Gutowsky, Councilmember
SECONDER:	Ken Summers, District 3
AYES:	Smith, Troxell, Cunniff, Stephens, Summers, Wise, Febvre, Gutowsky, Pignataro, Gorgol
ABSENT:	Johnson

2. **Resolution No. 097 Approving a Cooperation Agreement with the City of Fort Collins Sharing the City's Property and Sales Tax Increment Under the College and Drake Urban Renewal Plan. (Adopted)**

The purpose of this item is to approve the cooperation agreement with Urban Renewal Authority in support of a Plan Area project at College and Drake Road.

Josh Birks, Economic Health Director, discussed the need to arrive at an agreement with each of the taxing entities in the form of cooperation agreements and stated this item is the cooperation agreement for the College and Drake Urban Renewal Plan with the City as presented to and approved by Council on April 16, 2019. He provided details of the cooperation agreement.

Eric Sutherland stated the TABOR amendment prohibits the pledge of tax revenue without voter approval. He opposed the way in which the Board operates, stating it is inconsistent with law.

Chair Troxell requested counsel input regarding Mr. Sutherland's comments. Counselor White replied courts have found that incremental revenue designated and created by means of adoption of an urban renewal plan are not the property of the city, but rather the property of the urban renewal authority. Additionally, there are a variety of cases stating that urban renewal authorities are not entities which are subject to TABOR.

Vice Chair Cunniff made a motion, seconded by Boardmember Summers, to adopt Resolution No. 097.

Vice Chair Cunniff stated this action is authorized by the statute and it is a fair allocation.

Boardmember Gutowsky requested clarification on why this is moving forward with cooperation agreements for three of the four entities. Counselor White replied the statute requires the approval of an intergovernmental agreement for each taxing body whose increment is authorized in order for City Council to adopt an urban renewal plan that authorizes the use of tax increment. There is a desire to have agreements in place for those with whom agreements are complete in order to allow for efficient adoption of the urban renewal plan once agreements are reached with all taxing entities.

RESULT:	RESOLUTION NO 097 ADOPTED [UNANIMOUS]
MOVER:	Ross Cunniff, District 5
SECONDER:	Ken Summers, District 3
AYES:	Smith, Troxell, Cunniff, Stephens, Summers, Wise, Febvre, Gutowsky, Pignataro, Gorgol
ABSENT:	Johnson

3. **Items Relating to Intergovernmental Agreements with Taxing Entities Contributing Towards the Urban Renewal Project at College and Drake Road. (Adopted)**

- A. *Resolution No. 098 Approving a Tax Increment Revenue Agreement with Larimer County Regarding Property Tax Increment Under the College and Drake Urban Renewal Plan.*
- B. *Resolution No. 099 Approving a Tax Increment Revenue Agreement with the Health District of Northern Larimer County Regarding Property Tax Increment Under the College and Drake Urban Renewal Plan.*
- C. *Resolution No. 100 Approving a Tax Increment Revenue Agreement with the Poudre River Public Library District Regarding Property Tax Increment Under the College and Drake Urban Renewal Plan.*

The purpose of this item is to approve intergovernmental agreements (IGAs) with taxing entities for an Urban Renewal Project located at College and Drake Avenue.

Josh Birks, Economic Health Director, stated these items are related to the approval of intergovernmental agreements with the Poudre River Library District, the Health District of Northern Larimer County, and Larimer County. He detailed various aspects of the agreements noting they do not set any type of precedent for future intergovernmental agreements. Of the three entities, only the Library District has officially reviewed and approved the agreement.

Counselor White stated this process is much more robust, collaborative, and precise than any she has observed for any other urban renewal authority in the state.

Eric Sutherland stated there is no provision in the urban renewal authority statute to do what the Board is contemplating.

Boardmember Wise requested the Board have the opportunity to review final versions of the agreements with the Health District and Larimer County. Boardmember Gutowsky agreed.

Birks stated the agreement with Larimer County is down to some wording and grammatical changes and noted the agreements would not be able to come back before the Board until July as the May meeting has been cancelled and the June meeting is a retreat.

Counselor White stated there is minimal risk to the Board of approving these agreements as the items that remain open are more technical things and not substantive.

Boardmember Pignataro asked if there are any risks to postponing consideration of the agreements. Counselor White replied bringing these items forward was intended to demonstrate forward momentum and commitment on the part of the Board and the taxing bodies with whom it does have agreement.

Executive Director Atteberry committed to returning before the Board if any type of significant or substantive change is made.

Boardmember Wise stated dealing with these agreements in July would not cause detrimental delays in the process.

Boardmember Febvre stated he is satisfied with the agreements and allowing them to move forward.

Boardmember Summers agreed and asked what types of changes have yet to be made. Birks and Counselor White replied and clarified the remaining language changes.

Chair Troxell recommended moving forward with motions.

Boardmember Wise stated his concerns are not related to staff competence, just that the Board may consider something substantive that staff does not.

Boardmember Pignataro asked if the changes could be examined by the Chair and Vice Chair. Chair Troxell replied that could be included in a motion.

Boardmember Stephens made a motion, seconded by Boardmember Summers, to adopt Resolution No. 098.

Boardmember Cunniff discussed a possible amendment that would specify allowed language modifications. Counselor White read the language change. Boardmembers Stephens and Summers accepted the change as a friendly amendment.

RESULT:	RESOLUTION NO. 098 ADOPTED [UNANIMOUS]
MOVER:	Kristin Stephens, District 4
SECONDER:	Ken Summers, District 3
AYES:	Smith, Troxell, Cunniff, Stephens, Summers, Wise, Febvre, Gutowsky, Pignataro, Gorgol
ABSENT:	Johnson

Boardmember Stephens made a motion, seconded by Boardmember Cunniff, to adopt Resolution No. 099, as amended to include the same language as recommended for Resolution No. 098.

RESULT:	RESOLUTION NO. 098 ADOPTED [UNANIMOUS]
MOVER:	Kristin Stephens, District 4
SECONDER:	Ross Cunniff, District 5
AYES:	Smith, Troxell, Cunniff, Stephens, Summers, Wise, Febvre, Gutowsky, Pignataro, Gorgol
ABSENT:	Johnson

Boardmember Summers made a motion, seconded by Boardmember Wise, to adopt Resolution No. 100.

Boardmember Cunniff thanked Boardmember Wise and the Library District.

RESULT:	RESOLUTION NO. 100 ADOPTED [UNANIMOUS]
MOVER:	Ken Summers, District 3
SECONDER:	Joe Wise
AYES:	Smith, Troxell, Cunniff, Stephens, Summers, Wise, Febvre, Gutowsky, Pignataro, Gorgol
ABSENT:	Johnson

- **OTHER BUSINESS**

Counselor White suggested the consideration of any findings from the reformed committee examining the legal services contract at the June retreat.

- **ADJOURNMENT**

The meeting adjourned at 4:20 PM.


Chair

ATTEST:


Secretary



