

RESOLUTION 2020-099
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROVING THE MIDTOWN BUSINESS IMPROVEMENT
DISTRICT 2021 OPERATING PLAN AND BUDGET

WHEREAS, on December 5, 2017, the City Council adopted Ordinance No. 165, 2017, creating the Midtown Business Improvement District (the "District") in accordance with the provisions of the Business Improvement District Act in Part 12 of Article 25 in Title 31 of the Colorado Revised Statutes (the "Act"); and

WHEREAS, the City Council also appointed the District's initial board of directors (the "Board") in Ordinance No. 165, 2017; and

WHEREAS, on August 18, 2020, the City Council adopted Resolution 2020-080 approving, reaffirming and ratifying the appointment of certain persons as directors on the Board; and

WHEREAS, the Board has approved and submitted to the City Clerk the District's 2021 Operating Plan, which includes the District's proposed 2021 budget, which Operating Plan is attached hereto as Exhibit "A" and incorporated herein by reference (the "2021 Operating Plan and Budget"); and

WHEREAS, the Operating Plan and Budget proposes the reappointment of four current directors to the Board, whose current terms will end on December 31, 2020, and their reappointment will be for a three-year term beginning January 1, 2021, and ending on December 31, 2023; and

WHEREAS, the directors proposed for reappointed are Rayno Seaser, David Fritzler, Luke McFetridge and Lauren DeRosa (collectively, the "Appointees"); and

WHEREAS, the City Council is authorized in Section 31-25-1209(1)(b) of the Act to appoint the Board's directors; and

WHEREAS, Section 31-25-1211 of the Act provides that the City Council shall either approve or disapprove the 2021 Operating Plan and Budget by December 5, 2020, and, if approved, the District's services, improvements and financial arrangements for 2021 are to conform as far as practicable to the 2021 Operating Plan and Budget unless amended with the City Council's prior approval; and

WHEREAS, the City Council has reviewed the 2021 Operating Plan and Budget and finds and determines that it satisfies the requirements of the Act and should be approved and the Appointees should be appointed to serve as directors on the Board.

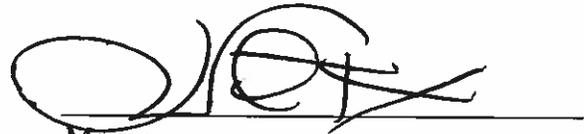
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the District's 2021 Operating Plan and Budget is hereby approved and, as required by the Act, the District's 2021 services, improvements and financial arrangements shall conform as far as practicable with the 2021 Operating Plan and Budget.

Section 3. That as provided in the Operating Plan and Budget, the Appointees are hereby appointed to serve as directors on the Board for a three-year term beginning January 1, 2021, and ending on December 31, 2023.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 4th day of November, A.D. 2020.


Mayor

ATTEST:


City Clerk



**Midtown Business Improvement District
City of Fort Collins, Colorado
2021 Operating Plan**

BID NAME

The BID shall operate as the Midtown Business Improvement District (BID).

LEGAL AUTHORITY

A BID in Colorado is organized pursuant to the Business Improvement District Act, Section 31-25-1201, et seq., Colorado Revised Statutes. A BID is legally created via the following process:

- Stakeholders acquire petition signatures of commercial property owners representing a majority of the total assessed value and a majority of the total acreage of the proposed BID area.
- The City adopts an ordinance establishing the district, following notice and a public hearing.

ABOUT MIDTOWN

Midtown is a growing, thriving hub in central Fort Collins. The properties adjacent to College Avenue, from approximately Drake south to Boardwalk, as well as the Foothills Mall, make up Midtown. In total, the corridor spans slightly over one and a half miles. Today, Midtown is an active place with a wide range of commercial activities and a limited amount of residential and institutional uses. Automobile dealerships make up a significant portion of the business mix, while big box retailers, and in-line strip retail characterize the shopping offer. Within the last few years, there has been renewed commitment to and interest in supporting a revitalized Midtown with a focus on a long-term strategy to support the strength of the district, both physically and economically.

THE VISION FOR MIDTOWN

Midtown has recently seen significant change. With the opening of the new Foothills Mall and significant investment taking place throughout the corridor, stakeholders envision a refreshed future for the district, one that continues to invigorate the area with destination retail, higher-density development, commercial opportunities, and unique urban living. A distinctive identity, placemaking, sub-district identity development, events, activities and people-oriented uses will create multiple new shopping and entertainment areas in the heart of Fort Collins, providing distinctive options and opportunities for locals and visitors to the community. Historically characterized as the strip retail corridor of Fort Collins, the emerging vision of Midtown will incorporate urban redevelopment, urban design, and enhanced pedestrian spaces to begin a long term transition to a place where citizens need to go for services but want to stay once they arrive.

Continuous BID and City investment in revitalization will ensure the City's Comprehensive Plan (City Plan) of the corridor will be realized and the retail core of the community will be stable.

THE BID'S ROLE IN MIDTOWN

The development of the Midtown BID provides an opportunity to create a sustainable funding source to leverage public sector investments and provide private sector stakeholders in the area with a stronger platform through which to advocate for – and directly fund – needed improvements as Midtown comes into a new era. The Midtown BID aims to:

- Create a collective voice to accomplish the goals of the neighborhood, provide leadership for the neighborhood, and champion the vision of Midtown.
- Serve as the activator of the Midtown neighborhood, providing programming, marketing and activities year-round.

- Purposefully improve and advance Midtown urban design to facilitate economic growth and overall increased vitality in Midtown.
- Develop and establish Midtown’s character and personality, communicate it succinctly, and bring it to life. A custom logo is being developed and specific character elements are being added to enhance the sense of place. Working with the City’s previously developed Midtown Plan and Midtown in Motion Plan, various improvements are envisioned over the next 10-15 years that will transform the Midtown Corridor from classic suburban strip, to vital exciting urban form.
- Create synergistic relationships with the City of Fort Collins to create an accessible and desirable place for locals and visitors.
- Find interesting, active and creative uses for shops, sidewalks and open spaces that can boost the economy, thus diversifying the mix and adding new business opportunities.
- Provide awareness, recognition, promotion and education about Midtown.
- Keep Midtown safe, clean and welcoming.
- Be an administrative umbrella that brings the neighborhood together and maximizes funding opportunities for the future of Midtown.

BID BOUNDARIES

The Midtown BID includes parcels fronting South College Avenue from Drake Road in the north to Boardwalk Drive in the south, as well as those fronting East Foothills Parkway between East Swallow Road and South College Avenue, in the City of Fort Collins, County of Larimer, State of Colorado.

BID SERVICES

The specific types of services that the BID will fund were developed and prioritized by the business and property owners of Midtown, and include:

- ***Midtown Promotion, Management, and Business Support:*** The BID aims to be the go-to resource for Midtown, providing leadership and business support, while championing stakeholders’ needs to create an environment that’s welcoming to the larger community and visitors. Projects to support the stakeholders will include:
 - Administrative support to help manage Midtown, advocate for Midtown needs, and focus on leveraging resources and improvements for the area.
 - Promotion of Midtown commercial sector development that supports strategic economic growth and creates a vibrant environment in which Midtown businesses can thrive.
 - Supplementing the BID budget and identifying strategic funding opportunities to leverage and enhance the base assessments collected from year to year.
 - Building partnerships and developing strategies to increase community participation, leadership and coordination, including (but not limited to) partnerships with the City of Fort Collins, the Fort Collins Downtown Development Authority, and the Downtown Fort Collins Business Association.
 - Providing business support for Midtown businesses, serving as the “conierge” for all things Midtown and helping businesses succeed by providing them with useful tools and resources, including tracking policies, data, and other useful information.
 - Shaping the retail, restaurant and overall storefront experience in Midtown by developing and implementing a strategy for strengthening the offer on the ground level and enhancing the existing business mix in Midtown.
 - Growing the base of Midtown to lengthen the urban influence area.

- **Midtown Branding, Marketing, and Activation:** The BID aims to develop and deliver a unique experience that encourages locals and visitors to explore Midtown, and to establish a strong identity that is recognizable and highlights the distinctive Midtown offer. Projects may include:
 - Development of an authentic, compelling and clear brand for Midtown that uniquely identifies its offer and potential.
 - Producing targeted marketing and messaging to the community and visitors.
 - Developing year-round programming, events and activities that draw in diverse demographic groups to experience and explore Midtown and give them a reason to stay, explore and spend money in the district.
 - Facilitating events that attract customers into businesses and leveraging partnerships with Midtown stakeholders.
 - Public and community relations in support of growing the Midtown corridor that help promote why Midtown is a destination in its own right.

- **Midtown Placemaking and Maintenance:** The BID will work to activate the public realm in Midtown and develop a clean, safe and friendly environment, offering enhancements and amenities that create a welcoming destination and support larger-scale infrastructure projects proposed for the area. Projects will include:
 - Creation of a unique Midtown ambiance and sense of place that is safe, accessible, walkable and easy to park.
 - Development of a unifying aesthetic for Midtown’s public spaces and right of way through the addition of public realm amenities throughout Midtown, including more benches, bike racks, public art and trash/recycling cans.
 - Investments in unique Midtown wayfinding signage and gateways that create a sense of place and help guests explore the area whether by car, by bicycle, or on foot.
 - Adding color and vibrancy to the district by funding banners, holiday lighting and public art.

BID ASSESSMENT METHOD AND BUDGET

The BID will utilize an assessment method that is based upon linear frontage of a property on College Avenue and Foothills Parkway within the BID boundary. **The assessment will be \$10 per linear foot, annually.** Only commercially-assessed properties will be included. The BID will raise approximately \$160,000 annually.

Additionally, the BID will have the ability to raise the assessment annually not to exceed the Consumer Price Index for all Urban Consumers (CPI-U) for the Denver-Boulder-Greeley, Colorado metropolitan area. This decision will be at the discretion of the BID board.

Bringing in revenue and contributions in addition to the BID assessment will increase impact and help the organization to best leverage investments into Midtown. To that end, the BID will work to procure supporting funding from the City of Fort Collins as well as grants, donations, sponsorships, memberships, fee-for-service projects, crowdsourcing and partnerships on top of the BID special assessment. The BID Board, with City approval, would determine the annual operating budget each year of BID operations, based upon the priorities set out in this plan.

Properties adjacent to, but not within the BID boundaries, may elect to participate in the BID. Upon

request, the BID would provide technical assistance to help. To do so, the owners of such properties would be required to file a written petition with the City of Fort Collins, requesting that their property be included in the BID. The petition shall be accompanied by a deposit of money sufficient to pay all costs of the inclusion or exclusion proceedings. Public notice will be given, a public hearing will be held and an ordinance may be adopted by Fort Collins City Council. The determination of assessment for properties joining the BID which do not have frontage on either College Avenue or Foothills Parkway shall be assessed the same frontage rate as the rest of the BID for their particular frontage on the street they are located.

2021 Proposed BID Budget and Services

The following table lays out the proposed Year One budget for the Midtown BID, as well as some considerations for each proposed expenditure:

Expenditure	Annual Budget Amount
<p>Staff/Administration Hiring effective staff/contractors to support the board and administer the programs and projects will be a critical first step for the BID.</p>	\$15,000
<p>Branding, Marketing and Activation In 2021, the BID will continue to build on the work done in 2020 to brand the BID and put more focus and attention on building the brand through the community while working on specific campaigns to help business sales.</p>	\$58,000
<p>Placemaking and Maintenance A critical aspect of the BID work is to enhance the visible impact on the district. The BID will continue to leverage City and other funding to implement notable urban projects.</p>	\$100,000
<p>Other Fees These may include:</p> <ul style="list-style-type: none"> ▪ 1% collection fee for BID Funds ▪ Legal costs ▪ Accounting ▪ Creation of a reserve account 	\$20,000
TOTAL 2021 BUDGET	\$193,000

Continuing to build the BID brand and soliciting feedback from the rate payers will establish success in the early years and will enable the BID to attract more participants and grow the base. With revenues being spent on marketing, urban design, and promotion, the visual influence and future revenue potential will grow much as it has in downtown.

BID BONDING

As allowed by law, the BID may issue bonds or other multiple-year financial obligations *only if the BID is authorized to do so by its operating plan, budget and its voters in a future election*. The election must comply with all applicable state requirements, including the TABOR Amendment, and would limit the amount of debt that may be issued to no more than the amount that is approved by the BID voters.

BID GOVERNANCE

The BID statute allows for a board of 5 to 11 members who are BID electors. The Midtown BID Board consists of nine appointed members from the Midtown BID area. The terms of office shall be staggered to encourage continuity in BID governance. The maximum length of a term is three (3) years and the consecutive term limit shall be two (2) terms. After a member has fulfilled two consecutive terms, that person may not be a member of the Midtown BID governing body for three (3) years before being reappointed.

The Midtown BID’s current Board of Directors is comprised of the following nine individuals serving the terms indicated below. By approving this Operating Plan, City Council: (1) affirms the current terms of each of the Directors identified below, and (2) appoints or reappoints each of the Directors identified below to a new term for the duration indicated.

Board Member	Affiliation	Rationale for Board Inclusion	Current Term	New Term Approved in this Operating Plan
John Hoxmeir	Gilded Goat Brewing	Long standing Fort Collins business owner will help represent the restaurant users along the corridor	Jan. 1, 2020 – Dec. 31, 2021	N/A
Rayno Seaser	The Egg & I/First Watch Restaurants	Long standing Fort Collins business owner and resident who has participated and will also help represent the restaurant users along the corridor	Dec. 5, 2017 – Dec. 31, 2020	Jan. 1, 2021 – Dec. 31, 2023
Mike Dellenbach	Dellenbach Chevrolet	Long standing Fort Collins business owner and resident who will help represent the car dealers along the corridor	Jan. 1, 2020 – Dec. 31, 2021	N/A
David Fritzler	BBVA	Well established and respected member of the business community who will help represent the financial institutions along the corridor	Dec. 5, 2017 – Dec. 31, 2020	Jan. 1, 2021 – Dec. 31, 2023
Spiro Palmer	Palmer Properties	Long standing Fort Collins business owner and resident who will help represent the shopping centers and general businesses along the corridor	Jan. 1, 2020 – Dec. 31, 2021	N/A
Luke McFetridge	Noble Venture	Former president of the SFCBA leading the efforts to form the BID and real estate owner and developer	Dec. 5, 2017 – Dec. 31, 2020	Jan. 1, 2021 – Dec. 31, 2023
Patrick Bunyard	Foothills Mall	GM of Foothills Mall, representing a catalyst project in Midtown and demonstrating the Mall’s commitment to the BID by serving on the board	Jan. 1, 2020 – Dec. 31, 2021	N/A
Lauren DeRosa	Wild Birds Unlimited Nature Shop	Long standing resident and business owner in Fort Collins and will help represent the business lessees	Dec. 5, 2017 – Dec. 31, 2020	Jan. 1, 2021 – Dec. 31, 2023
Carrie Baumgart	Markley Motors	Chief Operating Officer of Markley Motors representing the car dealers in the district	Jan. 1, 2020 – Dec. 31, 2021	N/A

BID MANAGEMENT STRUCTURE

The Midtown BID expects to work with the South Fort Collins Business Association (SFCBA) to deliver its services and hire staff. The SFCBA is a 501(c)(6) organization that supports the development of Midtown Fort Collins.

BID TERM

BIDs in Colorado may be perpetual. However, the Midtown BID will have an initial ten-year term. This will allow for property and business owners to evaluate the BID's effectiveness at the end of the term. If the BID is deemed successful, the BID Board will request that the City Council renew the BID by ordinance after the initial period. If the BID is not considered to be successful, it will sunset at the end of the initial term.

CITY SERVICES

BID services will be designed to supplement existing City services and will be in addition to City services that are currently provided in Midtown. BID services will not replace any existing City services.

The Midtown BID will provide a number of benefits to the City of Fort Collins, including:

- A collective leader and champion for the vision of Midtown, and clear partner with which the City can work
- Help the City of Fort Collins advance its key strategic objectives
- Clear economic benefits, including but not limited to:
 - Increased sales revenue through the activation, marketing and promotion of Midtown creating more visitors and more spending in the area
 - Development of Midtown as an entertainment and shopping hub
 - Interesting, active and creative uses for shops, sidewalks and open spaces
- Opportunity to further demonstrate the commitment to Midtown outlined in the City's Midtown Plan
- Create a second activity center in Fort Collins and a "place" beyond downtown in Fort Collins for visitors and locals
- Beautification of the City through a refreshed and invigorated area

ANNUAL REVIEW

The BID Act requires the BID to file an annual operating plan and budget with the City on or before September 30 of each year. The City will review and approve the operating plan and budget as provided by law.

DISSOLUTION

Under Colorado law, the BID may be dissolved following a public hearing if property owners representing at least 50% of acreage within the BID and at least 50% of total assessed value within the BID submit petitions for dissolution to City Council. City Council also retains discretion to initiate dissolution proceedings if the BID fails to submit an operating plan and budget for two successive years.