

Timnath Development Authority Agenda
Meeting Agenda
April 22, 2014, at 6:00 p.m.
Meeting will be held at Timnath Administration Building
4800 Goodman Street, Timnath, Colorado

1. CALL TO ORDER AND ROLL CALL

Chairperson	Jill Grossman-Belisle
Commissioner	Bill Neal
Commissioner	Aaron Pearson
Commissioner	Paul Steinway
Commissioner	Bryan Voronin

2. CONSENT AGENDA

- a. Approval of the April 8, 2014, Timnath Development Authority Meeting Minutes
- b. Connell Resources Contract Payments

3. BUSINESS

- a. **RESOLUTION NO. TDA-11, SERIES 2014**, A Joint Resolution of the Town of Timnath and the Timnath Development Authority Regarding TDA Authority, Composition of the TDA Board of Commissioners, and Ratifying TDA Actions

4. ADJOURNMENT

**Timnath Development Authority Agenda
Regular Meeting Minutes
April 8, 2014**

IMMEDIATELY FOLLOWED THE TOWN COUNCIL MEETING AT 6:00 P.M.

*Meeting was held at **Timnath Administration Building**
4800 Goodman Street, Timnath, Colorado*

1. CALL TO ORDER AND ROLL CALL

Chairperson Grossman-Belisle called to order the regular meeting of the Timnath Development Authority on Tuesday, April 8, 2014, at 6:02 p.m.

Present:

- a. Chairperson Jill Grossman-Belisle
- b. Commissioner Paul Steinway
- c. Commissioner Bryan Voronin

Absent:

- a. Commissioner Marty Chiaramonte
- b. Commissioner Bill Neal

Also Present:

- a. April Getchius, Town Manager
- b. Robert Rogers, Contracted Town Attorney
- c. Don Taranto, Contracted Town Engineer
- d. Milissa Peters, Town Clerk
- e. Matt Blakely, Contracted Town Planner
- f. Brian Williamson, Contracted Town Planner
- g. Christine Harwell, Finance Director

2. CONSENT AGENDA

a. Approval of the March 25, 2014, Timnath Development Authority Meeting Minutes
Commissioner Steinway moved to approve THE CONSENT AGENDA. Commissioner Voronin seconded the motion. The motion passed unanimously by voice vote.

3. GENERAL BUSINESS:

- a. **RESOLUTION NO. TDA-8, SERIES 2014**, A Resolution Approving the 2014 Budget Amendment

Staff Comments:

- Ms. Getchius spoke to the Commissioners about the proposed resolution.

Commissioner Voronin moved to approve RESOLUTION NO. TDA-8, SERIES 2014, A Resolution Approving the 2014 Budget Amendment. **Commissioner Steinway seconded the motion. The motion passed unanimously by voice vote.**

- b. **RESOLUTION NO. TDA-9, SERIES 2014**, A Resolution Approving Increment Remittance

Staff Comments:

- Mr. Rogers spoke to the Commissioners about the proposed resolution.

Commissioner Steinway moved to approve RESOLUTION NO. TDA-9, SERIES 2014, A Resolution Approving Increment Remittance. Commissioner Voronin seconded the motion. The motion passed unanimously by voice vote.

- c. **RESOLUTION NO. TDA-10, SERIES 2014, A Resolution Regarding Annual Administrative Matters for the Timnath Development Authority**

Staff Comments:

- Mr. Rogers spoke to the Commissioners about the proposed resolution.

Commissioner Voronin moved to approve RESOLUTION NO. TDA-10, SERIES 2014, A Resolution Regarding Annual Administrative Matters for the Timnath Development Authority. Commissioner Steinway seconded the motion. The motion passed unanimously by voice vote.

4. ADJOURNMENT

Chairperson Grossman-Belisle adjourned the meeting at 6:07 p.m.

The Timnath Development Authority approved the April 8, 2014, TDA Meeting Minutes on April 22, 2014.

TIMNATH DEVELOPMENT AUTHORITY

Jill Grossman-Belisle, Chairperson

ATTEST:

Milissa Peters, Secretary

TIMNATH DEVELOPMENT AUTHORITY APPLICATION FOR PAYMENT

INVOICE NO. 1 DATE: 3/31/2014
 CONTRACTOR: Connell Resources, Inc
 ADDRESS: 7785 Highland Meadows Pkwy, Fort Collins, CO 80528
 CONTRACT FOR: Weitzel Street Improvements

As Town Engineer I have reviewed the attached invoice for Standard Services as it relates to the project referenced above. I find the invoice attached hereto to be consistent with the terms of the contract and reasonable as to the effort put forward by the contractor thus far. I hereby recommend payment of said invoice by the Town of Timnath.

TST, Inc. Consulting Engineers

By: *Steve F. Nemo*
 Date: 4-15-14

Application is made for Payment, as shown below, in connection with the Agreement. Contractors Invoice is attached.

The Present status of the account for this Agreement is as follows:

ORIGINAL AGREEMENT AMOUNT	\$ 1,650,861.15
APPROVED CHANGE ORDERS TO DATE	\$ 0.00
ADJUSTED AGREEMENT AMOUNT	\$ 1,650,861.15
TOTAL WORK COMPLETED AND MATERIALS USED	\$ 269,841.55
RETAINAGE WITHHELD (5%).....	\$ 13,492.08
TOTAL EARNED LESSS RETAINAGE.....	\$ 256,349.47
LIQUIDATED DAMAGES WITHHELD	\$ 0.00
TOTAL EARNED LESS LIQUIDATED DAMAGES.....	\$ 256,349.47
LESS PREVIOUS PAYMENTS	\$ 0.00
CURRENT PAYMENT DUE.....	\$ 256,349.47

APPROVED BY: *Steve F. Nemo* DATE: 4/15/14
 (Timnath Development Authority - Engineer)

APPROVED BY: _____ DATE: _____
 (Timnath Development Authority - Administrator)



Application for Payment

PROJECT: Cosiga - Timnath, CO - Store #

OWNER: Cache la Poudre Development - South
195 West 12th Avenue
Denver, CO 80123

ENGINEER: Galloway Romero and Associates
5300 DTC Parkway
Suite 100
Greenwood Village, CO 80111

CONTRACTOR: Connell Resources Inc
7785 Highland Meadows Pkwy, #100
Fort Collins, CO 80528

OWNER'S REPRESENTATIVE: Driesco
1315 Oakridge Drive, #120
Fort Collins, CO 80525

APPLICATION NUMBER: 2

APPLICATION DATE: 3/28/2014

PERIOD BEGINNING: 3/1/2014

PERIOD ENDING: 3/31/2014

PO NUMBER: N/A

CHANGE ORDERS:		PAY APPLICATION:		RETAINAGE:		
NUMBER	DATE	AMOUNT	Application is made for Payment as shown below in connection with the Contract. The present status of the account for this Contract is as follows:			
0	none	50.00	Original Contract Amount *	\$ 5,246,988.56	Retainage to Date	\$ 57,586.39
			Net Change by Change Order	\$0.00	Retainage Previous	\$ 16,578.65
			Revised Current Contract Amount:	\$5,246,988.56	Change in Retainage:	\$ 51,021.54
			Total Work Completed and Stored to Date:	\$ 1,351,987.60		
			Less Previous Payment:	\$ 314,960.05		
			Amount due this Pay Application (before retainage):	\$ 1,020,488.70		\$ 1,037,007.55
			Less Retainage	\$ 51,021.54		\$ 67,598.39
			AMOUNT DUE THIS APPLICATION:	\$ 969,409.16		✓

CERTIFICATION

The undersigned CONTRACTOR certifies that all obligations of CONTRACTOR incurred in connection with the WORK have been satisfied as required in Article 5 of the Agreement and Article 9 of the General Conditions of the Contract

The above Amount Due this Application is requested by the CONTRACTOR

Date: 4/1/14 By: Will SFA

Payment of the above Amount Due This Application is recommended by the OWNER'S REPRESENTATIVE

Date: 4/2/14 By: [Signature]

Payment of the above Amount Due This Application has been reviewed by the OWNER

Date: April 2, 2014 By: Mark A. Galloway

Payment of the above Amount Due This Application has been approved by the TOWN OF TIMNATH/TIMNATH DEVELOPMENT AUTHORITY

Date: 4/14/14 By: [Signature]

Manager Cache la Poudre South LLC.

** Total Contract Value under discussion between the TDA and Cache la Poudre Development - South*

Application for Payment

PROJECT: Costco - Timnath, CO - Store #	CONTRACTOR: Connell Resources, Inc 7785 Highland Meadows Pkwy, #100 Fort Collins, CO 80528	APPLICATION NUMBER: 2
OWNER: Cache la Poudre Development - South 185 West 12th Avenue Denver, CO 80123	OWNER'S REPRESENTATIVE: Diesco 1315 Oakridge Drive, #120 Fort Collins, CO 80525	APPLICATION DATE: 3/28/2014
ENGINEER: Galloway, Romero and Associates 5300 DTC Parkway Suite 100 Greenwood Village, CO 80111		PERIOD BEGINNING: 3/1/2014
		PERIOD ENDING: 3/31/2014
		PO NUMBER: N/A

CHANGE ORDERS:		PAY APPLICATION:		RETAINAGE:	
NUMBER	DATE	AMOUNT	Application is made for Payment as shown below in connection with the Contract The present status of the account for this Contract is as follows		
0	none	\$0.00	Original Contract Amount	\$	5,246,988.56
			Net Change by Change Order		\$0.00
			Revised Current Contract Amount:	\$	5,246,988.56
			Total Work Completed and Stored to Date:	\$	1,351,987.60
			Less Previous Payment	\$	314,960.05
			Amount due this Pay Application (before retainage):	\$	1,020,407.00
			Less Retainage	\$	51,021.54
					\$ 1,037,007.55
					\$ 67,598.39

Net Change by Change Order \$0.00
Change Order % 0.00%

AMOUNT DUE THIS APPLICATION: \$ 969,409.16 ✓

CERTIFICATION

The undersigned CONTRACTOR certifies that all obligations of CONTRACTOR incurred in connection with the WORK have been satisfied as required in Article 5 of the Agreement and Article 9 of the General Conditions of the Contract.

The above Amount Due this Application is requested by the CONTRACTOR

Date: 4/1/14 By: [Signature]

Payment of the above Amount Due This Application is recommended by the OWNER'S REPRESENTATIVE.

Date: 4/2/14 By: [Signature]

Payment of the above Amount Due This Application has been reviewed by the OWNER.

Date: _____ By: _____

Payment of the above Amount Due This Application has been approved by the TOWN OF TIMNATH/TIMNATH DEVELOPMENT AUTHORITY

Date: _____ By: _____

Application for Payment

PROJECT: Cogeco - Timnath, CO - Store #

OWNER: Cache la Poudre Development - South
195 West 12th Avenue
Denver, CO 80123

ENGINEER: Galloway, Romero and Associates
5300 DTC Parkway
Suite 100
Greenwood Village, CO 80111

CONTRACTOR: Connell Resources, Inc
7785 Highland Meadows Pkwy, #100
Fort Collins, CO 80528

OWNER'S REPRESENTATIVE: Dilesco
1315 Oakridge Drive, #120
Fort Collins, CO 80525

APPLICATION NUMBER: 1
37692014

APPLICATION DATE: 2/1/2014

PERIOD BEGINNING: 2/20/2014

PERIOD ENDING: N/A

PO NUMBER: N/A

CHANGE ORDERS:		PAY APPLICATION:		RETAINAGE:	
NUMBER	DATE	AMOUNT	Application is made for Payment as shown below in connection with the Contract The present status of the account for this Contract is as follows		
0	none	\$0.00	Original Contract Amount *	\$ 5,246,988.56	Retainage to Date \$ 16,576.85
			Net Change by Change Order	\$0.00	Retainage Previous \$
			Revised Current Contract Amount:	\$5,246,988.56	Change in Retainage: \$ 16,576.85
			Total Work Completed and Stored to Date:	\$ 331,536.90	
			Less Previous Payment:	\$	
			Amount due this Pay Application (before retainage):	\$ 331,536.90	
			Less Retainage	\$ 16,576.85	
			AMOUNT DUE THIS APPLICATION:	\$ 314,960.06	

NET CHANGE BY CHANGE ORDER: \$0.00
Change Order #: 00%

DEBIT/RETENTION:

The undersigned CONTRACTOR certifies that all obligations of CONTRACTOR incurred in connection with this WORK have been satisfied as required in Article 5 of the Agreement and Article 6 of the General Conditions of the Contract

The above Amount Due this Application is requested by the CONTRACTOR

Date: 3/28/14 By: W.C. SA

Payment of the above Amount Due This Application is recommended by the OWNER'S REPRESENTATIVE

Date: 4/1/14 By: [Signature]

Payment of the above Amount Due This Application has been reviewed by the OWNER

Date: April 2, 2014 By: [Signature] Manager, Cache la Poudre South LLC

Payment of the above Amount Due This Application has been approved by the TOWN OF TIMNATH/TIMNATH DEVELOPMENT AUTHORITY.

Date: 4/14/14 By: [Signature]

* Total Contract Value under discussion between the TDA and Cache la Poudre Development - South

Application for Payment

PROJECT: Costco - Timnath, CO - Store #	CONTRACTOR: Connell Resources, Inc 7765 Highland Meadows Pkwy, #100 Fort Collins, CO 80528	APPLICATION NUMBER: 1
OWNER: Cache la Poudre Development - South 195 West 12th Avenue Denver, CO 80123	OWNER'S REPRESENTATIVE: Diesco 1315 Oakridge Drive, #120 Fort Collins, CO 80525	APPLICATION DATE: 3/28/2014
ENGINEER: Galloway, Romero and Associates 5300 DTC Parkway Suite 100 Greenwood Village CO 80111		PERIOD BEGINNING: 2/1/2014
		PERIOD ENDING: 2/28/2014
		PO NUMBER: N/A

CHANGE ORDERS:		PAY APPLICATION:		RETAINAGE:	
NUMBER	DATE	AMOUNT	Application is made for Payment as shown below in connection with the Contract (The present status of this account for this Contract is as follows)		
0	none	\$0.00	Original Contract Amount	\$	5,246,988.56
			Net Change by Change Order:		\$0.00
			Revised Current Contract Amount:	\$	5,246,988.56
			Total Work Completed and Stored to Date:	\$	331,536.90
			Less Previous Payment:	\$	-
			Amount due this Pay Application (before retainage)	\$	331,536.90
			Less Retainage	\$	18,576.85
			AMOUNT DUE THIS APPLICATION:	\$	314,960.06

Net Change by Change Order \$0.00
Change Order % 0.00%

CERTIFICATION

The undersigned CONTRACTOR certifies that all obligations of CONTRACTOR incurred in connection with the WORK have been satisfied as required in Article 5 of the Agreement and Article 9 of the General Conditions of the Contract

The above Amount Due This Application is requested by the CONTRACTOR
Date: 3/28/14 By: [Signature]

Payment of the above Amount Due This Application is recommended by the OWNER'S REPRESENTATIVE
Date: 4/1/14 By: [Signature]

Payment of the above Amount Due This Application has been reviewed by the OWNER
Date: _____ By: _____

Payment of the above Amount Due This Application has been approved by the TOWN OF TIMNATH/TIMNATH DEVELOPMENT AUTHORITY.
Date: _____ By: _____

TIMNATH DEVELOPMENT AUTHORITY COMMUNICATION

Meeting Date: April 22, 2014	Item: A Joint Resolution of the Town of Timnath and the Timnath Development Authority Regarding TDA Authority, Composition of the TDA Board of Commissioners, and Ratifying TDA Actions	Ordinance <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Discussion <input type="checkbox"/> For Information <input type="checkbox"/>
Presented by: Town Attorney		
EXECUTIVE SUMMARY: Resolution		
STAFF RECOMMENDATION: Staff recommends approval of the attached Resolution.		
KEY POINTS/SUPPORTING INFORMATION: <ul style="list-style-type: none"> • The Town Council formed the TDA by Resolution on November 10, 2004, and Town Council designated itself as the Board of Commissioners of the TDA and designated the Mayor as the Chairperson of the TDA pursuant to Section 31-25-115(1), Colorado Revised Statutes. • Although the resolution appointing the TDA Board of Commissioners could have been more clear on the point, the Town Council and the Board of Commissioners have taken the position since formation that the Board of Commissioners has continued since formation to be comprised of members of the Town Council with the Mayor serving as the Chairperson. The Town Council and the Board of Commissioners have also taken the position that formal appointment of new members of the Town Council to the Board of Commissioners is unnecessary because any Town Council member taking a seat on Town Council automatically takes a seat on the Board of Commissioners of the TDA. • The TDA has undertaken activities authorized by statute and the TDA Plan since its formation. • This Resolution: (1) reaffirms the authority of the TDA to act pursuant to statute and the TDA Plan; (2) reaffirms and memorializes more clearly that the Town Council has been designated by resolution as the Board of Commissioners of the TDA, and that the Town Council members serve on the Board of Commissioners of the TDA automatically without the need for formal appointment; and (3) ratifies all TDA activities since its formation. 		
ADVANTAGES: Reaffirms the authority of the TDA to act pursuant to statute and the TDA Plan, and reaffirms and clarifies the relationship between the Town Council and the Board of Commissioners of the TDA.		
DISADVANTAGES: None.		
FINANCIAL IMPACT: None.		
RECOMMENDED MOTION: I move approval of Resolution No. TDA-11, Series 2014 entitled A Joint Resolution of the Town of Timnath and the Timnath Development Authority Regarding TDA Authority, Composition of the TDA Board of Commissioners, and Ratifying TDA Actions		
ATTACHMENTS: 1. Resolution		

TOWN OF TIMNATH, COLORADO
RESOLUTION NO. 30, SERIES 2014

TIMNATH DEVELOPMENT AUTHORITY
RESOLUTION NO. TDA-11, SERIES 2014

**A JOINT RESOLUTION OF THE TOWN OF TIMNATH AND THE TIMNATH
DEVELOPMENT AUTHORITY REGARDING TDA AUTHORITY, COMPOSITION OF
THE TDA BOARD OF COMMISSIONERS, AND RATIFYING TDA ACTIONS**

WHEREAS, the Town Council of the Town of Timnath (the “Town”) has the power to pass resolutions pursuant to § 31-15-103, C.R.S.; and

WHEREAS, the Town Council formed the Timnath Development Authority (the “TDA”) by Resolution No. AJ-2004, on November 10, 2004; and

WHEREAS, the Town Council approved the Revised Timnath Urban Renewal Authority Plan by Resolution No. L-2007, on March 7, 2007 (the “TDA Plan”); and

WHEREAS, the Board of Commissioners (the “Board”) of the TDA has the power to pass resolutions pursuant to § 31-25-105, C.R.S.; and

WHEREAS, the Board has conducted regular TDA meetings and taken various actions as permitted by law since its formation; and

WHEREAS, the Town Council and the Board are permitted by law to ratify and reaffirm from time to time the actions taken by the Town and the TDA, respectively.

WHEREAS, the Town Council and the Board desire to reaffirm the composition of the Board, the TDA’s authority, and ratify TDA activities.

NOW, THEREFORE THE TOWN COUNCIL OF THE TOWN OF TIMNATH, COLORADO AND THE BOARD OF COMMISSIONERS OF THE TIMNATH DEVELOPMENT AUTHORITY FINDS AND RESOLVES as follows:

1. TDA Authority.

- a) The Town Council and the Board find and reaffirm the TDA was formed pursuant to §§ 31-25-101 *et seq.*, C.R.S., and as permitted by § 31-25-115(1), C.R.S., the Town Council of the Town originally designated itself as the board of commissioners of the TDA and appointed the Mayor of the Town as the Chairperson of the TDA. Such designation does not require a majority vote at a regular election pursuant to § 31-25-115(1), C.R.S. because such designation was made at the time the TDA was formed, and such designation in no way constituted a transfer of existing authority to the Town
- b) The Town Council and the Board find and reaffirm the Town Council continues

to act as Board of Commissioners of the TDA and the Mayor continues to act as the Chairperson. Upon election or appointment to the Town Council, Council Members automatically and without further action by the Town Council or the Chairperson fill any vacancy and serve on the Board of the TDA.

- c) The TDA is authorized to undertake all actions and exercise all powers as permitted by statute and subject to the TDA Plan, as may be amended from time to time.

2. Ratification.

- a) All approvals, appointments or other actions whatsoever conducted by the Board are hereby affirmed, ratified and made effective by the Board as of the date of the meetings at which said actions occurred.

APPROVED AND ADOPTED THIS 22ND DAY OF APRIL, 2014.

TOWN OF TIMNATH, COLORADO

Jill Grossman-Belisle, Mayor

ATTEST:

Milissa Peters, Secretary

TIMNATH DEVELOPMENT AUTHORITY

Jill Grossman-Belisle, Chairperson

ATTEST:

Milissa Peters, Secretary