



## Legislation Details (With Text)

**File #:** 23-463      **Version:** 2      **Name:**

**Type:** Resolution      **Status:** Mayor's Office

**File created:** 8/31/2023      **In control:** City Council

**On agenda:** 10/24/2023      **Final action:** 10/24/2023

**Title:** A Resolution of the City Council of Colorado Springs, Colorado Approving the Proposed 2024 Operating Plan and Budget for the First and Main North Business Improvement District

**Presenter:**  
Peter Wysocki, Director, Planning and Community Development  
Michael Tassi, Assistant Director, Planning and Community Development

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 2024 Operating Plan - First \_ Main North BID(8223398.1), 2. Res. First and Main North BID 2024 approval without Exhibit E, 3. Signed Resolution No. 153-23.pdf

Date	Ver.	Action By	Action	Result
10/24/2023	2	City Council	adopted	Pass
10/9/2023	1	Council Work Session	referred	

A Resolution of the City Council of Colorado Springs, Colorado Approving the Proposed 2024 Operating Plan and Budget for the First and Main North Business Improvement District

**Presenter:**

Peter Wysocki, Director, Planning and Community Development  
Michael Tassi, Assistant Director, Planning and Community Development

**Summary:**

The First and Main North Business Improvement District (BID) is a legal entity separate from the City of Colorado Springs. However, as required by State statute, it is necessary for City Council to review and approve the proposed 2024 Operating Plan and Budget for the BID.

The District will increase its mill levy from 1.000 mill to 1.039 mills for operations and from 50.000 mills to 51.971 mills for Debt Service. Other than the mill levy change the Operating Plan and Budget for this BID includes no significant anticipated activities or changes. In 2024 the District's activities will focus on district administration and payment of its existing bonds, as well as operating and maintaining parking facilities, roadways, lighting, driveways, public utilities and landscaping services.

Staff notes that assessed valuation (AV) for this BID is lower than in prior years due to high commercial vacancy rates. Staff notes that because these are related party privately placed bonds, the party owning the bonds is effectively the same as party that is advancing the funds necessary to keep payments current.

**Background:**

The boundaries of this development-specific BID were established pursuant to an election in 2004. This BID has an elected board, which is comprised of individuals associated with Nor'wood Development Group. The District is authorized to provide the acquisition of improvements, construction of improvements, operation and maintenance of parking facilities, roadways, lighting, driveways, public utilities, and landscaping. The District currently owns certain street improvements, parking facilities, water improvements and drainage improvements.

This Operating Plan and Budget is provided in a format consistent with the standard template approved by Council in August 2022 for these documents.

**Previous Council Action:**

City Council approved formation of this BID in 2004 (Ordinance No. 04-51) and has approved the BID's Operating Plan and Budget annually since its formation.

This item was introduced in a City Council Work Session on October 9, 2023.

**Financial Implications:**

The District issued \$1,927,000 in Limited Tax General Obligation Bonds, Series 2005 for infrastructure improvements. The bonds financed public improvements which included streets, parking, water lines, and sewer lines, and carry an interest rate of 6.0%. These bonds are privately placed with this developer.

The District anticipates an outstanding developer advance balance of \$241,351 at the end of 2023, which accrues interest at a rate of 7%. As of December 31, 2023, the accrued interest on the developer advance balance is estimated to be \$74,968.

The proposed mill levy for the BID in 2024 is 53.010 mills (1.039 mills for operations and 51.971 mills for debt service). This represents an increase from 2023 which was 50.000 mills for debt service and 1.000 mill for operations. Although the series 2005 Bond Resolution limited the mill levy to 34.000 mills for years 2016 through 2034 due to lower than projected revenue from the limited mill levy, the Board of Directors of the District approved keeping the mill levy at 39.000 mills. However, pursuant to the Second Amendment to Bond Resolution, Series 2005, dated November 29, 2017, the District authorized the mill levy limitation to not exceed 50.000 mills for payment of principal, premium, and interest on the bonds and any parity bonds .

Staff notes that the existing and projected debt service fund balances for this BID are small and provide limited margins in the event of a revenue shortfall. The District has advised that in the event of a shortfall the risk would accrue to the (related party) bondholders. They further state that the term of these particular bonds cannot be extended without a refunding of these bonds.

As a separate legal entity, the financial activities of the BID are separate from those of the City. Any financial obligations of the BID are specific to the property within its boundaries and do not constitute an obligation of the City.

**City Council Appointed Board/Commission/Committee Recommendation:**

The BID Board of Directors recommends City Council's approval of the 2024 Operating Plan and Budget.

**Stakeholder Process:**

N/A

**Alternatives:**

N/A

**Proposed Motion:**

Move to approve the Resolution approving the proposed 2024 Operating Plan and Budget for the First and Main North Business Improvement District.

N/A