

**SUBJECT: APPROVAL OF RESOLUTION NO. 47, SERIES 2024 – A
RESOLUTION APPROVING A PROPOSED 2025 OPERATING
PLAN AND BUDGET OF THE MAIN STREET LOUISVILLE
BUSINESS IMPROVEMENT DISTRICT**

DATE: OCTOBER 15, 2024

**PRESENTED BY: MEREDYTH MUTH, INTERIM DEPUTY CITY MANAGER
VANESSE ZARATE, ECONOMIC VITALITY MANAGER**

SUMMARY:

The Main Street Louisville Business Improvement District (BID) is required to have its annual Operating Plan and Budget approved by the City Council as set forth in C.R.S. §31-25-1211. The November 2000 election to raise downtown taxes to support the BID failed. Since then, the BID has submitted annual budgets of \$0.00 and continues the same for 2024.

Although the election to raise funds for the BID failed (because the vote was a tie), the BID will continue to exist until such time as the Board of Directors decides to go through the appropriate dissolution process. At this time, the Board of Directors is planning to continue with the BID and may attempt another election to pass a mill levy increase at some point in the future.

Board Vacancies

New Board members are appointed by the City Council from the "electors" of the BID, defined in C.R.S. §31-25-1209(1)(b). "Elector" is defined in C.R.S. §31-25-1203(4). An eligible elector must meet one of the following;

- Makes his primary dwelling place in the district; or
- Owns taxable real or personal property within the boundaries of the district; or
- A holder of a leasehold interest in taxable real or personal property within the boundaries of the district; or
- A natural person designated by an owner or lessee of taxable real or personal property in the district which is not a natural person to vote for such owner or lessee. Such designation must be in writing and filed with the secretary of the district. Only one such person may be designated by an owner or lessee.

The BID District has not pursued certifying additional electors (to increase the availability of eligible board members) since there is no pending mill levy vote and appropriation. Should a mill levy vote be pursued, the BID District will certify additional electors and ask City Council to appoint additional Directors.

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The Board of Directors of the BID is appointed by the City Council after a recommendation is made by the BID. The recommendations for the 2025 Board of Directors from the BID are:

Erik Hartronft, Assistant Secretary/Treasurer

Please see the attached Operating Plan and Budget for further information.

District Boundaries

The current BID District boundary is included in the Operating Plan document. A few notable properties are not within the district including; the Grain Elevator properties, 500 County Road, 640 Main Street, and DeLo. Should discussions advance in establishing a mill levy, further discussions with property owners both within and outside the district will occur.

FISCAL IMPACT:

None.

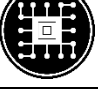
RECOMMENDATION:

The Business Improvement District wishes to establish its 2025 Operating Plan and Budget with City Council's approval of the resolution.

ATTACHMENT(S):

1. Resolution No. 47, Series 2024
2. 2025 Operating Plan and Budget for the Main Street Louisville Business Improvement District

STRATEGIC PLAN IMPACT:

☐		Financial Stewardship & Asset Management	☐		Reliable Core Services
☒		Vibrant Economic Climate	☐		Quality Programs & Amenities
☐		Engaged Community	☐		Healthy Workforce
☐		Supportive Technology	☐		Collaborative Regional Partner

CITY COUNCIL COMMUNICATION

**RESOLUTION NO. 47
SERIES 2024**

**A RESOLUTION APPROVING A PROPOSED 2025 OPERATING PLAN AND
BUDGET OF THE MAIN STREET LOUISVILLE BUSINESS IMPROVEMENT
DISTRICT**

WHEREAS, in 2000, the City of Louisville (the "City") approved the formation of the Main Street Louisville Business Improvement District (the "District") within the City;

WHEREAS, as required by Section §31-25-1211, C.R.S., an operating plan (the "Plan") and proposed budget (the "Budget") for the year 2025 was filed with the City Clerk on August 28, 2024; and

WHEREAS, the City Council has determined that the Revised Plan and Budget should be approved.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO:

Section 1. Findings and Determinations. The City Council hereby approves the 2025 Operating Plan and Budget of the Main Street Louisville Business Improvement District.

Section 2. Severability Clause. If any section, paragraph, clause, or provisions of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provisions shall in no manner affect any remaining provisions of this resolution.

Section 3. This resolution shall be effective upon its approval by the City Council.

PASSED AND ADOPTED this 15th day of October 2024.

Christopher M. Leh, Mayor

ATTEST:

Genny Kline, Interim City Clerk

2025 Operating Plan and Budget

MAIN STREET LOUISVILLE BUSINESS IMPROVEMENT DISTRICT

City of Louisville, Boulder County, Colorado

2025
OPERATING PLAN AND BUDGET FOR
THE
MAIN STREET LOUISVILLE BUSINESS IMPROVEMENT
DISTRICT

INTRODUCTION

The Main Street Louisville Business Improvement District ("BID") was organized by City of Louisville Ordinance Number 1342, Series 2000 on August 15, 2000 ("Organizational Ordinance").

By state statute, specifically Section 31-25-1211, C.R.S., by September 30 of each year, the BID is required to submit an operating plan and budget to the City for review and approval.

Over the years, the Board has held a series of Board meetings to discuss the future of the BID, the possibility of a TABOR election, and inclusion of additional property in the District; however, the District has not undertaken substantive activity in the last year and is in the process of considering its future plans and options. The District would like to remain in a holding pattern until its plans become clearer.

OPERATING PLAN CONTENTS

Pursuant to the Business Improvement District Act, Section 31-25-1201, et seq., Colorado Revised Statutes, as amended, the Operating Plan is to specifically identify:

1. the composition of the Board of Directors,
2. the services and improvements to be provided by the District,
3. the taxes, fees, and assessments to be imposed by the District,
4. the estimated principal amount of bonds to be issued by the District, and
5. such other information as the City may require.

Each of these five items is described below.

COMPOSITION OF THE BOARD OF DIRECTORS

Under the Organizational Ordinance, the Board of Directors of the District was appointed by the City Council. All Board members must, by law, be electors of the District. The current member of the Board of Directors is:

Erik Hartronft, Assistant Secretary/Treasurer

The Director Sheet attached as Exhibit 3 provides more detailed information. By approval of this 2025 Operating Plan, City Council confirms appointment of the above listed Director. There are seven vacancies on the Board at this time.

Future appointments shall be made by the City in accordance with the previously approved operating plans.

DESCRIPTION OF IMPROVEMENTS AND SERVICES; TAXES, FEES, AND ASSESSMENTS; PRINCIPAL AMOUNT OF BONDS

Given the current situation, the 2025 Operating Plan and Budget descriptions of (a) improvements and services, (b) taxes, fees, and assessments, (c) principal amount of bonds, and (d) other features of the BID will be simply the same as the 2000-2001 Operating Plan and Budget as approved by the City upon organization of the District.

A prior operating plan had indicated that the BID would be certifying a mill levy to collect taxes in 2001. No BID taxes have been collected to date, nor will be collected in 2025.

In a prior year, the BID submitted a proposal to the City/LRC for potential tax sharing; however, the agreement has not advanced out of the conceptual stage.

The BID is aware of the City's potential interest in using it for implementation of the Downtown Louisville Parking & Pedestrian Action Plan and other Downtown programs, and looks forward to working with the City on them.

During the course of 2023 and 2024, the LRC expressed interest through its Work Plan in working with the BID on projects of mutual interest, but this interest has not advanced.

ADDITIONAL INFORMATION; CITY OVERSIGHT OF DISTRICT ACTIVITIES

The following is a brief report of BID activities for the past year:

1. District Name: Main Street Louisville Business Improvement District.
2. District Contact Person, address, telephone number, email address: Norman F. (Rick) Kron, Jr., attorney in fact for the District, (retired, affiliated with Spencer

Fane LLP), 746 W. Fir Ct., Louisville, CO, 80027. Telephone - (720) 480-5831 (leaving a message is recommended), email: rickkronco@gmail.com.

3. Board of Director names, addresses, telephone numbers, fax numbers where applicable: Please see the text above, and Exhibit 3.

4. District Map: Please see Exhibit 1.

5. Current Budget: Please see Exhibit 2.

6. Most Recent Audit or Audit Exemption Application: Please see prior operating plans. No money was received or spent by the BID in 2024.

7. Copy of any filing required by or for the State Securities Commissioner: No bonds have been issued, therefore no filing has been required.

8. A list of all intergovernmental agreements of the District: None.

9. Any alteration or revision to the debt service schedules provided in the operating plan: None.

10. A list of all lease-purchase agreements and a summary of the terms: None.

11. A description of activities performed in the last budget year: Organization of the District was by ordinance on August 15, 2000. The Board's organizational meeting, following all required notices, was held on August 28, 2000 at which time various administrative tasks were performed. Activity in the BID essentially stopped after the November 2000 election when the authority to levy a tax was not passed by a majority of the electors of the District who voted in the election (the vote was tied, opposition coming from anti-tax sentiment and a property exclusion that was approved prior to the organization of the District). The attorney for the District, Norman F. (Rick) Kron, Jr., of Spencer Fane LLP (retired) has been working with the Board on maintaining the BID. He has suggested the possibility of funding the BID using special assessments rather than property taxes, but the idea has not gone beyond the concept stage. Spencer Fane no longer recognizes the BID as a client. Mr. Kron is providing very minimal pro bono services. Mr. Kron has attended a few LRC meetings where projects of mutual interest have been discussed, however, the BID lacks the resources to do much more than talk at this time.

12. An Operating Plan description of activities to be performed in the next budget year (similar to this plan, although shortened) and a Budget for that year: Please see the text above and the Exhibits attached hereto.

CONCLUSION

The BID Board would like to take this opportunity to thank the City Council and City Staff for their assistance in the organization of the BID. Under Section 31-25-1211, C.R.S., the City is to approve or disapprove the Operating Plan and Budget within 30 days of the receipt of required documentation. The Board respectfully requests the adoption of a resolution or ordinance of approval.

Exhibit 1
District Map

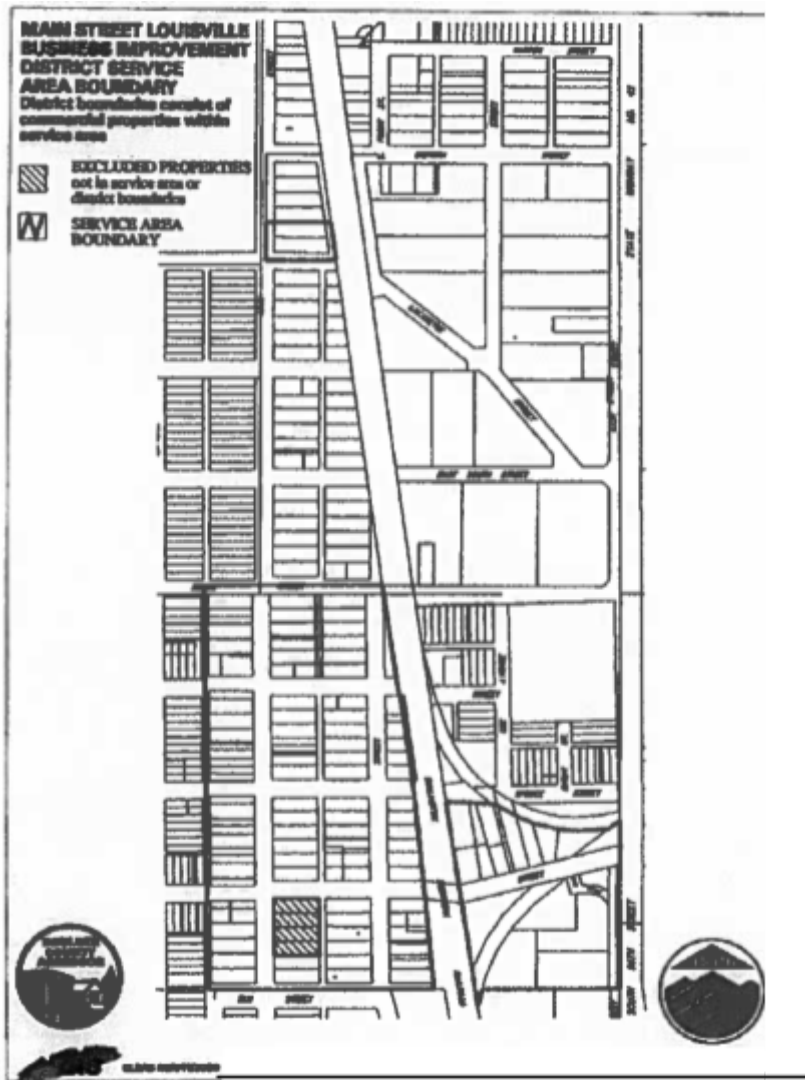


EXHIBIT 2
Main Street Louisville Business Improvement District
Budget - 2025

<u>Revenues</u>	2020-2023 Actual Projected	2024 Budget Actual,	2024 YTD	2025 Budget
Property taxes	0	0	0	0
S.O. taxes	0	0	0	0
Landowner advances	0	0	0	0
Fees and charges	0	0	0	0
Bond proceeds	0	0	0	0
Intergovernmental Revenue	0	0	0	0
Other	0	0	0	0
Total	0	0	0	0
<u>Expenditures</u>				
Accounting	0	0	0	0
Auditing	0	0	0	0
Legal	0	0	0	0
Engineering	0	0	0	0
Management	0	0	0	0
Capital projects	0	0	0	0
Debt service	0	0	0	0
Other	0	0	0	0
Held in reserve	0	0	0	0
Total	0	0	0	0

Notes to Budget:

1. The Boulder County Assessor's August 22, 2024 Certification of Value for the BID shows a slight decrease in the net total assessed valuation from last year to this year: an decrease from \$16,651,064 last year to \$16,116,935 this year. Only \$132,610 of the net total assessed valuation is due to new construction. The Assessor, however, included a cover letter instructing that the letter only contains preliminary values, reflecting the reductions due to SB24-233, but not the results, if any, of a special legislative session or of any new ballot initiatives. Notwithstanding the foregoing, the District lacks voter-approved authority to levy a mill levy at this time, therefore, a mill levy of "zero" will be certified on or before December 15, 2024 regardless of any changes to the preliminary certification.

2. A few expenses incurred on behalf of the District were previously paid by Spencer Fane LLP, or the pro bono attorney in fact from private accounts. No provision for repayment of these costs has been made or is currently contemplated.

EXHIBIT 3
Board of Directors Contact Information

Erik Hartronft, Assistant Secretary/Treasurer
Hartronft Associates, P.C.
950 Spruce Street, Suite 2A
Louisville, CO 80027
Term: Appt 8/15/2000
Phone: 303-673-9304
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Email: erik@hapcdesign.com

Board Vacancy

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