



Council may take formal action on any item appearing on this Agenda. However, formal action WILL NOT be taken at this meeting on any item of business first identified during the course of the meeting as a change to the Agenda, other business, or Citizen, Councilmember and Staff Comments.

A G E N D A

**Delta City Council
Regular Meeting**

**August 2, 2016
7:00 p.m.**

- A. Pledge of Allegiance**
- B. Changes to the Agenda**
- C. Minutes**
- D. Citizen Comments**
- E. Appointment to the Delta Housing Authority Board**
- F. Repair of Centrifuge at Wastewater Treatment Plant**
- G. Approval to Hire Public Finance Attorney Services for Urban Renewal Activities**
- H. City Attorney Comments**
- I. City Manager Comments**
- J. Councilmember Comments**

Item A:

Pledge of Allegiance



Item B:

Changes to the Agenda

Mayor Ed Sisson called the meeting to order at 7:00 p.m. Also present were Councilmembers Bill Raley, Ron Austin, Gerald Roberts and Christopher Ryan, along with City Manager David Torgler and City Attorney David McConaughy. A meeting notice was posted in the south window at City Hall at least twenty-four hours prior to the meeting.

Pledge of Allegiance

The Mayor led everyone present in the Pledge of Allegiance.

Changes to the Agenda

There were none.

Minutes

Councilmember Ryan and Councilmember Austin presented a few corrections in spelling.

It was moved by Councilmember Austin and seconded by Councilmember Ryan to approve the minutes of June 20, 2016 as amended, as submitted by the Clerk. All in favor, motion carried.

Citizen Comments

There were none.

Special Permit for Temporary Closure; Delta Motorcycle Show

The Clerk reported that Rebecca Angel with Hoolie's has submitted an application for temporary closure. The closure is the parking lot next to Hoolie's. The event will take place on July 9, 2016. The application is complete and all fees have been paid.

It was moved by Councilmember Roberts and seconded by Councilmember Raley to approve the special permit for temporary closure for July 9, 2016. All in favor, motion carried.

Purchase of Pipe for Booster Pump Station

Utilities Director Steve Glammeyer stated that staff budgeted money to purchase the necessary water piping material for the new booster station project. Staff has received two bids for the necessary pipe and some of the fittings. Bids were received from Grand Junction WinWater Company in the amount of \$25,311.07 and from Grand Junction Pipe & Supply in the amount of \$24,285.37. The budget for the material is \$50,000. He explained that while this item is budgeted and within the budgeted amount, purchasing regulations require approval from City Council for items costing over \$20,000. That is why this is before you tonight.

Councilmember Austin questioned when the project will begin.

Director Glammeyer stated that the contract was forwarded to the City Attorney for approval. Once approval is received staff will work with the contractor to begin the project. The contractor has until December 31, 2016 to finish the project. However, he would assume the project to begin in the next several weeks.

It was moved by Councilmember Roberts and seconded by Councilmember Raley to purchase the pipe for the buster pump station from Grand Junction Pipe & Supply in the amount of \$24,285.37. All in favor, motion carried.

Resolution #6, 2016: Economic Incentive Policy

City Manager Torgler reported that this item was addressed at the last council meeting. This Resolution adopts that policy.

Resolution # 6, 2016

A RESOLUTION OF THE CITY OF DELTA, COLORADO,
ADOPTING AN ECONOMIC INCENTIVE POLICY

was read by the Clerk.

Regular Meeting, Delta City Council, July 5, 2016 (cont.)

Resolution #6, 2016; Economic Incentive Policy (cont.)

Councilmember Roberts requested clarification on the approval/disapproval by the City Council.

Manager Torgler stated that council will either approve or deny an application. In all cases the terms of the award are negotiable.

Councilmember Austin questioned why it is a reimbursement.

Manager Torgler stated that it is not uncommon in these types of policies for the process to be reimbursement. Mr. Torgler summarized the policy

Councilmember Roberts also questioned why Delta County Economic Development (DCED) is involved in this policy when it is a city policy.

Manager Torgler explained that DCED is involved so that the city can work through and with them in supporting both roles.

Councilmember Roberts stated that it was mentioned at the last meeting that the Delta County Commissioners are also looking at a policy. He questioned, are they adopting a policy and is it similar to this one being presented.

Manager Torgler stated he has not discussed those questions with the county any further.

It was moved by Councilmember Ryan and seconded by Councilmember Austin to adopt Resolution #6, 2016. Roll call vote: Councilmember Raley, aye; Austin, aye; Ryan, aye; Roberts, aye and Sisson, aye. Motion carried.

**Ordinance #6, 2016; Second and Final Reading
Niels Addition Annexation**

Ordinance #6, 2016

AN ORDINANCE OF THE CITY OF DELTA, COLORADO FOR
THE ANNEXATION OF THE NIELS ADDITION

was read by the Clerk.

It was moved by Councilmember Roberts and seconded by Councilmember Ryan to adopt Ordinance #6, 2016 on second and final reading. Roll call vote: Councilmember Raley, aye; Austin, aye; Ryan, aye; Roberts, aye and Sisson, aye. Motion carried.

**Ordinance #7, 2016; Second and Final Reading
Zoning for the Niels Addition**

Ordinance #7, 2016

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,
PROVIDING INITIAL ZONING FOR THE NIELS ADDITION

was read by the Clerk.

It was moved by Councilmember Austin and seconded by Councilmember Roberts to adopt Ordinance #7, 2016 on second and final reading. Roll call vote: Councilmember Raley, aye; Austin, aye; Ryan, aye; Roberts, aye and Sisson, aye. Motion carried.

City Attorney Comments

There were none.

City Manager Comments

Manager Torgler requested a few staff members to give some updates.

Director Glammeyer presented an update on the alley project.

Regular Meeting, Delta City Council, July 5, 2016 (cont.)

City Manager Comments (cont.)

Director Erven invited Council to Music on the Patio at the golf course on Friday evening.

Intern Matt Hirschinger also invited Council to the employee picnic that will be held on August 5, 2016 at Cleland Park.

Manager Torgler introduced Kelly Hepler with the Delta County Tourism Board. He also reminded everyone of Deltarado Days starting July 14, 2016.

Councilmember Comments

Councilmember Ryan commented on the Colorado Municipal League's Conference. He recognized staff for their knowledge and dedication to the city.

Councilmember Roberts also commented on the conference.

Councilmember Austin commented on the ribbon cutting at Confluence Park.

Mayor Sisson was recognized at the conference for his service with CML.

The meeting was adjourned at 7:22 p.m.

Jolene E. Nelson, CMC, City Clerk

Mayor Ed Sisson called the meeting to order at 5:00 p.m. Also present were Councilmembers Bill Raley, Ron Austin, Gerald Roberts and Christopher Ryan, along with City Manager David Torgler. A meeting notice was posted in the south window at City Hall at least twenty-four hours prior to the meeting.

Pledge of Allegiance

The Mayor led everyone in the Pledge of Allegiance.

Resolution #7, 2016; Application for a Transportation Alternative Program Grant**RESOLUTION #7, 2016**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DELTA SUPPORTING AN APPLICATION TO THE COLORADO DEPARTMENT OF TRANSPORTATION FOR US HIGHWAY 50 BRIDGE UNDERPASS TRAIL AND ACKNOWLEDGEMENT OF LOCAL FUNDING FOR TWENTY PERCENT OF GRANT ELIGIBLE EXPENSES

was read by the Clerk.

Parks, Recreation and Culture Director Wilam Erven stated that during the Region 10 and City of Delta's economic development assessment study with Better City, a development of the Gunnison River was considered as a project to assist the community with tourism and property development. The RiverResortation group that was chosen to do a River Corridor study, designated a US 50 Underpass Trail, as a portion of the whole River Corridor trail project, that would connect the west and east sides of the trail under US Highway 50.

At this time, staff is requesting approval to submit a grant application to the Colorado Department of Transportation's (CDOT) Transportation Alternative Program (TAP) Grant for the underpass trail project. The CDOT TAP grant is an 80% CDOT funded program that happens every three years and 2016 is one of the years that CDOT is accepting applications. The TAP grant application deadline is July 29, 2016 and a local resolution demonstrating a financial commitment by the City is one of the grant requirements. The next round of TAP grants will be three years from now.

Staff and the RiverResortation group chose the US Highway 50 Bridge Underpass Trail as the project that would meet the grant criteria by extending the existing Confluence Park trail, be immediately beneficial to residents living north of the Gunnison River seeking to access Confluence Park and shops such as Ace Hardware and City Market, and will be a segment of the trail system that can be easily extended into the future Gateway, hotel and conference center project. The US 50 Highway Bridge underpass section of the river trail is also one of the more expensive sections to build. Should the City receive the TAP grant, monies for engineering and construction cannot be used until after July 1, 2017 and the project must be completed by June 30, 2020.

The total project cost is estimated to be \$500,000. The project consists of the completion of the design engineering and acquiring all of the construction documents in second half of 2017 with a financial commit from the City of approximately \$20,000 cash. The second portion of the project would be the actual construction of the project in 2018 with the City's commitment of approximately \$80,000 cash. In-kind contributions are not considered as matching funds for the TAP grant. It is recommended that the City work with DURA so that this financial commitment of \$100,000 will be repaid to the City when DURA borrows money to complete future capital projects.

Councilmember Austin questioned if the underpass trail would tie into possible future trails along the river and if that would be a separate cost.

Ms. Erven reported that the trails could tie into each and that those trails would be a separate project.

Councilmember Raley presented concerns regarding the cost of the project and the existing needs within the city.

There was discussion regarding the purpose of the Urban Renewal Authority (URA) and how URA would help with projects.

Special Meeting, Delta City Council, July 28, 2016 (cont.)

Resolution #7, 2016; Application for a Transportation Alternative Program Grant

Councilmember Roberts questioned where the \$100,000 would come from out of the budget.

City Manager David Torgler explained that the monies, at this time, would have to come out of the general fund since DURA does not have any income yet. He also explained the tax increment financing that he is recommending Council consider.

Manager Torgler answered questions regarding the recommendation from Better City regarding the river project.

There were comments regarding Delta being a pass through community and trying to change Delta to be a destination stop.

Councilmember Austin stated that he believes Council needs to present to citizens a viable proposal in the long range that will create jobs and tax revenue. He doesn't feel Council can just sit back and do nothing because it hasn't been done in the past. It's not going to help this community. He also believes this river project would be an asset to this community.

Councilmember Raley stated that there is a lot of planning and thought that needs to be put into a project like this. He feels that rushing into this meeting tonight because the deadline for the application is on July 29th, 2016 is not a good idea.

Councilmember Rayn agreed that the city needs to proceed cautiously; however, he believes the river project has to take place. He stated that great efforts have been made in the past and we need to continue forward.

Mary Cooper, 854 1550 Road, commented that the city may be putting the cart before the horse. There is more work that needs to be completed before the river project can move forward. This trail could become a trail to nowhere. The project is going to cost money that the city doesn't have.

Councilmember Roberts questioned if there is any information as to how much the total project could cost.

Manager Torgler stated that the estimated cost is \$14 million; however, that would be spread out over several years. This is the first step in this project.

There were questions regarding the process completing this project. Staff explained that there will be several stages of the project and several agencies involved as well as property owners.

Councilmember Ryan stated that given the phased nature of the project, there comes a point when things can move quickly and not moving quickly is not going to accomplish anything. This project will be a benefit to the city.

Councilmember Roberts commented on the pedestrian tunnel near the recreation center. He has concerns that this underpass trail could become a similar situation.

It was moved by Councilmember Austin and seconded by Councilmember Ryan to adopt Resolution #7, 2016. Roll call vote: Councilmembers Raley, nay; Roberts, nay; Austin, aye; Ryan aye and Sisson aye. Motion carried.

Consideration to Hire Public Finance Attorney Services for Urban Renewal Activities

It was moved by Councilmember Ryan and seconded by Councilmember Austin to table this item until August 2, 2016. Motion carried.

There was consensus amongst Council to hold a work session on July 28, 2016 at 4:00pm.

Councilmember Ryan requested the following items for the work session:

1. Any existing records regarding the Delta Urban Renewal Authority.
2. 2013-2017 General Fund budgets.
3. All unbudgeted items approved by City Council in 2015 and 2016.

The meeting was adjourned at 5:47 p.m.

Jolene E. Nelson, CMC, City Clerk

Item D:

Citizen Comments



MEMO

To: City Council
From: Jolene E. Nelson, CMC, City Clerk
Date: August 2, 2016
Subject: Delta Housing Authority Board Appointment



Office of the City Clerk

Recommendation:

Staff recommends that Council consider appointing Brad Kolman to the Delta Housing Authority Board.

Background:

There is currently one opening on the Delta Housing Authority Board. The Clerk has advertised for the opening in the Delta County Independent. The Clerk has received one applicant.

Cost:

There is no cost to the City.

Alignment With Strategic Planning:

The Delta City Council adopted a resolution in 1973 stating “.... the local governing body must meet and appoint Commissioners to its Local Housing Authority”

Actions To Be Taken if Approved:

Council may choose to:

- Review application and appoint applicant;
- Set time to interview the applicant;
- Continue advertising for the position for some time period



360 Main St. • Delta, Colorado 81416 • Phone (970) 874-7566 • Fax (970) 874-8776 • www.cityofdelta.net

Board, Commission or Committee Application

Please return to: City of Delta, 360 Main Street, Delta, Colorado 81416

Name BRADLEY K. (BRAD) KOLMAN Date 7/20/2016

Mailing Address 1585 E. 5th St.

Street Address Same Phone Number (C) 970-275-0006 (h) 970-874-3456

City Delta State CO Zip Code 81416

Occupation retired attorney / very part time judge (municipal)

How many years (months) have you lived in the: City of Delta 40 years * ?
Delta County 40 years ?

Board or Commission Applying for:
Planning Commission _____
Delta Housing Authority _____
Other (please list) _____

* Present home is within City of Delta, but we actually lived here for several years while it was outside, before annexation.

How did you hear about this opening?
email from Gress Helmsing, DHA atty.
email from DHA Director etc

Please comment on why you desire to be appointed?
Another way to effectively serve my community.

Have you ever been on a Board or Commission before? (If yes please describe)
Yes Delta County SOS Board of Education - Past
Delta County Meth Task Force (Drug Free Delta County) - Current

I have been an attorney for: Delta County Memorial Hospital/BoD and Delta Board of County Commissioners

Oversee, make policy for, and ensure compliance with policies and law for Delta Housing Authority -
Public Housing
Subsidized Rental
Rehab Programs
Loan Programs, etc.

Bradley K. Kolman 7/20/2016
Signature of Applicant

MEMO

To: City Council
From: Steve Glammeyer, Utilities/Public Works Director
Date: August 2, 2016
Subject: Repair of Centrifuge at Wastewater Treatment Plant



Utilities Department

Recommendation: Staff is recommending that Council allow staff to contract with Dairy Specialists West/Nutrifuge to repair the centrifuge unit at the WWTP for \$39,650.00.

Background: Staff budgeted money to repair the centrifuge unit at the WWTP in the 2016 budget. The unit was originally installed in 2005 and has not had any repair or maintenance since that initial installation. Staff has received two bids for the necessary major repairs. Bids were received from Dairy Specialists West/Nutrifuge in the amount of \$39,650.00 and from Centrisys in the amount of \$47,650.00. (See attached) The budget for the repair was is \$50,000. While this item is budgeted and within the budgeted amount, purchasing regulations require approval from City Council for items costing over \$20,000. That is why this is before you tonight.

Going forward, staff will budget for preventative maintenance to occur every 5 years, as recommended by the manufacturer, to try and avoid the cost of major repairs.

Cost:
\$39,650.00

Alignment With Strategic Planning:
This unit is critical to the operations of the plant.

Actions To Be Taken if Approved:
Staff will contract with Dairy Specialists West/Nutrifuge to perform the necessary repairs.



Dairy Specialists West/ Nutrifuge

69747 Miguel Rd Montrose CO 81401 (970) 250-1091 Chuck Walker
3309 Empire St Evans CO 80620 (970) 330-1870 Scott Brown



**Repair Estimate of CS14-4
Centrifuge
For
City of Delta
Opp # 05697**

**Attn: Andy Mitchell
City of Delta
360 Main Street
Delta, CO 81416
06-13-16**



Dairy Specialists West/ Nutrifuge

69747Miguel Rd Montrose CO 81401 (970) 250-1091 Chuck Walker
3309 Empire St Evans CO 80620 (970) 330-1870 Scott Brown



Estimate is based on basic repairs and for budgetary purposes. Once machine is received in the Centrisys shop, Centrisys will complete a thorough inspection and an accurate estimate.

1. CENTRIFUGE REPAIR PRICING MINOR

- 1. Dismantle, clean and inspect
 - 2. Precision measure all fits and tolerance within .0001"
 - 3. Provide report with digital pictures
 - 4. Replace bearings and seals
 - 5. Hi-speed balance bowl
 - 6. Hi-speed balance scroll
 - 7. Reassemble
 - 8. New solids end discharge expansion boot
- Repair of centrifuge: \$ 13,900.00

2. CENTRIFUGE REPAIR PRICING – MAJOR REPAIR

- 1. Dismantle, clean and inspect
 - 2. Precision measure all fits and tolerance within .0001"
 - 3. Provide report with digital pictures
 - 4. Replace bearings and seals
 - 5. Replace broken/worn feed nozzles
 - 6. Repair flights
 - 7. Repair feedchamber wear
 - 8. Replace idler shaft
 - 9. Replace broken/worn discharge nozzles
 - 10. Balance bowl
 - 11. Balance scroll
 - 12. Reassemble
 - 13. New solids end discharge expansion boot
- Repair of centrifuge: \$ 20,650.00

3. EXCHANGE OF 5070 ROTODIFF

Exchange of Backdrive : \$ 15,500.00
One (1) in stock in Kenosha, WI

4. FREIGHT

Estimates Freight Charges: \$ 3,500.00

*Estimated and will be billed at actual cost

5. TERMS:

Terms: Net 30

Delivery: 2-4 (two to four) weeks from approval

FOB: Stockton, CA

Warranty: 6 (six) months on repaired/replaced parts.

\$ 39,650.00

- City Crews Perform Removal And Re-Install



Dairy Specialists West/ Nutrifuge

69747 Miguel Rd Montrose CO 81401 (970) 250-1091 Chuck Walker
3309 Empire St Evans CO 80620 (970) 330-1870 Scott Brown





Send to: Andy Mitchell
Date: 06-03-16
E-mail: andy@cityofdelta.net
FaxNr: 970-874-8776

Repair Estimate of CS14-4 Centrifuge

For

City of Delta

Opp # 05697

Attn: Andy Mitchell
City of Delta
360 Main Street
Delta, CO 81416

06-03-16

WISCONSIN
MANUFACTURER
OF THE YEAR

An ISO 9001:2008 Company

825 Performance Drive
Stockton, CA 95206
Phone: (877) 339-5496
Fax: (209) 983-0888
www.centrisys.us
info@centrisys.us



Estimate is based on basic repairs and for budgetary purposes. Once machine is received in our shop we will complete a thorough inspection and an accurate estimate.

1. CENTRIFUGE REPAIR PRICING MINOR

1. Dismantle, clean and inspect
2. Precision measure all fits and tolerance within .0001"
3. Provide report with digital pictures
4. Replace bearings and seals
5. Hi-speed balance bowl
6. Hi-speed balance scroll
7. Reassemble
8. New solids end discharge expansion boot

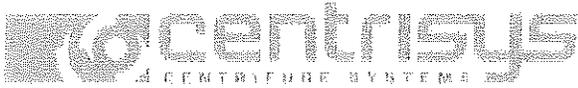
Repair of centrifuge: \$ 13,900.00

2. CENTRIFUGE REPAIR PRICING – MAJOR REPAIR

1. Dismantle, clean and inspect
2. Precision measure all fits and tolerance within .0001"
3. Provide report with digital pictures
4. Replace bearings and seals
5. Replace broken/worn feed nozzles
6. Repair flights
7. Repair feedchamber wear
8. Replace idler shaft
9. Replace broken/worn discharge nozzles
10. Balance bowl
11. Balance scroll
12. Reassemble
13. New solids end discharge expansion boot

Repair of centrifuge: \$ 20,650.00

Handwritten calculations:
\$ 20,650.00
+ 15,500.00
Freight 3,500.00
+ 8,000.00 Service Remove & Install
\$ 47,650.00
SEE ATTACHED EMAIL.



3. EXCHANGE OF 5070 ROTODIFF

Exchange of Backdrive : \$ 15,500.00

One (1) in stock in Kenosha, WI

4. FREIGHT

Estimates Freight Charges: \$ 3,500.00

*Estimated and will be billed at actual cost

5. TERMS:

- Terms: Net 30**
- Delivery: 2-4 (two to four) weeks from approval**
- FOB: Stockton, CA**
- Warranty: 6 (six) months on repaired/replaced parts**

Quote valid for 30 days.
Centrisys reserves the right to adjust this estimate.
If you have any questions please give us a call.
209-983-0800



Andy Mitchell <andy@cityofdelta.net>

RE: City of Delta - Centrisys Follow Up/Opp 05697

Jerod Swanson <Jerod.Swanson@centrisys.us>
To: Andy Mitchell <andy@cityofdelta.net>
Cc: Tonya Steiger <Tonya.Steiger@centrisys.us>

Tue, Jun 21, 2016 at 12:38 PM

Hi Andy,

Here is the updated service estimate. Estimated onsite charges to remove and install the machine would be around \$4000 for each trip. That includes travel time, one day onsite, and expenses (airfare, hotel, per diem, rental and mileage). Please let us know if you have any questions or if you need anything else.

Best Regards

Jerod Swanson

Sales Director

(612)-401-2006

jerod.swanson@centrisys.uswww.centrisys.us

From: Tonya Steiger
Sent: Tuesday, June 21, 2016 12:18 PM
To: Andy Mitchell
Cc: Jerod Swanson
Subject: RE: City of Delta - Centrisys Follow Up/Opp 05697

Hi Andy

Hope your week is going well. Our regional sales manager Jerod Swanson will be in contact with you to discuss. We will get you a revised quote shortly.

Thank you,





360 Main St. • Delta, Colorado 81416 • Phone (970) 874-7566 • Fax (970) 874-8776

July 22, 2016

TO: Mayor and City Councilmembers

FROM: David Torgler, City Manager

RE: Consideration to hire Public Finance Attorney Services for Urban Renewal Activities

Background:

In 2015, the City of Delta, in collaboration with Delta County, Delta County Economic Development Corporation, and Region 10 Economic Development District completed an Economic Development Strategic Plan that identified strategic redevelopment opportunities within the City of Delta. The City, in collaboration with other taxing entities, now desires to begin utilizing the Delta Urban Renewal Authority (DURA) to facilitate strategic redevelopment as recommended in the Strategic Plan.

To begin this process and to bring the DURA into compliance with current legislative requirements for urban renewal authorities, it is recommended that the City hire legal representation to provide guidance. Setting up the DURA for compliance with recent legislation can help to avoid errors that could be costly in expense and time and should be considered as an investment in the urban renewal process.

In May 2016 the City distributed Requests for Qualifications (RFQ's) to Colorado based law firms experienced in urban renewal activities, specifically to:

1. review DURA's incorporating documentation and subsequent amendments to assess current compliance with State law;
2. recommend actions, as necessary, to bring the DURA into compliance with State law;
3. advise the City and its DURA partners regarding recommended funding alternatives for urban renewal activities to include drafting all documents necessary to adopt and apply the decided upon funding alternative;
4. assist the City and its DURA partners with the establishment and designation of an Urban Renewal Area (URA or Project Area) to include reviewing the Project Plan and Project Budget;
5. draft Intergovernmental Agreements (IGA's) between participating urban renewal

- authority taxing entities;
6. draft and advise the City and its DURA partners in the creation of development agreements, as opportunities for development within the Project Area arise; and
 7. advise the City and its DURA partners on best practices used by Urban Renewal Authorities across the State.

In addition the qualified firm will have experience in:

- land use rights in Colorado and the ability to draft, review, and present legal documents relating to acquisitions, easements, variances, rights-of-way, and other land uses;
- water rights, mineral rights and other use rights that may be severed from land use and the ability to advise the client on the benefits, or lack of benefit, to acquire severed use rights for property to be acquired;
- municipal annexation agreements and their effect on Project Area boundaries;
- Colorado's Taxpayer Bill of Rights also known as TABOR.

The City has received a proposal from one firm, Brownstein Hyatt Farber Schreck, LLP, that is attached to this memo.

Cost:

Brownstein Hyatt Farber Schreck, LLP has proposed a flat monthly fee contract for twelve months of service at the cost of \$6,000 per month. The City can apply to the DOLA for an Administrative Grant to pay fifty percent (50%) of the cost up to a maximum of \$25,000 in grant funds. It is recommended that the City enter into an Intergovernmental Agreement (IGA) with the DURA to be reimbursed for the City's portion of these legal expenses when the DURA adopts a new budget. Funding until reimbursed will be drawn from the General Fund reserve.

Recommendations:

1. Authorize the City Manager to execute an agreement to hire Brownstein Hyatt Farber Schreck, LLP to represent the City per the July 8, 2016 *Proposal and Fee Agreement for Representation – City of Delta/Delta Urban Renewal Authority – General Representation*.
2. Appropriate approximately \$30,000 in the 2016 City budget, and agree to include funding of approximately \$42,000 in the 2017 City budget, to cover this expense.
3. Request reimbursement from the DURA for any City incurred expenses for this legal work as part of a future DURA budget, and include this request in an Intergovernmental Agreement between the City of Delta and the DURA.
4. Authorize the City Manager to request funding from the DOLA for an Administrative Grant to cover fifty percent (50%) of these legal expenses up to \$25,000.

Prepared exclusively for

**City of Delta
and
Delta Urban Renewal Authority**

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Proposal and Fee Agreement Letter
Our Firm
Urban Renewal
Public-Private partnerships
Project Finance
Biographies

July 8, 2016

Carolynne C. White
Attorney at Law
303.223.1197 tel
303.223.0997 fax
cwhite@bhfs.com

VIA ELECTRONIC AND REGULAR MAIL

Dave Torgler, City Manager
City of Delta
360 Main Street
Delta, CO 81416

RE: Proposal and Fee Agreement for Representation – City of Delta/Delta Urban Renewal Authority – General Representation

Dear Dave:

You have asked us, and we have agreed, subject to our firm's conflicts of interest check, to act as special counsel for the City of Delta ("City") to assist it with re-constituting the Delta Urban Renewal Authority (DURA), and to provide general legal representation to the Delta Urban Renewal Authority once reconstituted, as well as any other matters in which you may request our involvement from time to time and which we agree to undertake. The purpose of this letter is to provide a proposal for services, and, if such proposal is accepted by the City, to serve as a confirmation of the terms and conditions of this firm's representation of your interests.

Proposal and Scope of Work

Next Steps

First, in order to fully understand the current situation, and to make the best recommendation possible about how to proceed, it will be necessary to review any existing documentation regarding DURA. We would request that you send us any of the following documents you have:

- Initial resolution forming DURA
- Copies of any resolutions adopted by City Council with respect to DURA
- Copies of any urban renewal plans adopted by City Council.
- Minutes of meetings of DURA; any documentation of the last known actions of DURA
- Information about how the board of DURA was constituted during its existence – did City Council serve as the DURA board or were the members independently appointed?

We would review this information and begin to formulate initial recommendations.

Second, although we would propose to conduct as much of the work as possible remotely, via telephone and email (in order to minimize or avoid travel costs), I usually find it's best to kick off such a project with at least one initial, in person meeting. I would propose that my associate, Caitlin Quander, and I would travel

410 Seventeenth Street, Suite 2200
Denver, CO 80202-4432
main 303.223.1100

to Delta and spend a half-day or so meeting with you and other appropriate City representatives regarding your goals for the urban renewal authority, visiting locations within the City where you hope to use the tools of the urban renewal authority, and generally discussing the community's vision. For this visit, I would propose that you would not be billed for travel time or expenses, only for the time spent actually meeting and discussing the matter.

Third, following this meeting, we can formulate a recommendation and a plan for moving forward, along with a schedule of events, and deliverables to reactivate the urban renewal authority. This could include creation and adoption of one or more urban renewal plans, adoption by the City Council of appropriate resolutions to re-constitute the urban renewal authority, or other activities. This recommendation and plan will also include recommendations for compliance with recent urban renewal legislation, including HB 15-1348 and SB 16-177. We first need to determine whether compliance is required in this instance, and, if so, prepare a plan for getting into compliance. I am assuming that compliance will likely be required, because you will likely need to do at least one of the activities that triggers compliance, so our proposal includes that assumption.

As we discussed, it is common where an urban renewal authority has not yet been formed, or its existence is in question, that the City will retain counsel or consultants to assist it in formation and governance matters related to the urban renewal authority. Thus this proposal envisions that my contract would be with the City, and my client would be the City, at least initially. Once the urban renewal authority is reconstituted, then my representation could be transferred to that entity, and DURA will become the client. I also recommend that the urban renewal authority and the City enter into an intergovernmental agreement ("IGA") that will outline whether and how the City will be reimbursed by the urban renewal authority for administrative costs, once the urban renewal authority begins to receive tax increment or other revenue, and whether and how the City will provide support for the urban renewal authority, typically in the form of staff time, computers, copiers, or other resources. Our proposal assumes we will draft such an IGA for the City and URA board to consider.

Fourth, we can then begin to implement the plan and the recommendations. This will likely include the following activities:

- Drafting of one or more resolutions for City Council to consider regarding the creation or re-constitution of the authority, including appointment of board members
- Preparation of required filings with the Colorado Department of Local Affairs ("DOLA")
- Advice regarding adoption of initial budget, and requirements for auditing/reporting on City annual budget/audit forms
- Drafting of IGA between City and DURA
- Preparation of bylaws and policies and procedures for DURA (open meetings, open records, Robert's Rules, etc.)
- Review and comment regarding one or more urban renewal plans, conditions surveys and impact reports
- Preparation of resolutions for City Council in adoption of such urban renewal plans
- Advice regarding recent legislation compliance (HB 15-1348 and SB 16-177)
- Drafting and negotiation of IGAs with other taxing bodies
- Advice and counsel regarding coordination of appointment of representatives of other taxing bodies to the DURA board

Fifth, once DURA is fully operational, in compliance and able to engage in urban renewal undertakings and activities, we would provide the following:

- General representation of DURA
 - Attendance at DURA regular and special meetings, study sessions or executive sessions, as requested, by phone or in person as appropriate
 - Review and comment, and approval where required, of routine DURA documents such as contracts, requests for proposal, or purchase orders
 - Provide training to DURA staff and Board members regarding urban renewal statutory and regulatory requirements and provisions, conflicts of interest and ethics, and new legislation, such as HB 15-1348
- Monitor ongoing regulatory processes on behalf of DURA, and submit comments or otherwise seek to influence the outcome as appropriate
 - Specifically, for example, to participate in the pending amendments to the Assessor's Reference Library (ARL) Chapter 12 (Tax Increment Financing) proposed by the Property Tax Administrator, which, if adopted without revision, could reduce the amount of tax increment available to DURA and other urban renewal authorities to eliminate and prevent blight
- As with all clients, BHFS will maintain at all times the utmost confidentiality and attorney client privilege with respect to all of DURA's matters

We would recommend that, once the new board is appointed, whether it is decided that the Board should be the City Council or a separately appointed board, that we provide a training to the Board regarding the fundamentals of urban renewal, their authority, and conflict of interest/fiduciary duty rules relating to urban renewal board members (which are different than those relating to City Council persons).

Flat Fee Proposal

My discounted government hourly rate is \$495 per hour, and I would propose to represent DURA with the assistance of a senior associate, Caitlin Quander, whose hourly rate is \$370. In order to provide budget predictability to the City and DURA, we propose to undertake this representation for a **flat fee of \$6,000 per month, for a 12-month contract period**. If and to the extent travel to Delta is required, we will not bill for travel time, but we will charge the standard rate for mileage in addition to the flat fee. There is no "look back" or true-up proposed. However, at the conclusion of the first contract year and each subsequent year of representation, if DURA wishes to contract for subsequent years, we will review with DURA the prior year's monthly hourly equivalent billings and DURA's best available projections of legal demands for the following year, and will agree on an adjustment to the flat monthly fee, upwards or downwards, as appropriate.

Lobbying Representation

Additionally, at your election, DURA may also join the 501(c)(4) entity that Brownstein Hyatt Farber Schreck represents for lobbying and advocacy purposes at the Capitol for the 2017 legislative session. The fee for this representation is a one-time flat fee of \$10,000 for each urban renewal authority that joins. Other public entity members at this time include the Sterling Urban Renewal Authority, Timnath Urban Renewal Authority, and Colorado Springs Downtown Development Authority. This representation includes regular monitoring and advocacy with respect to pending and proposed legislation with the potential to affect urban renewal authorities, and is performed in coordination with the Colorado Municipal League, and Downtown Colorado Inc.

Additional Legal Representation

Although Carolynne White will be the primary counsel for DURA, by retaining Brownstein Hyatt Farber Schreck, DURA also will have available to it expert counsel in a wide variety of fields, including employment law, litigation, corporate and tax matters, and government relations. This expertise is also available to DURA within the scope of this representation for general consultation. However, if individual matters become significant, such as, for example, an initial consultation regarding an employment matter blossoms into a claim before the EEOC, and DURA wishes to retain BHFS to defend it in such matter, this will be the subject of a separate engagement.

Engagement

Services rendered prior to your signing this letter are subject to the terms of this letter.

As noted, it is anticipated that Carolynne White of this firm, whose current usual hourly billing rate is \$565 (government discount rate \$495), will perform most of the work on this matter, with the assistance of Caitlin Quander, whose hourly rate is \$370, and any other legal assistants and associates working with Carolynne. We may assign other lawyers in our firm to represent you if, in our judgment, that becomes necessary or desirable. We also may assign lawyers who are independent contractors to the firm and whose hourly billing rate will be passed on to you with a factor for the firm's overhead and profit.

In addition to charging fees for legal work, we also charge for certain out-of-pocket costs incurred by us in representing you. Charges for long distance telephone calls, telecopy charges, in-office copying, ordinary postage (under \$10.00), and deliveries made by in-house staff are covered by an administrative fee, currently equal to 2.5% of the legal fees charged. This administrative fee is in lieu of itemizing those expenses and may be adjusted over time. If there are other fees, such as, filing fees, service of process fees, transcript and deposition fees, E-discovery native files processing fees, computer-assisted legal research fees, overnight delivery service charges, travel, meals, hotel accommodations, expert witnesses, or investigative fees, those will be billed separately. We may require that you pay the party providing those services directly or that you advance to us the estimated amount for such items prior to our incurring those expenses on your behalf.

We bill for our services on a monthly basis. You agree to make payment within 30 days of your receipt of a statement. We reserve the right to suspend performing services and to promptly move to withdraw from any litigation matter upon a failure to timely pay a bill. You will be responsible for any costs of collection incurred by our firm, including reasonable attorneys' fees. If you fail to make a payment when due, at our option, we may charge a late fee on past due amounts at 18% per annum.

In consideration of DURA's status as a governmental entity, we agree to waive our normal retainer requirement. However, in the event that timely payment issues arise, we reserve the right to require a retainer in the future before continuing to perform legal services. These sums will be deposited in our trust account. Legal fees and costs incurred will be paid from this account, and you agree to supply further advances as needed upon request. Withdrawals from the trust fund account will be accounted for monthly.

You shall at all times have the right to terminate our firm's services upon written notice. Our firm shall at all times have the right to terminate our representation of you upon written notice, if you do not pay our fees, or if we determine that our continued representation of you would be unethical or inappropriate, or if we have another reasonable basis for termination consistent with our professional duties to you.

You also agree that the work product of our attorneys and staff, including notes, research, and documents which we prepare, is the property of the firm. It is our policy to destroy all client files (including all

documents and materials therein), eight years after we close such files upon completion of each matter. This file destruction procedure is automatic and you will not receive further notice prior to the destruction of these files. Accordingly, we advise you to maintain your own files relating to the matters which we are handling.

We are very pleased and privileged to work with you. Occasionally, we may provide lists of representative clients to legal or other publications and may use your company name in marketing materials. Unless you instruct us to the contrary, you hereby consent that such use is acceptable.

Please indicate your agreement to the terms of this letter by executing the enclosed copy and returning it to me. We appreciate the opportunity to represent you.

Sincerely,

BROWNSTEIN HYATT FARBER SCHRECK, LLP

By: 
Carolynne C. White

ACCEPTED AND AGREED TO:

CITY OF DELTA

By: _____
Dave Torgler, City Manager

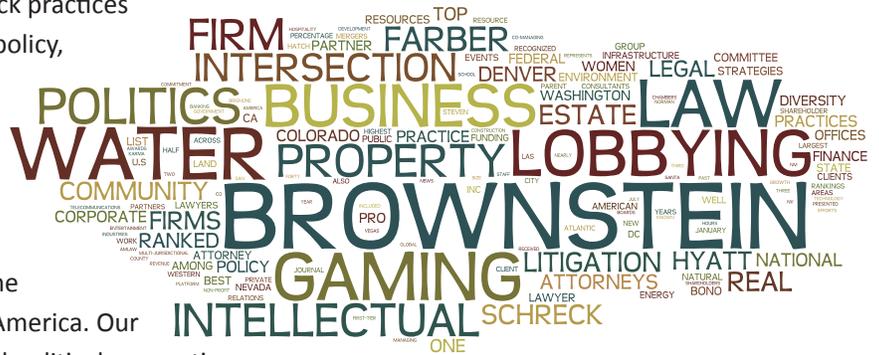
Date: _____

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At the Intersection of Business, Law and Politics

Founded in 1968, Brownstein Hyatt Farber Schreck practices in the areas of real estate, corporate law, public policy, natural resources, intellectual property and litigation. With 250 attorneys and legislative professionals in offices across the western U.S., Atlantic City and Washington, D.C., you'll see us involved in some of the largest cases and most significant deals around the country, as well as the most important legislation affecting business in America. Our deep experience, multi-disciplinary approach and political connections deliver results. Because today, successful outcomes require more than just practicing law.



Overview

Quick Facts	<ul style="list-style-type: none"> → 250 attorneys and policy professionals → 500 total employees → 12 offices
Client Base	<ul style="list-style-type: none"> → The firm represents local, national and international clients in legal and lobbying matters across a wide array of industries including real estate, hospitality, health care, aerospace and defense, private equity, telecommunications, technology, construction, energy, banking, finance, gaming and water.
Practice Areas	<ul style="list-style-type: none"> → Brownstein Hyatt Farber Schreck specializes in the areas of: <ul style="list-style-type: none"> • corporate and business law • government relations and public policy • litigation • natural resources law • real estate law • gaming law • intellectual property
Offices	<ul style="list-style-type: none"> → Based in Denver, Brownstein Hyatt Farber Schreck has 12 offices across the western U.S. and on the East Coast in Atlantic City and Washington, D.C., in the following locations:

URBAN RENEWAL

Bringing New Life to Urban Spaces

Development trends in recent years have included a general move inward, towards redevelopment and infill development. In many cities and states, this also includes working with an urban renewal authority, development or redevelopment authority, or downtown development authority, not only to obtain approvals and support for projects, but also, in many cases, to negotiate public/private partnerships and public financing for such projects.

Our attorneys have experience in forming urban renewal authorities; negotiating urban renewal tax increment financing plans, impact reports and agreements; litigating urban renewal disputes; and providing legal opinions for urban renewal bond issues. Our attorneys have developed this experience representing both the public and private sectors.

In Colorado, relevant public sector experience includes:

- Commerce City Urban Renewal Authority, special counsel
- Colorado Springs Downtown Development Authority, special counsel
- Glendale Urban Renewal Authority/Downtown Development Authority, special counsel
- Erie Urban Renewal Authority, general counsel
- Sterling Urban Renewal Authority, general counsel
- Golden Urban Renewal Authority, general counsel
- Timnath Urban Renewal Authority, special counsel (Larimer County v. Timnath Urban Renewal Authority)
- Jefferson Center Metropolitan District, special counsel for urban renewal

Relevant Colorado private sector experience includes negotiating urban renewal redevelopment agreements for the following major projects:

- Foothills Mall – Fort Collins
- Wal-Mart Supercenter – 120th and Sheridan, Broomfield
- Wal-Mart Supercenter – 72nd and Sheridan, Westminster
- Cornerstar – Arapahoe and Parker, Aurora
- Streets at Southglenn – University and Arapahoe, Centennial
- Eagle River Station – Eagle, Colorado
- Candelas – Arvada
- CitySet – Glendale
- Colorado National Bank Building – Denver, Colorado

Carolynne White in our Denver office has also lobbied extensively on urban renewal issues at the Colorado General Assembly, and is the editor of a publication on urban renewal.

PUBLIC-PRIVATE PARTNERSHIPS

Facilitating productive collaboration between government and private industry

The Brownstein Hyatt Farber Schreck Public-Private Partnerships Group provides experienced counsel to help facilitate innovative public project financing through private-sector collaboration. From structured public infrastructure development (highway and light-rail construction) to energy and retail cooperative ventures, we forge agreements between governmental and private entities to advance infrastructure development where the public sector, operating in traditional patterns, cannot succeed alone.

Incorporating public works construction into or alongside private development—as is typical in transit-oriented developments, brownfield redevelopment and mixed-use infill projects—requires a delicate balancing of private and public interests. The Public-Private Partnerships Group has both the governmental understanding and private industry insight to help parties navigate the complexities of public financing; and our experience with the historic progression of P-3 innovation in the Rocky Mountain and Western states gives us unique perspective for this burgeoning arena. We bring together an integrated team of attorneys skilled in land use planning and zoning, public and private finance, DBFOM project development, taxation and TABOR constraints, public/private concession and leasehold parameters, environmental regulatory constraints, and the myriad other aspects of public-private ventures.

Relationships are the key to establishing public-private partnerships that thrive. Our group members have spent decades building trust with governmental officials, staff members and decision-makers—trust that opens doors and achieves connections for ongoing, productive collaboration between the public and private sectors. When it comes to combining experience, government relations and a business-savvy approach to partnerships, no other firm compares to Brownstein Hyatt Farber Schreck.

Industry-leading experience

Members of the Public-Private Partnerships Group have prior experience as city attorneys, municipal league attorneys, lobbyists, state attorneys general and federal agency counsel. Group members have also served as developer's counsel for numerous publicly funded projects, including undertakings involving:

- Affordable housing tax credits;
- Federal loan guarantees and grants;
- Federal funding under the economic stimulus legislation;
- Public improvement fee (PIF) structures;
- Tax increment financing (TIF);
- Tax reimbursement agreements; and
- Design/Build and DBFOM delivery vehicles.

Services

Facilitating communication. Our group members bring years of experience working with both public entities and private industry. We are comfortable and effective on both sides of the table, having represented both significant private development entities (developers, contractors and lenders) as well as government agencies at all levels—from local urban renewal authorities to federal departments. Our attorneys speak both languages, and we can move important projects forward, both efficiently and economically.

Accessing financing options. Leveraging our long-standing involvement in this area, we pair the appropriate parties and explore financing options from federal, state and local government and from private lenders.

P-3 negotiations. With ample experience working with both government entities and private investors, our seasoned finance, development and lending attorneys have developed and negotiated creative P-3 and DBFOM agreements, and created the organizational structures required to take advantage of market opportunities for P-3 project development.

Legislation and development plan drafting. Our Group members are adept at drafting the full range of legislation, plans and agreements necessary to facilitate public-private projects. Our work includes enabling legislation, municipal master plans, affordable housing plans, urban renewal plans, development agreements, tax reimbursement agreements and joint venture documents.

Obtaining incentives. In cases where incentive programs exist, we help private entities draft proposals and negotiate agreements to secure benefits for their projects.

Integration with firm resources

The Public-Private Partnerships Group finds ample support from the firm's large Real Estate department, which includes focused practices in development, real estate and construction, finance and lending, land use, project finance and other key areas. With more than 80 real estate and finance attorneys working in a dozen offices, we provide a substantial presence throughout the Western United States and in Washington, DC.

Where changes in the law are needed to facilitate a project, we work with our firm's Government Relations Group to keep the project moving forward. Regarded as one of the nation's premier government affairs and lobbying firms, Brownstein's Government Relations Group provides a cogent voice in national, regional and local politics, as well as experienced representation before all relevant agencies and oversight bodies.

PROJECT FINANCE

Bringing together knowledge, versatility, capability and quality

Effective project finance representation requires a creative approach to issues. The Brownstein Hyatt Farber Schreck Project Finance Group offers a team with experience in municipal financing, tax, securities, business advisory, secured transactions, real estate and constitutional law. This integrated approach brings a solution to clients facing any range of issues affecting their capital markets transactions. We represent issuers, borrowers, underwriters and other participants in various types of transactions and securities issued by state and local governments, agencies, authorities and districts.

As these transactions often involve complex public financings, we are accustomed to dealing with a variety of state and local governments and investment banking firms. We are skilled at bringing together the relevant parties to facilitate mutually beneficial agreements which are compliant with a variety of regulatory schemes. Our work routinely involves close interaction with government entities, and we use our relationships to help the private sector better collaborate with those entities.

The Project Finance Group stands apart through our approach to complex public financing needs. We have a keen understanding of intricate financing structures, government relations and forward-thinking transactional law.

Industry-leading experience

The Project Finance Group has extensive experience in municipal finance matters, and has served as counsel on deals involving the issuance of billions of dollars in government obligations. We also bring significant experience to the preparation and coordination of ballot issues and election campaigns for government entities.

Working on a broad range of projects and financing structures, our attorneys have helped clients achieve successful financings or refinancings for thousands of projects, including:

- General airport revenue projects and special facility projects
- Educational institutions
- Hospitals and healthcare facilities
- Manufacturing facilities and other private activity projects
- Power generation projects, including wind farms
- Public infrastructure projects, including roads and bridges
- Water infrastructure
- Sports facilities

Services

Government-encouraged capital development counsel. We seek government encouragement for capital developments related to local economic development projects, maximizing local and state tax credits.

Borrower's counsel. We advise private companies on how to access the tax-exempt financing market and represent them on private activity bond financings.

Integration with firm resources

In major project finance transactions, a strong relationship with federal, state and local agencies is essential. Brownstein has a well-established reputation with state and local governments in the Rocky Mountain west. By teaming with our Government Relations Group, we can get the job done quickly, efficiently and on good terms with all involved parties.

The Project Finance team also works regularly with our Water Group on matters related to water infrastructure, water rights and how usage issues will affect new projects. In addition, we collaborate with members of our Corporate & Business Group on financing issues and transactional matters. The Brownstein Real Estate Group houses resources for all manner of real estate transactions and development, including public-private partnerships, acquisition and disposition, development, land use and all other relevant services necessary for even the most complex public-financed transactions.



Carolynne C. White
Shareholder

cwhite@bhfs.com
303.223.1197
Denver, Colorado

Carolynne White is co-chair of the firm's Real Estate Department. Her practice spans the Land Use, Government Relations, Real Estate and Natural Resources groups. Carolynne is an experienced land use and public policy attorney, with strong state and local government relationships, and cutting-edge expertise. Her specialty is managing complex and challenging projects and navigating multiple regulatory environments for optimal outcomes for clients. Her strong local and state relationships with elected officials and staff statewide ensure that clients always have the best information and the best opportunity to be heard. One of only twenty-three LEED-accredited attorneys in the state of Colorado, Carolynne also holds a Masters degree in Public Policy, and in Urban and Regional Planning, from the University of Colorado at Denver.

Carolynne's practice focuses primarily on the zoning and entitlement process, with an emphasis on complex projects involving redevelopment, infill, brownfields, urban renewal, eminent domain, mixed use, transit-oriented development, PIFs and other public financing tools, and special challenges such as historic preservation. Carolynne has obtained entitlements for projects ranging from high-rise hotels to large-tenant retail to mixed use developments involving retail, office and residential components. Carolynne has also handled permitting for pipelines, compressor stations, and other mining and oil and gas related facilities. Carolynne also serves as special and general counsel to a variety of governmental and quasi-governmental entities, such as urban renewal authorities, special districts, and redevelopment authorities.

From 1999 to 2004, Carolynne was the staff attorney for the Colorado Municipal League, the nonprofit association representing the cities and towns of Colorado. In that capacity, she represented Colorado municipalities before the Colorado General Assembly, various state agencies and the courts. Focusing primarily on land use issues, Carolynne worked on state legislation dealing with growth management, comprehensive planning, impact fees, zoning, annexation, subdivision, urban renewal, condemnation and special districts. Additionally, she has also worked on legislation ranging from construction defects reform to governmental immunity.

From 1994 to 1999, Carolynne was a staff attorney in the legal department for the Denver Water Board where she handled a wide range of responsibilities that included litigation in federal, state and administrative courts; drafting policies and procedures; and handling real estate transactions dealing with Denver Water property.

Practices

Green Building, Land Use, State & Local Legislation & Policy

Representative Matters

- Successful representation of municipality seeking more than \$140 million in state funding for large-scale development projects under Colorado's Regional Tourism Act.
- Negotiated on behalf of a municipality an amended and restated development agreement and parks agreement with respect to a large master planned community.
- Represented CBS Outdoor Inc. on Denver compliance and land use issues involving outdoor advertising devices, including matters involving ordinance changes to the Denver sign code.
- Represented Alberta Development Partners, LLC in the development and financing of Cornerstar, a new mixed-use center containing 158 acres of retail and residential space in Aurora, Colorado. Brownstein handled the leasing and selling of portions of the center to national and regional retailers such as Target, Dick's Sporting Goods, Best Buy, Office Depot, 24 Hour Fitness and Sunflower Market.

Community

Board of Directors, Arvada Center for the Arts and Humanities

Board of Directors, Downtown Colorado, Inc.

City and County of Denver, Zoning Task Force, 2005-2010

Metro State Foundation Board Member, 2008-2010

Chair, DU Law School Alumni Council

Board Member, Florence Crittenton Services, 2009-2015

Colorado State University Real Estate Council

Sen. Michael Bennet Appointee, Bipartisan Selection Advisory Committee, 2015

Publications & Presentations

- Urban Renewal Partnerships that Work, Presenter, Colorado Municipal League Annual Conference, Vail, CO, June 21-24, 2016
- Urban Renewal Partnerships that Work, Presenter, Colorado Counties, Inc. Annual Conference, Steamboat Springs, CO, June 6-8, 2016
- Case Studies on Intergovernmental Agreement and Conflict, Presenter, Local Government Law, CLE International, Denver, CO, April 8, 2016
- Denver Proposes Mandatory Energy Benchmarking and Implementation of Efficiency Measures, *Brownstein Client Alert*, June 21, 2016
- Denver Proposing New Development Fee to Pay for Affordable Housing, *Brownstein Client Alert*, June 16, 2016
- Smart City at Peña Station, Moderator, Smart City at Peña Station, The Denver Disruption, *Bisnow*, Denver, CO, May 24, 2016
- Colorado Governor Signs Bill Allowing District Activity to Proceed, *Brownstein Client Alert*, May 19, 2016
- Colorado Court Decision Creates Uncertainty for Development Using Metro District Public Financing, *Brownstein Client Alert*, April 26, 2016

- Tax Increment Finance (TIF) Update: HB 15-1348 Technical Corrections Bill Introduced, *Brownstein Client Alert*, April 4, 2016
- Ethics and the Land Use Lawyer, Speaker, Rocky Mountain Land Use Institute, March 10, 2016
- The Fruits of Labor, Real Estate Development Following Private Investment, Moderator, Presentation to Nevada Regional Transportation Corporation, March 8, 2016
- New Frontiers in Urban Renewal, Metro North Chamber of Commerce Development Council, Westminster, Co, Feb. 5, 2016
- Urban Renewal as a Tool for Downtown Revitalization, Speaker, Economic Development Breakfast: Mapping the Dollars & Sense of Land Use, Lakewood, CO, February 2, 2016
- Tax Increment Finance (TIF) Update, *Brownstein Client Alert*, January, 25, 2015
- Tax Increment Financing Implementation Changes Coming Soon, *Brownstein Client Alert*, August 24, 2015
- Anti-Urban Renewal Bill Progresses; Pro-Urban Renewal Bill Amended, *Brownstein Client Alert*, April 27, 2015
- Follow the Money: Leveraging Resources for Resiliency, Moderator and Presenter, Rocky Mountain Land Use Institute, Denver, CO, March 13, 2015
- Ethics for Land Use Lawyers, Presenter, Rocky Mountain Land Use Institute, Denver, CO, March 12, 2015
- Regulatory and Planning Issues in the Regulation of Large Format Retail, Guest Lecturer, University of Colorado Denver, Planning Law, October 28 and 30, 2014
- Land Use Basics for Municipal Officials, Speaker, Colorado Municipal League, October 24, 2014
- The Metropolitan Revolution in Action, Moderator, Drive, Lead, Succeed, Annual Conference, Economic Development Council of Colorado, October 2, 2014
- Fundamentals of Administrative Law for Municipal Officials, Guest Lecturer, Colorado Public Manager, University of Colorado Denver, September 12, 2014
- The ABC's of Urban Renewal and Alternative Structures in Urban Renewal Plans, Presentation to Downtown Colorado Inc., Board Member Training, August 8, 2014
- Corporate Citizenship Topical Dinner, Clinton Global Initiative, CGI America, June 23, 2014
- Current Issues in Urban Renewal Legislation and Policy, Speaker, Colorado Municipal League Annual Conference, June 20, 2014
- HB 14-1375 Passes Senate; Veto Request in the Works, *Brownstein Client Alert*, May 8, 2014
- Urban Renewal Bill Introduced, *Brownstein Client Alert*, *Law360*, April 17, 2014
- City Set Development and Urban Renewal Authorities, Speaker, Public Financing Conference, CLE International, April 7, 2014
- Urban Renewal: Kickstarting the Region, Moderator, Metro North Chamber of Commerce, Denver, CO, February, 28, 2014
- Urban Renewal Panel, Panelist, CSU Finance & Real Estate Summit, February 19, 2014
- Urban Renewal Once Again on Legislative Agenda, *Brownstein Client Alert*, October 21, 2013
- Urban Renewal: A Critical Tool, *Law Week Colorado*, October 18, 2013
- Funding Options for Yampa Street Improvements, Speaker, Yampa Street Stakeholders Meeting, Steamboat Springs, CO, October 22, 2012
- Colorado Legislative Update on Urban Renewal, *Brownstein Client Alert*, February 13, 2012
- The Cost of Not Going Green, Panelist, Brownstein Luncheon, February 1, 2012
- Public Finance Options for Development and Redevelopment in Colorado, Presenter, Lorman Education Services, October 20, 2011

- Federal, State or Local: Which Level of Government is Best Suited to Regulate and Incentivize Green Building?, Presentation to U.S. Green Building Council, Greenbuild 2011, Toronto, Ontario, Canada, October 5, 2011
- Renewable Energy Case Study, Presenter, Special District Association Conference, September 16, 2011
- Infill Development Fundamentals, Presenter, Lorman, August 11, 2011
- 2011 Women of Enterprise Power Panel, Speaker, CREW, April 27, 2011
- Urban Renewal's Key Powers: Property Assemblage and Financial Assistance, Presenter, CLE International, Public Projects - Advanced Real Estate Issues, March 25, 2011
- Form Based Zoning and Legal Issues in Green Building, Presenter, University of Denver Sturm College of Law, Smart Growth and Sustainability, March 9, 2011
- Government's Role in Promoting Development through Retail Incentives, Presenter, Rocky Mountain Land Use Institute, March 4, 2011
- Commercial Redevelopment: Public-Private Financing 101, Co-Presenter, ICSC Colorado Alliance, October 14, 2010
- Legal and Regulatory Issues in Green Building, CLE Presentation, Energy Efficiency and Green Building Issues, CLE in Colorado Inc., April 27, 2010
- Client Update: Legislative Update - Urban Renewal Legislation, *Brownstein Client Update*, January 29, 2010
- The Regulatory Environment for Green Building, Presenter, Denver University Law School Land Use Society, October 21, 2009
- FOREcast - Funding Opportunities for Renewable Energy, Volume 5, *FOREcast*, Volume 5, August 24, 2009
- Going Green: Legal Concepts and Issues in Green Building, Panelist, NAIOP, August 19, 2009
- Development 101 for Municipalities, Speaker, Colorado Municipal League, August 7, 2009
- Land Use and Building Strategies for Sustainability, Panelist, ULI, June 5, 2009
- Urban Renewal and Tax Increment Financing, Presenter, Lorman Seminar, April 29, 2009
- Economic Development Tools: URA, BID, DDA and EDCs, Presenter, Sterling City Council and Logan County Economic Development Council, April 28, 2009
- Land Use, Growth Management and the Developer's Perspective, Speaker, Colorado Institute for Leadership Training, April 25, 2009
- The Impact of Global Warming on Land Use Regulation: The California and Colorado Experience, Presentation to the Rocky Mountain Land Use Institute, Annual Conference, Denver, CO, March 6, 2009
- Client Alert: Recent Publications on Climate Change Issues, *Brownstein Client Alert*, December 15, 2008
- Colorado Local Government Regulation of Land Use for Climate Change, Author, *The Colorado Lawyer*, Vol. 37, No. 12, December 2008
- BID, DDA or URA: How to Choose?, Presentation to Colorado Community Revitalization Association, September 18, 2008
- The Impact of Global Warming on Land Use Planning: The California and Colorado Experiences, Presentation to the American Planning Association, Colorado Chapter, Annual Conference, Breckenridge, CO, September 12, 2008
- Urban Renewal Update, *Brownstein Client Alert*, Vol 1:3, March 24, 2008
- Urban Renewal Update, *Brownstein Client Alert*, Vol 1:1, February 4, 2008
- A Brief Overview of Recent Changes in Colorado's Urban Renewal Law, *The Colorado Lawyer*, 2004
- Urban Renewal in Colorado, A joint publication by Brownstein Hyatt Farber Shreck, the Colorado Municipal League and the Colorado Community Revitalization Association, June 1, 2004

- Annexation in Colorado, CML Publication, 2003
- Juveniles in Municipal Courts, CML Publication, 2003
- Paying for Growth: Impact Fees under Senate Bill 15, CML Publication, 2002
- A Municipal Perspective on Senate Bill 15: Impact Fees, *The Colorado Lawyer*, May 2002, Vol. 31, No. 5

Education

- J.D., 1993, University of Denver Sturm College of Law
- M.P.A., M.U.R.P., 2006, University of Colorado at Denver
- B.A., 1987, University of New Mexico

Admissions

- Colorado
- U.S. District Court, District of Colorado
- U.S. Court of Appeals, Tenth Circuit
- U.S. Supreme Court

Recognition

Chambers USA, 2016

LEED Accredited Professional

Best Lawyers in America, 2013-2016

Top Women Lawyer, *Law Week Colorado*, 2011

Colorado Super Lawyers, 2006, 2007

Board of Governors, Colorado Bar Association, 1998-2000, 2003-2004, 2006-2008

Board of Trustees, First Vice President, Denver Bar Association, 2006-2007

Board of Trustees, Second Vice President, Denver Bar Association, 2003-2004

Editor, *Colorado Lawyer*, "Government and Administrative News" column, 1999-2006

Delegate to the ABA House of Delegates, Denver Bar Association, 1999-2005

Denver Bar Association Young Lawyer of the Year, 1999

Board of Directors, Legal Aid Foundation, 1995-1998

Membership

American Bar Association

American Planning Association

Colorado Bar Association

Colorado Bar Association Legislative Policy Committee, 1998-1999

Colorado Municipal League

Colorado Women's Bar Association

Denver Bar Association

International Council of Shopping Centers

National Association of Industrial and Office Properties

William E. Doyle Inns of Court, 1991-2009



Caitlin Quander
Associate

cquander@bhfs.com
303.223.1233
Denver, Colorado

Caitlin's practice spans all areas of real estate development, with an emphasis on land use and entitlements, acquisitions and dispositions, zoning and development disputes, and serving as special and general counsel to various governmental and quasi-governmental entities.

Caitlin represents publicly-traded REITS and privately-owned development companies in all aspects of the acquisition and disposition of real property, including multi-family, retail, industrial and office properties. She advises clients on development and entitlement matters related to land use issues, including performing zoning due diligence and drafting and negotiating development agreements, subdivision improvement agreements, memorandums of understanding and intergovernmental agreements. She guides clients through board of adjustment, landmark preservation and historic designation, and planning and zoning processes. Caitlin also drafts and negotiates lease agreements for commercial retail and office properties. Caitlin's background in civil defense litigation also allows her to provide fluid representation for development clients in land use litigation, specifically 106 actions.

Prior to joining Brownstein, Caitlin honed her land use and real estate skills as an aide and policy advisor to former Denver City Council President Jeanne Robb. During her time with Councilwoman Robb, Caitlin was responsible for guiding policy issues such as the leasing and management of public parks, providing recommendations on code and map modifications for the City's Zoning Code Update, and assisting in obtaining \$11 million in bond funds in 2007 for land acquisition for a central Denver recreation center. Caitlin also has a background in civil defense litigation.

Practices

Acquisition Disposition, Land Use, Leasing, Real Estate

Representative Matters

- Caitlin Quander led the zoning and land use diligence of the Colorado properties for Starwood Capital's acquisition of over \$1.3 billion worth of Colorado multi-family projects from Equity Residential. The portfolio acquisition that includes 18 Colorado properties located between Boulder and metro Denver and totaling nearly 6,000 apartment units, was among a larger 72- property deal which also included apartment projects in D.C., Florida, California and Seattle and totaled 23,262 apartment units at a \$5.3 billion aggregate sales price.

- Represented California Splendor, Inc. in its acquisition of Santiam River, Inc., a leader in the Northwest Blackberry industry.
- On February 19, 2014, a Colorado District Court Judge rejected Rule 106 lawsuit challenging a Douglas County rezoning decision that will now allow for the continued permitting and construction of Sterling Ranch, a planned 3,400-acre, mixed-use development. This ruling was critical for Brownstein Hyatt Farber Schreck's client Sterling Ranch, and more generally, for Colorado's landowners and for local governments because the ruling confirms that a 2013 statute, Senate Bill 13-258, provides local governments with sole discretion to determine when during the permitting process a developer must demonstrate the existence of an adequate water supply for a proposed development.
- Represent a Nevada Indian tribe as outside general counsel. We have represented the tribe in a number of large scale development projects, including the development of a 200 MW concentrated solar project in southern Nevada. Our representation included the negotiation of lease and other agreements with a large renewable energy developer, development of water rights for the project, negotiation with the U.S. Bureau of Indian Affairs and other federal agencies, and guiding the tribe through the NEPA process. Legal work also included the development of a sales and use tax regulatory structure for the tribe.

Community

Board of Directors, Florence Crittenton Services of Colorado

Colorado Bar Association Mentor Program

University of Denver Sturm College of Law Mentorship Program

Speaker, First Year Orientation for University of Denver Sturm College of Law and University of Colorado Law

School on ethics and professionalism, 2011-2013

Publications & Presentations

- Denver Proposes Mandatory Energy Benchmarking and Implementation of Efficiency Measures, *Brownstein Client Alert*, June 21, 2016
- Denver Proposing New Development Fee to Pay for Affordable Housing, *Brownstein Client Alert*, June 16, 2016
- Tax Increment Finance (TIF) Update: HB 15-1348 Technical Corrections Bill Introduced, *Brownstein Client Alert*, April 4, 2016
- Will this be the Year for Construction Defect Reform, Co-Author, *Multifamily Properties Quarterly*, March 2016
- Tax Increment Financing Implementation Changes Coming Soon, *Brownstein Client Alert*, August 24, 2015
- Attention Brownfields Developers: Access up to \$1.5m in Tax Credits, Author, *Colorado Real Estate Journal*, June 18, 2014
- Court Rejects Rule 106 Challenge to Sterling Ranch Rezoning Approval, *Brownstein Client Alert*, March 7, 2014
- An Interactive Session with Colorado State Legislators and CDLA's Lobbyist, Moderator, 2012 Colorado Defense Lawyers Annual Seminar, Crested Butte, CO, July 26-28, 2012

Education

- J.D., 2008, University of Denver Sturm College of Law
- B.A., 2005, *cum laude*, University of Puget Sound

Admissions

- Colorado
- U.S. District Court, Colorado
- U.S. Court of Appeals, Tenth Circuit

Recognition

Law Week Colorado, 2013 Up and Coming Lawyer

Colorado Bar Association Leadership Program, Class of 2013

Colorado Bar Association, Legislative Policy Committee

Denver Women's Commission, Mayor Hickenlooper Appointee and Mayor Hancock Re-Appointee

National Institute of Trial Advocacy Exceptional Advocate, 2010

Articles Editor, University of Denver Water Law Review

Membership

Colorado Lawyers Committee, Housing Task Force and Election Task Force

NAIOP, Legislative Policy Committee

Colorado Defense Lawyers Association

Colorado Bar Association

Denver Bar Association

American Bar Association

Colorado Women's Bar Association

Items: H, I & J

Attorney Comments



City Manager Comments



Councilmember Comments

