April 14, 2020

AGENDA

5:30 P.M.

LAFAYETTE URBAN RENEWAL AUTHORITY MEETING

THIS MEETING WILL BE CONDUCTED REMOTELY BY ELECTRONIC AND TELEPHONIC MEANS

In order to protect the public health and safety due to the Colorado Executive Order D2020-017 Ordering Coloradans to Stay at Home Due to the Presence of COVID-19 in the State, and under the Declaration of Local Disaster Emergency issued by the Mayor of the City of Lafayette on March 17, 2020, and the City of Lafayette Resolution No. 2020-23 Extending the Mayors’ Declaration until terminated by City Council.

Options available to the public for viewing and participating in this meeting are outlined below.

Members of the public may access the meeting by tuning into Comcast Channel 8 or HD Channel 881. To view the broadcast on your computer go to https://www.cityoflafayette.com/627/streaming-video. You may use your phone to listen to the meeting by calling 1-348-248-7799. Once connected, you will be asked for the meeting number. The meeting number for the April 14, 2020 meeting is 433686024, then press # after the number.

Those wishing to contribute during “Public Input” may:

OPTION 1: submit written comments to the LURA Executive Director at rogerc@cityoflafayette.com or call 303-661-1262. Your remarks, if received by 3:00 p.m. on April 14, 2020 will be read into the record at the meeting.

OPTION 2: View the meeting on your computer at https://zoom.us/j/433686024. During Public Input, use the “Raise Hand” icon to request to speak. When it is your turn to speak, we will unmute your microphone.

OPTION 3: Call into the meeting by calling 1-346-248-7799 and enter the meeting number 433686024 followed by #. During Public Input you can press “*9” (“star 9”) to raise your hand to request to speak. When it is your turn to speak we will unmute your microphone.

I. 5:30 PM - OPENING OF REGULARLY SCHEDULED MEETING
   A. Roll Call

II. PUBLIC INPUT
   B. Items from the Public
III. AGENDA ITEMS
   C. Resolution No. 02, Series 2020 / Intergovernmental Agreement with the City Regarding LURA’s Participation in the City’s COVID-19 Small Business Emergency Relief Program
   D. Discussion of the LURA/City Council Upcoming Workshop
   E. Storage Units Update and RFQ Committee Selection
   F. General Updates
   G. HPB Update

IV. NEW BUSINESS / STAFF AND COMMISSIONER REPORTS

V. ADJOURN
Lafayette COVID-19
Small Business Emergency Relief Grant Program

April 14, 2020

Melissa Hisel
Presentation Summary

- Impact of COVID-19 on local businesses
- Existing assistance programs
- Lafayette Emergency Small Business Support Program
Impact of COVID-19 on Lafayette Small Businesses

Small Business Survey

• 78% local ownership
• 38% open 10+ years
  • 86% suspended or reduced operations
• 76.4% grants would be the most helpful form of immediate assistance
Available Assistance for Small Business

SBA Disaster Recovery Loans/Paycheck Protection Program

If businesses stay open AND maintain their staffing levels their SBA loan converts to a **grant**.

Other federal loans and incentives may be available but the PPP is the most immediate available.

Applications for SBA loans are administered by banks and the timing and availability of funds is dictated by each financial institution.
Available Assistance for Small Business

Resources Beyond SBA Loans

Numerous organizations, including municipal governments have created grant programs designed to bridge or supplement the SBA program.

Town of Superior, Town of Erie, City of Boulder, City and County of Broomfield, Breckinridge, Englewood and others.
City of Lafayette COVID-19 Small Business Emergency Relief Grant Program

The intent is to quickly provide one-time funds to Lafayette small businesses in order to support employee retention and future business and tax revenue.

Small business support grants are not intended to be the sole source of funding during this crisis but rather a bridge to the next phase of each businesses larger strategy (which may include SBA loans or options).
City of Lafayette COVID-19 Small Business Emergency Relief Grant Program

Eligibility Requirements:

Business must:
• Operate from a physical location within the boundaries of the City of Lafayette. Locations that also serve as a residence (i.e. home-based businesses) are not eligible for this program.
• Employ between 2 and 50 employees (as of February 1, 2020)
• Be in good standing with the Colorado Secretary of State and the City of Lafayette
• Provide evidence of the business’ operational sustainability and financial need
City of Lafayette COVID-19 Small Business Emergency Relief Grant Program

Application Process:

1. Complete an online application
2. Submit supporting documents via email
3. Complete applications will be reviewed by a committee who makes recommendations to the city administrator
4. Checks will be mailed weekly
City of Lafayette COVID-19 Small Business Emergency Relief Grant Program

Required Documentation

- 2018 Tax Return/K-1 (or 2019, if filed)
- W-9
- Certificate of Good Standing from the Colorado Secretary of State
- Copy of current lease or mortgage statement for the space in which the business is located
- Copy of March 2019 income statement and balance sheet
- Copy of current income statement and balance sheet

Successful applicants agree to provide the City of Lafayette with feedback in the form of an online survey on the use and impact of the grant funds 60, 90 and 120 days after receipt of grant funds.
At the April 7th Lafayette City Council meeting, Council authorized a partnership with LURA and up to $500,000 to be allocated towards the COVID-19 Small Business Emergency Relief Grant Program.
The city will contribute up to $300,000 in funding with a proposed $200,000 coming from LURA, establishing the $500,000 program.

Grants awarded to applicants located within the LURA district would be reimbursable to the city of Lafayette by LURA up to $200,000.

The city will administer the program.
STAFF REPORT

To: Lafayette Urban Renewal Authority  
From: Roger Caruso, LURA Executive Director  
Date: April 10, 2020  
RE: Resolution No. 02, Series 2019 / Approving and Authorizing an Intergovernmental Agreement with the City of Lafayette Regarding LURA’s Participation in the City of Lafayette COVID-19 Small Business Emergency Relief Grant Program (Resolution No. 02, Series 2019 to be attached on Monday, April 13, 2020).

Recommendation: Approval of Resolution No. 02, Series 2019 / Approving and Authorizing an Intergovernmental Agreement with the City of Lafayette Regarding LURA’s Participation in the City of Lafayette COVID-19 Small Business Emergency Relief Grant Program.

Per Council’s direction, City staff was charged with investigating the potential of an emergency relief grant program for businesses within the City, due to the COVID-19 outbreak and direction from Governor Polis to close all non-essential businesses within the State of Colorado.

At the April 7, 2020 City Council meeting, Council approved the development of the COVID-19 Small Business Emergency Relief Grant Program with a request for the Lafayette Urban Renewal Authority (“LURA”) to participate in any grants given to small businesses within the Old Town Revitalization Area (“OTRA”).

The purposes of the program are to provide some immediate financial support for small businesses experiencing financial hardship directly related to the closure or reduction in business activity due to the COVID-19 public health emergency; to attempt to preserve the City’s sales and property tax revenues generated by small businesses; and to enhance the likelihood that impacted businesses in the City will be able to survive the current public health emergency in order to preserve the short-term and long-term economic vitality of the City, including the Old Town Revitalization Area.

The Council gave City staff direction to draft program criteria and an application for grant assistance, and to award grants. Funds are intended to help businesses cover near-term expenses in the areas of business rent or mortgage payments, utilities, payroll, or other essential operating costs. The grants are intended to provide short-term financial relief while businesses pursue other relief options. Grant funding is intended to be one component of a business’ larger strategy for weathering and recovery from the impacts of the COVID-19 public health emergency.

At this time, the City has agreed to contribute up to $300,000 for businesses throughout the City. City Council has requested that LURA participate up to the the total amount of any grant awards given to businesses within the OTRA, or up to $200,000, whichever is less. The City will administer the program and at the end will bill LURA for reimbursement for any grants given to businesses within the OTRA.

It is anticipated that one (1) member of LURA may be on the committee that will review grant applications and recommend grant awards (although details are still being finalized). It should be noted that although everyone is hopeful the COVID-19 public health emergency will be resolved soon with a quick recovery of the economy, this crisis is very atypical. As such, it may be staff’s recommendation in the future to increase LURA funding towards the City’s Small Business Emergency Relief Grant Program, or create an additional/supplemental program to complement the City’s program.
FISCAL IMPACT
   Up to $200,000

ATTACHMENTS
   Resolution No. 02, Series 2019 (Resolution No. 02, Series 2019 to be attached on Monday, April 13, 2020).
WHEREAS, in April of 1999, the Lafayette City Council approved a resolution establishing the Lafayette Urban Renewal Authority ("LURA") pursuant to the provisions of the Colorado Urban Renewal Law; and

WHEREAS, in October of 1999, Lafayette City Council enacted Ordinance No. 38, Series 1999, which designated the “Lafayette Old Town Urban Renewal Area” ("Old Town Urban Renewal Area"), and approved an associated urban renewal plan for said urban renewal area (the “Plan”), most recently modified in 2013 (City of Lafayette Res. No. 2013-25); and

WHEREAS, the Plan concludes that the Old Town Urban Renewal Area is blighted based on certain findings, including, inter alia, that the “conditions of blight that exist in Old Town Lafayette have inhibited business growth, and have led to the loss of several businesses and significant losses of sales tax revenue, which is the primary source of revenue for the City;” and

WHEREAS, the Plan has specific project goals including to “eliminate and prevent conditions of blight which constitute economic and social liabilities to the community,” to “prevent physical and economic deterioration in the Urban Renewal Area,” “to assist in the retention and expansion of existing business, strengthening the City’s economic base,” to “help preserve the unique ‘Old Town’ character of downtown,” and to “create a stable tax base;” and

WHEREAS, the Plan provides that LURA may enter into cooperation agreements with the City or other public entities for purposes of carrying out the Plan, and provides that other undertakings and activities may be undertaken or performed by LURA or pursuant to Agreements with other public or private entities in accordance with the provisions of the Colorado Urban Renewal Law and any other applicable laws; and

WHEREAS, since 1999, LURA has undertaken urban renewal projects in accordance with the Plan to revitalize and redevelop the Old Town Urban Renewal Area to attract and retain businesses by addressing conditions of blight in the Area; and

WHEREAS, on March 10, 2020, Governor Jared Polis declared a state of emergency in response to the pandemic caused by the novel coronavirus, now designated COVID-19, to ensure that resources are available to the state to combat the disease; and

WHEREAS, on March 17, 2020, the Mayor of the City of Lafayette issued a “Declaration of Local Disaster Emergency in and for the City of Lafayette, Colorado, Regarding COVID-19,” finding that the COVID-19 pandemic “is causing widespread human and economic impacts to the City of Lafayette,” and on that same date, the City Council adopted Resolution No. 2020-23 extending the disaster declaration until terminated; and

WHEREAS, on March 25, 2020, Colorado Governor Polis issued Executive Order D 2020-017 “Ordering Coloradans to Stay at Home Due to the Presence of COVID-19 in the State,” putting in
place extreme social distancing measures to prevent the spread of COVID-19, commencing on March 26, 2020; and

WHEREAS, since March 25, 2020, the Governor’s Office and the Colorado Department of Public Health and Environment (“CDPHE”) have issued several orders to implement and clarify Executive Order D 2020-017, including orders requiring multiple types of businesses to cease or restrict operations unless exempt under the Executive Order until such orders are lifted, and such orders remain in effect on the effective date of this Resolution; and

WHEREAS, the cumulative effects of the COVID-19 pandemic and the governmental orders described above has had a dramatic and potentially devastating effect on the small businesses located in the City of Lafayette, and many of the small businesses in the City have either been forced to close temporarily, or to severely restrict their operations, all of which has placed a tremendous and unanticipated financial burden on many of such small businesses, including small businesses in the Old Town Urban Renewal Area; and

WHEREAS, although federal loans may be available to small businesses, the loan proceeds (even if a loan is approved) will likely not be received in sufficient time to allow a business owner to timely make business rent or mortgage payments, or to timely pay utilities, payroll, or other essential operating costs; and

WHEREAS, at its meeting on April 7, 2020, the Lafayette City Council discussed and authorized the City Administrator to implement the COVID-19 Small Business Emergency Relief Grant Program (“Program”) to provide up to $500,000 in grants to small businesses adversely affected by the COVID-19 public health emergency, and requested LURA’s financial participation in the Program to cover the cost of up to $200,000 of such grants awarded to adversely affected small businesses in the Old Town Urban Renewal Area; and

WHEREAS, the Program will serve the following public purposes:

1. Providing immediate critical financial resources to small businesses located in the City, including in the Old Town Urban Renewal Area;

2. Attempting to preserve the City's sales and property tax revenues generated by the small businesses in the City, including in the Old Town Urban Renewal Area; and

3. Enhancing the likelihood that the impacted small businesses in the City will be able to survive the current COVID-19 public health emergency, thereby protecting and preserving the short-term and long-term economic vitality of the City, including but not limited to the Old Town Urban Renewal Area; and

WHEREAS, LURA finds and determines that the public benefits described above to be derived from the Program are both significant and substantial and justify the expenditure of public funds necessary to establish and administer the Program; and

WHEREAS, LURA further finds and determines that LURA will receive adequate consideration for its financial contributions to the Program in the form of the significant and substantial public benefits described above; and
WHEREAS, LURA further finds that its financial participation in the Program will further the goals of the Plan by, *inter alia,* preventing conditions of blight that constitute economic and social liabilities to the community, preventing physical and economic deterioration in the Old Town Urban Renewal Area, assisting in the retention and expansion of existing businesses in the Old Town Urban Renewal Area, strengthening the City’s and LURA’s economic base, helping preserve the unique “Old Town” character of downtown Lafayette, and ensuring a stable tax base; and

WHEREAS, LURA has considered the City’s request for LURA’s participation in the Program and desires to approve and authorize the “Intergovernmental Agreement Between the City of Lafayette and the Lafayette Urban Renewal Authority (LURA) Regarding LURA’s Participation in the City’s COVID-19 Small Business Emergency Relief Grant Program” attached as Exhibit A to this Resolution, and to authorize the expenditure of up to $200,000 to reimburse the City for the cost of Program grants awarded to small businesses located in the Old Town Urban Renewal Area.

NOW, THEREFORE, THE LAFAYETTE URBAN RENEWAL AUTHORITY RESOLVES, as follows:

Section 1. The “Intergovernmental Agreement Between the City of Lafayette and the Lafayette Urban Renewal Authority (LURA) Regarding LURA’s Participation in the City’s COVID-19 Small Business Emergency Relief Grant Program” is approved and authorized in substantially the same form as the copy attached as Exhibit A hereto.

Section 2. LURA authorizes the expenditure of up to $200,000.00 in accordance with the terms and conditions of the attached Intergovernmental Agreement.

Section 3. The Chair is authorized to execute the Intergovernmental Agreement on behalf of Lafayette Urban Renewal Authority, and the LURA Executive Director and the LURA Chair are each authorized to individually approve and make such payment(s) as required under the attached Intergovernmental Agreement.


LAFAYETTE URBAN RENEWAL AUTHORITY

Kevin Muller, Chair

APPROVED AS TO FORM: ATTEST:

Mary Lynn Macsalka, LURA Attorney Roger Caruso, Secretary

EXHIBIT A
(INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF LAFAYETTE AND THE LAFAYETTE URBAN RENEWAL AUTHORITY (LURA) REGARDING LURA’S PARTICIPATION IN THE CITY’S COVID-19 SMALL BUSINESS EMERGENCY RELIEF GRANT PROGRAM dated to be effective April 21, 2020)
INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF LAFAYETTE AND THE LAFAYETTE URBAN RENEWAL AUTHORITY (LURA) REGARDING LURA’S PARTICIPATION IN THE CITY’S COVID-19 SMALL BUSINESS EMERGENCY RELIEF GRANT PROGRAM

THIS INTERGOVERNMENTAL AGREEMENT (“Agreement”) is made effective on April 21, 2020, by and between the City of Lafayette, Colorado, a Colorado home rule municipality (the “City” or “Lafayette”) and the Lafayette Urban Renewal Authority, a body corporate and politic existing under the laws of the State of Colorado (“LURA”). The City and LURA may each be referred to herein as “Party” and collectively as “Parties.”

RECITALS

A. In April of 1999, the Lafayette City Council approved a resolution establishing LURA pursuant to the provisions of the Colorado Urban Renewal Law.

B. In October of 1999, Lafayette City Council enacted Ordinance No. 38, Series 1999, which designated the “Lafayette Old Town Urban Renewal Area” (“Old Town Urban Renewal Area”), and approved an associated urban renewal plan for said urban renewal area (the “Plan”), most recently modified in 2013 (City of Lafayette Res. No. 2013-25).

C. The Plan concludes that the Old Town Urban Renewal Area is blighted based on certain findings, including, inter alia, that the “conditions of blight that exist in Old Town Lafayette have inhibited business growth, and have led to the loss of several businesses and significant losses of sales tax revenue, which is the primary source of revenue for the City.”

D. The Plan has specific project goals including to “eliminate and prevent conditions of blight which constitute economic and social liabilities to the community,” to “prevent physical and economic deterioration in the Urban Renewal Area,” “to assist in the retention and expansion of existing business, strengthening the City’s economic base,” to “help preserve the unique ‘Old Town’ character of downtown,” and to “create a stable tax base.”

E. The Plan provides that LURA may enter into cooperation agreements with the City or other public entities for purposes of carrying out the Plan, and provides that other undertakings and activities may be undertaken or performed by LURA or pursuant to Agreements with other public or private entities in accordance with the provisions of the Colorado Urban Renewal Law and any other applicable laws.

F. Since 1999, LURA has undertaken urban renewal projects in accordance with the Plan to revitalize and redevelop the Old Town Urban Renewal Area to attract and retain businesses by addressing conditions of blight in the Area.

G. On March 10, 2020, Governor Jared Polis declared a state of emergency in response to the pandemic caused by the novel coronavirus, now designated COVID-19, to ensure that resources are available to the state to combat the disease.
H. On March 17, 2020, the Mayor of the City of Lafayette issued a “Declaration of Local Disaster Emergency in and for the City of Lafayette, Colorado, Regarding COVID-19,” finding that the COVID-19 pandemic “is causing widespread human and economic impacts to the City of Lafayette,” and on that same date, the City Council adopted Resolution No. 2020-23 extending the disaster declaration until terminated.


J. Since March 25, 2020, the Governor’s Office and the Colorado Department of Public Health and Environment (“CDPHE”) have issued several orders to implement and clarify Executive Order D 2020-017, including orders requiring multiple types of businesses to cease or restrict operations unless exempt under the Executive Order until such orders are lifted, and such orders remain in effect on the effective date of this Agreement.

K. The cumulative effects of the COVID-19 pandemic and the governmental orders described above has had a dramatic and potentially devastating effect on the small businesses located in the City of Lafayette, and many of the small businesses in the City have either been forced to close temporarily, or to severely restrict their operations, all of which has placed a tremendous and unanticipated financial burden on many of such small businesses, including small businesses in the Old Town Urban Renewal Area.

L. Although federal loans may be available to small businesses, the loan proceeds (even if a loan is approved) will likely not be received in sufficient time to allow a business owner to timely make business rent or mortgage payments, or to timely pay utilities, payroll, or other essential operating costs.

M. At its meeting on April 7, 2020, the Lafayette City Council discussed and authorized the City Administrator to implement the COVID-19 Small Business Emergency Relief Grant Program (“Program”) to provide up to $500,000 in grants to small businesses adversely affected by the COVID-19 public health emergency, and requested LURA’s financial participation in the Program to cover the cost of up to $200,000 of such grants awarded to adversely affected small businesses in the Old Town Urban Renewal Area.

N. The Program will serve the following public purposes:

1. Providing immediate critical financial resources to small businesses located in the City.

2. Attempting to preserve the City's sales and property tax revenues generated by the small businesses in the City.

3. Enhancing the likelihood that the impacted small businesses in the City will be able to survive the current COVID-19 public health emergency, thereby...
protecting and preserving the short-term and long-term economic vitality of
the City, including but not limited to the Old Town Urban Renewal Area.

O. The City and LURA find and determine that the public benefits described above to be
derived from the Program are both significant and substantial and justify the expenditure of
public funds necessary to establish and administer the Program.

P. The City and LURA further find and determine that the City and LURA will receive
adequate consideration for their financial contributions to the Program in the form of the
significant and substantial public benefits described above.

Q. On April 14, 2020, LURA considered the City’s request for LURA’s participation in
the Program and approved Resolution No. 02, Series 2020, approving and authorizing this
Agreement and authorizing the expenditure of up to $200,000 to reimburse the City for the cost
of Program grants awarded to small businesses located in the Old Town Urban Renewal Area.

R. LURA’s financial participation in the Program as provided for in this Agreement will
further the goals of the Plan by, *inter alia*, preventing conditions of blight that constitute
economic and social liabilities to the community, preventing physical and economic deterioration
in the Old Town Urban Renewal Area, assisting in the retention and expansion of existing
businesses in the Old Town Urban Renewal Area, strengthening the City’s and LURA’s
economic base, helping preserve the unique “Old Town” character of downtown Lafayette, and
ensuring a stable tax base.

S. Lafayette and LURA wish to agree to the terms and conditions upon which LURA
will make available funds to contribute to the City’s Program for the purposes described above.

**AGREEMENT**

The City of Lafayette and LURA agree as follows:

1. **Incorporation of Recitals.** The above Recitals are acknowledged by the City and
LURA and incorporated into this Agreement.

2. **LURA Funds.** Subject to appropriation, LURA agrees to reimburse the City for
the total amount of grant awards made to businesses within the Old Town Urban Renewal Area
as part of the City’s COVID-19 Small Business Emergency Relief Grant Program (“Program”) up to $200,000.00. Such funds will be paid by LURA to the City from LURA’s unrestricted and
unencumbered TIF revenues generated from the Old Town Urban Renewal Area.

3. **Payments to the City.** The City will administer the Program and will invoice
LURA for the total amount of Program grant awards paid to businesses in the Old Town Urban
Renewal Area. With each invoice to LURA, the City will provide an accounting of the grant
award recipients and award amounts for each business in the Old Town Urban Renewal Area
awarded a grant under the Program. Within 30 days of date of each invoice, LURA will pay the
City for the amount invoiced, up to a total of $200,000.00. The LURA Executive Director and
the LURA Chair are each authorized to approve and make such payment(s) as required under this Agreement.

4. **Existing Plan Requirements.** Nothing in this Agreement shall excuse LURA from complying with any and all provisions of the Plan.

5. **No Third-Party Beneficiaries.** Enforcement of the terms and conditions and all rights and obligations of this Agreement are reserved to the Parties. Neither Party shall be obligated or liable under the terms of this Agreement to any person or entity not a party hereto. Any other person receiving services or benefits under this Agreement is an incidental beneficiary only and has no rights under this Agreement.

6. **Severability.** In case any one or more of the provisions in this Agreement or any application thereof shall be invalid, illegal, or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions of this Agreement, or any other application thereof, shall not in any way be affected or impaired thereby.

7. **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Colorado.

8. **No Multiple-Fiscal Year Obligation.** The Parties’ financial obligations under this Agreement are contingent upon appropriation, budgeting, and availability of specific funds to discharge those obligations. Nothing in this Agreement constitutes a debt, a direct or indirect multiple fiscal year financial obligation, a pledge of the either Party’s credit, or a payment guarantee by either Party.

9. **Execution by Counterparts; Electronic Signatures.** This Agreement may be executed in multiple counterparts, each of which will be deemed an original, but all of which will constitute one agreement. The City and LURA approve the use of electronic signatures. The Parties will not deny the legal effect or enforceability of this Agreement solely because it is in electronic form or because an electronic record was used in its creation.

IN WITNESS WHEREOF, the Parties have signed and executed this Agreement to be effective as of the date first set forth above.

CITY OF LAFAYETTE

By: _______________________________
    Jamie Harkins, Mayor

APPROVED AS TO FORM: ATTEST:

_____________________________  _______________________________
Mary Lynn Macsalka, City Attorney    Susan Koster, CMC, City Clerk
LAFAYETTE URBAN RENEWAL AUTHORITY

By: __________________________
    Kevin Muller, Chair

ATTEST:

__________________________
Roger Caruso, Secretary