



Request for Town Council Action

Date: August 21, 2023

Submitted By: Kristin Hoffmann, Town Attorney

Reviewed By: Michelle Kivela, Town Manager

Title: **ORDINANCE NO. 13.112 - Second Reading**
A Bill for an Ordinance to Organize the Chambers Commercial Center Business Improvement District; to Provide for an Election of the Board of Directors of the District and Appoint the Initial Directors Thereto; and Approve the 2023-2024 Operating Plan and Budget for the District
Department: Town Attorney, Kristin Hoffmann

EXECUTIVE SUMMARY

This ordinance declares that the Chambers Commercial Center Business Improvement District is organized; provides for an elected board; appoints the initial members of the board; and approves the 2023-2024 operating plan and budget for the district.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

Formation of a business improvement district is initiated through the filing of a petition with the Town Clerk. A petition to form the Chambers Commercial Center Business Improvement District was filed with the Town Clerk on July 18, 2023. The petition must be signed by persons who own real or personal property in the service area of the proposed district having a valuation for assessment of not less than 50% of the valuation for assessment of all real and personal property in the proposed service area and who own at least 50% of the acreage in the proposed district. The Town Clerk has determined that the petition was signed by persons who own real property and personal property in the service area having 64.4% of the valuation for assessment of all real and personal property in the proposed service area and who own 67.8% of the acreage in the proposed district. At the time of the receipt of the petition for organization, the proposed BID did not contain any personal property within its boundaries.

Pursuant to State law, the Chambers Commercial Center BID has determined to include both real property and personal property within the boundaries of the district. For informational purposes, state law allows that a BID can include "contiguous or noncontiguous tracts or parcels of commercial property" (31-25-1208(1)). State law defines commercial property as "any taxable real or personal property which is not classified for property tax purposes as either residential or agricultural." (31-25-1203).

The Town Council, as soon as possible after the filing of the petition, shall fix by order the place

and time, not less than 20 days nor more than 40 days thereafter, for a hearing. The Town Council adopted a resolution on August 7, 2023, setting the public hearing for August 21, 2023. The Town Clerk published notice of the hearing and mailed notice by first class mail to each property owner within the proposed service area and boundaries of the district to their last known address as disclosed by the tax records.

At the hearing, the Town Council will ascertain from the tax rolls the total value of the taxable real and personal property and determine whether the petition was signed by sufficient owners. If the petition is duly signed, the allegations of the organization petition are true, and the services and improvements to be provided best satisfy the purposes of the Act, the Town Council adopts an ordinance declaring the district organized.

The petition proposes, and the ordinance provides for, an elected board with the following individuals proposed to serve as the initial board of directors. The initial members of the board of directors of the district are Grant Nelson, Andrew Trietley, Joshua Brgoch, Thomas Clark and Dalton Horan.

An operating plan and budget must be filed with the Town by September 30 of each year. The ordinance approves the operating plan and budget attached below.

FINANCIAL IMPACT

None to the Town. The district must hold an election before issuing debt or imposing any taxes on properties included within the district.

STRATEGIC GOAL(S)



ATTACHMENTS

1. Ordinance No. 13.112
2. Petition Chambers Commercial BID
3. 2023-2024 Operating Plan and Budget - Chambers Commercial Center BID

RECOMMENDED MOTION

I move to approve Ordinance No. 13.112 on second reading.