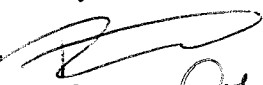



**ADMINISTRATION MEMORANDUM**  
**13-03**

**DATE:** March 11, 2013

**TO:** Honorable Mayor Joyce Downing and City Council Members

**FROM:** David Willett, Acting City Manager   
Debbie Tuttle, Economic Development Manager 

**SUBJECT:** First Amendment to Incentive Agreement for Boondocks Fun Center

On May 14, 2012 the City entered into an incentive agreement with Boondocks that provided the City with promotional time on the new LED digital sign. The sign was installed in December and after reviewing the cycling time on the sign, Boondocks has requested that we amend the Agreement to increase the slide transitioning time as reflected in Exhibit 1 and below. This is also allowable under the approved PUD.

Resolution CR-18 (Attachment A) recommends that council approve a first amendment to the existing incentive Agreement that changes Section 1 to read follows:

1. The City shall be allowed one promotional slide per month. Said slide shall be ~~40~~ **5 to 6** seconds and shall run approximately ~~1,000~~ **2,000** ~~time~~ **times** per day so long as the LED sign is operating within the reasonable control of Boondocks;

**STAFF REFERENCE:** If you have any comments or questions, please contact Debbie Tuttle at 303.450.8743 or [dtuttle@northglenn.org](mailto:dtuttle@northglenn.org).

SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S RESOLUTION

RESOLUTION NO.

No. CR-18  
Series of 2013

\_\_\_\_\_  
Series of 2013

A RESOLUTION APPROVING THE FIRST AMENDMENT TO INCENTIVE AGREEMENT WITH BOONDOCKS FUN CENTER – NORTHGLENN LLC

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. The First Amendment to Incentive Agreement between the City of Northglenn and Boondocks Fun Center – Northglenn LLC, attached hereto as **Exhibit 1**, is hereby approved, and the Mayor is authorized to execute same on behalf of the City.

DATED at Northglenn, Colorado, this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
JOYCE DOWNING  
Mayor

ATTEST:

\_\_\_\_\_  
JOHANNA SMALL, CMC  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
COREY Y. HOFFMANN  
City Attorney

**FIRST AMENDMENT TO INCENTIVE AGREEMENT**

THIS FIRST AMENDMENT TO INCENTIVE AGREEMENT is made and entered into this \_\_\_\_\_ day of February, 2013, by and between the CITY OF NORTHGLENN, COLORADO, a Colorado home rule municipal corporation (hereafter referred to as the "City") and BOONDOCKS FUN CENTER–NORTHGLENN, LLC, a Colorado limited liability company (hereafter referred to as “Boondocks”).

WHEREAS, the City and Boondocks entered into an Incentive Agreement (the “Agreement”) on May 14, 2012;

WHEREAS, the City and Boondocks desire to amend the Agreement as set forth below;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows.

1. Section 1 of Exhibit B to the Agreement is hereby amended as follows:

1. The City shall be allowed one promotional slide per month. Said slide shall be ~~40 5 to 6~~ seconds and shall run approximately ~~1,000~~ **2,000** ~~time~~ **times** per day so long as the LED sign is operating within the reasonable control of Boondocks;

2. All other terms of Agreement shall remain unchanged.

DATED this day and date first above set forth.

BOONDOCKS FUN CENTER–NORTHGLENN, LLC

By: Select Investment Management Co., Its Manager

By: \_\_\_\_\_  
Randy L. Fullmer, Its President

THE CITY OF NORTHGLENN, COLORADO

\_\_\_\_\_  
Joyce Downing, Mayor

ATTEST:

\_\_\_\_\_  
Johanna Small, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Corey Y. Hoffmann, City Attorney

STATE OF COLORADO            )  
  ) ss.  
COUNTY OF ADAMS            )

Subscribed, sworn to and acknowledged before me this \_\_\_\_ day of \_\_\_\_\_,  
2013, by Joyce Downing as Mayor of the City of Northglenn.

My commission expires: \_\_\_\_\_

(SEAL)

\_\_\_\_\_  
Notary Public

STATE OF IDAHO                )  
  ) ss.  
COUNTY OF \_\_\_\_\_ )

Subscribed, sworn to and acknowledged before me this \_\_\_\_ day of \_\_\_\_\_,  
2013, by \_\_\_\_\_ as \_\_\_\_\_ of \_\_\_\_\_,  
a \_\_\_\_\_.

My commission expires: \_\_\_\_\_

(SEAL)

\_\_\_\_\_  
Notary Public

## **EXHIBIT B**

### **BOONDOCKS**

#### **LED Sign- CITY RELATED ADVERTISING & PROMOTION**

The new electronic LED billboard sign on the Property defined as the “LED Sign” pursuant to Sections 2 and 6 of the Incentive Agreement shall be subject to the following use provisions regarding the City’s use of LED Sign:

1. The City shall be allowed one promotional slide per month. Said slide shall be 5 to 6 seconds and shall run approximately 2,000 times per day so long as the LED sign is operating within the reasonable control of Boondocks;
2. The City will provide the artwork for the City’s slide no later than ten (10) days prior to the beginning of the next calendar month; and
3. The City’s use of the LED sign hereunder is intended to continue for ten (10) years from completion and City approval of the LED sign or so long as Boondocks or a company under substantially the same ownership owns the LED Sign.