

Minutes of the Regular Meeting of the Board of Directors of the Redevelopment Agency of Riverdale City held Tuesday, January 11, 2005, at 7:21 p.m. at the Riverdale Civic Center.

Members Present: Bruce Burrows, Chairman
 Nancy Brough
 David Gibby
 Stan Hadden
 Stacey Haws
 Shelly Jenkins

Others Present: Larry Hansen, Executive Director
 Steve Brooks, City Attorney
 Cindi Mansell, City Recorder

Randy Feil, RDA Tax Attorney

Kevin Carson Victor Calligaro
Brian Brendon Karen Carson

Chairman Burrows called the meeting to order and welcomed all those present.

Approval of Minutes

Chairman Burrows indicated the Board has minutes from the December 7 and December 21, 2004 Regular Meetings.

Fund Balance Allocation Report & Residential Loan Program - November 30, 2004

Mr. Hansen distributed a combined Fund Balance Allocation Report and Residential Rehabilitation Loan Program Summary Report as of November 30, 2004. He explained the report indicates amounts for each of the three redevelopment areas. He stated budgeted revenue expenditures are pending, and estimated fund balances remain. Mr. Hansen stated the housing loan program is used to help individuals rehabilitate their properties.

Mr. Hansen referenced the fund balance in the beginning of the year, income from increment and fund interest. He stated there are 29 existing housing loans, totaling \$378,000. He explained that rather than providing separate reports, in the future, he would like to incorporate more detail on this report and include financial information. Mr. Hansen stated if this report meets with approval, he will continue to combine the two report items on the agenda into one report item.

Mr. Hansen explained there are 9 loans in the process of being completed. He stated the loan program has remaining available funding. He stated the housing program is now 5 years old, and he feels it is meeting critical needs for residents of low to moderate income. He stated he is very happy with the results, as are the borrowers.

Chairman Burrows explained that one of the things the RDA loan program does is allow low or no-interest loans (depending on financial ability for repayment), and assists in bringing them up to more livable and attractive standards. Chairman Burrows stated if an individual is fixed or low-income, or has very little resources, they can be delayed repayment until the sale of the home or upon death. He stated this is a very popular program and has provided opportunities to take care of many needs.

Mr. Hansen referenced the Senior Facility column, stating the primary drive of the public hearing later this evening is to obtain favorable funding to provide for this project. There appeared to be consensus to combine the two reports into one acceptable format.

Motion Mr. Gibby moved to approve the Common Consent items as presented. Seconded by Mrs. Brough. The motion passed unanimously.

Riverdale Road Amended Project Area Plan

Public Hearing

Mr. Hansen explained RDA Tax Attorney Randall Feil is present to provide orientation as to the Riverdale Road Neighborhood Development Plan, Amended Project Area Plan. He stated the intent of the Agency is to amend a plan that was adopted in 1989 in order to take advantages of changes in State Law. He stated by doing so, there is not intent to change the boundaries of Area 1 except to provide for a minor boundary adjustment, nor any zoning or land use within this particular area.

Mr. Hansen stated some individuals may have received another letter because the RDA Agency will also address a proposal and public hearing scheduled for a new 550 West Redevelopment Project Area. He stated the purpose this evening is to amend the 1989 plan for the Riverdale Road Redevelopment Area, in order to ultimately be able to obtain favorable financing for the Senior Facility.

Chairman Burrows called the Public Hearing to order at 7:30 p.m. He affirmed that proper proof of publication had been given.

Mr. Feil addressed the Board, and stated now is the time and the date set for a public hearing on the amendment of the Riverdale Road Redevelopment Project Area Plan and for public comment. He stated the purposes of this public hearing are to: (1) allow public comment on the draft "Riverdale Road Neighborhood Development Plan, Draft Amended Project Area Plan, August 28, 1989, as Amended January 11, 2005"; (2) allow public comment on whether the draft Amended Project Area Plan should be revised, adopted, or rejected; and (3) receive all written objections and hear all oral objections to the draft Amended Project Area Plan.

Mr. Feil stated additionally, there is the need for removal of property from the project area because of a recent boundary adjustment between Riverdale and South Ogden City. He stated said amendment as proposed is included within the new legal and map.

Mr. Feil stated the following documents, along with their related certificates of mailing, proofs of publication, etc., will be made part of the public hearing record:

- A Notice of Public Hearing as required by the Redevelopment Agencies Act, Title 17B, Part 4, Utah Code Annotated 1953 as amended (the "Act"), Sections 17B-4-402(1)(d), 17B-4-411, 17B-4-701(1)(b) and (c), 17B-4-702 and 17B-4-704, Utah Code Annotated, which was published in the Ogden Standard Examiner Newspaper;
- Three separate Notices, each dated the 1st day of December 2004 and executed by Larry Hansen as the Executive Director of the Redevelopment Agency which were mailed, by certified mail, to (a) each owner of record owning property within the boundaries of the Project Area; (b) each owner of record owning property within 300 feet of the boundaries of the Project Area; and (c) each taxing entity having the power to levy a tax within the boundaries of the Project Area, which notice to taxing entities contained the provisions required by Section 17B-4-702 of the Act;
- The report of City of Riverdale Planning Commission submitted as provided by Section 17B-4-402 of the Act, indicating that the draft Amended Project Area Plan is consistent with the master plan or general plan of the City, as well as other City plans for the development of the area or capital improvement plans of the City;
- The draft Amended Project Area Plan entitled, "Riverdale Road Neighborhood Development Plan, Draft Amended Project Area Plan, August 28, 1989, As Amended January 11, 2005", which draft Amended Project Area Plan has been available for public inspection at the office of the Redevelopment Agency since at least November 29, 2004. Copies of said Amended Project Area Plan are also available at this hearing and may be reviewed by interested parties; and
- The Agenda of this meeting and the Notice of Meeting which has been given as required by Section 52-4-6, Utah Code Annotated.

Mr. Feil stated the Redevelopment Agency is holding this public hearing pursuant to the provisions of Section 17B-4-402(1)(e)(i) of the Act which reads as follows:

"(1) In order to adopt a project area plan...the agency shall: (e) hold a public hearing on the draft project area plan and, at that public hearing: (i) allow public comment on; (A) the draft project area plan; and (B) whether the draft project area plan should be revised, approved, or rejected."

Mr. Feil stated the public record should reflect that at the time of the commencement of this public hearing, the Redevelopment Agency has not received from any landowner, taxing entity or interested party any written or oral objections to the adoption of the draft Amended Project Area Plan. He stated because no written objections have been received, it will only be necessary to consider any oral objections to the adoption of the draft Amended Project Area Plan which may be made at this hearing.

Mr. Feil then reviewed the draft proposed Amended Project Area Plan. He explained the RDA law had undergone some extreme and substantial changes over the years, and the statute had become difficult to work with. He stated the RDA act was recodified effective June 1, 2001, concerning redevelopment and economic development. He stated one thing that was removed involved the previous prohibition in the law against issuing bonds for

indebtedness 15 years after the date of adoption of the plan. Mr. Feil explained the plan as previously adopted had reference to that limitation. It has now become necessary to update in order to consider bonding with respect to tax increment; and to amend the plan to take those old provisions now repealed from the law out.

Mr. Feil stated it is also best to update the plan to refer to all of the sections and provisions of the new law. He stated he merely took the old plan; keeping all findings, purposes, design specific and general objections; and updating to remove specific provisions that were no longer in the law and update the sections to refer to new laws and provisions. He stated the plan as presented is now updated, and before the Board for consideration of adoption. He offered clarification the content is the same as the original plan, including new additional powers to utilize the tax increment as allowed under statute.

Mr. Feil indicated now is the time for Agency Board question period regarding the Draft Amended Project Area Plan. There were no questions or issues raised.

Mr. Feil indicated now is the time for receipt of oral objections or public comment as to whether the Draft Amended Project Area Plan should be revised, adopted, or rejected. He stated there were no written objections submitted; however, anyone wanting to do so could now turn in written objections. He stated copies would be made and distributed for consideration.

Kevin Carson, 721 W. 4400 S., stated it would appear to him that he is the only privately owned residential parcel involved in this project area. He stated he is curious as to how the proposed amendment will affect his property, as he is in the process of upgrading his home.

Mr. Feil explained there is nothing that is put into this amended plan to affect any property owner. He stated the original Plan was adopted in 1989, and has been in effect since that time. The only changes being made are technical to comply with the current law, and to make an adjustment in the plan itself because of excluding some parcels that are now in South Ogden. Mr. Feil clarified there is no effect on property owners, or potential for future impacts. He stated if there ever was power of eminent domain, it would have expired long ago (verified expiration in 1994).

Chairman Burrows stated notices were mailed out to adhere to legal requirement, however, at times having to sign for a certified letter will make the property owner fearful about the purpose or proposal.

Victor Calligaro, 4185 S. 300 W., inquired as why a previous map illustrated the gas station and church as included within the RDA; and they are now excluded. Discussion followed, with Mr. Hansen stating that perhaps the Riverdale Road Area amendment is being confused with the newly proposed 550 West Redevelopment Project Area. He stated these are two different plans - two different projects. He stated although they are in the same area, some of the parcels were excluded back in 1989. Mr. Hansen stated the public hearing on the 550 West area is to be held at the Community Center at 7:00 p.m. on February 1, 2005.

Mr. Carson inquired about the statement that if the plan is adopted, property tax revenues from the increase in property valuation in the area will continue to be paid to the agency. He expressed concern as to the potential increase in property valuation. Mr. Hansen explained the Weber County Assessor comes through occasionally to reassess properties and they will rise; and then more taxes are paid when that happens. He stated other things to result in increase would be if a property owner actually improves property beyond its present state, particularly in commercial areas where dilapidated is removed and new is constructed.

Mr. Hansen stated historically for the past few years, the City of Riverdale has actually lowered its tax levy on real estate properties. He stated the City has always been able to collect this increment since the plan has been adopted. Mr. Feil addressed the required provision within the required notices, stating no change will occur because the City has been entitled to the increase in tax increment all along. He clarified this is merely legal wording requirement within the notices, and although somewhat confusing, nothing is changing except to provide for provisions under new law.

Brian Brendon inquired if this project has to do with the proposed 2006 Riverdale Road widening. Chairman Burrows assured Mr. Brendon this is a separate issue and the project area will not have to be done over again upon completion of the widening. He stated particular project areas are designated for development, and the State would deal one on one with any business or landowner adjacent to Riverdale Road as they prepare to widen. He explained that Riverdale City does not own Riverdale Road, and really has little input.

Mr. Feil stated now is the time for further Agency Board Question period and response by Agency Staff. There were none.

Motion There being no further public comment forthcoming, Mr. Gibby moved to close the public hearing. Mrs. Brough seconded the motion. The motion passed unanimously. The hearing closed at approximately 7:57 p.m.

Resolution #R1-2005 adopting the Riverdale Road Neighborhood Development Plan, Amended Project Area Plan, Aug. 28, 1989, Amended Jan. 11, 2005

Mr. Feil indicated now is the time for consideration and adoption of the proposed resolution adopting the Riverdale Road Neighborhood Development Plan, Amended Project Area Plan, August 28, 1989, as Amended January 11, 2005 (the "Amended Project Area Plan").

Motion Mrs. Brough moved for approval of RDA Resolution #R1-2005 adopting the Amended Project Area Plan entitled "Riverdale Road Neighborhood Development Plan, Amended Project Area Plan, August 28, 1989, as Amended January 11, 2005" (the "Amended Project Area Plan"). Seconded by Mr. Gibby.

Roll Call Vote: Mrs. Jenkins, Yes; Mr. Hadden, Yes; Mrs. Brough, Yes; Mr. Gibby, Yes; and Mr. Haws, Yes. The motion passed unanimously.

Senior Housing/Facility

Mr. Hansen reported that staff is in receipt of a pay request from the contractor. He stated the building is almost completely dried in, and the electrical and plumbing contractors are working their way from the commons area to the individual residential units. He stated he will bring forward the Request for Payment at the January 18, 2005 meeting.

Common Riverdale/South Ogden RDA Area Boundary Concerns

Chairman Burrows reported that discussions began about a year ago regarding the common boundary between Riverdale and South Ogden. He stated South Ogden is proposing to implement an RDA Project Area in this location as well, and this appears to be a great opportunity for the two cities to work together to enhance an area that has been somewhat problematic. He stated there have been real access problems to some of the businesses in this location.

Chairman Burrows stated he has talked with Mayor Garwood and some of the Council, as well as discussions with the Riverdale Council about completing a joint effort to provide easier access and make this area more viable.

Mr. Hansen referenced the border of the north parking lot along Toys-R-Us, and the common border that runs along the edge of that parking from Riverdale Road up Palmer Drive. He stated given that there are common interests with South Ogden relative to consistency in design work and cross access traffic flow kinds of issues, staff is prepared to have the Community Development Director and Planner pursue discussions with South Ogden to ensure mutual needs are considered.

Mrs. Jenkins stated she would request the Transportation Committee be brought into the loop, as she feels transportation issues are pertinent to this joint venture. Mr. Hansen assured the Board this will take place.

Motion Mr. Gibby moved to direct staff to work in conjunction with South Ogden City to resolve mutual concerns on the northern boundary of the Riverdale Road Redevelopment Project Area. Seconded by Mr. Hadden. The motion passed unanimously.

With no further business to come before the Board at this time, Mr. Gibby moved to adjourn the meeting. Seconded by Mrs. Jenkins. The motion passed unanimously. The meeting adjourned at approximately 8:05 p.m.

Attest:

Approved: February 8, 2005

Larry Hansen
Executive Director

Bruce Burrows
Chairman