

Minutes of the **Regular Meeting** of the **Board of Directors of the Redevelopment Agency** of Riverdale City held **Tuesday, March 15, 2005**, at 7:10 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  
   Randy Daily, Community Development Director  
   Lynn Moulding, Public Works Director  
   Cindi Mansell, City Recorder

Randall Feil	Bob Springmeyer	Shane Farver
John Cypers	Cora Bingham	Golden Bingham
Jan Salazar	Tom O'dell	Frank Montierth
Kathy Montierth	Jane Hall	Richard Sparks
GeNeal Sparks	Brent Smith	Kathy Smith
Anthony Chacon	David Chacon	Jane Shivers
Mark Peterson	Camille Gilmore	Cecil Roberts
Brent Coleman	Glenna Deschaw	Tamra Ellis
Brent Ellis	Ron Olson	Scott Priest
Sally Roberts	Hal LaFleur	Lorene LaFleur
Bryce Gibby	Joe Salazar	

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

**Consideration of Meeting Minutes**

Chairman Burrows stated the Board has before them the regular meeting minutes of February 8, 2005. There were no amendments suggested.

**Fund Balance Allocation Report as of February 28, 2005**

Mr. Hansen distributed the Fund Balance Allocation Report as of February 28, 2005. He explained the month consisted of routine expenditures; some associated with RDA projects within the Weber River project area. He discussed the RDA rehabilitation loan program; stating there are currently 29 loans outstanding and eight escrow accounts in progress of completion. Mr. Hansen explained these totals are reconciled and the numbers tied back to the Report on the Condition of the Treasury.

**Motion**     Mr. Gibby moved for approval of consent items as proposed. Seconded by Mrs. Jenkins. The motion passed unanimously.

## **West Bench Redevelopment Project Area**

### **Public Input Hearing & Blight Hearing**

Mr. Hansen gave background on the proposed West Bench Redevelopment Project Area; defined as the area between 4400 South, I-15, I-84, and Riverdale Road; and including the contiguous portion on the south side of the Cinedome area and the former AT&T Building. He stated the RDA area concept surfaced during Strategic Planning discussion in regards to obstacles that have restrained development or redevelopment in this area. He stated as a result, the City Council engaged the services of an economic development team and made a fairly significant financial commitment to study the desirability of trying to optimize development on the West Bench.

Mr. Hansen stated it became apparent from the study performed by the economic development team that there could be significant and prominent development taking place if not for these obstacles. As a result, the City Council then engaged the services of Bonneville Research to conduct a blight study in the survey area to determine if the RDA tool was a valid option.

Chairman Burrows explained many of the area property owners were invited to participate in a charette process, where input regarding the West Bench area was taken. Mr. Hansen indicated the process being talked about this evening is actually proposed to help accomplish some of the goals that many had indicated they felt comfortable with.

Chairman Burrows stated at this time, he would turn the meeting over to Mr. Randall Feil, the City's Redevelopment Tax Attorney. Mr. Feil stated at this point, he is going to go through a brief description of purposes to be accomplished pursuant to State Law. He noted this is the time and date for public hearing, pursuant to notice as required law.

Mr. Feil explained that the public input hearing will be conducted first; and then on to the blight hearing. He noted that they would like to keep the two hearings separate so they can keep an accurate record. He explained the input hearing is for individuals to give their comments and concerns; and the blight hearing is just the issue of blight as defined in state law. He reiterated that as individuals give their public input, they not get into the issue of blight; and keep that separate for the blight hearing.

Mr. Feil gave a brief explanation of the tax increment, stating taxes do not change because an RDA Project Area is being adopted. He stated the increment will either remain at least the same; or can change, based on decisions made. He stated the increment is totally independent of this process, and nothing within this process will require an increase in property taxes.

Mr. Feil explained that any additional money that could come from development in the area that did not exist and was not taxed before; those taxes would generate new tax increment dollars and levy against the new improvements. Those could be used by the RDA to remove impediments to development and to assist the area to develop. Mr. Feil stated the agency will not automatically receive these tax dollars, as the Taxing Entities have to meet in a

Taxing Entity Committee meeting and approve whether or not and for how long the agency could receive the increment.

Mr. Feil proceeded to go through the summary statement. He discussed the stated purposes of the combined public hearing, which purposes are set forth in Section 17B-4-402(1)(h)(ii) and 17(B)-4-603(3) of the Act; such purposes are:

(1) permit all evidence of the existence or nonexistence of blight within the proposed Project Area, as the term "blight" is defined in Section 17B-4-604, Utah Code Annotated 1953, as amended, to be presented;

(2) permit each record owner of property located within the proposed Project Area or the record property owner's representative the opportunity to:

(a) examine and cross-examine witnesses providing evidence of the existence or non-existence of blight; and

(b) present evidence and testimony, including expert testimony, concerning the existence or nonexistence of blight;

(3) inform the public about the 550 West Redevelopment Project Area being considered for a redevelopment project area;

(4) allow public input into Agency deliberations on proposing the Project Area;

(5) receive all written objections, and hear all oral objections, of record property owners;

(a) to the inclusion of the record property owner's property within the Project Area; and

(b) to any required proceeding of the agency in the creation of the Project Area. The following documents, along with their related certificates of mailing, proofs of publications, 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)(h)(ii), 17B-4-601(2) and (3), 17B-4-701(1)(a) and (b) and (2)(a), 17B-4-702 and 17B-4-703, Utah Code Annotated, which was published in the Ogden Standard Examiner Newspaper.

The Redevelopment Agency Resolution No. R10-2004 dated November 16, 2004, designating the redevelopment survey area and authorizing a blight study.

Three separate Notices, each dated the 4th day of February 2005 and executed by Larry Hansen, 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 proposed Project Area; (b) each owner of record owning property within 300 feet of the boundaries of the proposed Project Area; and (c) each taxing entity having the power to levy a tax within the boundaries of the proposed Project Area, which notice to taxing entities contained the provision required by Section 17B-4-702 of the Act.

The Agenda of this meeting and the Notice of Meeting which has been given as required by Section 52-4-6, Utah Code Annotated.

Section 17B-4-801(1), Utah Code Annotated 1953, as amended states that the public hearings required in Subsection 17B-4-601(3), (meaning the "blight hearing") and the public input hearing required by Section 17B-4-401(1)(h)(ii) (meaning the public input hearing)

"may be combined". The public hearing record should indicate that the Agency has decided to combine these two hearings and hold them on the same night, but the hearings will be held one after the other, first the public input hearing and then the blight hearing, as set forth on the Agenda.

If the Agency decides after this first set of public hearings to proceed with the proposed Redevelopment Plan and Project Area, pursuant to the provisions of the Act, the Agency will hold a second set of public hearings regarding a proposed Project Area Plan and proposed Project Area Budget. The second set of public hearings would be held at least thirty days after this first set of public hearings.

Any written objections received were copied and given to each member of the board (note: there were no written or oral objections to the proposed West Bench Redevelopment Project Area). Oral and written objections made at this hearing will be considered.

At this time, Mr. Gibby disclosed that he is a property owner within this project area.

Mr. Hansen referenced a diagram of the proposed West Bench RDA Area. He explained it is the desire to see the area developed in a manner that is consistent with the General Plan of the City and which would optimize the property rights of the owners in this area. He discussed the RDA desire to make it feasible to allow property owners to sustain or improve property values by virtue of this RDA tool. He stated there is no intent in allowing for recent legislation concerning eminent domain; as there is no intent on the behalf of the agency to consider utilizing this power in this particular project. Mr. Hansen stated it is also a consideration of the agency that any particular or specific increment that might be derived or paid to the agency would be used to enhance infrastructure such as high voltage transmission lines, roads and utilities, etc.

Mr. Hansen discussed the intent to obtain the beneficial use of the RDA tool in this particular area because he feels this to be prime real estate within City boundaries; and also feels there are impediments to the optimum development of some of this property. He stated with some assistance, that may be bourn in such a way that any particular parcel owner would not feel they had to shoulder the full weight of carrying this development. Mr. Hansen summarized the agency has not engaged any relationship with any specific developer; and continue to respect the rights of the property owners in Riverdale as well as the desire to sustain and improve property values.

Mr. Feil stated it would be appropriate to explain the plan and what the law requires be included: the description of the project boundaries and diagram; general statement of land use; general design guidelines for development; and owner participation rules. He explained the current law provides that blight based project area owners have a preference over outside developers that do not own property inside the project area.

Mr. Feil continued the plan contains provisions concerning tax increment; the taxes and how they are assessed; the levy and how it is assessed; the amount of years to collect increment; taxes that would be - things that are valued more, and the taxes on the value.

He went on to say the amount to do improvements, and those amounts are called "difference" and they call that tax increment to stimulate the area. He explained that property taxes are assessed and increment comes from real property values and the increased values.

Mr. Feil referenced the Project Area Budget, and stated the Taxing Entity Committee has to approve those budgets. He explained that during the recent legislature, Senate Bill 184 removed the RDA power of eminent domain. He explained the law used to provide the agency, as a separate entity, to have the power of eminent domain for a limited period of time. He stated most RDA Boards feel this to be a political and extremely sensitive issue. Mr. Feil stated the draft plan did include this power just in case it became necessary, but it does not appear the Board will now legally have this power. He summarized this could be determined to be left in or be removed; and would involve the decision as to whether this is important to the plan or not in case the power of eminent domain is ever restored by law.

Mr. Feil inquired if the Agency received any written or oral objections to the proposed West Bench Redevelopment Project Area. Chairman Burrows indicated that the Redevelopment Agency has not received any objections. Mr. Feil stated because no written objections have been received, it will only be necessary to consider any oral objections, which may be made at this hearing.

Chairman Burrows called the Public Hearing to order at 7:48 p.m. for public input. He affirmed that proper proof of publication had been given. It was noted that public input would be taken in the following order: persons owning real property in the project area; taxing entities; persons owning real property located within 300 feet of the boundaries of the proposed project area; and other interested persons.

Mr. Feil indicated now is the time for persons owning real property in the project area to address the Agency.

Bryce Gibby, 1450 West Riverdale Road, stated he would like to comment in favor of the proposed West Bench RDA. He stated both as a property owner, and a developer; he knows that it takes a great deal of funding to develop a worthy project. He stated an RDA is considered "a prime in the pump", as a portion of that benefit enables a developer to complete a project that he otherwise may not be able to do. Mr. Gibby explained that RDA's are very active in other communities that surround Riverdale; and Riverdale needs to continue to be competitive with those communities.

Mr. Gibby addressed the crucial development at the Ogden Airport, stating this RDA project could mean the difference between feasible and not feasible. He stated there is a tremendous amount of capital required in the front end, and the public only sees the end result. They do not realize or recognize all the years of effort and tremendous capital involved in development. He discussed the long-range benefit in tax benefits, as well as the potential to create new jobs in the area.

Richard Sparks, son-in-law of Leatha Myers, inquired as to whether there is an interested developer. He stated he has yet to hear what is being proposed to be done by the RDA with this property; and inquired how, without the power of eminent domain, they intend to have property owners participate. Mr. Sparks explained that Leatha has lived in this location for 50 years, and during that time, has seen many developers come and encourage the sale of her property. He stated he would like to understand better what is being planned.

Tom O'Dell, 5075 S. 1225 W., stated he resides by the Golden Spike Park. He stated he does not see his area as being affected, and inquired as to the affected area. Mr. Feil classified Mr. O'Dell as a 300 foot property owner, who received courtesy notification.

Chairman Burrows stated neither the City nor the RDA is a developer. He stated they are not buying or acquiring property for development; and redevelopment is a tool to keep property and infrastructure from evolving into further disrepair. If this were to happen, it is not likely that property owners would receive advantageous property values.

Mr. Feil again explained the tax increment process. He stated the RDA does not have any money they can spend in this proposed project area right now; and they may not have any when a developer tries to come in with negotiations to build. He stated this is a tool that can be put in place to allow the agency to receive tax increment money, or new tax dollars that are created from a new building.

Mr. Feil explained when an agency establishes a project area, they may have the right to receive or loan against future tax increment. He clarified this is a form of dealing with owners or developers to get development to happen. Mr. Feil stated how fast the area may develop otherwise is unknown, as some parts may never develop during the RDA project area timeframe.

John Cypers, 4875 S. 1700 W., stated he is one of the 300-foot property owners. He referenced a recent Standard-Examiner article regarding property tax, RDA funds, and the statement that school districts collect over 50% of property tax and are the hardest to be hit from such project areas.

Mr. Feil explained if it is felt this area will develop just as soon and just as nice, he would not recommend the creation of an RDA project area. He stated, however, if it does appear an RDA area will help - then perhaps it is worth some investment of all taxing entities to give up any new taxes (their current increment will not be reduced), and spend the taxes to get the area built and install infrastructure such as roads, etc. He stated once completed, the increased taxes are distributed to everyone and everyone wins. Mr. Feil stated the Taxing Entity Committee must be convinced of this.

Mr. Cypers made the comparison of putting a hot item on sale, stating if there is that much demand, the area is going to develop regardless. Chairman Burrows discussed the need to quit giving away money to big developers. Mr. Cypers stated he would disagree, as he sees these projects as taking away from the schools and using the RDA as a smokescreen. He stated there is no blight to eliminate, and the RDA is merely trying to steal tax dollars.

Mr. Feil explained that every project area must first qualify as a blighted area; and nine factors of blight have been identified throughout this area. He stated this is not the part of the meeting dealing with blight, and he would recommend going back to the agenda and continuing the public input hearing.

Cora Bingham, 4890 S. 1550 W., inquired if the RDA would prohibit the sale of property or property ownership. Mr. Feil stated the RDA would have nothing to do with these factors. Mrs. Bingham inquired as to homeowner advantage as to being classified within an RDA area.

Mr. Gibby explained as a property owner, he has been approached by numerous developers to develop his property. He stated without RDA increment and because of the problems associated with the power lines, sewer lines, and other infrastructure elements - the developers were not interested. He stated it can be said that development will occur regardless, but the school district isn't making any more money on his property and it is sitting in a stage of "undeveloped". Mr. Gibby stated he would like to see his property developed, and the RDA is a tool to allow tax increment to help stimulate the development.

Mrs. Jenkins stated in sitting on the Taxing Entity Committee, she was impressed by a profound statement Mr. Feil had made in reference to the way the money flows through. Mr. Feil explained under the law, if an RDA project area is established, the taxable value of all improvements, land, etc. is figured and the current tax levies are applied to that value. He stated in this case, the project area was adopted before November 1, and therefore the tax values are figured on the 2004 values. Those taxes would flow through just as they always have to the county, school district, water districts, etc. based on 2004 property taxes and they do not lose any increment and are protected. Mr. Feil stated, in fact, there aren't any documented cases where property values go down because a bunch of buildings get torn down; the entities would still receive the same amount of levy. He summarized that the agency has to get more development to happen to take care of that tax increment.

Chairman Burrows explained estimates to relocate the overhead power lines to underground are approximately \$1,000,000 per mile; or \$1,500,000 for this particular section of line to be relocated to allow for development to occur. He stated there simply must be some type of mechanism that allows for that, as the City does not have it within their budgetary powers to have those power lines removed. He stated this takes future increment and allows you to borrow against it instead of bonding, so that taxes do not go up. He stated it is actually borrowing against future development rights.

Richard Sparks inquired if the Riverdale RDA has utilized eminent domain in the past, and if there is any intent to use it in the future for this project. Chairman Burrows stated during his tenure since 1994, he can recall one time where eminent domain was threatened. He stated that was at the property owner's request because of certain tax advantages.

Sally Roberts stated she is a property owner by the Cinedome. She stated a problem for her clients is the road navigation and destination; as it is a free-for-all once you enter the Cinedome parking lot. It was stated that RDA funds could help provide infrastructure

improvements. Mrs. Roberts inquired as to plans for realigning the actual intersection, with Chairman Burrows explaining that consists of mainly UDOT right-of-way. He stated that may not take place until the actual widening in 2008. Discussion followed regarding the Cinedome, with Mrs. Robert stating it used to be a wonderful thing, but certainly is not doing anything for anyone's property values.

GeNeal Sparks, Leatha Myer's daughter, inquired as to what will happen to her mother's property and what the change will be. Mr. Hansen explained there does not have to be any development take place on this specific property, and she could continue to use it for as long as she lives. He stated the RDA tool is needed because of impediments to other property owners. He stated the sincere effort is to sustain or improve property values of any property owner in the area; and there is no intent to utilize eminent domain. Mrs. Sparks explained that her mom is afraid her property will be devalued and that she will not have a say in what she can do; and she asked for the word of the City this would not occur. Chairman Burrows stated the intent is to increase property values, not decrease. He stated there is no intention for otherwise, unless Leatha chooses to move. Mrs. Sparks explained she wants her mother to be able to stay in her beautiful home until her death or passing.

Hal LaFleur stated Wal-Mart would like to acquire his property west of Wall Avenue in Ogden. He stated in fact, just 14 months ago, he attended a meeting just like this and heard much of the same presentation. He stated he is so thankful for Senate Bill 184, and the subsequent removal of RDA eminent domain power. Mr. LaFleur stated he feels the best of intentions among elected officials only last as long as they are in office. He cautioned the audience not to count on what is said; because although it may be sincere at the time, the law and reality of the experience may turn out to be something different.

Mr. LaFleur stated Wal-Mart was going to acquire his property by August 1, 2004; and he continues to be in negotiations with Ogden City to this day. He stated he wants to be able to exercise his property rights; and he feels under the power of RDA and eminent domain, the minute an area is approved - property owner rights are instantly evaporated. He cautioned the elected officials to be totally sincere and honest with these citizens, because they have been elected to represent them and not outside developers or anyone else wanting to make a fast buck. Mr. LaFleur cited his phone number, 393.3297; stating he would like to talk to anyone interested.

Mr. LaFleur continued to discuss the 1988 RDA Project area involving Maple Gardens in the now Shopko area. He stated this was a horrible experience for him because he had invested in real estate, unknowing that Riverdale had crown jewels and no need to provide subsidy. He stated although he does enjoy the lower sales tax base in Riverdale, it is not worth it. He stated Layton has not utilized one penny of RDA to provide for development. Mr. LaFleur stated it will be 25 years before taxes start flowing and the Cinedome area needs to be cleaned up now.

Mr. LaFleur stated he has been a resident since 1969, and there are things that need to be cleaned up. He stated he has personally been stifled from developing his own property, and merely would like the freedom to do what he would like to do. He referenced vacant

buildings and areas throughout the city; and stated if the RDA wants to dictate development, they should buy it. He further discussed the personal hardship associated with eminent domain, stating a property owner can be guaranteed the first appraisal they are handed on the property value will not be fair.

Mr. LaFleur stated the RDA may be positive, as redevelopment of the neighborhood would be good and is necessary; but not under the power of eminent domain. He stated there are better ways, and the City can find those better ways and respect the property owner rights. Chairman Burrows referenced the recent infrastructure improvements and extra funding expended on 1150 West, and inquired if the City was not more than fair. Mr. LaFleur stated he feels he suffered financially as well as in lack of consideration of property rights.

Mr. Feil stated indeed, the Ogden example is a bad one. He stated he personally represents a number of agencies, and the majority of them have never utilized the power of eminent domain. He stated although it sounds like Mr. LaFleur had a bad experience, everything he said has to do with the negative power of eminent domain. He stated once the governor signs Senate Bill 184; eminent domain will not be included in the plan. Mr. LaFleur stated he would like that; however, would have concern that Mr. Feil is continually rebutting citizen comments.

Mr. Feil indicated now is the time for individuals representing taxing entities to address the Agency. There was no representation from any of the taxing entities.

Mr. Feil indicated now is the time for persons owning real property located within 300 feet of the boundaries of the proposed project area to address the Agency.

Frank Montierth, 5125 S. 1250 W., stated he resides just below the Cinedome Theater. He inquired as to what guarantees or what rights the property owners have to say what goes on in this area. He inquired as to plans or direction.

Chairman Burrows stated he had not seen Mr. Montierth present at the charette meetings where a marketing plan was developed for the West Bench. He stated this is on file with the City and may prove helpful for Mr. Montierth to come in and review. He clarified this does not involve anything set in stone, and consists of a possibility in conjunction with property owners to develop a plan that would enhance the area and not take away any property owner rights. Chairman Burrows stated after the process of working with the property owners, perhaps there is merit to add such concepts to the General Plan. He summarized the intention is to increase property values for the future and not take away any property rights.

Jane Hall, 1265 W. 5175 S., inquired if property owners have approached the RDA to help them sell their property. It was stated this is not the function of the RDA. Ms. Hall expressed confusion as to the purpose of the entire project area, with Chairman Burrows stating the desire is to make the property owner's property worth more to developers to come in and develop. He stated there was a study commissioned by The Herridge Group to

put this potential plan in place. Ms. Hall stated she feels this will happen anyway; and if so, is Riverdale ready for another huge amount of development.

Scott Smith questioned the boundaries of the RDA area. Mr. Daily gave a brief delineation of the project area.

Hal LaFleur explained he did not intend to offend anybody, but he tends to get very emotional about these types of issues. He stated he appreciates what the City does and realizes that Riverdale City is extremely well managed and has a healthy bank account which could allow them removal of the power lines over a period of time. He stated, however, he does not think it is impossible for a developer to think in terms of moving those power lines as well. Mr. LaFleur praised the quality of parks, trails, etc., but stated he wants to remove the power of eminent domain. He referenced the new Walgreen's development in South Ogden, stating that involved completely fair dealings and utilized no power of eminent domain. Chairman Burrows reported both the Walgreen's and Costco areas are RDA areas for South Ogden. He stated the bottom line is that corner is improved because of an RDA area.

Joe Salazar stated there are many big ideas, but no money. He stated developers get their money from borrowing and investing in redeveloping; and he feels Riverdale City should give careful consideration to making this type of commitment. Chairman Burrows stated the City does not intend to borrow and does not enjoy borrowing; and that is why the RDA tool has proven to be beneficial.

Tom O'Dell stated he is against the RDA project area. He stated a property owner only has rights until a big developer comes in and wants their property. Mr. Feil interjected that he has to make sure those present are dealing with accurate information, and he has a legal duty to set forth what really are the facts. He stated if there is no eminent domain power in a redevelopment agency - then they cannot take anybody's property and a developer would only be able to acquire the property if a property owner wants to sell. He stated if there is no eminent domain provision included in the plan, it would be the same. He clarified the one-year moratorium is against starting new RDA areas that have not yet begun; and this process was already underway.

Mr. LaFleur expressed concern that the RDA could amend the plan later and include eminent domain back in. Mr. Feil noted that the City has the power of eminent domain regardless, for roads and parks, etc.

Dave Chacon, 5173 S. 1275 W., inquired as to a plan in the works and a future intersection that may increase traffic flow into his subdivision. Chairman Burrows referenced the Master Road Plan, stating this has always shown a road coming up 5175 S. over the hill to 1500 West. If that area is ever developed and 1500 West extended further south, studies have indicated that road ought to continue on to Ritter Drive in some form or fashion; and would likely be development driven.

Discussion followed regarding impacts of the proposal to surrounding residential. Chairman Burrows stated this is not a new concept, as that road has always been proposed. Inquiry was raised as to whether the zoning would change depending on development. Chairman Burrows explained that if any zoning changes took place, there would be separate and independent public hearings for those; and the public would be notified.

Ron Olson, 5099 S. 1275 W., stated his property borders the Cinedome property. He inquired as to what would happen in the event the determination was made that this property was blighted. Mr. Springmeyer explained after he presents his findings, and if the Board makes a determination the area meets legal tests - they would then initiate actions to create a project area and would then direct preparation of the plan as discussed by Mr. Feil. He clarified the area would then be established. Mr. Springmeyer stated his experience has been that property owners never see a decline in any value of their property; and generally see increased property values because of the ability to install things like curb, gutter, sidewalk, etc.

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

**Motion** There being no further public comment forthcoming, Mr. Gibby moved to close the Public Input Hearing. Mr. Haws seconded the motion. The motion passed unanimously. The Public Input Hearing closed at approximately 9:13 p.m.

The RDA Board took a short recess at this time.  
The meeting reconvened at approximately 9:23 p.m.

**Blight Hearing and Presentation of Evidence or Nonexistence of Blight within the Proposed West Bench Redevelopment Project Area**

Mr. Bob Springmeyer, Bonneville Research, explained he had been retained by the RDA to conduct a blight study on the designated area. He stated this study has been available for public inspection, and he is happy to answer any questions.

At this time, Mr. Springmeyer commenced his PowerPoint presentation. Mr. Springmeyer's presentation covered the Utah Redevelopment Agencies Act; Legislative "Blight" Factors; "Cause" of Blight; Findings; Proposed Project Area; Proposed Redevelopment Project Area; West Bench Blight Findings; Finding A; Finding B; Finding C; and a listing of the property owners.

Mr. Springmeyer concluded his presentation. It was noted that now is the time for examination and cross-examination of witnesses providing evidence of blight; presentations by owners of property located within the proposed West Bench Redevelopment Project Area; and presentations by other interested persons to the Agency.

There was no examination or cross-examination of witnesses providing evidence of blight.

GeNeal Sparks, 1403 W. Riverdale Road, inquired as to the right of Mr. Springmeyer to define blight. Mr. Springmeyer offered explanation that due to the dirt road and poor access, this particular property does not meet the current standards or building code. Mrs. Sparks expressed concern that the market value on the property will be decreased if declared as blighted. Mr. Springmeyer stated he would argue that he has seen the opposite occur. He stated in order to have an RDA area, it must be defined as a blighted area. He stated blight is defined by the State Legislature; and not in our own minds.

Cora Bingham expressed concern as to reaction if potential buyers were to hear the word "blight". Mr. Springmeyer stated people need to clearly understand this is valuable property.

Ron Sparks addressed the finding that higher levels of crime were expected because of the remote location. Mr. Springmeyer stated the area does not necessarily exhibit a higher level or incidence of crime; but indicates higher levels will occur if the area continues to deteriorate.

Glenna DeSchaw questioned the West Bench area map, and specifically, several parcels in question (#59-#63). Discussion followed, with Mr. Springmeyer stating perhaps these parcels had been included in error. He stated he would have to work with staff to correct the property area boundaries.

Tamra Ellis, 4804 S. 1500 W., inquired as to what information should be gleaned from this presentation. Mr. Springmeyer stated there are some communities that he deals with where there is a proposed development or developer that has been accumulating properties and may have options. He stated the City gets wind and then has to deal with additional problems at the same time. He stated this is not one of those projects, as the City knows there are problems with some of the properties which have been in existence for a long time.

Mr. Sparks inquired as to the housing area proposal next to the Cinedome area. Mr. Springmeyer explained the design planning team had felt that may be an appropriate use for that property. He stated this is merely speculation, as the property is not zoned, has not been acquired; and is merely a speculative design concept included as part of The Herridge Group study.

Mr. Hadden explained the intent of the study was simply to ensure the City was being proactive when it came to future development. He stated the City Council wanted to look in the future to determine what would be good in specific areas - and to try and work towards that. Chairman Burrows offered clarification there are no plans on the table, other than a concept.

Mr. Springmeyer stated because of the discrepancy associated with the map, he would have to perform recomputation in order to get the actual counts and acreage correct. He stated it would appear, and he could clearly state that either including or excluding these parcels

would make no substantive changes in his opinion on the blighted nature of the area. He stated the proposed project area would still meet all three tests.

Mr. Daily addressed the map discrepancy, stating these are not buildable lots and are on a hillside (previously part of the TCI property). Those were split off and created into lots with the purpose to quit claim deed those to the properties that fronted onto 1275 West. He stated some of those people did quit claim and some remain in Weber County possession; however, they were not intended as part of the project area. Mr. Daily stated maps that were mailed out did not include these parcels in question; so at this point, unless a change or determination is made at some point - they are not included. Inquiry was raised as to resulting legal ramifications, with Mr. Feil stating if these parcels are desired to be included in the project area, the process would have to start over. He clarified although Mr. Springmeyer did include these parcels within his blight study, his conclusions about all the tests have remained the same and the area still qualifies under the statute of blighted area.

Mr. Chacon inquired as to the difference between redevelopment and development. Mr. Springmeyer explained to redevelop is to develop something that is already developed; and most areas already have existing buildings or improvements. He stated there are some open and extra acres, however, there is no distinction.

Brent Ellis, 4804 S. 1500 W., expressed concern over eminent domain and the criteria for blight being lack of access to a road or curb and gutter. He referenced the proposal to place a roundabout in the location of his home, and inquired if the City would have the power of eminent domain to do so. He inquired who is going to pay for these roads when this property is developed. Mr. Springmeyer stated he would hope it would be a developer. He stated the City could use the present powers of condemnation or eminent domain, but would still have to pay fair market value.

Tamra Ellis inquired if the redevelopment or economic area could be used as a tool to ensure existing property owners and existing residents were treated fairly. Mr. Ellis stated he would have a problem with the City wanting to install a roundabout where his home is. Chairman Burrows stated this is merely a concept that could develop in a natural course - with or without the RDA.

Hal LaFleur inquired as to the cost associated with the blight study. Mr. Hansen explained the blight study is part of other work and he would be unable to attribute a specific cost; however, he would estimate less than \$4,000. Mr. LaFleur inquired as to why a blight study was needed in this project. Mr. Springmeyer explained a blight study is the precursor necessary to establish a project area. Mr. LaFleur inquired if a blight study is required to utilize eminent domain, with Mr. Springmeyer stating it would be if eminent domain were planned.

Mr. LaFleur inquired if eminent domain could be a possibility in this case. Mr. Springmeyer stated the Board has stated they do not plan on utilizing this option. Mr. LaFleur stated he

wants this written down and guaranteed; as he sees the reason for a blight study being to show blight to illustrate the need for eminent domain.

Mr. Feil explained the State Legislature, through the Utah Redevelopment Act, requires by law that if an RDA project area is to be established (with or without eminent domain), a blight study must be conducted and the area declared as blighted. He stated there simply is no choice but to conduct a blight study.

Inquiry was raised as to the timeframe associated with this project. Mr. Hansen stated it could be next month or it could be 3-5 years; but homeowners would be involved every step of the way. Mr. LaFleur inquired if the instances where blight has been identified can be removed by the property owner. Mr. Springmeyer stated if the conditions are eliminated or removed, this could change the study at some point in the future.

Brent Smith inquired if the rural atmosphere in this area makes it easier to fall into the criteria to meet blight: irrigation, open fields, etc. Mr. Springmeyer concurred by stating the way that area developed was consistent with the standards when it was developed - but it does not meet the standards and setbacks that exist today.

Mr. Sparks inquired why the City did not require curb, gutter and sidewalk on this property in the past; and why is it now required. Mr. Feil explained that State Statute says that 1 of 9 factors can be a lack of public structures. He stated it is hard to make the transition from calling an area blighted to see if this is just a technical test to determine if funding can be utilized in this area. He clarified it has nothing to do with any one property, but it is the overall area that is being considered. He stated one of the factors is the Cinedome area; and in order to enhance the entire area, certain properties were included.

Mr. LaFleur again argued that he feels without this blight study, there is no power for eminent domain. Mr. Feil stated the way to convince this board to not find this area blighted would be to present evidence as to the non-existence of blight; or to work with Mr. Springmeyer to defend why blight does not exist. He stated he would like to proceed to address the issue at hand.

Mr. LaFleur inquired as to why there is no blight on the northern end; and why this area is not included. He stated he personally thinks there is something phony about the boundaries of this proposed RDA area to qualify for blight; he stated there is no blight and that is why.

Mr. Springmeyer explained the boundaries that he drew for the RDA were because it was felt the northern area would be more appropriate for certain economic development areas, and would recognize more commercial development. Mr. LaFleur stated he feels they could have drawn any boundary lines and wherever they wanted; and especially if there was the need for additional blight.

**Motion** There being no further public comment forthcoming, Mr. Gibby moved to close the Blight Hearing. Mrs. Brough seconded the motion. The motion passed unanimously. The Blight Hearing closed at approximately 10:26 p.m.

**Summary of Evidence - "Summary of Findings"**

Mr. Feil addressed the Redevelopment Board, and reviewed the Summary of Findings and Supporting Documents for the West Bench Redevelopment Project Area. He noted that there was not any other evidence presented other than what Mr. Springmeyer presented. He explained that the Summary of Findings is a document for their consideration, and it sets forth a brief summary of findings based on the evidence.

Mr. Feil indicated at this point in the meeting, the Board is free to go over each finding; or if they are satisfied, they can adopt the entire Summary of Findings, or they can adopt each individual Finding. He explained that they have to do it based on the evidence that has been presented to the Board.

**Summary of Findings and Supporting Documents for the West Bench Redevelopment Project Area by the Redevelopment Agency of the City of Riverdale:**

Pursuant to Sections 17B-4-601(3) and 603, Utah Code Annotated 1953, as amended, the Redevelopment Agency of the City of Riverdale (the "Agency") held a public hearing to hear evidence and determine whether or not the proposed 550 West Redevelopment Project Area is a "blighted" area. During the public hearing, the Agency considered evidence regarding whether or not the proposed 550 West Redevelopment Project Area ("Project Area") is a blighted area as defined in the Act, and:

(a) Permitted all evidence of the existence or nonexistence of blight within the proposed Project Area to be presented; and

(b) Permitted each record owner of property located within the proposed Project Area or the record property owner's representative the opportunity to:

(i) examine and cross-examine witnesses providing evidence of the existence or nonexistence of blight; and

(ii) present evidence and testimony, including expert testimony, concerning the existence or nonexistence of blight.

In order to assist members of the governing board of the Agency to make the finding to determine whether or not the proposed Project Area is a "blighted area", the findings are listed below, along with a brief summary of certain supporting evidence from the documents before the Agency Board, referred to during the public hearing or on file with the Agency Board. The Agency Board now must consider all oral and written objections, the evidence, documents and comments, and proceed to make a determination regarding the matters set forth in the findings. Signature of the Agency below indicates that the Agency Board has considered all oral and written objections the Agency has received, has considered the evidence, documents and comments concerning whether the proposed project area is a blighted area, and that the Agency Board has made and adopted

in the affirmative the findings listed below, having found them to be supported by the evidence and information presented or made available to the Agency.

**FINDING A** The proposed Project Area contains buildings or improvements used or intended to be used for residential, commercial, industrial or other urban purposes, or any combination of those uses, and contains buildings or improvements on at least 50% of the number of parcels of private real property whose acreage is at least 50% of the private real property within the proposed Project Area.

The proposed Project Area contains approximately 89.32 acres of private real property. Of that total acreage, approximately 55.27 acres, or 62% of the private real property, contain buildings or improvements. There are twenty-four (24) parcels of private real property within the proposed Project Area. Fifteen (15) or 63% of those parcels contain buildings or improvements. The proposed Project Area meets the legislative criteria because the buildings or improvements are for urban purposes, at least 50% of the number of parcels of private real property in the proposed Project Area contains buildings and improvements, and these parcels represent at least 50% of the acreage of the private real property within the proposed Project Area.

**FINDING B** The proposed Project Area is unfit or unsafe to occupy or may be conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime because of three or more blight factors listed in the Act.

This finding is supported by the Blight Survey conducted by Bob Springmeyer of Bonneville Research who examined the proposed Project Area and concludes that the proposed Project Area is "unfit or unsafe to occupy or may be conducive to ill health, transmission or disease, infant mortality, juvenile delinquency or crime" because of any three or more blight factors as defined in the Act, and as more fully described in Finding C below.

**FINDING C** The proposed Project Area is a Blighted Area, the redevelopment of which is necessary to effectuate a public purpose.

This finding is supported by the Blight Survey conducted by Bob Springmeyer of Bonneville Research who examined the proposed Project Area and concludes that the proposed Project Area is a "blighted area" as defined in the Act, and that eighteen (18) or 75% of the twenty-four (24) parcels in the proposed Project Area exhibit three or more factors causing blight.

**Motion** Mr. Hadden moved to adopt the Summary of Findings and supporting documents for the West Bench Redevelopment Project Area by the Redevelopment Agency of the City of Riverdale; and eliminating parcels 59-63 that were included in error. Mr. Haws seconded the motion. The motion passed unanimously.

**Resolution No. R7-2005 adopting a Finding of Blight Regarding the Proposed West Bench Redevelopment Project Area**

**Motion** Mr. Gibby moved for approval of RDA Resolution No. R7-2005, a Resolution of the Board of Directors of the Redevelopment Agency of the City of Riverdale, pursuant to Utah Code Annotated, Sections 17B-4-601(4)(b) and 17B-4-604, making a finding of Blight regarding the Proposed West Bench Redevelopment Project Area; and excluding parcels 59-63 that were included in error. Mrs. Jenkins seconded the motion

**Roll call vote.** Mr. Hadden, Yes; Mrs. Brough, Yes; Mr. Gibby, Yes; Mr. Haws, Yes; and Mrs. Jenkins, Yes. The motion passed unanimously.

**Resolution No. R8-2005 Selecting the West Bench Redevelopment Project Area in the West Bench Redevelopment Survey Area, Pursuant to Section 17B-402(1) 9h)(iii), Utah Code Annotated 1953, as Amended**

Mr. Feil explained it is time for the Board to decide if they want to move forward with the entire survey area. At this point, they can decide if they want to change the boundary area or select the entire boundary area; he reiterated it is up to the Board if they want to move forward. He suggested the Board not change the map and legal description, stating there is no need to exclude the lots in question because they were not included in the map attached to either the resolution or the legal description.

Mr. Hansen stated it is Staff's recommendation that they proceed.

**Motion** Mr. Haws moved for approval of RDA Resolution No. R8-2005, a Resolution of the Board of Directors of the Redevelopment Agency of the City of Riverdale, selecting the West Bench Redevelopment Project Area in the West Bench Redevelopment Survey Area, Pursuant to Section 17B-402(1)(h)(iii), Utah Code Annotated 1953, as amended. Mr. Gibby seconded the motion.

**Roll call vote.** Mrs. Brough, Yes; Mr. Gibby, Yes; Mr. Haws, Yes; Mrs. Jenkins, Yes; and Mr. Hadden, Yes. The motion passed unanimously.

**Setting a Date and Time for the Hearing on the Project Area Plan and Project Area Budget**

Mr. Feil indicated now is the time to schedule the date and time for the next set of public hearings, which is the Project Area Plan and Project Area Budget. He explained that it would take some significant time to get the plan and budget prepared; in addition, certified mailing will have to be mailed as before. Mr. Hansen stated with regards to pressing schedules and complex issues to be worked through, he inquired if it would be acceptable to consider moving the suggested April 26 date back to a May meeting date. Mr. Feil stated the April date had been suggested as an aggressive schedule right in front of pending legislation. He stated the pressure is off, and only SB 184 had been approved.

**Motion** Mr. Gibby moved to set the date and time for the hearing on the Project Area Plan and Project Area Budget for May 10, 2005, at 7:00 p.m. Mrs. Jenkins seconded the motion. The motion passed unanimously.

**Senior Housing/Facility - Payment Request**

Mr. Hansen distributed a payment request, stating staff would recommend approval in the amount of \$383,513.95 for work completed to date on the Senior Housing/Facility.

**Motion** Mr. Haws moved for approval of the payment request in the amount of \$383,513.95 payable to Kier Construction for work completed to date on the Senior Housing/Facility. Seconded by Mr. Gibby.

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

**Senior Housing/Facility - Proposed Change Orders**

Mr. Hansen distributed a listing of Senior Center Proposed Change Orders, stating these have to do with subsequent requests to add outlets for lighting, etc. He stated staff would recommend approval of Proposed Change Orders 17, 24, 28 and 29; totaling \$5,644.96.

Mr. Haws discussed the 6% fee added to each Change Order for general contractor profit and overhead; and inquired as to why the RDA is not being credited 6% on the change order providing for elimination of conduit. Mr. Hansen stated this is unknown and staff will pursue this issue.

**Motion** Mr. Gibby moved for approval of Proposed Change Orders 17, 24, 28 and 29 as proposed; and totaling \$5,644.96. Seconded by Mrs. Brough.

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

**Meeting Cancellation - March 22, 2005**

Mr. Hansen explained there would not be enough agenda items to conduct the March 22, 2005 RDA meeting.

**Motion** Mr. Haws moved to cancel the regularly scheduled RDA Board Meeting on March 22, 2005 as proposed. Seconded by Mrs. Brough. 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. Brough. The motion passed unanimously. The meeting adjourned at approximately 11:02 p.m.

Attest:

Approved: April 19, 2005

\_\_\_\_\_  
Larry Hansen  
Executive Director

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Bruce Burrows  
Chairman