

Minutes of the **Regular Meeting** of the **Board of Directors of the Redevelopment Agency** of Riverdale City held **Tuesday, August 16, 2005**, at 8:00 p.m. at the Riverdale Civic Center.

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

Others Present: Larry Hansen, Executive Director
 Randy Daily, Community Development Director
 Lynn Moulding, Public Works Director
 Jan Ukena, City Planner
 Stevin Brooks, City Attorney
 Cindi Mansell, City Recorder

 Robert Cooper Larry McMichael
 Matthew Idema Neal Citte

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

Fund Balance Allocation & Loan Program Summary Report

Mr. Hansen referenced the Fund Balance Allocation & Loan Program Summary Report as of June 30, 2005. He referenced the debit of \$25,000 that was charged to the Senior Center to provide for new replacement equipment at the Community Center. He explained the used equipment was moved over with the Senior Programs. Mrs. Jenkins stated she would argue that the RDA is different than the Community Center; with Mr. Hansen stating this does not create a material effect on the bottom line. He offered further clarification, stating it is good to understand what is being presented conceptually.

Mr. Haws expressed concern the deposits on the first page are listed as a negative expense; listed on the second page as income; and then removed on the bottom. Mr. Hansen stated this is not an income statement, and is basically an accounting for funds.

Motion: Mrs. Brough moved to approve the comment consent item as proposed. Mr. Hadden seconded the motion. The motion passed unanimously.

Consideration of Use Approval – proposed Les Schwab at 627 W. Riverdale Road

Matthew Idema, *CLC Associates*, explained he is a civil and entitlement consultant for Les Schwab. He stated there are several others present who have been working on acquisition of the properties in question. Mr. Idema explained this particular developer went before the RDA Board on July 19, 2005; wherein discovery questions were posed to determine associations and requirements towards this potential application. He stated a preliminary

application meeting with Randy Daily was conducted on August 4, 2005; wherein it was recommended that questions of the petitioner be returned to the RDA Board.

Mr. Idema stated the property in question is the former Willey's parcel; and is now under contract to purchase by the petitioner. He stated he also has a letter from the Garff Group expressing intent to participate with Les Schwab in improvement of the RDA Area; and possibly including acquisition of the Thatcher property to the west in effort to even further reduce blight in the area.

Mr. Idema stated it is recognized there are some material issues relative to the existing buildings; some legal nonconforming. He stated if occupation of the existing buildings were to take place; the developer recognizes that some of the buildings have painted block with siding which the current zoning does not allow. He stated there have been discussions with staff relative to expanding and redressing the existing buildings; as well as the Thatcher property to the west with potential property expansion in that area. He stated there is consideration to expanding the parking lot over to the west as well; and including placement of new construction in this area. Mr. Idema stated he is present this evening to gain feedback and response from the Riverdale RDA Board.

Chair Burrows inquired as to the content of discussion with the Garff Group; and what types of uses are proposed. Mr. Idema stated the idea is that Les Schwab is interested in occupying the existing building and potentially redressing it as an initial step; and recognizing the building is legal nonconforming. He stated he is simply trying to determine what the Board will and will not allow; and further wants to understand their desires.

Discussion followed regarding painted block versus integral color, with Mr. Idema stating there are material options available such as brick/stucco text coat combination; masonry veneer overlay; etc. He stated the developer is willing to work with the City to consider options; and is more interested at this time in finding out if the RDA is willing to consider allowing the petitioner to move forward in this process.

Robert Cooper, local agent for Les Schwab, addressed the potential purchase of the Thatcher property (identified as being owned by Cape Cod properties). He stated the building is actually a commercial condominium which houses existing uses of karate, spa retail, rock climbing, and gymnastics. Inquiry was raised as to the Buckway property, with Mr. Cooper stating this is the parcel furthest east that houses a carpet store. He stated this is separate from the Cape Cod properties.

Mr. Cooper stated Les Schwab has done transactions with the Garff Group previously. He stated the dialogue included going back in as Les Schwab and approaching Cape Cod properties with the intent of addressing the issue. This concept was to be combined with Garff; and they have provided a letter of commitment to move forward in conjunction with Les Schwab. Mr. Cooper stated Les Schwab will now proceed to acquire the Cape Cod property; and there is the ability to have this underway by the end of this week.

Discussion followed regarding the future of the Buckway property, with Mr. Cooper stating any modification to the Cape Cod property would render the Buckway property as nonconforming (due to adjoining walls). He further discussed the concept to open the sight up; tear down; improve the existing building; work out the transition with Garff; clean up the right-of-way and Riverdale Road access; get rid of blighted areas; and ultimately lift the entire area.

Mr. Hansen stated what is being proposed is certainly interesting to the RDA Board. He stated the intent of the participation by the Garff Group could be an integral part of success to this proposal; along with the design criteria and materials that are used in the renovation of the existing maintenance facility. Mr. Cooper stated he feels these to be two separate issues; as Les Schwab is not prepared to tie their success to another developer such as Garff. He stated they are simply attempting to provide a collective effort in moving forward. He stated Les Schwab would like to drive the deal and have Garff accompany the development, if possible.

Chair Burrows inquired as to the use being permitted, with Mr. Cooper stating a tire use is a permitted use within the existing zone. It was later determined that per a recent zoning change (Ordinance #645 adopted June 7, 2005); a tire store would become a conditional use in the existing zone. Mr. Cooper continued that Schwab does not want to get boxed in with Garff and is trying to collectively move forward with the project.

Mr. Daily explained the property was illegally subdivided from the main use; and the building is now nonconforming because of that process. Mr. Cooper stated Les Schwab could go in and make the building conforming at this time. Mr. Daily stated the petitioner could easily handle the nonconforming aspects of the lot and get it cleaned up; whether or not they did anything else.

Mrs. Jenkins inquired as to the fate of Buckway Carpets; and expressed concern as to the possibility of forcing demolition. Mr. Cooper stated the spirit of agreement would be to come to terms with Thatcher and then move next door to Buckway and make a deal to him. He stated there is no reason to penalize this property; and negotiations would be conducted in the same fair and equitable manner as with other properties.

Inquiry was raised as to the intended use by Garff. Mr. Cooper stated they would like the property to house a Nissan dealership. He stated Garff is not financially involved with the Cape Cod properties; but would have a vested interest in the majority of the acreage. Further inquiry was raised as to the surety of the Garff development, with Mr. Hansen stating the clock is ticking in this particular RDA area. He further discussed looking at redevelopment in the area and the residual value of parcels.

Mr. Cooper discussed the desire to take occupancy of the existing buildings while going through acquiring the additional property; and continuing to work with the City and Garff. He stated he would estimate \$500,000 to retrofit the existing buildings; and acquiring the Cape Cod/Thatcher property would require spending \$1,000,000-\$1,300,000 in addition to what Garff would spend.

Chair Burrows inquired as to ultimate desire for orientation of the Les Schwab dealership; whether it be the same alignment as now or other. Mr. Cooper stated he has heard that running parallel to Riverdale Road is not an option; and therefore, the existing facility would require addition. He continued that the petitioner is willing to perform steps of diligence to fall into conformity with the application. He stated the ultimate desire is to end up with the Les Schwab parcel; acquire and redefine the Cape Cod property; and then subdivide the overall parcel as it fits with each of the uses. Discussion followed regarding access issues, with Mr. Daily stating he would estimate eliminated access will result from the bridge widening; and the development may be forced by UDOT to share access with the development at 700 West. Mr. Cooper stated the petitioner is attempting to address all sensitive issues at this point.

Mr. Hansen stated with regard to Administration and staff concerns, and previous discussions with Garff; if Schwab is willing to submit themselves to design review issues, acquire and demolish the Cape Cod property, staff would find the concept favorable and does not feel that use approval would be a bad idea.

Mrs. Jenkins stated the concept seems like a far more feasible deal with the Garff concept tied into it. Mr. Cooper stated Les Schwab does not want to make a commitment to something that cannot be controlled; as Garff cannot be made to negotiate. He stated the concept involves friendly parties who have been involved together in projects before; and it is believed that the proposal can be accomplished with the existing property and existing zoning. He stated there is the desire to push the project forward.

Chair Burrows expressed concern that use approval would not approve the "paint and go" concept; and that there would be material issues to be addressed. Mr. Haws stated he would be far more comfortable if the developer were firmer on the acquisition status of the other properties. Mr. Cooper stated the developer is hoping to have a letter by the end of the week; however, terms and conditions that are acceptable to both properties have been negotiated.

Larry McMichael, Les Schwab Construction Manager, stated a location on which to build a new facility would entail 1.8 to 2 acres. He stated the company has been looking at this parcel; and is aware the facility is larger than they would require. He stated to remodel is different than to rebuild; and his preference and what would work best would be to acquire the property, and then build the new showroom and service bays. He stated it is difficult to enter into this project with "absolutes", but this is where the company would like to ultimately go.

Mrs. Jenkins stated without Cape Cod and the Buckway properties to make this concept work, the Les Schwab development by itself is not an upgrade to the entire area. She stated she personally has higher expectations, and would hold out on consensus that the project should be an asset to the RDA rather than just another car dealer/tire service business. She stated without the additional properties to create synergy in the area, she does not feel this to be improvement. Inquiry was raised as to the potential to do more

with the building should the Cape Cod property not be acquired. Mr. Cooper stated certainly there is the potential for developer's agreement between the RDA and Les Schwab.

Chair Burrows stated the RDA Board has use approval consideration before them at this time.

Motion: Mr. Gibby moved to approve conditional use permit condition upon site approvals and subsequent development agreements. Seconded by Mr. Hadden.

Clarification was offered that conditional use permit approval would need to go before the Planning Commission. Mr. Daily stated this would then allow the developer to set a date to go before the Design Review Committee; and a subsequent developer's agreement would have to be in place in order to begin the project.

Motion: Mr. Gibby moved to amend his original motion; and to approve the use of a Les Schwab tire store, conditional upon development agreement and site review plans. Seconded by Mr. Hadden.

Roll Call Vote: Mr. Gibby, Yes; Mr. Haws, No; Mrs. Jenkins, Yes; Mr. Hadden, Yes; and Mrs. Brough, Yes. The motion passed 4-1.

Consideration of Use Approval - Ray Citte RV Temporary Storage

Mr. Daily explained the petitioner is requesting to utilize property owned by Red Roof Inn (or some possibly located on the State right-of-way property) for storage of recreational vehicles on a temporary basis. He stated there will be no sales off the site; no signage; or any kind of advertising. He stated the request is strictly to allow the petitioner to park RV's infrequently in the proposed location.

Mr. Citte explained he would like to appeal the previous denial for temporary storage use on the location. He explained many manufacturers offer special buys during certain months. He stated the dealership desires to purchase an abundance of RV's at the lowest possible cost; and as a result, may need to provide off-site storage of the additional units until they can be sold.

Mrs. Jenkins stated off-site temporary storage is a nonconforming use of a hotel parking lot. Mrs. Ukena stated there is nothing within the planned commercial zone that would permit a storage lot. She stated building, sales, or storage are simply not allowed. Mr. Haws inquired as to amendment, stating to approve the use would require modification of the zone first. Mrs. Jenkins expressed concern as to several other petitioners having been turned away in the past because of the outside storage concept. She stated she feels any amendment at this time may be perceived as discriminatory.

Mr. Daily stated he would further speculate the future of this property due to UDOT involvement as well.

Chair Burrows expressed concern that approval has already been denied previously and very recently. Mr. Daily offered explanation the area is now included in the newly created West Bench RDA Area. Mr. Haws stated even if the RDA were to approve the use; then the City would have to change the zone before a use permit could even be issued. He further stated he feels this concept to be counterproductive to the West Bench Plan.

Motion: Mr. Haws moved to deny the appeal for use of a temporary storage facility on the Red Roof Inn property as proposed. Seconded by Mrs. Brough. The motion passed unanimously.

Chair Burrows thanked Mr. Citte for the wonderful years of service the Citte Motor Group has provided in Riverdale over the years.

Resolution #R15-2005 Adopting Senior Center Use Policies & Fee Schedules

Mr. Hansen stated as completion of the Senior Center facility is nearing, staff has had requests for reservations for use of the facility. He discussed issues relative to the fact that the RDA ownership has invested \$4,000,000 into this facility. He stated although it is also a residential facility; staff did complete a pro-forma financial which did allow and anticipate funds to be generated from use on a rental basis.

Mr. Hansen explained in drafting this particular policy relative to schedule availability and user fees; staff wanted to ensure there is not unnecessary wear and tear on the facility. He stated in the future, it would be easier to loosen up the policies rather than tighten up once they are implemented. He stated the policy, therefore, is conservative with a fairly high fee schedule. He explained it is not intended for the facility to be rented out nightly or even every week; as projected pro-forma income for rental of the big dining room is \$1000 monthly. Mr. Hansen stated actual catering or food production use of the kitchen is restricted.

Discussion followed regarding the policies as proposed. Mr. Hansen stated there is the desire to get something into place; yet there is not the desire to have something in the facility every night of the week because of the huge financial investment that has been made. He stated the RDA, as the owner, does not envision the facility intent as providing meeting facilities; and that this should be secondary or incidental type use.

Chair Burrows stated the Community Center will continue to be rented at a lower fee schedule. He stated it is hoped the higher fee at the Senior location will discourage overuse.

Mrs. Brough expressed concern as to the rental being allowed up to 11:00 p.m.; stating there are residential areas within the facility. She stated she feels it should be a minimum of no later than 10:00 p.m. She further expressed concern as to her feeling that the age of 18 is much too young to rent the facility. Mr. Hansen stated 18 is considered a legal adult age and he would caution the Board against discrimination.

Mrs. Jenkins stated anyone who would book this facility would want it because it is more elegant and has more amenities. She stated she would envision it for weddings or big family parties. She stated although people may be willing to pay the fee rental, she does not feel the hours allowed make such events achievable. Mrs. Jenkins stated there needs to be time allowed for setup and cleanup; and especially for the amount of money being charged. She suggested a per hour price. Mr. Hansen stated in a sense, this has been done because of time blocks and the notation of extra charge equal to 25% to be assessed if the renter exceeds the scheduled reservation time. He further stated there will be the need to take funding out of income to pay an employee to oversee these types of events.

Mr. Gibby suggested allowance for weddings to be able to start by 4:00 p.m. (versus 5:00 p.m.) on weekdays. Mr. Hansen stated due to the Senior programs, staff would be uncomfortable in making the facility available at 4:00 p.m. on the schedule. He suggested consideration on a case by case basis. Chair Burrows stated unless the Board has problems with pricing, he would recommend approval of the schedule and policies; stating evaluation can be undertaken and any issues encountered can then return for amendment. He stated there is the need to put a plan in place; and there is always opportunity for re-evaluation.

Mr. Hadden inquired as to the kitchen not being utilized, yet the fee schedule including additional fee for rental with kitchen. Mr. Hansen stated a lot of money was spent on that kitchen; and some usage of the facility will be allowed. He stated there is the ability to keep food warm, heat food, chill food, serve, etc. He explained the intent is to try and make these types of events work successfully.

Mrs. Brough inquired as to consensus for change of the 11:00 p.m. timeframe. There did not appear to be consensus for change. Mrs. Brough further suggested literature as to quiet or courtesy after a certain hour. Chair Burrows stated if adopted, evaluation of these policies can be conducted towards the end of the year.

Motion: Mr. Haws moved to adopt RDA Resolution #R15-2005 providing for use policies and fee schedules for the Riverdale Senior Center as proposed. Seconded by Mr. Gibby.

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

Mrs. Jenkins expressed disappointment that the Seniors appear to be territorial with the facility. Mr. Hansen stated there is the opportunity to utilize the facility on Saturday; and perhaps encourage weddings on this day. He stated any other weeknight booking can be considered on a case by case basis.

Inquiry was raised as to who will be in charge of the facility rental schedule. Mr. Hansen stated this is envisioned to be handled through the Community Center clerks. Mrs. Jenkins stated she would request that all patrons be treated courteously and that flexibility be considered for everyone as well.

Mr. Haws further referenced the percentage of refund of rental fee for notice of cancellation. He stated the terminology "less administrative fee of the greater of \$10 or 10%" appears redundant. He stated 10% is constantly larger.

Discretionary Business

Senior Center - Open House

Mr. Hansen stated an Open House has been scheduled for Thursday, September 22, 2005. He stated it will start at approximately 5:00 p.m. with brief comment; followed by refreshments, entertainment, etc. He stated a mailing list has been compiled and invitations are being sent out through the broader community. It was noted the grand opening may also include a ribbon cutting.

Praise offered to City Staff

Mr. Hansen stated he would like to reference several letters in appreciation of Chris Stone and Pat and DeVon Hurst regarding their endeavors for the Senior Facility residents. He stated the City and RDA are lucky to have such fine examples of staff amongst their ranks.

With no other 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 9:48 p.m.

Attest:

Approved: September 6, 2005

Larry Hansen
Executive Director

Bruce Burrows
Chairman