

Minutes of the Regular Meeting of the Board of Directors of the Redevelopment Agency of Riverdale City held Tuesday, December 21, 2004, at 7:35 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

 Shane Weisman

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

Approval of Minutes

Chairman Burrows indicated the Board has minutes from the October 5, 2004 Closed Executive Session and the regular meeting from November 16, 2004.

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

Fund Balance Allocation Report - November 30, 2004

Chair Burrows referenced the Proforma Fund Balance Allocation Report, month ending November 30, 2004. He stated this item is not yet complete and has been removed from the agenda.

Residential Rehabilitation Loan Program Summary Report

Chair Burrows referenced the Residential Rehabilitation Loan Program Summary Report as of November 30, 2004. He stated this item is not yet complete and has been removed from the agenda.

**1050 West Neighborhood Development Project Area Plan
Public Hearing**

Mr. Hansen explained RDA Tax Attorney Randall Feil is present to provide orientation as to the 1050 West Neighborhood Development Project Area. He stated the purpose this evening is not to change the use or zoning, but merely to update the plan in accordance with current statutes.

Chair Burrows called the Public Hearing to order at 7:39 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 1050 West Neighborhood Development Project Area Plan and for public comment. He stated the purposes of this public hearing are to: (1) allow public comment on the draft "1050 West Neighborhood Development Project Area Plan, Draft Second Amended Project Area Plan, January 25, 1993, as Amended December 21, 2004" ; (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 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 12th day of November 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 of 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, "1050 West Neighborhood Development Plan, Draft Second Amended Project Area Plan, January 25, 1993, As Amended December 21, 2004", which draft Amended Project Area Plan has been available for public inspection at the office of the Redevelopment Agency since at least November 10, 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 Second 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 Second 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 Second 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.

Shane Weisman, managing partner of Chili's, addressed the Board. He stated the company merely wanted him to attend and listen as to upcoming plans for the 1050 West area.

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. Mr. Hadden seconded the motion. The motion passed unanimously. The hearing closed at approximately 7:51 p.m.

Resolution #R15-2004 adopting the 1050 West Neighborhood Development Plan

Mr. Feil indicated now is the time for consideration and adoption of the proposed resolution adopting the Second Amended Project Area Plan for the 1050 West Neighborhood Development Project Area.

Motion Mr. Gibby moved for approval of RDA Resolution #R15-2004 adopting the Second Amended Project Area Plan entitled "1050 West Neighborhood Development Project Area Plan, Second Amended Project Area Plan, January 25, 1993, as amended December 21, 2004" (the "Second Amended Project Area Plan"). Seconded by Mr. Hadden.

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

Resolution #R16-2004 Adopting Agreement between RDA & Riverdale City

Mr. Hansen stated consideration is necessary as to adoption of the proposed resolution authorizing the Additional Tax Increment Agreement between the Redevelopment Agency of Riverdale and Riverdale City. He stated this agreement will carry forward the wording language changes as made by the City Council to the Exhibit "B" area.

Motion Mrs. Brough moved for approval of the Agreement between Riverdale City and the Redevelopment Agency of Riverdale City; including the wording language changes as made by the City Council to the Exhibit "B" area. Seconded by Mr. Gibby. The motion passed unanimously.

Motion Mr. Gibby moved for approval of RDA Resolution #R16-2004 adopting an Agreement between Riverdale City and the Redevelopment Agency of Riverdale City. Seconded by Mrs. Jenkins.

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

Resolution #R17-2004 elected to receive and pledge additional tax increment

Mr. Hansen explained the proposed resolution is electing to receive additional tax increment and pledging additional tax increment revenues for cultural and recreational facilities. Mr. Feil stated this resolution is then forwarded to all taxing entities, as well as formal notification provided to all County representatives.

Motion Mr. Gibby moved for approval of RDA Resolution #R17-2004 electing to receive additional tax increment and pledging additional tax increment revenues for cultural and recreational facilities, pursuant to Section 17B-4-1003 of the Utah Redevelopment Agencies Act. Seconded by Mr. Brough.

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

Consideration of Payment Request

Mr. Hansen stated consideration is necessary for work completed to date on the Senior Housing/Facility. He stated the payment request is in the amount of \$224,117.31 payable to Kier Corporation.

Motion Mrs. Brough moved for approval of the payment request in the amount of \$224,117.31 payable to Kier Corporation. Seconded by Mr. Hadden.

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

Kier Corporation/RDA Construction Management Contract Amendment No. 1

Mr. Hansen stated the proposed amendment to the construction management contract with Kier Corporation provides for the guarantee not to exceed the price. He stated it also includes some language relative to the options to exercise in acquisition of kitchen equipment. He stated this actually brings to a conclusion the construction management contract relative to pricing and cost; and includes an attached schedule. He stated staff would recommend approval of the amendment as proposed.

Motion Mr. Gibby moved for approval of Amendment No. 1 to the Kier Corporation/RDA Construction Management Contract as proposed; in the maximum amount of \$3,351,966. Seconded by Mrs. Jenkins.

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

2005 Annual RDA Meeting Schedule

Chair Burrows referenced the 2005 Annual RDA Redevelopment Agency Meeting Schedule. He stated the Board will note that additional meetings have been scheduled for January, February and March; and will be conducted on an as-needed basis. He stated if they are determined not necessary, said meetings may be canceled.

Mr. Haws inquired as to the November meeting dates, with Ms. Mansell noting an error relative to Election Day. Mr. Haws stated he would recommend amending the November meeting dates to November 1 and November 15, 2005. Discussion followed regarding the upcoming project timelines, with staff noting the potential need to include an additional meeting on March 29, 2005; as well as every Tuesday in April (5, 12, 19, 26).

Motion Mr. Gibby moved to adopt the 2005 Annual Redevelopment Agency Meeting Schedule; including the amendments as stated above. Seconded by Mrs. Jenkins. The motion passed unanimously.

*Redevelopment Agency Board
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With no further business to come before the Board at this time, Mr. Gibby moved to adjourn the meeting. Seconded by Mr. Haws. The motion passed unanimously. The meeting adjourned at approximately 8:03 p.m.

Attest:

Approved: January 11, 2005

Larry Hansen
Executive Director

Bruce Burrows
Chairman