



**MINUTES OF REGULAR MEETING  
BOARD OF COMMISSIONERS  
EAGLE URBAN RENEWAL AGENCY**

660 E. Civic Lane, City Hall Council Chambers

Eagle, ID 83616

March 5, 2019 – 6:00 p.m.

**I. CALL TO ORDER**

Chairman Buschert convened the meeting at 6:00 p.m.

**II. ROLL CALL/CONFIRMATION OF QUORUM – Robin Collins, Executive Director**

Present: Commissioner Bastian, Commissioner Burnett, Commissioner Buschert, Commissioner Gold, Commissioner Kramer, Commissioners McNeil, Commissioner Ridgeway

Quorum confirmed

Agency staff members present were: Robin Collins, Executive Director and Agency legal counsel, Todd Lakey

**III. PLEDGE OF ALLEGIANCE**

**IV. AGENDA APPROVAL**

There were no changes, additions or deletions to the agenda.

Commissioner Bastian made a motion to approve the agenda.

Commissioner Ridgeway seconded the motion.

All said Aye. Motion carried, 7-0.

**V. CONSENT AGENDA**

Commissioner McNeil made some corrections to the minutes of the February 19, 2019 meeting.

Commissioner Ridgeway clarified the name of partners listed within the memorandum of agreement for cost sharing of engineering services that was entered into on March 25, 2016.

Those partners were the City of Eagle, the Eagle Urban Renewal Agency, the Eagle Fire Protection District, Pacific West Communities and Eagle 26 LLC. These changes will be noted in the February 19, 2019 minutes.

Commissioner Bastian made a motion to approve the minutes of the February 19, 2019 Regular Meeting with corrections.

Commissioner Burnett seconded the motion.

Commissioner Gold and Commissioner Ridgeway abstained from the vote as Commissioner Ridgeway was absent at the February 19, 2019 meeting, and Commissioner Gold was absent during the discussion of this item at the February 19, 2019 meeting.

All said Aye. The motion carried, 5-0.

#### **VI. UNFINISHED BUSINESS – ACTION ITEMS**

**Checking Account Balance** – EURA Executive Director Collins reported that the current monthly expenditures range between \$2500-\$6000. Collins recommended the agency maintain a minimum checking account balance of \$20,000 so as to cover two months' worth of expenses, with all other revenues transferred into the Local Government Investment Pool.

Commissioner Bastian clarified the approval should allow for transferring of funds from the checking into the LGIP and from the LGIP into the checking.

Commissioner Ridgeway asked about the current balances within the checking and the LGIP accounts. Chair Buschert clarified that the agency received its January increment revenues and realized they had not given themselves the authority for further transfers of money from the checking account into the LGIP account and for a minimum average balance in the checking. Commissioner Ridgeway asked if the motion could include that when the balance gets to that amount, that the additional funds would get automatically transferred into the LGIP account. Chair Buschert further added that she would recommend that the motion include transferring money both directions. Executive Director Collins agreed that she would recommend the board include in their motion that the minimum average balance would be \$20,000 and that money could be transferred back and forth between account as necessary to cover expenses.

Commissioner Ridgeway made a motion to approve the minimum balance along with the ability to transfer money back and forth between accounts as necessary to cover expenses.

Commissioner Bastian seconded the motion.

Discussion: Commissioner Burnett asked for clarification if \$20,000 would be the high side of the minimum and if there should be a low minimum balance established. Executive Director Collins stated the minimum balance should be \$20,000, but that at times it could fluctuate based on the timing of expenditures, but that the average minimum balance should be \$20,000. Chair Buschert added that the way she understands the mechanism; it's a really easy transfer.

All said Aye. Motion carried 7-0.

## VII. NEW BUSINESS – ACTION ITEMS

### Annual Report

Chair Buschert explained the deadline for the annual report is coming up in short order and Todd Lakey, legal counsel drafted the report and therefore she asked him to present the report.

Legal Counsel, Todd Lakey stated he has historically done the annual report and so he completed the 2018 annual report but will anticipate transferring the responsibility over to the executive director for 2019. Todd explained the annual report covers some of the highpoints of activities that have happened over the past year and lays out some of the history to begin with as far as the general statement and some background information. The report has to include the description and we also attach the financials at the end. Lakey states he would just hit the highpoints as this is just a presentation of the draft and if the board has any changes or comments, then those will be made, and then we need to publish notice that a public hearing will be held at the next meeting to hear public comments on the annual report.

Highlights within the report start on page 1 by describing who the officers are throughout the year and goes through and talks about changes to membership and leadership. Page 2 references one of the major changes was the change to the number of members on the board by city ordinance and describes some of the new members that were sworn in, and notes the retained legal counsel and auditor as being the same. Agency activities describes some of the strategic planning efforts the agency engaged in as far as;

- Developing a list of priorities
- Survey
- Open house
- Follow up summary to open house

The results are described within the report and indicate it being an on-going activity. Palmetto Drive Extension is something the agency has been working on for what seems like two years now and are still working on it. It started out as a 90-day completion initially. Commissioner Bastian clarified the issue for the delay was property ownership and they could not move forward until they moved forward. Lakey added we had to go through acquisition of a piece of property to help facilitate the project, and then a private landowner was engaged in litigation that delayed things, and then we moved forward on a portion of that as far as designing the connection to the Idaho Transportation Department (ITD) portion. The report describes some of the efforts initially in exploring the opportunity for bonding with the board and that is still there, some of the initial work was done, but more to do if the board still wants to pursue that. Describe the staffing efforts...Lakey reminded the board the report covers last year and not all of the staffing issues were resolved prior to the end of the year. It also describes the on-going relationship with the Pacific Companies, then goes on to generally describe the revenues, expenditures and assets. On the last page it talks about debt, which the agency doesn't really have debt per say but the agency does have an owner participation agreement which commits 75% of the new increments generated by the Pacific Companies project to be used for reimbursement of their public improvements. Lakey concluded that covers the main points within the report and would stand for any questions or comments.

Commissioner Burnett stated he didn't have the opportunity of being on the board for the full year last year and he wanted to know where we are as an agency with Pacific Companies and the owner participation agreement. Chair Buschert responded the agency is waiting for all of the documentation that is needed with their first reimbursement request. Legal Counsel, Todd Lakey added the to be reimbursed is on them. We track the money that is being built up but they don't get reimbursed until they submit documentation supporting what was completed and that it was approved and authorized, and then the agreement remains in place unless the list of eligible improvements or reimbursable improvements are reimbursed, then the agreement goes away and the agency keeps all of the revenue. Chair Buschert said, or if we get to the end of the district and expire. Lakey confirmed that is true and if they don't get reimbursed by the end of the district, the risk is on them.

Chair Buschert asked if legal counsel could review what the process is now moving forward with regards to the annual report. Lakey responded the agency would publish notice that it will be reviewed at the next meeting, at the meeting the report would be reviewed, the board would open it up to take public comment, and then once its approved, it would be filed with the City, and that has to be done by March 31<sup>st</sup>. Chair Buschert commented to the public that it would also be on the agency website as well for review.

Commissioner McNeil made a motion to authorize for advertisement of the public hearing for the EURA annual report.

Commissioner Gold seconded the motion.

All said Aye. Motion carried 7-0.

**Finance Report and Payables**

Executive Director, Robin Collins presented the board with the payables as follows:

Payables for March 5, 2019:

Borton Lakey for general legal services – January 2019	\$1053.00
--	-----------

Commissioner Burnett made a motion to approve the finance report and payables.

Commissioner Kramer seconded the motion.

**ROLL CALL VOTE**

Commissioner Bastian	Aye
Commissioner Burnett	Aye
Commissioner Buschert	Aye
Commissioner Gold	Aye
Commissioner Kramer	Aye
Commissioner McNeil	Aye

Motion carried 7-0.

## VIII. INFORMATION/DISCUSSION ITEMS – NON-ACTION ITEMS

### Executive Directors Report

Robin Collins reported on the following items during the executive director's report:

1. Bookkeeping RFP - Letters were sent out to all respondents for the Bookkeeping RFP notifying them the RFP was closed and the board acted to not fill the position at this time.
2. Idaho State Central Registry -All agency information has been updated on the state central registry and the audit has been uploaded. The agency is in compliance.
3. Budget -In the midst of going back through the adopted budget to prepare for budget amendments. I anticipate this coming back before the board in April.
4. Molinari Park - Molinari Park went back before City Council on February 26 at which time public testimony was taken. City Council approved the project with conditions. Those conditions will become part of the Development Agreement and some will be a part of the final plat. The biggest condition of the project is that Palmetto Extension be constructed in Phase I of the development and that no occupancy will take place within the residential units of Phase I until construction of the Palmetto Ext. is complete.

With regards to the Palmetto Construction, Eagle 26 is still working on getting estimates for construction for the ITD portion vs. the ACHD portion. I did receive an update LOI on Monday but have not had a chance to read through it to ensure all the necessary changes have been made as requested by the board. Eagle 26 is tentatively scheduled to present to the EURA board at the March 19th meeting.

5. Legislative Update – House Bill 217 was introduced on 2/27 before the House Revenue & Taxation Committee. This bill is proposing to amend Section 50-2905A of the Idaho Code, relating to the Local Economic Development Act. The Current Text of the Code Reads: it shall be unlawful for an urban renewal agency to expend revenue collected under this chapter on project costs when the amount of revenue collected under this chapter contributes to fifty-one percent (51%) or more of the total project cost and the project is for construction of a municipal building that will not be subject to property taxation or unless such construction project is first approved in an election by sixty percent (60%) of the participating qualified electors residing within the borders of the qualified municipality. And "Municipal building" is defined as an administrative building, city hall, library, courthouse, public safety or law enforcement buildings, other judicial buildings, fire stations, jails and detention facilities.

The proposed bill would require an urban renewal agency to go out for public vote if the agency proposes to expend any amount of revenues on the construction or remodel of a

municipal building, or a multipurpose sports stadium complex, and the project must be approved in an election by 55% of the participating qualified electors residing within the borders of the municipality. The bill also steepens the definition of municipal building by adding the language "a structure owned, leased, or operated by a municipality for the public's benefit that is not subject to property taxation. Municipal buildings include, but are not limited to, ...and then it goes on with current language; thereby changing the legislation to include any and all public buildings.

Commissioner Bastian asked if the City purchased Eagle Water Company and makes it part of the municipal agency, City of Eagle Water, can we do that? Legal Counsel Lakey responded to the question by stating it is something we have been looking into, however; we need to be sensitive because there is pending litigation and therefore does not feel like he can give a full answer on that question tonight. It isn't a structure, but it is infrastructure, and there are issues whether or not it's within in the district and portions out, and how ownership would work and the relationship with the City, there are many parts and pieces that can't be answered.

Collins continue to add that although the bill does provide an exclusion for infrastructure or below-ground improvements, the bill could potentially impact urban renewal agencies who desire to enter into a public-public or public-private partnership.

The law offices of Elam & Burke who represent the Redevelopment Association of Idaho (RAI), has drafted a letter to Chairman Collins of the House Revenue & Taxation Committee addressing the concerns, questions, and impacts this proposed bill could have on Idaho Urban Renewal Agencies.

Collins stated she would keep the board updated as this bill makes its way through the legislature.

Chair Buschert stated that RAI sent an email asking if URA's would be interested in commenting on this individually, but because the meeting is tomorrow, the board may not be able to comment in time. She recommended the board maybe just take no action and see what happens next.

Commissioner Ridgeway asked if he understood it correctly that RAI is against the bill. Executive Director Collins responded that is correct; RAI has concerns with the way the legislation is written and has responded with those concerns in a letter to the legislation. Commissioner Ridgeway said maybe the agency could just do a motion to support RAI's concerns and asked if something would have to be drafted. Legal Counsel, Todd Lakey responded the decision would be up to the board, if the board wants to support the RAI, you can certainly do that, it all depends on the comfort level with the proposed action.

Commissioner Ridgeway stated he had heard this is a piece of legislation aimed at one city and asked legal counsel if that is the general understanding. Mr. Lakey said he would answer

that question in a couple of ways; it certainly includes a multi-purpose stadium sports complex, there aren't too many entities proposing to building one of those so it does seem to have some aspects focused on a particular city, but there is also the sentiment out there, and has been, about expenditure of urban renewal funds for buildings or structures that don't go on the tax rolls, so there are two aspects to it, but it the tradeoff is it does reduce the public vote threshold from 60% to 55%.

Commissioner Ridgeway asked if there is a vote now to expend funds. Lakey replied there is a vote now if you expend 51% or more of funds on a public structure, and the definition of public structure is definitive currently. This bill includes the sports complex and removes the percentage of funds expended on a public building and changes the vote from 60% to 55%, but it also provides some exclusions for infrastructure that are related to that public building such as; sewer, water, streets, sidewalks.

Commissioner Bastian commented he felt the board would need to read the letter by RAI before acting to support it. Commissioner Ridgeway agreed. Chair Buschert asked if the executive director could get the information from RAI and send out to all board members.

Commissioner Ridgeway asked legal counsel if he thought the bill had wings. Legal counsel responded that it is possible because there is some sentiment about spending urban renewal funds on public buildings that don't go on the tax rolls.

#### **Legal Counsels Report**

There was no further legal counsel discussion.

#### **Chair Report**

Chair Buschert reported that she spoke with Bob Shepard and Matt Knickrehm of Paradigm Construction, and they agreed that Larkin Village public benefit to bring before the board, but she is meeting with them about future Paradigm Construction projects and how best to interact with the urban renewal agency moving forward.

#### **Commissioner Reports**

Commissioner Burnett stated now that the Molinari Project has been conditionally approved, he and Commissioner McNeil will start working again on trying to get updates on where they stand with the ITD portion. There was some additional brief discussion on the timing of such construction as regards to the ITD portion and the construction at the intersection.

Commissioner Ridgeway brought up the issue of Eagle Fire Department is a part of the engineering for Palmetto but will no longer be a part of the Palmetto project moving forward, and therefore stated they should probably be removed from the Molinari Letter of Intent. Legal Counsel confirmed that if the Fire Department is not part of the construction moving forward, then they should be removed from the Letter of Intent.

Commissioner Ridgeway shared the revised population data received from Compass indicating Eagle grew by 1,360 people this year to a population of 31,270, which puts Eagle fourth in growth behind Meridian, Boise and Kuna. Commissioner Ridgeway also provided information on multi-family housing vs. single family housing within Eagle. While the number of multi-family units approved are increasing, they are not being constructed as quickly as single family. Only 14.5% of the approved multi-family units have been constructed, and of the multifamily units constructed, nearly 80% are age restricted or senior housing. Commissioner Ridgeway stated he will provide copies of the report to all board members.

### **Public Comment**

Ann Goldsworthy who lives at 773 S. Island Glen Way, Eagle, Idaho, asked about any conversations that may have taken place regarding urban community gardens. Chair Buschert and Commissioner Bastian stated they no of none. There was some brief discussion on potential committees that would govern this type of request and how one might start advocating for a community garden.

Katrina Lasome who lives at 325 W. Rivermont Lane, Eagle, Idaho, stated she was stunned by the decision of City Council regarding the Molinari Project. She stated she has concerns about the project such as the quality of life being degraded, trash, traffic, and the fact that Molinari lacked creativity. They provided a small park and a tiny amount of business space and could have done more with the project. Ms. Lasome added she is researching how she can get more engaged and recommends biographies be posted on the website for board members so that public can learn about them. She provided some suggestions on allowing citizens to be more engaged online, maybe even have them register. She mentioned citizens having an extended period of time to comment on projects, and the ability to learn about the projects sooner. Chair Buschert encouraged her to look at the urban renewal website as all the agendas are posted online. Commissioner Ridgeway stated he was going to speak for the City side because the Eagle Urban Renewal Agency is not the board who made the decision on the Molinari Project. Ridgeway commented that the City tries to be as transparent as possible, but when it comes to Planning and Zoning and land use issues under the State Land Use Planning Laws, we can't really engage with people until it comes to a public meeting. The first time they go to a public meeting is the Planning and Zoning Commission, which is a citizens-based group appointed by the City Council and usually that's a month, six-weeks or two months before it goes on the City Council agenda. Then, once its on the agenda, those documents become public 4-5 days before the City Council meeting and that is the first time the City Council sees those documents as well. Commissioner Ridgeway further explained the issues that happened with the Molinari project; where members of the public got involved with social media and started saying things that absolutely weren't true. Like for instance, they stated the applicant was requesting a zoning change, which it was not requesting a zone change, it has always been in the Central Business District or CBD, it was zoning change only in the sense that it was now going to have a development agreement with a conditional use permit, which put higher standards on the developer, so had it just stayed Central Business District, without coming in for these changes, they could have had 15% open space for residential and 10% open space for commercial. Putting a development agreement on the project required them to do a minimum of 20% open



space, and they actually ended up with 23% open space. So, the open space is double what it could have been. Because it was classified under a planned unit development, the City had to advertise the project as a zoning change, but it was only changing it from a Central Business District CBD to a Central Business District with the PUD and DA abbreviations to indicate they essentially have a contract with the City and if the developer breaks that contract, the City can come after them. Without this contract, if they were to come in the way it was existing, the City would not have had much muscle to go after the contractor. In addition, the green roofs were not included in the open space and they had missed some items that should have been included in the open space like the planting strips, but when that gets out in social media and people start hammering on those things, it goes crazy, and that's what happened with this project. If you look at the history of the Council Members, we have a history of holding people accountable to get the best use of the property. Because it's a quasi-judicial issue, we can't comment on a project until it goes to public hearing, but we are here to make this community better than its ever been. Commissioner Ridgeway encouraged Ms. Lasome to get involved and engaged.

Commissioner Bastian stated he has been on the Council since 1991 and has seen agricultural land go to beautiful developments with pathways, etc., and we have those because the City Council pushed for those. He further explained the history behind Eagle requiring distances from single family homes, open space requirements, detached sidewalks, density requirements, signage, etc. We are a better city than most and we want to keep it that way; we are growing, and we have to figure out how to deal with that growth.

Katrina stated she felt Mr. Butler did an excellent job during his presentation and she does now understand quite a bit of the concessions they made, and she understands there is still a design review to go through, but she hopes that during that design review, that we don't have apartments that look like Fast Eddy's.

Commissioner Burnett commented about a neighborhood meeting he attended over the weekend and one of the things that came up in that meeting was the amount of notification for this type of project, and maybe have a tiered system for notification where the radius gets broader for larger projects. He also talked about the Comprehensive Plan and the process for amending or updating it and that maybe its time to relook at it again. Commissioner Bastian noted that if someone wanted to re-do the comprehensive plan, they could do it by area.

Chair Buschert reminded the public and the board that this is an Urban Renewal Meeting and feels like we might be getting a little far off base with these discussions.

Commissioner Gold mentioned the board will be reviewing their strategic plan and that could be a great opportunity for the public to be involved.

**IX. ADJOURNMENT**

Chair Buschert stated that after the formal adjournment, there will be an informational training session available to the urban renewal commissioner, staff and the general public. No business will be conducted during this training session and no board action will be taken.

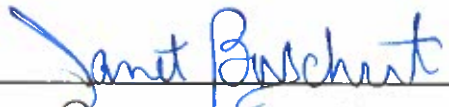
Commissioner Ridgeway asked if we could have a future agenda item regarding the property at State & Eagle Road. He stated he talked with one of the owners and also talked to the gentlemen that was interested in purchasing the property prior, they are still negotiating and there is some testing being done. But, as a future agenda item, establish a committee of 2-3 people to work with the property owners, along with a realtor to represent the URA in order to put something together on those corner properties to help move it forward. Ridgeway also stated he got a call this week from the American Legion and they haven't moved forward with the Sharp house due to a lack of communication. If we could get the other property owners engaged, then maybe we could help facilitate the communication with the Sharp property as well. Commissioner Bastian expressed his interest in being on the committee. There was no action taken on this by the board.

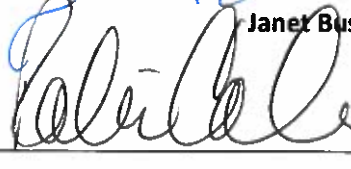
There being no further business to come before the Board, a motion was made by Commissioner Ridgeway to adjourn. Commissioner Kramer seconded the motion.

All said Aye. Motion carried 7-0.

----

ADOPTED BY THE BOARD OF COMMISSIONERS OF THE EAGLE URBAN RENEWAL AGENCY ON THE 19<sup>TH</sup> DAY OF MARCH 2019.

  
\_\_\_\_\_  
Janet Buschert, Chair

  
\_\_\_\_\_  
Robin Collins, Executive Director