

Eagle Urban Renewal Agency

Tuesday, June 2nd, 2015
Regular Meeting
Eagle City Hall
660 E. Civic Lane, Eagle, Idaho

1. CALL TO ORDER – The meeting was called to order at 6:00PM.
2. ROLL CALL – Ridgeway, Butler, Kunz, McFarland, Reynolds. All members present. A quorum is present.
3. PLEDGE OF ALLEGIANCE
4. ADDITIONS, DELETIONS OR MODIFICATIONS TO THE AGENDA – None
5. REPORTS BY BOARD MEMBERS, ATTORNEY AND SECRETARY – Mark Butler inquired about the agency’s weed control contract on the former Tri-City Meats properties. Jeff Kunz reported that Attorney Todd Lakey is soliciting bids from companies. There were no other reports.
6. PUBLIC COMMENT – None
7. APPROVAL OF MINUTES – May 26, 2015 minutes.

Butler made a motion, seconded by Jim Reynolds, to approve the May 26, 2015 minutes. A voice vote was taken. The motion passed unanimously.

8. TREASURER’S REPORT – Lindsey Pretty Weasel gave the report.
 - A. Review of vouchers and checks.
 - B. Review of bank statement.
 - C. Review of profit and loss sheet and balance sheet.
9. UNFINISHED BUSINESS

- A. Further discussion of The Pacific Companies’ plans for their properties located in the East End area and a potential YMCA and their proposal regarding same.

John Rennison (of Rennison Engineering) made a presentation entitled “East End Properties and Potential YMCA” by The Pacific Companies (as developer). Several entities, including The Charter School Fund – Oro Valley, Pacific West Communities, TPC Commercial and Pacific Partners Residential, are commonly known as The Pacific Companies. All entitles are owned by Caleb Roope.

The developer’s East End properties include the East End Marketplace (10+ acres), Edgewood Crossing (13+ acres) and The Lakes (75+ acres). All of these properties are within the urban renewal district.

The overview concept is the formation of a partnership between the developer and the agency for developer-funded public improvements, with reimbursements from the agency to the developer from 75% of the tax increment generated by the improvements only from the developer’s properties.

The improvements on the developer’s properties could include a YMCA (at Edgewood Crossing on land donated by the developer); public park improvements such as public parking, restrooms, Greenbelt and lake access; and public infrastructure such as sidewalks, streets, street lights and utilities.

If the request is approved in concept, the developer will identify the YMCA and other targeted public improvements in coordination with the agency, the Parks & Recreation Department and others and will prepare an outline and draft partnership agreement.

Rennison proposed that The Pacific Companies take a first cut at the proposal, review it with legal counsel and bring it back for a work session.

Mary McFarland asked whether the proposed city parks would remain a natural setting and how much the annual park maintenance costs would be. Rennison confirmed the current vision is for the proposed city parks to remain natural and low-maintenance.

Stan Ridgeway asked Parks & Recreation Director Mike Aho to identify on the map the bridge location that has right-of-way and access issues to the trail and whether the set of lakes (privately owned by Idaho Concrete Company) are part of the discussions with the Parks & Recreation Department. Aho indicated there were no discussions concerning these privately-owned lakes and that a trail easement across the road was the only discussion item.

Butler asked about the status of the YMCA feasibility study. Rennison said the feasibility study is complete, that the study came back positive and that generally the numbers were acceptable for the YMCA board to continue pursuing a facility in Eagle. At a recent meeting where the developer presented, the YMCA board took a straw vote (where a vote of “one” equals “not interested” and a vote of “five” equals “very interested”). The large majority of the votes cast were fives, with several fours. The YMCA board wanted to ensure they didn’t overtax themselves with regard to resources, which may be explained by the YMCA project being pursued in south Meridian.

Butler asked about the concept of a pedestrian/bicyclist bridge (across State Highway 44) connecting the East End Marketplace and Edgewood Crossing. Rennison said the proposed bridge conceptually appears on a map. How the proposed bridge might be accomplished, including funding grants, is under investigation. Rennison emphasized the developer’s number one goal is attainment of an Eagle YMCA and that if the tax increments realized from the improvements on the developer’s properties were sufficient, perhaps some of these funds could be used for the proposed bridge.

Kunz asked about the status of the Cottonwood Meadows senior housing project and whether the developer’s grant application for funding tax credits was successful. He also asked Rennison to confirm his understanding that the agency’s letter conceptually supporting the project (and that helped the developer fulfill the application submittal requirements) was non-binding. Rennison replied that the developer did submit their grant application (which was reviewed and accepted) but the tax credits were not awarded to the developer during the February 2015 round. The Idaho Housing and Financing Association (IHFA) will hold a second round in September 2015, at which time the developer plans to re-submit their application. Generally speaking, Rennison acknowledged that the agency’s letter assisted the developer in fulfilling the application submission requirements and that the context of the letter was non-binding.

Kunz asked whether the Eagle YMCA feasibility study is publicly available and whether the study incorporated the proposal that the agency would reimburse the developer for public park and infrastructure improvements from 75% of the tax increment only from the developer’s properties. Rennison said he didn’t know whether the feasibility study was publicly available but would follow-up. He explained that the scope of the study was to determine whether the proposed Eagle YMCA could attain sufficient patronage to be successful and whether the facility, based on its projected size and so forth, could operate successfully at a break-even (or better) position. Kunz asked whether the feasibility study explored possible funding sources. Rennison said exploration of funding sources and how to get the facility constructed were not within the scope of the study; rather, the scope was on whether the facility when constructed could be successful. Rennison confirmed the developer is seeking reimbursements from 75% of the tax increment for all of the proposed public park and infrastructure improvements on all three of their properties (i.e., East End Marketplace, Edgewood Crossing and The Lakes). He confirmed the developer has only approached the agency with their proposal, not the City of Eagle.

Ridgeway said he couldn't figure out which, if any, of the developer's properties are blighted and that he doesn't view the agency's objective as being to supplement developers. Ridgeway noted the developer's properties will be developed eventually and that no tax increment would be realized on properties given to the city because these properties would be taken off the tax rolls. Ridgeway said the questions about possible sources of funding are very important and suggested seeking public approval or disapproval of a recreational bond. Ridgeway said there are important issues that need to be investigated before going any further.

Kunz signposted the agency has approximately 17 years of life remaining and that the Eagle YMCA proposal must be evaluated within the context of everything else the agency is doing. Kunz expressed concern the agency could potentially overextend itself and noted the agency must stay within its means.

Agency members thanked Rennison for the excellent presentation and the exciting proposal to possibly bring a YMCA to Eagle.

- B. Discussion and possible action concerning improvements to the former Tri-City Meats properties to enable them to be used as a temporary parking lot for Eagle Fun Days.

McFarland said that given the current poor condition of the former Tri-City Meats properties (e.g., the uneven surfaces), it may not make sense to spend funds to enable them to be used as a temporary parking lot during Eagle Fun Days. She is open to ideas, though.

Ridgeway commented the uneven areas could be cordoned off and signs could be posted cautioning vehicle owners to temporarily park on the properties at their own risk (and if such a plan were to be approved by the agency's legal counsel).

Reynolds said providing temporary parking could make sense; however, if it rains, the temporary parking lot could become a problematic mud hole. He asked what Eagle Fun Days activities are planned on W. Old State Street. Butler explained the parade will not proceed down W. State Street. The oyster feed and carnival have been cancelled. With all factors considered, Butler said the number of cars temporarily parking on the former Tri-City Meats properties during Eagle Fun Days could be less than anticipated.

The board will continue to monitor the situation, but took no action.

10. PUBLIC HEARINGS – None

11. EXECUTIVE SESSION – NO PUBLIC COMMENT WILL BE TAKEN ON THIS ITEM.

I.C. §67-2345(1)(c): To consider acquisition of an interest in real property; and/or

I.C. §67-2345(1)(f): To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated.

The executive session was not held.

12. NEW BUSINESS

- A. Discussion and possible action on the Memorandum of Understanding (MOU) between the City of Eagle and the Eagle Urban Renewal Agency.

Kunz introduced the draft Memorandum of Understanding (MOU), which specifies the City of Eagle shall provide the agency with administrative services and maintenance services for the former Tri-City Meats properties (excluding weed control) and the Ada County Highway District (ACHD) right-of-way adjacent to the Goldman property.

Butler said he read the MOU thoroughly and expressed his willingness to make a motion for approval.

Kunz noted that Section 2.2 entitled “Tri-City Meats Property Maintenance Services” was revised to exclude weed control from the services provided by the City of Eagle. He referenced a memo from legal counsel proposing that Section 1 entitled “Term and Termination” should be amended as follows:

The term of this MOU shall begin on June ___, 2015 and run through September 30, 2015 unless earlier terminated as provided herein. On October 1 of 2015 this MOU will automatically renew for a successive one year term unless either party provides written notice to the other prior to October 1 of the particular year that they do not desire to renew this MOU. On October 1 of each subsequent year, if this MOU is not otherwise terminated or no notice of non-renewal has been provided, this CONTRACT will automatically be renewed for successive one year terms through September 30, 2020. These automatic renewal provisions notwithstanding, this MOU may be otherwise terminated in accordance with its terms.

Butler made a motion, seconded by McFarland, to approve the Memorandum of Understanding (MOU) between the City of Eagle and the Eagle Urban Renewal Agency with Section 1 amended as specified by legal counsel, instructing the chairman to sign the MOU and to forward the MOU to the city council for their review and possible approval. A roll call vote was taken. Ridgeway: yes; Butler: yes; Kunz: yes; McFarland: yes; Reynolds: yes. All yeses. The motion passed unanimously.

- B. Discussion and possible action on the intent resolution for the bonds to be issued for funds for the public parking lot and related improvements.

Kunz stated the bond intent resolution would allow the agency to potentially reimburse itself for project-related expenditures made up to 60 days prior to adoption of the resolution. The resolution only needs to be approved if the agency wants to seek reimbursement.

Butler said he didn’t perceive a need for the intent resolution because the board authorized issuing \$600,000 worth of bonds to be repaid over 15 years. He foresees the agency paying current expenditures from current revenues until the net bond proceeds are received. Butler asked whether the intent resolution was necessary in order to issue bonds. Kunz responded the intent resolution was not required for bond issuance, only for reimbursement purposes. Since the board finalized the bond amount and other terms, Bond Counsel Cameron Arial can identify investors interested in purchasing the bonds.

Reynolds asked about the possibility of shortening the bond repayment terms from 15 years to 11 years to reduce interest expenses. Butler said the finalized terms allow the bonds maturing in years 11 through 15 to be repaid early without penalties. Kunz noted that shortening the bond repayment period would require a motion to reconsider.

Butler made a motion, seconded by Reynolds, to table the intent resolution back to the agency’s attorney for future discussion and possible action as necessary. A voice vote was taken. The motion passed unanimously.

- C. Review and possible approval of submission of the design review application for the public parking lot and related improvements on the former Tri-City Meats properties.

Butler mentioned the agency approved a contract with South Landscape Architecture to process a conditional use permit or design review application for the public parking lot and related improvements on the former Tri-City Meats properties. He also mentioned the Eagle City Council is considering an ordinance to allow municipal parking lots to be approved solely through a design review.

Butler said South Landscape Architecture has prepared a draft design review application that has been reviewed by John Roters (of South Landscape Architecture) and himself. He observed that if the agency decides to approve the submission of the application, South Landscape Architecture could move forward with a city staff meeting and, if the council approves the aforementioned ordinance, prepare to submit the application for review and consideration at the June 25, 2015 Design Review Board meeting. Thereafter, the Requests for Proposals (RFPs) could be prepared and issued. Under these circumstances,

Butler stated the public parking lot and related improvements could be finished and ready for use by August 2015.

Butler summarized the draft plan. The changes to the plan recommended by South Landscape Architecture were to provide landscaping on each side of the driveways located to the north and west, to add one parking space (for a total of 23 parking spaces), to add flowering plants in the northwest corner and to add site condition triangles so nothing blocks visibility.

Kunz made a motion, seconded by Butler, that the agency approve the submission of the design review application and stipulate that the application include, and that the accompanying letter written by the land planning consultant describe, only the public parking lot and related improvements on the former Tri-City Meats properties. Ridgeway asked questions about the plan. Discussion followed. McFarland recommended the use of perennial plants. Kunz amended his motion to require the application incorporate the plan changes recommended by South Landscape Architecture and the use of perennial plants. Butler re-seconded the amended motion. A roll call vote was taken. Ridgeway: yes; Butler: yes; Kunz: yes; McFarland: yes; Reynolds: yes. The motion passed unanimously.

Kunz noted a copy of the Tri-City Meats property deeds and a signed affidavit of legal interest are required submittals to the design review application and that the property owners will provide these submittals. Butler noted the property owners must also review the plan prior to submittal. Kunz will ensure the property owners review the plan prior to submission.

- D. Discussion and possible action on a Request for Proposals (RFPs) for the design and construction of a public parking lot and related improvements on the former Tri-City Meats properties.

Butler made a motion, seconded by Ridgeway, instructing the agency's attorney to prepare the draft Request for Proposals (RFPs) for the design and construction of a public parking lot and related improvements on the former Tri-City Meats properties and utilizing the plans developed by South Landscape Architecture. The draft RFPs will be available for review and possible conditional approval at the June 12, 2015 special meeting, thereby enabling the RFPs to be sent out if the application were to be approved at the June 25, 2015 Design Review Board meeting. A voice vote was taken. The motion passed unanimously.

- E. Discussion of FY 15/16 budget.

Attorney Victor Villegas reviewed the budget process, requirements and timeline. The draft FY 15/16 budget will be available for review, publication and notification at the July 7, 2015 regular meeting. A public hearing and possible action on the draft budget will occur at the August 4, 2015 regular meeting.

13. ADJOURNMENT. Reynolds made the motion, seconded by Butler and Ridgeway, to adjourn. A voice vote was taken. The motion passed unanimously.