

Eagle Urban Renewal Agency

Tuesday, February 2nd, 2016
Regular Meeting
Eagle City Hall
660 E. Civic Lane, Eagle, Idaho

1. CALL TO ORDER – The meeting was called to order at 6:02PM.
2. ROLL CALL: BASTIAN, KUNZ, PRESTON, RIDGEWAY, SOELBERG – All members were present. A quorum was present.
3. PLEDGE OF ALLEGIANCE – The Pledge of Allegiance was recited.
4. NEW BUSINESS:
 - A. Acceptance and recognition of new Board members.

Stan Bastian, Naomi Preston and Craig Soelberg were recognized and welcomed to the Board.

Attorney Todd Lakey requested a motion to recognize the new Board members and to authorize him to communicate that recognition to the City of Eagle. Stan Ridgeway made a motion, seconded by Naomi Preston, to recognize the new Board members. A voice vote was taken. The motion passed unanimously.

B. Election of officers.

Election of chairman. Ridgeway made a motion, seconded by Preston, that Jeff Kunz continue as chairman and explained his reasons. A voice vote was taken. The motion passed unanimously.

Election of vice-chairwoman. Bastian made a motion, seconded by Soelberg, to nominate and confirm Naomi Preston as vice-chairwoman. A voice vote was taken. The motion passed unanimously.

Election of secretary/treasurer. Ridgeway made a motion to nominate and confirm Stan Bastian as secretary/treasurer. There was no second. After clarification, Ridgeway withdrew his motion.

Ridgeway made another motion, seconded by Bastian, to nominate and confirm Lindsey Pretty Weasel as secretary/treasurer. A voice vote was taken. The motion passed unanimously.

Selection of alternate board member authorized to sign checks issued by the agency. Ridgeway made a motion, seconded by Preston, to designate Stan Bastian as an alternate board member (in addition to the chairman and vice-chairman) authorized to sign checks issued by the agency. A voice vote was taken. The motion passed unanimously.

Approval of Resolution 16-001, Election of officers. Bastian made a motion, seconded by Preston, to approve Resolution 16-001 on election of officers. A voice vote was taken. The motion passed unanimously.

5. ADDITIONS, DELETIONS OR MODIFICATIONS TO THE AGENDA – None
6. REPORTS BY BOARD MEMBERS, ATTORNEY AND SECRETARY

Soelberg requested an agenda item at the next meeting to discuss and formalize a strategic plan and timeframe for possibly appointing or electing a new board of commissioners for the agency. He cited public concerns and perceptions over the mayor and city council acting as the agency's board of commissioners.

Bastian read the legislative interim committee's discussions and concerns on proposed changes to the state's urban renewal laws. He said the agency must (a) carefully consider how to handle the appointment or election of a new board of commissioners for the agency; (b) act responsibly; and (c) have the viewpoints of

the city and community represented. He expressed concern about how this should be done and suggested the current Board should be prepared to discuss this at the next meeting.

Kunz reported the agency executed an owner participation agreement with Pacific West Communities, Inc., The Charter School Fund – Oro Valley, LLC and TPC Brooklyn Park Investors, LLC for \$1.348 million worth of reimbursable public improvements at Edgewood Crossing, East End Marketplace and Eagle Lakes as well as a non-binding letter of intent for \$702,000 worth of reimbursable public recreational facilities at Eagle Lakes. The agency will reimburse owners from 75% of the “annual net tax increment revenues,” defined as “the remaining tax increment revenues generated annually from the site, calculated after any pass-through payments due to other taxing districts, minus the 2014 baseline tax revenues.” He described the public infrastructure improvements and public recreational facilities. Ridgeway reported two of three trailer parks are currently under contract for purchase, leaving part of one trailer park and another property not under contract for purchase. He indicated certain of the developer’s design plans may be subject to change due to these purchases. Soelberg recalled when the Eagle Lakes application came before the Planning & Zoning Commission, the developer indicated the lakes would be private, not public. He asked whether the “private” versus “public” nature of the lakes may have changed since the initial development plans were presented. Attorney Lakey noted that the letter of intent is non-binding and that the agency will only reimburse for “public” recreational facilities. Kunz said he would clarify with the developer whether the lakes are intended to be “public” or “private” in nature and report back. Given the problems that have arisen over the Laguna Pointe pathway, Bastian mentioned it is very important to understand the ownership, access and connectivity issues surrounding the public recreational facilities to be potentially constructed at Eagle Lakes. Edgewood Crossing, East End Marketplace and Eagle Lakes will contain a mix of residential and commercial uses.

7. 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.

8. APPROVAL OF MINUTES – January 5th, 2016 minutes

Kunz requested unanimous consent for approval of the minutes. Hearing no objections, the minutes were approved by unanimous consent.

9. UNFINISHED BUSINESS – None

10. NEW BUSINESS:

- A. Review and possible amendment and approval of the 2016 regular meeting schedule.

The prior Board reviewed and preliminarily approved the 2016 regular meeting schedule for publication so the public would know the dates of the January and February regular meetings.

Kunz asked the current Board for any objections to approval of the 2016 regular meeting schedule. Hearing no objections, the schedule was approved by unanimous consent.

- B. Consideration and possible action on a professional services agreement to hire Ashley Squyres as a public outreach consultant to assist with development of a prioritized project list.

Kunz read part of an e-mail communication received from Squyres expressing concern that development of a prioritized project list should occur after any possible agency restructuring. Squyres cited potential changes to the state’s urban renewal laws that could disallow an entire local governing body from serving as the entire board of commissioners of an urban renewal agency board (i.e., no grandfather clause) and resetting an agency’s base tax assessment rolls if its revitalization plan is revised or violated.

Bastian inquired when potential legislative changes to the state’s urban renewal laws could be enacted. Attorney Lakey indicated legislation could become effective July 1st, 2016 in the absence of an emergency clause. When final draft legislation is presented, more information will be publicly available.

Bastian asked whether the agency should proceed with the planning process now or wait. The proposed professional services set forth in the agreement span approximately six months, beginning in February 2016. He suggested that any delay entering into an agreement would simply put things off.

Kunz mentioned that the public improvement reimbursement requests being received by the agency are increasing in scope, complexity and cost and that the current Board should decide how much input, if any, they would like to provide during development of the initial prioritized project list before possible restructuring of the agency occurs. Bastian preferred that the current Board be part of the initial development process. Soelberg asked how long it typically takes for a reimbursement request to be executed. Kunz explained the agency's preference that reimbursement requests come before the Board for review prior to construction of the public improvements. Lakey said reimbursement requests are typically handled on a case-by-case basis. For smaller projects, an applicant makes a presentation, the agency's attorney prepares a draft reimbursement agreement, the Board reviews and executes the agreement and the applicant constructs and pays for the public improvements and seeks reimbursement from the agency as per the agreement. There is no set timeline. For larger projects, the approaches could vary and could involve reimbursements from net tax increment revenues generated by the projects. The agency retains discretion over what public improvements will be reimbursable and how much will be reimbursed.

Bastian asked how the public becomes aware of project opportunities and what process is used. Kunz explained the process and noted that contact information is available on the agency's website. An applicant will typically contact an agency member, one or two agency members will meet with an applicant and the applicant will be invited to make a presentation at a future agency meeting. Bastian asked about the purpose of the professional services agreement and where project ideas would come from. Lakey explained the public outreach component of the professional services agreement and said the Board's role in the process will be defined.

Kunz opined the purpose of the professional services agreement is two-fold; firstly, to develop an initial prioritized project list according to specific criteria and, secondly, to revise and reprioritize the project list as additional reimbursement requests come in. The agency's website identifies the public improvements that have been approved and reimbursed by the agency. Bastian is looking to understand what the process will be, who will participate in the process (including each Board member's role in the process), how the project list will be developed and how project requests will be prioritized according to community values. Ridgeway noted the agency is looking to develop a prioritized project list because larger developers knew about the process, whereas smaller business owners and entrepreneurs may not know about and understand the process. The professional services agreement could, if approved, define the process roadmap and equalize participation.

Soelberg asked whether sufficient funds exist for the public outreach. He would like to see better community outreach. Kunz noted the cost of the professional services agreement is \$4,000; however, the agency would be responsible for incidental expenditures for public outreach (e.g., postal mailings).

Bastian asked Preston whether there was public knowledge about the agency and the project submission and reimbursement process. Preston opined the process is not well-understood and there are negative feelings, misunderstandings and opportunities for education. Kunz acknowledged there is a need for improved public outreach, but knowledge of the process is improving as projects are completed and covered by local media. Bastian asked whether Ridgeway could mention the opportunity during the State of the City address. Ridgeway mentioned that certain projects undertaken by the agency involve economic development and blight elimination and that legislation is being considered to deal with expenditures of public funds for projects that did not cause reimbursement. He proposed getting the process of developing the prioritized project list started.

Bastian made a motion, seconded by Preston, to approve the professional services agreement ("agreement) with AF Public Solutions, LLC, as presented (and as per Resolution 16-002). A roll call

vote was taken: Bastian: yes; Kunz: yes; Preston: yes; Ridgeway: yes; Soelberg: yes. All yeses. The motion passed unanimously.

- C. Consideration and possible action on the City of Eagle's request to partner with the agency to fund the consultant and public participation costs associated with the update of the City's Economic Development Plan, a component of the City's Comprehensive Plan. The total cost of these elements is estimated at \$33,000.

City Planner III Nichoel Baird Spencer presented the cost-sharing request. She emphasized the city is not asking for a specific reimbursement amount.

Soelberg asked Baird Spencer whether a portion of the economic development plan could be agency-specific and could be utilized to accomplish part of its public outreach process. Baird Spencer indicated this would be possible.

Kunz asked what legal concerns existed with expenditure of public funds to update the economic development plan and what approvals, if any, would be needed beyond the agency's ex-officio membership status on the comprehensive plan steering committee. Lakey said the agency must decide whether the expenditure of public funds would conform to the agency's goals and objectives and, if so, the expenditure of funds to update the economic development plan would be appropriate. The result would be public ownership of the economic development plan. Lakey recommended a draft Memorandum of Understanding (MOU) to define what the agency will pay for and what results it will expect from the process. He said the agency's involvement in the process should be defined.

Bastian thought it would be a good idea to prepare a draft Memorandum of Understanding (MOU) stating that the expenditure of public funds to update the economic development plan will conform to the agency's goals and objectives. He made a motion to table the matter until a draft memorandum is available. Kunz proposed directing the agency's attorney to prepare a draft memorandum. Bastian withdrew his motion.

The deficit for the current fiscal year to update the economic development plan is \$9,000. Preston asked whether the agency could possibly fund the deficit amount. Baird Spencer noted that a Request for Proposal (RFP) process will be used to hire an economic development consultant at an estimated cost of \$20,000 for the scope of work outlined; however, hiring this consultant could be more expensive. Soelberg said the agency may not have the capacity to do the type of public outreach associated with the economic development plan updates; therefore, there would be a monetary value and reasons for a cost-sharing agreement. He would like the draft Memorandum of Understanding (MOU) to delve into the deliverables of the urban renewal portion of the document, who has ownership and how the information will be used. Ridgeway proposed the agency could fund some percentage of the entire cost. Kunz proposed the draft memorandum stipulate a not-to-exceed cost of \$33,000, with the actual amount to be determined when the agreement is finalized.

Attorney Lakey was directed to prepare a draft Memorandum of Understanding (MOU), at a not-to-exceed cost of \$33,000, to fund the consultant and public participation costs associated with the update of the city's economic development plan. The memorandum will be reviewed and potentially acted on at the next regular meeting.

11. ADJOURNMENT. Ridgeway made a motion, seconded by Preston, to adjourn. A voice vote was taken. The motion passed unanimously.