

IDAHO FALLS REDEVELOPMENT AGENCY
P.O. BOX 50220
IDAHO FALLS, IDAHO 83405-0220

August 16, 2012

Regular Meeting
Minutes

Council Chambers

Call to Order: Chair Barnes called the meeting to order at 12:05 p.m.

Members Present: Chair Bob Barnes, Terri Gazdik, Tom Hally, Linda Martin, Lee Staker, Lee Radford, and Brent Thompson.

Members Absent: None.

Also Present: Ryan Armbruster, legal counsel (via phone); Renée Magee, executive director; Brad Cramer, planning department assistant director; Thane Sparks, treasurer; and Debra Petty, recording secretary.

Approval of Minutes, July 18, 2012: Lee Radford moved to approve the minutes of July 18, 2012, as presented. Motion seconded by Linda Martin. Motion passed.

Approval of Bills: Chair Barnes presented the finance report dated August 16, 2012. The following bills were presented to be paid from the Snake River Allocation Fund: Elam & Burke, \$932.65. The following bills were presented to be paid from the River Commons Fund: Elam & Burke, \$1,060.00. The following payments were presented for ratification: AmeriTitle, \$132,927.72 from the Snake River Allocation Fund; and Title Financial Services, \$118,516.17 from the River Commons Allocation Fund. **Lee Staker moved to approve the bills as read. Motion seconded by Lee Radford. Motion passed.**

Public Hearing and Resolution, Fiscal Year 2012-13 Budget. Chair Barnes stated July 18, 2012 the Agency board tentatively approved the budget for fiscal year 2013. Notice of public hearing for formal approval of the budget was published. The approved budget must be submitted to the City by September 1, 2012. A sign-up sheet was provided for those who wanted to give testimony regarding the proposed budget.

Thane Sparks, Agency treasurer, gave a brief overview of the budget as proposed. The public hearing notice was published in *The Post Register* August 5, 2012, and August 12, 2012. The Agency receives increment tax certified by other entities and based on the levy rates set by those agencies. The budget is set for \$5,841,100, the majority of revenues from property taxes, some interest, and cash carry over from the previous fiscal year. There were no questions by Agency members.

Chair Barnes opened the hearing to public comment. Seeing none, he closed the hearing to public comment. **Ryan Armbruster, counsel, read the resolution by title only. Tom Hally moved to approve the budget for fiscal year 2012-13 as presented. Motion seconded by Brent Thompson. Motion passed.**

D&A Commercial Warehousing, Simplot Circle. Magee provided the Board with a cost estimate prepared by Eagle Rock Engineering for completion of a portion of Simplot Circle, including a bridge over Porter Canal. The estimate does not include the turnaround or bulb for Simplot Circle. Estimated costs, including engineering and seal coating, are \$185, 200. This estimate exceeds the original estimate which did not include a bridge with sidewalks, underground power lines, and engineering expenses.

Staff recommends the Agency cover 50% of the cost not to exceed \$92,600. The city will grant a partial acceptance until the sealcoat is complete, which is often one year after the street is ready for use. According to Douglas Hix, the Walkers are removing their belongings from the storage building constructed in the right-of-way. She suggested, if the Board approves the recommendation, an agreement be prepared, including a provision to hold the Agency harmless if there were any legal action related to removal of the storage building in the right-of-way. **Lee Staker moved to approve a contribution by the Agency not to exceed \$92,600 for the construction of Simplot Circle and authorizing Agency counsel to prepare an agreement outlining the terms of participation, including absolving the Agency of any liability related to demolition of the shed located in the right-of-way. Motion seconded by Brent Thompson. Motion passed.**

Greenbelt Improvements North of Pancheri. Magee provided members a copy of a draft letter to Lorin Walker, Taylor Crossing on the River, LLC prepared by Ryan Armbruster. After reviewing the invoices submitted by Taylor Crossing, the amount to be paid to Taylor Crossing for Greenbelt improvements on the four hundred feet north of the Pancheri bridge is \$68,340.91. There may be another adjustment to this amount after Rhodehouse Construction responds to Magee's enquiry.

Magee met with Greg Weitzel, Director, City Parks and Recreation, and Lorin Walker, Taylor Crossing, about five weeks ago. After assessing the status of work to that date, Lorin Walker agreed Parks and Recreation should complete the project along this stretch of Greenbelt with the exception of electrical and lighting work.

In August 2011, the Agency approved the allocation of \$100,000 to Taylor Crossing for completion of Greenbelt improvements on this four hundred feet of the Greenbelt. Greg Weitzel estimates the remaining improvements including landscaping and irrigation will not exceed \$32,000. Magee requested approval of payment to Taylor Crossing, LLC in the amount of \$68,340.91 provided Taylor Crossing signs the letter drafted by legal counsel. The draft letter clarifies Parks and Recreation will complete the irrigation system and install sod and the funds will be deducted from the \$600,000 allocated to Greenbelt improvements in the Owner Participation Agreement with Taylor Crossing.

Lee Radford confirmed the Agency still has a commitment of approximately \$170,000 to Taylor Crossing for Greenbelt improvements. His understanding is a decision was reached by the Agency that Taylor Crossing will no longer be involved with remaining improvements to the site. He is willing to honor the fiscal commitment for the Greenbelt, but the developer breached the OPA with the Agency. He opposes payment of any funds directly to Taylor Crossing, LLC for future improvements to the Greenbelt. There has been little progress with the project for

several years. The Agency disbursed funds to the Walkers on a pay-as-you-go basis. Unfortunately, the public improvements have not yet been completed in a timely manner, and this places the Agency in a difficult position. The developer should not be allowed to do any further work on City park property. Tom Hally and Lee Staker concurred.

Ryan Armbruster said the wording in the letter can be strengthened so the Agency has sole discretion for distribution of the remaining funds.

Sidewalk on Utah Avenue. Magee said the City engineering department met with Dana Kirkham, owner of the property on Utah Avenue, and she is willing to grant the easement for the sidewalk.

Redevelopment Association of Idaho. Magee said the budget for the Redevelopment Association of Idaho (RAI) is quite limited. The funding for legal costs associated with the legislative session were over \$20,000. This upcoming session RAI will need additional funds to adequately represent redevelopment agencies in Idaho. She asked the Board to consider increasing the contribution to RAI to approximately \$3,000. RAI was successful in defeating a majority of the bills affecting renewal agencies this past session. The service provided by RAI in staying current with proposed legislation and analyzing legislation was invaluable.

Ryan Armbruster said the role of RAI is education and defending tax increment financing. It is not for asserting policy regarding redevelopment law. He said many agencies are affected by the proposal to eliminate personal property taxes, but Idaho Falls Redevelopment Agency is not. In Idaho Falls, the impact on increment taxes is less than ten percent if personal property taxes are repealed. Lee Staker believes more legislation concerning redevelopment agencies will come forward in the future. Magee explained the Idaho Falls Council is considering meeting with legislators to discuss urban renewal in Idaho Falls and may include a PowerPoint presentation made at the Association of Idaho Cities in Boise. Gazdik is in favor of increasing the contribution to RAI but asked where the fees are budgeted. Magee said the amount will be taken from profession services in the budget. She said the annual meeting of RAI is scheduled for September 27, 2012 in the CCDC building in Boise at 10:00 a.m.

Miscellaneous: Lee Staker said the county commissioners have received many positive comments regarding parking available at and near the Court House.

The meeting adjourned at 12:45 p.m.

Respectfully submitted,

Debra Petty, Recording Secretary