

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

August 20, 2009

Regular Meeting  
Minutes

Council Chambers

**Call to Order:** Chair Barnes call the meeting to order at 3:00 p.m.

**Members Present:** Chair Robert Barnes, Tom Hally, Lee Radford, Linda Martin, and Dave Radford.

**Members Absent:** LaMar John.

**Also Present:** Ryan Armbruster, legal counsel; Renee Magee, executive director; Thane Sparks, treasurer; Jan Blickenstaff, grants administrator, City of Idaho Falls; Mayor Jared Fuhriman, Council member Ida Hardcastle; Dane Watkins, property owner on Lindsay Boulevard; owner of LaRitz Hotel; and Kent Marboe, Lamar Signs; Lorin Walker and Terry Wadsworth, Taylor Crossing, LLC.

**Minutes, July 16, 2009: Tom Hally moved to approve the minutes of July 16, 2009, as written. Motion seconded by Lee Radford. Motion passed.**

**Approval of bills:** Chair Barnes presented the finance report dated August 20, 2009. The following bills were presented to be paid: Donna Carlson, \$88.00; Pierson Land Works, \$1,187.50; Harlan Mann, \$596.75; and Elam and Burke, \$3,119.24. The following bills were presented to be ratified: Amerititle for Renaissance, \$82,549.25; Amerititle for Walker, \$59,802.54; Exchange Services for Ball Ventures, \$85,811.46; and Exchange Services for Ball Management, \$12,368.86. Magee explained Thane Sparks verifies with Bonneville County the taxes paid for parcels covered under the Owner Participation Agreements, and the Agency then pays to the developer seventy-five percent of the amount collected. **Lee Radford moved to approve the bills as read. Motion seconded by Linda Martin. Motion passed.**

**Public Hearing: Fiscal Year 2010 Budget:** Prior to opening the public hearing, Barnes explained the authority for the budget, tentative approval by the Agency of the budget in July, and publication of the tentative budget. Sparks reviewed the budget. The total tentative budget is \$7,643,900, which includes all three revenue allocation areas. Estimated property tax revenues for all three allocations areas are \$2,976,000. The budget is essentially the same as it has been this fiscal year with the exception of increasing professional services. Most of the funds available have been allocated to capital improvements. Barnes opened the hearing, and no one wished to testify. The hearing was closed, and Armbruster read the title of the resolution. **Lee Radford moved to adopt the annual appropriation resolution. Tom Hally seconded the motion. Motion passed.**

**Approval of Note Documents for Ball Management:** Armbruster explained the Agency entered into an Owner Participation Agreement (OPA) with Hotel Developers, Inc., successors of Ball Management, in the amount of \$105,000. In 2008, the Agency entered into a note for approximately \$99,500. Magee has received invoices for landscaping work as agreed, and this note for approximately \$5,500 will complete the obligation under the OPA. Magee showed slides of the improvements completed by Ball Management. Barnes discussed the Agency's policy not to open the OPA, even if projects exceeded the OPA amount. Armbruster read the title of the resolution. **Tom Hally moved to adopt the resolution. Lee Radford seconded the motion. Motion passed.**

**Approval of Note Documents for Ball Ventures:** Armbruster stated modifications had been made to the Agreement To Be Recorded Affecting Real Property. The original agreement had a right to set-off as well as the right to withhold payments due. Those provisions are viewed by the Internal Revenue Services to be extra-ordinary remedies, and the bond counsel for Ball Ventures, Nick Miller, has asked for these provisions to be deleted and to include a provision noting the note is meant to be tax exempt. Since the improvements are completed, there is no benefit to the Agency to withhold payments or retain the set-off provision. Armbruster asked for a motion to approve the agreement and authorize the chair and secretary to sign the appropriate documents. Barnes clarified the Agency is not stating it believes this is a tax-exempt transaction. Armbruster replied Miller is representing to both the Agency and Ball Ventures this note is tax-exempt. **Lee Radford moved to approve the Agreement to Be Recorded as modified and to authorize the chair and secretary to sign the necessary documents. Martin seconded the motion. Motion passed.**

**Request of Dane Watkins to Remove Deciduous Trees:** Barnes wondered why this item was on the Agency's agenda, since once the Agency installs the trees, it turns them over to the City of Idaho Falls. Dane Watkins replied the Parks and Recreation Director encouraged him to present his request to the Agency. Watkins explained the trees the Agency planted twenty years ago have covered billboards on Lindsay Boulevard. He suggested the trees be moved to another location and be replaced by dwarf trees.

Barnes noted the Agency had aerial photos which indicated the billboards were not there in 1989; however, the billboards are now there. Marboe distributed photos of the signs and trees on Lindsay Boulevard. He pointed out the trees blocked the view of on-site signs (LaRitz, Ameritel, etc.) as well as billboards. The trees have become too large. One billboard has been blocked by the trees. Marboe also showed a tree blocking a portion of the billboard on Yellowstone Highway. Marboe suggested dwarf trees will allow the view of all of the signs on Lindsay Boulevard. Trimming has not helped with visibility. The trees have to be removed to really assist.

Radford asked why the Agency was involved. Marboe stated the Parks and Recreation Director noted the trees were planted by the Agency. Radford stated he always understood there was no right to a view. Marboe said the sign owners had no say in the matter of planting trees.

Barnes explained the Agency had no say in this matter but the smallest of trees can block the view, depending on the angle. Magee explained the design of Lindsay Boulevard including sidewalks and trees was discussed with the property owners. The property owners were notified and at least two meetings were held to involve property owners. Subsequent property owners had notice of the trees. Marboe replied the trees were small when planted and they are too big for Lindsay Boulevard.

The owner of the LaRitz Hotel noted there is some blockage on his reader board and main sign. He met with the Parks crew and asked about topping the tree. The Parks crew replied topping is not allowed. He knows drivers cannot see his reader board in the summer when the leaves are on the trees.

Barnes understands the issues with blocking signs. One community trims the trees as long as the health of the tree is not compromised. Barnes suggested this approach be tested first. Radford asked about trees in road profiles and comprehensive plan. Magee said they are not addressed in the road profiles but there is a street tree ordinance specifying the type of trees to be planted in public rights-of-way. Radford asked if the ordinance was in effect when Lindsay Boulevard was constructed. Magee said she did not believe so. After the comprehensive plan citizen participation events in 1992 in which the citizens stated how important trees were, the urban forester position was funded and the Shade Tree Committee formed. The Committee advises the Parks and Recreation Division and develops the ordinances.

Marboe asked if he should go to the City. Barnes said yes but he noted there was no Board consensus at this point. Magee asked if the landowners will finance the removal and installation of new trees. Marboe replied the land owners are not happy with the obstruction of signs by trees. Barnes cannot visualize the removal of trees on Lindsay Boulevard. Martin mentioned GPS is used by many visitors today to locate businesses rather than signs. Martin agreed Watkins and Marboe may want to go to the City. Barnes thanked Watkins and Marboe for their discussion.

**CHC Application for West Bank of Snake River:** Magee explained an application to the CHC Foundation has been prepared and submitted by Taylor Crossing. Magee requested authorization to sponsor this CHC application since a non-profit agency or political subdivision must be a sponsoring agency. The application is for \$100,000 to improve the west bank of the Snake River north of Pancheri and south of the Eastern Idaho Railroad bridge. Lorin Walker explained the City, the Agency, and Taylor Crossing were all involved in this application. After discussions with the City, it seemed appropriate for the Agency to be the applicant at this time. Since the Agency is more inclined to finance such public improvements as roads, water, and sewer, the Walkers are seeking a grant to finance the amenities to improve the Greenbelt. Walker presented a narrative to define the use of the requested funds which included water features, gazebos, benches, and other classical garden features. The Walkers presented a clay model of the plan for the west bank, including gathering spaces on different levels near the River's bank.

Halley asked if the CHC grant will be used for the pathway. Walker replied probably not; Agency funds will be used for the path. Walker explained the deadline for the grant application was two weeks ago, and the application was submitted then. Radford stated he appreciated the Walkers applying for a grant and the work being done on the bank. When Magee contacted Radford after the application was submitted, Radford drafted a supplement to clarify CHC should select the actual project or, if necessary, the Board would select the project. Walker clarified the supplement had not been submitted to CHC. Barnes and Radford discussed the submission of the application prior to Board review.

In response to a question from Hally, Radford clarified the application specified the contribution of the Agency under the OPA. Armbruster suggested the supplement delineate the nature of the Agency. Donations to the Agency are not tax-exempt. Radford asked if the annual report is sufficient to delineate the nature of the Agency. Hally confirmed the Agency will be the entity to be responsible for assuring the monies were spent on the approved projects.

**Lee Radford moved to ratify the application with the condition the supplement he drafted, the annual report and the detail of costs prepared by Walkers be included in the application. Hally seconded the motion. Motion passed.**

**Agency Priorities for Assistance:** Magee explained she was bringing back “dots” on the advice of legal counsel. Earlier she mailed an informal survey to the members to request their priorities for capital improvements. The capital improvements listed included Wardell-Mercury, Pioneer-Milligan, Memorial Drive, assistance with Bonneville Hotel, Burgess-Clay, public parking on D Street, Constitution Way, a five year lease of parking spaces, E Street improvements, D Street improvements, and a parking lot at Broadway and Yellowstone. Memorial Drive was clearly first priority; however, there was little pattern in the results after Memorial Drive. Jan Blickenstaff used a point system on the results and determined parking on D Street was second priority. However, Magee wished to see more discussion and reviewed slides of the projects under consideration. She distributed “dots” for votes on the projects. The results of the votes were:

1. Public parking on D Street
2. Constitution Way improvements
3. E Street improvements
4. Improvement of Pioneer-Milligan
4. Lease of parking spaces
4. Broadway parking lot (Union Pacific railroad)

The last three projects had the same priority on the basis of votes or “dots.”

The meeting was adjourned at 4:45 p.m.

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Respectfully submitted,  
Renee R. Magee