

Minutes of the special meeting of the Ogden City Redevelopment Agency held on Tuesday, October 1, 2024, at 4:00 p.m., in the Council Chambers, and via electronic meeting, on the third floor of the Municipal Building, 2549 Washington Boulevard, Ogden City, Weber County, Utah.

Present:	Chair	Ken Richey
	Vice Chair	Marcia L. White
	Board members	Bart E. Blair Angela Choberka Dave Graf Richard A. Hyer Shaun Myers

Board Administrator Janene Eller-Smith
Board Deputy Administrator Glenn Symes
Board Senior Policy Analyst Steve Burton
Communications Director Brandon Garside
Communications Specialist Eric Davenport

Also present:	Executive Director Benjamin K. Nadolski Chief Administrative Officer Mara A. Brown City Attorney Gary Williams Management Services Department Executive Director Lisa Stout Community and Economic Development Executive Director Jared Johnson Community and Economic Development Assistant Executive Director David Sawyer Finance Director Justin Sorensen Economic Development Director Sara Meess Public Services Executive Director Justin Anderson Public Services Assistant Executive Director/City Engineer Taylor Nielsen Arts, Culture, and Events Director Christy McBride Assistant ACE Director Arts Administrator Lorie Buckley City Recorder Tracy Hansen
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Approval of Minutes

Board member Choberka stated she had reviewed the minutes of the special meeting of August 20, 2024 and closed session of September 3, 2024 and found them to be accurate to the best of her recollection.

BOARD MEMBER CHOBERKA THEN MOVED TO APPROVE THE MINUTES AS PRESENTED. MOTION WAS SECONDED BY BOARD MEMBER HYER, ALL VOTING AYE.

Closed Session

At this time, the Board gave consideration of adjourning into a Closed Session pursuant to one or more of the provisions of Section 52-4-205(1) of the Open and Public Meetings Law:

- a. Discussion of the character, professional competence, or physical or mental health of an individual
- b. Strategy session to discuss collective bargaining
- c. Strategy session to discuss pending or reasonably imminent litigation
- d. Strategy session to discuss the purchase, exchange, or lease of real property
- e. Strategy session to discuss the sale of real property
- f. Discussion regarding deployment of security personnel, devices, or systems
- g. Investigative proceedings regarding allegations of criminal misconduct

BOARD MEMBER HYER MOVED THE BOARD ADJOURN INTO A CLOSED SESSION PURSUANT TO THE PROVISIONS OF SECTION 52-4-205(1) OF THE OPEN AND PUBLIC MEETINGS LAW. MOTION WAS SECONDED BY BOARD MEMBER BLAIR, WITH THE FOLLOWING ROLL CALL VOTE: VOTING AYE – BOARD MEMBERS BLAIR, CHOBERKA, GRAF, HYER, MYERS, VICE CHAIR WHITE, AND CHAIR RICHEY. VOTING NO - NONE.

The meeting adjourned into Closed Session at 4:02 p.m.

The meeting reconvened and was recessed at 4:56 p.m.

The meeting reconvened at 7:37 p.m.

Proposed Resolution 2024-5 for \$120,000 to fund extended arts programming in the Nine Rails Creative District

A memo from the Finance Director regarding a proposed Fiscal Year (FY) 2024-2025 budget amendment came before the Board for consideration. The memo stated Administration is proposing a budget amendment of \$120,000 to increase the FY2025 Redevelopment Agency (RDA) budget to fund extended arts programming in the Nine Rails Creative District. The proposed amendment would recognize funds from the Adams Community Reinvestment Area (CRA) fund balance and appropriate those funds to a new area specific program account to fund a contract with Ogden Contemporary Arts (OCA).

Finance Director Sorensen summarized the memo and presented a spreadsheet summarizing the proposed revenues and appropriations involved in the recommended budget amendment.

Economic Development Director Meess then used the aid of a PowerPoint presentation to provide the key projects identified for potential development within the Adams CRA; discuss ongoing arts programming with OCA; and funding and next steps for proceeding with the pilot program. Arts Administrator Buckley also expounded on the appropriateness of using tax increment for arts/events programming and any precedents for this type of agreement, as well as the potential for the program to create a return on investment for the Agency. For a copy of the presentation in its entirety, see the information packet for the meeting.

Chair Richey introduced in writing proposed Resolution 2024-5, entitled:

“A resolution of the Ogden City Redevelopment Agency amending the budget for the Fiscal Year July 1, 2024, to June 30, 2025, by increasing the anticipated revenues for a gross increase of \$120,000 from sources as detailed in the body of this resolution; and increasing the appropriations for a gross increase of \$120,000 as detailed in the body of this resolution.”

Chair Richey then opened the public hearing.

Adrian Zubler stated she is in favor of this particular project as it will complement the Union Station and its world class museums; she volunteered at the Union Station for 10 years and met people from all over the world who came to Ogden and she thinks it is important to augment, rather than diminish, the offerings of the Union Station.

Vanessa Castagnoli stated she is the Executive Director of OCA. She thanked the Board for their consideration of their proposal and discussed the plans of OCA to implement the events and programming mentioned by City staff, as well as to provide metrics to determine the success of the pilot program. She discussed past projects that OCA has been involved in and expressed her commitment to improving arts offerings in the community. She is passionate about community engagement and feels Ogden is a very special place; she will do everything she can to expand the arts in the Nine Rails District and beyond. She asked that the Board approve the proposal and provide support for the pilot program.

Keesh Christiansen stated she is the Development Director for Your Community Connection (YCC) Family Crisis Center and she is supportive of this pilot program. The YCC has witnessed firsthand the profound impact that OCA has on their clients and the greater Ogden community. The programming they provide to the YCC is inclusive and accessible to individual from a variety of backgrounds, including the children that are served at the childcare center and through summer programs. Many of those served by the YCC are at risk or fall below the poverty level and the programs provided by OCA have been invaluable to them. They provide a wide range of programs that give children a safe and creative space to practice life skills useful for life and learning, helping them to build their confidence. Art that has been created through OCA programs comes from local artists and she has appreciated collaboration between these artists and the clients served by YCC. She urged the Board to approve this pilot program to extend arts programming throughout the Nine Rails District.

Megan Dutton also expressed her support for the pilot program and OCA; she communicated her family's own personal experience with OCA and their programs, which continue to draw them to downtown Ogden. Their programs and events make the Ogden community a healthier and beautiful place; they have a significant positive impact on the entire community, and she urged the Board to support this proposal.

Amy Wicks stated that \$120,000 is a lot of money for public arts funding; she acknowledged Administration's justification for not publishing a public request for proposals (RFP) to allow other arts organizations to compete for this funding, but noted she does not think the justification is adequate. She suggested increased competition and transparency as part of this project. She stated she visits OCA frequently and has noticed they are open fewer hours than when they first opened in Ogden and the information on their website is outdated. She stated that the City should engage others in the Ogden arts community and give them the opportunity to provide input regarding this proposal or compete for the funding.

Jorge Rojas expressed his support for the proposal; he is a resident of Salt Lake City but is an artist and curator who has dedicated his entire life to the arts and arts education. He believes OCA is doing a great job; they have a small staff and that is one of the reasons they need this funding. They want to increase their staffing to improve and expand their programming for youth in the community. Arts education is very important, and no one cares as much about education, engagement, and supporting local artists as OCA.

Nicole Seregi stated she is with Youth Impact, an entity that has partnered with OCA for the past three years; OCA has had an invaluable positive impact on the daily lives of the youth through diverse programming, arts education, and acceptance. These programs have helped children to gain confidence and envision a future in which they may obtain a job in the arts.

Thaine Fischer stated is on the OCA Board and he discussed the history of the entity dating back six years; OCA has been vital in helping to redevelop area of downtown Ogden through arts programming. They have pursued large murals on different buildings in the City, created an arts plaza in the Nine Rails District, and supported the creation of The Monarch. Some

of their programming and installations have been the catalyst for expanding arts offerings throughout the City and acquiring other funding sources that have been vital in beautifying the community. He encouraged the Board to keep in mind these community improvements when they consider their action on the proposed funding for the pilot project and suggested this is something that should be considered for all CRA districts in the City.

Casey Lindley stated she is the Program Communications Manager for OCA, and she expressed support for the pilot program; OCA is extremely supportive of and dedicated to local artists as well as to the youth of the community. She discussed partnerships between OCA and various entities that serve the community and indicated these partnerships have allowed OCA to engage and empower the youth of the community to express themselves through art. She asked that the Board approve the pilot program to allow OCA to reach a larger audience in the Ogden community.

Kelly McLeod stated she is also a Board member for OCA and a property owner in the Nine Rails District; providing funding and support for OCA will help to bolster the creative district in many ways. This is important for all residents and businesses in the area as well as in the community at large. The Board's approval of the proposal will provide the framework to aid in the future success and growth of the Nine Rails District and OCA.

Angelica Gruber also expressed her support for this proposal; she believes OCA is best qualified to manage this pilot program to increase arts accessibility for the entire Ogden community. Youth programming is vital to ensuring the longevity of the Nine Rails District. She looks forward to seeing how OCA will use this support to benefit the entire Ogden community.

Camille Washington stated she is the past Chair of the Ogden City Arts Advisory Committee and a current member of the Committee; the Committee supports and values OCA and the contributions they make to the community, but she would like to voice her concern about the lack of transparency in the process to recommend this pilot program and the lack of communication/consultation with the Arts Advisory Committee about this issue. There has been a lot said about the great programming offered by OCA, but she believes this funding is intended to improve visitor experience and engagement in the Nine Rails District and she does not believe the burden has been met to exhibit that OCA can accomplish that goal. She also noted that Ogden City allocates \$150,000 per year in arts funding and that dollar amount is divided among over 30 entities; an action to allocate \$120,000 to one organization without any oversight or input from the Ogden Arts Committee is concerning. She encouraged the Council to require a public RFP or request for qualifications (RFQ) from other entities interested in competing for the funding.

Chair Richey called for a brief recess at 8:25 p.m. The meeting reconvened at 8:30 p.m.

Jim Jacobs stated is the former Chair of the Department of Visual Arts at Weber State University (WSU) and he feels OCA is doing a fantastic job with arts in downtown Ogden. Current leadership of OCA is doing a great job, and they need increased funding for their programming.

Linda Sanchez referenced input the Board has received in the past from individuals who are requesting assistance and support in their local neighborhoods; she does not know if that support should be provided by OCA or another community entity, but she encouraged the Board to be considerate of those requests.

Leon (no last name given) stated he loves that the Board is considering increased funding for the Nine Rails District, but he is also concerned that one organization may be given \$120,000, which is nearly as much as the \$150,000 that is divided among many other organizations that compete for annual arts grants.

Deann Armes stated she is the Chair of the Ogden City Arts Advisory Committee; she initially thought this was a great idea because she thinks OCA does a great job for the community. However, after reading the full proposal regarding the pilot program, she has concerns about the process and the lack of a public process to choose the entity that would receive the funding. The Committee was not consulted, there is no detailed budget regarding the pilot program, and this action could have a negative impact on all of the other amazing artists and entities that are pursuing arts programming in the Nine Rails District and in greater Ogden.

Ms. Buckley approached to address comments about Administration's decision to not consult the Arts Advisory Committee regarding this matter; the proposal does not fall under their jurisdiction because they do not advise the City on the use of RDA funds or the City's contracting process. They provide advice on the City's annual arts grants and other public arts issues, but not for RDA funding.

Alicia Washington stated she has owned and operated a theater company in Ogden for 12 years and she lives in the Nine Rails District. There are established organizations that exist within the District that have not been consulted or considered as part of the concept to grow and improve the District. This includes the Eccles Arts Center, Onstage Ogden, and Imagine Ballet. She believes there should be consideration for other arts organizations in terms of allocating what is perceived by the public as public funding. There has been great discussion around the additional educational aspect that the additional funding will allow OCA to provide, but there is a broader scope being considered in the pilot program and she suggested the Board consider the issues that have been raised tonight before taking action.

There being no further persons appearing to be heard, **BOARD MEMBER CHOBERKA MOVED THE PUBLIC HEARING BE CLOSED. MOTION WAS SECONDED BY BOARD MEMBER HYER, ALL VOTING AYE.**

Chair Richey asked staff to address the concerns expressed during the public hearing.

Ms. Buckley addressed the comments made about the annual arts grants process and concerns about the amount of money being allocated to OCA comparative to the annual arts grant funding. She noted the annual arts grant program is intended to provide funding for arts programming throughout the entire Ogden community; that process is much different than the pilot program that is being considered specifically for the Nine Rails District. Additionally, many of the other arts entities could not accomplish the scope of the pilot program as well as OCA can; however, Administration did consider several other arts entities before making this recommendation to the Board. The process may not seem transparent, but she and Ms. Meess have been

considering how to program the Creative District since its inception; OCA is best suited to partner with the Agency at this point in time, but that may not be true after the 18-month pilot program period and other entities may be considered at that time.

Board member Choberka stated she sensed some frustration on the part of City staff, but she is also very frustrated because she is a huge supporter of the Nine Rails District, OCA, and believes there is a direct connection between arts and economic impact, but she asked for a public process of RFP for this program.

Board member Graf thanked those who have addressed the Board tonight regarding this matter. He has reviewed the language in the Adams CRA guiding documents and found that this is an appropriate use of funds. He also reviewed documentation regarding the use of funds in the Nine Rails District and found this to be appropriate. He views the program as an investment in the community and at the end of the 18-month period the Board can review the metrics to determine if there was a direct return on the investment. He understands the concerns that have been expressed, but he does believe RDA funding is different from public art funding, and he supports this program.

Board member White stated she is confused about the use of RDA funding for the program; as the Board has discussed this proposal over the course of two work session meetings, she has communicated that she does not feel this is an appropriate use of RDA funding. Additionally, as the Board and Administration have discussed this proposal, Administration has communicated benefits that have already been realized in the Nine Rails District, such as an increase in property values, and she wondered if this program is truly needed. However, tonight some have commented that the success of OCA and the Nine Rails community is hinging on this \$120,000 in funding and if that is the case, there are much bigger problems the City needs to address. She emphasized that for her, the question is whether this is an appropriate use of RDA funds.

Ms. Meess stated that just because there has already been some success on the Adams CRA and the Nine Rails District does not mean that the work has been done and additional programs should not be considered. The pilot program will help to maintain the momentum that has been created and to help expand and build upon it. She added that Administration has considered whether the use of RDA funding is appropriate and determined it will be used to improve the public realm as well as private areas that are publicly accessible.

Board member Choberka asked why Administration came to the Board for this matter when the Mayor has the ability to approve a sole-source contract for this type of program. Ms. Meess stated Administration wanted to involve the Board in the decision-making process for programs or projects that will help to improve the Adams CRA and to help achieve the objectives for arts programming in the Nine Rails District. Board member Choberka stated that she is still concerned about the lack of a public RFP for use of RDA funds. This led to continued discussion of the appropriateness of the use of RDA funds for the pilot program.

Chair Richey also thanked those who spoke on this matter tonight and added that he agrees with Board member Graf's position on this proposal.

ON A MOTION BY BOARD MEMBER GRAF AND SECONDED BY BOARD MEMBER MYERS, RESOLUTION 2024-5 WAS REJECTED UPON THE FOLLOWING ROLL CALL VOTE: VOTING AYE – BOARD MEMBERS GRAF, MYERS, AND CHAIR RICHEY. VOTING NO – BOARD MEMBERS BLAIR, CHOBERKA, HYER, AND VICE CHAIR WHITE.

Board member Hyer noted he would not be opposed to this type of program if there had been a public RFP or RFQ process. Board member Blair agreed. He believes that OCA is qualified to administer this program and that arts are valuable to the entire community, but he desires a public process and more discussion about the appropriate source of the funding. Chair Richey suggested that Administration take those suggestions under advisement and bring the matter back in the future with adjustment.

Proposed Resolution 2024-6 for \$4,000,000 to recognize interest income on the Series 2023 Sales Tax and Tax Increment; the additional revenue will be used to fund development costs related to the WonderBlock project

A memo from the Finance Director regarding a proposed Fiscal Year (FY) 2024-2025 budget amendment came before the Board for consideration. The memo stated the proposal is to recognize \$4,000,000 in interest income on the Series 2023 \$64,220,000 Sales Tax and Tax Increment Revenue Bonds. These bonds were issued in December 2023 to fund the Agency's portion of the WonderBlock project. The additional revenue will be used to fund development costs related to the project. Excess funds, if any, will be used for debt service.

Finance Director Sorensen summarized the memo and presented a spreadsheet summarizing the proposed revenues and appropriations involved in the recommended budget amendment.

Chair Richey introduced in writing proposed Resolution 2024-6, entitled:

"A resolution of the Ogden City Redevelopment Agency amending the budget for the Fiscal Year July 1, 2024, to June 30, 2025, by increasing the anticipated revenues for a gross increase of \$4,000,000 from sources as detailed in the body of this resolution; and increasing the appropriations for a gross increase of \$4,000,000 as detailed in the body of this resolution."

Chair Richey then opened the public hearing.

Adrian Zubler stated that during last week's meeting, the Mayor announced that the paid parking program for downtown Ogden is being suspended; she asked where the funding for the parking garage in the WonderBlock project area will come from.

There being no further persons appearing to be heard, **BOARD MEMBER HYER MOVED THE PUBLIC HEARING BE CLOSED. MOTION WAS SECONDED BY BOARD MEMBER BLAIR, ALL VOTING AYE.**

Chair Richey stated that Ms. Zubler's questions are valid, and the revenue generated by the paid parking program were intended as a debt repayment source. He does not believe the paid parking program has been terminated, but it has been suspended to address some concerns and to appropriately engage the public.

Board member Graf asked if the Board will be made aware of any project overages and whether the additional \$4 million in interest income will be needed to cover those overages. Chair Richey deferred to Administration to answer that question. Public Services Executive Director Anderson stated the construction contract is a “cost plus” type of contract. There have been some unanticipated costs thus far and this funding will be used to cover those costs. The ultimate purpose of the funding is to provide some flexibility and a buffer for any project overruns.

ON A MOTION BY BOARD MEMBER MYERS AND SECONDED BY BOARD MEMBER HYER, RESOLUTION 2024-6 WAS ADOPTED UPON THE FOLLOWING ROLL CALL VOTE: VOTING AYE – COUNCIL MEMBERS BLAIR, CHOBERKA, GRAF, HYER, MYERS, VICE CHAIR WHITE, AND CHAIR RICHEY. VOTING NO – NONE.

Proposed Resolution 2024-7 approving the First Amendment to the Land Transfer and Development Agreement between Ogden City Redevelopment Agency and JF WonderBlock Partners QOZB, LLC.

A memo from the Public Services Department regarding proposed amendments to the WonderBlock Land Transfer and Development Agreement (LTDA) came before the Board for consideration. The memo stated on January 17, 2023, the Redevelopment Agency (RDA) Board approved several agreements for the development of the WonderBlock project. This included a court parking agreement, an operating agreement, and a LTDA. Collectively, these agreements set forth the working relationship between Ogden City, the Ogden Redevelopment Agency, and the developer, J Ficher. The project is now underway. As City Administration has reviewed and operated under the approved contracts and agreements, it has been determined that updates need to be made to the land transfer and development agreement. Most of the changes are either corrections or are administrative in nature. The proposed changes update several key elements of the agreements to reflect the actual conditions of the project that are necessary for the project to continue.

Community and Economic Development Executive Director Johnson summarized the memo and used the aid of a PowerPoint presentation to expound on the specific amendments to the LTDA. For a copy of the presentation in its entirety, see the information packet for the meeting.

Chair Richey introduced in writing proposed Resolution 2024-7, entitled:

“A resolution of the Ogden City Redevelopment Agency approving and authorizing the Executive Director to execute the first amendment to Land Transfer and Development Agreement between the Ogden City Redevelopment Agency and JF Wonder Block Partners QOZB, LLC for the development of approximately 5.8 acres of real property located generally at 2557 Grant Avenue, Ogden, Utah.”

ON A MOTION BY BOARD MEMBER CHOBERKA AND SECONDED BY BOARD MEMBER BLAIR, RESOLUTION 2024-7 WAS ADOPTED UPON THE FOLLOWING ROLL CALL VOTE: VOTING AYE – BOARD MEMBERS BLAIR, CHOBERKA, GRAF, HYER, MYERS, VICE CHAIR WHITE, AND CHAIR RICHEY. VOTING NO – NONE.

Executive Director Comments

Executive Director Nadolski acknowledged firefighters who have been sent to respond to emergencies in the Florida area related to the hurricanes. He also referenced upcoming public requests for proposals (RFPs) for other projects in the community.

Board member Comments

There were no additional comments from Board members.

There being no further business to come before the Agency, **VICE CHAIR WHITE MOVED THE MEETING ADJOURN AT 9:11 P.M. MOTION WAS SECONDED BY BOARD MEMBER GRAF, ALL VOTING AYE.**

TRACY HANSEN, MMC/CRA
CITY RECORDER

KEN RICHEY, CHAIR

APPROVED: November 12, 2024