



505 South Holden Street
Midvale, UT 84047
(801) 567-7200
www.midvalecity.org

REDEVELOPMENT AGENCY OF MIDVALE CITY MEETING AGENDA May 21, 2019

PUBLIC NOTICE IS HEREBY GIVEN that the **Redevelopment Agency of Midvale City** will hold a regular meeting on the **21st day of May 2019** at Midvale City Hall, 7505 South Holden Street, Midvale, Utah as follows:

7:00 PM OR IMMEDIATELY FOLLOWING THE CITY COUNCIL MEETING

I. GENERAL BUSINESS

- A. WELCOME AND ROLL CALL

II. PUBLIC COMMENTS

Any person wishing to comment on any item not otherwise scheduled for public hearing on the Agenda may address the Redevelopment Agency Board at this point by stepping to the microphone and giving his or her name for the record. **Comments should be limited to not more than three (3) minutes, unless additional time is authorized by the Governing Body.** Citizen groups will be asked to appoint a spokesperson. This is the time and place for any person who wishes to comment on non-hearing, non-Agenda items. Items brought forward to the attention of the Redevelopment Agency Board will be turned over to staff to provide a response outside of the Redevelopment Agency meeting.

III. CONSENT AGENDA

- A. Consider Minutes of May 7, 2019 [*Rori Andreason, H.R. Director/City Recorder*]
- B. Set Date and Time [June 4, 2019 at 7:00 p.m.] for a Public Hearing regarding the Third Amendment to the Redevelopment Agency of Midvale City FY2019 Budget [*Matt Dahl, RDA Director*]

IV. ACTION ITEMS

- A. Consider Resolution No. 2019-06RDA Approving the 764 West Access Agreement between the Redevelopment Agency of Midvale City and Leatherby's Family Creamery [*Matt Dahl, RDA Director*]

V. DISCUSSION ITEMS

- A. Discuss Third Amendment to the Fiscal Year 2019 Budget [*Matt Dahl, RDA Director*]

VI. ADJOURN

In accordance with the Americans with Disabilities Act, Midvale City will make reasonable accommodations for participation in the meeting. Request assistance by contacting the City Recorder at 801-567-7207, providing at least three working day notice of the meeting. TTY 711

A copy of the foregoing agenda was provided to the news media by email and/or fax. The agenda was also posted at the following locations on the date and time as posted above: City Hall Lobby, on the City's website at www.midvalecity.org and the State Public Notice Website at <http://pmn.utah.gov>. Board Members may participate in the meeting via electronic communications. Board Members' participation via electronic communication will be broadcast and amplified so other Board Members and all other persons present in the Council Chambers will be able to hear or see the communication.

PLEASE SILENCE CELL PHONES DURING THE MEETING

DATE POSTED: MAY 17, 2019

**RORI L. ANDREASON, MMC
H.R. DIRECTOR/CITY RECORDER**



REDEVELOPMENT AGENCY MEETING
Minutes

Tuesday May 7, 2019

**Council Chambers
7505 South Holden Street
Midvale, Utah 84047**

CHAIR: Robert M. Hale

BOARD MEMBERS: Board Member Paul Glover
Board Member Quinn Sperry
Board Member Bryant Brown
Board Member Paul Hunt
Board Member Dustin Gettel

STAFF: Kane Loader, City Manager; Bryce Haderlie, Assistant City Manager/Admin. Services Director; Rori Andreason, City Recorder; Lisa Garner, City Attorney; Glen Kennedy, Public Works Director; Matt Dahl, Redevelopment Agency Director; Chief Randy Thomas, UPD; and Jake Shepherd, Network Administrator.

Chair Hale called the meeting to order at 9:29 p.m.

I. GENERAL BUSINESS

A. Roll Call - Board Members Paul Hunt, Dustin Gettel, Paul Glover, Bryant Brown, and Quinn Sperry were present at roll call.

II. PUBLIC COMMENTS

There was no one present who desired to speak.

MOTION: Board Member Paul Glover **MOVED** to open the Public Hearing. Board Member Quinn Sperry **SECONDED** the motion. Chair Hale called for discussion on the motion. There being none, he called for a vote. The motion passed unanimously.

III. PUBLIC HEARINGS

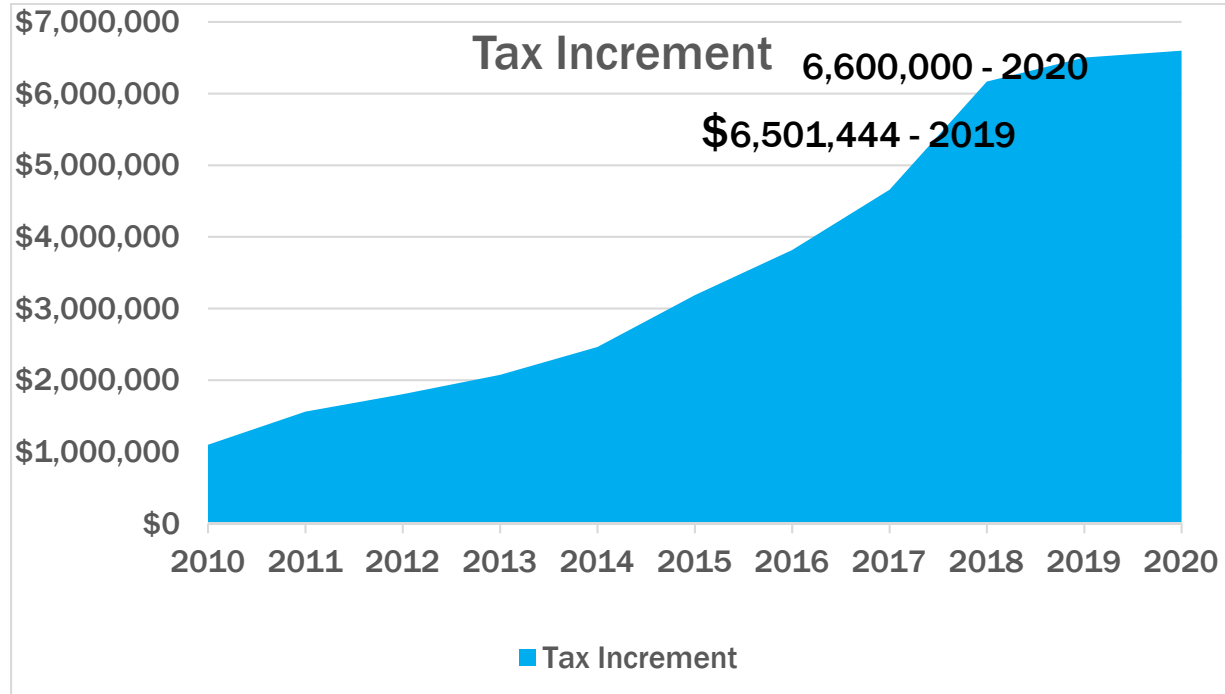
A. CONSIDER ADOPTION OF THE REDEVELOPMENT AGENCY OF MIDVALE CITY FISCAL YEAR 2020 TENTATIVE BUDGET BEGINNING JULY 1, 2019 AND ENDING JUNE 30, 2020

Matt Dahl said as part of the Fiscal Year 2020 Budget approval process, staff will be presenting a Tentative Operating Budget for the Redevelopment Agency at the meeting. Staff will update the Board on the revenue estimates and provide a brief overview of the expenditures, highlights, and program changes.

Fiscal Impact: The tentative budget provides a starting point to discuss the operating budget for Fiscal Year 2020 prior to final approval.

Matt Dahl presented the Redevelopment Agency tentative Budget for FY2020 as follows:

Tax Increment



FY2020 Tentative Budget - Revenue

- **Tax Increment**
 - FY2019: \$6,501,444
 - FY2020 (Est.) 6,600,000
 - New Revenue: \$98,556
- **Other Sources**
 - Transfers from RDA Accounts, Fund Balance, General Fund
 - Debt Related (IRS Debt Subsidy, Interest, Etc.)
 - Interest Revenue

FY2020 Tentative Budget – Funding Hierarchy

- Debt Service
- Tax Increment Reimbursement
- Housing
- Administration
- Projects

FY2020 Tentative Budget – Objectives

- Bingham Junction – Infrastructure and Infill Development Incentives
- City-Wide Housing – Programming
- Reduction in Account Transfers

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FY2020 Tentative Budget – Bingham Junction

Revenue	FY2019	FY2020	Difference
Total Revenue	16,766,072	27,814,500	11,048,428
Expenditures	FY2019	FY2020	Difference
Debt Principal & Interest	3,889,320	23,328,800	19,439,480
Infill Development Incentives	923,456	1,000,000	76,544
Developer Reimbursements	9,570,896	900,000	(8,670,896)
Transfer to Administration	489,500	802,900	313,400
Infrastructure Improvements	420,000	685,900	265,900
Transfer to Citywide Housing	500,000	500,000	-
Surrounding Property CY & PY	334,500	334,500	-
Public Art – CY & PY	173,400	148,400	(25,000)
Transfer to Jordan Bluffs	75,000	74,000	(1,000)
Transfer to Main Street	375,000	25,000	350,000

FY2020 Tentative Budget – City Wide Housing

Revenue	FY2019	FY2020	Difference
Total Revenue	852,000	1,353,500	501,500
Expenditures	FY2019	FY2020	Difference
Affordable Housing Plan	20,000	5,000	(5,000)
Housing Programs	832,000	1,348,500	516,500

FY2020 Tentative Budget – RDA Operations

Revenue	FY2019	FY2020	Difference
Total Revenue	800,300	850,000	(49,700)
	FY2019	FY2020	Difference
Salaries	270,000	288,000	18,000
Administrative Fee	241,200	262,200	21,000
Benefits	136,000	165,500	29,500
Professional Services	100,800	100,800	-
Equipment, Supplies, Maintenance	10,000	10,000	-
Travel	8,000	8,000	-
Education	8,000	8,000	-
IT/Telephone	6,100	4,100	(2,000)
Contribution to Fund Balance	18,500	2,000	(16,500)
Subscription and Membership	1,700	1,700	-

FY2020 Tentative Budget – Project Area Housing

Revenue	FY2019	FY2020	Difference
Total Revenue	189,800	194,200	4,400
Expenditures	189,800	194,200	4,400

FY2020 Tentative Budget – Jordan Bluffs

Revenue	FY2019	FY2020	Difference
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Total Revenue	150,000	112,000	(38,000)
Expenditures	FY2019	FY2020	Difference
Infrastructure	38,000	-	(38,000)
Professional Services	112,000	112,000	-

FY2020 Tentative Budget – Art Maintenance

Revenue	FY2019	FY2020	Difference
Total Revenue	50,000	50,000	-
Expenditures	FY2019	FY2020	Difference
Project Area Improvements	50,000	50,000	-

FY2020 Tentative Budget – Main Street

Revenue	FY2019	FY2020	Difference
Total Revenue	800,000	30,000	(770,000)
Expenditures	FY2019	FY2020	Difference
Project Area Improvements	75,000	30,000	(45,000)
Property Acquisition	400,000	-	(400,000)
Contribution to Fund Balance	325,000	-	(325,000)

FY2020 Tentative Budget – Program Income

Revenue	FY2019	FY2020	Difference
Total Revenue	24,200	24,200	-
Expenditures	FY2019	FY2020	Difference
Other Projects	24,200	24,200	-

Account Title	2017-18 Prior Year Actual	2018-19 Current Year Budget	2018-19 Current Year TTD	2018-19 Current Year Projections	2019-20 Tentative Budget	Inc (Dec) Budget FY20 vs Budget FY19
RDA OPERATIONS						
Miscellaneous Revenue						
Interest Revenue	1,968	800	4,424	4,800	4,800	4,000
Misc. Revenue	220,881	-	-	-	-	4,000
Total Misc. Revenue	222,849	800	4,424	4,800	4,800	4,000
CONTRIBUTIONS						
Transfer from other RDA accts	675,000	489,500	367,125	489,500	802,922	313,422
Contribution from Fund Balance	-	310,000	-	-	42,578	(267,422)
Transfer from General Fund	210,000	-	-	-	-	-
Total Contributions	885,000	799,500	367,125	489,500	845,500	46,000
Total Revenue	1,107,849	800,300	371,549	494,300	850,300	50,000
OPERATIONS/CONTRIBUTIONS						
Salaries	244,730	270,000	211,136	254,000	288,000	18,000
Overtime	40	-	-	-	-	-
Benefits	117,517	130,000	118,996	140,000	159,500	29,500
Car allowance	1,500	6,000	2,423	3,000	6,000	-
Subscriptions & memberships	1,637	1,700	2,014	2,000	1,700	-
Travel	2,452	8,000	2,979	3,000	8,000	-
Equipment, supplies, & maint.	4,600	10,000	2,605	6,000	10,000	-
I.T. Equipment	3,500	5,100	3,825	5,100	3,100	(2,000)
Communications/telephone	853	1,000	977	1,000	1,000	-
Professional services	111,540	100,800	47,350	85,000	100,800	-
Administrative fee	240,300	241,200	180,900	241,900	262,200	21,000

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Education	1,542	8,000	2,582	3,000	8,000	-
Contributions to Fund Balance	-	18,500	-	-	2,000	(16,500)
Total OPERATIONS CONTRIBUTIONS	730,211	800,300	575,788	743,300	850,300	50,000
Total Expenditure	730,200	800,300	575,788	743,300	850,300	50,000
RDA OPERATIONS Revenue Total	1,107,849	800,300	371,549	494,300	850,300	50,000
RDA OPERATIONS Expenditure Total	730,211	800,300	575,788	743,300	850,300	50,000
Net Total RDA OPERATIONS	377,638	-	(204,239)	(249,000)	-	-

BINGHAM JUNCTION PROJECT AREA						
TAX INCREMENT REVENUE						
Property Tax Revenue	547,615	6,501,444	6,501,445	6,501,400	6,600,000	98,556
Total TAX INCREMENT REVENUE	647,615	6,501,444	6,501,445	6,501,400	6,600,000	98,556
MISCELLANEOUS REVENUE						
Interest revenue	85,593	40,000	96,066	115,300	116,000	76,000
Interest Bonds	116,409	-	159,228	191,000	-	-
IRS debt subsidy	414,868	401,000	402,736	402,700	401,000	-
Proceeds from bond issuance	20,255,623	9,074,128	-	8,657,500	-	(9,074,128)
Total MISCELLANEOUS REVENUE	20,872,495	9,515,128	658,030	9,366,500	517,000	(8,998,128)
CONTRIBUTIONS						
Transfer from other RDA accts	-	325,000	-	325,000	-	(325,000)
Contributions from other govts	5,620,425	-	-	-	-	-
Contribution from Fund Balance	-	424,500	-	-	20,697,500	20,273,000
Total CONTRIBUTIONS	5,620,425	749,500	-	325,000	20,697,500	19,948,000
Total Revenue	27,040,535	16,766,072	7,159,175	16,192,900	27,814,500	11,048,428
DEVELOPMENT, DEBT, TRANSFERS						
Professional Services	6,250	-	1,250	1,300	-	-
Surrounding properties P/Y	80,523	259,500	-	-	334,500	75,000
Surrounding properties C/Y	-	75,000	5,900	5,900	-	(75,000)
Developer reimbursement	2,079,520	9,570,896	553,847	2,080,000	900,000	(8,670,896)

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County Storm Drain Contrib.	15,000	15,000	15,000	15,000	15,000	-
Public Art-P/Y	-	135,000	-	25,000	148,400	13,400
Public Art-C/Y	-	38,400	-	-	-	(38,400)
Infrastructure improvements C/Y	75,058	420,000	195,500	195,500	461,400	41,400
Infrastructure improvements P/Y	-	-	-	-	224,500	224,500
Infill development incentives	-	923,456	-	-	1,000,000	76,544
Debt Service principal	1,561,000	1,876,000	1,604,000	1,604,000	20,618,000	18,742,000
Bond issuance costs	228,693	157,528	-	157,200	-	(157,528)
Interest on bonds	1,910,111	1,855,792	2,539,264	2,539,300	2,710,800	855,008
CHG Parking Terrace	141,971	-	-	-	-	-
Transfer to Administration	675,000	489,500	367,125	802,900	802,900	313,400
Transfer to Citywide Housing	250,000	500,000	375,000	500,000	500,000	-
Transfer to Jordan Bluffs Project	150,000	75,000	56,250	75,000	74,000	(1,000)
Transfer to Main Street Project	50,000	375,000	37,500	375,000	25,000	(350,000)
Total DEVELOPMENT, DEBT, TRANSFERS	7,223,126	16,766,072	5,750,636	8,062,700	27,814,500	11,048,428
Total Expenditure	7,223,126	16,766,072	5,750,636	8,062,700	27,814,500	11,048,428
BINGHAM JUNCTION PROJECT AREA Revenue Total	27,040,535	16,766,072	7,159,475	16,192,900	27,814,500	11,048,428
BINGHAM JUNCTION PROJECT AREA Expenditure Total	7,223,126	16,766,072	5,570,636	8,062,700	27,814,500	11,048,428
Net Total BINGHAM JUNCTION PROJECT ARE	19,817,409	-	1,408,839	8,130,200	-	-

JORDAN BLUFFS PROJECT AREA						
CONTRIBUTIONS						
Transfer from other RDA funds	150,000	75,000	56,250	75,000	74,000	(1,000)
Contribution from Fund Balance	-	75,000	-	-	38,000	(37,000)
Total CONTRIBUTIONS	150,000	150,000	56,250	75,000	112,000	(38,000)
Total Revenue	150,000	150,000	56,250	75,000	112,000	(38,000)
DEVELOPMENT						
Site analysis work	25,046	-	-	-	-	-

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Infrastructure	-	38,000	-	-	-	(38,000)
Professional Services	-	112,000	112,000	112,000	112,000	-
Total DEVELOPMENT	25,046	150,000	112,000	112,000	112,000	(38,000)
Total Expenditure	25,046	150,000	112,000	112,000	112,000	(38,000)
JORDAN BLUFFS PROJECT AREA Revenue Total	150,000	150,000	56,250	75,000	112,000	(38,000)
JORDAN BLUFFS PROJECT AREA Expenditure Total	25,046	150,000	112,000	112,000	112,000	(38,000)
Net Total JORDAN BLUFFS PROJECT AREA	124,954	-	(55,750)	(37,000)	-	-

MAIN STREET PROJECT AREA						
MISCELLANEOUS REVENUE						
Sale/prop held for resale	-	325,000	3,000	3,000	-	(325,000)
Total MISCELLANEOUS REVENUE	-	325,000	3,000	3,000	-	(325,000)
CONTRIBUTIONS						
Transfer from other RDA A/C	50,000	375,000	37,500	375,000	25,000	(350,000)
Contribution from Fund Balance	-	100,000	-	-	5,000	(95,000)
Total CONTRIBUTIONS	50,000	475,000	37,500	375,000	30,000	(445,000)
Total Revenue	50,000	800,000	40,500	378,000	30,000	(770,000)
DEVELOPMENT						
Project Area Improvements	52,534	75,000	32,238	70,000	30,000	(45,000)
Property acquisition	-	400,000	400,000	400,000	-	(400,000)
Contribution to Fund Balance	-	325,000	-	-	-	(325,000)
Total DEVELOPMENT	52,534	800,000	432,238	470,000	30,000	(770,000)
Total Expenditure	52,534	800,000	432,238	470,000	30,000	(770,000)
MAIN STREET PROJECT AREA Revenue Total	50,000	800,000	40,500	378,000	30,000	(770,000)
MAIN STREET PROJECT AREA Expenditure Total	52,534	800,000	432,238	470,000	30,000	(770,000)
Net Total MAIN STREET PROJECT AREA	(2,534)	-	(391,737)	(92,000)	-	-

PUBLIC ART MAINTENANCE FUND						
CONTRIBUTIONS						
Contribution from Fund Balance	-	50,000	-	-	50,000	-

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Total CONTRIBUTIONS	-	50,000	-	-	50,000	-
Total Revenue	-	50,000	-	-	50,000	-
MAINTENANCE						
Public Art Maintenance	-	50,000	-	-	50,000	-
Total MAINTENANCE	-	50,000	-	-	50,000	-
Total Expenditure	-	50,000	-	-	50,000	-
PUBLIC ART MAINTENANCE FUND Revenue Total	-	50,000	-	-	50,000	-
PUBLIC ART MAINTENANCE FUND Expenditure Total	-	50,000	-	-	50,000	-
Net Total PUBLIC ART MAINTENANCE FUND	-	-	-	-	-	-

PROGRAM INCOME						
MISCELLANEOUS REVENUE						
Interest revenue	311	200	374	500	200	-
Total MISCELLANEOUS REVENUE	311	200	374	500	200	-
CONTRIBUTIONS						
Contribution from Fund Balance	-	24,000	-	-	24,000	-
Total CONTRIBUTIONS	-	24,000	-	-	24,000	-
Total Revenue	311	24,200	374	500	24,200	-
DEVELOPMENT						
Main Street Property	-	-	-	-	24,200	24,200
Other Projects	-	24,200	-	24,200	-	(24,200)
Total DEVELOPMENT	-	24,200	-	24,200	24,200	-
Total Expenditure	-	24,200	-	24,200	24,200	-
PROGRAM INCOME Revenue Total	311	24,200	374	500	24,200	-
PROGRAM INCOME Expenditure Total	-	24,200	-	24,200	24,200	-
Net Total PROGRAM INCOME	311	-	374	(23,700)	-	-

PROJECT AREA HOUSING						
MISCELLANEOUS REVENUE	2,434	1,800	2,926	3,100	3,100	1,300

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Total MISCELLANEOUS REVENUE	2,434	1,800	2,926	3,100	3,100	1,300
CONTRIBUTIONS						
Contribution from Fund Balance	-	188,000	-	-	191,100	3,100
Total CONTRIBUTIONS	-	188,000	-	-	191,100	3,100
Total Revenue	2,434	189,800	2,926	3,100	194,200	4,400
HOUSING						
Unallocated affordable housing	-	189,800	-	-	194,200	4,400
Total HOUSING	-	189,800	-	-	194,200	4,400
Total Expenditure	-	189,800	-	-	194,200	4,400
PROJECT AREA HOUSING Revenue Total	2,434	189,800	2,926	3,100	194,200	4,400
PROJECT AREA HOUSING Expenditure Total	-	189,800	-	-	194,200	4,400
Net Total PROJECT AREA HOUSING	2,434	-	2,926	3,100	-	-

CITY WIDE HOUSING						
MISCELLANEOUS REVENUE	4,777	2,000	8,944	10,000	10,000	8,000
CONTRIBUTIONS						
Transfer from other RDA Accounts	250,000	500,000	375,000	500,000	500,000	-
Contribution from Fund Balance	-	350,000	-	-	843,500	493,500
Total CONTRIBUTIONS	250,000	850,000	375,000	500,000	1,343,500	493,500
Total Revenue	254,777	852,000	383,944	510,000	1,353,500	501,500
HOUSING						
Affordable housing plan	1,346	20,000	1,527	15,000	5,000	(15,000)
Housing programs	104,206	832,000	500	1,500	1,348,500	516,500
Total HOUSING	105,552	852,000	2,027	16,500	1,353,500	501,500
Total Expenditure	105,552	852,000	2,027	16,500	1,353,500	501,500
CITY WIDE HOUSING Revenue Total	254,777	852,000	383,944	510,000	1,353,500	501,500
CITY WIDE HOUSING Expenditure Total	105,552	852,000	2,027	16,500	1,353,500	501,500
Net Total CITY WIDE HOUSING	149,225	-	381,917	493,500	-	-

Chair Hale opened the hearing to public comment. There was no one present who desired to speak to this issue.

MOTION: Board Member Quinn Sperry **MOVED** to close the Public Hearing. Board Member Dustin Gettel **SECONDED** the motion. Chair Hale called for discussion on the motion. There being none, he called for a vote. The motion passed unanimously.

ACTION: **CONSIDER RESOLUTION NO. 2019-05RDA ADOPTING THE REDEVELOPMENT AGENCY OF MIDVALE CITY FISCAL YEAR 2020 TENTATIVE BUDGET BEGINNING JULY 1, 2019 AND ENDING JUNE 30, 2020**

MOTION: Board Member Dustin Gettel **MOVED** to adopt Resolution No. 2019-05RDA Adopting the Fiscal Year 2020 Redevelopment Agency of Midvale City Tentative Budget beginning June 30, 2019 and ending July 1, 2020 . The motion was **SECONDED** by Board Member Bryant Brown. Chair Hale called for discussion on the motion. There being none he called for a roll call vote. The voting was as follows:

Board Member Paul Hunt	Aye
Board Member Dustin Gettel	Aye
Board Member Paul Glover	Aye
Board Member Quinn Sperry	Aye
Board Member Bryant Brown	Aye

The motion passed unanimously.

IV. CONSENT AGENDA

A. CONSIDER MINUTES OF APRIL 16, 2019

B. SET DATE AND TIME [JUNE 4, 2019 AT 7:00 PM] FOR A PUBLIC HEARING REGARDING THE FY2020 REDEVELOPMENT AGENCY OF MIDVALE CITY BUDGETS FOR THE FISCAL YEAR BEGINNING JULY 1, 2019 AND ENDING JUNE 30, 2020

MOTION: Board Member Bryant Brown **MOVED** to approve the consent agenda. The motion was **SECONDED** by Board Member Quinn Sperry. Chair Hale called for discussion on the motion. There being none he called for a roll call vote. The voting was as follows:

Board Member Paul Hunt	Aye
Board Member Dustin Gettel	Aye
Board Member Paul Glover	Aye
Board Member Quinn Sperry	Aye
Board Member Bryant Brown	Aye

The motion passed unanimously.

V. ADJOURN

MOTION: Board Member Paul Glover **MOVED** to adjourn the meeting. Board Member Paul Hunt **SECONDED** the motion. Chair Hale called for

**discussion on the motion. There being none, he called for a vote.
The motion passed unanimously.**

The meeting adjourned at 9:48 p.m.

**Rori L. Andreason, MMC/HR Director
City Recorder**

Approved this 21st day of May 2019.

PENDING



Redevelopment Agency of MIDVALE CITY SUMMARY REPORT

MEETING DATE: MAY 21, 2019

SUBJECT: Discussion and Action Regarding Resolution No.2019-6RDA Approving the Terms of the 764 West Center Street Access Agreement.

SUBMITTED BY: Matt Dahl, Redevelopment Director

SUMMARY: Cell Wholesale, LLC, (“Cell Wholesale”) an entity affiliated with Leatherby’s Family Creamery (“Leatherby’s”), has requested to create an auto access through the Redevelopment Agency of Midvale City-Owned (“Agency”) property located at 764 West Center Street (“Property”) to the property located at 774 W Center Street. Leatherby’s would like to use the access to create an easier passage to their facilities located behind their retail building. The facilities are used as warehousing for catering, ice cream wholesale, and other functions that support Leatherby’s corporate operations.

The Property is a 0.14 acre parking lot that has been owned by the Agency for many years. It has been considered a public short-term parking lot, which was intended to support neighboring retail businesses.

Staff is supportive of allowing Cell Wholesale to create an auto access for the following reasons:

- **Main Street Small Area Plan (“Plan”):** The Plan calls for supporting local businesses in the Main Street neighborhood. By allowing the access for Leatherby’s we will support their continued operations. Additionally, during our public outreach for the Plan, we had several respondents indicate that they would like an ice cream shop in the Main Street Project Area.
- **Maintenance:** Cell Wholesale will take responsibility for maintaining the access point which shall include, but will not be limited to, garbage, vegetation, and snow removal. The access point shall include the improvements and parking stalls that were used to facilitate the connection.
- **Agency Revenue:** Cell Wholesale will provide the Agency with an annual consideration of \$200.
- **Improvements:** All improvements and signage must comply with applicable local and state laws and must be approved by the Agency prior to construction.

Staff and the owner of Cell Wholesale have negotiated a proposed set of terms for the access agreement. The following is a summary of the proposed terms (the complete term sheet is attached.)

Consideration:	\$200 Annually
Term:	Five years with potential for five one-year extensions at the Agency's discretion.
Maintenance:	Cell Wholesale shall be responsible for all maintenance of the Access Point.
Insurance:	Cell Wholesale shall maintain general liability insurance in the amount of \$1,000,000
Use:	Cell Wholesale may create and use an auto access through the Property to adjacent properties. The access must be improved with a hard surface, such as concrete or asphalt, and may not exceed two parking stalls in width ("Access Point")

FISCAL IMPACT: The Agency will have no obligation to allocate additional resources for this transaction. Cell Wholesale shall make annual payments of \$200 to the Agency. These funds have not been included in the FY2019 Budget.

RECOMMENDED MOTION: I move that we adopt Resolution No. 2019-6RDA Approving the Terms of the 764 West Center Access Agreement.

ATTACHMENTS: Resolution No. 2019-6RDA, 764 West Access Agreement Term Sheet, Site Map

RESOLUTION No. 2019-6RDA

A RESOLUTION TERMS OF THE 764 WEST CENTER STREET ACCESS AGREEMENT.

WHEREAS, the Redevelopment Agency of Midvale City (“Agency”) was created to transact the business and exercise the powers provided for in the Utah Redevelopment Agencies Act; and

WHEREAS, the Board of Directors of the Agency Adopted the Midvale Main Street Small Area Plan, which identifies the support of existing businesses as a strategy for revitalizing the Main Street neighborhood; and

WHEREAS, the Agency owns Property at 764 West Center Street (“Property”); and

WHEREAS, Leatherby’s Family Creamery is an established retail business in the Main Street neighborhood; and

WHEREAS, Cell Wholesale, LLC is affiliated with Leatherby’s Family Creamery; and

WHEREAS, Cell Wholesale has requested to construct an auto access through the Property for uses that will benefit Leatherby’s Family Creamery; and

WHEREAS, the Agency and Cell Wholesale LLC have negotiated the terms of an access agreement for the Use of the Property; and

NOW THEREFORE BE IT RESOLVED BY THE REDEVELOPMENT AGENCY OF MIDVALE CITY, that the Board of Directors does hereby approve the terms of the 764 West Center Street Access Agreement and authorize the Chief Administrative Officer and Executive Director to execute an Access Agreement subject to the 764 West Center Street Access Agreement Term Sheet and such other terms and conditions as recommended by Agency’s legal counsel.

**PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE REDEVELOPMENT
AGENCY OF MIDVALE CITY, STATE OF UTAH, this _____ day of _____, 2019.**

Robert Hale
Chief Administrative Officer

Kane Loader
Executive Director

ATTEST:

Rori L. Andreason, MMC
Secretary

Voting by the Board:

Dustin Gettel
Paul Glover
Quinn Sperry
Paul Hunt
Bryant Brown

“Aye”

“Nay”

764 West Center Street Access Agreement Term Sheet

Parties	Cell Wholesale, LLC (Beneficiary)
	Redevelopment Agency of Midvale City (Agency)
Property	764 West Center Street (Property)
Use:	1. The Beneficiary must follow all state and local laws in the use of the Property. 2. The Beneficiary may use the Property for Auto access to adjacent properties. The access between the two properties use a hard surface, such as concrete or asphalt and may not exceed two a width of two parking stalls ("Access Point")
Term	1. The initial term shall be five (5) years. 2. At the discretion of the Agency, the Beneficiary may exercise five (5) one-year extensions beginning at the end of the initial term. 3. Beneficiary shall give the Agency written notice of their intent to exercise each one (1) year extension at least 60 days prior to the expiration of the current term. 4. The Access Agreement will automatically expire upon the sale or transfer of 774 West Center Street. 5. The Agency may terminate the Access Agreement if the Beneficiary defaults on the conditions in the Access Agreement and fails to cure in the prescribed timeframe.
Consideration	\$200 Annually
General Provisions	1. The Beneficiary shall maintain general liability insurance in the amount of \$1,000,000. 2. The Beneficiary shall be responsible for the maintenance of the access point between the Property and 774 West Center Street, which shall include, but not be limited to, garbage, vegetation, and snow removal. The Access Point shall include the improvements and parking stalls that were installed or used to facilitate the connection.

		3. Prior to the expiration of the Access Agreement, the Beneficiary shall remove all improvements and return the Property to its original condition, unless otherwise determined in writing by the Agency. 4. The Beneficiary shall indemnify and hold the Agency harmless for any damage to private or public property resulting from the use of the Access Point or the exercise of the rights provided in the Access Agreement.
Improvements and Signage:		1. All improvements and signage must comply with applicable state and local laws. 2. All improvements must be approved by the Agency in writing prior to construction. 3. The Beneficiary may install an auto connection between the Property and 774 West Center Street. All improvements associated with the auto connection must be removed and associated damage repaired prior to the end of the Access Agreement term.

Site Map



- Agency Property 764 West Center Street
- Leatherby's/Cell Wholesale Property
- Access Point