Next Item

COMMUNITY DEVELOPMENT AND RENEWAL AGENCY OF HERRIMAN CITY AGENDA

Wednesday, January 26, 2022

NOTICE IS HEREBY GIVEN that the Herriman Community Development and Renewal Agency of Herriman City shall assemble for a
meeting in the City Council Chambers, located at
5355 W HERRIMAN MAIN STREET

1. **Call to Order (7:30 p.m. or shortly thereafter as possible)**
   1.1. Approval of the November 10, 2021 CDRA meeting minutes
   1.1 2021_11_10_CDA_Minutes.pdf

   1.2. Motion for review and outline of the finalization process to approve the minutes of January 26, 2022

2. **Discussion and Action Items**
   2.1. Discussion and consideration of a resolution appointing an executive director - Jackie Nostrom, City Recorder
   2.1 Staff_Report_CDA_Executive_Director & Res.pdf

   2.2. Discussion and consideration of a working group to finalize a Participation Agreement for the Automall development - Chase Andrizzi, City Attorney
   2.2 CDRA_PA_Discussion_-_Staff_Report.pdf

3. **Adjournment**

In accordance with the Americans with Disabilities Act, Herriman City will make reasonable accommodation for participation in the meeting. Request assistance by contacting Herriman City at (801) 446-5323 and provide at least 48 hours advance notice of the meeting.

ELECTRONIC PARTICIPATION: Members of the City Council may participate electronically via telephone, Skype, or other electronic means during this meeting.

PUBLIC COMMENT POLICY AND PROCEDURE: The purpose of public comment is to allow citizens to address items on the agenda. Citizens requesting to address the Council will be asked to complete a written comment form and present it to Jackie Nostrom, City Recorder. In general, the chair will allow an individual two minutes to address the Council. A spokesperson, recognized as representing a group in attendance, may be allowed up to five minutes. At the conclusion of the citizen comment time, the chair may direct staff to assist the citizen on the issue presented; direct the citizen to the proper administrative department(s); or take no action. This policy also applies to all public hearings. Citizens may also submit written requests (outlining their issue) for an item to be considered at a future council meeting. The chair may place the item on the agenda under citizen comments; direct staff to assist the citizen; direct the citizen to the proper administrative departments; or take no action.

I, Jackie Nostrom, certify the foregoing agenda was emailed to at least one newspaper of general circulation within the geographic jurisdiction of the public body, at the principal office of the public body, on the Utah State Public Notice website www.utah.gov/pmn/index.html and on Herriman City's website at www.herriman.org, Posted and dated this . /s/ Jackie Nostrom, City Recorder

COMMUNITY DEVELOPMENT AND RENEWAL AGENCY OF HERRIMAN CITY MINUTES

Wednesday, November 10, 2021
Awaiting Forma Approval

The following are the minutes of the Community Development and Renewal Agency of Herriman City. The meeting was held on **Wednesday, November 10, 2021 at 6:30 p.m.** in the Herriman City Council Chambers, 5355 West Herriman Main Street, Herriman, Utah. Adequate notice of this meeting, as required by law, was posted in City Hall, on the City's website, and delivered to members of the Council, media, and interested citizens.

Presiding: Chair David Watts

Directors Present: Jared Henderson, Sherrie Ohrn, Steve Shields and Clint Smith

Staff Present: City Manager Nathan Cherpeski, Assistant City Manager Wendy Thomas, Assistant City Manager Tami Moody, City Recorder Jackie Nostrom, Finance Director Alan Rae, City Attorney Chase Andrizzi, Communications Manager Jonathan LaFollette, Police Chief Troy Carr, Community Development Director Blake Thomas, Deputy Chief of Police Cody Stromberg, Public Works Director Justun Edwards, Staff Engineer Bryce Terry, Operations Director Monte Johnson, and Deputy Director of Parks, Recreation and Events Anthony Teuscher.

6:30 PM – SPECIAL MEETING:

1. Call to Order

Chair Watts called the meeting to order at 6:47 p.m.

2. Discussion and Action Items

2.1. Discussion and consideration of a resolution authorizing the extension of collection of tax increment for an additional two years in the Herriman Innovation District Community Reinvestment Area due to the COVID-19 Emergency – Alan Rae, Finance Director

Finance Director Alan Rae reported all of the presented resolutions were related to the state passing a law for Community Development and Renewal Agencies to be extended for an additional two years due to the COVID-19 pandemic. This would allow the agency to continue to collect contributions and taxes for the additional timeframe. These resolutions would be forwarded on to the State and County Auditors.

Director Smith moved to approve Resolution No R2021-04 authorizing the extension of collection of tax increment for an additional two years in the Herriman Innovation District Community Reinvestment Area due to the COVID-19 Emergency. Director Ohrn seconded the motion.

The vote is recorded as follows:	
Director Jared Henderson	*Aye*
Director Steven Shields	*Aye*
Director Sherrie Ohrn	*Aye*
Director Clint Smith	*Aye*
Chair David Watts	*Aye*

The motion passed unanimously.

2.2. Discussion and consideration of a resolution authorizing the extension of collection of tax increment for an additional two years in the Anthem Towne Center Community Development Area due to the COVID-19 Emergency – Alan Rae, Finance Director

Director Shields moved to approve Resolution No R2021-05 authorizing the extension of collection of tax increment for an additional two years in the Anthem Towne Center Community Development Area due to the COVID-19 Emergency. Director Henderson seconded the motion.

The vote is recorded as follows:	
Director Jared Henderson	*Aye*
Director Steven Shields	*Aye*
Director Sherrie Ohrn	*Aye*
Director Clint Smith	*Aye*
Chair David Watts	*Aye*

The motion passed unanimously.

2.3. Discussion and consideration of a resolution authorizing the extension of collection of tax increment for an additional two years in the Herriman Towne Center Community Development Area due to the COVID-19 Emergency – Alan Rae, Finance Director

Director Henderson moved to approve Resolution No R2021-06 authorizing the extension of collection of tax increment for an additional two years in the Herriman Towne Center Community Development Area due to the COVID-19 Emergency. Director Smith seconded the motion.

The vote is recorded as follows:	
Director Jared Henderson	*Aye*
Director Steven Shields	*Aye*
Director Sherrie Ohrn	*Aye*
Director Clint Smith	*Aye*
Chair David Watts	*Aye*

The motion passed unanimously.

2.4. Discussion and consideration of a resolution authorizing the extension of collection of tax increment for an additional two years in the Herriman Business Center Community Development Area due to the COVID-19 Emergency – Alan Rae, Finance Director

Director Smith moved to approve Resolution No R2021-07 authorizing the extension of collection of tax increment for an additional two years in the Herriman Business Center Community Development Area due to the COVID-19 Emergency. Director Shields seconded the motion.

The vote is recorded as follows:

Director Jared Henderson	*Aye*
Director Steven Shields	*Aye*
Director Sherrie Ohrn	*Aye*
Director Clint Smith	*Aye*
Chair David Watts	*Aye*

The motion passed unanimously.

3. Adjournment

Director Shields moved to adjourn the Community and Development Renewal Agency meeting at 6:53 p.m. Director Henderson seconded the motion, and all voted aye.

I, Jackie Nostrom, City Recorder for Herriman City, hereby cetify that the foregoing minutes represent a true, accurate and complete record of the meeting held on November 10, 2021. This document constitutes the official minutes for the Community Development and Renewal Agency Meeting.

Jackie Nostrom, MMC
City Recorder

HERRIMAN CITY

S T A F F   R E P O R T

DATE: **January 12, 2022**

TO: The Honorable Mayor and City Council

FROM: Jackie Nostrom, City Recorder

SUBJECT: **Community Development and Renewal Agency of Herriman City Executive Director**

RECOMMENDATION:
Approval of a resolution appointing Mayor Lorin Palmer as the Executive Director for the Community Development and Renewal Agency of Herriman City.

ISSUE BEFORE COUNCIL:
Who would the Council like to appoint as the executive director of the CDRA Board?

BACKGROUND/SUMMARY:
The officers of the Agency shall be the Executive Director who shall be the Chair of the City Council. The Executive Director shall hold office consistent with their term of elected office, or until their successors are elected and begin their term of office.

ALTERNATIVES:
The Board may determine an alternate individual to be the Executive Director for the Community Development and Renewal Agency of Herriman City.

FISCAL IMPACT:
There is no fiscal impact to the budget.

COMMUNITY DEVELOPMENT AND RENEWAL AGENCY OF HERRIMAN
RESOLUTION NO. R2022-__

A RESOLUTION OF THE COMMUNITY DEVELOPMENT AND RENEWAL AGENCY OF HERRIMAN APPOINTING AN EXECUTIVE DIRECTOR

WHEREAS, the Community Development and Renewal Agency of Herriman ("*Agency*") met in a special meeting on January 26, 2022, to consider, among other things, appointing an executive director; and

WHEREAS, the Board deems it necessary and advisable to appoint Lorin Palmer as Executive Director; and

WHEREAS, the Board has given advice regarding such appointments.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Agency that Lorin Palmer be appointed as Executive Director.

This Resolution, assigned No. R2022-__ shall take effect immediately on passage and acceptance as provided herein.

PASSED AND APPROVED by the governing body of the Agency this 26th day of January, 2022.

COMMUNITY DEVELOPMENT AND RENEWAL AGENCY OF HERRIMAN

By ______________________________
Chairman

____
Secretary

STAFF REPORT

DATE: January 13, 2022

TO: Members of the Board of the Community Development and Renewal Agency of Herriman City

FROM: Chase Andrizzi, Agency Attorney

SUBJECT: Authorizing Agency Members to Negotiate Final Terms of a Participation Agreement for the Automall

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RECOMMENDATION

Appoint two members of the agency board (the "Agency") to negotiate a participation agreement for the Automall Development.

ISSUE

Should the Agency approve/authorize staff or other Agency Board members to negotiate the final points of the participation agreement or should it be negotiated in an open and public meeting?

BACKGROUND/SUMMARY

In 2019, the Agency approved a Project Area Plan and Budget for the Herriman North Community project area. This project area includes the parcels identified in the attached exhibit. In 2019, Herriman City and the Board also entered into an Interlocal Agreement wherein the City committed 70% of the City's point-of-sale tax ("POST") generated in the project area to the Board to be used for the purposes described in the Project Area Plan.

The Interlocal Agreement contemplates a term of 15 years beginning on a date requested by the Agency. The Agency has not yet requested a start time for the distribution of the Agency's share of the City's POST. There is also not a limit on the POST within the Interlocal Agreement. The Interlocal Agreement simply states that the POST "shall not exceed the amount of sale tax increment due and owing to Herriman 73 Partners, LLC pursuant to the certain Participation Agreement between the Agency and Herriman 73 Partners, LLC…." The Agency and Herriman 73 Partners have not executed a Participation Agreement. There are also no other participation agreements committing any of the Agency's portion of the POST under this Interlocal Agreement. Accordingly, the amount of the Agency's POST which may be distributed to Herriman 73 Partners (or some other participant) will need to be discussed/negotiated with the other parties to the proposed participation agreement.

The Agency does not have to contribute 100% of its share of the City's POST to an end-user. The Interlocal Agreement authorizes the Agency to "apply the Agency Share as contemplated in the Project Area Plan, including…the cost and maintenance of public infrastructure and other improvements located within the Project Area, incentives to developer or participants within the Project Area, real property acquisition, administrative, overhead, legal, and other operating expenses of the Agency…."

DISCUSSION

The purpose of this discussion is not to address or negotiate those terms and provisions identified above. Instead, staff is recommending that the Agency appoint two members of its board to work with staff and the developer/end-user to negotiate the final terms which would then be brought back to the Agency for discussion and consideration.

If the Agency decides not to appoint two members of its Board for this purpose, Staff are then recommending that the Agency authorize Staff to negotiate a term and incentive cap which could then be brought back to the Agency for discussion and consideration.

ALTERNATIVES

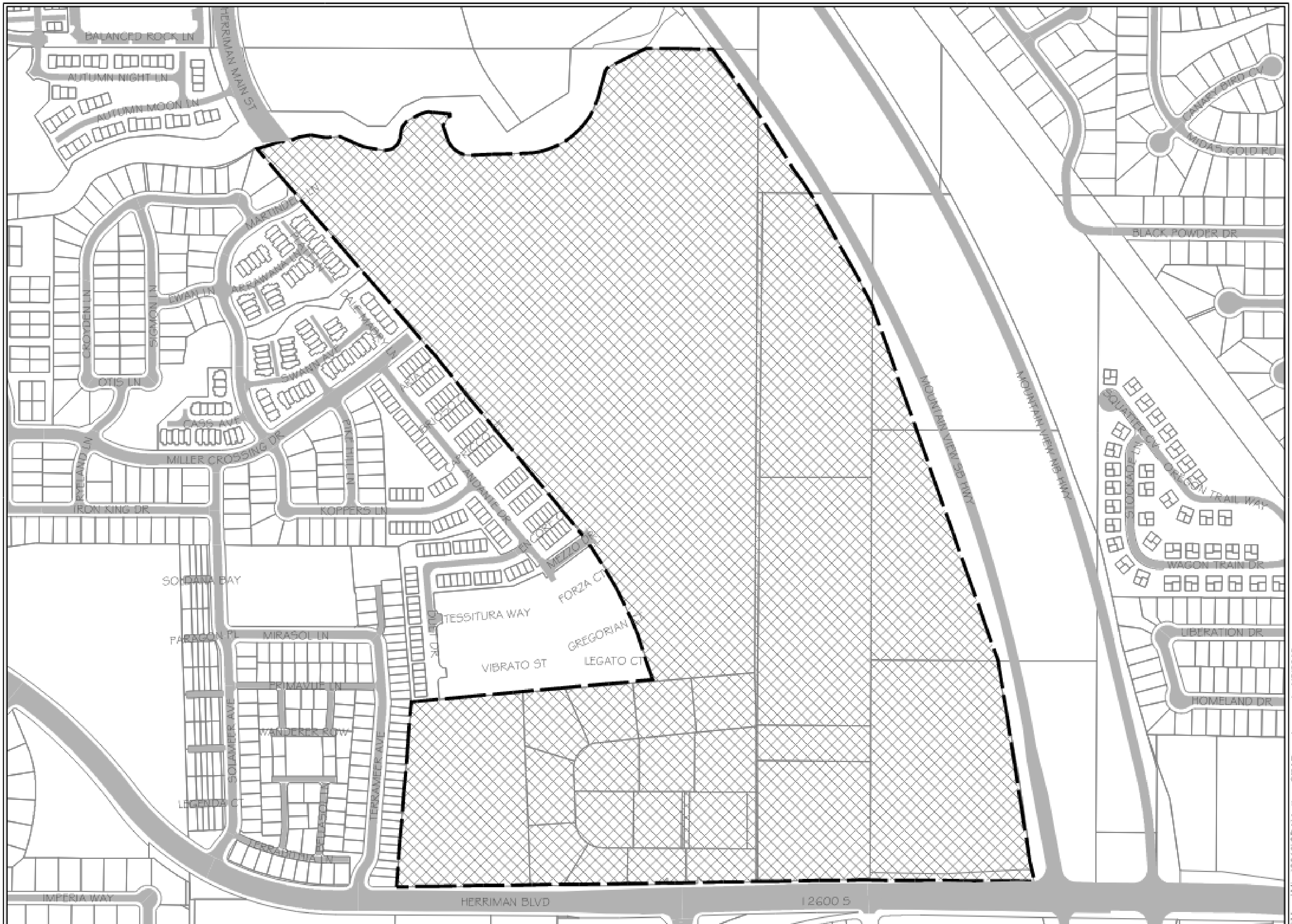
1. Appoint two members of the Agency board to work with staff and the developer/end-user to negotiate the final points of a proposed participation agreement for the Automall.

2. Appoint and authorize staff to negotiate the final points of a proposed participation agreement for the Automall.

3. Negotiate the final points of a proposed participation agreement for the Automall in a public meeting.

FISCAL IMPACT

Until the final points of the proposed agreement are discussed, there is no fiscal impact related to this item.



HERRIMAN NORTH CRA

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