

**RDA MEETING
PACKET**

DATE:

May 24, 2022

AGENDA
KANE COUNTY REDEVELOPMENT AGENCY/ CRA
MEETING TO BE HELD TUESDAY May 24, 2022, 2:00 p.m.
IN THE KANE COUNTY COMMISSION CHAMBERS

WE WELCOME EVERYONE TO ATTEND ELECTRONICALLY BY PHONE.
CALL IN INFORMATION: Meeting call in # 435-676-9000 participant code 168030# (This is a local call within the South Central service area)

CONSENT AGENDA: Approval of April 26, 2022 Minutes

REGULAR AGENDA:

- 1. Consideration of a Resolution Authorizing the Redevelopment Agency of Kane County to enter into an Interlocal Agreement with Kane County, and related matters. RDA-2022-5**
- 2. Consideration of a Resolution Authorizing the Redevelopment Agency of Kane County to enter into an Interlocal Agreement with Kane County Water Conservancy District, and related matters. RDA-2022-6**
- 3. Consideration of a Resolution Clarifying the Timing of the Tax Increment Trigger Year for East Zion Community Reinvestment Project Area. RDA-2022-7**
- 4. Consideration of a Resolution Authorizing the Redevelopment Agency of Kane County to enter into a Tax Increment Participation Agreement with Zion Mountain Ranch regarding the Hotel/Lodge. RDA-2022-8**
- 5. Consideration of a Resolution Authorizing the Redevelopment Agency of Kane County to enter into a Tax Increment Participation Agreement with Zion Mountain Local Service District regarding the Visitors Center. RDA-2022-9**
- 6. Consideration of a Resolution Authorizing the Redevelopment Agency of Kane County to enter into a Tax Increment Participation Agreement with Zion Mountain Local Service District regarding the Water Reclamation Facility. RDA-2022-10**

Closed Session

- Discussing an individual's character, professional competence, or physical or mental health.
- Strategy sessions to discuss collective bargaining, pending or reasonably imminent litigation, or the purchase, exchange lease or sale of real property.

- Discussions regarding security personnel, devices or systems.
- Investigative proceedings regarding allegations of criminal misconduct.

NOTICE OF SPECIAL ACCOMMODATION DURING PUBLIC MEETINGS:

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Karla Johnson at (435) 644-2458.

Agenda items may be accelerated or taken out of order without notice as the Administration deems appropriate.

All items to be placed on the agenda must be submitted to the Clerk's office by noon Tuesday, prior to the meeting date.

CONSENT AGENDA

Minutes of:

RDA Meeting Minutes for April 26, 2022

**MINUTES OF THE
KANE COUNTY REDEVELOPMENT AGENCY/ CRA
MEETINGS TO BE HELD TUESDAY April 26, 2022 8:30 am
IN THE KANE COUNTY COMMISSION CHAMBERS**

CALL MEETING TO ORDER & WELCOME: Member Chamberlain

CONSENT AGENDA: Approval of April 12, 2022 Minutes

Motion to approve the Consent Agenda and Minutes from April 12, 2022 made by Board Member Gant and motion carried with all Board Members present voting in favor.

REGULAR AGENDA:

- 1. Diversion of Property Tax for Community Reinvestment Project Area:
Consideration of a Resolution Authorizing the Redevelopment Agency of the
Kane County to Enter into an Interlocal Agreement with Kane County, and
Related Matters**

Member Chamberlain said that both of these are follow-ups from what occurred a couple weeks ago, where they approved the second amendment to the resolution on the CRA for the boundaries and revised budget.

Attorney Van Dyke said that his only concern was that he had just got the agreements at 4:00 pm the day before so he hadn't had been able to do his legal review. He said that if they were ready to approve them he would ask that they do it subject to his legal review.

Motion to approve the Interlocal Agreement between Kane County and Kane County RDA based on legal review by the Kane County Attorney made by Member Gant and motion carried with all Members present voting in favor.

- 2. Diversion of Property Tax for Community Reinvestment Project Area:
Consideration of a Resolution Authorizing the Redevelopment Agency of
Kane County to Enter into an Interlocal Agreement with Kane County
Water Conservancy District**

Motion to approve the Interlocal Agreement between Kane County Water Conservancy District and Kane County based on legal review from Attorney Van Dyke made by Member Gant and motion carried with all Members present voting in favor.

Motion to adjourn made by Member Gant and motion carried with all Members present voting in favor.

WHEREUPON MEETING ADJOURNED

Chairman Brent Chamberlain

Secretary Karla Johnson

AGENDA ITEMS

ITEM # 1

Consideration of a Resolution Authorizing the
Redevelopment Agency of Kane County to enter into an
Interlocal Agreement with Kane County, and related
matters. RDA-2022-5

RESOLUTION NO. RDA-2022-5

RESOLUTION OF THE KANE COUNTY REDEVELOPMENT AGENCY ADOPTING THE SECOND AMENDED INTERLOCAL COOPERATION AGREEMENT BETWEEN THE AGENCY AND KANE COUNTY RELATED TO THE EAST ZION COMMUNITY REINVESTMENT PROJECT AREA.

WHEREAS, pursuant to the provisions of the Interlocal Cooperation Act, Title 11, Chapter 13, Utah Code Annotated 1953, as amended (the “Interlocal Act”), and the provisions of the Community Reinvestment Agency Act, Title 17C, Utah Code Annotated 1953, as amended (the “Act”), public agencies, including political subdivisions of the State of Utah as therein defined, are authorized to enter into mutually advantageous agreements for joint and cooperative actions, including the sharing of tax and other revenues; and

WHEREAS, the Kane County Redevelopment Agency (the “Agency”) and the Kane County (the “County”) are “public agencies” for purposes of the Act; and

WHEREAS, after careful analysis and consideration of relevant information, the Agency desires to enter into a Second Amended Interlocal Agreement with the County whereby the County would remit to the Agency a portion of the property tax increment and sales tax increment generated within the East Zion Community Reinvestment Project Area, (the “Project Area”) which would otherwise flow to the County, for the purpose of encouraging development activities through the payment for certain public infrastructure developments and other uses that directly benefit the Project Area; and

WHEREAS, Section 11-13-202.5 of the Interlocal Cooperation Act requires that certain interlocal agreements be approved by resolution of the legislative body of a public agency.

NOW, THEREFORE, BE IT RESOLVED BY THE KANE COUNTY REDEVELOPMENT AGENCY, AS FOLLOWS:

1. The Second Amended Interlocal Cooperation Agreement between the Agency and the County, substantially in the form attached hereto as Exhibit A (the “Agreement”), are approved in final form and shall be executed for and on behalf of the Agency by the Chair of the Agency Board.

2. Pursuant to Section 11-13-202.5 of the Interlocal Act, the Agreement has been submitted to legal counsel of the Agency for review and approval as to form and legality.

3. Pursuant to Section 11-13-209 of the Interlocal Act, a duly executed original counterpart of the Agreement shall be filed immediately with the Agency Secretary, the keeper of records of the Agency.

4. As provided in Utah Code Ann. § 17C-5-205(3), the Agreement shall be effective on the day on which the Agency publishes notice of the Agreement pursuant to Utah Code Ann. § 11-13-219 of the Interlocal Act.

5. This Resolution shall take effect upon adoption.

APPROVED AND ADOPTED by the Governing Board of the Agency this ____ day of May, 2022.

Chair,
Kane County Redevelopment Agency

Attest:

Agency Secretary

APPROVED AS TO FORM:

Attorney for the Agency

EXHIBIT A

SECOND AMENDED INTERLOCAL COOPERATION AGREEMENT

ITEM # 2

Consideration of a Resolution Authorizing the
Redevelopment Agency of Kane County to enter into
an Interlocal Agreement with Kane County Water
Conservancy District, and related matters. RDA-2022-6

RESOLUTION NO. RDA-2022-6

RESOLUTION OF THE KANE COUNTY REDEVELOPMENT AGENCY ADOPTING THE SECOND AMENDED INTERLOCAL COOPERATION AGREEMENT BETWEEN THE AGENCY AND KANE COUNTY WATER CONSERVANCY DISTRICT RELATED TO THE EAST ZION COMMUNITY REINVESTMENT PROJECT AREA.

WHEREAS, pursuant to the provisions of the Interlocal Cooperation Act, Title 11, Chapter 13, Utah Code Annotated 1953, as amended (the “Interlocal Act”), and the provisions of the Community Reinvestment Agency Act, Title 17C, Utah Code Annotated 1953, as amended (the “Act”), public agencies, including political subdivisions of the State of Utah as therein defined, are authorized to enter into mutually advantageous agreements for joint and cooperative actions, including the sharing of tax and other revenues; and

WHEREAS, the Kane County Redevelopment Agency (the “Agency”) and the Kane County Water Conservancy District (the “Water District”) are “public agencies” for purposes of the Act; and

WHEREAS, after careful analysis and consideration of relevant information, the Agency desires to enter into a Second Amended Interlocal Agreement with the Water District whereby the Water District would remit to the Agency a portion of the property tax increment generated within the East Zion Community Reinvestment Project Area, (the “Project Area”) which would otherwise flow to the Water District, for the purpose of encouraging development activities through the payment for certain public infrastructure developments and other uses that directly benefit the Project Area; and

WHEREAS, Section 11-13-202.5 of the Interlocal Cooperation Act requires that certain interlocal agreements be approved by resolution of the legislative body of a public agency.

NOW, THEREFORE, BE IT RESOLVED BY THE KANE COUNTY REDEVELOPMENT AGENCY, AS FOLLOWS:

1. The Second Amended Interlocal Cooperation Agreement between the Agency and the Water District, substantially in the form attached hereto as **Exhibit A** (the “Agreement”), are approved in final form and shall be executed for and on behalf of the Agency by the Chair of the Agency Board.
2. Pursuant to Section 11-13-202.5 of the Interlocal Act, the Agreement has been submitted to legal counsel of the Agency for review and approval as to form and legality.
3. Pursuant to Section 11-13-209 of the Interlocal Act, a duly executed original counterpart of the Agreement shall be filed immediately with the Agency Secretary, the keeper of records of the Agency.
4. As provided in Utah Code Ann. § 17C-5-205(3), the Agreement shall be effective on the day on which the Agency publishes notice of the Agreement pursuant to Utah Code Ann. § 11-13-219 of the Interlocal Act.
5. This Resolution shall take effect upon adoption.

APPROVED AND ADOPTED by the Governing Board of the Agency this ____ day of May, 2022.

Chair,
Kane County Redevelopment Agency

Attest:

Agency Secretary

APPROVED AS TO FORM:

Attorney for the Agency

EXHIBIT A

SECOND AMENDED INTERLOCAL COOPERATION AGREEMENT

ITEM # 3

Consideration of a Resolution Clarifying the Timing of
the Tax Increment Trigger Year for East Zion Community
Reinvestment Project Area. RDA-2022-7

RESOLUTION NO. RDA-2022-7

RESOLUTION OF THE KANE COUNTY REDEVELOPMENT AGENCY CLARIFYING THE TAX INCREMENT TRIGGER YEAR DATE BETWEEN THE AGENCY AND KANE COUNTY RELATED TO THE EAST ZION COMMUNITY REINVESTMENT PROJECT AREA.

WHEREAS, the meeting minutes from the June 8th, 2021, Agency board meeting reflected a discussion regarding the East Zion Community Reinvestment Project Area (the “Project Area”) tax increment trigger year, of which no formal written notice was given by the Agency to the County to officially commence the collection of tax increment; and

WHEREAS, this resolution serves to clarify the intent and schedule of the Agency in the triggering of tax increment related to the Project Area.

NOW, THEREFORE, BE IT RESOLVED BY THE KANE COUNTY REDEVELOPMENT AGENCY, AS FOLLOWS:

1. The Agency did not trigger tax increment in 2021 despite their board meeting discussion.
2. The Agency’s intent is to trigger tax increment collection in tax year 2023, via a future formal written request submitted to the Kane County Auditor’s Office.
3. This Resolution shall take effect upon adoption.

APPROVED AND ADOPTED by the Governing Board of the Agency this ____ day of May, 2022.

Chair,
Kane County Redevelopment Agency

Attest:

Agency Secretary

APPROVED AS TO FORM:

Attorney for the Agency

ITEM # 4

Consideration of a Resolution Authorizing the
Redevelopment Agency of Kane County to enter into a
Tax Increment Participation Agreement with Zion
Mountain Ranch regarding the Hotel/Lodge. RDA-2022-8

RESOLUTION NO. RDA-2022-8

RESOLUTION OF THE KANE COUNTY REDEVELOPMENT AGENCY ADOPTING THE TAX INCREMENT PARTICIPATION AGREEMENT BETWEEN THE AGENCY AND ZION MOUNTAIN RANCH RELATED TO THE EAST ZION COMMUNITY REINVESTMENT PROJECT AREA AND THE HOTEL DEVELOPMENT.

WHEREAS, after careful analysis and consideration of relevant information, the Agency desires to enter into a Tax Increment Participation Agreement (the “Agreement”) with the Zion Mountain Local Service District (the “Service District”) related to the collection and distribution of tax increment funds within the East Zion Community Reinvestment Project Area.

NOW, THEREFORE, BE IT RESOLVED BY THE KANE COUNTY REDEVELOPMENT AGENCY, AS FOLLOWS:

1. The Agreement between the Agency and the Zion Mountain Ranch, substantially in the form attached hereto as Exhibit A, are approved in final form and shall be executed for and on behalf of the Agency by the Chair of the Agency Board.
2. The Agreement has been submitted to legal counsel of the Agency for review and approval as to form and legality.
3. A duly executed original counterpart of the Agreement shall be filed immediately with the Agency Secretary, the keeper of records of the Agency.
4. This Resolution shall take effect upon adoption.

APPROVED AND ADOPTED by the Governing Board of the Agency this ____ day of May, 2022.

Chair,
Kane County Redevelopment Agency

Attest:

Agency Secretary

APPROVED AS TO FORM:

Attorney for the Agency

EXHIBIT A

AGENCY-ZION MOUNTAIN RANCH TAX INCREMENT PARTICIPATION AGREEMENT

ITEM # 5

Consideration of a Resolution Authorizing the
Redevelopment Agency of Kane County to enter into a
Tax Increment Participation Agreement with Zion
Mountain Local Service District regarding the Visitors
Center. RDA-2022-9

RESOLUTION NO. RDA-2022-9

RESOLUTION OF THE KANE COUNTY REDEVELOPMENT AGENCY ADOPTING THE TAX INCREMENT PARTICIPATION AGREEMENT BETWEEN THE AGENCY AND ZION MOUNTAIN LOCAL SERVICE DISTRICT RELATED TO THE EAST ZION COMMUNITY REINVESTMENT PROJECT AREA AND THE VISITORS CENTER.

WHEREAS, after careful analysis and consideration of relevant information, the Agency desires to enter into a Tax Increment Participation Agreement (the “Agreement”) with the Zion Mountain Local Service District (the “Service District”) related to the collection and distribution of tax increment funds within the East Zion Community Reinvestment Project Area.

NOW, THEREFORE, BE IT RESOLVED BY THE KANE COUNTY REDEVELOPMENT AGENCY, AS FOLLOWS:

1. The Agreement between the Agency and the Zion Mountain Local Service District, substantially in the form attached hereto as Exhibit A, are approved in final form and shall be executed for and on behalf of the Agency by the Chair of the Agency Board.
2. The Agreement has been submitted to legal counsel of the Agency for review and approval as to form and legality.
3. A duly executed original counterpart of the Agreement shall be filed immediately with the Agency Secretary, the keeper of records of the Agency.
4. This Resolution shall take effect upon adoption.

APPROVED AND ADOPTED by the Governing Board of the Agency this ____ day of May, 2022.

Chair,
Kane County Redevelopment Agency

Attest:

Agency Secretary

APPROVED AS TO FORM:

Attorney for the Agency

EXHIBIT A

**AGENCY-ZION MOUNTAIN LOCAL SERVICE DISTRICT VISITORS CENTER TAX
INCREMENT PARTICIPATION AGREEMENT**

ITEM # 6

Consideration of a Resolution Authorizing the
Redevelopment Agency of Kane County to enter into a
Tax Increment Participation Agreement with Zion
Mountain Local Service District regarding the Water
Reclamation Facility. RDA-2022-10

RESOLUTION NO. RDA-2022-10

RESOLUTION OF THE KANE COUNTY REDEVELOPMENT AGENCY ADOPTING THE TAX INCREMENT PARTICIPATION AGREEMENT BETWEEN THE AGENCY AND ZION MOUNTAIN LOCAL SERVICE DISTRICT RELATED TO THE EAST ZION COMMUNITY REINVESTMENT PROJECT AREA AND THE WATER RECLAMATION FACILITY.

WHEREAS, after careful analysis and consideration of relevant information, the Agency desires to enter into a Tax Increment Participation Agreement (the "Agreement") with the Zion Mountain Local Service District (the "Service District") related to the collection and distribution of tax increment funds within the East Zion Community Reinvestment Project Area.

NOW, THEREFORE, BE IT RESOLVED BY THE KANE COUNTY REDEVELOPMENT AGENCY, AS FOLLOWS:

1. The Agreement between the Agency and the Zion Mountain Local Service District, substantially in the form attached hereto as Exhibit A, are approved in final form and shall be executed for and on behalf of the Agency by the Chair of the Agency Board.

2. The Agreement has been submitted to legal counsel of the Agency for review and approval as to form and legality.

3. A duly executed original counterpart of the Agreement shall be filed immediately with the Agency Secretary, the keeper of records of the Agency.

4. This Resolution shall take effect upon adoption.

APPROVED AND ADOPTED by the Governing Board of the Agency this ____ day of May, 2022.

Chair,
Kane County Redevelopment Agency

Attest:

Agency Secretary

APPROVED AS TO FORM:

Attorney for the Agency

EXHIBIT A

**AGENCY-ZION MOUNTAIN LOCAL SERVICE DISTRICT WATER RECLAMATION TAX
INCREMENT PARTICIPATION AGREEMENT**