NOTICE AND AGENDA

SOUTH OGDEN CITY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY BOARD MEETING

TUESDAY, JUNE 21, 2022 – 6:00 P.M.

Notice is hereby given that the South Ogden City Community Development and Renewal Agency Board will hold a meeting on, Tuesday, June 21, 2022 beginning at 6:00 p.m. in the Council Chambers located at 3950 So. Adams Avenue, South Ogden, Utah. Any member of the board may be joining the meeting electronically.

I. CALL TO ORDER – Chairman Russell Porter

II. CONSENT AGENDA

Approval of May 17, 2022 CDRA Meeting Minutes

III. PUBLIC HEARING

To Receive and Consider Comments on the Proposed FY2023 CDRA Budget

IV. DISCUSSION ITEM

Terms of Participation Agreement With Young Automotive

V. DISCUSSION/ACTION ITEMS

A. Consideration of CDRA **Resolution 22-02** – Dissolving the 36th Street Community Redevelopment Project Area
B. Consideration of CDRA **Resolution 22-03** – Adopting the FY2023 CDRA Budget
C. Consideration of CDRA **Resolution 22-04** – Approving a Letter of Intent With Young Automotive

VI. ADJOURN

Posted to the State of Utah Website June 17, 2021

The undersigned, duly appointed Board Secretary, does hereby certify that a copy of the above notice and agenda was posted at the Municipal Center (1st and 2nd floors), on the City's website (southogdencity.com) and emailed to the Standard Examiner on June 17, 2021. Copies were also delivered to each member of the governing body.

Leesa Kapetanov

Leesa Kapetanov, City Recorder

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during the meeting should notify the City Recorder at 801-622-2709 at least 48 hours in advance.

MINUTES OF THE SOUTH OGDEN CITY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY BOARD MEETING

TUESDAY, MAY 17, 2022 – 6:00 P.M.

COUNCIL CHAMBERS, CITY HALL

BOARD MEMBERS PRESENT

Chair Russell Porter, Board Members Sallee Orr, Brent Strate, Susan Stewart, Mike Howard, and Jeanette Smyth

STAFF MEMBERS PRESENT

City Manager Matthew Dixon, Parks and Public Works Director Jon Andersen, Police Chief Darin Parke, Fire Chief Cameron West, Parks and Public Works Director Jon Andersen, Communications and Events Specialist Jamie Healy, and Recorder Leesa Kapetanov. CDRA Attorney Adam Long attended the meeting via the Microsoft Teams Meeting App.

OTHERS PRESENT

Derek Petersen, Jeanie Olsen, Christian D. Ringel, Bruce & Joyce Hartman, Jenn Droll, Vanessa Watts, Daniel Goodman, Tracie Davies

Note: The time stamps indicated in blue correspond to the audio recording of this meeting, which can be found by clicking this link:
https://files4.1.revize.com/southogden/document_center/Sound%20Files/2022/CC220517_1703.mp3
or by requesting a copy from the office of the South Ogden City Recorder.

Motion from council meeting to enter CDRA Board Meeting:

01:04:10

Council Member Smyth moved to recess City Council meeting and convene as the Community Development and Renewal Agency Board. Council Member Howard seconded the motion. The voice vote was unanimous in favor of the motion.

I. CALL TO ORDER

- Chair Porter called the meeting to order at 7:10 pm and moved to the consent agenda

II. CONSENT AGENDA

A. Approval of October 5, 2021 CDRA Minutes

- The chair called for a motion to approve the October 5, 2021 CDRA Minutes

01:04:46

Board Member Smyth so moved, followed by a second from Board Member Strate. Board Members Orr, Strate, Howard, Stewart, and Smyth all voted in favor of the motion.

III. DISCUSSION/ACTION ITEMS

Consideration of **CDRA Resolution 22-01** – Approving an Amendment to a Promissory Note in Favor of the Agency

- Staff overview 01:05:09
- Discussion/Questions by Board

01:09:13

- Chair Porter called for a motion to approve CDRA Resolution 22-01

01:11:20

Board Member Smyth so moved. The motion was seconded by Board Member Strate. The chair made a roll call vote:

Board Member Orr-	**No**
Board Member Strate-	**Yes**
Board Member Stewart-	**No**
Board Member Howard-	**Yes**
Board Member Smyth-	**Yes**

CDRA Resolution 22-01 was approved.

IV. ADJOURN

- The chair called for a motion to adjourn

01:11:53

Board Member Orr moved to adjourn the CDRA Board meeting and reconvene as the South Ogden City Council. The motion was seconded by Board Member Strate. The vote was unanimous in favor of the motion.

The meeting adjourned at 7:20 pm.

I hereby certify that the foregoing is a true, accurate and complete record of the South Ogden City Community Development and Renewal Agency Board Meeting held Tuesday, May 17, 2022.

Leesa Kapetanov

Leesa Kapetanov, City Recorder, Board Secretary

Date Approved by Board

CDRA Resolution No. 22-02

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SOUTH OGDEN UTAH COMMUNITY DEVELOPMENT AND RENEWAL AGENCY, DISSOLVING THE 36th STREET REDEVELOPMENT PROJECT AREA AND RENOUNCING THE AGENCY'S ADOPTION OF THE REDEVELOPMENT PLAN FOR THE 36th STREET REDEVELOPMENT PROJECT AREA

WHEREAS, pursuant to the provisions of the Utah Limited Purpose Local Government Entities – Community Reinvestment Agency Act, Title 17C of the Utah Code Annotated ("**UCA**") and its predecessor statutes (the "**Act**"), by resolution, the Agency adopted the Redevelopment Plan ("**Project Area Plan**") on June 9, 1992, thereby creating the 36th Street Redevelopment Project Area (the "**Project Area**"); and

WHEREAS, the Agency has determined that development of the Project Area as contemplated by the Project Area Plan is no longer feasible and/or necessary; and

WHEREAS, the Agency, pursuant to UCA § 17C-1-707(1)(a), desires to dissolve the Project Area and renounce its adoption of the Project Area Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE SOUTH OGDEN CITY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY AS FOLLOWS:

1. That the Agency hereby dissolves the 36th Street Redevelopment Project Area, for which a map and legal description are attached to this resolution as **Exhibit A**.

2. That the Agency hereby renounces its adoption of the Project Area Plan.

3. That the Agency staff and legal counsel are hereby authorized and directed to take all such actions as necessary to effectuate the purposes and aims of this resolution.

4. This resolution shall take effect upon its adoption.

APPROVED AND ADOPTED on this 21st day of June, 2022.

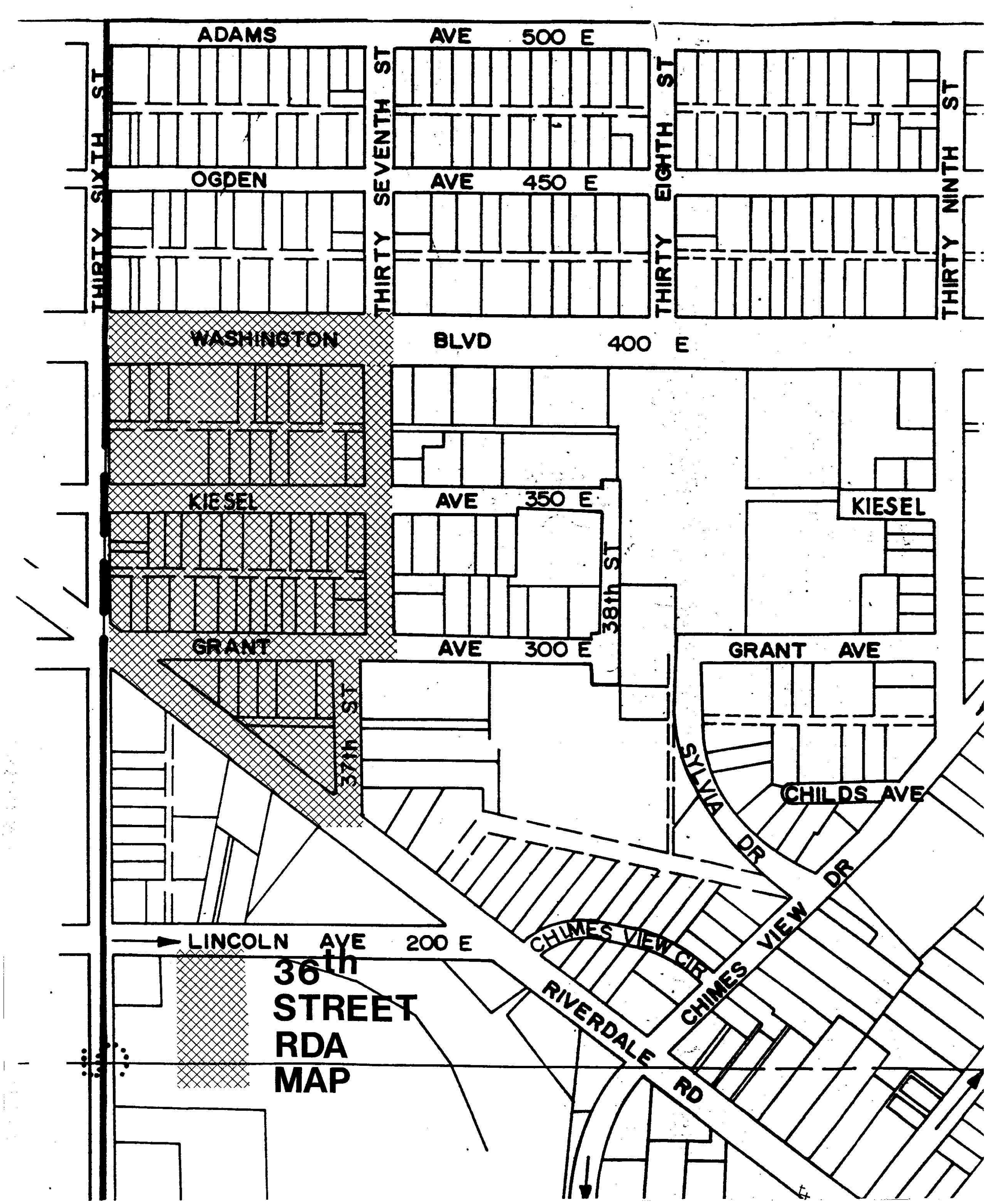
____
Russell L. Porter, Chair
South Ogden City Community Development and Renewal Agency

***Attest*:**

____
Leesa Kapetanov, Secretary

Exhibit A

Project Area Map



Boundary Description
36th Street RDA

Beginning at the North City limits of South Ogden City and the Northeast intersection of 36th Street and Washington Boulevard, continuing South approximately 725 feet along the East side of Washington Boulevard to the Southeast intersection of 37th Street and Washington Boulevard, thence West along the South side of 37th Street 1230 feet more or less to the North side of Riverdale road, thence along the North side of Riverdale road to the North City limits of South Ogden City, and 36th Street, thence East along the North City limits of South Ogden City and 36th Street 780 feet more or less to the point of beginning. Containing approximately 11.2 acres of privately owned property.

CDRA Resolution No. 22-03

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SOUTH OGDEN CITY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY, ADOPTING THE BUDGET FOR FY 2022-2023; AND PROVIDING THAT THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY UPON ITS ADOPTION AND DEPOSIT WITH THE BOARD RECORDER.

SECTION 1 - RECITALS

WHEREAS, under UCA§17C-1-601.5,the South Ogden City Community Development and Renewal Agency has prepared an annual budget for the fiscal year of July 1, 2022 to June 30, 2023, as required by the statute; and,

WHEREAS, the required public hearing thereon was held during the scheduled Board of Directors meeting on June 21, 2022 and the proposed budget was made available for public inspection as least three (3) days before the date of the public hearing; and,

WHEREAS, UCA§17-1-605.5, as amended, requires that before the 30th day of June each year, the Board of Directors shall by resolution, adopt a budget for the ensuing fiscal year; and,

WHEREAS, after due posting of notice of the public hearing in at least three (3) places within the agency boundaries, and posting of the notice on the Utah Public Notice Website at least seven (7) days prior thereto; the Board of Directors held a public hearing on the budget; and,

WHEREAS, the Board of Directors, in their public meeting, received and considered adjustments to the proposed budget, said adjustments having been the proper subject of consideration at the public hearing, and later modification by the Board of Directors; and,

WHEREAS, all conditions precedent to the adoption of the final budget have been accomplished;

NOW, THEREFORE, BE IT RESOLVED BY the Board of Directors of the South Ogden City Community Development and Renewal Agency:

SECTION 2 - ADOPTION OF BUDGET

That the budget as set out in **Attachment "A"** and dated as of the 21st day of June, 2022, attached, and incorporated as if set out, ought to be, and the same are, adopted and enacted as the fiscal year 2022-2023 Budget for the Agency by the Board of Directors of the South Ogden City Community Development And Renewal Agency.

The foregoing Recitals are incorporated herein.

BE IT FURTHER RESOLVED this Resolution shall become effective immediately upon its passage.

SECTION 3 - REPEALER OF CONFLICTING ENACTMENTS:

All orders and resolutions regarding the changes enacted and adopted which have heretofore been adopted by the Board, or parts, which conflict with this Resolution, are, for such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part repealed.

SECTION 4 - PRIOR RESOLUTIONS:

The body and substance of all prior resolutions, with their provisions, where not otherwise in conflict with this Resolution, are reaffirmed and readopted.

SECTION 5 - SAVINGS CLAUSE:

If any provision of this Resolution shall be held or deemed or shall be invalid, inoperative or unenforceable such reason shall not render any other provision or provisions invalid, inoperative or unenforceable to any extent whatever, this Resolution being deemed the separate independent and severable act of the Board of Directors of South Ogden Board Community Development And Renewal Agency.

SECTION 6 - DATE OF EFFECT:

This Resolution shall be effective on the 21st day of June, 2022, and after publication or posting as required by law.

PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF SOUTH OGDEN COMMUNITY DEVELOPMENT AND RENEWAL AGENCY, STATE OF UTAH, on this 21st day of June, 2022.

SOUTH OGDEN COMMUNITY DEVELOPMENT AND RENEWAL AGENCY

____
Russell Porter, Board Chair

ATTEST:

____
Leesa Kapetanov, Board Secretary

ATTACHMENT "A"

CDRA Resolution No. 22-03

A Resolution Of The Board Of Directors Of The South Ogden City Community Development And Renewal Agency, Adopting The Budget For FY 2022-2023; And Providing That This Resolution Shall Take Effect Immediately Upon Its Adoption And Deposit With The Board Recorder.

21 Jun 22

South Ogden City
FY 2023
CDRA Final
Budget Adopted
June 21, 2022

Resolution – 22 - 03

Account Number	Account Title	2020-21 Prior year Actual	2021-22 Current year Budget	2021-22 Current year Actual	2022-23 Future year Budget
Community Developmnt & Renewal					
REVENUE					
61-30-110	Tax Inc. - 36th Street	92,445	80,000	82,848	
61-30-170	Interest - 36th Street	51	100	24	
	Total REVENUE:	92,496	80,100	82,872	.00
	Total Revenue:	92,496	80,100	82,872	
EXPENDITURES					
61-40-400	Professional	.00	2,100	.00	
61-40-710	Charge for Services - G/F	4,622	4,000	3,330	
61-40-820	Loan Interest Expense	574	3,000	.00	
61-40-840	Loan Payment to General Fund	.00	30,000	.00	
61-40-841	Loan Payment to Water Fund	.00	20,500	.00	
61-40-842	Loan Payment to Sewer Fund	.00	20,500	.00	
	Total EXPENDITURES:	5,196	80,100	3,330	
	Total Expenditure:	5,196	80,100	3,330	
	Community Developmnt & Renewal Revenue Total:	92,496	80,100	82,872	
	Community Developmnt & Renewal Expenditure Total:	5,196	80,100	3,330	
	Net Total Community Developmnt & Renewal:	87,300	.00	79,542	

Account Number	Account Title	2020-21 Prior year Actual	2021-22 Current year Budget	2021-22 Current year Actual	2022-23 Future year Budget
CRA - Young Mazda Project Area					
REVENUE					
66-30-100	Tax Increment	22,226	30,850	24,926	32500
66-30-101	Interest	12	.00	6	10
66-30-125	Sales Tax Revenue	19,739	8,350	18,098	21200
	Total REVENUE:	41,978	39,200	43,030	53710
	Total Revenue:	41,978	39,200	43,030	53710
EXPENDITURES					
66-40-100	Professional & Technical	25	19,950	.00	30885
66-40-550	Tax Increment Incentives	32,125	18,200	20,170	21200
66-40-600	Charge for Services - G/F	1,111	1,050	880	1625
	Total EXPENDITURES:	33,262	39,200	21,050	53710
	Total Expenditure:	33,262	39,200	21,050	53710
	CRA - Young Mazda Project Area Revenue Total:	41,978	39,200	43,030	53710
	CRA - Young Mazda Project Area Expenditure Total:	33,262	39,200	21,050	53710
	Net Total CRA - Young Mazda Project Area:	8,716	.00	21,980	

Account Number	Account Title	2020-21 Prior year Actual	2021-22 Current year Budget	2021-22 Current year Actual	2022-23 Future year Budget
CDRA - NW Project Area					
Revenue					
67-30-200	Sales Tax Revenue	149,335	122,450	36,963	
67-30-300	Interest/Other Income	310	.00	.00	
	Total Revenue:	149,645	122,450	36,963	.00
	Total Revenue:	149,645	122,450	36,963	
Expenditures					
67-40-400	Professional & Technical	.00	.00	1,480	
67-40-480	Sales Tax Incentives	149,335	122,450	36,963	
	Total Expenditures:	149,335	122,450	38,443	
	Total Expenditure:	149,335	122,450	38,443	
	CDRA - NW Project Area Revenue Total:	149,645	122,450	36,963	
	CDRA - NW Project Area Expenditure Total:	149,335	122,450	38,443	
	Net Total CDRA - NW Project Area:	310	.00	1,480-	

Account Number	Account Title	2020-21 Prior year Actual	2021-22 Current year Budget	2021-22 Current year Actual	2022-23 Future year Budget
City Center CRA Project					
Revenue					
68-30-100	Tax Increment	.00	.00	6,029	42100
68-30-200	Transfer in from General Fund	.00	12,500	.00	
68-30-300	Interest Income	10,495	7,500	9,065	6700
	Total Revenue:	10,495	20,000	15,093	48800
	Total Revenue:	10,495	20,000	15,093	48800
Expenditures					
68-40-400	Professional & Technical	38,019	20,000	10,531	36170
68-40-450	Transfer to Hinckley Housing	.00	.00	.00	10525
68-40-500	Charge for Services - G/F	.00	.00	.00	2105
	Total Expenditures:	38,019	20,000	10,531	48800
	Total Expenditure:	38,019	20,000	10,531	48800
	City Center CRA Project Revenue Total:	10,495	20,000	15,093	48800
	City Center CRA Project Expenditure Total:	38,019	20,000	10,531	48800
	Net Total City Center CRA Project:	27,525-	.00	4,562	

Account Number	Account Title	2020-21 Prior year Actual	2021-22 Current year Budget	2021-22 Current year Actual	2022-23 Future year Budget
CDRA Hinckley Housing Fund					
REVENUE					
85-30-400	Transfer from City Center CRA	.00	.00	.00	10525
Total REVENUE:		.00	.00	.00	10525
Total Revenue:		.00	.00	.00	10525
EXPENDITURES					
85-40-100	Housing Expenditures	.00	.00	.00	10525
Total EXPENDITURES:		.00	.00	.00	10525
Total Expenditure:		.00	.00	.00	10525
CDRA Hinckley Housing Fund Revenue Total:		.00	.00	.00	10525
CDRA Hinckley Housing Fund Expenditure Total:		.00	.00	.00	10525
Net Total CDRA Hinckley Housing Fund:		.00	.00	.00	
Net Grand Totals:		68,802	.00	104,604	

CDRA Resolution No. 22-04

A RESOLUTION OF THE SOUTH OGDEN CITY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY APPROVING A LETTER OF INTENT REGARDING DEVELOPMENT WITHIN THE SOUTH OGDEN CITY CENTER COMMUNITY REINVESTMENT PROJECT AREA

WHEREAS, the South Ogden City Community Development and Renewal Agency (the "**Agency**") is authorized to provide for project area development pursuant to Utah Code Ann. § 17C-1-101 et seq., the Limited Purpose Local Government Entities -- Community Reinvestment Agency Act (the "**Act**"); and

WHEREAS, the Agency created the South Ogden City Center Community Reinvestment Project Area (the "**Project Area**"); and

WHEREAS, the Agency is authorized by the Act to engage in project area development activities within the Project Area; and

WHEREAS, the Agency desires that property within the City be developed in a manner and within a timeframe most beneficial to the City and its residents; and

WHEREAS, a developer has proposed a franchised new automobile dealership within the Project Area (the "**Project**"); and

WHEREAS, the Project is a desirable development for that location; and

WHEREAS, the Agency desires now to authorize the execution of a letter of intent describing the Agency's support for the Project and willingness to continue negotiations relating to the Project.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH OGDEN CITY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY:

1. The Agency hereby finds that the development of the proposed Project will be beneficial to the City, its residents, and nearby businesses and will facilitate project area development within the Project Area.

2. The Agency finds that the use of Agency funds to encourage development of the Project may be necessary to allow the Project to move forward.

3. The draft letter of intent ("**Letter**") attached hereto as Exhibit A is hereby approved and shall be executed with the understanding that such Letter is not a binding contract and that the future agreements contemplated by the Letter shall be presented to the Agency Board for approval.

4. Agency personnel, staff, and counsel are hereby authorized to take such actions as may be necessary to accomplish the purposes of this Resolution.

5. This Resolution takes effect immediately upon adoption.

APPROVED AND ADOPTED on the 21st day of June, 2022.

____
Russell L. Porter, Chair
South Ogden City Community Development and Renewal Agency

Attest:

____
Leesa Kapetanov, Secretary

EXHIBIT A

Letter of Intent

June 21, 2022

Young Automotive Company
450 N. Main Street
Layton UT 84041

Re: Letter of Intent - Initiation of Participation Agreement for parcel nos.: 05-136-0022; 05-136-0023; 05-136-0024, 05-136-0051, 05-136-0028, 05-136-0031, 05-136-0034, and 05-136-0050 located in South Ogden, Utah.

Dear Mr. Young:

This letter of intent ("**Letter**") initiates the process of adopting and executing a Participation Agreement ("**Agreement**") for parcel nos.: 05-136-0022; 05-136-0023; 05-136-0024, 05-136-0051, 05-136-0028, 05-136-0031, 05-136-0034, and 05-136-0050 (together, the "**Property**") located in South Ogden City ("**City**"), Utah between the South Ogden City Community Development and Renewal Agency ("**Agency**") and Young Subaru Company ("**Participant**"), pursuant to the Limited Purpose Local Government entities – Community Reinvestment Agency Act, 17C et seq. Utah Code Annotated ("**Act**").

Along with other project area development activities within the Project Area, the Agency intends to engage in project area development activities to promote and encourage the construction and operation of a franchised new car dealership ("**Project**") on the Property. The Agreement will memorialize the obligations of both the Agency and the Participant as relating to the development of the Project. The Agreement will comply with the Act. The Property is located within the South Ogden City Center Community Reinvestment Project Area (the "**Project Area**"). The Parties will work to draft and finalize the Agreement as the Participant prepares with the beginning stages of construction of the Project within the Project Area.

The participation of the Agency in this Project is conditioned on a demonstrated need for public assistance in the development of the Project and findings of sufficient economic and other benefits to the City and its residents. The Participant has the burden of providing sufficiently detailed and transparent information about the project to allow the Agency to make an informed decision based on reliable information. The Agency may also utilize third-party services to evaluate the information provided about the planned development.

This Letter shall not constitute a formal or binding agreement. This Letter reflects the Agency's general support for the Project and willingness to continue negotiations with the Participant. This Letter shall not create any legal rights or obligations between the Agency and the Participant. It is intended that all legal rights and obligations between the Agency and the Participant will come into existence only when final agreements are signed and delivered by such parties. Partial performance by any party of the terms of this Letter, or the efforts by any party to perform due diligence or carry out other acts in contemplation of development of the Project, shall not be deemed evidence of intent by any party to be bound by the terms of this Letter. The subsequent approval or acknowledgement of an agreement by writing, email, text, or any other electronic communication service shall not be binding upon any party. The Agency's signature on this Letter does not constitute or create a binding agreement. As this Letter is not a binding agreement, any party involved in negotiations may terminate such negotiations at its sole discretion at any time.

The Agency is a separate legal entity from the City and nothing in this Letter shall be read to waive any authority of the City as to land use, permitting, or other aspects of development.

If these basic terms are acceptable to Participant, please sign the counterpart of this Letter enclosed and return it to the Agency.

Sincerely,

SOUTH OGDEN CITY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY

____
Russell L. Porter, Chair

AGREED AND ACCEPTED as of ______________, 2022:

YOUNG SUBARU COMPANY
a Utah corporation

By: ________________________________

Name: ______________________________

Title: ______________________________