

CALDWELL URBAN RENEWAL AGENCY
7:00 P.M.
Monday, December 9, 2019
REGULARLY SCHEDULED MEETING

ROLL CALL
CONFLICT OF INTEREST DECLARATION
SPECIAL PRESENTATIONS
PUBLIC COMMENTS

CONSENT CALENDAR [All Consent Calendar items are considered ACTION ITEMS]

- 1) Approve minutes from the Urban Renewal Agency Regularly Scheduled Meeting held on November 12, 2019;
- 2) Approve Resolution authorizing the execution of the Grant Agreement and Written Commitment with Fresca Mexican Foods an Idaho Company located at 2009 Smeed Parkway;

OLD BUSINESS

- 1) Economic Development Activity Report from Steve Fultz (November 2019).

NEW BUSINESS

- 1) **ACTION ITEM:** Consider Resolution authorizing the execution of the Assignment Agreement with Caldwell Cinema, LLC and Wolfpack Development, LLC located at 9th and Arthur Street.
- 2) **ACTION ITEM:** Consider Letter of Intent from Dave Wali of Gardner Development Company regarding 8.2 acres located at KCID Road – Caldwell.
- 3) **ACTION ITEM:** Consider invoices for payment from the Urban Renewal Agency Treasurer:

VENDOR	AMOUNT	DESCRIPTION
City of Caldwell – Economic Development	\$18,000.00	December: Economic Development Contribution
Hamilton, Michaelson & Hilty	\$5,940.00	November: Attorney Fee
Canyon County Tax Assessor	\$6,721.98	2019 Property Tax Assessment (Kimball Property)
Caldwell Irrigation Lateral District	\$963.30	2019 Irrigation Assessments
Zions Bank	\$2,000.00	Annual Trustee Fee/2012 Series Bond
Upson Roofing Company	\$1,500.00	Roof Repairs/215 S. Kimball
TOTAL	\$35,125.28	

- 4) **ACTION ITEM:** Consider the ratification of the following expenses:

VENDOR	AMOUNT	DESCRIPTION
Reimbursement to City of Caldwell	\$23.81	Utilities for FY-19
Acco Engineering Systems	\$1,184.80	TVCC Building Repairs & Maintenance
RADIX Construction	\$16,227.09	Elevate Academy Site Work/Tree Removal along Elgin Street

- 5) Treasurer Report:
 - a. **ACTION ITEM:** Approve Monthly Cash Reconciliation Reports.
- 6) Attorney Report
- 7) Chairman Report
- 8) Commissioner Reports
- 9) Motion to adjourn

Date of the next Regularly Schedule Urban Renewal Agency Meeting: Monday – January 13, 2020 at 7:00 p.m. - Community Room at the Caldwell Police Station at 110 South Fifth.

Any person needing special accommodations to participate in the meeting should contact the Secretary to the Urban Renewal Agency at 411 Blaine Street or call #455-4656 prior to the meeting. The entire agenda packet and minutes may be viewed on the City of Caldwell's website: <http://www.cityofcaldwell.com/page/AgendasT> or <http://www.cityofcaldwell.com/1889447>. Cualquier persona que necesita arreglos especiales para participar en la reunión debe comunicarse con el Secretario de la Ciudad en 411 Blaine Street o llame al # 455 a 4656 antes de la reunión.

**CALDWELL URBAN RENEWAL AGENCY
MINUTES
7:00 P.M.
Monday, December 9, 2019**

(ROLL CALL)

The regularly scheduled meeting of the Caldwell Urban Renewal Agency convened at 7:00 p.m. in the Caldwell Police Department Community Room with Chairman Hopper presiding.

The secretary called the roll. Present: Commissioner Hopper, Commissioner Porter, Commissioner Warwick, Commissioner Stadick, Commissioner Allgood, and Commissioner Ramirez.

(CONFLICT OF INTEREST DECLARATION)

None.

(SPECIAL PRESENTATIONS)

None.

(PUBLIC COMMENTS)

Canyon County Commissioner Leslie Van Beek (District #1) provided comments concerning the accomplishments of the Caldwell Urban Renewal Agency. She stated that she would continue to meet with City of Caldwell leadership/staff members in support of the Caldwell Urban Renewal Agency for seeking additional information about the vision of the Agency and how continued support can be provided. She noted that she would be interviewed by KBOI Radio on Wednesday (December 11, 2019) and plans to reference the Caldwell Urban Renewal Agency.

Chairman Hopper expressed appreciation for Commissioner Van Beek's support of the Urban Renewal Agency and her efforts to educate the residents of Canyon County concerning the matter.

(CONSENT CALENDAR)

- 1) Approve minutes from the Urban Renewal Agency Regularly Scheduled Meeting held on November 12, 2019;
- 2) Approve Resolution authorizing the execution of the Grant Agreement and Written Commitment with Fresca Mexican Foods an Idaho Company located at 2009 Smeed Parkway;

MOVED by Allgood, SECONDED by Stadick to approve the Consent Calendar as printed.

Roll call vote: Those voting yes: Allgood, Ramirez, Hopper, Porter, Warwick, and Stadick. Those voting no: none. Absent and/or not voting: none.

MOTION CARRIED

OLD BUSINESS:

(NOVEMBER 2019 - ECONOMIC DEVELOPMENT REPORT)

Industrial:

Project Timber...New warehouse/distribution lead for 8.2 acre site at KCID and Linden. Looking for location for potential construction of 3 buildings ranging in size from 10,000 sq ft to 40,000. Expecting LOI to be submitted in December 2019.

Project Van...new project for Sky Ranch. Warehousing/Distribution development considering Van Auken site. Construction has begun on 1st building of proposed 3 building on the 17 acre site.

Project Paradise...Continue working with Idaho Commerce to provide a potential site for a large heavy-use industrial user. Proposed development would need 50-100 acres. Submitted potential site within the Caldwell Impact area.

Project North...Continue working with developers considering a mixed-use site (commercial and industrial) in the current UR district.

Project JC...Continue working with developers considering a mixed-use site (commercial and industrial) in the current UR district (similar to North, but different location).

Continue to work with the Priddy Brothers on their property next to Caldwell Industrial Airport...potential project considering site for light manufacturing (aviation related).

Project Hat: Continue working with international company for U.S. location. Currently has small office in Idaho Falls, desires site closer to Boise area...agriculture-based innovation business.

Retail:

Project Value...Working with management to evaluate possible relocation areas within Caldwell. They are reviewing vacant buildings and considering build to suit options. They are currently in discussion with Rocky Mountain Companies about land in the college marketplace area (21st and Chicago).

Project Slice...working with retailer/restaurant on potential downtown location.

Project Décor...new retail prospect interested in downtown. Site visit in November. Working with company on financing project.

Project Crab...new restaurant interested in Caldwell/Treasure Valley. Submitted letter of interest and follow-up email.

Other:

Potential Innovation Center...continue potential stakeholders regarding the development of a tech entrepreneur center...including event center potential.

Working with several developers on multi-family housing projects (affordable and market rate) throughout the City, with some sites being considered in the UR district.

Continued discussion with several industrial developers regarding potential sites in Caldwell Urban Renewal District.

NEW BUSINESS:

(ACTION ITEM: CONSIDER RESOLUTION AUTHORIZING THE EXECUTION OF THE ASSIGNMENT AGREEMENT WITH CALDWELL CINEMA, LLC AND WOLFPACK DEVELOPMENT, LLC LOCATED AT 9TH AND ARTHUR STREET)

Mark Hilty, 1303 12th Avenue Road, Nampa, provided background information concerning the proposed Agreement. He noted that the Assignment Agreement would be executed by all three interested parties (Caldwell Cinema, LLC, Wolfpack Development, LLC, and the Urban Renewal Agreement of the City of Caldwell).

This agreement would approve a re-assignment of the "Commercial Phase" of the 9th & Arthur URA Project. The commercial development plan includes two pad sites along the Arthur Street frontage. One of the commercial sites has been developed with a building, which is currently vacant, and the grassy area to the left of the theater. The original agreement referenced an "authorized successor"; however, no reassignment could be made without the approval of the Agency. The successor would agree to adhere to all of the terms of the DDA and satisfy the Agency with consideration of sufficient skill in the area of commercial development or commercial development financing. He noted that a letter from a lending institution has been issued indicating available funds for Wolfpack Development, LLC up to \$5 million. This would include acquisition of the site and construction of another building.

Keri Sigman, 17741 Linden Lane, spoke in favor of the request. She explained her involvement with the formation of the partnership known as Wolfpack Development, LLC for the purpose of constructing a multi-floor commercial development at the site. The first floor would be for the purpose of commercial development with two additional floors constructed for market-rate residential units.

She outlined her skills within the area of commercial development, noting that for the past four years she has assisted in recruiting thirteen businesses in downtown Caldwell. She has created a large lead list within that period and feels confident in the ability of Wolfpack Development, LLC to execute a plan, find tenants and construct the buildings in a reasonable amount of time. The intent would be to fill the first pad and then begin construction on the second pad site.

In response to questions from Commissioner Allgood, Ms. Sigman indicated that Wolfpack Development, LLC is actively seeking a restaurant tenant for the building, which has been vacant for over one year. Mr. Fultz and Mr. Jenkins are also assisting with leads for the site. They are working to expedite efforts to locate a tenant. The goal would be to find a tenant within the next 60 days, begin building improvements and have the business operational by summer 2020.

In response to questions from Commissioner Allgood, Ms. Sigman clarified that Wolfpack Development, LLC would own the existing pad, the vacant building, the grassy area and some portions of the sidewalk. Access would also be included to the common area, which is in the center of the complex, as well as a portion of the area wrapping around the theater to the allowed on-site parking.

In response to questions from Commissioner Porter, Ms. Sigman responded that research is still underway concerning the type of commercial use on the lower level within the proposed second building. The apartment design has not been determined at this time.

In response to questions from Commissioner Stadick, Ms. Sigman addressed the adequate inventory of parking currently within the downtown area. She noted that ordinance amendments would be necessary when the residential units are constructed to allow for downtown overnight parking.

In response to questions from Commissioner Allgood, City Attorney Mark Hilty clarified that the Urban Renewal Agency is under no legal obligation concerning the transfer of ownership between the two private parties in association with the execution of the agreement. He emphasized that the Agency no longer owns the property; however, the URA would provide "approval authority" until the "Commercial Phase" is entirely complete.

MOVED by Porter, SECONDED by Warwick to approve the resolution as presented.

Roll call vote: Those voting yes: Porter, Warwick, Stadick, Allgood, Ramirez, and Hopper. Those voting no: none. Absent and/or not voting: none.

MOTION CARRIED

ACTION ITEM: CONSIDER LETTER OF INTENT FROM DAVE WALI OF GARDNER DEVELOPMENT COMPANY REGARDING 8.2 ACRES LOCATED AT KCID ROAD – CALDWELL)

Steve Fultz, 411 Blaine Street, provided the staff report explaining the history of the subject property:

- 1) A contract was put in place by Dave Wali of Gardner Development several months ago to purchase the parcel. No action was taken within the designated timeframe before the contract expired.
- 2) The Winco Fireworks Company presented a Purchase & Sale Agreement for the parcel.
- 3) A message was received from Mr. Wali on the same day stating that he was still interested in moving forward with the purchase transaction.
- 4) Mr. Wali was informed of the lapsed agreement and another potential buyer had made an offer.
- 5) The proposal from Winco Fireworks did not materialize due to estimated construction costs.
- 6) Mr. Wali has now renewed his interest in securing the parcel by presenting a current Purchase & Sale Agreement.

Mr. Fultz recommended that the document be further reviewed by legal counsel and staff and brought back for consideration by the URA Commissioners at the January 13th meeting.

Mark Hilty, 1303 12th Avenue South, Nampa, reported that he would assist in guiding the discussion with Mr. Wali concerning the Purchase & Sale Agreement. He noted the necessity for a concrete proposal to be outlined with the intent to construct a building at the site within a designated time period. The commitment for construction of the building(s) would be mandatory.

Mr. Fultz reported that Mr. Wali is aware that construction must commence within the designed time period or the parcel would revert back to the Agency. Mr. Wali has indicated that he does have a prospect for the first building. He is looking to construct three buildings. Construction could begin with a 12-18 month period.

Mr. Hilty noted that the Purchase & Sale Agreement references a period of two years; however, the timeframe and be adjusted to meet the criteria set by the URA Commissioners.

Chairman Hopper cautioned that the timeline needs to take into consideration of the sunset date of the Caldwell Urban Renewal Agency East Area. If construction does not commence and the PSA is deemed null and void, the property would return to the City of Caldwell.

Commissioner Stadick recommended that the PSA reflect a period of 12 months for construction to commence.

Mr. Fultz stated that Mr. Wali had indicated that construction on the first building would begin quickly after the property has been acquired.

MOVED by Warwick, SECONDED by Ramirez to continue this item to the next Regularly Scheduled Urban Renewal Agency meeting to be held on January 13, 2020 for further consideration.

MOTION CARRIED

(ACTION ITEM: CONSIDER APPROVAL OF THE INVOICES FOR PAYMENT AS PRESENTED BY THE URBAN RENEWAL AGENCY TREASURER)

VENDOR	AMOUNT	DESCRIPTION
City of Caldwell – Economic Development	\$18,000.00	December: Economic Development Contribution
Hamilton, Michaelson and Hilty	\$5,940.00	November: Attorney Fee
Canyon County Tax Assessor	\$6,721.98	2019 Property Tax Assessment (Kimball Property)
Caldwell Irrigation Lateral District	\$963.30	2019 Irrigation Assessment
Zions Bank	\$2,000.00	Annual Trustee Fee 2012 Series Bone
Upson Roofing	\$1,500.00	Roof Repair – 215 S. Kimball
TOTAL	\$35,125.28	

MOVED by Stadick, SECONDED by Porter to approve the invoices for payment as presented.

MOTION CARRIED

ACTION ITEM: CONSIDER THE RATIFICATION OF THE FOLLOWING EXPENSE

VENDOR	AMOUNT	DESCRIPTION
Reimbursement to City of Caldwell	\$23.81	Utilities for FY-19
Acco Engineering Systems	\$1,184.80	TVCC Building Repairs & Maintenance
RADIX Construction	\$16,227.09	Elevate Academy Site Work – Tree Removal along Elgin Street

MOVED by Stadick, SECONDED by Ramirez to ratify the invoices for payment as presented.

MOTION CARRIED

(ACTION ITEM: TREASURER'S REPORT)

MONTHLY CASH RECONCILIATION REPORTS:

Carol Mitchell, URA Treasurer at 411 Blaine Street, presented the Monthly Cash Reconciliation Report and recommended its approval:

Banner Bank TOTAL		\$14,615,447.90
LGIP	\$ 114,832.57	
Banner Bank, CD	\$ 250,380.49	
Banner Bank Operating Account	\$14,250,234.84	
Restricted TOTAL		\$14,250,234.84
Restricted Combined		
(Caldwell & Other Tax Districts)	\$9,657,885.38	
Restricted – URA TVCC	\$ 764,542.64	
Restricted – URA Job Creation	\$3,827,839.82	

MOVED by Allgood, SECONDED by Porter to approve the cash reconciliation report as presented.

MOTION CARRIED

(ATTORNEY'S REPORT)

Report on North Caldwell Allocation Area:

Mr. Hilty, 1303 12th Avenue Road, Nampa, reported on the outcome of recent meetings held with the Canyon County Commissioners concerning the execution of the Caldwell North Urban Renewal Plan Area located within the County (Intergovernmental Agreement).

Mr. Hilty stated that staff had diligently worked on the proposed Caldwell North URA Plan for the past eighteen months. The presumption was that Canyon County leadership would support the proposal and approve its fruition. Commissioner Dale had previously indicated his support of the proposed Plan in conversions held with Mayor Nancolas. Commissioner Van Beek routinely voiced her support of the proposed Plan throughout the process and within public meetings. Commissioner White had a previous record of approving urban renewal activity, including multiple urban renewal area projects within the City of Nampa. It was on the strength of those beliefs that the City of Caldwell Officials and staff continued to prepare the documents for final presentation to the Canyon County Commissioners.

Mr. Hilty outlined the chain of events concerning the Canyon County Commissioner's determination:

- 1) Mr. Hilty and the Mayor met with Commissioner Dale and Commissioner Van Beek on October 7, 2019 and reviewed the contents of the Caldwell North Urban Renewal Agency Plan, what was envisioned for the subject area, and the necessary approval process. Throughout that meeting, there was no objection raised and nor did it appear that there were any concerns. Commissioner White was not in attendance.
- 2) It was determined that the Plan would be considered for approval by the Commissioners on Friday, October 11, 2019.
- 3) The item was pulled from the agenda on October 11, 2019. Comments made by Commissioner Dale at that meeting indicated that he was not supportive of the request, as he had previously indicated.
- 4) Three more meetings followed with the Canyon County Commissioners asking City staff to answer questions about the Caldwell North Urban Renewal Plan.
- 5) The final outcome was that Commissioner White would not put the matter up for a vote; therefore, due to the lack of activity, the request was not approved.

It was necessary for the proposed Plan to be approved no later than November 14 in order for staff to proceed with proper legal notification of a public hearing before the Caldwell City Council on either December 2 or December 16. The dates had been pushed back twice pending Canyon County's approval. The Caldwell City Council public hearing would have been the final step in the approval process. If City Council had acted favorably, the Caldwell North Urban Renewal Plan would have been approved by ordinance, as required by Idaho State Code.

Mr. Hilty stated that during the process, the County Commissioners were seeking answers from staff regarding the Plan. The questions became increasingly detailed relating to the proposed projects and the Feasibility Study. It was apparent that Commissioner Dale had been pressured by other Canyon County elected officials who were opposed to urban renewal and did not want the proposal to move forward. Commissioner Dale was responsive to those in opposition.

November 6: City officials and staff met with the Canyon County Commissioners where Commissioner Dale expressed concern that the formation of the North Caldwell Urban Renewal Plan would cause Canyon County to lack sufficient tax funding in order to maintain services. Commissioner Dale proposed two alternatives:

1) De-annexation of Properties:

Parcels could be removed from the reallocation area during the life of the Agency in order that the taxes could be returned to the taxing districts. It was agreed that this would be a feasible option; however, a commitment to a designated timeframe or to certain properties would need to be considered in the future once the properties had been fully developed and the property owners fully reimbursed for their infrastructure investment(s).

2) A "Carve Out" Plan:

Twenty to thirty percent of the County's portion of the increment would be paid directly to Canyon County during the life of the Agency. City staff explained that such an amendment to the Plan would not be possible this year since it would necessitate the re-calculation of elements within the Feasibility Study. Months of preparation by the URA Consultant (ElJay Waite) and the Engineering Department staff had been dedicated in calculating the estimated infrastructure improvements and; therefore, amendments could not be made on such a short notice.

November 11: Mayor Nancolas and Commissioner Dale agreed upon language that would be included within the Plan to accommodate the de-annexation proposal.

November 25: The item was on the Canyon County Commissioner's agenda for consideration. Commissioner Dale had again changed his position noting that he would not support the amended Plan with the new de-annexation language. Mr. Hilty indicated that the entire process was frustrating for Caldwell City Officials and staff.

He noted that a letter had been sent to the Canyon County Commissioners prior to the meeting from the County elected officials requesting that the Caldwell North Urban Renewal Plan not be approved. The letter indicated that the reallocation of tax dollars would be an insurmountable burden to provide Canyon County services.

Mr. Hilty reported pertinent information was shared with the Commissioners at the meeting:

- 1) Without urban renewal activity, the subject area would unlikely develop and; therefore, an increase of taxes would not take place.
- 2) Much of the property would increase in value with improvements.
- 3) A portion of the agricultural ground is tax-exempt. When it is re-categorized, the increase of the parcel's underlying value would be added to the base.
- 4) Canyon County would see a greater increase of the area's tax revenue from the involvement of the urban renewal agency even though there would be a re-allocation of tax dollars.
- 5) When the parcels are annexed into the City of Caldwell, the burden of providing services to the site(s) would be provided by the City.

The information was not persuasive with the County's final determination.

He reported that Commissioner Van Beek remained consistently supportive and complimentary throughout the process. Commissioner Dale was complimentary but refused to act without some type of "carve out" of revenue arrangement for Canyon County. Commissioner White remained silent throughout the process, but was vocal in her comments in opposition to urban renewal to the media after the fact. He noted that Commissioner Dale has made known that he will not be seeking re-election in 2020.

The City's Development Team will now begin researching an alternative plan for the creation of a new re-allocation area for the Caldwell Urban Renewal Agency. The approval deadline would be December 31 within the year that a Plan is formulated.

Commissioner Stadick commented on the outcome of the November 25th meeting. He noted that the comments made by Commissioner White indicated to him that information about the newly proposed urban renewal district was too complicated for her to understand. Commissioner Dale waivered on his support between the City and Canyon County elected officials. He expressed appreciation to Commissioner Van Beek for her ongoing support.

Discussion followed concerning the future of the Caldwell Urban Renewal Agency and the possible formation of additional re-allocation areas. It was noted that other cities within Idaho have used single-site urban renewal re-allocation areas for specific infrastructure improvements, such as the City of Twin Falls and the urban renewal assistance to Choboni as a commercial business being built within their jurisdiction.

In response to questions from Commissioner Allgood, Chairman Hopper noted that the transfer of property from the State of Idaho for a future park site (within the subject area north of Caldwell) is still valid.

Ustick Overpass Project:

Mr. Hilty reported on an opportunity to partner with Idaho Transportation Department for the construction of a five-lane overpass at Ustick Road. The Ustick corridor needs to be widened as an east to west thoroughfare based upon current and future development within the area. The overpass would help project the transportation corridor and is a high priority for City staff. This would be an Urban Renewal project. There may be a need to act quickly on the allocation of funds.

Brent Orton, Public Works Director at 621 Cleveland Boulevard, reported that in conjunction with the ITD I-84 Widening Project, consideration is under review by ITD to elevate the Ustick Bridge and widen it to five lanes. Ustick Road serves as a transportation corridor from the Boise River to the Snake River. ITD is currently reviewing a new design and is asking the City of Caldwell to be prepared to receive the cost estimate this week for the project.

It was determined that a Special Urban Renewal Agency could be noticed for December 16, 2019 at 6:30 p.m., if necessary. Mr. Orton will contact the URA Secretary concerning once a response is received by the Idaho Transportation Department.

(CHAIRMAN'S REPORT)

None.

(COMMISSIONER REPORTS)

Discussion was held concerning a potential conflict of interest since Commissioners Allgood and Porter currently serve on the Caldwell Housing Authority. There have been discussions by Caldwell Housing Authority of possibly submitting a proposal for the Creekside Project in downtown Caldwell. Mr. Hilty will research the Idaho Statute concerning this matter.

(ADJOURNMENT)

MOVED by Ramirez, SECONDED by Stadick to adjourn at 8:07 p.m.

MOTION CARRIED

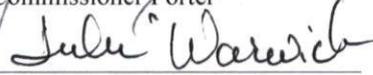
Approved as written this 13th day of January, 2020.



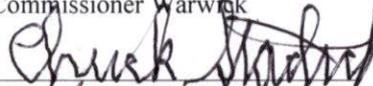
Commissioner Hopper



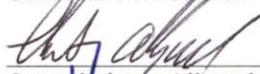
Commissioner Porter



Commissioner Warwick



Commissioner Stadick



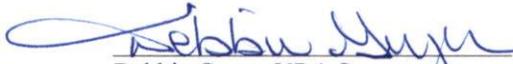
Commissioner Allgood



Commissioner Ramirez



ATTEST:



Debbie Geyer, URA Secretary