

**City of Taylorsville**  
**REDEVELOPMENT AGENCY**  
**OF TAYLORSVILLE CITY MEETING**  
*Minutes*

**Wednesday, January 23, 2008**  
**Council Chambers**  
**2600 West Taylorsville Blvd., Room No. 140**  
**Taylorsville, Utah 84118**

**Attendance:**

Mayor Russ Wall, Chief Executive Officer

**Board Members:**

Chairman Les Matsumura  
Vice Chairman Lynn Handy  
Board Member Bud Catlin  
Board Member Morris Pratt  
Board Member Jerry Rechtenbach

**City Staff:**

John Inch Morgan, Treasurer  
John Brems, City Attorney  
Cheryl Peacock Cottle, Secretary  
Jessica Springer, Council Coordinator  
Keith Snarr, Economic Development Director  
Mark McGrath, Community Development Director  
Jean Ashby, Admin. Assistant

Excused:

**Others:** Randall Feil, Bob Springmeyer, Leslie Van Frank

---

**1. Welcome – *Chairman Les Matsumura***

20:28:01 Chairman Les Matsumura called the Redevelopment Agency of Taylorsville City Meeting to order at 8:28 p.m. and welcomed those in attendance. Secretary Cheryl Peacock Cottle conducted a Roll Call Vote, wherein all Board Members were present.

**2. Public hearing on the proposed “5400 South and Bangerter Highway Urban Renewal Project Area Plan” dated December 7, 2007 and on the proposed “5400 South and Bangerter Highway Urban Renewal Project Area**

20:28:19 Chairman Les Matsumura opened the public hearing on this matter and turned time to Randall Feil, Special Legal Counsel to the Redevelopment Agency of Taylorsville City.

**A. Summary statement of purposes of the public hearing - *Randall Feil***

20:28:32 Legal Counsel Randall Feil presented a statement outlining the purposes of the combined public hearing on the 5400 South and Bangerter Highway Urban Renewal Project Area and on the Project Area Plan and Budget. A list of documents that will be made part of the public hearing record was reviewed. Mr. Feil cited statutory provisions regarding the public hearing. It was noted that the Agency is combining the public hearings on the project area plan and the project area budget. (A copy of Mr. Feil's statement in its entirety is attached and incorporated therein as part of this record.)

20:33:29 Mr. Feil called for any written objections that have been received by Agency Staff, Board Members, or the City Recorder.

20:33:36 Mayor Wall indicated that the Agency did receive one objection. Economic Development Director Keith Snarr submitted a written objection received on October 17, 2007 by Jeffrey B. Nielsen, trustee for property at 3856 West 5400 South. Mr. Feil noted that this is the same objection that was received at the previous Blight hearing and distributed to Agency Board members at that time.

**B. Review of proposed Project Area Budget for the 5400 South and Bangerter Highway Urban Renewal Project Area – *Bob Springmeyer***

20:34:59 City Consultant Bob Springmeyer, of Bonneville Research, illustrated the 5400 South and Bangerter Highway Urban Renewal project area. He presented the proposed 15-year budget. Mr. Springmeyer stated that it is being proposed that 25% of the tax increment flow through to the taxing entities, in proportion to their tax rates, and that 75% be used in the project area, including housing and RDA Administration. He cited total eligible project area expenses and listed amounts to go to taxing entities, housing, and RDA Administration. Mr. Springmeyer reminded the Board that this budget does not result in any increased taxes and that the taxes currently coming out of the project area would remain fixed and constant during the project period. He also pointed out that Tax Year 1 could occur anytime between 2010 and 2012, depending on when development begins.

20:38:00 Mr. Springmeyer noted that the amount going to the Redevelopment Agency is capped at \$17,132,000, not including the \$5,710,667 that flows through to the taxing entities. He relayed that the RDA is one of those taxing entities, at 13.8%.

**C. Report regarding the Taxing Entity Committee – *John Inch Morgan***

20:38:56 City Administrator John Inch Morgan reported that the Taxing Entity Committee met and all but one member voted in favor of approving the Agency's finding of blight for the Project Area, with one member abstaining from voting. Mr. Morgan relayed that all Taxing Entity Committee members voted in favor of accepting the Project Area Budget.

**D. Agency Board questions to staff/consultants regarding the proposed "5400 South and Bangerter Highway Urban Renewal Project Area Budget"**

20:40:07 There were no questions from the Agency Board.

**E. Review of draft proposed "5400 South and Bangerter Highway Urban Renewal Project Area Plan" - Keith Snarr, John Inch Morgan and Randall Feil**

20:40:30 Economic Development Director Keith Snarr stated that the 5400 South and Bangerter Highway Urban Renewal Project Area Plan has been available for public inspection since December 7, 2007. He cited objectives in the plan to correct blight in the project area, including design development objectives, general design objectives, techniques to be used, acquisition, disposition, relocation, and development. Mr. Snarr said that the Plan provides for compliance to zoning ordinances and building codes. He reviewed the process for selection of private developers. He noted that the project area is comprised of 58.49 acres.

**F. Agency Board questions to staff/consultants regarding draft proposed "5400 South and Bangerter Highway Urban Renewal Project Area Plan"**

20:42:52 Mr. Snarr addressed questions from the Board Members.

20:44:45 Mr. Feil cited inclusions of the proposed Urban Renewal Project Area Plan. He noted that these inclusions are the same as approved on October 17, 2007, other than one word corrected in the legal description and two changes to dollar amounts (the correct amount on page 22 is \$17,132,000.) Mr. Feil stated that on page 26 (H-1), the amount that property tax is expected to rise to has been changed from an estimated \$5,000,000 to \$3,000,000.

20:47:01 Mr. Feil stated that public input will be heard during this meeting and then a final decision can be made with any recommended revisions. Mr. Feil reviewed the kinds of provision included in the Project Area Plan. He noted that the draft project area plan contains provisions that are required by the "Utah Community Development and Renewal Agencies Act."

**G. Receipt of written or oral objections to the proposed Project Area Plan; public comment on draft proposed Project Area Plan and proposed Project Area Budget; and public comment on whether the proposed Project Area Plan and proposed Project Area Budget should be revised, adopted or rejected:**

20:48:12 Leslie Van Frank, representing the Nielsen Family Trust, expressed concerns over specific findings about Mr. Nielsen's building, where Bank of the West is the tenant. She stated that these findings were not true and their building does not have these specific findings. Ms. Van Frank expressed concern that the study itself is not well-founded and that there are

deficiencies in it. She stated that Richard Rappaport (previously representing the Nielsens) met with City Attorney John Brems before the October 17, 2007 hearing. She said that an agreement was made at that time with Mr. Brems that if the Nielsens would back out of a cross-examination of the study, staff would recommend that their property be carved out of the Project Area. Ms. Van Frank cited a letter from Mr. Rappaport to affirm this arrangement. She said that she came to this meeting expecting to have staff recommend that the Nielsen property be carved out of the Project Area and that apparently is not going to happen. Ms. Van Frank described a conversation she held with Randall Feil just prior to this meeting.

20:53:25 Mr. Feil made clarification on some misrepresentations made by Ms. Van Frank. He stated that he spoke to the Mayor, John Inch Morgan and Keith Snarr and they were unaware of the agreement referred to by Ms. Van Frank and do not recommend taking the parcel out.

20:54:59 Ms. Van Frank requested that the Nielsen property be carved out of the plan and that the plan be revised. She said that the Nielsens are trying to sell their property and do not consider the parcel blighted.

20:55:38 Mayor Wall made clarification on the role of the City Attorney, Mr. Brems.

20:56:29 Chairman Matsumura noted Ms. Van Frank's request.

20:56:40 Council Member Rechtenbach asked for clarification on findings of blight required to determine a project area.

20:58:11 Ms. Van Frank stated that had an agreement not been previously reached prior to the October 17, 2007 hearing, the Nielsens would have challenged the entire study.

20:58:58 Mr. Feil noted that this hearing is the opportunity for property owners to submit objections.

20:59:31 Mr. Feil cited the importance of understanding that the agreement claimed by Ms. Van Frank to have been made between Mr. Brems and Mr. Rappaport was for a recommendation to be made by staff and was not an agreement or guarantee that the Nielsen property would in fact be carved out of the Project Area.

- (1) **Presentations on the above subjects by owners of property within the proposed 5400 South and Bangerter Highway Urban Renewal Project Area, if any**

21:02:35 Chairman Matsumura called for comments and there were none.

**(2) Presentations on the above subjects by taxing entities, if any**

21:03:18 There were no presentations.

**(3) Presentations on the above subjects by other parties having an interest, if any**

There were no presentations.

**H. Agency Board question period and response by Agency staff and consultants**

21:03:29 There were no questions.

**3. Motion to close public hearing**

21:04:09 Chairman Les Matsumura declared the public hearing closed.

21:04:19 Board Member Catlin stated that a conversation with the City Attorney does not preclude anyone from addressing the Board.

21:05:48 City Attorney John Brems recalled his October 17<sup>th</sup> conversation with Mr. Rappaport and stated that he did agree to recommend to the Board that it exclude from the Project Area the property on which the Bank of the West is located. In accordance with that agreement, Mr. Brems then made the recommendation to the Board that the property be excluded from the Project Area. He also noted that it was clearly communicated to Mr. Rappaport on October 17, 2007 that any decision to exclude property could only be made by the Redevelopment Agency Board.

21:06:30 Mr. Feil stated that, as special counsel, it is his duty to inform the Board of potential effects for excluding parcels of property. He explained that if a piece of property is excluded, the Board cannot spend any tax increment received from the Project Area on that particular property. He also noted that if a developer were to propose development on a piece that was excluded, the board could not help with redevelopment. Mr. Feil cited issues with parcel splitting in a redevelopment project area and gave example of potential problems, especially with building an improvement that is partly within and partly outside of the Project Area.

**4. Summary regarding proposed findings of Agency - *Randall Feil***

21:12:19 Mr. Feil reviewed a list of six findings provided to RDA Board Members and presented them for consideration.

1     **5.     Consideration of findings, and adoption of findings by motion**

2  
3     21:16:47 Mr. Feil gave clarification on consideration of the findings.

4  
5     21:18:13 Board Member Jerry Rechtenbach **MOVED** to adopt the findings (Section 5, A-F), as  
6     presented. Board Member Lynn Handy **SECONDED** the motion. Chairman Matsumura called  
7     for discussion. There being none, he called for a roll call vote. The vote was as follows: Catlin-  
8     yes, Handy-yes, Matsumura-yes, Rechtenbach-yes, and Pratt-yes. **All Board Members voted**  
9     **in favor and the motion passed unanimously.**

10  
11  
12     **6.     Consideration and adoption of Resolution No. RDA 08-01 -- Adopting the "5400**  
13     **South and Bangerter Highway Urban Renewal Project Area Plan" dated December**  
14     **7, 2007**

15  
16     21:19:38 Board Member Morris Pratt **MOVED** to adopt Resolution No. RDA 08-01 – Adopting  
17     the "5400 South and Bangerter Highway Urban Renewal Project Area Plan" dated December 7,  
18     2007. Board Member Jerry Rechtenbach **SECONDED** the motion. Chairman Matsumura called  
19     for discussion. Mr. Feil made a clarification that this is the time to consider any revision of the  
20     plan to exclude a specific property. Board Member Rechtenbach asked about the potential effect  
21     on property values and explanation was given. There being no further discussion, Chairman  
22     Matsumura called for a roll call vote. The vote was as follows: Catlin-yes, Handy-yes,  
23     Matsumura-yes, Rechtenbach-yes, and Pratt-yes. **All Board Members voted in favor and the**  
24     **motion passed unanimously.**

25  
26     **7.     Consideration and adoption of Resolution No. RDA 08-02 -- Adopting the "5400**  
27     **South and Bangerter Highway Urban Renewal Project Area Budget"**

28  
29     21:23:04 Board Member Jerry Rechtenbach **MOVED** to adopt Resolution No. RDA 08-02\*\*\* –  
30     Adopting the "5400 South and Bangerter Highway Urban Renewal Project Area Budget." Board  
31     Member Lynn Handy **SECONDED** the motion. Chairman Matsumura called for discussion.  
32     There being none, he called for a roll call vote. The vote was as follows: Catlin-yes, Handy-yes,  
33     Matsumura-yes, Rechtenbach-yes, and Pratt-yes. **All Board Members voted in favor and the**  
34     **motion passed unanimously.**

35  
36     **8.     Approval of RDA Minutes of 01-09-08**

37  
38     21:24:12 Board Member Lynn Handy **MOVED** to approve the minutes from the January 9, 2008  
39     RDA Board Meeting. Board Member Bud Catlin **SECONDED** the motion. Chairman  
40     Matsumura called for discussion. There being none, he called for a roll call vote. The vote was

1 as follows: Catlin-yes, Handy-yes, Matsumura-yes, Rechtenbach-yes, and Pratt-yes. **All**  
2 **Board Members voted in favor and the motion passed unanimously.**

3  
4 **9. Other Agency business**

5  
6 21:24:46 There was no other business.

7  
8 **10. Motion to adjourn Redevelopment Agency Meeting**

9  
10 21:24:59 Board Member Morris Pratt **MOVED** to adjourn the Redevelopment Agency of  
11 Taylorsville City Meeting. Board Member Bud Catlin **SECONDED** the motion. Chairman  
12 Matsumura called for discussion. There being none, he called for a roll call vote. The vote was  
13 as follows: Catlin-yes, Handy-yes, Matsumura-yes, Rechtenbach-yes, and Pratt-yes. **All**  
14 **Board Members voted in favor and the motion passed unanimously.** The meeting was  
15 adjourned at 9:25 p.m.

16  
17  
18  
19  
20 \_\_\_\_\_  
Cheryl Peacock Cottle, Secretary

21  
22 Minutes approved: RDA 08-06-08

23  
24 *Minutes Prepared by: Cheryl Peacock Cottle, Secretary*  
25