BURNS URBAN RENEWAL AGENCY
(URA)

March 13, 2024

The Burns Urban Renewal Agency met on March 13, 2024, at 5:15 p.m. Members present were as follows:

Chairperson: Jen Keady
Members: Jen Hoke
Heather Smith
Tod Gahley - Excused
Jerry Woodfin
Chase Patterson - Excused
Andrew Roy

Also in attendance were City Manager Judy Erwin, City Clerk Tiffany Leffler, Nick Green, Forrest Keady, Kim Rollins, and Lindsay Wilcox. Also, Via Zoom were Christina Tharp and Jared and Teresa Dominick.

Chairperson Jen Keady Called the meeting to order at 5:15 p.m.

PUBLIC COMMENT

Lindsay Wilcox – Burns Oregon – She had a few questions for the URA. She asked them, based off what the Miller Springs project was expected to bring in, when they would start receiving revenue from that. She then asked if the developer was paying that before they were sold, or if the developer runs into trouble and only part of it is built, how do they plan to get the amount that the URA spent back. She also wanted to know what would happen if the units were built and don't sell completely. She just had questions about how they will go about getting that revenue back if other scenarios arise.

City Manager Judy Erwin suggested that she submit all her questions in writing to the URA Board and they will try and answer those at the next meeting.

Lindsay Wilcox said she suggests there be an analysis done before they move forward.

REVIEW AND APPROVE MINUTES

The minutes were tabled until the next meeting (April 10, 2024) due to some of the URA Members being late to the meeting and there not being a quorum at the time they were presented on the agenda.

REVIEW AND APPROVE BILLS

There were no bills to review or approve at that time.

NEW BUSINESS

1. **New Applications** – There were no new applications at this time.

2. **Payout to Tharps Ura Project** – Councilor Keady said the Tharp Project was officially done. She attached their rebate calculation to the URA Packet. Their total rebate would amount to \$6,671.20. It would be \$4,071.20 for the Improvement Rebate and \$ 2,600.00 for the SDC Connection Rebate.

   Councilor Keady made a motion to authorize the rebate to the Tharp project in the amount of \$6671.20.

City Manager Judy Erwin asked if they were going to talk about the $ 2600.00 fee that was charged, before they do a reimbursement to them.

Councilor Keady said they can and asked if it was an SDC or a Connection Charge, because she knew that could end up changing it.

City Manager Judy Erwin said it was a Connection Charge. She felt they should table it until they decide how they want to handle the new Connection Charges.

Councilor Keady said she rescinded her motion, and they would table it until the next meeting but they would have an April meeting as well so they don't have to stretch that out.

3. **Potential Rebates and SDCs** – Nick Green said that Chairperson Keady asked him to go over the SDC process and provide some estimates for the board so they will understand what to expect. Also, provide some options for different ways to cash flow these incentive payments that are in the early years. After he went over that he had one thing he wanted the board to discuss. He then explained that they already had connection fees that are alternately described as fees or charges in Title 13 of the Burns Municipal Code. He put the language from Title 13, Section 15.070 so the board could see what it says. In paragraph 1 it talks about the city's water connections, and in 1G it says water connection fees will be established by a Resolution of the Council. With the sewer connections, it has similar language that allows the city to charge fees for sewer connections as established by a Resolution of the Council. These connection costs are not the same as System Development Charges, but until this point the city has been calling them SDCs when they are in fact Connection Charges. He said this was very important because they were about to adopt an Ordinance that allows the city to charge System Development Charges potentially in addition to these Connection Charges. He said a good way to think about the charges that were already established in Title 13 of the Burns Municipal Code is that these charges are to cover the actual costs for Public Works to install water meters and oversee sewer connections. It is not designed as a System Development Charge to reimburse the city for costs already incurred or to anticipate future expenditures. The fees in the code allow the city to recover the actual cost for connections, installation of meters, and providing meters, so this is more of a time and materials charge.

   Councilor Keady said that made sense based off of reading what the code currently says, but she asked City Manager Judy Erwin if they had fees and charges that were laid out separately in the ordinances they are preparing to pass.

   City Manager Judy Erwin said they did not, they only had the SDCs and the ones they are preparing to pass, and they had discussed removing the fees and charges that are currently in the ordinance.

   Councilor Keady wanted to clarify and make sure she understood it correctly. They wouldn't have verbiage that shows 2 separate things, but they would be removing the verbiage that is currently their and replacing it with the new verbiage of the SDCs.

   City Manager Judy Erwin said that was correct. They would remove what was currently there and replace it with the new SDCs.

   Nick Green said that was certainly an option and they could do that, but if they do, they are being very generous with the city's time and money. Even though they are charging for SDCs, SDCs can only be used for reimbursement of the structure already occurred, which is called a reimbursement fee or to increase capacity. The city's SDC Ordinance will allow them to collect SDC Revenues that can be held in a separate Money Markey Account, separate from the rest of the city's assets. They are also restricted in how they can use these funds. He said another option that he commonly sees in small cities is that they will establish their SDC fees by Ordinance, which is the authority to charge the fee. Then in a separate resolution of the City Council, they will create their fee structure for the SDCs and a separate one for their connection costs. It will allow the city to continue to let Public Works charge for their time and materials to make the connections, but also to collect the SDC fees for future improvements. That would make it closer to recovering the city's full cost for providing services. He then asked the board if the city chooses to elect to charge for both SDCs and connection costs, does the URA intend to reimburse applicants for both SDCs and connection costs.

Councilor Keady said that their verbiage has also been they would reimburse for SDCs, but she felt it may need a little more conversation. She then asked Nick Green if he had any recommendations on what they should do.

City Manager Judy Erwin said the City Council would have to decide how they wanted to go about that.

Nick Green said if the Council elects to charge for both and a developer comes in with some new developments, the developer is actually going to install their own meters and put in most of the infrastructure. The only cost to the Public Works Department would be physically observing the connections as they are made. He said it would be a lot less then if they were providing the meters and actually doing the work to install it. He feels it is very important that the board resolves how they are going to charge for these improvements. He said it is also important that the board adopts a process or Standard Operation Procedures (SOPs) by Resolution, so they can be consistent in whatever they are reimbursing. He also said that the board needs to all understand what they are agreeing to. He then explained that the SDCs were pending adoption by ordinance of the Council and a subsequent Resolution by Council, but the study is recommending this fee schedule and that it take effect on July 1st of this year. He then explained the fee schedule. He said a standard ¾" meter, or standard residential connection would be #4317.00 for the water SDC fee and $2785.00 for the sewer SDC, for a total of $7103.00. This is what the majority of new home construction would pay in SDC fees. He informed them that this was a single-family residential home with one connection. For the larger developments, or the multi-family tier up based of MCE (Meter Capacity Equivalent, this means they look at the anticipated number of customers that can be serviced on those larger meters) a 4" meter can serve the equivalent of 14 single family homes. That combined SDC fee is almost $100,000.00, which is also the largest meter the city has. He gave a calculation of what the SDC fees would look like for the first Phase 1A and Phase 1B of Miller Springs (56 cottage cluster units and 14 single family homes) and what the combined SDCs would be. He said the majority of those would be on ¾" by 5/8" meters. There are also a couple of apartment lots and one Commercial lot for future developments. They are planning on installing the infrastructure for all of that future development, and there will be a total of 69 connections. The city will be looking at a net incentive or payment of SDCS of around $700,000.00. He said since they were installing their own meters, he assumed $500.00 a meter as a cost for Public Works, and that assumption is correct, and they were to implement that they would be looking at around $36,000.00. He said then based on their %7 rebate for new home incentives, the average rebate on the new home construction for those 70 units would be about $21,500.00 per unit for just shy of 1.5 million. He then said if they look at total incentives that the URA Board could be approving over the next couple of years, it1 could be 2.2 million in incentives that would be paid out from the URA. $700,000.00 would go to the City of Burns for their SDCs and the remainder would go to the developer for the new home construction.

Nick Green then proposed a 7-step process. He said they were more than welcome to change it; it was just his recommendation. The first step in the process for SDCs within the Urban Renewal area would be for the City of Burns to review and approve the public improvement plans, which includes all the meters sizes, quantities, and locations where those would be installed within the new subdivision. He informed them that was where the Miller Springs Project was currently. The second step is for the City of Burns to create an estimate for the amount of SDCs that will be due from the developer based on the number of connections. He said for efficiency, what he would recommend is rather than charging the developer, having the developer come to the board, and then the board pay the developer back, he suggests they go straight from the board to the city. He said the URA would review that invoice ensure that it meets their criteria for reimbursement. Then once the developer makes their improvements and steps forward, the city inspects and certifies that those are inspected, which includes Oregon Health Authority signing off on water and DEQ signing off on sewer, that permanent bonds have been established, and things such as that are completed. Then the city would come to the URA with that invoice saying that they are ready for them to remit payment for these connections and that based on the estimate that was reviewed previously, this is the actual invoice based on what the developer put in the ground. So, if they did everything that was originally estimated, which would be the $700,000.00 charge, the URA would then review and approve that charge and process the payment. He said they would essentially get to look at it twice. They would get to see the estimate up front and the actuals once the improvements were made. For this particular example, if the improvements go into construction in July, they are estimating about 3 and a half months to complete construction so these connections would be established, tested, and certified likely by mid-October. Which means they would probably be coming to the URA in November of this year with that final invoice. He informed them they had now until November to figure out their options how they want to do the payment.

4. **Access to money/funding for payouts/rebates** – Nick Green said one option was to create a Line of Credit with a Credit Union of back, which they would basically doing a full faith of credit draw and would pay the Market Rate for that Line of Credit based on the funds that are drawn from the time they are drawn to the time they are repaid. That is one option to cash flow it and then the URA repayment on that Line of Credit would be the tax receipts based on the new assessed value of the underlying land plus the changes in the assessed value of the new buildings and houses that go up. He thinks this is not the best option and probably the most expensive option because the market rate is fairly high.

   The second option is to borrow from the city's Interagency Fund. That would work if the city had a reserve fund with enough money in it to lend. Typically, the city would charge its LGIP rate of return. The interest tends to be better, but the URA will be dealing with sizable sums of money, and he's not sure the city has that kind of finical capacity or the desire to get into interagency money. He wanted to give it as an option but was not recommending it.

   Option 3 was the one he liked and would require essentially a multi-party agreement between Business Oregon, R3, the URA, the City of Burns, and the developer. He likes it because it is complex, but also because it keeps the incentives in line. The city would essentially be borrowing the equivalent of their incentive payments from Business Oregon through a special Public Works Fund Loan, and instead of using that to do incentive payments, which Business Oregon can not fund, instead use that money to pay for the water, sewer, and streets that their loan can fund. Instead of doing a Line of Credit from the Bank, they would do a 30-year loan through Business Oregon for about 2.2 million, those funds would be invested in the infrastructure, and then the grant that they requested on behalf of the city from R3 ($20.000. 00 per unit) could be used to pay the incentives to the developer because it stays General Fund and does not have those restrictions. He said this mechanism would allow the URA to pay it's $700,000.00 SDC invoice upon demand of the city in November. Also, it would allow the URA to pay out the 7% rebates on all the new homes built and their repayment would not be of those incentives, but of the 2.2 million borrowed from Business Oregon. Over a 30-year period it is actually a very reasonable payment and one that could be easily made from the change in assessed value. He said the way that would work is the URA would remit the debt service annually (the cost to service that loan) to the city and then the city would use the URA's funds to then pay the loan. It stretches the payment, it has the lowest interest rate of all the 3 options that were discussed, and it allows the city to realize the benefit of SDCs right up front. Then they can invest those into whatever projects they choose, or they choose to get the interest off those proceeds. It also creates a long amortization schedule for the URA that can be issued within the change of the assessed value of the underlying improvements.

Councilor Keady asked how much the yearly loan payment would be roughly.

Nick Green said probably around $120,000.00 to $150,000.00 depending on the interest rate.

Councilor Keady asked if they would have the full calendar year before the tax assessed values were determined and they would have to pay out any incentives.

Nick Green informed her they would. His recommendation was to pay out incentives in October when they get the new tax bills, so their first incentive payments would not come due until October of 2025 with the majority of them not due until October of 2026. He then informed her this was just based of construction time.

Councilor Keady then asked when they would have to pay their first payment to their Business Oregon fund to repay that loan.

Nick Green said 36 months or when the project is complete, or whichever comes first.

Councilor Keady said they then wouldn't be looking at making a single payment until 2026/2027.

Nick Green said that was correct. If the project remains in construction that long, then they wouldn't be paying on that loan until 2026/2027. He then said he would show them the amount of the revenue that they can expect to receive from the change in the assessed value. That way they can see what their return on investment looks like and how much money they are bringing in to service that debt.

Nick Green then said there was a fourth option that he wanted to throw out there. He said under the ordinance the city is adopting, the city has the option to create an SDC payment agreement or deferral agreement with the URA. This would only work for the $700,000.00 in SDCs and would not apply to the connection if they are charged and reversed because those are costs that would be incurred at the time connections were made and it would not apply to development rebates to the developer because those need to be paid out within the tax year that they did the improvements to the tax roll. He said it was just an additional option to give them a little wiggle room in the early years if they needed it. He then broke it down for them in numbers to kind of put it in perspective. He said that once those Phase 1 A and Phase B homes hit the tax rolls, they are estimating the new assessed value of those structures to be about 11.5 million. It is just over 3 million on single family homes and about 8 million on the ecotage clusters. He said this was a really conservative estimate because he wanted to give them honest numbers, but he believes that mostly likely the assessed value will be higher than $140,00.00 for a single family and $250,000.00 for the multi family. 11.5 million is the likely change in assessed value that will result from this construction and the URA get $17.20 for every $1000.00 in new maximum assessed value. He said what the URA stands to receive annually, at minimum is $197,800.00 in new tax receipts from this development. After the URA pays the 2.2 million in development, it will take roughly 10 years for the URA to service that debt. If they borrow the 2.2 million from Business Oregon on a 30-year loan, the URA will be accruing 3 times more revenue than they need to pay that loan payment. They would actually pay the loan off early, and he said there were no penalties for doing so. If they put every dollar of new tax receipts into the loan payment, they would be paid off in 10 years or less. What this also means for the URA, because they established it for a 30 year period, after that debt has been serviced and the 2.2 million has been paid off, the URA will receive an additional 4.2 million in assessed tax receipts that don't go to help with incentives and don't go to debt service. The URA's net take from this development, Phase 1 A and B, is just over 4 million dollars after they have paid all their expenses.

Councilor Keady asked if Nick Green would email her the slide portfolio. She said she would get it out to everyone so that they can review it.

Nick Green said he would.

OLD BUSINESS

1. **Review and Update of Previous Applications –Dominick's** - Jared Dominick said they had just done a feasibility study with a group out of Bend, Oregon. They came up with a few plans and are now just evaluating what is their best path forward. A lot of their recommendations would have pretty significate costs associated with them. They do have draft plans and are trying to decide what to do based off the information they have now received.

   Teresa Dominick said they basically went through the building and said they would need to build an entire new structure within the existing structure. They were trying to move more towards a historical feel and had hoped to have some leniency because it was a historic building, but they were going right to the letter. They even had concerns about the water, and it was just more than they had expected as far as cost.

   Jared Dominick said their approach was basically to build an engineered wooden frame within the brick building. He said they were just trying to evaluate their options at this point.

   Councilor Keady asked if they had had a chance to speak with Mr. Rogers from the State.

   Jared Dominick said he hadn't.

   Councilor Keady said outside of this meeting she would give them some contact information for him, that way they could see if he had any good information for them.

2. **Previous Discussion – Boundary Amendments** – Councilor Keady said due to the time she was going to table the boundary amendment discussion to a further meeting.

OPEN DISCUSSION

There was no further discussion.

The next meeting will be April 10, 2024, at 5:15 p.m.

ADJOURN

Jerry Woodfin made a motion to adjourn the meeting at 5:58 p.m. Heather Smith seconded the motion. All ayes.