

Committee of the Whole
October 10, 2017

Present: Mayor Pro Tem Allesee, Council Members Gassman, Seeley, McGraw, Odor, Connell and O'Neill, City Administrator, City Attorney, City Clerk, Press and interested citizens. Absent: Mayor Vulich.

1. Whispering Pines Subdivision – Councilmember Ed O'Neill

Councilmember O'Neill stated he was approached by residents of the Whispering Pines Subdivisions who expressed concerns over current and potential future drainage issues.

Mr. Douglas Yegge, 75 Whispering Pines, stated he purchased his home last winter and stated he was concerned about runoff due to the steep lots. Mr. Yegge stated water runs from west to east in the subdivisions and the subdivisions are lacking a storm sewer and a place for water to go. Mr. Yegge stated he wanted to work with the City to resolve the issue, instead of getting into litigation.

Attorney James Bruhn, 131 Whispering Pines, stated he was hired as the attorney for residents of the Whispering Pines Subdivisions. Attorney Bruhn stated he obtained an engineering report from Landmark Engineering Group, Inc. Attorney Bruhn stated Whispering Pines Subdivision No. 3 does not have a provision for storm water and Attorney Bruhn stated additional runoff would become an issue. Attorney Bruhn stated a demand letter to stop development until a storm water plan is in place will be mailed to the City tomorrow.

City Attorney Patrick O'Connell asked Attorney Bruhn if the developer for Whispering Pines Subdivision No. 3 had received correspondence from Attorney Bruhn on this matter. Attorney Bruhn stated the demand letter would be sent tomorrow to the developer. Attorney O'Connell asked Attorney Bruhn if it was Attorney Bruhn's contention that Whispering Pines Subdivisions Nos. 1 and 2 were in compliance with the City Code and that Whispering Pines Subdivision No. 3 was not in compliance with the City Code. Attorney Bruhn stated if Whispering Pines Subdivisions Nos. 1 and 2 were completed today, they would not be approved or in compliance, as the storm water management was inadequate. Attorney Bruhn stated Whispering Pines Subdivision No. 3 would tie into the existing streets. Attorney O'Connell asked Attorney Bruhn if the streets in all of the Whispering Pines Subdivisions were private roads or City streets. Attorney Bruhn stated the streets in the Whispering Pines Subdivisions were City streets. Attorney O'Connell requested that Attorney Bruhn send a copy of any correspondence on this matter to Attorney O'Connell. Attorney Bruhn agreed to comply with this request.

Councilmember McGraw stated she had a coworker who resided on North 10th Street that experienced water damage to her home a number of years ago. Councilmember McGraw stated she understood the concern that if the streets were completed in Whispering Pines Subdivision No. 3, there would be less ground to absorb storm water.

Councilmember Odor stated he received a phone call from a resident in Whispering Pines Subdivision and Councilmember Odor visited the area and some of the homes. Councilmember Odor stated he believed the concerns were valid and that an agreeable solution needed to be reached.

Mayor Pro Tem Allesee and Councilmember O'Neill stated the documents submitted by Attorney Bruhn and Landmark Engineering should be reviewed by Attorney O'Connell, Administrator Brooke and City Engineer Craft.

Councilmember Odor stated the existing streets in the Whispering Pines Subdivisions were not constructed by the City, but rather were constructed by a private contractor, and then after construction, the streets were turned over to the City.

Mayor Pro Tem Allesee, Councilmembers Connell and Seeley stated the staff will review the issue and documentation presented and proceed accordingly. Attorney O'Connell stated he would provide an analysis of what the City could and could not do.

2. Request to Purchase City Owned Property (east of 2405 Prospect Avenue) – Theresa Jones

Mr. Scott Tickler, 2405 Prospect Avenue, stated he and Theresa Jones would like to purchase the lot owned by the City adjacent to the east of their home. Mr. Tickler stated they have been maintaining the lot owned by the City for a number of years.

Administrator Brooke stated a public hearing would need to take place and the Clerk would receive sealed bids. Administrator Brooke stated the process could take forty to forty-five days to complete. Councilmember Seeley inquired if the bids would be open to anyone or just to the adjacent owners. Administrator Brooke confirmed that the bids would be open to anyone. Administrator Brooke stated the current policy for the sale of a buildable lot is to obtain the assessed value or fair market value of the lot. Councilmember O'Neill stated the City can choose to accept a bid that is below the assessed value or fair market value. Administrator Brooke stated the City purchased the lot for \$113,000 in 2003.

M/S, Seeley-Gassman moved to forward a resolution setting a public hearing to the next City Council agenda. On roll call, carried unanimously.

3. Lyons Business & Technology Park (Business Park) Development Agreement – Administrator Matt Brooke

Administrator Brooke stated the Lyons Business & Technology Park Board approached the City to request funding for infrastructure improvements. Administrator Brooke stated projects for the 2018 year would include dirt work east of Mill Creek Parkway, vaults and conduit, and a virtual building. Administrator Brooke stated projects for the 2019 year would include retail site dirt work. Administrator Brooke stated a Development Agreement (amending the prior Development Agreement) was drafted that outlined reimbursement amounts and eligibility for approved projects. Administrator Brooke stated if the entire tax increment financing ("TIF") was used in fiscal year 2019, the valuation would be diverted away from the General Fund, equating to approximately \$89,000.00 less in the General Fund.

Councilmember Seeley stated he serves on the Lyons Business & Technology Park Board and improvements are needed to level the area and provide access.

M/S, Gassman-Seeley moved to forward a resolution setting a public hearing on the Development Agreement to the next City Council agenda. On roll call, carried unanimously.

4. Clinton Catalyst / Ashford Update – Administrator Matt Brooke

Administrator Brooke introduced Brian Clem, Clinton Catalyst member to provide an update. Mr. Clem stated he had a week-long visit from a partner in China who is interested in opening an education facility in Clinton, Iowa. Mr. Clem stated the facility would bring in international students. Mr. Clem stated statistics from other facilities run by the proposed developer indicate that roughly one-third of the students' families invest monies into the town their child is attending school. Mr. Clem stated since becoming the owner in December 2015, Clinton Catalyst has been searching for the best owner and best use of the old Ashford campus. Mr. Clem stated Governor Reynolds suggested exploring the possibility of partnering with China. Mr. Clem further stated that the developer interested in the Clinton property has education facilities in other countries and that the developer needs financial assistance in order to complete the transaction. Mr. Clem stated Clinton's proximity to the Mississippi and to the Chicago airport, make Clinton a prime candidate for an international school.

Administrator Brooke stated a 15A Grant, with a Development Agreement, is being proposed and has been provided to Clinton Catalyst for review. Administrator Brooke stated the grant funds would be provided by the taxes paid by the developer and not from money from the City. Administrator Brooke stated the amount of money provided to the developer through the 15A Grant would be contingent upon the number of employees and the number of students at the facility. Councilmember Seeley asked for clarification on the 15A Grant. Administrator Brooke stated the Grant is incentive based and rewards the developer based on performance.

Councilmember O'Neill inquired if the students would also attend Clinton High School and pay tuition to the Clinton School District. Administrator Brooke answered in the affirmative. Councilmember O'Neill voiced his support and stated the students could offset losses incurred in the school district due to open enrollment and would provide a valuable cultural exchange. Administrator Brooke stated the East Central Intergovernmental Association (ECIA) would provide a report on the potential far-reaching economic effects if the facility were to open in Clinton.

Mr. Clem stated he believes the numbers outlined in the agreement are achievable and that there is the potential to generate additional funding for the Clinton School District. Mr. Clem stated there would be a partnership between the facility and the Clinton School District to interchangeably use each other's facilities. Mayor Pro Tem Allesee inquired if the students would be residents. Mr. Clem stated the students would reside at the dorms and pay out-of-state tuition.

Councilmember Connell stated timing was of the essence as the developer was recently here and will be deciding where to locate a new facility. Mr. Clem stated a decision should be made by the developer in mid-November. Councilmember Seeley expressed his appreciation for all the work that has been done.

M/S, Connell-Gassman moved to forward a resolution setting a public hearing on the 15A Grant and Development Agreement to the next City Council agenda. On roll call, carried unanimously.

5. Sewer Use Ordinance – Water Pollution Control Superintendent Bob Milroy

Water Pollution Control Superintendent Milroy stated after a recent Environmental Protection Agency ("EPA") audit, it was noted that the City's Sewer Use Ordinance should be evaluated to ensure it was in compliance with the 2005 streamlining rules. Water Pollution Control

Superintendent Milroy stated HDR went through the Sewer Use Ordinance and identified changes that needed to be made in order to be compliant with the new streamlining rules.

M/S, O'Neill-Connell moved to forward the Sewer Use Ordinance to the next Council agenda for its first reading. On roll call, carried unanimously.

6. Ordinance Updates – Scrivener's Errors – City Clerk Lisa Frederick

City Clerk Frederick stated in proceeding with the most recent Code update with American Legal Publishing, it was noted that there were several scrivener's errors present in the most recent ordinances submitted to American Legal Publishing. Attorney O'Connell stated these errors were solely scrivener's errors and correcting them would not change the context or material of the ordinances. Attorney O'Connell suggested that these scrivener's errors be corrected by one ordinance, as presented. City Clerk Frederick requested expedited readings, as American Legal Publishing has indicated they will only delay publishing the most recent ordinances submitted by a few weeks.

M/S, Seeley-Odor moved to forward the Ordinance Correcting Scriveners Errors in City Code to the next Council agenda. On roll call, carried unanimously.

7. Mayor and Council Updates

Councilmember Odor expressed enthusiasm over upcoming adoptions of his son and daughter. Administrator Brooke stated Mayor Vulich was unable to attend the meetings due to a meeting in Des Moines with the Iowa Economic Development Authority.

M/S, Gassman-Connell moved to adjourn. All in favor.

Respectfully Submitted,

Lisa M. Frederick
City Clerk