

## Committee of the Whole

April 14, 2015

Present: Mayor Vulich, Council Members McGraw, Rowland, Gassman, Determann, O'Neill, Allesee, City Attorney, City Clerk, Press and interested citizens. Councilmember Wilke & City Administrator Kinser – absent.

1. Railpark Sales Update – John Frey/Jessica Kinser

Mr. John Frey, Special Counsel for Railpark Matters, advised the Council that the portion of sales from the Railpark has not been distributed to the County. He stated that the plants are built and companies are up and running. He continued in stating that we are at a place where we can distribute the funds. He further stated that 10% could be retained until we finalize. He proceeded to state that he did not know how long it would take to finalize matters. There are a couple of easements, a small amount of construction damage and some additional legal bills to address. He advised the Council that \$674,588 is being proposed to go to the County now plus a small amount of interest. Mayor Vulich inquired regarding whether the City could deduct the interest. Mr. Frey stated that he did not think so since it is interest on the County's money. Councilmember Rowland inquired regarding whether the terms of the Joint Track Agreement would be finalized. Mr. Frey stated that the Joint Track Agreement would be finalized and there would be money collected to take care of future issues. Councilmember O'Neill inquired regarding how much is in reserve. Mr. Frey stated that there is \$180,000 in reserve. Councilmember Determann inquired regarding a timeline to get this done or could the track be shut down. Mr. Frey stated that he recommended filing an action if a good faith agreement is not reached. He continued in stating that a court opinion could be sought; however, he did not think that the track could be shut down. Councilmember Determann inquired regarding whether this involves the Union Pacific Railroad (UPR). Mr. Frey stated that the Joint Track Agreement must be agreeable to the UPR and the City. He further stated that the UPR is likely to be supportive of the City. He proceeded to state that he would be getting ahold of the County Attorney.

2. Referrals from the Planning Commission:

a. Final Plat (revised): Lyons Business and Tech Park Second Addition - Jacob Coupee

Planning Intern Jacob Coupee advised the Council that this item is a recommendation from the Planning Commission. He stated that this is the final plat of the Lyons Business and Tech Park. He further stated that there were some issues to amend regarding zoning.

M/S, Determann-Rowland moved to forward Final Plat of the Lyons Business and Tech Park Second Addition to the next Council agenda. On roll call, carried unanimously.

b. Final Plat: Whispering Pines Third Addition – Jacob Coupee

Planning Intern Coupee advised the Council that this is the third installment of the subdivision which involves the addition of a few more lots which is in compliance with the Comprehensive Plan.

Mayor Vulich inquired regarding when construction would begin. Mr. Lee Bianchi stated that the Urban Renewal process would take until the end of May and then construction would begin.

M/S, Determann-O'Neill moved to forward the final plat for Whispering Pines Third Addition to the next Council agenda. On roll call, carried unanimously.

3. Sewer/Solid Waste Penalty Forgiveness Program Update – Anita Dalton

City Finance Director Anita Dalton advised the Council that her office saw an increase in payment plans by 48% with 192 total. 91 people came in to start a payment plan during the penalty forgiveness period. She stated that the penalties would not be written off until the plan is completed. She continued in stating that 84 individuals paid off their bills. The total balance with the penalties was \$128,081.18. The amount of the penalties which were waived was \$20,683.04 with a total cash received of \$107,398.14.

She summarized that 175 customers took advantage of the Penalty Forgiveness Program, the total balance including principal and penalty for customers who signed a payment plan and those who paid off their balance with the penalty forgiveness incentive \$322,918.21, and the total penalties waived \$54,872.75. The total outstanding sewer and solid waste accounts receivable balance as of December 31, 2014 excluding commercial accounts was \$3,423,628.14, so 11% of the accounts receivable balance was affected by this incentive.

Mayor Vulich inquired regarding how many accounts would be sent to the collection agency. Director Dalton stated that the first 99 accounts will be sent to the collection agency. She further stated that the software vendor has worked with the City to make it easier to identify delinquent accounts.

4. FY15 Audit Proposals - Anita Dalton

Finance Director Dalton advised the Council that she received a quote from the State of Iowa for \$55,000 which includes out-of-pocket charges. She stated that they obtained information from McGladrey regarding the hours. Councilmember O'Neill stated that the bid is cheaper. He continued in stating that he is in favor of the state performing the audit.

M/S, O'Neill-Determann moved to forward a resolution for a FY15 state audit to the next City Council meeting. On roll call, McGraw, Rowland, Determann, O'Neill, Allesee - Yes; Gassman – Recuse. Motion carried.

5. Mayor & Council Member Updates

Mayor Vulich stated that he had attended the monthly DOT meeting in Davenport where the request for an environmental study for Highway 30 from DeWitt to Lisbon was presented. He continued in stating that there was a good turn out and it was well received.

Councilmember O'Neill stated that he would hold a public forum on Saturday at the Ericksen Center from 9:30 AM to 11:30 AM.

Councilmember Determann stated that he attended an open house at the Sawmill Museum for the Lumber Baron Exhibit.

M/S, O'Neill-Gassman moved to adjourn. All in favor.

Respectfully Submitted

Pat Van Loo  
City Clerk