

Committee of the Whole (Revised)
August 25, 2015

Present: Mayor Mark S. Vulich, Council Members McGraw, Rowland, Gassman, Determann, Wilke, O'Neill and Allesee, City Administrator, City Attorney, City Clerk, Press and interested citizens.

1. Discussion of Broker Interviews- Mayor Vulich

Mayor Vulich advised the public that on August 5, 2015 the City Council and CRDC met to listen to four broker proposals for the Lincolnway Industrial Rail and Air Park. Councilmember Determann stated that all four brokers had said that the Railpark is not marketable as is and moved that the discussion be tabled until the Railpark is certified. Second by Councilmember McGraw. On roll call, McGraw, Determann, Allesee – Yes; Rowland, Gassman, Wilke, O'Neill – No. Motion failed.

Councilmember O'Neill thanked the brokers who presented on August 5th. He stated that the City needs to get the property marketed and sold. He continued in stating that it makes sense to put the property in the hands of a broker who will market it every day and not charge until they produce someone to purchase the property.

M/S, O'Neill-Gassman moved to move forward to the agenda of the next regular City Council meeting on September 8th, a resolution for the Clinton City Council to hire NAI Ruhl Commercial Real Estate, represented by Charlie Armstrong (sior) and Ray Oczak (sior); as the commercial broker for the Clinton Industrial Railpark. On roll call, Rowland, Gassman, Wilke, O'Neill – Yes; McGraw, Determann, Allesee – No. Motion carried.

In discussion before roll call, Councilmember Rowland stated that he had enjoyed listening to all of the broker; however, certification is not the be all and end all. He continued in stating that it is disconcerting that there has not been a broker since inception. Councilmember Determann inquired regarding NAI Ruhl's terms. Councilmember O'Neill stated that there would be no up-front costs at all and if someone else brings in a buyer NAI Ruhl will give the City a 2% commission break. Mayor Vulich inquired regarding whether the Council wanted NAI Ruhl to represent the City property only and the CRDC would obtain their own broker. City Attorney Patrick O'Connell stated that the property is owned by two owners. Councilmember O'Neill stated that he hoped the CRDC would join with the City. City Attorney O'Connell stated that all the City could do is approve the broker the City wants and if the CRDC approved the same, go with them; however, if the CRDC does not choose the same broker, the City could broker its own land or go back into discussions with the CRDC.

2. Library Update- Brad Wiles

Library Director Brad Wiles provided the Council with a one-year Library update. He stated that the part-time custodian position transitioned to full-time. The IT person is shared with other City Departments and in re-thinking the paid staff, the Library is right-sized for what we need. He continued in stating that the Library is structured toward sustainability. There was an updated strategic plan, policy review and long-term funding plan. He further stated that the Lyons Library has been re-opened and re-purposed for genealogy research, job fairs and meetings and is opened three days a week. Director Wiles invited everyone to the Clinton Book Festival on Saturday, August 29th from 9:00 AM to 5:00 PM.

3. Update on Signalization at 13th Avenue North/North 14th Street- Jessica Kinser

City Administrator Jessica Kinser advised the Council that the motion was made to request that the School District participate in the funding of Signalization at 13th Avenue North/North 14th Street; however, they said no. She stated that this is a project which should be done and could be funded with RUT funds. Councilmember Rowland stated that it is time to go ahead with the project. The City must provide safety for the students. He continued in stating that building schools is a common practice and there should be a blueprint for what is needed at each school site.

Councilmember O'Neill stated that he has been opposed to this from the beginning; however, he agreed that it is for the safety of the students. He continued in stating that he hoped this is the end of things the City is responsible for since the City is not in the position to subsidize another taxing body's budget. City Engineer Jason Craft stated that his department would design a signal and it will be much safer for the students. Councilmember McGraw stated that when the school was started everyone met; however, everyone only remembered the sewer problems with the City.

M/S, Gassman-Rowland moved to forward the Signalization at 13th Avenue North/North 14th Street to the next City Council agenda. On roll call, carried unanimously.

4. Disposal of the Trolley- Dennis Hart

Transit & Fleet Superintendent Dennis Hart advised the Council that he wanted to make sure that he has the directive from the Council to sell the trolley. Councilmember Allesee stated that she would not want to do that. She continued in stating that the City had the right of first refusal in the RFP if the trolley would not be operated in the City of Clinton. Superintendent Hart stated that the first right of refusal was so someone would not turn around and re-sell the trolley. Councilmember Allesee stated that she would like to see the City keep it. Superintendent Hart stated that the City could own it; however, the MTA cannot. Mayor Vulich stated that the City would need to take it somewhere else to be worked on. He further stated that if some groups came together they may be able to find a place to keep it. Library Director Brad Wiles stated that he is on the Board of the CVB and would bring this up at the next meeting. Councilmember Allesee inquired regarding the value of the trolley. Superintendent Hart stated between \$40,000 and \$50,000. City Administrator Kinser stated that if the CVB does not want it, the City must create a separate function in the City to run it. She continued in stating that it is best if it is operated by a group in Clinton and the City is not the owner. Mayor Vulich suggested the City put forth one last effort to see if a Clinton group wants it.

M/S, O'Neill-Allesee moved to rescind the resolution to sell the trolley. On roll call, carried unanimously.

5. Draft Jordan Hills Development Agreement – Mayor Vulich

Mayor Vulich reviewed the terms of the negotiating process. He stated that the Jordan Hills Agreement is an unusual agreement. Councilmember O'Neill stated that the City must obtain more information from Ahlers and Cooney. He continued in stating that the agreement is the culmination of Ahlers and Cooney's experience in protecting cities. He further stated that they have all of the experience and the Council does not have the last piece of the puzzle. We must realize that what is being presented is for our own protection. Mayor Vulich stated that this has been at a stalemate for four months and has cost \$4,000 in legal fees. Councilmember Allesee inquired regarding whether anyone else in the City has had an agreement drawn up by Ahlers and Cooney. City Administrator Kinser stated that Lee Bianchi has one for Whispering Pines and the most recent prior to that is Dan Dolan. She continued in stating that the default

remedies are designed to protect the City. Councilmember Determann stated that he has a severe problem with the agreement. The City of DeWitt's agreement is six pages and the Jordan Hills agreement is 38 pages. He continued in stating that the City needs to encourage development. He further stated that Mr. Lawrence put money upfront and the City is not being welcoming to him. City Administrator Kinser stated that she agreed; however, the City cannot give up things that protect the City. The City has given a lot to Mr. Lawrence and should not give up anything else; but rather, come up with the number of units that can be developed. Councilmember O'Neill stated that the City should not put itself out there at the whim of the housing market. City Attorney O'Connell stated that Ahlers and Cooney should provide the Council with a confidential memo regarding the reason for the restrictions.

6. Mayor & Council Member Updates

No updates were offered

Respectfully Submitted,

Pat Van Loo
City Clerk