

Committee of the Whole
October 13, 2015

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

1. Revised Broker Agreement for Railpark – Patrick O'Connell

City Attorney Patrick O'Connell advised the Council that there have been ongoing discussions between the City and the CRDC and it is reasonable to think that an agreement will be reached; however, the CRDC will not vote until October 28th. He stated that the current agreement is acceptable to the broker and could be moved forward to a specific meeting in November; however, the Council does not have to make a decision tonight.

Mr. John Frey, Attorney for the CRDC, advised the Council that it may be helpful to reflect on the CRDC's relationship with the City and cooperating with each other for the creation of jobs. He stated that it is the duty of the CRDC and City to continue the dialogue until a goal is reached. He continued in stating that the agreement before the Council contains provisions not in the original. We all agree that we want the broker to find contacts; however, the CRDC does not want to pay commission for something they could have done themselves. He continued in stating that they also do not want prospects disclosed which the broker recognizes and agrees with. He further stated that the right to re-purchase has been added, the price per acre has been changed to fair market value, there are provisions regarding a qualified buyer and an escape clause has been added. Councilmember Determann stated that "a reasonable period of time" is too vague in #13, the first right of refusal should be included and the 6% commission should be reduced. Mr. Frey stated that a specific time will be written into the final right to re-purchase language, the first right of refusal would be looked into and discussion did take place regarding the 6% commission. He continued in stating that a normal commission is 8% which the broker has already lowered to 6% and 50% of that if the land is sold to a prospect by others. It is the perspective of the CRDC not to cut the commission so low that the broker does not want to work for us.

Councilmember O'Neill stated that he has concerns regarding language which makes it sound like anyone purchasing or leasing property must use the Union Pacific Rail Road. He continued in stating that it should be mandatory that the Railpark be listed on the Quad Cities MLS.

Mr. Mike Kirchhoff, CRDC President, advised the Council that the CRDC Board meets on October 28th and requested that this item be continued on to the November 10th Committee of the Whole which gives the CRDC Board time to vote and the City Attorney the opportunity to continue discussions.

Councilmember O'Neill inquired regarding the 13 exclusions Mr. Kirchhoff referred to in an email and letter sent to the Council. Mr. Kirchhoff stated that the CRDC's primary interest is that one of the 13 may be reasonably close which would result in a \$90,000 commission. He continued in stating that the CRDC would want that money to benefit the City and not the broker.

M/S, Rowland-Gassman moved to place the Revised Broker Agreement for Railpark on the November 10, 2015 City Council meeting agenda for approval. On roll call, carried unanimously.

2. Jordan Hills and Whispering Pines Development Agreements – Jessica Kinser

City Administrator Jessica Kinser stated that she and Jason Comisky, with Ahlers and Cooney, met with Sean Lawrence and his attorney to discuss the development agreement. She continued in stating that she had a similar conversation with Lee Bianchi. Sean Lawrence will go with a minimum improvements of 6 units and 11.2(e) will be removed relating to the City's taking action

against the developer. She further stated that Bianchi agreed with minimum improvements of 3 units and removal of the same language. She proceeded to state that if this is acceptable she was requesting a motion to move forward with the public hearing to be set at the October 27th City Council meeting and would provide the changes to Ahlers and Cooney for the November 10, 2015 public hearing.

M/S, Determann-Rowland moved to forward the Jordan Hills and Whispering Pines Development Agreements to the next City Council agenda. On roll call, carried unanimously.

3. Planning Commission Referrals:

a. Rezoning of 240 North Bluff Blvd

Planning Intern Jacob Couppee advised the Council that the Planning Commission has recommended a rezoning of land owned by Dan Dolan off of Glenwood Place for a planned multi-family residential development. He provided a map of the property and stated that the request is to rezone property which is now zoned R-1B to R-4 and C-1 to R-4. He continued in stating that the owner of the property would like to construct apartments on the land.

M/S, Determann-Rowland moved to forward the rezoning of 240 North Bluff Boulevard to the next City Council agenda. On roll call, carried unanimously. On roll call, carried unanimously.

b. Easement at 902-904 Roosevelt Street.

Planning Intern Couppee advised the Council that the Planning Commission has recommended the Council consider an easement across City property for 1st Gateway Credit Union to provide access to 907 2nd Street. He stated that the land is currently being used for overflow at the Marina which will not change. City Administrator Kinser stated that the appraisal is not complete; however, she would have that information by the October 27th meeting.

M/S, Rowland-O'Neill moved to forward setting the public hearing for the easement at 902-904 Roosevelt Street to the next City Council agenda. On roll call, carried unanimously.

4. Property Purchase on Liberty Square – Jessica Kinser

City Administrator Kinser advised the Council that the DOT had 10 offers out to original owners and this is the first one back. It is up to the City to purchase this parcel for \$7,200 or it will go up for sale. She stated that the City has unspent bond proceeds available for the purchase. Mayor Vulich stated that direct access to Highway 30 is prohibited. He inquired regarding access to the parcel. Administrator Kinser stated that access through alleys is possible.

Councilmember O'Neill stated that it is imperative that redevelopment of Liberty Square is most important. He continued in stating that anything offered should be purchased. The City would not want someone else to come in and purchase a crucial piece of land that we need. He suggested that the City Administrator have automatic permission to purchase the parcels. Councilmember Allesee stated that the Council needs to take time to review Liberty Square. Councilmember Rowland requested an updated memo regarding the number City-owned properties and the number of properties the City will need to purchase.

M/S, Gassman-Rowland moved to forward the property purchase on Liberty Square to the next City Council meeting agenda. On roll call, carried unanimously.

5. November 3rd Committee of the Whole Meeting – Mayor Vulich

Mayor Vulich requested canceling the Committee of the Whole meeting on November 3, 2015 due to it being Election Day. Councilmember Determann inquired regarding any foreseeable

problems. City Administrator Kinser stated that she does not foresee any difficulties with cancelling the November 3rd Committee of the Whole meeting.

M/S, Determann-Wilke moved to forward a resolution canceling the November 3rd Committee of the Whole meeting to the next City Council meeting agenda. On roll call, carried unanimously.

6. Urban Revitalization Plan Update – Jessica Kinser

City Administrator Kinser recommended that the City not make any changes to the existing general, city-wide 3 year/50 percent abatement schedule. She stated that it is recommended that the new 5 year/100% schedule be made available to property assessed as either multi-residential or commercial, so long as the property consists of three or more separate living quarters with at least seventy-five percent of the space used for residential purposes. She continued in stating that it is recommended that the reference to the enterprise zones be removed and the Central Business District and the Lyons Business and Tech Park stay urban revitalization areas with a maximum abatement of 100% for three years and add Manufacturing Meadows to the Urban Revitalization Plan with a 3 year, 100% abatement. She further stated the paragraph should be amended to remove the references to the Enterprise Zones and set a new sunset date for the CURP or leave it open-ended with no sunset date absent action from the City Council. She proceeded to state that language be added to clarify that any newly annexed property will automatically be covered by the City-wide components of the Plan/Ordinance without need for further amendment.

City Administrator Kinser state that Under Iowa Code 404.1, the City can identify areas in which there are historic homes or buildings that need to be preserved or restored for continued use. Within these designated areas, property assessed as residential or multi-residential can have an abatement schedule of up to 10 years and up to 100 percent which involves working with the Historic Preservation Commission to identify residential or multi-residential properties.

M/S, Allesee-O'Neill moved that the City Administrator move forward with the suggested changes, confirm legal descriptions with the attorney and bring the Urban Revitalization Plan back to the Council when completed. On roll call, carried unanimously.

7. Mayor & Council Member Updates

Councilmember Determann stated that he had toured the jail and encouraged all others to do so.

Councilmember O'Neill stated that he would hold his public forum on Saturday, October 17th at the Ericksen Center from 9:30 AM to 11:30 AM.

M/S, Determann-Wilke moved to adjourn. All in favor.

Respectfully Submitted,

Pat Van Loo
City Clerk