

MINUTES
LAWTON ECONOMIC DEVELOPMENT AUTHORITY
MAYORS CONFERENCE ROOM
NEW CITY HALL
FEBRUARY 20, 2014, AT 2:00 P.M.

Fred Fitch, Chairman, called the meeting to order at 2:00 p.m. in the New City Hall. Meeting notice and agenda were posted on the City Hall bulletin board as required by State Law.

ROLL CALL:

PRESENT: David Denham; Fred Fitch; Keith Jackson; David Madigan (entered late); Ron Nance; Larry Neal; Ernest Sheppard (entered late); Doug Wells.

ABSENT: David Means.

OTHERS PRESENT: Frank Jensen, City Attorney's Office; Rogalski, Richard, Planning Department; Denise Ezell, City Clerk's Office.

INTRODUCTION OF GUESTS

Fitch stated Kim McConnell is sitting in today for Steve Robinson. We have Kristen Duggins from Financial Services and the new Finance Director Brooks Mitchell.

BUSINESS ITEMS

1. Consider approving minutes of January 16, 2014.

Motion by Wells, Second by Denham, to approve the minutes of January 16, 2014 as written. **Aye:** Fitch; Jackson; Nance; Neal; Wells; Denham. **Nay:** None. **Motion Passed.**

2. Consider approving invoices, requisitions, and all other submitted materials for payment and take action as deemed necessary.

Fitch stated we have no invoices or requisition for payment today.

3. Receive Financial Report and take action as deemed necessary.

Fitch stated we don't have a financial report available. We have informed Furrh that we will no longer need her services. We had not renewed her contract and since we have a new Finance Director we will be moving the financials in-house. We are in the process of getting LEDA's documents from Furrh. We did receive a year end but there were several in between we have not received. In the future Duggins will be giving the financials.

4. Report on Lawton Town Center project activities, issues and programs including discussion and possible action on implementation and coordination.

Fitch stated Collett was in town on Tuesday with another prospective retailer. Kohl's is stocked and ready to ring up sales. They are scheduled to open on the 2nd of March and the

hotel/conference center is scheduled for the 17th. Dick's, Joann's, Ulta, Petco, and Bed Bath & Beyond are scheduled by the 15th of April. The Dick's sign went up yesterday. It is really taking shape. They are laying sod and placing the bricks at the intersection of 2nd & Columbia. They cut the electrical line for the sprinkler system and they will be running a new line. They are about to tie into 2nd Street at Columbia and Bell so we didn't want them covering it up if we had to run new lines. The north parcel is getting close and projected to open around the 15th of May. Fifty (50) percent of the 48,000 square feet is leased. They feel confident it will be full by the 15th of June. The south parcel will open about 30 days later. They hope to close on the north end by September or October. We are excited about that. Everything is going good. The first function at the hotel will be the Starlight Banquet on the 29th of March. Do you have any questions?

Jackson asked is there going to be a grand opening.

Fitch stated Kohl's will have a soft opening on the 2nd and their grand on the 9th. In June we will have a major grand opening for the whole project. I think we need one so we can stop and get our breath, smell the roses and thank people.

5. Discussion, consideration, and possible action for designation with respect to the financial accounting and reporting for LEDA.

Fitch stated for those of you that just walked in we are not going to renew our contract with Kimberly Furrh. It has expired and since we have a new Finance Director the financials will come in-house. This will save us money and hopefully the financials will be presented on time. There are financials for last year that we have not seen.

6. Consider a resolution granting certain public utility easements and right-of-way on LEDA owned property within the Lawton Town Center Development.

Rogalski stated it is time to do the permanent utility easements for the project. The utilities are in but Council has to accept the easements. Kohl's wanted to vacate the temporary easement. After LURA acquired the property the city vacated the streets and alleys. Now it is time to accept the permanent easement because we no longer need the temporary ones. Most of the easements are coming from the developer. There is one parcel that LEDA still owns and there is a sewer line that runs in the middle of the parcel. On the south parcel there is a fire hydrant easement. Those two (2) easements need to be dedicated as part of this. Initially the idea was to close half of Ferris and all of Railroad Street. Later we found that we needed to keep them open to the public. So Ferris and Railroad will be a public street. The Traffic Commission is looking into making 2nd Street as a no truck street to keep the semi's off the decorative pavement and leaving those open will make it an easier route for the trucks.

Sheppard asked why do you need to keep Railroad a public street.

Rogalski stated it is unclear as to who would own it if it were vacated. There is a sliver that is part of the North Addition that has been vacated. The way the city vacates a right-of-way it goes back to the property owner because generally they are the ones that have granted it. There is no evidence on Railroad Street where it should go and there were streets that dead end into it. It actually works better as a public street for truck traffic. Trucks coming off I-44 can make a left turn to serve the project from the rear by going down Railroad as opposed to Columbia.

Sheppard stated they could come in on Gore.

Rogalski stated they could.

Sheppard stated we looked at closing Ferris as an inducement for the developer to continue developing. If you reopen Ferris that makes it somewhat difficult to do. Plus there is no incentive for the property owner to the north to transition.

Rogalski stated this doesn't harm the development. Their plan shows the street going through. This will be a truck route for the service in the rear. Railroad dead ends at the north with no ability turn around. This will benefit the developer because the city will maintain the street. We have a section of non-public street sitting between two (2) public streets. Either they both have to be built as cul-de-sacs or we connect the dots. It is easier to connect the dots.

Motion by Wells, Second by Neal, to approve Resolution 14-2 granting certain public utility easements and right-of-way on LEDA owned property within the Lawton Town Center Development. **Aye:** Jackson; Madigan; Nance; Neal; Sheppard; Wells; Denham; Fitch. **Nay:** None. **Motion Passed.**

7. Consideration and possible approval of Claim for Actual Reasonable Moving and Related Expenses of Jefferson Funeral Home in the total amount of \$5,030.10 for three months of storage (9-21-2013 through 12-21-2013).

Rogalski stated LEDA has paid these expenses before. After these three months I believe LEDA will be responsible for one (1) more month.

Madigan stated to clarify we have one (1) month left to pay.

Rogalski stated I believe he had twelve (12) months of eligibility and he has one (1) month of eligibility left.

Neal stated we need to put Richard Allen on notice that we won't be responsible for the expenses after this month.

Rogalski stated if LEDA chooses they could continue to pay. We have heard there is some movement towards relocation.

Neal asked will we be responsible for the relocation and the remodeling of the new location.

Fitch stated we are responsible for moving from the storage to new location but not remodeling.

Sheppard stated that is not the way that LURA does it. You are responsible for the improvements.

Rogalski stated for reasonable expenses. Pinnacle is working on a presentation to see what you feel is reasonable.

Wells asked are there time limits.

Sheppard stated there is a time limit but I'm not certain what it is.

Neal stated we need to do some research because they are getting more serious.

Sheppard stated Aaron from Pinnacle can answer those questions. We can consult with him.

Rogalski stated he should have better information by the next time you meet. We could have him come and give you a presentation.

Sheppard stated he can probably do it by email.

Motion by Madigan, **Second** by Denham, to approve a claim for actual reasonable moving and related expenses of Jefferson Funeral Home in the total amount of \$5,030.10 for three months of storage (9-21-2013 through 12-21-2013). **Aye:** Madigan; Nance; Neal; Sheppard; Wells; Denham; Fitch; Jackson. **Nay:** None. **Motion Passed.**

8. Consider approving retainer agreement for professional and legal services between LEDA and the Center for Economic Development Law.

Fitch stated we have three (3) retainer agreements that need to be approved. Batchelor is ongoing and Johnson and Mackey are as needed.

Wells stated it didn't appear there were any changes in the amounts.

Motion by Wells, Second by Nance, to approve a retainer agreement for professional and legal services between LEDA and the Center for Economic Development Law. **Aye:** Nance; Neal; Sheppard; Wells; Denham; Fitch; Jackson; Madigan. **Nay:** None. **Motion Passed.**

9. Consider approving retainer agreement for professional services between LEDA and Mackey Law Firm.

Motion by Wells, Second by Neal, to approve a retainer agreement for professional and legal services between LEDA and the Mackey Law Firm. **Aye:** Nance; Neal; Sheppard; Wells; Denham; Fitch; Jackson; Madigan. **Nay:** None. **Motion Passed.**

10. Consider approving retainer agreement for professional services between LEDA and Mike Johnson.

Motion by Denham, Second by Nance, to approve a retainer agreement for professional and legal services between LEDA and Mike Johnson. **Aye:** Neal; Sheppard; Wells; Denham; Fitch; Jackson; Madigan; Nance. **Nay:** None. **Motion Passed.**

EXECUTIVE SESSION

1. Pursuant to Section 307B3 and C10, Title 25, Oklahoma Statutes, consider convening in executive session for the purposes of conferring on matters pertaining to economic development, including the purchase/transfer of property, incentive proposals, redevelopment rights, and financing in connection with the Lawton Downtown Redevelopment Project, and take appropriate action in open session as necessary.

DISCUSSION ITEMS AND REPORTS

Rogalski stated I toured the creamery building which is on the D & D list. The owner has done a lot of work in the building and has some good ideas for revitalizing the area. I also want to mention that on the parcel where Coke was you now own a water well. There has been a lot of discussion from Parks & Recreation of using the water for a water feature in Elmer Thomas Park. Before the property changes hands we need to make certain we hold on to the water rights. There is some work that needs to be done.

Sheppard asked how deep is the well.

Rogalski stated we don't know but there is talk of 100 to 170'. There is evidence in the records it was a very substantial well.

Fitch stated Coke use to use it and it is very clean water.

Jackson stated I would ask Council to order an engineer into looking at all the other wells throughout the city since we are having water issues. There are suppose to be at least 6 others.

Fitch stated with this one we could irrigate the project and charge the developer or water trees at Elmer Thomas Park.

Wells asked is there enough flow to keep the lake full.

Rogalski stated yes. It would easily keep the lake full.

Sheppard stated you can drill a well for \$20 a foot and that is cased out. Do you have the water rights?

Rogalski stated I'm not sure. To do a new well is harder than to preserve an existing one.

Sheppard stated it may not be worth trying to maintain. It may be easier to drill a new one. Most will not re-bore an existing hole or re-case it.

ADJOURNMENT

There being no further business meeting adjourned at 2:32.

Motion by Wells, Second by Denham, to adjourn. **Aye:** Sheppard; Wells; Denham; Fitch; Jackson; Madigan; Nance; Neal. **Nay:** None. **Motion Passed.**