

MINUTES
LAWTON ECONOMIC DEVELOPMENT AUTHORITY
MAYORS CONFERENCE ROOM
NEW CITY HALL
NOVEMBER 17, 2016, AT 2:00 P.M.

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

ROLL CALL:

PRESENT: Denham, David; Fitch, Fred; Madigan, David; Nance, Ron; Neal, Larry; Sheppard, Ernie.

ABSENT: Jackson, Keith; Means, David; Wells, Doug

OTHERS PRESENT: Jerry Ihler, City Manager; Richard Rogalski, Planning Director; Frank Jensen, City Attorney's Office; JI Johnson and Scott Powers, Finance; Denise Ezell, City Clerk's Office.

INTRODUCTION OF GUESTS

Fitch stated there are no guests today.

BUSINESS ITEMS

1. Consider approving the minutes of September 22, 2016 and October 4, 2016.

Motion by Nance, **Second** by Denham, to approve the minutes of September 22 and October 4, 2016. **Aye:** Fitch; Madigan; Nance; Neal; Sheppard; 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 I have signed 2 documents. One was for the Batchelor expenses and one for the deed for the Mattress Firm.

Motion by Denham, **Second** by Madigan, to approve invoices, requisitions and all other submitted materials for payment. **Aye:** Madigan; Nance; Neal; Sheppard; Denham; Fitch. **Nay:** None. **Motion Passed.**

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

Powers stated September and October reports are together. If you want to see them individually they are on the back. For September and October we received July and October reports. Hotel sales tax was \$13,313.13, sales and use tax \$53,272.38, construction sales tax \$37,917.91, property tax 31,498.00 and interest \$209.62. The reason you see the construction sales tax is Susan did an audit of 2014 and found the City had not paid LEDA the \$37,917.91. At the bottom of the page you have advertising and promotion of \$420, interest expense

\$223,310.12, mowing and debris removal of \$1,100, bank services of \$40 and professional fees of \$2,046 for a net income of \$(90,705.08). At the top of the next page the total checking and savings is \$1,049,111.56. We are waiting to receive the August hotel tax and sales tax. Under long term liabilities is the BancFirst note with the principal setting at \$27,205.709.78.

Motion by Neal, **Second** by Sheppard, to accept the treasurer's report. **Aye:** Madigan; Nance; Neal; Sheppard; Denham; Fitch. **Nay:** None. **Motion Passed.**

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

Rogalski stated Collett has sold property to Mattress Firm which should close tomorrow.

Denham asked is this the same company that is on 82nd Street.

Rogalski stated yes. We have heard there is more for 2nd Street but this is the only thing we have plans on.

Denham asked where will they be located.

Rogalski stated the parcel just north of Charming Charlie's.

Sheppard asked will they be constructing a building.

Rogalski stated yes. The design went to LURA and will be very similar to the existing properties.

Denham asked are the positives coming from Collett, Retail Coach or are they working together.

Rogalski stated I wouldn't say they are working together. They are working with some of the same people but from different directions. The report we saw was from Collett.

Sheppard asked has Collett mentioned the study the City did. Has he gotten any help?

Rogalski stated Retail Coach is putting out the benefits within the City of Lawton. They are talking to some fairly large restaurants and retailers. There is a list of store they felt would work well within the City and they are going after those. Once they have interest then they start talking sites. They are looking at all available sites within the City.

Sheppard asked will they alert Collett about potential interested parties.

Rogalski stated they will alert us. Johnny Owens is working with both Collett and Retail Coach. If there is something happening Collett will know about it through Owens.

5. Consider and review the engagement letter of Steven L. Barghols of Corbyn Hampton Barghols Pierce, PLLC for the mediation of Public Service Company of Oklahoma v. City of Lawton, et al. and take action approving the terms of the engagement.

Jensen stated the mediation with PSO is set for December 2nd and the fee is \$350 per hour. This fee will be split with PSO. We are required to submit a mediation statement and if you would like to see that statement you can come by my office. Since we didn't have an agreement we need to approve this one. We will let you know what happens.

Motion by Madigan, Second by Sheppard, to approve the engagement letter of Steven L. Barghols of Corbyn Hampton Barghols Pierce, PPLLC for the mediation of Public Service Company of Oklahoma v. City of Lawton, et al. **Aye:** Madigan; Nance; Neal; Sheppard; Denham; Fitch. **Nay:** None. **Motion Passed.**

6. Consider approving the Yearly Meeting Notice for 2017.

Fitch stated the dates are the 3rd Thursday of each month in 2017.

Sheppard stated I believe there was 1 mistake.

Jensen stated the date in September is incorrect.

Fitch stated it should be the 21st.

Motion by Denham, Second by Nance, to approve the yearly meeting notice for 2017 with the stated correction in September. **Aye:** Nance; Neal; Sheppard; Denham; Fitch; Madigan. **Nay:** None. **Motion Passed.**

DISCUSSION ITEMS AND REPORTS

Fitch asked is there any other comments.

Sheppard stated that was one of the best cover letters by the mediator. He covered everything.

Jensen stated our contacts and PSO both like him and we believe he was the right guy to choose.

Denham asked will Batchelor be involved.

Jensen stated no. We are taking the Mayor, Ihler, Wells, Rogalski, Whisenhunt, Meaders and a couple of assistance.

Denham asked are we done with McCall.

Jensen stated if it isn't settled through mediation I will want to go through one complete round of a mock hearing with Judge McCall. We feel we will come to an agreement but if not we want to be prepared for arbitration.

ADJOURNMENT

There being no further business the meeting adjourned at 2:20 p.m.

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