

CITY COUNCIL

February 1, 2005

A regular meeting of the City of Powell Council was held on February 1, 2005 and called to order at 7:30 p.m. by Mayor Dan Wiencek. Other Council members present were Dave Lackey, Art Schultz, Richard Cline, Don Grubbs, and George Kaitsa. Jim Seta was absent. Also present were Stephen A. Lutz, City Manager; Ken Molnar, Director of Law; Shawn Leininger, Development Planner; Chief of Police Gary Vest, and Dawn Nauman, Clerk of Council.

CITIZEN PARTICIPATION

David Chambers, Olentangy Swim Association (OSA), was present to discuss the relationship between the City of Powell and the OSA. He said that the OSA approached the City about a year ago requesting that they consider taking over ownership of the pool which has operated as a non-profit corporation since 1995. He reviewed that the pool is located in Adventure Park, where the OSA has a 50 year lease on the land from the City. He said when the pool was first built, the OSA was the only pool in town, and the financial structure put in place worked well. However, that structure no longer works very well because of the competition from other entities such as the YMCA, Orange Township pool, Scioto Reserve, etc. He said because of those issues and with the construction in the City Parks, the OSA felt it might be a good time for the City to take on the pool as a public pool and open it up for everyone in Powell. The pool members voted in favor of having the City take ownership of the pool and they put together an asset sale contract and met with City representatives several times. He said they recently met with a couple of members of Council and the City Administrator to discuss where to go to move forward and he is here tonight to ask Council their position on the matter.

Mayor Wiencek said that a few things have transpired since the Resolution was passed in March supporting moving forward with this process. He said the City did its due diligence. It hired a pool consultant to evaluate the pool and approached the bank that holds the current debt and inquired as to their interest in restructuring that debt with the City as the primary obligor. He said a couple of things have changed. On the negative side, the City is now facing a tighter budget which makes the assumption of the debt a problem in that it would eliminate the City's ability to approach other Capital projects funded by unvoted debt. He said the second issue is that last year's re-pricing program instituted by the pool shows promise and the membership of the pool is up. He said he is proposing a Resolution for Council to act on at the next meeting that would affirm that the City feels that an active pool is an asset to the City and the City is committed to providing a well-rounded recreational opportunity, and a pool is part of that. He proposed that the City strengthen its partnership with the OSA in the form of a grant that would uphold the spirit of the expectations held out to the owners last year by insuring that the equity owners would be receiving a discounted membership. He said the funds could be used to increase the marketing of the OSA to help make sure it does have the membership it needs to remain a viable entity. He suggested that the OSA and parks and rec. could work together in some sort of joint programming effort or advertising. Mr. Chambers said the OSA's goal is to make sure that the membership is aware of where the City stands with the season coming up. Mayor Wiencek expressed a desire to meet with Mr. Chambers to work toward drafting legislation outlining that.

Mr. Lackey said he knows the law director looked into the ethics of Council members who are also pool members voting on taking over the pool, and he asked that a similar study be made regarding this approach. Mr. Kaitsa agreed. Mr. Molnar said he feels the original ruling would apply here, but that is dependant on the final legislation approved by Council.

APPROVAL OF MINUTES

The minutes of January 18, 2005 were approved as printed.

CLERK OF COUNCIL CORRESPONDENCE

There was none.

CONSENT AGENDA

No Items

SECOND READING AND PUBLIC HEARING: ORDINANCE NO. 2005-02: AN ORDINANCE IMPOSING ASSESSMENTS ON PROPERTIES FOR SIDEWALK REPAIR AND REPLACEMENT AND CERTIFYING THE ASSESSMENTS TO THE DELAWARE COUNTY AUDITOR FOR COLLECTION.

A Court Reporter was present for this public hearing.

Stephen A. Lutz, City Manager, said that tonight is the public hearing for the proposed special assessment for the mandatory sidewalk repair program that was implemented last fall. He reviewed the procedure by which the program was administered. He reviewed the letter mailed to 51 property owners whose sidewalks were repaired notifying them about tonight's public hearing. He said the purpose of this ordinance is to establish the special assessment, and the blanks in the ordinance are left open for the percentage rate which should be charged. Currently, bond counsel indicated that the current rate is 5% per annum commencing January 1, 2005.

Mr. Molnar suggested that the public hearing should be opened and Council should inquire whether anyone is present to voice their objections regarding these assessments. If no one is present, they can close the public hearing and consider the list of property owners attached to the legislation. He said that assuming Council imposes these assessments, notices will go to the property owners that they have 30 days to pay their fees or the cost will be certified to the county auditor to place on their tax duplicate bill. He said there is plenty of time to get this certified and filed. He reviewed details of this assessment process which are unique to this community and the sidewalk assessment legislation which was purposely written in a way for ease of administration.

Mayor Wiencek opened the public hearing. There was no one to speak on this issue and the public hearing was closed.

MOTION: Mr. Cline moved to amend Ordinance 2005-02 by inserting the number 5% in the blanks left in the ordinance. Mr. Kaitsa seconded the motion.

VOTE: Y 6 N 0

MOTION: Mr. Cline moved to adopt Ordinance 2005-02. Mr. Kaitsa seconded the motion.

VOTE: Y 6 N 0

RESOLUTION 2005-05: A RESOLUTION OF NO OBJECTION TO THE EXPANSION OF THE POWELL COMMUNITY INFRASTRUCTURE FINANCING AUTHORITY, WHICH IS A NEW COMMUNITY DISTRICT UNDER CHAPTER 349 OF THE OHIO REVISED CODE.

Stephen A. Lutz, City Manager, said that this financing authority was created when Murphy Park was developed. A financing authority is one mechanism used to help fund public improvements. There is basically an additional assessment on the properties in the district which is collected annually when tax bills are paid and that money is used to pay for infrastructure improvements. He said the developer of the Traditions of Powell has requested the expansion of this authority so that they can benefit from the financing mechanism for their development.

Price Finley, attorney for the Powell Community Infrastructure Financing Authority, gave a brief presentation regarding this request. He said this is an expansion of the infrastructure authority that was created for the redevelopment of the Murphy Party Barn site to include a development across the street, the Traditions of Powell, a primarily condominium development. There is also a commercial portion of that new development to be included and a commercial portion that is being left out. He reviewed the process by which these types of authorities are enacted and said that while there is no legal requirement for obtaining the approval of the City of Powell as the local jurisdiction, they have consistently asked for the municipality's approval because if the city isn't supportive it doesn't make sense to go to the City of Columbus and to Delaware County for their subsequent approvals to expand the district.

Mr. Cline asked who receives the ultimate benefit of this type of financing. Mr. Finley said that Triangle Properties is the developer for the Murphy property and the Traditions of Powell, and this expansion will impose the same community development charge onto this property to offset the additional infrastructure costs associated with the development. He said there will be no prolonging or increase of the charge on existing parcels, but because they are so connected and share some infrastructure benefits, it makes sense to bring them together. Mr. Cline said he believes the parcel to be added will be doing some improvement to Case Street. He asked if that is the kind of improvement that could be funded through assessment. David Betz, Director of Development, reviewed the improvements to Case and Lincoln as well as the turn lane installation on West Olentangy Street. Mr. Cline asked who makes the determination as to whether those improvements are paid for by the authority. Mr. Finley said they would be reviewed by the board for the authority. Mr. Cline said that

today the infrastructure is still controlled by the developer because the properties haven't built out to reach a critical mass yet. Mr. Finley said the board is in the process right now to hold elections over the next few months, and there will be as many as 5 board members that will be replaced by citizen representatives of the district. That is based upon the time frame in which build out occurs.

Mr. Kaitsa asked if this assessment is used to issue debt. Mr. Finley said that there may not be a debt issuance per say but more like a contractual arrangement that as the charge is collected, it would be used to pay for those costs. Mr. Kaitsa asked, since it has been a topic of discussion with the Liberty Financing Authority, who provides the accounting services. Mr. Finley said that it is still contemplated that Triangle will continue to provide those accounting services. Mr. Lutz said the difference between this authority and the Liberty Community Infrastructure Authority is that the City has a financial stake with the Liberty authority and there are no public funds involved in this issue.

Mr. Schultz asked if the authority has reviewed this. Mr. Grubbs, who is a Board Member, said the Board met a few weeks ago, and this was discussed, and there was a resolution passed determining to move forward. He said they are holding elections in mid-March to replace members with residents of the Murphy development. He said there was discussion that this issue and that election will be happening at the same time. Mr. Schultz asked if the new board will have a chance to review this and decide if they are in support. Mr. Finley said he doesn't know how that timing is going to work out. Discussion ensued.

Mayor Wiencek asked why the one commercial parcel isn't included if the purpose of including them in the district is because they gained benefit of the infrastructure that was put in place. Mr. Finley said that first and foremost they must be under control of the developer to be included at all, and the analysis is not quite the same as determining a benefit or non-benefit for including property in a district or excluding it. Really, it is within the developer's discretion to decide. He said in talking to the developer of this portion of the site, it was determined not to be advantageous to submit it to the additional 2.5 mil charge for that parcel. Mayor Wiencek said following that logic, it doesn't make sense for any of the other parcels to have the additional 2.5 because the economics of those parcels are made worse by that same millage. Mr. Lackey asked why Council would care. Mr. Finley said that this is all driven by economics, and if the developer can't bring property into a new community district and subject that property to a charge that is used to pay for infrastructure expenses and still be able to sell the parcels and to make whatever reasonable profit they are going to make, then they wouldn't go forward on process. Mr. Schultz suggested that the developer thinks they can sell the condos with the added tax, but they don't feel the same about the other parcel.

Mayor Wiencek said this developer came before Council and negotiated credits for infrastructure improvements over and above what is required for this development or their impact to the downtown. He said he thinks it was about \$160k worth of improvements. He asked if by approving this, wouldn't Council be "letting that developer off the hook for that expense and passing it down to the buyer." He recognized that the buyer is going to feel that handed down expense eventually, but he thinks there is a difference in that a tax is a hidden cost, where one feels a higher price initially. He said he feels it is a disservice to the people who will marginally benefit from the infrastructure of Murphy Parkway and definitely benefit the developer. He said he personally doesn't think he'll be able to vote with no objection.

Mr. Cline said his question is if this is ultimately approved and the condominiums become part of the overall infrastructure authority, does that not mean that all of the residents south of Powell Road are in some way contributing to the overall cost of improvements on Case Road, Lincoln Street and Powell Road. Mr. Finley said that part of the economic analysis involves looking at the time period over which the current residents of the TIF are going to pay the charge on the existing improvements. He said one of his fears is that Murphy will be paying for this and vice versa. Mr. Schultz asked if the goal is for the cost to be evenly spread throughout the authority. Mr. Finley said there is a feeling that this should be a situation of equity, because you can't have one side of Powell Road feeling like they are carrying the other. Mr. Cline asked that Mr. Finley pass on these concerns to the developer. Mr. Kaitsa agreed. He said he also thinks the authority should act on this legislation first before it comes to Council. Mr. Finley said that statutorily, the authority doesn't really take any formal action on the financing of improvements until the county commissioners have taken their action. He said they didn't feel comfortable going to the commissioners until Powell determined that this is appropriate.

Mr. Cline asked if Staff has a recommendation on this. Nan Metz, Finance Director, said since the City isn't holding the debt, they didn't get that involved. Mr. Lutz agreed. He said that this is one tool that developer use to finance infrastructure improvements. There is not a right or wrong way to go. If Council doesn't object, the developer could use this tool. If this is not available to them, they'll find another way to finance the improvements. Mayor Wiencek said that even though there is not a financial interest on behalf of the City, this method of financing "finances on the backs of taxpayers," and he needs to be further educated.

Mr. Cline asked for Mr. Grubbs input on this. Mr. Grubbs said he actually didn't take a position when this was discussed at the financing authority level and he planned to abstain tonight. He said there were questions raised about this issue but he can think of no specific concerns that were brought up. He said he thinks it was brought up and approved by the authority to get it moving on to Council.

Mr. Schultz said that he would like to hear what the residents in Murphy think about this type of procedure. He said philosophically, if the Council thinks this is a tool that is a tricky way to hide infrastructure costs, then they shouldn't support it. Mr. Cline said his concern is different, that the developer has agreed with the City to complete improvements on Case, Lincoln, and Olentangy Streets, and he is afraid that this is an effort to shift that expense to all of the infrastructure members through all of Murphy Parkway. He expressed concern that the developer agreed to bear an expense that he is now passing on to taxpayers. A lengthy discussion ensued. Mr. Lackey questioned why the City should be concerned because the existing property owners aren't going to pay any more in taxes. Mayor Wiencek said that may be true, but they could be paying longer. He is also concerned because these kinds of authorities are new to Ohio, and he is concerned that people might buy property and be unaware of these taxes. After further discussion, it was determined that this should be reviewed by the Finance Committee at their next meeting. Mr. Cline asked that a representative of the authority be present when this is discussed again.

MOTION: Mr. Cline moved to table Resolution 2005-05 until February 15, 2005. Mr. Kaitsa seconded the motion.

VOTE: Y 5 N 0 (Abstain: Grubbs)

RESOLUTION 2005-06: A RESOLUTION SPECIFYING THE MUNICIPAL SERVICES TO BE FURNISHED TO 45.018 ACRES WHICH IS PENDING ANNEXATION TO THE MUNICIPALITY OF POWELL.

Stephen A. Lutz, City Manager, reviewed that this property is located immediately east of Deer Run, south of Powell Road. He said this property was discussed during the process to enter into an annexation agreement. He said that if passed, this resolution will be forwarded to the Delaware County Commissioners. He said that if this is approved by Delaware County, Council will review an ordinance related to the actual annexation and development plan. He said that earlier this evening, there was a CEDA meeting with Liberty Township and Powell representatives that reviewed the plan for this property.

David Betz, Director of Development, reviewed the site, location, and proposed development of 37 single family lots on this property. He reviewed the access and the access of adjacent properties and coordination with ODOT. He said he believes a sketch plan will be on the Planning and Zoning Commission agenda next week.

Mayor Wiencek asked how this proposal meets the requirements of the Olentangy overlay district. Mr. Betz said it meets the requirements for a maximum .85 d.u./acre density. He said some adjustments may need to be made to meet stormwater retention and detention requirements.

Catherine Cunningham, representing the agent for the petitioners, was present to discuss this item. She said under the new annexation statute, Council has 20 days to pass and file the service resolution. She said they are trying to coordinate with the City to get this filed in time.

Mayor Wiencek opened this item to public comment. Hearing none, he closed the public comment session.

MOTION: Mr. Cline moved to adopt Resolution 2005-06. Mr. Kaitsa seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2005-06: AN ORDINANCE APPROVING AN ECONOMIC DEVELOPMENT PLAN FOR A PROPOSED DOWNTOWN POWELL INCENTIVE DISTRICT AND DECLARING AN EMERGENCY

Stephen A. Lutz, City Manager, said that at the last Council meeting, Council discussed creating a Tax Increment Financing (TIF) district to provide for things such as streetscape, improvements to the four corners intersection, etc. He said that Price Finley, representing the City's bond counsel is going to give a brief presentation regarding TIF districts. He said adoption of an economic development plan is the first of several steps related to implementing a TIF district.

Mr. Finley gave a review of the steps necessary for the City to implement a TIF in this defined area. He said that an incentive district represents the methodology under which a City can finance residential and commercial improvements. He said an incentive district is created that can be no greater than 300 acres in size. He noted that requirement is met. He said this incentive district can be created if there is an economic development plan that has been approved by the City Council, and that there is a certification by the City Engineer that the infrastructure currently in place is not adequate to serve the needs of the district in order to carry out the economic development plan. Once those two things happen, another piece of legislation will be before the Council providing them the opportunity to adopt a TIF program within that incentive district. He said that Ordinance 2005-06 is the first step in the process in that it approves an economic plan.

Mr. Finley said that this is the first TIF that the City has considered. He said under a TIF, there is an ability to implement a real property tax exemption with respect to increased value of a parcel of land and to use the payments in lieu of taxes to pay for infrastructure improvements that benefit or serve that confined area. He said if he owns a parcel of land in the area his tax bill will not change. However, what happens to the revenue generated from those payments will change. Under Ohio law, those funds can be used to pay for infrastructure incentives. Those TIF dollars can be used to create a rehabilitation fund for residential properties. Mr. Lutz said that he has contacted the school district to notify them that this TIF would not negatively impact the schools that rely on the property tax.

Mr. Lackey asked how this would impact taxes that come to the City. Mayor Wiencek said that the best way to look at it is that the funds are retained within the City rather than paying for county services. Mr. Finley said these are increased tax revenues, and there is no impact on the current tax base. Whatever is currently being paid will continue to be paid out. Mr. Finley said that the theory is, by doing these TIF's, and creating infrastructure improvements, the City is helping to encourage this development that results in the increased value, so you aren't taking away dollars and maybe there wouldn't have been those dollars if the TIF had not been implemented.

Mr. Lutz asked how to subsidize improvements if they cost more than the TIF revenues. Mr. Finley reviewed the difference between developer-driven TIF financing and that which is City-driven. He said in this case, this is a City-driven TIF, where the City banks on future development and uses it to subsidize the costs of infrastructure improvements that will benefit the whole area. He said it won't finance everything that will be completed, but the TIF revenue could fund the debt service associated with bonds used to finance infrastructure improvements. That makes it clear what will be coming out of the general fund. Discussion ensued regarding specific examples of improvements.

Mayor Wiencek opened this item to public comment. Hearing none, he closed the public comment session.

Mr. Grubbs said that the Downtown Committee sponsored this ordinance and voted unanimously to present this to Council. Mr. Cline asked if it is desirable to pass this on the first reading. Mr. Finley said the schedule will permit considering this within the normal course for ordinances. There being no further comment, this item was taken to a second reading.

Mr. Schultz left at 8:50 p.m.

RESOLUTION 2005-07: RESOLUTION OR ORDINANCE WITHHOLDING CONSENT FOR THE REMISSION OF TAXES, PENALTIES AND INTEREST ON AN APPLICATION FOR REAL PROPERTY TAX EXEMPTION FILED UNDER SECTION 3 OF SUB. H.B. 362 OF THE 125TH GENERAL ASSEMBLY.

Stephen A. Lutz, City Manager, said that the deadline for passing this Ordinance is before the next meeting. He said there are certain groups in Ohio that are eligible for property tax exemptions. The City, for example, is exempt from property taxes as are schools and churches. The State Assembly has provided an opportunity for certain property tax applicants to obtain amnesty for unpaid taxes. Apparently, there have been some groups that have not been paying taxes that they should have and the House is providing a one time amnesty if program for those groups if the municipalities permit it. This resolution would state that the City objects to granting amnesty for any groups which have improperly not been paying taxes. By adopting this, Council would say they want the City made whole if organizations have not been paying taxes by mistake.

Nan Metz, Finance Director, speculated that this may be related to a technicality that has allowed some groups to underpay their due taxes without penalty and interest. She said it may have been challenged, and the State is now realizing that amnesty may be desirable. Mr. Lutz said it is unclear if there are any groups within the City's jurisdiction that would apply to this. Ms. Metz said she was unaware of this legislation, but notified last Friday by the Auditor that if the City wants to object, now is the time.

Mr. Kaitsa asked if by objecting the City preserves its right to collect those taxes. Ms. Metz said that is her understanding. Mayor Wiencek asked if the City has the authority to waive some taxes later even if they pass this. Mr. Lutz said he doesn't know, but he would doubt it. Mr. Molnar said he knows a little bit about this, and the intention is for a "one time fix" for those who have underpaid in the past and to move forward with correct collection in the future.

Mayor Wiencek opened this item to public comment. Hearing none, he closed the public comment session.

Mr. Kaitsa asked what types of organizations are exempt. Ms. Metz described uses for a public purpose and charitable organizations. She said it is not the average citizen.

MOTION: Mr. Cline moved to adopt Resolution 2004-07. Mr. Kaitsa seconded the motion.
VOTE: Y 5 N 0

THIRD READING: ORDINANCE NO. 2004-73: AN ORDINANCE APPROVING THE SECOND AMENDMENT TO THE PRE-ANNEXATION AGREEMENT AMONG THE CITY OF POWELL, TRIANGLE PROPERTIES, INC. AND THE LIBERTY COMMUNITY INFRASTRUCTURE FINANCING AUTHORITY.

Stephen A. Lutz, City Manager, said the authority did receive proposals from three different certified public accounting firms to serve as the accountant for the Authority. The Authority recommended entering into negotiations with BKR Longenbach CPA for a price that falls within the proposed second amendment to the pre-annexation agreement of an amount not to exceed \$115k per year. This item was discussed and reviewed with the Finance Committee last week. He recommended that Council adopt this ordinance and the Authority move forward with Council's recommendation to hire an independent CPA firm.

Mr. Cline said the Finance Committee met with members of the authority and they are satisfied that they have done a good-faith search to find an independent accounting service.

Mayor Wiencek opened this item to public comment. Hearing none, he closed the public comment session.

Mr. Kaitsa added that the Committee felt the rates were competitive and the City well-served by the process.

MOTION: Mr. Cline moved to adopt Ordinance 2004-73. Mr. Kaitsa seconded the motion.
VOTE: Y 5 N 0

FIRST READING: ORDINANCE 2005-04: AN ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF POWELL, REVISING SECTION 1151.05 (D) REGARDING POLITICAL SIGNS.

Stephen A. Lutz, City Manager, said that the Planning and Zoning Commission has reviewed this and recommended amendment of the City's political sign ordinance. He said there was a recent Ohio Supreme Court case regarding political signs, and the current ordinance conflicts with that ruling. He said that there was a freedom of speech case ruled on by the Supreme Court that makes the City's regulations unconstitutional. He said this past fall, the City didn't enforce the sign ordinance because it did not comply.

David Betz, Director of Development, reviewed the proposed ordinance as outlined on the attachment. He concurred that these mirror the Supreme Court intentions with regard to the Painesville freedom of speech case ruling.

Mr. Lackey asked if an opinion and political sign are the same. Mr. Betz said they are. Mr. Lackey asked if a person is allowed one sign. Mr. Betz said they are allowed one sign per candidate or issue per frontage. Mr. Lackey pointed out that the heading of the portion that regulates that indicates only one sign is permitted. Mr. Kaitsa suggested that heading be amended.

Mr. Wiencek asked if the ACLU or whomever would get involved would feel the City isn't unduly affecting freedom of speech. Mr. Betz said he would not report on the opinion of the ACLU, but certainly, these regulations provide more opinions than are currently allowed.

Mayor Wiencek opened this item to public comment. Hearing none, he closed the public comment session. This item was taken to a second reading and public hearing at the next meeting.

FIRST READING: ORDINANCE 2005-05: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2005.

Stephen A. Lutz, City Manager, said that this legislation would impact two appropriations. The first is to increase by \$9,900 the amount of money appropriated for water and service now that it has become clear that the \$4,900 budgeted is not enough cover the annual fees.

Mr. Lutz said that the other re-appropriation for this calendar year relates to the remaining funds appropriated last year to purchase park maintenance equipment. Mayor Wiencek asked if delaying this to this year has created a missed opportunity to include this purchase in a state contract. Jeff Snyder, Director of Parks, Recreation and Public Service said that Staff intends to purchase from the 2005 rather than 2004 state contract.

Mayor Wiencek opened this item to public comment. Hearing none, he closed the public comment session.

Mr. Cline asked if the \$111,000 is a new appropriation or funds earmarked and encumbered last year. Ms. Metz said it was a reappropriation last year that because it was not spent went back into the general fund this year. Discussion was held regarding the timing on this. Mr. Snyder indicated it would be desirable to move forward as quickly as possible.

MOTION: Mr. Cline moved to amend Ordinance 2005-05 to add the words "and declaring an emergency" to the title and to add an additional "Whereas" clause that reads: "WHEREAS, The City has the opportunity to take advantage of advantageous pricing through a state bid contract and desires to enter into that contract in next 30 days." Mr. Kaitsa seconded the motion.

VOTE: Y 5 N 0

MOTION: Mr. Cline moved to suspend the rules on Ordinance 2005-05. Mr. Kaitsa seconded the motion.

VOTE: Y 5 N 0

MOTION: Mr. Cline moved to adopt Ordinance 2005-05. Mr. Kaitsa seconded the motion.

VOTE: Y 5 N 0

FIRST READING: ORDINANCE 2005-07: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2005.

Stephen A. Lutz, City Manager, recommended this item be carried on to the next Council meeting, so that the Finance Committee can discuss it prior to council consideration. There being no comment, this item was taken to a second reading.

FIRST READING: ORDINANCE 2005-08: AN ORDINANCE TO APPROVE THE 2005 REPLACEMENT PAGES TO THE POWELL CODIFIED ORDINANCES AND DECLARING AN EMERGENCY.

Stephen A. Lutz, City Manager, said that each year Council adopts an ordinance codifying the changes to the state code and legislation passed by Council for the previous year. He suggested that this be taken to a second reading pending review of the law director.

Mayor Wiencek opened this item to public comment. Hearing none, he closed the public comment session. This item was taken to a second reading.

COMMITTEE REPORTS

Development Committee: No report.

Finance Committee: Mr. Cline said the next meeting is the 8th of February. One item that will be reviewed is the potential recommendations to Council regarding cuts to the budget that have been provided from Staff. They will also review issues related to the Murphy financing authority.

Operations Committee: No report.

Downtown Committee: Mr. Grubbs said the next meeting will be February 15.

CITY MANAGERS REPORT

Stephen A. Lutz, City Manager, said that the traffic signal at Sawmill Parkway and Seldom Seen has been installed and it will become operational soon.

Mr. Lutz said the City has just received an increase in its assessed valuation that represents good healthy growth.

Mr. Lutz reported on a meeting with the Corna Kokosing to discuss completion of the parks in a timely fashion. Corna will provide a schedule identifying the proposed completion date by the middle of February. Hopefully there will be information to distribute at the first meeting in March. Mr. Kaitsa asked if this will be at no cost to the City. Mr. Lutz said that is the City's position.

OTHER COUNCIL MATTERS

Mayor Wiencek reviewed the January 2004 goal setting session and suggested that Council begin to move forward with what is remaining rather than holding another session.

ADJOURNMENT

Council adjourned at 9:32 p.m.

DATE MINUTES APPROVED: February 15, 2005

Dan Wiencek 3/1/05
Dan Wiencek Date
Mayor

Dawn Nauman 3/3/05
Dawn Nauman Date
Clerk of Council