

Community Development Authority
Tuesday, December 4, 2007 -- 7:00 a.m.

1. **CALL TO ORDER:** Chair John Deits called the Community Development Authority meeting to order at 7:03 am.
2. **ROLL CALL:** Present: Chair John Deits, Steve Peotter; Jeff Bergey; Paul Larson, Alternate Scott Meier; and Darlene Groenier. Absent: Jon Lourigan and Scott MacWilliams. Chair Deits welcomed alternate Scott Meier to the Community Development Authority (CDA), also noting that Meier is on the Planning Commission and is a nice addition to the CDA. Meier noted he has been on the Planning Commission for 4 years and grew up and still lives in Oregon. Meier noted his enthusiasm for growth and improvement in Oregon especially for the downtown area and is happy to be a member of the CDA.
3. **APPROVAL OF MINUTES:**
 - a. **April 26, 2007:** Bergey moved to approve the Community Development Authority minutes of April 26, 2007. Second by Peotter. Motion carried.
 - b. **August 28, 2007:** Larson moved to approve the Community Development Authority minutes of August 28, 2007. Second by Groenier. Motion carried. Groenier commented that the Gorman & Company have done a fantastic job with that building.
4. **PUBLIC APPEARANCES:** There were no public appearances.
5. **MISCELLANEOUS BUSINESS AND COMMUNICATIONS:**
 - a) **Discussion and Possible Recommendation to Village Board re: Request Village Board to refer matters of The Advand Group LLC Building's Offer to Sell Property at 135 S. Main Street and PLH & Associate's Jefferson Street BUILD Grant Project to the Planning Commission due to Potential Conflict of Interests by CDA Members.** Gracz noted that the CDA has had trouble with quorum and the possible conflicts with downtown projects. Gracz noted possibly referring Lynch's project to the Village Board and have it referred to the Planning Commission to get going on that project. Gracz also noted the similar problem with The Advand Group's building. Larson noted he is opposed to referring this, questioning the reason for the CDA if they are unable to have input on these discussions. It was questioned that what if the same thing happened at the Planning Commission level? Gracz noted that has occurred and was dealt with at the Village Board level. Larson noted his concern about not having any input. Gracz referred to the Village's attorney's opinion distributed for the last CDA meeting. Gracz noted that Larson does not have a conflict of interest but other members potentially do. Peotter noted he remembers the letter Gracz is referring to from the attorney, however he would like clarification on it and if it is just regarding a parking lot going in at the 135 S Main Street location. Gracz gave a brief overview of Dick Yde's opinion who was the Village's attorney in July of 2005 when the original request was made regarding potential conflict of interests on the CDA. The letter prepared was in regards to Scott MacWilliams' concern with regards to working on TIF #3. This letter noted that just because a CDA member owned property in the downtown does not mean that a CDA member could not participate in certain things. Yde felt that the CDA members could vote on the TIF however when the issue became more specific and detailed then they would need to look at each circumstance to be safe. Gracz noted that Attorney Dregne then looked at the question regarding the property at 135 S Main Street and the CDA members that own downtown property and felt that there is a conflict with the possible construction of a parking lot for the adjacent property owners. Gracz also noted in Dregne's opinion letter that any member of the CDA that owns property adjacent to the proposed parking lot area should abstain from voting on or participating in discussion related to the creation and construction of the parking lot. Gracz also noted that the State Ethics Board also had a similar opinion back in 1992. Gracz noted every individual situation needs to be looked at. Peotter questioned if the opinion specifically relates to a parking lot. Gracz noted when this went to Dregne it was regarding the parking lot. Gracz noted that he could have Dregne come to a CDA meeting to discuss his opinion with the members. There was discussion regarding having the attorney come to a meeting. There was

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also discussion regarding adding additional alternate members to the CDA. It was noted that it would be a good idea to add an alternate member from the Historic Preservation Commission. There was also discussion regarding members from the CDA abstaining. It was also noted that during Planning Commission meetings that members often abstain from voting when members feel they have a personal conflict of interest. Deits noted possibly scheduling a joint meeting with the Planning Commission to discuss the above projects, and if there was enough members to have quorum of the CDA members the CDA could vote and if not they could refer it to the Planning Commission and have them vote on this. Gracz questioned if they would like him to get an opinion from the attorney on Lynch's project as well. Deits noted this would be a good idea. There was discussion of what the CDA should do at this point. There was also discussion of what a possible motion could be. There was discussion of having an HPC member added to the CDA and having the attorney's opinion if certain CDA members should be voting and participating in discussion of Lynch's downtown project. Gracz also noted that when there is a conflict that members should get away from the table and sit in the audience. Gracz noted that the records should show this as well. Larson questioned if CDA members stepped away from the table could they still make public comments. Gracz noted they could not. Larson questioned what is the point of them stepping away from the table if they remain silent? Gracz noted it is the perception that people could watch their faces. There was discussion if CDA members could write an opinion of the downtown issues. Gracz noted he would need to check with Attorney Dregne.

Peotter moved to have staff request Attorney Matt Dregne to attend the next CDA meeting to discuss possible conflicts of interest regarding The Advand Group's property at 135 S Main Street along with Paul Lynch's downtown project and to specifically address CDA members stepping down and sitting in the audience, downtown business owners on the CDA, along with written opinions of CDA members regarding the downtown. Second by Larson. There was discussion of whether to include adding an alternate CDA member to the motion. There was also discussion if the property at 135 S Main Street and if it was not going to be a parking lot could the business owners on the CDA vote on this then? Gracz noted checking with Dregne regarding this. **Peotter amended the original motion to include the request that the Village Board appoint an alternate member to the CDA because of potential conflicts of interest and suggested a member from the Historic Preservation Commission be appointed. Second by Larson. Motion carried.**

6. **UNFINISHED BUSINESS:**

- a) Status of Blight Study for Proposed Ice Skating Rink. Gracz noted the Village is in the process of negotiating with the OCSA again. He assumed they would go for the double taxation, which would mean they would have to go through the Blight Study. Gracz noted this should come in the next couple of weeks. Deits questioned the time schedule of the association. Gracz noted they would like to have the agreement done by the end of the year.
- b) Status of Railroad Bridge Replacement – Extension until June 1, 2009. Gracz noted the extension from the insurance company was granted until June 1, 2009. Gracz noted that hopefully this time when it goes out for bid the environment will be better noting that when it went for bid previously it was when the flooding happened in Minnesota. Gracz also noted that 5 contractors showed up for the pre-bid meeting but the contractors were nervous about access points to the railroad. Gracz noted that Below has been working with the engineer to figure those access points out and put that in the bid document before it goes out for bid. The time frame was also an issue. Below noted that this would like to get this out for bid in January or February and start construction in April or May. There was discussion regarding the timing of the railroad construction and the downtown construction project.
- c) Status of Former Methodist Church Property and Development of Developer Incentives Policy. Gracz noted the Village received another proposal from them, commenting that they are still asking for TIF increments. Gracz noted the staff report in the packet. Gracz also noted that staff is thinking now that as more proposals come in the Village needs some type of standard that the Board, CDA, Finance Committee and even the Planning commission agrees with as far as TIF

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incentives. There was discussion of projects with increments verses projects that generate a lot of foot traffic. Gracz noted looking at a policy and how much increments to give them. It was noted the policy has to be somewhat established yet still flexible. Gracz noted this will come back through the CDA. Peotter noted looking at other community policies. Peotter noted that a policy is a great idea. Meier noted having a list of what the Village is looking for and evaluate the projects per the list showing where they stack up. Deits noted he agrees with Meier and also thinks the policy is needed. There was discussion of the Gorman project. It was noted that sample policies will be at a future meeting.

- d) Status of Ad Hoc Downtown Committee's Work on 2008 Project. Gracz noted that the Ad Hoc meeting will finish next Wednesday. Deits noting that the meetings have been going very well, noting the big things left on the agenda were brick versus pavers, the design work in the Hitching Park, and the bump out near the Hitching Park. Deits encouraged any of the CDA members that could attend the next Ad Hoc meeting at 7:00 am on Wednesday December 12th.

7. NEW BUSINESS

- a) No discussion

8. **STAFF REPORT.** Gracz noted that in the 2008 budget it is planned to hire a Village Planner sometime in July. Meier questioned what type of planning experience the planner needed to be hired, noting Mike Slavney's experience. Gracz noted that Slavney of Vandewalle is one of the best, and the Village plans to hire an experienced Planner, it will not be an entry level position.

9. **NEXT MEETING TIME AND DATE.** It was noted the next scheduled meeting would be for January 8th. Gracz noted possibly moving the meetings to the first Wednesday morning of the month because the Village Board meets the Monday night before the Tuesday CDA meeting. Deits noted the consensus of the CDA was it would be fine. It was noted the next CDA Meeting would be January 9th. Deits noted having Dregne attend the next meeting.

10. ITEMS FOR FUTURE MEETINGS: There was no discussion.

- a) Business Improvement District (BID) Discussion
b) Establishment of Re-Development District

11. ADJOURNMENT: Bergey moved to adjourn the Community Development Authority meeting at 7:55 am. Second by Peotter. Motion carried.

Respectfully Submitted by
Tracey Hicks, Clerk Assistant III