

Committee of the Whole
January 09, 2018

Present: Mayor Vulich, Councilmembers Gassman, Seeley, McGraw, Allesee, Connell, Schemers, and Odor, City Administrator, City Clerk, Press and interested citizens. City Attorney – absent.

1. Committee of the Whole Meeting Schedule Adjustment – City Administrator Matt Brooke

City Administrator Matt Brooke stated of the Committee of the Whole meetings on the first Tuesday of the month, three meetings were cancelled during 2017 and some meetings lasted less than thirty minutes. Administrator Brooke suggested eliminating the Committee of the Whole meetings held on the first Tuesday of the month, as items could be handled at the remaining two Committee of the Whole meetings held on the second and fourth Tuesdays of the month. Administrator Brooke stated boards and commissions could be fully utilized to be able to provide the Council with background information for items brought to the Council.

Councilmember Allesee stated there used to be only two Committee of the Whole meetings per month and stated she was agreeable to a return to this schedule. Mayor Vulich stated if any major items came along, a special meeting could be called for any day of the week (instead of just a Tuesday).

M/S, Seeley-Connell moved to forward a resolution the next City Council meeting eliminating the Committee of the Whole meetings held on the first Tuesday of each month at 7:00 P.M. On roll call, carried unanimously.

2. Grass and Weeds Code Update – Battalion Fire Chief Jeff Chapman

Battalion Fire Chief Jeff Chapman reviewed with the Council the current procedures for grass, weed, vines and brush nuisance complaints. Battalion Chief Chapman stated once a complaint is received, Building and Neighborhood Services Department staff visit the property to confirm a nuisance exists according to City Code Chapter 94. Battalion Chief Chapman stated for the first violation, a property is tagged and a certified mailing is sent to the owner. Councilmember Seeley inquired if notices could be sent by regular mail instead of certified mail. Battalion Chief Chapman stated the Council could elect to change the existing Ordinance as it pertains to certified mailing. Battalion Chief Chapman stated the owner has five days to remediate the nuisance and after five days Building and Neighborhood Services Department staff returns to determine if the nuisance has been abated. Mayor Vulich inquired when the five day period started. Battalion Chief Chapman stated the five days start once the property is tagged. Battalion Chief Chapman stated if the nuisance is not remediated after five days, the information is sent to the contractor for clean-up.

Battalion Chief Chapman stated the Building and Neighborhood Services Department can receive up to one hundred and fifty grass, weed, vines and brush complaints just over the weekend during the warmer months. Battalion Chief Chapman stated the volume of complaints that are sent to one contractor for remediation can make it challenging for the contractor to keep up. Battalion Chief Chapman stated invoices from the contractor tend to be delayed and after the invoice is received from the contractor, bills must be entered manually and mailed out by the Building and Neighborhood Services Department. Battalion Chief Chapman stated if the bill is not paid within thirty days, the amount is sent to the County Treasurer to be placed as a lien against the property. Battalion Chief Chapman stated very

few owners pay the bill and the majority of bills end being certified for a lien against the property. Battalion Chief Chapman stated it can take forty-five to sixty days to certify a lien and during that time title can change. Battalion Chief Chapman stated once ownership to the property changes, a lien cannot be placed on the property for a prior owner. Battalion Chief Chapman stated this situation frequently happens with abandoned homes and lots and tax sale entities that will continually change title every thirty to forty-five days to avoid a lien.

Battalion Chief Chapman stated instead of waiting to receive a bill from the contractor and billing for the cost of the work and administrative fees, it would be proposed to charge a flat rate of \$200.00 per grass, weed, vines and brush clean-up. Battalion Chief Chapman stated additional language would also be proposed that any liens that are deemed non-certifiable be turned over to collection. Battalion Chief Chapman stated the flat rate could help be a deterrent and would allow liens to be placed in a more timely manner. Battalion Chief Chapman stated bills can be generated on the day of service with a flat rate, instead of waiting to receive a bill weeks later from the contractor. Battalion Chief Chapman stated multiple contractors could also be used instead of just one.

Councilmember Gassman inquired how contractors would be chosen to complete the work. Battalion Chief Chapman stated contractors would be on a rotating list, similar to the tow list for the Police Department. Councilmember Gassman inquired what constituted the majority of the violators of the grass, weed, vines and brush ordinance. Battalion Chief Chapman stated most of the complaints were for abandoned residential properties. Councilmember Gassman inquired how many complaints were received for occupied residential properties. Battalion Chief Chapman stated complaints may come in from time-to-time for occupied residences, but generally not habitually. Councilmember Gassman stated vacant lots and properties where the owner has walked away are not foreclosed on by the bank because the bank does not want to be responsible for maintaining the property. Councilmember Connell stated most such are banks from out-of-town. Battalion Chief Chapman stated the local banks are very good to work with.

Councilmember Seeley inquired if the \$200 flat fee would cover all complaints. Battalion Chief Chapman stated average mowings cost \$119, including the contractor's fee and the administrative fee. Battalion Chief Chapman stated it is very rare to have large acreages that need mowed.

Councilmember Connell inquired if the collection agency would have sufficient information to attempt to collect the monies owed. Battalion Chief Chapman stated every effort would be made to provide the collection agency with accurate information as to the owner that incurred the unpaid billings. Councilmember Allesee inquired what the typical cost of collection was. Finance Director Anita Dalton stated the fee is typically around 30% of what is collected. Councilmember Seeley inquired if collection has been successful in the past. Finance Director Dalton stated many of the unpaid sewer bills sent to collection were many years old, making them harder to collect.

M/S, Connell-Allesee moved to forward an Ordinance Amending Chapter 94: Grass, Weeds, Vines and Brush to the next City Council meeting for its first reading. On roll call, carried unanimously.

3. Review of Capital Improvement Program – City Administrator Matt Brooke

City Administrator Matt Brooke thanked the Capital Improvements Planning Committee members, City Council and City staff for their attendance and input at the Capital Improvements Planning Committee meetings. Administrator Brooke stated the Capital Improvement Plan (“CIP”) identifies funding priorities for a five year period, with the current period being reviewed of 2019-2024. Administrator Brooke stated the funding priorities are items that will be funded through the debt service levy. Administrator Brooke stated the top focus area in the CIP for 2019-2024 was identified as the pavement management plan. Administrator Brooke stated sewer upgrades would complement the pavement management plan, with sewer upgrades being completed with many street improvement projects. Councilmember Connell inquired why the amount for the pavement management plan increased from \$2.8 million to \$3 million. Administrator Brooke stated as updated information was received from the City Engineer on upcoming projects, including 13th Avenue North (from Mill Creek Parkway to the Landfill), the figure was adjusted accordingly.

Administrator Brooke reviewed the funding amounts for the Turtle Creek project with the Council. Councilmember Gassman inquired if instead of spending \$900,000.00 of sewer funds on the project, if that amount could be bonded for. Administrator Brooke stated that could be reviewed.

Administrator Brooke proceeded in reviewing the CIP priorities, including funds for Riverview Drive extension, quiet zone creation, library building repairs, City Hall elevator, West Stadium parking lot, City Hall parking lot, playground equipment, riverfront security, North Stadium parking lot, Jorgensen Soccer Complex restrooms and concessions, LEED lighting at City hall, Airport taxiway, Eagle Point Park lighting, monument maintenance, work on Joyce’s Slough/dredging, Mill Creek ponding generator, work on Car Barn Ditch, Ericksen Center northwest parking lot, pickle ball resurfacing, outdoor fitness equipment, Emma Young softball field power and lights, ADA ramp construction and Whitter School crosswalks.

Administrator Brooke stated funds would be set aside for the Riverview Drive extension to be able to proceed with a grant application, pending advancement of initial investigations. Administrator Brooke stated the funds for quiet zones can be reduced as once a study is conducted by an engineer, funds can be received from the State and Federal government for the creation of a quiet zone and the closing of crossings. Administrator Brooke stated the funds allocated for the library are solely for upgrades needed for safety purposes. Administrator Brooke stated the playground equipment, security at the riverfront facilities, Ericksen Center parking lot and the pickle ball field projects all align with suggestions and goals outlined in the Parks Master Plan. Administrator Brooke stated once LEED lighting was installed at City Hall, the City would be eligible to receive a rebate from Alliant, in conjunction with experiencing lower utility costs.

Councilmember Seeley inquired about the \$300,000.00 that was previously budgeted for the Showboat. Councilmember Seeley stated sandblasting and painting needed to be done and the funds were to be used to help preserve the boat. Parks and Recreation Director Josh Eggers stated he had met with contractors about the work needed to the Showboat. Parks and Recreation Director Eggers stated one bid was received for \$450,000.00 and did not include the electrical work that was needed. Parks and Recreation Director Eggers stated one contractor suggested power washing instead of sandblasting. Councilmember Seeley stated power washing would not eliminate the rust issues. Parks and Recreation Director Eggers stated if all or the majority of funds were spent on sandblasting and painting, funds would not

be available to address the safety issues. Councilmembers Schemers and Allesee stated the safety issues should be addressed first. Parks and Recreation Director Eggers stated some of the repairs needed besides painting included repairing and replacing tube piping, plumbing work, installation of a sprinkler system, electrical updates, a railing, and remedying water issues in the basement.

Councilmember Connell inquired about the funds allocated for opening the lock on the trail to Joyce's Slough/dredging. Administrator Brooke stated funds were used for dredging in Joyce's Slough and near the Candlelight Inn. Administrator Brooke stated funding would be set aside for either the opening of Joyce's Slough or for dredging depending on the best usage in the upcoming year.

M/S, Gassman-Seeley moved to forward a resolution to the next City Council meeting to schedule a public hearing on February 13, 2018 regarding the Capital Improvement Plan for 2019-2024. On roll call, carried unanimously.

4. Clinton County Area Solid Waste Agency ("CCASWA") and Landfill 28E Agreement – City Administrator Matt Brooke

City Administrator Matt Brooke stated Laura Liegois completed a study for the City to provide a recommendation of whether or not to remain a part of the Clinton County Area Solid Waste Agency ("CCASWA") and continue to use the landfill at the CCASWA. Administrator Brooke stated it was the recommendation to remain part of CCASWA and to continue to use the landfill.

Councilmember Allesee inquired about what factors helped determine that decision. Administrator Brooke stated a ranking system was used to determine certain variables and costs that would be associated with remaining at the CCASWA, creating a transfer station, and with leaving the landfill and using another facility. Administrator Brooke stated he and Mayor Vulich have been attending recent CCASWA meetings and the meetings have been very productive.

Administrator Brooke stated the City would be liable for what is in the landfill at the CCASWA even if the City decided to go elsewhere. Administrator Brooke stated a new facility would cost more money and the creation of a comprehensive plan. Administrator Brooke stated direct hauling would involve more staff and funding to transport the waste to another facility. Administrator Brooke stated a transfer station would involve more staff and regulations. Administrator Brooke stated if the City chose to leave the CCASWA, the landfill could close and this would negatively impact all citizens in the County.

Administrator Brooke stated in the first months of single-stream recycling there have been over 100 tons of extra recycling and a reduction in the tonnage of solid waste. Administrator Brooke stated this would help extend the life of the landfill and it would be very feasible to set up a single-stream recycling transfer station at the CCASWA. Administrator Brooke stated yard waste is currently disposed of at the landfill with no tipping fee and this is a large cost savings for the City.

Administrator Brooke stated if the City leaves the CCASWA, residents of the City would not be able to use the CCASWA for any services. Councilmember Connell inquired if residents could still use the CCASWA regardless of whether or not the City was part of the CCASWA. Mayor Vulich stated citizens would not be able to, as using the CCASWA is a benefit of being a

member. Councilmember Connell inquired if the County could increase its head count to include citizens of Clinton if the City left the CCASWA. Mayor Vulich stated that could be a possibility and could lead to an increase in fees.

Administrator Brooke stated the 28E Agreement for the CCASWA is currently being revised and one issue for the Council's consideration was weighted votes. Administrator Brooke stated the votes for members of the CCASWA are currently weighted based upon population – a City receives one vote for every 1,000 in population. Administrator Brooke stated the Council would need to decide if it wanted to retain the provisions on weighted voting. Mayor Vulich stated if each City had one vote and the head tax was raised by everyone, the City of Clinton would bear the brunt of the cost. Administrator Brooke stated of all the solid waste that is brought to the landfill, the City of Clinton only brings 11% of the total solid waste. Mayor Vulich stated even though Clinton only brings in 11% of the solid waste, the City pays 55% of the funds to run the facility. Mayor Vulich stated another option would be to allow one vote each for smaller items and retain the weighted vote for larger items.

Councilmember Connell inquired if the CCASWA ever bonds for anything. Mayor Vulich stated it did not and was funded through head taxes and fees. Mayor Vulich voiced support for the option that would allow one vote each for smaller items and retaining the weighted vote for larger items. Administrator Brooke stated the CCASWA consisted of a good group of people and the proposed options were reviewed by the City's legal counsel prior to presenting them to the Council.

Councilmember Connell inquired where the largest amount of solid waste was coming from at the CCASWA. Laura Liegois stated the rest of the County brings in approximately 25% of the solid waste, private haulers bring in some residential waste, and the remainder of the waste was from industrial users. Administrator Brooke stated the tipping fee for industrial users was \$26.00, while the tipping fee for residential users was \$44.00. Administrator Brooke stated single-stream recycling has been going very well and much positive feedback has been received. Mayor Vulich stated the rollout for single-stream recycling went very smoothly and thanked Liegois for her work. Mayor Vulich stated the City can work with the group at the CCASWA and the 28E Agreement just needs some updating to be current with the present times.

Administrator Brooke stated if no one was opposed to remaining at the CCASWA, the Council would need to indicate its desire on the weighted vote portion of the 28E Agreement. Councilmembers Gassman, Connell, Seeley and Schemers all indicated that they supported CCASWA members having one vote for smaller items and a weighted vote for larger items. Mayor Vulich stated other mayors have been frustrated by the weighted vote and offering a single vote for smaller items would be a good compromise.

Councilmember Connell stated it would be great if the rest of the County could transition to single-stream recycling. Mayor Vulich stated a study was being completed regarding the feasibility of creating a transfer station at the CCASWA and citizens have expressed excitement about the new program. Mayor Vulich stated the Council's desire on weighted voting will be conveyed to the CCASWA at the next CCASWA meeting.

5. Review of Council Meeting Procedures and Key Legal Requirements – City Attorney Patrick O’Connell

Mayor Vulich stated City Attorney Patrick O’Connell had to leave early and this item would be moved to the January 30, 2018 Committee of the Whole agenda.

6. Mayor and Council Updates

Councilmember McGraw thanked the Street Department for its work in clearing the streets over the holidays. Councilmember McGraw also thanked the Parks Department for its work in clearing the sidewalks on riverfront during the recent winter storms.

M/S, Connell-Gassman moved to adjourn. All in favor.

Respectfully Submitted,

Lisa M. Frederick
City Clerk