

Committee of the Whole
January 30, 2018

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

1. HUD Lead Abatement Update – Nicole Turpin & Joe Blodgett, ECIA

Nicole Turpin of ECIA (East Central Intergovernmental Association) introduced Joe Blodgett and Ryan Feller who would be assisting with the lead abatement program. Turpin stated \$1.5 million in grant funding had been received for lead abatement as well as \$150,000.00 for healthy homes activities. Turpin stated a two-third local match would be provided by the City of Clinton and two-thirds of the abatement activities would take place in the City of Clinton, with the other third taking place in Maquoketa. Turpin stated paperwork would be finalized with HUD (Housing and Urban Development) in the next few weeks and after publication and the public comment period was completed, funds would be released and work would begin.

Mayor Pro Tempore Allesee inquired about what the qualifications were to participate in the program. Turpin stated first priority would be a household with a child under the age of six with high blood lead levels, second priority would be households with a child under the age of six and last would include all other households. Turpin stated single family residences would need to be at 80% of the County median income. Turpin stated for rental units the criteria would be based on the number of units and income. Seeley inquired if rental units would be based on the tenant's income. Turpin answered in the affirmative.

Turpin stated a trust fund would be established to provide supplemental funds if it was determined that a household needed other assistance pursuant to the healthy homes inspection. Turpin stated items could include remediation of safety hazards and radon or additional lead treatment.

Mayor Pro Tempore Allesee inquired if there was an age requirement for homes. Turpin stated lead paint was used in homes prior to 1978. Turpin stated if the City were to receive CDBG (Community Development Block Grant) funding, those funds could be combined with HUD funding for work needed on eligible properties.

Councilmember Seeley inquired if wood siding with lead paint would be part of the lead abatement program. Blodgett stated per the parameters of the Healthy Homes Program, which was tied to the lead abatement program, all of the home must be remediated. Blodgett stated the average cost to abate a home was \$15,000.00. Blodgett stated if the cost were to reach \$19,999.00 or above, further approval would need to be received from HUD.

Councilmember Connell inquired how residents could apply to participate in the program. Turpin stated once applications were released in the next few weeks, applications would be available on the ECIA website and at the Building and Neighborhood Services Department in City Hall. Turpin stated information would also be distributed to City residents in the February edition of *The Lighthouse* as well through the local schools, VNA (Genesis Visiting Nurses Association), Community Action of Eastern Iowa and through the Housing Authority.

Councilmember Connell inquired about who would complete the initial walk-through of potential homes and how contractors would be selected. Turpin stated contractors must be

approved by HUD, have training in lead abatement and be registered with the State of Iowa. Turpin stated applications were currently being received for contractors. Administrator Brooke inquired how children were tested for blood lead levels. Turpin stated the VNA offered testing for free and the State of Iowa was encouraging testing for kindergarteners. Councilmember Allesee inquired if there was a time limit to complete the project. Turpin stated each individual project would be completed in approximately ten business days. Turpin stated this guideline was adhered to due to having to relocate the residents during the abatement. Administrator Brooke inquired how long the program would take place. Turpin stated it was a three year program. Blodgett stated initial assessments of homes would be completed by Blodgett and each assessment would take around five hours to complete. Blodgett stated all abatement work must be completed by contractors who have lead abatement certification and workers who are not trained will not be hired.

2. City Surplus Equipment – Transit and Fleet Superintendent Dennis Hart

Transit and Fleet Superintendent Dennis Hart stated various City departments had surplus equipment that would need to be declared surplus in order for the equipment to be sold. Superintendent Hart stated the vehicle listed for the Building & Neighborhood Services Department was declared surplus last year but had not yet been sold. Superintendent Hart noted the recycling trucks were added to the list and the only value for the vehicles would be for the cab and the chassis.

Councilmember Seeley inquired about the 2005 Ford Expedition. Superintendent Hart stated the vehicle had been used by the Police Department and was in poor condition. Councilmember Seeley inquired about the 2006 Ford LD Bus. Superintendent Hart stated the bus had major engine problems and could not be driven due to it being a safety hazard to operate.

M/S, Connell-Gassman moved to forward a resolution to declare surplus equipment to the next City Council meeting. On roll call, Gassman, Seeley, McGraw, Allesee, Connell, Schemers – Yes; Odor – absent.

3. Sale of City-Owned Parcel on Roosevelt Street (Parcel 8628390000) – City Administrator Matt Brooke

City Administrator Matt Brooke stated the City owned Parcel 8628390000 on Roosevelt Street that was a buildable vacant lot, measuring 159' by 132'. Administrator Brooke noted the parcel was adjacent to the levee. Administrator Brooke stated it would be worthwhile to put the parcel out for bid to see if the City could sell the parcel. Councilmember Seeley inquired about pursuing marketing for larger lots. Administrator Brooke stated the Council could refuse a received bid if the bid was too low. Administrator Brooke stated the Council may want to consider a variety of avenues to market vacant buildable parcels owned by the City. Administrator Brooke stated some communities offered City-owned vacant lots for a minimal price on the condition that a purchaser must build a certain type of home on the lot. Councilmember Allesee stated such a concept had been pursued in Dubuque.

M/S, Schemers-Connell moved to forward a resolution setting a public hearing for the proposed sale of a City owned vacant lot to the next City Council agenda. On roll call, Gassman, Seeley, McGraw, Allesee, Connell, Schemers – Yes; Odor – absent.

4. Sale of City-Owned Parcel at 243 25th Avenue North (Parcel 8605420000) – City Administrator Matt Brooke

City Administrator Brooke stated the City owned Parcel 8605420000 – 243 25th Avenue North. Administrator Brooke stated an adjacent property owner approached the City expressing interest in acquiring 243 25th Avenue North. Administrator Brooke stated the parcel was a buildable lot, measuring 62' by 98'. Councilmember Gassman inquired if the City recently expended monies to tear down the structure located at 243 25th Avenue North. Administrator Brooke answered in the affirmative. Councilmember Gassman stated the demolition cost should be considered once bids are received from potential buyers. Councilmember Connell inquired if the bid notice would disclose the amount spent on demolition costs. Administrator Brooke stated that could be done. Battalion Fire Chief Jeff Chapman stated the parcel owned by the City was zoned R-4.

M/S, Schemers-Seeley moved to forward a resolution setting a public hearing for the proposed sale of a City owned vacant lot to the next City Council agenda. On roll call, Gassman, Seeley, McGraw, Allesee, Connell, Schemers – Yes; Odor – absent.

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

City Attorney Patrick O'Connell reviewed Council meeting procedures and key legal requirements with the Council. Attorney O'Connell stated he would distribute the 2018 Municipal Policy Leaders' Handbook to the Council, as it contained valuable information and Lynch Dallas updated the handbook each year. Attorney O'Connell stated he was developing a Council manual for the City that would outline the local procedures.

Attorney O'Connell stated the City of Clinton has Home Rule Authority and has adopted Robert's Rules of Order. Attorney O'Connell stated a mayor can do a lot to help keep order at Council meetings. Attorney O'Connell stated the City of Clinton has a City Administrator form of government and the City Administrator was tasked with running the City when the Council was not in session. Attorney O'Connell stated the Councilmembers were high-level policy makers and the City Administrator handled the day-to-day operations of the City.

Attorney O'Connell stated the City Attorney advises the Council as a whole, as well as boards and commissions, City Administrator and City staff. Attorney O'Connell stated while an item must be on the agenda to be discussed, the agenda did not have to go in order at the meeting. Attorney O'Connell discussed the importance of order and decorum as well as staying on topic. Attorney O'Connell stated Committee of the Whole meetings generally do not involve taking an action and provide the Council time for vetting of issues.

Attorney O'Connell discussed the difference between a closed session meeting and an exempt meeting. Attorney O'Connell stated an exempt meeting was exempt from the open meetings law and specifically pertained to collective bargaining. Attorney O'Connell stated a closed session meeting must be specifically covered by Iowa Code Chapter 21. Attorney O'Connell stressed the importance of articulating what provision of Iowa Code Chapter 21 provided for the ability to meet in closed session.

Attorney O'Connell stated while the Council often chooses to have informal public hearings, a variety of ordinances and resolutions were legally required to have public hearings. Attorney O'Connell stated an open meeting was any gathering of a quorum of Council members where

City business was being discussed. Attorney O'Connell stressed the importance of Councilmembers not discussing how they would vote on a particular issue with another Councilmember and the importance of avoiding the possibility of a rolling caucus. Attorney O'Connell stated meetings could occur electronically and stressed the importance of not replying to all Councilmembers in correspondence.

Attorney O'Connell stated Council agenda packets were distributed days in advance of the Council meeting to provide the Council time to review the agenda items. Attorney O'Connell stated any questions should be brought to the City Administrator prior to the meeting. Attorney O'Connell stated the public meeting was for high-level policy debate – not for clarification on agenda items.

Attorney O'Connell stated a quorum of Councilmembers was needed to pass an ordinance and if some Councilmembers were absent those votes would essentially count as “no” votes. Attorney O'Connell stated a simple motion would only require a majority of Councilmembers present to pass. Attorney O'Connell stated if a Councilmember was present at a meeting, the Councilmember must vote. Attorney O'Connell stated abstaining or recusing would essentially count as a “no” vote. Councilmember Gassman stated if a person were to abstain they were supposed to state the reason for abstaining. Attorney O'Connell stated that was correct and great detail did not need to be provided. Attorney O'Connell stated in the case of an extreme emergency, the Council could meet with less than 24 hours' notice.

Attorney O'Connell stated if a motion was made to amend an item, a vote must occur on the amendment first and then on the original item. Attorney O'Connell stated if an item was tabled, it would sit until it was brought forward. Attorney O'Connell stated items are usually postponed to a certain date in the future rather than tabled. Attorney O'Connell stated any Councilmember can make a motion to bring back a tabled item, but the item must be on the agenda to be discussed. Attorney O'Connell stated a motion can be made to end a debate if excessive discussion was occurring. Attorney O'Connell stated such a motion would require a two-thirds vote. Attorney O'Connell stated a motion to reconsider must occur at the same meeting. Attorney O'Connell stated if a measure failed, a Councilmember who voted against the measure could bring the item back for reconsideration within thirty days of the original vote.

Attorney O'Connell discussed ethics and the gift law with the Council. Attorney O'Connell stated gifts in value over \$2.99 cannot be accepted, including paid speaking engagements. Attorney O'Connell stated the Home Rule Authority provides the City the broad authority to pass ordinances consistent with State laws. Attorney O'Connell stated open records requests are handled by the City Clerk and the City Administrator.

Councilmember Gassman inquired about legal protections of staying in a closed session meeting if the Councilmember voted no to go into a closed session. Attorney O'Connell stated if a Councilmember did not believe there was a legal basis to be in a closed session, the Councilmember should leave the meeting. Councilmember Connell inquired if Councilmembers could participate electronically in a closed session meeting. Attorney O'Connell stated as long as both parties could hear each other, yes that could take place.

Administrator Brooke stated if a Councilmember wanted an item added to an agenda that had already been posted, the Councilmember was to submit the request in writing to the City Administrator and the entire Council.

Attorney O'Connell stated if the Council had any questions about policy or procedures the Council could contact him.

6. Mayor and Council Updates

Mayor Pro Tempore Allesee acknowledged the passing of Edith Pfeffer. Mayor Pro Tempore Allesee thanked Councilmember Schemers and the Sisters of Saint Francis for the human trafficking presentation.

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

Respectfully Submitted,

Lisa M. Frederick
City Clerk