

Committee of the Whole
April 10, 2018

Present: Mayor Vulich, Councilmembers Gassman, Seeley, McGraw, Allesee, Connell (via phone), Schemers, and Odor, City Attorney, City Administrator, City Clerk, Press and interested citizens.

1. 4th of July Festival – Dave Helscher

Dave Helscher, Chairman of the 4th of July Festival, thanked the Mayor and Council for supporting the festival and for last year's contribution. Mr. Helscher stated July 4, 2018 would be the seventh year for the festival and would include a parade, music, inflatables, a bags tournament, whiffle ball tournament, volleyball, a hot dog eating contest, food, and fireworks, among other activities. Mr. Helscher requested a contribution of \$4,500.00 from the City for the festival and that the City budget a set amount each year for the festival. Mr. Helscher stated this would assist with future planning and budgeting for the festival. Councilmember Allesee inquired about the total cost for the festival. Mr. Helscher stated for 2018 the estimated cost was around \$25,000.00. Administrator Brooke stated the festival was a good civic activity and the requested donation amount was financially feasible. Administrator Brooke recommended that the contribution be budgeted for in future years. Mr. Helscher stated the festival would not be possible without the assistance and support of the City and the many City Departments that help prepare for and coordinate the festival. Councilmember Schemers noted positive feedback he had received from out-of-state visitors regarding the festival.

M/S, Seeley-Odor moved to forward a resolution approving a contribution of \$4,500.00 to the 4th of July Festival to the next City Council agenda. On roll call, carried unanimously.

2. Purchase of 130 5th Avenue South by Downtown SSMID II – Downtown Alliance Director Karen Rowell

Downtown Alliance Director Karen Rowell stated the Downtown SSMID II had the opportunity to purchase 130 5th Avenue South for \$5,000.00. Director Rowell stated the purchase would be accomplished with the use of SSMID funds and not City funds. Director Rowell stated the Downtown SSMID projected to spend around \$30,000.00 in SSMID funding to stabilize the structure prior to finding a new owner for the building. Councilmember Seeley stated he supported the Downtown SSMID's efforts and stated other cities were completing similar projects. Director Rowell stated the Downtown SSMID would be exploring completing similar projects with other buildings in the Downtown.

M/S, Allesee-Seeley moved to forward a resolution approving the purchase of 130 5th Avenue South by the Downtown SSMID in the amount of \$5,000.00 to the next City Council agenda. On roll call, carried unanimously.

3. 28E Agreement with Goose Lake – Water Pollution Control Superintendent Bob Milroy

Water Pollution Control Superintendent Bob Milroy stated the City of Goose Lake, Iowa approached Superintendent Milroy regarding completing FOG ("Fats, Oils and Grease") inspections for food establishments in the City of Goose Lake. Superintendent Milroy stated the City of Goose Lake only had four food establishments and the City of Clinton would charge \$40.00 per inspection, plus mileage. Superintendent Milroy stated City Attorney Patrick O'Connell prepared a 28E Agreement to be signed by the City of Goose Lake and the City of

Clinton regarding the completion of the inspections. Councilmember Seeley inquired if the businesses or the City of Goose Lake would be required to pay the inspection fee and mileage. Superintendent Milroy stated the City of Goose Lake would be required to pay the fees. Councilmember Seeley inquired about the number of staff needed to complete the inspections and how often they would occur. Superintendent Milroy stated it would only take one staff member to complete the inspections and the inspections would only be completed once a year, unless a re-inspection was required. Superintendent Milroy stated any re-inspections would incur another \$40.00 fee, plus mileage.

M/S, Odor-Seeley moved to forward a resolution approving the 28E Agreement between the City of Goose Lake and the City of Clinton regarding FOG inspections to the next City Council agenda. On roll call, carried unanimously.

4. Trail Master Plan Update – City Engineer Jason Craft

Assistant City Engineer Zane Pennock stated two open houses were held on March 29, 2018 from 12:00 PM – 2:00 PM and from 4:00 PM – 6:00 PM regarding walking and biking trails and sidewalks in the City. Assistant Engineer Pennock stated there were around twenty-five attendees who were able to visit four stations regarding trails and sidewalks in the City. Assistant Engineer Pennock stated one station involved participants placing five stickers on a City map indicating where the participant already walked and/or biked or places where the participant would like to walk or bike. Assistant Engineer Pennock stated eight locations received 48% of the votes: Ericksen Center, Mill Creek Parkway, Riverview Drive, Eagle Point Park, 13th Avenue North, the North Bridge, 19th Avenue North, and 2nd Avenue South. Assistant Engineer Pennock stated another station provided participants the opportunity to indicate where they would like trails to be created. Assistant Engineer Pennock stated of responses received, 68% of participants preferred 5 proposed trails: 13th Avenue North, 19th Avenue North, Mill Creek Parkway, Mill Creek Parkway (North), and 14th Street. Assistant Engineer Pennock stated a third station provided participants the opportunity to indicate how trail creation should be prioritized and participants favored three particular considerations: connections, safety, and publicity and awareness.

Assistant Engineer Pennock requested that a Trails Advisory Committee be created and stated many participants at the open house expressed interest in serving on such a committee. Assistant Engineer Pennock stated the goals of the Trails Advisory Committee would include creating documents for the Trails Master Plan, as well as assisting with the development of policy for sidewalk infill, including prioritization of infill locations. Mayor Vulich stated a Shared Use Trails Committee existed previously. Assistant Engineer Pennock stated the Shared Use Trails Committee had dissolved, with the responsibilities of the Committee transferring to the Parks and Recreation Advisory Board. Assistant Engineer Pennock stated a separate Committee for trails would be advisable. Administrator Brooke stated a Trails Advisory Committee could also explore options for trail maintenance. Councilmember Seeley inquired if there was a lack of involvement in the Committee previously. Engineer Craft stated several citizens expressed strong interest in being committee members. Councilmember Schemers concurred. Mayor Vulich stated he would like to review the prior duties of the Shared Use Trails Committee.

M/S, Schemers-Odor moved to forward an Ordinance to create a Trails Advisory Committee to the next City Council agenda for its first reading. On roll call, carried unanimously.

5. Sidewalk Maintenance Policy – City Engineer Jason Craft

Engineer Craft stated work was continuing to improve the condition of the sidewalks in the City. Engineer Craft stated around 24% of the sidewalks in the City were in deficient condition (around 41 miles of sidewalk). Engineer Craft stated it would cost around \$8 million to repair the sidewalks in deficient condition. Engineer Craft stated the Let's Live Healthy Initiative recently completed a sidewalk assessment and ICAP (Iowa Communities Assurance Pool) previously noted deficiencies in the sidewalks in the City. Engineer Craft stated the existing policy stated that homeowners were required to maintain and pay for repairs to their sidewalks, and many sidewalks have not been maintained due to the owner being unable to afford the cost of maintenance/replacement. Engineer Craft stated in reviewing the sidewalk policies of eighteen other cities, fourteen of the eighteen cities had policies similar to the City of Clinton.

Engineer Craft stated a proposed plan to address the sidewalks in deficient condition would include first repairing the sidewalks in the worst condition (those that pose a threat to public safety) over the next two years, and second repairing the remaining sidewalks in conjunction with street projects as part of the pavement management plan. Engineer Craft stated the cost to repair the sidewalks in the worst condition, which pose a threat to public safety, would be around \$1 million and the cost to repair the remaining sidewalks as part of the pavement management plan would cost around \$250,000.00 to \$300,000.00 per year.

Engineer Craft stated in discussing responsibility for payment of sidewalk repairs with attendees at the open house and in reviewing online survey results, the majority of individuals were agreeable to the City paying some portion and owners paying some portion of the sidewalk repairs. Engineer Craft stated half of the cost of sidewalk repairs, up to a maximum of \$1,000.00, could be assessed to the abutting owner, with a payback period of ten years. Engineer Craft stated setting a cap at \$1,000.00 and allowing a ten year payback period could make the payments more affordable for owners.

Mayor Vulich stated he was agreeable with sidewalk maintenance and repairs occurring as part of the pavement management plan. Mayor Vulich stated property owners in the City were already paying high taxes and would not be able to afford an additional cost. Mayor Vulich stated he would like a plan presented each year to the Capital Improvements Planning Committee, similar to the pavement management plan, for repairing sidewalks. Councilmember Connell stated whether the owner was assessed a portion of the cost for sidewalk repairs or all taxpayers paid more for a sidewalk maintenance plan, there would still be a cost to residents. Mayor Vulich stated the cost could be more spread out if all taxpayers paid a portion to maintain the sidewalks in the City.

Councilmember Connell inquired if the majority of sidewalks were in the public right-of-way. Engineer Craft stated all of the sidewalks in the City were in the public right-of-way. Councilmember Connell inquired if a contractor would have to pay for a permit to be able to complete sidewalk work in the right-of-way. Engineer Craft stated the fee was nominal and consideration could be made to have the fee waived.

Engineer Craft stated City Attorney Patrick O'Connell had advised against the City maintaining all of the sidewalks in the City (and paying for all of the sidewalk maintenance) due to concerns over liability. Administrator Brooke stated the existing Ordinance would need to be adjusted for a new sidewalk maintenance plan and a funding plan would also need to be determined. Councilmember Schemers inquired about liability issues. Attorney O'Connell

stated sidewalks that have failed and were not being repaired would be a liability issue and improving the condition of the sidewalks in the City could help minimize liability.

Engineer Craft stated a plan would need to be established to address prioritization of which sidewalks would be repaired first. Mayor Vulich stated if the City incorporated sidewalk repairs as part of the pavement management plan, the same contractor could be completing the work and there would be consistency in the quality of the work completed.

M/S, Schemers-Allesee moved to forward an Ordinance to change the sidewalk maintenance policy to the next Committee of the Whole agenda. On roll call, carried unanimously.

6. The Washington LLC – City Administrator Matt Brooke

Administrator Brooke stated a Development Agreement currently existed with The Washington LLC that provided \$68,000.00 in LMI Funds to the developer upon a certificate of occupancy being issued. Administrator Brooke stated \$472,000.00 in tax abatements was also part of the Development Agreement. Administrator Brooke stated Project Manager Chris Ales had requested \$150,000.00 in additional LMI Funds due to funding gaps experienced after the 2017 Federal Tax Act. Administrator Brooke stated \$150,000.00 in additional LMI Funding could be allocated to the project over a ten year period and stated he would suggest that the funding be contingent upon a specified occupancy rate. Administrator Brooke stated he would not recommend moving forward with the City utilizing the auditorium or gymnasium at this time.

Councilmember Seeley inquired if Manager Ales was in attendance at the meeting. Administrator Brooke stated he was not. Councilmember Seeley stated while he was supportive of the project, he did not support the City investing more money into the project than the investor. Councilmember Seeley stated many other projects could utilize the LMI Funds. Mayor Vulich concurred and stated requiring specified occupancy levels would be key to awarding additional funding. Councilmember Seeley inquired if the City would be required to provide funding pursuant to the Development Agreement to a new owner if the property was sold. Administrator Brooke stated the Development Agreement was only for the current owner. Councilmember Connell inquired if a completely new Development Agreement would be prepared. Administrator Brooke stated the current Development Agreement would be revised. Councilmember Connell stated he was not in favor of awarding additional LMI Funding to the project and stated the taxpayers were paying for a large amount of the project. Councilmember Connell stated he would like to see conditions in the Development Agreement that required the Developer to use local businesses and contractors. Councilmember Connell stated he concurred that the LMI Funds could be used for other projects in the City. Councilmember Gassman stated he would like to see the project be completed and \$15,000.00 a year would be less than the cost of demolishing the structure.

Mayor Vulich stated the proposal would be to adjust the Development Agreement to provide \$15,000.00 a year in additional LMI Funds for ten years contingent upon certain occupancy levels and with the condition that local businesses and contractors be used. Councilmember Schemers and Connell stated they would like more information and had questions for Manager Ales.

M/S, Gassman-Allesee moved that the City Administrator discuss revising the Development Agreement with Project Manager Chris Ales to provide an additional \$15,000.00 in LMI Funds for ten years contingent upon certain occupancy levels and the condition that local businesses

and contractors be used, and if Manager Ales accepted the proposal, a draft Development Agreement would be presented to the Council at the April 24, 2018 Committee of the Whole meeting and Manager Ales would be present at the meeting to answer any questions. On roll call, carried unanimously.

7. Ordinance to Amend Chapter 31 & 32 to Establish a New Committee – Grant Committee – City Administrator Matt Brooke

Administrator Brooke stated the creation of a Grant Committee was proposed to review and work on available grants. Administrator Brooke stated grants could range from small grants to large grants (such as the TIGER Grant). Councilmember Seeley inquired if the Progress Coalition would be better suited to handle such a task. Administrator Brooke stated a committee was needed with a narrow focus that solely worked on completing tasks for grant applications. Councilmember Schemers inquired if the committee would also be tasked with finding grant opportunities. Administrator Brooke answered in the affirmative. Mayor Vulich stated expedited readings of the Ordinance to create a Grant Committee would be advised in order to promptly appoint committee members and begin working on grant applications.

M/S, Allesee-Odor moved to forward an Ordinance Amending Chapter 31 and an Ordinance Amending Chapter 32 to the next City Council agenda for their first readings. On roll call, carried unanimously.

Councilmember Connell left the meeting.

8. Ordinance to Amend Chapter 114 – Penalty Provision – City Administrator Matt Brooke

Administrator Brooke stated an Ordinance to Amend Chapter 114 was purely a housekeeping measure to eliminate language regarding simple misdemeanor and replacing it with language for a municipal infraction.

M/S, Seeley-Odor moved to forward an Ordinance to Amend Chapter 114 to the next City Council meeting for its first reading. On roll call, Gassman, Seeley, McGraw, Allesee, Schemers, Odor – Yes; Connell – absent. Motion carried.

9. Community Development Block Grant – Pilot Project Update – City Administrator Matt Brooke

Administrator Brooke stated the City was awarded a Community Development Block Grant (“CDBG”) to complete a Gut Rehab Pilot Project – which would be the first CDBG awarded in the State for such a project. Administrator Brooke stated East Central Development Corporation would be deemed eligible properties and would handle the rehabilitation as well as the application process for potential purchasers. Councilmember Allesee inquired if there was a residency requirement. Administrator Brooke stated the residence must be owner-occupied for at least five years after the date of purchase. Councilmember Seeley stated some houses that were currently on the demolition list may be eligible for the project and inquired if properties could be purchased for the project. Administrator Brooke answered in the affirmative and stated potential properties were currently being reviewed. Administrator Brooke stated the goal of the project was that it become self-sustaining.

10. Mayor and Council Updates

Mayor Vulich stated applicants were needed for boards and commissions, including the newly formed Monument Committee and Grant Committee. Administrator Brooke stated the Historic Preservation Commission received a grant for the Leonard Crunelle Statue.

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

Respectfully Submitted,

Lisa Frederick
City Clerk