

Committee of the Whole  
April 24, 2018

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

1. Ordinance Amending Sidewalk Policy – City Engineer Jason Craft

City Engineer Jason Craft stated pursuant to the Council's request, City Attorney Patrick O'Connell prepared a draft Ordinance amending Chapters 97.029 and 97.030 pertaining to sidewalk maintenance in the City. Engineer Craft stated the ordinance would state that the adjacent owner would be responsible for sidewalk maintenance and the City, at its' discretion, could choose to fund and complete sidewalk repairs. Engineer Craft stated a resolution would be presented separately that would contain a policy for sidewalk maintenance.

Mr. Jeff Medinger, 2911 North 4<sup>th</sup> Street, stated some areas of town do not have sidewalks. Mr. Medinger stated he was not in favor of the cost of sidewalk maintenance being allocated to all residents and stated he believed abutting owners should pay the cost of the sidewalk repairs. Mr. Medinger stated he believed owners who did not complete needed sidewalk repairs should be fined, similar to owners who do not remove snow in conformance with the City Code.

Councilmember Gassman stated the policy should outline instances when the abutting owner would be responsible for the cost of maintenance and what types of work would be completed by the City. Councilmember Connell inquired about the sidewalk policy and when sidewalk work would be completed if there were no upcoming street projects in a particular area. Engineer Craft stated the policy would provide a provision that the sidewalks that were currently safety hazards would be fixed in the first two years at an estimated cost of \$1 million. Engineer Craft stated the remaining sidewalk repairs would coincide with street work completed as part of the Pavement Management Plan.

Councilmember Connell inquired about varying widths of sidewalks in the City, from three feet wide to six feet wide. Engineer Craft stated all new sidewalks were required to be five feet wide or wider if the sidewalk was also a bike trail.

M/S, Gassman-Schemers moved to forward an Ordinance Amending Chapter 97.029 and 97.030 of the Code of Ordinances of the City of Clinton, Iowa to the next City Council agenda for its first reading. On roll call, carried unanimously.

In discussion before roll call, Councilmember Seeley stated sidewalks were similar to roadways in that both were considered right-of-way and could be utilized by anyone.

2. Social Media Policy – City Administrator Matt Brooke

City Administrator Matt Brooke stated a policy was needed regarding social media and electronic media. Administrator Brooke stated it would be suggested to utilize a third party contractor to complete the services. Administrator Brooke stated the policy would provide guidelines for internal and external communications, including dissemination of information to the media after local events, communications with congressional leaders, and archiving of digital media. Administrator Brooke stated he would like a motion to proceed with obtaining quotes to complete the work.

Councilmember Allesee inquired if the proposed guidelines would be eventually incorporated into the employee handbook. Administrator Brooke answered in the affirmative. Councilmember Schemers stated he supported such a policy and stated it would be invaluable. City Attorney Patrick O'Connell stated the proposed project would include more than a social media policy, and suggested using a better description, such as information dissemination policy. Mayor Vulich concurred. Councilmember Seeley inquired if it would be proposed to hire staff for the work. Administrator Brooke stated it was not. Councilmember Connell inquired about comparing policies of other cities. Administrator Brooke stated Dubuque had three staff members dedicated to public information. Mayor Vulich stated the staff in Dubuque was all part-time staff. Administrator Brooke stated guidelines could be set to best determine outreach, dissemination of information and how to address misinformation. Councilmember Allesee stated many businesses have similar policies and have dedicated spokespersons.

M/S, Seeley-Allesee moved to direct Administrator Brooke to proceed with obtaining quotes to implement an information dissemination/social media policy. On roll call, carried unanimously.

### 3. Sidewalk Cafés – City Administrator Matt Brooke

Administrator Brooke stated while the City had an existing Sidewalk Café Ordinance, no interest had been received from business owners due to some of the guidelines of the current ordinance. Administrator Brooke stated it would be proposed to revise the current ordinance, and corresponding resolution, to encourage participation by local business owners. Administrator Brooke stated for the upcoming summer season, it would be proposed that all fees be waived and that permanent retainers not be required.

Councilmember Allesee stated any changes would need to proceed quickly to allow businesses to take full opportunity of utilizing a sidewalk café during the summer months. Mayor Vulich stated the Council would need to consider if it wanted to complete all three ordinance readings at the May 8, 2018 Council meeting. Councilmember Seeley stated he was supportive of the changes and combined readings. Councilmember Gassman concurred. City Attorney Patrick O'Connell stated many other cities had recently updated their sidewalk café ordinances for similar reasons. Administrator Brooke stated the focus would be on safety and encouraging participation. Councilmember Connell inquired if the ordinance would apply to the entire City. Administrator Brooke answered in the affirmative.

Karen Rowell, Downtown Clinton Alliance and SSMID II, stated she was very supportive of the proposed changes and inquired if fencing would be required. Mayor Vulich stated some type of temporary fencing would be required to delineate the area. Rowell stated consistency of what would be used in the downtown would be preferred and inquired if umbrellas would be allowed. Mayor Vulich answered in the affirmative. Councilmember Connell stated the Downtown SSMID could set guidelines for itself on what types of fencing or other items would be acceptable. Councilmember Seeley inquired why a fence was needed. City Clerk Lisa Frederick stated if alcohol was served the Iowa Alcoholic Beverages Division required that the licensed premises be clearly delineated from the unlicensed premises. City Attorney Patrick O'Connell stated clear delineation would also be required for ADA compliance. Rowell inquired if fencing would be required for a business that did not serve alcohol. Administrator Brooke stated it would not be required. Rowell inquired if a business could utilize an adjacent owner's sidewalk, if the adjacent owner approved such usage. Administrator Brooke answered

in the affirmative. Councilmember Connell stated a written agreement should be completed for such instances. Steve Howes, Howes & Jefferies, voiced support for the proposed changes.

M/S, Allesee-Connell moved to forward an Ordinance amending the Sidewalk Cafés Ordinance, and any corresponding resolution, to the next City Council agenda and that the Ordinance receive expedited readings. On roll call, carried unanimously.

4. New Liquor License Application – Blue 32 Sports Bar – City Clerk Lisa Frederick

Clerk Frederick stated a new liquor license application was received from Kevin Goddard for Blue 32 Sports Bar located at 517 South 3<sup>rd</sup> Street (formerly the Poltergeist). Clerk Frederick stated the applicant had met all local requirements for a new liquor license.

M/S, Seeley-Allesee moved to forward a resolution approving the new liquor license application for Blue 32 Sports Bar to the next City Council agenda. On roll call, carried unanimously.

5. City Assessor Vacancy – Mayor Vulich

Mayor Vulich stated City Assessor Brian Tiesman, who was hired four months ago, had accepted an offer to become the Clinton County Assessor. Mayor Vulich stated the Council would need to decide if it would like to try to fill the vacancy or merge with the County at this time. Mayor Vulich stated when hiring for the City Assessor position, only two applicants applied for the position and the County only received three applicants for the County Assessor position. Mayor Vulich stated with new State requirements the applicant pool may be very limited and the next test date for assessors was not until July 2018. Mayor Vulich stated Tiesman was very well liked by City residents. Attorney O'Connell stated no assessment appeals for the 2018 assessment year had been forwarded to Attorney O'Connell's office at this time. Mayor Vulich stated Tiesman had made many improvements to the office, including updating the website, completing informal reviews and working with Archer Daniels Midland. Mayor Vulich stated if the Council decided to merge, the merge could occur on June 1, 2018, to allow for a smooth transition (as Tiesman's resignation was effective May 31, 2018).

Councilmember Connell inquired about the current staff employed by the City Assessor's office. Administrator Brooke stated Tiesman indicated he would hire the two City Assessor staff members if the offices were merged. Councilmember Gassman stated the Council voted regarding merging offices within the previous six months and all seven councilmembers chose to retain the City Assessor's office. Councilmember Gassman stated he was not in favor of merging and preferred local control. Councilmember Gassman noted once the offices were merged the City could not get the office back and stated he would like to advertise the position. Mayor Vulich stated if there was no City Assessor the City Clerk would be required to act as the City Assessor pursuant to State law.

Councilmember Seeley inquired about the timeframe for advertising and interviewing. Mayor Vulich stated the State Code provided strict guidelines regarding filling assessor vacancies. Attorney O'Connell stated while the State Code would need to be adhered to, the process could begin informally.

Lynn Seitz, employee of the City Assessor's office for twenty-four years, stated the individuals that were appointed to the City Assessor's Examining Board in the fall/winter of 2018 would serve on that board for six years and could meet again at any time. Administrator Brooke

inquired about the summer workload for the City Assessor's office. Seitz stated preparation would begin for fieldwork and 2019 assessments. Seitz stated the Board of Review would begin reviewing any appeals on May 1, 2018 and the review process could take a month or more.

Councilmember Schemers stated Tiesman was chosen due to his skills and stated he would like to merge so that citizens could continue to work with Tiesman. Councilmember Schemers inquired if the residency requirement would apply to the City Assessor. Attorney O'Connell stated the City Assessor was employed by the Conference Board and the residency requirement would not be applicable.

Mayor Vulich stated a legal opinion would be requested from Attorney O'Connell regarding whether the Examining Board could receive applications for City Assessor prior to the vacancy taking place. Administrator Brooke stated the Council would need to determine if now was the best time to combine.

Steve Howes, Howes & Jefferies, stated the Assessor's office, whether City or County, was board run and operated pursuant to State Code. Councilmember Allesee stated the Conference Board only met once a year to determine the budget for the City Assessor's office. Councilmember Seeley stated if a City resident were to appeal their assessed value, the City Board of Review members were all residents of the City of Clinton. Councilmember Seeley stated if the offices merged and a resident appealed their assessed value, the County Board of Review may not have any members from the City of Clinton. Attorney O'Connell stated an assessor, whether County or City, worked independently and separately from any political influences and a new hire would operate independently.

Councilmember Odor stated many positive comments had been made regarding Tiesman. Councilmember Odor stated if the offices merged and Tiesman left the position, the City may regret merging. Councilmember Connell stated the list of eligible applicants may be very slim. Attorney O'Connell stated if the offices merged, discussions would need to occur with County Attorney Wolf regarding any outstanding appeals. Councilmember Seeley inquired about transferring of data if the offices merged. Mayor Vulich stated both offices used the same software.

M/S, Allesee-Schemers moved to forward an Ordinance to abolish the City Assessor's office to the next City Council agenda for its first reading. On roll call, Seeley, McGraw, Allesee, Connell, Schemers – Yes; Gassman, Odor – No. Motion carried.

## 6. Mayor and Council Updates

Mayor Vulich stated the Iowa Economic Development Authority nominated two census tracts in the City of Clinton as Opportunity Zones. Mayor Vulich stated the nominations were presented to the Treasury on April 20, 2018, and the Treasury would determine which nominated tracts received the final designation. Mayor Vulich stated the Treasury would then provide the process for implementing and utilizing Opportunity Zones. Administrator Brooke stated the two census tracts included an area from 7<sup>th</sup> Avenue North to Bluff Boulevard to South 14<sup>th</sup> Street. Administrator Brooke stated the Beaver Slough area was not included.

Mayor Vulich thanked the Police Department on the Department's recent work on a theft incident and utilization of cameras to catch and arrest the suspect.

Councilmember Odor stated his family was in the process of adopting their fourth child.

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

Respectfully Submitted,

Lisa Frederick  
City Clerk