

Committee of the Whole
September 26, 2017

Present: Mayor Vulich, Council Members Gassman, Seeley, McGraw, Allesee, Odor, Connell and O'Neill, City Administrator, City Attorney, City Clerk, Press and interested citizens.

1. Municipality Software – Finance Director Anita Dalton

Finance Director Anita Dalton stated four references were contacted for the Municipality software and all four references gave positive reviews. Councilmember Connell inquired about one reference that asked to be called about the reference inquiry. Finance Director Dalton stated Battalion Chief – Building and Neighborhood Services Code Official Jeff Chapman called the reference and received a good review of the software from the reference.

M/S, Allesee-McGraw moved to forward the acceptance of acquiring Municipality software as part of the financial management software system to the next City Council agenda. On roll call, carried unanimously.

2. Standard Code of Conduct Statement for Employees/Board/Commissioners and Agents of the City of Clinton, Iowa – Councilmember Ed O'Neill

Councilmember O'Neill expressed concerns about three items contained in the Standard Code of Conduct Policy. First, Councilmember O'Neill expressed concerns that the provision requiring appointed Board Members/Commissioners and Agents to refrain from any action and avoid any pronouncements, which reflect adversely upon the City of Clinton may infringe on an individual's first amendment rights. Councilmember O'Neill stated he wanted individuals to be able to freely express concerns without fear of reprimand and stated he would not be able to vote in favor of completing the Standard of Conduct Policy if the bullet point remained. Second, Councilmember O'Neill expressed concerns over the restriction that those required to follow the Standard Code of Conduct must refrain for two years after their employment/tenure ends from entering into any contract or arrangement in connection with the tenant-based programs in which those required to follow the Standard Code of Conduct may have any interest in directly or indirectly. Third, Councilmember O'Neill expressed concerns that the failure to report or disclose section did not clearly identify that the Council would be the only body that could take disciplinary action against the City Attorney and City Administrator.

Councilmember Connell requested the opinion of City Attorney O'Connell on these areas. City Attorney O'Connell stated for the first area of concern he did not foresee any legal issues in completely removing the referenced language. For the second area of concern, City Attorney O'Connell stated investigation would need to be made to determine the length of time that would be required to be in compliance with the Federal government's parameters. For the third area of concern, City Attorney O'Connell stated excluding the City Attorney or City Administrator from the document would not be legally advisable and City Attorney O'Connell believed the document, as currently written, did not conflict with the current procedures and would not affect the Council's authority in these disciplinary matters.

M/S, Gassman-O'Neill moved to amend the Standard Code of Conduct Statement to remove the first item of concern (first bullet point from page one that states: "Refrain from any action and avoid any pronouncements, which reflect adversely upon the City of Clinton") and adjust the second item of concern to one year (language under "Administration of Programs")

contained in the first paragraph), pending legal advice from City Attorney O'Connell. On roll call, carried unanimously.

M/S, Seeley-Allesee moved to forward the Standard Code of Conduct Statement as amended to the next City Council agenda. On roll call, carried unanimously.

3. Request for Letter of Approval from the City to Proceed with Submitting Nomination Papers to the National Historic Registry for the Leonard Crunelle Statue in Riverfront Park – Historic Preservation Commissioner John Rowland

Historic Preservation Commissioner John Rowland provided background information to the Council about the Leonard Crunelle Statue in Riverfront Park. Commissioner Rowland stated Crunelle statues are highly regarded and are most often found in larger cities. Commissioner Rowland further stated that of the seventeen properties in the City of Clinton that are already on the National Historic Registry, twelve of the seventeen are located in the downtown. Councilmember O'Neill inquired about the process to submit nomination papers to the National Historic Registry. Commissioner Rowland stated the consent of the owner, which in the case of the Leonard Crunelle Statue in Riverfront Park is the City of Clinton, must first be obtained and thus the request for the letter of approval.

M/S, Seeley-Gassman moved to forward the request for a letter of approval from the City to proceed with submitting the nomination papers to the National Historic Registry for the Leonard Crunelle Statue in Riverfront Park to the next City Council agenda. On roll call, carried unanimously.

4. Request for Approval of Contract with Midwest Art Conservation Center for Inspection and Detailed Report of the Leonard Crunelle Statue in Riverfront Park – Historic Preservation Commissioner John Rowland

Historic Preservation Commissioner John Rowland stated the Leonard Crunelle Statue in Riverfront Park needs restoration work completed and that a proposal has been received from the Midwest Art Conservation Center to provide a determination of the work that would need to be completed. The report would include a full condition and cost estimate for treatment. Commissioner Rowland stated the Midwest Art Conservation Center would also assist the Historic Preservation Commission in applying for grant funds in order to pay for the restoration costs. Mayor Vulich noted that active members with the Midwest Art Conservation Center receive a reduced rate for the project and inquired if the Commission was a member. Commissioner Rowland stated the Commission was not a member and would be looking into becoming a member.

Mayor Vulich inquired if there was a time limit on approving the contract. Commissioner Rowland stated there was no rush on the approval. Councilmember Seeley inquired where the funds would come from to pay for the inspection and report. City Administrator Brooke stated funds were available in the general fund.

Councilmember Seeley suggested that the Commission complete the membership process before entering into a contract for the inspection and report in order to receive the reduced project rate.

M/S, Seeley-Connell moved to forward the request for approval of a contract with Midwest Art Conservation Center for inspection and detailed report of the Leonard Crunelle Statue in the

Riverfront Park to the next City Council agenda subject to the Historic Preservation Commission becoming an active member of the Midwest Art Conservation Center. On roll call, carried unanimously.

5. Referral from Traffic Study Commission – City Engineer Jason Craft
 - a. Request Concerning On-Street Parking in the 1400 Block of North 4th Street

City Engineer Jason Craft stated a petition was received to analyze on-street parking in the 1400 Block of North 4th Street (near the hospital). Concerns were expressed over visibility at the intersection due to vehicles being parked up to the intersection. City Engineer Craft stated nearby residents are not opposed to enforcing a sixty foot parking restriction near the intersection. Councilmember Gassman stated he observed multiple parked vehicles near the intersection from a nearby apartment. City Engineer Craft stated the apartment owner was receptive to the parking restriction. City Engineer Craft stated the Traffic Study Commission has recommended approval of the parking restriction.

M/S, Seeley-Odor moved to forward the request concerning on-street parking in the 1400 Block of North 4th Street to the next Council agenda. On roll call, carried unanimously.

6. Referral from Traffic Study Commission – City Engineer Jason Craft
 - a. Request Concerning On-Street Parking in the 400 Block of South 3rd Street

City Engineer Jason Craft stated a petition was received to analyze on-street parking in the 400 Block of South 3rd Street (near Corner Deli). Concerns were expressed over visibility when approaching 3rd Street from the alley behind Corner Deli due to parked vehicles. City Engineer Craft stated that removing one parking space near the intersection would improve visibility. City Engineer Craft stated the Traffic Study Commission has recommended approval of the removal of one parking space.

M/S, Seeley-Allesee moved to forward the request concerning on-street parking in the 400 Block of South 3rd Street to the next Council agenda. On roll call, carried unanimously.

7. TIGER Grant for Mill Creek Parkway – City Engineer Jason Craft

City Engineer Craft stated the application period is currently open for the TIGER grant. City Engineer Craft stated the City has applied for this grant in the past and was previously awarded the grant for the Liberty Square project. City Engineer Craft further stated that Iowa Transportation Commissioner David Rose had inquired with City Engineer Craft about applying for the TIGER grant in order to extend and complete Mill Creek Parkway. City Engineer Craft stated Mill Creek Parkway would meet the parameters required by the TIGER grant and the Council could decide to apply for that project or for another project.

Councilmember Allesee inquired if the grant would include four-laning Mill Creek Parkway. City Engineer Craft stated the proposal could include four-laning Mill Creek Parkway from Highway 30 to Main Avenue, extending Mill Creek Parkway from Main Avenue to Highway 67 (two lanes), and adding a bike trail along the entire Parkway. City Engineer Craft projected that this grant proposal could come close to the \$25,000,000.00 award cap. City Engineer Craft stated extending Mill Creek Parkway from Main Avenue to Highway 67 and adding a bike trail along all of Mill Creek Parkway would be an ideal application for the grant.

Councilmember Seeley inquired if the traffic volume on Mill Creek Parkway would constitute four lanes. City Engineer Craft stated the traffic volume would not warrant four lanes. City Engineer Craft stated the four-laning would align with the goals contained in the TIGER grant of enhancing transportation and efficiencies in transporting freight.

Iowa Transportation Commissioner Rose, 4426 Bellevue Road, informed the Council about his recent visit to Washington D.C. Commissioner Rose stated the TIGER grant gives special consideration to projects that are in rural areas and Clinton is considered rural. Commissioner Rose further stated that the TIGER grant aims to fund projects that promote regional connectivity and facilitate regional economic growth. Commissioner Rose expressed enthusiasm that the Mill Creek Parkway project (four lanes from Highway 30 to Main Avenue, two lane extension from Main Avenue to Highway 67, and complete bike path) was an excellent fit for the TIGER grant criteria and Commissioner Rose believed the City would have an excellent chance of receiving the grant for the project. Commissioner Rose spoke to the Council about the importance of four lane roads in attracting new businesses, particularly for the Lyons Tech Park. Commissioner Rose stated in order to apply for the TIGER grant, a study would need to be completed by Snyder & Associates and the study would have an estimated cost of \$15,000.00. Commissioner Rose stated the study would be good for a period of five years.

Councilmember Allesee inquired if four-laning Mill Creek Parkway is not warranted by traffic volumes at this time, why it would be included in the TIGER grant application. Commissioner Rose stated four-laning was not about traffic count but about connectivity.

Councilmember Connell inquired if the TIGER grant would be available next year. Commissioner Rose encouraged the Council to not pass up an opportunity to apply for a grant, particularly since Commissioner Rose believes the City is in a strong position to receive the grant. Councilmember Connell inquired if Mill Creek Parkway would be four lanes on the extension from Main Avenue to Highway 67. Commissioner Rose stated it was most important to four lane Mill Creek Parkway from Highway 30 to Main Avenue.

Councilmember Seeley inquired if there were not currently any issues on Mill Creek Parkway and if the traffic volume did not warrant four lanes, why it would be included in the TIGER grant application. Commissioner Rose stated four-laning is the gold standard in attracting businesses and some businesses will not consider locating in town if they do not have four lane road access. Councilmember Seeley expressed concerns that the Rail Park needs more work and inquired about applying for the TIGER grant for that project. Commissioner Rose stated the Rail Park would not meet the qualifications required by the TIGER grant. Councilmember Seeley stated the North River Driver project would also qualify and may be a better use of the TIGER grant funds. Commissioner Rose stated improved transportation is key with the TIGER grant and Commissioner Rose believed that other grants would be more suited to the Rail Park and North River Drive project.

Mayor Vulich stated a TIGER grant application was previously made for the Rail Park and was rejected early in the grant process, as it did not meet the qualifications of the TIGER grant. Mayor Vulich stated the Liberty Square project was awarded a TIGER grant and the project met the parameters of the TIGER grant, including finishing the Liberty Square project and revitalizing a major portion of town. Mayor Vulich stated a TIGER grant application was made for the 19th Avenue North project and was not awarded due to the project not meeting the parameters of the grant and not being a large enough road.

Councilmember Seeley expressed concerns that the TIGER grant information was brought to the Council in a very short timeframe. Mayor Vulich stated the TIGER grant always has a very short window of time from when the grant is announced to when the grant period ends.

Barb Suehl-Janis, Fulton, Illinois, voiced support for the TIGER grant application for the proposed Mill Creek Parkway project. Ms. Janis stated Mill Creek Parkway has afforded many benefits to the region and expressed appreciation for Commissioner Rose's work on the effort. Councilmember Allesee requested clarification on the cost associated with the study required in connection with the TIGER grant application. City Administrator Brooke stated the study would cost \$15,000.00 and this amount is separate from the fee already approved to study the North River Drive project.

Chuck Thornton, Homer's Deli and Sweetheart Bakery, 241 Main Avenue, expressed support on behalf of himself and Brenda Thornton for the TIGER grant application for the proposed Mill Creek Parkway project.

Clyde Bradley, 1655 Garrett Avenue, stated the original plan for Mill Creek Parkway was to connect from Highway 30 to Highway 67. Mr. Bradley stated issues arose at the time and the project was never fully completed.

Chad Jensen, The Bicycle Station & Jensen Oil, 3001 Tower Road, stated that the Lyons Business & Professional Association would not support the TIGER grant application for the proposed Mill Creek Parkway project due to concerns that the project would deter traffic from the Lyons businesses.

Councilmember Gassman expressed support for any and all grant applications and opportunities. Councilmember Connell expressed support for grant opportunities. Councilmember Connell asked for clarification on the total cost to apply for the grant. Mayor Vulich stated the estimated cost would be \$15,000.00 for a study to be completed by Snyder & Associates on the project, which is required by the grant application, and \$5,000.00 - \$10,000.00 for Snyder & Associates to write the grant. Commissioner Rose stated since the City of Clinton is considered rural, if the TIGER grant was awarded for the project, the project would be eligible to receiving 100% funding.

Councilmember O'Neill stated while his opinion could change with more information over time, he is not currently in support of the proposed Mill Creek Parkway project. Councilmember O'Neill stated the Council previously discussed funding a study for Mill Creek Parkway and decided against funding the study due to concerns by business owners in Lyons. Councilmember O'Neill expressed commitment to the North River Drive project and the Rail Park. Councilmember O'Neill expressed concerns that the City would complete the work on Mill Creek Parkway and then could decide to give the road to the State.

Councilmember Connell inquired about funding for the costs associated with the study and grant writing required for the TIGER grant application. Finance Director Dalton stated funds were available in the road use tax fund.

Councilmember Seeley thanked Commissioner Rose for his efforts and acknowledged the opportunity that was presented with the TIGER grant. Councilmember O'Neill stated the City decided weeks ago to not fund a study for Mill Creek Parkway and inquired what has changed for this decision. Councilmember Odor stated at that time the opportunity to apply for the TIGER grant was not available or known. Councilmember Odor stated this opportunity for

100% funding of the project is new information and is why a different decision may be reached. Councilmember Odor expressed support for the TIGER grant application for the proposed Mill Creek Parkway project, citing the benefits of a four lane road for businesses.

Councilmember Connell stated if the Council had known about the TIGER grant opportunity when discussing Mill Creek Parkway weeks ago the discussion most likely would have had a different outcome.

Mayor Vulich inquired if the Council was interested in pursuing applying for the TIGER grant. Councilmember O'Neill inquired if the grant would pertain to the North River Drive Project. Mayor Vulich answered that it would not. City Administrator Brooke stated other opportunities would most likely be available next year for the North River Drive project and that the Council would have a completed study on the project at that time as well. Councilmember Seeley stated the North River Drive project must receive approval to proceed from the Corps of Engineers before grant applications could begin.

M/S, Connell-Odor moved to forward a resolution to the next City Council agenda to approve applying for the TIGER grant for the Mill Creek Parkway project, to include four-laning Mill Creek Parkway from Highway 30 to Main Avenue, extending Mill Creek Parkway from Main Avenue to Highway 67 (two lanes), and adding a bike trail on the entire length of Mill Creek Parkway. On roll call, Gassman, Seeley, McGraw, Allesee, Odor, Connell – Yes; O'Neill – No. Motion carried.

8. Mayor & Council Updates

Councilmember Connell thanked everyone for their attendance.

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

Respectfully Submitted,

Lisa M. Frederick
City Clerk