

Committee of the Whole
October 9, 2018

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

1. Strategy Development – City Administrator Matt Brooke

City Administrator Matt Brooke stated the City currently had a 2032 Comprehensive Plan and a 2016-2018 Strategic Plan. Administrator Brooke stated the 2016-2018 Strategic Plan was currently being utilized and included four goals: maintaining and improving the strong financial position of the City, maintaining and enhancing communication with citizens, employees and other stakeholders, contributing to a healthy physical and economic environment and quality of life, and continually improving the City's organization and services.

Administrator Brooke stated a proposal had been received from Cassandra Halls to update the City's Strategic Plan. Administrator Brooke stated work would include input surveys, planning sessions with the Mayor and Council, as well as meetings with City staff. Administrator Brooke stated the process could assist with the CIP (Capital Improvement Program) process. Administrator Brooke stated the cost to complete the Strategic Plan update would not exceed \$12,000.00 and funds were available in the budget to cover the cost. Administrator Brooke stated the proposal had been reviewed by the City Attorney and payments would only be made once tasks were completed.

Councilmember Gassman inquired about usage of the Strategic Plan. Administrator Brooke stated the Strategic Plan guided the City administration and staff in all operations. Councilmember Gassman inquired if the updated Strategic Plan would align with the 2032 Comprehensive Plan. Administrator Brooke answered in the affirmative. Councilmember Gassman stated the Strategic Plan needed to be community focused on what would be best for all and inquired about Halls' viewpoint. Administrator Brooke concurred and stated Halls would obtain community input as well as complete two ninety minute sessions with the Council. Mayor Vulich stated with the holiday season approaching it may be difficult to garner citizen input. Administrator Brooke stated the schedule aligned with the CIP schedule but could be adjusted. Councilmember Connell inquired if references were checked for Halls. Administrator Brooke answered in the affirmative and stated Halls was recommended at the League of Cities and would provide a fresh set of eyes.

Councilmember Gassman stated he was supportive of the idea but stated he believed the process should be delayed for a year, as he was concerned about future budgetary constraints. Mayor Vulich concurred and stated it may be best to complete the update next summer. Councilmember Connell stated if the information was utilized to improve the City, the cost and work would be worthwhile. Councilmember Connell stated if Administrator Brooke stated funds were available in the current budget for the project, he would be supportive of the project. Mayor Vulich stated the work may not be completed in time for the CIP. Administrator Brooke stated the project would provide valuable feedback from the community. Councilmember Connell stated a community survey was completed when Administrator Kinser was working for the City and the survey coincided with a Chamber survey. Mayor Vulich stated the CRDC (Clinton Regional Development Corporation) would be completing a community survey in November 2018. Councilmember Connell inquired if an updated Strategic Plan would assist the Administrator in completing his job and accomplishing the Council's tasks. Administrator Brooke

answered in the affirmative and stated the updated Plan would help determine if the City was on the right path. Councilmember Seeley stated he believed the City was on the right path and stated he was torn on spending the funds for an updated Plan. Councilmember Connell stated the proposal provided several sessions and the Council could choose to not complete all of the sessions.

Administrator Brooke stated the matter could be revisited in the future. Mayor Vulich stated the matter could be placed on the agenda of the second Committee of the Whole meeting in March 2019. Councilmember Gassman stated a strategic planning meeting could also be scheduled and Halls could speak at the meeting.

2. Comprehensive Opioid Abuse Site-Based Program Grant – City Administrator Matt Brooke

Mayor Vulich stated notification was received from Senator Grassley's office that Clinton was awarded a Comprehensive Opioid Abuse Site-Based Program Grant. Administrator Brooke stated Kristin Huisenga of the Gateway ImpACT Coalition and Renae Council of Mercy Hospital would be speaking about the grant.

Huisenga stated prior presentations had occurred with the Council in the last several years regarding the opioid crisis and information was also contained in the Coalition's annual report. Huisenga stated the Fire Department utilized Narcan to save forty-nine lives last year, ranging in age from fourteen years old to sixty-nine years old. Huisenga stated surveys had been completed on what to do about the crisis and the ultimate goal was to disrupt the process for high frequency users. Huisenga stated the City had a need that was growing faster than the resources available. Huisenga stated quarterly meetings had been occurring and the grant would be a partnership between Mercy Hospital, Bridgeview Mental Health Center, ASAC, the Clinton Fire Department, the Clinton Police Department, the Clinton Finance Department and the Gateway ImpACT Coalition. Huisenga stated the DART (Drug Abuse Response Team) program would be implemented as part of the grant process. Council stated she was an educator at Mercy Hospital and the grant would fund a medication-assisted treatment program. Council stated medication would be paired with intensive outpatient treatment and all programs were evidence-based. Administrator Brooke stated Mercy Hospital had updated its policy on prescribing pain medications. Council concurred. Council stated research would also be conducted with the University of Iowa as part of the grant. Administrator Brooke stated the grant was for two years. Councilmember Connell inquired about Department of Justice feedback and review. Huisenga stated reports would be submitted to the Department of Justice and a site visit could be a possibility. Administrator Brooke stated Huisenga and team had prepared project goals and would administer the grant.

3. Wireless Communications Ordinance – City Attorney Steven Leidinger

Attorney Leidinger stated a confidential memo was sent to the Mayor and Council regarding the necessity of updating the City's wireless communications ordinance. Attorney Leidinger stated significant changes to the rules and regulations had occurred, which necessitated updates to the City's code. Attorney Leidinger stated the FCC had honed and defined the application process and specified a timeframe in which applications must be completed. Attorney Leidinger stated many items were mandatory and could not be changed. Attorney Leidinger stated 159.102 through 159.104 of the City code had been updated in order to reflect the application process pursuant to FCC guidelines. Attorney Leidinger stated the oversight process would continue to be administered by the BNS (Building and Neighborhood Services) Department.

Attorney Leidinger stated input was needed from the Council regarding 159.097 of the City code. Attorney Leidinger stated the existing ordinance referenced an overlay for which the boundaries were unknown. Attorney Leidinger stated it was advised to provide zoned areas where towers could not be located, rather than specify an area where towers would be allowed. Attorney Leidinger stated the height limits had not changed.

Councilmember Connell inquired if towers would be exempt from zoning restrictions if certain façades were implemented. Attorney Leidinger stated that would not be recommended and the permissible zoned areas were chosen based upon the ability for compliance with fall zones requirements. Mayor Vulich inquired if cell towers would not be allowed in C-3 zoned areas. Attorney Leidinger answered in the affirmative and stated the restriction was due to fall zones. Mayor Vulich inquired about towers on buildings. Attorney Leidinger stated towers on buildings would be considered a base station and would not be subject to the zoning restrictions being discussed.

Councilmember Gassman stated he believed the Council had previously passed an ordinance around fifteen years ago that restricted tower locations to only being on City-owned property. Attorney Leidinger stated there had been many changes to the laws in the last fifteen years and inquired if the overlay district (for which boundaries could not be determined) possibly pertained to City-owned properties. Attorney Leidinger stated the FCC determined what was allowed and a review could be made to confirm that restricting towers to only properties owned by the City would not be permissible. Councilmember Seeley inquired if towers could be restricted to certain zoned areas why towers could not be restricted to only City-owned properties. Councilmember Connell concurred. Mayor Vulich inquired if Attorney Leidinger had reviewed the City's existing ordinance. Attorney Leidinger answered in the affirmative and stated the current ordinance did not specify that towers could only be on City-owned properties. Councilmember Seeley stated the City owned enough property in the City whereby coverage would not be an issue if towers were restricted to locating only on City-owned parcels. Attorney Leidinger stated such a restriction was most likely not permissible.

Councilmember Gassman stated the ordinance update stated if the application process was not completed by BNS in one hundred-fifty days the application would be considered approved. Attorney Leidinger stated that provision was an FCC requirement and could not be changed. Attorney Leidinger stated a procedure could be implemented by BNS regarding the processing of applications. Attorney Leidinger stated staff would be allowed to keep track of the time spent on each application and could charge the applicant up to \$3,000.00 to process the application.

Councilmember Gassman inquired about the easements required if a fall zone could not be entirely incorporated on the property the tower was located on. Attorney Leidinger stated an easement would protect adjacent neighbors by ensuring a nearby tower would not fall on their property and by compensating them for the lack of use of part of their property. Councilmember Gassman inquired if an adjacent neighbor would be unable to build a structure on their property if the structure would be located in the fall zone of a nearby tower. Attorney Leidinger stated any structures in the fall zone would need to be unoccupied. Councilmember Seeley stated a neighbor would have to agree to the easement and would be compensated for executing the easement.

Attorney Leidinger stated pursuant to 159.105 of the ordinance update, the City would have more control as a land owner than as a regulator. Attorney Leidinger stated if a lease price could not be agreed upon between the City and a tower developer, there was a new statutory process whereby an appraiser would determine the market lease rate. Councilmember Gassman

inquired about determining comparable lease amounts for towers. Attorney Leidinger stated the City would have control over whether or not to lease a City-owned parcel but the lease rates were now regulated. Administrator Brooke stated regulated rates could benefit the City and provide rate consistency. Attorney Leidinger concurred.

Mayor Vulich inquired if the existing ordinance would need to be rescinded. Attorney Leidinger stated the updated ordinance would replace the existing ordinance in its entirety. Attorney Leidinger stated time was of the essence as a new tower application was looming.

Councilmember Gassman stated the proposed ordinance stated any issues with permits would be considered by the Zoning Board of Adjustment and stated he believed such permits should be reviewed by the Council instead. Attorney Leidinger stated the provisions could be reviewed; however, all special use permits were required to be reviewed by the Zoning Board of Adjustment.

M/S, Seeley-Gassman moved that the Wireless Communications Ordinance be forwarded to the November 13, 2018 Council meeting for its first reading. On roll call, Gassman, Seeley, McGraw, Connell, Schemers, Odor – Yes; Allesee – Absent. Motion carried.

4. Mayor and Council Updates

Councilmember Gassman stated the LBPA Chili Cookoff in Lyons would take place on Saturday, October 13, 2018 at noon and the United Way Fork for Pork would take place on Friday, October 12, 2018.

Mayor Vulich stated the Mardi Gras Parade would take place on Monday, October 29, 2018 and Trick or Treat would take place on Wednesday, October 31, 2018.

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

Respectfully Submitted,

Lisa Frederick
City Clerk