

Committee of the Whole
November 14, 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. Ordinance Updates – Taxi/Limo – City Clerk Lisa Frederick

City Clerk Frederick updated the Council on State law changes that became effective at the beginning of the year. Clerk Frederick stated the changes limited the City's ability to require more than a regular valid driver's license for taxi drivers, limited the City's ability to prohibit a person from operating a taxicab based upon certain driving convictions or criminal history, eliminated the City's ability to require a physical place of business in the City as a requirement for operating a taxicab, and eliminated the City's ability to determine the amount of insurance required. Clerk Frederick stated the draft ordinance presented to the Council would incorporate these State law changes and that there were no fee changes presented. Clerk Frederick stated a portion of the zoning ordinance would also need to be updated to exempt vehicle for hire businesses from the restrictions to home-based businesses, as a physical place of business could no longer be required for taxicab companies. Clerk Frederick stated the Council would need to determine who should serve on the Board of Appeals, as there were currently no individuals appointed to the Board.

Mayor Vulich stated the Housing Board of Appeals may be the appropriate Board to handle any appeals and duties could be added to this Board. Councilmember Gassman inquired if there was a fee required to appeal. Mayor Vulich stated there was not. Councilmember O'Neill stated in reading the House File it may be required to have a separate board to hear vehicle for hire appeals and that a legal opinion would be needed.

Greg Coppess, 100 North 3rd Street, owner of On the Go Too Taxi business, stated the insurance requirements were too high and cost thousands of dollars a year. Mr. Coppess stated Davenport, Cedar Rapids, Iowa City and Des Moines were not requiring \$1,000,000.00 in insurance and only required commercial insurance. Mr. Coppess stated his business provides a service to the community and Uber and Lyft had much less stringent requirements. Attorney O'Connell stated the State Legislature does not allow a local authority (the City) to regulate Uber or Lyft and that the Department of Transportation regulates rideshare companies. Attorney O'Connell further stated that Uber and Lyft do require background checks and have other requirements to be a driver. Attorney O'Connell stated the State Legislature set the insurance amount required at \$1,000,000.00 and removed the local authority's (the City's) ability to deviate from that amount in any manner. Attorney O'Connell stated if Mr. Coppess was unhappy with these changes by the State that Mr. Coppess would need to speak with his legislators. Attorney O'Connell stated that he did not know why other cities are not complying with State law.

Mayor Vulich stated the law clearly states that the local authority (the City) cannot deviate on the insurance amount required of \$1,000,000.00. Councilmember Gassman inquired why other cities were not complying with the State law. Attorney O'Connell stated it was presumed that those cities were choosing not to enforce the law. Councilmember Gassman expressed concerns that the insurance requirement would put local taxicab companies out of business. Mr. Coppess stated he believed larger cities stopped enforcing the State law once Uber and Lyft came to their cities. Mr. Coppess stated it is hard to find taxi insurance.

Mayor Vulich suggested obtaining ordinances from the cities referenced by Mr. Coppess. Councilmember O'Neill stated if other cities were not currently compliant it was very likely that they would soon be updating their ordinances to become compliant with the State law. Councilmember Connell inquired about other cities not enforcing the State law. Attorney O'Connell stated he could not say why other cities are choosing to not enforce the law and stated the importance of updating City Code to comply with State law.

Monica Herrera, 100 North 3rd Street, stated in speaking with other cities, the cities chose to stop enforcing the law when Uber and Lyft came to the city. Doug Witt, 720 North 3rd Street, stated party-buses do not have to carry the same amount of insurance as taxicabs. Mr. Coppess stated Uber and Lyft have less stringent requirements. Attorney O'Connell stated Uber and Lyft have their own driver screenings and conduct background checks. Mayor Vulich inquired if the driver or the company paid for the insurance for Uber and Lyft. Attorney O'Connell stated he was not sure and that it was most likely some type of umbrella coverage.

Mayor Vulich stated the topic should return to the Committee of the Whole meeting on November 28, 2017, after more information is obtained and distributed to the Council.

2. Municipal Leadership Academy – Administrator Matt Brooke

Administrator Brooke stated Part One of the Municipal Leadership Academy would take place in Cedar Rapids on December 2, 2017, and encouraged all Councilmembers to attend.

3. Ordinance – Fences in Right-of-Ways – City Engineer Jason Craft

City Engineer Jason Craft stated many requests are received by the City to put up a fence in the right-of-way. Engineer Craft stated there are rights-of-way in town that are eighty feet, one hundred feet and one hundred twenty feet wide. Engineer Craft stated the change would still protect the public, but would allow the ability to approve requests to place a fence or other item in the right-of-way for lots which have large right-of-ways. Councilmember Gassman inquired about visibility issues and what would determine where an item could be placed. Engineer Craft stated chain length fences could be placed up to the lot line for lots with vast right-of-ways and that there would be specified criteria of what could and could not be approved. Councilmember Gassman inquired if the City could remove the fence. Engineer Craft stated it would be similar to other items in a right-of-way where if the City needed to remove the fence for some type of work, the City would then put the fence back up once the work was completed. Councilmember Seeley inquired if a fence could be placed over utilities. Engineer Craft stated it could not.

Paul Davis, 264 19th Avenue North, stated parking is limited in the rear of his home and he has poured cement and a retaining wall. Mr. Davis expressed concern if a fence was placed near an alley that it may create access difficulties. Engineer Craft stated that would not be allowed and fences in the right-of-way would only be allowed if there was greater than sixty-six feet of right-of-way. Mayor Vulich stated the Building and Neighborhood Services Department would be able to address any concerns about alleys.

Councilmember O'Neill inquired if surrounding owners would need to be contacted before a request was approved. Engineer Craft stated they would not, as the request would not negatively affect surrounding owners or conflict with the zoning ordinance.

M/S, Seeley-Connell moved that the Ordinance Amending Chapter 97.115 Concerning Obstruction in Right of Way of the Code of Ordinances of the City of Clinton, Iowa be forwarded to the November 28, 2017 City Council agenda for its first reading. On roll call, carried unanimously.

4. 2018 Staff Development Days – Administrator Matt Brooke

Administrator Brooke stated time is needed for staff training and four Federal holidays (Martin Luther King Day, Monday, January 15, 2018; George Washington Day, Monday, February 19, 2018; Columbus Day, Monday, October 8, 2018; and Veterans Day, Monday November 12, 2018) could be leveraged to provide such training. Administrator Brooke cited these Federal holidays are an opportune time, as many other establishments are closed these days. Administrator Brooke stated City Hall would be closed to the public on these days and staff would report to work as usual for all-day training. Administrator Brooke stated some departments such as the MTA, Public Works, and Solid Waste, would be open or closed on these days based upon the necessity of their services.

Councilmember Allesee stated banks regularly use Federal holidays for staff training. Councilmember Connell and Allesee inquired if staff would receive holiday pay. Administrator Brooke stated they would not and that it would be regular pay. Councilmember Connell inquired if the whole day for all four days would be used for training. Administrator Brooke stated using the whole day for all four days would equate to roughly twenty-eight hours of training for the year. Administrator Brooke stated due to small staff sizes in many departments dedicated time is needed for training and development. Councilmember Connell inquired if other municipalities were providing similar training and if certain items would be covered. Administrator Brooke answered in the affirmative and stated a curriculum would be developed. Councilmember Connell inquired if staff would be able to take time off on the training days and Councilmember O'Neill suggested that the training days be dedicated as days that cannot be used for vacation. Councilmember Seeley asked Administrator Brooke to provide updates to the Council once training has been completed.

M/S, O'Neill-Gassman moved to forward a resolution the November 28, 2017 City Council agenda approving using the above-referenced four Federal holidays as staff development days. On roll call, carried unanimously.

5. Lobbyist Agreement – Administrator Matt Brooke

Administrator Brooke stated a lobbyist agreement was approved in January 2017 and that it was time to update the agreement for the upcoming calendar year. Administrator Brooke stated the lobbyist coordinates Des Moines Day activities, monitors and tracks legislative activity, recommends strategies on pertinent issues with the Legislative and Executive Branches, sets up and participates in formal or informal meetings with key decision makers, legislators and other influential persons, provides regular monthly legislative updates through written and/or oral briefings to City staff and elected officials, furnishes the City with relevant copies of legislative work products such as bills, amendments, committee reports, testimony and media releases, assists the City with the development of communications, collaborates with other interest groups that support local government entities or mid-sized cities and monitors interim committees and maintains legislative contacts. Administrator Brooke stated the 2017 focus areas were the motel/hotel tax, demolition funding, the rollback and mental health. Administrator Brooke stated the agreement costs the City \$5,500.00/year and that the City of DeWitt and the Board of Supervisors have already agreed to enter into a contract for

the upcoming year. Mayor Vulich stated the Executive Board for the Clinton Regional Development Corporation passed this item at their recent meeting and the full board would be receiving it for approval in the near future. Administrator Brooke stated there were no changes to the contract and it was solely extending the contract for another year.

Councilmember Allesee stated the Des Moines Day planning completed by the Lobbyist was very successful and much more productive than prior years. Mayor Vulich stated at this year's Des Moines Day there was the ability to meet with more legislators and there was more time to meet with the legislators.

Councilmember Connell stated the City needed support throughout the year from the lobbyist and the City needed a competitive advantage. Councilmember Connell expressed concerns that the lobbyist had a quickly approaching deadline and that the Council had not been involved in determining the priorities for the lobbyist. Councilmember Gassman inquired what the goals were for the lobbyist. Mayor Vulich stated the agreement specifies that the Mayor shall represent the City and stated the current focus areas were the same as last year: hotel/motel tax, demolition funding, backfill and mental health. Mayor Vulich inquired with the Council as to what focus areas the Council would like for 2018. Councilmember Connell expressed concerns about the approaching filing deadline for the lobbyist and that the Council was not present at the October 17, 2017 meeting where topics were chosen. Mayor Vulich stated the filing deadline was on who was being represented and that topics could change throughout the year depending on the actions of the legislature. Mayor Vulich stated three of the four current focus areas were chosen by the City of Clinton. Mayor Vulich stated issues can surface at any time, including items such as the Federal Historic Tax Credit, which just surfaced within the last couple of weeks.

Councilmember Connell and Seeley inquired about attendance at the meetings and when the next meeting would take place. Mayor Vulich stated anyone from the Council is able to attend the meetings and that the Clinton Chamber sends notifications about meetings. Administrator Brooke stressed that many items can take years to be accomplished with the lobbyist. Mayor Vulich stated notification was sent to the Council on November 9, 2017 about the last meeting which discussed Des Moines Day planning activities.

Councilmember O'Neill inquired if the lobbyist can represent opposing viewpoints. Mayor Vulich stated the lobbyist is precluded from representing opposing viewpoints.

M/S, Allesee-Odor moved to forward a resolution, 28E Agreement and Contract for lobbyist services for 2018 to the November 28, 2017 City Council agenda. On roll call, carried unanimously.

6. Mayor and Council Updates

Councilmember Connell stated Major Matt Kettler would be flying a C-17 over town on the morning of Wednesday, November 15, 2017.

M/S, O'Neill-Gassman moved to adjourn. All in favor.

Respectfully Submitted,

Lisa M. Frederick
City Clerk