

**Committee of the Whole**  
**January 5, 2016**

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

Police Chief Kevin Gyrion read a proclamation declaring January 9, 2016 National Law Enforcement Appreciation Day.

1. Riverfront Landing/Dock Update – Carrie Donaire/Cindy Brackmeyer

Ms. Carrie Donaire, Clinton Convention and Visitors Bureau (CVB), advised the Council that the CVB and the Marina partnered to attend an expo in St. Louis. Ms. Cindy Brackmeyer, Clinton Marina, stated that she learned many things at the expo to make her job easier and to make the Marina better. She continued in stating that she learned that there are grants available to help with waste dumping. She further stated that they met a lot of people and brought back numerous materials related to dock upkeep, green ideas and dock access. Ms. Donaire stated that it is important for the Marina and CVB to work together to enhance the visitor experience. She continued in stating that there are a lot of people who know of Clinton and the City's development of the riverfront. She further stated that they learned about the many funding options available.

Councilmember Determann inquired regarding whether they had any information about Viking Cruises. Ms. Donaire stated that the expo's main focus was on docks. Councilmember Determann stated that the American Queen is requesting additional tie-offs. City Administrator Jessica Kinser stated that the City has an existing contract with McClure Engineering and is looking into options. She continued in stating that the CIP has \$100,000 of Hotel/Motel Tax pledged toward this kind of project. Councilmember Determann stated that the City should utilize the existing pilings and look into what is needed to attract Viking Cruises and large cruisers.

Mayor Vulich stated that Viking Cruises is stopping in the Quad Cities and Dubuque; however, has shown no interest in the smaller communities. He continued in stating that the City has more work to do to attract them.

2. Discussion of Council Vacancy – Mayor Vulich

Mayor Vulich advised those present of Council Member Wilke's resignation from the Council. He stated that there are still two years left of the term. He continued in stating that the Council has the choice of making an appointment to the seat or hold a special election. He further stated that the citizens can also petition for a special election.

Councilmember Allesee stated that there are several people who are interested in filling the vacancy and it would be shortsighted not to speak with them. Councilmember Determann stated that qualified candidates have come forward and could be onboard by the end of the month. Mayor Vulich stated that the last appointment was his in 2006. He continued in stating that the City advertised for applications to fill the vacancy, he applied, he answered questions from the Council during a regular Council meeting and was then appointed.

Councilmember O'Neill stated that it would be wrong to the people who voted for Councilmember Wilke to appoint someone. He continue in stating that he would approve of an appointment if it was for a short time. He further stated that the City needs a special election where the people

are given the right to vote for the candidate of their choice. It would be irresponsible to just give this to someone. He proceeded to state that there is a cost involved; however, democracy does not have a price.

M/S, O'Neill-Allesee moved to hold a special election on March 8, 2016. On roll call, Gassman, O'Neill – Yes, Seeley, McGraw, Determann, Allesee – No. Motion failed.

In discussion before roll call, Councilmember Seeley inquired regarding the cost of a special election. City Clerk Pat Van Loo stated that the special run-off election cost was approximately \$8,000. Councilmember Seeley stated that the citizens have the right at any time to petition for a special election with the acquisition of 545 signatures. He continued in stating that the City had two elections recently and he wondered if the voters were ready for another. He further stated that he is not opposed to meeting other candidates. Councilmember O'Neill stated that he did not think there should be a price on democracy. The citizens will be upset if their right to vote is taken away. He continued in stating that an At-Large position represents the whole City.

M/S, Determann-Gassman moved to forward a resolution accepting applications for the At-Large Council seat until January 21, 2016 to the next City Council agenda. On roll call, Gassman, Seeley, McGraw, Determann, Allesee – Yes; O'Neill – No. Motion carried.

In discussion before roll call, Councilmember Seeley stated that a special election would move the appointment back past March. Mayor Vulich stated that the citizens have a 30-day window to petition for a special election. Councilmember O'Neill stated that if the public wants an election the citizens must obtain 545 signatures. Mayor Vulich stated that a petition would stop the process.

### 3. 3<sup>rd</sup> Amendment to the Consent Decree – Bob Milroy/Jason Craft

City Engineer Jason Craft advised the Council that the amendments made to the plan include delays to a couple of projects or the combination of a couple of projects for budgetary reasons. He stated that the DNR has no objections to these changes. He provided the Council with a history of the Long Term Control Plan. He continued in stating in 2012 the DNR wanted the City to begin the plan. He described the 3<sup>rd</sup> Amendment to the Long Term Control Plan as follows:

The two constrictive bottlenecks in the Beaver Channel Interceptor will be mitigated as part of the Margaret Place Pumping Station Project, by December 31, 2017. This gives the City two additional years to construct this project, and will save money since done concurrently with a larger project.

The 25<sup>th</sup> Avenue North Sewer Separation Project will be advanced forward one year. The City will begin design on this project this summer. The completion date is now December 31, 2017, instead of December 31, 2018. This project has a relatively large impact to the water quality of the Mississippi River, compared to other projects in the Long Term Control Plan.

The emergency generator project at the 9<sup>th</sup> Avenue / Joyce's Slough Flood Gates will be installed by March 31, 2017. This is a delay of over a year, allowing us to include fully with the FY 2017 budget.

The 1<sup>st</sup> Avenue Pumping Station Project deadline has been advanced one year to December 31, 2019. This is the last project funded using LOST GO Bonds, so this does not impact the overall

funding of the Long Term Control Plan. Advancement of this project is likely the most important change to the DNR and Attorney General.

The deadline of the Basin 10 Separation Project has been changed to December 31, 2020. This project is now under construction, so this change has little effect on our Long Term Control Plan. Any remaining separation within Basin 10 will easily be done by 2020, so this item is largely just the City winning points with the DNR and Attorney General's office.

Regional Wastewater Reclamation Facility Superintendent Bob Milroy advised the Council that the disinfection schedule has been delayed two years. The completion date is revised to April 30, 2020. This will allow the City to consider different disinfection strategies, perhaps reduce the scope of the work pending any legislative action, and push back funding of the project which will allow use of CDBG grants and SRF loans. This is the most important change in the amendment to the City of Clinton, as it is in our best interest to delay this project. Councilmember O'Neill inquired regarding the cost. Engineer Craft stated that the cost would be \$2.5 Million. Councilmember Determann inquired regarding the cost of disinfecting per year. Superintendent Milroy stated that a cost per year has not been determined. He continued in stating that the choice has not been made between ultra violet which is expensive and chlorine. Councilmember Seeley inquired regarding when the disinfecting began. Superintendent Milroy stated that it started in 1995. Councilmember Seeley continued in stating that this will cost a lot to do since regulations and technology are always changing. Superintendent Milroy stated that the main concern is viruses and if the City does this it could become obsolete. Councilmember O'Neill stated that there is nothing preventing the City from disinfecting early. Superintendent Milroy agreed and stated that the City is in good standing with the DNR. The original estimate was \$130 Million and we are less than half of that. By delaying this it gives us time to do research and look at the cost. Engineer Craft stated that the City will have a lot more data by next year.

#### 4. School Resource Officer Follow-up – Kevin Gyrion/Jessica Kinser

City Administrator Kinser stated that at the December 8<sup>th</sup> Committee of the Whole she was asked to put together some cost comparisons for the School Resource Officers and a possible COPS grant application. She continued in stating that the initial discussion of a COPS grant was around 4 officers; however, further research showed that based upon the size of the City's Police Department, we are only eligible for funding for 2 officers through the COPS grant program. She further stated that the cost to the City to maintain a contract for 2 School Resource Officers and to apply for a COPS grant for two officers would be \$212,434.50 for fiscal year 2017, excluding the overtime costs as noted above. Of this total, the General Fund supports \$104,949.50 while the employee benefit levies would support the remaining \$107,485 of the total cost. Councilmember O'Neill stated that this has become a budget problem the City cannot take on. It carries a \$200,000 overtime budget for officers filling two eight hour shifts but cannot cover the streets. He continued in stating that now it is even more important to have the SRO's on the streets along with two COPS Grant officers. He further stated that if it is possible to get two additional COPS Grant officers, this may eliminate the overtime problem. He proceeded to state that he is in favor of the COPS Grant. He advised that if the City must do something by January 15<sup>th</sup> so the School Board has time for their budget process.

M/S, O'Neill-Gasman moved to place a motion for continuation of the SRO program on the regular agenda for January 12, 2016. On roll call, carried unanimously.

In discussion before roll call, Councilmember Gassman inquired regarding whether the SRO Contract automatically renews. City Attorney Patrick O'Connell stated that there is a renewal

process in the contract; however, if the City does nothing, the contract will end. Mayor Vulich stated that the City should get clarification on the January 15<sup>th</sup> date. City Administrator Kinser stated that January 15<sup>th</sup> was an arbitrary date because of the budget process.

Councilmember McGraw stated that the Council had been asked to have a joint meeting with the School Board. The action we are jumping into should wait until after the Thursday meeting. Councilmember O'Neill stated that he wanted to get this on the next agenda since the Council cannot put something on the agenda at the workshop. Mayor Vulich inquired regarding when the Council would be discussing the Police Department budget. City Administrator Kinser stated that the discussion would take place on February 1<sup>st</sup>. Mayor Vulich stated that the Council should wait until then to make a decision. Councilmember O'Neill stated that the Council must make a decision regarding the SRO Program so it can be incorporated in the budget. Councilmember Seeley stated that this required research and he did not want to get forced into a vote. The Council should slow down so we do not make a bad decision.

Councilmember Allesee inquired regarding Chief Gyrion's opinion. Chief Gyrion stated that it is an important program. He continued in stating that the SRO officers are always available and can be counted on in case of an emergency. If the program is discontinued it increases its budget by \$100,000 and the number of officers remains the same. Councilmember O'Neill stated that if the Council decides not to continue the program the Chief would have two more officers on the street plus two additional COPS officers and he would have total control of those officers. He continued in stating that there is a need for these officers on the streets and if the Chief wants them in the schools he can send them there. Chief Gyrion stated that they would need to be reassigned to the schools, but why increase the Police Department budget by \$100,000. Councilmember Seeley requested a description of what the SRO's do.

School Superintendent Deb Olson stated that it is good to continue this conversation. She continued in stating that she appreciated the Council's attending the joint meeting on Thursday.

#### 5. Playground Grant Opportunity – Gregg Obren

Parks and Recreation Director Gregg Obren advised the Council that the City has the opportunity to receive \$150,000 for playground equipment through the Iowa American Water Charitable Foundation. He provided a power point presentation of potential types of equipment. He stated that the equipment would be by the fountain in Riverview Park and would have an educational component which is very important for the grant. He continued in stating that a lumber theme was discussed with log, rock and water components. He further stated that he is looking for support from the Council to apply for the grant which must be submitted by January 15, 2016. Councilmember Allesee inquired regarding why the equipment would be by the fountain in Riverview Park. Director Obren stated that the Rotary did not want to take anything away from the Eagle Point Lodge Renovation. Councilmember Seeley stated that some of the items are labor intensive and inquired regarding whether this was given consideration. Director Obren stated that the Parks crew is involved and work on it every day. Councilmember O'Neill inquired regarding a cost component. Director Obren stated that it would be the cost of maintaining the equipment. Councilmember O'Neill stated that he did not like the short notice. Director Obren stated that Iowa American put the City on the short list and he just found out about it. City Administrator Kinser stated that Director Obren was on vacation and did not get the call until December 18<sup>th</sup>. He put this on the agenda ASAP.

M/S, Allesee-Deternmann moved to forward the Playground Grant to the next City Council agenda. On roll call, carried unanimously.

6. Recommendations from the Finance Committee – Lynn McGraw

a. To revise plan for funding PAAB appeals

Finance Director Anita Dalton requested the City Attorney inform the Council about where the City is at with the PAAB appeals. City Attorney Patrick O’Connell stated that the City should know the outcome in mid to late 2016. He continued in stating that he is not sure about the outcome. The City’s appraisers will counter ADM’s appraisers and we feel that we can defend the valuation.

Director Dalton stated that this is a process and we do not have the numbers. The recommendation was made by the Finance Committee not to use the Contingency money to fund potential shortfalls. We propose using the Contingency to fund the appeals. Mayor Vulich stated that the valuation numbers have gotten better. City Administrator Kinser stated that the negative got positive; however, will need to make deductions in the General Fund in FY17.

Councilmember O’Neill stated that if ADM wins there will be a huge deficit which must be discussed. Once the City passes a levy it cannot be changed. City Administrator Kinser stated that in each fiscal year the City has budgeted \$200,000 to \$250,000 as a cushion. 2015 was the first year we had money left over. We want to look proactively at this and have plan for 2017 not 2018. We are talking about the laying off of employees. She continued in stating that she would hate to lay off employees and then bring them back. She advised that the City had a recent bond rating with Moody’s and this plan is what held our bond rating at A2. If this changes Moody’s must be notified and accept what will happen. If there is a cut we must act.

Councilmember O’Neill inquired regarding why is it always the laying off of employees. The Council has never been told about Moody’s and the City would use this without Council approval. City Administrator Kinser stated that this was discussed during the pre-budget workshop and there was no opposition to the use of the contingency fund to fund the appeals. Mayor Vulich stated that discussion was held during the workshop regarding using the contingency fund to cover the ADM appeal, but not that it would affect the bond rating. City Administrator Kinser stated that this information must be relayed to Moody’s. She continued in stating that this has been the way it has been done in the past and was not done maliciously. She encouraged the Council to read the bond rating reports. Councilmember Determann inquired regarding whether Moody’s would lower the City’s bond rating just because the City wanted to save money. City Administrator Kinser stated that the bond rating the City received was because of the contingency fund. Finance Director Dalton stated that it was also dependent upon the City’s having a plan.

Councilmember O’Neill stated that he found the need to fire people objectionable. He continued in stating that the Council has two decisions to make regarding having to fire people and how to use the contingency fund. City Administrator Kinser stated that a transfer has to be done by resolution. She continued in stating that staff can present ideas to the Council regarding how to make cuts to the general fund; however, the City cannot cut \$420,000 plus the additional shortfalls without layoffs. She further stated that she would bring recommended cuts to the Council during the budget workshop. She proceeded to state that some departments already have said they have a way to make cuts.

Mayor Vulich stated that the Council has not seen the numbers relating to the SRO’s or the PAAB appeals, actual action that they are being asked to take tonight. Finance Director Dalton stated that what is brought before the Council tonight is recommendations from the Finance Committee. She continued in stating that \$460,000 cut to the general fund is very significant.

Councilmember Determann stated that the objectives of the Finance Committee was to make the Council and public aware of the problem and to keep the levy down to be competitive with surrounding communities.

Councilmember Seeley stated that the Council has talked about money being short; however, has not brought up options for revenue sources. He continued in stating that ambulance transfer service may be one way to generate revenue. He suggested that there are other ways to look at things.

Mayor Vulich stated that he had not heard the Council say that they wished to take action tonight. There is not enough information at the moment and this can be worked on during the budget process.

b. To set the FY17 levy rate at \$15.75

Councilmember Seeley stated that the discussion of a \$15.75 levy rate was a goal set by the Finance Committee. Councilmember Allesee stated that the Finance Committee wanted to look forward for the betterment of the citizens. City Administrator Kinser stated that she would make sure that the pre-budget workshop has motions to move forward. Councilmember O'Neill inquired regarding when the Finance Committee meets. Councilmember McGraw stated that the Finance Committee meets monthly. Councilmember O'Neill stated that the Finance Committee should move these things forward, not just one or two people.

7. Assistance to Firefighters Grant Application – Mike Brown

Fire Chief Mike Brown advised the Council that he was notified on December 7<sup>th</sup> that he had until January to submit the application for an Assistance to Firefighters grant. He stated that the Capital Improvements Committee had discussed making improvements to the Lyons and Central Fire Stations. He continued in stating that the grant would allow both of the stations to be sprinkled. He further stated that there would be an ongoing cost to Iowa American Water Company and for maintenance. He proceeded to state that the City mandates that all buildings be sprinkled and yet the two fire stations are not. He advised that the Government has a preference for older buildings. He stated that this project would be 90% funded by the federal government.

Councilmember McGraw stated that sometime in the future there may not be a Central Fire Station. City Administrator Kinser stated that there is no action planned for the future to combine fire stations. Chief Brown stated that it would affect the City's ISO rating if Central Fire Station moved from downtown.

Councilmember O'Neill stated that this seems to be circumventing the CIP by jumping ahead of the budget process. This grant can be applied for next year. Chief Brown stated that the City has a non-compliant building and if this can be done for 90% of the funding the projects will come off of the CIP List. Councilmember Determann inquired regarding when Chief Brown would know if the City is awarded the grant. Chief Brown stated that he may not know until this time next year. If the City is awarded the grant we have a year to complete the project. He continued in stating that staff has always been encouraged to apply for grants and the Fire Department has received a lot.

M/S, Determann-Allesee moved to forward the Assistance to Firefighters grant to the next City Council agenda. On roll call, carried unanimously.

8. New Liquor License at 320 North 4th Street – Pat Van Loo

City Clerk Pat Van Loo advised the Council that the applicant for the new liquor license at 320 North 4<sup>th</sup> Street has met all City requirements from Fire, Police and Building and Neighborhood Services. She stated that this is a carryout establishment and is not required to carry dram insurance.

M/S, O'Neill-Allesee moved to forward the new liquor license at 320 North 4<sup>th</sup> Street to the next City Council agenda. On roll call, carried unanimously.

9. Mayor & Council Member Updates

Councilmember McGraw commended the Parks Department for their great work clearing the sidewalks on riverfront.

Councilmember Determann stated that the last ice/snow storm was unusual and he noticed that there were still a lot of sidewalks around the City that have not been cleared.

Councilmember O'Neill welcomed Councilmember Seeley to the City Council.

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

Respectfully Submitted,

Pat Van Loo  
City Clerk