

**Committee of the Whole**  
**September 6, 2016**

Present: Mayor Vulich, Council Members Gassman, Seeley, McGraw, O'Neill, Connell, Allesee, City Administrator, City Attorney (by telephone), City Clerk, Press and interested citizens. Councilmember Determann – absent.

Councilmember O'Neill called the meeting to order. M/S, O'Neill-Connell to elect Councilmember Gassman to preside over the meeting until the arrival of Mayor Vulich.

1. Clinton County Law Center Project

a. Sidewalk Variance Request for 6<sup>th</sup> Avenue North –Patrick Lynch, Shive Hattery

A representative from Shive Hattery advised the Council that the Clinton County Justice Coordinating Commission (CCJCC) was requesting a sidewalk variance on 6<sup>th</sup> Avenue North due to safety concerns. He stated that it is where law enforcement personnel would transport prisoners into the jail. Councilmember McGraw inquired regarding whether the current law center has a sidewalk near the transport entrance. He advised that there currently is a sidewalk; however, the new building will be larger and they are considering the safety of pedestrians being so close to prisoners.

Councilmember O'Neill stated that the sidewalk ordinance restrictions are placed on all other new development. The Shive Hattery representative advised that there would be no public access on that side of the building. He stated that there would be emergency egress onto North 3<sup>rd</sup> Street. County Supervisor Dan Srp advised the Council that the diagonal parking on the south side is for official personnel only. There will be one common entrance available to the public for the law center and the court house. The state recommends that a sidewalk would be a safety risk.

Councilmember Allesee inquired regarding whether there is only parking on one side of 6<sup>th</sup> Avenue North. Supervisor Srp stated that there is no parking on the north side of 6<sup>th</sup> Avenue South.

Councilmember Seeley inquired regarding whether official personnel would need to walk on the street to access the building. Supervisor Srp stated that the parking area would be paved all the way to the building.

Councilmember O'Neill stated that this is not similar to the other construction. It is in the middle of the City and for safety would need to have a sidewalk. The Shive Hattery representative stated that where the sidewalk would end there would be a crosswalk. Superintendent Srp stated that there were legitimate safety concerns for the officers and the public.

Councilmember Seeley stated that sidewalks have come up at various times and he was fine with what was being proposed. The sidewalk on the south side should be adequate for the public. Councilmember McGraw stated that this information should have come out during earlier discussions. Superintendent Srp stated that the first rendition included no sidewalks. The architect said a sidewalk was undesirable because of safety concerns. This has always been part of the discussion.

M/S, Seeley-Allesee moved to forward the sidewalk variance request for 6<sup>th</sup> Avenue North to the next City Council meeting agenda. On roll call, Seeley, Connell, Allesee – Yes; Gassman, McGraw, O'Neill – No. Motion failed and item will return to the September 13, 2016 Committee of the Whole.

b. Request to Use City-Owned Parking Lots – Corey Johnson, Buildings Maintenance Director

Corey Johnson, County Buildings and Maintenance Director, advised the Council that the County is looking at how to get the public and employees to the Court House while construction is going

on. He stated that they are requesting the use of the City parking lots by the baseball stadium while the project is underway. He continued in stating that all employees would park in the north lot during the summer and the lot closest to the stadium in the winter. He further stated that vehicles would be parked in the lot from 6:00 A.M. to 5:00 P.M. and a shuttle would transport the public and employees to the Court House dropping them off on 2<sup>nd</sup> Street.

Councilmember Allesee inquired regarding whether the City has been contacted to provide the bus service. City Administrator Kinser stated that this was considered; however, there is no way the City can provide the service. Mr. Johnson stated that the County is looking at buying a small used bus which would be stored at the Administration Building when not in use.

Mayor Vulich inquired regarding whether the County would plow the parking lots. He stated that the City does not plow the parking lots by the stadium in the winter since it is not on a normal plow route. Mr. Johnson stated that discussion has been held on this issue.

City Administrator Kinser stated that any kind of use will require an agreement. She continued in stating that snow plowing responsibilities can be set forth in the agreement.

M/S, Connell-Allesee moved to direct staff to prepare an agreement which will come back to a Committee of the Whole for discussion when completed. On roll call, carried unanimously.

## 2. Proposal for Bike Lanes on 5<sup>th</sup> Avenue South- Zane Pennock/Karen Rowell

Assistant City Engineer Zane Pennock and Karen Rowell of the Downtown Clinton Alliance advised the Council that they were proposing a bike lane on 5<sup>th</sup> Avenue from 1<sup>st</sup> Street to 4<sup>th</sup> Street. Currently Fifth Avenue consists of four 10 ½ foot driving lanes with planters on both sides. Four lanes are meant to convey traffic and are not pedestrian or bicycle friendly. Assistant Engineer Pennock stated that the proposed plan would consist of two bike lanes down the middle of 5<sup>th</sup> Avenue, a buffer space, two lanes for traffic and diagonal parking spaces. He continued in stating that the increased lane width will accommodate cars safely. Ms. Rowell stated that they did not want to construct the bike lane on the sides of the street since that would interfere with parking.

Councilmember Allesee inquired regarding how delivery trucks would make their deliveries. Ms. Rowell stated that the planters and delineators would be taken down for the winter for the trucks to make deliveries. Mayor Vulich inquired regarding whether bicycles would yield to pedestrians in the crosswalks. Police Captain Steve Kopp stated that bicyclists must follow the same rules as cars.

Councilmember O'Neill inquired regarding how bicycles would be able to make turns since they would need to cross in front of traffic. Engineer Pennock stated that the bicyclists could shift over to make the turns. Councilmember O'Neill further inquired regarding how the delineators would be attached to the street. City Engineer Jason Craft stated that they are drilled into the street. Ms. Rowell stated that planters and delineators would be used. Engineer Pennock stated that the new traffic lane widths will be better and bigger. They will be 13' to 15' wide.

Ms. Rowell stated that the proposed bike lane has the support of the DCA Board and stakeholders as well as the businesses along 5<sup>th</sup> Avenue, CHI and Economic Growth Corporation. She continued in stating that there are bike lanes like the ones propose for 5<sup>th</sup> Avenue in 34 states. They make biking 28% safer and reduce sidewalk biking by 56%.

Mr. Tim Clark, 111 Whispering Pines, thanked Assistant Engineer Pennock and Ms. Rowell. He stated that this will make bikes visible and will increase safety in the Downtown area. He continued in stating that this is good for the City and for the Downtown businesses.

Mike Kearney, 200 5<sup>th</sup> Avenue South, stated that it would be safer to have a four way stop at 5<sup>th</sup> Avenue South and South 2<sup>nd</sup> Street.

Mr. Steve Howes commended City staff and the Downtown Partnership. He stated that they have figured out a way to create a great amenity for the downtown. He continued in stating that the closer you can get to a bike lane the faster a house sells and at a higher price.

Mayor Vulich stated that he would like to see the City pay for the construction of the bike lane.

M/S, Seeley-Connell moved to forward the proposal for bike lanes on 5<sup>th</sup> Avenue South to the next City Council agenda. On roll call, carried unanimously.

Councilmember O'Neill stated that he has concerns regarding the bike lane; however, it will begin the resurrection of the downtown.

### 3. Urban Chicken Ordinance - Jessica Kinser

City Administrator Jessica Kinser stated that this item has been much delayed. She continued in stating that there is a proposed \$30 permit fee for persons wishing to keep chickens on any R-1 or R-2 zoned property and agricultural zoned land has always been permitted. Councilmember O'Neill stated that enforcement could be an issue for the BNS Department. City Administrator Kinser stated that additional personnel may be needed; however, not for urban chickens only. There will not be a huge rush for urban chickens and winter tends to be a slower time in BNS. This will be discussed during the budget process. Councilmember Seeley suggested consideration of a third time inspection fee.

M/S, Allesee-Seeley moved to forward the Urban Chicken Ordinance to the City Council meeting agenda. On roll call, Gassman, Seeley, McGraw, Connell, Allesee – Yes; O'Neill – No. Motion carried.

### 4. Vacant and Abandoned Building Ordinance - Jessica Kinser

City Administrator Kinser stated that if there are any questions for Jeff Chapman this item could be moved to the September 13, 2016 Committee of the Whole meeting. She continued in stating that this is a draft Vacant and Abandoned Building Ordinance which would require registration of vacant or abandoned structures after varying timeframes and circumstances. She further stated that this is a way to get a handle on what vacant properties are within the City so they do not become a nuisance. She proceeded to state that the properties would be registered with the BNS Department and would require annual inspections. Councilmember Allesee stated that she is on the Homeless Coalition and this would be a good way to make these properties livable for homeless individuals and neighborhoods in need of assistance.

Councilmember Gassman inquired regarding how the City would get to own the properties. City Administrator Kinser stated that the City has tried to contact the property owners. Councilmember McGraw stated that many people will walk away from the properties and we cannot find them.

Councilmember O'Neill stated that the City needs to address this, own the properties and then rehabilitate them. We must take the money and reinvest it in the community.

Councilmember Connell stated that registration is a step forward. He inquired regarding whether there are incentives through CDBG grants. City Administrator Kinser stated that there is only \$50,000 allowed for each property through CDBG and some who apply have more than \$50,000 in needed repairs. She continued in stating that the City could use the 657A process for rehabilitation of blighted buildings. Councilmember Seeley stated that with the right incentives the private sector will rehabilitate their properties.

Councilmember Allesee suggested using some of the \$300,000 set aside for demolition of properties to be used for rehabilitation instead.

Mayor Vulich stated that he has concerns about a building being vacant, but the taxes are kept up to date. The list will become public and everyone will know which buildings are vacant. There

could be a lot of properties that could become uninsurable. Councilmember O'Neill stated that the property would need to be in arrears to be considered abandoned.

Councilmember Seeley stated that inspections are concerning because if someone is rehabilitating a property it is not the City's business. City Administrator Kinser stated that the City is trying to address the problem early and provide an extra layer of attention from BNS. When a building is vacant or abandoned the roof must be looked at and an inspection starts the process. Mayor Vulich suggested looking into how Davenport addresses this issue.

Councilmember O'Neill stated that there are triggers that the City needs to look at such as taxes not paid, no utilities, etc. Councilmember Seeley inquired regarding what BNS could do to encourage someone to fix their property. City Administrator Kinser stated that this is similar to nuisances and the City will work with people to address the problem when they become dangerous.

Councilmember Seeley stated that the City must decide on a trigger and everything must be clearly defined in the ordinance.

Fire Chief Mike Brown advised the Council that the City needs to know which buildings are vacant because if they are addressed early enough perhaps they can be rehabilitated. He stated that in the past it took 2 complaints from neighboring property owners for an inspection to be triggered. He continued in stating that there needs to be a data base regarding which properties are dangerous and which properties are not.

Mr. Bob Betsinger stated that he has lived in Clinton his entire life and has never seen so many properties which need to be addressed.

This item will be brought back to the Committee of the Whole on September 13, 2016.

5. Referrals from Finance Committee:

a. Purchasing Policy Amendments – Anita Dalton

Finance Director Anita Dalton advised the Council that the purchasing policy has been amended to include a paragraph for the procedure for checking the 'suspension and disbarment' vendors list when purchasing goods and/or services with federal funds. She stated that another change adds a single sentence to the procedural requirements of issuing RFQ's; RFP's; and requesting competitive bids and competitive quotes for the city. The Clerk's office will receive all documents to date stamp.

M/S, Connell-Allesee moved to forward the Purchasing Policy amendments to the next City Council meeting agenda. On roll call, carried unanimously.

b. Transfer of Funds from IPAIT account to CNB Depository Account – Anita Dalton

Finance Director Dalton advised that at the end of the fiscal year there was \$222,263.88 in the IPAIT trust account. The IPAIT account was established several years ago when investment funds were earning 5% interest monthly. Since 2010 the fund's earnings have decreased to the point of being equivalent to the earnings on the money market account at Clinton National Bank. A recommendation was made to move the funds back to the city's depository account at Clinton National Bank and to close the IPAIT account for the City of Clinton

City Administrator Kinser stated that it has been many years since the City diversified its funds and it will be incumbent for the City to come up with an investment policy and plan.

Councilmember O'Neill inquired regarding whether there will be a penalty if the funds are taken out. Director Dalton stated that there would be no penalty.

M/S, O'Neill-Connell moved to forward the transfer of funds from the IPAIT account to the Clinton National Bank Depository Account to the next City Council meeting agenda. On roll call, carried unanimously.

6. Review of Amendments to Chapters 52 and 53 – Jessica Kinser

City Administrator Kinser stated that the language has now been drafted properly in order to make language changes in Chapter 52 and Chapter 53 and move both ordinances forward together. Councilmember O'Neill requested a list of properties with whose downspouts still empty into the City's sewer.

M/S, Gassman-O'Neill moved to forward the amendments to Chapters 52 and 53 to the next City Council meeting agenda. On roll call, carried unanimously.

7. Strategic Plan Prioritization Follow-up- Jessica Kinser

City Administrator Kinser stated that she had added dates in the blue area with the green areas as the highest priority, the yellow high and low and the red the lowest priority. She requested the Council make any changes and discussion would be held on September 13, 2016 at the Committee of the Whole.

8. Mayor & Council Updates

Councilmember Allesee stated that there will be a Iowa DOT meeting in Dubuque on October 11<sup>th</sup> to discuss Highway 30.

Councilmember O'Neill stated that he would hold a public forum on September 24<sup>th</sup>.

Mayor Vulich advised the Council that Councilmember Determann was out of bed and able to sit in a chair. They hope to have him out of ICU and into a room soon. He stated that Councilmember Determann went into a diabetic coma and had to be flown out to Iowa City. Steps are being taken to get the diabetes under control.

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

Respectfully Submitted,

Pat Van Loo  
City Clerk