

Committee of the Whole
July 7, 2015

Present: Mayor Mark S. Vulich, Council Members McGraw, Rowland, Determann, Wilke, O'Neill and Allesee, City Administrator, City Attorney, City Clerk, Press and interested citizens. Councilmember Gassman – absent.

1. Proposed Zoning Ordinance Amendment – Jacob Coupee

Planning Intern Jacob Coupee advised the Council that the Planning Commission has moved forward a proposal to allow multi-family housing in areas zoned C-2. Councilmember O'Neill inquired regarding whether this was for the area where a developer was proposing to build 200 units. Mr. Coupee stated that it started there; however, would encompass all C-2 zoned property. Councilmember O'Neill stated that the property owner also has requested a tax abatement. He continued in stating that he does not want to move this request forward. City Administrator Jessica Kinser stated that if the Council moves this proposal forward, the developer still has to come back to the Council to request the C-2 zoning. Councilmember O'Neill stated that the City is doing this specifically for them and the Council must do due diligence when considering a tax abatement and must make sure that employees from the area are hired to work for the developer. Mayor Vulich stated that the proposal before the Council is to modify C-2 zoning within the City of Clinton. Mr. Coupee stated that currently a multi-family unit may not be built in a C-2 zone. Mayor Vulich stated that this is a wise move for the City. Mr. Coupee stated that this provides for a better transition and a better use of commercial districts. Councilmember Rowland stated that this is a minor housekeeping move. Mayor Vulich inquired regarding whether ECIA could look at the City's zoning and bring it up to current standards. City Administrator Kinser stated that she would look into ECIA's availability and cost.

M/S, Determann-Wilke moved to forward the proposed Zoning Ordinance Amendment to the next Council agenda. On roll call, McGraw, Rowland, Determann, Wilke, Allesee – Yes; O'Neill – No. Motion carried.

2. Proposal for Handling of Recurrent Nuisance Properties – Jessica Kinser/Jeff Chapman

City Administrator Kinser stated that this item comes before the council due to discussions of how to make BNS more effective and efficient. There are properties throughout the City which have become nuisance properties and two courses of action have come forth; voluntary property transfer and tax certificate assignment. She continued in stating that there are a number of owners who have purchased properties through a sale but have no intention of maintaining them. This causes general blight in neighborhoods and results in the City having to clean them up. If an owner issues a Quit Claim Deed to the City it takes from six to nine months before the property would be ready to re-sell. The other option, tax certificate assignment, is a case where the County holds a tax sale certificate to a nuisance property. She further stated that the City would need to work closely with the County Attorney and Board of Supervisors to determine a process by which to assign the tax sale certificate to the City and to abate any existing taxes on the property.

Battalion Chief Jeff Chapman advised the Council that in the City of Clinton there are habitual nuisance properties and there has been nothing in the past to hold people accountable. He stated that in 2014 there were \$61,000 in nuisance clean-ups. He continued in stating that there are 86 properties on the list and many keep getting special assessments over and over. He further stated that there are cases where neighbors want to purchase a lot; however, the \$30,000 in assessments makes it cost prohibitive. Councilmember Rowland inquired regarding how many properties are currently on the list. Battalion Chief Chapman stated that there are between 80 and 140 properties on the list, possibly 30% of which are vacant lots. City Administrator Kinser stated that currently we do not know the extent of the lots. She continued in stating that if this is something the Council wants us to pursue it can be done. Councilmember Rowland stated that it is obvious that there would be a lot of money written off. City Administrator Kinser stated that it would be a Council, Board of Supervisors and School District decision. The City must work with all of the entities upfront. She continued in stating that she is requesting permission from the Council to speak with the County to assign tax certificates. If the Council wants us to only look at properties without structures we can do so. We can come back to the Council with additional data.

Councilmember McGraw stated that if the City ends up with a lot no one wants, the City will still end up mowing it. City Administrator Kinser stated that Steve Leidinger has been speaking with the real estate professionals at Lynch Dallas and the tax certificate assignment would not move forward without a committed person wanting the property. Councilmember Wilke stated that the Council would need a list of all of the properties and the condition of each before making a decision. Councilmember O'Neill stated that many of the current owners are LLC's. The City should draft a letter letting them know that the charges may be sent to a collection agency. Let BNS work with Lynch Dallas and go after these individuals. City Administrator Kinser stated that the County Treasurer's Office must compile the list.

M/S, Wilke-O'Neill moved that City staff and Lynch Dallas obtain a list of the properties and look into what is involved in the disposal of the properties to put them back on the tax role. On roll call, carried unanimously.

3. Review of 2015C Borrowing – Anita Dalton

Finance Director Anita Dalton advised the Council that she had included a list of items that were approved for borrowing thru the sale of general obligation bonds during the FY16 budget process. She stated that the purchase of the body cameras and related items (software; digital storage hardware; charging systems; etc.) for the Police Department has been removed from this list. Councilmember O'Neill stated that there are grants available for this type of equipment. City Administrator Kinser stated that there are records retention and HIPAA issues which must be addressed first. She continued in stating that this purchase is being delayed until the City is ready to implement a policy.

Finance Director Dalton stated that funding for the fire truck has changed. In the last few months the Fire Department has come up with a project cost of \$425,000. The City was unsuccessful in obtaining a CCDA grant which would have been used as a match. With trade-ins of the old equipment the project can be completed with cash needs of \$390,000. She continued in stating that \$82,000 has been moved to the 44th Avenue South Improvements Project and any

shortfall could be obtained from the Pavement Management Program. Councilmember O'Neill stated that if a City has to borrow for equipment it does not have a balanced budget. He continued in stating that he would like to see departments come up with their own funding.

Councilmember McGraw stated that she thought the City was not going to bond for vehicles since they do not last over the lifetime of the bond. Finance Director Dalton stated that PFM amortized them for 5 years.

Councilmember Rowland inquired regarding the steps needed to make the borrowing changes. City Administrator Kinser stated that all that is needed is for the Council to authorize staff to make the changes and the allocations will be made internally. Councilmember Rowland requested that a resolution be prepared to show record of the changes.

M/S, Rowland-Wilke moved to approve the bond allocations and to place a resolution on the next Council agenda reflecting same. On roll call, On roll call, McGraw, Rowland, Determann, Wilke, Allesee – Yes; O'Neill – No. Motion carried.

4. County Request for Annexation – Jessica Kinser

City Administrator Jessica Kinser advised the Council that late in 2014 the County Board of Supervisors requested that the City Development Board annex islands on the west side of the City's borders to either Camanche or Clinton. The City Development Board decided that it did not have the authority in a situation like the one brought forward by the County and that is when she received an email from John Staszewski requesting that the City Council consider the annexation. Councilmember Rowland inquired regarding the amount of land and its assessed value. City Administrator Kinser stated that she did not know the specifics. She continued in stating that some of the land is across from the Railpark, lots 5, 6 and 7 have houses and she did not know the zoning, and there is no reason the City to look at parcel 11. She further stated that there may be some economic potential since the parcels are at the intersection of South 54th Street and Highway 30. Councilmember Determann inquired regarding whether the Town of Camanche wants to join with the City in the annexation. City Administrator Kinser stated that they do since there is no animal control at 300 Anamosa Road; however, there were objections filed by the property owners. Councilmember O'Neill stated that there is no up-side for the City. Councilmember Rowland inquired regarding whether the properties are in the Camanche School District. City Administrator Kinser stated that they are. Councilmember O'Neill stated that in the interim if the City Administrator in Camanche wants to do this in partnership with the City and the people who own the ground want the annexation, he is all for it.

M/S, O'Neill-Determann moved to turn down the County's request for annexation. On roll call, carried unanimously.

5. Camanche Request for Joint Projects – Jessica Kinser

City Administrator Kinser stated that the City of Camanche has submitted a request to the City asking to plan for two joint road improvement projects in FY 17; Anamosa Road and 44th Avenue South, east of South 54th Street. The total cost for the projects is \$1 million which would mean a

cost of \$500,000 from the City of Clinton. Councilmember Determann inquired regarding why the County was not joining in the projects. City Administrator Kinser stated that she did not know. Mayor Vulich suggested pursuing sharing the projects with the County.

M/S, Determann-Allesee moved that to approve Camanche's request for joint projects subject to fair share by the County. On roll call, carried unanimously.

6. Penalty Negotiation – Anita Dalton

Finance Director Anita Dalton stated that on June 23rd she had asked for Council approval to negotiate on accounts which were past due. At that time the Council requested additional information.

Director Dalton advised the Council that renter #1 had an accumulated balance as of June 10, 2015 of \$3203.24 with \$903.85 in penalties for a total owed to the City of \$4,107.09. The landlord has signed a lien waiver. If the penalty was waived, the person would need to come in and set up a payment plan to pay the \$3,203.24. If the account is sent to a collection agency the City would receive \$2,957.10. There is a difference of \$246.14. She stated that she would like authority to negotiate on the penalty, never on the balance. Councilmember O'Neill stated that the City did a number of things to incentivize coming in to pay the bill. He continued in stating that he had never heard of allowing a person to set up a payment plan if their water was shut off. He further stated that it is time for this program to come to an end.

Councilmember Wilke stated that Finance Director Dalton has put together an excellent program and he did not want to tell her to change things that have been positive. If someone owes \$3,000 and has a \$400 penalty, he would take the \$3,000.

Finance Director Dalton stated that she does not take penalties into consideration when coming up with a rate increase. She continued in stating that she was not aware that a payment plan was not an option. She further stated that the penalty would not be written off until the balance was paid in full. Councilmember O'Neill stated that the Water Company charges a fee to turn water on and off. The City will need the penalties to pay Iowa American Water Company. He continued in stating that he was not ready to subsidize someone's bad habits. Councilmember Allesee inquired regarding how many times the Finance staff handled the \$3,200.00. The City must recover something for office staff's time.

Mayor Vulich stated that the Council must keep in mind that someone paying \$3,200.00 is better than getting \$2,900.00 from the collection agency. He suggested asking the Water Company and Alliant Energy how they deal with persons whose utilities have been shut off.

Councilmember Determann inquired regarding whether the Water Company has developed a shut off policy. City Administrator Kinser stated that Iowa American Water Company has put together a process on the front end and the rest is up to the task force. Councilmember Rowland stated that he would prefer to put a cap on accounts over a certain amount. Councilmember O'Neill stated that there should be no negotiations for accounts in litigation. Mayor Vulich stated that years ago persons would make a request to the Internal Operations Committee and they would make a recommendation to the Council. Director Dalton stated that the Finance Committee wanted this brought forward.

City Attorney Patrick O'Connell suggested that the Council have a 90 day shut off rule, request reimbursement of all shut off fees and give Director Dalton the ability to compromise on the principal and penalty.

City Administrator Kinser inquired regarding whether the Council would want this item brought back after there is a recommendation from the Taskforce and agreement with Iowa American Water Company. Mayor Vulich stated that the Council needs to give the Finance Director authority to negotiate. There are still a few things to work out.

M/S, Wilke-Allesee moved to give the Finance Director the authority to negotiate penalties up to \$2,000 until an agreement is reached with Iowa American Water Company and no negotiating of penalty for accounts in pending litigation. On roll call, McGraw, Determann, Wilke, O'Neill, Allesee – Yes; Rowland No. Motion carried.

M/S, O'Neill-Allesee moved to amend the motion to give the Finance Director the authority to negotiate penalties up to \$2,000 and there be no negotiating of penalty for accounts in pending litigation. On roll call, McGraw, Determann, Wilke, O'Neill, Allesee – Yes; Rowland No. Motion carried.

7. Mayor & Council Member Updates

Mayor Vulich thanked Emily and Erin for organizing the 4th of July Festivities.

Mayor Vulich advised the Council that the CCJCC has requested the creation of a Blue Ribbon Panel to create a Public Service Authority. He asked all citizens who are interested to come forward by July 24th.

Councilmember McGraw stated that it is interesting that the Council is waiting for the Water Company to come up with an agreement when we have not been cooperative with them at the Railpark.

Respectfully Submitted,

Pat Van Loo

City Clerk