



**CLINTON CITY COUNCIL  
COMMITTEE OF THE WHOLE**

**September 22, 2015**

**CITY HALL COUNCIL CHAMBER**

**ROLL CALL:**

- 1. Review of the Water Shutoff Policy – Ed O’Neill**
- 2. North 14<sup>th</sup> Street Sidewalk – Jason Craft**
- 3. Calendar Parking – Jessica Kinser**
- 4. Mayor & Council Member Updates**



*Item #1*

## **City Administrator**

Phone: 563-242-2144 Fax: 563-244-3426  
611 South Third Street  
P. O. Box 2958  
Clinton, IA 52733-2958  
[www.cityofclintoniowa.us](http://www.cityofclintoniowa.us)

To: Mayor Vulich and the City Council  
From: Jessica Kinser, City Administrator  
Date: September 17, 2015  
RE: Water Shut-off Policy

It was requested that the Water Shut-off Policy be discussed again, mostly due to the section that states that a payment plan will not be offered once a disconnection letter has gone out. This issue was raised as a likely problem at the third public meeting. It was stated that some people would likely not understand the high probability of actually getting their water turned off. With the first notices going out this week, this has become a reality with three customers being declined any payment plan option under the policy.

If the Council would like to reconsider the policy, it is recommended that a suggestion from the City Attorney be taken into consideration. This suggestion was to provide a special payment plan to those after they receive a notice, whether it is the first notice generated by the City or the second notice generated by Iowa American. This payment plan would be different from the plan currently offered by having a special clause notifying the individual that failure to adhere to the payment plan will result in disconnection of the water service without further notice from either the City or Iowa American. Initially it was questioned as to whether this would be feasible with Iowa American's system, but Anita Dalton, Finance Director, confirmed this possibility after a training session held on Wednesday.

Another way to improve the likelihood of success with a payment plans for any customer is to set a dollar threshold whereby a monthly payment that would exceed a certain amount would automatically move the timeframe for repayment to 18 months instead of 12 months. It is recommended that this threshold be at or around \$200. This figure is based upon what a garnishment would be likely to net from a minimum wage worker. If the City did not have the ability to disconnect water, customers with past due accounts would be handled through small claims court or through a collections agency. This methodology would not require staff to do any income verification, which would require more work of a short-staffed area.

There are many ways that the policy could be amended. If the Council does wish to amend the policy, we will halt the issuance of notices until this amendment is formalized.

**RESOLUTION NO. 2015-339**

**RESOLUTION ADOPTING A WATER SHUT-OFF POLICY**

**WHEREAS**, the City of Clinton, through an Agreement with Iowa American Water Company, will have the ability to disconnect water service for delinquent sewer bills; and


**WHEREAS**, a Water Shut-off Taskforce was convened to provide recommendations for the City to consider in the development of an internal policy for the disconnection of water services for delinquent sewer bills; and

**WHEREAS**, a policy has been drafted and considered by the Committee of the Whole on August 4, 2015;

**NOW THEREFORE BE IT RESOLVED**, by the City Council of the City of Clinton, Iowa, that the attached policy is hereby approved.

 \_\_\_\_\_, MAYOR

ATTEST:

 \_\_\_\_\_  
City Clerk

ADOPTED: August 25, 2015

# City of Clinton Water Shut-off Policy

## Purpose

In order to ensure timely payment of charges for sewer service, the City, with Iowa American Water, will disconnect water service for delinquent accounts. This action will help reduce revolving accounts receivable balances and revenue billed is recovered as close as possible to the billing period.

## Definitions

### Delinquent Account

An account that is 120 days past due or has a balance of \$500 more than 60 days past due.

### Disconnect/Reconnect Fee

A fee of \$46 charged to the City of Clinton by Iowa American Water Company for the disconnection and reconnection of water service.

### MFT Site

An online portal owned and operated by Iowa American Water Company. Managed File Transfer (MFT) refers to software or a service that manages the secure transfer of data from one computer to another through a network.

## Policy

A delinquent sewer account is eligible for the disconnection of the water service. The Finance Department will work with accountholders prior to the disconnection notification process commencing to make arrangements for payment. Once the disconnection notification process has begun, as noted in the procedure below, no payment arrangements other than payment in full will be offered.

The owner or landlord of a property will be notified of delinquency related to the property if a written request for notice has been made.

The City of Clinton, in conjunction with Iowa American Water Company (IAWC), will hold a public meeting every six months.

If a customer can certify that someone living in the home is seriously ill by a licensed physician, physician's assistant or nurse practitioner, the water shut-off can be delayed for up to 30 days. The customer is still responsible to pay the amount due to the City even if there is verification of medical certificate for someone in the home.

If a property, either owner-occupied or rental property, is reported by the customer or landlord to be one that operates on boiler or hot water heat, and this is verified through an inspection at the property, water will not be shut-off at the property from December 1<sup>st</sup> through March 31<sup>st</sup>. It is the responsibility of the tenant or owner to make that notification to the City upon receipt of a shut-off notice. The customer is still responsible to pay the amount due even if the water will not be disconnected during the winter months.

## **Procedure**

The City of Clinton Finance Department will send a notification letter via Certified mail to the customer that is eligible for shut-off due to non-payment of the City's sewer treatment charges. The letter will reference the past due sewer balance as the reason for disconnection. The account holder will receive a second letter that will reference any solid waste charges that are past due, and will advise the account holder that the solid waste charges will be sent to collection and/or service will be suspended. If the landlord has requested notice in writing, the landlord will be notified of the delinquency at the same time.

Upon request of the account holder within 14 days of the mailing of the letter, the Finance Director will schedule a hearing within 5 days of the request to hear evidence of alleged errors in the billing. If no errors are found, the disconnection process shall continue.

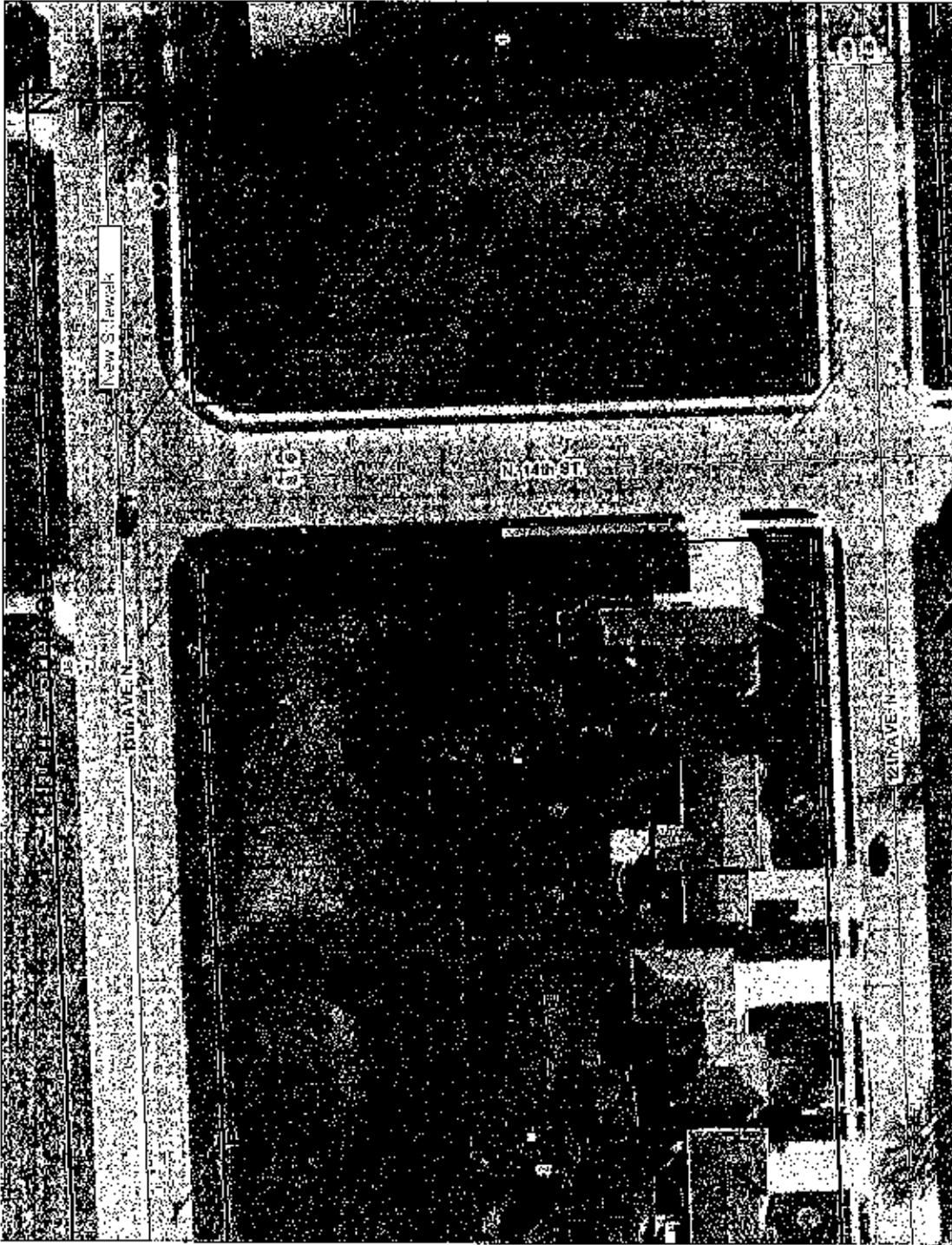
The Finance Department will wait 5 days after mailing of the disconnection notifications for payment in full to be made. If no payment is made, Finance staff will then upload the account for disconnection to the IAWC MFT Site. Upon completion of the City's MFT upload, an auto generated Disconnect Letter will be generated from the IAWC system and sent to the customer by the next business day.

The account will have 12 days, excluding holidays and weekends, to submit payment before the actual disconnection. After the 12-day period has passed, the City will upload the unpaid customer to the MFT Site. The landlord will be notified in writing of this action with the intended disconnection date. IAWC shall, within 20 days of the upload, send an employee to terminate the water service. A City employee must accompany the IAWC employee on the disconnection. Disconnections will occur on Tuesdays. The City employee who accompanies IAWC personnel will leave a door hangar at the property that provides the phone number for the City of Clinton Finance office. If there is a solid waste balance that is due, the City employee will also confiscate the solid waste & yard waste containers.

On the Monday prior to disconnection days, Finance Department personnel will provide a list of eligible disconnections to Building and Neighborhood Services for review as rental property. If the property is a rental dwelling, the City employee will placard the building, ordering the property to be vacated within 15 days.

Following the disconnection of services, Finance Department personnel will post a "MISC" charge to the customer's account for the \$46 disconnect/reconnect fee as charged by IAWC.

Item #2



Engineer's

Estimate:

\$7,500

Item # 3



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To: Mayor Vulich and the City Council  
From: Jessica Kinser, City Administrator  
Date: September 16, 2015  
RE: Calendar Parking Amendment

Following the 2014-15 winter season, there was a need to make changes to the City's calendar parking ordinance. This was first brought forward for Council discussion on May 5<sup>th</sup>, with the direction to formalize option 4, which was the option that would trigger calendar parking with a weather-related event. Please see the attached minutes and original memo for more background.

I am also attaching a draft of an ordinance that would formalize this change for your consideration. If it is drafted as the Council intends, I would request that it be moved to the next Council meeting for a first reading.

**ORDINANCE NO.**

**AN ORDINANCE AMENDING CHAPTER 79.10, CALENDAR PARKING, WITH AN AMENDMENT TO CHAPTER 79.10(A) GENERAL PROVISIONS OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLINTON, IOWA:**

**Section 1. Purpose.** The purpose of this Ordinance is to amend Chapter 79.10, Calendar Parking, to modify the provisions related to calendar parking.

**Section 2. Amendment.** The Code of Ordinances of the City of Clinton, Iowa is amended by deleting the current language of Chapter 79.10, and adding the following language:

**79.10 CALENDAR PARKING.**

- A. **General Provisions.** Calendar parking shall be activated with the occurrence of a Snow Event, which is defined as the accumulation of one inch (1") or more of snow upon the public right-of-way.
1. During the period from November 15<sup>th</sup> through March 15<sup>th</sup>, when a Snow Event has occurred, parking is restricted in the public right-of-way to alternate sides of the roadway in the following manner:
    - a) On odd-numbered days, vehicles shall only be parked, stopped or left standing on that side of the roadway having odd-numbered addresses.
    - b) On even-numbered days, vehicles shall only be parked, stopped or left standing on that side of the roadway having even-numbered addresses.
  2. A Snow Event will remain in effect for 24 hours after the snow has stopped.
  3. The hours for Calendar Parking will be from 9:00 a.m. to 6:00 a.m. Vehicles will have three (3) hours to be moved to the correct side of the roadway.
  4. The date at 6:00 A.M shall determine if the day is odd or even.
  5. During a Snow Emergency, Calendar Parking shall be in effect except on designated snow routes where no parking will be permitted until the Snow Emergency has been cancelled.

**Section 3. Repealer.** All other sections of this Ordinance in conflict with these provisions shall be repealed.

**Section 4. Severability.** If any section, provisions or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall have no effect on the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**Section 5. Effective Date.** This Ordinance shall be in full force and effect from and after its adoption and publication as provided by law.

\_\_\_\_\_  
**Mayor**

**Attest:** \_\_\_\_\_  
**Patricia Van Loo, City Clerk**

**ADOPTED:**





## City Administrator

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To: Mayor Vulich and the City Council  
From: Jessica Kinser, City Administrator  
Date: May 5, 2015  
RE: Calendar Parking Discussion

The period of November 15, 2014 to March 15, 2015, were a learning experience in regards to the changes made to the calendar parking ordinance. Prior to calendar parking starting in November 2015, changes need to be made. After working with the Police and Street Departments, the following options have been developed for Council consideration.

### 1. Fix the current ordinance

While the intent of the current ordinance was to provide for easier access along streets while Street Maintenance employees were working, the opposite effect seemed to occur due to some language issues within the ordinance. If the current ordinance and concept of having all cars on one side of the street is to continue, the following changes are recommended to the ordinance language:

- A. General Provisions. Between November 15 and March 15, Calendar Parking regulations shall be in effect for the parking of vehicles on all streets ~~and avenues~~ within the City of Clinton, Iowa. Such regulations shall apply as follows:
  1. On odd-numbered days, vehicles shall only be parked, stopped or left standing on that side of the street or avenue having odd-numbered addresses.
  2. On even-numbered days, vehicles shall only be parked, stopped or left standing on that side of the street or avenue having even-numbered addresses.
  3. Days, for purposes of this section shall be defined as between 7:00 A.M. and 7:00 A.M.
  4. The date ~~after-Midnight~~ at 7 A.M. shall determine if the day is odd or even.
  5. No parking shall be permitted where it is prohibited by any other ordinance of the City of Clinton.
  6. During snow emergencies calendar parking shall be in effect except on designated snow routes where no parking will be permitted until the snow emergency is no longer in effect.
  7. Calendar parking shall not apply to residential handicapped parking spaces.
  8. The fine for a violation of this section shall be \$15.00.
  9. Between 6:00 A.M. and 9:00 A.M. residents shall be free to move their vehicles without risk of civil citation.
  10. This ordinance shall not apply to commercial districts where parking is designated on both sides of the street.

Some of the biggest issues heard over the last year were that it was confusing as to when the day was odd and when it was even. This would be taken care of through the change in item 4. There was also confusion in how this impacted the City's commercial areas (downtown, 2<sup>nd</sup> Street, Lyons) where parking spots are designated on each side of the street. Adding item 10 would address this issue.

## **2. Eliminate calendar parking**

This option would completely repeal any ordinance and penalty related to calendar parking. This would mean that vehicles could park on either side of the street (in unrestricted areas) at any time of the year. While this is likely to result in some neighborhood disputes, the 24 hour parking rule would remain in effect, meaning that a vehicle can be ticketed after not moving for 24 hours and can be eventually towed. These vehicles are quite evident during the winter months due to snow removal.

## **3. Reinstate the previous rules**

The purpose of amending calendar parking to a 24-hour period rather than an 8-hour period was to provide Street Maintenance employees access to clear parking areas during hours they normally work (7am to 3:30PM). The change did not have the intended effect, so the Council could reinstate the previous calendar parking rules, which restricted the parking to one side of the street for the hours of 12am to 8am on a daily basis.

- A. General Provisions. Between November 15 and March 15, Calendar Parking regulations shall be in effect for the parking of vehicles on all streets and avenues within the City of Clinton, Iowa. Such regulations shall apply as follows:
  1. On odd-numbered days, vehicles shall only be parked, stopped or left standing on that side of the street or avenue having odd-numbered addresses.
  2. On even-numbered days, vehicles shall only be parked, stopped or left standing on that side of the street or avenue having even-numbered addresses.
  3. The provisions of this section shall only be in effect between Midnight and 8:00 A.M.
  4. The date after Midnight shall determine if the day is odd or even.
  5. No parking shall be permitted where it is prohibited by any other ordinance of the City of Clinton.
  6. During snow emergencies calendar parking shall be in effect except on designated snow routes where no parking will be permitted until the snow emergency is no longer in effect.
  7. Calendar parking shall not apply to residential handicapped parking spaces.
  8. The fine for a violation of this section shall be \$15.00.

There came complaints with this system as well

## **4. Weather-Triggered Parking Requirements**

Another option would be to associate the calendar parking requirement with accumulating snowfall. Parking on one side of the street is most helpful during snow events and is the time period when most enforcement takes place. The following replacement language for calendar parking is proposed if the option is desirable:

### **PARKING DURING A SNOW EVENT:**

The accumulation of one inch (1") or more of snow upon the public right of way shall be considered a "snow event". During the period from November 15 through March 15, parking is restricted in the public right of way to alternate sides of the street during a snow event and remain in effect for 24 hours after the snow has stopped. When the snow event takes place, Calendar Parking will be enforced. The hours for Calendar Parking will be from 9:00 a.m. to 6:00 a.m. This allows a 3 hour window for vehicles to be moved from one side of the street to the other. During snow emergencies, calendar parking shall be in effect except on designated snow routes where no parking will be permitted until the snow emergency is no longer in effect.

While the start of calendar parking is many months away, it is beneficial to have a conversation now about the changes that need to be made. Last year's changes proved not to work as intended, leaving multiple options for how to respond to the dysfunction of the system. We also learned that traditional forms of communication (the Lighthouse, media, facebook, Channel 18) have not been sources that touch all residents. Ideally the new website can be used as the source for communication in addition to the others noted.

No decision is needed immediately; ideally a change could be completed by September, allowing a fair amount of time for communication and implementation.

## Committee of the Whole

May 5, 2015

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

### 1. Traffic Signal Warrant Analysis: 13<sup>th</sup> Avenue North/North 14<sup>th</sup> Street – Jason Craft

City Engineer Jason Craft advised the Council that with the number of children crossing 13<sup>th</sup> Avenue North at the new Middle School a decision must be made regarding whether the intersection at 13<sup>th</sup> Avenue North and North 14<sup>th</sup> Street should be fully signalized.

Councilmember Rowland stated that he has watched the children crossing 13<sup>th</sup> Avenue North and it does not look safe. He continued in stating that a driver can hardly see the crossing guard or the children when traffic is backed up. Engineer Craft stated that the traffic backup will still remain; however, the only safe way is to signalize all four intersections. Councilmember Gassman inquired regarding installation of turn lanes. Engineer Craft stated that they would be warranted if there are a certain number of turning vehicles.

Councilmember O'Neill stated that parents park their cars across the street and at 3:00 P.M. 70 to 80 children cross 13<sup>th</sup> Avenue North because traffic was not routed through to 16<sup>th</sup> Street Northwest. He continued in stating that cost-sharing with the school should be looked into. He further stated that there is a 15 minute problem with traffic and now the school wants the City to pay for it.

Engineer Craft stated that it is his due diligence to bring this forward to the Council because of safety issues. Councilmember O'Neill stated that the problem could be resolved by having parents pass through to 16<sup>th</sup> Street Northwest.

Mayor Pro Tem Determann inquired regarding whether there were any state funds available. Engineer Craft stated that there is traffic safety funding available; however, it must be proven that accidents would decrease, which is not the case. There is only a small amount of funding available and we would be in competition with other cities. There is not a lot of options for outside funding. City Administrator Kinser stated that the City was going to schedule a meeting with the school to discuss cost-sharing. Councilmember McGraw inquired regarding whether the City has cost-shared in the past. Engineer Craft stated that there has been cost-sharing for some projects.

Councilmember Rowland stated that parents are picking up students in the middle of 13<sup>th</sup> Avenue North which is quite dangerous. Engineer Craft stated that the School Superintendent and the Principal are working on the traffic flow. Councilmember Determann suggested that this item be referred back to City staff for further study.

M/S, O'Neill-Allesee moved to table until a future Committee of the Whole. On roll call, carried unanimously.

## 2. Solid Waste Equipment Update – Dennis Hart

Transit and Fleet Superintendent Dennis Hart advised the Council that he had asked that the agenda be amended due to the seriousness of this matter. Many municipalities are replacing trucks which can take up to a year to build; however, there are two trucks available at the factory which have a verbal "hold" placed on them if this is approved by Council. These trucks would take 90 days to build and the City would receive them after the beginning of the new fiscal year. He stated that two trucks need repairs which prompted him to use a 1993 Parks truck and to rent another. He continued in stating that he was requesting approval from the Council to waive the formal bid process for the purchase of the two solid waste trucks for \$360,000.

Councilmember Rowland inquired regarding why the City is purchasing a 2006 truck for \$90,000. Superintendent Hart stated that the rent goes toward the purchase of the truck. City Administrator Kinser stated that approval for the purchase was in the budget; however, the Purchase Policy states that we must go out for bids, and if we do we will not have the trucks when needed. She continued in stating that this requires waiving the Purchase Policy. She further stated that used equipment does not need to go through the competitive bid process.

Councilmember O'Neill stated that the City must make a serious effort to establish an equipment replacement fund. He thanked Superintendent Hart for coming up with a solution.

M/S, Rowland-Gassman moved to waive the Purchase Policy and place a resolution on the next City Council agenda approving the purchase of the two solid waste trucks. On roll call, carried unanimously.

## 3. Calendar Parking Review – Jessica Kinser

City Administrator Kinser advised the Council that there were issues with the Calendar Parking changes made in 2014. She stated that no decision needed to be made tonight. She offered four options for Council consideration: 1) fix the current ordinance to eliminate the wording "after midnight" and add that this ordinance shall not apply to commercial districts where parking is designated on both sides of the street. 2) Eliminate calendar parking. 3) Reinstate the previous rules. 4) weather-triggered parking requirements.

Councilmember Wilke stated that removing the wording "after midnight" makes the ordinance clearer. Administrator Kinser stated calendar parking is designed to help remove the snow from streets and she was unsure if #2 would work. Councilmember McGraw inquired regarding whether calendar parking would extend for a 24 hour period. Administrator Kinser stated that it would and between the hours of 6:00 AM and 9:00 AM there would be no tickets given. Councilmember McGraw stated that there are some streets, specifically around the High School, where all of the cars will not fit on one side of the street. She inquired regarding whether the Police Department tickets cars parked illegally. Interim Police Chief Tom Bohle stated that calendar parking has been in effect for many years and the Police Department does ticket illegally parked vehicles around the High School. He continued in stating that when it is a school day they see an influx of cars. Councilmember McGraw inquired regarding what happens if tickets are not paid. Administrator Kinser stated that their vehicle registration is held up until they pay the fines.

Councilmember Wilke stated that he would like to keep calendar parking as it is with the proposed changes in #1. Councilmember Determann stated that he is always hearing people ask why they have to follow calendar parking when there is no snow. City Administrator Kinser stated that she would formalize #4 and bring it back to the Council.

4. DNR Conservation Education Grant – Jessica Kinser

City Administrator Kinser advised the Council that the DNR is accepting applications for the REAP Conservation Education Program. There are two of the Augustana projects, which are both slated for the fall/winter terms, which deal with environmental education; the Storm Water Education Program and Urban Forest Management. She stated that there would be no matching funds required. She continued in stating that she was requesting Council approval to apply for the grant.

M/S, O'Neill-Allesee moved to place a resolution supporting application for the DNR Conservation Education Grant on the next Council agenda. On roll call, carried unanimously.

5. Mayor & Council Member Updates

Councilmember Gassman advised that May 16, 2015 is City Wide Clean up Day.

Councilmember Determann stated that it is Municipal Clerk's Week and thanked the City Clerk.

Respectfully Submitted,

Pat Van Loo  
City Clerk