

**CITY OF CLARKSVILLE  
CITY COUNCIL BUSINESS MEETING  
DECEMBER 5, 2016**

The Clarksville City Council met in regular session December 5, 2016, in the Council Chambers of City Hall at 7:00 p.m. with Mayor Val Swinton in the chair and Council members Roger Doty, Jeff Kolb, Diane Renning, Kenneth Smith, and Travis Sterken present.

Motion Smith, Renning, to approve and adopt the items contained on the Consent Agenda: Motion to approve minutes (November 7, 2016, and November 21, 2016).

RCV – Ayes: Doty, Kolb, Renning, Smith, Sterken. Nays: None. MC.

Motion Kolb, Renning, to adopt Resolution 16-619: THIS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (“CDBG”) CONTRACT is made by and between the IOWA ECONOMIC DEVELOPMENT AUTHORITY, 200 East Grand Avenue, Des Moines, Iowa 50309.

WHEREAS, the Authority is designated to receive, administer, and disburse CDBG funds; and

WHEREAS, the Authority desires to disburse grant funds to the Recipient for eligible purposes primarily benefiting low and moderate income persons, eliminating slums and blight, or meeting community development needs having particular urgency; and

WHEREAS, the Recipient submitted an Application for funding to the Authority and the Authority has approved the Application; and

WHEREAS, in approving the Application the Authority has relied upon the Recipient’s representations of proposed Project activities, management and financial condition of the Recipient, investment of other Project funds, and other material information contained therein; and

WHEREAS, the Recipient has certified to the Authority that the primary purpose for obtaining CDBG funds is to primarily benefit low and moderate income persons, eliminate slums and blight, or meet community development needs having a particular urgency;

NOW, THEREFORE, the Recipient accepts this grant upon the terms and conditions set forth in the Contract.

RCV – Ayes: Doty, Kolb, Renning, Smith, Sterken. Nays: None. MC.

Resolution declared adopted, signed by the Mayor and hereby made a portion of these minutes.

Motion Doty, Smith, to adopt Resolution 16-620: A RESOLUTION OF THE CITY OF CLARKSVILLE CITY COUNCIL AUTHORIZING THE MAYOR TO SIGN A CONTRACT WITH THE IOWA NORTHLAND REGIONAL COUNCIL OF GOVERNMENTS (INRCOG) FOR THE GENERAL ADMINISTRATION OF THE COMMUNITY DEVELOPMENT CONTRACT (CONTRACT #16-OT-003) WITH THE IOWA ECONOMIC DEVELOPMENT AUTHORITY.

WHEREAS, the City has received funding through the Iowa Economic Development Authority (IEDA) from Community Development Block Grant for General Housing Rehabilitation Administration under the Opportunities and Threats Program (Contract #16-OT-003); and

WHEREAS, one of the provisions of the IEDA contract calls for proven ability to address the administration of the CDBG rules and regulations, and

WHEREAS, the City has passed a corresponding Memorandum of Understanding with INRCOG; and

WHEREAS, INRCOG has the personnel and experience with Community Development Block Grant Programs;

NOW THEREFORE BE IT RESOLVED that the City of Clarksville, Iowa City Council authorizes the Mayor to sign a contract for General Administrative Services with the Iowa Northland Regional Council of Governments for the Community Development Block Grant contract #16-OT-003.

RCV – Ayes: Doty, Kolb, Renning, Smith, Sterken. Nays: None. MC.

Resolution declared adopted, signed by the Mayor and hereby made a portion of these minutes.

Motion Renning, Doty, to approve consent agenda: Adoption of Resolutions 16-621 Through 16-627, needed procedures for the funding of the Housing Rehab Community Development Block Grant (CDBG) Program.

Resolution 16-621: A RESOLUTION OF THE CITY COUNCIL OF CLARKSVILLE, IOWA,  
ADOPTING AN EQUAL OPPORTUNITY POLICY FOR CLARKSVILLE, IOWA.

**EQUAL OPPORTUNITY POLICY STATEMENT**

It is the policy of the City of Clarksville, Iowa, to provide equal opportunity to all employees, applicants and program beneficiaries; to provide equal opportunity for advancement of employees; to provide program and employment facilities which are accessible to the handicapped and to administer its programs in a manner that does not discriminate against any person because of race, creed, color, religion, sex, national origin, disability, age, familial status, political affiliation, citizenship or sexual orientation.

The Mayor, or his designee, has ultimate responsibility for the overall administration of the affirmative action/equal opportunity program. The total integration of equal opportunity into all parts of personnel and program management is the Mayor, or his designee’s, responsibility. The Mayor, or his designee, will review all policies and procedures as they affect equal opportunity and affirmative action and ensure compliance with relevant federal and state statutes.

The right of appeal and recourse is guaranteed by the City of Clarksville, Iowa. Any person who feels that he or she has been denied employment, participation, representation, or services in any program administered by the City of Clarksville, Iowa, because of race, creed, color, religion, sex,

national origin, age, disability, political affiliation, sexual orientation, or citizenship has the right to file an equal opportunity complaint. Information and assistance relative to equal opportunity complaints shall be provided by City Clerk, who can be contacted at (319) 278-4531.

This Equal Opportunity Policy of the City of Clarksville, Iowa, shall be posted in conspicuous places within the facility, distributed to all employees, contractors and to the persons of all advisory and policy-making groups.

Resolution 16-622: A RESOLUTION OF THE CITY COUNCIL OF CLARKSVILLE, IOWA ADOPTING AN ANTI-RESIDENTIAL DISPLACEMENT AND RELOCATION ASSISTANCE PLAN FOR THE CITY OF CLARKSVILLE, IOWA.

This Residential Antidisplacement and Relocation Assistance Plan (RARAP) is prepared by the City of Clarksville in accordance with the Housing and Community Development Act of 1974, as amended; and HUD regulations at 24 CFR 42.325 and is applicable to our CDBG1, UDAG and/or HOME-assisted projects.

#### Minimize Displacement

Consistent with the goals and objectives of activities assisted under the Act, the City of Clarksville will take the following steps to minimize the direct and indirect displacement of persons from their homes:

CDBG programs include: Entitlement Community Development Block Grant (CDBG) Program, State CDBG Program, CDBG Small Cities Program, Section 108 Loan Guarantee Program, CDBG Special Purpose Grants Program, and the Neighborhood Stabilization Program (NSP).

- Coordinate code enforcement with rehabilitation and housing assistance programs.
- Arrange for facilities to house persons who must be relocated temporarily during rehabilitation.
- Target only those properties deemed essential to the need or success of the project.

#### Relocation Assistance to Displaced Persons

The City of Clarksville will provide relocation assistance for lower-income tenants who, in connection with an activity assisted under the CDBG Program, move permanently or move personal property from real property as a direct result of the demolition of any dwelling unit or the conversion of a lower-income dwelling unit in accordance with the requirements of 24 CFR 42.350. A displaced person who is not a lower-income tenant, will be provided relocation assistance in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR Part 24.

#### One-for-One Replacement of Lower-Income Dwelling Units

The City of Clarksville will replace all occupied and vacant occupiable lower-income dwelling units demolished or converted to a use other than lower-income housing in connection with a project assisted with funds provided under the CDBG Program in accordance with 24 CFR 42.375.

Before entering into a contract committing the City of Clarksville to provide funds for a project that will directly result in demolition or conversion of lower-income dwelling units, the City of Clarksville will make public by publication in a newspaper of general circulation] and submit to HUD and the State of Iowa, under the State CDBG Program the following information in writing:

1. A description of the proposed assisted project;
2. The address, number of bedrooms, and location on a map of lower-income dwelling units that will be demolished or converted to a use other than as lower-income dwelling units as a result of an assisted project;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. To the extent known, the address, number of lower-income dwelling units by size (number of bedrooms) and location on a map of the replacement lower-income housing that has been or will be provided. *NOTE: See also 24 CFR 42.375(d).*
5. The source of funding and a time schedule for the provision of the replacement dwelling units;
6. The basis for concluding that each replacement dwelling unit will remain a lower-income dwelling unit for at least 10 years from the date of initial occupancy; and
7. Information demonstrating that any proposed replacement of lower-income dwelling units with smaller dwelling units (e.g., a 2-bedroom unit with two 1-bedroom units), or any proposed replacement of efficiency or single-room occupancy (SRO) units with units of a different size, is appropriate and consistent with the housing needs and priorities identified in the HUD-approved Consolidated Plan and 24 CFR 42.375(b).

To the extent that the specific location of the replacement dwelling units and other data in items 4 through 7 are not available at the time of the general submission, the City of Clarksville will identify the general location of such dwelling units on a map and complete the disclosure and submission requirements as soon as the specific data is available.

#### Replacement not Required Based on Unit Availability

Under 24 CFR 42.375(d), the City of Clarksville may submit a request to HUD (or to the State, if funded by the State) for a determination that the one-for-one replacement requirement does not apply based on objective data that there is an adequate supply of vacant lower-income dwelling units in standard condition available on a non-discriminatory basis within the area.

#### Contacts

The City Clerk located at 115 W. Superior, Clarksville, Iowa, telephone number 319-278-4531 is responsible for tracking the replacement of lower income dwelling units and ensuring that they are provided within the required period.

The City Clerk telephone number 319-278-4531 is responsible for providing relocation payments and other relocation assistance to any lower-income person displaced by the demolition of any dwelling unit or the conversion of lower-income dwelling units to another use.

There will be not be any permanent displacement or permanent relocation of persons as a result of the Owner Occupied Housing Rehabilitation Project. The only relocation will be temporary and related to lead base paint issues.

Resolution 16-623: A RESOLUTION OF THE CITY COUNCIL OF CLARKSVILLE, IOWA, ADOPTING AN EXCESSIVE FORCE POLICY FOR CLARKSVILLE, IOWA.

Policy on the Prohibition of the Use Excessive Force

WHEREAS, City of Clarksville, Iowa, has received federal funding through the Community Development Block Grant (CDBG) program; and,

WHEREAS, Section 519 of the Department of Veteran Affairs and U.S. Department of Housing and Urban Development, and Independent Agencies Appropriations Act of 1990 requires that all CDBG recipients adopt and enforce a policy to prohibit the use of excessive force by law enforcement agencies within the recipient's jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

WHEREAS, all recipients of CDBG funds are further required to follow a policy of enforcing applicable state and local laws against physically barring entrances or exits to a facility that is the subject of a nonviolent protest demonstration; and

WHEREAS, City of Clarksville, Iowa, endorses a policy prohibiting the use of excessive force and will inform all law enforcement agencies within its jurisdiction of this policy,

NOW, THEREFORE, BE IT RESOLVED, the City of Clarksville, Iowa, hereby prohibits any law enforcement agency operating within its jurisdiction from using excessive force against any individuals engaged in nonviolent civil rights demonstrations. In addition, City of Clarksville, Iowa, agrees to enforce any applicable state or local laws against physically barring entrances or exits from a facility or location that is the subject of a non-violent protest demonstration. City of Clarksville, Iowa, further pledges enforcement of this policy within its jurisdiction and encourages any individual or group who feels that City of Clarksville, Iowa, has not complied with this policy to file a complaint.

Information and assistance relative to excessive force complaints shall be provided by Mayor of the City of Clarksville, Iowa (319) 278-4531.

Resolution 16-624: A RESOLUTION OF THE CITY OF CLARKSVILLE, IOWA, CITY COUNCIL ADOPTING A LOBBY POLICY GOVERNING THE LOBBYING OF HOUSING AND URBAN DEVELOPMENT PERSONNEL AND/OR DEPARTMENT OF COMMERCE PERSONNEL.

LOBBY POLICY

The following is the policy of the City of Clarksville, Iowa:

1. No Community Development Funds, HOME Investment Partnership Program Funds, or Department of Commerce funds under the control of, or funds distributed to, the City of Clarksville, Iowa, shall be spent to influence or attempt to influence a federal official;
2. Any person or firm representing the City of Clarksville, Iowa, who desires to, or is hired to, lobby for the City of Clarksville, Iowa, with non-CDBG, non-HOME, or non-EDA funds is required to notify said intent to the City of Clarksville, Iowa, and is required to file a "Disclosure Form to Report Lobbying";
3. Any person or firm representing the City of Clarksville, Iowa, who desires to, or is hired to, lobby for the City of Clarksville, Iowa, with non-CDBG, none-HOME, or non-EDA funds is required to notify said intent to the City of Clarksville, Iowa, and is required to obtain a certification of compliance by the state;
4. Persons who make expenditures to influence a HUD or EDA officer or employee in the award of financial assistance or taking of a management action by the department must keep records, and report to HUD or EDA on the expenditures; and

Persons who are retained to influence a HUD or EDA officer or employee in the award of financial assistance or in the taking of a management action by the department must register with HUD or EDA, and report to HUD or EDA on their lobbying activities.

Resolution 16-625: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, IOWA, ACTIVELY PROMOTING FAIR HOUSING FOR THE CITY OF CLARKSVILLE, IOWA.

GRANTEE COMPLIANCE WITH FAIR HOUSING REQUIREMENTS

Title I of the Housing and Community Development Act of 1974, as amended, requires that all CDBG grantees "affirmatively further fair housing". This means that each grantee must undertake, or have undertaken, activity to promote fair housing. IEDA suggests that one or more of the following acceptable actions be done, in order to comply with the law:

Publicize that the local government will assist persons experiencing discrimination in housing. Such assistance can be in the form of facilitating the filing of a complaint with HUD or the Iowa Civil Rights Commission.

Develop and adopt a fair housing ordinance and identify the methods of enforcement.

Provide housing counseling services which assist minorities and women seeking housing outside areas of concentration.

Work with local real estate brokers to form a Voluntary Area-wide Marketing Agreement.

Work with local banks to end "redlining" practices and to post "equal lending opportunity" advertisements.

Use "equal housing opportunity" slogan and logo on city/county letterhead.

Sponsor fair housing seminars and campaigns.

Work with minority and women leaders in the area to promote housing development and increase minority and female participation.

Help local housing developers develop outreach programs to attract minorities and females.

Review zoning ordinance and comprehensive plans to insure they promote spatial deconcentration of assisted housing units.

Make city-owned property located outside areas of concentration available to developers at no or nominal costs for construction of assisted units particularly for large family units.

Develop an Area-wide Housing Opportunity Plan.

Support fair share housing allocation plans.

Create a local housing authority.

Conduct studies to ensure minority and female housing needs are adequately defined.

Adopt a code enforcement ordinance that will compel landlords to keep their units in safe and sanitary condition.

Publicly advertise that the city is a "fair housing city" (See the sample "Public Notice").

Work with local real estate brokers and mortgage lenders in reviewing mortgage credit analysis and underwriting criteria.

Provide fair housing counseling programs that include information on fair housing rights and the availability of housing in a variety of locations, emphasizing housing choice.

Modify local ordinances and land use measures in pursuit of housing opportunity.

Support training and education programs for real estate agents, housing managers, city officials and others to increase knowledge of techniques for promoting economically and racially integrated housing. They may also carry out promotional activities to initiate housing proposals in areas outside those with a high proportion of lower-income persons.

Resolution 16-626: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, IOWA, ADOPTING A PROCUREMENT POLICY FOR THE CITY OF CLARKSVILLE, IOWA.

### PROCUREMENT POLICY

#### PURPOSE

The purpose of this Procurement Policy is to ensure that sound business judgment is utilized in all procurement transactions and that supplies, equipment, construction, and services are obtained efficiently and economically and in compliance with applicable federal law and executive orders and to ensure that all procurement transactions will be conducted in a manner that provides full and open competition.

#### APPLICATION

This policy applies to the procurement of all supplies, equipment, construction, and services of and for the City of Clarksville, Iowa, related to the implementation and administration of the CDBG award. All procurement will be done in accordance with 24 CFR; Part 85.36.

#### POLICY

##### METHODS OF PROCUREMENT

Procurement under grants shall be made by one of the following methods, as described herein: (a) small purchase procedures; (b) sealed bids (formal advertising); (c) competitive proposals; (d) noncompetitive proposals.

- A. Small purchase procedures are relatively simple and informal procurement methods that are sound and appropriate for the procurement of services, supplies, or other property, costing in aggregate not more than \$100,000. If small purchase procedures are used for a procurement under a grant, price or rate quotations shall be obtained from an adequate number of qualified sources.
- B. In sealed bids (formal advertising), sealed bids are publicly solicited and a firm-fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all of the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bids method is the preferred method for procuring construction.
  1. In order for formal advertising to be feasible, appropriate conditions must be present, including, at a minimum, the following:
    - (a) A complete, adequate and realistic specification or purchase description is available.
    - (b) Two or more responsible bidders are willing and able to compete effectively for (Recipient's) business; and
    - (c) The procurement lends itself to a firm-fixed-price contract, and the selection of the successful bidder can be made principally on the basis of price.
  2. When sealed bids are used for procurement under a grant, the following requirements apply:
    - (a) A sufficient time prior to the date set for opening of bids, bids shall be solicited (publicly advertised) from an adequate number of known suppliers.
    - (b) The invitation for bids, including specifications and pertinent attachments, shall clearly define the items or services needed in order for the bidders to properly respond to the invitation for bids.
    - (c) All bids shall be opened publicly at the time and place stated in the invitation for bids.

- (d) A firm-fixed-price contract award shall be made by written notice to that responsible bidder whose bid, conforming to the invitation for bids, is lowest. Where specified in the bidding documents, factors such as discounts, transportation costs, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts may only be used to determine low bid when prior experience of the City indicates that such discounts are generally taken.
  - (e) Any or all bids may be rejected if there are sound documented business reasons in the best interest of the program.
- C. Procurement by competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed-price or cost-reimbursable type contract is awarded, as appropriate. Competitive proposals are generally used when conditions are not appropriate for the use of sealed bids. If the competitive proposals method is used for a procurement under a grant, the following requirements apply:
- 1. Requests for Proposals shall be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals shall be honored to the maximum extent practical.
  - 2. Requests for Proposals shall be solicited from an adequate number of qualified sources.
  - 3. The City shall have a method for conducting evaluations of the proposals received and for selecting awardees.
  - 4. Awards will be made to the responsible offeror whose proposal will be most advantageous to the procuring party, with price (other than architectural/engineering) and other factors considered. Unsuccessful offerors will be promptly notified in writing.
  - 5. The City may use competitive proposal procedures for qualification-based procurement of architectural/engineering (A/E) professional services whereby competitor's qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in the procurement of A/E professional services. It can not be used to procure other types of services (e.g., administration professional services) even though A/E firms are a potential source to perform the proposed effort.
- D. Noncompetitive proposals is procurement through solicitation of a proposal from only one source, or after solicitation from a number of sources, competition is determined inadequate. Noncompetitive proposals may be used only when the award of a contract is infeasible under small purchase procedures, sealed bids (formal advertising), or competitive proposals. Circumstances under which a contract may be awarded by noncompetitive proposals are limited to the following:
- 1. The item is available from only a single source;
  - 2. After solicitation of a number of sources, competition is determined inadequate;
  - 3. A public exigency or emergency exists when the urgency for the requirement will not permit a delay incident to competitive solicitation; and
  - 4. The awarding agency (IEDA) authorizes noncompetitive proposals. (Sole source procurement for supplies, equipment, construction, and services valued at \$25,000 or more must have prior approval of the Iowa Economic Development Authority).
- E. The City will provide, to the greatest extent possible, that contracts be awarded to qualified small and minority firms, women business enterprises, and labor surplus area firms whenever they are potential sources.
- F. Any other method of procurement must have prior approval of the Iowa Department of Economic Development.

#### CONTRACT PRICING

- A. The cost plus a percentage of cost and percentage of construction cost method of contracting shall not be used.
- B. The City shall perform some form of cost/price analysis for every procurement action, including modifications, amendments or change orders.

#### PROCUREMENT RECORDS

The City shall maintain records sufficient to detail the significant history of a procurement, including the rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

Resolution 16-627: A RESOLUTION OF THE CITY COUNCIL OF CLARKSVILLE, IOWA, ADOPTING A CODE OF CONDUCT FOR THE OFFICERS AND EMPLOYEES OF THE CITY OF CLARKSVILLE, IOWA.

### CODE OF CONDUCT

#### PURPOSE

The purpose of this Code of Conduct is to ensure the efficient, fair, and professional administration of federal grant funds in compliance with 24 CFR; Part 85 (85.36(b.)(3)) and other applicable federal and state standards, regulations, and laws.

#### APPLICATION

This Code of Conduct applies to all officers, employees, or agents of the City of Clarksville, Iowa, engaged in the award or administration of contracts supported by federal grant funds.

#### REQUIREMENTS

No officer, employee, or agent of the City of Clarksville, Iowa, shall participate in the selection, award, or administration of a contract supported by federal grant funds, if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

- a. The employee, officer, or agent;
- b. Any member of his/her immediate family;
- c. His/her partner; or
- d. An organization which employs, or is about to employ any of the above; has a financial or other interest in the firm selected for award.

The City of Clarksville, Iowa, its officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or subcontractors.

#### REMEDIES

To the extent permitted by federal, state, or local laws or regulations, violation of these standards may cause penalties, sanctions, or other disciplinary actions to be taken against the City's officers, employees, or agents, or the contractors, potential contractors, subcontractors, or their agents.

RCV – Ayes: Doty, Kolb, Renning, Smith, Sterken. Nays: None. MC.

Resolutions declared adopted, signed by the Mayor and hereby made a portion of these minutes.

Motion Renning, Kolb, to approve hiring Kayla Hinders as Deputy City Clerk, effective December 8, 2016.

RCV – Ayes: Doty, Kolb, Renning, Smith, Sterken. Nays: None. MC.

Motion Smith, Renning, to cancel the December 19, 2016, Council meeting due to the Holiday.

RCV – Ayes: Doty, Kolb, Renning, Smith, Sterken. Nays: None. MC.

Motion Sterken, to adjourn the regular City Council meeting at 8:08 p.m.

Val Swinton  
Mayor

Attest: Lori A. Peterson  
Deputy City Clerk

