

The City Council met in regular session, March 12, 2019 at 7:00 P.M. in the City Hall Council Chamber. Present on roll call: Mayor Vulich, Councilmembers: Seeley, McGraw, Allesee, Connell, Schemers, and Odor. Councilmember Gassman - absent.

M/S, Allesee-Connell moved to dispense with the reading of the minutes of the regular City Council and Committee of the Whole meetings of February 26, 2019 and they be approved as published on March 12, 2019. On roll call, Seeley, McGraw, Allesee, Connell, Schemers, Odor - Yes; Gassman - Absent. Motion carried.

PROCLAMATION - Declaring April 4, 2019 as Junior Achievement Day - Dougal Nelson, President CEO

President CEO Nelson read a proclamation declaring April 4, 2019 as Junior Achievement Day. President CEO Nelson stated Junior Achievement provided kids with a sense of purpose and a belief in themselves, which lead to success for the participants. President CEO Nelson stated Junior Achievement taught kids soft skills - how to vote, being community-minded, critical thinking, collaboration and communication. President CEO Nelson stated over 850 students experienced Junior Achievement and thanked the City for its support.

#### PUBLIC HEARINGS

Mayor Vulich convened a public hearing concerning THE AUTHORIZATION OF A LOAN AGREEMENT AND THE ISSUANCE OF NOT TO EXCEED \$400,000 GENERAL OBLIGATION CAPITAL LOAN NOTE. No comments were received, written or oral. M/S, Odor-Schemers moved that the public hearing concerning THE AUTHORIZATION OF A LOAN AGREEMENT AND THE ISSUANCE OF NOT TO EXCEED \$400,000 GENERAL OBLIGATION CAPITAL LOAN NOTE be entered into the record. On roll call, Seeley, McGraw, Allesee, Connell, Schemers, Odor - Yes; Gassman - Absent. Motion carried.

In discussion prior to roll call, Councilmember Seeley inquired if the note pertained to items for the Library. Administrator Brooke answered in the affirmative.

M/S, Odor-Schemers moved the Council adopt Resolution No. 2019-098 INSTITUTING PROCEEDINGS TO TAKE ADDITIONAL ACTION FOR THE ISSUANCE OF NOT TO EXCEED \$400,000 GENERAL OBLIGATION CAPITAL LOAN NOTES. On roll call, Seeley, McGraw, Allesee, Connell, Schemers, Odor - Yes; Gassman - Absent. Motion carried.

Mayor Vulich convened a public hearing concerning the Status of Funded Activities for the Community Development Block Grant (CDBG). No comments were received, written or oral in the Clerk's office. Mayor Vulich inquired if anyone from the audience would like to address the public hearing. Mark Schneider of East Central Intergovernmental Association ("ECIA") stated the City of Clinton was awarded a Community Development Block Grant (CDBG) to assist with the cost of upgrading the City's wastewater collection system. Schneider stated the grant was specifically for the installation of a force main generally along 1<sup>st</sup> Avenue from the 1<sup>st</sup> Avenue Lift Station at the corner of 1<sup>st</sup> Avenue and Riverview Drive to the interceptor sewer located at the intersection of South 2<sup>nd</sup> Street and 11<sup>th</sup> Avenue South. Schneider stated a public hearing was required to be held on the status of the funded activities. Schneider stated the project was required

as part of the City's Consent Order with the Iowa Department of Natural Resources, requiring the City to separate its combined sewer operation. Schneider stated the primary beneficiaries of the project resided in Block Groups 1, 2 and 3 of the City's Census Tracts 1 and 3. Schneider stated 62% of the residents in said tracts were low-to-moderate income, meeting one of the HUD national objectives for the CDBG program. Schneider stated the total program budget was estimated to be \$4,023,000.00, consisting of \$600,000.00 in CDBG funds and \$3,423,000.00 to be provided by the City of Clinton through wastewater system user fees. Schneider stated 6 bids were received for the project in June 2018 and the project was awarded to Langman Construction Inc. of Rock Island, Illinois, with the low bid of \$2,668,314.08. Schneider stated all of the force main had been installed and overall the project was roughly 75% complete. Schneider stated it was anticipated that the project would be completed by June 2019, well in advance of the contract end date of March 31, 2021. Schneider stated the current CDBG budget was \$577,000.00, pursuant to the Status of Funded Activities Report that was provided to the Mayor, Council and made part of the Council meeting packet. Councilmember Seeley inquired if the project would be completed under budget. Schneider stated it would appear that would be the case and the City had submitted a request to reduce the portion payable by the City and still utilize the entire grant award.

M/S, Seeley-Allesee moved that the public hearing concerning the Status of Funded Activities for the Community Development Block Grant (CDBG) be entered into the record. On roll call, Seeley, McGraw, Allesee, Connell, Schemers, Odor - Yes; Gassman - Absent. Motion carried.

Mayor Vulich convened a public hearing concerning the submission of Public Transit Grant Applications. No comments were received, written or oral. M/S, Connell-Seeley moved that the public hearing concerning the submission of Public Transit Grant Applications be entered into the record. On roll call, Seeley, McGraw, Allesee, Connell, Schemers, Odor - Yes; Gassman - Absent. Motion carried.

M/S, Connell-Seeley moved the Council adopt Resolution No. 2019-099 approving submission of Public Transit Grant Applications. On roll call, Seeley, McGraw, Allesee, Connell, Schemers, Odor - Yes; Gassman - Absent. Motion carried.

Mayor Vulich convened a public hearing concerning accepting bid and awarding contract for Project A-2019, 1st Avenue Pump Station Project. No comments were received, written or oral. M/S, McGraw-Allesee moved that the public hearing concerning accepting bid and awarding contract for Project A-2019, 1st Avenue Pump Station Project be entered into the record. On roll call, Seeley, McGraw, Allesee, Connell, Schemers, Odor - Yes; Gassman - Absent. Motion carried.

M/S, McGraw-Allesee moved the Council adopt Resolution No. 2019-100 rejecting all bids received for the 1st Avenue Pump Station Project A-2019. On roll call, Seeley, McGraw, Allesee, Connell, Schemers, Odor - Yes; Gassman - Absent. Motion carried.

In discussion prior to roll call, Councilmember Seeley inquired how far back the storm water pumping station installation would be pushed for the LumberKings stadium area. City Engineer Jason Craft stated the projects were separate disciplines and by separating out the bidding for the pumping station installation for the stadium area, the project would be open to more bidders and not subject to SRF (State Revolving Fund) requirements. Administrator Brooke stated permeable pavers were being installed near the stadium, and the City could ascertain the effectiveness of the pavers in reducing water issues at the stadium.

Mayor Vulich convened a public hearing concerning accepting bid and awarding contract for Harrison Drive Reconstruction Project J-2019. No comments were received, written or oral. M/S, Allesee-Connell moved that the public hearing concerning accepting bid and awarding contract for Harrison Drive Reconstruction Project J-2019 be entered into the record. On roll call, Seeley, McGraw, Allesee, Connell, Schemers, Odor - Yes; Gassman - Absent. Motion carried.

M/S, Allesee-Connell moved the Council adopt Resolution No. 2019-101 accepting bid and awarding contract to Determann Asphalt for Harrison Drive Reconstruction Project J-2019 for \$1,290,628.10. On roll call, Seeley, McGraw, Allesee, Connell, Schemers, Odor - Yes; Gassman - Absent. Motion carried.

In discussion prior to roll call, Administrator Brooke thanked the residents along Harrison Drive for their patience.

Mayor Vulich convened a public hearing concerning accepting bid and awarding contract for South 8th Street Sewer Separation Project D-2019. No comments were received, written or oral. M/S, Seeley-Connell moved that the public hearing accepting bid and awarding contract for South 8th Street Sewer Separation Project D-2019 be entered into the record. On roll call, Seeley, McGraw, Allesee, Connell, Schemers, Odor - Yes; Gassman - Absent. Motion carried.

M/S, Seeley-Allesee moved the Council adopt Resolution No. 2019-102 accepting bid and awarding contract to Eastern Iowa Excavating for South 8th Street Sewer Separation Project D-2019 for \$670,940.80. On roll call, Seeley, McGraw, Allesee, Connell, Schemers, Odor - Yes; Gassman - Absent. Motion carried.

#### AUDIENCE COMMENT

No persons came before the Council to speak.

#### CONSENT AGENDA

M/S, Allesee-Connell moved to approve the Consent Agenda as presented on the attachment. On roll call, Seeley, McGraw, Allesee, Connell, Schemers, Odor - Yes; Gassman - Absent. Motion carried.

1. Airport Commission - minutes 02/13/2019 - receive, approve and place on file.
2. Committee of the Whole - minutes 02/26/2019 - receive, approve and place on file.
3. Historic Preservation Commission - minutes 02/14/2019 - receive, approve and place on file.
4. Hometown Pride Local Committee - minutes 03/01/2019 - receive, approve and place on file.
5. Parks and Recreation Advisory Board - minutes 02/27/2019 - receive, approve and place on file.
6. Plan Commission - minutes 03/06/2019 - receive, approve and place on file.

7. Iowa Department of Transportation – 02/25/2019 letter – PCC Patching US 67 – receive, approve and place on file.
8. Iowa Department of Transportation – 02/05/2019 letter – HMA Joint and Crack Sealing Iowa 136 – receive, approve and place on file.
9. Iowa Department of Natural Resources Inspection Report – Clinton Regional Water Reclamation Facility (RWRF) – Pretreatment Inspection – 02/15/2019 – receive, approve and place on file.
10. Plans & Specs – North 12<sup>th</sup> Street & North 13<sup>th</sup> Street Resurfacing Project J-2018 – receive, approve and place on file (copy available for inspection at Clerk’s office on 03/11/2019).
11. Plans & Specs – Stockwell Lane Resurfacing Project S-2019 – receive, approve and place on file (copy available for inspection at Clerk’s office on 03/11/2019).
12. Contract – City Hall Parking Lot Reconstruction – Electrical, Project H-2019 – Tri-City Electric Co. - \$72,464.00 - receive, approve and place on file (copy available for inspection at Clerk’s office).
13. Contract #2 – 2019 Demolition of Structures Project – Colgan Excavating - \$37,160.00 - receive, approve and place on file (copy available for inspection at Clerk’s office).
14. Resolution No. 2019-103 – amend the housing inspection delinquency lien list.
15. Resolution No. 2019-104 – supporting spring 2019 CCDA grant application.
16. Resolution No. 2019-105 – ordering construction of improvement, setting public hearing and directing advertisement for bids – North 12<sup>th</sup> Street & North 13<sup>th</sup> Street Resurfacing Project J-2018.
17. Resolution No. 2019-106 – ordering construction of improvement, setting public hearing and directing advertisement for bids – Stockwell Lane Resurfacing Project S-2019.
18. Resolution No. 2019-107 – authorizing payment pursuant to the terms of the Memorandum of Understanding between the City of Clinton, Iowa and Clinton County, Iowa for the Road Rehabilitation Project on 13<sup>th</sup> Avenue North.
19. Resolution No. 2019-108 – recommending Payment No. 7 – Project B-2018 1<sup>st</sup> Avenue Force Main Replacement Project – Langman Construction Inc. - \$105,385.40.
20. Resolution No. 2019-109 – approving Massage Therapy Business Permit for 7 Sisters Wellness.
21. Resolution No. 2019-110 – approving 6-month Class B Beer Permit with Outdoor Service Privilege for Clinton Lumber Kings and issuance of a Class I Letter of Exemption.
22. Resolution No. 2019-111 – approving 6-month Class C Liquor License with Outdoor Service and Sunday Sales Privileges for Clinton Lumber Kings and issuance of a Class I Letter of Exemption for allowing persons under 21 in licensed premises.

## MOTIONS, RESOLUTIONS, AND ORDINANCES

M/S, Seeley-Allesee moved that the Claims be received, approved and placed on file. On roll call, Seeley, McGraw, Allesee, Odor - Yes; Connell, Schemers - Abstain; Gassman - Absent. Motion carried.

M/S, Schemers-Odor moved the Council consider an ordinance for the second time - ORDINANCE REPEALING AND REPLACING CHAPTER 115 (MASSAGE THERAPY ESTABLISHMENTS) OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA. On roll call, Seeley, McGraw, Allesee, Connell, Schemers, Odor - Yes; Gassman - Absent. Motion carried.

M/S, Schemers-Odor moved the rules be suspended and the Council consider an ordinance for the third time. On roll call, Seeley, McGraw, Allesee, Connell, Schemers, Odor - Yes; Gassman - Absent. Motion carried.

M/S, Schemers-Odor moved the rules be suspended and that the ordinance under consideration be placed on its final passage and adopted. On roll call, Seeley, McGraw, Allesee, Connell, Schemers, Odor - Yes; Gassman - Absent. Motion carried.

### ORDINANCE NO. 2603

M/S, Connell-Schemers moved the Council consider an ordinance for the second time - ORDINANCE AMENDING CHAPTER 79.08 (PERSONS WITH DISABILITIES PARKING) OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA. On roll call, Seeley, McGraw, Allesee, Connell, Schemers, Odor - Yes; Gassman - Absent. Motion carried.

M/S, Connell-Allesee moved the rules be suspended and the Council consider an ordinance for the third time. On roll call, Seeley, McGraw, Allesee, Connell, Schemers, Odor - Yes; Gassman - Absent. Motion carried.

M/S, Connell-Schemers moved the rules be suspended and that the ordinance under consideration be placed on its final passage and adopted. On roll call, Seeley, McGraw, Allesee, Connell, Schemers, Odor - Yes; Gassman - Absent. Motion carried.

### ORDINANCE NO. 2604

M/S, Allesee-Connell moved the Council consider an ordinance for the second time - AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF CLINTON, IOWA, BY REZONING AND CHANGING THE DISTRICT CLASSIFICATION OF CERTAIN REAL PROPERTY FROM "R-1C" ONE-FAMILY RESIDENTIAL TO "C-R" COMMERCIAL-RECREATION. On roll call, Seeley, McGraw, Allesee, Connell, Schemers, Odor - Yes; Gassman - Absent. Motion carried.

M/S, Allesee-Seeley moved the rules be suspended and the Council consider an ordinance for the third time. On roll call, Seeley, McGraw, Allesee, Connell, Schemers, Odor - Yes; Gassman - Absent. Motion carried.

M/S, Allesee-Connell moved the rules be suspended and that the ordinance under consideration be placed on its final passage and adopted. On roll call, Seeley, McGraw, Allesee, Connell, Schemers, Odor - Yes; Gassman - Absent. Motion carried.

ORDINANCE NO. 2605

M/S, Seeley-Schemers moved the Council consider an ordinance for the first time - AN ORDINANCE REPEALING AND REPLACING CHAPTER 110 OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA. On roll call, Seeley, McGraw, Allesee, Connell, Schemers, Odor - Yes; Gassman - Absent. Motion carried.

In discussion prior to roll call, Councilmember Seeley inquired what Chapter 110 pertained to. City Clerk Lisa Frederick stated Chapter 110 pertained to liquor licensing.

M/S, McGraw-Allesee moved the Council adopt Resolution No. 2019-112 approving liquor license inspection/investigation fees. On roll call, Seeley, McGraw, Allesee, Connell, Schemers, Odor - Yes; Gassman - Absent. Motion carried.

In discussion prior to roll call, Councilmember Seeley inquired about fees assessed for transfers of liquor licenses. Clerk Frederick stated there still would not be any fees for a license transfer. Councilmember Seeley inquired about the process if an existing establishment wanted to provide alcohol for an event at the Lodge. Clerk Frederick stated if the establishment transferred their license to the Lodge, the establishment could not sell/serve alcohol at their existing establishment during the time of the transfer. Clerk Frederick stated in such instances, most establishments chose to obtain a separate 5-day liquor license for a special event. Councilmember Seeley inquired if there was a fee for a 5-day liquor license. Clerk Frederick answered in the affirmative and stated it was a new license.

M/S, Odor-Schemers moved the Council consider an ordinance for the first time - AN ORDINANCE AMENDING CHAPTER 31, CITY CLERK, OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA, WITH THE ADDITION OF SECTIONS 31.058, CITY INSIGNIA, 31.059 MISUSE OF CITY SEAL AND CITY INSIGNIA, AND 31.060 CITY TRADEMARKS AND SERVICE MARKS. On roll call, Seeley, McGraw, Allesee, Connell, Schemers, Odor - Yes; Gassman - Absent. Motion carried.

M/S, Seeley-Schemers moved the Council adopt Resolution No. 2019-113 approving perpetual license of copyright for City Challenge Coins with Challenge Coins Plus. On roll call, Seeley, McGraw, Allesee, Connell, Schemers, Odor - Yes; Gassman - Absent. Motion carried.

In discussion prior to roll call, Councilmember Seeley asked for Administrator Brooke to comment on the coins. Administrator Brooke stated the coins would be created with the City seal and flag displayed on the coins. Councilmember Seeley inquired about the usage of the coins. Administrator Brooke stated Councilmembers could purchase the coins and distribute, the coins could be used for promotions, and the coins could be given to visitors. Councilmember Seeley inquired when the coins would be available. Administrator Brooke stated coins were estimated to be available in June 2019. Councilmember Seeley inquired where Challenge Coins Plus was located. Administrator Brooke answered Florida. City Attorney Patrick O'Connell stated the perpetual license of copyright provided that the images on the coins belonged to the City and that the images could not be copied or used by anyone other than the City. Councilmember Connell inquired if the coins would be created in color. Administrator Brooke answered in the affirmative and stated the coins would have a gloss finish as well.

M/S, Seeley-McGraw moved the Council adopt Resolution No. 2019-114 approving Urban Gardening Lease Agreement with Bountiful Harvest Urban Farms. On roll call, Seeley, McGraw, Allesee, Connell, Schemers, Odor – Yes; Gassman - Absent. Motion carried.

M/S, Allesee-Connell moved the Council adopt Resolution No. 2019-115 establish a public hearing on a proposed amendment to Chapter 159, Zoning Regulations. On roll call, Seeley, McGraw, Allesee, Connell, Schemers, Odor – Yes; Gassman - Absent. Motion carried.

In discussion prior to roll call, Councilmember Connell stated notices would be sent to the effected parties and an explanation to those effected would be offered.

UNFINISHED BUSINESS

No Unfinished Business was brought forth.

M/S, Allesee-Connell moved to adjourn to 7:00 P.M. March 26, 2019. On roll call, Seeley, McGraw, Allesee, Connell, Schemers, Odor – Yes; Gassman - Absent. Motion carried.

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Mark S. Vulich  
Mayor

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Lisa M. Frederick  
City Clerk