

The City Council met in regular session, March 13, 2018 at 7:00 P.M. in the City Hall Council Chamber. Present on roll call: Mayor Vulich; Councilmembers: Gassman, Seeley, McGraw, Allesee, Connell, Schemers and Odor.

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 27, 2018 and they be approved as published on March 13, 2018. On roll call, carried unanimously.

Mayor Vulich stated oaths of office would take place for Sergeant Raaymakers and Corporal Pohl. Police Chief Kevin Gyrion stated Sergeant Raaymakers would be promoted to Captain as of April 2, 2018 after twenty-five years of service with the Clinton Police Department. Chief Gyrion stated Sergeant Raaymakers had worked in numerous specialty fields for the Department, including eleven years in the Criminal Investigations Unit, was Supervisor of the Street Crimes and Targeted Enforcement Team, was a nationally recognized police bicycle instructor, was a field training officer, was an arson investigator and was part of the tactical operations team. Mayor Vulich administered the oath of office for Captain Joseph Raaymakers.

Chief Gyrion stated Corporal Pohl would be promoted to Sergeant after twenty-four years of service with the Clinton Police Department. Chief Gyrion stated Corporal Pohl spent nearly ten years in the Criminal Investigations Unit, as well as participated in the Tactical Operations Team and Accident Investigations Unit. Mayor Vulich administered the oath of office for Sergeant Brian Pohl.

#### PUBLIC HEARINGS

Mayor Vulich convened a public hearing concerning the submission of Public Transit Grant Applications. No comments were received, written or oral. M/S, Odor-Schemers moved that the public concerning the submission of Public Transit Grant Applications be entered into the record. On roll call, carried unanimously.

M/S, Odor-Schemers moved the Council adopt Resolution No. 2018-109 approving submission of Public Transit Grant Applications. On roll call, carried unanimously.

Mayor Vulich convened a public hearing concerning the proposed sale of City-owned vacant lots - 243 25th Avenue North. City Clerk Frederick stated a potential buyer expressed interest but did not submit a bid prior to the deadline. No other comments were received, written or oral. M/S, Gassman-Seeley moved that the public hearing concerning the proposed sale of City-owned vacant lots - 243 25th Avenue North be entered into the record. On roll call, carried unanimously. Councilmember Gassman inquired about the next steps regarding the parcel. Mayor Vulich stated the Council could choose to re-bid the parcel and re-set a public hearing.

M/S, Gassman-Seeley moved the Council adopt Resolution No. 2018-110 resetting public hearing on the proposed sale of City-owned vacant lots. On roll call, carried unanimously.

Mayor Vulich convened a public hearing concerning the proposed sale of City-owned vacant lots - Roosevelt Street. No comments were received, written or oral. M/S, Connell-Allesee moved that the public hearing concerning the proposed sale of City-owned vacant lots - Roosevelt Street be entered into the record. On roll call, carried unanimously.

M/S, Gassman-Seeley moved that disposition of a City-owned vacant lot – Roosevelt Street (Parcel 8628390000) be referred back to the March 27, 2018 Committee of the Whole agenda for further discussion. On roll call, carried unanimously.

Mayor Vulich convened a public hearing concerning accepting bid and awarding contract for the 2018 Demolition of Structures Project, Phase I at 401 North 4th Street. City Administrator Matt Brooke requested that the acceptance of a bid and awarding of a contract for the demolition of 401 North 4<sup>th</sup> Street be delayed, as potential buyers were still attempting to procure the property. No other comments were received, written or oral. M/S, Allesee-Connell moved that the public hearing concerning accepting bid and awarding contract for the 2018 Demolition of Structures Project, Phase I at 401 North 4th Street be entered into the record. On roll call, carried unanimously.

M/S, Allesee-Seeley moved the Council put accepting bid and awarding contract for the 2018 Demolition of Structures Project, Phase I at 401 North 4<sup>th</sup> Street on hold. On roll call, carried unanimously. In discussion before roll call, Councilmember Seeley inquired if the matter would be on hold indefinitely. Administrator Brooke answered in the affirmative.

Mayor Vulich convened a public hearing concerning accepting bid and awarding contract for the Turtle Creek Culvert Replacement and Sanitary Sewer Relocation Project D-2017. No comments were received, written or oral. M/S, Odor-Schemers moved that the public hearing concerning the 2018 Community Development Block Grant (CDBG) application be entered into the record. On roll call, Seeley, Allesee, Connell, Schemers, and Odor – Yes; Gassman and McGraw – no. Motion carried. In discussion before roll call, Councilmember Gassman stated he was not supportive of using sewer funds for the project and stated he believed the use of sewer funds for the project was the reason for the sewer rate increase.

M/S, Odor-Gassman moved the Council adopt Resolution No. 2018-111 accepting bid and awarding contract to Legacy Corporation for Project D-2017, Turtle Creek Culvert Replacement & Sanitary Sewer Relocation for \$2,289,481.50. On roll call, carried unanimously.

#### AUDIENCE COMMENT

Bev Hermann, 1125 Willany Drive, spoke to the Council about the March for Our Lives event at the band shell on March 24, 2018. Ms. Hermann stated the march was to promote non-violence and to support the students impacted by the shooting in Parkland, Florida. Ms. Hermann stated over 700 hundred marches would be occurring on the same date across the nation. Ms. Hermann stated the rally would begin at 4:00 P.M. and would include speeches, music and would end with a march on riverfront.

#### CONSENT AGENDA

Councilmember Seeley requested that item #7 and item #8 be removed to Unfinished Business. M/S, Allesee-Connell moved to approve the Consent Agenda, as amended. On roll call, carried unanimously.

1. Committee of the Whole – minutes 02/27/2018 – receive, approve and place on file.
2. Hometown Pride Local Committee – minutes 03/02/2018 – receive, approve and place on file.
3. Hometown Pride Steering Committee – minutes 02/22/2018 – receive, approve and place on file.

4. Human Rights Commission - minutes 02/05/2018 - receive, approve and place on file.
5. Tree Commission - minutes 02/14/2018 - receive, approve and place on file.
6. Plans & Specs - North 13<sup>th</sup> Street School Zone Safety Improvements Project L-2018 - receive, approve and place on file (copy available for inspection at Clerk's office on 03/12/2018).
7. Resolution - Removed to Unfinished Business - fixing date for a public hearing on the First Amendment to Site License Agreement with GTP Acquisition Partners II, LLC.
8. Resolution - Removed to Unfinished Business - approving Opportunity Zone application.
9. Resolution No. 2018-112 - authorizing the collection/certification of nuisance clean up liens - \$791.04.
10. Resolution No. 2018-113 - authorizing the collection/certification of nuisance clean up liens - \$367.00.
11. Resolution No. 2018-114 - authorizing the collection/certification of snow and ice removal liens - \$307.00
12. Resolution No. 2018-115 - amend the housing inspection delinquency lien list - Jacobs.
13. Resolution No. 2018-116 - amend the housing inspection delinquency lien list - Shirley.
14. Resolution No. 2018-117 - authorizing construction of improvement, setting public hearing and directing advertisement for bids - North 13<sup>th</sup> Street School Zone Safety Improvements Project L-2018.
15. Resolution No. 2018-118 - approving Final Change Order No. 10 to the 19<sup>th</sup> Avenue North Extension Project Phase III Construction Contract - Langman Construction Inc. - \$51,315.07.
16. Resolution No. 2018-119 - recommending Payment No. 2 for the Cured in Place Pipe, Sanitary Sewer Lining, Project Z-2017 - Hydro-Klean, LLC - \$67,132.23.
17. Resolution No. 2018-120 - recommending Payment No. 10 for the Margaret Place Pumping Station Project B-2013 - Valley Construction Company - \$457,789.05.
18. Resolution No. 2018-121 - recommending Payment No. 14 for Phase III of the 19<sup>th</sup> Avenue North Project, from Randall Court to North 2<sup>nd</sup> Street - Langman Construction Inc. - \$107,049.53.
19. Resolution No. 2018-122 - approving renewal of a Class C liquor license, Sunday sales privilege and outdoor service privilege and issuance of a Class II Letter of Exemption for allowing persons under 21 in licensed premises for Ray's Timeout Sports Bar & Grill.
20. Resolution No. 2018-123 - approving renewal of a Class C liquor license, Sunday sales privilege and outdoor service privilege for Valley Oaks and issuance of a Class I Letter of Exemption for allowing persons under 21 in licensed premises.

21. Resolution No. 2018-124 – approving Class E Liquor License renewal application with Class B Wine Permit and Class C Beer Permit privileges for Fareway Stores, Inc. #025.
22. Resolution No. 2018-125 – approving city pawnbroker license for Del-Rich Loan Co Clinton.

#### MOTIONS, RESOLUTIONS, AND ORDINANCES

M/S, Gassman-Seeley moved that the Claims be received, approved and placed on file. On roll call, carried unanimously.

M/S, Seeley-Gassman moved the Council consider an ordinance for the second time - AN ORDINANCE AMENDING SECTION 159.045 OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA, TO REVISE HEIGHT AND AREA REQUIREMENTS APPLICABLE WITHIN THE C-3 CENTRAL BUSINESS DISTRICT. On roll call, carried unanimously.

M/S, Schemers-Connell moved the Council consider an ordinance for the second time - AN ORDINANCE AMENDING CHAPTER 52, SEWER USE CHARGE, OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA BY AMENDING THE SEWER USE CHARGES. On roll call, Gassman, Seeley, McGraw, Allesee, Schemers, Odor – Yes; Connell – no. Motion carried.

In discussion before roll call, Mayor Vulich inquired about the decrease in solid waste charges. Administrator Brooke stated the resolution setting the solid waste rates was passed at the February 27, 2018, Council meeting and changes to the solid waste and sewer use charges would become effective July 1, 2018.

M/S, Odor-Gassman moved the Council consider an ordinance for the second time - AN ORDINANCE AMENDING CHAPTER 80.07 OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA. On roll call, carried unanimously.

M/S, Gassman-Seeley moved the Council consider an ordinance for the first time - AN ORDINANCE AMENDING CHAPTER 159.048 OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA. On roll call, carried unanimously.

M/S, Schemers-Odor moved the Council consider an ordinance for the first time - AN ORDINANCE AMENDING CHAPTER 30.57 OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA. On roll call, carried unanimously.

In discussion before roll call, Councilmember Schemers noted that all staff hired after May 1, 2018, would be required to live in the City limits and staff hired for the Police and Fire Departments would be required to live within ten miles of their place of employment. Councilmember Schemers inquired if this would create any difficulties with the unions. City Attorney Patrick O'Connell stated the ten mile requirement for Police and Fire employees was reasonable and within the confines of the law. Councilmember Schemers inquired about the requirement for the other staff. Attorney O'Connell stated it would be up to the Council as a policy decision. Administrator Brooke stated similar-sized cities had comparable residency requirements and stressed the importance of staff residing in the City. Councilmember Gassman noted the private sector had similar requirements.

M/S, McGraw-Seeley moved that the Council adopt Resolution No. 2018-126 setting public input meeting and open house on the Trail & Sidewalk Master Plan. On roll call, carried unanimously.

In discussion before roll call, Councilmember Gassman inquired about twelve foot wide sidewalks versus five foot wide sidewalks and stated some businesses have sidewalks from the business to the street. Councilmember Allesee stated outside service would need to be considered. Mayor Vulich stated the public input meeting and open house would take place from 12:00 PM – 2:00 PM and from 4:00 PM – 6:00 PM on March 29, 2018, to gather comments and input. Administrator Brooke stated information about the meeting would be in the newspaper, on the City's website, on the City's Facebook page, and sent out via the City's text messaging system.

City Engineer Jason Craft stated the meeting and open house would allow the public to discuss City sidewalks, trails, bike lanes and connectivity in the City. Engineer Craft stated the ultimate goal was to repair the failing sidewalks in the City. Engineer Craft stated State law addressed twelve foot wide sidewalks and the City would have to maintain the excess portion of such sidewalks as well as items such as bike lanes.

Councilmember Gassman inquired if any further consideration had been given to the options to repair the failing sidewalks in the City. Engineer Craft stated there were currently two proposed options: (1) send notifications to the owners about repairs and if no repairs were made by the homeowner in a certain set date, the repairs would be completed by the City and processed as a ten year special assessment; or (2) the City be solely responsible for the repair and maintenance of all sidewalks in the City with funding generated through taxation of all residents. Councilmember Gassman stated he preferred City-wide taxation, comparable to the pavement management program. Mayor Vulich concurred. Councilmember Gassman stated he would be willing to compromise with the ten year assessment option, with a low interest rate.

M/S, Allesee-Connell moved that the Council adopt Resolution No. 2018-127 a approving Clinton Fire Department Training Reimbursement Agreement and authorizing the Mayor to sign new hire agreements. On roll call, carried unanimously.

In discussion before roll call, Councilmember Gassman commended the agreement and stated it could help attract and retain employees. Mayor Vulich concurred.

M/S, McGraw-Allesee moved that the Council adopt Resolution No. 2018-128 setting public hearing on the proposed sale of City owned vacant lots – 724 6th Avenue South. On roll call, carried unanimously.

M/S, Seeley-Schemers moved that the Council adopt Resolution No. 2018-129 approving Agreement for Grant Writing Services between City of Clinton and the East Central Intergovernmental Association. On roll call, carried unanimously.

#### UNFINISHED BUSINESS

Councilmember Seeley stated he was concerned about the length of the site agreement for item #7 on the Consent Agenda and inquired about the annual payment amount. Administrator Brooke stated the legal team at Lynch Dallas reviewed the agreement and recommended approval. Administrator Brooke noted the one-time payment of \$30,000.00 and an annual five percent increase to each yearly payment. Attorney O'Connell stated the current agreement was comparable with other agreements. Mayor Vulich and Councilmembers Seeley and Connell

requested a listing of comparable agreements. Administrator Brooke agreed to provide such a listing.

M/S, Seeley-Gassman moved that the Council adopt Resolution No. 2018-130 fixing date for a public hearing on the First Amendment to Site License Agreement with GTP Acquisition Partners II, LLC. On roll call, carried unanimously.

Councilmember Seeley requested background information on item #8 from the Consent Agenda. Administrator Brooke stated Opportunity Zones was a new community development program established by Congress in the Tax Cuts and Jobs Act of 2017. Administrator Brooke stated the program would provide a tax incentive for investors to reinvest unrealized capital gains into Opportunity Funds that were dedicated to investing in designated Opportunity Zones. Administrator Brooke stated the program could help spur investments in projects located in the downtown and along riverfront. Councilmember Allesee inquired about administration of the program. Administrator Brooke stated the City would not be administering the program. Councilmember Connell stated the map for the Opportunity Zones mirrored the HubZones maps.

M/S, Seeley-Connell moved that the Council adopt Resolution No. 2018-131 approving Opportunity Zone application. On roll call, carried unanimously.

M/S, Allesee-Connell moved to adjourn to 7:00 P.M. March 27, 2018. On roll call, carried unanimously.

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Mark S. Vulich  
Mayor

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Lisa M. Frederick  
City Clerk