

The City Council met in regular session, March 27, 2018 at 7:00 P.M. in the City Hall Council Chamber. Present on roll call: Mayor Vulich; Councilmembers: Gassman, Seeley, Allesee, Connell, Schemers and Odor. Councilmember McGraw - absent.

M/S, Allesee-Connell moved to dispense with the reading of the minutes of the Regular Council Meeting and the Committee of the Whole meeting of March 13, 2018 and they be approved as published on March 27, 2018. On roll call, Gassman, Seeley, Allesee, Connell, Schemers, Odor - Yes; McGraw - absent. Motion carried.

PROCLAMATION - Declaring April 2018 as Keep Iowa Beautiful Month

Francis Boggus read the proclamation declaring April 2018 as Keep Iowa Beautiful month.

PROCLAMATION - Declaring April 5, 2018 as Junior Achievement Day

Councilmember Odor read the proclamation declaring April 5, 2018 as Junior Achievement Day.

#### PUBLIC HEARINGS

Mayor Vulich convened a public hearing concerning accepting bid and awarding contract for Project E-2018 Basin 6 Sewer Separation, Phase B. No comments were received, written or oral. M/S, Seeley-Allesee moved that the public hearing concerning accepting bid and awarding contract for Project E-2018 Basin 6 Sewer Separation, Phase B be entered into the record. On roll call, Gassman, Seeley, Allesee, Connell, Schemers, Odor - Yes; McGraw - absent. Motion carried.

M/S, Seeley-Allesee moved the Council adopt Resolution No. 2018-132 accepting bid and awarding contract to BWC Excavating for Project E-2018 Basin 6 Sewer Separation Project, Phase B for \$582,074.75. On roll call, Gassman, Seeley, Allesee, Connell, Schemers, Odor - Yes; McGraw - absent. Motion carried.

Mayor Vulich convened a public hearing concerning accepting bid and awarding contract for Project G-2018 Orchard Heights Resurfacing. No comments were received, written or oral. M/S, Allesee-Connell moved that the public hearing concerning accepting bid and awarding contract for Project G-2018 Orchard Heights Resurfacing be entered into the record. On roll call, Gassman, Seeley, Allesee, Connell, Schemers, Odor - Yes; McGraw - absent. Motion carried.

M/S, Allesee-Connell moved the Council adopt Resolution No. 2018-133 accepting bid and awarding contract to Determann Asphalt for Project G-2018 Orchard Heights Resurfacing for \$402,016.50. On roll call, Gassman, Seeley, Allesee, Connell, Schemers, Odor - Yes; McGraw - absent. Motion carried.

Mayor Vulich convened a public hearing concerning the proposed sale of City-owned vacant lots - Garfield Street and 31<sup>st</sup> Avenue North. No comments were received, written or oral. M/S, Connell-Schemers moved that the public hearing concerning the proposed sale of City-owned vacant lots - Garfield Street and 31<sup>st</sup> Avenue North be entered into the record. On roll call, Gassman, Seeley, Allesee, Connell, Schemers, Odor - Yes; McGraw - absent. Motion carried.

M/S, Connell-Schemers moved the Council adopt Resolution No. 2018-134 accepting bid and awarding the sale of Garfield Street and 31<sup>st</sup> Avenue North to Greg Waddell for \$5,200.00. On roll call, Gassman, Seeley, Allesee, Connell, Schemers, Odor – Yes; McGraw – absent. Motion carried.

Mayor Vulich convened a public hearing concerning the proposed sale of City-owned vacant lots – 80 25<sup>th</sup> Avenue North. No comments were received, written or oral. M/S, Schemers-Odor moved the public hearing concerning the proposed sale of City-owned vacant lots – 80 25<sup>th</sup> Avenue North be entered into the record. On roll call, Gassman, Seeley, Allesee, Connell, Schemers, Odor – Yes; McGraw – absent. Motion carried.

M/S, Schemers-Odor moved the Council adopt Resolution No. 2018-135, accepting bid and approving the sale of 80 25<sup>th</sup> Avenue North to Steve Sandholdt for \$20,100.00. On roll call, Gassman, Seeley, Allesee, Connell, Schemers, Odor – Yes; McGraw – absent. Motion carried.

Mayor Vulich convened a public hearing concerning the First Amendment to Site License Agreement with GTP Acquisition Partners II, LLC. No comments were received, written or oral. M/S, Odor-Schemers moved the public hearing concerning the First Amendment to Site License Agreement with GTP Acquisition Partners II, LLC be entered into the record. On roll call, Gassman, Seeley, Allesee, Connell, Schemers, Odor – Yes; McGraw – absent. Motion carried.

M/S, Odor-Schemers moved the Council withdrawal the Resolution approving First Amendment to Site License Agreement with GTP Acquisition Partners II, LLC. On roll call, Gassman, Seeley, Allesee, Connell, Schemers, Odor – Yes; McGraw – absent. Motion carried.

In discussion before roll call, Councilmember Seeley inquired about the term of the lease and noted the City was obligated to the term of the lease, however the lessee was not. Administrator Brooke stated other comparable cities were contracting for 30 year terms due to the rapid pace in technology updates. Administrator Brooke stated he would review the terms of the lease and report back to the Council.

Mayor Vulich convened a public hearing concerning Rhododendron Showboat Theatre Painting Project. No comments were received, written or oral. M/S, Odor-Schemers moved that the public hearing concerning Rhododendron Showboat Theatre Painting Project be entered into the record. On roll call, Gassman, Seeley, Allesee, Connell, Schemers, Odor – Yes; McGraw – absent. Motion carried.

M/S, Odor-Schemers moved the Council adopt Resolution No. 2018-136 ordering construction of improvement, setting public hearing and directing advertisement for bids for the Rhododendron Showboat Theatre Painting Project. On roll call, Gassman, Seeley, Allesee, Connell, Schemers, Odor – Yes; McGraw – absent. Motion carried.

#### AUDIENCE COMMENT

No persons came before the Council to speak.

#### CONSENT AGENDA

Councilmember Gassman requested that item #24 be removed to Unfinished Business.  
Councilmember Schemers requested that item #13 be removed to Unfinished Business.  
Councilmember Connell requested that item #17 be removed to Unfinished Business.

M/S, Allesee-Connell moved to approve the Consent Agenda, as amended. On roll call, Gassman, Seeley, Allesee, Connell, Schemers, Odor – Yes; McGraw – absent. Motion carried.

1. Airport Commission – minutes 02/19/2018 – receive, approve and place on file.
2. Committee of the Whole – minutes 03/13/2018 – receive, approve and place on file.
3. Historic Preservation Commission – minutes 03/08/2018 – receive, approve and place on file.
4. Plans & Specs – ADA Curb Ramp Replacement Project K-2018 – receive, approve and place on file (copy available for inspection at Clerk’s office on 03/26/2018).
5. Plans & Specs – Jurgensen Soccer Park Concessions & Restroom Project X-2017(C) – receive, approve and place on file (copy available for inspection at Clerk’s office on 03/26/2018).
6. Plans & Specs – Rhododendron Showboat Theatre Painting Project – receive, approve and place on file (copy available for inspection at Clerk’s office on 03/26/2018).
7. Contract and Contractor’s Bond – Turtle Creek Culvert Replacement and Sanitary Sewer Relocation Project D-2017 - \$2,289,481.50 – receive, approve and place on file (copy available for inspection at Clerk’s office).
8. Contract – Iowa Economic Development Authority Community Development Block Grant Program – Wastewater Collection System Improvement Project - \$600,000.00 – receive, approve and place on file (copy available for inspection at Clerk’s office).
9. Electronic Payments and Transfers – February 2018 – receive, approve and place on file.
10. Summary of Revenues and Receipts – February 2018 – receive, approve and place on file.
11. Resolution No. 2018-137 – accepting bid for mowing certain areas for the City of Clinton, Iowa.
12. Resolution No. 2018-138 – amend the housing inspection delinquency lien list – Lingle.
13. Resolution – Removed to Unfinished Business – authorizing Building and Neighborhood Services, Clinton Police Department, and the Clinton Substance Abuse Council (CSAC) to apply for a 2018 Byrne/JAG Grant for implementation of a Crime Free Housing Initiative.
14. Resolution No. 2018-139 – authorizing installation of street lights within the Jordan Hills Subdivision.
15. Resolution No. 2018-140 – awarding contract for the Jurgensen Soccer Fields Irrigation Project X-2017 (B) – Puls Company - \$63,269.52.
16. Resolution No. 2018-141 – accepting bid for Showboat electrical improvements/repairs – Electric Service - \$43,907.00.

17. Resolution – Removed to Unfinished Business – approving professional services contract with IMEG Corp Associates for engineering services for the Car Barn Ditch & Joyce’s Slough Restoration Project.
18. Resolution No. 2018-142 – approving contract with East Central Intergovernmental Association for 2018 Community Development Block Grant Administration for the Basin 6 Fore Main Replacement Project.
19. Resolution No. 2018-143 – authorizing memorandum of understanding between the City of Clinton, Iowa and Clinton County, Iowa relative to a road rehabilitation project on 13<sup>th</sup> Avenue North.
20. Resolution No. 2018-144 – ordering construction of improvement, setting public hearing and directing advertisement for bids – ADA Curb Ramp Replacement Project K-2018.
21. Resolution No. 2018-145 – ordering construction of improvement, setting public hearing and directing advertisement for bids – Jurgensen Soccer Park Concessions & Restroom Project X-2017(C).
22. Resolution No. 2018-146 – approving Change Order No. 3 for the 25<sup>th</sup> Avenue North Sewer Separation Project – A-2016 – BWC Excavating, LC - \$200.00.
23. Resolution No. 2018-147 – recommending Payment No. 9 for the 25<sup>th</sup> Avenue North Sewer Separation Project – A-2016 – BWC Excavating, LC - \$224,568.48.
24. Resolution – Removed to Unfinished Business – approving massage establishment City permit for Bamboo Massage Inc.
25. Resolution No. 2018-148 – approving Class A Liquor license renewal application with Sunday sales privilege for Loyal Order of Moose No. 363 and issuance of a Class I Letter of Exemption for allowing persons under 21 in licensed premises.
26. Resolution No. 2018-149 – approving 6-Month Class C Liquor License with Outdoor Service and Sunday sales privileges for Clinton Lumber Kings Baseball Club and issuance of a Class I Letter of Exemption for allowing persons under 21 in licensed premises.
27. Resolution No. 2018-150 – approving 6-Month Class B Beer Permit with Outdoor Service privilege for Clinton Lumber Kings Baseball Club and issuance of a Class I Letter of Exemption (Music on the Avenue).
28. Resolution No. 2018-151 – approving Class E Liquor License renewal application with Class B Wine Permit, Class C Beer Permit and Sunday sales privileges for Wal-Mart Supercenter #2889.

#### MOTIONS, RESOLUTIONS, AND ORDINANCES

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

M/S, Odor-Gassman moved that the Council adopt Resolution No. 2018-152 accepting the Annual Financial and Audit Report for fiscal year 2016-2017. On roll call, Gassman, Seeley, Allesee, Connell, Schemers, Odor - Yes; McGraw - absent. Motion carried.

In discussion before roll call, Mr. Brian Brustkern, CPA from the State Auditor's Office in Des Moines, Iowa presented to the Council the summary of the audit. Mr. Brustkern stated the City received an unmodified opinion, which is the best opinion possible for that type of audit.

M/S, Seeley-Allesee moved the Council consider an ordinance for the third time - AN ORDINANCE AMENDING SECTION 159.045 OF THE CLINTON, IOWA 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, Gassman, Seeley, Allesee, Connell, Schemers, Odor - Yes; McGraw - absent. Motion carried.

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

#### ORDINANCE NO. 2566

M/S, Schemers-Gassman moved the Council consider an ordinance for the third time - AN ORDINANCE AMENDING CHAPTER 52, SEWER USE CHARGE, OF THE CITY OF CLINTON, IOWA CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA, BY AMENDING THE SEWER USE CHARGES. On roll call, Gassman, Seeley, Allesee, Connell, Schemers, Odor - Yes; McGraw - absent. Motion carried.

M/S, Schemers-Seeley moved the ordinance under consideration be placed on its final passage and adopted. On roll call, Gassman, Seeley, Allesee, Schemers, Odor - Yes; Connell - No; McGraw - absent. Motion carried.

#### ORDINANCE NO. 2567

M/S, Odor-Gassman moved the Council consider an ordinance for the third time - AN ORDINANCE AMENDING CHAPTER 80.07, OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA. On roll call, Gassman, Seeley, Allesee, Connell, Schemers, Odor - Yes; McGraw - absent. Motion carried.

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

#### ORDINANCE NO. 2568

M/S, Gassman-Seeley moved the Council consider an ordinance for the second time - AN ORDINANCE AMENDING CHAPTER 159.048, OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA. On roll call, Gassman, Seeley, Allesee, Connell, Schemers, Odor - Yes; McGraw - absent. Motion carried.

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

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

#### ORDINANCE NO. 2569

M/S, Schemers-Odor moved the Council consider an ordinance for the second time - AN ORDINANCE AMENDING CHAPTER 30.57, OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA. On roll call, Gassman, Seeley, Allesee, Connell, Schemers, Odor – Yes; McGraw – absent. Motion carried.

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

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

#### ORDINANCE NO. 2570

M/S, Odor-Gassman moved the Council consider an ordinance for the first time - AN ORDINANCE AMENDING CHAPTER 91 ANIMAL PROTECTION AND CONTROL OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA. On roll call, Gassman, Seeley, Allesee, Connell, Schemers, Odor – Yes; McGraw – absent. Motion carried.

M/S, Allesee-Connell moved that the Council adopt Resolution No. 2018-153 approving Clinton Fire Department Probationary Agreement Extensions and authorizing the Mayor to sign new hire agreements. On roll call, Gassman, Seeley, Allesee, Connell, Schemers, Odor – Yes; McGraw – absent. Motion carried.

M/S, Seeley-Allesee moved that the Council adopt Resolution No. 2018-154 adopting notary services policy for the City of Clinton, Iowa. On roll call, Gassman, Seeley, Allesee, Connell, Schemers, Odor – Yes; McGraw – absent. Motion carried.

M/S, Odor-Gassman moved that the Council adopt Resolution No. 2018-155 adopting open records request policy for the City of Clinton, Iowa. On roll call, Gassman, Seeley, Allesee, Connell, Schemers, Odor – Yes; McGraw – absent. Motion carried.

M/S, Gassman-Seeley moved that the Council adopt Resolution No. 2018-156 resetting the public hearing on the proposed sale of City-owned vacant lots – 243 25<sup>th</sup> Avenue North. On roll call, Gassman, Seeley, Allesee, Connell, Schemers, Odor – Yes; McGraw – absent. Motion carried.

M/S, Schemers-Odor moved that the Council adopt Resolution No. 2018-157 accepting a three year collective bargaining agreement with International Association of Firefighters Local No. 609, AFL-CIO for July 1, 2018 through June 30, 2021. On roll call, Gassman, Seeley, Allesee, Connell, Schemers, Odor – Yes; McGraw – absent. Motion carried.

#### UNFINISHED BUSINESS

Councilmember Gassman inquired whether the massage permit for item #24 on the Consent Agenda should be issued when the existing massage ordinance was being revised.

Councilmember Gassman stated he would like the resolution to be considered at the next Committee of the Whole meeting. Councilmember Connell stated delaying approval could impede the business' daily operations. Councilmember Seeley inquired whether the revised ordinance would include all types of massage establishments, including establishments that provided home-based services. City Attorney Patrick O'Connell stated the ordinance would not include home-based businesses, as homes were not typically set up to abide by the sanitary requirements and other restrictions of the ordinance. Mayor Vulich advised the Council that the Council could approve the resolution pursuant to the requirements of the current ordinance. Attorney O'Connell concurred. Councilmember Gassman inquired whether the ordinance contained a provision regarding state licensure. Administrator Brooke answered in the affirmative and stated all massage therapists must be licensed by the State.

M/S, Seeley-Schemers moved that the Council adopt Resolution No. 2018-158 approving massage establishment City permit for Bamboo Massage, Inc. On roll call, Seeley, Allesee, Connell, Schemers, Odor - Yes; Gassman - No; McGraw - absent. Motion carried.

Councilmember Schemers stated in reference to item #13 on the Consent Agenda, he believed the Crime Free Housing Initiative was a good program and stated he wanted to bring attention to the item for everyone's full support. Administrator Brooke stated a Byrne/JAG Grant application would be submitted, with a \$12,500.00 contribution from the City (said funds to be allocated from the LMI Fund). Administrator Brooke stated the City's goal was to develop a pilot program that would become self-sustaining in future years. Battalion Fire Chief Jeff Chapman stated the pilot program would include approximately 100 rental units in the first year, with additional units being added in following years.

M/S, Schemers-Allesee moved that the Council adopt Resolution No. 2018-159 authorizing Building and Neighborhood Services, Clinton Police Department, and the Clinton Substance Abuse Council (CSAC) to apply for a 2018 Byrne/JAG Grant for implementation of a Crime Free Housing Initiative. On roll call, Gassman, Seeley, Allesee, Connell, Schemers, Odor - Yes; McGraw - absent. Motion carried.

Councilmember Connell requested clarification on item #17 on the Consent Agenda regarding the services being performed. City Engineer Jason Craft stated the contract included services for the annual dredging of Joyce's Slough and corresponding silt removal. Engineer Craft stated the goal was to dredge Joyce's Slough to a level that boats could get out during low water, beginning at the Candlelight and working toward the north. Engineer Craft stated the project was multi-faceted, with a limited budget, and the City would benefit financially by hiring one qualified engineering firm to do the entire project in addition to one or two excavation contractors. Engineer Craft stated the contract also included services for the Car Barn Ditch restoration project that was part of the fiscal year 2019 Capital Improvement Plan. Engineer Craft stated the goal of this project was to clean out the large culvert in that area, correct any silt issues, and complete any needed sewer repairs. Engineer Craft noted they City had a good ongoing relationship with IMEG, formerly McClure Engineering. Engineer Craft stated the dredging would occur in the summer or fall of 2018, depending on water levels. Engineer Craft stated the restoration would take place in the fall or winter of 2018.

M/S, Connell-Allesee moved that the Council adopt Resolution No. 2018-160 approving professional services contract with IMEG Corp Associates for engineering services for the Car Barn Ditch & Joyce's Slough Restoration Project. On roll call, Gassman, Seeley, Allesee, Connell, Schemers, Odor - Yes; McGraw - absent. Motion carried.

M/S, Allesee-Connell moved to adjourn to 7:00 P.M. April 10, 2018. On roll call, Gassman, Seeley, Allesee, Connell, Schemers, Odor - Yes; McGraw - absent. Motion carried.

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Mark S. Vulich  
Mayor

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Teresa Lindstrom  
Deputy City Clerk