

The City Council met in regular session, April 10, 2018 at 7:00 P.M. in the City Hall Council Chamber. Present on roll call: Mayor Vulich; Councilmembers: Gassman, Seeley, McGraw, Allesee, Schemers and Odor. Councilmember Connell - absent.

M/S, Allesee-Schemers moved to dispense with the reading of the minutes of the regular City Council and Committee of the Whole meetings of March 27, 2018 and they be approved as published on April 9, 2018. On roll call, Gassman, Seeley, McGraw, Allesee, Schemers, Odor - Yes; Connell - absent. Motion carried.

## PUBLIC HEARINGS

Mayor Vulich convened a public hearing concerning accepting bid and awarding contract for North 13th Street School Zone Safety Improvements Project L-2018. No comments were received, written or oral. M/S, Allesee-Schemers moved that the public concerning accepting bid and awarding contract for North 13th Street School Zone Safety Improvements Project L-2018 be entered into the record. On roll call, Gassman, Seeley, McGraw, Allesee, Schemers, Odor - Yes; Connell - absent. Motion carried.

M/S, Allesee-Schemers moved the Council adopt Resolution No. 2018-161 accepting bid and awarding contract to Leslie Electric for North 13th Street School Zone Safety Improvements Project L-2018 for \$149,922.00. On roll call, Gassman, Seeley, McGraw, Allesee, Schemers, Odor - Yes; Connell - absent. Motion carried.

Mayor Vulich convened a public concerning the proposed sale of City-owned vacant lots - 724 6th Avenue South. No comments were received, written or oral. M/S, Odor-Gassman moved that the public hearing concerning the proposed sale of City-owned vacant lots - 724 6th Avenue South be entered into the record. On roll call, Gassman, Seeley, McGraw, Allesee, Schemers, Odor - Yes; Connell - absent. Motion carried.

M/S, Odor-Gassman moved the Council adopt Resolution No. 2018-162 accepting bid and approving the sale of 724 6th Avenue South to Dustin Streat for \$300.00. On roll call, Gassman, Seeley, McGraw, Allesee, Schemers, Odor - Yes; Connell - absent. Motion carried.

Mayor Vulich convened a public hearing concerning the proposed sale of City-owned vacant lots - 243 25th Avenue North. No comments were received, written or oral. M/S, McGraw-Seeley moved that the public hearing the proposed sale of City-owned vacant lots - 243 25th Avenue North be entered into the record. On roll call, Gassman, Seeley, McGraw, Allesee, Schemers, Odor - Yes; Connell - absent. Motion carried.

M/S, McGraw-Allesee moved the Council adopt Resolution No. 2018-163 accepting bid and approving the sale of 243 25th Avenue North to Mark Werner for \$2,006.00. On roll call, Gassman, Seeley, McGraw, Allesee, Schemers, Odor - Yes; Connell - absent. Motion carried.

In discussion before roll call, Councilmember Gassman inquired about the bidder's request to have the trees removed on the parcel. Administrator Brooke stated the City could grade the property and remove the fence but would not remove the trees. Councilmember Seeley inquired if the contractor that completed the demolition of the structure was to be completing the grading. City Engineer Jason Craft stated the contractor had not yet completed the grading work in connection with the demolition project and retainage existed until the work was fully

completed. Councilmember Seeley inquired if the bid amount would represent market value. Councilmember Gassman stated less demolition costs were incurred for 243 25<sup>th</sup> Avenue North than for other parcels and stated conveying parcels to new owners was a positive step. Councilmember Seeley stated he would like to see more advertising completed in the future in an attempt to obtain quality bids. Administrator Brooke stated marketing costs and fees would need to be considered. City Attorney Patrick O'Connell stated the City could include provisions in any sale that if a property was declared to be a nuisance in a certain period of time, the ownership would revert back to the City.

#### AUDIENCE COMMENT

Nick Jensen, 96 25<sup>th</sup> Avenue North, expressed opposition to potential development occurring on Parcel 8628390000. Mr. Jensen stated the block had experienced issues with flooding and drainage over the last ten years. Mr. Jensen stated he was concerned that a structure being constructed would exacerbate existing drainage issues.

Mike Earl, 94 25<sup>th</sup> Avenue North, expressed opposition to potential development occurring on Parcel 8628390000. Mr. Earl stated he and Mr. Jensen had been maintaining Parcel 8628390000 for several years and reiterated that the block had experienced issues with flooding and drainage. Mr. Earl stated he was concerned that a structure being constructed would exacerbate existing drainage issues.

John Jonen, Winfield, Iowa stated he was interested in operating an alfalfa pellet plant in the soon to be vacant Alliant Energy M.L. Kapp Generating Station .

#### CONSENT AGENDA

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

1. Civil Service Commission - minutes 04/02/2018 - receive, approve and place on file.
2. Committee of the Whole - minutes 03/27/2018 - receive, approve and place on file.
3. Hometown Pride Steering Committee - minutes 03/22/2018 - receive, approve and place on file.
4. Certified List of Police Officer Candidates - receive, approve and place on file (will be distributed Monday, April 9, 2018).
5. Transit Joint Participation Agreement to Implement a State Transit Assistance (STA) Formula Project - receive, approve and place on file (copy available for inspection at Clerk's office).
6. Contract - mowing services on City Property - J & L Lawn Care & Landscaping, LLC - receive, approve and place on file (copy available for inspection at Clerk's office).
7. Contract - mowing services on City Property - Gateway Lawn & Landscape - receive, approve and place on file (copy available for inspection at Clerk's office).
8. Contract - tree and stump removal on City Property - Cut Rite Tree Service - receive, approve and place on file (copy available for inspection at Clerk's office).

9. Contract - tree and stump removal on City Property - Davey Tree Expert Company - receive, approve and place on file (copy available for inspection at Clerk's office).
10. Contract - tree and stump removal on City Property - John's Tree Service - receive, approve and place on file (copy available for inspection at Clerk's office).
11. Resolution No. 2018-164 - accepting City of Clinton, Iowa Code Supplement S-10 (copy available for inspection at Clerk's office).
12. Resolution No. 2018-165 - approving settlement and release agreement between City of Clinton and Terry Langrehr and Gale Henry-Pete.
13. Resolution No. 2018-166 - declaring surplus property.
14. Resolution No. 2018-167 - denying persons with disabilities residential parking space application.
15. Resolution No. 2018-168 - establish a public hearing for the 2018 Community Development Block Grant (CDBG) application.
16. Resolution No. 2018-169 - accepting bids for tree and stump removal for the City of Clinton, Iowa.
17. Resolution No. 2018-170 - awarding contract to Midland Doors for the Clinton Street Department Overhead Door Replacement Project.
18. Resolution No. 2018-171 - approving Ancillary Provider Participation Agreement between UnitedHealthcare Insurance Company and the Municipal Transit Administration.
19. Resolution No. 2018-172 - approving the proposal from Calhoun-Burns & Associates, Inc. for 2018 Inspection and Rating of City Bridges.
20. Resolution No. 2018-173 - recommending Payment Request No. 1 for the West Deer Creek Bridge Replacement Project - Jim Schroeder Construction, Inc. - \$302,048.71.
21. Resolution No. 2018-174 - recommending Payment No. 11 for the Margaret Place Pumping Station Project B-2013 - Valley Construction Company - \$187,371.35.
22. Resolution No. 2018-175 - approving Class C Liquor License renewal application with outdoor service and Sunday sales privileges for Hook's Pub.
23. Resolution No. 2018-176 - approving Class B Liquor License renewal application with catering, Class B Wine Permit, outdoor service and Sunday sales privileges and issuance of a Class I Letter of Exemption for allowing persons under 21 in licensed premises for Wild Rose Clinton Resort.
24. Resolution No. 2018-177 - approving Class C Liquor License renewal application with Class B Wine Permit and Sunday sales privileges for Wild Rose Casino Clinton.

## MOTIONS, RESOLUTIONS, AND ORDINANCES

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

M/S, Odor-Gassman moved the Council consider an ordinance for the second 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, McGraw, Allesee, Schemers, Odor - Yes; Connell - absent. Motion carried.

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

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

### ORDINANCE NO. 2571

M/S, Gassman-Seeley moved the Council consider an ordinance for the first time - AN ORDINANCE AMENDING CHAPTER 115, MASSAGE ESTABLISHMENTS AND TECHNICIANS, OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA. In discussion before roll call, Councilmember Schemers requested that the item be tabled in order for further discussion to occur. Councilmember Schemers stated after speaking with law enforcement and business owners, he believed further revisions should be made to the ordinance.

M/S, Schemers-Gassman moved to table the Council considering an ordinance for the first time - AN ORDINANCE AMENDING CHAPTER 115, MASSAGE ESTABLISHMENTS AND TECHNICIANS, OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA. On roll call, Gassman, Seeley, McGraw, Allesee, Schemers, Odor - Yes; Connell - absent. Motion carried.

M/S, Gassman-Allesee moved the Council consider an ordinance for the first time - AN ORDINANCE AMENDING CHAPTER 15 OF THE ORDINANCES OF THE CITY OF CLINTON, IOWA RELATING TO MAYOR'S COMPENSATION. On roll call, Gassman, McGraw, Allesee, Schemers, Odor - Yes; Seeley - No; Connell - absent. Motion carried.

In discussion before roll call, Councilmember Seeley stated he believed the current compensation for the Mayor and Councilmembers was comparable to other similar-sized communities. Councilmember Seeley stated he chose to serve to help the community. Administrator Brooke stated some similar-sized communities had an Administrator and an Assistant Administrator that would complete many of the Mayoral duties. Councilmember Odor stated the Mayor had many responsibilities above and beyond those of Councilmembers and the position of Mayor was a full-time job with part-time pay. Councilmember Odor stated he was supportive of an increase in the Mayor's compensation but not support of an increase in the Councilmembers' compensation. Councilmember McGraw stated increases would not affect those currently serving and there had been ten years with no increase in compensation. Councilmember Odor stated the increase in compensation for Mayor would not take effect until 2020. Councilmember Seeley requested additional comparable information for similar-sized

communities and stated he did not believe an increase in compensation would increase the candidate pool for elected positions.

M/S, Allesee-Schemers moved the Council consider an ordinance for the first time - AN ORDINANCE AMENDING CHAPTER 17 OF THE ORDINANCES OF THE CITY OF CLINTON, IOWA RELATING TO COUNCIL COMPENSATION. On roll call, Gassman, McGraw, Allesee, Schemers - Yes; Seeley, Odor - No; Connell - absent. Motion carried.

M/S, Seeley-Allesee moved the Council consider an ordinance for the first time - AN ORDINANCE AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA. On roll call, Gassman, Seeley, McGraw, Allesee, Schemers, Odor - Yes; Connell - absent. Motion carried.

M/S, McGraw-Allesee moved the Council consider an ordinance for the first time - AN ORDINANCE AMENDING CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA. On roll call, Gassman, Seeley, McGraw, Allesee, Schemers, Odor - Yes; Connell - absent. Motion carried.

M/S, Schemers-Odor moved the Council consider an ordinance for the first time - AN ORDINANCE RESCINDING ORDINANCE NO. 2491 PURPORTING TO VACATE AND CONVEY STREET RIGHT OF WAY TO NELSONCORP WEALTH MANAGEMENT. On roll call, Gassman, Seeley, McGraw, Allesee, Schemers, Odor - Yes; Connell - absent. Motion carried.

M/S, Schemers-Odor moved that the Council adopt Resolution No. 2018-178 setting public hearing on the proposed sale of Parcel 88-07350000 and a portion of Parcel 88-14680000. On roll call, Gassman, Seeley, McGraw, Allesee, Schemers, Odor - Yes; Connell - absent. Motion carried.

M/S, Gassman-Seeley moved that the Council adopt Resolution No. 2018-179 setting public hearing on the proposed disposition of a portion of Parcel 86-28390000. On roll call, Gassman, Seeley, McGraw, Allesee, Schemers, Odor - Yes; Connell - absent. Motion carried.

In discussion before roll call, Councilmember Seeley inquired if this item needed to be pulled due to the audience comments. Administrator Brooke stated the resolution was only to set a public hearing and further investigations could occur prior to the public hearing. Administrator Brooke stated if it was deemed not feasible to develop the lot, the item could be pulled. Councilmember Gassman stated the City agreed last year to work on the drainage issues in this block. Engineer Craft stated the area previously had a combined sewer, 12 inch piping and poor drainage. Engineer Craft stated work was currently being completed in the area and would include several items to improve drainage: permeable pavers were being installed, sewer separation had been completed, curbs would be installed, and storm drains would be uncovered. Engineer Craft stated he would meet with the residents regarding their concerns.

M/S, Seeley-Schemers moved that the Council adopt Resolution No. 2018-180 requesting assignment of County-held tax certificate. On roll call, Gassman, Seeley, McGraw, Allesee, Schemers, Odor - Yes; Connell - absent. Motion carried.

In discussion before roll call, Councilmember Seeley inquired about the address of the property and if the structure would be demolished. Administrator Brooke answered in the affirmative and stated the address was 215 South 3<sup>rd</sup> Street. Councilmember Seeley noted the owner of the property had several nuisance properties in town. Administrator Brooke concurred.

M/S, Odor-Gassman moved that the Council adopt Resolution No. 2018-181 accepting a three year collective bargaining agreement with American Federation of State, County and Municipal Employees, Local 888 (AFSCME) Bargaining Unit for July 1, 2018 through June 30, 2021. On roll call, Gassman, Seeley, McGraw, Allesee, Schemers, Odor - Yes; Connell - absent. Motion carried.

M/S, McGraw-Seeley moved that the Council approve the Mayor's recommendation to boards and commissions. On roll call, Gassman, Seeley, McGraw, Allesee, Schemers, Odor - Yes; Connell - absent. Motion carried.

#### UNFINISHED BUSINESS

No Unfinished Business was brought forth.

M/S, Allesee-Gassman moved to adjourn to 7:00 P.M. April 24, 2018. On roll call, Gassman, Seeley, McGraw, Allesee, Schemers, Odor - Yes; Connell - absent. Motion carried.

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Mark S. Vulich  
Mayor

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Lisa M. Frederick  
City Clerk