

The City Council met in regular session, April 24, 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 April 10, 2018 and they be approved as published on April 23, 2018. On roll call, carried unanimously.

PROCLAMATION - Declaring April 27, 2018 as Arbor Day

Amanda Eberhart of Clinton Trees Forever read the proclamation declaring April 27, 2018 as Arbor Day.

PROCLAMATION - Declaring May 1, 2018 as LyondellBasell Clinton Complex Day

Mayor Vulich read the proclamation declaring May 1, 2018 as Clinton Complex Day. Mayor Vulich stated LyondellBasell would be celebrating fifty years of operation in the City and LyondellBasell had recently completed a \$50 million addition without receiving any financial assistance from the City.

OATH OF OFFICE - Police Department

Mayor Vulich stated an oath of office would take place for Alexander Dodd. Police Captain Steven Kopp stated Dodd had been a lifelong Clinton resident, served on the Marine Corps Forces Reserve, and had recently graduated from the Iowa Law Enforcement Academy. Mayor Vulich administered the oath of office for Officer Alexander Dodd.

PUBLIC HEARINGS

Mayor Vulich convened a public hearing concerning accepting bid and awarding contract for Jurgensen Soccer Park Concessions & Restroom Project X-2017(C). No comments were received, written or oral. M/S, Connell-Allesee moved that the public concerning accepting bid and awarding contract for Jurgensen Soccer Park Concessions & Restroom Project X-2017(C) be entered into the record. On roll call, carried unanimously.

M/S, Connell-Allesee moved the Council adopt Resolution No. 2018-182 accepting bid and awarding contract to Clinton Engineering for Jurgensen Soccer Park Concessions & Restroom Project X-2017(C) for \$170,603.00. On roll call, carried unanimously.

Mayor Vulich convened a public concerning accepting bid and awarding contract for ADA Curb Ramp Replacement Project K-2018. No comments were received, written or oral. M/S, Schemers-Odor moved that the public hearing concerning accepting bid and awarding contract for ADA Curb Ramp Replacement Project K-2018 be entered into the record. On roll call, carried unanimously.

M/S, Schemers-Odor moved the Council adopt Resolution No. 2018-183 accepting bid and awarding contract to Clinton Engineering for ADA Curb Ramp Replacement Project K-2018 for \$162,353.00. On roll call, carried unanimously.

Mayor Vulich convened a public hearing concerning accepting bid and awarding contract for Rhododendron Showboat Theatre Painting Project. No comments were received, written or oral. M/S, Seeley-Gassman moved that the public hearing concerning accepting bid and awarding contract for Rhododendron Showboat Theatre Painting Project be entered into the record. On roll call, carried unanimously.

M/S, Seeley-Gassman moved the Council adopt Resolution No. 2018-184 accepting bid and awarding contract to Moehr Painting and Insulation Co., Inc. for Rhododendron Showboat Theatre Painting Project for \$148,450.00. On roll call, carried unanimously.

In discussion before roll call, Councilmember Connell inquired about the timeline for the project. City Administrator Matt Brooke stated the project was slated to be completed in the fall of 2018/spring of 2019 and work was not to interpret the shows on the Showboat.

Mayor Vulich convened a public hearing concerning the proposed sale of Parcel 88-07350000 and a portion of Parcel 88-14680000. No comments were received, written or oral. M/S, Odor-Schemers moved that the public hearing concerning the proposed sale of Parcel 88-07350000 and a portion of Parcel 88-14680000 be entered into the record. On roll call, carried unanimously.

M/S, Odor-Schemers moved the Council adopt Resolution No. 2018-185 authorizing sale of Parcel 88-07350000 and a portion of Parcel 88-14680000 to NelsonC, LLC for \$6,500.00. On roll call, Seeley, McGraw, Allesee, Connell, Schemers, Odor - Yes; Gassman - No. Motion carried.

Mayor Vulich stated the public hearing concerning the proposed disposition of a portion of Parcel 86-28390000 would be withdrawn. Administrator Brooke stated after meeting with the adjacent neighbors, it was determined that the project was not feasible or suitable. Administrator Brooke stated work was completing to address the drainage issues in the neighborhood and another location would be sought for Habitat for Humanity.

Mayor Vulich convened a public hearing concerning the City of Clinton's 2018 Community Development Block Grant application to provide funding for the homeowner rehabilitation assistance project. No comments were received, written or oral. M/S, McGraw-Seeley moved that the public hearing concerning the City of Clinton's 2018 Community Development Block Grant application to provide funding for the homeowner rehabilitation assistance project be entered into the record. On roll call, carried unanimously.

In discussion before roll call, Mark Schneider, ECIA Community Development and Public Services Director, stated the need for the proposed CDBG application to provide funding for the homeowner rehabilitation assistance project was identified by City staff based on staffs' knowledge of the City, a windshield survey that was conducted, and the City's past CDBG funded rehabilitation programs had been consistently oversubscribed. Schneider stated the program would total \$293,000.00, including rehabilitation work and administrative fees, and the City proposed to use \$251,000.00 in CDBG funds and \$42,000.00 local match funds. Schneider stated the application for \$251,000.00 in CDBG funding would be submitted prior to the May 4, 2018 deadline. Schneider stated all funding would benefit low and moderate income (LMI) households, with no displacement of households projected. Schneider stated if displacement were to occur, the City would comply with the Uniform Relocation Act and/or Section 104(d) of the Housing and Community Development Act, as amended. Schneider stated the project would consist of providing rehabilitation assistance to LMI households within US Census Tract 3, Block Groups 1 and 2 in the City, which was bound by 2nd Avenue South on the north, South 5th Street on the east, 8th Avenue South on the south and South 9th Street and South Bluff

Boulevard on the west. Schneider stated only the interior sides of the border streets would be included in the target area.

Councilmember Connell inquired if there was difficulty previously in obtaining applicants in the required tract area. Schneider stated requests for the program were consistently oversubscribed. Schneider stated at least 51% of the tract must consist of LMI households and having a tract with around two hundred houses was ideal for the grant application. Councilmember Gassman inquired about other areas of the City that would qualify, including the north end of town. Schneider stated there were several areas of town that could qualify and a tract in the north end of town was part of a previous grant cycle. Councilmember Seeley inquired about the specifications of the project. Administrator Brooke stated the project assisted homeowners with the renovations of their home and the home must be owner-occupied for five years after the work was completed. Administrator Brooke stated the City contributed \$7,000.00 per qualifying home. Councilmember Seeley inquired about the difficulty to obtain contractors to complete the work. Schneider stated every effort would be made to advertise and reach out to contractors that may be interested.

M/S, McGraw-Seeley moved the Council adopt Resolution No. 2018-186 approving Community Development Block Grant (CDBG) Housing Sustainability Application and pledging local match. On roll call, carried unanimously.

AUDIENCE COMMENT

No persons came before the Council to speak.

CONSENT AGENDA

Mayor Vulich stated item #13 would be withdrawn from the Consent Agenda, as the contractor had not delivered the required paperwork. Councilmember Connell requested that item #19 be removed to Unfinished Business. Councilmember Seeley requested that item #16 and item #28 be removed to Unfinished Business. M/S, Allesee-Seeley moved to approve the Consent Agenda, as amended. On roll call, carried unanimously.

1. Airport Commission - minutes 03/19/2018 - receive, approve and place on file.
2. Airport Commission - special minutes 04/02/2018 - receive, approve and place on file.
3. Civil Service Commission - minutes 04/13/2018 - receive, approve and place on file.
4. Committee of the Whole - minutes 04/10/2018 - receive, approve and place on file.
5. Hometown Pride Local Committee - minutes 04/06/2018 - receive, approve and place on file.
6. Tree Commission - minutes 03/14/2018 - receive, approve and place on file.
7. Plans & Specs - Showboat Decking Project Rhododendron Showboat Rehabilitation Project - receive, approve and place on file (copy available for inspection at Clerk's office on 04/23/2018)
8. Contract and Contractor's Bond - Project G-2018, Orchard Heights Resurfacing - Determann Asphalt Paving - \$402,016.50 - receive, approve and place on file (copy available for inspection at Clerk's office).

9. Contract and Contractor's Bond - Project E-2018, Basin 6 Sewer Separation, Phase B - BWC Excavating - \$582,074.75 - receive, approve and place on file (copy available for inspection at Clerk's office).
10. Contract and Contractor's Bond - Project L-2018, Whittier School Crossing Improvements - Leslie Electric - \$149,922.00 - receive, approve and place on file (copy available for inspection at Clerk's office).
11. Contract - Jurgensen Soccer Field Irrigation Project X-2017(B) - Puls Co. - \$63,269.52 - receive, approve and place on file (copy available for inspection at Clerk's office).
12. Contract and Contractor's Bond - Demolition of Structures Project, Phase I, 237 2nd Avenue South, 2602 North 2nd Street, 618 5th Avenue South, and 518 19th Avenue North - Kramer's Technical Services - \$21,500.00 - receive, approve and place on file (copy available for inspection at Clerk's office).
13. Contract and Contractor's Bond - Withdrawn - Demolition of Structures Project, Phase I, 241 North Bluff Boulevard - Jurgensen Hauling - \$7,850.00 - receive, approve and place on file (copy available for inspection at Clerk's office).
14. Contract and Contractor's Bond - Demolition of Structures Project, Phase I, 847 11th Avenue South - BWC Excavating - \$6,400.00 - receive, approve and place on file (copy available for inspection at Clerk's office).
15. Contract - Street Department Overhead Door Replacement Project - Midland Doors - \$54,870.00 - receive, approve and place on file (copy available for inspection at Clerk's office).
16. Contract - Removed to Unfinished Business - Iowa Economic Development Authority Community Development Block Grant Program - Gut Rehab Pilot Project - \$200,000.00 - receive, approve and place on file (copy available for inspection at Clerk's office).
17. Electronic Payments and Transfers - March 2018 - receive, approve and place on file.
18. Summary of Revenues and Receipts - March 2018 - receive, approve and place on file.
19. Resolution - Removed to Unfinished Business - authorizing Mayor to sign Political Jurisdiction Certification for The Washington LLC.
20. Resolution No. 2018-187 - approving a service agreement with Genesis Health System for an Employee Assistance Program.
21. Resolution No. 2018-188 - approving Memorandum of Understanding (MOU) between the City of Clinton, Iowa and the City of Camanche, Iowa for the use of youth ball fields in Platt Park in the City of Camanche.
22. Resolution No. 2018-189 - 2018 Community Development Block Grant (CDBG) Housing Sustainability Program selection of Technical Services Consultant.
23. Resolution No. 2018-190 - amend the grass/weed delinquency lien list.

24. Resolution No. 2018-191 – authorizing the collection/certification of nuisance clean up liens (building secure/board ups) - \$935.00.
25. Resolution No. 2018-192 – authorizing the collection/certification of nuisance clean up liens (property clean up) - \$2,397.74.
26. Resolution No. 2018-193 – authorizing the collection/certification of snow and ice removal liens - \$540.00.
27. Resolution No. 2018-194 – accepting bid for mowing and trimming at 1901 Beaver Channel Parkway and at 4025 South 30th Street.
28. Resolution – Removed to Unfinished Business – authorizing the removal of Flashing Yellow Beacon and Associated Traffic Control Equipment along the 1400 Block of North 4th Street.
29. Resolution No. 2018-195 – ordering construction of improvement, setting public hearing and directing advertisement for bids – Showboat Decking Project Rhododendron Showboat Rehabilitation Project.
30. Resolution No. 2018-196 – ordering construction of improvement, setting public hearing and directing advertisement for bids – Concrete Street Rehabilitation Project H-2018.
31. Resolution No. 2018-197 – recommending Payment No. 1 – 13th Avenue North Concrete Rehabilitation Project P-2017 – Eastern Iowa Excavating & Concrete, LLC - \$132,443.87.
32. Resolution No. 2018-198 – accepting work and recommending Final Payment No. 6 – Project G-2016, Joyce’s Slough Flood Wall Pump Station Generator Project – Burke Electric - \$38,496.49.
33. Resolution No. 2018-199 – approving a 5-day liquor license for Rastrelli’s and/or Rastrelli’s Avanti.
34. Resolution No. 2018-200 – approving Class E liquor license renewal application with Sunday sales, Class B Wine Permit and Class C Beer Permit privileges for Walgreens #5119.
35. Resolution No. 2018-201 – approving Class E liquor license renewal application with Sunday sales, Class B Wine Permit and Class C Beer Permit privileges for Walgreens #514.
36. Resolution No. 2018-202 – approving Class B Beer Permit renewal application with Class C Native Wine Permit and Sunday sales privileges and issuance of a Class I Letter of Exemption for allowing persons under 21 in licensed premises for Vitale’s.

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, Odor – Yes; Connell, Schemers – abstain. Motion carried.

M/S, Gassman-Seeley moved the Council consider an ordinance for the second 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, Connell - No. Motion carried.

In discussion before roll call, Councilmember Connell stated mayor salaries in comparable cities did not support an increase. Councilmember Seeley concurred and stated he had received correspondence from Bev Hermann against the increase. Councilmember Seeley stated while Mayor Vulich was very involved and dedicated to the position, a future mayor may not treat the position as a full-time job. Councilmember McGraw stated she had not received any type of response regarding the measure from constituents.

M/S, Gassman-Allesee moved the rules be suspended and the Council consider an ordinance for the third time. On roll call, Gassman, McGraw, Allesee, Schemers, Odor - Yes; Seeley, Connell - No. Motion failed.

M/S, Allesee-Gassman moved the Council consider an ordinance for the second 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, Connell, Odor - No. Motion carried.

In discussion before roll call, Councilmember Connell stated councilmember salaries in comparable cities did not support an increase. Councilmember Gassman stated cities with similar population may not face the same scope and scale of projects as the City of Clinton. Councilmember Gassman stated the role of mayor was not a part-time job. Councilmember Seeley encouraged constituents to voice their opinion.

M/S, Allesee-Gassman moved the rules be suspended and the Council consider an ordinance for the third time. On roll call, Gassman, McGraw, Allesee, Schemers - Yes; Seeley, Connell, Odor - No. Motion failed.

In discussion before roll call, Councilmember Seeley inquired about the request to suspend the rules. Mayor Vulich stated it was prior practice to list the second and third readings together on an agenda to provide the Council the opportunity to combine readings. Mayor Vulich stated the Council could then determine whether or not to suspend the rules.

M/S, Seeley-Connell moved the Council consider an ordinance for the second time - AN ORDINANCE AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA (*Updates & Addition of Monument & Hometown Pride Committee*). On roll call, carried unanimously.

M/S, Seeley-Schemers moved the rules be suspended and the Council consider an ordinance for the third time. On roll call, carried unanimously.

M/S, Seeley-Schemers moved the rules be suspended and the ordinance under consideration be placed on its final passage and adopted. On roll call, carried unanimously.

ORDINANCE NO. 2572

M/S, Connell-Allesee moved the Council consider an ordinance for the second time - AN ORDINANCE AMENDING CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA (*Monument Committee & Hometown Pride Committee*). On roll call, carried unanimously.

M/S, Connell-Allesee moved the rules be suspended and the Council consider an ordinance for the third time. On roll call, carried unanimously.

M/S, Connell-Allesee moved the rules be suspended and the ordinance under consideration be placed on its final passage and adopted. On roll call, carried unanimously.

ORDINANCE NO. 2573

M/S, Allesee-Connell 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 (*Grant Committee*). On roll call, carried unanimously.

M/S, Allesee-Connell moved the rules be suspended and the Council consider an ordinance for the second time. On roll call, carried unanimously.

M/S, Allesee-Connell moved the rules be suspended and the Council consider an ordinance for the third time. On roll call, carried unanimously.

M/S, Allesee-Connell moved the rules be suspended and the ordinance under consideration be placed on its final passage and adopted. On roll call, carried unanimously.

ORDINANCE NO. 2574

M/S, Odor-Gassman 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 (*Grant Committee*). On roll call, carried unanimously.

M/S, Odor-Connell moved the rules be suspended and the Council consider an ordinance for the second time. On roll call, carried unanimously.

M/S, Odor-Seeley moved the rules be suspended and the Council consider an ordinance for the third time. On roll call, carried unanimously.

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, carried unanimously.

ORDINANCE NO. 2575

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

M/S, Schemers-Connell 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 - No. Motion carried.

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

ORDINANCE NO. 2576

M/S, McGraw-Allesee moved the Council consider an ordinance for the first time - AN ORDINANCE AMENDING CHAPTER 114 OF THE CLINTON, IOWA, CODE OF ORDINANCES. On roll call, carried unanimously.

M/S, McGraw-Allesee moved the rules be suspended and the Council consider an ordinance for the second time. On roll call, carried unanimously.

M/S, McGraw-Allesee moved the rules be suspended and the Council consider an ordinance for the third time. On roll call, carried unanimously.

M/S, McGraw-Allesee moved the rules be suspended and the ordinance under consideration be placed on its final passage and adopted. On roll call, carried unanimously.

ORDINANCE NO. 2577

M/S, Odor-Gassman 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 (*Trails Advisory Committee*). On roll call, carried unanimously.

M/S, Schemers-Odor 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 (*Trails Advisory Committee*). On roll call, carried unanimously.

M/S, Seeley-Connell moved that the Council adopt Resolution No. 2018-203 approving purchase of 130 5th Avenue South by the Self-Supported Municipal Improvement District (SSMID II). On roll call, carried unanimously.

M/S, McGraw-Allesee moved that the Council adopt Resolution No. 2018-204 authorizing 28E Agreement relative to Fat, Oil and Grease inspections of local food establishments with the City of Goose Lake, Iowa and the City of Clinton, Iowa. On roll call, carried unanimously.

M/S, Odor-Gassman moved that the Council adopt Resolution No. 2018-205 approving \$4,500.00 contribution to the 4th of July Festival. On roll call, carried unanimously.

UNFINISHED BUSINESS

Councilmember Connell requested an explanation for item #19 on the Consent Agenda. Administrator Brooke stated the document was required by the Iowa Finance Authority for The Washington LLC's application with the Iowa Finance Authority. Administrator Brooke stated the document merely acknowledged that the City had reviewed the plans for parking on the parcel owned by The Washington LLC.

M/S, Connell-Schemers moved the Council adopt Resolution No. 2018-206 authorizing Mayor to sign Political Jurisdiction Certification for The Washington LLC. On roll call, carried unanimously.

Councilmember Seeley requested an update for item #16 on the Consent Agenda. Administrator Brooke stated the City of Clinton was the first in the State of Iowa to receive an award of funding from the Iowa Economic Development Authority for a pilot project whereby homes would be acquired, rehabilitated and then sold to income-eligible residents. Administrator Brooke stated the purchaser would be required to maintain the residence as an owner-occupied dwelling for five years after the date of purchase. Administrator Brooke stated

the goal was for the program to become self-sustaining. Councilmember Seeley voiced support for the program.

M/S, Seeley-Schemers moved the Council receive, approve and place on file the Contract - Iowa Economic Development Authority Community Development Block Grant Program - Gut Rehab Pilot Project - \$200,000.00. On roll call, carried unanimously.

Councilmember Seeley inquired about item #28 on the Consent Agenda and asked for clarification if approval was needed for all such instances. City Engineer Jason Craft stated City Code required the Council to approve the removal of a traffic control light. Councilmember Seeley inquired about the removal of a flashing traffic control light on Mill Creek Parkway (intersection with 13th Avenue North). Engineer Craft stated per previous discussions with the Council, adjustments were made to the intersection in an attempt to improve safety. Engineer Craft stated some individuals believed the intersection was a four-way stop due to the flashing red light. Engineer Craft stated the flashing red light was removed and flashing stop signs were installed. Councilmember Gassman stated a list was previously approved by the Council for the removal of several flashing traffic control lights in the City.

M/S, Seeley-Connell moved the Council adopt Resolution No. 2018-207 authorizing the removal of Flashing Yellow Beacon and Associated Traffic Control Equipment along the 1400 Block of North 4th Street. On roll call, carried unanimously.

M/S, Allesee-Connell moved to adjourn to 7:00 P.M. May 8, 2018. . On roll call, carried unanimously.

Mark S. Vulich
Mayor

Lisa M. Frederick
City Clerk