

The City Council met in regular session, May 8, 2018 at 7:00 P.M. in the City Hall Council Chamber. Present on roll call: Mayor Pro Tempore Allesee; Councilmembers: Gassman, Seeley, McGraw, Connell, Schemers and Odor. Absent – Mayor Vulich.

M/S, McGraw-Connell moved to dispense with the reading of the minutes of the regular City Council and Committee of the Whole meetings of April 24, 2018 and they be approved as published on May 7, 2018. On roll call, carried unanimously.

PUBLIC HEARINGS

There were no Public Hearings to come before the Council.

AUDIENCE COMMENT

Mr. Jeff Medinger, 2911 North 4th Street, stated he was not supportive of an increase in the compensation for mayor or the councilmembers. Mr. Medinger stated he would like to see more factories in the City and that the compensation for mayor and councilmembers in comparable cities did not support an increase.

Mr. Robert Mueller, 1917 South Bluff Boulevard, stated he was not supportive of an increase in the compensation for mayor or the councilmembers. Mr. Mueller stated he would like to see more well-paying jobs in the City and stated the mayor and councilmember positions were to serve the public.

Ms. Nanci Neubauer, 1153 7th Avenue South, stated she was not supportive of an increase in the compensation for mayor or the councilmembers. Ms. Neubauer stated that the compensation for mayor and councilmembers in comparable cities did not support an increase.

CONSENT AGENDA

Councilmember Seeley requested that item #18 be removed to Unfinished Business. M/S, Odor-Gassman moved to approve the Consent Agenda, as amended. On roll call, carried unanimously.

1. Committee of the Whole – minutes 04/24/2018 – receive, approve and place on file.
2. Historic Preservation Commission – minutes 04/12/2018 – receive, approve and place on file.
3. Hometown Pride Steering Committee – minutes 04/26/2018 – receive, approve and place on file.
4. Completed Work Orders – March and April 2018 – receive, approve and place on file.
5. Correspondence from Upper Explorerland – 04/16/2018 – receive, approve and place on file.

6. Correspondence from Deanna Galbraith - 04/26/2018 - receive, approve and place on file.
7. Correspondence from Mike Rastrelli - 04/27/2018 - receive, approve and place on file.
8. Correspondence from Dawn Harvey - 05/03/2018 - receive, approve and place on file.
9. Correspondence from Lois Seger - 05/07/2018 - receive, approve and place on file.
10. Correspondence from Arbor Day Foundation - undated - receive, approve and place on file.
11. Plans & Specs - Concrete Street Rehabilitation Project H-2018 - 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, 241 North Bluff Boulevard - Jurgensen Hauling - \$7,850.00 - receive, approve and place on file (copy available for inspection at Clerk's office).
13. Contract and Contractor's Bond - Rhododendron Showboat Theatre Painting Project Rebid - Moehr Painting - \$148,450.00 - receive, approve and place on file (copy available for inspection at Clerk's office).
14. Resolution No. 2018-208 - approving temporary banner for Finally Fridays.
15. Resolution No. 2018-209 - of official endorsement of AARP Community Challenge 2018 Grant application for bus shelter at the intersection of Cleveland Street and Main Avenue.
16. Resolution No. 2018-210 - of official endorsement of Conservation Education Program Grant application for interpretive nodes at Emma Young Pond.
17. Resolution No. 2018-211 - amend the housing inspection delinquency lien list.
18. Resolution - Removed to Unfinished Business - requesting assignment of County-held tax certificates.
19. Resolution No. 2018-212 - approving Iowa Contaminated Site Environmental Covenant.
20. Resolution No. 2018-213 - waive right to review Rocky Meadows Subdivision Phase II.
21. Resolution No. 2018-214 - authorizing removal of overhead flashing beacons at 13th Avenue North & Mill Creek Parkway.
22. Resolution No. 2018-215 - approving Change Order No. 1 - Highway 67 (North 3rd Street) Roadway Rehabilitation Project A-2017 - Determann Asphalt Paving, LLC - \$28,500.00.
23. Resolution No. 2018-216 - recommending Payment No. 1 - Highway 67 (North 3rd Street) Roadway Rehabilitation Project A-2017 - Determann Asphalt Paving, LLC - \$106,390.98.

24. Resolution No. 2018-217 – recommending Payment No. 1 – Asphalt Street Resurfacing Project F-2018 – Determann Asphalt Paving, LLC - \$249,395.48.
25. Resolution No. 2018-218 – recommending Payment No. 2 – West Deer Creek Bridge Replacement Project – Jim Schroeder Construction Inc. - \$159,900.05.
26. Resolution No. 2018-219 – recommending Payment No. 10 – 25th Avenue North Sewer Separation Project A-2016 – BWC Excavating, LC - \$222,449.29.
27. Resolution No. 2018-220 – accepting work and recommending Final Payment No. 5 – 19th Avenue NW Sidewalk & Trail Construction Project L-2015 – Eastern Iowa Excavating & Concrete - \$25,651.85.
28. Resolution No. 2018-221 – approving issuance of cigarette/tobacco/nicotine/vapor permit – SA Tobacco Liquor Mart.
29. Resolution No. 2018-222 – approving issuance of cigarette/tobacco/nicotine/vapor permit – Fareway, Walmart, Steel Appeal, Casey’s General Store #2222, Casey’s General Store #2030, Clinton Liquor & Convenience Store.
30. Resolution No. 2018-223 – approving new Class C Liquor License application with Sunday sales privilege for Blue 32 Sports Bar.
31. Resolution No. 2018-224 – approving Class E Liquor License renewal application with Class B Wine Permit, Class C Beer Permit (Carryout Beer) and Sunday Sales privileges for Smokin’ Joe’s Tobacco and Liquor Outlet #11.
32. Resolution No. 2018-225 – approving Class E Liquor License renewal application with Class B Wine Permit, Class C Beer Permit (Carryout Beer), and Sunday Sales privileges for Circle K #6602.
33. Resolution No. 2018-226 – approving transfer of Class B Beer License location for the Clinton Jaycees.
34. Resolution No. 2018-227 – approving a new Class E Liquor license application with Class B Native Wine Permit, Class C Beer Permit (Carryout Beer) and Sunday sales privileges for SA Tobacco Liquor Mart.

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, Gassman-Allesee moved the Council consider an ordinance for the third 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 – Yes; Seeley, Connell, Odor – No. Motion carried.

In discussion before roll call, Councilmember Seeley thanked the public for the feedback and stated he was not in favor of increases to the mayor or councilmembers’ compensation.

Councilmember Seeley stated he chose to serve as a councilmember to improve the community. Councilmember Seeley stated he was concerned about current costs for constituents and stated he was concerned about potential future budget cuts if the commercial and industrial backfill was eliminated by the state legislature. Councilmember Seeley stated he would like the funds to be spent on other staff positions. Councilmember Connell stated a discussion on the compensation was held around a year ago and he was not in favor of increases to the mayor or councilmembers' compensation.

Councilmember McGraw stated comparables from other municipalities do not outline the number of staff, projects or challenges faced by those cities. Councilmember McGraw stated she was in favor of increases to the mayor and councilmembers' compensation and stated any increase in compensation would not be effective during the current terms. Councilmember Odor stated while he was previously in favor of an increase in compensation for the mayor, due to the feedback received from constituents, he would be voting no to any increase in mayor or councilmembers' compensation.

Councilmember Allesee stated she only received contact from nine constituents regarding the compensation for mayor and councilmembers. Councilmember Allesee stated she would like to receive more feedback from constituents on a variety of City matters. Councilmember Gassman stated each year a budget was calculated due to the unique needs of the City. Councilmember Gassman stated any potential future budget cuts could be addressed and prior budget cuts were successfully overcome in the past.

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

ORDINANCE NO. 2578

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

In discussion before roll call, Councilmember Schemers stated he was in favor of an increase in the mayor's compensation, as the position was not a part-time job and stated he believed Mayor Vulich had done many things to better the community. Councilmember Schemers stated he had received contact from constituents for and against the increase in compensation for mayor and councilmembers, and due to the contact received, he would be voting no for the increase in compensation for councilmembers.

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

M/S, Odor-Gassman 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. 2579

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

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

M/S, Schemers-Seeley 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. 2580

M/S, McGraw-Connell moved the Council consider an ordinance for the first time - AN ORDINANCE AMENDING CHAPTER 97.029 AND 97.030 OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA. On roll call, carried unanimously.

In discussion before roll call, Councilmember Seeley requested confirmation that the ordinance and accompanying resolution were not committing any funding but just providing the ability to do so. City Administrator Matt Brooke answered in the affirmative. Councilmember Seeley requested confirmation that the responsibility of the owner to maintain the sidewalk abutting their property was not eliminated. Administrator Brooke answered in the affirmative. Councilmember Connell requested confirmation that the policy would focus on fixing the worst sidewalks first. City Engineer Jason Craft answered in the affirmative.

M/S, Odor-Schemers moved the Council consider an ordinance for the first time - AN ORDINANCE AMENDING CHAPTERS 97 AND 159 OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA. On roll call, carried unanimously.

In discussion before roll call, Councilmember Seeley inquired if all changes had been made to encourage business participation. Administrator Brooke answered in the affirmative. Councilmember Allesee stated expedited readings were requested so that businesses would have time to create sidewalk cafés for the 2018 summer season.

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

M/S, Odor-Schemers 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. 2581

M/S, Seeley-Schemers moved that the Council adopt Resolution No. 2018-228 rescinding Resolution No. 2014-255 establishing fees and design standards for sidewalk cafés pursuant to Section 97.042 of the Code of Ordinances of Clinton, Iowa. On roll call, Gassman, Seeley, Allesee, Connell, Schemers, Odor - Yes; McGraw - abstain. Motion carried.

M/S, Schemers-Odor moved the Council consider an ordinance for the first time - AN ORDINANCE REPEALING SECTIONS 31.105; 31.106 AND 31.107 OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA.

In discussion before roll call, Councilmember Gassman stated he would like the Examining Board to advertise the City Assessor position and seek applicants. Councilmember Gassman stated he was concerned about the potential cost to combine the City and County Assessor offices and stated he would like to retain the City Assessor office. Councilmember Seeley concurred. Administrator Brooke stated due to changes at the state level there may be less qualified applicants and stated once the position was vacant the City Clerk would be required to also be the City Assessor, pursuant to state code. Administrator Brooke stated if the City and County Assessor offices were combined the separate levy for City Assessor would be eliminated and only a levy for the County Assessor's office would remain. City Attorney Patrick O'Connell stated the Examining Board could advertise the position and accept applications prior to City Assessor Brian Tiesman's last day of employment. Councilmember Schemers stated he inquired with Assessor Tiesman if there would be any cost savings to combine the City and County Assessor offices and Assessor Tiesman stated there could be a potential cost savings of \$100,000.00 per year if the offices were combined.

Councilmember Connell inquired about the timeline if applicants were sought. Administrator Brooke stated the Examining Board could set a fifteen day time period to receive applications. Administrator Brooke stated if there were no qualified applicants, all three ordinance readings to eliminate the City Assessor's office could be completed at the June 12, 2018 City Council meeting. Administrator Brooke stated the Council could similarly choose to re-establish the City Assessor's office by ordinance, if deemed appropriate at a future time. Attorney O'Connell stated Councilmember Schemers would need to withdraw his motion and Councilmember Odor would need to withdraw his second if the Council did not wish to proceed with the first reading of the ordinance. Councilmember Odor withdrew his second and Councilmember Schemers withdrew his motion to consider an ordinance for the first time.

M/S, Connell-Allesee moved that the Council adopt Resolution No. 2018-229 approving citywide sidewalk maintenance program. On roll call, carried unanimously.

M/S, McGraw-Seeley moved that the Council adopt Resolution No. 2018-230 setting public hearing on the proposed amendments to the FY 2017-2018 City Operating Budget. On roll call, carried unanimously.

In discussion before roll call, Administrator Brooke stated the budget amendment was similar to last year's budget amendment and was standard protocol.

M/S, Gassman-Schemers moved that the Council adopt Resolution No. 2018-231 fixing date for a public hearing on the proposal to enter into a First Amendment to the Development Agreement with The Washington, LLC, and providing for publication of notice thereof. On roll call, Gassman, McGraw, Allesee, Schemers - Yes; Seeley, Connell, Odor - No. Motion carried.

In discussion before roll call, Councilmember Connell stated while he supported the project, he would not support additional funding for the project. Councilmember Gassman stated the project would benefit the community and would provide housing for senior citizens. Administrator Brooke stated LMI Funds could only be used for projects that provide low and moderate income housing and it was not uncommon to dedicate additional funding to a project to help bring it to completion. Councilmember Seeley stated \$68,000.00 in LMI Funds and

\$472,000.00 in tax abatements were already provided in the current Development Agreement. Councilmember Seeley stated he would prefer that the LMI Funds be used on the City's existing housing stock and stated he was not supportive of additional funding for the project.

UNFINISHED BUSINESS

Councilmember Seeley inquired about item #18 on the Consent Agenda. Administrator Brooke stated all parcels were vacant lots and were buildable lots.

M/S, Seeley-Gassman moved the Council adopt Resolution No. 2018-232 requesting assignment of County-held tax certificates. On roll call, carried unanimously.

M/S, McGraw-Connell moved to adjourn to 7:00 P.M. May 22, 2018. On roll call, carried unanimously.

Julie A. Allesee
Mayor Pro Tempore

Lisa M. Frederick
City Clerk