

The City Council met in regular session, May 22, 2018 at 7:00 P.M. in the City Hall Council Chamber. Present on roll call: Mayor Vulich; Councilmembers: Gassman, Seeley, McGraw (via phone), Allesee, Connell, Schemers and Odor.

## PUBLIC HEARINGS

Mayor Vulich convened a public hearing concerning accepting bid and awarding contract for Concrete Street Rehabilitation Project H-2018. No comments were received, written or oral. M/S, Connell-Schemers moved that the public hearing concerning accepting bid and awarding contract for Concrete Street Rehabilitation Project H-2018 be entered into the record. On roll call, carried unanimously.

M/S, Connell-Seeley moved the Council adopt Resolution No. 2018-233 accepting bid and awarding contract to Eastern Iowa Excavating for Concrete Street Rehabilitation Project H-2018 for \$679,018.35. On roll call, carried unanimously.

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

M/S, Odor-Gassman moved the Council adopt Resolution No. 2018-234 accepting bid and awarding contract to Air Control, Inc. for Rhododendron Showboat Rehabilitation Project for \$148,240.00. On roll call, Gassman, Seeley, McGraw, Allesee, Schemers, Odor – Yes; Connell – Abstain. Motion carried.

In discussion before roll call, Councilmember Seeley stated the bid provided an option for composite decking and additional upgrades and stated he believed these items should be included. Councilmember Gassman stated basic improvements needed to be completed at this time. Councilmember Connell stated while he would be abstaining from voting, there would be an option where other savings may occur and the upgrades could be included without additional cost. Councilmember Connell stated he would not recommend including the upgrades at this time. Mayor Vulich inquired about the completion date for the project. Councilmember Connell stated October 2018 was the set completion date.

Mayor Vulich convened a public hearing concerning amendments to the FY 2017-2018 City Operating Budget. No comments were received, written or oral. M/S, Seeley-Allesee moved that the public concerning amendments to the FY 2017-2018 City Operating Budget be entered into the record. On roll call, carried unanimously.

M/S, Seeley-Connell moved the Council adopt Resolution No. 2018-235 amending the current budget for the fiscal year ending June 30, 2018. On roll call, carried unanimously.

Mayor Vulich convened a public hearing concerning the proposal to enter into a First Amendment to the Development Agreement with The Washington, LLC. No comments were received, written or oral, in the Clerk's office. M/S, Gassman-Seeley moved that the public

concerning the proposal to enter into a First Amendment to the Development Agreement with The Washington, LLC be entered into the record. On roll call, carried unanimously.

In discussion before roll call, Mr. Ed O'Neill, 924 Alanah Lane, stated he was supportive of The Washington LLC project and stated the program provided apartments for adults over the age of fifty-five. Mr. O'Neill stated there were limited options for the building and LMI Funds could only be used for projects that provided housing to low-to-moderate income individuals. Mr. O'Neill stated residents had expressed interest and sales of homes from individuals moving to the apartment building could have a positive effect on the local real estate market. Mr. O'Neill stated he did not believe the Council should explore funding improvements to the gymnasium or auditorium but should consider some type of performance bond as a condition of the agreement.

Mr. Ray Mitchell, 1140 Bobetta Court, stated he was not supportive of committing additional funding to The Washington LLC project. Mr. Mitchell stated residents that sell homes and make a profit may not qualify as low-income. Mr. Mitchell stated he believed the cost per apartment was unreasonable.

M/S, Gassman-Seeley moved the Council adopt Resolution No. 2018-236 approving and authorizing execution of a First Amendment to the Development Agreement by and between the City of Clinton and The Washington, LLC. On roll call, carried unanimously.

In discussion before roll call, Councilmember Connell inquired if any type of protection could be added to the agreement. Administrator Brooke stated another municipality had a provision that ownership had to remain the same for a ten year period and similar language could be added via an amendment to the Development Agreement. Councilmember Schemers inquired about how the property would be managed. Administrator Brooke stated a manager would be on-site as well as maintenance personnel. Mayor Vulich stated the property would be apartments and not condominiums. Councilmember Gassman inquired about the ability to complete the amendment for an ownership restriction. Manager Chris Ales stated he was agreeable to the request and would commit to the amendment.

#### AUDIENCE COMMENT

No persons came before the Council to speak.

#### CONSENT AGENDA

Councilmember Seeley requested that item #15, item #16, and item #18 be removed to Unfinished Business. M/S, Allesee-Gassman moved to approve the Consent Agenda, as amended. On roll call, carried unanimously.

1. Committee of the Whole - minutes 05/08/2018 - receive, approve and place on file.
2. Historic Preservation Commission - minutes 05/10/2018 - receive, approve and place on file.
3. Hometown Pride Local Committee - minutes 05/04/2018 - receive, approve and place on file.
4. Tree Commission - minutes 04/11/2018 - receive, approve and place on file.

5. Correspondence from Nelson Morris – 05/07/2018 – receive, approve and place on file.
6. Correspondence from Marilee Hilgendorf – 05/09/2018 – receive, approve and place on file.
7. Public Notice - Chemplex Superfund Site – receive, approve and place on file.
8. Strategic Economic Development Plan – Students from University of Iowa School of Urban & Regional Planning – May 8, 2018 - receive, approve and place on file.
9. Contract and Contractor's Bond – Jurgensen Soccer Park Concessions & Restroom Project X-2017(C) – Clinton Engineering - \$170,603.00 – receive, approve and place on file (copy available for inspection at Clerk's office).
10. Electronic Payments and Transfers – April 2018 – receive, approve and place on file.
11. Summary of Revenues and Receipts – April 2018 – receive, approve and place on file.
12. Resolution No. 2018-237 – denying persons with disabilities residential parking space application.
13. Resolution No. 2018-238 – fixing date for a meeting on the authorization of a loan agreement and the issuance of not to exceed \$3,500,000.00 General Obligation Capital Loan Notes of the City of Clinton, State of Iowa (for essential corporate purposes), and providing for publication of notice thereof.
14. Resolution No. 2018-239 – authorizing the Mayor to sign the Amended Consent Decree between the United States of America and ACC Chemical Company, Four Star Oil & Gas Company, Getty Chemical Company, Primerica Holdings, Inc., Skelly Oil Company, Quantum Chemical Corporation and City of Clinton, Iowa.
15. Resolution – Removed to Unfinished Business – requesting assignment of County-held tax certificates.
16. Resolution – Removed to Unfinished Business – approving lease with Mike Hull.
17. Resolution No. 2018-240 – waiving conflict of interest for City's legal counsel.
18. Resolution – Removed to Unfinished Business – approving lease with Alliant Energy (lease to be provided by Monday, May 21, 2018).
19. Resolution No. 2018-241 – consenting to modification of equipment for cell tower located at Site #370975 (1013 Roosevelt Street – near Marina).
20. Resolution No. 2018-242 – ordering construction of improvement, setting public hearing and directing advertisement for bids – Project B-2018, 1<sup>st</sup> Avenue Force-main Replacement Project.
21. Resolution No. 2018-243 – awarding contract to Determann Asphalt Paving for the 2018 City of Clinton Chip Seal Project.

22. Resolution No. 2018-244 - approving Change Order No. 1 - Jurgensen Soccer Fields Project X-2017 - Jurgensen Hauling LLC - \$11,137.50.
23. Resolution No. 2018-245 - approving Final Change Order No. 1 - 13<sup>th</sup> Avenue North Concrete Rehabilitation Project P-2017 - Eastern Iowa Excavating & Concrete - \$38,654.40.
24. Resolution No. 2018-246 - recommending Payment No. 1 - North 13<sup>th</sup> Street School Zone Safety Improvements Project L-2018 - Leslie Electric - \$5,035.00.
25. Resolution No. 2018-247 - recommending Payment No. 2 - Jurgensen Soccer Fields Project X-2017 - Jurgensen Hauling LLC - \$42,683.29.
26. Resolution No. 2018-248 - recommending Payment No. 2 - 7<sup>th</sup> Avenue South ADA Curb Ramp Replacement Project A-2018 - Clinton Engineering Company - \$34,809.10.
27. Resolution No. 2018-249 - accepting work and recommending Final Payment No. 2 - 13<sup>th</sup> Avenue North Concrete Rehabilitation Project P-2017 - Eastern Iowa Excavating & Concrete - \$109,852.53.
28. Resolution No. 2018-250 - approving issuance of cigarette/tobacco/nicotine/vapor permit.
29. Resolution No. 2018-251 - approving Class C Beer Permit renewal for Main Avenue Redemption Center.
30. Resolution No. 2018-252 - approving Class C Liquor License renewal application with Sunday Sales privilege and issuance of a Class II Letter of Exemption for allowing persons under 21 in licensed premises for V K's Shooters.
31. Resolution No. 2018-253 - approving Class C Liquor License renewal application with Outdoor Service and Sunday Sales privileges and issuance of a Class I Letter of Exemption for allowing persons under 21 in licensed premises for D J's.
32. Resolution No. 2018-254 - approving Class C Liquor License renewal application with Catering and Sunday Sales privileges and issuance of a Class I Letter of Exemption for allowing persons under 21 in licensed premises for Hy-Vee Market Café.
33. Resolution No. 2018-255 - approving Class B Beer Permit renewal application with Outdoor Service and Sunday Sales privileges and issuance of a Class II Letter of Exemption for allowing persons under 21 in licensed premises for Clinton Jaycees.
34. Resolution No. 2018-256 - approving transfer of Class B Beer Permit location for the Clinton Jaycees - July 6, 2018.
35. Resolution No. 2018-257 - approving transfer of Class B Beer Permit location for the Clinton Jaycees - August 3, 2018.
36. Resolution No. 2018-258 - approving transfer of Class B Beer Permit location for the Clinton Jaycees - August 17, 2018.

## 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, Allesee-Connell moved the Council consider an ordinance for the second 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.

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. 2582

M/S, Schemers-Odor moved that the Council adopt Resolution No. 2018-259 accepting a three year Collective Bargaining Agreement with the Clinton Police Bargaining Unit for July 1, 2018 through June 30, 2021. On roll call, carried unanimously.

In discussion before roll call, Administrator Brooke thanked the union and legal counsel for the work on the three year agreement and noted the insurance cap had been removed.

M/S, Connell-Allesee moved that the Council adopt Resolution No. 2018-260 fixing date for a public hearing on the proposal to enter into a LMI Funds Agreement with YWCA of Clinton, Iowa, and providing for publication of notice thereof. On roll call, Gassman, Seeley, Allesee, Connell, Schemers - Yes; McGraw, Odor - Abstain. Motion carried.

M/S, Gassman-Seeley moved that the Council adopt Resolution No. 2018-261 establish a public hearing for the vacation of a portion of the 3600 block of Cleveland Street right-of-way. On roll call, carried unanimously.

## UNFINISHED BUSINESS

Councilmember Seeley stated for item #15 on the Consent Agenda action needed to be taken and inquired if a budget amendment would need to be completed due to real estate taxes not being paid on numerous parcels. Councilmember Gassman stated the County can forgive any outstanding liens. Administrator Brooke stated of the 91 properties on the list, 69 were vacant lots and it would cost less for the City to mow and maintain these lots if the City owned the lots. Administrator Brooke stated 11 properties on the list were currently on the demolition list and if the City owned these parcels, the demolition process could proceed more quickly. Administrator Brooke stated many properties had adjacent owners that would be interested in obtaining ownership of the parcels, some properties may qualify for the new gut rehab program, and other properties could be placed out for bid or listed with a realtor. Administrator Brooke stated buildable lots could also be sold at a reduced rate on the condition that a single-family dwelling be constructed within a set timeframe. Finance Director Anita Dalton stated as an example one property on the list had an assessed value of \$18,000.00, which would equate to around \$85.00 a year in real estate taxes. Director Dalton stated a budget amendment would not

be needed. Battalion Chief Chapman stated by obtaining the parcels on the list properties that were currently non-conforming lots could be combined with adjacent lots to become conforming. Councilmember Connell noted that the owners of the properties were not paying real estate taxes or maintaining their properties and stated he was supportive of moving forward. Mayor Vulich stated when reviewing expenses, one year should be reviewed.

M/S, Seeley-Connell moved that the Council adopt Resolution No. 2018-262 requesting assignment of County-held tax certificates. On roll call, carried unanimously.

Councilmember Seeley stated for item #16 on the Consent Agenda a garage owned by the City was being leased and he would not support a lease that was not at market rate. Administrator Brooke stated Mr. Hull mowed in South Clinton and had asked to store his equipment in the garage. Administrator Brooke stated leasing the property to another individual would not be an option due to the location. Battalion Chief Chapman stated Mr. Hull agreed to mow a double lot owned by the City in exchange for the use of the garage.

M/S, Seeley-Allesee moved that the Council adopt Resolution No. 2018-263 approving lease with Mike Hull. On roll call, Gassman, McGraw, Allesee, Connell, Schemers, Odor – Yes; Seeley – No. Motion carried.

Councilmember Seeley inquired about item #18 on the Consent Agenda. Administrator Brooke stated the parcel owned by Alliant Energy (to the west of the band shell) would be leased by the City for parking. Administrator Brooke stated the property was a brownfield, so ownership could not be transferred; however, the area could be utilized for parking for events such as Finally Fridays. Administrator Brooke stated a fence and gates would be installed and handicap spaces would be provided. Administrator Brooke stated traffic would be directed, helping to ease congestion after events. Mayor Vulich inquired if the parking area could also be utilized for events such as the July 4<sup>th</sup> festival. Administrator Brooke answered in the affirmative, as long as pre-approval was obtained and weather permitting. Councilmember Allesee inquired about liability coverage. Administrator Brooke stated coverage had been obtained and Alliant Energy had being listed as an additional insured. Councilmember Gassman inquired about a benchmark for the current level of contamination. Mayor Vulich stated the City could request the EPA report for the property. Administrator Brooke stated the property could be paved in the future.

M/S, Seeley-Allesee moved that the Council adopt Resolution No. 2018-264 approving lease with Alliant Energy. On roll call, carried unanimously.

M/S, Allesee-Connell moved to adjourn to 7:00 P.M. June 12, 2018. On roll call, carried unanimously.

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Mark S. Vulich  
Mayor

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Lisa M. Frederick  
City Clerk