

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

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 June 26, 2018 and they be approved as published on July 9, 2018. On roll call, Seeley, McGraw, Allesee, Connell, Schemers, Odor - Yes; Gassman - Absent. Motion carried.

#### PUBLIC HEARINGS

Mayor Vulich convened a public hearing concerning accepting bid and awarding contract for 6th Avenue North Parking Lot Resurfacing Project T-2018. No comments were received, written or oral. M/S, Odor-Schemers moved that the public hearing concerning accepting bid and awarding contract for 6th Avenue North Parking Lot Resurfacing Project T-2018 be entered into the record. On roll call, Seeley, McGraw, Allesee, Connell, Schemers, Odor - Yes; Gassman - Absent. Motion carried.

M/S, Odor-Connell moved the Council adopt Resolution No. 2018-322 accepting bid and awarding contract to Determann Asphalt for Project T-2018 6th Avenue North Parking Lot Resurfacing for \$283,053.00. On roll call, Seeley, McGraw, Allesee, Connell, Schemers, Odor - Yes; Gassman - Absent. Motion carried.

Mayor Vulich convened a public hearing concerning the proposed disposition of 655 & 657 6th Avenue South. No comments were received, written or oral. M/S, Seeley-Allesee moved that the public hearing concerning the proposed disposition of 655 & 657 6th Avenue South be entered into the record. On roll call, Seeley, McGraw, Allesee, Connell, Schemers, Odor - Yes; Gassman - Absent. Motion carried.

M/S, Seeley-McGraw moved the Council adopt Resolution No. 2018-323 approving conveyance of 655 & 657 6th Avenue South to Habitat for Humanity. On roll call, Seeley, McGraw, Allesee, Connell, Schemers, Odor - Yes; Gassman - Absent. Motion carried.

#### AUDIENCE COMMENT

No persons came before the Council to speak.

#### CONSENT AGENDA

Mayor Vulich stated item #4 would be removed to Unfinished Business. M/S, Allesee-Connell moved to approve the Consent Agenda, as amended. On roll call, Seeley, McGraw, Allesee, Connell, Schemers, Odor - Yes; Gassman - Absent. Motion carried.

1. Committee of the Whole - minutes 06/26/2018 - receive, approve and place on file.
2. Historic Preservation Commission - minutes 06/14/2018 - receive, approve and place on file.

3. Tree Commission – minutes 06/13/2018 – receive, approve and place on file.
4. Federal Transit Administration Region VII Award of Excellence Presented to Clinton Municipal Transit Administration – 06/21/2018 – Removed to Unfinished Business.
5. Contract and Contractor’s Bond – Project B-2018, 1<sup>st</sup> Avenue Force-main Replacement Project – Langman Construction Inc. - \$2,668,314.08 – receive, approve and place on file (copy available for inspection at Clerk’s office).
6. Resolution No. 2018-324 – accepting City of Clinton, Iowa Code Supplement S-11.
7. Resolution No. 2018-325 – approving the Contract for 2018 CDBG Grant Administration to East Central Intergovernmental Association (*general administration*).
8. Resolution No. 2018-326 – approving the Contract for 2018 CDBG Grant Administration to East Central Intergovernmental Association (*project delivery*).
9. Resolution No. 2018-327 – approving lease extension agreement between City of Clinton, Iowa and DABO, LLC for lease of real estate for Clinton Police Department.
10. Resolution No. 2018-328 – authorizing the collection/certification of grass/weed cutting liens.
11. Resolution No. 2018-329 – authorizing subordination agreement of 5-year CDBG Housing Rehabilitation Loan.
12. Resolution No. 2018-330 – approving agreement for construction oversight services with Dennis R. Larue Consulting Services for the 1<sup>st</sup> Avenue Force Main Replacement Project B-2018.
13. Resolution No. 2018-331 – recommending Payment No. 1 – Turtle Creek Culvert Replacement and Sanitary Sewer Relocation Project D-2017 – Legacy Corporation, of East Moline, IL - \$167,055.82.
14. Resolution No. 2018-332 – recommending Payment No. 1 – South 21<sup>st</sup> Street Rehabilitation Project K-2017 - Determann Asphalt Paving, LLC - \$406,779.69.
15. Resolution No. 2018-333 – recommending Payment No. 2 – Orchard Heights Resurfacing Project G-2018 – Determann Asphalt Paving, LLC - \$244,101.07.
16. Resolution No. 2018-334 – recommending Payment No. 3 – Highway 67 (North 3<sup>rd</sup> Street) Roadway Rehabilitation Project A-2017 – Determann Asphalt Paving, LLC - \$268,467.46.
17. Resolution No. 2018-335 – recommending Payment No. 3 – Asphalt Street Resurfacing Project F-2018 – Determann Asphalt Paving, LLC - \$16,966.16.
18. Resolution No. 2018-336 – recommending Payment No. 12 – 25<sup>th</sup> Avenue North Sewer Separation Project A-2016 - BWC Excavating, LC - \$158,040.09.

19. Resolution No. 2018-337 - recommending Final Payment - Jurgensen Soccer Field Irrigation Project X-2017(B) - Puls Company - \$65,511.86.
20. Resolution No. 2018-338 - approving issuance of cigarette/tobacco/nicotine/vapor permit.
21. Resolution No. 2018-339 - approving Class C Liquor License renewal application with Living Quarters, Outdoor Service and Sunday Sales privileges for Legends Sports Bar and issuance of a Class I Letter of Exemption for allowing persons under 21 in licensed premises.
22. Resolution No. 2018-340 - approving Class C Liquor License renewal application with Catering privilege for El Toro La Cantina Ltd. and issuance of a Class I Letter of Exemption for allowing persons under 21 in licensed premises.
23. Resolution No. 2018-341 - approving Class C Liquor License renewal application with Sunday Sales privilege for Plaza Bowl and issuance of a Class I Letter of Exemption for allowing persons under 21 in licensed premises.
24. Resolution No. 2018-342 - approving Class E Liquor License renewal application with Class B Wine Permit, Class C Beer Permit (Carryout Beer) and Sunday Sales privileges for Hy-Vee Food & Drugstore.

#### MOTIONS, RESOLUTIONS, AND ORDINANCES

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

M/S, Connell-Schemers moved the Council consider an ordinance for the second time - AN ORDINANCE AMENDING CHAPTER 159 OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA. On roll call, Seeley, McGraw, Allesee, Connell, Schemers, Odor - Yes; Gassman - Absent. Motion carried.

M/S, Connell-Schemers 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 - Absent. Motion carried.

M/S, Connell-Schemers 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 - Absent. Motion carried.

#### ORDINANCE NO. 2585

M/S, Schemers-Odor 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. On roll call, Seeley, McGraw, Allesee, Connell, Schemers, Odor - Yes; Gassman - Absent. Motion carried.

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

In discussion before roll call, Councilmember McGraw inquired why expedited readings were necessary. Councilmember Schemers stated the ordinance revisions had begun in March 2018 and it was requested that the matter be concluded.

M/S, Schemers-Odor 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 – 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, Seeley, McGraw, Allesee, Connell, Schemers, Odor – Yes; Gassman – Absent. Motion carried.

#### ORDINANCE NO. 2586

M/S, Odor-Schemers moved the Council consider an ordinance for the first time - AN ORDINANCE AMENDING CHAPTER 52 OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA (*fats, oils and grease*). On roll call, Seeley, McGraw, Allesee, Connell, Schemers, Odor – Yes; Gassman – Absent. Motion carried.

In discussion before roll call, Councilmember Seeley stated the reinspection fee was not listed in the ordinance and inquired how service would be terminated. Water Quality Superintendent Bob Milroy stated coordination would occur with Iowa American Water to turn off water service if necessary.

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

In discussion before roll call, Councilmember McGraw inquired why expedited readings were necessary. Superintendent Milroy stated expedited readings would allow a quicker timeframe to begin offering the rebates and thus assist with promoting compliance. Councilmember McGraw inquired what POTW meant. Superintendent Milroy stated it stood for “Publicly Owned Treatment Works”. Councilmember Connell requested that language be added to the ordinance to clearly state the cost for reinspections. M/S, Seeley-Connell moved that the ordinance under consideration be amended to add a sentence at the end of §52.039 stating that each reinspection would cost \$40.00. On roll call, Seeley, McGraw, Allesee, Connell, Schemers, Odor – Yes; Gassman – Absent. Motion carried.

M/S, Seeley-Connell moved that the Council adopt Resolution No. 2018-343 approving naming rights of softball Field 1 in Emma Young Park to John Dunmore Field. On roll call, Seeley, McGraw, Allesee, Connell, Schemers, Odor – Yes; Gassman – Absent. Motion carried.

M/S, McGraw-Allesee moved that the Council adopt Resolution No. 2018-344 directing sale of \$12,310,000 (subject to adjustment per terms of offering) General Obligation Capital Loan Note, Series 2018A. On roll call, Seeley, McGraw, Allesee, Connell, Schemers, Odor – Yes; Gassman – Absent. Motion carried.

In discussion before roll call, Councilmember Seeley requested an explanation for the public and inquired about the procedure if more funds were available. Administrator Brooke stated the dollars were not yet obligated or committed. Mayor Vulich stated if additional funds were available from one project, those funds could be used to cover expenses on another project that exceeded the budgeted project amounts. Finance Director Anita Dalton stated if no use could be found for additional funds, the funds could be used to pay down the debt levy. Director Dalton stated PFM handled the bid process for the General Obligation Capital Loan Notes, Series 2018A. Director Dalton stated Robert W. Baird & Co., Inc. was the winning bid. Director Dalton stated the interest rate was projected to be 3.9% and the true interest cost was 3.3396%.

Director Dalton stated the projects covered under the bid would include the Capital Improvement Projects approved by the Council for FY2019, as well as the other department borrowings approved by the Council for FY2019. Director Dalton stated some of the projects included \$3.1 million for the 1<sup>st</sup> Avenue Force Main project, \$3 million for the Pavement Management Program, and \$1.3 million for the Turtle Creek Project. Administrator Brooke noted the 2032 Comprehensive Plan outlined the need to dedicate funds for the Pavement Management Program and stated other projects covered under the bid included library building repairs and funding for quiet zones.

#### UNFINISHED BUSINESS

Mayor Vulich stated for item #4 on the Consent Agenda, the Federal Transit Administration for Region VII presented an Award of Excellence to the Clinton Municipal Transit Administration. Mayor Vulich stated this award was for the highest increase in ridership of 4,569 riders among small urban public transit systems in Iowa for 2016-2017. M/S, Connell-Schemers moved that the Federal Transit Administration Region VII Award of Excellence Presented to Clinton Municipal Transit Administration - 06/21/2018 be received, approved and placed on file. On roll call, Seeley, McGraw, Allesee, Connell, Schemers, Odor - Yes; Gassman - Absent. Motion carried.

M/S, Allesee-Connell moved to adjourn to 7:00 P.M. July 24, 2018. On roll call, carried unanimously.

---

Mark S. Vulich  
Mayor

---

Lisa M. Frederick  
City Clerk