

The City Council met in regular session, August 14, 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. Mayor Vulich – absent.

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 July 24, 2018 and they be approved as published on August 7, 2018. On roll call, carried unanimously.

PROCLAMATION - Ashford University Week - Charles D. Minnick, Clinton Campus President

Charles D. Minnick, Clinton Campus President for Ashford University, read the proclamation declaring the week of August 19, 2018 Ashford University week.

PROCLAMATION - Declaring August 16, 2018 as Back to School Bash / Clinton Night Out - Gene Moore, Citizens Police Academy Alumni President

Gene Moore, Citizens Police Academy Alumni President, read the proclamation declaring August 16, 2018 as Back to School Bash / Clinton Night Out.

OATH OF OFFICE - Police Department

Mayor Pro Tempore Allesee stated an oath of office would take place for John Davis. Police Chief Kevin Gyrion stated Davis had served on the Clinton Police Department for the last seventeen years, and during that time had worked or trained in numerous areas of law enforcement. Chief Gyrion stated Davis would be promoted to Sergeant. Mayor Pro Tempore Allesee administered the oath of office for Sergeant John Davis.

PUBLIC HEARINGS

There were no Public Hearings to come before the Council.

AUDIENCE COMMENT

No persons came before the Council to speak.

CONSENT AGENDA

M/S, McGraw-Connell moved to approve the Consent Agenda as presented on the attachment. On roll call, carried unanimously.

1. Committee of the Whole - minutes 07/24/2018 - receive, approve and place on file.
2. Hometown Pride Steering Committee -minutes 07/26/2018 - receive, approve and place on file.
3. Hometown Pride Committee - minutes 08/03/2018 - receive, approve and place on file.

4. Human Rights Commission - minutes 05/07/2018 - receive, approve and place on file.
5. Clinton Public Library - 2017 highlights - receive, approve and place on file.
6. Plans & Specs - Project C-2018, 6<sup>th</sup> Avenue North Sanitary Sewer Project - receive approve and place on file (copy available for inspection at Clerk's office).
7. Plans & Specs - Project W-2018, Grant Street Storm Sewer Project - receive approve and place on file (copy available for inspection at Clerk's office on 08/13/2018).
8. Resolution No. 2018-363 - approving temporary banners for Oktoberfest.
9. Resolution No. 2018-364 - approving temporary banners for Clinton Half Marathon.
10. Resolution No. 2018-365 - authorizing an Interlocal 28E Agreement with the City of Clinton, Iowa and the County of Clinton, Iowa for the 2018 Justice Assistance Grant (JAG) application.
11. Resolution No. 2018-366 - authorizing property acquisition from Clinton Community School District pursuant to executed purchase agreement.
12. Resolution No. 2018-367 - approving modifications to no parking zones on North 13<sup>th</sup> Street adjacent to Whittier Elementary School.
13. Resolution No. 2018-368 - approving submission of an application for the State Revolving Fund Water Resource Sponsored Projects Program for the "Riverview Park Green Infrastructure Project".
14. Resolution No. 2018-369 - authorizing professional services contract with RJN Group for consulting services for the Phase 4-B "Basin #6 Sewer System GIS Mapping, Inspection & Modeling".
15. Resolution No. 2018-370 - ordering construction of improvement, setting public hearing and directing advertisement for bids - Project C-2018, 6<sup>th</sup> Avenue North Sanitary Sewer Project.
16. Resolution No. 2018-371 - ordering construction of improvement, setting public hearing and directing advertisement for bids - Project W-2018, Grant Street Storm Sewer Project.
17. Resolution No. 2018-372 - approving Change Order No. 1 - Turtle Creek Culvert Replacement and Sanitary Sewer Relocation Project D-2017 - Legacy Corporation - \$25,010.80.
18. Resolution No. 2018-373 - approving Change Order No. 1 - South 21<sup>st</sup> Street Rehabilitation Project K-2017 - Determann Asphalt Paving, LLC - \$7,985.07.
19. Resolution No. 2018-374 - approving Change Order No. 1 - Orchard Heights Resurfacing Project G-2018 - Determann Asphalt Paving, LLC - \$77,100.48.

20. Resolution No. 2018-375 – approving Change Order No. 4 – 25<sup>th</sup> Avenue North Sewer Separation Project, A-2016 – BWC Excavating, LC - \$98,624.62.
21. Resolution No. 2018-376 – approving Change Order No. 11 – Phase III of the 19<sup>th</sup> Avenue North Project, from Randall Court to North 2<sup>nd</sup> Street – Langman Construction Inc. - \$1,859.12.
22. Resolution No. 2018-377 – recommending Payment No. 1 – 2018 Demolition of Structures Project, Phase I – Kramer’s Technical Services - \$20,425.00.
23. Resolution No. 2018-378 – recommending Payment No. 1 – 1<sup>st</sup> Avenue Force Main Replacement Project – Langman Construction Inc. - \$724,786.94.
24. Resolution No. 2018-379 – recommending Payment No. 2 – Turtle Creek Culvert Replacement and Sanitary Sewer Relocation Project D-2017 – Legacy Corporation - \$327,732.65.
25. Resolution No. 2018-380 – recommending Payment No. 3 – Orchard Heights Resurfacing Project G-2018 – Determann Asphalt Paving, LLC - \$63,268.86.
26. Resolution No. 2018-381 – recommending Payment No. 4 – Highway 67 (North 3<sup>rd</sup> Street) Roadway Rehabilitation Project A-2017 – Determann Asphalt Paving, LLC - \$378,118.95.
27. Resolution No. 2018-382 – recommending Payment No. 13 – 25<sup>th</sup> Avenue North Sewer Separation Project, A-2016 – BWC Excavating, LC - \$222,280.22.
28. Resolution No. 2018-383 – recommending Payment No. 15 – Phase III of the 19<sup>th</sup> Avenue North Project, from Randall Court to North 2<sup>nd</sup> Street – Langman Construction Inc. - (-\$1,859.12).
29. Resolution No. 2018-384 – accepting work and recommending Final Payment No. 2 – Main Avenue Sewer Separation, Project O-2017 – BWC Excavating, LC - \$3,271.76.
30. Resolution No. 2018-385 – accepting work and recommending Final Payment No. 2 – South 21<sup>st</sup> Street Rehabilitation Project K-2017 – Determann Asphalt Paving LLC - \$34,416.68.
31. Resolution No. 2018-386 – approving Massage Therapy Business Permit for Marigrace’s Massage.
32. Resolution No. 2018-387 – approving Class C Beer Permit renewal application with Sunday Sales privilege for Kwik Star #642.
33. Resolution No. 2018-388 – approving Class C Liquor License renewal application with Sunday Sales privileges for The 8<sup>th</sup> Street Inn.
34. Resolution No. 2018-389 – approving a Class C Beer Permit/License renewal application with Class B Native Wine Permit and Sunday Sales privileges for Express Lane Gas & Food Mart #71.

35. Resolution No. 2018-390 – approving Class C Liquor License renewal application with Outdoor Service and Sunday Sales privileges for Oak Wood Ball Room and Convention Center and issuance of a Class I Letter of Exemption for allowing persons under 21 in licensed premises.
36. Resolution No. 2018-391 – approving a new Class B Native Wine Permit application with Sunday Sales privilege for Primitive Hollow.
37. Resolution No. 2018-392 – approving a new Class C Liquor License 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 Ohana’s Neighborhood Bar.

#### 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 – Abstain. Motion carried.

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, carried unanimously.

In discussion before roll call, Councilmember Schemers stated the revised ordinance provided clarification for the exceptions and included a proposed adjustment to the cost of the annual license. Councilmember Schemers stated the cost of the license had been \$200.00 per year since 1977; however, the cost was not business friendly and the proposed fee of \$25.00 per year was more affordable for the business owners. Councilmember Schemers stated a license was not required for each technician, rather a license was required for each business establishment.

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

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

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, carried unanimously.

#### ORDINANCE NO. 2588

M/S, Odor-Gassman moved the Council consider an ordinance for the first time - AN ORDINANCE AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA (residency requirements). On roll call, carried unanimously.

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

In discussion before roll call, Councilmember Seeley inquired if the ordinance was solely to clarify that the residency requirements were only applicable to full-time employees.

Administrator Brooke answered in the affirmative. Councilmember Seeley inquired how a full-time employee was determined. Finance Director Dalton stated the City was required to offer benefits to employees that worked more than thirty hours per week and employees were considered full-time once that occurred.

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. 2589

M/S, Seeley-Connell moved the Council consider an ordinance for the first time - AN ORDINANCE AMENDING CHAPTER 159.048 OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA (banners and signs over roadway). On roll call, carried unanimously.

In discussion before roll call, Councilmember Seeley stated the procedure for approval of banners and signs over roadways was previously discussed and the intent was to have the City Administrator, rather than the Council, approve such requests. Councilmember Seeley stated the ordinance that was passed, however, required the Council to approve each request. Councilmember Seeley stated by having the City Administrator approve the requests, the process could be expedited.

M/S, Seeley-Schemers moved the rules be suspended and the Council consider an ordinance for the second time. 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-McGraw 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. 2590

M/S, McGraw-Connell moved that the Council approve the Mayor's recommendations to boards and commissions (corrected). On roll call, carried unanimously.

In discussion before roll call, Councilmember McGraw read the names of the new appointees.

#### UNFINISHED BUSINESS

No Unfinished Business was brought forth.

M/S, Odor-Schemers moved to adjourn to 7:00 P.M. August 28, 2018. On roll call, carried unanimously.

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Julie Allesee  
Mayor Pro Tempore

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Lisa M. Frederick  
City Clerk