

The City Council met in regular session, August 28, 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.

Councilmember Connell stated as a point of order no action was taken following the Special City Council meeting at 6:00 P.M. on August 28, 2018, rather the motion was simply to approve the City Administrator’s performance review.

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 August 14, 2018 and they be approved as published on August 28, 2018. On roll call, carried unanimously.

M/S, McGraw-Connell moved to dispense with the reading of the minutes of the special City Council meeting of August 7, 2018 and they be approved as published on August 14, 2018. On roll call, carried unanimously.

PUBLIC HEARINGS

There were no Public Hearings to come before the Council.

AUDIENCE COMMENT

No persons came before the Council to speak.

OATHS OF OFFICE - Police Department

Mayor Pro Tempore Allesee stated oaths of office would take place for Sean Robert Patterson and Jonas Lloyd Robbins. Police Chief Kevin Gyrion stated both Patterson and Robbins were hired as result of the City Council approving the ability for the Police Department to increase its staff by two. Chief Gyrion stated both Patterson and Robbins had recently graduated from the Iowa Law Enforcement Academy. Chief Gyrion stated Patterson was a Calamus-Wheatland graduate, had served with the Marine Corps, and had received a criminal justice degree from Brown Mackie College. Chief Gyrion stated Robbins was a Rock Falls Township graduate and had received two bachelor’s degrees from Augustana College. Mayor Pro Tempore Allesee administered the oath of office for Officer Sean Robert Patterson and for Officer Jonas Lloyd Robbins.

CONSENT AGENDA

M/S, McGraw-Connell moved to approve the Consent Agenda as presented on the attachment. Councilmember Seeley requested that item #12 be removed to Unfinished Business. Councilmember Schemers requested that item #2 be removed to Unfinished Business. M/S, Gassman-Connell moved to approve the Consent Agenda, as amended. On roll call, carried unanimously.

1. Advisory Appointments Committee – minutes 08/16/2018 – receive, approve and place on file.

2. Airport Commission – minutes 07/16/2018 – Removed to Unfinished Business.
3. Committee of the Whole – minutes 08/14/2018 – receive, approve and place on file.
4. Historic Preservation Commission – minutes 08/09/2018 – receive, approve and place on file.
5. Completed Work Orders – July and August 2018 – receive, approve and place on file.
6. Electronic Payments and Transfers – July 2018 – receive, approve and place on file.
7. Summary of Revenues and Receipts – July 2018 – receive, approve and place on file.
8. Contract – Iowa Economic Development Authority Community Development Block Grant Program – Housing Sustainability Award - \$251,000.00 – receive, approve and place on file (copy available for inspection at Clerk’s office).
9. Resolution No. 2018-393 – approving a Joint Funding Agreement with the U.S. Geological Survey for water resources investigations.
10. Resolution No. 2018-394 – approving the contract for the 2018 CDBG Grant Administrator to East Central Intergovernmental Association.
11. Resolution No. 2018-395 – approving the subrecipient agreement for 2018 CDBG with the East Central Development Corporation.
12. Resolution – Removed to Unfinished Business – declaring surplus property.
13. Resolution No. 2018-396 – authorizing the collection/certification of grass/weed cutting liens.
14. Resolution No. 2018-397 – authorizing the collection/certification of tree/shrub trimming liens.
15. Resolution No. 2018-398 – authorizing the collection/certification of nuisance clean up liens.
16. Resolution No. 2018-399 – authorizing the collection/certification of board up liens.
17. Resolution No. 2018-400 – amend the non-housing grass and weeds delinquency lien list.
18. Resolution No. 2018-401 – amend the housing inspection delinquency lien list.
19. Resolution No. 2018-402 – approving Change Order No. 1 – Margaret Place Pumping Station Project B-2013 – Valley Construction Company – (\$82,436.00).
20. Resolution No. 2018-403 – recommending Payment No. 1 – ADA Curb Ramp Replacement Project K-2018 – Clinton Engineering Company - \$49,041.42.

21. Resolution No. 2018-404 - recommending Payment No. 4 - Project L-2018 North 13th Street School Zone Safety Improvements Project - Leslie Electric - \$52,051.45.
22. Resolution No. 2018-405 - recommending Payment No. 5 - Jurgensen Soccer Fields Project X-2017 - Jurgensen Hauling LLC - \$177,098.50.
23. Resolution No. 2018-406 - accepting work and recommending Final Payment No. 12 - Margaret Place Pumping Station Project B-2013 - Valley Construction Company - \$167,377.70.
24. Resolution No. 2018-407 - approving Massage Therapy Business Permit for Touch of Grace Massage.
25. Resolution No. 2018-408 - approving issuance of cigarette/tobacco/nicotine/vapor permit.
26. Resolution No. 2018-409 - approving a new Class B Native Wine Permit application for Don's Jewelry.
27. Resolution No. 2018-410 - approving a 5-day liquor license for Green Tree Brewery.

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, Schemers-Odor moved the Council consider an ordinance for the first time - AN ORDINANCE AMENDING CHAPTERS 94.03 AND 90.01 (MAINTENANCE OF RIGHT-OF-WAY AND NUISANCE, RESPECTIVELY) 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 the amendment would now require agricultural property owners to maintain road rights-of-way. Administrator Brooke stated the matter was before the Council due to a commercial property owner on Camanche Avenue refusing to mow the right-of-way adjacent to their business and the amendment was not meant for agricultural properties. Councilmember Connell inquired if it would affect rights-of-way where native prairie or grasses were planted. Administrator Brooke stated it would not. Attorney O'Connell stated the intent of the amendment was to include commercial properties for areas in town, in addition to residential properties. Attorney O'Connell stated the amendment was not intended for agricultural properties and it was O'Connell's legal opinion that further changes were not needed to the ordinance amendment. Councilmember Connell inquired if all three readings were necessary. Attorney O'Connell stated the request for expedited readings was made as it was the middle of mowing season and there was currently a property owner that was refusing to mow the right-of-way adjacent to their property.

Mike Harmon, Building and Neighborhood Services Official, stated the nuisance ordinance found in Chapter 90 required commercial property owners to maintain the right-of-way adjacent to their property. Harmon stated the grass and weeds ordinance found in Chapter 94, however, only stated residential owners were required to maintain the right-of-way adjacent to their property. Harmon stated the ordinance amendment would provide consistency in these two chapters and would be applicable to residential, commercial and industrial property

owners. Harmon stated the issue was brought to the attention of the Building and Neighborhood Services Department when a commercial property owner mowed their property and refused to mow the right-of-way adjacent to their property, citing the grass and weeds ordinance in Chapter 94 as only being applicable to residential properties. Harmon stated properties with five acres or more were exempt from mowing and thus agricultural property owners would not be affected.

M/S, Schemers-Gassman 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, Gassman, McGraw, Allesee, Schemers, Odor - Yes; Seeley, Connell - No. Motion failed.

M/S, Seeley-Connell moved that the Council adopt Resolution No. 2018-411 approving purchase of properties by the Self-Supported Municipal Improvement District (SSMID II). On roll call, carried unanimously.

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

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

M/S, Odor-Gassman moved the Council to go into Closed Session pursuant to Iowa Code 21.5(1)(c) to discuss strategy with legal counsel concerning pending or imminent litigation. On roll call, carried unanimously.

City Attorney Patrick O'Connell stated there was a dispute with two different entities and a September 1, 2018 deadline to resolve the dispute. Attorney O'Connell stated litigation would be imminent if the dispute was not resolved and determination was made by Attorney O'Connell that the reason for going into closed session met all necessary criteria.

Council went into closed session at 7:31 P.M.

Council came out of closed session at 8:04 P.M.

M/S, Odor-Schemers moved the Council direct the Attorney O'Connell to proceed as outlined in the closed session. On roll call, carried unanimously.

UNFINISHED BUSINESS

Councilmember Seeley inquired for item #12 on the Consent Agenda how the break even amount was calculated. Fire Chief Mike Brown stated \$760,000.00 was bonded for the new fire truck and the break even amount of \$85,000.00 would be needed in order to cover the cost of the new fire truck. Councilmember Seeley inquired about the cost of the commission fee if a broker were to sell the truck. Chief Brown stated while the truck may sell for \$125,000.00 - \$150,000.00 with a broker, commission fees were generally 10-15% of the sale price and it could take a year to sell the truck with a broker. Councilmember Seeley inquired if the Fire Department had received any broker reports. Chief Brown stated once brokers heard that the Fire Department had a truck to sell, the brokers reached out to the Department. Chief Brown stated it would be recommended that the truck be advertised for sale by the Fire Department, with a minimum bid

amount, and if a reasonable bid was received, that it be accepted. Chief Brown stated information was sent out in a five state area that the truck would be for sale in the near future and several individuals/departments had expressed interest. M/S, Seeley-Connell moved that the Council adopt Resolution No. 2018-412 declaring surplus property, subject to the bids being brought back to the Council for final acceptance and approval. On roll call, carried unanimously.

Councilmember Schemers stated for item #2 on the Consent Agenda that the Airport Commission minutes contained a Chairman's Addendum that outlined an event that occurred at the Clinton Airport, resulting in damage to property at the Airport. Councilmember Schemers stated the same subject caused damage to the Davenport Airport and the pursuit ending in the subject's death. Councilmember Schemers noted it was good practice to such an occurrence. M/S, Schemers-Odor moved that the Council receive, approve and place on file the Airport Commission minutes of July 16, 2018. On roll call, carried unanimously.

M/S, McGraw-Connell moved to adjourn to 7:00 P.M. September 11, 2018. On roll call, carried unanimously.

Julie Allesee
Mayor Pro Tempore

Lisa M. Frederick
City Clerk