

The City Council met in regular session, September 11, 2018 at 7:00 P.M. in the City Hall Council Chamber. Present on roll call: Mayor Vulich, Councilmembers: Gassman, Seeley, McGraw, Allesee, Connell, Schemers and Odor.

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 August 28, 2018 and they be approved as published on September 11, 2018. On roll call, carried unanimously.

PROCLAMATION – Declaring September 2018 Recovery Month

Cira Balk and Chrissy Davis of Clinton CRUSH+ read the proclamation declaring September 2018 as Recovery Month.

PUBLIC HEARINGS

Mayor Vulich convened a public hearing concerning accepting bid and awarding contract for Project C-2018, 6th Avenue North Sanitary Sewer Project. No comments were received, written or oral. M/S, Seeley-Allesee moved that the public hearing concerning accepting bid and awarding contract for Project C-2018, 6th Avenue North Sanitary Sewer Project be entered into the record. On roll call, carried unanimously.

M/S, Seeley-McGraw moved the Council adopt Resolution No. 2018-414 accepting bid and awarding contract to BWC Excavating for Project C-2018, 6th Avenue North Sanitary Sewer Project for \$189,613.00. On roll call, carried unanimously.

Mayor Vulich convened a public hearing concerning accepting bid and awarding contract for Project W-2018, Grant Street Storm Sewer Project. No comments were received, written or oral. M/S, Odor-Gassman moved that the public hearing concerning accepting bid and awarding contract for Project W-2018, Grant Street Storm Sewer Project be entered into the record. On roll call, carried unanimously.

M/S, Odor-Gassman moved the Council adopt Resolution No. 2018-415 accepting bid and awarding contract to Crandall Excavating for Project W-2018, Grant Street Storm Sewer Project for \$35,141.90. On roll call, carried unanimously.

AUDIENCE COMMENT

No persons came before the Council to speak.

CONSENT AGENDA

Councilmember Gassman requested that item #16 be removed to Unfinished Business. Councilmember Seeley requested that item #15 and item #17 be removed to Unfinished Business. Councilmember Schemers requested that item #3 be removed to Unfinished Business. M/S, Allesee-Connell moved to approve the Consent Agenda, as amended. On roll call, carried unanimously.

1. Civil Service Commission - minutes 09/05/2018 - receive, approve and place on file.
2. Committee of the Whole - minutes 08/28/2018 - receive, approve and place on file.
3. Finance Committee - minutes 11/02/2017 - Removed to Unfinished Business.
4. Finance Committee - minutes 08/02/2018 - receive, approve and place on file.
5. Human Rights Commission - minutes 08/06/2018 - receive, approve and place on file.
6. Parks and Recreation Advisory Board - minutes 08/23/2018 - receive, approve and place on file.
7. YWCA - letter dated 06/27/2018 - receive, approve and place on file.
8. Resolution No. 2018-416 - approving a Transit Joint Participation Agreement to Implement a Federal Transit Administration (FTA) Non-Urban Operating Assistance Project (CFDA 20.509).
9. Resolution No. 2018-417 - declaring surplus property.
10. Resolution No. 2018-418 - authorizing increase of City Administrator salary.
11. Resolution No. 2018-419 - writing off of sewer and solid waste charges deemed uncollectable.
12. Resolution No. 2018-420 - approving the Road Use Tax Financial Report for the 2018 fiscal year.
13. Resolution No. 2018-421 - approving the actuarial opinion regarding the City of Clinton Health Care Plan for the period ending June 30, 2018.
14. Resolution No. 2018-422 - approving Memorandum of Agreement (MOA) between the Clinton County Emergency Management Commission on behalf of the Clinton County Medical Examiner's office and the City of Clinton, Iowa on behalf of the Clinton Fire Department.
15. Resolution - Removed to Unfinished Business - approving the implementation of a Crime Free Housing Initiative.
16. Resolution - Removed to Unfinished Business - authorizing Conner Wasson, attorney for Ahlers & Cooney, to act as our environmental representative in reference to Sixth Amendment to the City of Clinton's Consent Decree with the State of Iowa Attorney General's office.
17. Resolution - Removed to Unfinished Business - awarding contract to Clinton Engineering Company for the Project Q-2018 Eagle Point Park Retaining Wall Project.
18. Resolution No. 2018-423 - approving Change Order No. 1 - Project E-2018, Basin 6 Sewer Separation - BWC Excavating, LC - \$29,884.00.

19. Resolution No. 2018-424 – approving Change Order No. 1 - Project L-2018 North 13th Street School Zone Safety Improvements Project – Leslie Electric - \$3,695.08.
20. Resolution No. 2018-425 – approving Change Order No. 2 – Highway 67 (North 3rd Street) Roadway Rehabilitation Project A-2017 – Determann Asphalt Paving, LLC - \$136,155.00.
21. Resolution No. 2018-426 – approving Change Order No. 2 – Asphalt Resurfacing Project F-2018 – Determann Asphalt Paving, LLC - \$25,878.61.
22. Resolution No. 2018-427 – recommending Payment No. 1 – Basin 6 Sewer Separation Project E-2018 – BWC Excavating, LC - \$110,362.45.
23. Resolution No. 2018-428 – recommending Payment No. 2 – Project B-2018, 1st Avenue Force Main Replacement Project – Langman Construction, Inc. - \$274,868.42.
24. Resolution No. 2018-429 – recommending Payment No. 3 – Turtle Creek Culvert Replacement and Sanitary Sewer Relocation Project D-2017 – Legacy Corporation, of East Moline, IL - \$157,036.51.
25. Resolution No. 2018-430 – recommending Payment No. 4 – Asphalt Street Resurfacing Project F-2018 – Determann Asphalt Paving, LLC - \$24,584.69.
26. Resolution No. 2018-431 – recommending Payment No. 5 - Highway 67 (North 3rd Street) Roadway Rehabilitation Project A-2017 – Determann Asphalt Paving, LLC - \$54,045.88.
27. Resolution No. 2018-432 – recommending Payment No. 5 – Project L-2018 North 13th Street School Zone Safety Improvements Project – Leslie Electric - \$3,800.00.
28. Resolution No. 2018-433 – accepting work and recommending Final Payment No. 16 – Phase III of the 19th Avenue North Project, From Randall Court to North 2nd Street – Langman Construction, Inc. - \$28,140.88.
29. Resolution No. 2018-434 – approving massage therapy business permit for Massage on Main.
30. Resolution No. 2018-435 – approving Class C Liquor License renewal application with Outdoor Service and Sunday Sales privileges for Back Shop Pizza and issuance of a Class I Letter of Exemption for allowing persons under 21 in licensed premises.
31. Resolution No. 2018-436 – approving Class C Beer Permit/License renewal application with Class B Native Wine Permit and Sunday Sales privileges for Express Lane Gas & Food Mart.

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 third 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.

M/S, Schemers-Connell moved that the ordinance under consideration be placed on its final passage and adopted. On roll call, carried unanimously.

ORDINANCE NO. 2591

M/S, Connell-Schemers moved the Council consider an ordinance for the first time - AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA, BY AMENDING PROVISIONS PERTAINING TO FIREWORKS. On roll call, carried unanimously.

M/S, Allesee-Connell moved the Council consider an ordinance for the first time - AN ORDINANCE AMENDING CHAPTER 151 (ADOPTION OF FIRE CODE) OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA. On roll call, carried unanimously.

In discussion before roll call, Councilmember Gassman inquired what was being changed. Councilmember Seeley stated the amendment was to correct a scrivener's error. City Attorney Patrick O'Connell concurred and stated no changes in procedure would be occurring.

M/S, Schemers-Odor moved that the Council adopt Resolution No. 2018-437 authorizing 28E Agreement relative to the Clinton County Area Solid Waste Agency. On roll call, carried unanimously.

M/S, McGraw-Connell 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.

Attorney O'Connell stated there was a dispute regarding a tax abatement. 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 7:14 P.M.

Council came out of closed session at 8:14 P.M.

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

UNFINISHED BUSINESS

Councilmember Gassman inquired for item #16 on the Consent Agenda if it had been previously approved. Water Quality Superintendent Bob Milroy stated the Fifth Amendment was approved last year. Superintendent Milroy stated pursuant to discussions that occurred during budget season, a request had been made to delay disinfection for ten years. Superintendent Milroy stated the delay would allow the City the ability to pay for disinfection without having to raise sewer rates. Councilmember Gassman stated prior practice involved

discussing the matter prior to placement on the Council agenda. Administrator Brooke stated the discussion could return to a future Committee of the Whole meeting. Superintendent Milroy stated all prior amendments required the City to provide concessions and there were no concessions required in the proposed Sixth Amendment. Councilmember Seeley requested a report to the Council outlining what changes were being made. Administrator Brooke stated the changes were indicated within the Sixth Amendment. Councilmember Odor inquired what would be brought back to the Council. Administrator Brooke stated the Sixth Amendment could be brought back to the Council for further consideration with changes highlighted in the document. Councilmember Gassman suggested the item return to the September 25, 2018 Council agenda. M/S, Seeley-Gassman moved that the resolution authorizing the Mayor to sign the Sixth Amendment to the City of Clinton's Consent Decree with the State of Iowa Attorney General's office be placed on the September 25, 2018 City Council agenda, with changes highlighted in the amendment. On roll call, Gassman, Seeley, McGraw, Allesee, Connell, Schemers- Yes; Odor - No. Motion carried.

Councilmember Seeley requested that Administrator Brooke discuss item #15 on the Consent Agenda. Administrator Brooke stated the City Building and Neighborhood Services Department, Police Department and the Clinton Substance Abuse Council were awarded grant funding to implement a Crime Free Housing Initiative. Councilmember Schemers inquired which Department would be leading the program. Administrator Brooke stated the Police Department would assist with completing background checks for the program. Police Chief Kevin Gyrion stated the Building and Neighborhood Services Department and the Police Department would partner together to run the program. Councilmember Schemers inquired if updates on the program's progress would be provided. Administrator Brooke answered in the affirmative. M/S, Seeley-Allesee moved the Council adopt Resolution No. 2018-438 approving the implementation of a Crime Free Housing Initiative On roll call, carried unanimously.

Councilmember Seeley inquired for item #17 on the Consent Agenda where the stones would be replaced. Administrator Brooke stated the stone retaining wall east of the lodge would be replaced in its entirety. City Engineer Jason Craft stated the wall would be replaced with reinforced concrete with a stone veneer. Mayor Vulich inquired about the stone wall near the tower. Engineer Craft stated only the wall near the lodge was budgeted for replacement. Councilmember Seeley inquired about the process if a vehicle hit the stone veneer. Engineer Craft stated the veneer could be patched and reinforced concrete was necessary for safety. Councilmember Seeley inquired about usage of the old stones. Engineer Craft stated the stones could be saved and used elsewhere. Engineer Craft stated if the bid was approved, work could be completed prior to the Symphony of Lights. M/S, Seeley-Gassman moved that the Council adopt Resolution No. 2018-439 awarding contract to Clinton Engineering Company for the Project Q-2018 Eagle Point Park Retaining Wall Project. On roll call, carried unanimously.

Councilmember Schemers inquired for item #3 on the Consent Agenda why no action was taken regarding considering suspending monthly minimum charges for residents that relocated during the winter months or otherwise had vacant homes. Councilmember Seeley stated he served on the Finance Committee and the Committee determined it was not the best course of action at the time. Finance Director Anita Dalton stated the Committee did not choose to allow a suspension of service. Director Dalton stated the City currently had a minimum sewer bill charge and garbage fee. Mayor Vulich inquired what Iowa American Water billed for customers that relocated for the winter months. Director Dalton stated an inquiry could be made with Iowa American Water and the item could be presented to the Finance Committee again for further consideration. Councilmember Connell inquired about the number of individuals that had asked about a suspension of service. Director Dalton stated a limited number of individuals

had inquired. Councilmember Gassman noted that Alliant Energy had minimum gas and electricity charges, regardless of whether the services were being used. M/S, Schemers-Connell moved that the Council receive, approve and place on file the Finance Committee minutes of November 2, 2017. On roll call, carried unanimously.

M/S, Allesee-Connell moved to adjourn to 7:00 P.M. September 25, 2018. On roll call, carried unanimously.

Mark S. Vulich
Mayor

Lisa M. Frederick
City Clerk