

The City Council met in regular session, October 23, 2018 at 7:00 P.M. in the City Hall Council Chamber. Present on roll call: Mayor Vulich, Councilmembers: Gassman, Seeley, McGraw, Allesee, Connell (via phone), and Schemers. Councilmember Odor – absent.

M/S, Allesee-Schemers moved to dispense with the reading of the minutes of the regular City Council and Committee of the Whole meetings of October 9, 2018 and they be approved as published on October 23, 2018. On roll call, Gassman, Seeley, McGraw, Allesee, Connell, Schemers – Yes; Odor – Absent. Motion carried.

PROCLAMATION – National Hunger and Homelessness Awareness Week

Laura Burget, YWCA Empowerment Director and Gabe Gluba, ASAC Clinical Services Director for Clinton/Jackson Counties read the proclamation declaring November 10-18, 2018 as National Hunger and Homelessness Awareness Week.

PUBLIC HEARINGS

Mayor Vulich convened a public hearing concerning the Ericksen Center Northwest Parking Lot Resurfacing Project F-2019. No comments were received, written or oral. M/S, Schemers-Gassman moved that the public hearing concerning the Ericksen Center Northwest Parking Lot Resurfacing Project F-2019 be entered into the record. On roll call, Gassman, Seeley, McGraw, Allesee, Connell, Schemers – Yes; Odor – Absent. Motion carried.

M/S, Schemers-Gassman moved the Council adopt Resolution No. 2018-493 accepting bid and awarding contract to Determann Asphalt Paving for Project F-2019 Ericksen Center Northwest Parking Lot Resurfacing for \$90,291.25. On roll call, Seeley, McGraw, Allesee, Connell, Schemers - Yes; Gassman – No; Odor – Absent. Motion carried.

Prior to roll call, Councilmember Gassman expressed concerns regarding only one bid being received and the amount the bid was over the Engineer's estimated cost for the project. City Engineer Jason Craft stated he discussed the bid with Determann Asphalt Paving and stated the bid was a responsive bid. Engineer Craft stated the pool of contractors was limited. Engineer Craft stated some bids were lower than the Engineer's estimate, leading to savings that could cover other projects that were bid higher than the Engineer's estimate. Councilmember Gassman stated he would like alternatives sought. Engineer Craft stated if concrete was chosen instead of asphalt, the cost of the project could triple. Engineer Craft stated it would be advised to ensure that the City received the best product at the best possible cost. Councilmember Seeley inquired when the project would be completed. Engineer Craft stated prior to June 30, 2019. Mayor Vulich inquired if contractors knew the Engineer's estimates for projects. Engineer Craft answered in the affirmative and stated the City was legally required to provide the Engineer's estimates. Engineer Craft stated the Council had the option to reject the bid.

AUDIENCE COMMENT

No persons came before the Council to speak.

CONSENT AGENDA

Councilmember Connell requested that item #20 be removed to Unfinished Business. M/S, Allesee-Seeley moved to approve the Consent Agenda, as amended. On roll call, Gassman, Seeley, McGraw, Allesee, Connell, Schemers - Yes; Odor - Absent. Motion carried.

1. Advisory Appointments Committee - minutes 10/18/2018 - receive, approve and place on file.
2. Civil Service Commission - minutes 10/10/2018 - receive, approve and place on file.
3. Committee of the Whole - minutes 10/09/2018 - receive, approve and place on file.
4. Historic Preservation Commission - minutes 09/13/2018 - receive, approve and place on file.
5. Parks and Recreation Advisory Board - minutes 09/26/2018 - receive, approve and place on file.
6. Tree Commission - minutes 09/12/2018 - receive, approve and place on file.
7. Certified List of Firefighter Candidates - receive, approve and place on file (will be distributed Monday, September 22, 2018).
8. Electronic Payments and Transfers - September 2018 - receive, approve and place on file.
9. Summary of Revenues and Receipts - September 2018 - receive, approve and place on file.
10. Vacation Application - Brian K. & Michelle B. Sexton, 1611 North 7th Street - receive and refer to Plan Commission.
11. Resolution No. 2018-494 - certifying the Area Substance Abuse Council Environmental Review Determination.
12. Resolution No. 2018-495 - authorizing the collection/certification of grass/weed cutting liens.
13. Resolution No. 2018-496 - authorizing the collection/certification of nuisance clean up liens (*amended*).
14. Resolution No. 2018-497 - authorizing the collection/certification of board up liens.
15. Resolution No. 2018-498 - authorizing the Mayor to sign the additional 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 (amendments available for inspection at Clerk's office).
16. Resolution No. 2018-499 - recommending Payment No. 1 - Jurgensen Soccer Park Concessions & Restroom Project X-2017(C) - Clinton Engineering Company - \$83,450.95.

17. Resolution No. 2018-500 – recommending Payment No. 1 – 2018 City of Clinton Chip Seal Project – Determann Asphalt, LLC - \$65,999.18.
18. Resolution No. 2018-501 – recommending Payment No. 2 – Concrete Street Rehabilitation Project H-2018 – Eastern Iowa Excavating & Concrete, LLC - \$70,152.63.
19. Resolution No. 2018-502 – recommending Payment No. 3 – ADA Curb Ramp Replacement Project K-2018 – Clinton Engineering Company - \$20,014.13.
20. Resolution – Removed to Unfinished Business – recommending Payment No. 3 – Showboat Rhododendron Rehabilitation Project X-2018 – Air Control, Inc. - \$107,509.98.
21. Resolution No. 2018-503 – recommending Payment No. 4 – Orchard Heights Resurfacing Project G-2018 – Determann Asphalt Paving, LLC - \$22,955.56.
22. Resolution No. 2018-504 – recommending Payment No. 7 – Jurgensen Soccer Fields Project X-2017 – Jurgensen Hauling LLC - \$6,301.58.
23. Resolution No. 2018-505 – approving massage therapy business permit for RN Therapeutics Holistic Health & Wellness Clinic.
24. Resolution No. 2018-506 – approving issuance of cigarette/tobacco/nicotine/vapor permit – The Vaporosity Shop.
25. Resolution No. 2018-507 – approving Class C Beer Permit renewal with Class B Native Wine Permit and Sunday Sales privileges for Kwik Star #698.
26. Resolution No. 2018-508 – approving a new Class E Liquor License application with Class B Native Wine Permit, Class C Beer Permit (Carryout Beer), Living Quarters and Sunday Sales privileges for Ambysure Inc.
27. Resolution No. 2018-509 – approving a new Class C Liquor License application with Sunday Sales privilege for Fujiyama IA Inc.

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 – Yes; Connell, Schemers – Abstain; Odor – Absent. Motion carried.

M/S, Allesee-Schemers moved the Council consider an ordinance for the second time – AN ORDINANCE AMENDING CHAPTER 35.075, DESIGNATION OF URBAN REVITALIZATION AREAS, OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA. On roll call, Gassman, Seeley, McGraw, Allesee, Connell, Schemers – Yes; Odor – Absent. Motion carried.

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

In discussion prior to roll call, Councilmember Gassman requested an explanation on the ordinance. City Administrator Matt Brooke stated the Ordinance was being updated to correspond to changes in the Clinton Urban Revitalization Plan as provided in Amendment No. 1 to the Amended and Restated Clinton Urban Revitalization Plan. Administrator Brooke stated updates were made to the designations of Urban Revitalization Areas in the City.

M/S, Allesee-Schemers moved the rules be suspended and that the ordinance under consideration be placed on its final passage and adopted. On roll call, Gassman, Seeley, McGraw, Allesee, Connell, Schemers - Yes; Odor - Absent. Motion carried.

ORDINANCE NO. 2596

M/S, McGraw-Connell moved the Council consider an ordinance for the first time - AN ORDINANCE PROVIDING FOR THE VACATION AND CONVEYANCE OF AN EAST/WEST ALLEY SITUATED UPON THE FORMER WASHINGTON MIDDLE SCHOOL PROPERTY AND A PORTION OF SOUTH 8TH STREET BETWEEN 2ND AVENUE SOUTH AND 3RD AVENUE SOUTH. On roll call, Gassman, Seeley, McGraw, Allesee, Connell, Schemers - Yes; Odor - Absent. Motion carried.

In discussion before roll call, Councilmember Seeley inquired if compensation would be obtained. Administrator Brooke stated there would not be compensation obtained. Councilmember Gassman inquired if an easement would need to be maintained for utilities. Engineer Craft stated the City did not need to maintain any type of utility easement for the property being conveyed.

M/S, McGraw-Seeley moved to approve Mayor's recommendation to boards and commissions. On roll call, Gassman, Seeley, McGraw, Allesee, Connell, Schemers - Yes; Odor - Absent. Motion carried.

In discussion prior to roll call, Councilmember McGraw read the names of the individuals appointed to the City boards and commissions. Mayor Vulich stated some individuals were appointed to fill unexpired terms.

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

Attorney O'Connell stated a party intended to file a declaratory action against the City and discussion with the Council would involve the response to the threat of litigation. Attorney O'Connell stated it was his legal opinion that the reason for going into closed session met all necessary criteria.

Council went into closed session at 7:36 P.M. The conference call with Councilmember Connell was terminated and Councilmember Connell was not present for the remainder of the meeting.

Council came out of closed session at 8:29 P.M.

M/S, Seeley-Gassman moved the Council direct Attorney O'Connell to proceed with Option B as outlined in the closed session. On roll call, Gassman, Seeley, McGraw, Allesee, Schemers - Yes; Connell, Odor - Absent. Motion carried.

UNFINISHED BUSINESS

M/S, Seeley-Gassman moved that the Council adopt Resolution No. 2018-510 recommending Payment No. 3 - Showboat Rhododendron Rehabilitation Project X-2018 - Air Control, Inc. - \$107,509.98. On roll call, Gassman, Seeley, McGraw, Allesee, Schemers - Yes; Connell, Odor - Absent. Motion carried.

M/S, Allesee-Seeley moved to adjourn to 7:00 P.M. November 13, 2018. On roll call, Gassman, Seeley, McGraw, Allesee, Schemers - Yes; Connell, Odor - Absent. Motion carried.

Mark S. Vulich
Mayor

Lisa M. Frederick
City Clerk