

The City Council met in regular session, November 14, 2017 at 7:00 P.M. in the City Hall Council Chamber. Present on roll call: Mayor Vulich; Councilmembers: Gassman, Seeley, McGraw, Allesee, Odor, Connell, and O'Neill.

M/S, Allesee-Odor moved to dispense with the reading of the minutes of the special City Council meetings of October 10, 2017 and of October 24, 2017 and they be approved as published on October 24, 2017 and November 6, 2017, respectively. On roll call, carried unanimously.

M/S, Allesee-Odor moved to dispense with the reading of the minutes of the regular City Council meeting and regular Committee of the Whole minutes of October 24, 2017 and they be approved as published on November 6, 2017. On roll call, carried unanimously.

PUBLIC HEARINGS

Mayor Vulich convened a public hearing concerning the proposed sale of City owned vacant lots - 2407 Prospect Avenue. No comments were received, written or oral. M/S, McGraw-Allesee moved that the public hearing concerning the proposed sale of City owned vacant lots - 2407 Prospect Avenue be entered into the record. On roll call, carried unanimously.

M/S, McGraw-Allesee moved the Council adopt Resolution No. 2017-437 accepting bid and approving the sale of 2407 Prospect Avenue to Theresa Jones for \$351.00. On roll call, carried unanimously.

Mayor Vulich convened a public hearing concerning accepting bid and awarding contract for Cured-in-Place Pipe, Sanitary Sewer Lining Project Z-2017. No comments were received, written or oral. M/S, Odor-Connell moved that the public hearing concerning accepting bid and awarding contract for Cured-in-Place Pipe, Sanitary Sewer Lining Project Z-2017 be entered into the record. On roll call, carried unanimously.

M/S, Odor-Connell moved the Council adopt Resolution No. 2017-438 accepting bid and awarding contract to Hydro-Klean for Project Z-2017, Cured-in-Place Pipe, Sanitary Sewer Lining Project for \$156,807.99. On roll call, carried unanimously.

Mayor Vulich convened a public hearing concerning entering into a Development Agreement with Clinton Business Park Development Corp. No comments were received, written or oral. M/S, Gassman-Seeley moved that the public hearing concerning entering into a Development Agreement with Clinton Business Park Development Corp. be entered into the record. On roll call, carried unanimously.

M/S, Gassman-Seeley moved the Council adopt Resolution No. 2017-439 approving and authorizing execution of a Development Agreement by and between the City of Clinton and Clinton Business Park Development Corp. On roll call, carried unanimously.

Mayor Vulich convened a public hearing concerning entering into a Development Agreement with Clinton Catalyst, LLC. No written comments were received. Dr. Gary Heath, 829 Gateway Ave., #10, expressed concerns about the influx of additional students to the local schools, how transportation would be handled, the wages for the employees at the new academy, and about the subsidy being provided. Councilmember Gassman stated he welcomed the questions and

concerns and that the new students would have to pay to attend the local schools, which could equate to millions of additional dollars to the local public schools. Councilmember Gassman stated the new school could also lead to an influx in businesses and housing. Administrator Brooke stated staff at the school would receive varying wage amounts, depending on the work performed. Councilmember O'Neill stressed that this decision should not be based on politics or religion and that this decision was about education and opportunities for children. Steve Howes, 1114 North Second Street, stated initially the school would start off slow and there would be a large staff supporting the students. Mr. Howes stated the state-of-the-art facilities at the Ashford campus would be opened to the local schools for use. Councilmember McGraw inquired with Mr. Howes if families would purchase homes in Clinton. Mr. Howes stated for other international schools parents tended to follow their children and purchased a home or started a business. M/S, Connell-O'Neill moved that the public hearing concerning entering into a Development Agreement with Clinton Catalyst, LLC be entered into the record. On roll call, carried unanimously.

In discussion before roll call, Councilmember Seeley stated the Development Agreement is based on a grant and the property would still be taxed. Councilmember Seeley further stated in years past the property had been tax-exempt and the Development Agreement was solid and would benefit the community.

M/S, Connell-Gassman moved the Council adopt Resolution No. 2017-440 approving and authorizing execution of a Development Agreement by and between the City of Clinton and Clinton Catalyst, LLC. On roll call, carried unanimously.

AUDIENCE COMMENT

No persons came before the Council to speak.

CONSENT AGENDA

Councilmember Seeley requested that item #5, item #19, and item #20 be removed to Unfinished Business. Councilmember Connell requested that item #16 be removed to Unfinished Business.

M/S, Allesee-Odor moved to approve the Consent Agenda as amended. On roll call, carried unanimously.

1. Committee of the Whole - minutes 10/24/2017 - receive, approve and place on file.
2. Finance Committee - minutes 08/30/2017 - receive, approve and place on file.
3. Historic Preservation Commission - minutes 10/12/2017 - receive, approve and place on file.
4. Human Rights Commission - minutes 09/11/2017 - receive, approve and place on file.
5. Tree Commission - minutes 10/19/2017 - Removed to Unfinished Business.
6. Completed Work Orders - September & October - receive, approve and place on file.
7. Transit Joint Participation Agreement to Implement a Federal Transit Administration (FTA) Non-Urban Operating Assistance Project - receive, approve and place on file.

8. Vacation Application – Valley Bluff Corporation, Inc., 345 5th Avenue South – receive and refer to Plan Commission.
9. Contract and Contractor's Bond – Main Avenue Sewer Separation Project O-2017 – BWC Excavating - \$65,435.27 – receive, approve and place on file (copy available for inspection at Clerk's office).
10. Resolution No. 2017-441 – approving the City of Clinton's Annual Urban Renewal Report for Fiscal Year 2016-2017.
11. Resolution No. 2017-442 – approving an annual appropriation for Community Housing Initiative [Roosevelt School Building] of Incremental Property Tax Revenues for Fiscal Year 2019.
12. Resolution No. 2017-443 – approving an annual appropriation for Economic Growth Corporation dba Wilson Lofts LP, of Incremental Property Tax Revenues for Fiscal Year 2019.
13. Resolution No. 2017-444 – approving an annual appropriation for the Towne & Country Manor of Incremental Property Tax Revenues for Fiscal Year 2019.
14. Resolution No. 2017-445 – approving an annual appropriation for Rail.One USA of Incremental Property Tax Revenues for Fiscal Year 2019.
15. Resolution No. 2017-446 – approving Memorandum of Understanding between the Iowa Department of Transportation and the City of Clinton.
16. Resolution – Removed to Unfinished Business – approving a joint funding agreement with the U.S. Geological Survey for water resources investigations.
17. Resolution No. 2017-447 – accepting City of Clinton, Iowa Code Supplement S-9.
18. Resolution No. 2017-448 – authorizing contractual increase of City Administrator salary.
19. Resolution – Removed to Unfinished Business – approving updated contract for City Attorney services with Lynch Dallas P.C.
20. Resolution – Removed to Unfinished Business – authorizing property acquisition from Clinton Community School District pursuant to executed Purchase Agreement.
21. Resolution No. 2017-449 - ordering construction of improvement, setting public hearing and directing advertisements for bids – Project K-2017 – South 21st Street Rehabilitation Project.
22. Resolution No. 2017-450 – approving Change Order No. 1 for the Glendale Road Reconstruction Project R-2016 – Larry Joe Detterman Excavating Inc. – (\$3,979.29).
23. Resolution No. 2017-451 – approving Change Order No. 2 for the 25th Avenue North Sewer Separation Project A-2016 – BWC Excavating, LC - \$50,654.88.
24. Resolution No. 2017-452 – approving Final Change Order No. 2 for the Collector Street Resurfacing Project E-2017 – Determann Asphalt Paving, LLC – (\$45,917.90).

25. Resolution No. 2017-453 – approving Change Order No. 3 for the Clinton Landing & Dredging Project M-2016 – Newt Marine – \$30,751.50.
26. Resolution No. 2017-454 – recommending Payment No. 4 for the Downtown Street Light Replacement Project T-2017 – Leslie Electric – \$3,800.00.
27. Resolution No. 2017-455 – recommending Payment No. 5 for the Margaret Place Pumping Station Project B-2013 – Valley Construction Company – \$327,750.00.
28. Resolution No. 2017-456 – recommending Payment No. 6 for the Asphalt Street Resurfacing Project H-2017 – Determann Asphalt Paving, LLC – \$323,250.61.
29. Resolution No. 2017-457 – accepting work and recommending Final Payment Request No. 2 for the Clinton Landing & Dredging Project M-2016 – Newt Marine – \$167,636.29.
30. Resolution No. 2017-458 – accepting work and recommending Final Payment No. 5 for the Collector Street Resurfacing Project E-2017 – Determann Asphalt Paving, LLC – \$60,235.36.
31. Resolution No. 459 – accepting work and recommending Final Payment No. 5 for the Glendale Road Reconstruction Project R-2016 – Larry Joe Detterman Excavating Inc. – \$12,143.28.
32. Resolution No. 460 – accepting work and recommending Final Payment No. 6 for the Asphalt Resurfacing Project F-2016 – Determann Asphalt Paving – \$38,553.99.
33. Resolution No. 461 – approving beer permit/license renewal application for Casey's General Store #2030 – 1336 Camanche Avenue.
34. Resolution No. 462 – approving beer permit/license renewal application for Casey's General Store #2222 – 1107 13th Avenue North.
35. Resolution No. 463 – approving native wine permit/license renewal application for Peaceful River Creations.

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, Odor, O'Neill – Yes; Connell – abstain. Motion carried.

M/S, Seeley-Allesee moved the Council consider an ordinance for the third time - AN ORDINANCE PROVIDING FOR THE VACATION AND CONVEYANCE OF A 2-FOOT BY 125-FOOT ALLEY RIGHT-OF-WAY ADJACENT TO 1821 ROOSEVELT STREET TO GARY LEE LANGREHR FOR \$100.00. On roll call, carried unanimously.

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

ORDINANCE NO. 2557

M/S, O'Neill-Gassman moved the Council consider an ordinance for the second time - AN ORDINANCE AMENDING CHAPTER 52 OF THE CLINTON, IOWA, CODE OF ORDINANCES. On roll call, carried unanimously.

M/S, Allesee-Odor moved the Council consider an ordinance for the first time - AN ORDINANCE AMENDING CHAPTER 10 AND VARIOUS PENALTY PROVISIONS OF THE CLINTON, IOWA, CODE OF ORDINANCES. On roll call, carried unanimously.

M/S, McGraw-Gassman moved to approve the Mayor's recommendation to boards and commissions. On roll call, carried unanimously.

In discussion before roll call, Councilmember Gassman inquired with Mayor Vulich if proper notice was occurring to ensure gender equality on the boards and commissions. Mayor Vulich answered in the affirmative. Councilmember Connell inquired about the end date for two appointees' terms to the Capital Improvement Committee. Mayor Vulich stated those two individuals were appointed by outside bodies and term lengths are determined by those outside bodies. Councilmember Seeley inquired if someone interested in serving on a board or commission had to be a resident of the City. Mayor Vulich answered in the affirmative. Councilmember McGraw thanked the individuals willing to serve and read the names of those appointed.

M/S, Gassman-Seeley moved that the Council adopt Resolution No. 2017-464 cancelling the December 26, 2017 Council meeting and Committee of the Whole and scheduling Special Council meeting on December 19, 2017. On roll call, carried unanimously.

In discussion before roll call, Councilmember Gassman asked for confirmation that the Special Council meeting on December 19, 2017 would be at 9:30 A.M. Mayor Vulich answered in the affirmative and stated Oaths of Office for Councilmembers elected on the November 7, 2017 election would take place at 10:00 A.M. on December 19, 2017.

M/S, Odor-Connell moved that the Council adopt Resolution No. 2017-465 cancelling the January 2, 2018 Committee of the Whole meeting. On roll call, carried unanimously.

M/S, Connell-Gassman moved that the Council adopt Resolution No. 2017-466 approving publishing of Request for Qualifications (RFQ) and Technical Services. On roll call, carried unanimously.

UNFINISHED BUSINESS

Councilmember Seeley inquired about item #5 on the Consent Agenda and stated the minutes for the Tree Commission stated the City was not maintaining a current tree inventory list. Administrator Brooke stated he would confirm that the list was current and provide the current list to the Tree Commission.

M/S, Seeley-Gassman moved that the Council receive, approve and place on file the minutes from the Tree Commission meeting on October 19, 2017. On roll call, carried unanimously.

Councilmember Seeley stated he wanted to hold a discussion about item #19 on the Consent Agenda. Councilmember Seeley inquired if the rates provided were to be more in-line with market rates and what other cities paid for city attorney services. Attorney O'Connell stated Lynch Dallas' goal had been to be extraordinarily efficient and to save the City money. Attorney O'Connell stated since the firm is contracted for services no benefits are paid and below-market rates were used for the first three years of the contract. Attorney O'Connell stated the proposed rate increase is still below the state average, which is \$170.00/hour for a city attorney. Attorney O'Connell stated Elkader, Middletown, Tipton, Wellman and Cascade currently pay \$150.00/hour for city attorney services. Attorney O'Connell stated Keokuk currently pays

\$170.00/hour, Fort Madison and Burlington pay \$165.00/hour and Marshalltown pays \$155.00/hour for city attorney services. Attorney O'Connell stated Lynch Dallas provides ten attorneys to complete the City's legal work and, other than bond and finance services, the City does not need to contract with other outside firms for legal services. Attorney O'Connell stated the City saved \$130,000.00 last year on legal fees, compared to the years before Lynch Dallas was contracted for services. Councilmember Seeley inquired if a rate increase would be a yearly request. Attorney O'Connell stated it would not and that the request is solely determined by current market rates. Attorney O'Connell stated Lynch Dallas has saved the City money by avoiding litigation, through settlements out of court, and by sound advice that prevented lawsuits. Attorney O'Connell further stated that any lawsuits that did take place have been won by Lynch Dallas. Councilmember O'Neill referenced the financial resolution that was reached with Layton State Bank and the Archer Daniels Midland PAAB appeal. Councilmember O'Neill stated Lynch Dallas also handles traffic citations for the City, which generates revenue.

M/S, Seeley-Gassman moved that the Council adopt Resolution No. 2017-467 approving updated contract for City Attorney services with Lynch Dallas P.C. On roll call, carried unanimously.

Councilmember Seeley inquired about item #20 on the Consent Agenda and asked what circumstances brought this item forth. City Engineer Jason Craft stated a twelve foot by ninety-five foot piece of the road right-of-way was owned by and part of the School District's property. Engineer Craft stated this roadway has been maintained by the City and in preparation of repaving the road, acquisition from the School for the referenced right-of-way was prudent. Councilmember Seeley inquired if the entire alley would be paved. Engineer Craft stated the portion that is already paved would be repaved and that this road was heavily used by citizens.

M/S, Seeley-Allesee moved that the Council adopt Resolution No. 2017-468 authorizing property acquisition from Clinton Community School District pursuant to executed Purchase Agreement. On roll call, carried unanimously.

Councilmember Connell inquired about item #16 on the Consent Agenda and asked if a written contract was in place with Archer Daniels Midland for reimbursement. Administrator Brooke stated there was not a written agreement and payment by Archer Daniels Midland in prior years had not been an issue. Councilmember Seeley, Gassman and Connell inquired about the agreement and payment by Archer Daniels Midland. Administrator Brooke stated he would follow-up with the U.S Geological Survey and Archer Daniels Midland.

M/S, Connell-O'Neill moved that the Council adopt Resolution No. 2017-469 approving a joint funding agreement with the U.S. Geological Survey for water resources investigations. On roll call, carried unanimously.

M/S, Allesee-Odor moved to adjourn to 7:00 P.M. November 28, 2017. On roll call, carried unanimously.

Mark S. Vulich
Mayor

Lisa M. Frederick
City Clerk