

The City Council met in regular session, November 27, 2018 at 7:00 P.M. in the City Hall Council Chamber. Present on roll call: Mayor Vulich, Councilmembers: Gassman, Seeley, McGraw, Allesee, Connell, and 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 November 13, 2018 and they be approved as published on November 27, 2018. On roll call, carried unanimously.

#### PUBLIC HEARINGS

Mayor Vulich convened a public hearing concerning proposed text amendments to zoning regulations of the City of Clinton, Iowa. No comments were received, written or oral. M/S, Seeley-Connell moved that the public hearing concerning proposed text amendments to zoning regulations of the City of Clinton, Iowa be entered into the record. On roll call, carried unanimously.

M/S, Seeley-Gassman moved the Council consider an ordinance for the first time - AN ORDINANCE AMENDING PROVISIONS OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA, PERTAINING TO WIRELESS COMMUNICATIONS FACILITIES. On roll call, carried unanimously.

M/S, Seeley-Allesee moved the Council consider an ordinance for the first time - AN ORDINANCE AMENDING HEIGHT, AREA, AND STORY REQUIREMENTS FOR THE C-R COMMERCIAL-RECREATION DISTRICT. On roll call, carried unanimously.

#### AUDIENCE COMMENT

No persons came before the Council to speak.

#### CONSENT AGENDA

Councilmember Allesee requested that item #17 be removed to Unfinished Business. Councilmember Seeley requested that item #23, item #25, and item #29 be removed to Unfinished Business. Councilmember Connell requested that item #22 and item #28 be removed to Unfinished Business. M/S, Allesee-Connell moved to approve the Consent Agenda, as amended. On roll call, carried unanimously.

1. Airport Commission - minutes 10/24/2018 - receive, approve and place on file.
2. Capital Improvements Planning Committee - minutes 11/14/2018 - receive, approve and place on file.
3. Committee of the Whole - minutes 11/13/2018 - receive, approve and place on file.
4. Grant Committee - minutes 11/14/2018 - receive, approve and place on file.

5. Historic Preservation Commission - minutes 11/08/2018 - receive, approve and place on file.
6. Hometown Pride Local Committee - minutes 11/02/2018 - receive, approve and place on file.
7. Pre-Budget Meeting - minutes 11/20/2018 - receive, approve and place on file.
8. Traffic Study Commission - minutes 09/11/2018 & 11/13/2018 - receive, approve and place on file.
9. Tree Commission - minutes 10/10/2018 - receive, approve and place on file.
10. Tree City USA Growth Award - 2018 Application for Certification - receive, approve and place on file.
11. Tree City USA - 2018 Application for Certification - receive, approve and place on file.
12. Electronic Payments and Transfers - October 2018 - receive, approve and place on file.
13. Summary of Revenues and Receipts - October 2018 - receive, approve and place on file.
14. Plans & Specs - Project Pickleball/Volleyball Court - receive, approve and place on file (copy available for inspection at Clerk's office on 11/26/2018).
15. Contract and Contractor's Bond - Project F-2019 Ericksen Center Northwest Parking Lot Resurfacing - Determann Asphalt Paving - \$90,291.25 - receive, approve and place on file (copy available for inspection at Clerk's office).
16. Contract and Contractor's Bond - Project E-2019, Riverfront Fitness Courts Project - JT General Contractors LLC - \$62,573.80 - receive, approve and place on file (copy available for inspection at Clerk's office on 11/26/2018).
17. Resolution - Removed to Unfinished Business - authorizing the collection/certification of grass/weed cutting liens.
18. Resolution No. 2018-542 - authorizing the collection/certification of tree/shrub trimming liens.
19. Resolution No. 2018-543 - authorizing the collection/certification of nuisance clean up liens.
20. Resolution No. 2018-544 - authorizing the collection/certification of board up liens.
21. Resolution No. 2018-545 - accepting bid and awarding contract - nuisance clean up and snow removal for 2019 calendar year.
22. Resolution - Removed to Unfinished Business - accepting bid and awarding contract for City Buildings Janitorial Service.

23. Resolution - Removed to Unfinished Business - transferring small balance credits to the Parks Donation Fund.
24. Resolution No. 2018-546 - declaring surplus property.
25. Resolution - Removed to Unfinished Business - awarding contract to BWC Excavating for the placement of levee rip rap along the main channel of the Mississippi River.
26. Resolution No. 2018-547 - delegating authority to County Attorney to prosecute City Code citations(s) written in conjunction with State Code charges(s).
27. Resolution No. 2018-548 - approving the 28E Agreement for Tobacco, Alternative Nicotine and Vapor Product enforcement between the Iowa Alcoholic Beverages Division and the City of Clinton, Iowa for FY2019.
28. Resolution - Removed to Unfinished Business - approving staff development days for 2019 and setting the City holiday schedule for 2019.
29. Resolution - Removed to Unfinished Business - establishing a public hearing date for the proposed conveyance of Electric Line Easement to ITC Midwest LLC.
30. Resolution No. 2018-549 - ordering construction of improvement, setting public hearing and directing advertisement for bids - Riverview Park Pickle-ball & Volleyball Courts Project G-2019.
31. Resolution No. 2018-550 - approving Change Order No. 1 - 7<sup>th</sup> Avenue South ADA Curb Ramp Replacement Project A-2018 - Clinton Engineering Company - \$2,968.35.
32. Resolution No. 2018-551 - recommending Payment No. 1 - Grant Street Storm Sewer Project W-2018 - Crandall Excavating - \$31,484.81.
33. Resolution No. 2018-552 - recommending Payment No. 3 - Concrete Street Rehabilitation Project H-2018 - Eastern Iowa Excavating & Concrete, LLC - \$327,814.74.
34. Resolution No. 2018-553 - recommending Payment No. 4 - ADA Curb Ramp Replacement Project K-2018 - Clinton Engineering Company - \$32,453.13.
35. Resolution No. 2018-554 - accepting work and recommending Final Payment No. 4 - Cured In-Place Pipe Sanitary Sewer Lining Project Z-2017 - Hydro-Klean, LLC - \$8,545.47.
36. Resolution No. 2018-555 - accepting work and recommending Final Payment No. 4 - 7<sup>th</sup> Avenue South ADA Curb Ramp Replacement Project A-2018 - Clinton Engineering Company - \$7,338.82.
37. Resolution No. 2018-556 - approving commercial animal establishment City license (kennel) for Ambassador Animal Hospital.
38. Resolution No. 2018-557 - approving issuance of cigarette/tobacco/nicotine/vapor permit.

39. Resolution No. 2018-558 – approving a new Class C Liquor License application with Sunday Sales privilege for Cousins Bar and Grill and issuance of a Class I Letter for Exemption for allowing persons under 21 in licensed premises.
40. Resolution No. 2018-559 – approving new Class C Beer Permit application with Sunday Sales privilege for Kevin Bong d/b/a Hass Market.
41. Resolution No. 2018-560 – approving a Class C Beer Permit renewal application with Class B Native Wine Permit and Sunday Sales privileges for Hy-Vee Gas.
42. Resolution No. 2018-561 – approving a Class C Liquor License renewal application with Outdoor Service and Sunday Sales privileges for Vista Grande and issuance of a Class II Letter of Exemption for allowing persons under 21 in licensed premises.

#### 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 CHAPTER 96 (PARK REGULATIONS) OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA. On roll call, carried unanimously.

In discussion before roll call, Councilmember Seeley stated he believed the 6:00 P.M. cutoff for the possession, use and consumption of alcoholic beverages in the parks was too restrictive. Administrator Brooke stated Clinton Park and Riverview Park already had a cutoff time of 6:00 P.M. Administrator Brooke stated the goal was to make the possession, use and consumption times for alcohol in the parks consistent and stated the time could be adjusted to sunset. Councilmember Seeley stated he was supportive of the time of sunset. Police Chief Kevin Gyrion stated uniformity for all parks was needed and 6:00 P.M. was chosen as that time was already existing for Clinton Park and Riverview Park. Chief Gyrion stated the goal was not to extend the possession, use and consumption time beyond what was already existing. Chief Gyrion stated the Police Department would not resist modifying the possession, use and consumption of alcoholic beverages time for the parks to sunset. Mayor Vulich inquired about the definition of sunset. Chief Gyrion stated there were published times each day of when sunset occurred. Mayor Vulich stated the Ordinance could be adjusted to state that the possession, use and consumption of alcoholic beverages in the parks would be prohibited from sunset to 11:00 A.M. M/S, Seeley-Connell moved the ordinance under consideration be amended to state that the possession, use and consumption of alcoholic beverages be prohibited between the hours of sunset to 11:00 A.M. On roll call, carried unanimously.

M/S, Allesee-Connell moved the Council consider an ordinance for the first time – AN ORDINANCE AMENDING CHAPTER 134.01 (CURFEW) OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA. On roll call, carried unanimously.

M/S, Odor-Schemers moved the Council adopt Resolution No. 2018-562 fixing date for a public hearing on the proposal to enter into a Second Amendment to the Amended and Restated Agreement for Private Development with Rock Island Economic Growth Corporation D/B/A Economic Growth Corporation and Wilson Lofts, LP. On roll call, carried unanimously.

M/S, Connell-Schemers moved the Council adopt Resolution No. 2018-563 canceling the December 25, 2018 Council and Committee of the Whole meetings and scheduling Special Council meeting on December 20, 2018. On roll call, carried unanimously.

M/S, Allesee-Connell moved the Council adopt Resolution No. 2018-564 approving implementation of a no parking zone on the southwest corner of 14th Avenue South and South 8th Street and installation of signage at that location. On roll call, carried unanimously.

M/S, Gassman-Seeley moved the Council adopt Resolution No. 2018-565 approving parking restrictions on the hammerheads at the 1800 block of Spence Court, Randall Court, and North 7th Street. On roll call, carried unanimously.

#### UNFINISHED BUSINESS

M/S, Allesee-Connell moved the Council adopt Resolution No. 2018-566 authorizing the collection/certification of grass/weed cutting liens, as amended pursuant to payments received. On roll call, carried unanimously.

Councilmember Seeley inquired about item #23 on the Consent Agenda and stated minutes from the Finance Committee were not yet distributed. Administrator Brooke stated the Finance Department had many accounts with small balances where refund attempts had been made but the prior accountholder had been non-responsive. Administrator Brooke stated the Finance Committee recommended that accounts with a \$10.00 balance or less be credited to the Parks Donation Fund. Councilmember Seeley stated he was not supportive of not attempting to refund a balance to the account holder. Councilmember Gassman stated the Finance Department can mail a refund check, the check could not be cashed by the prior accountholder and then the Finance Department had to continue to keep track of the account balance. Mayor Vulich inquired if the resolution was stating that no refunds would be issued if an account had a balance of \$10.00 or less. Councilmember Seeley stated he inquired with Finance Director Anita Dalton and Director Dalton had stated that would not be the case. Councilmember Connell inquired about the legal ramifications of crediting account balances to the Parks Donation Fund. Attorney O'Connell stated the City could enact an ordinance to provide a forfeiture provision if an accountholder was non-responsive to refund attempts. Attorney O'Connell stated language could be provided that allowed the depositing of un-refundable account balances to a specified fund. Mayor Vulich inquired if account balances would need to be turned over to the Iowa Treasure Hunt. Attorney O'Connell stated determination could be made if that would be required. Councilmember Seeley stated a termination fee could be considered. Councilmember Gassman stated most private businesses had a \$50.00 non-refundable limit on accounts. Councilmember Connell stated it would be nice if there was an ability to have the credit applied for the future account owner. M/S, Gassman-Seeley moved to table a resolution transferring small balance credits to the Parks Donation Fund until legal analysis could be completed by Attorney O'Connell.

Councilmember Seeley inquired about the differences in bids for item #25 on the Consent Agenda. Councilmember Seeley stated the lower bid could result in damage to City property and inquired about the cost of repairs. Water Quality Superintendent Bob Milroy stated the Corps of Engineers was preparing to complete levee repairs and the intention was to coincide the placement of rip rap during the levee repair project. Superintendent Milroy stated initial cost estimates were excessive and additional quotes were obtained for the place of rip rap, where needed, along the City's levee system. Superintendent Milroy stated the low bidder would complete rip rap placement from the top and it was probable that a portion of sidewalk and grass

area could be damaged. Superintendent Milroy stated the cost to repair any damages was included in the quote provided by the low bidder. Superintendent Milroy stated the higher bid was a result of the cost to transport the rip rap. M/S, Seeley-Gassman moved the Council adopt Resolution No. 2018-567 awarding contract to BWC Excavating for the placement of levee rip rap along the main channel of the Mississippi River. On roll call, carried unanimously.

Councilmember Seeley inquired if the electric lines would be running north/south for item #29 on the Consent Agenda or if the lines would cross Mill Creek Parkway. City Engineer Jason Craft stated the lines would run north/south and would not cross Mill Creek Parkway. Councilmember Seeley inquired about the aesthetics of the facility and location. Engineer Craft stated the easement would meet all zoning requirements and the improvements would be property screened. M/S, Seeley-Gassman moved the Council adopt Resolution No. 2018-568 establishing a public hearing date for the proposed conveyance of Electric Line Easement to ITC Midwest LLC. On roll call, carried unanimously.

Councilmember Connell requested bidding clarification for item #22 on the Consent Agenda. Administrator Brooke stated Complete Building Services was considered the lowest and most responsive and responsible bidder and stated Sanitol would charge an additional fee for carpet cleaning and floor waxing. M/S, Connell-Schemers moved the Council adopt Resolution No. 2018-569 accepting bid and awarding contract for City Buildings Janitorial Service. On roll call, carried unanimously.

Councilmember Connell stated for item #28 on the Consent Agenda, 2018 was the first calendar year for staff development days. Councilmember Connell stated a report on trainings completed, agendas for the staff development days, and trainings offered for the Council during staff development days would be requested. Administrator Brooke stated training offered on the staff development days had been very beneficial and agreed to provide the requested information. M/S, Connell-Schemers moved that the Council adopt Resolution No. 2018-570 approving staff development days for 2019 and setting the City holiday schedule for 2019. On roll call, carried unanimously.

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

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Mark S. Vulich  
Mayor

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Lisa M. Frederick  
City Clerk