

The City Council met in regular session, December 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, and Schemers. Councilmember Odor - absent.

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 27, 2018 and they be approved as published on December 8, 2018. On roll call, Gassman, Seeley, McGraw, Allesee, Connell, Schemers - Yes; Odor - Absent. Motion carried.

PUBLIC HEARINGS

Mayor Vulich convened a public hearing concerning the conveyance of Electric Line Easement to ITC Midwest LLC. No comments were received, written or oral. M/S, McGraw-Allesee moved that the public hearing concerning the conveyance of Electric Line Easement to ITC Midwest LLC be entered into the record. On roll call, Gassman, Seeley, McGraw, Allesee, Connell, Schemers - Yes; Odor - Absent. Motion carried.

M/S, McGraw-Allesee moved the Council adopt Resolution No. 2018-571 approving grant of Electric Line Easement to ITC Midwest LLC. On roll call, Gassman, Seeley, McGraw, Allesee, Connell, Schemers - Yes; Odor - Absent. Motion carried.

Mayor Vulich convened a public hearing concerning the Second Amendment to Development Agreement for Wilson Lofts. No comments were received, written or oral. M/S, Allesee-Connell moved that the public hearing concerning the Second Amendment to Development Agreement for Wilson Lofts be entered into the record. On roll call, Gassman, Seeley, McGraw, Allesee, Connell, Schemers - Yes; Odor - Absent. Motion carried.

M/S, Allesee-Connell moved the Council adopt Resolution No. 2018-572 approving and authorizing execution of a Second Amendment to the Amended and Restated Agreement for Private Development by and among the City of Clinton and Rock Island Economic Growth Corporation d/b/a Economic Growth Corporation and Wilson Lofts, LP. On roll call, Gassman, Seeley, McGraw, Allesee, Connell, Schemers - Yes; Odor - Absent. Motion carried.

AUDIENCE COMMENT

No persons came before the Council to speak.

CONSENT AGENDA

Councilmember Gassman requested that item #25, item #33 and item #38 be removed to Unfinished Business. Councilmember Connell requested that item #8 be removed to Unfinished Business. Councilmember Seeley requested that item #6 and item #7 be removed to Unfinished Business. M/S, Allesee-Connell 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 11/29/2018 - receive, approve and place on file.

2. Committee of the Whole - minutes 11/27/2018 - receive, approve and place on file.
3. Human Rights Commission - minutes 10/22/2018 - receive, approve and place on file.
4. Parks and Recreation Advisory Board - minutes 10/24/2018 - receive, approve and place on file.
5. Trails Advisory Committee - minutes 11/05/2018 - receive, approve and place on file.
6. 2018 Annual Financial Report - Removed to Unfinished Business.
7. Downtown Clinton Alliance - 2018 SSMID II report - Removed to Unfinished Business.
8. Mediacom - rate adjustment letter 11/30/2018 - Removed to Unfinished Business.
9. Plans & Specs - City Hall Parking Lot Reconstruction Project H-2019 - receive, approve and place on file (copy available for inspection at Clerk's office).
10. Contract and Contractor's Bond - Mill Creek Pump Station Standby Generator Project - Tri-City Electric - \$154,350.00 - receive, approve and place on file (copy available for inspection at Clerk's office on 12/10/2018).
11. Contract - RWRF Office Building Cleaning - Complete Building Services - receive, approve and place on file (copy available for inspection at Clerk's office).
12. Contract - MTA Building Cleaning - Complete Building Services - receive, approve and place on file (copy available for inspection at Clerk's office).
13. Contract - Ericksen Community Center Cleaning - Complete Building Services - receive, approve and place on file (copy available for inspection at Clerk's office).
14. Contract - Eagle Point Lodge Cleaning - Complete Building Services - receive, approve and place on file (copy available for inspection at Clerk's office).
15. Contract - Police Department Annex Building Cleaning - Complete Building Services - receive, approve and place on file (copy available for inspection at Clerk's office).
16. Contract - Police Department Cleaning - Complete Building Services - receive, approve and place on file (copy available for inspection at Clerk's office).
17. Resolution No. 2018-573 - authorize the collection/certification of demolition costs liens.
18. Resolution No. 2018-574 - 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.
19. Resolution No. 2018-575 - setting public hearing on the proposed sale of a part of vacated North 11th Street in Strumbaugh's Addition.

20. Resolution No. 2018-576 - ordering construction of improvement, setting public hearing and directing advertisement for bids - City Hall Parking Lot Reconstruction Project H-2019.
21. Resolution No. 2018-577 - setting public hearing for comments regarding environmental impact of the 1st Avenue Pumping Station Project.
22. Resolution No. 2018-578 - approving Change Order No. 1 - West Deer Creek Bridge Replacement Project - Jim Schroeder Construction Inc. - \$1,710.29.
23. Resolution No. 2018-579 - approving Change Order No. 2 - Orchard Heights Resurfacing Project G-2018 - Determann Asphalt Paving, LLC - (\$18,282.34).
24. Resolution No. 2018-580 - recommending Payment for the Ericksen Community Center Generator Installation Project X-2018 - Altorfer, Inc. - \$46,221.00.
25. Resolution - Removed to Unfinished Business - recommending Payment No. 1 - Project X-2017 Repair of Roof Trusses at the Parks Shop - Clinton Engineering Co. Inc. - \$51,696.80.
26. Resolution No. 2018-581 - recommending Payment No. 1 - 6th Avenue North Sanitary Sewer Project C-2018 - BWC Excavating, LC - \$103,802.70.
27. Resolution No. 2018-582 - recommending Payment No. 1 - Eagle Point Park Retaining Wall Project Q-2018 - Clinton Engineering Co. Inc. - \$85,058.25.
28. Resolution No. 2018-583 - recommending Payment No. 2 - 6th Avenue North Parking Lot Resurfacing Project T-2018 - Determann Asphalt Paving, LLC - \$12,730.89.
29. Resolution No. 2018-584 - recommending Payment No. 4 - West Deer Creek Replacement Project - Jim Schroeder Construction Inc. - \$1,416.20.
30. Resolution No. 2018-585 - recommending Payment No. 4 - Basin 6 Sewer Separation Project E-2018 - BWC Excavating, LC - \$108,357.00.
31. Resolution No. 2018-586 - recommending Payment No. 5 - Project B-2018 1st Avenue Force Main Replacement Project - Langman Construction Inc. - \$387,506.79.
32. Resolution No. 2018-587 - recommending Payment No. 6 - Turtle Creek Culvert Replacement and Sanitary Sewer Relocation Project D-2017 - Legacy Corporation, of East Moline, IL - \$353,534.17.
33. Resolution - Removed to Unfinished Business - accepting work and recommending Final Payment No. 4 - Showboat Rhododendron Rehabilitation Project X-2018 - Air Control, Inc. - \$8,222.00.
34. Resolution No. 2018-588 - accepting work and recommending Final Payment No. 5 - Orchard Heights Resurfacing Project G-2018 - Determann Asphalt Paving, LLC - \$26,224.23.

35. Resolution No. 2018-589 – approving Commercial Animal Establishment City License (Kennel) for Big River Canine Coach.
36. Resolution No. 2018-590 – approving Commercial Animal Establishment City License (Kennel) for All Pets Mobile Clinic.
37. Resolution No. 2018-591 – approving Commercial Animal Establishment City License (Grooming Shop) for Sandy’s Canine Clippers.
38. Resolution – Removed to Unfinished Business - approving massage therapy business permit for May Spa.
39. Resolution No. 2018-592 – approving Class C Beer Permit renewal application with Class B Native Wine Permit and Sunday Sales privileges for Express Lane Gas & Food Mart #73.
40. Resolution No. 2018-593 – approving Class C Liquor license renewal application with Outdoor Service and Sunday Sales privileges for Manning’s Whistle Stop and issuance of a Class II Letter of Exemption for allowing persons under 21 in licensed premises.
41. Resolution No. 2018-594 – approving Class C liquor license renewal application with Sunday Sales privilege for El Tapatio and issuance of a Class I 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, Gassman, Seeley, McGraw, Allesee, Schemers – Yes; Connell – Abstain; Odor – Absent. Motion carried.

M/S, Seeley-Gassman moved the Council consider an ordinance for the second time – AN ORDINANCE AMENDING PROVISIONS OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA, PERTAINING TO WIRELESS COMMUNICATIONS FACILITIES. On roll call, Gassman, Seeley, McGraw, Allesee, Connell, Schemers – Yes; Odor – Absent. Motion carried.

M/S, Seeley-Gassman 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.

M/S, Seeley-Gassman 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. 2598

M/S, Seeley-Gassman moved the Council consider an ordinance for the second time – AN ORDINANCE AMENDING HEIGHT, AREA, AND STORY REQUIREMENTS FOR THE C-R COMMERCIAL-RECREATION DISTRICT. On roll call, Gassman, Seeley, McGraw, Allesee, Connell, Schemers – Yes; Odor – Absent. Motion carried.

M/S, Seeley-Gassman 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.

M/S, Seeley-Gassman 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. 2599

M/S, Schemers-Connell moved the Council consider an ordinance for the second time - AN ORDINANCE AMENDING CHAPTER 96 (PARK REGULATIONS) 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, Schemers-Connell 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 Seeley inquired if the ordinance had been 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. Administrator Brooke answered in the affirmative.

M/S, Schemers-Connell 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. 2600

M/S, Allesee-Connell moved the Council consider an ordinance for the second time - AN ORDINANCE AMENDING CHAPTER 134.01 (CURFEW) 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-Connell 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 stated the ordinance provided that minors 17 years of age and younger would be subject to the curfew provisions contained within the ordinance. Administrator Brooke concurred. Councilmember Gassman stated minors traveling to and from work would be exempt from the curfew requirements. Administrator Brooke concurred.

M/S, Allesee-Connell 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. 2601

M/S, Connell-Schemers moved the Council adopt Resolution No. 2018-595 approving a Services Agreement with Fourge, LLC for Social Media Marketing Package Services. On roll call, Gassman, Seeley, McGraw, Allesee, Connell, Schemers – Yes; Odor – Absent. Motion carried.

In discussion prior to roll call, Councilmember Connell stated a revised Agreement had been received. Mayor Vulich concurred and stated changes only occurred to the Agreement and no revisions were needed for the resolution. Administrator Brooke stated the contract had been revised to include providing Instagram services and the fee had been adjusted from \$800.00/month to \$1,000.00/month. Councilmember Gassman inquired about the length of the contract. Administrator Brooke stated the contract was for one year, after which time the Council could review the services received. Councilmember Schemers inquired if other partners would be contributing to the monthly cost. Administrator Brooke answered in the affirmative. Mayor Vulich inquired about the effective date for the contract. Administrator Brooke stated services would begin once the contract was executed. Councilmember Seeley stated the proposal stemmed from the Clinton Progress Coalition. Councilmember Seeley stated all stakeholders were very involved and stated it was a great project.

M/S, Schemers-Connell moved the Council adopt Resolution No. 2018-596 approving 28E Agreement between Clinton, Iowa; Camanche, Iowa; Clinton County; DeWitt, Iowa; Clinton Regional Development Corporation; and Clinton Area Chamber of Commerce for the hiring of the lobbying firm, Advocacy Strategies, LLC. On roll call, Gassman, Seeley, McGraw, Allesee, Connell, Schemers – Yes; Odor – Absent. Motion carried.

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. Councilmember Connell inquired if there were still vacancies. Mayor Vulich answered in the affirmative and stated the ADA Commission had a vacancy.

M/S, Allesee-Schemers moved the Council adopt Resolution No. 2018-597 authorizing Mayor to sign Economic Development Assistance Contract for Archer Daniels Midland Company. On roll call, Gassman, Seeley, McGraw, Allesee, Connell, Schemers – Yes; Odor – Absent. Motion carried.

In discussion prior to roll call, Councilmember Gassman inquired what the contract would mean for the public. Administrator Brooke stated he had discussed the contract with Iowa Economic Development Authority ("IEDA") Director Debi Durham. Administrator Brooke stated ADM had its second largest concentration in the United States in the City of Clinton and had invested over \$1 billion in the Clinton facility in the last ten years. Administrator Brooke stated the IEDA would provide \$8 million in tax incentives to ADM and said incentives would not be from the City or the County. Administrator Brooke stated ADM's new plant would qualify for the Industrial Property Tax Exemption, whereby the value added would be exempt from taxation at a rate of 75% for the first year, 60% for the second year, 45% for the third year, 30% for the fourth year and 15% for the fifth year. Administrator Brooke stated the new plant would involve an investment of millions of dollars. Administrator Brooke stated as the City and ADM were in prior discussions, approval of the contract by the City had been postponed. Administrator Brooke stated the extension of the signing of the contract was set to expire and the signed contract would need to be submitted to the IEDA by December 13, 2018. Attorney O'Connell stated the Industrial Property Tax Exemption would only be for the value added.

Councilmember Gassman inquired if ADM could have the value lowered on the new plant through a PAAB appeal. Attorney O'Connell stated ADM would continue to have any appeal rights as outlined under Iowa Code. Administrator Brooke stated even if the value was lowered for the new plant, it would still equate to new monies (versus if no plant was constructed). Councilmember Seeley inquired if a minimum assessed value could be required. Attorney O'Connell stated the Iowa Code did not allow for the ability to impose a minimum assessed value in conjunction with the Industrial Property Tax Exemption. Administrator Brooke stated the contract with the IEDA was a result of the high paying jobs incentive. Councilmember Connell stated the new plant would involve brand new infrastructure. Councilmember Allesee stated the IEDA had reviewed ADM's project. Councilmember Gassman stated he was concerned about the City providing a tax abatement and then having to pay ADM back if ADM received a reduction in its assessed value through a PAAB appeal. Attorney O'Connell stated such an instance would be unusual and extreme for the proposed investment. Attorney O'Connell stated ADM would be investing in existing technology and products. Attorney O'Connell stated construction would take three years and the only real risk would occur in the last two years of the abatement. Attorney O'Connell stated the Iowa Code provided if an applicant qualified for the Industrial Property Tax Exemption and applied, the City would be required to provide it. Councilmember Gassman inquired if the City Code varied from the State Code. Attorney O'Connell stated it did not and the City's Code mirrored the State Code as it pertained to the Industrial Property Tax Exemption. Councilmember Seeley stated ADM was investing in the community.

UNFINISHED BUSINESS

Councilmember Gassman expressed concerns about item #25 on the Consent Agenda and stated the cost of repairs were extensive. Councilmember Connell stated the repairs were needed due to storm damage. Administrator Brooke stated the repairs were for the Parks Shop and stated reimbursement would be received from insurance. M/S, Connell-Allesee moved the Council adopt Resolution No. 2018-598 recommending Payment No. 1 - Project X-2017 Repair of Roof Trusses at the Parks Shop - Clinton Engineering Co. Inc. - \$51,696.80. On roll call, Gassman, Seeley, McGraw, Allesee, Connell, Schemers - Yes; Odor - Absent. Motion carried.

Councilmember Gassman stated for item #33 on the Consent Agenda that the work completed for the Showboat was very well done. M/S, Gassman-Seeley moved the Council adopt Resolution No. 2018-599 accepting work and recommending Final Payment No. 4 - Showboat Rhododendron Rehabilitation Project X-2018 - Air Control, Inc. - \$8,222.00. On roll call, Gassman, Seeley, McGraw, Allesee, Schemers - Yes; Connell - Abstain; Odor - Absent. Motion carried.

Councilmember Gassman stated for item #38 on the Consent Agenda that he was concerned about the services that would be provided by the business. Councilmember Gassman stated the establishment was advertising table showers and stated he was not aware of what such a service entailed. Councilmember Connell stated the applicant did not list whom the licensed therapists would be at the establishment on the application. Councilmember Schemers stated based upon his prior work experience he would recommend denial of the application. Councilmember Seeley inquired if therapists working at the establishment had to be listed on the application. Clerk Frederick answered in the affirmative. Councilmember Seeley inquired if the application was denied based upon being incomplete if the applicant could reapply. Attorney O'Connell answered in the affirmative. Councilmember Schemers stated a member of the audience had submitted a comment sheet. Mayor Vulich stated Todd Dierks had submitted a comment sheet that he did not support the approval of the application. M/S, Schemers-Connell moved the Council deny the massage therapy business permit for May Spa on the basis that the application

was incomplete. On roll call, Gassman, Seeley, McGraw, Allesee, Connell, Schemers – Yes; Odor – Absent. Motion carried.

Councilmember Connell stated for item #8 on the Consent Agenda, Mediacom had sent a letter that rates would be increasing and inquired if the notice had been sent to all customers. Administrator Brooke stated the letter was included in the packet in an effort to have the information available to the public. M/S, Connell-Seeley moved that the Council receive, approve and place on file the Mediacom – rate adjustment letter dated 11/30/2018. On roll call, Gassman, Seeley, McGraw, Allesee, Connell, Schemers – Yes; Odor – Absent. Motion carried.

Councilmember Seeley inquired for item #6 on the Consent Agenda, if the fund balance was down \$7 million. Finance Director Dalton stated the Annual Financial Report was required to be filed with the State and was a very condensed version of the report. Councilmember Seeley stated the report listed \$71 million budgeted but only \$67 million actual. Director Dalton stated there was no debt issuance in 2018 and the 2017B bond took place prior to the end of the fiscal year. Director Dalton stated those circumstances created the majority of the large difference. Councilmember Seeley inquired about the cash balance being down \$7 million and inquired how much the bond was for. Director Dalton stated the bond was roughly \$12.3 million and stated the entire report was contained within a 20-tab spreadsheet. Councilmember Seeley inquired if the City was on budget. Director Dalton stated the City was very close and stated the report required by the State was very confusing. Director Dalton stated the report presented was the condensed version that was published on November 30, 2018 and the entire report was submitted to the State on December 1, 2018. Director Dalton stated the Council was welcome to come to the Finance Department to review the report in its entirety. M/S, Gassman-Seeley moved that the Council receive, approve and place on file the 2018 Annual Financial Report. On roll call, Gassman, Seeley, McGraw, Allesee, Connell, Schemers – Yes; Odor – Absent. Motion carried.

Councilmember Seeley stated for item #7 on the Consent Agenda, the update provided by the Downtown contained the work completed by the SSMID II for 2018. Councilmember Seeley stated items included work on a downtown master plan, the purchasing of a building for rehabilitation, and a report on new owners and new businesses. Councilmember Seeley stated a lot of great things were occurring in the downtown. M/S, Seeley-Schemers moved that the Council receive, approve and place on file the Downtown Clinton Alliance – 2018 SSMID II report. On roll call, Gassman, Seeley, McGraw, Allesee, Connell, Schemers – Yes; Odor – Absent. Motion carried.

M/S, Allesee-Connell moved to adjourn to 9:30 A.M. December 20, 2018. On roll call, Gassman, Seeley, McGraw, Allesee, Connell, Schemers – Yes; Odor – Absent. Motion carried.

Mark S. Vulich
Mayor

Lisa M. Frederick
City Clerk