

The City Council met in regular session November 24, 2015 at 7:00 P.M. in the City Hall Council Chamber. Present on roll call: Mayor Vulich; Councilmembers: McGraw, Rowland, Determann, Gassman, Wilke, and O'Neill. Council Member Allesee - absent.

M/S, Determann-Wilke moved to dispense with the reading of the regular City Council meeting and Committee of the Whole minutes of November 10, 2015 and they be approved as published on November 24, 2015. On roll call, carried unanimously.

PUBLIC HEARINGS

Mayor Vulich convened a public hearing concerning accepting bid and awarding contract for Project L-2015 - 19th Avenue Northwest Sidewalk & Trail Construction. Ms. Bev Miller, 716 19th Avenue North, advised the Council that her home is the only house left in the 700 Block of 19th Avenue North. She stated that she wanted to compliment the construction crew working on the street regarding how clean they left her property. She inquired regarding how close the sidewalk will come to her front door. She left with the City Engineer to discuss the issue. M/S, Gassman-Rowland moved that the public hearing concerning accepting bid and awarding contract for Project L-2015 - 19th Avenue Northwest Sidewalk & Trail Construction be entered into the record. On roll call, carried unanimously.

1. M/S, Gassman-Rowland moved the Council adopt Resolution No. 2015-452 accepting bid and awarding contract to Eastern Iowa Excavating & Concrete, LLC for the 19th Avenue Northwest Sidewalk & Trail Construction Project L-20115 for \$ 124,607.75. On roll call, carried unanimously.

Mayor Vulich convened a public hearing concerning the proposal to enter into a Development Agreement with Community Housing Initiatives, Inc. No comments were received written or oral. M/S, McGraw-Rowland moved that the public hearing concerning the proposal to enter into a Development Agreement with Community Housing Initiatives, Inc. be entered into the record. On roll call, carried unanimously.

2. M/S, McGraw-Rowland moved the Council adopt Resolution No. 2015-453 approving and authorizing execution of a Development Agreement by and between the City of Clinton and Community Housing Initiatives, Inc. On roll call, carried unanimously.

AUDIENCE COMMENT

No persons came before the Council to speak.

CONSENT AGENDA

M/S, Determann-Wilke moved to approve the Consent Agenda as presented on the attachment. On roll call, carried unanimously.

1. Claims – receive, approve and place on file.
2. Airport Commission – minutes 10/19/2015 – receive, approve and place on file.
3. Committee of the Whole – minutes 11/10/2015 – receive, approve and place on file.
4. Mayor’s Youth Commission – Middle School – minutes 11/11/2015 – receive, approve and place on file.
5. Tree Commission – minutes 10/19/2015 – receive, approve and place on file.
6. Rezoning Application – receive and refer to the Planning Commission.
7. Preliminary Plat Application – receive and refer to the Planning Commission.
8. Work Orders –October & November, 2015 – receive, approve and place on file.
9. Contract & Bond – Eastern Iowa Excavating & Concrete LLC - North End Rec Trail Improvements Project J-2015 – \$ 153,703.25.
10. 2015 Annual Financial Report – receive, approve and place on file.
11. Resolution No. 2015-454 refunding sewer and solid waste lien for 911 N 4th Street, Clinton, Iowa.
12. Resolution No. 2015-455 amend the Housing Inspection Delinquency Lien List dated February, 2015.
13. Resolution No. 2015-456 amending a Memorandum of Understanding with Clinton County, Iowa, for the routine maintenance of aggregate roadways.
14. Resolution No. 2015-457 approving the agreement with Creative Outdoor Advertising for bus benches and advertising.
15. Resolution No. 2015-458 approving acceptance of the retirement agreement and release.
16. Resolution No. 2015-459 approving a budget modification for the Human Rights Commission, Clinton, Iowa.
17. Resolution No. 2015-460 approving change order #1 Project I-2015 – 25th Avenue North Boat Ramp Weigh Station & Bathroom Improvements Project – Clinton Engineering Company - \$565.17.
18. Resolution No. 2015-461 approving change order #2 Asphalt Resurfacing Project E-2015 – Determann Asphalt Paving, LLC - (\$226,440.85).

19. Resolution No. 2015-462 approving change order #4 for Project B-2014, 20th Avenue North Pumping Station & Force Main Replacement - Merryman Excavation - decrease (\$10,338.82).
20. Resolution No. 2015-463 recommending final payment (No. 2) for the Project I-2015 - 25th Avenue North Boat Ramp Weigh Station & Bathroom Improvements Project - Clinton Engineering Company - \$58,212.42.
21. Resolution No. 2015-464 recommending payment No. 6 for the Project F-2015 Iowa Avenue & 16th - 22nd Place Rehabilitation Project - Clinton Engineering Company - \$196,088.10.
22. Resolution No. 2015-465 recommending payment No. 6 to Determann Asphalt Paving for the HMA Resurfacing Project E-2015 - \$629,779.23.
23. Resolution No. 2015-466 recommending payment request No. 7 to Merryman Excavation for the 20th Avenue North Pumping Station & Force Main Replacement Project, B-2014 - \$531,915.58.
24. Resolution No. 2015-467 approving issuance of a cigarette license.

MOTIONS, RESOLUTIONS, AND ORDINANCES

3. M/S, Wilke-O'Neill moved the Council consider an ordinance for the first time - AN ORDINANCE AMENDING CHAPTER 159, ZONING REGULATIONS OF THE CITY OF CLINTON, IOWA, BY CHANGING THE ZONING CLASSIFICATION OF PORTIONS OF THE LAND, LOCATED AT 240 NORTH BLUFF BLVD. FROM R-1B, ONE FAMILY RESIDENTIAL, AND C-1, LOCAL COMMERCIAL DISTRICT, TO R-4, RESIDENTIAL DISTRICT. On roll call, carried unanimously.

M/S, Wilke-O'Neill moved the rules be suspended and the Council consider an ordinance for the second time. On roll call, carried unanimously.

M/S, Wilke-O'Neill moved the rules be suspended and the Council consider an ordinance for the third time. On roll call, carried unanimously.

M/S, Wilke-O'Neill moved the rules be suspended and the ordinance under consideration be placed on its final passage and adopted. On roll call, carried unanimously.

ORDINANCE NO. 2529

4. M/S, Gassman-Rowland moved the Council consider an ordinance for the second time - AN ORDINANCE AMENDING CHAPTER 32, CITY ORGANIZATIONS, WITH AN AMENDMENT TO CHAPTER 32.001 RECREATION DEPARTMENT AND CHAPTER 32.015 PUBLIC WORKS DEPARTMENT OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA. On roll call, carried unanimously.

M/S, Gassman-Rowland moved the rules be suspended and the Council consider an ordinance for the third time. On roll call, carried unanimously.

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

ORDINANCE NO. 2530

5. M/S, Rowland -Gassman moved the Council adopt Resolution No. 2015-468 approving electronic bidding procedures and official statement. On roll call, carried unanimously.
6. M/S, O'Neill-Gassman moved the Council adopt Resolution No. 2015-469 setting the public hearing regarding proposed Capital Improvement Program for FY 2017-2022 for the City of Clinton, Iowa. On roll call, carried unanimously.
7. M/S, Gassman-Rowland moved the Council adopt Resolution No. 2015-470 approving an access easement agreement with 1st gateway Credit Union. On roll call, carried unanimously.
8. M/S, Wilke-O'Neill moved the Council adopt a Resolution - approving an agreement with the Clinton Area Chamber of Commerce for the Convention and Visitors Bureau.

In discussion before roll call, Councilmember McGraw advised the Council that she had asked for a full Profit and Loss report for the year. She stated that she thought that the rest of the Council should review the document and also receive it quarterly. M/S, McGraw-Rowland moved to table the resolution under consideration until the December 8th Council meeting. On roll call, McGraw, Determann, Wilke - Yes; Rowland, Gassman, O'Neill - No. Tie Vote, Motion failed.

Mr. Nathan Sondergroth, President of the Clinton Area Chamber of Commerce, advised the Council that the Chamber wants to be as transparent as possible. He stated that they would provide whatever is necessary and would be happy to meet with Council Members. Councilmember Rowland stated that he supported moving the resolution to the next meeting. Councilmember McGraw stated that when dealing with that much money the whole Council should look at the report. Mr. Sondergroth stated that he would like to know what the Council would like to see prior to the December 8th Council meeting. Councilmember Gassman stated that he is confident in the Chamber of Commerce and supports the Clinton Visitor's Bureau.

M/S, Gassman-Rowland moved to delay voting on the resolution until December 8, 2015. On roll call, carried unanimously.

9. M/S, McGraw-Rowland moved the Council adopt Resolution No. 2015-471 approving a local government contribution for the 4th Avenue Lofts Project. On roll call, carried unanimously.

10. M/S, Rowland-Gassman moved the Council adopt Resolution No. 2015-472 rescinding Resolution No. 2015-389 awarding a contract to Cheramy Concrete & Masonry for the TSIP Project T-2015, 8th Avenue S & South 4th Street Intersection Improvements and returning the bid security provided by Cheramy Concrete & Masonry. On roll call, carried unanimously.
11. M/S, O'Neill-Wilke moved the Council adopt Resolution No. 2015-473 approving the purchase of Parcels 270, 209,143, 190, 188, 184, 141, 272, 262 of project NHSZ-030-9(123)-3H-23 from the Iowa Department of Transportation. On roll call, carried unanimously.

In discussion before roll call, Councilmember O'Neill stated that the resolution concerns more land on Liberty Square. He continued in stating that it is important for the City to purchase the land and have control.

12. M/S, Wilke-O'Neill moved the Council adopt Resolution No. 2015-474 as amended accepting bid and authorizing purchase of a Clinton Fire Department pumper/tender. On roll call, carried unanimously.

In discussion before roll call, Councilmember O'Neill stated that upon reading the resolution it seems as if there is a shortfall; however, what is not apparent is that the Fire Chief included the selling of two vehicles.

M/S, O'Neill-Determann moved to amend the resolution to include the verbiage "there are reasonable expectations that the trade-in value of the two vehicles will meet or exceed the \$24,697 difference." On roll call, carried unanimously.

In discussion before roll call, Councilmember Rowland inquired regarding whether the Fire Chief thought the City could get \$24,000 for the two vehicles. Fire Chief Mike Brown advised the Council that there is good value in the tanker and there is a local fire department which is interested. Councilmember Rowland inquired regarding whether the Fire Department would be short on vehicles. Chief Brown stated that the two vehicles would be combined in the one new vehicle.

13. M/S, Rowland-Gassman moved the Council adopt Resolution No. 2015-475 establishing a public hearing for the rezoning of Lots 10 through 18, Valley Bluff Horizons Second Addition. On roll call, carried unanimously.
14. M/S, McGraw-Rowland moved the Council adopt Resolution No. 2015-476 approving an annual appropriation for the Towne & Country Manor of incremental property tax revenues for fiscal year 2017. On roll call, carried unanimously.
15. M/S, Wilke-O'Neill moved the Council adopt Resolution No. 2015-477 approving an annual appropriation for Rail.One USA of incremental property tax revenues for Fiscal Year 2017. On roll call, carried unanimously.

In discussion before roll call, Councilmember O'Neill stated that there are three TIF's that the City must certify to the Auditor no later than December first. Some have criteria

which must be met. He continued in stating that he would like to receive information sooner prior to the Council being asked as body to approve them. He further stated that the Council must make sure that they are doing what they are supposed to do. Councilmember Determann stated that each TIF is unique and the Council must receive recommendation by staff that they are meeting the requirements. City Administrator Kinser stated that the TIF's would not make the agenda if they were not compliant.

16. M/S, Gassman-Rowland moved the Council adopt Resolution No. 2015-478 approving Urban Renewal Projects in the Lincolnway Rail & Air Park Urban Renewal Area for qualification for the filing of certification under Iowa Code Section 403.19. On roll call, carried unanimously.

In discussion before roll call, Councilmember O'Neill stated that he was confused regarding what the Council is approving. City Administrator Kinser stated that Planning Department legal fees have been added to be reimbursed through Urban Renewal. They would go into the General Fund where they are incurred.

17. M/S, Wilke-O'Neill moved the Council adopt Resolution No. 2015-479 approving Urban Renewal Projects in the Hy-Vee/Central Business District Urban Renewal Area for qualification for the filing of certification under Iowa Code Section 403.19. On roll call, carried unanimously.
18. M/S, O'Neill-Gassman moved the Council adopt Resolution No. 2015-480 approving Urban Renewal Projects in the Clinton Business Park Urban Renewal Area for qualification for the filing of certification under Iowa Code Section 403.19. On roll call, carried unanimously.
19. M/S, Rowland-Gassman moved the Council adopt Resolution No. 2015-481 approving the City of Clinton's annual Urban Renewal Report for Fiscal Year 2014-2015. On roll call, carried unanimously.
20. M/S, Gassman-Rowland moved the Council adopt Resolution No. 2015-482 approving FY 2017 Budget Workshop Calendar. On roll call, carried unanimously.

UNFINISHED BUSINESS

There was no Unfinished Business brought forth.

M/S, Determann-Wilke moved to adjourn to 7:00 pm December 8, 2015. On roll call, carried unanimously.

Mark S. Vulich
Mayor

Pat Van Loo
City Clerk