

The City Council met in regular session, April 12, 2016 at 7:00 P.M. in the City Hall Council Chamber. Present on roll call: Mayor Vulich; Councilmembers: Gassman, Seeley, McGraw, Determann, O'Neill, Connell and Allesee.

M/S, Determann -O'Neill moved to dispense with the reading of the minutes of the regular City Council meeting and Committee of the Whole minutes of March 22, 2016, 2016 and they be approved as published on April 1, 2016. On roll call, carried unanimously.

PROCLAMATION: Ms. Margo Hansen read a proclamation designating April 29, 2016 as Arbor Day.

#### PUBLIC HEARINGS

Mayor Vulich convened a public hearing concerning approving and authorizing execution of an LMI Funds Agreement between the City of Clinton and YWCA of Clinton, Iowa. No comments were received written or oral. M/S, Allesee-Gassman moved that the public hearing concerning approving and authorizing execution of an LMI Funds Agreement between the City of Clinton and YWCA of Clinton, Iowa be entered into the record. On roll call, carried unanimously.

1. M/S, Allesee-Gassman moved the Council adopt Resolution No. 2016-124 approving and authorizing execution of an LMI Funds Agreement between the City of Clinton and YWCA of Clinton, Iowa. On roll call, Gassman, Seeley, McGraw, O'Neill, Connell, Allesee - Yes; Determann - No. Motion carried.

Mayor Vulich convened a public hearing concerning approval of submission of Public Transit Grant applications. No comments were received written or oral. M/S, Seeley-McGraw moved that the public hearing concerning approval of submission of Public Transit Grant applications be entered into the record. On roll call, carried unanimously.

2. M/S, Seeley-McGraw moved the Council adopt Resolution No. 2016-125 approving submission of Public Transit Grant applications. On roll call, carried unanimously.

#### AUDIENCE COMMENT

Ms. Margo Hansen advised the Council that the emerald ash borer would eventually destroy all of the ash trees in the area. She cautioned that the City needs to keep this issue upfront and have money in the budget to address it. She stated that the concern is the age of the tree population in Clinton and recommended the identification of trees, education of the public and development of a plan to plant new trees annually and budget accordingly every year.

#### CONSENT AGENDA

M/S, Determann-O'Neill moved that the Council approve the Consent Agenda as amended removing items #26 and #36. On roll call, carried unanimously.

In discussion before roll call, Councilmember O'Neill requested that item #26 be removed to Unfinished Business.

In discussion before roll call, Councilmember Connell requested that item #36 be removed to Unfinished Business.

Following roll call, Councilmember Connell advised that he had requested the wrong item and asked that item #35 instead be removed to Unfinished Business.

M/S, O'Neill-Gassman moved for reconsideration of the vote on the Consent Agenda. On roll call, carried unanimously.

M/S, Determann-O'Neill moved that the Council approve the Consent Agenda as amended removing items #26 and #35 to Unfinished Business. On roll call, carried unanimously.

1. Claims - receive, approve and place on file.
2. Airport Commission -minutes 2/15/2016 - receive, approve and place on file.
3. Budget Workshop #4 - minutes 2//1/2016 - receive, approve and place on file.
4. Budget Workshop #5 - minutes 2/8/2016 - receive, approve and place on file.
5. Budget Workshop #6 - minutes 2//15/2016 - receive, approve and place on file.
6. Committee of the Whole - minutes 3/22/2016 - receive, approve and place on file.
7. Committee of the Whole - minutes 45/2016 - receive, approve and place on file.
8. Finance Committee - minutes 2 / 25 /2016 - receive, approve and place on file.
9. Mayor's Youth Commission (High School) - minutes 3/2/2016 - receive, approve and place on file.
10. Mayor's Youth Commission (High School) - minutes 4/6/2016 - receive, approve and place on file.
11. Tree Commission - minutes 3/10/2016 - receive, approve and place on file.
12. Abstract of Votes - Clinton Council At-Large Vacancy - receive and place on file.
13. Clinton Fire & Rescue - March 2016, PCC Ambulance Billing Report & Financial Summary 9/1/2015 - 03/31/2016 - receive, approve and place on file.
14. Work Orders - March 4, 2016 through April 4, 2016 - receive, approve and place on file.
15. Plans & Specs - Clinton Landing and Dredging - receive, approve and place on file.

16. Plans & Specs – Glendale Road Reconstruction Project, R-2016 – receive, approve and place on file.
17. Contract & Bond – Iowa 136 Roadway Rehabilitation Project – Determann Asphalt Paving, LLC - \$983,583.40 – receive, approve and place on file.
18. Contract & Bond – Car Barn Ditch Maintenance - Project O -2016 – Larry L. (Joe) Detterman Inc. for \$54,624 – receive, approve and place on file.
19. Contract – between Hoover Lawn and Snow and City of Clinton, Iowa for mowing services on City Property.
20. Contract – between P.L.G. Services LLC. and City of Clinton, Iowa for mowing services on City Property.
21. Contract – between Gateway Lawn and Landscape and City of Clinton, Iowa for mowing services on City Property.
22. Contract – between J & L Lawn Care and City of Clinton, Iowa for mowing services on City Property.
23. Contract – between Dykema Lawncare and Snow Removal and City of Clinton, Iowa for mowing services on City Property.
24. Amendment to NPDES Permit – receive and place on file.
25. Resolution No. 2016-126 amend the Housing Inspection Delinquency Lien List dated September, 2013.
26. Resolution – Removed to Unfinished Business - directing Alliant Energy to make changes to the existing system.
27. Resolution No. 2016-127 accepting bid for mowing of the levee system – Hometown Landscaping, LLC - \$4,500 per mowing.
28. Resolution No. 2016-128 accepting bid for the mowing of the Wastewater Treatment Plants – Gateway Lawn - \$648.00 per mowing.
29. Resolution No. 2016-129 approving Municipal Transit Administration (MTA) contract with Amerihealth Caritas Iowa Inc.
30. Resolution No. 2016-130 ordering construction of improvement, setting public hearing and directing advertisement for bids – Glendale Road Reconstruction, Project R-2016.
31. Resolution Mo. 2013-131 ordering construction of improvement, setting public hearing and directing advertisement for bids – Anamosa Road & 44<sup>th</sup> Avenue South Resurfacing, Project J-2016.

32. Resolution No. 2016-132 approving change order #1 – Residential Street Reconstruction, Project E-2016 – Eastern Iowa Excavating & Concrete, LLC - \$5,765.95.
33. Resolution No. 2016-133 recommending payment No. 1 for the North End Rec Trail, Project J-2015 – Eastern Iowa Excavating & Concrete, LLC - \$38,008.08.
34. Resolution No. 2016-134 recommending payment No. 1 for the ADA Curb Ramp Improvements Project, H-2015 – Clinton Engineering Company - \$68,307.50.
35. Resolution – Removed to Unfinished Business - recommending payment request No. 2 to Langman Construction Inc. for Phase III of the 19<sup>th</sup> Avenue North Project, from Randall Court to North 2<sup>nd</sup> Street - \$43,146.96.
36. Resolution No. 2016-135 recommending payment request No. 11 to Merryman Excavation for the 20<sup>th</sup> Avenue North Pumping Station & Force Main Replacement Project B-2014 - \$93,667.63.
37. Resolution No. 2016-136 approving a Class C Beer Permit/License renewal application for Kwik Star #348

#### MOTIONS, RESOLUTIONS, AND ORDINANCES

3. M/S, Seeley-Gassman moved the Council consider and ordinance for the second time - An Ordinance amending the Code of Ordinances of the City of Clinton, Iowa by amending Chapter 158, Subdivision Regulations. On roll call, carried unanimously.

M/S, Seeley-McGraw move that the rules be suspended and the Council consider and ordinance for the third time. On roll call, carried unanimously.

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

#### ORDINANCE NO. 2536

4. M/S, Connell-Allesee moved the Council adopt Resolution No. 2016-137 accepting bid and awarding contract #1 for the 2016 Demolition of Structures Project - Larry “JOE” Detterman, Inc. - 2030 McKinley Street - \$4,500, 2422 McKinley Street - \$6,000, 438 2<sup>nd</sup> Avenue North - \$5,700, 2336 North 11<sup>th</sup> Street - \$4,000, 1548 14<sup>th</sup> Avenue South - \$4,000. On roll call, carried unanimously.
5. M/S, Determann-O’Neill moved the Council adopt Resolution No. 2016-138 accepting bid and awarding contract #2 for the 2016 Demolition of Structures Project - Jurgerson Hauling, LLC - 237 20<sup>th</sup> Place - \$5,900, 220 2<sup>nd</sup> Avenue South - \$6,900. On roll call, carried unanimously.
6. M/S, Allesee-Gassman moved the Council adopt Resolution No. 2016-139, as amended, accepting bid and awarding contract #3 for the 2016 Demolition of Structures Project - Kramer’s Technical Services - 249 20<sup>th</sup> Place - \$12,000.

In discussion before roll call Councilmember Allesee stated that the City allocated \$100,000 for demolitions and the demolitions under consideration only came to \$50,000. She inquired regarding whether additional demolitions would be forthcoming. City Administrator Kinser stated that there still needs to be asbestos removal performed; however, there would be additional demolitions. Councilmember Seeley inquired regarding why the cost for demolition was so much higher for this structure. City Engineer Jason Craft stated that he had received three bids for the demolition of this house and this was the lowest bid. He continued in stating that the cost of was probably higher because the neighboring homes are close and demolition would present a challenge and be more time consuming.

Councilmember Seeley stated that the resolution states that Kramer's Technical Services won two bids; however, only refers to one demolition bid for \$12,000. City Administrator Kinser stated that there are additional steps which need to be resolved relating to the second bid.

M/S, Seeley-Determann moved to amend the resolution under consideration to reflect \$12,000. On roll call, carried unanimously.

Councilmember O'Neill stated that the City budgeted \$360,000 for demolition. City Finance Director Anita Dalton stated that the City borrowed \$300,000 in FY16 for demolitions and \$100,000 for demolitions in FY17.

7. M/S, O'Neill-Connell moved the Council adopt Resolution No. 2016-140 approving the purchase of Parcels 215P, 275 AND 250 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 advised that the resolution under consideration is for the purchase of parcels of land along Liberty Square. Mayor Vulich inquired regarding whether there would be additional purchases. City Administrator Kinser state that these were the final purchases.

8. M/S, Determann-Connell moved that the Council adopt Resolution No. 2016-141, as amended, setting the public hearing on the proposed sale of real estate located at 430 2<sup>nd</sup> Ave South, Clinton, Iowa. On roll call, carried unanimously.

In discussion before roll call, Councilmember Determann stated that the resolution has the date of August 13<sup>th</sup> as the date of the public hearing. City Administrator Kinser stated that the resolution needs to be amended to reflect April 26<sup>th</sup> as the date of the public hearing.

M/S, Determann-Connell moved to amend the resolution under consideration to reflect the date of April 26<sup>th</sup> as the date of the public hearing. On roll call, carried unanimously.

9. M/S, Seeley-McGraw moved the Council adopt Resolution No. 2016-142 rescinding Resolution 2016-120 and re-awarding the 2016 Mowing Bid. On roll call, carried unanimously.

10. M/S, Gassman-Seeley moved the Council adopt Resolution No. 2016-143 approving an agreement between the Clinton Humane Society and the City of Clinton, Iowa. On roll call, carried unanimously.

In discussion before roll call, Councilmember Determann inquired regarding the cost associated with the agreement. Mayor Vulich stated that the agreement is for three years and is \$105,000 per year. Councilmember Seeley inquired regarding why the contract reflects a fee of \$80 for transporting animals and \$18 per day when those fees are not charged. City Administrator Kinser stated that these are fees the Humane Society can charge but have not since circumstances have not warranted. Councilmember O'Neill stated that if there are extraordinary circumstances and an animal must be transported for an emergency or there isn't anyone the City can use to rescue an animal the fee would be charged; however, the Police Department is always cooperative.

Councilmember Connell inquired regarding whether there is a new director at the Humane Society and whether they have given the City a report of revenues. Councilmember Determann stated that the Humane Society should be reporting revenues yearly or quarterly. Mayor Vulich stated that Councilmember McGraw is on their Board; however, has only been invited to attend one meeting.

11. M/S, McGraw-Determann moved the Council adopt Resolution No. 2016-144 approving agreement for FY16 audit services with the Auditor of the State of Iowa. On roll call, carried unanimously.

In discussion before roll call, Councilmember Determann inquired regarding the cost of the FY 15 audit. Finance Director Dalton stated that the cost of the FY15 audit was \$54,500 and the estimated cost of the FY16 audit is \$57,500.

12. M/S, Allesee-Gassman moved the Council adopt Resolution No. 2016-145 directing the acceptance of a proposal to purchase \$525,000 Taxable General Obligation Capital Loan Notes, Series 2016B. On roll call, carried unanimously.

In discussion before roll call, Councilmember Determann inquired regarding what the funds would be used for. Finance Director Dalton stated that the money would be used for the final payment at the Railpark.

13. M/S, Connell-Allesee moved the Council adopt Resolution No. 2016-146 amending Resolution 2004-85 and revising Retirement Incentive Policy for non-bargaining employees. On roll call, Seeley, McGraw, Connell, Allesee - Yes; Gassman, Determann, O'Neill - No. Motion carried.

In discussion before roll call, Councilmember Determann advised that he did not remember the retirement incentive extending for more than one year. He stated that Councilmember O'Neill's compromise was good. He read a communication from a citizen in opposition of the Retirement Incentive Policy.

Councilmember O'Neill stated that it is the Council's duty to look at every dime that goes out of the City. The resolution was misinterpreted and does not work. He continued in stating that the retirement incentive should have ended in March, 2005. Councilmember McGraw stated that this has been promised to the employees. She continued in stating that some people will work beyond the rule of 85 or 88 and some will leave before they are eligible. Councilmember Seeley stated that he was not comfortable to include only eight people and not the rest. All 26 individuals will

not use the incentive and the resolution no longer forces retirement at the 85 or 88 rule. He continued in stating that he did not want to be wasteful; however, we must use our moral compass and do what is right. He further stated that he felt this is the best option; however, would not vote for anything like this in the future.

14. M/S, Allesee-Gassman moved the Council adopt Resolution No. 2016-147 approving implementation of a No Parking Zone on 21<sup>st</sup> Place between Camanche Avenue & Iowa Avenue. On roll call, carried unanimously.
15. M/S, Seeley-McGraw moved the Council adopt Resolution No. 2016-148 authorizing removal of traffic control signals at the intersection of South 8<sup>th</sup> Street and 5<sup>th</sup> Avenue South. On roll call, carried unanimously.
16. M/S, O'Neill-Determann moved the Council adopt Resolution No. 2016-149 approving establishment of permanent speed zones on 19<sup>th</sup> Avenue Northwest and 19<sup>th</sup> Avenue North from Highway 136 to Highway 67 (Main Avenue to North 2<sup>nd</sup> Street). On roll call, carried unanimously.
17. M/S, Connell-Allesee moved the Council adopt Resolution No. 2016-150 approving the 2015 Certified Local Government Annual Report for the Historic Preservation Commission. On roll call, carried unanimously.

#### UNFINISHED BUSINESS

Councilmember O'Neill inquired regarding what changes Alliant Energy would be making to the system. City Administrator Kinser stated that there has been a request for a streetlight at 29<sup>th</sup> Avenue North and North 3<sup>rd</sup> Street. She further stated that Engineering must evaluate such a request when a new streetlight would be installed within 600 feet of an existing streetlight.

18. M/S, O'Neill-Allesee moved the Council adopt Resolution No. 2016-051 directing Alliant Energy to make changes to the existing system. On roll call, carried unanimously.

Councilmember Connell advised that he must abstain from voting on #35 from the Consent Agenda.

19. M/S, Determann-O'Neill moved the Council adopt Resolution No. 2016-152 recommending payment request No. 2 to Langman Construction Inc. for Phase III of the 19<sup>th</sup> Avenue North Project, from Randall Court to North 2<sup>nd</sup> Street - \$43,146.96. On roll call, Gassman, Seeley, McGraw, Determann, O'Neill, Allesee - Yes; Connell - abstain. Motion carried.

M/S, Determann-Seeley moved to adjourn to 7:00 pm April 26, 2016. On roll call, carried unanimously.

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Mark S. Vulich  
Mayor

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Pat Van Loo  
City Clerk

