

The City Council met in regular session, April 26, 2016 at 7:00 p.m. in the City Hall Council Chamber. Present on roll call: Mayor Mark Vulich, Councilmembers: Gassman, Seeley, McGraw, Determann, O'Neill, Connell, Allesee.

M/S, Determann-O'Neill moved to dispense with the reading of the minutes of the April 5, 2016 special Council meeting and Committee of the Whole and they be approved as published on April 18, 2016. On roll call, carried unanimously.

M/S, Determann-O'Neill moved to dispense with the reading of the minutes of the April 12, 2016 regular Council meeting and Committee of the Whole and they be approved as published on April 26, 2016. On roll call, carried unanimously.

#### PROCLAMATION

Ken Clark read a proclamation declaring May 5, 2016, as "Wake up America- a day of prayer in Clinton, Iowa."

#### PUBLIC HEARINGS

Mayor Vulich convened a public hearing concerning the sale of real estate located at 430 2nd Avenue South. No written comments were received.

M/S Allesee-Gassman moved that the public hearing concerning the sale of real estate located at 430 2nd Avenue South be entered into the record. On roll call, carried unanimously.

1. M/S Allesee-Gassman moved the Council adopt Resolution NO. 2016-153 approving sale of 430 Second Avenue South. On roll call, carried unanimously.

Mayor Vulich convened a public hearing concerning accepting bid and awarding contract for Project M -2016 - Clinton Landing and Dredging Project. No written comments were received.

M/S O'Neill-Determann moved that the public hearing concerning accepting bid and awarding contract for Project M -2016 - Clinton Landing and Dredging Project be entered into the record. On roll call, carried unanimously.

2. M/S O'Neill-Determann moved the Council adopt Resolution No. 2016-154 accepting bid and awarding contract Project M -2016 - Clinton Landing and Dredging Project to Newt Marine for \$175,000.00. On roll call, carried unanimously, with Council Member Connell abstaining.

In discussion before roll call, Council Member Determann inquired as to the project scope of the bid. City Engineer Jason Craft noted this was a rebid of the project with dredging added to the scope of work, which resulted in additional bids and a lower total cost than the original bid process. Council Member Seeley asked about the scope of the dredging; Craft stated the dredging will occur only in the area where the work is to occur, and his office is working on a new dredging permit for other maintenance dredging in the next 10 years.

#### AUDIENCE COMMENT

Mr. Mike Rastrelli, 1207 N. 5<sup>th</sup> Street, stated that he and other members of the Lyons Business and Professionals Association are in favor of continuing truck traffic along Main Avenue/Highway 136.

Ms. Amy Alton-Stonebrook, 414 19<sup>th</sup> Avenue North, stated that she was against truck traffic on 19<sup>th</sup> Avenue North. Her house is at the top of the hill, and trucks will result in the area be noisier and bike traffic along the bike path having to come in contact with trucks. She further stated that 19<sup>th</sup> Avenue North was meant to be a local roadway and not a substitute highway.

Mr. Pat Johnson stated that he would like to see 19<sup>th</sup> Avenue North embargoed and for truck traffic to remain on Main Avenue.

#### Consent Agenda

M/S, Determann-O'Neill moved that the Council approve the Consent Agenda. On roll call, carried unanimously.

1. Claims – receive, approve and place on file.
2. Summary of Revenues & Receipts – February, 2016 – receive, approve and place on file.
3. Electronic Payments & Transfers – February, 2016 – receive, approve and place on file.
4. Summary of Revenues & Receipts – March, 2016 – receive, approve and place on file.
5. Electronic Payments & Transfers – March, 2016 – receive, approve and place on file.

6. Airport Commission – minutes 3/21/2016 – receive, approve and place on file.
7. Committee of the Whole – minutes 4/5/2016 – receive, approve and place on file.
8. Committee of the Whole – minutes 4/12/2016 – receive, approve and place on file.
9. Human Rights Commission – minutes 4/11/2016 – receive, approve and place on file.
10. Work Orders – March, 2016 and April, 2016 – receive, approve and place on file.
11. Plans & Specs - Asphalt Overlay Project - Project N-2016 – receive, approve and place on file.
12. Plans & Specs - Micro-surfacing Project - Project K-2016 (A) - receive, approve and place on file.
13. Contract & Bond – 2016 Demolition of Structures – Larry L “JOE” Detterman - \$24,200.00
14. Resolution No. 2016-155 approving Agreement No. 2017-TS-014, with Iowa Department of Transportation for the Traffic Safety Improvement (TSIP) Project No. CS-TSF-1415(630)-85-23 Traffic Safety Improvements at 13<sup>th</sup> Avenue North from North 2<sup>nd</sup> Street to North 4<sup>th</sup> Street.
15. Resolution No. 2016-156 ordering construction of improvement, setting public hearing and directing advertisement for bids – Project Q-2016 – 25<sup>th</sup> Avenue North Grinder Station Project.
16. Resolution No. 2016-157 ordering construction of improvement, setting public hearing and directing advertisement for bids – Project N-2016 - Asphalt Overlay Project.
17. Resolution ordering No. 2016-158 construction of improvement, setting public hearing and directing advertisement for bids – Project K-2016 - Micro-surfacing Project.
18. Resolution No. 2016-159 approving change order #3 Asphalt Resurfacing Project E-2015 – Determann Asphalt Paving, LLC - \$27,989.76.
19. Resolution No. 2016-160 recommending payment No. 4 for the Basin 10 Sewer Separation Project F-2014 – BWC Excavating, LC – 153,995.72.

20. Resolution No. 2016-161 recommending payment No. 8 to Determann Asphalt Paving, LLC for the asphalt paving for the HMA Resurfacing Project E-2015 - \$46,343.18.
21. Resolution No. 2016-162 approving liquor license renewal, Sunday sales privilege and outdoor sales privilege for Gil's Bar & Grill and issuance of a Class I Letter of Exemption for allowing persons under 21 in licensed premises.
22. Resolution No. 2016-163 approving liquor license renewal and Sunday sales privilege for Vitale's and issuance of a Class I Letter of Exemption for allowing persons under 21 in licensed premises.
23. Resolution No. 2016-164 approving beer permit/license renewal application for Walgreens #5144.
24. Resolution No. 2016-165 approving beer permit/license renewal application for Walgreens #5119.

#### MOTIONS, RESOLUTIONS, AND ORDINANCES

3. M/S, Gassman-Allesee moved the Council consider an ordinance for the first time. M/S Determann-McGraw to table consideration of the ordinance until a presentation of the 19<sup>th</sup> Avenue North project could occur at the August 2, 2016, Committee of the Whole. On a roll call vote, the motion passed 4 to 3 with O'Neill, Connell, and Gassman dissenting.
4. M/S, Seeley-McGraw moved the Council adopt Resolution 2016-166 approving early issuance of building permit for Beaver Builders and the Landing Project. On roll call, approved 6 to 1, with O'Neill dissenting.

In discussion prior to roll call, Council Member O'Neill brought up concerns related to issuing the building permit prior to the plat being completed, the applicable tax abatements, and the need to issue the building permits now. City Administrator Jessica Kinser stated that the new plat would be on the May 4<sup>th</sup> Planning Commission meeting and staff had no issues with the new plat and that it is construction season, so the developer would like to build while the plat is in process. Council Member Seeley stated he was not concerned with the plat being redone as it was going from 200 lots to 2 lots. Greg Jager, attorney for Beaver Builders, responded that the number of lots on the first plat was an issue and it is being corrected and stated that the developer is required to bear the burden as the City ordinance requires a restrictive covenant to be recorded that prohibits a certificate of occupancy from being issued until after a plat has been approved and recorded. Council Member O'Neill as Jager when the property tax abatement would start on the property; Jager stated the abatement would start when an application was

filed and approved, but they could be back with a replat if a full build out is not possible this year. Jager also stated that building is occurring on lot 1, which will have 25 units and lot 2 is much larger.

5. M/S, McGraw-Seeley moved the Council adopt Resolution 2016-167 appointing Bankers Trust Company of Des Moines, Iowa, to serve as paying agent, note registrar, and transfer agent, approving the paying agent, and note registrar and transfer agent agreement and authorizing the execution of the agreement. On roll call, carried unanimously.
6. M/S, O'Neill-Determann moved the Council adopt Resolution 2016-168 approving and authorizing a form of loan agreement and authorizing and providing for the issuance of \$525,000 Taxable General Obligation Capital Loan Notes, Series 2016B, and levying a tax to pay said notes. On roll call, carried unanimously.
7. M/S, Allesee-Gassman moved the Council adopt Resolution 2016-169 authorizing acceptance of Dedicated Internet Access (DIA) Fiber Optic Agreement with MCC Telephony of Iowa LLC (Mediacom) for Eagle Point Park. On roll call, carried unanimously.

In discussion before roll call, Mayor Vulich stated that the City is getting what is wanted at the rate requested. Council Member Seeley asked if rental rates would be adjusted to cover the additional cost. Gregg Obren, Parks and Recreation Director, stated that beginning July 1, 2016, the rates would be adjusted to \$60 per hour on a weekday and \$75 per hour on a weekend. Council Member Determann expressed his thanks to Rotary and Mediacom and Obren. Council Member McGraw asked if the internet service was just serving the Lodge or would serve all of Eagle Point Park. Mayor Vulich stated that this is just for the Lodge but the capacity would be there for expanding the service.

#### Unfinished Business

Council Member Determann requested item #15 be moved to Unfinished Business to ask if the Iowa DOT would be reimbursing the City under the proposed five year agreement for maintenance and repair of primary roads. City Engineer Jason Craft stated that there is a reimbursement under a different agreement with the DOT but not for this agreement.

8. M/S Resolution Determann-O'Neill moved to the Council to adopt Resolution 2016-170 approving a five year agreement for maintenance and repair of primary roads in municipalities between the City of Clinton and the Iowa Department of Transportation. On roll call, carried unanimously.

Council Member O'Neill requested item #14 be moved to Unfinished Business to ask why the City would be vacating and selling right-of-way for the Kohl's sign, which was part

of the deal to get Kohl's to locate in Clinton. City Administrator Kinser stated that the development agreement with Kohl's provided for an easement for the sign. The Iowa DOT has determined that the sign must be on Kohl's property in order to remain, which is why they City is undertaking the vacation and sale of the right-of-way. Council Member Seeley asked Craft if this will have an impact on future development; Craft replied that it would not. Council Member Seeley asked if Kohl's would pay for the fees associated with the sale, including the appraisal. Steve Leidinger, City Attorney, stated that we could proceed with asking but he was not sure if negotiations for the sale had proceeded to far for this negotiation.

9. M/S Connell-Allesee moved to the Council to adopt Resolution 2016-171 setting a public hearing on the proposed vacation and sale of right-of-way generally located at 2300 Lincoln Way, Clinton, Iowa. On roll call, carried unanimously.

Council Member O'Neill requested item #23 be moved to Unfinished Business in order to ascertain the total cost of the traffic signal at 13<sup>th</sup> Avenue North and North 14<sup>th</sup> Street. Craft stated that it was \$152,473.00.

10. M/S O'Neill-Determann moved to the Council to adopt Resolution 2016-172 accepting work and recommending final payment for Traffic Signalization Project, Project D-2016 - 13th Avenue North and North 14th Street - Tri City Electric Company - \$26,163.37. On roll call, carried unanimously.

M/S, Determann-O'Neill moved to adjourn to 7:00 P.M., May 10, 2016. On roll call, carried unanimously.

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Mark S. Vulich  
Mayor

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Jessica Kinser  
City Administrator