

The City Council met in regular session, August 23, 2016 at 7:00 P.M. in the City Hall Council Chamber. Present on roll call: Mayor Pro Tem Determann; Councilmembers: Gassman, Seeley, McGraw, O'Neill, Connell and Allesee. Mayor Vulich - absent.

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 August 9, 2016 until published.

#### PROCLAMATION:

Fire Chief Mike Brown read a proclamation declaring Sunday, September 11, 2016 as Patriot Day. He invited everyone to the Patriot Day service to be held at the 9/11 Memorial at the intersection of Mill Creek Parkway and Highway 136 on Sunday, September 11, 2016.

#### PUBLIC HEARINGS

Mayor Pro Tem Determann convened a public hearing concerning the Community Development Block Grant (CDBG) status of funds for the Basin 10 Sewer Separation Project. No comments were received, written or oral.

Mr. Tim Crabb, ECIA, presented the Clinton 2015 CDBG Wastewater Program - Basin 10 Sewer Separation Project Status of Funded Activities - Contract #15-WS-002 for August 23, 2016. He stated that the City of Clinton applied for and received a Community Development Block Grant (CDBG) to assist in cost of upgrading the City's wastewater collection system, specifically separating the wastewater and storm water sewers in Basin 10 which includes the area generally described as 20<sup>th</sup> to 23<sup>rd</sup> Avenues North between McKinley and Pershing Streets. The project was required as part of the City's Consent Order with the Iowa DNR requiring the City to separate its combined sewer operation and will keep the City in compliance with the order allowing for the overall separation to be done in phases. The project included a new storm sewer throughout the area, upgrading and separation of the wastewater collection piping, and road construction over the excavated areas. The City conducted an income survey in August 2013 finding that 65.45% of the population was of low-to-moderate income, meeting one of the meeting one of the HUD national objectives for the CDBG program. The total program budget was estimated to be \$1,325,000 consisting of \$600,000 in CDBG funds and \$725,000 to be provided by the City of Clinton through wastewater system user fees.

He presented the project status as of July 26, 2016 and stated that the City of Clinton contracted with ECIA for grant administration. The City did not include engineering services in the CDBG budget. The environmental review and project plans and specifications have been completed. The

project was bid on September 15, 2015 and the City received five bids for the project and the contract was awarded to BWC Excavating of Solon, IA with the low bid of \$1,566,396.70 approximately \$91,706 above the engineer's estimate. At this time, all of the sanitary and storm pipe is in the ground, 90% of the pavement work is complete. Remaining work consists of the sidewalk and curb ramps to be installed, sewer lining, and final grading and seeding. It is anticipated the project will be complete in August. IEDA monitoring the project today. The CDBG contract has an end date of July 31, 2018. It is anticipated that the grant will be closed in advance of the contract end date. The following reflects the current budget including the contracts as awarded.

BUDGET STATUS  
as of July 20, 2016

		<u>CDBG</u>	<u>Local Funds</u>
Construction:	Budget:	\$ 577,500.00	\$ 725,000.00
	Expended:	<u>535,607.00</u>	<u>672,273.12</u>
	Balance:	\$ 41,893.00	\$ 52,726.88
Administration:	Budget:	\$ 22,500.00	\$ 0.00
	Expended:	<u>12,512.00</u>	<u>0.00</u>
	Balance:	\$ 9,988.00	\$ 0.00

M/S. Allesee-Connell moved that the public hearing concerning the Community Development Block Grant (CDBG) status of funds for the Basin 10 Sewer Separation Project be entered into the record. On roll call, carried unanimously.

Mayor Pro Tem Determann convened a public hearing concerning the Community Development Block Grant (CDBG) status of funds for the Housing Rehabilitation Program. No comments were received, written or oral.

Mr. Tim Crabb presented the Council with City of Clinton CDBG Housing Program Status of Funded Activities - 14-HSG-002 FOR August 23, 2016. He stated that in the summer of 2014, the City of Clinton received funding for a CDBG Housing rehabilitation grant from the Iowa Economic Development Authority. The grant targeted twelve (12) homes for housing rehabilitation within the selected target area of the City. The overall goal of this grant was to provide safe, decent, and sanitary living conditions for twelve (12) households. The total program budget was \$576,000.00, of which \$476,000.00 was awarded by the Iowa Economic Development Authority (IEDA) with the City making a \$100,000.00 project contribution from LMI TIF funds.

He advised the Council regarding the grant project status for August 23, 2016: He stated that the program target is twelve (12) homes for this CDBG grant. Project 1: 2527 North 3<sup>rd</sup> Street - complete, Project 2: 75 22<sup>nd</sup> Avenue North - complete, Project 3: 2020 Garfield - complete, Project 4: 2528 McKinley Street - complete, Project 5: 96 25<sup>th</sup> Avenue North - complete, Project 6: 2234 Pershing Blvd. - under construction, Project 7: 65 25<sup>th</sup> Avenue North - under construction.

He continued in stating that there are three more projects are out to bid with a bid acceptance date of August 25, 2016. These are as follows: Project 8: 2426 North 2<sup>nd</sup> Street (third time out to bid), Project 9: 277 25<sup>th</sup> Avenue North and Project 10: 2505 McKinley Street. He further stated that two additional projects have been inspected. He proceeded to state that three additional applications were approved by the Neighborhood Improvement Committee on August 17, 2016. He advised that it is expected that all twelve projects will be fully completed by the spring of 2017. No contract amendments are expected.

Mr. Crabb informed the Council that the local TIF funds which totaled \$100,000.00 had three uses. These are \$10,000.00 for General Administration, \$6,000.00 for rehab Administration, and \$84,000.00 for direct rehabilitation expenditure. About half of the City TIF funds have been used. To date ECIA has requested \$236,628 Dollars of CDBG funds and received \$175,300.00 of the IEDA granted \$476,000.00. A recent draw for \$61,328 is pending payment by the State of Iowa. He proceeded to state that direct grant administration at the local level is being done by ECIA staffs with the direct supervision of local staffs from the Iowa Economic Development Authority. City staffs have an active role in many related duties.

M/S, Gassman-Seeley moved that the public hearing concerning the Community Development Block Grant (CDBG) status of funds for the Housing Rehabilitation Program be entered into the record. On roll call, carried unanimously.

Mayor Pro Tem Determann convened a public hearing concerning accepting bid and awarding contract for Project W-2016 - Large Diameter Sewer Cleaning. No comments were received, written or oral. M/S, McGraw-O'Neill moved that the public hearing concerning accepting bid and awarding contract for Project W-2016 - Large Diameter Sewer Cleaning be entered into the record. On roll call, carried unanimously.

1. M/S, McGraw-Seeley moved the Council adopt Resolution No. 2016-345 rejecting the bid for Project W-2016, Large Diameter Sewer Cleaning. On roll call, carried unanimously.

In discussion before roll call, Councilmember Seeley requested that the City Engineer explain the rejection of the bid. City Engineer Jason Craft advised the Council that the City could not afford to pay what the bid came in at. He stated that the bid came in at approximately 400% over the estimate. He continued in stating that he would re-bid the project and eliminate the underwater sewer cleaning.

## AUDIENCE COMMENT

Mr. Pat Determan, advised the Council that he did not believe that taking North 3<sup>rd</sup> Street from four lanes to three lanes would result in fewer accidents. He stated that what is not being addressed is the intersection which should have a lane added. He continued in stating that having a three lane street would back traffic up past Buell Avenue. He further stated that the intersection is not semi friendly. They must use two lanes to turn. He proceeded to state that accidents are happening at 18<sup>th</sup> and 25<sup>th</sup>. He further stated that the intersection must be fixed and made safe first and requested that the Council vote "No" for the four to three lane conversion on North 3<sup>rd</sup> Street.

## CONSENT AGENDA

Councilmember Connell requested item #12 be removed to Unfinished Business.

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

1. Airport Commission – minutes 7/18/2016 – receive, approve and place on file.
2. Committee of the Whole – minutes 8/9/2016 – receive, approve and place on file.
3. Historic Preservation Commission – minutes 7/14/2016 - receive, approve and place on file.
4. Tree Commission – minutes 7/14/2016 – receive, approve and place on file.
5. June 2016 Electronic Payments & Transfers – receive, approve and place on file.
6. June 2016 Summary of Revenues & Receipts – receive, approve and place on file.
7. July 2016 Electronic Payments & Transfers – receive, approve and place on file.
8. July 2016 Summary of Revenues & Receipts – receive, approve and place on file.
9. Resolution No. 2016-346 approving a joint funding agreement with the U.S. Geological Survey for water resources investigations.
10. Resolution No. 2016-347 certifying the Area Substance Abuse Council Environmental Review Determination.

11. Resolution No. 2016-348 authorizing professional services contract with McClure Engineering Associates for consulting services for the Turtle Creek Box Culverts, Sanitary Sewers & Roadways Rehabilitation Project.
12. Resolution – Removed to Unfinished Business - approving final change order #1 ADA Curb Ramp Improvements Project H-2015 – Clinton Engineering Company - \$19,347.18.
13. Resolution No. 2016-349 approving change order #8 for project B-2014 – 20<sup>th</sup> Avenue North Pumping Station & Force Main Replacement – Merryman Excavation – DECREASE – (\$6,235.00).
14. Resolution No. 2016-350 recommending payment #1 to Jurgerson Hauling for 2016 Demolition of Structures Project, Phase 1 - \$12,800.00.
15. Resolution No. 2016-351 recommending payment #1 to Kramer’s Technical Services for 2016 Demolition of Structures Project, Phase 1 – Contract 3 - \$11,400.00.
16. Resolution No. 2016-352 recommending payment No. 2 for the Anamosa Road & 44<sup>th</sup> Avenue South Resurfacing Project – Determann Asphalt Paving, LLC - \$378,996.82.
17. Resolution No. 2016-353 recommending payment No. 4 for the North 4<sup>th</sup> Street & 13<sup>th</sup> Avenue North Rehabilitation Project, C-2016 – BWC Excavating, LC - \$54,203.20.
18. Resolution No. 2016-354 recommending payment request No. 6 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.
19. Resolution No. 2016-355 recommending payment No. 8 for the Basin 10 Sewer Separation Project, F-2014 – BWC Excavating, LC - \$19,802.99.
20. Resolution No. 2016-356 accepting work and recommending final payment No. 5 to Clinton Engineering for the ADA Curb Ramp Improvements Project H-2015 - \$14,951.61.
21. Resolution No. 2016-357 approving issuance of cigarette permit.
22. Resolution No. 2016-358 approving issuance of cigarette permit.
23. Resolution No. 2016-359 approving extended outdoor sales privilege for Main Avenue Pub.

## MOTIONS, RESOLUTIONS, AND ORDINANCES

2. M/S, O'Neill-Gassman moved the Council consider an ordinance for the first time - AN ORDINANCE AMENDING CHAPTER 76, TRAFFIC CODE, SUBSECTION .05 TRUCK ROUTE OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA. On roll call, carried unanimously.
3. M/S, Seeley-Allesee moved the Council consider an ordinance for a second time - AN ORDINANCE PROVIDING FOR THE VACATION AND CONVEYANCE OF A 12-FOOT BY 200-FOOT EAST/WEST ALLEY RIGHT-OF-WAY LOCATED IN BLOCK 3, WESTON & LAMBERTSON'S SUNNYSIDE ADDITION AT 50 CENTS PER SQUARE FOOT. On roll call, carried unanimously.

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

M/S, Seeley-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. 2540

4. M/S, Gassman-O'Neill moved that the ordinance amending Chapter 53, with multiple amendments to Storm water Management, of the Code of Ordinances of the City of Clinton, Iowa be moved to the September 13, 2016 Committee of the Whole. On roll call, carried unanimously.

In discussion before roll call, Councilmember O'Neill stated that the City has never made a decision regarding what to do about the 65 places with storm water running into the sewer. He continued in stating that the City needs to decide how to correct the problem. City Administrator Kinser stated that at the last City Council meeting Chapter 52 was moved to the Committee of the Whole for language changes before being moved forward. Chapter 52 and 53 must move forward together. She continued in stating that out of 70 letters sent out there were quite a few disconnects. She further stated that City Engineer, Water Quality Superintendent and the Finance Director will bring back solutions for a disconnect project.

Councilmember Seeley inquired regarding whether the City would address illegal sewer connections. City Administrator Kinser stated that if a person is connected they will receive a connection charge.

5. M/S, Allesee-O'Neill moved the Council adopt a Resolution approving temporary modification to driving lane configuration on North 3<sup>rd</sup> Street from 17<sup>th</sup> Avenue North to 25<sup>th</sup> Avenue North, within the City of Clinton, Iowa. On roll call, O'Neill - Yes; Gassman, Seeley, McGraw, Determann, Connell, Allesee - No. Motion failed.

In discussion before roll call, Councilmember Seeley inquired regarding why this is a temporary modification. City Administrator Kinser stated that there is a two year time frame and then the City Engineer would come back to the Council for approval to continue.

Councilmember Gassman stated that he thought that the City Engineer was directed to bring back additional information, not a resolution. He continued n stating that he is not in favor of the modification.

Councilmember O'Neill stated that when this was proposed on 2<sup>nd</sup> Avenue South he was opposed to it; however, he agreed to try it for two years and after two years it would not cost anything to remove the striping. He continued in stating that that this would not be a permanent change.

City Engineer Jason Craft stated that by moving the center lane on Main Avenue semi-trucks should be able to make the turn. Making the center lane a left turn lane will help a lot. He continued in stating that eventually the signals will need to be replaced. He further stated that the longest wait on the west bound through lane and north bound through lane was only and additional 16 seconds. He proceeded to state that there are a lot of accidents at the intersection which could be reduced.

Councilmember Seeley inquired regarding whether a school bus could make the turn. Engineer Craft stated that a school bus could make the turn.

Councilmember Allesee stated that the Council just voted not to allow truck traffic on 19<sup>th</sup> Avenue North. She inquired regarding whether this solution will accommodate trucks. City Engineer Craft stated that it would accommodate trucks; however, if the proposed changes to the intersection is not approved, he would bring back an alternative proposal for a four lane road.

6. M/S, Determann-Gassman moved the Council adopt Resolution No. 2016-360 requesting assignment of County-held Tax Certificate for 724 6<sup>th</sup> Avenue South. On roll call, carried unanimously.

In discussion before roll call, Councilmember Determann requested an explanation regarding the resolution under consideration. City Administrator Kinser stated that the County has held a tax certificate for several years. The adjacent property owner is interested in the property and this a way for the City to convey the property to the neighbor.

7. M/S, Connell-Allesee moved the Council adopt Resolution No. 2016-361 accepting proposal for cleaning service - Eagle Point Lodge. On roll call, Seeley, McGraw, Determann, Connell - Yes; Gassman, O'Neill, Allesee - No. Motion carried.

In discussion before roll call, Councilmember O'Neill stated that he was opposed to this. He continued in stating that he is not happy receiving one bid. No one was able to look at the Lodge and he would like to have a hospitality group take care of the property. He further stated that another RFP was sent out which only gave people one week to respond. This did not give them time to look at the Lodge and take measurements. Councilmember Allesee stated that she agreed

with Councilmember O'Neill. The City was given a gift and we need to take a total look at the overall project and how we can put out a good service.

Councilmember O'Neill stated that there needs to be a checklist whereby all bids are received in the Clerk's Office and there is a copy of the newspaper ad and a copy of all bids received on file before it is brought to the Council for a vote. We should know who the bidders are and their backgrounds.

City Administrator Kinser stated that the RFP's were sent out on August 11<sup>th</sup>. Recipients would have received them one or two days later and could respond after that. She continued in stating that this has been a priority and a management company is a completely different discussion. Staff and renters are cleaning the Lodge now. The janitorial specs address what they will do and what Parks and Recreation staff will do, taking it out of the hands of the renter. Currently there is a \$100 deposit for clean up if the Lodge is not returned to good condition.

Councilmember Seeley stated that cleaning of the Lodge needs to be addressed immediately. Councilmember O'Neill stated that he did not like having the contractor inspect the work. City Administrator Kinser stated that the City will review the work done.

#### UNFINISHED BUSINESS

Councilmember Connell requested that the City Engineer explain the overages on Consent Item #12. City Administrator Kinser stated that the final change order addresses the quantities and the broken sidewalk. City Engineer Craft stated that the City must meet ADA compliance specifications and repair any sidewalks that are cracked. When the sidewalk was removed it changed the radius of the street and five to eight feet was added.

8. M/S, Connell-Allesee moved the Council adopt Resolution No. 2016-362 approving final change order #1 ADA Curb Ramp Improvements Project H-2015 - Clinton Engineering Company - \$19,347.18. On roll call, carried unanimously.

Mayor Pro Tem Determann advised those present that the reason for the Mayor's absence was that he was not feeling well.

M/S, Determann-O'Neill moved to adjourn to 7:00 P.M., September 13, 2016. On roll call, carried unanimously.

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Tom Determann  
Mayor Pro Tem

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Pat Van Loo  
City Clerk