

The City Council met in regular session, December 13, 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 November 22, 2016 and they be approved as published on December 6, 2016. On roll call, carried unanimously.

#### PUBLIC HEARINGS:

Mayor Vulich convened a public hearing concerning adopting a Capital Improvement Plan for Fiscal Years 2018 through 2023. One communication was received from Deanna Galbraith. M/S, Connell-Allesee moved that the public hearing concerning adopting a Capital Improvement Plan for Fiscal Years 2018 through 2023 be entered into the record. On roll call, carried unanimously.

In discussion before roll call, Karen Rowell, Clinton Downtown Alliance, thanked the Council for putting the lights downtown on the CIP. She stated that there are 12 in need of repair and have the potential of falling. She continued in stating that they will need to be repaired before 2018.

1. M/S, Connell-Allesee moved the Council adopt Resolution No. 2016-502 adopting the amended Capital Improvement Plan for Fiscal Years 2018 through 2023. On roll call, carried unanimously.

In discussion before roll call, M/S, McGraw-Determann moved to amend the CIP by removing the roundabouts. On roll call, McGraw, Determann, Allesee - Yes; Gassman, Seeley, O'Neill, Connell - No. Motion failed.

In discussion before roll call, Councilmember O'Neill stated that the roundabouts did not pass because the vote was for all three at once. He continued in stating that the plan should be moved forward for discussion. Items on the CIP are not set in stone and will be discussed at budget time.

Councilmember Allesee stated that the Wastewater Administration Center has been moved all the way to 2023. Councilmember Gassman stated that the City can apply for grants for the various projects and if the grants are not received the City does not do the projects. The CIP is just a list of proposals.

Councilmember Seeley inquired regarding whether something that is removed from the CIP could be brought back. Mayor Vulich stated that it could be brought back.

M/S, Determann-Seeley moved to put the Showboat improvements in 2018. On roll call, carried unanimously.

Mayor Vulich convened a public hearing concerning accepting bid and awarding contract for Project P-2016 Basin 6 Sewer Separation Project, Phase A. No comments were received, written or oral. M/S, O'Neill-Allesee moved that the public hearing concerning accepting bid and awarding contract for Project P-2016 Basin 6 Sewer Separation Project, Phase A be entered into the record. On roll call, carried unanimously.

2. M/S, O'Neill-Connell moved the Council adopt Resolution No. 2016-503 accepting bid and awarding contract to BWC Excavating for Project No. P-2016 Basin 6 Sewer Separation Project, Phase A for \$1,060,408.75. On roll call, carried unanimously.

In discussion before roll call, Councilmember Determann stated that the bid from BWC Excavating was the low bid. The high bid was \$1,570,000. He continued in stating that the taxpayers received a very good deal.

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

3. M/S, Seeley-Connell moved the Council adopt Resolution No. 2016-504 resolution accepting bid and awarding contract to Visu-Sewer, Inc. for Project No. W-2016 Large Diameter Sewer Cleaning Project for \$345,486.25. On roll call, carried unanimously.

In discussion before roll call, Councilmember Determann advised that the second lowest bid was \$133,000 higher.

#### AUDIENCE COMMENT

No persons came before the Council to speak.

#### CONSENT AGENDA

Councilmember Connell requested item #1 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. Claims - removed to Unfinished Business - receive, approve and place on file.
2. Airport Commission - minutes 10/17/2016 - receive, approve and place on file.
3. Committee of the Whole - minutes 11/22/2016 - receive, approve and place on file.

4. Historic Preservation Commission – minutes 11/10/2016 – receive, approve and place on file.
5. Pre-Budget Workshop – minutes 11/18/2016 – receive, approve and place on file.
6. Tree Commission – minutes 11/10/2016 – receive, approve and place on file.
7. Communication from Deanna Galbraith – receive, approve and place on file.
8. Completed Work Orders – October & November – receive, approve and place on file.
9. Contract & Bond – Project G-2016, 9th Avenue North Back-Up Generator – Burke Electric - \$ 476,670.00.
10. Fire Department Promotional Certified List – receive, approve and place on file.
11. Resolution No. 2016-505 accepting bid and awarding contract for nuisance, grass and snow removal for 2017 calendar year.
12. Resolution No. 2016-506 approving change order #1 – Highway 136 Rehabilitation Project B-2016 – Determann Asphalt Paving, LLC - \$135,656.32.
13. Resolution No. 2016-507 approving final change order #2 for the North End Recreational Trail Project J-2015 – Eastern Iowa Excavating & Concrete, LLC - \$9,063.88.
14. Resolution No. 2016-508 approving change order #3 Basin 10 Sewer Separation Project F-2014 – BWC Excavating, LC - \$35,881.30.
15. Resolution No. 2016-509 approving change order #3, Residential Street Reconstruction Project E-2016 – Eastern Iowa Excavating & Concrete, LLC - \$51,781.68.
16. Resolution No. 2016-510 approving change order #6 to the 19th Avenue North Extension Project Phase III Construction Contract – Langman Construction - \$1,977.50.
17. Resolution No. 2016-511 recommending payment No. 1 for the Asphalt Thin Overlay Project, N-2016 – Determann Asphalt Paving, LLC - \$159,341.60.
18. Resolution No. 2016-512 recommending payment request No. 2 to Project L-2015, 19th Avenue NW Sidewalk & Trail Construction – Eastern Iowa Excavating & Concrete - \$58,942.72.
19. Resolution No. 2016-513 recommending payment request No. 4 to Project S-2016, 13th Avenue North Traffic Safety Improvement Project – Leslie Electric -\$70,032.77.
20. Resolution No. 2016-514 recommending payment No. 5 for the Highway 136 Roadway Rehabilitation Project, B-2016 – Determann Asphalt Paving, LLC - \$398,215.97.

21. Resolution No. 2016-515 recommending payment No. 7 Residential Street Reconstruction Project E-2016 – Eastern Iowa Excavating & Concrete - \$46,593.02.
22. Resolution No. 2016-516 accepting work and recommending final payment No. 7 to Eastern Iowa Excavating & Concrete, LLC for the North End Recreational Trail Project J-2015 - \$17,281.91.
23. Resolution No. 2016-517 recommending payment No. 8 for the North 4th Street & 13th Avenue North Rehabilitation Project, C-2016 – BWC Excavating, LC - \$254,289.38.
24. Resolution No. 2016-518 recommending payment request No. 9 to Langman Construction Inc. for Phase III of the 19th Avenue North Project, from Randall Court to North 2nd Street - \$558,797.18.
25. Resolution No. 2016-519 recommending payment No. 11 for the Basin 10 Sewer Separation Project F-2014 – BWC Excavating, LC - \$23,027.75.
26. Resolution No. 2016-520 accepting work and recommending final payment request to Micro-Surfacing Contractors for the Project K-2016(A), Micro-surfacing Project - \$8,090.80.
27. Resolution No. 2016-521 approving beer permit/license renewal application and Sunday sales privilege for Porter’s Convenient 66.
28. Resolution No. 2016-522 approving liquor license renewal, Sunday sales privilege and outdoor service area for McKinley Street Taverne and issuance of a Class I Letter of Exemption for allowing persons under 21 in licensed premises.

#### MOTIONS, RESOLUTIONS, AND ORDINANCES

M/S, Determann-O’Neill moved the Council consider an ordinance for the first time - AN ORDINANCE REPEALING SECTIONS 31.105; 31.106 AND 31.107 OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA. On roll call, Determann – Yes; Gassman, Seeley, McGraw, O’Neill, Connell, Allesee – No. Motion failed.

In discussion before roll call, Councilmember O’Neill stated that there could be irreversible consequences relating to the PAAB Appeal if the office of City Assessor is abolished. It would take the City Attorney out of the fight. He continued in stating that when the City Assessor retires this issue could be brought up again. He further stated that voting for this could put the City in jeopardy and will cause him to reverse his vote.

Councilmember Allesee stated that based on the information received, she would change her vote.

Councilmember Determann stated that he agrees that there is information to consider; however, the first read of the ordinance could be done and there would still be two more readings.

Councilmember O'Neill stated that the underlying part is that the County Assessor was going to bring back information. The other employees are important to Mr. Moreland. To do one read and then wait is not a good idea. Councilmember O'Neill continued in stating that he wanted to hear from the County Assessor and whether she is going to absorb Mr. Moreland's employees. It is best to wait and see what happens with the PAAB Appeal.

Councilmember Seeley stated that other variables need to be looked at. An identified change needs to take place; however, needs additional consideration.

Councilmember Determann stated that the City discussed this in 2001 and four years ago. He continued in stating that the other 90 counties are doing OK.

Councilmember Connell stated that he thought that the City is moving too fast. Getting information after the first of the year will be fine.

4. M/S, Gassman-Seeley moved the Council consider an ordinance for the second time - AN ORDINANCE PROVIDING FOR THE VACATION AND CONVEYANCE OF A 20-FOOT BY 140-FOOT ALLEY RIGHT-OF-WAY ADJACENT TO 600 SOUTH 4TH STREET FOR \$1.00. On roll call, carried unanimously.

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

M/S, Gassman-Connell 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. 2552

5. M/S, Allesee-Gassman moved the Council adopt Resolution No. 2016-523 setting a public hearing on the proposed installation of an electronic message center and sign by Clinton Area Showboat Theater at 303 River Drive. On roll call, carried unanimously.
6. M/S, McGraw-Seeley moved the Council adopt Resolution No. 2016-524 approving and authorizing an amendment to loan and disbursement agreement by and between the City of Clinton and the Iowa Finance Authority, and authorizing and providing for the reissuance of the \$1,416,000 Sewer Revenue Capital Loan Note, Series 2016 (2006 - Rate Reset), of the City. On roll call, carried unanimously.

In discussion before roll call, Councilmember O'Neill stated that the loan is being reissued to save on interest. Finance Director Anita Dalton stated that the loan was able to be re-written to save the City \$93,000 over the next ten years.

7. M/S, O'Neill-Gassman moved the Council adopt Resolution No. 2016-525 declaring surplus property. On roll call, carried unanimously.

8. M/S, Connell-Allesee moved the Council adopt Resolution No. 2016-526 approving first amendment to lease agreement and license agreement relative to communications tower at Chancy Park. On roll call, carried unanimously.

In discussion before roll call, Councilmember Determann requested an explanation of the resolution under consideration. Interim City Administrator Dick Schrad stated that this is a renegotiation of a lease extension and agreement of a site license. He continued in stating that the City is paying \$100 per month for the site license which did not change. He further stated that the City is not responsible for paying taxes which is beneficial to the City.

9. M/S, Allesee-Connell moved the Council adopt Resolution No. 2016-527 approving Release and Satisfaction Agreement and accepting payment of \$30,000 in cash from Elliott Equipment Company. On roll call, Gassman, Seeley, McGraw, O'Neill, Connell, Allesee - Yes; Determann - No. Motion carried.
10. M/S, McGraw-Determann moved the Council adopt Resolution No. 2016-528 amending date and time of regularly scheduled December City Council meeting. On roll call, carried unanimously.  
Councilmember O'Neill advised that the Council meeting would be moved to December 20, 2016 at 9:30 A.M.

#### UNFINISHED BUSINESS

M/S, Determann-O'Neill moved that the Council approve the Claims List. On roll call, Gassman, McGraw, Determann, O'Neill, Allesee - Yes; Seeley, Connell - abstain. Motion carried.

M/S, Determann-O'Neill moved that the Council adjourn to 9:30 AM December 20, 2016. On roll call, carried unanimously.

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Mark S. Vulich  
Mayor

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Pat Van Loo  
City Clerk