

The City Council met in regular session, February 28, 2017 at 7:00 P.M. in the City Hall Council Chamber. Present on roll call: Mayor Vulich; Councilmembers: Gassman, Seeley, McGraw, Allesee, Odor, Connell and O'Neill.

M/S, Allesee-Connell moved to dispense with the reading of the minutes of the regular City Council meeting and Committee of the Whole minutes of February 14, 2017 and they be approved as published on February 28, 2017. On roll call, carried unanimously

PUBLIC HEARINGS

Mayor Vulich convened a public hearing concerning the 2017-2018 Fiscal Year City Operating Budget. No comments were received, written or oral. M/S, Connell-O'Neill moved that the public hearing concerning the 2017-2018 Fiscal Year City Operating Budget be entered into the record. On roll call, carried unanimously.

M/S, Connell-O'Neill moved the Council adopt Resolution No. 2017-059 approving the 2017-2018 Fiscal Year City Operating Budget. On roll call, carried unanimously.

In discussion before roll call, Councilmember O'Neill thanked the Finance Director, Anita Dalton, and all City staff for completing the budget in a timely manner. Mayor Vulich stated that this is the third year in a row that the City was able to lower the tax levy. He continued in stating that there will also be the addition of two police officers and one nuisance inspector as well as additional staff in other departments. He further stated that he is proud of what the City has done.

Mayor Vulich convened a public hearing concerning the proposed rezoning of 4625 Bellevue Road. No comments were received, written or oral. M/S, Odor-Connell moved that the public hearing concerning the proposed rezoning of 4625 Bellevue Road be entered into the record. On roll call, carried unanimously.

M/S, Odor-Seeley moved the Council consider and ordinance for the first time - AN ORDINANCE AMENDING CHAPTER 159.002 OF THE ORDINANCES OF THE CITY OF CLINTON, IOWA, BY CHANGING THE ZONING CLASSIFICATION OF A PARCEL OF LAND LOCATED AT 4625 BELLEVUE ROAD, LEGALLY DESCRIBED AS LOTS 1, 2 AND 3, EAGLE POINT ESTATES, RIVERVIEW ADDITION, INCLUDING 15 ACRES (MORE OR LESS) REZONED IN CHAPTER 1682 FROM C-2, GENERAL COMMERCIAL DISTRICT TO R-1A, ONE-FAMILY RESIDENTIAL DISTRICT. On roll call, carried unanimously.

Mayor Vulich convened a public hearing concerning accepting bid and awarding contract for the Margaret Place Pumping Station. No comments were received, written or oral. M/S, Gassman-Seeley moved that the public hearing concerning accepting bid and awarding contract for the Margaret Place Pumping Station be entered into the record. On roll call, carried unanimously.

M/S, Gassman-Connell moved the Council adopt Resolution No. 2017-060 accepting bid and awarding contract for the Margaret Place Pumping Station to Valley Construction Company for \$2,590,000.00. On roll call, carried unanimously.

In discussion before toll call, Councilmember Connell requested a breakdown of the bids. City Engineer Jason Craft stated that the project was estimated at \$2.2 Million. The City received four bids. He continued in stating that this is a large project with numerous components such as structural, mechanical, electrical, etc. There are many disciplines and specialties involved which drove the bid up. This project is in the Consent Decree and will increase the capacity to the Margaret Place Pumping Station. If the City were to re-bid the project the bids would come in the same.

AUDIENCE COMMENT

Ms. Sandi Bartels, Midwest Pets for Life, advised the Council that there are plans to hold a Muddy Mississippi Mutt March from Main Avenue across the Highway 136 Bridge and ending in Fulton, Illinois. This will be similar to an event held in 2014. She stated that there will be floats and bands as well as the walker with their animals. She continued in stating that this will pair up with Fulton's Fall Festival. She further stated that Guinness Worlds Records has been contacted regarding the most animals crossing a main highway bridge. She proceeded to state that all of the paperwork has been turned in and she would work with the City Engineer regarding any Iowa DOT requirements. She advised that there needs to be a resolution approved by the City Council prior to closing the bridge.

CONSENT AGENDA

Councilmember O'Neill requested that item #5 be removed to Unfinished Business.

M/S, Allesee-Odor moved the Council approve the Consent Agenda as amended. On roll call, carried unanimously.

1. Committee of the Whole - minutes 2/14/2017 - receive, approve and place on file.
2. Historic Preservation Commission - minutes 2/9/2017 - receive, approve and place on file.
3. Mayor's Youth Commission (MS) - minutes 2/8/2017 - receive, approve and place on file.
4. Mayor's Youth Commission (HS) - minutes 2/15/2017 - receive, approve and place on file.
5. Resolution - Removed to Unfinished Business - compromising assessment of liquidated damages, authorizing final payment, and further authorizing return of remaining retainage with respect to the 25th Avenue North Pumping Station & Force Main Replacement Project A-2013.
6. Resolution No. 2017-061 authorizing additional compensation for acquisition of Right-Of-Way for Project A-2015.
7. Resolution No. 2017-062 authorizing the collection/certification of grass/weed cutting and nuisance clean up liens.
8. Resolution No. 2017-063 authorizing the collection/certification of grass/weed cutting and nuisance clean up liens.
9. Resolution No. 2017-064 installation of a new street light pole and luminaire at the northeast corner of the intersection of Main Avenue and 19th Avenue NW.
10. Resolution No. 2017-065 ordering construction of improvement, setting public hearing and directing advertisement for bids - Asphalt Resurfacing Project H-2017.
11. Resolution No. 2017-066 ordering construction of improvement, setting public hearing and directing advertisement for bids - 25th Avenue North Sewer Separation Project A-2016.

12. Resolution No. 2017-067 approving change order #1 – Asphalt Thin Overlay Project N-2016 – Determann Asphalt Paving, LLC - \$16,702.76.
13. Resolution No. 2017-068 recommending payment No. 2 for the Asphalt Thin Overlay Project N-2016 – Determann Asphalt Paving, LLC - \$10,628.13.
14. Resolution No. 2017-069 accepting work and recommending final payment No. 7 to Leslie Electric for the 13th Avenue North Traffic Safety Improvement Project S-2016 - \$14,287.71.
15. Resolution No. 2017-070 recommending payment No. 10 for the North 4th Street & 13th Avenue North Rehabilitation Project C-2016 – BWC Excavating, LC - \$29,769.68.
16. Resolution No. 2017-071 approving beer permit/license renewal application for Wal-Mart Supercenter #2889.
17. Resolution No. 2017-072 approving renewal of a Class C liquor license, Outdoor service, catering privilege, Class B wine permit and Sunday sales privilege and issuance of a Class I Letter of Exemption for allowing persons under 21 in licensed premises for the Candlelight Inn.

MOTIONS, RESOLUTIONS, AND ORDINANCES

M/S, Gassman-Seeley moved the Claims be received, approved and placed on file. On roll call, Gassman, Seeley, McGraw, Allesee, Odor, O’Neill – Yes; Connell – abstain. Motion carried.

M/S, O’Neill-Gassman moved the Council adopt Resolution No. 2017-073 directing sale of \$4,110,000 (subject to adjustment per terms of offering) General Obligation Capital Loan Notes, Series 2017A. On roll call, carried unanimously.

In discussion before roll call, Ms. Susan Gerlach, PFM, advised the Council that she would be the primary contact at PFM. She stated that the City received five bids. She continued in stating that there is a strong demand in the market. She further stated that the winning bidder is Robert W. Baird and Co., Milwaukee, Wisconsin. The notes will be paid with Local Option Sales Tax and will have no impact on taxpayers.

M/S, McGraw-Allesee moved the Council adopt Resolution No. 2017-074 approving Eagle Point Park Waterfall Renovation Project. On roll call, carried unanimously.

M/S, Seeley-McGraw moved the Council adopt Resolution No. 2017-075 approving Memorandum of Understanding (MOU) between the City of Clinton, Iowa and the City of Camanche, Iowa for the use of youth ball fields in Platt Park in the City of Camanche. On roll call, carried unanimously.

M/S, Odor-Connell moved the Council adopt Resolution No. 2017-076 authorizing the creation of a Request for Proposals for recycling and collection services. On roll call, carried unanimously.

M/S, Connell-Odor moved the Council adopt Resolution No. 2017-077 approving agricultural land lease with John Thomas. On roll call, carried unanimously.

M/S, O’Neill-Gassman moved the Council adopt Resolution No. 2017-078 approving first amendment to lease agreement and license agreement relative to communications tower at Emma Young Park. On roll call, carried unanimously.

In discussion before roll call, Councilmember O'Neill thanked then Deputy City Administrator for getting the City on track regarding the cell tower leases. He stated that hopefully the City will be more prudent moving forward.

M/S, Gassman-Seeley moved the Council adopt Resolution No. 2017-079 approving agreement for use of Eagle Point Park Drives and Lodge for winter light display. On roll call, carried unanimously.

UNFINISHED BUSINESS

Councilmember O'Neill stated that he has concerns since this resolution is coming after the Council already approved a resolution regarding payment to this contractor. He continued in stating that this contractor did not finish on time and now the City must send them additional taxpayer dollars. He further stated that the contractor did not follow the contract and there is no just cause because they sent the check back and now want additional payment. He proceeded to state that he would not approve this resolution and he does not approve of change orders. He stated that companies must live with what is in the contract.

City Attorney Patrick O'Connell stated that in the analysis the City is money ahead. He continued in stating that the City would have to spend money on litigation and we do not know what an arbitrator would do. We could receive less. He further stated that it is wise to look closely at contracts in the future.

Councilmember Connell stated that he agreed with Councilmember O'Neill. It comes down to record keeping, the City and the Contractors must keep records for future projects.

Councilmember O'Neill stated that the City should watch the contacts. The Council already made a decision by resolution and the contractor sent the money back. They are mad and want more money. He further stated that he is not comfortable throwing out taxpayer dollars.

M/S, O'Neill-Gassman moved the Council decline a resolution compromising assessment of liquidated damages, authorizing final payment, and further authorizing return of remaining retainage with respect to the 25th Avenue North Pumping Station & Force Main Replacement Project A-2013. On roll call, Gassman, O'Neill - Yes; Seeley, McGraw, Allesee, Odor, Connell - No. Motion failed.

M/S, Connell-McGraw moved the Council adopt Resolution No. 2017-080 compromising assessment of liquidated damages, authorizing final payment, and further authorizing return of remaining retainage with respect to the 25th Avenue North Pumping Station & Force Main Replacement Project A-2013. On roll call, Seeley, McGraw, Allesee, Odor, Connell - Yes; Gassman, O'Neill - No. Motion carried.

M/S, Allesee-Gassman moved to adjourn to 7:00 March 14, 2017. On roll call, carried unanimously.

Mark S. Vulich
Mayor

Pat Van Loo
City Clerk