

The City Council met in regular session, January 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 and Allesee.

M/S, Determann -O'Neill moved to dispense with the reading of the minutes of the Special City Council meeting of December 1, 2015 and they be approved as published on December 15, 2015. On roll call, carried unanimously.

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 December 8, 2015 they be approved as published on December 22, 2015. On roll call, carried unanimously.

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 December 18, 2015 they be approved as published on December 31, 2015. On roll call, carried unanimously.

PUBLIC HEARINGS

Mayor Vulich convened a public hearing concerning accepting bid and awarding contract for the 19th Avenue North Extension Project, Phase III. No Comments were received, written or oral. M/S, Determann-O'Neill moved that the public hearing concerning accepting bid and awarding contract for the 19th Avenue North Extension Project, Phase III be entered into the record. On roll call, carried unanimously.

In discussion before roll call, Councilmember Determann stated that this is the final phase of the project. He continued in stating that the contractor has done a good job.

Councilmember O'Neill stated that he has concerns regarding the DOT Project on Main Avenue and the 19th Avenue North Project overlapping. He inquired regarding how this would affect the Lyons area. City Engineer Jason Craft advised that it is unfortunate that two projects of this magnitude were being done in the same construction year. The culverts on Main Avenue are in bad condition and in need of repair. The 19th Avenue North Project has been pushed back until the City could accumulate the necessary funds. The projects should not affect each other. He continued in stating that the closure of Main Avenue would always be difficult. He further stated that Main Avenue would be closed from June first through August fifteenth while school is out. He further stated that the DOT will not delay the Main Avenue Project and the City received the best price for the 19th Avenue North Project.

1. M/S, Determann-O'Neill moved the Council adopt Resolution No. 2016-001 accepting bid and awarding contract for the 19th Avenue North Extension Project, Phase III to Langman Construction, Inc. for \$4,645,797.29. On roll call, Seeley, McGraw, Determann, O'Neill, Allesee - Yes; Gassman - No. Motion carried.

Mayor Vulich convened a public hearing concerning the rezoning of Lots 1 and 14 in Block 3 of Curtis and Leslie's Addition and Blocks 1 and 2 in Lambertson's Subdivision. The City Clerk reported that the City received one communication from Joe Carstensen in opposition to the

rezoning. M/S, McGraw-O'Neill moved that the public hearing concerning the rezoning of Lots 1 and 14 in Block 3 of Curtis and Leslie's Addition and Blocks 1 and 2 in Lambertson's Subdivision be entered into the record. On roll call, carried unanimously.

2. M/S, McGraw-O'Neill moved the Council consider an ordinance for the first time - AN ORDINANCE AMENDING CHAPTER 159, ZONING REGULATIONS OF THE CITY OF CLINTON, IOWA, BY CHANGING THE ZONING CLASSIFICATION OF LOTS 1 AND 14 IN BLOCK 3 OF CURTIS AND LESLIE'S ADDITION AND BLOCKS 1 AND 2 OF LAMBERTSON'S SUBDIVISION FROM R-1C, ONE FAMILY DISTRICT, TO R-4, RESIDENTIAL DISTRICT. On roll call, carried unanimously.

In discussion before roll call, Councilmember O'Neill advised that the ordinance under consideration is for the Washington School Project. He stated that it is one of seven housing project in the City.

AUDIENCE COMMENT

No persons came before the Council to speak.

CONSENT AGENDA

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

1. Claims - receive, approve and place on file.
2. Airport Commission - minutes 11/30/2015 - receive, approve and place on file/
3. Committee of the Whole - minutes 12/8/2015 - receive, approve and place on file.
4. Committee of the Whole - minutes 12/18/2015 - receive, approve and place on file.
5. Finance Committee - minutes 7/29/2015 - receive, approve and place on file.
6. Finance Committee - minutes 8/26/2015 - receive, approve and place on file.
7. Finance Committee - minutes 10/28/2015 - receive, approve and place on file.
8. Historic Preservation Commission - minutes 12/10/2015 - receive, approve and place on file.
9. Human Rights Commission - minutes 11/2/2015 - receive, approve and place on file.
10. Mayor's Youth Commission - minutes 12/9/2015 - receive, approve and place on file.
11. Tree Commission - minutes 12/10/2015 - receive, approve and place on file.
12. Clinton Fire & Rescue - September, 2015 PCC Ambulance Billing Report & Financial Summary 9/1/2015 - 12/31/2015 - receive, approve and place on file.

13. Communication from Joe Carstensen regarding the rezoning request for Washington Middle School – receive and place on file.
14. Abstract of Votes 11/3/2015 – receive and place on file.
15. Abstract of Votes 12/1/2015 – receive and place on file.
16. Communication from Gary Heath regarding At Large Council seat – receive and place on file.
17. Communication from Jennifer Graf regarding At Large Council seat – receive and place on file.
18. Communication from Judy Luett regarding At Large Council seat – receive and place on file.
19. Communication from Charlie Mulholland for At Large Council seat – receive and place on file.
20. Communication from Gary Heath withdrawing his name for At Large Council seat – receive and place on file.
21. Plans & Specs – Project H-2015 – ADA Curb Ramp Improvements – receive, approve and place on file.
22. Transit Joint Participation Agreement – receive, approve and place on file.
23. Resolution No. 2016-002 approving 2016 application to the Iowa Department of Transportation for All Town Sign Replacement Grant Program.
24. Resolution No. 2016-003 establishing a public hearing for the Community Development Block Grant (CDBG) Application.
25. Resolution No. 2016-004 approving change order #1 - Basin 10 Sewer Separation Project F-2014 – BWC Excavating, LC – decrease of \$14,388.50.
26. Resolution No. 2016-005 approving final change order #1 – 7th Avenue North Sewer Separation Project L-2014 – BWC Excavating, LC - \$15,500.50.
27. Resolution No. 2016-006 recommending payment No. 1 – Traffic Signalization Project D-2016 – 13th Avenue North & North 14th Street – Tri City Electric Company - \$68,977.13.
28. Resolution No. 2016-007 accepting work and recommending final payment No. 5 to BWC Excavating for the 7th Avenue North Sewer Separation Project L-2014 - \$33,854.01.
29. Resolution No. 2016-008 recommending payment No. 8 to Merryman Excavation for the 20th Avenue North Pumping Station & Force Main Replacement Project B-2014 - \$397,966.48.
30. Resolution No. 2016-009 approving liquor license renewal with Sunday sales privilege and outdoor sales privilege for Main Avenue Pub.

31. Resolution No. 2016-010 approving liquor license renewal with Sunday sales, outdoor service, and cater privileges for Vista Grande and issuance of a Class I Letter of Exemption for allowing persons under 21 in licensed premises.

MOTIONS, RESOLUTIONS, AND ORDINANCES

3. M/S, Gassman-Allesee moved the Council consider an ordinance for the first time - AMENDING THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA BY AMENDING CHAPTER 32, SECTION 601 MEMBERSHIP OF THE CAPITAL IMPROVEMENTS PLANNING COMMITTEE. On roll call, carried unanimously.
4. M/S, O'Neill-Determann moved the Council adopt Resolution No. 2016-011 approving the purchase of Parcel 230 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 this was another purchase of land along Liberty Avenue from the DOT. He stated that the City should get as much of the land back as possible.

5. M/S, Seeley -Gassman moved the Council adopt Resolution No. 2016-012 approving new liquor license application for Flaming Hot Fish and Chicken. On roll call, carried unanimously.
6. M/S, Allesee/O'Neill moved the Council adopt Resolution No. 2016-013 Authorizing Remaining Distribution of Proceeds from Sale of Property to Rail.One USA Corp. and Nevada Railroad Materials, Inc. On roll call, carried unanimously.
7. M/S, Seeley-Allesee moved the Council adopt Resolution No. 2016-014 for entering into an agreement with the Iowa Pollution Intern Program. On roll call, carried unanimously.

In discussion before roll call, Councilmember O'Neill stated that the agreement states that \$6,000 is waived for the first 12 weeks. He inquired regarding whether the intern would be here for an additional 12 weeks. Water Quality Superintendent Bob Milroy stated that the agreement is for 12 weeks and if that time is exceeded there would be a \$6,000 cost; however, the intern's duties will fit into a 12 week session. Councilmember O'Neill inquired regarding whether this would be brought back to the Council if the program is extended another 12 weeks. Superintendent Milroy stated that it would be brought back before the Council.

8. M/S, Determann-Allesee moved the Council adopt Resolution No. 2016-015 directing the advertisement of the vacant At-Large City Council position. On roll call, Seeley, McGraw, Determann, Allesee - Yes; Gassman, O'Neill - No. Motion carried.

In discussion before roll call, Councilmember Determann stated that the City would take the application through January 21, 2016 at 4:30 P.M.

9. M/S, Gassman-Allesee moved the Council adopt Resolution No. 2016-016 confirming City Council Appointments for 2016/2017. On roll call, carried unanimously.
10. M/S, McGraw-Seeley moved the Council adopt Resolution No. 2016-017 approving the third amendment to the Consent Order, Judgement and Decree between the State of Iowa, Iowa

Department of Natural Resources, and the City of Clinton, Iowa. On roll call, Gassman, Seeley, McGraw, Determann, Allesee - Yes; O'Neill - No. Motion carried.

11. M/S, Gassman-Seeley moved the Council adopt Resolution No. 2016-018 of endorsement of the Clinton Fire Department application for an Assistance to Firefighters Grant to install automatic sprinklers and alarm systems in Central and Lyons Stations. On roll call, carried unanimously.
12. M/S, O'Neill-McGraw moved to continue the SRO Program. On roll call, Seeley, McGraw, Allesee - Yes; Gassman, Determann, O'Neill - No. Tie Vote will bring the motion back to the January 26, 2016 Council meeting.

In discussion before roll call, Councilmember O'Neill stated that the Council had attended a workshop hosted by the School District. He continued in stating that he thought discussion would take place regarding a compromise or an alternative plan. He further stated that he suggested the School District hire retired police officers or firefighters and the City would pay a \$500 stipend monthly for all six schools; however, no one wanted the compromise. He proceeded to state that he is not in favor of continuing the program. Councilmember O'Neill advised that when the School District was asked if they would fund the program they said "no". He stated that the program came as a grant and then was left to the City. He continued in stating that the program needs to end. No other school in the County has an SRO Program. He inquired regarding what the City would do if Prince of Peace School requested and SRO.

Councilmember McGraw stated that the School District is in the same budget position and that is why they cannot fund the program. She continued in stating that schools like Camanche and Northeast cannot support an SRO Program. She further stated that other area schools should not be compared to the Clinton School District.

13. M/S, McGraw-Seeley moved that the Council approve the Mayor's reappointments to Boards and Commissions. On roll call, carried unanimously.

UNFINISHED BUSINESS

No Unfinished Business was brought forth.

M/S, Determann-O'Neill moved to adjourn to 7:00 pm January 26, 2016. On roll call, carried unanimously.

Mark S. Vulich
Mayor

Pat Van Loo
City Clerk