

The City Council met in regular session, January 26, 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 regular City Council meeting and Committee of the Whole minutes of January 12, 2016 and they be approved as published on January 25, 2016. On roll call, carried unanimously.

## PUBLIC HEARINGS

Mayor Vulich convened a public hearing concerning accepting bid and awarding contract for The ADA Curb Ramp Improvement Project H-2015. No comments were received written or oral. M/S, Seeley-Allesee moved that the public hearing concerning accepting bid and awarding the contract for the ADA Curb Ramp Improvement Project H-2015 be entered into the record. On roll call, carried unanimously.

1. M/S, Seeley-Gassman moved the Council adopt Resolution No. 2016-020 accepting bid and awarding contract for the ADA Curb Ramp Improvement Project H-2015 to Clinton Engineering Company for \$156,185.00. On roll call, carried unanimously.

In discussion before roll call, Councilmember Gassman inquired regarding what work would take place. City Engineer Jason Craft stated that improvements would be made to the ADA curb ramps from 5<sup>th</sup> Avenue South to 8<sup>th</sup> Avenue South and would extend to Bluff Boulevard. He continued in stating that federal law mandates that the ramps be upgraded. He further stated that the ramps will be completed; however, the sidewalks will not be compliant making this a project which will go on for a long time.

Mayor Vulich convened public hearing concerning accepting bid and awarding contract for the TSIP Project T-2015, 8<sup>th</sup> Avenue South & South 4<sup>th</sup> Street Intersection Improvements. No comments were received written or oral. M/S, Allesee-Gassman moved that the public hearing concerning accepting bid and awarding contract for the TSIP Project T-2015, 8<sup>th</sup> Avenue South & South 4<sup>th</sup> Street Intersection Improvements be entered into the record. On toll call, carried unanimously.

2. M/S, Allesee-Gassman moved the Council adopt Resolution No. 2016-021 accepting bid and awarding contract for the TSIP Project T-2015, 8<sup>th</sup>Avenue South & South 4<sup>th</sup> Street Intersection Improvements to Clinton Engineering Company for \$37,457.05. On roll call, carried unanimously.

## AUDIENCE COMMENT

Mr. James McDonald advised the Council that his children attend Clinton Schools. He stated that the SRO Program has a long-term effect on crime. If the program ends it will not save money overall since residents will pay the price in higher costs and higher crime. He further stated that the benefits of the program are both tangible and intangible and although the City is working with a diminishing budget, the Police Department and Fire Department should be the last to have to make cuts.

## 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. Committee of the Whole – minutes 1/5/2016 – receive, approve and place on file.
3. Committee of the Whole – minutes 1/12/2016 – receive, approve and place on file.
4. Human Rights Commission – minutes 1/11/216 – receive, approve and place on file.
5. Mayor's Youth Commission – minutes 1/6/2016 – receive, approve and place on file.
6. Mayor's Youth Commission – minutes 1/13/2016 – receive, approve and place on file.
7. Historical Preservation Commission – minutes 1/14/2016 – receive, approve and place on file.
8. Clinton Airport Commission 12/21/2015 – receive, approve and place on file.
9. ADA Commission 12/10/2015 – receive, approve and place on file.
10. Work Orders – December 14, 2015 through January 13, 2016 – receive, approve and place on file.
11. Contract & Bond – 19<sup>th</sup> Avenue North Extension, Phase III – Langman Construction - \$4,645,797.29 – receive, approve and place on file.
12. Communication from Brian Tugana regarding At Large Council seat – receive and place on file.
13. Communication from Sean M. Connell regarding At Large Council seat – receive and place on file.
14. Communication from Ricky Hey regarding At Large Council seat – receive and place on file.

15. Communication from Jennifer Graf regarding At Large Council seat – receive and place on file.
16. Communication from Charles M. Mulholland regarding At Large Council seat – receive and place on file.
17. Petition Requesting Special Election regarding At Large Council seat – receive and place on file.
18. Resolution No. 2016-022 placing eleven (11) properties on the City Demolition List.
19. Resolution No. 2016-023 setting a public hearing on transit grant applications.
20. Resolution No. 2016-024 recommending payment No. 1 for the Basin 10 Sewer Separation Project F-2014, BWC Excavating, LC - \$125,288.19.
21. Resolution No. 2016-025 approving liquor license renewal application for Clinton Gas & Mart.
22. Resolution No. 2016-026 approving liquor license renewal with Sunday sales and outdoor sales privilege for Lyons Tap & Grill and issuance of a Class II Letter of Exemption for allowing persons under 21 in licensed premises.
23. Resolution No. 2016-027 approving liquor license renewal with Sunday sales privilege for Manning’s Whistle Stop.
24. Resolution No. 2016-028 approving liquor license renewal and Sunday sales privilege for Mezcal 2 Mexican Bar & Grill and issuance of a Class I Letter of Exemption for allowing persons under 21 in licensed premises.
25. Resolution No. 2016-029 approving beer permit/license renewal application for Fareway.
26. Resolution No. 2016-030 approving native wine permit/license application for the Old Crow.

#### MOTIONS, RESOLUTIONS, AND ORDINANCES

3. M/S, McGraw-Gassman moved the Council consider an ordinance for the second 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 a change in zoning for the Washington Middle School Apartments.

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

M/S, McGraw-Gassman 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. 2532

4. M/S, Gassman-Seeley moved the Council consider an ordinance for the second 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.

In discussion before roll call, Councilmember Gassman advised that the ordinance under consideration is for the addition of a member of the CVB to the CIP.

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

M/S, Gassman-Seeley 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. 2533

Councilmember O'Neill advised that after clarification he would suggest an amendment to the motion under consideration:

M/S, O'Neill-Determann moved to continue the SRO Program for one year with a 65% -35% split between the School District and the City. On roll call, Gassman, Determann, O'Neill - Yes; Seeley, McGraw, Allesee - No. Tie Vote.

In discussion before roll call, Councilmember McGraw stated that the motion should not be made without speaking with the School District. Councilmember O'Neill stated that it was simply a motion to move this forward and it would need to go before the School Board for a vote. Councilmember Seeley stated that after some research he has learned that there are other schools in the area with SRO Programs. He continued in stating that there is no question regarding whether there is a need for the program, but rather, how to pay for it. The students are citizens of Clinton and the SRO's work with them both in and out of school.

M/S, Seeley-McGraw moved to table the SRO motion until the City and School District work this out together. On roll call, Seeley, McGraw, Allesee - Yes; Gassman, Determann, O'Neill - No. Motion failed.

Councilmember O'Neill stated that it is fine to compare that other districts have SRO's; however, they do not the budget constraints that Clinton does. We must look at the big picture and must look at both sides.

Councilmember Seeley stated that setting guidelines for the School District is not a compromise. We do not have \$114,000 to lose. He continued in stating that there may be a way to reach a compromise but both sides must sit down and discuss this. Councilmember O'Neill stated that no one is advocating to get rid of the program, it needs to be under different terms. Mayor Vulich suggested that He and City Administrator Kinser meet with the School District to determine what is acceptable.

M/S, Seeley-McGraw moved to direct the Mayor and City Administrator discuss the SRO Program with the School District. On roll call, Gassman, Seeley, McGraw, Allesee - Yes; Determann, O'Neill - No. Motion carried.

5. M/S, Seeley-McGraw moved to adopt a Resolution recommending appointment of Creighton Regenwether as Street and Solid Waste Superintendent of the City of Clinton, Iowa.

In discussion before roll call, Councilmember O'Neill stated that there are issues which need to be clarified before a decision can be made. He continued in stating that he had spoken with the City Attorney who knows what the issues are and is coming up with language to correct them.

M/S, O'Neill-Gassman moved to table the resolution under consideration to February 9, 2016. On roll call, carried unanimously.

6. M/S, Determann-O'Neill moved to adopt Resolution No. 2016-031 approving purchase of parcels 225S, 229, 268, 269, 273, and 274 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 called for clarification. City Administrator Kinser stated that the resolution under consideration is for the purchase of tracts of land along Liberty Avenue from the DOT. Councilmember Seeley stated that the parcels are offered back to the property owner and if they do not want them they are sold back to the City at a minimal price. The parcels are too small to build on and there is no plan for them; however, the City must maintain them.

Councilmember O'Neill stated that a Liberty Square Overlay Plan has been adopted. He continued in stating that the City needs to purchase all of the property so if the plan moves forward there is no one to hold it up. Councilmember Seeley stated that the City can purchase all of the land offered; however, there will still be some parcels the City will not own. Councilmember Allesee stated that the Council was under the impression that Liberty Square was the City's and then we found out the owners had the first right to purchase.

7. M/S, McGraw-Seeley moved the Council adopt Resolution No. 2016-032 approving third amendment to Option and Lease Agreement with Crown Castle Towers. On roll call, carried unanimously.
8. M/S, Allesee-Gassman moved the Council adopt Resolution No. 2016-033 approving lease agreement with Clinton Junior Baseball Association for designated baseball fields through the 2019 season. On roll call, carried unanimously.
9. M/S, Gassman-Allesee moved the Council adopt Resolution No. 2016-034 approving the implementation of administrative fees to be charged by the Clinton Police Department. On roll call, carried unanimously.
10. M/S, O'Neill-Allesee moved the Council adopt Resolution No. 2016-035 determining the necessity and fixing date for a public hearing on the matter of the adoption of a proposed amended and restated Clinton Urban Revitalization Plan. On roll call, carried unanimously.
11. M/S, Allesee-Gassman moved the Council adopt Resolution No. 2016-036 approving the hiring of two temporary, part-time Solid Waste Equipment Operator positions. On roll call, Gassman, Seeley, McGraw, O'Neill, Allesee - Yes; Determann - No. Motion carried.

Mayor Vulich conducted interviews with candidates for the Councilmember At-Large seat vacated by Councilmember Grant Wilke. Brian Tugana, Judy Luett and Sean Connell answered questions which were submitted to the Mayor by the Council Members. Brian Tugana left prior to the interview being concluded.

12. M/S, Determann-Seeley moved the Council adopt Resolution No. 2016-037 filling the vacancy of At-Large Council Member by appointment of Sean Connell. On roll call, Seeley, McGraw, Determann, Allesee - Yes; Gassman, O'Neill - No. Motion carried.

#### UNFINISHED BUSINESS

No Unfinished Business was brought forth.

M/S, Determann-Allesee moved to adjourn to 7:00 pm February 9, 2016. On roll call, carried unanimously.

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Mark S. Vulich  
Mayor

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Pat Van Loo  
City Clerk