

The City Council met in regular session, July 11, 2017 at 7:00 P.M. in the City Hall Council Chamber. Present on roll call: Mayor Vulich; Councilmembers: Seeley, McGraw, Allesee, Odor, Connell and O'Neill. Councilmember Gassman - absent.

M/S, Allesee-Odor moved to dispense with the reading of the minutes of the regular City Council meeting and Committee of the Whole minutes of June 27, 2017 and they be approved as published on July 11, 2017. On roll call, carried unanimously.

PROCLAMATION

Mr. Rollie Ehm read a proclamation declaring August 4th, 5th, and 6th the Annual Tootsie Roll Drive Fundraiser for the Saint Edwards Council # 707 Knights of Columbus in Clinton. He stated that proceeds from the fundraiser go to help people with intellectual disabilities. He continued in stating that the Tootsie Roll Fundraiser brought in over \$11,000 last year and \$9,400 was distributed to local charities that assist the needs of people with intellectual disabilities.

PUBLIC HEARINGS

1. Mayor Vulich convened a public hearing concerning accepting bid and awarding contract for Project A-2017 Highway 67 (North 3rd Street) Roadway Rehabilitation Project. No comments were received, written or oral. M/S, Connell-O'Neill moved that the public hearing concerning accepting bid and awarding contract for Project A-2017 Highway 67 (North 3rd Street) Roadway Rehabilitation Project be entered into the record. On roll call, carried unanimously.

M/S, Connell-O'Neill moved the Council adopt Resolution No. 2017-270 awarding contract to Determann Asphalt Paving for the Project A-2017 Highway 67 (North 3rd Street) Roadway Rehabilitation Project. On roll call, carried unanimously.

2. Mayor Vulich convened a public hearing concerning an appeal by DishOne. No comments were received, written or oral. M/S, McGraw-Allesee moved that the public hearing concerning an appeal by DishOne be entered into the record. On roll call, Odor, Connell, O'Neill, Seeley - Yes; McGraw - no; Allesee - Abstain. Motion carried.

In discussion before roll call, City Attorney Patrick O'Connell stated that DishOne failed to file an appeal and that a public hearing would not be necessary until an appeal is filed. Mayor Vulich stated that since the item was listed for public hearing, City Administrator Matt Brooke would like to provide background information to the audience. City Administrator Brooke stated several individuals with DishOne had applied for solicitor permits with the City Clerk's office. These same individuals with DishOne had their permits revoked from the City of Muscatine due to these individuals falsifying who they were in order to gain access into residents' homes in attempt to procure a sale from the residents. As a result, the solicitor permits filed in the Clinton City Clerk's office for individuals from DishOne were denied.

AUDIENCE COMMENT

No persons came before the Council to speak.

CONSENT AGENDA

Councilmember Connell requested that item #5 be removed to Unfinished Business. Councilmember Seeley requested that item #6 be removed to Unfinished Business. Councilmember McGraw requested that items #1 and #14 be removed to Unfinished Business.

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

1. ADA Advisory Committee - Removed to Unfinished Business - minutes 04/13/2017 - receive, approve and place on file.
2. Committee of the Whole - minutes 06/27/2017 - receive, approve and place on file.
3. Civil Service Certified List of Police Officer Candidates - receive, approve and place on file.
4. Resolution No. 2017-271 - approving issuance of cigarette permits.
5. Resolution - Removed to Unfinished Business - approving an agreement with East Central Intergovernmental Association for planning technical assistance.
6. Resolution - Removed to Unfinished Business - establishing a public hearing for disposition of property at 2586 Liberty Avenue to Archer Daniels Midland.
7. Resolution No. 2017-272 - approving Change Order #1 Asphalt Street Resurfacing Project H-2017 - Determann Asphalt Paving, LLC - \$11,130.00.
8. Resolution No. 2017-273 - approving Change Order #1 for Project J-2017 3rd Street and 4th Street ADA Curb Ramps - Tschiggfrie Excavating - \$24,751.85.
9. Resolution No. 2017-274 - approving Change Order #2 19th Avenue NW Trail & Sidewalk Project L-2015 - Eastern Iowa Excavating & Concrete, LLC - \$18,133.53.
10. Resolution No. 2017-275 - recommending payment No. 2 for the Margaret Place Pumping Station Project B-2013 - Valley Construction Company - \$30,875.00.
11. Resolution No. 2017-276 - recommending payment No. 2 for the North 2nd Street Rehabilitation Project G-2017 - BWC Excavating, LC - \$71,662.08.
12. Resolution No. 2017-277 - recommending payment No. 2 for the Asphalt Street Resurfacing Project H-2017 - Determann Asphalt Paving, LLC - \$128,157.78.
13. Resolution - Removed to Unfinished Business - approving payment request #2 for Project R-2016 Glendale Road Reconstruction Project - Larry Detterman Excavating - \$41,896.42.
14. Resolution No. 2017-278 - approving payment request #3 for Project J-2017 3rd Street and 4th Street ADA Curb Ramps - Tschiggfrie Excavating - \$141,078.26.
15. Resolution No. 2017-279 - accepting work and recommending final payment (No. 4) to Clinton Engineering for the Douglas Court Reconstruction Project T-2016 - Clinton Engineering Company - \$4,920.50.

16. Resolution No. 2017-280 – approving 5-day liquor license application for Hy-Vee Food and Drug Store.
17. Resolution No. 2017-281 – approving 5-day liquor license application for Lyons Business and Professionals Association.
18. Resolution No. 2017-282 – approving liquor license renewal and Sunday sales privilege for Applebee’s Neighborhood Grill & Bar and issuance of a Class I Letter of Exemption for allowing persons under 21 in licensed premises.

MOTIONS, RESOLUTIONS, AND ORDINANCES

M/S, Odor-Connell moved that the Claims be received, approved and placed on file. On roll call, carried unanimously.

M/S, O’Neill-Seeley moved the Council consider an ordinance for the third time - AN ORDINANCE AMENDING CHAPTER 17 OF THE ORDINANCES OF THE CITY OF CLINTON, IOWA RELATING TO MAYOR’S COMPENSATION. On roll call, McGraw, Allesee, O’Neill – Yes; Seeley, Odor, Connell – No. Tie vote. Ordinance will proceed to July 25, 2017 City Council agenda.

In discussion before roll call, Councilmember Connell stated that he would like to postpone the third consideration until August 8, 2017. Councilmember Connell stated that he received some comparable salaries figures from City Administrator Brooke that he would like reviewed at the next Committee of the Whole meeting. Mayor Vulich inquired with City Attorney O’Connell if this could be referred back to the Committee of the Whole. City Attorney O’Connell stated that there were no legal barriers in postponing the third reading to a set date in the future and that a majority of the council would need to vote to postpone the third reading. City Attorney O’Connell further stated if the third reading was postponed by a majority vote of the council, any member of the council could direct City Administrator Brooke to place the item on the Committee of the Whole agenda for discussion. M/S, Connell-Seeley moved the Council postpone considering an ordinance for the third time - AN ORDINANCE AMENDING CHAPTER 17 OF THE ORDINANCES OF THE CITY OF CLINTON, IOWA RELATING TO MAYOR’S COMPENSATION until the council meeting on August 8, 2017 and that the item be placed for discussion on the Committee of the Whole agenda for July 25, 2017. On roll call, Seeley, Odor, Connell – Yes; McGraw, Allesee, O’Neill – No. Tie vote. Proceed to considering the ordinance for the third time.

In further discussion before roll call, Councilmember Connell stated that in reviewing the comparable salaries received from City Administrator Brooke, it appeared that compensation was currently fair. Councilmember Connell stated the commission that reviews salaries for the Mayor and Councilmembers should review the comparable salaries provided by City Administrator Brooke. City Administrator Brooke stated the comparable salaries were pulled from four towns larger than Clinton and four towns smaller than Clinton (Marion, Bettendorf, Mason City, Marshalltown, Fort Dodge, Burlington, Ottumwa, and Muscatine). City Administrator Brooke stated in speaking with some of the Councilmembers it may be prudent to provide the comparable salaries information to the commission that reviews the salaries for Mayor and Councilmembers or refer the matter to a Committee of the Whole meeting for further discussion. Councilmember O’Neill stated comparable salaries should be reviewed at budget time. Councilmember O’Neill further stated that it is important to attract new people and that a comparable salary is an important component of that process. Councilmember Connell stated he believed the comparable salaries provided should be reviewed before a

decision is made. Councilmember Seeley stated he has not supported the ordinance and continues to not support the ordinance.

M/S, Allesee-O'Neill moved the Council consider an ordinance for the third time - AN ORDINANCE AMENDING CHAPTER 17 OF THE ORDINANCES OF THE CITY OF CLINTON, IOWA RELATING TO COUNCIL COMPENSATION. On roll call, McGraw, Allesee, O'Neill - Yes; Seeley, Odor, Connell - No. Tie vote. Ordinance will proceed to July 25, 2017 City Council agenda.

In discussion before roll call, Councilmember Connell stated that he would like to postpone the third consideration until August 8, 2017. M/S, Connell-Seeley moved the Council postpone considering an ordinance for the third time - AN ORDINANCE AMENDING CHAPTER 17 OF THE ORDINANCES OF THE CITY OF CLINTON, IOWA RELATING TO COUNCIL COMPENSATION until the council meeting on August 8, 2017 and that the item be placed for discussion on the Committee of the Whole agenda for July 25, 2017. On roll call, Seeley, Odor, Connell - Yes; McGraw, Allesee, O'Neill - No. Tie vote. Proceed to considering the ordinance for the third time.

M/S, Connell-O'Neill moved the Council adopt Resolution No. 2017-283 setting public hearing on the proposed sale of City owned vacant lots. On roll call, carried unanimously.

In discussion before roll call, Councilmember Seeley inquired with City Administrator Brooke if the resolution pertained to 1427 25th Avenue South. City Administrator Brooke confirmed the resolution pertained to 1427 25th Avenue South and that the resolution was adjusted to allow bids from the public. Councilmember O'Neill stated he thought the adjacent owners were to be given the first right of refusal and inquired about the value of the lot. City Administrator Brooke stated there was only one adjacent owner and bidding was open to the public due to the lot being a buildable lot. City Administrator Brooke continued in stating the assessed value would be the minimum biddable amount.

M/S, Allesee-Odor moved the Council adopt Resolution No. 2017-284 authorizing partial forgiveness of Homeownership Assistance Program Loan pertaining to 2505 McKinley Street. On roll call, carried unanimously.

M/S, Odor-Connell moved the Council adopt Resolution No. 2017-285 allowing on-street parking on the south side of 20th Avenue North between Pershing Boulevard and North 3rd Street. On roll call, carried unanimously.

M/S, McGraw-Allesee moved the Council adopt a resolution approving the swimming pool fill credit program. On roll call, Seeley, McGraw, Allesee, Odor, Connell, O'Neill - No; motion failed.

In discussion before roll call, Councilmember O'Neill stated he was concerned about setting a precedent and that residents could use the landscape meter instead. Councilmember Connell suggested the existing landscape meter ordinance be adjusted to allow using the meter to fill a swimming pool.

M/S, Seeley-McGraw moved the Council adopt Resolution No. 2017-286 approving a Façade Improvement Program for the Downtown Clinton Alliance. On roll call, carried unanimously.

M/S, Odor-Connell moved the Council adopt Resolution N. 2017-287 accepting bid and awarding contract to Elliott Equipment for the 2017 Sewer Cleaning Jet Truck in the amount of \$127,431.60. On roll call, carried unanimously.

In discussion before roll call, Councilmember Seeley inquired with Water Quality Superintendent, Bob Milroy, about the maintenance costs and trade-in value for the 2005 Sewer Combination truck currently in service. Superintendent Milroy stated that maintenance costs continue to increase each year and have been a total of \$12,325.00 in labor costs alone since 2010. Superintendent Milroy further stated the trade-in value decreases around \$10,000.00 - \$15,000.00 per year. Councilmember Seeley inquired with Superintendent Milroy about the depreciation rate and longevity for the new truck. Superintendent Milroy stated the new truck would cost less and thus have a lower depreciation rate and that the new truck would lower operating costs overall. Councilmember Seeley expressed concerns that this was not being completed at a budget session and suggested that the future budget include funds to be set aside for replacement of vehicles. Superintendent Milroy stated there are funds available in the department's budget to cover the cost of the new truck and that the department works very diligently at conserving funds. Mayor Vulich confirmed with Superintendent Milroy that the truck and equipment are separate items and if the truck needed replacement in the future, the equipment could be fitted onto a new truck. Superintendent Milroy answered in the affirmative.

M/S, Connell-O'Neill moved the Council adopt Resolution No. 2017-288 awarding a contract to Cheramy Concrete & Masonry LLC for patching in 14 locations along Highway 30 for \$44,875.00. On roll call, carried unanimously.

In discussion before roll call, Councilmember O'Neill inquired with City Engineer Jason Craft about why the City is completing patching work on Highway 30. City Engineer Craft stated the City has an agreement with the State that the City will maintain the State highways within the City limits and the State reimburses the City for those costs. Councilmember Seeley inquired if the brick pavers that have been damaged would be replaced. City Engineer Craft stated the pavers would be replaced, the cost to replace the bricks is covered by the City, and the bid amount includes that cost.

M/S, O'Neill-Seeley moved the Council adopt Resolution No. 2017-289 approving the Keep Iowa Beautiful Hometown Pride Contract. On roll call, carried unanimously.

UNFINISHED BUSINESS

Councilmember Connell requested clarification on the contract with East Central Intergovernmental Association for planning technical assistance. City Administrator Brooke stated the contract is only for billable hours and would provide zoning, planning and ordinance assistance.

M/S, Connell-Seeley moved the Council adopt Resolution No. 2017-290 approving an agreement with East Central Intergovernmental Association for planning technical assistance for Fiscal Year 2018. On roll call, carried unanimously.

Councilmember Seeley asked for explanation of the disposition of property located at 2586 Liberty Avenue. City Administrator Brooke stated the City of Clinton owns a parcel of land at 2586 Liberty Avenue adjacent to Archer Daniels Midland property and Archer Daniels Midland owns a parcel of land adjacent to property owned by the City of Clinton. City Administrator Brooke stated the parcels are roughly the same size and have similar appraisals. City Administrator Brooke further stated that it would be advantageous to the City to complete a 1031 exchange with Archer Daniels Midland for the properties.

M/S, Seeley-Connell moved the Council adopt Resolution No. 2017-291 establishing a public hearing for disposition of property at 2586 Liberty Avenue to Archer Daniels Midland. On roll call, carried unanimously.

Councilmember McGraw expressed concerns regarding the ADA Advisory Committee minutes of April 13, 2017. Councilmember McGraw inquired as to what is being done to address the non-compliant items. City Administrator Brooke stated the non-compliant items are to be corrected and Building and Neighborhood Services has contacted the owners about reaching compliancy.

M/S, McGraw-Allesee to receive, approve, and place on file the April 13, 2017 minutes of the ADA Advisory Committee. On roll call, carried unanimously.

Amendment to the original Council agenda led to confusion of the numbering of the consent agenda items. Accordingly, the record is corrected to reflect Councilmember McGraw placing consent agenda item #13 on unfinished business (rather than consent agenda item #14). Councilmember McGraw expressed concerns regarding approving payment request #2 for Project R-2016, as the work was not completed on time. City Engineer Craft stated the contractor did not complete work in a timely manner. City Engineer Craft stated the pay request was for the work that has been completed by a subcontractor who had taken over the project. City Engineer Craft stated this subcontractor is completing work in a timely manner and the work is projected to be completed within a week. City Engineer Craft stated the original contractor will incur liquidated damages for not completing the project in a timely manner.

M/S, McGraw-Allesee moved the Council adopt Resolution No. 2017-292 to approve payment request #2 for Project R-2016 Glendale Road Reconstruction Project to Larry Detterman Excavating in the amount of \$41,896.42. On roll call, carried unanimously.

M/S, Allesee-Odor moved to adjourn to 7:00 P.M. July 25, 2017. On roll call, carried unanimously.

Mark S. Vulich
Mayor

Lisa M. Frederick
City Clerk