

The City Council met in regular session, June 13, 2017 at 7:00 P.M. in the City Hall Council Chamber. Present on roll call: Mayor Vulich; Councilmembers: Gassman (by telephone), Seeley, McGraw, Allesee, Connell, Odor and O'Neill.

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 May 23, 2017 and they be approved as published on June 5, 2017. On roll call, carried unanimously

PUBLIC HEARINGS

Mayor Vulich convened a public hearing concerning accepting bid and awarding contract for West Deer Creek Road Bridge Replacement Project Iowa DOT Project No. BROS-1415(628)-8J-23. No comments were received, written or oral. M/S, Connell-O'Neill moved that the public hearing concerning accepting bid and awarding contract for West Deer Creek Road Bridge Replacement Project Iowa DOT Project No. BROS-1415(628)-8J-23 be entered into the record. On roll call, carried unanimously.

M/S, Connell-O'Neill moved the Council adopt Resolution No. 2017-215 awarding contract to Jim Schroeder Construction, Inc. for the West Deer Creek Road Bridge Replacement Project Iowa DOT Project No. BROS-1415(628)-8J-23 - \$538,411.34. On roll call, carried unanimously.

AUDIENCE COMMENT

Mr. Gary Watters, 1141 13th Avenue North, advised the Council that wages for the Mayor and Council Members was discussed during the budget meetings. Normally this should be looked at every four years; however, it has been eight years since this has been discussed. He stated that at their current wage they are making \$3.50 an hour. He further stated that this must be kept on the forefront in order to get quality candidates.

CONSENT AGENDA

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

MOTIONS, RESOLUTIONS, AND ORDINANCES

1. Committee of the Whole - minutes 5/23/2017 - receive, approve and place on file.
2. Committee of the Whole - minutes 6/6/2017 - receive, approve and place on file.
3. Historic Preservation Commission - minutes 5/11/2017 - receive, approve and place on file.
4. Human Rights Commission - minutes 5/15/2017 - receive, approve and place on file.
5. Tree Commission - minutes 4/13/2017 - receive, approve and place on file.
6. Affidavit to commence referendum proceedings for the repeal of all sections of the Code of Ordinances creating and perpetuating the office of City Assessor - receive, approve and place on file.

7. Completed Work Orders – May, 2017 – receive, approve and place on file.
8. Contract & Bond – Clinton Downtown Street Light Replacement Project T-2017 – Leslie Electric - \$854,848.00 – receive, approve and place on file.
9. Contract & Bond - BWC Excavating - 20th Avenue North Combined Sanitary Trunk to Lift Station, Project M-2017, - \$360,673.50 – receive, approve and place on file.
10. Plans & specs, Highway 67 resurfacing – receive, approve and place on file.
11. Resolution No. 2017-216 authorizing the collection/certification of grass/weed cutting and nuisance clean up liens.
12. Resolution No. 2017-217 ordering construction of improvement, setting public hearing and directing advertisement for bids – Highway 67 (North 3rd Street) Roadway Rehabilitation Project A-2017.
13. Resolution No. 2017-218 approving change order #1 – North 2nd Street Rehabilitation Project G-2017 – BWC Excavating, LC - \$30,741.00.
14. Resolution No. 2017-219 recommending payment No. 1 for the North 2nd Street Rehabilitation Project G-2017 – BWC Excavating, LC - \$224,614.51.
15. Resolution No. 2017-220 recommending payment No. 1 for the Margaret Place Pumping Station Project F-2013 – Valley Construction Company - \$22,325.00.
16. Resolution No. 2017-221 recommending payment request No. 4 to Project L-2015 – 19th Avenue NW Sidewalk & Trail Construction – Eastern Iowa Excavating & Concrete - \$6,678.50.
17. Resolution No. 2017-222 recommending payment request No. 12 to Langman Construction Inc. for Phase III of the 19th Avenue North Project, from Randall Court to North 2nd Street - \$485,778.61.
18. Resolution No. 2017-223 approving beer permit/liquor license renewal application and Sunday sales privilege for Smokin’ Joe’s Tobacco and Liquor Outlet #11.
19. Resolution No. 2017-224 approving renewal of a beer permit/license and Sunday sales privilege for Express Lane Gas & Food Mart #61.
20. Resolution No. 2017-225 approving liquor license renewal with Sunday sales privilege and issuance of a Class II Letter of Exemption for Amvets Post 28.
21. Resolution No. 2017-226 approving liquor license renewal and Sunday sales privilege for Yen Ching Restaurant and issuance of a Class I Letter of Exemption for allowing persons under 21 in licensed premises.

22. Resolution No. 2017-227 approving a liquor license renewal application and Sunday sales privilege for Pizza Hut of Clinton and issuance of a Class I Letter of Exemption for allowing persons under 21 in licensed premises. - 1616 North 2nd Street
23. Resolution No. 2017-228 approving a liquor license renewal application and Sunday sales privilege for Pizza Hut of Clinton and issuance of a Class I Letter of Exemption for allowing persons under 21 in licensed premises. - 2712 A South 25th Street

MOTIONS, RESOLUTIONS AND ORDINANCES

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

M/S, O'Neill-Connell moved the Council consider an ordinance for the first time - AN ORDINANCE AMENDING CHAPTER 17 OF THE ORDINANCES OF THE CITY OF CLINTON, IOWA RELATING TO MAYOR'S COMPENSATION. On roll call, Gassman, McGraw, Allesee, Odor, Connell, O'Neill - Yes; Seeley - No. Motion carried.

M/S, Allesee-Odor moved the Council consider an ordinance for the first time - AN ORDINANCE AMENDING CHAPTER 17 OF THE ORDINANCES OF THE CITY OF CLINTON, IOWA RELATING TO COUNCIL COMPENSATION. On roll call, Gassman, McGraw, Allesee, Odor, Connell, O'Neill - Yes; Seeley - No. Motion carried.

M/S, McGraw-Allesee moved the Council adopt Resolution No. 2017-229 appointing Bankers Trust Company of Des Moines, Iowa to serve as Paying Agent, Note Registrar, and Transfer Agent, approving the Paying Agent, and Note Registrar and Transfer Agent Agreement and authorizing the execution of the Agreement. On roll call, carried unanimously.

M/S, Odor-Connell moved the Council adopt Resolution No. 2017-230 approving and authorizing a form of loan agreement and authorizing and providing for the issuance of \$10,375,000 General Obligation Capital Loan Notes, Series 2017B, and levying a tax to pay said notes; approval of the Tax Exemption Certificate and Continuing Disclosure Certificate. On roll call, carried unanimously.

M/S, Allesee-Odor moved the Council adopt Resolution No. 2017-231 approving lease agreement with the Iowa Department of Transportation for a portion of the parking lot facility at 537 Ball Park Drive. On roll call, carried unanimously.

M/S, Seeley-McGraw moved the Council adopt Resolution No. 2017-232 approving the July 1, 2017, medical plan renewal for FY2018 with Wellmark. On roll call, carried unanimously.

M/S, O'Neill-Seeley moved the Council adopt Resolution No. 2017-233 authorizing the replacement of the diffusers in the aerobic digesters at the Regional Water Reclamation Facility. On roll call, carried unanimously.

M/S, Connell-O'Neill moved the Council adopt Resolution No. 2017-234 approving professional services agreement with Veenstra & Kimm, Inc. for construction phase engineering for the "West Deer Creek Road Bridge Replacement Project" Iowa DOT Project No. BROS-1415(628)-8J-23. On roll call, carried unanimously.

M/S, Seeley-McGraw moved the Council adopt Resolution No. 2017-235 establishing just compensation for property acquisition pursuant to executed purchase agreement regarding property situated adjacent to alley between 16th Place and 17th Place. On roll call, Gassman, McGraw, Allesee, Odor, Connell, O'Neill – Yes; Seeley – No. Motion carried.

In discussion before roll call, Councilmember Seeley inquired regarding why the City is purchasing the lot instead of obtaining an easement. The entire lot will not be dedicated and the City will have to maintain it. City Administrator Brooke stated that he discussed this with the City Engineer and it was decided that it would be better if the City owned the parcel. Mayor Vulich inquired regarding who owns the rest of the property. Administrator Brooke stated that it was owned by Gary Wilke. Councilmember Seeley stated that as it is platted it is legally described as a lot. He continued in stating that he did not want the City to get stuck maintaining it. The City can file an easement and compensate Mr. Wilke for that. He further stated that in order to be dedicated as Right-Of-Way the abutting owner must maintain it. City Attorney Patrick O'Connell stated per the Code, yes; however, he did not think that there is a lot to be concerned about. Councilmember O'Neill stated that it is a better situation if the City takes control of the property. We can dispose of the property later on.

M/S, O'Neill-Seeley moved the Council adopt Resolution No. 2017-236 approving amendment to Memorandum of Record to Graincomm III, LLC for preparation of the easement agreement for cell tower site extension Grain Tower No. 2055-IA-021101. On roll call, carried unanimously.

** Phone contact was lost with Councilmember Gassman.

M/S, McGraw-Allesee moved the Council adopt Resolution No. 2017-237 of endorsement of the Clinton Fire Department application for a Port Security Grant to fund the construction of a fire boat storage facility. On roll call, carried unanimously.

In discussion before roll call, Fire Chief Mike Brown advised the Council that this was the same grant they approved last year; however, was not rewarded to the City. He stated that it has changed a little, it is cheaper. He continued in stating that the City has three years to come up with a match. Councilmember O'Neill inquired regarding whether this would be year-round storage. Chief Brown stated that it could be; however, it would be wisest to pull it out in the winter. He further stated that keeping the boat in a storage facility would make it deployable immediately. City Administrator Brooke stated that the City can also store the Police Department boat in the storage facility and add six more rental docks. Chief Brown advised the Council that the existing dock would remain and the structure would be built on it. He stated that the estimated cost is \$616,900.00. He continued in stating that he would like to parlay the existing dock for the match and use the money for the rest of the cover.

Councilmember O'Neill inquired regarding the cost of the Fire Boat. Chief Brown stated that it cost about one half million dollars. Councilmember O'Neill suggested that Chief Brown contact the City's insurance carrier. Chief Brown stated that it would make sense for security reasons. Councilmember Connell inquired regarding whether \$250,000 was enough. Chief Brown stated that it makes sense to build on the existing dock to keep the cost around \$225,000 and have \$30,000 left.

M/S, O'Neill-Seeley moved the Council adopt a resolution setting public hearing on the proposed sale of City owned vacant lots.

In discussion before roll call, Councilmember O'Neill read the resolution. Councilmember Seeley stated that this is a buildable lot per the Zoning Code. He continued in stating that he thought

that buildable lots could be offered to more than just the adjacent property owner. City Administrator Brooke stated that the policy for the disposition of City-owned lots is in Phase 0 and at this time they are only offered to adjacent property owners. Councilmember Seeley stated that we owe it to the taxpayers to get the highest bid for the property and to open it to anyone.

Councilmember O'Neill stated that he was sure during discussion that non-nuisance buildable lots would go out to open bid. We must get any nuisance properties off the books. Phase 0 was to offer nuisance properties to adjacent property owners. Councilmember Seeley inquired regarding whether the City is doing the citizens an injustice. If a lot is buildable by City Code it must go out for bids. City Administrator Brooke stated that the City is getting rid of nuisance properties only when people come forward and make an offer. Councilmember Connell stated that whether the City is allowing buildable or non-buildable to go out for bid, there must be a point of clarification. Councilmember O'Neill stated that the idea is to get rid of the expense of maintaining the lots. He continued in stating that no one will get a windfall. We must move on. Councilmember Connell suggested going back to the Council meeting to get the Council's direction on how to address this. Administrator Brooke stated that he would review the tapes.

M/S, Connell moved to table the resolution until the June 27, 2017 Council meeting. On roll call, Seeley, McGraw, Allesee, Odor, Connell - Yes; O'Neill - No. Motion carried.

M/S, McGraw-Allesee moved the Council adopt Resolution No. 2017-238 awarding contract to Determann Asphalt Paving, LLC for Eagle Point Lodge Parking Lot asphalt overlay - \$48,974.00. On roll call, carried unanimously.

M/S, Seeley-McGraw moved the Council adopt Resolution No. 2017-239 accepting bid and approving sale of 529 7th Avenue South. On roll call, carried unanimously.

In discussion before roll call, Councilmember Seeley stated that it is good that Crystal Schocker is purchasing the adjoining lot. He continued in stating that it is a non-buildable lot. City Administrator Brooke stated that Ms. Schocker signed a document stating that the lots would be merged making a buildable lot. Councilmember Connell inquired regarding whether the document is legal and binding. City Administrator Brooke stated that it was notarized and this would be done for all.

M/S, Odor-Connell moved the Council adopt Resolution No. 2017-240 approving a Fiscal Year 2018 pay raise for non-bargaining employees. On roll call, carried unanimously

UNFINISHED BUSINESS

No Unfinished Business was brought forth.

M/S, Allesee-Odor moved to adjourn to 7:00 June 27, 2017. On roll call, carried unanimously.

Mark S. Vulich
Mayor

Pat Van Loo
City Clerk