

The City Council met in regular session, June 14, 2016 at 7:00 P.M. in the City Hall Council Chamber. Present on roll call: Mayor Pro Tem Determann; Councilmembers: Seeley, McGraw, O'Neill, Connell and Allesee. Mayor Vulich & Councilmember Gassman - absent.

M/S, Connell-Allesee moved to dispense with the reading of the minutes of the regular Council meeting and Committee of the Whole minutes of May 24, 2016 and they be approved as published on June 7, 2016. On roll call, carried unanimously.

PUBLIC HEARINGS

Mayor Pro Tem Determann convened a public hearing concerning the sale of property at 315 Second Avenue North. No comments were received, written or oral. M/S, Allesee-Seeley moved that the public hearing concerning the sale of property at 315 Second Avenue North be entered into the record. On roll call, carried unanimously.

1. M/S, Allesee-Seeley moved the Council adopt Resolution NO. 2016-233 approving sale of 315 Second Avenue North. On roll call, carried unanimously.

Mayor Pro Tem Determann convened a public hearing concerning accepting bid and awarding contract for Project K-2016 (B) - Street Reclamation& Chip Seal Project. No comments were received, written or oral. M/S, Seeley-Allesee moved that the public hearing concerning accepting bid and awarding contract for Project K-2016 (B) - Street Reclamation& Chip Seal Project be entered into the record. On roll call, carried unanimously.

2. M/S, Seeley-O'Neill moved the Council adopt Resolution No. 2016-234 accepting bid and awarding contract to Determann Asphalt Paving, LLC for Project K-2016 (B) - Street Reclamation& Chip Seal Project for \$129,750.55. On roll call, carried unanimously.

In discussion before roll call, Councilmember O'Neill inquired regarding where Project K-2016 (B) would take place. City Engineer Jason Craft stated that the project would take place in the area by All Pets Veterinary Clinic on 13th and 14th Avenue South on both sides of Manufacturing Drive, 12th Street, Lawndale and Pleasant Valley Lane. He continued in stating that letters will be sent to the residents informing them of the project. He continued in stating that this is preventative maintenance paid for with Road Use Tax funds.

AUDIENCE COMMENT

No persons came before the Council to speak.

CONSENT AGENDA

Councilmember Connell requested item #1 from the Consent Agenda be removed to Unfinished Business.

Councilmember McGraw requested item #7 from the Consent Agenda be removed to Unfinished Business.

Councilmember O'Neill requested items #2, #10, #15 and #18 from the Consent Agenda be removed to Unfinished Business.

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

1. Claims - Removed to Unfinished Business - receive, approve and place on file.
2. ADA Advisory Commission - Removed to Unfinished Business - minutes 4/14/2016 - receive, approve and place on file.
3. Committee of the Whole - minutes 5/24/2016 - receive, approve and place on file.
4. Finance Committee - minutes 4/28/2016 - receive, approve and place on file.
5. Historic Preservation Commission - minutes 5/12/2016 - receive, approve and place on file.
6. Human Rights Commission - minutes 4/25/2016 - receive, approve and place on file.
7. Clinton Fire & Rescue - Removed to Unfinished Business - FY2016 PCC Ambulance Billing Report & Financial Summary 9/1/2015 - 5/30/2016 - receive, approve and place on file.
8. Work Orders - April, 2016 and May, 2016 - receive, approve and place on file.
9. Plans & Specs - Street Reclamation & Chip Seal Project K-2016 (B) - receive, approve and place on file.
10. Plans & Specs - Removed to Unfinished Business - 13th Avenue North Traffic Safety Improvement Project S-2016 - receive, approve and place on file.
11. Contract & Bond - Project N-2016, Thin Asphalt Overlay - Determann Asphalt Paving, LLC - \$167,900.25 - receive, approve and place on file.
12. Contract & Bond - Project Q-2016, 25th Avenue North Grinder Station Project - Miller Trucking & Excavating - \$153,050.00.
13. Resolution No. 2016-235 authorizing an interlocal 28E Agreement with the City of Clinton, Iowa and the County of Clinton, Iowa for the 2016 Justice Assistance Grant (JAG) Application.
14. Resolution No. 2016-236 approving Supplemental Agreement for Primary Roads Maintenance and Repair between Iowa Department of Transportation and the City of Clinton.
15. Resolution - Removed to Unfinished Business - awarding bid to Atlantic Track and Turnout for the purchase of materials for the Lincolnway Industrial Rail and Air Park.

16. Resolution No. 2016-237 Interlocal Contract for Cooperative Purchasing.
17. Resolution No. 2016-238 authorizing construction of improvement, setting public hearing, and directing advertisement for bids – 13th Avenue North Traffic Safety Improvement Project S-2016.
18. Resolution – Removed to Unfinished Business - approving change order #2 – Iowa Avenue & 16th – 22nd Place Rehabilitation Project F-2015 – Clinton Engineering Company - \$17,821.11.
19. Resolution No. 2016-239 approving change order #2 – Residential Street Reconstruction Project E-2016 – Eastern Iowa Excavating & Concrete - \$\$8,393.00.
20. Resolution No. 2016-240 approving change order #4 – 44th Avenue South Resurfacing Project B-2015 – Determann Asphalt Paving, LLC - \$975.78.
21. Resolution No. 2016-241 approving change order #7 for project B-2014 – 20th Avenue North Pumping Station & Force Main Replacement – Merryman Excavation – DECREASE (\$11,287.50).
22. Resolution No. 2016-242 recommending Payment No. 2 for Residential Street Reconstruction Project E-2016 – Eastern Iowa Excavating & Concrete - \$231,150.95.
23. Resolution No. 2016-243 recommending payment No. 3 for the North End Rec Trail, Project J-2015 – Eastern Iowa Excavating & Concrete, LLC - \$26,235.63.
24. Resolution No. 2016-244 recommending payment No. 4 to Langman Construction Inc. for Phase III of the 19th Avenue North Project, from Randall Court to North 2nd Street - \$487,713.51.
25. Resolution Mo. 2016-245 recommending payment request No. 5 to Nutri Ject Systems, Inc. for the Digester Cleaning, Land Application and Demolition Project - \$152,340.10.
26. Resolution No. 2016-246 accepting project and recommending payment No. 7 for the 44th Avenue South Resurfacing Project B-2015 – Clinton Engineering Company - \$37,493.36.
27. Resolution No. 2016-247 accepting work and recommending payment No. 8 to Clinton Engineering for Project F-2015 – Iowa Avenue & 16th – 22nd Place Rehabilitation Project - \$61,803.45.
28. Resolution No. 2016-248 recommending payment No. 13 to Merryman Excavation for the 20th Avenue North Pumping Station & Force Main Replacement Project B-2014 - \$8,176.46.
29. Resolution No. 2016-249 recommending the final payment to Nutri Ject Systems, Inc. for the Digester Cleaning, Land Application and Demolition Project - \$18,222.50.

30. Resolution No. 2016-250 approving carryout wine application for Express Lane Gas & Food Mart #61.

31. Resolution No. 2016-251 approving carryout wine application for Express Lane Gas & Food Mart #71.

32. Resolution No. 2016-252 approving carryout wine application for Express Lane Gas & Food Mart #73.

33. Resolution No. 2016-253 approving carryout wine application for Express Lane Gas & Food Mart.

34. Resolution No. 2016-254 approving beer permit/license renewal application for Express Lane Gas & Food Mart #61.

35. Resolution No. 2016-255 approving liquor license renewal with Sunday sales privilege for Dollar General Store #7592.

36. Resolution No. 2016-256 approving extended outdoor sales privilege for Lyons Tap.

37. Resolution No. 2016-257 approving liquor license renewal and Sunday sales privilege for Pizza Hut of Clinton and issuance of a Class I Letter of Exemption for allowing persons under 21in licensed premises.

38. Resolution No. 2016-258 approving liquor license renewal and Sunday sales privilege for Pizza Hut of Clinton and issuance of a Class I Letter of Exemption for allowing persons under 21in licensed premises.

MOTIONS, RESOLUTIONS, AND ORDINANCES

3. M/S, O'Neill-Allesee moved the Council consider an ordinance for the first time - AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA BY DELETING CHAPTER 79A, RESIDENT PERMIT PARKING DISTRICTS. On roll call, carried unanimously.

In discussion before roll call, Mayor Pro Tem Determann advised the public that permit parking in the Ashford University area would be eliminated.

4. M/S, McGraw-Connell moved the Council adopt Resolution No. 2016-259 authorizing reissuance of deed for property at 435 6th Avenue South to Stan T. Konopka III.

In discussion before roll call, City Administrator Kinser advised that Mr. Konopka had purchased the property a while ago; however, the deed was never recorded. Councilmember Seeley inquired regarding whether the City would have the deed recorded since Mr. Konopka cannot be located. City Administrator Kinser stated that the City will have the deed recorded. Councilmember Seeley stated that the City has lost the tax dollars for this property for the last ten years

5. M/S, Connell-Allesee moved the Council adopt Resolution No. 2016-260 approving a budget modification removing an approved FY2017 transfer to the General Fund. On roll call, Seeley, McGraw, O'Neill, Connell, Allesee - Yes; Determann - No. Motion carried.

In discussion before roll call Councilmember Seeley advised that this is reversing a transfer of funds from the General Fund back into the Marina Amenities Fund.

6. M/S, Seeley-McGraw moved the Council adopt Resolution No. 2016-261 approving a budget modification for adding a trolley route on Saturdays only. On roll call, carried unanimously.

In discussion before roll call, Councilmember Seeley stated that the trolley would run on a Saturday route and he hoped the City would do other things with it. Councilmember Allesee stated that it would travel too Riverfront, Main Avenue, Eagle Point Park, Millcreek Parkway, etc.

7. M/S, McGraw-Seeley moved the Council adopt Resolution No. 2016-262 approving budget modification for a part-time nuisance inspector. On roll call, carried unanimously.

In discussion before roll call, City Administrator Kinser advised that this was taking place due to a citizen-initiated complaint. She stated that this is the worst year for weed and grass complaints city-wide. She continued in stating that the person would work 40 hours per week from July through September. She further stated that the position would be evaluated during the next budget discussions.

Councilmember Determann inquired regarding when a property is mowed after receiving the initial complaint. Battalion Chief Chapman stated that the property owner is sent a certified letter which can take between six to nine days. Councilmember Determann inquired regarding how much the person would accomplish. Battalion Chief Chapman stated that the first letters went out in May. He continued in stating that more than half of the grass complaints must be addressed several times. City Administrator Kinser stated that many of the properties are abandoned.

8. M/S, Allesee-Seeley moved the Council adopt Resolution No. 2016-263 official City of Clinton endorsement of the COPS Office Grant Application for FY2017. On roll call, carried unanimously.

9. M/S, O'Neill-Connell moved the Council adopt Resolution NO. 2016-264 requesting assignment of multiple County-held tax certificates. On roll call, carried unanimously.

In discussion before roll call, Councilmember O'Neill advised the public that the addresses of the properties under consideration are 617 3rd Avenue South, 2026 McKinley Street, Beaver Island (No Address), 212 2nd Avenue South, and 1427 25th Avenue South. He stated that the properties would be sold by a bid process.

10. M/S, Connell-Allesee moved the Council adopt Resolution No. 2016-265 approving new liquor license application for Buffalo Wild Wings, Sunday sales privilege, outdoor service privilege and issuance of a Class I Letter of Exemption for allowing persons under 21 in licensed premises. On roll call, carried unanimously.

11. M/S, Seeley-Connell moved the Council adopt Resolution No. 2016-266 supporting the Victory Center's grant application for Affordable Housing Program. On roll call, carried unanimously.

UNFINISHED BUSINESS

12. M/S. O'Neill-Allesee moved the Claims listing be approved. On roll call, Seeley, McGraw, Determann, O'Neill, Allesee - Yes; Connell - abstain. Motion carried.

13. M/S, O'Neill-Seeley moved the ADA Advisory Commission minutes be approved. On roll call, carried unanimously.

In discussion before roll call, Councilmember O'Neill inquired regarding the lack of curb cuts referred to in the minutes. City Administrator Kinser stated that the City Engineer's statement was taken out of context. The railroad track do not have a sidewalk so there is not pavement for curb ramps. There are still areas in need of repair.

14. M/S, McGraw-Seeley moved the Clinton Fire & Rescue FY2016 PCC Ambulance Billing Report & Financial Summary 9/1/2015 - 5/30/2016 be approved. On roll call, carried unanimously.

In discussion before roll call, Councilmember McGraw inquired regarding February, 2016 contractual adjustment. City Administrator Kinser stated that the adjustments are from Medicare, Medicaid and insurance companies.

15. M/S, O'Neill-Allesee moved the Plans & Specs relating to 13th Avenue North Traffic Safety Improvement Project S-2016 be approved. On roll call, carried unanimously.

In discussion before roll call, Councilmember O'Neill stated that he could not find any information relating to this project. City Engineer Craft stated that it is relating to the three lane conversion and traffic signalization.

16. M/S, O'Neill-Connell moved the Council adopt Resolution No. 2016-267 awarding bid to Atlantic Track and Turnout for the purchase of materials for the Lincolnway Industrial Rail and Air Park. On roll call, carried unanimously.

In discussion before roll call, Councilmember O'Neill inquired regarding whether the City would get paid when cars go through the switches since there is no cost sharing. City Administrator Kinser stated that the switches are City assets and the City will get paid. She continued in stating that the switches and rail are for future projects. She further stated that the City Attorney is looking into the fees for cars to cross the switches. The materials will be paid from a 2009 grant. Councilmember Connell inquired regarding why the money was not spent until now. City Administrator Kinser stated that it was part of a bigger project and the

City was informed by the IDOT in March that the money must be spent this year. Councilmember Connell suggested the City look into other grants that may have unspent funds. City Administrator Kinser stated that \$114,000 is a small part of a \$1 Million grant and fell through the cracks. Councilmember Determann stated that the City needs to get a track agreement. City Attorney O'Connell stated that Lynch Dallas is working to get the other side to agree.

17. M/S, Connell-Allesee moved the Council adopt Resolution No. 2016-268 approving change order #2 for Iowa Avenue & 16th - 22nd Place Rehabilitation Project F-2015 by Clinton Engineering Company for \$17,821.11. On roll call, Seeley, McGraw, Determann, Connell, Allesee - Yes; O'Neill - No. Motion carried.

In discussion before roll call, Councilmember O'Neill stated that this was overlooked in the bidding. He continued in stating that if the bid contract did not make allowances for this no one else was able to bid. City Engineer Craft stated that this was not a lump sum contract. He continued in stating that throughout the project things come up which require authorization. Councilmember O'Neill stated that he did not like job changes.

M/S, Connell-Allesee moved to adjourn to 7:00 P.M., June 28, 2016. On roll call, carried unanimously.

Tom Determann
Mayor Pro Tem

Pat Van Loo
City Clerk

