

The City Council met in regular session, June 27, 2017 at 7:00 P.M. in the City Hall Council Chamber. Present on roll call: Mayor Vulich; Councilmembers: Gassman, Seeley, McGraw, Allesee, Odor and O'Neill. Councilmember Connell – absent.

M/S, Allesee-Odor moved to dispense with the reading of the Committee of the Whole minutes of June 6, 2017 and they be approved as published on June 20, 2017. On roll call, carried unanimously

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 13, 2017 and they be approved as published on June 27, 2017. On roll call, carried unanimously

PUBLIC HEARINGS

There were no public hearings to come before the Council.

AUDIENCE COMMENT

No persons came before the Council to speak.

CONSENT AGENDA

Councilmember Seeley requested that item #13 be removed to Unfinished Business.

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

1. Airport Commission – minutes 5/15/2017 – receive, approve and place on file.
2. Committee of the Whole – minutes 6/13/2017 – receive, approve and place on file.
3. Human Rights Commission – minutes 6/7/2017 – receive, approve and place on file.
4. Traffic Study Commission – minutes 6/13/2017 – receive, approve and place on file.
5. Completed Work Orders – May & June – receive, approve and place on file.
6. Transit Joint Participation Agreement – receive, approve and place on file.
7. Resolution No. 2017-241 recommending appointment of Josh Eggers as Parks & Recreation Director for the City of Clinton, Iowa.
8. Resolution No. 2017-242 recommending appointment of Cathy Marx as Parks & Recreation Assistant Director for the City of Clinton, Iowa.
9. Resolution No. 2017-243 recommending appointment of Lisa Frederick as City Clerk for the City of Clinton, Iowa.

10. Resolution No. 2017-244 approving City of Clinton Mayor's membership with Mississippi River Cities and Towns Initiative effort.
11. Resolution No. 2017-245 approving issuance of cigarette permits.
12. Resolution No. 2017-246 approving supplemental agreement for primary roads maintenance and repair between Iowa Department of Transportation and the City of Clinton.
13. Resolution - Removed to Unfinished Business - approving two year service agreement from Leslie Electric Inc. for the traffic control and street lighting systems maintenance and repair for Fiscal Years 2018 and 2019.
14. Resolution No. 2017-247 ordering construction of improvement, setting public hearing and directing advertisement for bids - 7th Avenue South ADA Curb Ramp Replacement Project A-2018.
15. Resolution No. 2017-248 approving change order #1 - Douglas Court Reconstruction Project T-2016 - Clinton Engineering Company - \$8,634.00.
16. Resolution No. 2017-249 recommending payment No. 1 for the 25th Avenue North Sewer Separation Project A-2016 - BWC Excavating, LC - \$149,714.57.
17. Resolution No. 2017-250 approving payment request #2 for Project J-2017 - 3rd Street and 4th Street ADA Curb Ramps - Tschiggfrie Excavating - \$103,938.05.
18. Resolution No. 2017-251 recommending payment No. 2 for the Collector Street Resurfacing Project E-2017 - Determann Asphalt Paving, LLC - \$275,311.82.
19. Resolution No. 2017-252 recommending payment No. 3 for the Basin 6 Sewer Separation Project P-2016 - BWC Excavating, LC - \$239,267.03.
20. Resolution No. 2017-253 recommending payment No. 3 for the Douglas Street Reconstruction Project T-2016 - Clinton Engineering Company - \$8,360.00.
21. Resolution No. 2017-254 approving outdoor service area for Amvets Post 28.
22. Resolution No. 2017-255 approving beer permit/license renewal application for Hy-Vee Food & Drug Store.
23. Resolution No. 2017-256 approving renewal of a Class C liquor license, Sunday sales privilege, outdoor service privilege and issuance of a Class I Letter of Exemption for allowing persons under 21 in licensed premises for Legend's Sports Bar.
24. Resolution No. 2017-257 approving liquor license renewal with Sunday sales privilege for Dollar General Store #7592.
25. Resolution No. 2017-258 approving a Class C Beer Permit/license renewal application, Sunday sales privilege, outdoor service privilege and issuance of a Class II Letter of Exemption for allowing persons under 21 in licensed premises for Fraternal Order of Eagles, Wapsie Aerie #705.

MOTIONS, RESOLUTIONS, AND ORDINANCES

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

M/S, O'Neill-Gassman moved the Council consider an ordinance for the second 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, O'Neill - Yes; Seeley, Odor - No. Motion carried.

M/S, Gassman-Seeley moved the Council consider an ordinance for the second 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, O'Neill - Yes; Seeley, Odor - No. Motion carried.

M/S, Gassman-Allesee moved the rules be suspended and the Council consider an ordinance for the third time. On roll call, Gassman, McGraw, Allesee, O'Neill - Yes; Seeley, Odor - No. Motion carried. Motion failed.

M/S, O'Neill-Gassman moved the Council adopt Resolution No. 2017-259 as amended setting a public hearing on the proposed sale of City owned vacant lots. On roll call, Gassman, Seeley, McGraw, Allesee, Odor - Yes; O'Neill - No. Motion carried.

In discussion before roll call, Councilmember Seeley stated that this is a buildable lot and should be offered for bid to everyone, not just the adjoining property owner. City Attorney O'Connell stated that he understood Councilmember Seeley's concerns. Smaller lots are not a big concern; however, the City should sell buildable lots for fair market value. As long as the City gets fair market value, we can sell to the adjoining property owner. If the City does not get fair market value you must answer to the public.

Councilmember O'Neill stated that this property was in the first group that was approved for sale because they were nuisance properties. The idea that it is bigger is immaterial; it is a nuisance. The Council agrees that we want to get rid of the expense of taking care of these properties. It costs a fortune over the years. It is to the City's advantage to get rid of the expense.

City Administrator Brooke stated that the policy is ready. He continued in stating that the Council gets the last say. He further stated that he was asking for the Council to approve this one. He recommended that the Plan Commission get involved to take a look at all of the nuisance properties in the City.

Councilmember Seeley stated that a point of clarification is that the property is not a nuisance, it is being mowed by the adjoining property owner. He continued in stating that we owe it to ourselves to put this out for bids. It is the taxpayer's money. He further stated that he was not ready to sell the property for less than the assessed value. He proceeded to state that the City needs to attempt to get fair market value. Councilmember O'Neill stated that only the BNS Department can decide which properties are considered nuisances. He continued in stating that the Council cannot change what has been decided by the BNS Department. Councilmember Seeley stated that the adjacent property owner approached the City to purchase the property, it was not a nuisance. City Administrator Brooke stated that it fell into the nuisance group. The adjacent property owner was the only one to come forth. Councilmember Seeley stated that someone could build a house on the property and put it back on the tax rolls.

City Attorney O'Connell stated that he was comfortable with the City going out for bids on the property; however, if it is only offered to the adjacent property owner the City may not receive fair market value. The Council can still say no to the offer.

M/S, Gassman-Allesee moved to amend the resolution by striking out "adjacent property owner" and adding that the City has first right of refusal. On roll call, Gassman, Seeley, McGraw, Allesee, Odor - Yes; O'Neill - No. Motion carried.

M/S, Odor-Allesee moved the Council adopt Resolution No. 2017-260 rescinding Resolution No. 2017-132 and authorizing re-bid for demolition of the structure located at 400 North 3rd Street. On roll call, carried unanimously.

M/S, Seeley-McGraw moved the Council adopt Resolution No. 2017-261 authorizing professional services contract with McClure Engineering Associates for consulting services for final plans and regulatory coordination for the proposed "Sewer Relocation, Bridge Demolition & Replacement, and Roadway Improvements Project along Turtle Creek. On roll call, carried unanimously.

M/S, O'Neill-Gassman moved the Council adopt Resolution No. 2017-262 awarding contract to Clinton Engineering Company for the Hart's Mill Road Bridge Repair Project.. On roll call, carried unanimously.

M/S, McGraw-Allesee moved the Council adopt Resolution NO. 2017-263 write off sewer and solid waste charges - deceased customer's accounts. On roll call, carried unanimously.

In discussion before roll call, Councilmember McGraw inquired regarding whether staff checks the newspaper when estates are being closed out. This was answered in the affirmative.

M/S, Allesee-Odor moved the Council adopt Resolution No. 2017-264 approving an agreement to select for the development of a Downtown Self-Supported Municipal Improvement District (SSMID) Master Plan. On roll call, carried unanimously.

M/S, Gassman-Seeley moved the Council adopt Resolution No. 2017-265 approving the purchase of downtown holiday lighting by the Self Supporting Municipal District II (SSMID II). On roll call, carried unanimously.

M/S, Odor-O'Neill moved the Council adopt Resolution No. 2017-266 approving City of Clinton Single-Stream Recycling Contract with Waste Commission of Scott County. On roll call, carried unanimously.

M/S, O'Neill-Gassman moved the Council adopt Resolution No. 2017--267 approving Municipal Connections contract. On roll call, Gassman, McGraw, Allesee, Odor, O'Neill - Yes; Seeley - No. Motion carried.

M/S, Gassman-Allesee moved the Council adopt Resolution No. 2017-268 canceling the July 4, 2017 Committee of the Whole meeting. On roll call, carried unanimously.

UNFINISHED BUSINESS

Councilmember Seeley inquired regarding whether the cost for the contract had gone up. City Engineer Jason Craft stated that the City has had a good relationship with Leslie Electric for the last 10 years. The cost per month is usually between \$2,000 and \$3,000. They have very reasonable rates and can provide prompt service. Councilmember O'Neill stated that they are a local business. Councilmember Gassman stated that they have spare parts if needed.

M/S, Seeley-McGraw moved the Council adopt Resolution No. 2017-269 approving two year service agreement from Leslie Electric Inc. for the traffic control and street lighting systems maintenance and repair for Fiscal Years 2018 and 2019. On roll call, carried unanimously.

M/S, Allesee-Odor moved to adjourn to 7:00 July 11, 2017. On roll call, carried unanimously.

Mark S. Vulich
Mayor

Pat Van Loo
City Clerk