

The City Council met in regular session, March 22, 2016 at 7:00 P.M. in the City Hall Council Chamber. Present on roll call: Mayor Vulich; Councilmembers: Seeley, McGraw, Determann, O'Neill, Connell and Allesee; Absent: Gassman.

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 February 23, 2016 and they be approved as published on March 9, 2016. On roll call, carried unanimously.

In discussion before roll call, Councilmember Connell noted his name had been inadvertently omitted from a vote on item number 1 concerning the retirement policy. M/S, Connell – O'Neill moved to add Councilmember Connell to the yes votes for item number 1 in the February 23, 2016 Committee of the Whole minutes. On roll call, carried unanimously.

M/S, Determann –O'Neill moved to dispense with the reading of the minutes of the regular Committee of the Whole minutes of March 1, 2016 and they be approved as published on March 14, 2016. On roll call, carried unanimously.

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 March 8, 2016 and they be approved as published on March 18, 2016. On roll call, carried unanimously.

PROCLAMATION:

Councilmember O'Neill read a proclamation declaring April 7, 2016 as Junior Achievement Day; by recognizing the empowerment of our young people to their own economic success by educators, parents and community volunteers.

PROCLAMATION:

Councilmember Seeley read a proclamation declaring April 5, 2016 as the Mayor's Day of Recognition for National Service. It was noted AmeriCorps and Senior Corps participants serve in more than 60,000 locations across the country.

PUBLIC HEARINGS

Mayor Vulich convened a public hearing concerning accepting bid and awarding contract for the 2016 Demolition of Structures Project. No written comments were received.

M/S, Determann-O'Neill moved that the public hearing concerning accepting bid and awarding contract for the 2016 Demolition of Structures Project be entered into the record. On roll call, carried unanimously.

1. M/S, Determann-O'Neill moved the Council adopt a Resolution accepting bid and awarding contract #1 for the Demolition of Structures Project to Determann Excavating Inc. for \$36,800.

In discussion before roll call, City Attorney Patrick O'Connell advised the Council he is recommending the entire Demolition of Structures Project be pulled and postponed until the City Council meeting on April 12, 2016 due to an investigation of the process to make sure all items were included. Councilmember Determann and Councilmember O'Neill both withdrew their original motions.

M/S, Determann-O'Neill moved the Council delay the awarding of the Demolition of Structures Project until the Council meeting of April 12, 2016. On roll call, carried unanimously.

Mayor Vulich convened a public hearing concerning accepting bid and awarding contract for Project B-2016 Highway 136 Roadway Rehabilitation Project. No written comments were received.

M/S, Allesee-Connell moved that the public hearing concerning accepting bid and awarding contract for Project B-2016 Highway 136 Roadway Rehabilitation Project be entered into the record. On roll call, carried unanimously.

2. M/S, Allesee-Seeley moved the Council adopt Resolution No. 2016-099 accepting bid and awarding contract for Project B-2016 Highway 136 Roadway Rehabilitation Project to Determann Asphalt Paving LLC for \$977,583.40. On roll call, carried unanimously.

Mayor Vulich convened a public hearing concerning accepting bid and awarding contract for Project M -2016 - Clinton Landing Dock Project. No written comments were received.

M/S, O'Neill-Determann moved that the public hearing concerning accepting bid and awarding contract for Project M -2016 - Clinton Landing Dock Project be entered into the record. On roll call, carried unanimously.

3. M/S, O'Neill-Determann moved the Council adopt Resolution accepting bid and awarding contract for the Project M -2016 - Clinton Landing Dock Project to Clinton Engineering Company for \$190,475.

In discussion before roll call, Mayor Vulich inquired regarding why the project came in over the original estimated budget amount. City Engineer Jason Craft advised Council the reason for the overage was due to the mobilization factor for this project and this also would include the necessary dredging to save on additional mobilization fees. Craft also noted Clinton Engineering was the only bidder for this project. He further stated the Council has several options; to rebid the project and include the dredging to ensure the mobilization fee is only charged to the City once; or to ask Clinton Engineering Company to issue a change order for the dredging costs which would not include the mobilization fee since they would already have their barges and other equipment here; the final option would be to ask Newt Marine to offer us a proposal to do the dredging and reduce their typical mobilization fee since they would be here already. Craft stated by rebidding the project the City could save between \$30,000 and \$35,000. The other cost increases are mostly due to mobilization fees as Clinton Engineering would need to get a crane down there just to set one dock.

Councilmember Determann inquired regarding which of the three options presented would Engineer Craft recommend to the Council. Craft responded all three would work, however the rebidding the project or asking Clinton Engineering to issue a change order may be the better options. Councilmember O'Neill inquired regarding the cost of the project being 52% over what was originally estimated by City Engineer Craft; and the fact that there was only one bidder. Councilmember O'Neill stated the Council owes it to the public to find a grant or other funding sources and the project should be rebid. Councilmember Seeley advised it would be nice to have the project rebid and to have more contractors bid on the project. Engineer Craft advised the Council the American Queen will be visiting in July and the dredging will need to be done for that as well. It will cost the \$30 - \$35,000 for the dredging for that as well. Either way, the removal of the silt is necessary for both this project and the arrival of the American Queen. He also added if the rebidding of the project is done it could still be on the same time-line, however, it would be unfair to the current bidder, Clinton Engineering.

M/S, O'Neill-Determann moved the Council reject the bid for Project M -2016 - Clinton Landing Dock Project had have the project rebid to include the dredging. On roll call, Seeley, McGraw, Determann, O'Neill, Allesee - Yes; Connell - Abstain. Motion carried.

Mayor Vulich convened a public hearing concerning accepting bid and awarding contract for Project O -2016 - Car Barn Creek Maintenance Project. No written comments were received.

M/S, Connell-Allesee moved that the public hearing concerning accepting bid and awarding contract for Project O -2016 - Car Barn Creek Maintenance Project be entered into the record. On roll call, carried unanimously.

4. M/S, Connell-Allesee moved the Council adopt Resolution No. 2016-100 accepting bid and awarding contract for Project -2016 - Car Barn Creek Maintenance Project to Larry L. (Joe) Determann Inc. for \$54,624. On roll call, carried unanimously.

Mayor Vulich convened a public hearing concerning the amendment of the Subdivision Regulations Ordinance. No written comments were received.

M/S, Seeley-Allesee moved that the public hearing concerning the amendment of the Subdivision Regulations Ordinance be entered into the record. On roll call, carried unanimously.

5. M/S, Seeley-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 AMENDING CHAPTER 158, SUBDIVISION REGULATIONS. On roll call, carried unanimously.

AUDIENCE COMMENT

No persons came before the Council to speak.

CONSENT AGENDA

M/S, Determann-O'Neill moved to approve the Consent Agenda. On roll call, carried unanimously.

Councilmember O'Neill requested that item #15 be moved to Unfinished Business.

1. Claims – receive, approve and place on file.
2. Committee of the Whole – minutes 2/23/2016 – receive, approve and place on file.
3. Committee of the Whole – minutes 3/1/2016 – receive, approve and place on file.
4. Committee of the Whole – minutes 3/8/2016 – receive, approve and place on file.
5. Mayor's Youth Commission – minutes 3/9/2016 – receive, approve and place on file.
6. Historical Preservation Commission – minutes 3/10/2016 – receive, approve and place on file.
7. Clinton Fire and Rescue- February 2016 PCC Ambulance Billing Report and Financial Summary- receive, approve and place on file.
8. Contract and Bond- Project C-2016 North 4th Street and 13th Avenue North Rehabilitation Project- receive and place on file.
9. Contract and Bond- Project E-2016 Residential Street Reconstruction Project- receive and place on file.
10. Contract and Bond- Project F-2016 Asphalt Street Resurfacing Project- receive and place on file.
11. Resolution 2016-101 approving change order #1 to the 19th Avenue North Extension Project, Phase III construction contract.
12. Resolution 2016-102 approving final change order #3 for the 19th Avenue Northwest Tech Park Extension Project H-2014.
13. Resolution 2016-103 recommending payment no. 3 for the Basin 10 Sewer Separation Project F-2014.
14. Resolution 2016-104 recommending payment no. 2 for the Traffic Signalization Project, Project D-2016 13th Avenue North and North 14th Street.
15. Resolution 2016-105 accepting work and recommending final payment no. 10 to BWC Excavating for the 19th Avenue Northwest Tech Park Extension Project H-2014.
16. Resolution 2016-106 approving liquor license renewal, Sunday sales privilege and outdoor sales privilege for Bonnie's Scenic Tavern.

17. Resolution 2016-107 approving a Class A beer permit/license renewal application and Sunday sales privilege for Loyal Order of Moose No. 363 and issuance of a Class I exemption.
18. Resolution 2016-108 approving new liquor license with Sunday sales and outdoor service privileges for Valley Oaks and issuance of a Class I exemption.
19. Resolution 2016-109 approving beer permit/license renewal application for Walgreens #5119.
20. Resolution 2016-110 approving beer permit/license renewal application for Walgreens #5144.
21. Resolution 2016-111 approving renewal of Class C liquor license and Sunday sales privilege for Wild Rose Casino.
22. Resolution 2016-112 approving renewal of a Class B liquor license, Sunday privilege, outdoor service privilege (for special events) for Wild Rose Resort and issuance of a Class I exemption.
23. Resolution 2016-113 approving 6-month Class C Liquor License, Sunday sales and outdoor sales privileges for Clinton Lumber Kings Baseball Club and issuance of a Class I Letter of Exemption for allowing persons under 21 in licensed premises.

MOTIONS, RESOLUTIONS, AND ORDINANCES

6. M/S, McGraw-Seeley moved the Council adopt Resolution No. 2016-114 setting the 2016 Annual Community Clean-up Day as Saturday, April 2, 2016. On roll call, carried unanimously.
7. M/S, Connell-Allesee moved the Council adopt Resolution No. 2016-115 - 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, Councilmember McGraw advised the Council she was apprehensive about putting more money into the fire boat project until she viewed the area and her questions and concerns were addressed by Joel Atkinson who also informed her the cost of the lift for the boat would be included in the grant. Councilmember O'Neill inquired regarding where the required matching 25% of the grant funds would come from. City Administrator Jessica Kinser advised the Council the matching funds for the grant would likely come from private sources and this resolution was only to be able to apply for the grant.

8. M/S, Allesee-Connell moved to the Council Adopt Resolution No. 2016-116 approving an agreement with the Clinton Community School District for School Resource Officers. On roll call, carried unanimously.

In discussion before roll call, Councilmember O'Neill expressed his gratitude to the other members of the Council and to the School Board members for coming together and getting the agreement done. He added he was originally against it, however after consulting a school staff member and obtaining further information he now has a different view.

9. M/S, McGraw-Seeley moved the Council Adopt Resolution No. 2016-117 accepting the Annual Finance and Audit Report for fiscal year 2014-2015. On roll call, carried unanimously.

In discussion before roll call, Councilmember McGraw advised she is a member of the City Finance Committee and would review the comments from the auditors. The first comment was regarding the segregation of duties; there are not enough staff in the finance office to separate functions like opening mail and posting payments for sewer & solid waste. City Finance Director Anita Dalton advised the Council this is the same comment that was made by auditors in prior years' audits and is very common. Councilmember McGraw continued stating the auditors noted several offices maintain a separate set of records – Airport; Marina; and Recreation. Director Dalton noted she is working with those departments to see if the Finance Department can work with their documents to be able to post from. We are currently comparing reports on a quarterly basis and correcting any discrepancies.

Councilmember McGraw continued stating under the Financial Reporting, there was an accrual entry made for taxes receivable in FY15 that was a duplicate – it was @ \$100k; The State of Iowa auditors asked us to make a prior year adjustment to record the six million to the County as a liability. This finding has been fixed in the current fiscal year. She also stated the state of Iowa auditors recommend a monthly reconciliation to the sewer and solid waste receivables be done verses the annual reconciliation. Also the reconciliation of carts in service verses the carts billed for service be completed. Director Dalton noted this is a work in progress. Councilmember McGraw continued the state of Iowa auditors also noted checks from other departments were not being endorsed right away before being brought to the finance department for posting. Director Dalton noted that endorsement stamps were purchased and all departments are now endorsing checks as they are received.

Councilmember McGraw stated the state of Iowa auditors also noted the city does not have written policies for: Password changes at login; ensuring only software licensed by the city can be installed on our computers; and backups are not being performed properly. Director Dalton added Josh Hansen (IT Technician) has already begun to address all of these issues. Councilmember McGraw noted there were no instances of non-compliance found by the state of Iowa auditors.

10. M/S, Determann-O'Neill moved the Council adopt Resolution No. 2016-118 approving terms of offering for the 2016B General Obligation Capital Loan Note for 525,000. On roll call, carried unanimously.

In discussion before roll call, Councilmember Determann inquired regarding the need for the borrowing. City Administrator Jessica Kinser advised Council the capital loan note would be used for the final Rail Park purchase.

Resolution approving the 2015 Certified Local Government Annual Report for the Historic Preservation Commission was removed by Mayor Vulich.

11. M/S, O'Neill-Connell moved the Council adopt Resolution No. 2016-119 approving Joint Public Service Agreement between Camanche, Iowa; Clinton, Iowa; and Clinton County, Iowa. On roll call, carried unanimously.

In discussion before roll call, Councilmember O'Neill inquired regarding the reason we have a project with these three entities. City Administrator Jessica Kinser advised the Council this is a project that was approved prior to the fiscal year 2017 budget and is part the of the repaving of Anamosa Road and South 44th Street and from South 54th to Anamosa Road where we do have joint jurisdiction with the other entities.

12. M/S, Connell-Allesee moved to the Council Adopt Resolution No. 2016-120 awarding bids for the 2016 mowing of City parks, right-of-ways, and other properties. On roll call, carried unanimously.

UNFINISHED BUSINESS

Councilmember O'Neill advised he had requested item #15 be moved to Unfinished Business stating that this project seems to be dragging on and inquired if we were still within budget. Waste Water Reclamation Facility Superintendent Bob Milroy advised the Council the project is still within budget, however the weather is the controlling factor. It has been too wet to get into the fields to work and they tried working at night, but it wasn't cold enough. They are hoping for some drier weather to be able to complete this project.

13. M/S Determann-O'Neill moved to the Council adopt Resolution No. 2016-121 recommending payment request No. 3 to Nutriject Systems, Inc. for the Digester Cleaning, Land Application and Demolition Project. On roll call, carried unanimously.

M/S, Determann-O'Neill moved to adjourn to 7:00 pm April 12, 2016. On roll call, carried unanimously.

Mark S. Vulich
Mayor

Teresa Lindstrom
Deputy City Clerk