

The City Council met in regular session, March 8, 2016 at 7:00 P.M. in the City Hall Council Chamber. Present on roll call: Mayor Vulich; Councilmembers: Gassman, Seeley, McGraw, Determann, O'Neill, Connell and Allesee.

The Council did not dispense with the reading of the minutes of the regular City Council meeting and Committee of the Whole minutes of February 23, 2016 as they were not published until March 9, 2016.

PUBLIC HEARINGS

Mayor Vulich convened a public hearing concerning submission of Public Transit Grant applications. No written comments were received.

M/S, Connell-Allesee moved that the public hearing concerning submission of Public Transit Grant applications be entered into the record. On roll call, carried unanimously.

1. M/S, Connell-Allesee moved the Council adopt Resolution No. 2016-077 setting a Public Hearing on Transit Grant Applications. On roll call, carried unanimously.

Mayor Vulich convened a public hearing concerning accepting bid and awarding contract for Project C-2016 – North 4th Street and 13th Avenue North Rehabilitation Project. No written comments were received.

Mr. Mike Johnson, President of Clinton Engineering, Inc. addressed the Council objecting to the rejection of bids on this project. Mr. Johnson stated his Company would stand to lose \$437,000 if the bid with BWC Excavating LC were rejected. He further stated BWC was the lowest bid, the next lowest was \$13,000 higher than BWC. If the project were re-bid, all bid tabs have been released showing all of the numbers for everyone to see; resulting in a disadvantage for BWC as the lowest bidder. Mr. Johnson also noted that BWC hires labor workers from within the City of Clinton and Camanche and the surrounding area. Clinton Engineering also hires 95% of their staff from the Clinton, Camanche, Miles, and some from across the river. The same cannot be said of the other two bidders. If the bid were rejected that would be a loss of work for the citizens who would otherwise be employed by BWC Excavating. Mr. Johnson requested the Council reconsider and accept the bid from BWC Excavating.

M/S, Allesee-O'Neill moved that the public hearing concerning accepting bid and awarding contract for Project C-2016 – North 4th Street and 13th Avenue North Rehabilitation Project be entered into the record. On roll call, carried unanimously.

M/S, Allesee-Gassman moved the Council reject all bids; fix a new date for receiving bids, set a new public hearing date and order publication of a new notice to bidders, for the North 4th Street and 13th Avenue North Rehabilitation Project C-2016. On roll call, Seeley, O'Neill – Yes, Gassman, McGraw, Determann, Connell, Allesee – No. Motion failed.

In discussion before roll call, Councilmember Determann inquired regarding the reason for rejecting the bid. City Engineer Jason Craft advised the Council there were some minor errors regarding the bid. The bid proposal sheet changed twice, then another error was on sidewalk quantities and in pipe designs. There were other minor changes made as well. He felt re-bidding the project could potentially save the City money, possibly \$920,000. Mr. Craft stated he expected lower bids and if there were a clearer set of plans and a few other changes the City could get a better bid. Craft further stated this is not a common practice and is not usually done, however he expects it will save the City money, enough to maybe pave another street this year. He understands the frustration of Mr. Johnson; this is not something the City has done in the past 6 years. Mr. Craft stated he spoke with the project manager from BWC Excavating and let them know they could come to the Council meeting and address the Council, however they are not here.

Councilmember O'Neill inquired regarding whether the plans and specs for the project would change and all bidders would have to re-bid based on the new set of plans and specs. City Engineer Jason Craft stated the changes to the design are minor; alternate bid items, changes to the pipeline design, pipe diameters. Councilmember O'Neill stated this is something that is done only every 10 years or so and he supports Mr. Crafts decision. Councilmember McGraw inquired regarding whether if no bids were received if the contractors couldn't make a profit on the project. Mr. Craft stated that he couldn't guarantee that, however the decision is to save the taxpayers money. Councilmember O'Neill inquired regarding if a 4th bidder would be restricted from making a bid. Mr. Craft stated no, however there are not a lot of bidders that can be competitive with these three bidders. Councilmember Gassman inquired regarding whether any negotiations were done with the contractor who was awarded the bid on a project. Mr. Craft stated change orders have been done after contracts have been awarded. If Council were to award the contract tonight instead of rejecting all bids, a few weeks from now change orders could be done at a cost savings. The amount of the savings would not be as great as if the project were to be re-bid. Councilmember Gassman continued stating the change orders can go both ways and costs may also increase on a project. Mr. Craft advised that is something that can happen but it wouldn't be likely on this project.

Councilmember Determann inquired regarding whether if the Council were to award this contract to the lowest bidder if City Engineer Jason Craft could work with this contractor on this project with change orders to make it work. Engineer Craft stated he could make those changes and could work with that contractor.

2. M/S, Determann-Gassman moved the Council adopt Resolution No. 2016-078 accepting the lowest bid and awarding contract for the North 4th Street and 13th Avenue North Rehabilitation Project C-2016 to BWC Excavating for \$982,797.50. On roll call, Gassman, McGraw, Determann, Connell, Allesee – Yes; Seeley, O'Neill – No. Motion carried.

Mayor Vulich convened a public hearing concerning accepting bid and awarding contract for Project E-2016 –Residential Street Reconstruction Project. No written comments were received.

M/S, Seeley-McGraw moved that the public hearing concerning accepting bid and awarding contract for Project E-2016 –Residential Street Reconstruction Project be entered into the record. On roll call, carried unanimously.

3. M/S, Seeley-McGraw moved the Council adopt Resolution No. 2016-079 accepting bid and awarding contract for Project E-2016 –Residential Street Reconstruction Project to Eastern Iowa Excavating & Concrete for \$686,786.90. On roll call, carried unanimously.

Mayor Vulich convened a public hearing concerning accepting bid and awarding contract for Project F-2016 –Asphalt Resurfacing Project. No written comments were received.

M/S, O’Neill-Gassman moved that the public hearing concerning accepting bid and awarding contract for Project F-2016 –Asphalt Resurfacing Project be entered into the record. On roll call, carried unanimously.

4. M/S, O’Neill-Gassman moved the Council adopt Resolution No. 2016-080 accepting bid and awarding contract for Project F-2016 – Asphalt Resurfacing Project to Determann Asphalt Paving for \$638,214.40. On roll call, carried unanimously.

Mayor Vulich convened a public hearing concerning the Fiscal Year 2017 Operating Budget. No written comments were received.

M/S, McGraw-Gassman moved that the public hearing concerning the Fiscal Year 2017 Operating Budget be entered into the record. On roll call, carried unanimously.

5. M/S, McGraw-Seeley moved the Council adopt Resolution No. 2016-081 adopting the Fiscal Year 2017 Operating Budget. On roll call, carried unanimously.

In discussion before roll call, Councilmember O’Neill inquired regarding whether the budget concerning the School Resource Officer (SRO) had been ratified to reflect the \$11,400 in the contingency fund and would the SRO agreement still move forward. City Attorney Patrick O’Connell stated the School Board has had some other issues they are dealing with and would be surprised if the contract was not approved. Councilmember O’Neill inquired regarding whether the \$40,000 that had been set aside to go for bonding for the roof at the Eagle Point Lodge had been removed since the Rotary has decided to pay for that for us. O’Neill continue stating he would like to have that removed from the pre-levy so we are not paying for \$40,000 of bonding that we don’t need. Mayor Vulich inquired if City Administrator could explain that process. City Administrator Jessica Kinser advised the Council this process would be something our Bond Counsel could advise us on and the Council should go ahead and approve the budget now and when the City goes to borrow that money, our financial advisors could then structure the bond to reflect the amount needed so we do not over levy for what is actually needed. We would not borrow until August or September time frame.

Mayor Vulich stated this is the 3rd year the tax levy has been reduced by Council. He is proud of the current Council, City Administrator Jessica Kinser and Finance Director Anita Dalton and the other staff members for staying within the budget and not cutting services to the citizens or people. Mayor Vulich continued stating the City of Clinton does not have the highest tax rate in the state of Iowa. Des Moines has a tax levy of \$16.92 and a 7% franchise tax fee. The City of Clinton has no franchise tax fee and only a \$15.88 tax levy and is something to be very proud of. Mayor Vulich thanked the Council and the City of Clinton staff for staying within the means of the budget.

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 items #6 removed to Unfinished Business.

Councilmember Connell requested that items #14 removed to Unfinished Business.

1. Claims - receive, approve and place on file.
2. Minutes of December 16, 2015, Finance Committee meeting- receive, approve, and place on file.
3. Minutes of January 28, 2016, Finance Committee meeting - receive, approve, and place on file.
4. Minutes of January 12, 2016, Tree Commission meeting - receive, approve and place on file.
5. Resolution No. 2016-082 ordering construction of improvement, setting public hearing and directing advertisement for bids for Project O-2016 Car Barn Creek Maintenance Project.
6. Plans and Specs- Moved to Unfinished Business - Project O-2016 Car Barn Creek Maintenance Project- receive, approve and place on file.
7. Plans and Pecs- Project C-2016 North 4th Street & 13th Avenue North Rehabilitation Project- receive, approve and place on file.
8. Resolution No. 2016-083 approving a supplemental agreement with McClure Engineering Associates Inc. for Construction Observation Services for 20th Avenue North Pump Station & Force Main Project, B-2014.
9. Resolution No. 2016-084 establishing just compensation for acquisition of a permanent easement necessary for construction on Glenwood Place as part of the Residential Street Reconstruction Project E-2016.
10. Resolution No. 2016-085 establishing just compensation for property acquisition pursuant to executed purchase agreements regarding property necessary for construction on Glenwood Place as part of the Residential Street Reconstruction Project E-2016.

11. Resolution No. 2016-086 establishing just compensation for acquisition of temporary easements necessary for construction on Glenwood Place as part of the Residential Street Reconstruction Project E-2016.
12. Resolution No. 2016-087 awarding contract for summer seasonal staffing.
13. Resolution No. 2016-088 approving change order No. 2 for project F-2014- Basin 10 Sewer Separation.
14. Resolution - moved to Unfinished Business - recommending payment request No. 1 to Langman Construction Inc. for Phase III of the 19th Avenue North Project, from Randall Court to North 2nd Street.
15. Resolution No. 2016-089 recommending payment request No. 10 to Merryman Excavation for the 20th Avenue North Pumping Station and Force Main Replacement Project B-2014.
16. Resolution No. 2016-090 approving liquor license renewal with Sunday sales privilege for Hook's Pub.
17. Resolution No. 2016-091 approving liquor license renewal application with Sunday sales privilege, outdoor sales privilege and issuance of a Class II Letter of Exemption for Ray's Time Out Sports Bar & Grill.

MOTIONS, RESOLUTIONS, AND ORDINANCES

M/S, Gassman-Seeley moved the Council consider an ordinance for the second time- AN ORDINANCE AMENDING CHAPTER 30 GENERAL PROVISIONS, WITH AN AMENDMENT TO CHAPTER 30.61 PURCHASE OF CITY-OWNED PROPERTY OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA. On roll call, carried unanimously.

M/S, Gassman-Seeley moved the rules be suspended and the Council consider an ordinance for the third time. On roll call, carried unanimously.

6. M/S, Gassman-Seeley moved the rules be suspended and the ordinance under consideration be placed on its final passage and adopted. On roll call, carried unanimously.

ORDINANCE NO. 2535

M/S, Determann-O'Neill moved the Council adopt Resolution amending resolution 2004-85 and adopting a revised retirement incentive policy for non-bargaining employees.

In discussion before roll call, Councilmember O'Neill inquired regarding whether the date on the resolution could be changed to reflect the end of a quarter rather than a March 1, 2021 date making it a clearer timeline.

M/S, O'Neill-Determann move to amend the resolution amending resolution 2004-85 and adopting a revised retirement incentive policy for non-bargaining employees to reflect the ending date of March 30, 2021.

In discussion before roll call, Councilmember Seeley stated the agreement that is in place was made sometime in the 1990's with the employees who moved from a union position to a non-bargaining position and took retirement based on this plan and have been given a benefit from the City a stipend of \$500 per month to go towards health insurance costs until they reach the age of Medicare or the age of 65. There are currently employees who may wish to work longer than the rule of 88 that requires them to retire at age 60 or 62 under this plan. Councilmember Seeley continued stating he would like to eliminate that rule. It is not known at this time how many people would be affected by this new plan. He would like to see the Council take more time to discuss this before it is approved.

M/S: Seeley-Allesee moved to table the resolution amending resolution 2004-85 and adopting a revised retirement incentive policy for non-bargaining employees to the April 5, 2016 Committee of the Whole agenda. On roll call, Gassman, Seeley, McGraw, Determann, Connell, Allesee - Yes; O'Neill - No. Motion carried

7. M/S, Determann-O'Neill moved to the Council Adopt Resolution No. 2016-092 establishing a public hearing for the amendment of the Subdivision Regulations Ordinance. On roll call, carried unanimously.
8. M/S, Connell-Allesee moved to the Council Adopt Resolution No. 2016-093 approving an agreement with East Central Intergovernmental Association for planning technical assistance. On roll call, carried unanimously.

M/S, O'Neill-Connell moved the Council adopt Resolution amending resolution 2012-067 and the General Fund Contingency Policy.

In discussion before roll call Councilmember O'Neill inquired regarding whether the wording in the resolution under the last paragraph that states any expenditure from the annual contingency appropriation must be first presented to the Finance Committee for approval.... Councilmember O'Neill would like to remove the words annual and appropriation.

M/S, O'Neill-Determann moved the Council amend the resolution amending resolution 2012-067 and the General Fund Contingency Policy to remove the words "annual" and "appropriation" from the final paragraph.

In discussion before roll call, Mayor Vulich inquired regarding the wording being amended at this time is the same wording that was approved at the last meeting. City Administrator Jessica Kinser advised the Council a clarification on the issue that the Contingency fund is not in a separate fund; it is an annual appropriation made by the

Council each year. It is not rolled over into a separate fund. It is a department of the General Fund and stays in the General Fund unless the Council approves a resolution to move it elsewhere. It is a separate line item that is budgeted for as an expense, it is not available revenue. If the revenues and expenditures come in as expected that balance in the Contingency Fund does not roll over into the next fiscal year, it becomes a part of the General Fund balance. If the Council wishes to move it out of the General Fund and make it a Special Revenue Fund this would negatively affect our bond rating.

Councilmember Determann inquired regarding whether the funds in the Contingency Fund were at \$200,000 and the money was not spent then where would it go. Administrator Kinser stated the money stays in the General Fund as a part of that balance. Mayor Vulich offered the Council another way of looking at the Contingency Fund balance then stated if nothing is spent from the Contingency Fund the ending balance would increase the General Fund.

M/S, O'Neill-Determann moved to withdraw the motion.

M/S, O'Neill-Connell moved the Council take the amending of the resolution amending resolution 2012-067 and the General Fund Contingency Policy back to the Committee of the Whole agenda for further discussion. On roll call, carried unanimously.

9. M/S, Seeley-McGraw moved the Council adopt Resolution No. 2016-094 approving an agreement with East Central Intergovernmental Association to provide services for developing a business plan for an ambulance transfer service. On roll call, Gassman, Seeley, McGraw, Determann, Connell, Allesee - Yes; O'Neill - No. Motion carried.
10. M/S, Gassman-Seeley moved the Council adopt Resolution No. 2016-095 fixing date for a public hearing on the proposal to enter into a LMI Funds Agreement with the YWCA of Clinton, Iowa, and providing for publication of notice thereof. On roll call, Gassman, Seeley, McGraw, O'Neill, Connell, Allesee - Yes; Determann - No. Motion carried.
11. M/S, Connell-Allesee moved to the Council Adopt Resolution No. 2016-096 rescinding resolution no. 2015-053 and approving establishment of permanent speed zones along Camanche Avenue, Liberty Avenue, and Lincoln Way. On roll call, carried unanimously.
12. M/S, O'Neill-Allesee moved to the Council Adopt Resolution No. 2016-097 the endorsement of applying for the Regional Planning Affiliation (RPA 8) Small City Surface Transportation Program. On roll call, carried unanimously.

UNFINISHED BUSINESS

Councilmember O'Neill advised he had requested item # 6 be removed to Unfinished Business stating that if Council were going to reject all bids then the plans and specs would not be approved, however the bids were not rejected.

13. M/S O'Neill-Allesee moved to the Council consider the Plans and Specs - Project O-2016 Car Barn Creek Maintenance Project- received, approved and placed on file. On roll call, carried unanimously.

Councilmember Connell advised he had requested item #14 be removed to Unfinished Business as he would like to abstain.

14. M/S O'Neill-Allesee moved the Council approve Resolution No. 2016-098 recommending payment request No. 1 to Langman Construction Inc. for Phase III of the 19th Avenue North Project, from Randall Court to North 2nd Street. On roll call, Gassman, Seeley, McGraw, Determann, O'Neill, Allesee - Yes; Connell - Abstain. Motion carried.

M/S, Determann-O'Neill moved to adjourn to 7:00 pm March 22, 2016. On roll call, carried unanimously.

Mark S. Vulich
Mayor

Teresa Lindstrom
Deputy City Clerk