

The City Council met in regular session, May 23, 2017 at 7:00 P.M. in the City Hall Council Chamber. Present on roll call: Mayor Vulich; Councilmembers: Gassman, Seeley, McGraw, Connell, Odor and O'Neill. Absent – Council Member Allesee.

M/S, O'Neill-Connell moved to dispense with the reading of the minutes of the regular City Council meeting and Committee of the Whole minutes of May 9, 2017 and they be approved as published on May 23, 2017. On roll call, carried unanimously

PUBLIC HEARINGS

Mayor Vulich convened a public hearing concerning the conveyance of gas pipeline easements to “Interstate Power and Light Company”. No comments were received, written or oral. M/S, Seeley-Gassman moved that the public hearing concerning the conveyance of gas pipeline easements to “Interstate Power and Light Company” be entered into the record. On roll call, carried unanimously.

M/S, Seeley-Gassman moved the Council adopt Resolution No. 2017-187 approving grant of gas pipeline easement – gas valve site easement to Interstate Power & Light Company. On roll call, carried unanimously.

Mayor Vulich convened a public hearing concerning the proposed sale of City owned vacant lots – 617 3rd Avenue South. No comments were received, written or oral. M/S, O'Neill-Gassman moved that the public hearing concerning the proposed sale of City owned vacant lots – 617 3rd Avenue South be entered into the record. On roll call, carried unanimously.

M/S, O'Neill-Gassman moved the Council adopt Resolution No. 2017-188 accepting bid and approving the sale of 617 3rd Avenue South to Ray Mitchell for \$350.00. On roll call, carried unanimously.

Mayor Vulich convened a public hearing concerning the proposed sale of City owned vacant lots – 529 7th Avenue South. No comments were received, written or oral. M/S, Odor-Connell moved that the public hearing concerning the proposed sale of City owned vacant lots – 529 7th Avenue South be entered into the record. On roll call, carried unanimously.

In discussion before roll call, Councilmember Seeley advised that Bill Schocker is not the owner of the adjacent property. He stated that it was decided by the Council to only sell the vacant lots to abutting property owners. Councilmember Connell stated that the way the abutting property is titled it may belong to Mr. Schocker's wife.

Mayor Vulich inquired regarding who the property is titled to. Councilmember Seeley stated that it is titled to Chrystal Schocker and if Mr. Schocker purchases the property, he does not plan to combine it with the abutting lot.

M/S, Seeley-Gassman moved to table the resolution until a policy and procedure for the sale of city-owned property has been established. On roll call, carried unanimously.

Mayor Vulich convened a public hearing concerning the proposed sale of City owned vacant lots – 212 2nd Avenue South. No comments were received, written or oral. M/S, Connell-Seeley moved that the public hearing concerning the proposed sale of City owned vacant lots – 212 2nd Avenue South be entered into the record. On roll call, carried unanimously.

M/S, Connell-O'Neill moved the Council adopt Resolution No. 2017-189 accepting bid and approving the sale of 212 2nd Avenue South to John and Judy Pray for \$100.00. On roll call, carried unanimously.

Mayor Vulich convened a public hearing concerning the proposed sale of City owned vacant lots - Parcel 86-02410001- Lot 14. No comments were received, written or oral. M/S, Gassman-Seeley moved that the public hearing concerning the proposed sale of City owned vacant lots - Parcel 86-02410001- Lot 14 be entered into the record. On roll call, carried unanimously.

M/S, Gassman-Seeley moved the Council adopt Resolution No. 2017-190 accepting bid and approving the sale of Parcel 86-02410001- Lot 14 to Tim Marr for \$350.00. On roll call, carried unanimously.

Mayor Vulich convened a public hearing concerning accepting bid and awarding contract for City of Clinton Downtown Street Light Replacement Project, T-2017. No comments were received, written or oral. M/S, O'Neill-Gassman moved that the public hearing concerning accepting bid and awarding contract for City of Clinton Downtown Street Light Replacement Project, T-2017 be entered into the record. On roll call, carried unanimously.

M/S, O'Neill-Gassman moved the Council adopt Resolution No. 2017-191 accepting bid and awarding contract to Leslie Electric for Project T-2017 Downtown Street Light Replacement for \$854,848.00. On roll call, carried unanimously.

In discussion before roll call, Councilmember O'Neill inquired regarding whether the City had budgeted for the streetlight replacement. City Administrator Brooke stated that the City budgeted \$800,000 and also has other funds to add. Councilmember O'Neill inquired regarding whether it was necessary to replace them all at once. City Engineer Jason Craft stated that all of the street lights in the downtown area need to be replaced. They should have been replaced 10 years ago. The only way to do this is all at once. If we re-bid the project the bids will come in higher. He continued in stating that the bid is \$54,000 over estimate on this project and \$54,000 under estimate on Deer Creek Road so the Deer Creek Road funds can be used.

Councilmember Seeley inquired regarding whether the lights will be the same style. Engineer Craft stated that the Downtown Alliance picked the style. The lights will look nice, they will be LED, have flag holders and plug-ins for Christmas lights. Councilmember O'Neill commented on the fact that they cost \$10,000 each. Engineer Craft stated that it also includes new conduit and all new bases. Everything will be new.

AUDIENCE COMMENT

No persons came before the Council to speak.

CONSENT AGENDA

Councilmember O'Neill requested that item #8 be removed to Unfinished Business.

M/S, O'Neill-Gassman move the Council approve the Consent Agenda as amended. On roll call, carried unanimously.

1. ADA Advisory Commission - minutes 2/9/2017 - receive, approve and place on file.

2. Airport Commission - minutes 4/17/2017 - receive, approve and place on file.
3. Civil Service Commission - minutes 5/10/2017 - receive, approve and place on file.
4. Committee of the Whole - minutes 5/2/2017 - receive, approve and place on file.
5. Committee of the Whole - minutes 5/9/2017 - receive, approve and place on file.
6. Tree Commission - minutes 4/13/2017 - receive, approve and place on file.
7. Communication - Robert Mueller regarding recycling - receive, approve and place on file.
8. Iowa Communities Assurance Pool Cumulative Reserve Funds credit for the City of Clinton - Removed to Unfinished Business - receive, approve and place on file.
9. Transit Joint Participation Agreement to Implement a State Transit Assistance (STA) Formula Project - receive, approve and place on file.
10. Contract & Bond #1 - 2017 Demolition of Structures Project, Phase I - 316 4th Avenue North - Wilson Trucking - \$6,300.00.
11. Contract & Bond #2 - 2017 Demolition of Structures Project, Phase I - 321 27th Avenue North - Wilson Trucking - \$4,000.00.
12. Contract & Bond #4 - 2017 Demolition of Structures Project, Phase I - 432 8th Avenue South - Colgan Excavating - \$7,200.00.
13. Contract & Bond #5 - 2017 Demolition of Structures Project, Phase I - 558 3rd Avenue South - Colgan Excavating - \$7,900.00.
14. Resolution No. 2017-192 denying Persons with Disabilities Residential Parking Space Applications.
15. Resolution No. 2017-193 approving the renewal of long term disability insurance with Madison Mutual Life for Fiscal Year 2018
16. Resolution No. 2017-194 approving the supplemental agreement with the Iowa Department of Transportation for full depth patching on U.S. Highway 30 for Fiscal Year 2017 and 2018.
17. Resolution No. 2017-195 approving agreement for professional consulting services with HDR Engineering Inc. for phase I design of the 1st Avenue Pumping Station & Force Main Replacement Project.
18. Resolution No. 2017-196 approving change order #1 - Collector Street Resurfacing Project, E-2017 - Determann Asphalt Paving LLC - \$13,762.35.
19. Resolution No. 2017-197 recommending payment No. 1 for the Collector Street Resurfacing Project, E-2017 - Determann Asphalt Paving, LLC - \$242,549.68.
20. Resolution No. 2017-198 approving payment request #1 for Project R-2016, Glendale Road Reconstruction Project - Larry Determan Excavating - \$20,137.63.

21. Resolution No. 2017-199 approving payment request #1 for Project J-2017, 3rd Street and 4th Street ADA Curb Ramps – Tschiggfrie Excavating - \$99,392.65.
22. Resolution No. 2017-200 recommending payment No. 1 for the Asphalt Street Resurfacing Project, H-2017 – Determann Asphalt Paving, LLC - \$13,934.84.
23. Resolution No. 2017-201 recommending payment No. 2 for the Douglas Street Reconstruction Project, T-2016 – Clinton Engineering Company - \$33,288.00.
24. Resolution No. 2017-202 recommending payment No. 2 for the Basin 6 Sewer Separation Project, P-2016 – BWC Excavating, LC - \$239,714.66.
25. Resolution No. 2017-203 recommending payment No. 4 to Burke Electric for Project No. G-2016 – Joyce’s Slough Flood Wall Pump Station Generator Addition and Electrical Upgrades - \$53,909.36.
26. Resolution No. 2017-204 approving renewal of a Class C liquor license for VK’s Shooters, Sunday sales privilege and issuance of a Class II Letter of Exemption for allowing persons under 21 in licensed premises.
27. Resolution No. 2017-205 approving extended outdoor sales privilege for Legends Sports Bar.
28. Resolution No. 2017-206 approving beer permit/license renewal application and Sunday sales privilege for Circle K #6602.

MOTIONS, RESOLUTIONS, AND ORDINANCES

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

M/S, Seeley-Gassman 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 PROVISIONS PERTAINING TO FIREWORKS. On roll call, carried unanimously.

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

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

M/S, Seeley-Gassman 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. 2555

In discussion before roll call, Councilmember Seeley inquired regarding why there were three readings of the ordinance at once. City Attorney Patrick O’Connell stated that the effective date the state law goes into effect is June 1, 2017. This is the time the Council needs to take action to let the citizens know that they are aware that there is a legal side to this and it is subject to rules and regulations by the state and the City. Also, the City will enforce the rules and regulations and will bring back a more elaborate ordinance at a later date. He continued in stating that at

this time the Council is staying with the current ordinance relating to the use of fireworks; however, will consider possible changes at a later date.

City Administrator Brooke stated that fireworks vendors must obtain a permit from the State of Iowa before they will be considered for a Transient Merchant Permit in the City. Councilmember O'Neill stated that he has seen job notices for people to apply to sell fireworks.

Councilmember Connell stated that selling fireworks is one thing; however, will the Fire Department be able to regulate them. City Attorney O'Connell stated that the legislature has legalized the sale of fireworks; however, cities can restrict their use. By taking action on tonight's ordinance the Council is saying that they will stick with the status quo.

Fire Chief Mike Brown stated that the job notices were in the Des Moines Register before the Governor even signed the bill. The State Fire Marshall said they would have a draft of the rules by May 22nd and do not have a draft yet. The City has been getting calls from people who are not familiar with the use of fireworks; however, professionals are alright. The City must provide a fire inspection, electrical inspection and zoning inspections for those persons wishing to sell fireworks.

Councilmember Connell stated that if the Council does not allow the use of fireworks the Police Department can still write tickets for noise and nuisance.

M/S, Odor-O'Neill moved the Council adopt Resolution No. 2017-207 resolution urging the United States Attorney General to fully exempt the Federal Bureau of Prisons from the federal government hiring freeze. On roll call, carried unanimously.

M/S, McGraw-Odor moved the Council adopt Resolution No. 2017-208 directing sale of \$10,375,000 (subject to adjustment per terms of offering) General Obligation Capital Loan Notes, Series 2017B. On roll call, carried unanimously.

In discussion before roll call, Councilmember Gassman stated that he had received comments from constituents regarding why the City was borrowing so much and is any of the money being spent going to be paid off prior to the life of the assets. Finance Director Anita Dalton advised the Council that Raymond James was the winning bidder with an interest rate of 3.0098%. It is a larger borrowing because there is \$4.6 million for sewer projects and the rest is the CIP borrowing. The interest rate came in lower than PFM expected. The only items which are expendable are the police vehicles which will be paid off in advance of the other items.

M/S, Connell-O'Neill moved the Council adopt Resolution No. 2017-209 waiving annual 5% increase on sewer connection fees within the 18th Street Connection Fee District. On roll call, carried unanimously.

In discussion before roll call, Councilmember O'Neill inquired regarding why the City is waiving the sewer connection fees and where the property is located. City Administrator Brooke stated that the property is located at the end of 18th Street and the cost to connect to sewer would be \$5,400 which seemed extreme. City Engineer Jason Craft stated that there are two houses located on 18th Street. Both homeowners approached the City regarding waiving the fees. He continued in stating that the original intent in 1992 was to compel persons connect to sewer; however, now the cost is \$5,400. He further stated that the standard hook-up fee is \$1,600. Mayor Vulich advised that at the time 18th Street was not part of the City, people all had septic systems; however, as the City moved out we wanted people to buy in to the sewers.

Councilmember Seeley inquired regarding whether the property owners should even pay the \$1,600. Engineer Craft stated that it would not be fair if everyone else had to pay the \$1,600. The property owners are fine with paying that fee. Councilmember O'Neill inquired regarding whether this would affect the amount for expansion south of Mill Creek Parkway. Engineer Craft stated no, Dan Dolan only paid one time. There are only two lots.

M/S, O'Neill-Gassman moved the Council adopt Resolution No. 2017-210 Updating write off limit of sewer & solid waste charges. On roll call, carried unanimously.

M/S, Gassman-Seeley moved the Council adopt Resolution No. 2017-211 accepting bid and awarding contract to BWC Excavating for Project M-2017 - 20th Avenue North Combined Sanitary Trunk to Lift Station - \$360,673.50. On roll call, carried unanimously.

M/S, Odor-Connell moved the Council adopt Resolution No. 2017-212 authorizing removal of traffic control signals and implementation of a two-way stop at the intersection of South 3rd Street and 4th Avenue South. On roll call, carried unanimously.

M/S, Connell-O'Neill moved the Council adopt Resolution No. 2017-213 authorizing installation of a stop sign for south bound traffic at the intersection of North 7th Street and 17th Avenue North. On roll call, carried unanimously.

M/S, McGraw-Odor moved the Council adopt Resolution No. 2017-214 approving appointee as liaison to Lyons Business and Technology Park Board. On roll call, Gassman, McGraw, Odor, Connell, O'Neill - Yes; Seeley - abstain. Motion carried.

UNFINISHED BUSINESS

Councilmember O'Neill read:

For the twenty-fifth consecutive year, the ICAP Board of Directors has approved property and casualty credits to ICAP members that have fully funded their Cumulative Reserve Funds (CRF). This program, the CRF return, is in addition to the CRF refund program, which is entering its eleventh year.

The ICAP Board is of the opinion the CRF return program, which will benefit 754 Iowa public entities this year, is evidence not only of the strength and viability of the ICAP program, but also of the committed loss control efforts of our members. It is made possible because of you- our members. Your commitment to the program, and to its overall loss experience and financial condition, make for a more stable Pool and, consequently, enable us to continue to give back.

This year, ICAP will return a total of \$3.7M to the ICAP Membership. Your entity alone will receive \$58948.73 in the form of a credit voucher.

M/S, O'Neill-Gassman moved the Council approve the Iowa Communities Assurance Pool Cumulative Reserve Funds credit for the City of Clinton. On roll call, carried unanimously.

M/S, O'Neill-Gassman moved to adjourn to 7:00 June 6, 2017. On roll call, carried unanimously.

Mark S. Vulich
Mayor

Pat Van Loo
City Clerk