

The City Council met in regular session, May 24, 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.

M/S, Determann-O'Neill moved to dispense with the reading of the minutes of the Committee of the Whole minutes of May 10, 2016 and they be approved as published on May 24, 2016. On roll call, carried unanimously.

M/S, Determann-O'Neill moved to dispense with the reading of the regular Council meeting minutes of May 10, 2016 until publication of a revision . On roll call, carried unanimously.

Ms. Kristin Huisenga read a proclamation designating May, 2016 as Methamphetamine Awareness month. She advised that there would be a training session relate to meth labs on May 26, 2016 and encouraged everyone to attend.

PUBLIC HEARINGS

Mayor Vulich convened a public hearing concerning the execution of a LMI Funds Agreement by and between the City of Clinton and YWCA of Clinton, Iowa. No comments were received, written or oral. M/S, Allesee-Gassman moved that the public hearing concerning the execution of a LMI Funds Agreement by and between the City of Clinton and YWCA of Clinton, Iowa be entered into the record. On roll call, carried unanimously.

1. M/S, Allesee-Gassman moved the Council adopt Resolution No. 2016-204 approving and authorizing execution of a LMI Funds Agreement by and between the City of Clinton and the YWCA of Clinton, Iowa. On roll call, Gassman, Seeley, McGraw, O'Neill, Connell, Allesee - Yes; Determann - No. Motion carried.

Mayor Vulich convened a public hearing concerning the execution of an amendment No. 1 to the Development Agreement by and between the City of Clinton and Valley Bluff Corporation. No comments were received, written or oral. M/S, Gassman-Seeley moved that the public hearing concerning the execution of an amendment No. 1 to the Development Agreement by and between the City of Clinton and Valley Bluff Corporation be entered into the record. On roll call, carried unanimously.

2. M/S, Gassman-Seeley moved the Council adopt Resolution No. 2016-205 approving and authorizing execution of an amendment No. 1 to the Development Agreement by and between the City of Clinton and Valley Bluff Corporation. On roll call, carried unanimously.

Mayor Vulich convened a public hearing concerning the proposed amendments to the FY 2015 2016 City Operating Budget. No comments were received, written or oral. M/S, Connell-Allesee moved that the public hearing concerning the proposed amendments to the FY 2015-2016 City Operating Budget be entered into the record. On roll call, carried unanimously.

3. M/S, Connell-Allesee moved the Council adopt Resolution No. 2016-206 approving amendments to the FY 2015-2016 City Operating Budget. On roll call, carried unanimously.

Mayor Vulich convened a public hearing concerning accepting bid and awarding contract for Project N-2016, Thin Asphalt Overlay Project. No comments were received, written or oral. M/S, Seeley-McGraw moved that the public hearing concerning accepting bid and awarding contract for Project N-2016, Thin Asphalt Overlay Project be entered into the record.

4. M/S, Seeley-McGraw moved the Council adopt Resolution No. 2016-207 accepting bid and awarding contract to Determann Asphalt Paving for Project N-2016, Thin Asphalt Overlay Project for \$167,900.25. On roll call, carried unanimously.

In discussion before roll call, Councilmember O'Neill requested the City Engineer explain what a thin asphalt overlay is. City Engineer Jason Craft stated that one to one and a half inches of asphalt would be put down on 11th Avenue South from South 6th Street to South 9th Street, South 6th Street from Camanche Avenue to 9th Avenue South, 8th Avenue South from South 4th Street to South 6th Street, and 4th Avenue South from Bluff Boulevard to South 4th Street. He continued in stating that the overlay will last five to seven years and then the streets will be reconstructed.

Mayor Vulich convened a public hearing concerning accepting bid and awarding contract for Project K-2016 (A), Micro-surfacing Project. No comments were received, written or oral. M/S, McGraw-Seeley moved that the public hearing concerning accepting bid and awarding contract for Project K 2016 (A), Micro-surfacing Project be entered into the record. On roll call, carried unanimously.

5. M/S, McGraw-Seeley moved the Council adopt Resolution No. 2016-208 accepting bid and awarding contract to Micro-surfacing Contractors LLC for Project K-2016 (A), Micro-surfacing Project for \$161,816.00. On roll call, carried unanimously.

In discussion before roll call, Councilmember Determann requested the City Engineer explain micro-surfacing and where it will take place. City Engineer Craft stated that it is an asphalt emulsion mixed with aggregate. The project will take place on 5th Avenue South and on South Third Street as preventative maintenance.

Mayor Vulich convened a public hearing concerning accepting bid and awarding contract for Project Q-2016, 25th Avenue North Grinder Station Project. No comments were received, written or oral. M/S, O'Neill-Seeley moved that the public hearing concerning accepting bid and awarding contract for Project Q-2016, 25th Avenue North Grinder Station Project be entered into the record. On roll call, carried unanimously.

6. M/S, O'Neill-Connell moved the Council adopt Resolution No. 2016-209 accepting bid and awarding contract to Miller Trucking & Excavating for Project Q-2016, 25th Avenue North Grinder Station Project for \$153,050.00. On roll call, carried unanimously.

AUDIENCE COMMENT

No persons came before the Council to speak.

CONSENT AGENDA

Councilmember Connell requested that item #14 from the Consent Agenda be removed to Unfinished Business.

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

1. Claims - receive, approve and place on file.
2. Airport Commission - minutes 4/18/2016 - receive, approve and place on file.
3. Committee of the Whole - minutes 5/10/2016 - receive, approve and place on file.
4. Tree Commission - minutes 4/7/2016 - receive, approve and place on file.
5. Electronic payments & transfers - April, 2016 - receive, approve and place on file.
6. Summary of revenues & receipts - April, 2016 - receive, approve and place on file.
7. Contract & Bond - Project J-2016, Anamosa Road & 44th Avenue South Rehabilitation Project - Determann Asphalt Paving, LLC - \$885,206.85 - receive, approve and place on file.
8. Contract & Bond - 2016 Demolition of Structures Project - Phase 1 - Kramer's Technical Services, Inc. - \$12,000.00 - receive, approve and place on file.
9. Resolution No. 2016-231 approving the renewal of dental insurance with Delta Dental of Iowa for fiscal year 2017.
10. Transit Joint Participation Agreement to implement a Federal Transit Administration (FTA) Bus and Bus Facilities Project [CFDA 20.526] and Capital Investment Assistance Project [CFDA 20.500] - receive, approve and place on file.
11. Resolution No. 2016-210 denying Persons with Disabilities Residential Parking Space Application.
12. Resolution No. 2016-211 approving the proposal from Calhoun-Burns & Associates, Inc. for 2016 bridge inspection and rating of City bridges.
13. Resolution No. 2016-212 ordering construction of improvement, setting public hearing and directing advertisement for bids - Project K-2016 (B) - Street Reclamation & Chip Seal Project.
14. Resolution - Removed to Unfinished Business - approving change order #1 - Clinton Landing & Dredging Project M-2016 - Newt Marine Services - \$5,800.00.
15. Resolution No. 2016-213 recommending payment No. 1 for the Asphalt Resurfacing Project F-2016 - Determann Asphalt Paving, LLC - \$152,684.21.
16. Resolution No. 2016-214 recommending payment #1 to Larry "JOE" Detterman, Inc. for the 2016 Demolition of Structures Project, Phase 1 - \$17,242.50.
17. Resolution No. 2016-215 recommending payment No. 1 for the 8th Avenue South & South 4th Street Intersection Improvements Project T-2015 - Clinton Engineering Company - \$27,004.70.
18. Resolution No. 2016-216 recommending payment No. 1 for the North 4th Street & 13th Avenue North Rehabilitation Project C-2016 - BWC Excavating, LC - \$46,293.03.
19. Resolution No. 2016-217 recommending payment request No. 4 to Nutri Ject Systems, Inc. for the Digester Cleaning, Land Application and Demolition Project - \$41,547.30.

20. Resolution No. 2016-218 recommending payment No. 5 for the Basin 10 Sewer Separation Project F-2014 – BWC Excavating, LC - \$214,393.98.
21. Resolution No. 2016-2196 approving liquor license renewal and Sunday Sales privilege and issuance of a Class II Letter of Exemption for allowing persons under 21 in licensed premises for V K Shooters.
22. Resolution No. 2016-220 approving liquor license renewal with Sunday sales privilege and issuance of a Class II Letter of Exemption for allowing persons under 21 in licensed premises for Amvets Post 28.
23. Resolution No. 2016-221 approving liquor license renewal application and Sunday sales privilege for Hy-Vee Market Café and issuance of a Class I Letter of Exemption for allowing persons under 21 in licensed premises.
24. Resolution No. 2016-222 approving a Class C liquor license renewal for Main Avenue Redemption Center.

MOTIONS, RESOLUTIONS, AND ORDINANCES

7. M/S, Allesee-Connell moved the Council adopt Resolution No. 2016-223 accepting bid and awarding contract #4 for the 2016 Demolition of Structures Project – Larry L “JOE” Detterman, Inc. - \$5,800. On roll call, carried unanimously.
8. M/S, Connell-Allesee moved the Council adopt Resolution No. 2016-224 granting a temporary sidewalk deferral to Alliant Energy for Lot 1 of the second addition of Valley Bluff Horizons. On roll call, carried unanimously.
9. M/S, McGraw-Gassman moved the Council adopt Resolution No. 2016-225 approving the final plat of Jordan Hills Subdivision as amended. On roll call, Gassman, McGraw, Determann, O’Neill, Connell, Allesee – Yes; Seeley – Abstain. Motion carried.

In discussion before roll call, City Attorney Patrick O’Connell advised the Council that they could make an amendment to the resolution which would state approval contingent upon receipt of a Contingency Bond.

M/S, Gassman-Allesee moved to amend the resolution approving the final plat of Jordan Hills Subdivision subject to receipt of the Contingency Bond. On roll call, Gassman, McGraw, Determann, O’Neill, Connell, Allesee – Yes; Seeley – Abstain. Motion carried.

10. M/S, Gassman-Seeley moved the Council adopt Resolution No. 2016-226 approving the final plat of the Landing Subdivision. On roll call, carried unanimously.
11. M/S, Seeley-Determann moved the Council adopt Resolution No. 2016-227 to set the Fiscal Year 2017 Cost of Living Adjustment for non-bargaining employees as amended. On roll call, carried unanimously.

In discussion before roll call, City Administrator Kinser stated that the resolution under consideration is for a 2.25% Cost of Living Adjustment for non-bargaining employees consistent with the collective bargaining employees. Councilmember O’Neill stated that persons on Social Security received a letter

informing them that there was no inflation this year. Councilmember Seeley stated that he agreed with Councilmember O'Neill, the cost of living did not go up this year. He continued in stating that it equates to \$72,000 for non-bargaining employees and needs to be stated as a raise. He further stated that this is not sustainable and the City has things on the horizon which could impact the receipts of the City. He proceeded to state that the raise should be based on performance. City Administrator Kinser stated that performance evaluations are done yearly; however, not tied to pay. Councilmember Connell stated that some employees will go above and beyond while others will coast. Councilmember Seeley stated that there is no incentive to do better.

City Attorney O'Connell stated that unions object to merit based raises. He continued in stating that there is a good deal of feedback in the performance reviews used by the City Administrator. He further stated that he has seen improvement over the years. Councilmember O'Neill stated that right now the City is sitting in the best position with collective bargaining.

M/S, O'Neill-Determann moved to amend the resolution removing "Cost of Living Adjustment" and replacing it with "raise". On roll call, carried unanimously.

12. M/S, O'Neill-Connell moved the Council adopt Resolution No. 2016-228 approving modification to driving lane configuration on South 3rd Street, from 4th Avenue South to 7th Avenue South, within the City of Clinton, Iowa. On roll call, Gassman, Seeley, Determann, O'Neill, Connell, Allesee - Yes; McGraw - No. Motion carried.

In discussion before roll call, Councilmember McGraw stated that the City has enough cost involved and enough streets torn up. She continued in stating that a complete study of the streets in the downtown area needs to be performed.

Councilmember Determann inquired regarding whether the pedestrian crossing was included. City Engineer Craft stated that it could be added; however, the resolution under consideration just approves the modification of the driving lanes. Councilmember O'Neill stated that it includes ADA parking in front of City Hall. He continued in stating that forcing people to park on the other side is bad. He further stated that incorporating a cross walk is good. City Engineer Craft stated that there is an average of 4,100 vehicles per day on the street which does not warrant three lanes.

Councilmember McGraw inquired regarding the cost of the project. Engineer Craft stated that the project would cost approximately \$10,000 to \$12,000. Councilmember McGraw inquired regarding whether a tree would need to be removed. Craft stated no trees would be removed for this project. Mayor Vulich stated that the Downtown Alliance is not happy about this because they were not informed of the project. They are opposed to it moving forward.

13. M/S, Determann-O'Neill moved the Council adopt Resolution No. 2016-229 waiving judgement concerning 655 6th Avenue South and authorizing Mayor to execute satisfaction of judgement. On roll call, Gassman, McGraw, Determann, O'Neill, Connell, Allesee - Yes; Seeley - No. Motion carried.

In discussion before roll call, Councilmember O'Neill requested clarification of the resolution under consideration. City Administrator Kinser stated that there was a judgement related to a nuisance which is an impediment to the property ever being sold. Councilmember O'Neill inquired regarding the amount of the judgement. City Administrator Kinser stated that it is \$3,091.00. Councilmember Seeley stated that the property is not buildable. Mayor Vulich stated that if the two lots are put together they would be buildable. Councilmember Seeley inquired regarding whether the City has sold lots similar in size. City Administrator Kinser stated no. Councilmember Seeley stated that he would not want to start a trend.

14. M/S, Allesee-Gassman moved the Council go into Closed Session to discuss potential acquisition of property at 2331 Camanche Avenue. (Council may elect, after motion and vote to go into closed session as authorized by Iowa Code Section 21.5(1)(j)). On roll call, Gassman, Seeley, McGraw, Determann, Connell, Allesee - Yes; O'Neill - No. Motion carried.

In discussion before roll call, City Attorney O'Connell advised that the discussion will involve the asking price for a piece of property and is in compliance with Iowa Code for going into closed session.

Mayor Vulich left the meeting.

Council went into Closed Session at 7:56 P.M.
Council came out of Closed Session at 8:27 P.M.

Mayor Vulich returned to the meeting.

15. M/S, Allesee-O'Neill moved to authorize City staff to make the offer as discussed in Closed Session. On roll call, Gassman, Determann, O'Neill, Allesee - Yes; Seeley, McGraw, Connell - No. Motion carried.

UNFINISHED BUSINESS

16. M/S, Determann-O'Neill moved the Council adopt Resolution No. 2016-230 approving change order #1 - Clinton Landing & Dredging Project M-2016 - Newt Marine Services - \$5,800.00. 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 P.M., June 14, 2016. On roll call, carried unanimously.

Mark S. Vulich
Mayor

Pat Van Loo
City Clerk