

The City Council met in regular session, May 9, 2017 at 7:00 P.M. in the City Hall Council Chamber. Present on roll call: Mayor Pro Tem Allesee; Councilmembers: Gassman, Seeley, McGraw, Connell, Odor and O'Neill. Absent - Mayor Vulich.

M/S, O'Neill-Gassman moved to dispense with the reading of the minutes of the special City Council meeting minutes of April 19, 2017 and they be approved as published on May 2, 2017. On roll call, carried unanimously

M/S, O'Neill-Gassman moved to dispense with the reading of the minutes of the regular City Council meeting and Committee of the Whole minutes of April 25, 2017 and they be approved as published on May 9, 2017. On roll call, carried unanimously

#### PROCLAMATION

Councilmember Odor read a proclamation designating May 11, 2017 as Great Give Day in the City of Clinton, Iowa.

#### PUBLIC HEARINGS

Mayor Pro Tem Allesee convened a public hearing concerning amendments to the FY 2016-2017 City Operating Budget. No comments were received, written or oral. M/S, Gassman-Seeley moved that the public hearing concerning amendments to the FY 2016-2017 City Operating Budget be entered into the record. On roll call, carried unanimously.

In discussion before roll call, Councilmember Seeley requested an overview of the amendments to the budget. Finance Director Anita Dalton stated that there were adjustments to the sewer fund for 20<sup>th</sup> Avenue North, the flood gates, 25<sup>th</sup> Avenue North Pumping Station and the 20<sup>th</sup> Avenue North Sewer Separation Project. She continued in stating that the City received a \$190,000 grant which was not budgeted for. The General Fund saw an increase of \$587,000 in revenues which was offset by expenditures of \$262,000. There was also an increase in para transit revenue.

Councilmember O'Neill inquired regarding whether this will change the tax levy. Director Dalton stated that it will not change the levy. Councilmember Seeley suggested that an oral or written summary accompany the amendments to the budget.

M/S, Gassman-Seeley moved the Council adopt Resolution No. 2017-158 approving the amendments to the FY 2016-2017 City Operating Budget. On roll call, carried unanimously.

Mayor Pro Tem Allesee convened a public hearing concerning the submission of Public Transit Grant Applications. No comments were received, written or oral. M/S, McGraw-Seeley moved that the public hearing concerning the submission of Public Transit Grant Applications be entered into the record. On roll call, carried unanimously.

M/S, McGraw-Odor moved the Council adopt Resolution No. 2017-159 approving submission of Public Transit Grant Applications. On roll call, carried unanimously.

Mayor Pro Tem Allesee convened a public hearing concerning the issuance of not to exceed \$500,000 General Obligation Capital Loan Notes. No comments were received, written or oral. M/S, Connell-O'Neill moved that the public hearing concerning the issuance of not to exceed \$500,000 General Obligation Capital Loan Notes be entered into the record. On roll call, carried unanimously.

In discussion before roll call, Councilmember Seeley inquired regarding the break-down of what the funds will be used for. Finance Director Dalton stated that she did not receive that information from Ahlers & Cooney, P.C. Councilmember Connell stated that Director Dalton had provided that information during a previous Committee of the Whole meeting. Councilmember Seeley inquired regarding whether the City would only borrow what was needed when the Capital Loan Note was finalized. Director Dalton stated that the Council was approving that tonight. Councilmember Seeley inquired regarding the terms of the bond. Director Dalton stated that that information was included in the Official Statement. The bond for \$10 Million is funding the CIP and capital requests as well as sewer projects and payment to PFM.

M/S, Connell-O'Neill moved the Council adopt Resolution No. 2017-160 instituting proceedings to take additional action for the issuance of not to exceed \$500,000 General Obligation Capital Loan Notes. On roll call, carried unanimously.

Mayor Pro Tem Allesee convened a public hearing concerning the issuance of not to exceed \$10,000,000 General Obligation Capital Loan Notes. No comments were received, written or oral. M/S, O'Neill-Gassman moved that the public hearing concerning the issuance of not to exceed \$10,000,000 General Obligation Capital Loan Notes be entered into the record. On roll call, carried unanimously.

In discussion before roll call, Councilmember O'Neill advised that the \$10 Million would fund things which were discussed during the budget process.

M/S, O'Neill-Gassman moved the Council adopt Resolution No. 2017-161 instituting proceedings to take additional action for the issuance of not to exceed \$10,000,000 General Obligation Capital Loan Notes. On roll call, carried unanimously.

#### AUDIENCE COMMENT

Mr. David Peters, 1136 Bobetta Court, thanked City Engineer Jason Craft. He stated that he was pleased with the outcome of a meeting between him and Craft regarding parking spaces. He continued in stating that Engineer Craft should be called "City Imagineer".

Mike Kirchhoff, President and CEO of the Clinton Regional Development Corporation, advised the Council that the CRDC continues to strive to repurpose Ashford University. He stated that a recent article in the Clinton Herald raised some concerns; however, a STEM academy is still achievable. He continued in stating that a STEM academy would fill the economic loss the City has felt since the

departure of Ashford. He further stated that this is important for the City of Clinton's image and the CRDC stands ready to assist the City in the establishment of a STEM academy.

## CONSENT AGENDA

Councilmember McGraw requested that item #1 be removed to Unfinished Business.

Councilmember Gassman requested that items #7 and #12 be removed to Unfinished Business.

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

1. Advisory Appointments Committee - minutes 4/26/2017 - Removed to Unfinished Business receive, approve and place on file.
2. Committee of the Whole - minutes 4/25/2017 - receive, approve and place on file.
3. Finance Committee - minutes 3/23/2017 - receive, approve and place on file.
4. Traffic Study Commission - minutes 3/14/2017 - receive, approve and place on file.
5. Traffic Study Commission - minutes 4/25/2017 - receive, approve and place on file.
6. Plans & Specs - T-2017, City of Clinton Downtown Street Light Replacement Project.
7. Resolution - Removed to Unfinished Business - authorizing execution of temporary construction easement for the Margaret Place Pumping Station Project B-2013.
8. Resolution No. 2017-162 recommending final payment to Continental Fire Sprinkler Company for Fire Station Sprinkler Projects - \$103,055.18.
9. Resolution No. 2017-163 recommending final payment to Lectronics, Inc. for Fire Station Alarm Projects - \$19,454.86.
10. Resolution No. 2017-164 approving agreement for construction oversight services with Dennis R. LaRue Consulting Services for the Margaret Place Pumping Station Project B-2013.
11. Resolution No. 2017-165 approving final change order #2 to the Project K-2016 (B) - Reclamation & Chip Seal Project - Determann Asphalt Paving - \$3,796.79.
12. Resolution - Removed to Unfinished Business - approving change order #9 to the 19<sup>th</sup> Avenue North Extension Project Phase III Construction Contract - Langman Construction - \$10,769.90.
13. Resolution No. 2017-166 accepting work and recommending final payment No. 2 to Determann Asphalt Paving for the Reclamation & Chip Seal Project K-2016 (B) - \$13,039.37.

14. Resolution No. 2017-167 approving liquor license renewal, Sunday sales privilege and outdoor sales service privilege for D J's and issuance of a Class I Letter of Exemption for allowing persons under 21 in licensed premises.
15. Resolution No. 2017-168 approving Class C liquor license renewal for Main Avenue Redemption Center.
16. Resolution No. 2017-169 approving a 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.
17. Resolution No. 2017-170 approving a liquor license renewal, outdoor sales privilege and Sunday sales privilege for Clinton Jaycees and issuance of a Class II Letter of Exemption for allowing persons under 21 in licensed premises.
18. Resolution No. 2017-171 approving the liquor license renewal and Sunday sales privilege for Loyal Order of the Moose No. 363 and issuance of a Class I Letter of Exemption for allowing persons under 21 in licensed premises.
19. Resolution No. 2017-172 approving transfer of liquor license location for Clinton Jaycees.

#### MOTIONS, RESOLUTIONS, AND ORDINANCES

M/S, Gassman-Seeley moved that the Claims be received, approved and placed on file. On roll call, Gassman, Seeley, McGraw, Allesee, Odor, O'Neill - Yes; Connell - Abstain. Motion carried.

M/S, McGraw-Odor moved the Council adopt Resolution No. 2017-173 standing resolution authorizing agreements regarding special duty police service. On roll call, carried unanimously.

M/S, Odor-Connell moved the Council adopt Resolution No. 2017-174 for the City of Clinton to adopt a policy on the City of Clinton owning and operating a single-stream recycling program. On roll call, Gassman, McGraw, Allesee, Odor, Connell, O'Neill - Yes; Seeley - No. Motion carried.

In discussion before roll call, Councilmember Seeley stated that he was concerned with the numbers and did not think that the City is ready to proceed with single-stream recycling. He continued in stating that he would not support it at this time.

M/S, O'Neill-Gassman moved the Council adopt Resolution No. 2017-175 finding necessity to institute emergency proceedings under Iowa Code 384.102(2) and directing emergency repairs to sewer and waiving hearing and bid process. On roll call, Gassman, Seeley, McGraw, Allesee, Odor, Connell - Yes; O'Neill - No. Motion carried.

In discussion before roll call, Councilmember Connell inquired regarding whether the City is adding \$15,000. He stated that Exhibit A which was referred to was not included in the packet. City Engineer Craft stated that all the information was presented during the previous Committee of the Whole. He continued in stating that due to the dire nature of the situation pipe must be constructed under the railroad tracks as soon as possible. We had to institute an emergency action plan. The City will

receive the quotes next week and award the contract at the May 23<sup>rd</sup> Council meeting. He further stated that he expected the project to begin on June 1<sup>st</sup>. Councilmember Seeley inquired regarding whether this had been reviewed by the City Attorney. City Attorney Patrick O'Connell stated that he had reviewed it and discussed it with the City Engineer.

Councilmember O'Neill stated that he was hesitant to accept the resolution. He continued in stating that the City may save money by following the regular bidding process. He suggested that the City purchase pumps for the residents who are experiencing sewage backup in their basements until the bidding process could be followed. He further stated that the problem is that the City will not receive friendly bids and his first concern is for the citizens. He proceeded to state that he is hesitant to spend \$300,000. Waiting a little longer would not hurt.

City Engineer Craft stated that this has been going on for years; however, the pipe is collapsing. He continued in stating that this pipe carries large amounts of waste from the north end of Clinton. He further stated that he did not believe that the City should wait. He proceed to stated that he is waiting for a permit from the Canadian Pacific Rail Road. They are glad we are doing the project so the tracks do not settle. He advised the Council that he believed the quotes will be competitive. Councilmember Connell stated that if the resolution is approved tonight and the bids come back too high, the Council still has to approve a contract and can vote to have this go for a re-bid.

Councilmember O'Neill inquired regarding the time difference in getting quotes and following the regular bidding process. Engineer Craft stated that it could extend the time by four to six weeks.

M/S, Connell-O'Neill moved the Council adopt Resolution No. 2017-176 approving electronic bidding procedures and official statement. On roll call, carried unanimously.

M/S, Odor-Connell moved the Council adopt Resolution No. 2017-177 establishing a public hearing date for the conveyance of gas pipeline easements to "Interstate Power and Light Company". On roll call, carried unanimously.

M/S, Seeley-Connell moved the Council adopt Resolution No. 2017-178 approving the proposal from Calhoun-Burns & Associates, Inc. for the 2017 inspection and rating of City bridges. On roll call, carried unanimously.

M/S, Gassman-Seeley moved the Council adopt Resolution No. 2017-179 declaring surplus property. On roll call, carried unanimously.

M/S, Connell-O'Neill moved the Council adopt Resolution No. 2017-180 setting a public hearing on the proposed sale of City owned vacant lots - 617 3<sup>rd</sup> Avenue South. On roll call, carried unanimously.

M/S, McGraw-Odor moved the Council adopt Resolution No. 2017-181 setting a public hearing on the proposed sale of City owned vacant lots - 529 7<sup>th</sup> Avenue South. On roll call, carried unanimously.

M/S, O'Neill-Gassman moved the Council adopt Resolution No. 2017-182 setting a public hearing on the proposed sale of City owned vacant lots - 1427 25<sup>th</sup> Avenue South. On roll call, carried unanimously.

M/S, Odor-Connell moved the Council adopt Resolution No. 2017-183 setting a public hearing on the proposed sale of City owned vacant lots - 212 2<sup>nd</sup> Avenue South. On roll call, carried unanimously.

M/S, Seeley-Gassman moved the Council adopt Resolution No. 2017-184 setting a public hearing on the proposed sale of City owned vacant lots - Parcel 86-02410001- Lot 14. On roll call, carried unanimously.

M/S, McGraw-Connell moved the Council approve the Mayor's recommendation to boards and commissions. On roll call, carried unanimously.

In discussion before roll call, Councilmember McGraw thanked the people who were willing to serve on Boards and Commissions. She proceeded to read the appointments.

#### UNFINISHED BUSINESS

M/S, McGraw-Connell moved to approve the Advisory Appointments Committee - minutes 4/26/2017 and they be received, approved and placed on file. On roll call, carried unanimously.

Councilmember Seeley inquired regarding the cost for the easement. Engineer Craft stated that the City needs to gravel the area we maintain. He continued in stating that this is reconstruction for a generator to be installed on the City's parcel; however, we must enter into an easement in order to perform maintenance. He further stated that the City will discuss the purchase of the land with ADM and will bring that forward at a later Council meeting. Right now the City will enter into a temporary easement at no cost.

M/S, Seeley-Connell moved the Council adopt Resolution No. 2017-185 authorizing execution of temporary construction easement for the Margaret Place Pumping Station Project B-2013. On roll call, carried unanimously.

Councilmember Seeley inquired regarding why there was no change order included in the packet. City Engineer Craft stated that the change order must have been missed while putting the Council packet together. The contract needed to be extended for additional paving. Councilmember O'Neill stated that it is not right to approve a change order we did not get to read.

M/S, Connell-Seeley moved the Council adopt Resolution No. 2017-186 approving change order #9 to the 19<sup>th</sup> Avenue North Extension Project Phase III Construction Contract - Langman Construction - \$10,769.90. On roll call, Gassman, Seeley, McGraw, Allesee, Odor, Connell - Yes; O'Neill - No. Motion carried.

Councilmember O'Neill moved to adjourn to 7:00 May 9, 2017. All in favor

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Julie Allesee  
Mayor Pro Tem

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Pat Van Loo  
City Clerk