

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

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 October 25, 2016 and the special City Council Minutes of November 3, 2016 and they be approved as published on November 8, 2016. On roll call, carried unanimously.

Public Hearings

Mayor Vulich convened a public hearing determining an area of the City to be an economic development area. No comments were received, written or oral. M/S, O'Neill-Connell moved that the public hearing determining an area of the City to be an economic development area be entered into the record. On roll call, Gassman, Seeley, McGraw, Connell, Allesee - Yes; O'Neill - No. Motion carried.

In discussion before roll call, Councilmember O'Neill stated that he was concerned regarding a residential area within the Tech Park. He stated that there were public funds used to purchase the land and questioned whether it should be turned over to a private developer. City Administrator Jessica Kinser stated that the Business Park Urban Renewal Area is not just the Business Park. There are residential areas within the Urban Renewal Area. Councilmember O'Neill stated that it is confusing to leave it opened to create residential property which was purchased with public funds. Councilmember O'Neill moved to table the resolution under consideration for further clarification. Motion failed for lack of a second. Mayor Vulich inquired regarding whether the resolution needs to be approved by December 1, 2016. City Administrator Kinser stated that the resolution needs to be approved by December 1, 2016 in order to add projects.

1. M/S, O'Neill-Connell moved the Council adopt Resolution No. 2016-465 determining an area of the City to be an economic development area, and that the rehabilitation, conservation, redevelopment, development, or a combination thereof, of such area is necessary in the interest of the public health, safety or welfare of the residents of the City; designating such area as appropriate for urban renewal projects; and adopting the Amendment No. 3 to the Clinton Business Park Urban Renewal Plan. On roll call, Gassman, Seeley, McGraw, Connell, Allesee - Yes; O'Neill - No. Motion carried.
2. Mayor Vulich convened a public hearing determining an area of the City to be an economic development area. No comments were received, written or oral. M/S, Allesee-Gassman moved that the public hearing determining an area of the City to be an economic development area be entered into the record. On roll call, Gassman, Seeley, McGraw, Connell, Allesee - Yes; O'Neill - No. Motion carried.

3. M/S, Allesee-Gassman moved the Council adopt Resolution No. 2016-466 determining an area of the City to be an economic development area, and that the rehabilitation, conservation, redevelopment, development, or a combination thereof, of such area is necessary in the interest of the public health, safety or welfare of the residents of the City; designating such area as appropriate for urban renewal projects; and adopting the Saddle Ridge Urban Renewal Plan. On roll call, carried unanimously.

M/S, Allesee-Gassman moved the Council consider an ordinance for the first time - AN ORDINANCE PROVIDING THAT GENERAL PROPERTY TAXES LEVIED AND COLLECTED EACH YEAR ON ALL PROPERTY LOCATED WITHIN THE SADDLE RIDGE URBAN RENEWAL AREA, IN THE CITY OF CLINTON, COUNTY OF CLINTON, STATE OF IOWA, BY AND FOR THE BENEFIT OF THE STATE OF IOWA, CITY OF CLINTON, COUNTY OF CLINTON, CLINTON COMMUNITY SCHOOL DISTRICT, AND OTHER TAXING DISTRICTS, BE PAID TO A SPECIAL FUND FOR PAYMENT OF PRICIPAL AND INTEREST ON LOANS, MONIES ADVANCED TO AND INDEBTEDNESS, INCLUDING BONDS ISSUED OR TO BE ISSUED, INCURRED BY THE CITY IN CONNECTION WITH THE SADDLE RIDGE URBAN RENEWAL AREA (THE SADDLE RIDGE URBAN RENEWAL PLAN). On roll call, carried unanimously.

Mayor Vulich convened a public hearing concerning accepting bid and awarding contract for Joyce's Slough Flood Wall Pump Station Generator Addition and Electrical Upgrades Project G-2016. No comments were received, written or oral. M/S, Seeley-Gassman moved that the public hearing concerning accepting bid and awarding contract for Joyce's Slough Flood Wall Pump Station Generator Addition and Electrical Upgrades Project G-2016 be entered into the record. On roll call, carried unanimously.

In discussion before roll call, Councilmember Gassman inquired regarding the funding for the project. City Administrator Kinser stated that it is part of \$1 Million set aside for sewer projects. City Engineer Jason Craft advised that the funding came from bonds the City is paying back out of Local Option Sales Tax.

4. M/S, Seeley-Gassman moved the Council adopt Resolution No. 2016-467 accepting bid and awarding contract to Burke Electric for Project No. G-2016 Joyce's Slough Flood Wall Pump Station Generator Addition and Electrical Upgrades for \$476,670.00. On roll call, carried unanimously.

AUDIENCE COMMENT

Mayor Vulich introduced Interim City Administrator Dick Schrad. He advised the Council that Mr. Schrad would begin his duties on November 9, 2016.

CONSENT AGENDA

Councilmember O'Neil requested items #1, #10, and #13 be removed to unfinished business.

M/S, O'Neill-Allesee moved to approve the Consent Agenda as amended. On roll call, Gassman, Seeley, O'Neill, Connell, Allesee - Yes; McGraw - Abstain. Motion carried.

1. Claims - Removed to Unfinished Business - receive, approve and place on file.
2. Committee of the Whole - minutes 10/25/2016 - receive, approve and place on file.
3. Finance Committee - minutes 8/25/2016 - receive, approve and place on file.

4. Historic Preservation Commission – minutes 10/13/2016 – receive, approve and place on file.
5. Human Rights Commission – minutes 9/12/2016 – receive, approve and place on file.
6. Mayor’s Youth Commission – minutes 10/19/2016 – receive, approve and place on file.
7. Completed Work Orders – September & October – receive, approve and place on file.
8. Resolution No. 2016-489 approving one year Contract for Services Agreement for alcohol compliance checks between the Clinton Substance Abuse Council/Gateway Area Impact Coalition and the Clinton Police Department.
9. Resolution No. 2016-468 authorizing the collection/certification of grass/weed cutting and nuisance clean up liens.
10. Resolution – Removed to Unfinished Business - authorizing the removal of street lights and corresponding infrastructure at the intersections of North 3rd Street & 13th Avenue North and North 4th Street & 13th Avenue North.
11. Resolution No. 2016-469 approving an agreement between the City of Clinton, Iowa and the Downtown Clinton Alliance for snow removal for the 2016-2017 season.
12. Resolution No. 2016-470 approving the City of Clinton’s Annual Urban Renewal Report for Fiscal Year 2015-2016.
13. Resolution – Removed to Unfinished Business - approving an annual appropriation for Rail.One USA of incremental property tax revenues for Fiscal Year 2018.
14. Resolution No. 2016-471 approving an annual appropriation for the Towne & Country Manor of incremental property tax revenues for Fiscal Year 2018.
15. Resolution No. 2016-472 approving urban renewal projects in the Clinton Business Park Urban Renewal Area for qualification for the filing of certification under Iowa Code Section 403.19.
16. Resolution No. 2016-473 establishing a public hearing for the vacation of a portion of an alley to Community Housing Initiatives (CHI).
17. Resolution No. 2016-474 ordering construction of improvement, setting public hearing and directing advertisement for bids – Large Diameter Sewer Cleaning Project W-2016.
18. Resolution No, 2016-475 approving change order #5 to the 19th Avenue North Extension Project Phase III construction contract – Langman Construction - \$16,977.40.
19. Resolution No. 2016-476 recommending partial payment request #1 for the Project K-2016 (A) – Micro-surfacing Project – Micro-Surfacing Contractors, LLC - \$153,725.20.
20. Resolution No. 2016-477 recommending payment No. 4 for the Highway 136 Roadway Rehabilitation Project B-2016 – Determann Asphalt Paving, LLC - \$336,553.28.
21. Resolution No. 2016-478 recommending payment No. 4 for the Asphalt Resurfacing Project F-2016 – Determann Asphalt Paving, LLC - \$102,033.00.

22. Resolution No. 2016-479 approving beer permit/license renewal application for Casey's General Store #2222.
23. Resolution No. 2016-480 approving beer permit/license renewal application for Casey's General Store #2030.
24. Resolution No. 2016-481 approving beer permit/license renewal with Sunday sales privilege and carryout wine privilege for Aldi Inc. #19.
25. Resolution No. 2016-482 approving beer permit/license & carryout wine renewal application and Sunday sales privilege for Express Lane, Inc.

MOTIONS, RESOLUTIONS, AND ORDINANCES

M/S, Connell-Allesee moved the Council consider an ordinance for the first time - AN ORDINANCE PROVIDING THAT GENERAL PROPERTY TAXES LEVIED AND COLLECTED EACH YEAR ON ALL PROPERTY LOCATED WITHIN THE WASHINGTON MIDDLE SCHOOL URBAN RENEWAL AREA, IN THE CITY OF CLINTON, COUNTY OF CLINTON, STATE OF IOWA, BY AND FOR THE BENEFIT OF THE STATE OF IOWA, CITY OF CLINTON, COUNTY OF CLINTON, CLINTON COMMUNITY SCHOOL DISTRICT, AND OTHER TAXING DISTRICTS, BE PAID TO A SPECIAL FUND FOR PAYMENT OF PRICIPAL AND INTEREST ON LOANS, MONIES ADVANCED TO AND INDEBTEDNESS, INCLUDING BONDS ISSUED OR TO BE ISSUED, INCURRED BY THE CITY IN CONNECTION WITH THE WASHINGTON MIDDLE SCHOOL URBAN RENEWAL AREA (THE WASHINGTON MIDDLE SCHOOL URBAN RENEWAL PLAN). On roll call, carried unanimously.

5. M/S, Allesee-Gassman moved the Council consider an ordinance for the second time - AN ORDINACNE PROVIDING FOR THE VACATION AND CONVEYANCE OF A 16-FOOT BY 120-FOOT ALLEY RIGHT-OF-WAY ADJACENT TO 315 RUTH PLACE. On roll call, carried unanimously.

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

M/S, Allesee-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. 2546

6. M/S, Gassman-Seeley moved the Council consider an ordinance for the second time - AN ORDINACNE PROVIDING FOR THE VACATION AND CONVEYANCE OF A 16-FOOT BY 460-FOOT EAST/WEST ALLEY RIGHT-OF-WAY AND A 16-FOOT BY 300-FOOR NORTH/SOUTH ALLEY RIGHT-OF-WAY LOCATED WEST OF 612 NORTH 2ND STREET. On roll call, carried unanimously.

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

M/S, Gassman-Allesee 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. 2547

7. M/S, Allesee-Gassman moved the Council consider an ordinance for the second time - AN ORDINANCE AMENDING ORDINANCE NOS. 1981 AND 2056, PROVIDING THAT GENERAL PROPERTY TAXES LEVIED AND COLLECTED EACH YEAR ON CERTAIN PROPERTY LOCATED WITHIN THE TARGET STORE DEVELOPMENT PROJECT, IN THE CITY OF CLINTON, COUNTY OF CLINTON, STATE OF IOWA, BY AND FOR THE BENEFIT OF THE STATE OF IOWA, CITY OF CLINTON, COUNTY OF CLINTON, CLINTON COMMUNITY SCHOOL DISTRICT, AND OTHER TAXING DISTRICTS, BE PAID TO A SPECIAL FUND FOR PAYMENT OF PRINCIPAL AND INTEREST ON LOANS, MONIES ADVANCED TO AND INDEBTEDNESS, INCLUDING BONDS ISSUED OR TO BE ISSUED, INCURRED BY THE CITY IN CONNECTION WITH THE TARGET STORE DEVELOPMENT PROJECT (Removing Lot 1 and Lot 2 of The Landing Subdivision). On roll call, carried unanimously.

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

M/S, Allesee-Connell 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. 2548

8. M/S, O'Neill-Connell moved the Council consider an ordinance for the second time - AN ORDINANCE AMENDING ORDINANCE NO. 2054, PROVIDING THAT GENERAL PROPERTY TAXES LEVIED AND COLLECTED EACH YEAR ON CERTAIN PROPERTY LOCATED WITHIN THE MILL CREEK DEVELOPMENT PROJECT, IN THE CITY OF CLINTON, COUNTY OF CLINTON, STATE OF IOWA, BY AND FOR THE BENEFIT OF THE STATE OF IOWA, CITY OF CLINTON, COUNTY OF CLINTON, CLINTON COMMUNITY SCHOOL DISTRICT, AND OTHER TAXING DISTRICTS, BE PAID TO A SPECIAL FUND FOR PAYMENT OF PRINCIPAL AND INTEREST ON LOANS, MONIES ADVANCED TO AND INDEBTEDNESS, INCLUDING BONDS ISSUED OR TO BE ISSUED, INCURRED BY THE CITY IN CONNECTION WITH THE MILL CREEK DEVELOPMENT PROJECT (Removing Lot 1 and Lot 2 of The Landing Subdivision). On roll call, carried unanimously.

M/S, O'Neill-Connell moved the rules be suspended and the Council consider the ordinance for the third time. On roll call, carried unanimously.

M/S, O'Neill-Connell 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. 2549

9. M/S, McGraw-Seeley moved the Council adopt Resolution No. 2016-483 adopting the 2016-2018 Strategic Plan. On roll call, carried unanimously.
10. M/S, O'Neill-Connell moved the Council adopt a resolution approving an agreement with Greenplay LLC. For the development of a Parks Master Plan. Motion and second withdrawn.

In discussion before roll call, City Administrator Kinser advised that she had not yet received the agreement and requested that consideration of the resolution be delayed.

11. M/S, Seeley-McGraw moved the Council adopt Resolution No. 2016-484 approving a parking lease agreement with Clinton County. On roll call, carried unanimously.

12. M/S, Gassman-Seeley moved the Council adopt Resolution No. 2016-485 supporting the application for a HUD Lead Abatement Grant by the East Central Intergovernmental Association. On roll call, carried unanimously.

In discussion before roll call, Councilmember Seeley inquired regarding the City's percentage of grant funds. City Administrator Kinser stated that the City would receive 2/3.

13. M/S, McGraw-Connell moved the Council adopt Resolution No. 2016-486 setting public hearing on the proposed sale of real estate located at 1456 South Bluff Boulevard, Clinton, Iowa. On roll call, carried unanimously.

14. M/S, Allesee-Gassman moved the Council go into Closed Session to discuss the purchase of property. (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, Connell, Allesee - Yes; O'Neill - No. Motion failed.

In discussion before roll call, City Attorney Patrick O'Connell advised the Council that discussion would be held in closed session to discuss an offer to purchase a piece of property and falls within the guidelines of Iowa Code 21.5.

Allesee - Possible Motion - Council may make motion following closed session to authorize the purchase of property. No action taken.

15. M/S, Connell-Allesee moved the Council go into Closed Session to discuss the sale of property. (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, Connell, Allesee - Yes; O'Neill - No. Motion failed.

In discussion before roll call, City Attorney Patrick O'Connell advised the Council that discussion would be held in closed session to discuss a price for the sale of property and falls within the guidelines of Iowa Code 21.5.

Connell- Possible Motion - Council may make motion following closed session to authorize the sale of property. No action taken.

UNFINISHED BUSINESS

Councilmember O'Neill stated that there was \$107,540.00 on the claims listing for payment of the head tax to Clinton County Area Solid Waste. He inquired regarding whether the suggestion to pay the head tax bi-annually had gone to the Finance Committee. Finance Director Anita Dalton advised that the bi-annual payment had been discussed by the Finance Committee and it was approved to pay half now and half in April, 2017.

16. M/S, O'Neill-Connell moved to approve the Claims List. On roll call, Gassman, Seeley, O'Neill, Connell, Allesee - Yes; McGraw - Abstain. Motion carried.

Councilmember O'Neill stated that he would like clarification regarding #10 on the Consent agenda. He inquired regarding whether street lights were being removed. City Engineer Craft stated that the old wooden streetlight poles would be removed at the corners of 13th Avenue North and North 3rd Street and 13th Avenue North and North 4th Street and would be replaced with new poles. He continued in stating that the traffic signals would remain.

17. M/S, O'Neill-Connell moved to adopt Resolution No. 2016-487 authorizing the removal of street lights and corresponding infrastructure at the intersections of North 3rd Street & 13th Avenue North and North 4th Street & 13th Avenue North. On roll call, Gassman, Seeley, O'Neill, Connell, Allesee - Yes; McGraw - Abstain. Motion carried.

Councilmember O'Neill stated that discussion had taken place regarding the number of jobs at Rail.One USA and how they are tied to the increment in TIF. He inquired regarding whether the City is guaranteed that the jobs are in place? City Administrator Kinser stated that the Developer's Annual Certification has been submitted and the number of jobs must be at, or more than, 50 per certification.

18. M/S, O'Neill-Connell moved the Council adopt Resolution No. 2016-488 approving an annual appropriation for Rail.One USA of incremental property tax revenues for Fiscal Year 2018. On roll call, Gassman, Seeley, O'Neill, Connell, Allesee - Yes; McGraw - Abstain. Motion carried.

M/S, O'Neill-Connell moved to adjourn to 7:00 P.M., November 22, 2016. On roll call, carried unanimously.

Mark S. Vulich
Mayor

Pat Van Loo
City Clerk