

The City Council met in regular session, October 11, 2016 at 7:00 P.M. in the City Hall Council Chamber. Present on roll call: Mayor Pro Tem Determann; Councilmembers: Gassman, Seeley, McGraw, O'Neill, Connell and Allesee. Mayor Vulich – absent.

M/S, O'Neill-Allesee moved to dispense with the reading of the minutes of the regular City Council meeting and Committee of the Whole minutes of September 27, 2016 and they be approved as published on October 10, 2016. On roll call, carried unanimously.

PUBLIC HEARINGS

Mayor Pro Tem Determann convened a public hearing concerning a proposed amendment to Chapter 159, Zoning Regulations concerning urban chickens. No comments were received, written or oral. M/S, Allesee-Gassman moved that the public hearing concerning a proposed amendment to Chapter 159, Zoning Regulations concerning urban chickens be entered into the record. On roll call, carried unanimously.

In discussion before roll call, Ms. Carol Mabee, 205 Thorwaldsen, advised the Council that urban chickens are delightful to have and are no problem if they are regulated. She stated that they bring a lot of pleasure to children and are like pets. She continued in stating that they are not noisy and if persons have a nice clean environment they are no problem.

M/S, Allesee-Seeley moved the Council consider an ordinance for the first time - AN ORDINANCE AMENDING CHAPTER 159, ZONING REGULATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA TO ALLOW URBAN CHICKENS IN R-1A, R-1B, R-1C, AND R-2 RESIDENTIAL DISTRICTS AND SET FORTH RULES FOR THE KEEPING OF URBAN CHICKENS. On roll call, Gassman, Seeley, McGraw, O'Neill, Connell, Allesee – Yes; Determann – No. Motion carried.

AUDIENCE COMMENT

Mr. Michael Williams, 1708 53rd Street, Apartment 6, Moline, Illinois, advised the Council that it is his belief that there is a scam artist operating in the City of Clinton. City Attorney advised Mr. Williams that this item is not on the agenda and the Council cannot legally comment on this.

CONSENT AGENDA

Councilmember McGraw requested item #10 be removed to Unfinished Business. Councilmember O'Neil requested item #9 be removed to unfinished business.

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

1. Claims – receive, approve and place on file.
2. Civil Service Commission – minutes 9/7/2016 – receive, approve and place on file.
3. Civil Service Commission – minutes 10/5/2016 – receive, approve and place on file.

4. Committee of the Whole - minutes 9/27/2016 - receive, approve and place on file.
5. Committee of the Whole - minutes 10/4/2016 - receive, approve and place on file.
6. Neighborhood Improvement Committee -minutes 9/8/2016 - receive, approve and place on file.
7. Planning Commission - minutes 10/5/2016 - receive, approve and place on file.
8. Clinton Fire & Rescue - FY2016 PCC Ambulance Billing Report & Financial Summary 7/2016 - 9/2016 - receive, approve and place on file.
9. Resolution - Removed to Unfinished Business - remove the existing yield sign on the southeast corner of 16th Avenue N.W. and North 11th Street and install a stop sign in this location, facing south.
10. Resolution - Removed to Unfinished Business - authorizing preparation of specifications and advertisement to bid on Fire Station Sprinkler and Alarm Project.
11. Resolution No. 2016-425 declaring surplus property.
12. Resolution No. 2016-426 approving authorization for alternate signatories for section 106 compliance forms.
13. Resolution No. 2016-427 approving tree trimming project for the Downtown Clinton Alliance.
14. Resolution No. 2016-428 authorizing construction of improvement, setting public hearing and directing advertisement for bids - Joyce's Slough Flood Wall Pump Station Generator Addition and Electrical Upgrades Project G-2016.
15. Resolution No. 2016-429 approving change order #1 - North End Trail Project J-2015 - Eastern Iowa Excavating & Concrete, LLC - \$5,936.30.
16. Resolution No. 2016-430 recommending payment No. 3 for the Highway 136 Roadway Rehabilitation Project B-2016 - Determann Asphalt Paving, LLC - \$164,660.99.
17. Resolution No. 2016-431 recommending payment No. 6 for the North End Rec Trail - Project J-2015 - \$3,418.29.
18. Resolution No. 2016-432 recommending payment No. 6 - Residential Street Reconstruction Project, E-2016 - Eastern Iowa Excavating & Concrete - \$75,910.70.
19. Resolution No. 2016-433 approving transfer of beer permit/license with Sunday sales privilege and carryout wine privilege for Aldi, Inc. #19.

MOTIONS, RESOLUTIONS, AND ORDINANCES

1. M/S, Seeley-Gassman moved the Council consider an ordinance for the first time - AN ORDINANCE CREATING CHAPTER 104, REGISTRATION OF ABANDONED BUILDINGS, OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA . On roll call, carried unanimously.

2. M/S, Allesee-Gassman moved the Council adopt Resolution No. 2016-434 approving an agreement with Richard W. Schrad for interim City Administrator services and with Brimeyer-Fursman for executive search services. On roll call, Gassman, Seeley, McGraw, O'Neill, Connell, Allesee – Yes; Determann – No. Motion carried.

In discussion before roll call, Mayor Pro Tem Determann stated that he thought that the vote on this item was supposed to be delayed until the Mayor's return. Councilmember Connell stated that at the last meeting the Council agreed that the timeline was acceptable and that Mr. Schrad would contact the Mayor.

City Attorney Patrick O'Connell stated that the Councilmembers had contacted him and given him their schedules. The way the document is worded the itinerary is fluid. He continued in stating that Mr. Schrad has tried to contact the Mayor several times. He further stated that Mr. Schrad is planning on being here on October 13th and 14th.

Councilmember O'Neill inquired regarding whether the City Clerk had sent the same email containing the schedule to all of the Council and Mayor. City Clerk Van Loo stated that she had sent the email with the schedule to everyone. Councilmember O'Neill stated that there was enough time in the schedule to accommodate everyone. The Mayor will be able to take part in the major process. City Attorney O'Connell stated that there is enough time for Mr. Schrad to speak with everyone. Mayor Pro Tem Determann stated that he thought it was supposed to be finalized on October 18th. City Administrator Kinser stated that this was a misunderstanding and there is nothing scheduled for the 18th. The profile will come back on the October 25th Committee of the Whole.

3. M/S, Gassman-Seeley moved the Council adopt Resolution No. 2016-435 appointing Bankers Trust Company of Des Moines, Iowa, to serve as paying agent, note registrar, and transfer agent approving the paying agent, and note registrar and transfer agent agreement and authorizing the execution of the agreement. On roll call, carried unanimously.

In discussion before roll call, Mayor Pro Tem Determann inquired regarding whether the item appointing Bankers Trust was for a bond issue. City Administrator Kinser stated that it is for a bond and everything flows through Bankers Trust.

4. M/S, O'Neill-Connell moved the Council adopt Resolution No. 2016-436 approving and authorizing a form of loan agreement and authorizing and providing for the issuance of \$5,205,000 General Obligation Capital Loan Notes, Series 2016C, and levying a tax to pay said notes; approval of the Tax Exemption Certificate and Continuing Disclosure Certificate. On roll call, carried unanimously.

In discussion before roll call, Mayor Pro Tem Determann requested an explanation of the resolution under consideration. City Administrator Kinser stated that this is the formal action to issue debt to fund capital projects.

5. M/S, Allesee-Gassman moved the Council adopt Resolution No. 2016-437 establishing a public hearing for the vacation of the east/west alley adjacent to 315 Ruth Place. On roll call, carried unanimously.

In discussion before roll call, Mayor Pro Tem Determann inquired regarding the location of the vacation. City Administrator Kinser stated that this is an alley which comes off of Second Avenue South and does not connect to anything. The owner of an adjoining property has requested the vacation so they can take over this property.

6. M/S, Connell-Allesee moved the Council adopt Resolution No. 2016-438 establishing a public hearing for the vacation of the east/west alley and the north/south alley in Block 8, North Addition(Location of Court House and Law Center).On roll call, carried unanimously.

In discussion before roll call, Mayor Pro Tem Determann requested information relating to the resolution under consideration. Councilmember Connell stated that this is an alley which would run directly through the Court House and Law Center. This is just an action to clean up what should have been done many years ago.

7. M/S, O'Neill-Connell moved the Council adopt Resolution No. 2016-439 setting dates of a consultation and a public hearing on a proposed amendment No. 3 to the Clinton Business Park Urban Renewal Plan in the City of Clinton, State of Iowa. On roll call, carried unanimously.

In discussion before roll call, Councilmember O'Neill inquired regarding the proposed amendment. City Administrator Kinser stated that the main reason is for the acquisition of 14th Avenue NW. The City cannot incur the cost until the Urban Renewal Plan is amended.

8. M/S, Seeley-Connell moved the Council adopt Resolution No. 2016-440 fixing date for a public hearing on the proposal to enter into an amended and restated (2016) agreement for private development with Rock Island Economic Growth Corporation d/b/a Economic Growth Corporation and Wilson Lofts, LP, and providing for publication of notice thereof. On roll call, carried unanimously.

In discussion before roll call, Councilmember Seeley inquired regarding whether this project is on schedule. City Administrator Kinser stated that representatives from Economic Growth Corporation will answer questions regarding this item during the public hearing on October 25, 2016.

9. M/S, Gassman-Seeley moved the Council adopt Resolution No. 2016-441 determining the necessity and setting dates of a consultation and a public hearing on a proposed Saddle Ridge Urban Renewal Plan for a proposed urban renewal area in the City of Clinton, State of Iowa. On roll call, carried unanimously.

In discussion before roll call, Mayor Pro Tem Determann inquired regarding the location of Saddle Ridge. City Administrator Kinser stated that this is a proposed development off of North 18th Street.

10. M/S, Connell-Allesee moved the Council adopt Resolution No. 2016-442 fixing a date for a public hearing on the proposal to enter into a development agreement with 4th Avenue Lofts, LLC and providing for publication thereof. On roll call, carried unanimously.

In discussion before roll call, Councilmember O'Neill stated that it is good news that this project is moving forward. Councilmember McGraw inquired regarding whether LMI was involved. City Administrator Kinser stated that there will be 43 units with LMI restriction.

11. M/S, McGraw-Seeley moved the Council adopt Resolution No. 2016-443 approving the final plat of 4th Avenue Lofts Subdivision. On roll call, carried unanimously.

UNFINISHED BUSINESS

Councilmember O'Neill stated that he looked at the traffic coming out of the area and it does not make sense to install a stop sign.

City Engineer Jason Craft stated that originally there was a yield sign at the corner and now the residents are requesting a stop sign due to drivers traveling quickly through the area and not paying attention to children. He continued in stating that at the Committee of the Whole it was the Council's wish to install a stop sign. He further stated that this action is to appease the public and is of no harm to the City.

12. M/S, O'Neill-Gassman moved the Council adopt Resolution No. 2016-444 removing the existing yield sign on the southeast corner of 16th Avenue N.W. and North 11th Street and installing a stop sign in this location, facing south. On roll call, carried unanimously.

Councilmember McGraw stated that there are questions relating to the item authorizing the Fire Department to prepare specifications and advertisement to bid on the Fire Station Sprinkler and Alarm Project. Fire Chief Mike Brown stated that there is a misconception regarding the necessity of sprinklers in a brick building. They work and are required by code. The project is fully funded with 90% coming from a government grant and a CCDA match. He continued in stating the code requires people to install sprinklers; however, the fire station does not have them. He further stated that this will take care of the Lyons and Central Fire Stations.

Councilmember McGraw inquired regarding whether there was someone at a desk at Central Fire Station to answer calls. Chief Brown stated no, fire personnel are dispatched through the County.

13. M/S, McGraw-O'Neill moved the Council adopt Resolution No. 2016-445 authorizing preparation of specifications and advertisement to bid on Fire Station Sprinkler and Alarm Project. On roll call, carried unanimously.

M/S, O'Neill-Connell moved to adjourn to 7:00 pm October 25, 2016. On roll call, carried unanimously.

Tom Determann
Mayor Pro Tem

Pat Van Loo
City Clerk