

The City Council met in regular session, October 25, 2016 at 7:00 P.M. in the City Hall Council Chamber. Present on roll call: Mayor Vulich; Councilmembers: Gassman, Seeley, McGraw, O'Neill and Allesee. Council Member Connell - absent.

M/S, Determann - Gassman moved to dispense with the reading of the minutes of the regular City Council meeting and Committee of the Whole minutes of October 11, 2016 until published.

#### Public Hearings:

Mayor Vulich convened a public hearing concerning vacation and conveyance of alley right-of-way adjacent to 315 Ruth Place. No comments were received, written or oral. M/S, O'Neill-Allesee moved that the public hearing concerning vacation of alley right-of-way adjacent to 315 Ruth Place be entered into the record. On roll call, carried unanimously.

1. M/S, O'Neill-Allesee moved the Council consider an ordinance for the first time - AN ORDINANCE 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.

Mayor Vulich convened a public hearing concerning vacation and conveyance of alley right-of-way located west of 612 North 2<sup>nd</sup> Street. No comments were received, written or oral. M/S, Determann-O'Neill moved that the public hearing concerning vacation and conveyance of alley right-of-way located west of 612 North 2<sup>nd</sup> Street be entered into the record. On roll call, carried unanimously.

2. M/S, Determann-O'Neill moved the Council consider an ordinance for the first time - AN ORDINANCE 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-FOOT NORTH/SOUTH ALLEY RIGHT-OF-WAY LOCATED WEST OF 612 NORTH 2<sup>ND</sup> STREET. On roll call, carried unanimously.

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, Seeley-Allesee 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, carried unanimously.

3. M/S, Seeley-McGraw moved the Council adopt Resolution No. 2016-446 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 Washington Middle School Urban Renewal Plan. On roll call, carried unanimously.

Mayor Vulich convened a public hearing concerning approving and authorizing execution of an amended and restated (2016) agreement for private development. No comments were received, written or oral. M/S, Allesee-Gassman moved that the public hearing concerning approving and authorizing execution of an amended and restated (2016) agreement for private development be entered into the record. On roll call, carried unanimously.

4. M/S, Allesee-Gassman moved the Council adopt Resolution No. 2016-447 approving and authorizing execution of an amended and restated (2016) agreement for private development by and among the City of Clinton and Rock Island Economic Growth Corporation and Wilson Lofts, LP. On roll call, carried unanimously.

In discussion before roll call, Councilmember O'Neill advised that the agreement was amended and restated due to the need for clarification regarding historic tax credits.

5. Mayor Vulich convened a public hearing concerning approving and authorizing execution of development agreement with 4<sup>th</sup> Avenue Lofts, LLC. No comments were received, written or oral. M/S, Gassman-Seeley moved that the public hearing concerning approving and authorizing execution of development agreement with 4<sup>th</sup> Avenue Lofts, LLC be entered into the record. On roll call, carried unanimously.
6. M/S, Gassman-Seeley moved the Council adopt Resolution No. 2016-448 approving and authorizing execution of a development agreement by and between the City of Clinton and 4<sup>th</sup> Avenue Lofts, LLC. On roll call, carried unanimously.

#### AUDIENCE COMMENT

No persons came before the Council to speak.

#### CONSENT AGENDA

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

1. Claims - receive, approve and place on file.
2. Airport Commission - minutes 9/19/2016 - receive, approve and place on file.
3. Committee of the Whole - minutes 10/11/2016 - receive, approve and place on file.
4. Tree Commission - minutes 9/8/2016 - receive, approve and place on file.
5. Certified list of Firefighter Candidates - receive, approve and place on file.
6. Summary of Revenues & Receipts - September, 2016 - receive, approve and place on file.
7. Electronic Payments & Transfers - September, 2016 - receive, approve and place on file.
8. Plans & Specs - Basin 6, Phase A, Sewer Separation Project, P-2016 - receive, approve and place on file.
9. Resolution No. 2016-449 correcting serial number on Resolution No. 2016-425.
10. Resolution No. 2016-450 approving the second amendment to the site lease agreement and memorandum of lease with Grain Management LLC for the tower located at Eagle Point Park.
11. Resolution No. 2016-451 ordering construction of improvement, setting public hearing and directing advertisement for bids - Basin 6, Phase A, Sewer Separation Project P-2016.

12. Resolution No. 2016-452 approving change order #2 Clinton Landing & Dredging Project M-2016 – Newt Marine Services - DECREASE \$36,604.20.
13. Resolution No. 2016-453 recommending payment request No. 1 to Newt Marine for Project M-2016, Clinton Landing & Dredging Project - \$7,311.01.
14. Resolution No. 2016-454 recommending payment request No. 1 to Project L-2015 – 19<sup>th</sup> Avenue NW Sidewalk & Trail Construction – Eastern Iowa Excavating & Concrete - \$35,404.58.
15. Resolution No. 2016-455 recommending payment request No. 2 to Project S-2016 – 13<sup>th</sup> Avenue North Traffic Safety Improvement Project – Leslie Electric - \$48,300.14.
16. Resolution No. 2016-456 recommending payment request No, 6 for the North 4<sup>th</sup> Street & 13<sup>th</sup> Avenue North Rehabilitation Project C-2016 – BWC Excavating, LC - \$136,657.69.
17. Resolution No. 2016-457 recommending payment request No. 8 to Langman Construction, Inc. for Phase III of the 19<sup>th</sup> Avenue North Project, from Randall Court to North 2<sup>nd</sup> Street - \$752,326.72.
18. Resolution No. 2016-458 recommending payment No. 10 for the Basin 10 Sewer Separation Project F-2014 – BWC Excavating, LC - \$79,244.97.
19. Resolution No. 2016-459 approving beer permit/liquor license renewal with Sunday sales privilege for Hass Food Market.
20. Resolution 2016-460 approving a Class C Beer Permit and Class B Native Wine Permit for Kwik Star #698.
21. Resolution No. 2016-461 approving liquor license renewal, Sunday sales privilege and outdoor service privilege for Hillbilly Jack’s BBQ and issuance of a Class I Letter of Exemption for allowing persons under 21 in licensed premises.

#### MOTIONS, RESOLUTIONS, AND ORDINANCES

7. M/S, Allesee-Gassman moved the Council consider and ordinance for the first 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.

In discussion before roll call, City Administrator Kinser provided a map of the Target and Mill Creek Development TIF areas from which the lots were being removed.

8. M/S, Determann-O'Neill moved the Council consider an ordinance for the first 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.
9. M/S, Gassman-Seeley moved the Council consider an ordinance for the second 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, 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. 2544

10. M/S, Seeley-McGraw moved the Council consider an ordinance for the second 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.

M/S, Seeley-Gassman moved the rules be suspended and the Council consider the 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. 2545

11. M/S, McGraw-Determann moved the Council adopt Resolution No. 2016-462 approving an agreement with Great Plains Surveying for work with excess right-of-way in the Liberty Square area. On roll call, carried unanimously.
12. M/S, O'Neill-Allesee moved the Council adopt Resolution No. 2016-463 establishing just compensation for acquisition of property interests necessary for the Basin 6, Phase A, Sewer Separation Project and authorizing execution of easement agreement. On roll call, carried unanimously.

M/S, Allesee-Gassman 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, Determann, Allesee - Yes; O'Neill - No. Motion failed.

In discussion before roll call, City Attorney Patrick O'Connell advised that the closed session for the sale of property falls within the parameters of grounds to go into closed session. After roll call, City Attorney O'Connell stated that the Council could not go into closed session due to insufficient yes votes.

#### UNFINISHED BUSINESS

There was no Unfinished Business brought forth.

M/S, Determann-O'Neill moved to adjourn to 7:00 P.M., November 8, 2016. On roll call, carried unanimously.

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Mark S. Vulich  
Mayor

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Pat Van Loo  
City Clerk