

The City Council met in regular session, September 27, 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 regular City Council meeting and Committee of the Whole minutes of September 13, 2016 and they be approved as published on September 27, 2016. On roll call, carried unanimously.

PUBLIC HEARINGS

There were no public hearing to come before the Council.

PROCLAMATIONS:

Ms. Kristin Huisenga read a proclamation declaring September, 2016 as National Recovery Month.

Two additional proclamations came before the Council: a proclamation declaring October, 2016 as Disabled Awareness Month and a proclamation declaring October, 2016 as Breast Cancer Awareness Month

AUDIENCE COMMENT

No persons came before the Council to speak.

CONSENT AGENDA

Councilmember Gassman requested items #12 and #13 be removed to Unfinished Business. Councilmember O'Neil requested items #14, #15, and #16 be removed to unfinished business. Councilmember Connell requested item #1 be removed to Unfinished Business.

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

1. Claims - Removed to Unfinished Business - receive, approve and place on file.
2. Airport Commission - minutes 8/15/2016 - receive, approve and place on file.
3. Committee of the Whole - minutes 9/13/2016 - receive, approve and place on file.
4. Planning Commission - minutes 9/12/2016 - receive, approve and place on file.
5. Traffic Study Commission - minutes 9/13/2016 - receive, approve and place on file.
6. Summary of Revenues & Receipts - August 2016 - receive, approve and place on file.
7. Electronic Payments & Transfers - August 2016 - receive, approve and place on file.
8. Communication from Roberta Churchill - receive and place on file.

9. Contract & Bond – Project K-2016 (B) Street Reclamation & Chip Seal Project – Determann Asphalt Paving, LLC - \$129,750.55.
10. Resolution No. 2016-386 approving the Road Use Tax Financial Report for the 2016 fiscal year.
11. Resolution No. 2016-387 approving the Actuarial Opinion regarding the City of Clinton Health Care Plan for the period ending June 30, 2016.
12. Resolution – Removed to Unfinished Business -retracting sewer and solid waste lien for Parcel ID 8056800000.
13. Resolution – Removed to Unfinished Business - retracting sewer and solid waste lien for Parcel ID 8606070000.
14. Resolution – Removed to Unfinished Business - retracting sewer and solid waste lien for Parcel ID 8605190000.
15. Resolution – Removed to Unfinished Business - retracting sewer and solid waste lien for Parcel ID 8019990000.
16. Resolution – Removed to Unfinished Business - retracting sewer and solid waste lien for Parcel ID 8011510000.
17. Resolution No. 2016-388 approving the 28E Agreement for tobacco enforcement between Iowa Alcoholic Beverages Division and the City of Clinton, Iowa for FY2017.
18. Resolution No. 2016-389 approving additions to the sound system project of the Downtown Clinton Alliance.
19. Resolution No. 2016-390 authorizing professional services contract with McClure Engineering Associates for drafting services for the 25th Avenue North Sewer Separation Project.
20. Resolution No. 2016-391 approving amendment #1 to agreement for professional consulting services with Strand Associates Inc. for the Joyce’s Slough Pumping Station Generator Addition Project.
21. Resolution No. 2016-392 approving change order #1 to the Project O-2016, Gar Barn Ditch Maintenance Project – Larry “JOE” Determan Excavating - \$12,549.50.
22. Resolution No. 2016-393 approving change order #1 to the Project K-2016 B, Reclamation & Chip Seal Project – Determann Asphalt Paving - \$5,701.04.
23. Resolution No. 2016-394 approving change order #1 to the Project T-2015, 8th Avenue South & South 4th Street Intersection Improvements – Clinton Engineering Company – Decrease \$16.40.
24. Resolution No. 2016-395 approving change order #3 to the 19th Avenue North Extension Project Phase III Construction Contract – Langman Construction - \$21,350.00.

25. Resolution No. 2016-396 recommending payment No. 1 to Miller Trucking for the 25th Avenue North Grinder Station Project Q-2016 - \$73,876.75.
26. Resolution No. 2016-397 recommending payment request No. 1 to Determann Asphalt Paving for the Reclamation & Chip Seal Project K-2016 (B) - \$126,209.01.
27. Resolution No. 2016-398 recommending payment request No. 1 to Project S-2016 - 13th Avenue North Traffic Safety Improvement Project - Leslie Electric - \$10,728.78.
28. Resolution No. 2016-399 recommending payment No. 3 for the Car Barn Creek Maintenance Project O-2016 - Larry "JOE" Detterman - \$20,726.23.
29. Resolution No. 2016-400 accepting work and recommending final payment No. 4 to Clinton Engineering for the 8th Avenue South & South 4th Street Intersection Improvements - \$1,872.03.
30. Resolution No. 2016-401 recommending payment No. 5 for the North 4th Street & 13th Avenue North Rehabilitation Project C-2016 - BWC Excavating, LC - \$112,464.02.
31. Resolution No. 2016-402 recommending payment No. 7 to Langman Construction Inc. for Phase III of the 19th Avenue North Project, from Randall Court to North 2nd Street - \$548,558.62.
32. Resolution No. 2016-403 recommending payment No. 9 for the Basin 10 Sewer Separation Project F-2014 - BWC Excavating, LC - \$108,843.87.
33. Resolution No. 2016-404 accepting completion of project and recommending approval of payment request No. 14 to Merryman Excavation for the 20th Avenue North Pumping Station & Force Main Replacement Project B-2014 - \$149,419.54.
34. Resolution No. 2016-405 approving liquor license renewal and Sunday sales privilege for Slops and issuance of a Class II Letter of Exemption for allowing persons under 21 in licensed premises.
35. Resolution No. 2016-406 approving liquor license renewal and Sunday sales privilege for Drink Slingers.
36. Resolution No. 2016-407 approving beer permit/liquor license renewal application for Osco Drug Store #3118.
37. Resolution No. 2016-408 approving Native Wine permit/license renewal application for Gifts Galore.
38. Resolution No. 2016-409 approving extended outdoor sales privilege for Lyons Tap.
39. Resolution No. 2016-410 approving new Class E liquor license application for Clinton Gas & Mart.
40. Resolution No. 2016-411 approving liquor license renewal and Sunday sales privilege for El Toro La Cantina and issuance of a Class I Letter of Exemption for allowing persons under 21 in licensed premises.

41. Resolution No. 2016-412 approving liquor license renewal with Sunday sales privilege for Doyle's Tavern and issuance of a Class II Letter of Exemption for allowing persons under 21 in licensed premises.
42. Resolution No. 2016-413 approving new 5-day liquor license & catering privilege for Rastrelli's &/or Rastrelli's Avanti and issuance of a class I Letter of Exemption for allowing persons under 21 in licensed premises.

MOTIONS, RESOLUTIONS, AND ORDINANCES

1. M/S, Allesee-Gassman moved the Council consider an ordinance for the second time - AN ORDINANCE AMENDING CHAPTER 52, WITH MULTIPLE AMENDMENTS TO SANITARY SEWER SYSTEM, OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA.

M/S, Allesee-Gassman moved the rules be suspended and the Council consider an 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 place on its final passage and adopted. On roll call, carried unanimously.

ORDINANCE NO. 2542

2. M/S, Gassman-Seeley moved the Council consider an ordinance for the second time - AN ORDINANCE AMENDING CHAPTER 53, WITH MULTIPLE AMENDMENTS TO STORMWATER MANAGEMENT, OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA.

M/S, Gassman-Seeley moved the rules be suspended and the Council consider an 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 place on its final passage and adopted. On roll call, carried unanimously.

ORDINANCE NO. 2543

3. M/S, Seeley-McGraw moved the Council adopt Resolution No. 2016-414 directing sale of \$5,335,000 (Subject to adjustment per terms of offering) General Obligation Capital Loan Notes, Series 2016C. On roll call, carried unanimously.

In discussion before roll call, Ms. Jenny Blankenship, PFM, advise the Council that the City received nine bids for the bond sale with Raymond James & Associates, Inc. being the winning bidder. She stated that the City received an interest rate at 1.94%. She continued in stating that she was happy with the results.

Councilmember O'Neill inquired regarding the verbiage "subject to adjustment per terms of offering". Ms. Blankenship stated that financial firms will pay a city upfront to get a higher coupon rate and sell less bonds which generates cash to do the projects. Mayor Vulich inquired regarding what the money would be used for. Finance Director Anita Dalton stated that the money would be used for the Pavement Management Program, 19th Avenue North, Deer Creek Bridge, etc. She continued in stating that the projects were discussed during the FY 2017 budget process.

4. M/S, Connell-Allesee moved the Council adopt Resolution No. 2016–415 approving a renewal agreement with CGI Communications, Inc. for a community video program. On roll call, Gassman, Seeley, Determann, Connell, Allesee – Yes; McGraw, O’Neill – No. Motion carried.

In discussion before roll call, Councilmember O’Neill stated that he had reservations regarding the agreement. City Administrator Kinser stated that the agreement was to update the video on the City’s website. Councilmember O’Neill stated that it gives the impression that the City endorses the businesses listed on the website. Also, this item was not previously brought before the Council.

5. M/S, Allesee-Connell moved the Council adopt Resolution No. 2016-416 determining the necessity and setting dates of a consultation and a public hearing in a proposed Washington Middle School Urban Renewal Plan for a proposed urban renewal area in the City of Clinton, State of Iowa. On roll call, carried unanimously.
6. M/S, O’Neill-Connell moved the Council adopt Resolution No. 2016-417 establishing a public hearing on a proposed amendment to Chapter 159, Zoning Regulations concerning urban chickens. On roll call, Gassman, Seeley, McGraw, Determann, Connell, Allesee – Yes; O’Neill – No. Motion carried.
7. M/S, Gassman-Seeley moved the Council adopt Resolution No. 2016-418 requesting assignment of multiple County-held Tax Certificates. On roll call, carried unanimously.

In discussion before roll call, Councilmember Determann inquired regarding the property under consideration. City Administrator Kinser stated that a resident has expressed interest in 2030 and 2026 McKinley Street.

8. M/S, Allesee-Gassman moved the Council go into Closed Session to discuss potential litigation. (Council may elect, after motion and vote to go into closed session as authorized by Iowa Code Section 21.5(1)(c). On roll call, carried unanimously.

In discussion before roll call, City Attorney Patrick O’Connell advised the Council that the item for discussion in closed session meets the requirements of Chapter 21.5.

Council went into closed session at 7:31 P.M.

M/S, O’Neill-Connell moved the Council come out of closed session.

Council came out of closed session at 7:52 P.M.

9. M/S, Allesee-O’Neill moved to approve the drafting of litigation pleadings and depending upon the entities concerned file those pleadings in Clinton County District Court. On roll call, carried unanimously.

UNFINISHED BUSINESS

Councilmember Gassman stated that the amount of the lien needed to be amended to \$3,671.74 Councilmember O’Neill stated that he has concerns regarding the two resolutions Councilmember Gassman removed to Unfinished Business as well as the three he removed. He continued in stating that all five say that the property owner wishes to settle with the City. Why retract the lien if they haven’t settled. Finance Director Dalton stated that three of the liens have been transferred to the tenants for them to settle and two properties were being forfeited so the City is trying to work with

the landlords. Councilmember O'Neill inquired regarding how the City would make sure that the payments are being made. Director Dalton stated that one has already set up an ACH and the City does have the ability to shut off the water if the payments are not being made. She continued in stating that some have said they will let the property go instead of working with the City. Mayor Vulich stated that if a lien is placed on the properties it can take up to three years to collect the money; however, if they go on payment plans the City receives the payment faster and has the ability to shut off the water if payment is not made. He continued in stating that item #12 is a contract sale that did not work. The owner said they will not pay the taxes and it will go back to the City. They must make arrangements to pay before the lien is retracted. Councilmember Seeley stated that if the owner sells the property the City would receive the money; however, if the lien is retracted and he sells the City cannot collect. He continued in stating that it feels like the City is doing this on a whim. Councilmember O'Neill stated that they must make arrangements for a payment plan. Councilmember Seeley inquired regarding how the City will know if the owner makes the payments. City Attorney O'Connell stated that the remedy shifts from the County lien process to the City being able to get the money by entering into a contract to pay the bill off. They can be made to pay by collection agency or other legal means. Councilmember Seeley stated that he does not support moving #12 through #16 forward.

10. M/S, Gassman-O'Neill moved to adopt Resolution No. 2016-419 amending the lien amount to \$3,671.74 and retracting sewer and solid waste lien for Parcel ID 8056800000 upon successfully setting up a payment plan. On roll call, Gassman, McGraw, Determann, O'Neill, Connell, Allesee - Yes; Seeley - No. Motion carried.

Councilmember Gassman advised that the dollar value needed to be amended to \$763.89. Director Dalton stated that the tenant satisfied the debt.

11. M/S, Gassman-Seeley moved to adopt Resolution No. 2016-420 amending the amount to \$763.89 and retracting sewer and solid waste lien for Parcel ID 8606070000. On roll call, carried unanimously.

Director Dalton advised the Council that a payment plan has already been arranged for Parcel ID 86605190000.

12. M/S, O'Neill-Allesee moved the Council adopt Resolution No. 2016-421 retracting sewer and solid waste lien for Parcel ID 8605190000. On roll call, carried unanimously.

Director Dalton advised the Council that a payment plan has already been arranged for Parcel ID 8019990000.

13. M/S, O'Neill-Allesee moved the Council adopt Resolution No. 2016-422 retracting sewer and solid waste lien for Parcel ID 8019990000. On roll call, carried unanimously.

Director Dalton stated that the contract is going back to the owner. The City liened a portion of this and a portion went to the collection agency. During the interim an adjustment was made due to a water leak which greatly reduced the amount due. The first part got liened and the second part went to collection. She continued in stating that she wanted to pull back the lien and package it all to go to collection.

M/S, Connell-Allesee moved the Council adopt Resolution No. 2016-423 retracting sewer and solid waste lien for Parcel ID 8011510000. On roll call, Gassman, Seeley, McGraw, Determann, Connell, Allesee - Yes; O'Neill - No. Motion carried.

14. M/S, Allesee-Gassman moved to approve the Claims list. 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 pm October 11, 2016. On roll call, carried unanimously.

Mark S. Vulich
Mayor

Pat Van Loo
City Clerk