

The City Council met in regular session, September 13, 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. Councilmember 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 August 23, 2016, the Special City Council Minutes of August 23, 2016 and the Special City Council minutes of August 25, 2016 and they be approved as published on September 6, 2016. On roll call, carried unanimously.

Sister Marilyn Shea read a proclamation declaring September 21, 2016 as International Day of Peace.

PUBLIC HEARINGS

There were no public hearings to come before the Council.

AUDIENCE COMMENT

No persons came before the Council to speak.

CONSENT AGENDA

Councilmember O'Neill requested item #10 be removed to Unfinished Business.

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

1. Claims - receive, approve and place on file.
2. Committee of the Whole - minutes 9/23/2016 - receive, approve and place on file.
3. Finance Committee - minutes 7/21/2016 - receive, approve and place on file.
4. Historic Preservation Commission - minutes 8/11/2016 - receive, approve and place on file.
5. Human Rights Commission - minutes 6/6/2016 - receive, approve and place on file.
6. Neighborhood Improvement Committee - minutes 8/17/2016 - receive, approve and place on file.
7. Tree Commission - minutes 8/11/2016 - receive, approve and place on file.

8. Completed Work Orders - July & August – receive, approve and place on file.
9. Fire Department Financial Summary for August, 2016 – receive, approve and place on file.
10. Request for alley vacation – Removed to Unfinished Business - receive, approve and refer to the Planning Commission.
11. Transit Joint Participation Agreement to implement a Federal Transit Administration (FTA) Congestion Mitigation and Air Quality Improvement (CMAQ) [CFDA 20.509].
12. Resolution No. 2016-364 approving the purchase of outdoor items for the Downtown Clinton Alliance.
13. Resolution No. 2016-365 denying Persons with Disabilities Residential Parking Space Applications.
14. Resolution No. 2016-366 amend the Non-Housing Inspection Delinquency List dated April 1, 2016.
15. Resolution No. 2016-367 amend the Housing Inspection Delinquency Lien List dated April, 2016.
16. Resolution No. 2016-368 authorizing the collection/certification of grass/weed cutting nuisance clean up liens.
17. Resolution No. 2016-369 recommending payment No. 2 for the Highway 136 Roadway Rehabilitation Project B-2016 – Determann Asphalt Paving, LLC - \$114,811.06.
18. Resolution No. 2016-370 recommending payment No. 5 Residential Street Reconstruction Project, Project E-2016 – Eastern Iowa Excavating & Concrete, LLC - \$68,162.55.
19. Resolution No. 2016-371 recommending payment No. 5 for the North End Rec Trail, Project J-2015 – Eastern Iowa Excavating & Concrete, LLC - \$2,204.54.
20. Resolution No. 2016-372 approving beer permit/license renewal application for Express Lane Gas & Food Mart.
21. Resolution No. 2016-373 approving beer permit/license renewal application for Express Lane Gas & Food Mart #71.
22. Resolution No. 2016-374 approving a premises update for Casey’s General Store #2030.
23. Resolution No. 2016-375 approving renewal of liquor license and Sunday sales privilege for Back Shop Pizza and issuance of a Class I Letter of Exemption for allowing persons under 21 in licensed premises.

24. Resolution No. 2016-376 approving liquor license renewal with Sunday sales privilege for Doyle's Tavern.
25. Resolution No. 2016-377 approving transfer of liquor license location for the Clinton Jaycees.
26. Resolution No. 2016-378 approving issuance of cigarette permit.

MOTIONS, RESOLUTIONS, AND ORDINANCES

1. M/S, Allesee-Gassman moved the Council consider an ordinance for the first time - AN ORDINANCE AMENDING CHAPTER 52, WITH MULTIPLE AMENDMENTS TO SANITARY SEWER SYSTEM, OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA. On roll call, carried unanimously.
2. M/S, Gassman-Seeley moved the Council consider an ordinance for the first time - AN ORDINANCE AMENDING CHAPTER 53, WITH MULTIPLE AMENDMENTS TO STORMWATER MANAGEMENT, OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA. On roll call, carried unanimously.
3. M/S, Connell-Allesee moved the Council consider an ordinance for the second time - AN ORDINANCE AMENDING CHAPTER 76, TRAFFIC CODE, SUBSECTION .05 TRUCK ROUTE OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA. On roll call, carried unanimously.

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

M.S, Connell-Allesee moved the ordinance under consideration be place on its final passage and adopted. On roll call, carried unanimously.

Ordinance No. 2541

4. M/S, Seeley-McGraw moved the Council adopt Resolution No. 2016-379 approving electronic bidding procedures and Official Statement. On roll call, carried unanimously.
5. M/S, McGraw-O'Neill moved the Council adopt Resolution No. 2016-380 approving implementation of no parking zone on 20th Avenue North between North 3rd Street & Pershing Blvd. On roll call, carried unanimously.
6. M/S, O'Neill-Connell moved the Council adopt Resolution No. 2016-381 approving modification to driving lane configuration on 5th Avenue South from 1st Street to 4th Street to incorporate center of the road bike lanes and conventional lanes from 4th Street to 9th Street, within the City of Clinton, Iowa.

7. M/S, McGraw-O'Neill moved the Council adopt Resolution No. 2016-382 approving amendments to the Purchasing Policy
8. M/S, Allesee-Gassman moved the Council adopt Resolution No. 2016-383 authorizing transfer of funds from IPAIT account to Clinton National Bank Depository Account. On roll call, carried unanimously.
9. M/S, Gassman-Seeley moved the Council adopt a resolution approving a renewal agreement with CGI Communications, Inc. for a community video program.

In discussion before roll call, Councilmember McGraw inquired regarding what the agreement under consideration was about. Mayor Vulich stated that in 2011 then City Administrator Jeff Horne had signed a contract with CGI without Council approval. The contract allows CGI to solicit advertising from local businesses to use during their video about the City located on the website. He further stated that he is opposed to it.

Councilmember Gassman stated that it is a no-cost agreement and the City has no control regarding how they market the video. Councilmember Seeley inquired regarding whether the City has control of what is on the video. City Administrator Kinser stated that the City has control regarding the scripts and the video.

M/S, O'Neill-McGraw moved to table the resolution under consideration until the September 27, 2016 City Council meeting and requested that staff come back with clarification. On roll call, carried unanimously.

10. M/S, Seeley-Gassman moved the Council adopt Resolution No. 2016-384 accepting bid and awarding contract #4 for the 2016 Demolition of Structures Project. On roll call, carried unanimously.

In discussion before roll call, Councilmember McGraw inquired regarding the choice of the building to be demolished. Councilmember Gassman stated that the house at 243 25th Avenue North was supposed to be demolished earlier. He continued in stating that it is full of mold. City Administrator Kinser stated that the house was pulled off the demolition list per the owner's request; however, the owner dropped the protest and it has come back up for demolition. Councilmember McGraw noted that this address is also on the Committee of the Whole. City Administrator Kinser stated that the City would like to take title to the property.

Councilmember Seeley inquired regarding whether the property would be demolished if the Council did not approve the 657A process. City Administrator Kinser stated that it would be demolished; however, the City would have to bill the owner and if not paid would go on a lien to the property.

11. M/S, O'Neill-Gassman moved the Council adopt Resolution No. 2016-385 authorizing contractual increase of City Administrator salary. On roll call, carried unanimously.

Councilmember Allesee moved to appoint Councilmember Gassman as Mayor Pro Tem during the closed session.

City Attorney Patrick O'Connell advised that the City Administrator has requested that the Council go into closed session to discuss her Employment Agreement which falls under the rules regarding closed sessions; however, a unanimous vote will be necessary to go into closed session since not all Councilmembers are present.

12. M/S, Allesee-Gassman moved the Council go into Closed Session to discuss the Employment Agreement with Jessica Kinser. (Council may elect, after motion and vote to go into closed session as authorized by Iowa Code Section 21.5(1)(i)). On roll call, Gassman, Seeley, O'Neill, Connell, Allesee - Yes; McGraw - No. Motion failed.

UNFINISHED BUSINESS

Councilmember O'Neill inquired regarding the location of the alley and why it is necessary to vacate. City Administrator Kinser stated that the ally forms a T and the requestors are the only persons having access. They would like to make it part of their property.

13. M/S, O'Neill-Connell moved to approved the request for alley vacation and it be referred to the Planning Commission. On roll call, carried unanimously.

M/S, O'Neill-Gassman moved to adjourn to 7:00 P.M., September 27, 2016. On roll call, carried unanimously.

Mark S. Vulich
Mayor

Pat Van Loo
City Clerk