

The City Council met in regular session, May 10, 2016 at 7:00 P.M. in the City Hall Council Chamber. Present on roll call: Mayor Vulich; Councilmembers: Seeley, McGraw, Determann, O'Neill (by telephone), Connell and Allesee. Councilmember Gassman - absent.

M/S, Determann-Connell moved to dispense with the reading of the minutes of the regular City Council meeting and Committee of the Whole minutes of April 26, 2016, 2016 and they be approved as published on May 10, 2016. On roll call, carried unanimously.

PUBLIC HEARINGS

Mayor Vulich convened a public hearing concerning the vacation and conveyance of a 452 square foot parcel of land at 2300 Lincoln Way for \$2,200.00. No comments were received written or oral. M/S, Allesee-Seeley moved that the public hearing concerning the vacation and conveyance of a 452 square foot parcel of land at 2300 Lincoln Way for \$2,200.00 be entered into the record. On roll call, carried unanimously.

1. M/S, Allesee-Seeley moved the Council consider an ordinance for the first time - AN ORDINANCE PROVIDING FOR THE VACATION AND CONVEYANCE OF A 452 SQUARE FOOT PARCEL OF LAND AT 2300 LINCOLN WAY FOR \$2,200.00. On roll call, carried unanimously.

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

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

M/S, Allesee-Seeley moved that the rules be suspended and the ordinance under consideration be placed on its final passage and adopted. On roll call, carried unanimously.

ORDINANCE NO. 2537

Mayor Vulich convened public hearing concerning accepting bid and awarding contract for the Anamosa Road & 44th Avenue South Resurfacing, Project J-2016. No comments were received written or oral. M/S, Seeley-McGraw moved that the public hearing concerning accepting bid and awarding contract for the Anamosa Road & 44th Avenue South Resurfacing, Project J-2016 be entered into the record. On roll call, carried unanimously.

2. M/S, Seeley-McGraw moved the Council adopt Resolution No. 2016-173 accepting bid and awarding contract to Determann Asphalt Paving LLC for the Anamosa Road & 44th Avenue South Resurfacing, Project J-2016 for \$885,206.85. On roll call, carried unanimously.

In discussion before roll call, Councilmember Determann requested that the City Engineer explain to the public what the project is for. City Engineer Jason Craft advised the public that Anamosa Road runs past Lyondell and 44th Avenue South runs past the Railpark. He stated that Anamosa Roads runs southeast to 44th Avenue South and 44th Avenue South leads to 54th Avenue South. The project will be funded 50% by the City of Clinton, 45% by Camanche and 5% by Clinton County.

Mayor Vulich convened a public hearing concerning accepting bid and awarding contract for Project R-2016 Glendale Road Reconstruction. No Comments were received written or oral. M/S, McGraw-Allesee moved that the public hearing concerning accepting bid and awarding contract for Project R-2016 Glendale Road Reconstruction be entered into the record. On roll call, carried unanimously.

3. M/S, McGraw-Allesee moved the Council adopt Resolution No. 2016-174 accepting bid and awarding contract to Larry L. "JOE" Detterman Excavating Inc. for Project R-2016 Glendale Road Reconstruction for \$147,874.80. On roll call, carried unanimously.

In discussion before roll call, Councilmember Determann requested the City Engineer explain to the public what the project is for. City Engineer Craft advised the public that Glendale Road from College Avenue to the dead end will be reconstructed.

AUDIENCE COMMENT

No persons came before the Council to speak.

CONSENT AGENDA

Councilmember Connell requested that item #11 from the Consent Agenda be removed to Unfinished Business.

M/S, Determann-Allesee moved that the Council approve the Consent Agenda as amended. On roll call, carried unanimously.

1. Claims - receive, approve and place on file.
2. Civil Service Commission - minutes 4/27/2016 - receive, approve and place on file.
3. Committee of the Whole - minutes 4/26/2016 - receive, approve and place on file.
4. Committee of the Whole - minutes 5/3/2016 - receive, approve and place on file.
5. Finance Committee - minutes 3/17/2016 - receive, approve and place on file.
6. Historic Preservation Commission - minutes 4/14/2016 - receive, approve and place on file.
7. Planning Commission - minutes 5/4/2016 - receive, approve and place on file.
8. Petition - requesting truck traffic on 19th Avenue North - receive and place on file.
9. Certified List of Police Officer Candidates - receive, approve and place on file.
10. Clinton Fire & Rescue - FY2016 PCC Ambulance Billing Report & Financial Summary 9/1/2015 - 4/30/2016 - receive, approve and place on file.
11. Contract & Bond - Removed to Unfinished Business - Project M-2016, Clinton Landing & Dredging Project - Newt Marine Service - \$175,000.00 - receive, approve and place on file.
12. Contract & Bond - 2016 Demolition of Structures Project Phase I - Jergersen Hauling - \$12,800.00 - receive, approve and place on file.

13. Contract & Bond – 2016 Demolition of Structures Project Phase I – Larry L. “JOE” Detterman Excavating Inc. - \$24,200.00 -0 receive, approve and place on file.
14. Resolution No. 2016-175 authorizing the collection/certification of grass/weed cutting and nuisance clean up liens.
15. Resolution No. 2016-176 approving the first amendment to the site lease and amend memorandum of lease with Tower Co. for the tower located in Camanche Avenue.
16. Resolution No. 2016-177 fixing a date for a public hearing on the proposal to enter into a LMI Funds Agreement with YWCA of Clinton, Iowa and providing for publication of notice thereof.
17. Resolution No. 2016-178 approving change order #1 – North 4th Street & 13th Avenue North Rehabilitation Project, C-2016 – BWC Excavating LC – DECREASE \$4,211.00.
18. Resolution No. 2016-179 approving change order #2 to the 19th Avenue North Extension Project Phase III Construction Contract – Langman Construction - \$9,166.00.
19. Resolution No. 2016-180 approving change order #6 for Project B-21014 – 20th Avenue North Pumping Station & Force Main Replacement – Merryman Excavation - \$75,109.63.
20. Resolution No. 2016-181 recommending payment No. 1 for the Residential Street Reconstruction Project E-2016 – Eastern Iowa Excavating & Concrete, LLC - \$91,520.53.
21. Resolution No. 2016-182 recommending payment No. 1 for the ADA Curb Ramp Improvements Project H-2015 – Clinton Engineering Company - \$42,510.85.
22. Resolution No. 2016-183 recommending payment No. 2 for the North End Rec Trail, Project J-2015 – Eastern Iowa Excavating & Concrete, LLC - \$72,452.35.
23. Resolution No. 2016-184 recommending payment request No. 3 to Langman Construction, Inc. for Phase III of the 19th Avenue North Project, from Randall Court to North 2nd Street - \$212,458.88.
24. Resolution No. 2016-185 recommending payment request No. 12 to Merryman Excavation for the 20th Avenue North Pumping Station & Force main Replacement Project B-2014 - \$136,200.31.
25. Resolution No. 2016-186 approving transfer of liquor license location for the Clinton Jaycees.
26. Resolution No. 2016-187 approving extended outdoor sales privilege for Main Avenue Pub.
27. Resolution No. 2016-188 approving carryout wine application for Circle K #6602.
28. Resolution No. 2016-189 approving liquor license renewal, outdoor sales privilege and Sunday sales privilege for Clinton Jaycees and issuance of a Class II Letter of Exemption for allowing persons under 21 in licensed premises.
29. Resolution No. 2016-190 approving beer permit/liquor license renewal application and Sunday sales privilege for Smokin’ Joe’s Tobacco and liquor Outlet #11.

MOTIONS, RESOLUTIONS, AND ORDINANCES

4. M/S, Allesee-Seeley moved the Council adopt Resolution No. 2016-191 fixing a date for a public hearing on the proposal to enter into an amendment no. 1 to a development agreement with Valley Bluff Corporation and providing for publication of notice thereof. On roll call, carried unanimously.
5. M/S, Connell-Allesee moved the Council adopt Resolution No. 2016-192 approving an amendment to the City of Clinton's participation in the site certification studies for the Lincoln Way Industrial Rail and Air Park. On roll call, carried unanimously.
6. M/S, McGraw-Seeley moved the Council adopt Resolution No. 2016-193 approving the settlement of Karen McQuisition v. City of Clinton, Iowa, et al. On roll call, Seeley, O'Neill, Connell, Allesee - Yes; McGraw, Determann - No. Motion carried.
7. M/S, Seeley-McGraw moved the Council adopt Resolution No. 2016-194 approving the July 1, 2016 medical plan renewal with Wellmark. On roll call, carried unanimously.
8. M/S, Connell-Allesee moved the Council adopt Resolution No. 2016-195 approving application to the Iowa DOT for approval of a traffic control device in Highway 30 at the intersection of Anamosa Road. On roll call, carried unanimously.
9. M/S, Determann-Allesee moved the Council adopt Resolution No. 2016-196 approving implementation of no parking zone on west side of Lawndale Avenue at Lincoln Boulevard intersection. On roll call, carried unanimously.

In discussion before roll call, Councilmember Determann informed the public that the location of the no parking zone is across the street from Clinton Community College.

10. M/S, McGraw-Connell moved the Council adopt Resolution No. 2016-197 approving establishment of permanent speed zones on Woodlawn Avenue from Woodlawn Court to Bluff Boulevard. On roll call, carried unanimously.
11. M/S, Connell-Allesee moved the Council adopt Resolution No. 2016-198 approving the reorganization of the Clinton Fire Department staffing to re-instate the position of Training/EMS Director. On roll call, carried unanimously.
12. M/S, Seeley-Connell moved the Council adopt Resolution No. 2016-199 adopting two financial policies: a Fund Balance Policy and a Contingency Reserve Policy. On roll call, carried unanimously.

In discussion before roll call, Councilmember Seeley advised that this item had been brought forward from the Finance Committee to the Committee of the Whole and then on to the Council. The two policies under consideration would allow for certain amounts to be set aside in particular funds and establish reserve funds for emergency purposes.

13. M/S, McGraw-Connell moved the Council adopt Resolution No. 2016-200 setting public hearing on the proposed amendments to the FY 2015-2016 City Operating Budget. On roll call, carried unanimously.

14. M/S, Determann-Allesee moved the Council adopt Resolution No. 2016-201 declaring surplus property. On roll call, carried unanimously.

In discussion before roll call, Councilmember Determann inquired regarding whether the City declares surplus property yearly or when replacement vehicles are needed and what the list of surplus property included. City Administrator Kinser stated that the City declares surplus property when necessary and when replacement vehicles are needed. Transit and Fleet Superintendent Dennis Hart advised that there are several items including 6 squad cars, 2 dump trucks, a tractor, etc. on the list.

15. M/S, Connell-Allesee moved the Council adopt a Resolution - approving the sale of the Trolley to Alan & Melissa Doyle.

In discussion before roll call, Councilmember Seeley stated that since this item had been moved forward to the Council agenda several things had been brought to his attention.

M/S, Seeley-Determann moved to delay the vote on the trolley and that it be brought back to the Committee of the Whole for discussion on May 24, 2016 and to direct City staff to investigate ways the trolley could operate as a City asset. On roll call, carried unanimously.

In discussion before roll call, Councilmember Seeley stated that public input is important in this matter. He continued in stating that rushing this item is not appropriate. He further stated that he felt the prices given during the last Committee of the Whole were list prices and not sale prices. He proceeded to state that if the City sells the trolley it loses it as an asset. Transit and Fleet Superintendent Hart stated that the prices given were advertised prices not sold prices.

16. M/S, Determann-Connell moved the Council adopt Resolution No. 2016-202 opposing the water rate increase by Iowa American Water. On roll call, carried unanimously.

In discussion before roll call, Councilmember Determann read the resolution in its entirety. Councilmember O'Neill stated that it is important that the public knows there is a public hearing regarding the proposed rate increase on May 24th at Clinton Community College GATCI Center. Mayor Vulich stated that it is very important for citizens to attend this public hearing.

17. M/S, Determann-Connell moved the Council adopt Resolution No. 2016-203 authorizing the City of Clinton, Iowa to become an Iowa Home Base Community Partner.

18. M/S, Allesee-McGraw 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 that the Council is considering litigation against an entity and is permitted to go into closed session according to Iowa Code.

Council went into Closed Session at 7:36 P.M.

Council came out of Closed Session at 8:33 P.M.

M/S, Allesee-O'Neill moved to direct the City Attorney to proceed with negotiations as discussed in the closed session. On roll call, carried unanimously.

UNFINISHED BUSINESS

19. M/S, Determann-Seeley moved to Approve the Contract & Bond for Project M-2016, Clinton Landing & Dredging Project - Newt Marine Service - \$175,000.00 . On roll call, Seeley, McGraw, Determann, O'Neill, Allesee - Yes; Connell - abstain. Motion carried.

M/S, Determann-Seeley moved to adjourn to 7:00 P.M., May 24, 2016. On roll call, carried unanimously.

Mark S. Vulich
Mayor

Pat Van Loo
City Clerk

