

The City Council met in regular session, April 14, 2015 at 7:00 P.M. in the City Hall Council Chamber. Present on roll call: Mayor Vulich; Councilmembers: McGraw, Rowland, Gassman, Determann, O'Neill and Allesee. Councilmember Wilke - absent.

#### PROCLAMATION:

Ms. Carolyn Tallett read a proclamation declaring April 24, 2015 as Arbor Day. She advised the Council that the Arbor Day project would be planting trees at the RV Park.

#### PUBLIC HEARINGS

Mayor Vulich convened a public hearing concerning accepting bid and awarding contract for Digester Cleaning and Land Application Project. No comments were received written or oral. M/S, O'Neill-Allesee moved that the public hearing concerning accepting bid and awarding contract for Digester Cleaning and Land Application Project be entered into the record. On roll call, carried unanimously.

Councilmember O'Neill moved that the resolution accepting bid and awarding contract for Digester Cleaning and Land Application Project to Nutri-Ject Systems Inc. for \$189,750.00 be denied.

Mayor Vulich inquired regarding what the next course of action would be. City Attorney O'Connell stated that the resolution would die if no one seconded. He further stated that anyone could read the resolution.

M/S, Rowland-Gassman moved that the resolution be approved as presented. Motion and second withdrawn.

In discussion before roll call, Councilmember O'Neill stated that the bid came in way over budget. He continued in stating that there was no explanation of where the City would get the additional funds. He inquired regarding whether the bid was so high since the digesters have not been cleaned for many years. Councilmember Gasman commented that the digesters were going to be torn down anyway. Regional Wastewater Reclamation Facility Superintendent Bob Milroy stated that the bid did come in over budget. He continued in stating that he sent out an RFP to two places and only received one response. He further stated that the bid was high since the digester cleaning has not been done for ten years and there is a lot of grit built up which must be diluted prior to hauling away. He proceeded to state that the funds would come out of the Sewer Equipment Replacement fund which has a balance of \$700,000. Councilmember O'Neill stated that there are more places in the country which perform this service. Superintendent Milroy stated that he wanted to stay local for transportation reasons. Councilmember O'Neill stated that he would like to look at how to do this without it being so expensive.

Councilmember Rowland inquired regarding why the digesters were not cleaned in ten years and how often they should be cleaned. Superintendent Milroy stated that they have been cleaned but no grit had been removed. He further stated that he could not speak to

why this was not done. Councilmember Rowland inquired regarding what was being done with the old Pollution Control Plant. Superintendent Milroy stated that the primary side was being used for storm water retention. He continued in stating that it is part of the Long Term Control Plan. If the City cannot separate some sewers we can use the tanks in the old plant. Councilmember Rowland inquired regarding whether the digesters would be used once they are cleaned. Superintendent Milroy stated that they would be torn down after they were cleaned.

Mayor Vulich inquired regarding whether the Company tears down the digesters could also clean them. Superintendent Milroy stated that a company that would tear down the digesters would not know what to do with the solids. Mayor Vulich inquired regarding requesting bids from companies in a 200 to 250 mile radius.

M/S, Rowland-O'Neill moved that Superintendent Milroy be directed to contact firms within a 200 to 250 mile radius, re-issue the RFP and bring back the results of the RFP to the Council when they have been received. On roll call, carried unanimously.

#### AUDIENCE COMMENT

Mr. John Totten, 1140 16<sup>th</sup> Avenue North, advised the Council that it has been 20 to 25 years since there was an increase in the gas tax. He stated that the City of Clinton was the driving force to get this done. He continued in stating that the purpose and direction of the money is to go directly into projects. He further stated that it comes to a matter of credibility. He proceeded to state that he knew the City was low on personnel in the Street Department and Police Department; however, the funds must go directly into streets. This would relieve the streets of potholes and repair the streets faster. He stated that if the City hires three additional employees in the Street Department all of the City would be hurt. He further stated that it is not good for us or the state.

#### CONSENT AGENDA

Councilmember O'Neill requested that item #11 be removed to Unfinished Business.

M/S, Determann-O'Neill 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 3/24/2015 – receive, approve and place on file.
3. Tree Commission – minutes 3/12/2015 – receive, approve and place on file.
4. Clinton Fire & Rescue – March 2015 PCC Ambulance Billing Report – receive, approve and place on file.
5. Wastewater Inspection Report – Facility 6-23-26-0-01 – receive and place on file.
6. Petition opposing rezoning – receive and place on file.

7. Contract & Bond - Project E-2015 Asphalt Resurfacing Project - Determann Asphalt Paving LLC - \$1,869,028.85 - receive, approve and place on file.
8. Resolution No. 2015-124 setting public hearing on the proposed amendments to the FY 2014-2015 City Operating Budget.
9. Resolution No. 2015-125 accepting bid for levee mowing - Hometown Landscaping.
10. Resolution No. 2014-126 terminating the services of PJ Greufe & Associates.
11. Resolution - Removed to Unfinished Business - approving four month contract for services agreement for party patrols enforcement, identification checks, and alcohol compliance checks between the Clinton Substance Abuse Council/Gateway Impact Coalition and the Clinton Police Department.
12. Resolution No. 2015-127 authorizing construction of improvement, setting public hearing, and directing advertisement for bids - B-2015 - 44<sup>th</sup> Avenue South Rehab Project.
13. Resolution No. 2015-128 accepting work and recommending final payment No. 3 to Leslie Electric for Traffic Signalization Project D-2014 at 13<sup>th</sup> Avenue North & North 11<sup>th</sup> Street - \$8,687.93.
14. Resolution No. 2015-129 approving a Class A Beer permit/license renewal application and Sunday sales privilege for Loyal Order of Moose No. 363 and issuance of a Class I Exemption.
15. Resolution No. 2015-130 approving liquor license renewal and Sunday sales privilege for Vitale's and issuance of a Class I Exemption for allowing persons under 21 in licensed premises.

#### MOTIONS, RESOLUTIONS, AND ORDINANCES

1. M/S, Gassman-Rowland moved that the Council consider an ordinance for the first time - AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA, BY AMENDING CHAPTER 91, ANIMAL PROTECTION, PERTAINING TO THE LICENSE FEE. On roll call, carried unanimously.
2. M/S, McGraw-Rowland moved that the Council adopt Resolution No. 2015-131 directing sale of \$4,105,000 (subject to adjustment per terms of offering) General Obligation Capital Loan Notes, Series2015B. On roll call, carried unanimously.

In discussion before roll call, Ms. Jenny Blankenship, PFM, advised the Council that the City had received four bids for the 2016 - 2034 Bonds which would be paid 100% by Local Option Sales Tax. She stated that the City received a true interest rate of 2.69%. She further stated that it is PFM's formal recommendation to accept the bid from Hutchinson, Shockey, Erley & Company of Chicago, Illinois.

3. M/S, Determann-O'Neill moved the Council adopt Resolution No. 2015-132 Determining the necessity and setting dates of a consultation and a public hearing on a proposed Whispering Pines Urban Renewal Plan for a proposed Urban Renewal Area in the City of Clinton, State of Iowa. On roll call, carried unanimously.
4. M/S, Allesee-Gassman moved the Council adopt Resolution No. 2015-133 Determining the necessity and setting dates of a consultation and a public hearing on a proposed Jordan Hills Urban Renewal Plan for a proposed Urban Renewal Area in the City of Clinton, State of Iowa. On roll call, carried unanimously.
5. M/S, O'Neill-Allesee moved the Council adopt Resolution No. 2015-134 approving a building permit fee schedule for residential, commercial, and industrial projects and residential fixed flat fees. On roll call, carried unanimously.

In discussion before roll call, Council member Rowland stated that Finance Director Anita Dalton had put together several handouts related to this resolution. He continued in stating that this is the only department running on ½ of what is needed. He further stated that although the rates are being raised significantly, it is not enough to make the department self-sufficient. In order to do that the City must see an increase in construction.

6. M/S, Gassman-Rowland moved that the Council adopt Resolution No. 2015-135 approving a schedule for rental housing inspection fees. On roll call, carried unanimously.

In discussion before roll call, Councilmember Rowland stated that Finance Director Dalton had sent out a report on delinquent rental inspection accounts. He continued in stating that the City must stay on top of these to collect the fees. Councilmember O'Neill stated that the \$6,000 in delinquent fees should be added as a lien on the property. Mayor Vulich suggested that the Certificate of Occupancy (CO) not be given until payment is received. He requested that City Attorney O'Connell look into whether the City can hold the CO until money is received.

7. M/S, Allesee-O'Neill moved that the Council adopt Resolution No. 2015-136 approving agreements with Moulder & Associates and Cayler Consulting for the Chief of Police Hiring process. On roll call, Rowland, Gassman, O'Neill, Allesee – Yes; McGraw, Determann – No. Motion carried.

In discussion before roll call, Councilmember Rowland stated that he agrees with using Cayler Consulting for the assessment; however, he is troubled by what the Council was told regarding the troubles in the Police Department. If we are hiring and training correctly we should have the right candidate in-house. He continued in stating that after hearing the consultant's report it is clear we have problems in the Police Department. We need to look closely at a person's credentials.

Councilmember McGraw inquired regarding whether the City budgeted for two companies. Finance Director Dalton stated that the City did not include monies for this. Councilmember McGraw stated that the City is doing something that was not budgeted for and something which does not need to be done. Councilmember O'Neill suggested having

a meeting with Cayler Consulting when we get to the assessment phase. Mayor Vulich stated that there should be an item on the May 5<sup>th</sup> Committee of the Whole to discuss what the City is looking for in a Police Chief to make sure we are on the same page.

8. M/S, O'Neill-Allesee moved the Council adopt Resolution No. 2015-137 approving the final plat of Clinton Community School No. 2. On roll call, McGraw, Rowland, Gassman, O'Neill, Allesee - Yes; Councilmember Determann left the room.

In discussion before roll call, advised that the final plat of Clinton Community School No. 2 is the extension of the property on North 18<sup>th</sup> Street for student-built homes.

9. M/S, Rowland-Gassman moved the Council adopt Resolution No. 2015-138 approving a collection agency contract with Municipal Collection Services, Inc. (MCSI). On roll call, McGraw, Rowland, Gassman, O'Neill, Allesee - Yes; Councilmember Determann left the room.

10. M/S, McGraw-Rowland moved that the Council adopt Resolution No. 2015-139 accepting a three year collective bargaining agreement with the American Federation of State, County, and Municipal Employees Local 888 (AFSCME) Bargaining Unit for July 1, 2015 through June 30, 2018. On roll call, McGraw, Rowland, Gassman, O'Neill, Allesee - Yes; Councilmember Determann left the room.

In discussion before roll call, Councilmember O'Neill thanked everyone for putting together the first three year contract he had ever voted on.

11. M/S, Gassman-Rowland moved the Council adopt Resolution No. 2015-140 declaring surplus property. On roll call, McGraw, Rowland, Gassman, O'Neill, Allesee - Yes; Councilmember Determann left the room.

In discussion before roll call, Councilmember Gassman informed the public that the surplus property is the old Airport terminal which will be torn down.

#### UNFINISHED BUSINESS

12. M/S, O'Neill-Gassman moved the Council adopt Resolution No. 2015-141 approving four month contract for services agreement for party patrols enforcement, identification checks, and alcohol compliance checks between the Clinton Substance Abuse Council/Gateway Impact Coalition and the Clinton Police Department. On roll call, carried unanimously.

In discussion before roll call, Councilmember O'Neill inquired regarding the funding for the program. Captain James Klaes advised that this has been re-budgeted through the Coalition to extend the program. Officers perform this on an overtime basis which the Coalition pays for.

M/S, Determann-Gassman moved to adjourn to 7:00 PM April 28, 2015. On roll call, carried unanimously.

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Mark S. Vulich  
Mayor

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Pat Van Loo  
City Clerk