

The City Council met in regular session, April 28, 2015 at 7:00 P.M. in the City Hall Council Chamber. Present on roll call: Mayor Vulich; Councilmembers: McGraw, Rowland, Gassman, Determann, Wilke, O'Neill and Allesee.

PROCLAMATION:

Mr. Ken Clarke read a proclamation declaring May 7, 2015 as National Day of Prayer in Clinton. He thanked the Council for that declaration.

Police Chief Brian Guy read a proclamation declaring the month of May as Meth Awareness Month. Chief Guy is a member of the Gateway Impact Coalition.

PUBLIC HEARINGS

There were no public hearings brought before the Council.

AUDIENCE COMMENT

No persons came before the Council to speak.

CONSENT AGENDA

Councilmember O'Neill requested that item #15 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. Airport Commission - minutes 3/16/2015 - receive, approve and place on file.
3. Civil Service Commission - minutes 4/8/2015 - receive, approve and place on file.
4. Committee of the Whole - minutes 4/7/2015 - receive, approve and place on file.
5. Committee of the Whole - minutes 4/14/2015 - receive, approve and place on file.
6. Human Rights Commission - minutes 3/2/2015 - receive, approve and place on file.
7. Mayor's Youth Commission - minutes 4/15/2015 - receive, approve and place on file.

8. Communication from Lee Camp - receive, approve and place on file.
9. Resolution - rescinding Resolution 2015-124 and setting public hearing on the proposed amendments to the FY 2014-2015 City Operating Budget.
10. Resolution - approving an equipment modification by IPCS Wireless Inc. for the cell tower at 1013 Roosevelt Street.
11. Resolution - approving the renewal of dental insurance with Delta Dental of Iowa for Fiscal Year 2016.
12. Resolution - approving the proposal from Calhoun-Burns & Associates, Inc. for 2015 inspection and rating of City bridges.
13. Resolution - approving agreement with Iowa department of Transportation for Traffic Safety Improvement (TSIP) Project No. CS-TSF-1415(629) - 85-23 Traffic Safety Improvements at South 4th Street and 8th Avenue South.
14. Resolution - approving change order #5 Main Avenue Green Infrastructure Project M-2014.
15. Resolution - Removed to Unfinished Business - recommending payment No. 2 to BWC Excavating LC for the 19th Avenue Northwest Tech Park Extension Project H-2014.
16. Resolution - recommending payment No. 3 to Eastern Iowa Excavating, LLC, for the ADA Curb Ramp Project K-2014B.
17. Resolution -recommending payment No. 6 to BWC Excavating LC, for the Main Avenue Green Infrastructure Project M-2014.
18. Resolution - approving liquor license renewal, Sunday sales privilege and outdoor service privilege for Gil's Bar & Grill and issuance of a Class I Letter of Exemption for allowing persons under 21 in licensed premises.
19. Resolution - approving beer permit/license renewal application for Walgreens #5119.
20. Resolution - approving beer permit/license renewal application for Walgreens #5144.

MOTIONS, RESOLUTIONS, AND ORDINANCES

1. M/S, Rowland-Gassman moved that the Council consider an ordinance for the second time –AN ORDINANCE AMENDING CHAPTER 159, ZONING REGULATION OF THE CITY OF CLINTON, IOWA, BY CHANGING THE ZONING CLASSIFICATION OF A PARCEL OF LAND, LOCATED IN THE 700 BLOCK OF NORTH 18TH STREET FROM R-1A, ONE FAMILY RESIDENTIAL TO R-5, CONDOMINIUM RESIDENTIAL DISTRICT. On roll call, Determann, Wilke, Allesee, McGraw, Rowland, Gassman – Yes; O’Neill - No.

In discussion before roll call, Councilmember O’Neill inquired regarding the tax base of the parcel being re-zoned and whether or not there would be TIF for this project and if so, the City would be missing out on that revenue until the project is paid for. Mr. Ron Fletcher 16 Blackstone Way, LeClaire, Iowa addressed the Council concerning Councilmember O’Neill’s question and stated he has no plans to pursue the Tax Increment Financing for that parcel.

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

M/S, Rowland-Gassman moved the rules be suspended and the ordinance under consideration be placed on its final passage and adopted. On roll call, Determann, Wilke, Allesee, McGraw, Rowland, Gassman – Yes; O’Neill - No.

2. M/S, Gassman-Rowland moved that the Council consider an ordinance for the second 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.

M/S, Gassman-Rowland moved the rules be suspended and the Council consider an ordinance for the third time. On roll call, Determann, Wilke, Allesee, McGraw, Rowland, Gassman – Yes; O’Neill - No.

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

3. M/S, Determann-Wilke moved the Council Adopt Resolution No. 2015-153 Authorizing partial distribution of proceeds from sale of property to Rail One USA Corp. and Nevada Railroad Materials, Inc. On roll call, carried unanimously.

In discussion before roll call, Councilmember Determann stated the amount of \$674,568.59 is 90% of the proceeds. Councilmember Rowland stated for the public the information packet sent out to the Council prior to the meeting included the 28E Agreement and referred to section 5 which states – if the County is not reimbursed in 10 years from the date of this agreement, the City shall reimburse the County for any unpaid balance due on the monies advanced by the County for this project. The monies advanced listed in section 4, page 3 of the agreement were the \$6 million and the due date is December 2020. He also stated it should be included in the CIP program at some point.

4. M/S, Wilke-O'Neill moved the Council adopt Resolution No. 2015-154 establishing just compensation and approving acquisition of property at 719 19th Avenue North from the United States Department of Housing and Urban Development, which is necessary for the completion of Phase III of the 19th Avenue North Extension Project (No. G-04). On roll call, carried unanimously.

In discussion before roll call, Councilmember O'Neill inquired regarding whether this is the final piece of property being acquired in that area. City Engineer Jason Craft addressed the Council stating this is the final piece of property and the reason for the delay in the acquisition is due to the property changing owners several times; he also noted the properties that were being scheduled for demolition with bids to be done in September of this year. Councilmember O'Neill inquired regarding if the streets on the back end of this area would be cul-de-sacs. Craft noted two or three of the streets south of 19th Avenue North would be cul-de-sacs, and there would be a traffic signal at 3rd Street.

5. M/S, Gassman-Rowland moved that the Council adopt Resolution No. 2015-155 approving the revised final plat of Lyons Business and Tech Park 2nd Addition within the City of Clinton, Iowa. On roll call, carried unanimously.
6. M/S, O'Neill-Allesee moved that the Council adopt Resolution No. 2015-156 approving the final plat of Whispering Pines Third Addition. On roll call, carried unanimously.
7. M/S, Allesee-Gassman moved that the Council adopt Resolution No. 2015-157 approving agreement for FY15 audit services with the Auditor of the State of Iowa. On roll call, carried unanimously.
8. M/S, Rowland-Gassman moved the Council adopt Resolution No. 2015-158 approving an amendment to the resolution authorizing issuance of Sewer Revenue Capital Loan Notes, Taxable Series 2011, approved June 14, 2011, and authorizing execution and delivery of amendment to loan agreement and replacement note (\$9,797,000) On roll call, carried unanimously.

In discussion before roll call, Councilmember Rowland inquired of Finance Director Anita Dalton regarding the term of the notes under consideration. Director Dalton stated the \$9,797,000 was closed in March of 2011, was for the force mains for the sewer and water treatment plant project. The original term of the loan was for 20 years and this will extend it to a 30 year pay-back. Councilmember Rowland asked Dalton to expand on the other notes as well to inform the public the Council is not voting to borrow more money. Dalton noted the loans on the agenda are not new loans and have been in existence for some time. She stated the three loans for the sewer project extends them from a 20 year time period to a 30 year time period; extending the payments resulting in a \$1.1 million decrease in what the City would have to pay in fiscal year 2016; and the loans are paid back by sewer revenues and not by property taxes.

9. M/S, McGraw-Rowland moved the Council adopt Resolution No. 2015-159 approving an amendment to the resolution authorizing issuance of Sewer Revenue Capital Loan Notes, Taxable Series 2011, approved June 14, 2011, and authorizing execution and delivery of

amendment to loan agreement and replacement note (\$4,577,000). On roll call, carried unanimously.

10. M/S, Wilke-O'Neill moved that the Council adopt Resolution No. 2015-160 approving an amendment to the resolution authorizing issuance of Sewer Revenue Capital Loan Notes, Series 2010, approved August 30, 2010, and authorizing execution and delivery of amendment to loan agreement and replacement note (\$46,660,000). On roll call, carried unanimously.
11. M/S, O'Neill-Allesee moved the Council adopt Resolution No. 2015-161 appointing Bankers Trust Company of Des Moines, Iowa, to serve as paying agent, note registrar, and transfer agent, approving the paying agent and note registrar and transfer agent agreement and authorizing the execution of the agreement. On roll call, carried unanimously.
12. M/S, Allesee-McGraw moved the Council adopt Resolution No. 2015-162 approving and authorizing a form of loan agreement and authorizing and providing for the issuance of \$625,000 Taxable General Obligation Capital Loan Notes Series 2015A, and levying a tax to pay said notes. On roll call carried unanimously.

In discussion before roll call, Councilmember O'Neill inquired regarding the last sentence of the levy of the tax and if this were a new levy being done. Finance Director Dalton stated this is the fifth land purchase for the Rail Park and a part the of the CIP process that was done in fiscal year 2015. Councilmember O'Neill inquired regarding if there would be a change in the levy. City Administrator Jessica Kinser replied the levy cannot change at this point; this was part of the pre-levy. Dalton stated this was approved during the CIP process during the fiscal year 2015 budget. The tax was already accomplished through what has been levied.

13. M/S, Determann-Wilke moved the Council adopt Resolution No. 2015-163 directing the acceptance of a proposal to purchase \$625,000 Taxable General Obligation Capital Loan Notes Series 2015A. On roll call, carried unanimously.

In discussion before roll call, Mayor Vulich inquired of Finance Director Dalton if there were any more land purchases to be done. Dalton replied there would be one more in fiscal year 2016 as purchase number six. She also noted the sale of the bond that took place today and came in with a true interest cost of 1.996%.

14. M/S, Gassman-Rowland moved the Council adopt Resolution No. 2015-164 appointing Bankers Trust Company of Des Moines, Iowa, to serve as paying agent, note registrar, and transfer agent, approving the paying agent and note registrar and transfer agent agreement and authorizing the execution of the agreement. On roll call carried unanimously.
15. M/S, McGraw-Rowland moved the Council adopt Resolution No. 2015-165 approving and authorizing a form of loan agreement and authorizing and providing for the issuance of \$4,050,000 Taxable General Obligation Capital Loan Notes Series 2015B, and levying a tax to pay said notes, approval of the tax exemption certificate, and continuing disclosure certificate. On roll call, carried unanimously.

In discussion before roll call, Councilmember O'Neill inquired regarding the levy tax for this note. Finance Director Dalton replied this is for the 20th Avenue North sewer separation project and would be paid back with local option sales tax.

M/S, Rowland-Gassman moved the Council adopt Resolution No. 2015-166 appointing the following members to the Water Shutoff Taskforce: Maribeth Bousman, Regan Michaelson, Reverend Peter Sickels, Pastor Ron Lott, Bob Smith, Dick Sack and Kathy Frey. On roll call, Determann, Wilke, Allesee, McGraw, Rowland, Gassman - Yes; O'Neill - No.

In discussion before roll call, Councilmember O'Neill inquired regarding the purpose of the task force committee. City Administrator Kinser replied the members listed are to look at the issues implementing water shut-off in the community. The members represent social services, religious community, landlords as well as a representative for the senior citizens. This group will think of issues that may come up as a result of implementing the shut-off process and to identify those issues and make recommendations to the Finance Committee or Council and how to address those issues. Councilmember Gassman inquired if there would be a 28E Agreement done. Kinser stated there would be no 28E Agreement done since Iowa American Water is not a governmental agency. It would have to be a professional services agreement of some type and at this point there has been no follow up from Iowa American Water with their representation on this process. She noted that we are simply waiting for Iowa American to respond and get the process started. Councilmember Rowland inquired regarding the duties of the task force and if they could start their process. Kinser replied the task force can begin identifying possible issues prior to the agreement being drawn up. City Attorney Patrick O'Connell stated the City is waiting to meet with representatives from Iowa American and begin the agreement process.

Mayor Vulich inquired as to whether the service agreement would be the same as it is between other cities and Iowa American Water. Kinser stated no, the agreement would be a separate agreement between the City of Clinton and Iowa American Water. Councilmember inquired if it would need to go back to the Utilities Board for approval. City Attorney O'Connell stated no, not unless it is challenged. Councilmember Determann inquired if there was any ongoing legislation on this. Kinser stated no since this is not a 28E agreement being proposed. Councilmember O'Neill inquired why we need a task force. Kinser stated that it is being done in the spirit of openness; to try to have open conversations regarding issues that may be identified. Councilmember Determann inquired if there were any certain periods during the year when the water can't be shut-off. Kinser stated that it would be up to Iowa American and be in the agreement.

16. M/S, Allesee-O'Neill moved the Council table the closed session to discuss City Administrator Evaluation until such time when the Mayor may call a meeting after all Council, Mayor and City Administrator have had an opportunity to review documents. On roll call, carried unanimously.
17. M/S, Wilke-Gassman moved the Council table the closed session to discuss City Attorney Evaluation until such time when the Mayor may call a meeting after all Council, Mayor and City Administrator have had an opportunity to review documents. On roll call, carried unanimously.

M/S, McGraw-Rowland moved the Council go into closed session to discuss the sale or acquisition of real estate. (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, Determann, Wilke, Allesee, McGraw, Rowland, Gassman - Yes; O'Neill - No. Council went into closed session at 7:47 p.m. Mayor Vulich left the room.

M/S, Wilke-Rowland moved the Council come out of closed session at 8:18 p.m. and resume the regular council meeting. On roll call, carried unanimously. Council took a 5 minute break to allow audience to re-enter the room.

The City Council resumed the regular session of the April 28, 2015 meeting at 8:23 p.m. in the City Hall Council Chamber. Present on roll call: Mayor Vulich; Councilmembers: McGraw, Rowland, Gassman, Determann, Wilke, O'Neill and Allesee.

UNFINISHED BUSINESS

18. M/S, O'Neill-Allesee moved the Council adopt Resolution No. 2015-167 recommending payment No. 2 to BWC Excavating LC for the 19th Avenue Northwest Tech Park Extension Project H-2014. On roll call, carried unanimously.

In discussion before roll call, Councilmember O'Neill inquired regarding the amount of the 19th Avenue project and referred to a chart and a difference in the contract amounts listed. City Engineer Jason Craft responded the standard forms were used between the City and the contractor. Since there were no change orders the original contract is the same as the final contract. He also noted the pay request is different due to the 5% retainage until the contract is complete.

M/S, Determann-Wilke moved to adjourn to 7:00 PM May 12, 2015. On roll call, carried unanimously.

Mark S. Vulich
Mayor

Teresa Lindstrom
Deputy City Clerk

