

The City Council met in regular session, August 25, 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.

The Pledge of Allegiance was led by members of Boy Scout Troop 626.

M/S, Determann -Wilke moved to dispense with the reading of the minutes of the August 11, 2015 Committee of the Whole minutes as published on August 25, 2015 and the regular City Council meeting minutes until published. On roll call, carried unanimously.

#### PUBLIC HEARINGS

There were no Public Hearings to come before the Council.

#### AUDIENCE COMMENT

No persons came before the Council to speak.

#### CONSENT AGENDA

Mayor Vulich informed the Council that item #14 had been removed from the agenda due to the bids being so close that the City cannot determine the low bidder without re-bidding.

Councilmember Determann requested that items #6 and #15 be removed to Unfinished Business. Councilmember McGraw requested that item #1 be removed to Unfinished Business.

M/S, Determann-Wilke moved that the Council 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 7/13/2015 - receive, approve and place on file.
3. Committee of the Whole - minutes 8/11/2015 - receive, approve and place on file.
4. Historic Preservation Commission - minutes 7/9/2015 - receive, approve and place on file.
5. Work Orders - July, 2015 - receive, approve and place on file
6. Bike Lanes for Clinton to Become a Safe Bike Riding and Eco-Friendly Community - Communication & Petition - Removed to Unfinished Business - receive, approve and place on file.
7. Iowa Economic Development Authority Community Development Block Grant (CDBG) Program Contract - receive, approve and place on file.

8. Contract – RJN Group – Phase III “Basin #6 Sewer System GIS Mapping, Inspection & Modeling - \$98,425.00 – receive, approve and place on file.
9. Resolution No. 2015-326 authorizing Tress Forever to plant 110 trees in Eagle Point Park.
10. Resolution No. 2015-327 denying persons with Disabilities Residential Parking Space Application.
11. Resolution No. 2015-328 accepting bid and awarding contract for City Hall cleaning services – Sanitol Service - \$985.00 per month.
12. Resolution No. 2015-329 accepting bid for pest control services for City-owned facilities – Kendrick Pest Control - \$9,960.00 per year.
13. Resolution No. 2015-330 approving an assignment of lease agreement for the cellular tower located at 3981 N. 3<sup>rd</sup> Street.
14. Resolution – Removed from Agenda - authorizing purchase of level/flow metering equipment from Hach Company, for Basin 6 combined sewer overflow manholes.
15. Resolution – Removed to Unfinished Business - authorizing construction of improvement, setting public hearing, and directing advertisement for bids – TSIP Project T-2015, 8<sup>th</sup> Avenue S & S 4<sup>th</sup> Street Intersection Improvements.
16. Resolution No. 2015-331 approving final change order #6 – Main Avenue Green Infrastructure Project M-2014 – BWC Excavating – decrease (\$19,146.51).
17. Resolution No. 2015-332 recommending payment No. 4 to Merryman Excavation for the 20<sup>th</sup> Avenue North Pumping Station & Force Main Replacement Project B-2014 - \$416,049.46.
18. Resolution No. 2015-333 recommending payment No. 6 to BWC Excavating LC for the 19<sup>th</sup> Avenue Northwest Tech Park Extension Project H-2014 - \$180,905.34.
19. Resolution No. 2015-334 accepting work and recommending final payment No. 10 to BWC Excavating for the Main Avenue Green Infrastructure Project M-2014 - \$80,256.39.
20. Resolution No. 2015-335 approving extended outdoor sales privilege for Main Avenue Pub.
21. Resolution No. 2015-336 approving temporary outdoor service area for Stout’s Irish Pub.
22. Resolution No. 2015-337 approving beer permit/license renewal application and Sunday sales privilege for Express Lane, Inc.

#### MOTIONS, RESOLUTIONS, AND ORDINANCES

1. M/S, Rowland-Gassman moved the Council consider an ordinance for the second time - AN ORDINANCE AMENDING CHAPTER 52, SEWERS, WITH THE ADDITION OF 52.092A, DISCONNECTION OF WATER SERVICE FOR NONPAYMENT, OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA. On roll call, carried unanimously.

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, carried unanimously.

#### ORDINANCE NO. 2522

2. M/S, O'Neill-Allesee moved the Council adopt Resolution No. 2015-338 approving an agreement for water shut-off services with Iowa American Water Company. On roll call, carried unanimously.
3. M/S, Gassman-Rowland moved the Council adopt Resolution No. 2015-339 adopting a water shut-off policy. On roll call, carried unanimously.
4. M/S, Wilke-O'Neill moved the Council adopt Resolution No. 2015-340 accepting the bid for the cleaning and demolition 4 digesters and disposal of bio-solids. On roll call, McGraw, Gassman, Determann, Wilke, O'Neill, Allesee – Yes; Rowland – No. Motion carried.

In discussion before roll call, Councilmember Rowland stated that he thought this project was bid out in parts; however, there was only one bid. City Administrator Kinser stated that the bid documents contained an Option A for cleaning only, Option B for demolition only or Option C for both cleaning and demolition. She continued in stating that only one valid bid for cleaning and demolition was received. Councilmember Rowland inquired regarding the bid price. City Administrator Kinser stated that the original bid from Nutri-ject of \$189,000 was for cleaning only. She continued in stating that the bid of \$364,350 is for the removal and disposal of solids and the demolition.

5. M/S, Rowland-Gassman moved the Council adopt Resolution No. 2015-341 approving an Employment Agreement with Kevin Gyrion. On roll call, Rowland, Gassman, Wilke, O'Neill, Allesee – Yes; McGraw, Determann – No. Motion carried.

In discussion before roll call, Mayor Vulich advised the public that the City Administrator makes the decision regarding the hiring of the Police Chief and now the Council will vote on the Employment Agreement. He stated that the former Police Chief was with the Clinton Police Department for 35 years and his salary when he retired was approximately \$95,000. He continued in stating that pay range No. 9 for the position of Police Chief starts at \$75,110 and ends at \$95,590. He further stated that Kevin Gyrion has been a police chief for one year in West Liberty, Iowa and prior to that was with the Chicago Police Department. He continued in stating that Gyrion would receive four weeks of vacation plus \$2,500 for moving expenses. He advised the Council that Kevin Gyrion has not disclosed whether he will live in the City which he finds troubling. Councilmember Determann stated that he has a problem with the agreement and the moving expense. Also, with the fact that he does not have to move until August, 2016 or live in the City of Clinton. Councilmember Allesee inquired regarding when the Council will know where he plans to live. City Administrator Kinser stated that he must live within 20 miles of the City and he has one year to make his decision.

6. M/S, McGraw-Rowland moved the Council adopt Resolution No. 2015-342 supporting the City of Clinton's application for Mayors for Peace. On roll call, McGraw, Rowland, Gassman, Wilke, O'Neill, Allesee – Yes; Determann – No. Motion carried.
7. M/S, Gassman-Rowland moved the Council adopt Resolution No. 2015-343 authorizing the application to rename Pool 13 to Lake Clinton. On roll call, carried unanimously.

8. M/S, Allesee-McGraw moved the Council adopt Resolution No. 2015-344 approving Final Plat of Sievers First Subdivision. On roll call, carried unanimously.

In discussion before roll call, Councilmember Determann inquired regarding why the Council was being asked to approve the final plat of Sievers First Subdivision. City Administrator Kinser stated that the land is part of an estate and the City is approving the subdivision for the three daughters to split. She continued in stating that the land will remain M-3 and there will be no additional structures on the property.

9. M/S, O'Neill-Allesee moved the Council adopt Resolution No. 2015-345 establishing a public hearing for the rezoning of and removal from the Central Business District (CBD) Overlay Fringe Zone for 600 South 4<sup>th</sup> Street. On roll call, carried unanimously.

10. M/S, McGraw-Rowland moved the Council adopt Resolution No. 2015-346 establishing a public hearing for the vacation of an alley to Community Housing Initiatives (CHI). On roll call, carried unanimously.

In discussion before roll call, Councilmember Wilke stated that he has concerns regarding access to the area for Fire Department vehicles and solid waste trucks. City Engineer Jason Craft advised that solid waste trucks could access the area from 5<sup>th</sup> Street and travel down the east/west alley. He stated that Fire Department access would not be a problem. Mayor Vulich suggested that the City Engineer could look at the area to determine if there is enough room for a solid waste truck to turn around. City Administrator Kinser stated that there will be a dumpster at the corner of the "T". Councilmember O'Neill stated that he has safety concerns with people cutting through the alley. He further stated that this is something which must be discussed during the public hearing.

11. M/S, Determann-Wilke moved the Council adopt Resolution No. 2015-347 establishing a public hearing for the rezoning of parcels of land located along Valley West Court, Manufacturing Drive, South 25<sup>th</sup> Street and Mill Creek. On roll call, carried unanimously.

In discussion before roll call, Councilmember O'Neill inquired regarding whether all of the areas under consideration are interlinked or separate since Mill Creek Parkway does not connect to the other Streets. City Engineer Craft advised the Council that the resolution refers to the actual Mill Creek, not the Parkway.

12. M/S, Rowland-Gassman moved the Council adopt Resolution No. 2015-348 establishing a public hearing for the rezoning of parcels of land located along South 21<sup>st</sup> Street, Harrison Drive, Lincoln Way and Mill Creek. On roll call, carried unanimously.

13. M/S, Wilke-Determann moved the Council adopt a Resolution approving the installation of a yield sign at 1100 16<sup>th</sup> Avenue N.W.

In discussion before roll call, Councilmember O'Neill stated that this is a driveway coming out of the Church and the yield sign would require vehicles on the right to yield to vehicles on the left which is against the rules of the road and counteracts the rules of driving. He continued in stating that it makes no logical sense.

M/S, O'Neill-Rowland moved to table the resolution under consideration until the September 8, 2015 City Council meeting. On roll call, carried unanimously.

14. M/S, Allesee-McGraw moved the Council adopt Resolution No. 2015-349 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, Gassman-Rowland moved the Council adopt Resolution No. 2015-350 approving and authorizing a form of loan agreement and authorizing and providing for the issuance of \$5,130,000 General Obligation Capital Loan Notes, Series 2015C, and levying a tax to pay said notes, approval of the Tax Exemption Certificate and Continuing Disclosure Certificate. On roll call, McGraw, Rowland, Gassman, Determann, Wilke, Allesee - Yes; O'Neill - No. Motion carried.

#### UNFINISHED BUSINESS

Councilmember Determann stated that the Bike Lane Petition is asking the City to change the speed limit to 25 mph throughout the town. He continued in stating that the word "approve" should be stricken from the item. Councilmember Rowland stated that there are a lot of signatures on the petition. He inquired regarding the City's procedure to address this request. City Administrator Kinser stated that this fits in well with the Augustana Recreational Trail System Analysis.

M/S, Determann-Rowland Moved that the word "approve" be removed from Bike Lanes for Clinton to Become a Safe Bike Riding and Eco-Friendly Community - Communication & Petition. Motion and second withdrawn.

16. M/S, Determann-Rowland moved that the Bike Lanes for Clinton to Become a Safe Bike Riding and Eco-Friendly Community - Communication & Petition be received and placed on file and referred to Augustana's Recreational Trail System Analysis. On roll call, carried unanimously.

Councilmember McGraw stated that the Claims Listing showed the Mayor's and Councilmember's box lunches being paid. She continued in stating that she thought that all persons taking part in the bus trip to Dubuque had paid already. City Administrator Kinser stated that those payments went into a City account and the City paid the City of Dubuque for the lunches.

17. M/S, McGraw-Rowland moved that the Claims listing be approved. On roll call, carried unanimously.

Councilmember Determann inquired regarding what improvements would be made to the 8<sup>th</sup> Avenue South and South 4<sup>th</sup> Street Intersection. City Engineer Jason Craft stated that Iowa DOT staff had suggested filing a grant application with the state for the intersection improvements. He continued in stating that this is a very busy intersection with a lot of accidents. He further stated that the projecting curb would be cut in order for trucks turning south to do so safely. He proceeded to state that the project is fully funded by the DOT. Councilmember Determann inquired regarding plans to fix the street between 4<sup>th</sup> and 5<sup>th</sup> Street. Engineer Craft stated next year the City would overlay the street. The 8<sup>th</sup> Avenue S & S 4<sup>th</sup> Street Intersection is just a lane realignment project.

Councilmember Wilke stated that there is on-street parking which is unnecessary. Engineer Craft stated that an ordinance would need to be changed to eliminate parking in that area. Councilmember O'Neill stated that the public does not know that the parking is going to be eliminated. He continued in stating that this resolution should be pulled from the agenda. City Engineer Craft stated that this resolution sets the public hearing. He continued in stating that parking can be addressed during the public hearing.

18. M/S, Determann-Wilke moved the Council adopt Resolution No. 2015-351 authorizing construction of improvement, setting public hearing, and directing advertisement for bids – TSIP Project T-2015, 8<sup>th</sup> Avenue S & S 4<sup>th</sup> Street Intersection Improvements. On roll call, carried unanimously.

M/S, Determann-Wilke moved to adjourn to 7:00 pm September 8, 2015. On roll call, carried unanimously.

---

Mark S. Vulich  
Mayor

---

Pat Van Loo  
City Clerk