

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

M/S, Gassman-Wilke moved to dispense with the reading of the minutes of the June 23, 2015 regular City Council meeting and Committee of the Whole meeting and they be approved as published on July 7, 2015. On roll call, carried unanimously.

PUBLIC HEARINGS

There were no Public Hearings to come before the Council.

AUDIENCE COMMENT

CONSENT AGENDA

Councilmember Rowland requested that item #9 be removed to Unfinished Business. Councilmember McGraw requested that item #29 be removed to Unfinished Business. Councilmember O'Neill requested that items #15 and #27 be removed to Unfinished Business.

M/S, Gassman/Wilke 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 6/22/2015 - receive, approve and place on file.
3. Civil Service Commission - minutes 7/8/2015 - receive, approve and place on file.
4. Committee of the Whole - minutes 6/23/2015 - receive, approve and place on file.
5. Committee of the Whole - minutes 7/7/2015 - receive, approve and place on file,
6. Tree Commission - minutes 5/14/2015 - receive, approve and place on file.
7. Certified List for Fire Department Engineer Promotion - receive, approve and place on file.
8. Clinton Fire & Rescue - June 2015 PCC Ambulance Billing Report - receive, approve and place on file.

9. Contract for mowing services on City property – Removed to Unfinished Business - Dykema’s Lawn Care and Snow Removal – receive, approve and place on file.
10. Contract for mowing services on City property – PLG Services – receive, approve and place on file.
11. Contract for mowing services on City property – Gateway Lawn & Landscape – receive, approve and place on file.
12. Clinton-Basin 10 Sewer Separation Project – CDBG Contract #15-WS-002-Environmental Review – Request for Release of Funds and Certification form – receive, approve and place on file.
13. Transit Joint Partnership Agreement to implement a State Transit Assistance (STA) Formula Project – receive, approve and place on file.
14. Resolution No. 2015-270 approving the Area Substance Abuse Council Emergency Solutions Grant Project for Shelter.
15. Resolution – Removed to Unfinished Business - endorsing contract allowing Dr. Delos Carrier from Clinton Occupational Health to serve as medical director for the Clinton Fire Department.
16. Resolution No. 2015-271 approving one year Contract for Services Agreement for alcohol compliance checks between the Clinton Substance Abuse Coalition/Gateway Impact Coalition and the Clinton Police Department.
17. Resolution No. 2015-172 approving the installation of stop signs on Buell Avenue from North 5th Street to North 11th Street.
18. Resolution No. 2015-173 approving professional services agreement with Calhoun, Burns & Associates for design of the “West Deer Creek Road Bridge Replacement Project” Iowa DOT Project No. BROS-1415(628)-8J-23.
19. Resolution No. 2015-174 approving change order #1 for Project B-2014 – 20th Avenue North Pumping Station & Force Main Replacement – Merryman Excavation - \$48,159.95.
20. Resolution No. 2015-175 approving change order #1 – Asphalt Resurfacing Project E-2015 – Determann Asphalt Paving LLC – decrease (\$23,307.05).
21. Resolution No. 2015-176 approving change order #3 – Eagle Point Park Roadway Rehabilitation Project P-2014 – Determann Asphalt Paving LLC - \$57,236.63.
22. Resolution No. 2015-177 recommending payment No. 2 to Determann Asphalt Paving for the HMA Resurfacing Project E-2015 - \$353,622.36.

23. Resolution No. 2015-178 recommending payment No. 2 for Project F-2015 – Iowa Avenue & 16th -22nd Place Rehabilitation Project – Clinton Engineering Company - \$9,587.85.
24. Resolution No. 2015-179 recommending payment No. 3 to BWC Excavating LC for the 7th Avenue North Sewer Separation Project L-2014 - \$50,949.81.
25. Resolution No. 2015-180 recommending payment No. 3 for the Eagle Point Park Roadway Rehabilitation Project P-2014 – Determann Asphalt Paving LLC - \$207,307.20.
26. Resolution No. 2015-181 recommending payment No. 9 to BWC Excavating LC for the Main Avenue Green Infrastructure Project M-2014 - \$54,279.48.
27. Resolution – Removed to Unfinished Business - accepting work and recommending first and final payment to Newt Marine Service for the 2015 Clinton Marina Dredging Project - \$83,855.04.
28. Resolution No. 2015-282 approving liquor license renewal with Sunday sales privilege for River City Brewing Company.
29. Resolution – Removed to Unfinished Business - approving liquor license renewal, outdoor sales privilege and Sunday sales privilege for Rastrelli's &/or Rastrelli's Avanti and issuance of a Class I Letter of Exemption for allowing persons under 21 in licensed premises.
30. Resolution Mo. 2015-283 approving liquor license renewal with Sunday sales privilege for Paul's Tap.

MOTIONS, RESOLUTIONS, AND ORDINANCES

1. M/S, Wilke-O'Neill moved the Council adopt Resolution No. 2015-284 establishing a public hearing on a proposed amendment to Chapter 159, Zoning Regulations. On roll call, carried unanimously.
2. M/S, Rowland-Gassman moved the Council adopt Resolution No. 2015-285 approving an amendment to the 2015C Bonding Approved Projects List. On roll call – McGraw, Rowland, Gassman, Wilke, Allesee – Yes; O'Neill – No. Motion carried.
3. M/S, Allesee-McGraw moved the Council adopt Resolution No. 2015-286 giving authorization to the Finance Director to negotiate penalties on sewer & solid waste accounts if the balance is being paid in full. On roll call, carried unanimously.

In discussion before roll call, Councilmember Rowland advised the public that the Council was enacting the resolution under consideration to get control of the past due sewer and solid waste accounts. Councilmember O'Neill stated that the City must never let the sewer and solid waste accounts get to where they are at the present and should be mindful that the bills are billed out and are getting paid.

4. M/S, McGraw-Rowland moved that the Council approve Mayor's recommendation to boards and commissions. On roll call, carried unanimously.

UNFINISHED BUSINESS

Councilmember Rowland requested that the City Administrator provide the Council with an overview of how many companies will be providing mowing services for the City since this is the first time that the City has contracted with multiple companies. City Administrator Kinser advised the Council that there were six bidders and three won the contracts with the City. She stated that their first day of work was July 6, 2015; however, she was unsure of the size of the properties. She further stated that this would free up one City employee to work at other tasks.

5. M/S, Rowland-Gassman moved to approve the contract for mowing services on City property for Dykema's Lawn Care and Snow Removal. On roll call, carried unanimously.

Councilmember McGraw stated that the resolution approving the liquor license renewal for Rastrelli's &/or Rastrelli's Avanti should be amended to reflect a catering privilege instead of the outdoor service privilege. Councilmember O'Neill inquired regarding whether this was a request made by Rastrelli's. City Clerk Pat Van Loo stated that it was a typo made by her and the request was not made by Rastrelli's.

M/S, McGraw-Rowland moved to amend the resolution to reflect catering privilege instead of outdoor service privilege. On roll call, carried unanimously.

6. M/S, McGraw-Rowland moved that the Council adopt Resolution No. 2015-287 as amended approving liquor license renewal, outdoor sales privilege and Sunday sales privilege for Rastrelli's &/or Rastrelli's Avanti and issuance of a Class I Letter of Exemption for allowing persons under 21 in licensed premises.

Councilmember O'Neill stated that the Council should have had a discussion in June regarding the hiring of someone to serve as the medical director to the Clinton Fire Department. He continued in stating that this is something that should have been offered to the public so that others could apply. He further stated that this is not covered under the City's Purchasing Policy and inquired regarding whether this person's decisions are covered under the City's liability. City Attorney Patrick O'Connell stated that he had reviewed the contract for sufficiency and the contract is acceptable. Currently Dr. Carrier has a temporary 30-day contract with the City. He continued in stating that medical malpractice insurance is carried by the physician.

Fire Chief Mike Brown advised the Council that the City had a physician who volunteered for this endeavor for 20 years and then retired. The Fire Department is not dissatisfied with the person who was hired in his place; however, it is difficult to find someone to do this for \$6,000 per year and it is good to have someone who is eager to perform this service and has a fire, EMS and military background. He further stated that it took a long time to terminate the other contract and a long time to obtain this doctor.

Dr. Carrier and Clinton Occupational Health has been performing physicals for the Fire Department and other Department in the City.

M/S, O'Neill-Gassman moved to postpone this resolution to the July 28, 2015 City Council meeting and obtain information from ICAP regarding the City's liability for medical decision made by this doctor and whether the City is covered for medical malpractice. On roll call, carried unanimously.

In discussion before roll call, Mayor Vulich inquired regarding whether it would be possible to obtain a synopsis of what Dr. Carrier's duties are. Chief Brown stated that all procedures must be approved by the Medical Director. He continued in stating that Dr. Carrier wants to do ride time and wants to be involved. City Attorney O'Connell stated that he has crafted this kind of agreement with other communities. The City operates under the physician's license. He is available 24/7 to be able to answer questions. We can find out what limits are on his medical malpractice insurance. Chief Brown stated that Dr. Carrier had reviewed and certified the Fire Department's procedures. Councilmember Rowland stated that there could have been better communication with the Council and everything must go through the proper channels.

7. Resolution - Postponed to July 28, 2015 - endorsing contract allowing Dr. Delos Carrier from Clinton Occupational Health to serve as medical director for the Clinton Fire Department.

Councilmember O'Neill stated that the dredging had never gone through the Committee of the Whole and this company was hired under a "sole source purchase". He continued in stating that there are a lot of persons who can perform this service. He further stated that the "sole source purchase" was not used the way it was supposed to be. Councilmember Allesee stated that there are people who can perform the service; however, do not want to. She continued in stating that the price is exaggerated by the cost of fuel. Councilmember Rowland stated that it is good for Councilmembers to examine the Claims List and the Consent Agenda. He further stated that the Auditors have inquired regarding whether the Council examines the Claims List.

8. M/S, O'Neill-Allesee moved to adopt Resolution No. 2015-288 accepting work and recommending first and final payment to Newt Marine Service for the 2015 Clinton Marina Dredging Project - \$83,855.04. On roll call, carried unanimously.

M/S, Gassman-Wilke moved to adjourn to 7:00 P.M., July 28, 2015. On roll call, carried unanimously.

Mark S. Vulich
Mayor

Pat Van Loo
City Clerk