

The City Council met in regular session, June 23, 2015 at 7:00 P.M. in the City Hall Council Chamber. Present on roll call: Mayor Vulich; Councilmembers: McGraw, Rowland, Gassman, Determann, Wilke and O'Neill. Council Member Allesee – absent.

M/S, Determann-Wilke moved to dispense with the reading of the minutes of the June 9, 2015 regular City Council meeting and Committee of the Whole meeting and they be approved as published on June 23 , 2015. On roll call, carried unanimously.

Libby Goodman, President of the Clinton Rotary Club, read a proclamation declaring July 1, 2015 as Rotary Club of Clinton Day. She invited the community to a dinner at Eagle Point Park Lodge On Wednesday, July 1, 2015 from 5:00 P.M. to 7:00 P.M. to see the Lodge and hopefully support the Rotary Club's renovation of the building.

PUBLIC HEARINGS

Mayor Vulich advised the Council that there was a public hearing scheduled; however, it had been removed from the agenda.

AUDIENCE COMMENT

Mr. Jeff Medinger, 2911 North 4th Street, stated that he has concerns regarding private solid waste pick up. He continued in stating that there are three members of the Council who do not pay the charge for City solid waste.

CONSENT AGENDA

Councilmember Rowland requested that items #7 and #11 be removed to Unfinished Business. Councilmember Wilke requested that item #12 be removed to Unfinished Business. M/S, Determann-Wilke 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 5/18/2015 – receive, approve and place on file.
3. Civil Service Commission – minutes 6/10/2015 – receive, approve and place on file.
4. Committee of the Whole – minutes 6/9/2015 – receive, approve and place on file.
5. Finance Committee – minutes 5/20/2015 – receive, approve and place on file.
6. Human Rights Commission – minutes 6/1/2015 – receive, approve and place on file.
7. Certified List of Police Chief Candidates – Removed to Unfinished Business - receive, approve and place on file.

8. Adopt-A-Highway application from REM Iowa – receive, approve and place on file.
9. Work Orders – May 2015 – receive, approve and place on file.
10. Resolution No. 2015-235 approving service agreement from Leslie Electric Inc. for the traffic control and street lighting systems maintenance and repair for the period from July 1, 2015 until June 30, 2017.
11. Resolution – Removed to Unfinished Business - accepting bid and awarding the sale of the surplus street pavers/bricks – Gavin Historical Bricks - \$10,000.00.
12. Resolution – Removed to Unfinished Business - amending the Housing Inspection Delinquency Lien List dated September, 2013.
13. Resolution No. 2015-236 refunding sewer and solid waste lien for 641 7th Avenue South.
14. Resolution No. 2015-237 refunding sewer and solid waste lien for 642-644 2nd Avenue South.
15. Resolution No. 2015-238 denying Persons with Disabilities Residential Parking Space Applications.
16. Resolution No. 2015-239 approving change order #1 – North 11th Street ADA Curb Ramps Project T- 2014(A) – Clinton Engineering Company - \$9,046.50.
17. Resolution No. 2015-240 approving final change order #3 – 10th & 11th Street Reconstruction Project J-2014 – Clinton Engineering Company - \$3,535.53.
18. Resolution No. 2015-241 recommending payment No. 1 for the Project F-2015 Iowa Avenue & 16th -22nd Place Rehabilitation Project – Clinton Engineering Company - \$190,602.31.
19. Resolution No. 2015-242 recommending payment No. 2 to BWC Excavating LC for the 7th Avenue North Sewer Separation Project L-2014 - \$82,063.02.
20. Resolution No. 2015-243 recommending payment No. 2 for the Eagle Point Park Roadway Rehabilitation Project P-2014 – Determann Asphalt Paving, LLC - \$144,113.46.
21. Resolution No. 2015-244 recommending payment request No. 2 to Merryman Excavation for the 20th Avenue North Pumping Station & Force Main Replacement Project B-2014 - \$680,888.18.
22. Resolution No. 2015-245 accepting work and recommending final payment No. 2 for the North 11th Street ADA Curb Ramps Project T-2014(A) – Clinton Engineering Company - \$40,503.32.
23. Resolution No. 2015-246 accepting work and recommending final payment No. 2 to Eastern Iowa Excavating & Concrete LLC for Project No. O-2014 – 13th Avenue North & 10th Avenue South Patching Project - \$16,053.94.
24. Resolution No. 2015-247 recommending payment No. 4 to BWC Excavating LC for the 19th Avenue Northwest Tech Park Extension Project H-2014 - \$142,866.75.

25. Resolution No. 2015-248 accepting work and recommending final payment No. 4 to BWC Excavating for the 6th Avenue South Sewer Separation Project W-2014 - \$12,836.58.

26. Resolution No. 2015-249 accepting work and recommending final payment No. 7 to Clinton Engineering Company for the 10th & 11th Street Reconstruction Project J-2014 - \$13,620.32.

27. Resolution No. 2015-250 recommending payment No. 8 to BWC Excavating LC for the Main Avenue Green Infrastructure Project M-2014 - \$106,121.73.

28. Resolution No. 2015-251 approving liquor license renewal and Sunday sales privilege for Applebee's Neighborhood Grill & Bar and issuance of a Class I Letter of Exemption for allowing persons under 21 in licensed premises.

29. Resolution No. 2015-252 approving a Class C beer permit/license renewal application, Sunday sales privilege, outdoor service privilege and issuance of a Class II Letter of Exemption for allowing persons under 21 in licensed premises for Fraternal Order of Eagles, Wapsie Aerie #705.

30. Resolution No. 2015-253 approving beer permit/liquor license renewal application for Hy-Vee Food & Drug Store.

31. Resolution No. 2015-254 approving renewal of a beer permit/license and Sunday sales privilege for Express Lane Gas & Food Mart #61.

32. Resolution No. 2015-255 approving issuance of cigarette permits.

MOTIONS, RESOLUTIONS, AND ORDINANCES

1. M/S, Determann-Wilke moved the Council adopt Resolution No. 2015-256 approving second amendment to Purchase Agreement with Mary Jean Dodds, Trustee. On roll call, carried unanimously.

In discussion before roll call, Councilmember Rowland requested that the agreement be highlighted for the public. City Attorney Patrick O'Connell stated that she can sell the property and put the proceeds toward the purchase of another property without taking a tax hit. He continued in stating that all the risk is born by the person selling the property. Councilmember Determann stated that the Dodds have been very cooperative with the City and should be supported in this effort.

Councilmember O'Neill stated that this information showed up on Saturday and no one knew about it. This is a continual problem. He continued in stating that Ms. Dodds could exchange for a key piece of land at the Railpark. City Attorney O'Connell stated that there are no restrictions on Ms. Dodds. We are permitting her to pursue this on her own. Councilmember O'Neill stated that the Council receives information at the last minute which is problematic. Councilmember McGraw stated that it would not benefit her to purchase property at the Railpark since she must hold on to it five years. City Attorney O'Connell stated that his office viewed this as routine. He apologized for sending the memo out late.

2. M/S, Rowland-Gassman moved the Council adopt Resolution No. 2015-257 approving plan designs and adjusting employee contributions for non-bargaining employees. On roll call, carried unanimously.

3. M/S, McGraw-Rowland moved the Council adopt Resolution No. 2015-258 approving the July 1, 2015 Medical Plan Renewal with Wellmark for reinsurance. On roll call, carried unanimously.

In discussion before roll call, Councilmember Rowland inquired regarding how Tim Kearns, RJ Lee & Associates, views the City's medical plan as it relates to the Cadillac tax. City Administrator Kinser stated that the City needs to be prepared for 2018. Councilmember O'Neill stated that the City cannot avoid the Cadillac tax by increasing contributions, it is the plan we provide that makes the difference.

4. M/S, Wilke-O'Neill moved the Council adopt Resolution No. 2015-259 setting rates for solid waste services. On roll call, Rowland, Gassman, Determann, Wilke, O'Neill - Yes; McGraw - No. Motion carried.

In discussion before roll call, Councilmember McGraw stated that she had a problem with the fact that there was \$889,000 in the fund and the City spent \$2 Million. She inquired regarding why spend that much and why did the City have to pay a higher price when the carts were purchased on the last day. She continued in stating that the City did not bill for \$696,000 and why didn't the City keep using that bags and stickers. She further stated that this problem began in 2005 and took 10 years to get here. It is not fair to put this burden on the people and expect them to clean it up in five years.

Councilmember Rowland inquired regarding whether the \$11.44 would be billed to 9,000 households and the \$8.21 be billed to 6,000 households. We penalize people who do not use the system. He suggested that the City bill people who actually use the system \$25.00 per month. He stated that it is good to address the rate issue and the deficit needs to be reduced. He inquired regarding whether the debt for the purchase of the three new trucks is included. City Finance Director Anita Dalton stated that the City paid \$450,000 for the three new trucks through a GO Bond and this is not a part of the calculation. She continued in stating that the City will be setting aside money for an equipment fund which will reach \$540,000 in five years. Councilmember Rowland stated that he estimates that the city will need \$2.3 Million at the end of two years for truck and can replacement. Finance Director Dalton stated that there is \$45,000 built in for can replacement. The rates continue to build the fund without using GO Bonds to secure purchases. Councilmember Rowland stated that it is good news that the \$1.6 Million deficit will be eliminated in five years and it is a start in the right direction to establish an equipment fund. He continued in stating that he would like the City to have all customers to justify the billing. He inquired regarding what the maximum rate would be. Finance Director Dalton stated that it would be between \$21 and \$22. She further stated that during implementation of the new system the City was billing the \$9.25 set fee, just not the cart fee.

Councilmember Wilke state that he wanted to slow the City's spending down and there must be accountability for what is purchased. The City offers a service to the community and people have private haulers. He continued in stating that the City needs to bring in the people who live on streets which are too narrow for our big trucks to access. Keeping the rate under \$20 per month is fair, we would pay off the debt and have an equipment fund.

Mayor Vulich stated that the City has \$3 to \$4 Million in unpaid sewer bills which also has solid waste included. He continued in stating that there is money out there which the City receives from the Income Offset Program which should go to that fund. Finance Director Dalton stated that 18% of \$3 Million is \$500,000 which is the deficit for the Solid Waste Fund. Mayor Vulich stated that we need to find out where all the carts are.

Councilmember O'Neill stated we are here to resolve the problem and pointing fingers will not solve it. It is not fair to put the burden on everyone. M/S, O'Neill-Rowland moved that when the purchases of the South Clinton properties are complete, the first \$1 Million will go to the Solid Waste Fund deficit and the rates will be reduced. On roll call, McGraw, O'Neill - Yes; Rowland, Gassman, Determann, Wilke - No. Motion failed.

Councilmember Rowland stated that the City of Clinton's solid waste charges are at the high end with our comparable cities and we are struggling to provide service as cheaply as we can. Councilmember O'Neill stated that we have had the figures and yet we failed to solve the problem. Perhaps eliminating the public service and going private is the way; however, right now we must solve the problem and no one wants to eliminate five jobs. Our duty is to make a decision.

5. M/S, O'Neill-Wilke moved the Council adopt Resolution No. 2015-260 the official City of Clinton endorsement of the Transportation Alternative Programs Grant Application for the South 2nd Street Green Infrastructure & Streetscape Project. On roll call, carried unanimously.

6. M/S, Gassman-Rowland moved the Council adopt Resolution No. 2015-261 the official City of Clinton Endorsement of the Iowa DOT Recreational Trail Grant Application for the Mill Creek Parkway Bicycle Lanes Project. On roll call, carried unanimously.

In discussion before roll call, Councilmember Rowland inquired regarding the City's share of the funding and the deadline for turning in the grant. City Engineer Jason Craft stated that the deadline is July 1st. He continued in stating that the City's match is \$250,000. He further stated that the funding would be used to construct a bike path on Millcreek Parkway and complete the loop around town. He proceeded to state that the match could be discussed during budget time. Councilmember Rowland inquired regarding constructing the bike path on only one side. Engineer Craft stated that constructing the path on one side would be a safety risk. He continued in stating that there would be a 5' path and a 1' rumble strip. Councilmember Rowland stated that Highway 67 only has one lane. Engineer Craft stated that Highway 67 has a buffer strip between the highway and the path which is 10' wide. If the path is offset there will be a lot of grading which will cost a lot of money. Councilmember McGraw inquired regarding where the new path would connect to the existing trail. Engineer Craft stated that it would not be built all at one time. He continued in stating that it could connect to 19th Avenue North next year and the other end would connect to the Mississippi River Trail in the Valley West area. City Administrator Kinser stated that one of the fall and winter Augustana classes will be looking at a regional trail system. Engineer Craft stated that he is positive that it is in the best interest of the City to pave the shoulders which will be a \$1 Million project and it is good if the City can do it for \$250,000.

7. M/S, Wilke-O'Neill moved the Council adopt Resolution No. 2015-262 directing the Planning Commission to consider amendments to the zoning regulations regarding commercial districts. On roll call, carried unanimously.

In discussion before roll call, Councilmember O'Neill inquired regarding whether the Planning Commission would be considering changing the zoning from CM-2 to C-2. City Administrator Kinser stated that the Planning Commission would be reviewing whether to add multi-family housing in to C-2.

8. M/S, Rowland-Gassman moved the Council adopt Resolution No. 2015-263 to prepare an Urban Revitalization Area and plan for a multi-family residential project. On roll call, McGraw, Rowland, Gassman, Determann, Wilke – Yes; O’Neill – No. Motion carried.

In discussion before roll call, Councilmember O’Neill state that he has a problem with the wording in the resolution. Moving from a TIF to a tax abatement is a way not to have to pay taxes at all. He continued in stating that these will be high-end apartments and no one will pay taxes for several years. He further stated that during the Committee of the Whole, Councilmember Allesee inquired regarding the use of local contractors and was told by Mr. Buker that the project was too big. The local workers have found this disconcerting. The City needs to get something back in return. He proceeded to state that he did not want to see a crew from elsewhere do all the work and then leave town. 70% to 80% of the work should be done by local workers. He stated that the City needs jobs and tax money. He continued in stating that he wants skilled workers from Clinton and Clinton County performing the work. City Administrator Kinser stated that the resolution under consideration is directing her to takes steps to prepare a plan and amend the area. Councilmember Rowland stated that the City needs to think about incentives to hire local workers and to buy local.

9. M/S, McGraw-Rowland moved the Council adopt Resolution No. 2015-264 awarding a contract for Tree Inventory. On roll call, carried unanimously.

10. M/S, Determann-Wilke moved the Council adopt Resolution No. 2015-265 approving scope of work with HDR Engineering for water supply study at Railpark. On roll call, Rowland, Gassman, Determann, Wilke, O’Neill – Yes; McGraw – No. Motion carried.

In discussion before rollcall, Councilmember McGraw stated that the city has already paid \$12,000 to HDR and \$20,000 to McClure. She continued in stating that Iowa American Water has agreed to put a well out there. She further stated that the Water Company did not recoup any money from the Camanche Avenue project and pay many thousands in taxes. She proceeded to state that they will budget so much for one year and if it is used at the Railpark then no other work will be performed in town. She stated that HDR said it would cost \$3 Million to put a well out there and we would need a licensed operator. Iowa American Water Company is not the bad guy and the City does not need to spend \$3 Million.

Councilmember O’Neill stated that Iowa American Water Company is a multi-billion dollar company and very expensive to work with. This is just simply to explore using the three million gallons from the treatment plant that we are currently discharging into the river. The increase from the Water Company will not go away once they have built a well and a tower.

City Administrator Kinser stated that the agreement is for preparing permits and taking a look at the effluent. She continued in stating that there will be meetings with industries to determine if using the effluent is suitable.

Councilmember Rowland stated water and sewer is a service the City must provide. Controlling the rates for water and sewer is a plus for us.

11. M/S, O’Neill-Wilke moved the Council adopt Resolution No. 2015-266 establishing just compensation for property acquisition pursuant to executed purchase agreement regarding property

for Project B-2014, 20th Avenue North Pumping Stations and Force Main Replacement Project. On roll call, carried unanimously.

12. M/S, Gassman-Rowland moved the Council adopt Resolution No. 2015-267 directing permanent closure of bridge at Cleveland Street between 28th Avenue North and 29th Avenue North. On roll call, carried unanimously.

UNFINISHED BUSINESS

Councilmember Rowland inquired regarding the next steps in the process for choosing a Police Chief. City Administrator Kinser stated that there is an assessment center to be held with 5 candidates on the list. She continued in stating that she wants to involve some of the Councilmembers as a sounding board. She further stated that following the assessment center interviews will be held with one or two candidates. She proceeded to state that she planned to have a resolution on the first Council meeting agenda in August to confirm an appointment. Councilmember Rowland inquired regarding whether Moulder & Associates would go through the list and make recommendations. City Administrator Kinser stated that they did the initial work and are now performing more thorough background checks, finding out if the candidates are still interested and if they are aware of the City's salary range.

Councilmember O'Neill stated that he was concerned that there were 28 applicants and it is now narrowed down to 9. City Administrator Kinser stated that 11 candidates were considered by the Civil Service Commission where Moulder and Associates requested that they narrow the choice to 9 or 10.

13. M/S, Rowland-Gassman moved to approve the Certified List of Police Chief Candidates. On roll call, carried unanimously.

Councilmember Rowland stated that the bid before the Council is to sort and palletize the brick pavers. He wondered if his colleagues had any thoughts about the bricks since some communities use them for historic renovations.

City Engineer Jason Craft advised the Council that the bricks have been there forever. He stated that the buyers would not have a problem if some of the residents still wanted some. He continued in stating that there are 25,000 bricks left to use on City projects. Councilmember Gassman stated that the City has an ordinance which states that it must reuse bricks removed from brick streets. He inquired regarding why the City was not adhering to the ordinance. City Engineer Craft stated that it would cost a lot of money to pick through the 30,000 bricks, palletize them and then use them at job sites. He continued in stating that a lot of the bricks on Argyle and Kenilworth Courts were broken and would not be good to use. He estimated that there were 350,000 bricks and 2/3 were useless.

Mayor Vulich inquired regarding how much the City is selling the bricks for. City Engineer Craft stated that the City is selling them for 20¢ apiece. Councilmember Rowland stated that the logical use for them would be on driveways and patios.

14. M/S, Rowland-O'Neill moved the Council adopt Resolution No. 2015-268 accepting bid and awarding the sale of the surplus street pavers/bricks - Gavin Historical Bricks - \$10,000.00. On roll call, Rowland, Gassman, Determann, Wilke, O'Neill - Yes; McGraw - No. Motion carried.

Councilmember Wilke inquired regarding the second "Whereas" pertaining to the billing and payment by the property owner. Battalion Chief Jeff Chapman advised the Council that in 2013 there was a nuisance cleanup which was billed to the property owner. The property owner came in and paid the bill in the Finance Department; however, it was still sent to lien. He stated that this resolution would undo that lien.

15. M/S, Wilke-O'Neill moved to adopt Resolution No. 2015-269 amending the Housing Inspection Delinquency Lien List dated September, 2013. On roll call, carried unanimously.

M/S, Determann-Wilke moved to adjourn to 7:00 pm July 14, 2015. On roll call, carried unanimously.

Mark S. Vulich
Mayor

Pat Van Loo
City Clerk