

The City Council met in regular session, June 9, 2015 at 7:00 P.M. in the City Hall Council Chamber. Present on roll call: Mayor Vulich; Councilmembers: McGraw, Gassman, Determann, Wilke, O'Neill and Allesee. Council Member Rowland – absent.

M/S, Determann-Wilke moved to dispense with the reading of the minutes of the May 26, 2015 regular City Council meeting and Committee of the Whole meeting and they be approved as published on June 9, 2015. On roll call, carried unanimously.

PROCLAMATION: Declaring June 19, 2015 as Juneteenth Day – Gregg Obren

Recreation Director Gregg Obren read a proclamation declaring June 19, 2015 Juneteenth Day.

PROCLAMATION: Declaring June 6 – 14, 2015 National Neighborworks® Week – Mike Kearney

Mr. Mike Kearney read a proclamation declaring June 6th through June 14th, 2015 as National Neighborworks® Week.

CERTIFICATE PRESENTATION: Certificate of Achievement to Brownie Troop #7823 – Mayor Vulich

Mayor Vulich read the certificate, in the absence of Brownie Troop #7823, in appreciation for the troop's cleaning of a creek behind 14th Avenue South.

PUBLIC HEARINGS

There were no Public Hearings to come before the Council.

AUDIENCE COMMENT

Mr. Jeff Medinger, 2911 North 4th Street, advised the Council that he had written a letter to the Clinton Herald which was never published, inquiring why the School District needs Police Officers in the schools when they are so badly needed on the streets. He stated that he also had gone to Iowa American Water Company's office to inquire regarding how long their franchise with the City has been expired. He was told that the franchise expired 29 years ago. He inquired regarding why the City does not have a franchise in order to keep the water prices down. He continued in stating that two Council Members live outside of Iowa American's border and do not pay for water.

CONSENT AGENDA

M/S, Determann-Wilke moved that the Council approve the Consent Agenda as presented on the attachment. On roll call, carried unanimously.

1. Claims – receive, approve and place on file.

2. Advisory Appointments Committee - minutes 5/21/2015 - receive, approve and place on file.
3. Civil Service Commission - minutes 5/27/2015 - receive, approve and place on file.
4. Committee of the Whole - minutes 5/26/2015 - receive, approve and place on file.
5. Committee of the Whole - minutes 6/2/2015 - receive, approve and place on file.
6. Human Rights Commission - minutes 5/18/2015 - receive, approve and place on file.
7. Work Orders - May 2015 - receive, approve and place on file.
8. Clinton Fire & Rescue - April 2015 PCC Ambulance Billing Report - receive, approve and place on file.
9. Contract & Bond Project B-2015, 44th Avenue South Rehabilitation Project - Determann Asphalt Paving, LLC - \$722,413.21.
10. Resolution No. 2015-211 authorizing an Interlocal 28E Agreement with the City of Clinton, Iowa and the County of Clinton, Iowa for the 2015 Justice Assistance Grant (JAG) Application.
11. Resolution No. 2015-212 authorizing the City to accept responsibility for Clinton Housing Authority Environmental Review Record.
12. Resolution No. 2015-213 approving change order #1 - 44th Avenue South Resurfacing Project B-2015 - Determann Asphalt Paving, LLC - (\$9,681.10)
13. Resolution No. 2015-214 approving final change order #1 - The ADA Curb Ramp Project K-2014(B) - Eastern Iowa Excavating & Concrete, LLC - \$4,783.03.
14. Resolution No. 2015-215 recommending payment No. 1 for the HMA Resurfacing Project E-2015 - Determann Asphalt Paving, LLC - \$129,804.82.
15. Resolution No. 2015-216 accepting work and recommending final payment No. 8 to Eastern Iowa Excavating & Concrete, LLC for the ADA Curb Ramp Project K-2014(B) - \$6,680.54.
16. Resolution No. 2015-217 approving liquor license renewal and Sunday sales privilege for Yen Ching Restaurant and issuance of a Class I Letter of Exemption for allowing persons under 21 in licensed premises.
17. Resolution No. 2015-218 approving liquor license renewal with Sunday sales privilege and issuance of a Class II Letter of Exemption for Amvets Post 28.

18. Resolution No. 2015-219 approving liquor license renewal and Sunday sales privilege for Pizza Hut of Clinton (2712 - A South 25th Street) and issuance of a Class I Letter of Exemption for allowing persons under 21 in licensed premises.
19. Resolution No. 2015-220 approving liquor license renewal and Sunday sales privilege for Pizza Hut of Clinton (1616 North 2nd Street) and issuance of a Class I Letter of Exemption for allowing persons under 21 in licensed premises.
20. Resolution No. 2015-221 approving Class C Liquor License renewal for Main Avenue Redemption Center.

MOTIONS, RESOLUTIONS, AND ORDINANCES

1. M/S, Gassman-Allesee moved that the Council adopt Resolution No. 2015-222 accepting bid and awarding contract to Clinton Engineering Company for the 25th Avenue Boat Ramp Weigh Station & Bathroom Improvements - \$88,053.66. On roll call, carried unanimously.
2. M/S, Allesee-O'Neill moved the Council adopt Resolution No. 2015-223 approving Docking Agreement with the American Queen Steamboat Company. On roll call, carried unanimously.
3. M/S, Determann-Wilke moved the Council adopt Resolution No. 2015-224 accepting bid and awarding contract to Newt Marine Company for the 2015 Clinton Marina Dredging Project - \$96,124.32. On roll call, McGraw, Gassman, Determann, Wilke, Allesee - Yes; O'Neill - No. Motion carried.

In discussion before roll call, Councilmember O'Neill commented that he was concerned when he read the resolution under consideration because he could not remember the Council discussing the item and approving putting this out for bids. City Administrator Jessica Kinser stated that the City is working with the Clinton Marina on this. She continued in stating that the dredging needs to be performed immediately. She further stated that in accordance with the City's Purchasing Policy, Newt Marine has been named as a sole source provider. Councilmember O'Neill stated that the City has a bid process and this is a bad practice. When the City is spending the taxpayer's money it is a bad policy for the City Administrator and City Engineer to get together and make this decision on their own. He continued in stating that the Purchasing Policy must be looked at and there must be due diligence regarding how money is spent.

Mayor Vulich requested that the City Administrator explain sole source provider. City Administrator Kinser stated that the Purchasing Policy allows us to review who performs this kind of service and the lowest cost for mobilization. She continued in stating that the mobilization cost for Newt Marine which is \$25,000 was taken into consideration.

Councilmember Determann stated that he agreed with Councilmember O'Neill that it would have been advisable to put the dredging project out for bid; however, if the dredging is not done now it will not be done this year. Councilmember O'Neill stated that the American Queen will be a benefit to the City; however, dredging is performed every year and this is not an exception.

4. M/S, O'Neill-Allesee moved the Council adopt Resolution No. 2015-225 accepting bids for mowing certain parks in the City of Clinton, Iowa. On roll call, carried unanimously.
5. M/S, Determann-Wilke moved the Council adopt Resolution No. 2015-226 approving one-time funding for the Mississippi River Cities and Towns Initiative. On roll call, carried unanimously.
6. M/S, Wilke-O'Neill moved the Council adopt Resolution No. 2015-227 to set the fiscal year 2016 cost of living adjustment for non-bargaining employees. On roll call, carried unanimously.
7. M/S, McGraw-Gassman moved the Council adopt Resolution No. 2015-228 authorizing contractual increase of City Administrator salary. On roll call, McGraw, Gassman, Wilke, Allesee - Yes, Determann - No, O'Neill - Abstain. Motion carried.

In discussion before roll call, Mayor Vulich requested that "Mayor" be stricken from the second paragraph of the resolution since the Mayor does not take part in the evaluation process.

8. M/S, Gassman-Allesee moved the Council adopt Resolution No. 2015-229 fixing a date for a public hearing on the proposal to enter into a development agreement with Lawrence Homes L.C. and providing for publication of notice thereof. On roll call, carried unanimously.

In discussion before roll call, Councilmember Wilke inquired regarding the timeline for minimum improvements. City Administrator Kinser advised that it is stated in the Urban Renewal Agreement that the Developer agrees to construct 39 family residential structures and construct certain Infrastructure Improvements. If this is not stated then it cannot be reimbursed. She stated that the housing development will be in two phases; the first to the west will connect Tower Court and the second will connect 37th Avenue North. Councilmember Wilke inquired regarding whether there will be hard surface roads. City Administrator Kinser stated that the roads would be asphalt. Mayor Vulich inquired regarding whether the developer is responsible for the utilities. City Administrator Kinser stated that the developer is responsible for the utilities.

9. M/S, O'Neill-Allesee moved the Council adopt Resolution No. 2015-230 declaring surplus property. On roll call, carried unanimously.

In discussion before roll call, Councilmember O'Neill advised that this is old equipment which has not been used for years and must go.

10. M/S, Allesee-Gassman moved the Council adopt Resolution No. 2015-231 approving amendment to School Resource Officer Program 28E Agreement with Clinton Community School District. Carried unanimously.
11. M/S, Wilke-Determann moved the Council adopt Resolution No. 2015-232 supporting the City of Clinton's Application for a HUD Lead Abatement Grant. On roll call, carried unanimously.

12. M/S, Determann-Wilke moved the Council adopt Resolution No. 2015-233 supporting Iowa American Water for the Lincolnway Industrial Rail and Air Park site certification application. On roll call, McGraw, Gassman, Determann, Allesee – Yes; Wilke, O’Neill – No. Motion carried.

In discussion before roll call, Councilmember O’Neill stated that there was no cost specified in Iowa American Water Company’s proposal. He continued in stating that it will cost between \$6 and \$8 million. He further stated that a utility must have a return on its investment per the Utility Board which will raise the water rates of the taxpayers. Councilmember Wilke stated that he has a problem with giving Iowa American Water Company exclusive rights.

13. M/S, Gassman-Determann moved the Council adopt Resolution No. 2015-234 to proceed with investigating the permitting of a well at the Lincolnway Industrial Rail and Air Park. On roll call, Gassman, Determann, Wilke, O’Neill, Allesee – Yes; McGraw – No. Motion carried.

In discussion before roll call, Councilmember McGraw stated that if the City drills a well it will cost between \$6 and \$8 million which will also raise the rates for taxpayers. Why not just go with Iowa American Water Company. Councilmember O’Neill stated that a Jordan well itself would only cost approximately \$3 million which the City could bond for. He continued in stating that the \$6 to \$8 million figure was for the tower also. He further stated that the City digging a well and also getting water from the RWRF will serve the industries at the Railpark. Councilmember Allesee stated that when the City bonds, that is also on the backs of the taxpayers.

Councilmember McGraw stated that water from the RWRF will cost a lot of money to get to the Railpark. Councilmember Gassman stated that Dave Dechant from HDR said that it could be done and pipe could be laid to the Railpark. Either way it will be a cost to the taxpayers; however, this is cheaper. Councilmember O’Neill stated that bonding is on the back of the taxpayer; however, it is spread over a period of time and is eventually paid off. Iowa American Water Company’s increase will stay and not go down.

14. M/S, McGraw-Gassman moved the Council approve Mayor’s recommendation to boards and commissions. On roll call, carried unanimously.

In discussion before roll call, Councilmember McGraw advised that the name of the individual appointed to the Civil Service Commission is James, not Dave.

UNFINISHED BUSINESS

No Unfinished Business was brought forth.

M/S, Determann-Wilke moved to adjourn to 7:00 pm June 23, 2015. On roll call, carried unanimously.

Mayor

City Clerk