

The City Council met in regular session, March 24, 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.

## PUBLIC HEARINGS

Mayor Vulich convened a public hearing concerning the authorization of a loan agreement and the issuance of not to exceed \$665,000 General Obligation Capital Loan Notes of the City of Clinton, State of Iowa (for essential corporate urban renewal purposes). No comments were received written or oral. M/S, McGraw-Gassman moved the public hearing concerning the authorization of a loan agreement and the issuance of not to exceed \$665,000 General Obligation Capital Loan Notes of the City of Clinton, State of Iowa (for essential corporate urban renewal purposes) be entered into the record. On roll call, carried unanimously.

In discussion before roll call, Councilmember O'Neill inquired regarding whether this is the last payment on the Dodd farm. Finance Director Anita Dalton stated that this is the 5<sup>th</sup> and last payment, the sixth payment had been made prior.

1. M/S, McGraw-Rowland moved the Council adopt Resolution No. 2015-104 instituting proceedings to take additional action for the issuance of not to exceed \$665,000 General Obligation Capital Loan Notes. On roll call, carried unanimously.

Mayor Vulich convened a public hearing concerning accepting bid and awarding contract for Project E-2015 Asphalt resurfacing Project. No comments were received written or oral. M/S, Wilke-O'Neill moved that the public hearing concerning accepting bid and awarding contract for Project E-2015 Asphalt resurfacing Project be entered into the record. On roll call, carried unanimously.

In discussion before roll call, Councilmember Rowland inquired regarding whether streets had been cut from the project due to cost. City Engineer Jason Craft stated that no streets were cut from the project. He continued in stating that this is the second bid letting. There is supposed to be three; however, the third one only contains Keith Court. He further stated that he did not recommend cutting anything from the projects. He proceeded to state that the third project would come before the Council later this year.

2. M/S, Wilke-O'Neill moved the Council adopt Resolution No. 2015-105 accepting bid and awarding concerning accepting bid and awarding contract for Project E-2015 Asphalt resurfacing Project to Determann Asphalt Paving LLC for \$1,869,028.85. On roll call, carried unanimously.

Mayor Vulich convened a public hearing concerning changing the zoning classification of a parcel of land located in the 700 Block of North 18<sup>th</sup> Street. The City Clerk reported that she had received a petition opposing the rezoning. M/S, Rowland-Gassman moved that the public hearing concerning changing the zoning classification of a parcel of land located in the 700 Block of North 18<sup>th</sup> Street be entered into the record. On roll call, carried unanimously.

In discussion before roll call, Ms. Pam Graboski, 326 South 18<sup>th</sup> Street, stated that if a parcel of property is rezoned just because the property next to it is zoned the same, where does the City hold the line. She continued in stating that Karen Holy stood to lose the value of her land, \$1,300 for a survey of the property, attorney fees, possible damage to her fence and damage to her landscaping. She further stated that Ms. Holy would lose her privacy and enjoyment of her home and will have

to endure noise and dirt. She proceeded to state that Ms. Holy is not opposed to single family homes being built.

Ms. Karen Holy, 626 North 18<sup>th</sup> Street, advised the Council that her land is divided from Mr. Fletcher's by a fence. She further stated that she has horses, two barns, a tractor garage and a building which houses horse supplies. She continued in stating that she has lived on the property for 17 years. She proceeded to state that she knew change was coming, but not this. The land across the street is zoned R-5; however, keeping Mr. Fletcher's land R-1 would allow for single family homes. She stated that the flow of the land is acreages.

Mr. Ron Fletcher, 16 Blackstone Way, LeClaire, Iowa, introduced Mr. Matt Brisch, Howes & Jeffries Realtors and Mr. Michael Shamsie, Landmark Engineering.

Mr. Matt Brisch, 913 Oak Knolls Court, advised the Council that he was there to speak in favor of the rezoning. He stated that the City needs to grow its tax base and provide people moving in to Clinton more choices in housing. He continued in stating that this is a \$6 Million project which the City needs. He further stated that he has heard from people who have chosen to live elsewhere that Clinton does not have enough houses in varying price ranges.

Mr. Mike Shamsie, Landmark Engineering, advised the Council that he has worked on more than 100 residential developments. He stated that Mr. Fletcher's development is considered small. He continued in stating that the development would have 27' concrete roadways, water mains designed to Iowa American Water Company's standards, sewers which meet all of the City of Clinton's specifications and a lift station. He further stated that 240 vehicles are expected daily. He proceeded to state that Mill Creek Parkway has zoning which transitions from 1-B to R-5 and this request is carrying the transition to commercial. He advised the Council that R-5 zoning is appropriate. He advised the Council that every city needs multi-family housing. He stated that every developer is responsible for repairing damages to property. He further stated that the routing of the sewer is preliminary and there will be noise and dirt whether there are single family or multi-family units being built.

Mr. Ron Fletcher advised the Council that they are familiar with his project. He is proposing a \$6 Million project consisting of 30 homes. He stated that there would be ten individual buildings consisting of one to two story units in the \$175,000 to \$200,000 price range. He continued in stating that this is an opportunity for the City to increase its tax base. He further stated that the City needs a variety of housing and this is an opportunity for property values to rise. He advised the Council that Dan Dolan was granted R-5 zoning in 2007 and is opposed to Mr. Fletcher receiving the same zoning. Mr. Fletcher stated that Councilmember O'Neill has been against the project from the start. He continued in stating that Councilmember O'Neill worked for Ruhl & Ruhl Realtors and has a close business relationship with Dan Dolan. He further stated that he believes this is a conflict of interest and Councilmember O'Neill should recuse himself from the vote.

Ms. Graboski stated that Councilmember O'Neill represents the people in the Third Ward.

Councilmember Rowland stated that he has a letter from Ms. Graboski to enter into the record as well as the petition which was given to the City Clerk. He continued in stating that he has received two phone calls, one email and one personal visit all from persons in favor of the rezoning, several of whom live on 18<sup>th</sup> Street.

Councilmember O'Neill advised the Council that he has known Mr. Fletcher for 20 years and he is a good businessman. He stated that he does not have a connection with Dan Dolan and does not have a conflict of interest. He continued in stating that he has made a promise to serve the Third Ward. He further stated that he went out and collected 40 signatures of residents opposed to the rezoning. He proceeded to state that he has no personal interest in Dolan Homes. He stated that

there are 40 people who do not want the project and he has an obligation to vote the way they want on the petition. He further stated that he is not opposed to growth in the City. He proceeded to state that he was elected by the people to represent them.

Councilmember McGraw stated that even though a portion of Dan Dolan's property is zoned R-5 it has not stopped people from building nice homes in the area. They do not care if the land is zoned R-5

3. M/S, Rowland-Gassman moved the Council consider an ordinance for the first 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 18<sup>TH</sup> STREET FROM R-1A, ONE FAMILY RESIDENTIAL TO R-5, CONDOMINIUM RESIDENTIAL DISTRICT. On roll call, McGraw, Rowland, Gassman, Determann, Wilke, Allesee - Yes; O'Neill - No. Motion carried.

#### AUDIENCE COMMENT

No persons came before the Council to speak.

#### CONSENT AGENDA

Mayor Vulich advised the Council that #20 had been removed from the Consent agenda.

M/S, Determann-Wilke moved 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. Airport Commission - minutes 2/16/2015 - receive, approve and place on file.
3. Civil Service Commission - minutes 3/11/2015 - receive, approve and place on file.
4. Committee of the Whole - minutes 3/10/2015 - receive, approve and place on file.
5. Tree Commission - minutes 2/12/2015 - receive, approve and place on file.
6. Clinton Fire & Rescue - January 2015 PCC Ambulance Billing Report - receive, approve and place on file.
7. Public Works Department Work Order Report for Last 30 Days - receive, approve and place on file.
8. Contract & Bond - Project B-2014 20<sup>th</sup> Avenue North Pumping Station & Force Main Replacement Project - Merryman Excavation Inc. for \$4,869,005.30.
9. Contract & Bond - Project F-2015 Iowa Avenue & 16<sup>th</sup> - 22<sup>nd</sup> Place Project - Clinton Engineering Company for \$818,661.70.
10. Resolution No. 2015-106 accepting the bid to replace the S.C.B.A. and associated equipment for the Clinton Fire Department.
11. Resolution No. 2015-107 approving updates to the Master Tree List.
12. Resolution No. 2015-108 approving issuance of cigarette permits.

13. Resolution No. 2015-109 approving a service agreement with Genesis Health System for an Employee Assistance Program.
14. Resolution No. 2015-110 approving professional services agreement with McClure Engineering Associates Inc. for construction layout services for 20<sup>th</sup> Avenue N Pump Station & Force Main Project B-2014.
15. Resolution No. 2015-111 approving professional services agreement with McClure Engineering Associates Inc. for construction observation services for 20<sup>th</sup> Avenue N Pump Station & Force Main Project B-2014.
16. Resolution No. 2015-112 approving professional services agreement with Terracon Consultants, Inc. for special material testing services for 20<sup>th</sup> Avenue N Pump Station & Force Main Project B-2014.
17. Resolution No. 2015-113 approving amendment #1 to professional services agreement with HDR Inc. for administrative services for 20<sup>th</sup> Avenue N Pump Station & Force Main Project B-2014.
18. Resolution No. 2015-114 rescinding previous resolution and approving authorization of 28E Agreement relative to road maintenance with the City of Low Moor, Iowa and Clinton County, Iowa.
19. Resolution No. 2015-115 approving new installation or changes in existing system for Alliant Energy Inc.
20. Resolution – Removed for Consent agenda - accepting work and recommending payment No. 3 to Leslie Electric for Traffic Signalization Project D-2014 at 13<sup>th</sup> Avenue North & North 11<sup>th</sup> Street.
21. Resolution No. 2015-116 approving new liquor license with Sunday sales and outdoor service privileges for Valley Oaks and issuance of a Class I Letter of Exemption for allowing persons under 21 in licensed premises.
22. Resolution No. 2015-117 approving beer permit/license renewal application for Sunny's Mart.
23. Resolution No. 2015-118 approving renewal of Class C Liquor license and Sunday sales privilege for Wild Rose Casino.
24. Resolution No. 2015-119 approving renewal of a Class B liquor license, Sunday sales privilege, Outdoor Sales privilege (for special events) and issuance of a Class I Letter of Exemption for allowing persons under 21 in licensed premises for Wild Rose Resort.

#### MOTIONS, RESOLUTIONS, AND ORDINANCES

4. M/S, Gassman-Rowland moved the Council adopt Resolution No. 2015-120 approving electronic bidding procedures and official statement. On roll call, carried unanimously.
5. M/S, Wilke-Determann moved the Council adopt a Resolution approving modification to driving lane configuration on 2<sup>nd</sup> Avenue South, from Bluff Boulevard to South 14<sup>th</sup> Street, within the City of Clinton, Iowa. On roll call, Rowland, Wilke, Allesee – Yes; McGraw, Gassman, Determann, O'Neill – No. Motion failed.

In discussion before roll call, Councilmember Wilke requested the City Engineer give the background of the project. City Engineer Jason Craft advised the Council that a public meeting was

held at the Ericksen Center and five residents from the 41 homes along 2<sup>nd</sup> Avenue South participated. He stated that all were opposed to the four to three lane conversion. He continued in stating that they are concerned that traffic will be pushed to close to the sidewalk. He further stated that the transition would result in wider lanes. He advised that another concern is the foliage along the roadway which would need to be trimmed back per City ordinance. Engineer Craft stated that the intersection at 2<sup>nd</sup> Avenue South and North 11<sup>th</sup> Street is dangerous and that is where most accidents occur. He continued in stating that with the conversion the number of accidents should decrease. He further stated that the greatest concern is the mailboxes and garbage pickup. He proceeded to state that it is legal to pass in the turn lane if done carefully; however, there is enough room to pass mail trucks in the outside lane without going into the middle turn lane.

M/S, Determann-Rowland moved to amend the resolution to a temporary two year conversion and at the end of the two years the City Engineer would provide a report to the Council. On roll call, Rowland, Determann, Allesee - Yes; McGraw, Gassman, Wilke, O'Neill - No. Motion failed.

In discussion before roll call, Councilmember Allesee stated that this is a good idea and a good example for 13<sup>th</sup> Avenue North. Councilmember Wilke stated that the conversion should continue for the whole time and if necessary, changes could be made. Councilmember O'Neill stated that ½ of 2<sup>nd</sup> Avenue South and ½ of 13<sup>th</sup> Avenue North is in his ward. He continued in stating that there are people from his Ward who attended the public meetings and public forums who are opposed to the conversion.

Councilmember Rowland stated that what that is forgotten is that public safety goes beyond what people want. We have a responsibility to provide safe vehicle travel in the community. He continued in stating that there has been a lot of data compiled and the conversion is a good thing to do. When we look at repair of a lot of streets we must look at public safety. This is the best configuration to come up. Studies show that this is a great public safety feature.

6. M/S, Allesee-O'Neill moved the Council adopt Resolution No. 2015-121 accepting the Annual Financial and Audit Report for Fiscal Year 2013-2014. On roll call, carried unanimously.
7. M/S, O'Neill-Allesee moved the Council adopt Resolution No. 2015-122 approving a lease with Midwest Business Products for a used Sharp MX5141N. On roll call, carried unanimously.
8. M/S, McGraw-Gassman moved the Council approve the Mayor's appointments to Boards & Commissions. On roll call, carried unanimously.

#### UNFINISHED BUSINESS

No Unfinished Business was brought forth.

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

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Mark S. Vulich  
Mayor

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Pat Van Loo  
City Clerk