

The City Council met in regular session, May 12, 2015 at 7:00 P.M. in the City Hall Council Chamber. Present on roll call: Mayor Vulich; Councilmembers: McGraw, Rowland, Determann, Wilke, O'Neill and Allesee. Councilmember Gassman - absent.

PROCLAMATION:

Interim Police Chief Tom Bohle read a proclamation declaring May 15, 2015 as Police Officer's Memorial Day and the week of May 11, 2015 through May 15, 2015 as National Police Week.

Travis Winter and members of the Citizen Police Academy presented a plaque to the Clinton Police Department in memory of the City's two fallen police officers Johannes Koch whose end of watch date is 8/4/1926 and Todd Stone whose end of watch date is 1/27/1993.

PUBLIC HEARINGS

Mayor Vulich convened a public hearing concerning accepting bid and awarding contract for Project No. B-2015 - 44th Avenue South Rehabilitation Project. No comments were received written or oral. M/S, Allesee-O'Neill moved that the public hearing concerning accepting bid and awarding contract for Project No. B-2015 - 44th Avenue South Rehabilitation Project be entered into the record. On roll call, carried unanimously.

1. M/S, Allesee-Rowland moved that the Council adopt Resolution No. 2015-168 accepting bid and awarding contract for Project No. B-2015 - 44th Avenue South Rehabilitation Project to Determann Asphalt Paving, LLC - \$722,413.21. On roll call, carried unanimously.

Mayor Vulich convened a public hearing concerning the proposed Whispering Pines Urban Renewal Plan. No comments were received written or oral. M/S, O'Neill-Allesee that the public hearing concerning the proposed Whispering Pines Urban Renewal Plan be entered into the record. On roll call, carried unanimously.

2. M/S, O'Neill-Allesee moved that the Council adopt Resolution No. 2015-169 determining an area of the City to be an economic development area, and that the rehabilitation, conservation, redevelopment, development or a combination thereof, of such area is necessary in the interest of the public health, safety or welfare of the residents of the City; designating such area as appropriate for urban renewal projects; and adopting the Whispering Pines Urban Renewal Plan. On roll call, carried unanimously.

Mayor Vulich convened a public hearing concerning the proposed Jordan Hills Urban Renewal Plan. No comments were received written or oral. M/S, Rowland-Allesee moved that the public hearing concerning the proposed Jordan Hills Urban Renewal Plan be entered into the record. On roll call, carried unanimously.

3. M/S, Rowland-Allesee moved that the Council adopt Resolution No. 2015-170 determining an area of the City to be an economic development area, and that the rehabilitation, conservation, redevelopment, development or a combination thereof, of such area is

necessary in the interest of the public health, safety or welfare of the residents of the City; designating such area as appropriate for urban renewal projects; and adopting the Jordan Hills Urban Renewal Plan On roll call, carried unanimously.

Mayor Vulich convened a public hearing concerning the proposed amendments to the FY 2014-2015 City Operating Budget. No comments were received written or oral. M/S, Wilke-O'Neill moved that the public hearing concerning the proposed amendments to the FY 2014-2015 City Operating Budget be entered into the record. On roll call, carried unanimously.

4. M/S, Wilke-O'Neill moved that the Council adopt Resolution No. 2015-171 approving amendments to the FY 2014-2015 City Operating Budget. On roll call, carried unanimously.

AUDIENCE COMMENT

No persons came before the Council to speak.

CONSENT AGENDA

Councilmember Rowland requested that item #10 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. Civil Service Commission - minutes 4/29/2015 - receive, approve and place on file.
3. Committee of the Whole - minutes 4/28/2015 - receive, approve and place on file.
4. Plan Commission - minutes 4/8/2015 - receive, approve and place on file.
5. Plan Commission - minutes 5/6/2015 - receive, approve and place on file.
6. Resolution No. 2015-196 certifying the Area Substance Abuse Council Environmental Review Determination.
7. Resolution No. 2015-172 approving the settlement of pending litigation, Terry Best v. City of Clinton, Officer Lucas Bray and Officer Daniel Sager.
8. Resolution No. 2015-173 approving the renewal of Long Term Disability Insurance with Madison National Life for Fiscal Year 2016.
9. Resolution No. 2015-174 rescinding a 1984 resolution pertaining to employment of part time seasonal employees, and following Chapter 30.57 of the City Code.
10. Resolution - Removed to Unfinished Business - approving the contract for 2015 CDBG grant administration to Eastern Iowa Intergovernmental Association.

11. Resolution No. 2015-175 approving final change order #1 - McKinley Street Reconstruction Project Q-2014 - Determann Asphalt Paving, LLC - \$16,223.59.
12. Resolution No. 2015-176 approving change order #2 - Eagle Point Park Roadway Rehabilitation Project P-2014 - Determann Asphalt Paving, LLC - \$30,481.68.
13. Resolution No. 2015-177 recommending payment No. 1 for the Project O-2014 - 13th Avenue North & 10th Avenue South Patching Project - Eastern Iowa Excavating & Concrete, LLC - \$94,200.81.
14. Resolution No. 2015-178 recommending payment No. 1 for the North 11th Street ADA Curb Ramps Project T-2014(A) - Clinton Engineering Company - \$42,549.55.
15. Resolution No. 2015-179 recommending payment No. 2 for the McKinley Street Reconstruction Project Q-2014 - Determann Asphalt Paving, LLC - \$43,820.20
16. Resolution No. 2015-180 recommending payment No. 3 for the 6th Avenue South Sewer Separation Project W-2014 - BWC Excavating LC - \$27,054.42.
17. Resolution No. 2015-181 recommending payment No. 6 for the 10th & 11th Street Reconstruction Project J-2014 - Clinton Engineering Company - \$41,868.08.
18. Resolution No. 2015-182 approving renewal of a Class C Liquor License, Sunday sales privilege and issuance of a Class II Letter of Exemption for allowing persons under 21 in licensed premises for VK's Shooters.
19. Resolution No. 2015-183 approving liquor license renewal with Sunday sales privilege and outdoor sales privilege for Lyons Tap & Grill and issuance of a Class II Letter of Exemption for allowing persons under 21 in licensed premises.
20. Resolution No. 2015-184 approving beer permit/license renewal application and Sunday sales privilege for Circle K #6602.
21. Resolution No. 2015-185 approving beer permit/license renewal application and Sunday sales privilege for Smokin' Joe's Tobacco and Liquor Outlet.
22. Resolution No. 2015-186 approving outdoor service extension privilege for Lyons Tap & Grill.
23. Resolution No. 2015-187 approving transfer of liquor license location for the Clinton Jaycees.

MOTIONS, RESOLUTIONS, AND ORDINANCES

5. M/S, Determann-Wilke moved that the Council adopt Resolution No. 2015-188 approving temporary modification to driving lane configuration on 2nd Avenue South, from Bluff Boulevard to South 14th Street, within the City of Clinton, Iowa. On roll call, McGraw, Rowland, Determann, Wilke, Allesee - Yes; O'Neill - No. Motion carried.

6. M/S, Wilke-Determann moved the Council adopt a resolution accepting bid and awarding contract for Digester Cleaning and Land Application Project to Nutri-Ject Systems Inc. for \$189,750.00. On roll call, McGraw, Wilke, Allesee – Yes; Rowland, Determann, O’Neill – No. Motion failed, resolution will be brought back to the May 26, 2014 City Council meeting.

In discussion before roll call, Councilmember Rowland stated that he was troubled by the fact that the City has to pay \$190,000 when the digester cleaning use to be done in-house. Councilmember O’Neill stated that he has similar concerns. He continued in stating that it only takes a high powered hose to do the job. He further stated that this has not been done for years and now the City must pay \$190,000 to have it done.

7. M/S, McGraw-Rowland moved the Council adopt Resolution No. 2015-189 accepting a three year collective bargaining agreement with International Association of Firefighters Local No. 609, AFL-CIO for July 1, 2015 through June 30, 2018. On roll call, McGraw, Rowland, Wilke, O’Neill, Allesee – Yes; Determann – No. Motion carried.
8. M/S, O’Neill-Allesee moved the Council adopt Resolution No. 2015-190 of support for a grant application to the Iowa Department of Natural Resources Conservation Education Program. On roll call, carried unanimously.
9. M/S, Rowland-Allesee moved that the Council adopt Resolution No. 2015-191 declaring surplus property. On roll call, carried unanimously.

In discussion before roll call, Councilmember Rowland inquired regarding the surplus property. Transit and Fleet Superintendent Dennis Hart stated that the property is the 1997 Trolley which has been removed from service. City Administrator Kinser stated that an RFP would be sent out and an ad would be placed in the newspaper.

10. M/S, Allesee-O’Neill moved that the Council adopt Resolution No. 2015-192 waiving purchasing policy for the purchase of two solid waste trucks. On roll call, carried unanimously.
11. M/S, Wilke-O’Neill moved that the Council adopt Resolution No. 2015-193 setting the 2015 Annual Community Clean-up Day. On roll call, carried unanimously.
12. M/S, McGraw-Rowland moved that the Council adopt Resolution No. 2015-194 authorizing an incentive letter as amended for Project Juice. On roll call, carried unanimously.

In discussion before roll call, Councilmember Rowland stated that he had three topics that he would like to discuss, TIF, wastewater flow and rates and the purchase of the land. He continued in stating that there is 17 acres of land and 4 acres of Right-Of-Way. He further stated that the Council had the opportunity of looking at selling the land for 9 months; however, never received a selling price or the amount of land available for sale. He proceeded to state that the Council received the packet a short time ago and it is assumed that there be a response back to the City Administrator or City Attorney. He stated that the Council has not given permission to sell the land or the price expected. He continued

in stating that the Council must develop an action plan and give staff permission. He urged his colleagues to speak up and make a decision ASAP.

Councilmember O'Neill stated that he is happy that a company is planning to come to Clinton; however, the wording of the paragraph under "Purchase of Land" needs to be looked at to include "present market value" to make this fair to the citizens and the prospective company.

M/S, O'Neill-Determann moved to amend the language in the letter to include the verbiage "present market value". On roll call, carried unanimously.

Councilmember Rowland stated that "subject to Council approval should be included in the letter.

City Attorney O'Connell stated that the third paragraph under "Available Economic Development Incentives" could be moved to the end to say all items are "subject to Council approval".

M/S, Rowland-Allesee moved to amend paragraph three, move it to the end and add "subject to Council approval". On roll call, carried unanimously.

M/S, Determann-O'Neill moved to add the verbiage "negotiate a minimum assessment". On roll call, carried unanimously.

Councilmember Rowland stated that this is a good project. The staff, CRDC and City Council have done well to bring this forward so quickly. Councilmember O'Neill stated that he is concerned regarding the sewer rate being negotiated. He inquired regarding whether the City is looking at cutting back sewer rates for all industrial users. Finance Director Anita Dalton stated that it would need to be looked at as an ordinance change which would make it more palatable for industrial users to use the City's wastewater service instead of building their own. Councilmember O'Neill inquired regarding how much the City is decreasing the sewer rate. Finance Director Dalton stated that there will always be a base fee and as usage increased the fee would decrease incrementally. Mayor Vulich inquired regarding how many customers use 100,000 gallons of water a day. Director Dalton stated that no one uses that much. City Administrator Kinser stated that there could be maximum flows; however, not on a consistent basis. Councilmember O'Neill inquired regarding the solids. City Administrator Kinser stated that the City does not have samples of the wastewater; however, there could be a surcharge. Mayor Vulich stated that this would all be worked out in the development agreement.

UNFINISHED BUSINESS

Councilmember Rowland inquired regarding ECIA would be administering the Block Grant for 20th Avenue North. City Administrator Kinser stated that ECIA administers grants for the City; however, there are two separate projects in the same area. She continued in stating that the Engineering Department went door to door to verify income level and determined this area to be LMI.

M/S, Rowland-Determann moved to adopt Resolution No. 2015-195 Removed to Unfinished Business - approving the contract for 2015 CDBG grant administration to Eastern Iowa Intergovernmental Association. On roll call, carried unanimously.

M/S, Determann-Wilke moved to adjourn to 7:00 PM May 26, 2015. On roll call, carried unanimously.

Mark S. Vulich
Mayor

Pat Van Loo
City Clerk