

The City Council met in regular session October 13, 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.

M/S, Determann-Wilke moved to dispense with the reading of the regular City Council meeting and Committee of the Whole minutes of September 22, 2015 and they be approved as published on October 6, 2015. On roll call, carried unanimously.

PUBLIC HEARINGS

Mayor Vulich convened a public hearing concerning accepting bid and awarding contract for Project No. F-2014 - Basin 10/20th Avenue North Sewer Separation Project. No comments were received, written or oral. M/S, Gassman-Rowland moved that the public hearing concerning accepting bid and awarding contract for Project No. F-2014 - Basin 10/20th Avenue North Sewer Separation Project be entered into the record. On roll call, carried unanimously.

1. M/S, Gassman-Rowland moved that the Council adopt Resolution No. 2015-387 accepting bid and awarding contract for Project No. F-2014 - Basin 10/20th Avenue North Sewer Separation Project to BWC Excavating - \$1,566,396.70. On roll call, carried unanimously.

Mayor Vulich convened a public hearing concerning accepting bid and awarding contract for Project No. D-2016 - 13th Avenue North & North 14th Street Signalization Project. No comments were received, written or oral. M/S, McGraw-Rowland moved that the public hearing concerning accepting bid and awarding contract for Project No. D-2016 - 13th Avenue North & North 14th Street Signalization Project be entered into the record. On roll call, carried unanimously.

2. M/S, McGraw-Rowland moved that the Council adopt Resolution No. 2015-388 accepting bid and awarding contract for Project No. D-2016 - 13th Avenue North & North 14th Street Signalization Project to Tri-City Electric - \$152,473.00. On roll call, carried unanimously.

Mayor Vulich convened a public hearing concerning accepting bid and awarding contract for the TSIP project T-2015 - 8th Avenue S & South 4th Street Intersection Improvements. No comments were received, written or oral. M/S, Allesee-McGraw moved that the public hearing concerning accepting bid and awarding contract for the TSIP project T-2015 - 8th Avenue S & South 4th Street Intersection Improvements be entered into the record. On roll call, carried unanimously.

3. M/S, Allesee-Rowland moved that the Council adopt Resolution No. 2015-389 accepting bid and awarding contract for the TSIP project T-2015 - 8th Avenue S & South 4th Street Intersection Improvements to Cheramy Concrete & Masonry - \$29,546.28. On roll call, carried unanimously.

AUDIENCE COMMENT

No persons came before the Council to speak.

CONSENT AGENDA

Councilmember Rowland requested that item #15 be removed to Unfinished Business.

Councilmember O'Neill requested that item # 9 be removed to Unfinished Business.

M/S, Determann-Wilke moved to approve the Consent Agenda as amended. On roll call, carried unanimously.

1. Claims - receive, approve and place on file.
2. Airport Commission - minutes 8/19/2015 - receive, approve and place on file.
3. Committee of the Whole - minutes 9/22/2015 - receive, approve and place on file.
4. Committee of the Whole - minutes 10/6/2015 - receive, approve and place on file.
5. Planning Commission - minutes 10/7/2015 - receive, approve and place on file.
6. Tree Commission - minutes 9/9/2015 - receive, approve and place on file.
7. Clinton Fire & Rescue - September, 2015 PCC Ambulance Billing Report & Financial Summary 9/1/2015 - 9/30/2015 - receive, approve and place on file.
8. Contract & Bond - 13th Avenue North & North 14th Street Signalization Project D-2016 - Tri-City Electric - \$152,473.00
9. Mayor's Veto of Resolution 2015-380 resolution approving a Commercial Listing Agreement with NAI Ruhl Commercial and appointed agents Charlie Armstrong and Ray Oczak and related NAI Ruhl Exclusive Right to Sell Lease Commercial Listing Agreement - receive and place on file - Removed to Unfinished Business.
10. Supplemental Agreement for Primary Roads Maintenance & Repair between Iowa Department of Transportation & the City of Clinton for primary road extensions on US 30, US 67 & IA 136 (within the corporate City limits) - receive, approve and place on file.
11. Resolution No. 2015-390 denying Persons with Disabilities Residential Parking Space Application.
12. Resolution No. 2015-391 declaring outdated turnout gear as surplus.
13. Resolution No. 2015-392 approving an Indefeasible Right of Use Agreement between the State of Iowa Telecommunications and Technology Commission operating the Iowa Communications Network (ICN) and the City of Clinton, Iowa.
14. Resolution No. 2015-393 approving a second amendment to a Site-Lease Agreement with NCWPCS MPL 30 - Year Sites Tower Holdings LLC for the Root Park Tower.
15. Resolution - Removed to Unfinished Business - ordering construction of improvement, setting public hearing and directing advertisement for bids - North End Rec Trail Improvements - Project J-2015.
16. Resolution No. 2015-394 recommending payment No. 1 for the Project I-2015 25th Avenue North Boat Ramp Weigh Station & Bathroom Improvements Project - Clinton Engineering Company - \$30,406.41.

17. Resolution No. 2015-395 recommending payment No. 3 for the 44th Avenue South Resurfacing Project B-2015 – Determann Asphalt Paving, LLC - \$82,005.54.
18. Resolution No. 2015-396 approving new liquor license and Sunday sales privilege for Back Shop Pizza and issuance of a Class I Letter of Exemption for allowing persons under 21 in licensed premises.
19. Resolution No. 2015-397 approving Native Wine Permit/License application for Gifts Galore.
20. Resolution No. 2015-398 approving beer permit/liquor license renewal with Sunday sales privilege for Hass Food Market.
21. Resolution No. 2015-399 approving beer permit/license renewal with Sunday sales privilege and carryout wine privilege for Aldi Inc. #19.
22. Resolution No. 2015-400 approving liquor license renewal and Sunday sales privilege for Slops and issuance of a Class II Letter of Exemption for allowing persons under 21 in licensed premises.
23. Resolution No. 2015-401 approving extended outdoor sales privilege for Lyons Tap.
24. Resolution No. 2015-402 approving extended outdoor sales privilege for Main Avenue Pub.
25. Resolution No. 2015-403 approving issuance of a Cigarette Permit.

MOTIONS, RESOLUTIONS, AND ORDINANCES

4. M/S, Wilke-Gassman moved that the Council consider an ordinance for the first time - AN ORDINANCE AMENDING CHAPTER 79.10, CALENDAR PARKING, WITH AN AMENDMENT TO CHAPTER 79.10(A) GENERAL PROVISIONS OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA. On roll call, McGraw, Gassman, Determann, O'Neill, Allesee – Yes; Rowland, Wilke – No. Motion carried.

M/S, Wilke-Determann moved the rules be suspended and the Council consider an ordinance for the second time. On roll call, McGraw, Gassman, Determann, O'Neill, Allesee – Yes; Rowland, Wilke – No. Motion carried.

M/S, Wilke-O'Neill moved the rules be suspended and the Council consider an ordinance for the third time. On roll call, McGraw, Gassman, Determann, O'Neill, Allesee – Yes; Rowland, Wilke – No. Motion carried.

M/S, Wilke-O'Neill moved that the rules be suspended and the ordinance under consideration be placed on its final passage and adopted. On roll call, McGraw, Gassman, Determann, O'Neill, Allesee – Yes; Rowland, Wilke – No. Motion carried.

ORDINANCE NO. 2527

5. M/S, O'Neill-Allesee moved that the Council consider an ordinance for the third time - AN ORDINANCE AMENDING CHAPTER 124, LICENSING OF TAXICABS AND VEHICLES FOR HIRE, OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA. On roll call, carried unanimously.

M/S, O'Neill-Allesee moved that the rules be suspended and the ordinance under consideration be placed on its final passage and adopted. On roll call, carried unanimously.

ORDINANCE NO. 2528

6. M/S, Rowland-Gassman moved that the Council adopt Resolution No. 2015-404 supporting the Miller Valentine Group application for rental housing tax credits. On roll call, carried unanimously.
7. M/S, McGraw-Rowland moved that the Council adopt Resolution No. 2015-405 rescinding Resolution 2015-339 and amending the Water Shut-Off Policy. On roll call, carried unanimously.
8. M/S, Allesee-McGraw moved that the Council adopt Resolution No. 2015-406 encouraging all citizens to support and actively promote City Week Iowa, October 12th through 16th, 2015. On roll call, carried unanimously.

UNFINISHED BUSINESS

Councilmember Rowland stated that the thought that the North End Trail had been completed and inquired regarding what part of the trail is being constructed.

City Engineer Jason Craft advised that the trail would be re-constructed from Turtle Creek to 30th Avenue North.

9. M/S, Rowland-Gassman moved to adopt Resolution No. 2015-407 ordering construction of improvement, setting public hearing and directing advertisement for bids - North End Rec Trail Improvements - Project J-2015. On roll call, carried unanimously.

Councilmember O'Neill advised that he had concerns regarding statements in the Mayor's veto document. He stated that Reason No. 2 states that there must be agreement between the City and the CRDC before a contract may be offered and that there was no discussion by the City regarding the broker interviews or a joint meeting between the City and CRDC to discuss the final selection of a broker. Councilmember O'Neill stated that on the night the resolution was passed, John Eisenman from the CRDC stated that the CRDC was in agreement regarding the choice of a broker. Councilmember O'Neill continued in stating that the Council met as a body and discussed the merits of the four brokerage firms; however, the CRDC never responded and the Mayor is the only person who can call a meeting. He further stated that the price per acre and the commission is an industry standard. He proceeded to state that according to the veto the Mayor did not think enough time had been spent on the agreement. Councilmember O'Neill advised that the City Attorney had worked 50 hours over 9 months on the agreement. He stated that he is very disappointed in the veto.

Mayor Vulich stated that the Council's only option is to override the veto. Councilmember O'Neill stated that he would not accept nor place the veto on file. Mayor Vulich stated that the Mayor may issue a veto and the Council has 30 days to override it.

Councilmember O'Neill moved to not accept the veto or place it on file. Motion died for lack of a second.

City Attorney Patrick O'Connell stated that it is the Council's prerogative to not place the veto on file; however, that would not affect the veto. The Mayor's veto is signed in the manner of the law and has the force of law.

M/S, Determann-Wilke moved to receive and place on file the Mayor's Veto of Resolution 2015-380 resolution approving a Commercial Listing Agreement with NAI Ruhl Commercial and appointed agents Charlie Armstrong and Ray Oczak and related NAI Ruhl Exclusive Right to Sell Lease Commercial Listing Agreement. On roll call, McGraw, Determann, Wilke, Allesee - Yes; Rowland, Gassman, O'Neill - No. Motion carried.

M/S, Determann-Wilke moved to adjourn to 7:00 pm October 27, 2015. On roll call, carried unanimously.

Mark S. Vulich
Mayor

Pat Van Loo
City Clerk