

The City Council met in regular session September 22, 2015 at 7:00 P.M. in the City Hall Council Chamber. Present on roll call: Mayor Pro Tem Determann; Councilmembers: McGraw, Rowland, Gassman, Wilke, O'Neill and Allesee. Mayor Vulich joined the meeting at 7:19 P.M.

M/S, Wilke-O'Neill moved to dispense with the reading of the regular City Council meeting and Committee of the Whole minutes of September 8, 2015 and the revised Committee of the Whole minutes of August 25, 2015 and they be approved as published on September 22, 2015. On roll call, carried unanimously.

PROCLAMATION:

Ms. Deb Wilkins read a proclamation declaring October 11, 2015 as Crop Hunger Walk Day.

PROCLAMATION:

Ms. Edith Pfeffer read a proclamation declaring the month of September, 2015 to be Drive the Great River Road Month.

PUBLIC HEARINGS

Mayor Pro Tem Determann stated that the Public Hearing concerning accepting bid and awarding contract for the TSIP Project T-2015, 8th Avenue S & S 4th Street Intersection Improvements has been canceled and will be re-bid.

1. M/S, Allesee-McGraw moved that the Council adopt Resolution No. 2015-365 rejecting all bids, re-authorizing construction of improvements, re-setting public hearing, and directing re-advertisement for bids for the TSIP Project T-2015, 8th Avenue S & S 4th Street Intersection Improvements. On roll call, carried unanimously.

In discussion before roll call, Councilmember O'Neill requested that the City Engineer explain why the project would need to be re-bid. City Engineer Jason Craft stated that he had left out the Affirmative Action Clause in the original bid documents which necessitated a re-bid.

AUDIENCE COMMENT

No persons came before the Council to speak.

CONSENT AGENDA

Councilmember Determann requested that items #18 and #19 be removed to Unfinished Business.

Councilmember O'Neill requested that item # 17 be removed to Unfinished Business.

M/S, Wilke-O'Neill moved that the Consent Agenda be approved as amended. On roll call, carried unanimously.

1. Claims - receive, approve and place on file.
2. Advisory Appointments Committee - minutes 9/10/2015 - receive, approve and place on file.
3. Civil Service Commission - minutes 9/16/2015 - receive, approve and place on file.
4. Committee of the Whole (revised) - minutes 8/25/2015 - receive, approve and place on file.
5. Committee of the Whole - minutes 9/1/2015 - receive, approve and place on file.
6. Committee of the Whole - minutes 9/8/2015 - receive, approve and place on file.
7. Historic Preservation Commission - minutes 8/13/2015 - receive, approve and place on file.
8. Historic Preservation Commission - minutes 9/10/2015 - receive, approve and place on file.
9. Tree Commission - minutes 7/9/2015 - receive, approve and place on file.
10. Clinton Fire & Rescue - July, 2015 PCC Ambulance Billing Report - receive, approve and place on file.
11. Work Orders - Sept. 9th - 11th, 2015 - receive, approve and place on file.
12. Contract & Bond - for the cleaning and demolition 4 digesters and disposal of bio-solids - Nutriject Systems, Inc. - \$364,450.00 - receive, approve and place on file.
13. Plans & Specs - TSIP Project T-2015, 8th Avenue S & S 4th Street Intersection Improvements - receive, approve and place on file.
14. Certified List of Police Officer Candidates - receive, approve and place on file.
15. Transit Joint Participation Agreement - FTA Non-Urban Operating Assistance Project - receive, approve and place on file.
16. Resolution No. 2015-366 to consider an easement on City-owned property.
17. Resolution - Removed to Unfinished Business - authorizing purchase of level/flow metering equipment from Electric Pump, for basin 6 combined sewer overflow manholes - \$68,735.00.

18. Resolution - Removed to Unfinished Business - approving Actuarial Opinion regarding the City of Clinton Healthcare Plan for the period ending June 30, 2015.
19. Resolution - Removed to Unfinished Business - approving the Road Use Tax Financial Report for the 2015 fiscal year.
20. Resolution No. 20115-367 amending the housing inspection delinquency lien list dated April, 2014.
21. Resolution No. 2015-368 amending the Housing Delinquency Lien List dated August, 2014.
22. Resolution No. 2015-369 amending the Housing Delinquency Lien List dated February, 2015.
23. Resolution No. 2015-370 approving preconstruction agreement between the Iowa Department of Transportation and the City of Clinton for the reinforced concrete box culvert replacements over Car Barn Ditch at Main Avenue & North 10th Street and Main Avenue & North 4th Street.
24. Resolution No. 2015-371 approving change order #1 - 19th Avenue Northwest Tech Park Extension Project, H-2014 - BWC Excavating, LC - DECREASE (\$4,400.00).
25. Resolution No. 2015-372 recommending payment No. 4 to Determann Asphalt Paving for the HMA Resurfacing Project, E-2015 - \$190,392.24.
26. Resolution No. 2015-373 recommending payment No. 5 to Merryman Excavation for the 20th Avenue North Pumping Station & Force Main Replacement Project B-2014 - \$362,805.38.
27. Resolution No. 2015-374 recommending payment No. 7 to BWC Excavating LC for the 19th Avenue Northwest Extension Project, H-2014 - \$289,757.86.
28. Resolution No. 2015-375 approving beer permit/license renewal application for Express Lane Gas & Food Mart.
29. Resolution No. 2015-376 approving liquor license renewal with Sunday sales privilege for Doyle's Tavern and issuance of a Class II Letter of Exemption for allowing persons under 21 in licensed premises with a required monitoring plan.
30. Resolution No. 2015-377 approving liquor license renewal and Sunday sales privilege for Plaza Bowl of Clinton and issuance of a Class I Letter of Exemption for allowing persons under 21 in licensed premises.
31. Resolution No. 2015-378 approving beer/liquor license renewal application for Osco Drug Store #3118.
32. Resolution No. 2015-379 approving premises transfer for the Native Wine permit/license for the Old Crow.

MOTIONS, RESOLUTIONS, AND ORDINANCES

2. M/S, McGraw-Rowland moved the Council consider an ordinance for the second time - PROVIDING FOR THE VACATION AND CONVEYANCE OF A 20-FOOT BY 140-FOOT ALLEY RIGHT-OF-WAY ADJACENT TO 600 SOUTH 4TH STREET FOR \$1.00. On roll call, carried unanimously.

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

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

ORDINANCE NO. 2523

3. M/S, Wilke-O'Neill moved the Council consider an ordinance for the second time - AN ORDINANCE AMENDING CHAPTER 159.112 OF THE ORDINANCES OF THE CITY OF CLINTON, IOWA BY CHANGING OF THE ZONING CLASSIFICATION OF A PARCEL OF LAND LOCATED AT 600 SOUTH 4TH STREET FROM C-3, CENTRAL BUSINESS DISTRICT TO R-4, RESIDENTIAL DISTRICT AND REMOVING THIS PROPERTY FROM THE CBD OVERLAY FRINGE ZONE. On roll call, carried unanimously.

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

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

ORDINANCE NO. 2524

4. M/S, Rowland-Gassman moved the Council consider an ordinance for the second time - AN ORDINANCE AMENDING CHAPTER 159.002 OF THE ORDINANCES OF THE CITY OF CLINTON, IOWA, BY CHANGING THE ZONING CLASSIFICATION OF SEVERAL PARCELS OF LAND LOCATED FROM M-3, INDUSTRIAL (PARK) DISTRICT TO C-2, GENERAL COMMERCIAL. On roll call, carried unanimously.

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

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

ORDINANCE NO. 2525

5. M/S, Determann-Rowland moved the Council consider an ordinance for the second time - AN ORDINANCE AMENDING CHAPTER 159.002 OF THE ORDINANCES OF THE CITY OF CLINTON, IOWA, BY CHANGING THE ZONING CLASSIFICATION OF 3 PARCELS OF LAND LOCATED FROM M-3, INDUSTRIAL (PARK) DISTRICT TO C2-M, GENERAL COMMERCIAL/LIGHT MANUFACTURING DISTRICT. On roll call, carried unanimously.

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

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

ORDINANCE NO. 2526

6. M/S, O'Neill-Gassman moved the Council consider an ordinance for the second 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.
7. M/S, Allesee-O'Neill moved the Council adopt Resolution No. 2015-380 approving a commercial listing agreement with NAI Ruhl Commercial and appointed agents Charlie Armstrong and Ray Oczak. On roll call, Rowland, Gassman, Wilke, O'Neill - Yes; McGraw, Determann, Allesee - No. Motion carried.

In discussion before roll call, Mayor Vulich stated that traditionally an agreement goes before the Council at the Committee of the Whole for discussion before being placed on the agenda for a vote. He advised that there are some issues that he is concerned about regarding the price, commission and the commission break when others bring in buyers. He stated that it is wrong to approve this agreement in one day.

M/S, Determann-McGraw moved to table the resolution under consideration. On roll call, McGraw, Determann, Allesee - Yes; Rowland, Gassman, Wilke, O'Neill - No. Motion failed.

In discussion before roll call, Councilmember O'Neill inquired regarding the ability to table the resolution under consideration. City Attorney Patrick O'Connell advised that a motion to table can be voted on and if the vote tables the matter it will stay on the table until someone brings it forward.

Councilmember O'Neill stated that the commission in the RFP is 6% which is average. He continued in stating that the concessions NAI Ruhl Commercial has made are generous and this has been delayed for several months which is not fair to the people of Clinton. He further stated that the Council owes it to the City to go with this broker and the CRDC wants to join in on this.

Councilmember McGraw stated that there has been no discussion regarding the brokers. Councilmember Determann inquired regarding whether there had been negotiations with the broker.

City Attorney O'Connell stated that there was negotiation. The broker reached a point where they did not want to compromise. The agreement in front of the Council is good and will achieve the City's goals. He continued in stating that the agreement can be re-negotiated if the Council wished. He further stated that the CRDC has concerns and is holding out until their concerns have been satisfied. He proceeded to stated that there has been a lot of negotiation and NAI Ruhl Commercial did compromise.

Councilmember Determann stated that he found it not forthcoming to advise the City that a client is right down the road. City Attorney O'Connell stated that the broker did not consider it important to bring up. The parcels in Camanche are different from the City of Clinton's. Councilmember Determann stated that the CRDC showed both Camanche Crossroads and the Railpark to clients. Councilmember Allesee inquired regarding whether the City's agreement is acceptable to the CRDC.

Councilmember O'Neill stated that NAI Ruhl Commercial has brought clients out to see the Camanche Crossroads property; however, were unable to show the Railpark. He continued in stating that we are here about jobs, which is what the City needs. He further stated that he respects the CRDC's issues; however, does not find it problematic. He proceeded to state that the Railpark must get exposure in Chicago. He advised that this has been going on for ten months, the broker is going to market the property and distribute materials and will not get paid until a buyer is found.

Councilmember Determann stated that 6% without a counter offer is foolish. He suggested that it be amended to 5%. Councilmember O'Neill stated that NAI Ruhl Commercial will not negotiate down.

Councilmember Rowland stated that Councilmember Allesee had asked whether the CRDC is agreeable with NAI Ruhl Commercial. There are nothing more than contractual issues which are not unsurmountable. The reason for the Railpark is to bring in jobs. He continued in stating that it is important to market the Railpark on an international stage.

Councilmember McGraw stated that the City needs to get water to the Railpark. Councilmember Determann stated that NAI Ruhl Commercial said it is not ready and he does not think it is either. Councilmember O'Neill stated that the Council approved a resolution for Iowa American Water Company to bring water out to the Railpark along with the City. He continued in stating that it is important that when the property goes on the Quad Cities MLS Listing 500 realtors will see it there.

Councilmember Wilke stated that the City owes the County \$6 million in four years. This contract is a process the City and CRDC have been working on which could take 15 years to sell. We are not in land sales, we are in job recruitment. Our City Attorney and the CRDC's attorney have been looking out for us and I trust their opinion. He continued in stating that the City and CRDC needs to stay together and sell the land.

Councilmember O'Neill stated that the Council needs to move this forward and the City and its partners need to pull together for the good of the City.

Mayor Vulich stated that it is important to have jobs; however, we must protect the City. He continued in stating that discussion has never taken place regarding the value of the land. He further stated that land becomes more valuable with the addition of rail, water and utilities. He proceeded to state that he has reservations regarding signing the resolution and agreement. He stated that he reviewed the agreement over the last two days; however, still has issues. Councilmember O'Neill stated that NAI Ruhl Commercial sets a floor price of \$42,500 per acre.

8. M/S, Gassman-Wilke moved the Council adopt Resolution No. 2015-381 approving an agreement with the Clinton Rotary Club for the renovation of Eagle Point Lodge. On roll call, carried unanimously.
9. M/S, Wilke-O'Neill moved the Council adopt Resolution No. 2015-382 approving the City of Clinton's participation in the Site Certification Studies. On roll call, carried unanimously.
10. M/S, Allesee-McGraw moved the Council adopt Resolution No. 2015-383 approving the settlement of pending litigation with Layton State Bank. On roll call, carried unanimously.

In discussion before roll call, Mayor Vulich advised that on September 14th a settlement hearing was held. An offer was made of \$500,000 which will pay off the liens and unpaid charges. This is good for the City and will save on legal fees. The resolution under consideration recommends accepting the \$500,000, the bill will be kept current and taxes will be paid. Councilmember Wilke thanked the Mayor, City Attorney O'Connell and staff. Councilmember O'Neill stated that the Finance Director should also be thanked. The City got a great win out of this.

11. M/S, McGraw-Rowland moved to approve Mayor's recommendation to boards and commissions. On roll call, carried unanimously.

UNFINISHED BUSINESS

Councilmember Determann requested an explanation regarding the City's Actuarial Opinion. Finance Director Anita Dalton stated that this is done every year to make sure the City has enough funds in reserve. She continued in stating that the City is in accordance with the Actuarial Opinion. There is a good fund balance.

12. M/S, Determann-Wilke moved to adopt Resolution No. 2015-384 approving Actuarial Opinion regarding the City of Clinton Healthcare Plan for the period ending June 30, 2015. On roll call, carried unanimously.

Councilmember Determann requested an explanation regarding the Road Use Tax Financial Report. Finance Director Dalton stated that every year the City must file a report to reconcile the money from the State and other entities which is spent on roads for the State. Councilmember Determann inquired regarding whether fluctuation is normal. Director Dalton stated that per capita determines each year. City Administrator

Kinser stated that the RUT Fund is transferred out to TIME-21 and then in May the City receives TIME-21 funds.

13. M/S, Determann-Wilke moved to adopt Resolution No. 2015-385 approving the Road Use Tax Financial Report for the 2015 fiscal year. On roll call, carried unanimously.

Councilmember O'Neill inquired regarding why the resolution states that there are three bids; however, only lists two. City Engineer Craft stated that he thought the City would receive three bids; however, at the last minute one dropped out.

14. M/S, O'Neill-Allesee moved to adopt Resolution No. 2015-386 authorizing purchase of level/flow metering equipment from Electric Pump, for basin 6 combined sewer overflow manholes - \$68,735.00. On roll call, carried unanimously.

M/S, Determann-Wilke moved to adjourn to 7:00 pm October 13, 2015. On roll call, carried unanimously.

Mark S. Vulich
Mayor

Pat Van Loo
City Clerk