

The City Council met in regular session September 8, 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 minutes of the August 25, 2015 regular City Council meeting and they be approved as published on September 8, 2015 and the Committee of the Whole minutes until published. On roll call, carried unanimously.

## PUBLIC HEARINGS

Mayor Vulich convened a public hearing concerning execution of a development agreement by and among the City of Clinton, Rock Island Economic Growth Corporation D/B/A Economic Growth Corporation and Wilson Lofts, LP.

Ms. Amy Clark, Wilson Lofts, LP Developer, thanked the City for its support. She stated that the closing date would be sometime in December. Mr. Nathan Sondergroth, Clinton Area Chamber of Commerce President, offered the Chamber's support of the project and thanked Rock Island Economic Growth Corporation for choosing to invest in Clinton.

M/S, Allesee-Gassman moved that the public hearing concerning execution of a development agreement by and among the City of Clinton, Rock Island Economic Growth Corporation D/B/A Economic Growth Corporation and Wilson Lofts, LP be entered into the record. On roll call, carried unanimously.

1. M/S, Allesee-McGraw moved the Council adopt Resolution No. 2015-352 approving and authorizing execution of a development agreement by and among the City of Clinton, Rock Island Economic Growth Corporation D/B/A Economic Growth Corporation and Wilson Lofts, LP. On roll call, carried unanimously.

Mayor Vulich convened a public hearing concerning the vacation and conveyance of a 20-foot by 140-foot alley Right-Of-Way adjacent to 600 South 4<sup>th</sup> Street for \$1.00. No comments were received written or oral. M/S, McGraw-Rowland moved that the public hearing concerning the vacation and conveyance of a 20-foot by 140-foot alley Right-Of-Way adjacent to 600 South 4<sup>th</sup> Street for \$1.00 be entered into the record. On roll call, carried unanimously.

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

Mayor Vulich convened a public hearing concerning the changing of the zoning classification of a parcel of land located at 600 South 4<sup>th</sup> Street from C-3, Central Business District to R-4, Residential District and removing this property from the CBD Overlay Fringe Zone. No comments were received written or oral. M/S, Wilke-O'Neill moved that the public hearing concerning the changing of the zoning classification of a parcel of land located at 600 South 4<sup>th</sup>

Street from C-3, Central Business District to R-4, Residential District and removing this property from the CBD Overlay Fringe Zone be entered into the record. On roll call, carried unanimously.

M/S, Wilke-O'Neill moved the Council consider an ordinance for the first 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 4<sup>TH</sup> 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.

Mayor Vulich convened a public hearing concerning Rezoning of parcels of land located along Valley West Court, Manufacturing Drive, South 25<sup>th</sup> Street and Mill Creek. No comments were received written or oral. M/S, Rowland-Gassman moved that the public hearing concerning Rezoning of parcels of land located along Valley West Court, Manufacturing Drive, South 25<sup>th</sup> Street and Mill Creek be entered into the record. On roll call, carried unanimously.

M/S, Rowland -Gassman moved the Council consider an ordinance for the first 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.

Mayor Vulich convened a public hearing concerning Rezoning of parcels of land located along South 21<sup>st</sup> Street, Harrison Drive, Lincoln Way and Mill Creek. No comments were received written or oral. M/S, Determann-Wilke moved that the public hearing concerning Rezoning of parcels of land located along South 21<sup>st</sup> Street, Harrison Drive, Lincoln Way and Mill Creek be entered into the record. On roll call, carried unanimously.

M/S, Determann-Wilke moved the Council consider an ordinance for the first 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.

#### AUDIENCE COMMENT

Mr. Steven Leachman, 423 10<sup>th</sup> Avenue South, advised the Council that his glasses had been knocked off and broken by an overhanging tree branch while walking down 3<sup>rd</sup> Street on August 22, 2015. He stated that he had filed a report on August 24<sup>th</sup> and the tree branch was still hanging over the sidewalk on September 1<sup>st</sup>. He was told that the City is not responsible for the repair of his glasses. He continued in stating that he should not be responsible for the negligence of the City.

Mr. John Eisenman, 1001 South 32<sup>nd</sup> Street, stated that he was before the Council to re-confirm the CRDC's partnership with the City and if the resolution confirming the selection of NAI Ruhl Commercial Real Estate as the broker to represent the City of Clinton in the Lincolnway Industrial Rail and Air Park is approved, he hoped that they would also work with the parcels of land owned by the CRDC.

## CONSENT AGENDA

Mayor Vulich informed the Council that item #12 has been removed from the agenda due to the incorrect wording of the resolution and #17 has been removed due to the dram insurance for La Feria's not being submitted to Local Authority.

Councilmember O'Neill requested that item #10 be removed to Unfinished Business.

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

1. Claims - receive, approve and place on file.
2. Committee of the Whole - minutes 8/25/2015 - receive, approve and place on file.
3. Human Rights Commission - minutes 6/15/2015 - receive, approve and place on file.
4. Plans & Specs - 20<sup>th</sup> Avenue North Sewer Separation - receive, approve and place on file.
5. Plans & Specs - Traffic Signalization Project D-2016 - receive, approve and place on file.
6. Three requests for SHPO comment on a HUD Project - receive, approve and place on file.
7. Resolution No. 2015-353 approving Persons with Disabilities Residential Parking Application.
8. Resolution No. 2015-354 approving a joint funding agreement with the U.S. Geological Survey for Water Resources Investigations.
9. Resolution No. 2015-355 amend nuisance cleanup and delinquency lien list dated May, 2013.
10. Resolution - Removed to Unfinished Business - authorizing construction of improvement, setting public hearing, and directing advertisement for bids - 13<sup>th</sup> Avenue North & North 14<sup>th</sup> Street, Signalization Project D-2016.
11. Resolution No. 2015-356 authorizing construction of improvement, setting public hearing, and directing advertisement for bids - Project F-2014, Basin 10 Sewer Separation Project.
12. Resolution - Removed - authorizing purchase of level/flow metering equipment from Hach Company, for basin 6 combined sewer overflow manholes.
13. Resolution No. 2015-357 recommending payment No. 2 for the 44<sup>th</sup> Avenue South Resurfacing Project B-2015 - Determann Asphalt Paving, LLC - \$71,831.06.
14. Resolution No. 2015-358 recommending payment No. 4 for the Project F-2015 Iowa Avenue & 16<sup>th</sup> - 22<sup>nd</sup> Place rehabilitation Project - Clinton Engineering Company - \$142,467.99.

15. Resolution No. 2015-359 approving renewal of liquor license, outdoor service privilege and Sunday sales privilege for Vinnie's Lounge.
16. Resolution No. 2015-360 approving transfer of liquor license the Clinton Jaycees.
17. Resolution – Removed - approving temporary outdoor sales privilege for La Feria Mexican Restaurant.

## MOTIONS, RESOLUTIONS, AND ORDINANCES

M/S, O'Neill-Allesee moved the Council consider an ordinance for the first time - Ordinance 1<sup>st</sup> consideration - 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.

2. M/S, Gassman -Rowland moved the Council adopt Resolution No. 2015-361 install a yield sign at 1100 16<sup>th</sup> Avenue N.W. On roll call, carried unanimously.
3. M/S, Allesee-Gassman moved the Council adopt Resolution No. 2015-362 approving implementation of a No Parking Zone along the west side of the 800 Block of South 4<sup>th</sup> Street from 8<sup>th</sup> Avenue South to 9<sup>th</sup> Avenue South. On roll call, carried unanimously.
4. M/S, Wilke-O'Neill moved the Council adopt Resolution No. 2015-363 as amended confirming the selection of NAI Ruhl Commercial Real Estate as the broker to represent the City of Clinton in the Lincolnway Industrial Rail and Air Park. On roll call, McGraw, Rowland, Gassman, Wilke, O'Neill, Allesee - Yes; Determann - No. Motion carried.

In discussion before roll call, Councilmember McGraw stated that she was not happy about this motion. She continued in stating that she thought that there would be discussion before the motion was made. She further stated that all of the brokers stated that the City was not ready. She proceeded to state that the City paid McClure Engineering 5% and now wants to pay NAI Ruhl 6%.

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

Councilmember Rowland stated that the resolution should be amended to confirm that the City and the CRDC are entering into an agreement with NAI Ruhl Commercial Real Estate. Mr. John Eisenman stated that the CRDC wants to continue the path of partnership with the City. City Attorney Patrick O'Connell stated that it is a good idea for the City and CRDC to have a joint contract.

M/S, Rowland-Gassman moved that the language in the resolution under consideration be amended to include the CRDC. On roll call, carried unanimously.

In discussion before roll call, Councilmember Rowland inquired regarding whether the City Attorney would have the agreement ready for the September 22<sup>nd</sup> City Council meeting. City

Attorney O'Connell stated that the agreement should be ready; however, he had not read the terms of the CRDC. He continued in stating that he would review the terms with the CRDC's attorney and keep the Council apprised. Councilmember Rowland stated that there is a typo in the resolution, the year "2008" should be changed to "2015".

Councilmember Determann inquired regarding whether the City must pay 11% if there is an agreement with McClure Engineering for 5% and NAI Ruhl for 6%. City Attorney O'Connell stated yes, if that is what the contract says. Councilmember Determann stated that he could not see paying 11%. Councilmember Rowland stated that Councilmember Determann has a good point and suggested that the City Attorney review the agreement to see if it can be modified. City Attorney O'Connell stated that he would review the agreement and provide feedback to the Council.

#### UNFINISHED BUSINESS

Councilmember O'Neill inquired regarding whether the project is still in the \$140,000 price range. City Engineer Jason Craft advised that the price has not changed. It will be a standard installation of a traffic signal with an April 1<sup>st</sup> completion date. Councilmember Rowland inquired regarding whether the small strip of land on the south side is owned by the City and whether a sidewalk could be installed where the students walk. Engineer Craft stated that it is privately owned; however, a small strip of sidewalk could be installed in the City ROW.

5. M/S, O'Neill-Allesee moved to adopt Resolution No. 2015-363 authorizing construction of improvement, setting public hearing, and directing advertisement for bids - 13<sup>th</sup> Avenue North & North 14<sup>th</sup> Street, Signalization Project D-2016. On roll call, carried unanimously.

M/S, Determann-Wilke moved to adjourn to 7:00 pm September 22, 2015. On roll call, carried unanimously.

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Mark S. Vulich  
Mayor

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Pat Van Loo  
City Clerk