

The City Council met in regular session, February 10, 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 an airport land use and height overlay zoning ordinance. No comments were received written or oral. M/S, Allesee-O'Neill moved that the public hearing concerning an airport land use and height overlay zoning ordinance be entered into the record. On roll call, carried unanimously.

In discussion before roll call, Councilmember Rowland requested that Airport Manager Mike Nass share the highlights of the ordinance under consideration. Airport Manager Mike Nass advised the Council that there must be compatible land use around the Airport. He stated that the City of Camanche has adopted a land use and height overlay ordinance. He continued in stating that the CRDC approves and will work with prospective industries to handle compliance issues.

1. M/S, Allesee-O'Neill moved that the Council consider and ordinance for the first time - AN ORDINANCE AMENDING AND SUPERSEDING CHAPTER 157, AIRPORT LAND USE AND HEIGHT OVERLAY ZONING REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA. On roll call, carried unanimously.

AUDIENCE COMMENT

No persons came before the Council to speak.

CONSENT AGENDA

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

1. Claims - receive, approve and place on file.
2. Committee of the Whole - minutes 1/29/2015 - receive, approve and place on file.
3. Committee of the Whole - minutes 2/3/2015 - receive, approve and place on file.
4. Budget Workshop #2 - minutes 1/19/2015 - receive, approve and place on file.
5. Public Works Department Work Order Report for Last 30 Days - receive, approve and place on file.
6. Clinton Fire & Rescue - January 2015 PCC Ambulance Billing Report - receive, approve and place on file.

7. Plans & Specs – Eagle Point Park Roadway Improvements – receive, approve and place on file.
8. Plans & Specs – 20th Avenue North Pumping Station and Force Main Project B-2014 – receive, approve and place on file.
9. Plans & Specs – Show Boat Roof Membrane Replacement and Insulation Improvement Project – receive, approve and place on file.
10. Contract & Bond – 13th Avenue North & 10th Avenue South Concrete Patching Project O-2014 – Eastern Iowa Excavating & Concrete - \$100,601.50. – receive, approve and place on file.
11. Contract & Bond – 7th Avenue North Sewer Separation Project L-2014 – BWC Excavating LC - \$237,347.75.
12. Resolution No. 2015-031 setting a public hearing for an ordinance amending Chapter 159 of the Code of Ordinances – Special Purpose Commercial and Historical Overlay Districts.
13. Resolution No. 2015-032 approving Technical Support Services Agreement between the Clinton County I.T. Department and the City of Clinton Police Department.
14. Resolution No. 2015-033 approving the agreement between the Iowa Department of Public Safety, Division of Narcotics Enforcement (DNE) and the Clinton Police department.
15. Resolution No. 2015-034 City-wide urban revitalization applications.
16. Resolution No. 2015-035 terminating lease of property with Union Pacific Railroad Company.
17. Resolution No. 2015-036 authorizing Attorney Drew Chambers to proceed with legal property acquisition of 719 19th Avenue North required for the 19th Avenue North Extension Project, Phase III.
18. Resolution No. 2015-037 amending resolution 2015-002 for the collection/certification of demolition costs.
19. Resolution No. 2015-038 denying Persons with Disabilities Residential Parking Space Application.
20. Resolution No. 2015-039 approving Persons with Disabilities Residential Parking Space Applications.

21. Resolution No. 2015-040 ordering construction of improvement, setting public hearing and directing advertisement for bids – Project F-2015 – Iowa Avenue & 16TH – 22ND Place Rehabilitation Project.
22. Resolution No. 2015-041 ordering roof replacement, setting a public hearing and directing advertisement for bids – 110 5th Avenue South Roof Replacement.
23. Resolution No. 2015-042 approving change order #4 – Main Avenue Green Infrastructure Project M-2014 – BWC Excavating LC - \$9,006.80.
24. Resolution No. 2015-043 approving new liquor license and Sunday sales privilege for Mezcal 2 Mexican Bar & Grill and issuance of a Class I Letter of Exemption for allowing persons under 21 in licensed premises.
25. Resolution No. 2015-044 approving liquor license renewal application for Clinton Liquor & Convenience Store, Inc.
26. Resolution No. 2015-045 approving liquor license renewal application for Clinton Gas & Mart.
27. Resolution No. 2015-046 approving native wine permit/license application for the Old Crow.
28. Resolution No. 2015-047 approving renewal of a Class C liquor license, outdoor service, catering privilege, Class B wine permit and Sunday sales and issuance of a Class I Letter of Exemption for allowing persons under 21 in licensed premises for Candlelight Inn.
29. Resolution No. 2015-048 approving liquor license renewal application with Sunday sales privilege, outdoor sales privilege and issuance of a Class II Letter of Exemption for Ray's Time Out Sports Bar & Grill.
30. Resolution No. 2015-049 approving renewal of liquor license and Sunday sales privilege for Cinco De Mayo and issuance of a Class I Letter of Exemption for allowing persons under 21 in licensed premises.
31. Resolution No. 2015-050 approving beer permit/license renewal application for Wal-Mart Supercenter #2889.
32. Resolution No. 2015-051 approving beer permit/license renewal application for Fareway.

MOTIONS, RESOLUTIONS, AND ORDINANCES

2. M/S, Gassman-Rowland moved the Council adopt Resolution No. 2015-052 fixing a date for a meeting on the authorization of a loan agreement and the issuance of not to exceed \$7,500,000 General Obligation Capital Loan Notes of the City of Clinton, State of Iowa (for essential corporate purposes) and providing for publication of notice thereof. On roll call, carried unanimously.

In discussion before roll call, City Finance Director Anita Dalton advised the Council that the resolution under consideration refers to the combined 2015 Series B and C Tax Exempt Bonds which will be funded by LOST. She stated that projects being funded are the 20th Avenue North Sewer Separation re-application, Main Avenue Green Infrastructure, 20th Avenue North Pumping Station and Force Main, Camanche Avenue Sewer and Storm Sewer payment and the Beaver Channel Interceptor repairs.

Councilmember O'Neill inquired regarding the Railpark property purchase on the last resolution related to Capital Loan Notes. Finance Director Dalton stated that this is the last land purchase for the Railpark for 2015. He inquired regarding why it is of essential corporate purpose. Director Dalton stated that it is for essential corporate urban renewal purposes because it is related to a bond sale.

3. M/S, Rowland-Gassman moved the Council adopt Resolution No. 2015-053 fixing a date for a meeting on the authorization of a loan agreement and the issuance of not to exceed \$5,150,000 General Obligation Capital Loan Notes of the City of Clinton, State of Iowa (for essential corporate purposes) and providing for publication of notice thereof. On roll call, carried unanimously.
4. M/S, Wilke-Determann moved the Council adopt Resolution No. 2015-054 fixing a date for a meeting on the authorization of a loan agreement and the issuance of not to exceed \$500,000 General Obligation Capital Loan Notes of the City of Clinton, State of Iowa (for general corporate purposes) and providing for publication of notice thereof. On roll call, carried unanimously.
5. M/S, Allesee-McGraw moved the Council adopt Resolution No. 2015-055 fixing a date for a meeting on the authorization of a loan agreement and the issuance of not to exceed \$550,000 General Obligation Capital Loan Notes of the City of Clinton, State of Iowa (for essential corporate urban renewal purposes) and providing for publication of notice thereof. On roll call, carried unanimously.
6. M/S, O'Neill-Allesee moved the Council adopt Resolution No. 2015-056 a resolution of the City of Clinton approving the contract for 2014 CDBG Grant administration to East Central Intergovernmental Association. On roll call, carried unanimously.
7. M/S, Gassman-Rowland moved the Council adopt Resolution No. 2015-057 authorizing installation of a stop sign for south bound traffic at the intersection of Main Avenue and Harding Street. On roll call, carried unanimously.

8. M/S, Rowland-Gassman moved the Council adopt Resolution No. 2015-058 authorizing removal of no parking zone along the north side of the 1300 Block of Caroline Avenue. On roll call, carried unanimously.
9. M/S, Wilke-Determann moved that the resolution adopting the Four Lane to Three Lane Conversion Policy be moved to the February 24, 2015 Council meeting for approval. On roll call, carried unanimously.

In discussion before roll call, Councilmember O'Neill stated that he just received the policy at 1:00 P.M. and would not vote in favor of the resolution since did not know what it says and had no time to discuss it. He inquired regarding what is the hurry to approve a four to three lane conversion policy. City Engineer Craft stated that the policy in front of the Council was lifted out of the policy he had provided the Council on Friday. He continued in stating that the only content missing was the first two pages with the list of streets. He further stated that he intends to have a resolution on the February 24th agenda authorizing a three lane conversion and resurfacing project. He proceeded to state that the policy is simple to discuss; the City Engineer determines whether a street merits the conversion, he provides specifics on each project and if approved he must follow the eight steps of procedure. He advised the Council that four of the eight steps are related to public meetings. He stated that he wants to put two of the resurfacing projects out for bid in hopes of obtaining good bids. He continued in stating that he needs approval of the specs; however, Council must approve the policy first.

Councilmember Rowland stated that there are several items in the policy which need correcting. City Engineer Craft stated that he would be able to clean up the policy and bring it back to the next City Council meeting. He suggested that Procedure #1 state that the Council and City Engineer will hold an informal meeting with the public to inform them of the upcoming project. He further stated that the public is not experienced in traffic study and safety and should not be authorized to approve or not approve a project. He proceeded to state that he has no concerns regarding the two projects; however, residents must be informed. Councilmember Rowland stated that he has no problem with the conversion; however, if the Council approves a project and then informs the public, the public will feel that they have had no input.

Councilmember O'Neill stated that no one is questioning the figures; however, 2nd Avenue South is a long project and people will be upset if the City just goes ahead and does it. He continued in stating that if the public says they do not want it, I will not vote for it. We need to obtain public input and if there is outrage we may have to give up the project. The Council and City staff must work for the benefit of the people who elect us.

City Engineer Craft stated that the Council can approve the plans and specifications on February 24th and if they do not want a three lane conversion the plans and specifications can be changed. A public meeting should be held within the next three weeks and a resolution could then be brought forth at the March 10th Council meeting.

10. M/S, McGraw-Rowland moved the Council go into closed session to discuss the sale or acquisition of real estate. (Council may elect, after motion and vote to go into closed

session as authorized by Iowa Code Section 21.5(1)(j)). On roll call, McGraw, Rowland, Gassman, Determann, Wilke, O'Neill, Allesee - No. Motion failed.

In discussion before roll call, Councilmember Rowland stated that the Council needed to discuss strategy which cannot be discussed in a closed session. City Attorney Steve Leidinger stated that Council can discuss strategy in closed session if it relates to receiving a reduced price. Councilmember O'Neill stated that the Council received a 60 page document containing sensitive material. He continued in stating that there needs to be transparency. None of this has been brought out to the public. Councilmember Wilke stated that there are many unknowns and options which need to be discussed. Some things could be detrimental to the City. He suggested a work session to discuss the package. City Attorney Leidinger stated that a strategic discussion must be held in closed session in order to get the best price. Councilmember Rowland stated that each Councilmember should discuss the price with the City Attorney prior to making a decision. Councilmember O'Neill stated that this is a document the Council should have had in November. He inquired regarding why the rush and why should the Council come up with a price now.

UNFINISHED BUSINESS

No Unfinished Business was brought forth.

M/S, Determann-Wilke moved to adjourn to 7:00 pm February 24, 2015. On roll call, carried unanimously.

Mark S. Vulich
Mayor

Pat Van Loo
City Clerk