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MINUTES OF THE PROCEEDINGS  
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 43  
October 7, 2019

The Burlington City Council met in regular session at 5:30 p.m. in the Thomas J. Smith Council Chambers, City Hall with Mayor McCampbell, Council Members Billups, Graham-Murray, and Rinker present. Council Member Wilson arrived at 5:35 p.m.

BURLINGTON CITY COUNCIL

TENURE AWARD:

\*Kathleen P. Salisbury, City Clerk, 40 Years of Service

PROCLAMATIONS:

\* Domestic Violence Awareness Month - Allison Peterson and Kristal Yotter

\* 2019 Fire Prevention Week - Bruce Workman, Battalion Chief

CONSENT AGENDA: To the Public:

All matters listed under Item I., Consent Agenda, having been discussed were considered to be routine by the City Council and were enacted by one motion. There was no separate discussion of these items. If discussion was desired, that item was removed from the Consent Agenda and was considered separately.

Introduced By: Graham-Murray

Seconded By: Billups

MOTION: To approve all items listed under Item I., Consent Agenda.

DISCUSSION: Mayor McCampbell reviewed the items listed on the consent agenda to the viewing audience. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

CARRIED

HEARINGS:

1. Statement: Consideration of Sale of Property Locally Known as 1607 Osborn Street, City of Burlington, Iowa, with Conditions

COMMENTS: The Development and Parks Director stated that the City had acquired the property at 1607 Osborn Street through the court as an abandoned building. He stated that the

house was demolished and the property will be split between the two neighbors and combined with their properties. He stated that the north one-half will be purchased for \$350.00 from the property owners of 1609 Osborn Street and the south-half will be purchased for \$350.00 from the property owner of 1605 Osborn Street. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Graham-Murray  
Motion to Close

Seconded By: Wilson

CARRIED

Introduced By: Graham-Murray

Seconded By: Rinker

Resolution Approving the Sale of Property Locally Known as 1607 Osborn Street, City of Burlington, Iowa, with Conditions

DISCUSSION: None.  
(VOTE: 5 - "AYES")

ADOPTED

2. Statement: Consideration of an Ordinance Vacating and Selling a Portion of Right-of-Way Located Adjacent to 1815-1845 Des Moines Avenue, Burlington, Iowa

COMMENTS: The Development and Parks Director reviewed the proposed Ordinance Vacating and Selling a Portion of Right-of-Way Located Adjacent to 1815-1845 Des Moines Avenue, Burlington, Iowa. He stated that the vacated portion of right-of-way will be sold to and combined with the adjacent parcel owned by Carl A. Nelson and Company in the amount of \$500.00. He stated that a perpetual easement shall be maintained within the portion of the right-of-way being vacated for public utility access; and maintenance where needed. No permanent structure shall be located over, or 10-feet on either side, of any existing sewer line located within the vacated right-of-way. Ruby and LaVerne Gerdes of 1909 Des Moines Avenue questioned who would be taking care of the street leading to their home. The Development and Parks Director stated that it was a private drive owned by Carl A. Nelson and Company. Chris Matthews of Carl A. Nelson and Company stated that it was their intention to pave that portion for use of their heavy equipment. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Rinker  
Motion to Close

Seconded By: Wilson

CARRIED

Introduced By: Rinker

Seconded By: Wilson

Motion for Preliminary Adoption of the First Reading of an Ordinance Vacating and Selling a Portion of Right-of-Way Located Adjacent to 1815-1845 Des Moines Avenue, Burlington, Iowa

DISCUSSION: None.  
(VOTE: 5 - "AYES")

CARRIED

RESOLUTIONS:

Introduced By: Billups

Seconded By: Graham-Murray

1. Resolution Awarding Contract for the 2019 North End Odor Control Project at the Burlington, Iowa Wastewater Treatment Facility

DISCUSSION: The Wastewater Treatment Facility Superintendent stated that the project consists of installing air scrubbing units, duct work and associated covers over wells, tanks and equipment to capture and remove odorous gases emanating from the raw wastewater as it is being processed. He stated that the low bidder was Carl A. Nelson and Company at \$454,700.00. He stated that Carl A. Nelson and Company was notified by their structural aluminum cover subcontractor that they would not be able to meet the requirements of the project documents within their bid price and the subcontractor withdrew from the project. He stated that after discussion with the City Attorney his opinion was to award the project to Carl A. Nelson and Company in the amount of \$454,700.00. He stated that the City Attorney also suggested that the City Council approve a change order to adjust the cost of the project upward by the amount Carl A. Nelson and Company must pay the second lowest structural aluminum over contracted to meet the requirements with no exceptions to the project documents. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk. (VOTE: 5 - "AYES")

ADOPTED

Introduced By: Wilson

Seconded By: Graham-Murray

2. Resolution Authorizing Approval of Change Order No. 1 for the 2019 North End Odor Control Project at the Burlington, Iowa Wastewater Treatment Facility As Submitted by Carl A. Nelson and Company of Burlington, Iowa

DISCUSSION: None.  
(VOTE: 5 - "AYES")

ADOPTED

COMMENTS FROM AUDIENCE: Marilyn Leight of the Steamboat Senior Center and Shirley Cluney of the Golden Oldies stated that they were told they would soon not be able to use their parking passes. They stated that they are at the Senior Center many times from noon to 4:00 p.m. and it would be a problem for the seniors that use walkers or have health problems to move their vehicles while at the Senior Center. They stated that they were told they could move to the north side of the Depot once it is ready for them. They stated that they would like to be able to keep their parking passes until they move to the Depot. The Public Works Director stated that he had showed the seniors the Depot, but it was clearly the City Council's option on whether to allow the seniors to keep their parking passes. Leon Shahan of 1821 Mt. Pleasant Street stated that the issue of Cascade Bridge was rising again for consideration. He stated that the City doesn't have the money now and they won't have the money five years from now to fund the project. Mark Cameron of 1904 South 16<sup>th</sup> Street stated that citizens are no longer able to use their old trash cans for leaf pickup. He stated that there are a lot of people on fixed incomes and it was expensive to purchase bags for leaves. He stated that the issue needed to be addressed by the City Council. He further thanked Council Member Graham-Murray for responding to his e-

mail. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 6:28 p.m.

Approved: October 21, 2019

Kathleen P. Salisbury, MMC  
City Clerk

Shane A. McCampbell  
Mayor

(See recording on file in the office of the City Clerk for complete discussion and documentation.)

ITEM I.  
Consent Agenda

FINANCES AND MISCELLANEOUS

Minutes of Previous Meetings  
Payroll and City Claims

BEER, LIQUOR, WINE AND CIGARETTES

REPORTS AND BONDS

RESOLUTIONS:

1. Resolution Approving the Replacement of Valley Street Rail Crossing with Burlington Junction Railway
2. Resolution Approving the Sale of a Fire Engine to the Gulfport-Gladstone Fire Protection District
3. Resolution Revising and Updating the 28E Agreement for the City/County Health Care Plan (COBCO)

SET DATE FOR PUBLIC HEARING: OCTOBER 21, 2019

1. Consideration of an Ordinance Amending Section 58.13 Type A. Permit - General Standards of Chapter 58 Noise Control of the Burlington Municipal Code