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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 41
September 8, 2015

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 Anderson, Davidson, Fleming and Scott present. Mayor McCampbell stated that he would be praying for the Alan Borden family. Council Member Davidson stated that he also would be praying.

BURLINGTON CITY COUNCIL

MAYOR'S AWARDS:

- * Rosa Hernandez
- * Mary Maine
- * Sharon Ford

PROCLAMATION: Library Card Sign-Up Month: Rhonda Frevert

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: Anderson Seconded By: Davidson

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. Council Member Scott removed from the Consent Agenda for discussion at the close of the meeting: Resolution Approving Nuisance Abatements for Various Properties. Council Member Davidson removed the Resolution Supporting Funding for County-Wide Workforce Housing Needs Assessment from the consent agenda for discussion at the close of the meeting. 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 Permanent Encroachment Agreement with Tom Wolf for Encroachment into City Right-of-Way at 801 Jefferson Street, Burlington, Iowa

COMMENTS: The Development and Parks Director reviewed the proposed permanent encroachment agreement with Tom Wolf for encroachment into City right-of-way at 801 Jefferson Street for stairs and railing. He stated that Tom Wolf recently purchased the property and was rehabing the property. He stated that the stairs and railing will provide better access to the building. Council Member Scott stated that he has been watching the rehab and that the improvements will be very nice. Council Member Anderson stated that the improvement will be a big plus for the City. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Anderson Seconded By: Scott
Motion to Close

CARRIED

Introduced By: Anderson Seconded By: Davidson
Resolution Approving Permanent Encroachment Agreement with Tom Wolf for Encroachment into City Right-of-Way at 801 Jefferson Street, Burlington, Iowa

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

ADOPTED

2. Statement: Consideration of an Ordinance Amending Section 17.65 Floodplain Regulations of Title 17, Zoning Code of the City of Burlington, Iowa

COMMENTS: The Development and Parks Director reviewed the proposed Ordinance Amending Section 17.65 Floodplain Regulations of Title 17, Zoning Code of the City of Burlington, Iowa with the City Council and the viewing audience. He stated that the proposed changes were needed to stay in compliance with the flood plain regulations. He stated that the proposed Ordinance amendment would be needed to be approved and submitted to the Department of Natural Resources (DNR) by mid-October to stay in the program. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Anderson Seconded By: Scott
Motion to Close

CARRIED

Introduced By: Anderson Seconded By: Scott
Motion for Preliminary Adoption of the First Reading of an Ordinance Amending Section 17.65 Floodplain Regulations of Title 17, Zoning Code of the City of Burlington, Iowa

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

CARRIED

3. Statement: Consideration of an Ordinance Amendment to Ordinance No. 3220, Sunrise West Planned Unit Development (PUD) Overlay District, by Making Changes to Section 11, Pedestrian Sidewalks

COMMENTS: The Development and Parks Director reviewed the proposed Ordinance Amendment to Ordinance No. 3220, Sunrise West Planned Unit Development (PUD) Overlay District, by Making Changes to Section 11, Pedestrian Sidewalks with the City Council and the viewing audience. He stated that the City Planning Commission voted 5-0 to reject approval of the amendment to Section 11 as they felt sidewalks should be installed. He stated that the proposed Ordinance would provide that four-foot wide pedestrian and bike sidewalks shall be provided by parcel owners along all public street frontages with the PUD, except sidewalks along the east and south side of Erickson Lane shall not be required to be installed. He stated that the reason for the request was that the developer feels the cost would be high to retrofit the sidewalks due to the slope of the driveways. He stated that sidewalks are already installed on the north side of the street. Council Member Scott stated that there were a lot of utilities in the way of the sidewalk and it would not be attractive and the cost would be high to meet ADA regulations. He stated that it would not make sense to have sidewalks along the east and south side of Erickson Lane. Council Member Fleming agreed with Council Member Scott. Council Member Davidson stated that normally he did not disagree with the City Planning Commission. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Fleming
Motion to Close

Seconded By: Anderson

CARRIED

Introduced By: Fleming

Seconded By: Davidson

Motion for Preliminary Adoption of the First Reading of an Ordinance Amendment to Ordinance No. 3220, Sunrise West Planned Unit Development (PUD) Overlay District, by Making Changes to Section 11, Pedestrian Sidewalks

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

CARRIED

4. Statement: Consideration of Plans and Specifications for the 2015 Division Street Reconstruction Project (RISE)

COMMENTS: The Public Works Director reviewed with the City Council and the viewing audience the proposed plans and specifications for the 2015 Division Street Reconstruction Project (RISE). He stated that the project was for the reconstruction of Division Street from West Burlington Avenue east to near the railroad tracks, the construction of a turn lane for the Silgan development and patching of Division Street between the Silgan site and Roosevelt Avenue. He stated that the project was being completed as a part of the Flint River Business Park RISE Grant. He stated that bids would be received on September 23, 2015 and the project would be awarded at the October 5, 2015 City Council meeting. He stated that the RISE Grant

was for \$1,320,000.00 with the City's match of \$339,788.90 for a total budget of \$1,659,788.00 which includes construction and engineering costs for the project and the roundabout at West Avenue and West Burlington Avenue. He stated that the City's portion was covered with TIF funding. Marlin McKee of 1121 South 12th Street asked if the City of West Burlington would be paying toward the project. Council Member Scott stated that the project was not in West Burlington. Marlin McKee asked if Silgan would be hiring people who reside in West Burlington. Mayor McCampbell stated that anyone qualified can get a job at Silgan regardless of where they live. Marlin McKee stated that he did not like that West Burlington residents could benefit by being employed by Silgan without the City of West Burlington paying for the project. The Public Works Director stated that Division Street was not in good condition and the City of Burlington was fortunate that RISE funds were available. Council Member Scott stated that he would like the Public Works Director to have diagrams available of projects at the hearings on plans and specifications. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Fleming
Motion to Close

Seconded By: Scott

CARRIED

Introduced By: Fleming

Seconded By: Scott

Resolution Approving Plans and Specifications for the 2015 Division Street Reconstruction Project (RISE)

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

ADOPTED

ORDINANCE:

Introduced By: Scott

Seconded By: Davidson

1. Motion for Final Adoption of an Ordinance Amending Section of 17.75.172 Billboard Signs of Title 17 Zoning and Subdivision of the Burlington Municipal Code

DISCUSSION: The Development and Parks Director reviewed with Council and the viewing audience the proposed Ordinance Amending Section of 17.75.172 Billboard Signs of Title 17 Zoning and Subdivision of the Burlington Municipal Code. He stated that the proposed Ordinance would allow off-premise signs (billboards) that are 25-square feet or smaller in size and no greater than 12-feet in height may reduce the right-of-way setback to zero feet. He stated that such signs shall require the on-premise activity to be listed and/or shown on the sign as the primary portion of the sign area (51% of the sign area, this counts toward the 25 square feet total) with the off-premise activity and "sponsored by" listed as the secondary portion on the sign (49% of sign area). He stated that such signs shall meet all applicable provisions of the sign regulations. He stated that the amendment was brought forward due to a sign at Bracewell Stadium that is sponsored by Universal Therapy Group. He stated that the sign would be located right on the property line. Marlin McKee of 1121 South 12th Street asked if anyone on the

Council had asked Universal Therapy Group if they would be taking back their \$250,000.00 toward the Bracewell Stadium improvement, should the Ordinance amending the billboard sign fails. Mayor McCampbell stated that no one on the Council asked Universal Therapy Group because the money went to the Burlington Community School District and they would be the entity asking. He further stated that he had no problem with the sign. Council Member Anderson stated that a lot of money was raised for the Bracewell Stadium project and she wanted to honor it. Council Member Scott stated that years ago billboards were allowed throughout the City. He stated that sometimes Council takes away too much. He stated that the sign was legal where it was placed, but because it was advertising Universal Therapy Group it was not permitted without an amendment to the Ordinance. Council Member Fleming stated that he had voted against the proposed Ordinance, because he felt that placement of the sign advertising Universal Therapy Group on school district property was wrong. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

CARRIED

RESOLUTIONS:

Introduced By: Scott Seconded By: Davidson

1. Resolution Approving the Final Plat of Smith Family Subdivision

DISCUSSION: The Development and Parks Director reviewed with Council and the viewing audience the proposed final plat of Smith Family Subdivision. He stated that it was a one lot subdivision that was recently sold to Hope Haven. He stated that Hope Haven also acquired additional property from the Paddlewheel. He stated that Hope Haven plans to construct a new Hopefully Yours Thrift and Gift Shop at the southeast corner of Jefferson Street and North 7th Street. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

ADOPTED

Introduced By: Scott Seconded By: Davidson

2. Resolution Awarding Contract for the 2015 Cascade Sewer, Sanitary Trunk Extension

DISCUSSION: The Public Works Director stated that the proposed Resolution awards the contract for the 2015 Cascade Sewer, Sanitary Trunk Extension Project to Abolt, Inc. of Fort Madison, Iowa in the amount of \$699,453.61. He stated that the City received only one bid that was under the Engineer's estimate of \$838,000.00. He stated that the project would provide for the extension of the sanitary trunk main in the Cascade Sewer Basin. He stated that construction would entail the installation of 2,500 feet of sanitary sewer main within the existing Cascade Box Sewer. He stated that this was a continuation of the Cascade Sewer Separation Projects and was required for compliance with the Consent Order that the City of Burlington is under with the IDNR. Council Member Davidson asked what was the time frame for the project. The Public Works Director stated that it was a winter project. Council Member Scott asked what was the funding source for the project. The City Manager stated that the project would be funded with

SRF financing paid through rate increases the past few years. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.
(VOTE: 5 - "AYES")

ADOPTED

Introduced By: Davidson Seconded By: Fleming

3. Resolution Approving Agreement with Klingner and Associates for Professional Services Agreement for Architect/Engineering/Planning Services for PTIG Depot Great Room Renovation Project

DISCUSSION: The Public Works Director stated that the proposed Resolution approves an agreement with Klingner and Associates for Professional Services Agreement for Architect/Engineering/Planning Services for PTIG Depot Great Room Renovation Project. He stated that the project is planned to create a "Transportation Center" by improving the waiting area for both BUS riders and Amtrak passengers. He stated that the project will remove the temporary separation wall and will restore the Great Room for an enhanced waiting area for all public transportation users. Windows will be replaced, a new electrical service and HVAC system. He stated that Klingner and Associates will develop construction documents for bidding the project. He stated that bidding should be December of 2015 with construction to begin in February of 2016 and the project is expected to take 18 months to complete. He stated that the total project is estimated to cost \$645,846.00 with \$45,846.00 non-transit costs with this project. He stated that the remaining \$600,000.00 is being proposed for grant funding at 80% or \$480,000.00. He stated that the City has \$120,000.00 set aside in the FY 2016 CIP for the project with an additional \$45,846.00 in local match dollars remains. The Heritage Trust has committed \$9,570.00 in voluntary labor to demolish the existing temporary wall. The remaining \$36,276.00 in project funding is to be raised by fund-raising efforts by Friends of the Depot. Friends of the Depot have started a fund-raising campaign which is expected to raise at least \$100,000.00. Council Member Anderson stated that the Depot was the gateway to the community and she was happy to see this project happen. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

ADOPTED

Introduced By: Davidson Seconded By: Scott

4. Resolution Approving Non-Union Classification and Compensation Study

DISCUSSION: The Director of Administrative Services stated that the proposed Resolution approves the hiring of GovHR, LLC to do a classification and compensation study for the 53 non-union employees that are in 47 non-union positions. She stated that the study will take approximately 12 to 16 weeks to complete. The cost of the study was \$28,750.00 and would be funded with local option sales tax money. Mayor McCampbell stated that the study will be good reference for moving forward. Council Member Fleming stated that it was good business. Council Member Davidson stated that he did not think it was a good idea to spend the money right now on the study and he would be voting against the approval of the study. Council Member Scott stated that the study was a good investment and would save the City money and

also save employees. He stated that it would make sure that employees are compensated fairly and make sure that other employees are not over compensated. Council Member Anderson stated that many of the City's management positions are in demand in other communities and the City needs to be sure its employees are being compensated correctly. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - "AYES" Scott, Anderson, Fleming and McCampbell
1 - "NAY" Davidson)

ADOPTED

Introduced By: Davidson Seconded By: Scott

5. Resolution Authorizing a Contract Between the City of Burlington and Impact7G, Inc. to Complete Technical Services for Work at the Former Dresser Rand Site, 1106 Washington Street

DISCUSSION: The Development and Parks Director stated that the proposed Resolution authorizes approval of a contract with Impact 7G, Inc. to complete technical services for work at the former Dresser Rand site at 1106 Washington Street. He stated that Impact 7G has agreed to provide services in the amount of \$29,400.00 for the following: project design (preparation of plans, specifications and contract documents); bidding and contract award; quarterly groundwater monitoring and assistance with EPA Brownfield Grant Applications. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

ADOPTED

Introduced By: Scott Seconded By: Davidson

6. Resolution Approving Nuisance Abatements for Various Properties

DISCUSSION: Council Member Scott stated that he removed the Resolution Approving Nuisance Abatements for Various Properties as there has been an effort to remove signage that is located in City right-of-way. He stated that there were only two employees in the Nuisance Department and they were both part-time employees due to Council budget cuts in the past. He stated that he did not feel bad about picking up signs in the City right-of-way. He urged property owners to keep signs out of City right-of-way. Mayor McCampbell also stated that he did not feel bad about picking up signs in the City right-of-way. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

ADOPTED

Introduced By: Davidson Seconded By: Scott

7. Resolution Supporting Funding for County-Wide Workforce Housing Needs Assessment

DISCUSSION: Council Member Davidson stated that the proposed Resolution supports funding for County-Wide workforce housing needs assessment. He stated that the funding assistance for the study has been requested in the amount of up to \$12,506.00 from the City of Burlington toward an estimated overall project cost of \$25,000.00. He stated that funding of the \$12,506.00 would come from local option sales tax funds. Marlin McKee of 1121 South Street questioned

how much the City of West Burlington was paying for the study. David Toyer of Grow Greater Burlington, stated that the City of West Burlington's share was \$1,494.00 and Des Moines County's share was \$1,000.00. He stated that there was not a lot of benefit for the County and the shares were based on population. He stated that the Workforce Housing Needs Assessment was not for \$300,000.00 homes. He stated that many young people are looking for housing. Council Member Anderson stated that she serves on the Economic Development Committee where the funding for the project was coming from for the housing needs assessment. She stated that there was a group of people in Burlington that cannot find the right style of housing for them. Mayor McCampbell stated that the money spent on the study was worthwhile. Nancy Snaadt with Alliant Energy stated that Alliant Energy is going to get behind this project and she has every confidence that Alliant will be supporting this project. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

ADOPTED

COMMENTS FROM AUDIENCE: Nancy Snaadt with Alliant Energy gave a presentation about Alliant Energy's involvement with the community during the past year. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 7:19 p.m.

Approved: September 21, 2015

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

RESOLUTION:

1. Resolution Approving Removal of Debris Along Flint River Trail Bridge Over Flint Creek

SET DATE FOR PUBLIC HEARINGS: SEPTEMBER 21, 2015

1. Consideration of Sale of Property Locally Known as 2402 South Main Street, City of Burlington, Des Moines, County, Iowa
2. Consideration of an Ordinance Amending Section 17.20.02 Table of Uses, General Commercial Use Categories of Title 17, Zoning Code of the City of Burlington, Iowa
3. Consideration of Plans and Specifications for the 2015 Burlington WWTF Belt Filter Press Room Modifications
4. Consideration of Permanent Encroachment Agreement with Lea Zaiser for Encroachment into City Right-of-Way at 2007 South Main Street, Burlington, Iowa
5. Consideration of an Ordinance Vacating and Selling a Portion of Alley Right-of-Way Located West of the Property at 1000 Court Street, Burlington, Iowa

APPOINTMENTS:

Animal Hearing Board: Carol Adolphson

Riverfront Advisory Committee: David Wiemer