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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 42
September 21, 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 and Scott present. Council Member Fleming was absent.

BURLINGTON CITY COUNCIL

MAYOR'S AWARD:

Carrol Schwarm

PROCLAMATION:

Case/New Holland

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: Davidson Seconded By: Scott

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: 4 - "AYES" MCCAMPBELL, SCOTT, ANDERSON AND DAVIDSON) CARRIED

HEARINGS:

1. Statement: Consideration of Sale of Property Locally Known as 2402 South Main Street, City of Burlington, Des Moines County, Iowa

COMMENTS: The Development and Parks Director stated that the City acquired the property at 2402 South Main Street through the court system as an abandoned building. He stated that the

house was a meth house. He stated that the purchaser must ensure that the property receives permits and meets codes for renovation as required, as well as necessary sidewalk and parking improvements. He stated that a licensed electrician and plumber shall be required to inspect and sign off that such items in the property meet or are brought up to adopted codes and insurance is maintained on the house prior to deed transfer. He stated that the house must be tested to pass requirements of the City's Unsafe Building Code 164.04, No. 19 or gutted as required to ensure it meets requirements as meth was determined to have been manufactured in the house. He stated that work shall be initiated within 60 days and completed within 180 days of approval by the City Council. He further stated that an extension of 180 days may be granted if significant progress is made. He stated that failure to meet time frames may result in forfeiture of sale and purchase with resale of the property by the City. Connie Levandoske of 2400 South Main Street stated that she hoped the house is purchased by a family. She stated that did not want a slumlord or a flipper purchasing the property. She stated that she hoped that if the property is rented that the landlord does a criminal and sexual abuse checks. She stated that she had called the Police Department numerous times about the house having drug activity. She stated that she would not be afraid to contact the Police Department on a regular basis should the house become a drug house again. Mayor McCampbell stated that it can very tough when you have a bad neighbor. He then led an auction for the Sale of Property Locally Known as 2402 South Main Street, City of Burlington, Des Moines County, Iowa. Tamara Speidel of 119 Concord Drive was the high bidder at \$13,500.00. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Davidson
Motion to Close

Seconded By: Scott

CARRIED

Introduced By: Davidson

Seconded By: Scott

Motion to Amend Exhibit "C" of the Resolution Approving the Sale of Property Locally Known as 2402 South Main Street, City of Burlington, Des Moines County, Iowa that the Property be Sold to Tamara Speidel in the amount of \$13,500.00
(VOTE: 4 - "AYES" MCCAMPBELL, SCOTT, ANDERSON AND DAVIDSON) CARRIED

Introduced By: Davidson

Seconded By: Scott

Resolution Approving Sale of Property Locally Known as 2402 South Main Street, City of Burlington, Des Moines County, Iowa

DISCUSSION: None.

(VOTE: 4 - "AYES" MCCAMPBELL, SCOTT, ANDERSON AND DAVIDSON) ADOPTED

(Mayor McCampbell briefly left the meeting and was unable to vote on the encroachment agreement.)

2. Statement: Consideration of Permanent Encroachment Agreement with Lea Zaiser for Encroachment into City Right-of-Way at 2007 South Main Street, Burlington, Iowa

COMMENTS: The Development and Parks Director stated that the proposed Resolution provides for a permanent encroachment agreement with Lea Zaiser for encroachment into City right-of-way at 2007 South Main Street for concrete steps, ramp and associated railings into the Main Street right-of-way. He stated that with the encroachment there would still be the required minimum sidewalk width. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Davidson
Motion to Close

Seconded By: Scott

CARRIED

Introduced By: Scott
Resolution Approving a Permanent Encroachment Agreement with Lea Zaiser for Encroachment into City Right-of-Way at 2007 South Main Street, Burlington, Iowa

Seconded By: Davidson

DISCUSSION: None.

(VOTE: 3 - "AYES" SCOTT, ANDERSON AND DAVIDSON)

ADOPTED

3. Statement: 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

COMMENTS: The Development and Parks Director reviewed with Council and the viewing audience the proposed Ordinance Amending Section 17.20.02 Table of Uses, General Commercial Use Categories of Title 17, Zoning Code of the City of Burlington, Iowa. He stated that the amendment amends the table of uses and definitions by listing micro-brewery and brew pubs as general commercial uses, with modifications to limit the capacity of micro-brewery and brew pubs to a maximum production of 10,000 barrels per year. Leon Shahan of 1821 Mt. Pleasant Street asked if the proposed Ordinance allowed for 10,000 barrels per year. The Development and Parks Director stated that the proposed Ordinance did allow for the 10,000 barrels per year. Martin Salino-Hugg of 2413 Bittersweet Place stated that 10,000 barrels per year seemed appropriate. He stated that he was part of Steepletown Development and was renovating the old J.C. Penneys building at 500 Jefferson Street. Steve Frevert, Executive Director of Downtown Partners stated that he was very pleased that the old J.C. Penneys building is being renovated after being empty for 38 years. Council Member Scott stated that the proposed Ordinance was not being adopted for only the property at 500 Jefferson Street, but would be for the entire downtown. Council Member Davidson stated that he was ignorant on the subject of micro-breweries and brew pubs, but was interested in the development of the downtown. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Scott
Motion to Close

Seconded By: Davidson

CARRIED

Introduced By: Scott Seconded By: Davidson
Motion for Preliminary Adoption of the First Reading 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

DISCUSSION: None.

(VOTE: 3 - "AYES" MCCAMPBELL, SCOTT, AND DAVIDSON
1 - "ABSTAINED" ANDERSON)

CARRIED

(Mayor McCampbell left the meeting following the hearing for the 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)

4. Statement: 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

COMMENTS: The Development and Parks Director reviewed with Council and the viewing audience the proposed Ordinance Vacating and Selling a Portion of Alley Right-of-Way Located West of the Property at 1000 Court Street, Burlington, Iowa. He stated that the vacated portion of the alley was approximately 10 feet by 50 feet and would be sold to the adjacent property owner at 1000 Court Street. He stated that historically the property at 1000 Court Street has been a duplex and presently the building is vacant. He stated that the owner of the property plans to use the property as a duplex and needs the lot area to meet the minimum requirements to have a duplex. Council Member Scott stated that he would vote in favor of the Ordinance to have the property redeveloped as a duplex. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Davidson Seconded By: Scott
Motion to Close

CARRIED

Introduced By: Davidson Seconded By: Scott
Motion for Preliminary Adoption of the First Reading of an Ordinance Vacating and Selling a Portion of Alley Right-of-Way Located West of the Property at 1000 Court Street, Burlington, Iowa

DISCUSSION: None.

(VOTE: 3 - "AYES" SCOTT, ANDERSON AND DAVIDSON)

CARRIED

5. Statement: Consideration of Plans and Specifications for the 2015 Burlington WWTF Belt Filter Press Room Modifications

COMMENTS: The WWTF Superintendent reviewed the plans and specifications for the 2015 Burlington WWTF Belt Filter Press Room Modifications with the Council and the viewing

audience. He stated that the digestion process has changed from aerobic to anaerobic and the resulting problem has created an atmosphere of dewatering and adjacent work areas. He stated that there is very high humidity and off gases of hydrogen sulfide and ammonia, which creates for an unsafe work conditions, paint deterioration and it is unknown what it does to the electric panels and controls. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Davidson
Motion to Close

Seconded By: Scott

CARRIED

Introduced By: Davidson

Seconded By: Scott

Resolution Approving Plans and Specifications for the 2015 Burlington WWTF Belt Filter Press Room Modifications

DISCUSSION: None.

(VOTE: 3 - "AYES" SCOTT, ANDERSON AND DAVIDSON)

ADOPTED

RESOLUTIONS:

Introduced By: Davidson

Seconded By: Scott

1. Resolution Awarding Contract for the 2015 Burlington WWTF Belt Filter Press Room Modifications

DISCUSSION: The WWTF Superintendent stated that the City advertised for bids for the 2015 Burlington WWTF Belt Filter Press Room Project on September 1, 2015 for a bid opening on September 15, 2015. He stated that the City received two bids with Brockway Company, Inc. of Burlington, Iowa being the low bidder with the base bid of \$135,475.00, alternate no. 1 \$51,360.00 for a total of \$186,835.00. He stated that the Engineer's estimated was \$105,000.00 for the base bid, \$35,000.00 for alternate no. 1 for a total estimate of \$140,000.00. He stated that the source of funding was the WWTF Improvement Fund, which has a fund balance of approximately \$974,000.00 as of June 30, 2015. Council Member Anderson stated that she was not surprised that the cost was high due to the removal of lead paint as the process is very labor intense. Council Member Scott stated that the project needed to be done. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 3 - "AYES" SCOTT, ANDERSON AND DAVIDSON)

ADOPTED

Introduced By: Scott

Seconded By: Davidson

2. Resolution Awarding Bid for the Dankwardt Pool Liner Project to RynoSys Corporation

DISCUSSION: The Development and Parks Director stated that the Resolution provides for the awarding of the bid for the Dankwardt Park Pool Liner Project to RynoSys Corporation in the amount of \$99,560.00. He stated that two bids were received and RynoSys Corporation was the low bidder. He stated that the membrane and all welds carry a 15-year limited warranty. He

stated that the new liner should extend the life of the City swimming pool. He further stated that \$110,000.00 has been budgeted for the Dankwardt Park Pool Liner Project in the FY2016 budget with \$70,000.00 coming from the Starker Foundation and the Murray Foundation and also other donations to the pool. Council Member Anderson stated that the new pool liner will be a great improvement to the City pool. Council Member Davidson questioned when the project would take place. The Development and Parks Director stated that plans were to install the liner this Fall. Council Member Anderson stated her appreciation to those that donated money toward the pool liner. Council Members Scott and Davidson echoed Council Member Anderson's comment. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 3 - "AYES" SCOTT, ANDERSON AND DAVIDSON)

ADOPTED

ORDINANCES:

Introduced By: Scott

Seconded By: Davidson

1. Motion for Preliminary Adoption of the Second Reading of an Ordinance Amending Section 17.65 Floodplain Regulations of Title 17, Zoning Code of the City of Burlington, Iowa

DISCUSSION: The Development and Parks Director stated that there were no changes to the proposed Ordinance Amending Section 17.65 Floodplain Regulations of Title 17, Zoning Code of the City of Burlington, Iowa from the first reading. The City Manager stated that at the Work Session the Council wanted to waive the second reading and final adopt the Ordinance tonight. He stated that it would take four affirmative votes of the Council to waive and since there were only three available Council Members present the Council would need to vote on the second reading. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 3 - "AYES" SCOTT, ANDERSON AND DAVIDSON)

CARRIED

Introduced By: Scott

Seconded By: Davidson

2. Motion for Preliminary Adoption of the Second 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: The Development and Parks Director stated that there were no changes to the proposed Ordinance Amendment to Ordinance No. 3220, Sunrise West Planned Unit Development (PUD) Overlay District, by Making Changes to Section 11, Pedestrian Sidewalks from the first reading. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 3 - "AYES" SCOTT, ANDERSON AND DAVIDSON)

CARRIED

COMMENTS FROM AUDIENCE: Leon Shahan of 1821 Mt. Pleasant Street stated that the present building the police department is located in was in bad shape, but he would like to see

one unified law enforcement facility instead of the three entities (City of Burlington, City of West Burlington and Des Moines County). He stated that the Council needed to decide if they want to continue the fight on the war on drugs. Chief Beaird stated that he put out a press release today that the City received a \$250,000.000 Cops Grant to hire two additional police officers. He thanked staff for their assistance in writing the grant. The City Manager stated that the grant would be a 75%-25% match and was for three years with the City funding the two officers on the fourth year. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 7:07 p.m.

Approved: October 5, 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

RESOLUTIONS:

1. Resolution Approving Nuisance Abatements for Various Properties
2. Resolution Approving Fiscal Year 2014-2015 Street Finance Report, Road Use Tax
3. Resolution Establishing a No Parking Zone on the East Side of Broadway Street Extending South from Division Street to the End

SET DATE FOR PUBLIC HEARINGS: OCTOBER 5, 2015

1. Consideration of Sale of Property Locally Known as 1321 Iowa Street, City of Burlington, Des Moines County, Iowa
2. Consideration of an Ordinance Amending Various Sections of Title 17, Zoning Code of the City of Burlington