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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 48
December 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, Fleming and Scott present. Chief Beard stated that three City Council members received an e-mail threat that the City Council building would be blown up. He stated that he has notified the FBI, Cyber Crime Division and they were taking the threats seriously. He stated that there were police officers on every floor of City Hall. He stated that there were no specifics about a date or time. He stated that the Mayor wanted everyone to know so if they felt uncomfortable they could leave.

BURLINGTON CITY COUNCIL

TENURE AWARD:

* Sheryl Riney, Library Assistant, 35 Years of Service

MAYOR'S AWARDS:

- * Dana Atkins
- * Elyn Holton-Dean
- * Becky Anderson, Surprise Recipient

RECOGNITION OF COUNCIL MEMBER ANDERSON

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: Scott Seconded By: Fleming

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 the Resolution Approving Final Acceptance, Final Payment and Release of Retention Monies for CDBG Facade Project 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 Plans and Specifications for the 2016 Depot Great Room Renovation Project

COMMENTS: The Public Works Director reviewed with Council and the viewing audience the plans and specifications for the 2016 Depot Great Room Renovation Project. He stated that the City would be receiving bids on January 15, 2016 with approval by the City Council at their January 18, 2016 City Council Meeting. He reviewed the following: funding status; alternates 1-5 that would raise the base bids and soft costs; aspects of project and "build it and will they come." Ron Gillette of 812 Dunham Street stated that he did not feel the depot needed to be renovated for 20-24 people that use the train. The Public Works Director stated that the depot was also used as a transfer station for BUS and the bus patrons will benefit from the improvements. Jason Strandberg of 2648 Subilbe Avenue stated that approximately 14,000 people use the depot for train service each year. He stated that from the Friends of the Depot there are \$72,000.00 in pledge funds committed and \$40,000.00 that they were trying to track down. He stated that he would like to see a financial commitment from the City. Council Member Scott stated that he was excited to see things happen at the depot. He stated that when the City Council votes on awarding the project in 2016, the Council can only award what they have the money for. Council Member Davidson stated that he agreed with Council Member Scott. He stated that he was not going to vote in favor to spend money the City does not have for the project. Mayor McCampbell stated that he was very proud of the Friends of the Depot and he hoped they can make the project happen. Council Member Anderson stated that many people visit the depot that are interested in historic architecture. 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
Resolution Approving Plans and Specifications for the 2016 Depot Great Room Renovation Project

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

ADOPTED

2. Statement: Consideration of an Ordinance Vacating and Selling a Portion of Alley Right-of-Way Located South of the Properties at 623 and 627 Acres Street, Burlington, Iowa

COMMENTS: Mayor McCampbell stated that the City received a letter from several residents on Acres Street opposed to the vacation and sale of a portion of alley right-of-way located south of

the properties at 623 and 627 Acres Street. The City Manager reviewed with Council and the viewing audience the proposed Ordinance. He stated that the City Planning Commission voted five to zero to approve the vacation based on the status of the alley as a dead-end, untraveled alley along with the desire for ownership and maintenance of the alley by the applicant and the required maintenance of a sewer/utilities easement within the alley. He stated that the vacated portion of alley right-of-way shall be sold to and combined with the adjacent parcels at 627 Acres Street owned by Bradley and Lori Parker (entire 16-foot alley right-of-way adjacent to the property) and split between properties at 606 Denmark owned by Neil Johnson and 623 Acres owned by Bradley and Lori Parker (with each receiving 8-feet of alley right-of-way adjacent to their properties). He stated that the sale price of the alley right-of-way shall be \$500.00 with Bradley and Lori Parker paying \$350.00 and Neil Johnson paying \$150.00. He stated that an easement shall be maintained over the entire portion of alley right-of-way being vacated for sewer line access and maintenance by the City of Burlington. Lori Parker of 627 Acres Street stated that she owns two properties and she would like to sell one of the properties and would like to have a driveway for parking. She stated that the property would be easier to sell if the property had a driveway versus a shared driveway. She stated that she did not know that her neighbors would be against the vacation and sale of the alley. Council Member Scott stated this was progressive thinking on the part of Lori Parker and she should be commended for forward thinking. 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: Davidson

CARRIED

Introduced By: Fleming

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 South of the Properties at 623 and 627 Acres Street, Burlington, Iowa

DISCUSSION: None.

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

CARRIED

3. Statement: Consideration of City of Burlington South Hill CDBG Owner-Occupied Rehabilitation Application

COMMENTS: Dan Eberhardt of the Southeast Iowa Regional Planning Commission reviewed with Council and the viewing audience the City of Burlington South Hill CDBG Owner Occupied Rehabilitation Application that must be submitted by Friday, January 15, 2016. He stated that the CDBG Bock Grant Housing was administered through the Iowa Economic Development Authority. He stated that the need for this project was originally identified through strategic plan completed for the City indicating the neighborhood could benefit from an owner occupied rehabilitation program. He stated that the City of Burlington will request \$227,994.00 from the

Iowa Economic Development Authority for an owner occupied rehabilitation program. He stated that all households assisted through this program will qualify based on income guidelines not to exceed 80% of County median income. He stated that for Des Moines County for 1-person household would be \$34,650.00. He stated that the owner occupied rehabilitated activity will take part in Burlington’s targeted neighborhood, which is roughly bounded by Maple Street to South Street and from 6th Street to 12th Street. He stated that under the rehabilitation processes, households will not be displaced and in some instances some households could be asked to move temporarily while such things as plumbing, electrical, or lead based paint need to be dealt with. He stated that proper coordination between the contractor and homeowner can prevent displacement. He stated that any household asked to leave their premises will be told to do so for their own safety and will be paid out of “administrative costs” of the program. He stated that the owner occupied rehabilitation means just that, items covered are things such as electrical, plumbing, heating and venting, windows, roof, siding and foundation. He stated that the program does not cover thing such as air-conditioning and appliances. He also stated that all code violations will be corrected. Ron Gillette of 812 Dunham Street stated that the homes in the South Hill area needed improvements and the City should apply for the grant. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Motion to Close

CARRIED

RESOLUTIONS:

Introduced By: Anderson Seconded By: Scott

1. Resolution Authorizing Application and Committing Local Match to the 2016 CDBG Housing Fund Program

DISCUSSION: None.

(VOTE: 5 - “AYES”)

ADOPTED

Introduced By: Anderson Seconded By: Scott

2. Resolution Authorizing the Purchase of Property at 300 Washington Street

DISCUSSION: The City Manager stated that 300 Washington Street has been vacant for a number of years and was recently placarded as an “Abandoned or Unsafe Building” by the City of Burlington. He stated that the owner has agreed to deed the property to the City of Burlington for a \$1.00 in lieu of going through the 657A process or repairing the building as required by the abandoned or unsafe placard. He stated that the major concern was the roof was in need of repair along with the forms of egress being blocked. Steve Frevert, Executive Director of Downtown Partners stated that the Downtown Partners have agreed to purchase the property from the City for a nominal amount. He stated that the Downtown Partners Board would like to see the building developed. He stated that they have \$25,000.00 in escrow for structural roof repairs. Council Member Anderson stated that Downtown Partners did something similar when they purchased the “Bookend Building.” The City Manager stated that he sits on the Downtown Partners Board and

there is some risk for Downtown Partners, but they are willing to purchase the property as they see value in the building. Mayor McCampbell stated that it was great to see Downtown Partners interested in the building. Ron Gillette of 812 Dunham Street stated that he was happy that Downtown Partners was taking over the property. He questioned why Downtown Partners wasn't purchasing the property directly from the owner instead of the City purchasing the property. Council Member Anderson stated that the deed has already been signed and that the property was going to the City. Council Member Scott stated that there have been numerous buildings that have fallen down in the past. He stated that he has been inside the building and it was frightening to him. He stated that he is afraid that the City will have to pay demolition cost, even though the property is going to be transferred to Downtown Partners. He stated that Downtown Partners does not have money for demolition cost and stated that he would like to see the present owner pay the demolition cost for the property. Council Member Anderson stated that by transferring the property to Downtown Partners they have a plan for the building and they are eligible for funding of the project. She stated that the present owner does not live in Burlington and it would be very hard to get any money out of him for demolition costs. Council Member Scott stated that this was a building not worth fighting for. Mayor McCampbell stated that he has a lot of confidence in Steve Frevert at Downtown Partners, but he also understood the concerns of Council Member Scott. Council Member Davidson stated that he would be voting a "reluctant yes" as he does not want the City to own a building that should be torn down. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk. (VOTE: 4 - "AYES Anderson, Davidson, Fleming and McCampbell
1 - "NAY" Scott)

ADOPTED

Introduced By: Anderson

Seconded By: Fleming

3. Resolution Authorizing Purchase of Real Property and the Leasing of Same

DISCUSSION: The City Manager reviewed with Council and the viewing audience the purchase agreement with US Bank. He stated that the City was purchasing the US Bank building for \$1,200,000.00. He stated that the earnest money escrow agreement was for \$50,000.00 and there was an inspection process. He stated that an outside firm would be hired by the City for the inspection. He stated that the lease for office spaces would be turned over to the City, specifically the Des Moines County Attorney's office leases a space upstairs in the US Bank building. He stated that the City would lease the building to US Bank for a monthly rent of \$6.50 per square foot of the premises and was a "full service" or "gross" lease while they build a new building. He stated that the lease was for 2-years. He stated that the City's goal was to have an agreeable amount and that the City was covering their costs in the transition process. Council Member Anderson stated that she was fine with the purchase amount, but felt \$6.50 was too low for the lease and US Bank was not paying for the maintenance of the building. The City Manager stated that he would hate to see the process dragged out. Council Member Anderson stated that she agreed with the City Manager, but she felt there should be more negotiations of the lease agreement. Council Member Fleming stated that he did not want to see the Council not approve the lease agreement. Ron Gillette of 812 Dunham Street stated that this was the first time he heard the numbers presented. He asked where he could see these numbers. Mayor McCampbell

stated that it was on the City's website. Ron Gillette stated that he was concerned with flooding in the downtown due to rainfall. Mayor McCampbell stated that US Bank basement was dry during the last flood. He stated that the citizens of Burlington already voted to purchase US Bank. Council Member Scott stated that he would like to see the lease for 15 months and the lease be increased to \$9.50. Council Member Anderson stated that she can not agree to the lease as it was written. Council Member Davidson stated that the Council needed to move on with the approval of the purchase of the property. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 2 - "AYES" Davidson and Fleming

3 - "NAYS" Anderson, McCampbell and Scott)

FAILED

Introduced By: Scott Seconded By: Davidson

4. Resolution Approving Final Acceptance, Final Payment and Release of Retention Monies for CDBG Facade Project

DISCUSSION: Council Member Scott stated that he had requested the removal of the Resolution Approving Final Acceptance, Final Payment and Release of Retention Monies for CDBG Facade Project from the consent agenda as he had received a couple of phone calls from property owners concerned about bills that they had recently received as charges were not itemized on the bill. He stated his concern that possibly all the bills for the project had not all been submitted to the City. Becky Anderson of 218 South 6th Street stated that she along with others received a bill for insurance and bonding. She stated that the property owners all agreed to pay 30% and everything was itemized and now that everyone has paid, there is a new bill. She would like more time to discuss the bill to make sure they are paying the correct amount, prior to the City paying the bill as the City is a passthrough for paying the bills. The City Manager stated that a meeting will take place the first week in January 2016 to discuss the bill which will include Klingner and Associates and Southeast Iowa Regional Planning Commission. Council Member Scott made a motion to continue the Resolution Approving Final Acceptance, Final Payment and Release of Retention Monies for CDBG Facade Project to the January 18, 2016 City Council Meeting. Council Member Fleming seconded the motion. Council Member Anderson abstained from voting. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Scott Seconded By: Fleming

5. Motion to Continue the Resolution Approving Final Acceptance, Final Payment and Release of Retention Monies for CDBG Facade Project to the January 18, 2016 City Council Meeting

DISCUSSION: None.

(VOTE: 4 - "AYES" Davidson, Fleming, McCampbell and Scott

1 - "ABSTAINED" Anderson)

CARRIED

(Council Member Fleming left the City Council meeting at 7:26 p.m.)

COMMENTS FROM AUDIENCE: Al Sparks of 302 South Garfield Avenue spoke on the following subjects: City's plan for curbing crime, concern for the young people in Burlington and that Maple Hills area is a rough area. Freddie Starling of 517 South 7th Street stated that he had asked for something in writing and he never received it. He stated that he would like respect. Council Member Anderson stated that if it was in regard to the Apple Trees, that issue was 3-years ago. Mayor McCampbell stated that if it was in regard to Apple Trees Freddie Starling had 90 days to file for grants. He stated that he came back and had never filed any grants and he was treated well. Freddie Starling stated that he felt as though he was treated like a second class citizen. Freddie Starling stated that he was speaking of a piece of paper. He stated that he wanted a statement and wondered where did he go wrong. Mayor McCampbell stated that he would have the City Clerk pull the minutes of the meeting. Ron Gillette of 812 Dunham Street stated that he understood what was going on. He stated that "in the day" people received hands on assistance by the City. He stated that what was needed was an intermediary. He stated that he attended the December 7, 2015 meeting because it was a test and Council Member Fleming and Council Member Scott and the City Manager failed the test. He stated that The Hawk Eye also failed the test when they omitted things that he had said in the newspaper. He pointed his finger at Council Member Scott and said "you were the one that went off." Council Member Scott stated that the reason he "went off" was because Ron Gillette points his finger at him and disrespected him. Ron Gillette stated that Council Member Scott "ran off with his mouth" with his thinking at the December 7, 2015 City Council meeting in regard to the number of people that visit the downtown, without identifying the truth and without validating him. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 8:13 p.m.

Approved: January 4, 2016

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

REPORTS AND BONDS

RESOLUTIONS:

1. Resolution Approving Nuisance Abatements for Various Properties
2. Resolution Approving Maintenance and Operation of Public Infrastructure in the Lavender Lane Subdivision
3. Resolution Authorizing the Filing of an Application with the State of Iowa and Southeast Iowa Regional Planning for STP Funds for Improvements Along Washington Street from Existing Concrete Pavement Just East of the Central Avenue Overpass to Front Street on Behalf of the City of Burlington
4. Resolution Authorizing the Filing of an Application with the State of Iowa and Southeast Iowa Regional Planning for STP Funds for the Replacement of a Light Duty Bus
5. Resolution Amending Fees and Charge Schedule at Flint Hills Municipal Golf Course
6. Resolution Authorizing the Signing of Jurisdictional Agreement Document for Iowa Byways Signage Installation and Maintenance