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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 5
March 7, 2016

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 Davidson, Fleming, Scott and Wilson present.

BURLINGTON CITY COUNCIL

MAYOR'S AWARD:

* Marcus Timmons

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 Davidson announced those individuals appointed to various City commissions and boards. 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 115 Golf Lane with Conditions, City of Burlington, Des Moines County, Iowa

COMMENTS: The Development and Parks Director stated that the City acquired the home at 115 Golf Lane through the court system as an abandoned building. He stated that the home was a 2-bedroom, 2-bathroom, 3 season room, screen-in porch with a 2-car attached garage home. He stated that the purchaser must ensure the property owner receives permits and meets codes for

renovation as required. 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. Mayor McCampbell asked if anyone had any comments or concerns. He then led an auction for the Sale of Property Locally Known as 115 Golf Lane. Community Development Group, LLC of 704 Boardwalk Drive, West Burlington, IA was the high bidder at \$97,000.00. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Scott

Seconded By: Fleming

Motion to Close

CARRIED

Introduced By: Scott

Seconded By: Davidson

Motion to Amend Exhibit "C" of the Resolution Approving the Sale of Property Locally Known as 115 Golf Lane, City of Burlington, Des Moines County, Iowa that the Property be Sold to Community Development Group, LLC in the amount of \$97,000.00

DISCUSSION: None.

(VOTE: 5 - "AYES")

CARRIED

Introduced By: Scott

Seconded By: Davidson

Resolution Approving Sale of Property Locally Known as 115 Golf Lane with Conditions, City of Burlington, Des Moines County, Iowa

DISCUSSION: None.

(VOTE: 5 - "AYES")

ADOPTED

2. Statement: Consideration of Sale of Property Locally Known as 300 Washington Street with Conditions, City of Burlington, Des Moines County, Iowa

COMMENTS: The Development and Parks Director stated that the City acquired a vacant commercial building located at the corner of North Third Street and Washington Street, known formerly as the Typewriter Shop. He stated that it was a four-story commercial building built in 1883 and was zoned C-3, Central Business District Mixed Use. He stated that both commercial and residential mixed use are allowed in the property. He stated that each floor is 5,300 square feet. He stated that the property was listed on the National Register of Historic Places and was eligible for a 10-year tax abatement program. He stated that one of the conditions of the sale was a \$25,000.00 deposit will be made to the City of Burlington within seven days of the approval of the purchase of the building. He stated that the deposit shall be held until the roof and roof system repairs are completed by the purchaser or their assigns. He stated that the deposit will not be released by the City until an inspection is completed verifying the roof system has been repaired to code standards. He stated that necessary roof work shall be completed by November 1, 2016. He stated that an extension of 60 days may be granted if significant progress is made. He stated that failure to complete necessary roof work by the required date shall result in forfeiture of the \$25,000.00 deposit and would allow resale of the property. He stated that all

permits shall be received and codes shall be made, as applicable, for work on the structure. He stated that the purchaser shall maintain property and hold insurance on such property upon approval of the the sale by the City of Burlington. He further stated that the former property owner has until May 1, 2016 to remove any personal property on the first floor. Mayor McCampbell asked if anyone had any comments or concerns. He then led an auction for the Sale of Property Locally Known as 300 Washington Street. Downtown Partners, Inc. of 610 North 4th Street, Suite 200, Burlington, IA was the high bidder at \$2.00. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Scott

Seconded By: Fleming

Motion to Close

CARRIED

Introduced By: Scott

Seconded By: Fleming

Motion to Amend Exhibit "C" of the Resolution Approving the Sale of Property Locally Known as 300 Washington Street, City of Burlington, Des Moines County, Iowa that the Property be Sold to Downtown Partners, Inc. in the amount of \$2.00

DISCUSSION: None.

(VOTE: 5 - "AYES")

CARRIED

Introduced By: Scott

Seconded By: Fleming

Resolution Approving Sale of Property Locally Known as 300 Washington Street with Conditions, City of Burlington, Des Moines County, Iowa

DISCUSSION: Council Member Scott stated that he has been opposed from the beginning that the City has been involved in the property at 300 Washington Street. He stated that he hopes that he is wrong with his doubts that the building will be developed. He stated the building is in bad shape. He wished whoever was going to develop the building, much success. He stated that it will take grant money to renovate the building, which will come from taxpayers, whether local or federal. He stated that he has been in the building before and you can see through the floors. Mayor McCampbell stated that he has confidence in Downtown Partners, Inc. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

ADOPTED

(6:04 p.m. - Mayor McCampbell left the Council Chambers)

3. Statement: Consideration of Plans and Specifications for the 2016 HMA Resurfacing Project

COMMENTS: The City Engineer reviewed the plans and specifications for the 2016 HMA Resurfacing Project with Council and the viewing audience. He stated that the project consists of asphalt resurfacing of various streets, milling patching and resurfacing of asphalt surfaced streets, as well as the construction of new asphalt overlays on concrete streets. He stated that the project

would include the following streets: Haskell Street, from West Avenue north to the sealcoat (PCC getting a new HMA overlay); Ironwood Street, from West Avenue to Williams Street (PCC patching, no overlay, crack sealing by City); Plane Street, from West Avenue to PCC just north of Aetna Street; Amelia Street, from Plane Street to Leebrick Street (subject to fund availability); Court Street, from Central Avenue to Eighth Street and from Fifth Street to Fourth Street; Tenth Street, from Court Street to High Street (PCC patching, no overlay, crack sealing by City) and Parkway Street from Fourteenth Street to Madison Avenue (subject to fund availability). He stated that the estimated budget construction cost was \$472,983.00 with estimated budget engineering cost of \$33,109.00 for a total estimated budget project costs of \$506,092.00. He stated that if bids come in too high, change orders for the project would be made to bring the costs under budget. Leon Shahan of 1821 Mt. Pleasant Street asked when Mt. Pleasant Street west of Roosevelt Avenue would be worked on. The City Engineer stated that Mt. Pleasant Street west of Roosevelt Avenue was scheduled for work for Fiscal Year 2017 and funded through the Surface Transportation Program (STP) grant money. He stated that the grant funds would not be available until October 2016, which means construction during calendar year 2017. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Wilson Seconded By: Scott

Motion to Close

(VOTE: 4 - "AYES" Davidson, Fleming, Scott and Wilson
1 - "ABSENT McCampbell)

CARRIED

Introduced By: Wilson Seconded By: Scott

Resolution Approving Plans and Specifications for the 2016 HMA Resurfacing Project

DISCUSSION: None.

(VOTE: 4 - "AYES" Davidson, Fleming, Scott and Wilson
1 - "ABSENT McCampbell)

ADOPTED

(6:08 p.m. - Mayor McCampbell returned to the Council Chambers)

4. Statement: Consideration of a Permanent Encroachment Agreement with Art Guild of Burlington, Inc. for Encroachment into City Right-of-Way at 301 Jefferson Street, Burlington, Iowa

COMMENTS: The Development and Parks Director stated that the Art Guild of Burlington, Inc. has requested an encroachment on the west side (alley) of the property at 301 Jefferson Street for the placement of a landing, stairs and any associated railing or bollard. He stated that it would allow for a secondary access from the mezzanine. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Wilson
Motion to Close

Seconded By: Scott

CARRIED

Introduced By: Wilson

Seconded By: Scott

Resolution Approving Permanent Encroachment Agreement with Art Guild of Burlington, Inc. for Encroachment into City Right-of-Way at 301 Jefferson Street, Burlington, Iowa

DISCUSSION: None.

(VOTE: 5 - "AYES")

ADOPTED

5. Statement: Consideration of Fiscal Year 2016-2017 Budget

COMMENTS: The Director of Administrative Services reviewed the following items of the proposed fiscal year 2016-2017 budget: comparison of revenue by fund; total revenues \$53,996,783.00 (OpenGov); comparison of expenditures by program; total expenses \$54,404,162.00 (OpenGov); proposed property tax rate (\$15.93632, no increase); property tax rate calculated; how Burlington compares to other cities in Iowa with populations over 20,000; factors impacting the budget; taxable valuation; total property taxes (an increase of \$95,973.00); health insurance premiums projected to increase 7.9%, budgeted at 5%; health insurance cap; general fund revenues by source; general fund expenditures by department; sewer fund (3.0% increase in sewer user fees as of July 1, 2016); solid waste fund (\$.25 increase (1.9%) in solid waste fee for July 1, 2015, \$13.75 per month from \$13.50); capital projects; hotel/motel tax fund \$800,000.00 budgeted in hotel/motel tax revenue (70/30 split between City and Convention and Visitors Bureau up to \$700,000.00, then 60% City and 40% Convention and Visitors Bureau); sales tax fund (local option sales tax revenue \$4,200,000.00, budget increase of \$206,168.00); elimination of existing account deficits and legal debt margin. The City Manager explained how the 5% increase, "banking" and capping by the unions for health insurance works. He stated that the unions have always chose to make design plan changes verses paying premiums. Mayor McCampbell stated that presently it has been working, but questioned if it was sustainable. Council Member Scott stated that it has worked for the unions and the City, but it has not worked for the citizens. He stated that businesses are expecting more from their employees on picking up and sharing the cost of health insurance and the only thing the City has done is increase the liability to the taxpayers, because the City is self-funded. Mayor McCampbell stated that the Council needed to be mindful moving forward if the City will be able to sustain moving forward and what type of changes will need to be made in health insurance. He stated that he would much rather make incremental changes verses drastic changes. The City Manager stated that the Council's concern about health care was a big cost item for the City, almost \$3,000,000.00 annually and costs keep rising. Larry Williams of 1567 Mason Lane stated that he gave up 20% of his wages to work as a corrections officer because he wanted a secure job with good health insurance benefits and a retirement that is not there with private employment. He stated his concern if the City does not offer good benefits that the City will lose a lot of good employees. He stated that it was important to keep good benefits to keep

Introduced By: Davidson Seconded By: Scott

2. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption of an Ordinance Vacating and Selling a Portion of Alley Right-of-Way Located South of 1325 Iowa Street, Burlington, Iowa

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

CARRIED

(7:09 p.m. - Mayor McCampbell left the meeting)

Introduced By: Davidson Seconded By: Fleming

3. Motion to Amend the Proposed Ordinance Vacating and Selling a Portion of South 14th Street Right-of-Way Located Adjacent to 1800, 1802 and 1804 South 15th Street and Adjacent to 1408 Harrison Avenue, Burlington, Iowa

DISCUSSION: The Development and Parks Director stated that at the February 16, 2016 City Council meeting a person purchasing property on contract at 1408 Harrison Avenue had some concerns about the vacation and sale of the right-of-way. He stated that the City Planning Commission reviewed the purchaser's concerns and agreed to removing 1408 Harrison Avenue from the proposed Ordinance. He stated that the sewer runs within the right-of-way. He stated that there were manholes on Harrison Avenue and at the entrance to the existing drive that serves the property on South 14th Street and South 15th Street. He stated that the property owners are aware of the sewer easement over the entire property, which makes it not buildable on the property. He stated that the amendment to the Ordinance would remove the vacation and sale of right-of-way adjacent to 1408 Harrison Avenue and would reduce the sale price of the vacated property due to fewer property owners purchasing the property. Council Member Scott stated that he had a problem with the Ordinance from the beginning. He stated concern about sewer laterals; alley will no longer be maintained by the City except the area adjacent to 1408 Harrison Avenue; also if someone constructs a driveway from South 14th Street to the street then when they park in their driveway it will block the alley. The Development and Parks Director stated that the Ordinance has an access easement over the alley and they would not be able to block the alley. Council Member Scott stated that it will not happen and it is not an advantage for the property owners. Council Member Davidson asked who mows the grass in the strip now. The Development and Parks Director stated that the property owners presently mow the strip of grass. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 3 - "AYES" Davidson, Fleming and Wilson

1 - "NAY" Scott

1 - "ABSENT" McCampbell)

CARRIED

Introduced By: Davidson Seconded By: Scott

4. Motion for Preliminary Adoption of the Second Reading of an Ordinance Vacating and Selling a Portion of South 14th Street Right-of-Way Located Adjacent to 1800, 1802 and 1804 South 15th Street, Burlington, Iowa

DISCUSSION: None.

(VOTE: 3 - “AYES” Davidson, Fleming and Wilson

1 - “NAY” Scott

1 - “ABSENT” McCampbell)

CARRIED

RESOLUTIONS:

Introduced By: Fleming

Seconded By: Scott

1. Resolution Approving the Application for a Staffing for Adequate Fire and Emergency Response Grant (SAFER)

DISCUSSION: The Fire Chief stated that he was applying for SAFER grant for the funding of three firefighters. He stated that he would add one firefighter per shift, which would provide for 13 firefighters per shift. He stated that the grant pays for the salary and benefits so the only cost to the City would be training and equipment. He stated that the grant was for a two-year period and the City is under no obligation to retain the three firefighters. Council Member Scott asked the Fire Chief to share how he approached the grant writing for the grant application. The Fire Chief stated that he located a woman that did grant writing, but as a favor to her husband who is a firefighter. He stated that she told him that he should be able to write the grant and that she would proof it and make any adjustments to the grant application at no cost to the City. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - “AYES” Davidson, Fleming, Scott and Wilson

1 - “ABSENT” McCampbell)

ADOPTED

Introduced By: Fleming

Seconded By: Scott

2. Resolution Accepting the Non-Union Employee Classification and Compensation Study

DISCUSSION: The Director of Administrative Services stated that this was the final report from HR Gov for the Non-Union Employee Classification and Compensation Study. She stated that there were a couple of positions that went into different ranges. Council Member Davidson questioned if it will be made a part of the City’s Non-Union Employee Manual. The Director of Administrative Services stated that Table 3 (pay ranges and new grades) will be made part of the Non-Union Employee Manual when the Council adopts the manual in April, 2016. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - “AYES” Davidson, Fleming, Scott and Wilson

1 - “ABSENT” McCampbell)

ADOPTED

COMMENTS FROM AUDIENCE: None.

Adjournment: 7:34 p.m.

Approved: March 21, 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

BEER, LIQUOR, WINE AND CIGARETTES

REPORTS AND BONDS

RESOLUTIONS:

1. Resolution Approving Refund of Liquor License for Sweeden's Shop, Inc. dba/The Crazy Coyote
2. Resolution Approving Renewal of Taxi Cab/Vehicle for Hire License for Robyn Canova dba/A2Z Taxi, LLC
3. Resolution Establishing a No Parking Zone on the North Side of Louisa Street Extending from Madison Avenue to the East Approximately 50 Feet
4. Resolution Changing the Name of a Portion of Messiah Drive to Lavender Lane
5. Resolution Approving Agreement with the Iowa Department of Transportation for a State Recreational Trails Project Completing a Portion of the Flint River Trail

SET DATE FOR PUBLIC HEARINGS: MARCH 21, 2016

1. Consideration of Plans and Specifications for the 2016 Sealcoat Streets Reconstruction Project
2. Consideration of an Amendment to Ordinance No. 3351, Westbrook Meadows Planned Unit Development (PUD), by Adding Outlot A to the Provisions of the PUD
3. Consideration of an Ordinance Rezoning the Property Located West of Garden Avenue, Lawn Avenue and Dill Street from R-1, Single-Family Residential to R-2, Single-Family Transitional Residential Zoning District with a Planned Unit Development (Southern Cross PUD) Overlay Zone
4. Consideration of General Obligation Loan Agreement in a Principal Amount Not to Exceed \$1,350,000.00

APPOINTMENTS:

Low Rent Housing Agency: Edward Prill

Riverfront Advisory Committee: Elizabeth Van Vleck-Sally