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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 10
May 16, 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

HONOR GUARD POSTING OF COLORS
PLEDGE OF ALLEGIANCE

ROLL CALL

PROCLAMATION:

* Police Week - Chief Beaird

MAYOR'S AWARDS:

* Paula Renard
* Kathleen Salisbury

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: Fleming 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. 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 Plans and Specifications for the 2016 Cascade Watershed Sewer Separation Project, Phase II

COMMENTS: The City Engineer reviewed with Council and the viewing audience the plans and specifications for the 2016 Cascade Watershed Sewer Separation Project, Phase II with the Council and the viewing audience. He stated that plans were available in the office of the City Clerk. He stated that estimated cost of the project was \$507,000.00 with funding provided by the Cascade Sewer Bonds. 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: Wilson

CARRIED

Introduced By: Fleming

Seconded By: Davidson

Resolution Approving Plans and Specifications for the 2016 Cascade Watershed Sewer Separation Project, Phase II

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

ADOPTED

2. Statement: Consideration of Budget Amendment No. 1 for FY 2015-2016 Budget

COMMENTS: The Director of Administrative Services reviewed budget amendment no. 1 for FY 2015-2016 budget with Council and the viewing audience. She stated that increases in revenues totaled \$9,187,500.00 and increases in expenditures total \$10,216,370.00. The City Manager stated that the City should be on track this year in the general fund. Council Member Scott stated that this was the first time in all the years that he has served on the City Council to have a really great explanation and breakdown of the budget amendment. He stated that this was what open government was about. 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 Budget Amendment No. 1 for FY 2015-2016 Budget

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

ADOPTED

3. Statement: Consideration of an Ordinance Vacating and Selling a Portion of Summer Street Right-of-Way Located East of the Property at 215 Summer 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 Summer Street Right-of-Way Located East of the Property at 215 Summer Street. He stated that the vacated portion of the alley right-of-way would be sold and combined with the adjacent parcel owned by MND, LLC at 215 Summer Street. He stated that the City Planning Commission voted 6 to 0 to approve the vacation of the right-of-way based on the status as a dead-end roadway that only serves the property at 215 Summer Street, the lack of ability for future travel-way access through the right-of-way, along with the desire for ownership and maintenance of the right-of-way by the applicant to construct a garage within a portion of the vacated area. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Davidson Seconded By: Wilson
Motion to Close

CARRIED

Introduced By: Davidson Seconded By: Fleming
Motion for Preliminary Adoption of the First Reading of an Ordinance Vacating and Selling a Portion of Summer Street Right-of-Way Located East of the Property at 215 Summer Street, Burlington, Iowa

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

CARRIED

4. Statement: Consideration of an Ordinance Vacating and Selling a Portion of South 14th Street Right-of-Way Located West of the Property at 1412 Hillary Avenue, Burlington, Iowa

COMMENTS: The Development and Parks Director reviewed with Council and the viewing audience the proposed Ordinance Vacating and Selling a Portion of South 14th Street Right-of-Way Located West of the Property at 1412 Hillary Avenue. He stated that Glenn Nelson of 1412 Hillary Avenue would like to expand his garage. He stated that the City Planning Commission voted 0 to 6 to deny the vacation of the right-of-way based on the status of existing fencing and structures currently on the right-of-way. He stated that if the City Council does not approve the vacation and sale of property, then the existing structures would be required to be removed from the right-of-way and a maximum of 12-feet in width could be vacated to keep the existing utilities within the right-of-way. Glenn Nelson of 1412 Hillary Avenue stated that he purchased the property at 1412 Hillary Avenue in 1998. Council Member Davidson asked how long the shed and fence were in place. Glenn Nelson stated that it has been on the property since 1999. Council Member Davidson stated that he was going to go against the recommendation of the City Planning Commission and approve the proposed vacation and sale of the right-of-way to Glenn Nelson. Council Member Fleming agreed with Council Member Davidson. Council Member

Scott stated that the proposed vacation and sale would be a huge win for both the City and Glenn Nelson. He stated that Glenn Nelson innocently put up a building. Council Member Wilson stated that she did not see a problem with the vacation and sale. Mayor McCampbell stated that there would be two more readings on the proposed Ordinance. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Davidson Seconded By: Fleming
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 South 14th Street Right-of-Way Located West of the Property at 1412 Hillary Avenue, Burlington, Iowa

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

CARRIED

RESOLUTIONS:

Introduced By: Wilson Seconded By: Scott

1. Resolution Approving Loan Agreement, Authorizing Issuance of \$1,295,000 General Obligation Corporate Purpose Bonds, Series 2016A and Providing for the Levy of Taxes to Pay the Same

DISCUSSION: The City Manager stated that the Resolution Approving Loan Agreement, Authorizing Issuance of \$1,295,000 General Obligation Corporate Purpose Bonds, Series 2016A and Providing for the Levy of Taxes to Pay the Same was the final step in the bonding process. He stated that the proposed Resolution authorizes \$1,295,000.00 to be paid through 2029. 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: Scott

2. Resolution Approving Loan Agreement, Authorizing Issuance of \$2,180,000 General Obligation Refunding Bonds, Series 2016B and Providing for the Levy of Taxes to Pay the Same

DISCUSSION: The City Manager stated that the Approving Loan Agreement, Authorizing Issuance of \$2,180,000 General Obligation Refunding Bonds, Series 2016B and Providing for the Levy of Taxes to Pay the Same was a refinancing of a previous bond issue. He stated that the interest rate was lower with the savings due to the lower interest rate at approximately \$100,000.00 in savings. 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: Scott

3. Resolution Approving Audit Services for Fiscal Years 2016-2020 with Anderson, Larkin and Co. P.C.

DISCUSSION: The Director of Administrative Services stated that a request for proposals were received in April of 2016. She stated that an Audit Committee met to review the proposals. She stated that the firm of Anderson, Larkin and Co. P.C. were the lowest proposal. She stated that the firm has audited the City of Ottumwa, which is similar in size to the City to Burlington. She stated that the audit agreement was for 5-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: Scott Seconded By: Davidson

4. Resolution Approving the Final Plat of Burlington Crossing Subdivision

DISCUSSION: The Development and Parks Director reviewed the final plat of Burlington Crossing Subdivision with Council and the viewing audience. He stated that it was a 7-lot subdivision. He stated that the Council had previously approved the preliminary plat of the Burlington Crossing Subdivision on April 4, 2016. He stated that a part of the final plat was Exhibit "C," the Improvement Agreement with Burlington Crossing Real Estate, LLC. Council Member Scott stated that the developers were already cutting grass, removing trees and removing concrete from the area. 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: Wilson

5. Resolution Approving Agreement with Police Facility Design Group, PA for the Burlington Police Facility Renovation

DISCUSSION: The Police Chief reviewed the agreement with Police Facility Design Group, PA for the Burlington Police Facility Renovation located at US Bank on Jefferson Street that the City recently purchased. He stated that Police Facility Design Group, PA designs beautiful police facilities in Iowa. He stated that the agreement was a standard industry agreement used by architects. Council Member Scott asked what the budget was for the renovation of U.S. Bank. The City Manager stated that the overall project was approximately \$5,400,000.00 with the City borrowing \$700,000.00 for the project, using the funds of \$1,000,000.00 from the sale of Newbury Village, approximately \$1,000,000.00 local option sales tax money and an election was held the Fall of 2015 for a bond issue up to \$4,000,000.00 of which Council committed to using only \$2,200,000.00. He stated that the base fee of the agreement that Council was approving tonight was for \$317,000.00. He further stated that the agreement was set up specifically with a construction manager. Mayor McCampbell stated that he was personally tickled over the deal. 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: Freddie Starling of 517 South 7th Street stated his concern that the Juneteenth event is coming up in June and he had been told last year that a new water fountain would be purchased and installed prior to the Juneteenth event. He stated that he would also like to see the electricity issue fixed this year also at DeEdwin and Gladys White Park. He stated that last year when three cookers were hooked up, there was no power. He stated that every vendor had to pay \$33.00 and yet there was not proper water and electricity. He further stated that many of the City parks have shelter houses, but there presently is not a shelter house at DeEdwin and Gladys White Park. Hosea Winters of 905 South 10th Street stated that he was told a fountain would cost \$3,000.00 and was ordered by the City. He stated that last year he had to rent generators for the Juneteenth event. The City Manager stated that the \$33.00 paid by vendors was paid to the Des Moines County Health Department. Mayor McCampbell stated that a lot of times groups come together and hold fundraisers to pay for large ticket items that are not funded in the City's budget. He urged both Freddie Starling and Hosea Winters to contact the Development and Parks Director to see what can be done prior to the Juneteenth event. Al Sparks of 302 South Garfield Street suggested to the Council that the former Salter School could be used as a community center. He urged the Council to invest in the youth of Burlington. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 7:09 p.m.

Approved: June 6, 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 Agreement with BNSF Railway Company for the Angular Street Sewer and Depot Drainage Issues
2. Resolution Awarding Contract for the 2016 WWTF S & D Building Roof Replacement
3. Resolution Approving Fire Department Fees for American Heart Association Classes

SET DATE FOR PUBLIC HEARINGS: JUNE 6, 2016

1. Consideration of Voluntary Severance of Territory Located East of 11312 Valley View Lane, Burlington, Iowa
2. Consideration of a Permanent Encroachment Agreement with Art Guild of Burlington, Inc. for Encroachment into Right-of-Way at 301 Jefferson Street, Burlington, Iowa

APPOINTMENT:

Low Rent Housing Agency: Phoebe Herrick