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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 11
June 6, 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

PROCLAMATION OF RETIREMENT:

* Daryl Bailey, Firefighter

PROCLAMATION:

* Juneteenth Day - Fred Seay

MAYOR'S AWARDS:

* Chris Clements

* Pearle Payne

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: 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. 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 Voluntary Severance of Territory Located East of 11312 Valley View Lane, Burlington, Iowa

COMMENTS: The Development and Parks Director stated that Steven Zager and Patricia Andreson have voluntarily requested the severance of territory located east of 11312 Valley View Lane. He stated that the reasons for the severance were lack of access and lack of utilities to the property. Council Member Fleming questioned Steven Zager why he wanted to sever from the City. Steven Zager of 5764 Flint Crest Drive stated that he cannot get to the property. He stated that by having the property located in the County it would grant him access to his property and be able to add a septic system. Council Member Scott stated that the only down side was that it was almost creating an island. Steven Zager stated that the property was behind his wife's parents home and it has become a neglected "step sister" right now. He stated that he would rather see something happen to the property. Mayor McCampbell stated that he hated to see the property be located in the County, but the annexation did make sense to him. 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: Fleming

CARRIED

Introduced By: Scott Seconded By: Davidson
Resolution Approving the Voluntary Severance of Territory Located East of 11312 Valley View Lane, Burlington, Iowa

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

ADOPTED

2. 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 Resolution provides for an encroachment agreement with Art Guild of Burlington, Inc. for encroachment into City right-of-way at 301 Jefferson Street for an outdoor seating area. He stated that a minimum of 6-foot unobstructed sidewalk clearance along the entire portion adjacent to the encroaching area was required for pedestrian traffic. Council Member Davidson stated that he was recently in Iowa City and personally he enjoyed all the outdoor seating areas. Mayor McCampbell agreed with Council Member Davidson. 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 Authorizing a 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

ORDINANCES:

Introduced By: Davidson Seconded By: Scott

1. Motion to Amend the Motion for Preliminary Adoption of the Second 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: The Development and Parks Director stated that there were no changes to the Ordinance Vacating and Selling a Portion of Summer Street Right-of-Way Located East of the Property at 215 Summer Street from the first reading. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.
(VOTE: 5 - "AYES")

CARRIED

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 Summer Street Right-of-Way Located East of the Property at 215 Summer Street, Burlington, Iowa

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

CARRIED

Introduced By: Davidson Seconded By: Scott

3. Motion to Amend the Motion for Preliminary Adoption of the Second 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: The Development and Parks Director stated that there were no changes to the Ordinance Vacating and Selling a Portion of South 14th Street Right-of-Way Located West of the Property at 1412 Hillary Avenue, Burlington, Iowa from the first reading. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.
(VOTE: 5 - "AYES")

CARRIED

Introduced By: Davidson Seconded By: Wilson

4. 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 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 Accepting Downtown Parking Study for the City of Burlington

DISCUSSION: The City Manger stated that the Southeast Iowa Regional Planning Commission completed a parking study that provided an up-to-date and comprehensive evaluation and perspective along with strategies for parking improvements in the downtown. He stated that the downtown parking plan was available for viewing on the City's website. He stated that the Resolution accepts the downtown parking study as presented and plans will be considered based on decision making over the next couple of years. Council Member Fleming stated that he was glad that the City Council was accepting the downtown parking study. 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: Davidson

2. Resolution Approving Reimbursement for the Imagine Committee's Indoor Sports and Recreational Facility Conceptual Drawings and Final Construction Cost Estimate for Fundraising

DISCUSSION: The City Manager stated that the Resolution provides Reimbursement for the Imagine Committee's Indoor Sports and Recreational Facility Conceptual Drawings and Final Construction Cost Estimate for Fundraising. He stated that the Imagine Committee was asking for up to \$25,000.00 from the indoor facility account to prepare the drawings and estimate. He stated that the donor was very much in favor of using funds for the drawings and cost estimate for an indoor sports complex. 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: Dean Phenise of 2117 Northern Drive stated that the parking lot by the Fire Department was previously free parking and it now costs money and people were no longer parking in that lot. He stated that there needed to be more housing for low-income people. He questioned when the renovation for the new police department would take place. The City Manager stated that the timing was contingent on US Bank building and moving to their

new bank. He stated US Bank was hoping to have their facility constructed by May or June 2017. He stated that the renovations would take approximately nine to 12 months and hope to have it completed by March 2018. Dean Phenise stated that he would like to see Apollo School renovated, but if it is going to sit empty for another 20-years, he would rather see the building torn down. He also urged the Council to keep restrooms, one for men and one for women. Freddie Starling of 517 South 7th Street stated that he brought a letter today to the Mayor and Council regarding concerns about the DeEdwin and Gladys White Park that will be used for their 2016 Juneteenth Celebration. He stated that his concerns were as follows: the electricity is limited, which is not conducive since new health regulations dictate that all food must be cooked on the premises; a water fountain is needed for drinking, hand washing and cooking; and toilet facilities in the interim were needed and the building of a shelter with permanent toilet access was needed. He stated that the vendors at the Juneteenth Celebration get discouraged using the park. He urged the Council to visit DeEdwin and Gladys White Park. He stated that he would like answers. The Development and Parks Director stated that he had a handout about the electric and water that was sent to Rev. Dial, who was listed on the special event application for the Juneteenth Celebration. The City Manager stated that the handout provides information on what the City can provide regarding electricity for roasters and crockpots. The Development and Parks Director stated that they were looking at making minor improvements to the park. Mayor McCampbell gave Freddie Starling a copy of the handout. He stated that he has spoken with Alliant and they were not able to do anything since it on City property, but they were willing to work with Property Maintenance on giving direction so there would not be any outages. The Development and Parks Director stated that the electricity at DeEdwin and Gladys White Park was similar to the electricity provided at North Hill Park and South Hill Park. Fred Seay, president of the NAACP stated that the water from the water fountain is very low to the ground and the water runs on the grounds and there was no drain, which causes the area to be muddy. He urged the Council to upgrade the fountain. The City Manager stated that there needs to be a plan for upgrades for all parks and the Development and Parks Director will need to work on a plan. He stated that the City will not be able to accomplish this in the next 2-weeks. Mayor McCampbell stated that he would like to see some work done, but every need cannot be met. He stated that in regard to a shelter, Perkins Park shelter pays for itself with rentals. He further stated that DeEdwin and Gladys White Park does not get used enough to have a shelter built there. Hosea Winters of 905 South 10th Street brought a 3- minute video of the fountain at Gladys and DeEdwin White Park that consists of a post with a piece of tin wrapped over it with two nails sticking up out of it. The Council and the viewing audience viewed the 3-minute video. Nikki Pearson of 1451 Cleveland Avenue stated that they are having to bring in water from home for the event. Council Member Scott suggested that they meet with the Parks Advisory Board and get the Parks Department involved. He stated that there were grants available for parks. He stated that the Council needs to be careful what promises we make. He stated that organizations such as MS Society and Alzheimer organizations pay for services (porta-potties, generators, hand washing, water to drink) for special events on City property. He stated that they pay the City for services such as picnic tables that they cannot provide. He stated that Juneteenth should be celebrated. He stated that he was ashamed of our past but he was proud of our present and our future. He stated that when his children got married in the park they

provided their own tents for a one-day event. He stated that he knew DeEdwin and Gladys White and there were tremendous people and powerful leaders. He further stated that he was sorry for the mis-communication. Council Member Davidson asked if there was any type of temporary fix for the water fountain so that the ground does not get muddy. Council Member Scott stated that he will look at it and he may have something that will help. Freddie Starling stated that he was 400-years behind everyone else, because his ancestors were not free and people keep pressing him down. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 6:57 p.m.

Approved: June 20, 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 Spiritz N Dreamz, LLC dba/The Crazy Coyote
2. Resolution Authorizing Internal Loan from General Fund to Tax Increment Revenue Fund
3. Resolution Establishing a No Parking Zone on the East Side of Cottonwood Court Extending from Winegard Drive to the North Approximately 65 Feet
4. Resolution Establishing West Burlington Avenue from West Avenue to Division Street as a Heavy Truck Route

SET DATE FOR PUBLIC HEARINGS: JUNE 20, 2016

1. Consideration of an Ordinance Rezoning a Portion of 2400 Sunnyside Avenue to Include a Planned Unit Development Overlay Zone (Arbor View Estates PUD)
2. Consideration of City of Burlington Neighborhood Stabilization Program (08-NSP-003, 11-NSP-003)