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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 14
July 18, 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:

Debbie Wagenbach, Youth Services Library Assistant

MAYOR'S AWARDS:

- * Debbie Wagenbach
- * Gina Hardin
- * Tom Colthurst

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: Wilson

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. Leon Shahan of 1821 Mt. Pleasant Street requested the removal of the Resolution Authorizing Internal Loan from General Fund to Tax Increment Revenue Fund 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 Sale of Property Locally Known as 925 Wells Court, City of Burlington, Iowa

COMMENTS: Mayor McCampbell stated that the City was currently receiving bids for the purchase of property located at 925 Wells Court, a vacant lot. He stated that the current high bid was \$500.00. He stated that all permits shall be received and all codes shall be met, as applicable, for any construction on the lot. He further stated that a quit claim deed shall be transferred to the purchaser upon payment of purchase price. The Development and Parks Director stated that the City acquired the property at 925 Wells Court through the court system as an abandoned building and the home which was not in good condition was demolished by the City. He stated that the property owner directly to the west of 925 Wells Court would like to purchase the property to expand her property. Mayor McCampbell led an auction for the Sale of Property Locally Known as 925 Wells Court, City of Burlington, Des Moines County, Iowa. Tina Taeger was the high bidder at \$500.00. Tina Taeger of 18299 165th Street, Danville, IA stated that she just found out today from the Development and Parks Director and the Building Code Inspector that the alley has not been used for the past 11-years as the cement retaining wall was coming down. She stated that she would be responsible for the cement retaining wall as the landowner. She stated that she would like to get a bid on the price of fixing the retaining wall. She questioned how long she would have to fix the retaining wall by meeting the standards of the City. The Development and Parks Director stated that there were no requirement that you would have to replace the retaining wall as essentially the alley is a non-travel alley way and the City has not received any complaints. The City Manager stated that it was a liability that goes with the property, but it has been sitting there for 11-years and no one is pushing the issue, because it is an unused alleyway. Mayor McCampbell asked Tina Taeger if she was still interested in purchasing the property. Tina Taeger stated that she would accept purchase of the property. 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: Wilson

CARRIED

Introduced By: Scott
Motion to Amend Exhibit "C" of the Resolution Approving the Sale of Property Locally Known as 925 Wells Court, City of Burlington, Des Moines County, Iowa that the Property be Sold to Tina Taeger in the amount of \$500.00

Seconded By: Wilson

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

CARRIED

Introduced By: Scott
Resolution Approving Sale of Property Locally Known as 925 Wells Court, City of Burlington, Des Moines County, Iowa

Seconded By: Fleming

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

ADOPTED

2. Statement: Consideration of Sale of Property Locally Known as 1014 Court Street, City of Burlington, Iowa

COMMENTS: Mayor McCampbell stated that the City was currently receiving bids for the purchase of property located at 1014 Court Street, a vacant lot. He stated that the current high bid was \$200.00. He stated that all permits shall be received and all codes shall be met, as applicable, for any construction on the lot. He further stated that a quit claim deed shall be transferred to the purchaser upon payment of purchase price. The Development and Parks Director stated that the property owner directly to the west of 1014 Court Street would like to purchase the property to expand his property. He stated that the property was a very steep hillside and would have little use or ability to be built upon other than potentially the owner to the east or west. He stated that the interested owner to the west of the property currently has a repair business on Central Avenue. He stated that any construction or storage on that site would have to meet all codes for paving, building permits, codes and setbacks. Mayor McCampbell led an auction for the Sale of Property Locally Known as 1014 Court Street, City of Burlington, Des Moines County, Iowa. Travis Bonar was the high bidder at \$200.00. 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: Wilson
Motion to Amend Exhibit "C" of the Resolution Approving the Sale of Property Locally Known as 1014 Court Street, City of Burlington, Des Moines County, Iowa that the Property be Sold to Travis Bonar in the amount of \$200.00

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

CARRIED

Introduced By: Scott Seconded By: Wilson
Resolution Approving Sale of Property Locally Known as 1014 Court Street, City of Burlington, Des Moines County, Iowa

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

ADOPTED

3. Statement: Consideration of an Ordinance Vacating and Selling a Portion of Gordon Street Right-of-Way Located West of Baumberger Street and a Portion of Baumberger Street Right-of-Way Located South of Monroe Street

COMMENTS: The Development and Parks Director reviewed with Council and the viewing

audience the proposed Ordinance Vacating and Selling a Portion of Gordon Street Right-of-Way Located West of Baumberger Street and a Portion of Baumberger Street Right-of-Way Located South of Monroe Street. He stated that Jerry and Rebecca Sherwood have requested the vacations and purchase of the right-of-ways. He stated that the City Planning Commission held a public hearing on June 21, 2016 and voted 4-0 to approve the vacating of the right-of-way. He stated that Gordon Street right-of-way is a dead end roadway that only serves Jerry and Rebecca Sherwood's property at 2005 Cliff Road. He stated that the Baumberger Street right-of-way is an unused and unmaintained right-of-way with the lack of ability for future travel way access through the right-of-way. He further stated that Jerry and Rebecca Sherwood desire ownership and maintenance of the right-of-ways and these are of no use to the City of Burlington. 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

Motion for Preliminary Adoption of the First Reading of an Ordinance Vacating and Selling a Portion of Gordon Street Right-of-Way Located West of Baumberger Street and a Portion of Baumberger Street Right-of-Way Located South of Monroe Street

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

CARRIED

4. Statement: Consideration of an Ordinance Rezoning the Property Located at 2635 Mount Pleasant Street from C-2, General Commercial to R-4, Multi-Family Residential Zoning District

COMMENTS: The Development and Parks Director reviewed with Council and the viewing audience the proposed Ordinance Rezoning the Property Located at 2635 Mount Pleasant Street from C-2, General Commercial to R-4, Multi-Family Residential Zoning District. He stated that the City Planning Commission held a public hearing on June 21, 2016 and voted 4-0 to recommend approval of the requested rezoning. He stated that the approval was based on the existing use of the property as residential, approval by City Council in 2001 to construct 15 condo units on the property under General Commercial Expanded zoning classification, which is no longer a zoning district, request of the applicant and following the Future Land Use Map designation as residential. Mike Hoffman of 5512 Flintcrest Drive stated that he was in the process of purchasing the proposed property and was planning on building three tri-plexes on the property. He stated that he has no plans for the remaining 60-feet. He stated that his tri-plexes would provide "aging in place," which has not been done in Burlington. He stated that "aging in place" was mentioned in the September 2014 Harvard Study, which includes five items that the aging need to have in place: widening doorways (wheelchair access); lever handles; roll-in showers; extra wide hallways and single floor living with zero entrance housing with no steps. He stated that he will also be installing a Warren Lift toilet. Council Member Scott stated that he addressed any concerns that he had previously had. 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
Motion for Preliminary Adoption of the First Reading of an Ordinance Rezoning the
Property Located at 2635 Mount Pleasant Street from C-2, General Commercial to R-4,
Multi-Family Residential Zoning District

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

CARRIED

5. Statement: Consideration of Plans and Specifications for the 2016 Former Dresser Rand Site Cleanup Project

COMMENTS: Mike Goalen, Project Manager for Impact 7G, reviewed with Council and the viewing audience the proposed plans and specifications for the 2016 Former Dresser Rand Site Cleanup Project. This project involves the removal of the concrete surfaces and contaminated soil. He stated that the estimated cost of the cleanup was \$623,700.00. He stated that bids would be accepted on August 4, 2016 at 2:00 p.m. with the project being awarded on August 15, 2016. He stated that the project should take 90-working days. He stated that after cleanup of the site it will be graded, seeded and ready for a developer. Mayor McCampbell stated that it will be nice to see the area seeded down with grass. Council Member Davidson stated that Dresser Rand has been a project that keeps on giving. He stated that this will be the final step to cleaning up the property. The City Manager stated that it has been a very costly project. Leon Shahan of 1821 Mt. Pleasant Street asked if there was any Brownsfield funds available for the cleanup. The City Manager stated that the City applied for EPA grants for two years in a row and never received an EPA grant. Mike Goalen stated that Southeast Iowa Regional Planning Commission paid for the original assessments. 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: Davidson
Resolution Approving Plans and Specification for the 2016 Former Dresser Rand Site
Cleanup Project

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

ADOPTED

RESOLUTIONS:

Introduced By: Davidson Seconded By: Fleming

1. Resolution Approving 28E Amended Agreement Between the City of Burlington, Iowa and the Southeast Iowa Regional Airport Authority for Shared Services and for Continued Operation and Maintenance of an Airport Facility

DISCUSSION: The City Manager stated that the proposed Resolution approves an amended 28E agreement between the City and the Southeast Iowa Regional Airport Authority for shared services and for continued operation and maintenance of an airport facility. He stated that the majority of the terms remain the same from the previous agreement. He stated that under article 4 of the agreement the Airport Authority agrees to reimburse the City \$9,600.00 per year for ARFF services (fire protection services) rendered within the first fiscal year of this agreement and the amount shall be increased by \$100.00 each year thereafter. He stated that the agreement transfers the armory property over to the ownership of the Airport Authority and then the City will lease the armory from the Airport Authority. He stated that there was no lease fee for the City for use of the armory, but the City will provide maintenance. He stated that should the main armory building be torn down, the demolition would be split 50% by the City and 50% by the Airport Authority. The Development and Parks Director stated that the Armory would be still used by the City for storage. The City Manager stated that Police Department, Forestry and Public Works use the armory for storage. He stated that the agreement allows for the use to be modified over time with the permission of the Airport Authority as the owner of the armory. Leon Shahan of 1821 Mt. Pleasant Street asked if this resolves the problems with FAA rules. The City Manager stated that FAA had restrictions and this gives the Airport Authority a certain level of control. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

ADOPTED

Introduced By: Davidson Seconded By: Fleming

2. Resolution Accepting Design for Phase V of the Riverfront Flood Mitigation Project

DISCUSSION: Leo Foley, Project Manager for Veenstra and Kimm and Jason McKenzie, Design Engineer for Veenstra and Kimm reviewed with Council and the viewing audience the design for Phase V of the Riverfront Flood Mitigation Project. He stated that the existing fountains would be removed but the war memorial would remain at its present location. He explained that Phase V is actually the first phase of the project was \$5,600,000.00 of which a majority of the money, \$4,000,000.00 was for the flood wall itself. He stated that there was a potential to lose 23 parking stalls in Phase V. He stated that plans were to have a steering committee created August 2016 and have an initial design regulatory meeting late August 2016 or early September 2016. He stated that a public hearing would be held on the plans and specifications in January or February of 2017 with the project being bid the Spring of 2017 and construction would commence the summer of 2017. Leo Foley further showed "fly over plans" of the entire riverfront and what the riverfront could look like in the future, should the City Council choose to make additional improvements to the riverfront. Those who spoke regarding the project were Dave Wiemer of the Riverfront Advisory Committee; Joanne Bauer of the Riverfront Advisory Committee; Newt Colburn of the Riverfront Advisory Committee; Becky

Anderson of 218 South 6th Street; Chelsea Tolle, Executive Director of Tourism Bureau, Leon Shahan of 1821 Mt. Pleasant Street; David Notchick of 206 North 3rd Street; Andrew Mahoney of 715 Blackhawk Boulevard and Steve Frevert, Executive Director of Downtown Partners. Many of those who spoke were in favor of a future splash pad and urged the Council to look at the future and the young people. Joanne Bauer stated that if people object to the loss of 2 dozen parking spaces, people could use a shuttle or there could be valet parking for events at the Memorial Auditorium. Dean Phenise stated that at one time the City did not have money to pay bills and now there are plans to spend a lot of money on the riverfront. Mayor McCampbell stated that the Phase V of the project would be good for the community. Council Member Wilson stated that she liked Phase V, Alternate 1 as the City would only be losing 23 parking spaces. She stated that she did like the future plans for a splash pad. Council Member Scott stated that he was not opposed to any of the plans, but he did have people contact him opposed. He stated that the Council was not approving the “big fly over plan.” He stated that the “big fly over plan” was just an idea of what could be done at the riverfront. He stated his concern with losing parking spaces and suggested having the promoters of events provide shuttle service. He stated that he thought the future splash pad was beautiful and nice and he would love to bring his grandchildren down to play in it, but was concerned with operating cost. He stated that he has wanted a boardwalk forever along the riverfront. He felt the City was on the right track. He stated that he was in favor of Phase V of the plan. Council Member Fleming stated that he was very enthusiastic about the plan and hoped the Council keeps kids in mind for future plans, like the splash pad. He stated that it was a step forward for Burlington in a positive direction. Council Member Davidson stated that he liked Alternate 1 of Phase V better than Alternate 2 of Phase V. He reminded the viewing audience that Council was not voting on the “big fly over plan,” but Phase V. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - “AYES”)

ADOPTED

Introduced By: Davidson Seconded By: Fleming

3. Resolution Amending the Encroachment Policy for the City of Burlington, Iowa

DISCUSSION: The Development and Parks Director reviewed with Council and the viewing audience the proposed amended encroachment policy for the City of Burlington, Iowa. He stated that the amended policy addresses “sidewalk cafes.” He stated that at the June 21, 2016 Planning Commission meeting the Commission voted 4-0 to approve the policy. He stated that the fee for an encroachment for a sidewalk café was \$25.00 application fee, with requirements and approval by the City Manager. He stated that staff will evaluate the sidewalk café requirements for effectiveness and suitability at the end of 2016 and bring forward any further recommended changes to the encroachment policy at that time. Council Member Scott stated that he was in favor of the proposed amended encroachment policy. He encouraged staff to be aware of Americans with Disability Act (ADA) and any violations. He stated his concerns with recent construction on Jefferson Street and this past weekend there was a huge event downtown and many of the sidewalks were blocked with merchandise and were not wheel chair accessible. He stated that is not acceptable. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

ADOPTED

Introduced By: Davidson Seconded By: Scott

4. Resolution Authorizing Internal Loan from General Fund to Tax Increment Revenue Fund

DISCUSSION: Leon Shahan of 1821 Mt. Pleasant Street stated that he wanted to know what the Resolution Authorizing Internal Loan from General Fund to Tax Increment Revenue Fund involved. The Director of Administrative Services stated that the Resolution authorizes \$20,000.00 be advanced to the Tax Increment Revenue Fund from the General Fund, in order to pay project costs associated with urban renewal projects including attorney fees and administrative staff costs for the fiscal year 2017. She stated that such advance shall be treated as a loan to the Tax Increment Revenue Fund and shall be repaid to the General Fund out of incremental property tax revenues received with respect to the Urban Renewal Area. The City Manager stated that the City was not trying to recover all of its costs, but would like TIF to reflect a good portion of the costs. 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 Northern Drive stated that Burlington needed more government housing. He applauded the Police Department and Fire Department for their work. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 7:45 p.m.

Approved: August 1, 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 Nuisance Abatements for Various Properties
2. Resolution Approving Agreement Between City of Burlington, Iowa, Klingner and Associates, PC, Mike Nelson Concrete Paving Co. and Four Seasons Excavation and Landscaping, Inc. for Construction and Extension of That Portion of Monticello Drive Situated Within the Seventh Addition to the Westbrook Estates Subdivision
3. Resolution Approving Maintenance and Operation of Public Infrastructure in the 7th Addition to Westbrook Estates Subdivision
4. Resolution Approving Energy Efficiency Plan Agreement Between the City of Burlington, Iowa and Interstate Power and Light Company to Provide Grant Funding for the Design and Implementation of Programs that Improve Market Awareness and Adoption of New Technologies through the Bright Ideas Grant Program
5. Resolution Approving Energy Efficiency Plan Agreement Addendum Between the City of Burlington, Iowa and Southeastern Iowa Community College for Purchase up to Two Charging Systems
6. Resolution Approving Energy Efficiency Plan Agreement Addendum Between the City of Burlington, Iowa and Hy-Vee Supermarket at 3140 East Agency Street, Burlington, Iowa for Purchase up to Two Charging Systems
7. Resolution Approving Lease of Two Toro Greensmaster 3150 Greens Mowers by Flint Hills Golf Course for Four Years

APPOINTMENTS:

Animal Hearing Board: Tim Goodwin
Economic Development Advisory Committee: Owen Sloan and Elizabeth VanVleck
Riverfront Advisory Committee: Joanne Bauer