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MINUTES OF THE PROCEEDINGS  
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 16  
August 15, 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 AWARDS:

- \* Mike Crowner
- \* Ann March

PRESENTATION OF CHECK FOR BOOTS AND BADGES BY CALE HEITMEIER:

Police Chief Beaird presented Cale Heitmeier with a certificate of appreciation for his efforts in organizing the Boots versus Badges fundraiser. Cale Heitmeier presented the City Council with a check for \$12,300.00 that was raised by the Boots versus Badges fundraiser for the K-9 fund. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

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.

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 Plans and Specifications for the 2016 West Avenue and West Burlington Avenue Roundabout, RISE - RM-0977 (643) – 7D-29

COMMENTS: The City Manager stated that French Reneker Associates, Inc. presented a formal presentation on the 2016 West Avenue and West Burlington Avenue Roundabout approximately six months ago. Matt Walker of French Reneker Associates, Inc. stated that bids would be received on August 31, 2016 at 2:00 p.m. He stated that the project has an early start date of September 19, 2016 and a late start date of April 15, 2017 and the project was scheduled for 75 working days. He reviewed the detour route while the intersection is closed for construction. He stated that the City was still waiting for an easement with Siemens formerly Dresser Rand. Council Member Davidson asked if semis would be able to navigate the roundabout. Matt Walker of French Reneker Associates, Inc. stated that the lane was 12-ft. for semis to maneuver. The City Engineer stated that quarterly Siemens will have an exceptional long truck that will have to use the slip lane backwards and will have to have traffic control with flaggers due to the length of the truck. Mike Crowner asked if concrete medians were necessary. The City Engineer stated that the medians would be painted and are meant to be a safety feature as it guides vehicles through the roundabout. 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 Plans and Specifications for the 2016 West Avenue and West Burlington Avenue Roundabout, RISE - RM-0977 (643) – 7D-29

DISCUSSION: None.  
(VOTE: 5 - “AYES”)

ADOPTED

2. Statement: Consideration of an Ordinance Amending Various Sections of Chapter 155, International Building Code of the City of Burlington Municipal Code

COMMENTS: The Development and Parks Director reviewed with Council and the viewing audience the proposed Ordinance Amending Various Sections of Chapter 155, International Building Code of the City of Burlington Municipal Code. He stated that the City was going from the 2012 edition of the International Building Code to the 2015 edition. He reviewed the proposed changes. He stated that both the Building Inspector and the Fire Marshal were in agreement with the changes. The City Manager asked if this proposed Ordinance would affect any current projects. The Development and Parks Director stated that the proposed Ordinance would affect the Tama building project and any other building located in the downtown. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Davidson  
Motion to Close

Seconded By: Fleming

CARRIED

Introduced By: Davidson

Seconded By: Wilson

Motion for Preliminary Adoption of the First Reading of an Ordinance Amending Various Sections of Chapter 155, International Building Code of the City of Burlington Municipal Code

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

CARRIED

3. Statement: Consideration of an Ordinance Amending Various Sections of Chapter 156, International Existing Building Code of the City of Burlington Municipal Code

COMMENTS: The Development and Parks Director reviewed with Council and the viewing audience the proposed Ordinance Amending Various Sections of Chapter 156, International Existing Building Code of the City of Burlington Municipal Code. He stated that the City was going from the 2012 edition of the International Existing Building Code to the 2015 edition. He reviewed the proposed changes. 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: Fleming  
Motion for Preliminary Adoption of the First Reading of an Ordinance Amending Various Sections of Chapter 156, International Existing Building Code of the City of Burlington Municipal Code

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

CARRIED

RESOLUTIONS:

Introduced By: Wilson      Seconded By: Davidson

1. Resolution Establishing No Parking Areas in the 500 Block of Terrace Drive Continued from the August 1, 2016 City Council Meeting

DISCUSSION: The Assistant City Manager to Public Works stated that the Resolution Establishing No Parking Areas in the 500 Block of Terrace Drive Continued from the August 1, 2016 City Council Meeting has not changed, but the Council could amend the Resolution. The City Manager stated that the proposed Resolution was a follow-up request from the Burlington Community School District for controlled access to Burlington High School as officials want students to park their vehicles in the school parking lot versus on-street parking. Mike Crowner stated that it sounded like a school problem and no parking in the 500 block of Terrace Drive would punish those that live in the neighborhood. Council Member Fleming stated that he shared Mike Crowner's thoughts. Council Member Scott stated that based on the rest of the

neighborhood and the restrictions placed on the neighborhood he would not have a problem adopting the proposed Resolution, if there was a stronger presence from the Burlington Community School District. He stated that the impression he received was that the school district can live with it either way. He stated why upset the apple cart when the advantage is not there. Council Member Davidson made a motion to amend the no parking area in the 500 block of Terrace Drive from 8 a.m. to 3 p.m. Motion died for lack of a second. Council Member Wilson stated that she understood that the area gets congested, but she has to think about the people that live in the neighborhood that use the on-street parking and pay property taxes. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk. (VOTE: 1 “AYE” Scott

4 - “NAYS” Wilson, Davidson, Fleming and McCampbell)

FAILED

Introduced By: Scott                      Seconded By: Davidson

2. Resolution Approving Agreement with Carl A. Nelson and Company to Provide Construction Management Services for the Burlington Police Department Renovation Project

DISCUSSION: The City Manager stated that the City received RFQ’s (requests for qualifications) and Carl A. Nelson came out on the top. He stated that the fee proposal was in three parts: pre-construction fee (lump sum) of \$15,000.00, 3% construction fee (percent of the cost of the work) and a preliminary estimate of the general conditions of estimated \$20,000.00 a month (budget). He stated that there may be additional items added to the general conditions as the design progresses and the project budget is refined. He stated that Carl A. Nelson was looking at a 9-month time frame for construction services. He stated that the fees were inline with other contracts for this type of service. He stated that they will be working in conjunction with the architect, Estes Company. He stated that there would be a 9-month design phase and a 9-month construction phase. He stated that overall fees total approximately \$300,000.00 and the actual construction cost was estimated at \$3,500,000.00. Council Member Wilson stated that it was important for everyone to realize that the cost of the construction management services will be taken out of what the City would be paying the general contractor. She stated that it was not an added cost, but would simplify the cost. Council Member Davidson stated that the use of a construction management services should save the City money on the project. Council Member Scott stated that they would have the City’s best interest at heart. 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: Fleming

3. Resolution Awarding Contract for the 2016 Former Dresser Rand Site Cleanup Project

DISCUSSION: Mike Goalen, Senior Project Manager for Impact 7G, stated that two bids were received for the 2016 Former Dresser Rand Site Cleanup Project. He stated that the low bidder was J. Pettiecord, Inc. in the amount of \$598,006.00. He stated that the low bid was approximately 4% lower than the Engineer’s Estimate of Probable Cost of \$623,700.00. The

City Manager stated that the City will still have a separate contact with Impact 7G for oversight and back-end work at the September 6, 2016 City Council meeting. He stated that the project is designed to be done within 90 days of the notice to proceed. Council Member Fleming asked what happens after the 2016 Former Dresser Rand Site Cleanup Project is complete. The City Manager stated that it would become a green space and could be sold and used for either commercial or industrial use. 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 Amending Fees for Dankwardt Park Pool

DISCUSSION: The Development and Parks Director stated that a request has been made to create a fee rate to allow for sponsored "free days" at the Dankwardt Park pool. He stated that staff has made a recommendation for the free day rate of \$800.00 based on pool operating costs, attendance levels, required staffing and other rates charged. He reviewed the six conditions for the sponsored "free days." Mike Crowner stated that Cities provide swimming pools as an amenity for the community. He stated that he understood not having free days on the weekend, but questioned how busy the swimming pool was on a Monday or Tuesday during the week. He further suggested having the swimming pool promoted and more affordable for after hour birthday parties. Council Member Scott made a motion to amend the Resolution Amending Fees for Dankwardt Park Pool for a sponsored "free day" at the Dankwardt Park Pool to be \$600.00, with Conditions. Council Member Wilson seconded the motion. Council Member Davidson stated that he was okay with the \$600.00 sponsored fee for children, but not adults. After roll call vote, motion failed. Council Member Scott then a made a motion to amend the Resolution Amending Fees for Dankwardt Park Pool for a sponsored "free day" at the Dankwardt Park Pool to be \$600.00, with conditions and amend condition no. 3 as follows: On a free day, the admission to the pool shall be open to all youth 18 and under free of charge. Council Member Wilson seconded the motion. Motion was unanimously approved. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Scott                      Seconded By: Wilson

5.        Motion to Amend the Resolution Amending Fees for Dankwardt Park Pool for a sponsored "free day" at the Dankwardt Park Pool to be \$600.00, with Conditions

DISCUSSION: None.

(VOTE: 2 "AYES" Wilson and McCampbell

3 - "NAYS" Scott, Davidson and Fleming)

FAILED

Introduced By: Scott                      Seconded By: Wilson

6.        Motion to Amend the Resolution Amending Fees for Dankwardt Park Pool for a sponsored “free day” at the Dankwardt Park Pool to be \$600.00, with conditions and amend condition no. 3 as Follows: On a free day, the admission to the pool shall be open to all youth 18 and under free of charge

DISCUSSION: None.  
(VOTE: 5 - “AYES”)

CARRIED

COMMENTS FROM AUDIENCE: Dean Phenise stated that the City Council should be spending money on Cascade Bridge instead of the riverfront. He further stated that Apollo School should be torn down as the City cannot save every old building. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 6:34 p.m.

Approved: September 7, 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 of the City of Burlington, Iowa Relating to a Property Tax Exemption Granted Under Iowa Code 15.332 for Silgan Containers Manufacturing Corporation and Authorizing the Mayor to Sign a Development Agreement
2. Resolution Approving an Agreement Between Veenstra and Kimm, Inc. and the City of Burlington for Engineering Services in Connection with the Reconstruction of the Storm Sewer Outlet at the Bluff of the Mississippi River on Harrison
3. Resolution Approving the Release and Vacation of Easements Located Within the Burlington Crossing Subdivision

SET DATE FOR PUBLIC HEARINGS: SEPTEMBER 6, 2016

1. Consideration of an Ordinance Rezoning the Property Located at 2910 Madison Avenue from R-1, Single Family Residential to C-1, Limited Commercial Zoning District
2. Consideration of a Permanent Encroachment Agreement with Tracy Thompson for Encroachment into City Right-of-Way at 129 Polk Street, Burlington, Iowa
3. Consideration of Sale of Property Locally Known as 118 North Main Street, City of Burlington, Des Moines County, Iowa with Conditions