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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 20
October 17, 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

PROCLAMATIONS:

- * Winners of the City of Burlington 7th Grade Essay Contest 2016
 - Maddie Drew - Notre Dame
 - Brock Dengler - Aldo Leopold Middle School
- * Community Planning Month: Eric Tysland

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: Davidson 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. 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 the Sale of Property Locally Known as 207 South 5th Street, City of Burlington, Iowa, with Conditions

COMMENTS: The Development and Parks Director stated that the property at 207 South 5th Street was acquired by the City through the court system as an abandoned building. He stated that the home was demolished due to its condition, so the property is a vacant lot. He stated that staff recommends that the property go to a neighboring property owner or someone that would plan on developing the property. He stated that all permits shall be received and all codes shall be met, as applicable, for any construction on the lot. Mayor McCampbell led an auction for the Sale of Property Locally Known as 207 South 5th Street, City of Burlington, Iowa, City of Burlington, Des Moines County, Iowa. Hilltop Properties of Burlington, LLC of 218 South 6th Street, Burlington, Iowa was the only bidder at \$500.00. 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: Scott

CARRIED

Introduced By: Davidson Seconded By: Fleming
Resolution Approving the Sale of Property Locally Known as 207 South 5th Street, City of Burlington, Iowa, with Conditions

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

ADOPTED

2. Statement: Consideration of an Ordinance Creating Chapter 38 Tree Advisory Board of the Burlington Municipal Code

COMMENTS: The Development and Parks Director reviewed with Council and the viewing audience the proposed Ordinance Creating Chapter 38 Tree Advisory Board of the Burlington Municipal Code. He stated that the Tree Advisory Board will consist of seven members with staggered terms, preference given to persons who are residents of the City. He stated that the board will serve as an advisory resource for City officials and staff and for the community at large by providing information, education, recommendations and support to promote practices which lead to a healthy urban forest throughout the City. He stated that the board will also ensure that the City of Burlington has qualified for and maintains the designation of Tree City USA, coordinate community tree planting and care activities and educate the public about diseased trees. Council Member Davidson asked if there were people willing to serve on the new Tree Advisory Board. The Development and Parks Director stated that the City Forester and the Parks Superintendent have met with the Trees Forever Group and other professionals interested in promoting the new Tree Advisory Board and possibly serving on the board. 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: Wilson

CARRIED

Introduced By: Davidson Seconded By: Fleming
Motion for Preliminary Adoption of the First Reading of an Ordinance Creating Chapter
38 Tree Advisory Board of the Burlington Municipal Code

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

CARRIED

ORDINANCES:

Introduced By: Wilson Seconded By: Scott
1. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of an
Ordinance Rezoning the Property Located at 3107 South 14th Street from R-1, Single
Family Residential to R-4, Multi-Family Residential Zoning District, with Conditions

DISCUSSION: The Development and Parks Director stated that there were no changes to the
Ordinance Rezoning the Property Located at 3107 South 14th Street from R-1, Single Family
Residential to R-4, Multi-Family Residential Zoning District, with Conditions 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: Wilson Seconded By: Davidson
2. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading
and for Final Adoption of an Ordinance Rezoning the Property Located at 3107 South
14th Street from R-1, Single Family Residential to R-4, Multi-Family Residential Zoning
District, with Conditions

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

CARRIED

Introduced By: Wilson Seconded By: Davidson
3. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of an
Ordinance Rezoning the Property Located at 2910 Madison Avenue from R-1, Single
Family Residential to C-1, Limited Commercial Zoning District, with a Planned Unit
Development (PUD) Overlay Zone

DISCUSSION: The Development and Parks Director stated that there were no changes to the
Ordinance Rezoning the Property Located at 2910 Madison Avenue from R-1, Single Family
Residential to C-1, Limited Commercial Zoning District, with a Planned Unit Development
(PUD) Overlay Zone 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: Wilson Seconded By: Davidson

4. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption of an Ordinance Rezoning the Property Located at 2910 Madison Avenue from R-1, Single Family Residential to C-1, Limited Commercial Zoning District, with a Planned Unit Development (PUD) Overlay Zone

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

CARRIED

Introduced By: Wilson Seconded By: Scott

5. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of an Ordinance Amending Various Sections of Chapter 154, Residential Code of the City of Burlington Municipal Code

DISCUSSION: The Development and Parks Director stated that there were no changes to the Ordinance Amending Various Sections of Chapter 154, Residential Code of the City of Burlington Municipal Code 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: Wilson Seconded By: Davidson

6. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption of an Ordinance Amending Various Sections of Chapter 154, Residential Code of the City of Burlington Municipal Code

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

CARRIED

Introduced By: Wilson Seconded By: Davidson

7. Motion for Preliminary Adoption of the Second Reading of an Ordinance Amending Section 150.07 Affixing Numbers of Chapter 150 Building Numbering of the City of Burlington Municipal Code

DISCUSSION: The Development and Parks Director reviewed with Council and the viewing audience the proposed Ordinance Amending Section 150.07 Affixing Numbers of Chapter 150 Building Numbering of the City of Burlington Municipal Code. He stated that the change would provide individual house numbers to be a minimum of four inch high verses three inch high and must be clearly visible and readable from the street and in plain view. He stated that the proposed change would be consistent with the Fire Code standards. Council Member Scott stated that having your house number on your home and visible from the street was too important of an issue to just glance over and the City Council will have three readings of the proposed Ordinance. He stated how house numbers were important for those that need to come to your home or place of business such as FedEx, postal delivery and emergency personnel. He reminded the viewing audience that the proposed Ordinance not only applies to residences but also to commercial and industrial buildings. All present had opportunity to speak and nothing

additional was filed in the office of the City Clerk.
(VOTE: 5 - "AYES")

CARRIED

RESOLUTIONS:

Introduced By: Scott

Seconded By: Fleming

1. Resolution Authorizing Staff to Seek Redevelopment Proposals for the Apollo School Property at 1201 Valley Street

DISCUSSION: The City Manager stated that the proposed Resolution authorizes staff to seek redevelopment proposals for the Apollo School property at 1201 Valley Street. He stated that the costs to remove asbestos and demolition were approximately \$600,000.00. He stated that the City had previously had no coordinated effort for redevelopment. He stated that Zach James of SEIRPC has offered to seek proposals. Zach James of SEIRPC stated he would be seeking proposals for the Apollo School property at 1201 Valley Street. He stated that Requests for Proposals (RFP's) would be sent out next week to a list of Midwest developers. He stated that developers would have until January 20, 2017 to submit proposals. He stated that proposals would be reviewed and then the City Council can either accept a proposal or reject all proposals. The City Manager stated that the base purchase price for the property was \$100,000.00 with the City offering a Tax Increment Financing Rebate at 100% for a period of 15-years and the City will also offer up to \$25,000.00 toward asbestos abatement through the Iowa Department of Natural Resources grants program. He stated that there were also potential tax credits that the developer could apply toward the project. He stated that anyone can submit a proposal. Council Member Davidson stated that he was going to vote against the Resolution because if Miller-Valentine cannot redevelop Apollo School, he doubted the City would find a redeveloper. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.
(VOTE: 4 - "AYES" Scott, Wilson, Fleming and McCampbell

1 - "NAY" Davidson)

ADOPTED

Introduced By: Scott

Seconded By: Wilson

2. Resolution Approving Contract for Real Estate Services with Terrus Real Estate Group, LLC

DISCUSSION: The City Manager stated that the proposed Resolution approves the contract for real estate services with Terrus Real Estate Group, LLC and was similar to the contract the City entered into with Terrus Real Estate Group, LLC when the City sold the Flint Hills Manor site. He stated that if Jesse Caston of Terrus Real Estate Group, LLC is able to sell the Apollo School property located at 1201 Valley Street, he would receive a 5% fee. He stated that if the property would sell for \$100,000.00 the 5% fee would be \$5,000.00. 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

3. Resolution Establishing a No Parking Zone on the West Side of Willow Street Extending

from Dill Street to Sequoia Drive

DISCUSSION: The Assistant City Manager of Public Works stated that Public Works received a request from Police Officer Laura Larger on behalf of the Burlington Community School District to have Willow Avenue from Dill Street to Sequoia Drive made into a “no parking zone.” He stated that he has driven the area during school hours and the area is very congestive. Police Officer Laura Larger stated that she felt it was a safety issue with parents both dropping off and picking up their children at Edward Stone Middle School. Council Member Scott asked if there was adequate parking in the parking lot at Edward Stone Middle School. Police Officer Laura Larger stated that there was adequate parking and she hoped parents would start using the parking lot. 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

4. Resolution Approving the Final Plat of the Second Addition to Westbrook Meadows Subdivision

DISCUSSION: The Development and Parks Director reviewed with Council and the viewing audience the proposed final plat of the Second Addition to Westbrook Meadows Subdivision. He stated that this was the second phase of development off of Gear Avenue for townhouse and condo development by Mike Pierson. He stated that it includes zero lot line development. Mayor McCampbell and Council Member Davidson thanked Mike Pierson for all of the development that he is doing and has done in the past. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - “AYES”)

ADOPTED

Introduced By: Fleming

Seconded By: Davidson

5. Resolution Approving Purchase of a 2017 Vactor 2100 Plus with Hydro Excavating Capabilities for Public Works, Street Division

DISCUSSION: The Assistant City Manager of Public Works reviewed with Council and the viewing audience the purchase of a 2017 Vactor 2100 Plus with Hydro Excavating Capabilities for Public Works, Street Division. He stated that the City received two bids with one of the bidders not meeting specifications. He stated that the proposed Resolution awards bid to the higher bid due to that reason. He stated that the cost of the 2017 Vactor 2100 plus with hydro excavating capabilities was \$389,921.00. Mayor McCampbell and Council Member Davidson thanked staff for all the work they did in getting the specifications together for the combination vac truck. The City Manager stated that the combination vac truck would be funded with Road Use Tax (RUT) funds and the sewer fund. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - “AYES”)

ADOPTED

Introduced By: Fleming

Seconded By: Davidson

6. Resolution Amending Reserved Parking Along Valley Street to the East of Main Street

DISCUSSION: The Assistant City Manager of Public Works stated that the proposed Resolution amends the previous Resolution that Council had approved for reserved parking for US Bank. He stated that per the lease agreement with US Bank for the bank building, the City is required to provide 18 spaces for use by US Bank. He stated that five parking spaces are available in the parking lot at the SW corner of Main Street and Valley Street with ten additional required parking spaces along the south side of Valley Street and three additional parking spaces on the north side of Valley Street, both to the east of Main Street on a reserved basis for US Bank purposes until a time when they vacate the building located at 201 Jefferson Street. Council Member Fleming asked if the proposed amendment addresses Bob Prall's concerns. Council Member Scott stated that the proposed amendment addresses Bob Prall's concerns. Council Member Davidson stated that the proposed amendment was a good compromise. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.
(VOTE: 5 - "AYES")

ADOPTED

Introduced By: Fleming

Seconded By: Scott

7. Resolution Providing for a Salary Adjustment for the City Manager

DISCUSSION: The Director of Administrative Services stated that she had prepared the proposed Resolution providing for a salary adjustment for the City Manager with a 9% increase, which would be \$150,000.00 per the City Council. She stated that currently the City Manager is paid \$137,592.00. Mayor McCampbell stated that he came up with the 9% wage increase to \$150,000.00. He stated that the City Council originally started the City Manager off at a meager wage. He stated that the City Manager was hired to take care of the City's finances. He stated that everything the City Manager does, affects the bottom line. He stated that the City has the best City Manager and the Council needs to pay him as he has earned it. Freddie Starling of 517 South 7th Street stated that he was in favor of the salary adjustment for the City Manager of \$150,000.00, but he did not want to see a tax increase. He stated his concern for those that are on the bottom of the totem pole salary-wise. He stated that he appreciated and respected the City Manager. Council Member Fleming stated that he was supportive of a substantial pay increase for the City Manager. Council Member Davidson made a motion to Amend the Resolution Providing for a Salary Adjustment for the City Manager by Deleting the 9% and Changing the Salary from \$150,000.00 to \$145,000.00. Motion was seconded by Council Member Wilson. Mayor McCampbell stated that he felt the City Manager deserved the extra \$5,000.00, bringing the salary to \$150,000.00. Council Member Wilson stated that the City Manager has done an excellent job and she felt \$145,000.00 should be the maximum salary increase for the City Manager, because other departments have suffered both staff and wage cuts. She stated until staffing is at full steam then the increase should be modest. Council Member Davidson stated that a 9% wage increase was a little over the top based on the City's budget constraints. He stated that a salary of \$145,000.00 was still substantial. After roll call vote the motion failed. Council Member Scott stated that the City Manager was hired at the lower rate than the previous City Manager. He stated that a year after the City Manager arrived he declined a pay raise, because of the City's financial condition. He stated that he admired that. He stated that he had floated the idea of a \$160,000.00 salary to get opinions from the citizens of Burlington. He stated that he has heard from citizens that he was well worth it, but many were concerned the City could not afford the \$160,000.00 salary. Council Member Scott made a motion to Amend the Resolution Providing for a Salary Adjustment for the City Manager by Deleting the 9% and

Changing the Salary From \$150,000.00 to \$147,500.00. Motion was seconded by Council Member Fleming. After roll call vote the motion was approved. 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: Wilson

8. Motion to Amend the Resolution Providing for a Salary Adjustment for the City Manager by Deleting the 9% and Changing the Salary from \$150,000.00 to \$145,000.00

DISCUSSION: None.

(VOTE: 2 - "AYES" Wilson and Davidson

3 - "NAYS" Scott, Fleming and McCampbell)

FAILED

Introduced By: Scott

Seconded By: Fleming

9. Motion to Amend the Resolution Providing for a Salary Adjustment for the City Manager by Deleting the 9% and Changing the Salary from \$150,000.00 to \$147,500.00

DISCUSSION: None.

(VOTE: 4 - "AYES" Scott, Davidson, Fleming and McCampbell

1 - "NAY" Wilson)

CARRIED

COMMENTS FROM AUDIENCE: Freddie Starling of 517 South 7th Street stated that he felt there were issues that needed to be cleared up and he would like to meet with the City Council. Mayor McCampbell asked what the issue was. Freddie Starling stated that he did not want to discuss the issue at the meeting. After considerable discussion, it was determined that Freddie Starling would meet with Council Member Scott about the issue. Paul Ganakes of 1013 North 8th Street stated that he suffers from Post Traumatic Stress Disorder (PTSD) and he is being followed by numbers vehicles. He stated that he has met with the Police Chief and he has lied to him about the surveillance. Council Members Davidson and Fleming stated that they do not believe the Police Chief is lying to him. Mayor McCampbell stated that the Police Department does not have enough manpower to spend time to surveillance Paul Ganakes. He urged Paul Ganakes to meet with him the morning of October 18, 2016 in his office. Mark French of 601 Harrison Street stated that he has health issues that are affected by the smoke of fire pit burning. He urged the Council for some type of relief or else he will need to move. After considerable discussion by the City Council it was decided to place the issue on the October 31, 2016 Work Session for discussion. Al Sparks of 302 South Garfield Avenue stated his concern for the young people of Burlington. He stated that he would like to see Salter School used as a community center. Mayor McCampbell stated that the Maple Leaf Center is available for the youth of Burlington. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 7:34 p.m.

Approved: November 7, 2016

Kathleen P. Salisbury, MMC

Shane A. McCampbell

City Clerk

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 Awarding Contract for Engineering Services for Phase I South of the Flint River Trail
3. Resolution Authorizing a Real Estate Purchase Agreement, Authorizing an Agreement to Annex Property, and Granting Permission for Connection to POTW Sewer

SET DATE FOR PUBLIC HEARINGS: NOVEMBER 7, 2016

1. Consideration of the Sale of Property Locally Known as 117 South 7th Street, City of Burlington, Iowa, with Conditions
2. Consideration of a Permanent Encroachment Agreement with Greenway of Burlington Associates for Encroachment into Valley Street Right-of-Way at 2312 Valley Street, Burlington, Iowa