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MINUTES OF THE PROCEEDINGS  
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 28  
February 21, 2017

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, Scott and Wilson present. Council Member Fleming was absent.

BURLINGTON CITY COUNCIL

PROCLAMATION:

\* 2016 Officer of the Year, Sergeant Joel Larkins

MAYOR'S AWARD:

\* Tim Barraclough

MAYOR'S MACGYVER AWARD:

\* Ted Tillo

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: Wilson          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. Council Member Scott requested the removal of the Resolution Approving Agreement with Burlington Steamboat Days for BSD Event Operations and for Concessions at the Port of Burlington Building 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: 4 - "AYES")

CARRIED

Introduced By: Wilson          Seconded By: Davidson

SET DATE FOR PUBLIC HEARING: MARCH 6, 2017

1. Consideration of Fiscal Year 2017-2018 Budget

DISCUSSION: None.

(VOTE: 4 - "AYES")

ADOPTED

HEARINGS:

1. Statement: Consideration of the Sale of Property Locally Known as 1722 Dodge Street, City of Burlington, Iowa, with Conditions

COMMENTS: The Development and Parks Director stated that the property at 1722 Dodge Street was located west of the former Perkins School. He stated that the property was acquired by the City through the court system as an abandoned building. He stated that the home was built in 1880. He reviewed details of the home with the Council and the viewing audience. He reviewed the following conditions for the sale of the property: Purchaser shall pay a minimum of \$500 or 10% down (whichever is greater) upon approval of sale. The entire amount shall be paid within 30 days of approval of sale by the City Council. Defective items shall be repaired as needed. A licensed plumber and electrician shall inspect and sign off that such items in the property meet or are brought up to code. Sidewalks and parking areas shall be improved to meet current code standards as necessary. Off-street parking shall accommodate two vehicles on the property. All permits shall be received and codes shall be met, as applicable, for work and occupancy of the home. Purchaser shall maintain property and yard and hold insurance on such property upon approval of sale by the City Council. Work shall be initiated within 60 days and completed within 180 days of approval by the City Council. An extension of 180 days may be granted if significant progress is made. Failure to meet time frames may result in forfeiture of sale and purchase; with resale of the property by the City. He stated that the quit claim deed shall be transferred to purchaser upon substantial completion of renovation of the residential home. Mayor McCampbell led an auction for the Sale of Property Locally Known as 1722 Dodge Street, City of Burlington, Des Moines County, Iowa. A question arose from the audience in regard to the house being torn down. Larry Caston, Code Inspector stated that the the home could be demolished and would have to be rebuilt within a year. He stated that if an adjacent neighbor purchases the property they could demolish the property and use the green space to add on to their existing property. Don Harter of 1018 Monticello Drive was the high bidder at \$500.00. 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 to Amend Exhibit "C" of the Resolution Approving the Sale of Property Locally Known as 1722 Dodge Street, City of Burlington, Des Moines County, Iowa that the Property be Sold to Don Harter of 1018 Monticello Drive in the amount of \$500.00

DISCUSSION: None.  
(VOTE: 4 - "AYES")

CARRIED

Introduced By: Wilson                      Seconded By: Scott  
Resolution Approving the Sale of Property Locally Known as 1722 Dodge Street, City of Burlington, Iowa, with Conditions

DISCUSSION: None.  
(VOTE: 4 - "AYES")

ADOPTED

2. Statement: Consideration of the Sale of Property Locally Known as 2500 Summer Street, City of Burlington, Iowa, with Conditions

COMMENTS: The Development and Parks Director reviewed with Council and the viewing audience the proposed sale of the Armory locally known as 2500 Summer Street, with conditions. He stated that the Armory was located east of the airport. He stated that the sale was per the amended 28E agreement with the Southeast Iowa Regional Airport Authority approved by the City Council on July 18, 2016. He stated that the property would be transferred by quit claim deed. He stated that the Armory would still be used by the City for storage. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Wilson                      Seconded By: Davidson  
Motion to Close

CARRIED

Introduced By: Wilson                      Seconded By: Davidson  
Resolution Approving the Sale of Property Locally Known as 2500 Summer Street, City of Burlington, Iowa, with Conditions

DISCUSSION: None.  
(VOTE: 4 - "AYES")

ADOPTED

3. Statement: Consideration of an Ordinance Prohibiting the Construction of Wells Within the City Limits for Use as a Potable Water Source

COMMENTS: The Assistant City Manager reviewed with Council and the viewing audience the proposed Ordinance Prohibiting the Construction of Wells Within the City Limits for Use as a Potable Water Source. He stated that Ordinance restricts non-potable wells in the area listed in the Ordinance with free product (gasoline or diesel fuel) still present around the site, the Iowa DNR recommends restricting wells within the plumes of the monitoring areas. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Scott                      Seconded By: Wilson  
Motion to Close

CARRIED

Introduced By: Scott                      Seconded By: Wilson  
Motion for Preliminary Adoption of the First Reading of an Ordinance Prohibiting the  
Construction of Wells Within the City Limits for Use as a Potable Water Source

DISCUSSION: None.  
(VOTE: 4 - "AYES")

CARRIED

4. Statement: Consideration of Voluntary Severance of Territory

COMMENTS: The Development and Parks Director stated that the City received a request for a voluntary severance of territory at 104-105 O'Connell Beach Road. He stated that the City Plan Commission voted 5-0 in favor of the severance of territory due to the property not be served by the City of Burlington. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Scott                      Seconded By: Wilson  
Motion to Close

CARRIED

Introduced By: Scott                      Seconded By: Wilson  
Resolution Approving Voluntary Severance of Territory

DISCUSSION: None.  
(VOTE: 4 - "AYES")

ADOPTED

ORDINANCE:

Introduced By: Scott                      Seconded By: Wilson

1. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of Ordinance Amending Section 170.75 Signs of Chapter 170 Zoning Code of the Burlington Municipal Code

DISCUSSION: The Development and Parks Director reviewed with Council and the viewing audience the proposed Ordinance Amending Section 170.75 Signs of Chapter 170 Zoning Code of the Burlington Municipal Code. He stated that the amendment included the following: freestanding signs that are shared by two or more separate businesses located on the same property shall be allowed to be up to sixty feet in height, provided the sign is a monument sign and includes a landscaped area standing base of the sign and common freestanding/pole signs that are shared by two or more separate businesses located on the same property shall be allowed to be increased in size up to 50% larger than the maximum area stated above and (up to 375 square feet maximum size per allowed sign). He further stated that the City Planning and Zoning Commission voted four to zero to recommend approval of the amendments to the City's sign regulations. He further stated there is no guidance in the current Comprehensive Plan related to signs and staff did not recommend the change in sign height based on lack of uniformity and continued tree growth. All present had opportunity to speak and nothing additional was filed in

the office of the City Clerk.  
(VOTE: 4 - "AYES")

CARRIED

Introduced By: Scott                      Seconded By: Davidson

2. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption of an Ordinance Amending Section 170.75 Signs of Chapter 170 Zoning Code of the Burlington Municipal Code

DISCUSSION: None.  
(VOTE: 4 - "AYES")

CARRIED

RESOLUTIONS:

Introduced By: Davidson                      Seconded By: Wilson

1. Resolution Approving White Boxing at Depot for Grier's Restaurant

DISCUSSION: The City Manager reviewed with Council and the viewing audience the proposed Resolution Approving White Boxing at Depot for Grier's Restaurant. He stated that the Economic Development Advisory Board reviewed the proposed request from Matthew Murray and made a recommendation to support the white boxing of the Depot up to \$146,400.00 from the Economic Development subfund of the local option sales tax fund. He stated that the next step would be to work on the language or the lease agreement. Council Member Davidson made the following motions to amend the proposed Resolution Approving White Boxing at Depot for Grier's Restaurant as follows: Motion to Amend the first sentence of the Resolution Approving White Boxing at Depot for Grier's Restaurant as Follows: The Developer Matt Murray has requested the City Council to consider white boxing the Depot for the development of "the area formerly known as Grier's Restaurant" in the Depot and Motion to Strike the Word "restaurant" from the last paragraph of the Resolution Approving White Boxing at Depot for Grier's Restaurant. Both motions were unanimously approved. Council Member Wilson stated that it would be easier to do repairs while no one was conducting business in the Depot. The Assistant City Manager reviewed with Council and the viewing audience how he came up with the up to \$146,400.00 price. Council Member Davidson stated that he was not against the development of the restaurant but he would be voting against the proposed Resolution as he would like to see more negotiations for a better price. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: (2 - "AYES" Scott and Wilson  
2 - "NAYS" McCampbell and Davidson)

FAILED

Introduced By: Davidson                      Seconded By: Scott

2. Motion to Amend the first sentence of the Resolution Approving White Boxing at Depot for Grier's Restaurant as Follows: The Developer Matt Murray has requested the City Council to consider white boxing the Depot for the development of "the area formerly known as Grier's Restaurant" in the Depot.

DISCUSSION: None.  
(VOTE: 4 - "AYES")

CARRIED

Introduced By: Davidson                      Seconded By: Scott

3. Motion to Strike the Word "restaurant" from the last paragraph of the Resolution Approving White Boxing at Depot for Grier's Restaurant

DISCUSSION: None.  
(VOTE: 4 - "AYES")

CARRIED

Introduced By: Davidson                      Seconded By: Wilson

4. Resolution Approving a Subordination Agreement

DISCUSSION: The Development and Parks Director stated that the proposed Resolution approves a subordination agreement with Farmers and Merchants Bank and Trust for property at 1715 Sunnyside Avenue. He stated that the City entered into a forgivable mortgage on the property on January 2014 and now the owner would like to refinance the property to make improvements. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - "AYES")

ADOPTED

Introduced By: Davidson                      Seconded By: Wilson

5. Resolution Approving Loan Agreement, Authorizing the Issuance of \$7,130,00.00 General Obligation Refunding Bonds, Series 2017A and Providing for the Levy of Taxes to Pay the Same

DISCUSSION: The City Manager reviewed with Council and the viewing audience the proposed Loan Agreement, Authorizing the Issuance of \$7,130,00.00 General Obligation Refunding Bonds, Series 2017A and Providing for the Levy of Taxes to Pay the Same. He stated that the City received a stable outlook rating with Standard and Poors. He stated that with the refinancing the City would save \$220,000.00 in interest cost or 3.09%. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - "AYES")

ADOPTED

Introduced By: Scott                              Seconded By: Davidson

6. Resolution Approving Agreement with Burlington Steamboat Days for BSD Event Operations and for Concessions at the Port of Burlington Building

DISCUSSION: The Director of Administrative Services reviewed with Council and the viewing audience the proposed Resolution Approving Agreement with Burlington Steamboat Days for BSD Event Operations and for Concessions at the Port of Burlington Building, Council Member Scott stated that he did not have any question about the agreement, but wanted to be able to vote on the Resolution. He stated that the City established the price and it should not be renegotiated. The City Manager stated that Memorial Auditorium is closed the entire week before, the week of

and several days following Steamboat Days. Deb Bowen of Burlington stated that Burlington Steamboat Days does a lot for the community. She stated that Burlington Steamboat Days brings many people into the community and they spend money while in Burlington. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

VOTE: (3 - "AYES" McCampbell, Wilson and Davidson  
1 - "NAY" Scott)

ADOPTED

COMMENTS FROM AUDIENCE: Dean Phenice of 2117 Northern Drive asked if the depot would still be a transfer station for BUS. The City Manager stated that the depot would still be used by BUS as a transfer station. Dean Phenice spoke regarding the following: demolish Apollo School; the need to fix Mt. Pleasant Street Bridge; do a fund raiser to rebuild Cascade Bridge and was in favor of more police officers and firefighters. Paul Ganakes of 1013 North 8<sup>th</sup> Street stated that he was assaulted by a neighbor of his. He stated that he was still picketing the Police Department as Chief Beard has a personal vendetta against him. He stated that he wanted Chief Beard and undercover vehicles to stop following him. He stated that he has been followed for 11 months. Mayor McCampbell stated that City does not have the funds to have police officers follow Paul Ganakes. He urged him to get a lawyer as there was nothing the Council could do. He further urged him to remain calm. Paul Ganakes stated that the undercover vehicles following him did not help his PTSD. He further stated that he would start picketing City Hall since he felt he was being cut off for public comment. Larry Williams of 1567 Mason Lane stated that he was glad that the Council was planning on funding extra police officers. He stated that the Fire Chief still needs more firefighters. Mike Crowner of 2604 Kirkwood Street stated that he understood the City needs more police officers in the community, but felt it would be more fair to have a franchise fee than raise property taxes. Matthew Murray of 2050 Highland Avenue stated that he was extremely discouraged and disappointed that the Resolution Approving White Boxing at Depot for Grier's Restaurant failed. Mayor McCampbell stated that he voted against the Resolution due to the price. Council Member Davidson suggested that Matthew Murray work with the City Manager to make changes to the price of white boxing the depot for the restaurant. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 6:42 p.m.

Approved: March 6, 2017

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 Veenstra and Kimm, Inc. for Engineering Services for the Sanitary Sewer Rate Study and Stormwater Utility Feasibility Study
2. Resolution Approving of Memorandum of Understanding Between Des Moines County, Des Moines County Secondary Roads and the City of Burlington
3. Resolution Approving Urban Revitalization Tax Exemptions Pursuant to Chapter 404 of the State Code of Iowa (Tax Abatements)

APPOINTMENTS:

Tree Advisory Board: Scott Zaiser, Lisa Louck, Stacey Rector and Joyce Taeger  
Des Moines County Enhanced 911 Service Board: Matt Trexel