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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 36
June 19, 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, Fleming, Scott and Wilson present.

BURLINGTON CITY COUNCIL

PROCLAMATION:

* Juneteenth Day - Fred Seay

MAYOR'S AWARDS:

* Levi Hartzell
* Marilyn Sullivan
* Dean Phenicie

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. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

CARRIED

RESOLUTION:

Introduced By: Davidson Seconded By: Fleming

1. Resolution Adopting the Employee Handbook

DISCUSSION: The Director of Administrative Services stated that the Employee Handbook for the City has been reviewed and updated by the City Attorney and department heads. She stated that forms were removed from the handbook. She stated that the main change was changing the residency requirement for the City from 10 air miles to 15 air miles from the Burlington city limit for employees except the Fire Department would remain at 10 air miles. Council Member Wilson stated that she had a few residents who stated their concerns that if you work for the City of Burlington they should live in Burlington. The Director of Human Resources Director stated that if someone lives outside of the residency requirement when hired they are allowed 6-months to meet the residency requirement. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

ADOPTED

HEARINGS:

1. Statement: Consideration of Sale of Property Locally Known as 1336 Garnet Street, City of Burlington, Iowa with Conditions

COMMENTS: The Development and Parks Director stated that the City acquired the property at 1336 Garnet Street through the court system as an abandoned building. He stated that the dilapidated home has been demolished. He stated that both the north and south property owners are interested in purchasing the property to expand their lot size. He stated that the property to the north has some steep grades and limited access. He stated that purchase of the property would allow the property owner on the north access to their property and possibly build a garage in the future. He stated that the property owner to the south would like to expand their property as well. He urged Council to continue the public hearing to the July 3, 2017 City Council meeting so he can confirm with the City Attorney the correct legal language to sell a portion of the property to each property owner. 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 Continue to the July 3, 2017 City Council Meeting

DISCUSSION: None.

(VOTE: 5 - "AYES")

CARRIED

2. Statement: Consideration of an Ordinance Vacating and Selling a Portion of Denmark Street Right-of-Way Located West of South Main Street

COMMENTS: The Development and Parks Director reviewed with Council and the viewing audience the proposed Ordinance Vacating and Selling a Portion of Denmark Street Right-of-Way Located West of South Main Street. He stated that the vacated portion of Denmark Street right-of-way shall be sold to and combined with the adjacent parcels owned by Jon J. and Peggy A. Rhodes on the north and to Robie L. and Delores A. Levitt on the south side of the right-of-way. He stated that an easement shall be retained over the entire portion of the right-of-way

being vacated for access to public utilities. He stated that the City Planning Commission voted 5-0 to approve the vacating of right-of-way based on petition of the applicant and providing a public utility easement over the entire portion of the right-of-way. 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

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

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

CARRIED

3. Statement: Consideration of an Ordinance Vacating and Selling a Portion of Alley Right-of-Way Located North of Aetna Street and East of South Plane Street

COMMENTS: The Development and Parks Director reviewed with Council and the viewing audience the proposed Ordinance Vacating and Selling a Portion of Alley Right-of-Way Located North of Aetna Street and East of South Plane Street. He stated that the vacated portion of alley right-of-way would be sold to and combined with the adjacent property owned by Gage Bebenbender. He stated that an easement shall be retained over the entire portion of right-of-way being vacated for access to public utilities. He stated that the City Planning Commission voted 5-0 to approved the vacation of the right-of-way based on petition of the application and providing a public utility easement over the entire portion of the right-of-way. 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

Seconded By: Wilson

Motion for Preliminary Adoption of the First Reading of an Ordinance an Ordinance Vacating and Selling a Portion of Alley Right-of-Way Located North of Aetna Street and East of South Plane Street

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

CARRIED

4. Statement: Consideration of an Ordinance Amending Chapter 126 Taxicabs and Vehicles for Hire of the Burlington, Iowa Code of Ordinances and Deleting Chapter 127 Vehicles for Hire Drivers in Its Entirety

COMMENTS: Police Major Kramer reviewed with Council and the viewing audience the

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

CARRIED

ORDINANCES:

Introduced By: Wilson Seconded By: Davidson

1. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of an Ordinance Amending the Code of Ordinances of the City of Burlington, Iowa, by Amending Provisions Pertaining to Fireworks

DISCUSSION: Police Major Kramer stated that this was a stop gap measure to keep our present Ordinance in place until the City Council wants to do something different. He stated that the proposed Ordinance keeps the ban on fireworks. He stated that a person can possess fireworks, jut not shoot off fireworks in town. He further stated that the proposed Ordinance simply has a change in how fireworks are defined. 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 Amending the Code of Ordinances of the City of Burlington, Iowa, by Amending Provisions Pertaining to Fireworks

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

CARRIED

Introduced By: Wilson Seconded By: Scott

3. Motion for Final Adoption of an Ordinance Amendment to Ordinance No. 3403, an Ordinance Creating the Arbor View Estates PUD

DISCUSSION: The Development and Parks Director stated that there were no changes to the proposed Ordinance Amendment to Ordinance No. 3403, an Ordinance Creating the Arbor View Estates PUD from the second reading. 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: Fleming Seconded By: Davidson

1. Resolution Approving the Amended Preliminary Plat for Arbor View Estates Subdivision

DISCUSSION: The Development and Parks Director reviewed with Council and the viewing audience the amended preliminary plat for Arbor View Estates Subdivision. He stated that the developer will need to final plat the subdivision prior to sale of the lots. 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

2. Resolution Approving the Final Plat of Swisher Subdivision

DISCUSSION: The Development and Parks Director reviewed with Council and the viewing audience the final plat of Swisher Subdivision, a 4-lot Subdivision located south of West Avenue. He stated that the subdivision includes two buildable lots and two outlots, which are not buildable by definition. 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: Wilson

3. Resolution Awarding Contract for the 2017 Depot Storm Sewer Improvements

DISCUSSION: The Assistant City Manager for Public Works reviewed with Council and the viewing audience the 2017 Depot Storm Sewer Improvements. He stated that the project replaces existing storm infrastructure near the depot. He stated that the existing line runs south then through the BNSF yard. The existing line has collapsed and is no longer adequately draining the area. He stated that bids were received on June 7, 2017 with three bids received. He stated that Fye Excavating was the low bidder at \$268,602.00. He stated that the Engineer's estimated (Bolton-Menke) was \$368,420.00. He stated that construction should start mid July 2017. Council Member Davidson asked what this project would accomplish for the City. The Assistant City Manager for Public Works stated that the project will eliminate ponding water around the depot and provides a discharge point for water that is accumulating in crawl space below the depot. Council Member Davidson asked the Assistant City Manager for Public Works if he had ever heard of the term "money pit." 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

4. Resolution Awarding Contract for the 2017 Erosion Mitigation at Corner of North Street and North 4th Street

DISCUSSION: The Assistant City Manager for Public Works reviewed with Council and the viewing audience the 2017 Erosion Mitigation at Corner of North Street and North 4th Street. He stated that a rain event in the Fall of 2016 contributed to significant localized flooding at North Street and North 4th Street. He stated that the flooding in the area resulted in the bluff sloughing. He stated that bids were received on June 6, 2017 with the City receiving just one bid from GeoBuild, LLC of Punxsutawney, PA in the amount of \$249,500.00. He stated that the Engineer's estimated cost for the project was \$311,569.00. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

ADOPTED

Introduced By: Davidson Seconded By: Wilson

5. Resolution Awarding Contract for the 2017 Agency Street Widening Project - West End

DISCUSSION: The Assistant City Manager for Public Works reviewed with Council and the viewing audience the 2017 Agency Street Widening Project - West End. He stated that Agency Street would be widened, a new traffic signal would be installed at Columbus Drive, ADA compliant sidewalks/ramps installed throughout corridor and driveway functions will likely be altered to improve traffic safety. He stated that bids were received on June 7, 2017 with the City receiving just one bid from Jones Contracting Corporation in the amount of \$1,599,777.00. Council Member Wilson asked if there would be a bike lane constructed. The Assistant City Manager for Public Works stated there would not be a bike lane but there would be a sidewalk on the north side that presently does not exist. 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

6. Resolution Awarding Contract for the Park View Care Facility Asbestos Abatement and Demolition Project

DISCUSSION: The Development and Parks Director stated that the City received bids on June 6, 2017 for the Park View Care Facility Asbestos Abatement and Demolition Project. He stated that five bids were received with G & B Construction, LLC as the low bidder in the amount of \$380,000.00. He stated that the City plans for the property were to subdivide the demolished site into three residential lots for sale and development. He stated that there would be covenants on the lots. 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

7. Resolution Authorizing the Mayor to Sign a Memorandum of Agreement for the Iowa Model Communities Initiative

DISCUSSION: The City Manager stated that the City received a letter from the Iowa Economic Development Authority (IEDA) that Burlington was nominated to serve as a State Wide Model Community for the downtown building facade renovation best practices. He stated that Charlie Nichols with the Development Department and Steve Frevert of Downtown Partners will be the two local contacts. The Development and Parks Director stated that it was a good program and makes other communities aware of Burlington. 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: Reginald Jennings of 413 Court Street, Melanie Fritz of 11134 North Gear Avenue, Holly Hoskinson of 601 South Roosevelt Avenue and Jeanine Walsh of 2200 South Main Street representing the group, A Street Cat with No Desire urged Council to

make changes to the Burlington City Code regarding live trapping. Holly Hoskinson stated that presently they need permission from the Animal Control Officer to catch cats in live traps. She stated that their group would like to use live traps to catch cats and have them sprayed and then released. Jeanine Walsh stated that the Cities of Fairfield and Washington have allowed for live trapping with exceptions. Major Dennis Kramer stated that the Animal Control Officer wants to know where the traps are located as he keeps a track of the traps. Council Member Wilson stated that she felt a nonprofit group should be allowed to use live traps without permission by the Animal Control Officer. Major Kramer stated that he would work with their group in finding a solution. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 6:45 p.m.

Approved: July 3, 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 Nuisance Abatements for Various Properties
2. Resolution Approving Final Acceptance and Final Payment for the 2016 Depot Great Room Renovation
3. Resolution Approving Lease Agreement for the Home at 1720 Dill Street at Perkins Park
4. Resolution Approving an Agreement with Veenstra and Kimm, Inc. to Perform the Design of the Agency Street Widening Project, East of Roosevelt Avenue to Melrose Court
5. Resolution Amending Parking Rates for Downtown Reserved Parking Spaces

SET DATE FOR PUBLIC HEARING: JULY 3, 2017

1. Consideration of Plans and Specifications for the 2017 Law Enforcement Center

APPOINTMENTS:

Parks Advisory Committee: J. Bryan Schulte
Library Board of Trustees: Mary Weinand and Matt Shinn
Renewable Energy Committee: Reese Norton