

Subject to change as finalized by the City Clerk.
For a final official copy, contact the City Clerk's office at (319) 753-8124.

MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 39
August 7, 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

MAYOR'S AWARD:

* Dale Alison

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: Fleming Seconded By: Davidson

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

HEARING:

1. Statement: Consideration of Sale of Property Locally Known as 1309 South 10th Street, City of Burlington, Iowa with Conditions

COMMENTS: The Development and Parks Director stated that the City acquired the home at 1309 South 10th Street through the court system as an abandoned building. He stated that the property would be gifted to the Burlington Community School District (BCSD) for the purpose of educating Burlington High School students in the building trades. Pat Cohen of 408 Iowa Street stated that this was the junior phase of remodeling a home and the senior phase would be building a new home. He stated that the Burlington Community School District has many

community partners in the public sector helping with the project. Council Member Davidson asked how many high school students would be participating in the program. Pat Cohen stated that there would be 30 students and they may do two shifts. Council Members Scott, Davidson and Fleming stated that it was a great program. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Fleming Seconded By: Davidson
Motion to Close

CARRIED

Introduced By: Davidson Seconded By: Scott
Resolution Approving Sale of Property Locally Known as 1309 South 10th Street, City of Burlington, Iowa with Conditions

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

ADOPTED

ORDINANCE:

Introduced By: Wilson Seconded By: Scott

1. Motion to Amend the Ordinance Vacating and Selling a Portion of Oak Street Right-of-Way Located East of Bluff Road, Burlington, Iowa by adding the following to Exhibit "B" of the Ordinance

DISCUSSION: The Development and Parks Director stated that the City received a request by Burlington Truck Rail, Inc. to vacate and sell a portion of Oak Street right-of-way located east of Bluff Road. He stated that the vacated property would be combined with the adjacent parcels owned by Burlington Truck Rail, Inc. He stated that an alternate easement shall be provided for access to the City of Burlington and Burlington Municipal Waterworks for access to their property at the northeast side of the vacated right-of-way. He stated that the next two items that the City Council would be approving were as follows: Resolution Approving an Agreement with Burlington Shortline Railroad, Inc. for Oak Street Vacation and a Resolution Approving an Agreement with Burlington Truck Rail, Inc. for Access Easement. 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: Scott

2. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of an Ordinance Vacating and Selling a Portion of Oak Street Right-of-Way Located East of Bluff Road, Burlington, Iowa

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

CARRIED

Introduced By: Wilson Seconded By: Scott

3. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption of an Ordinance Vacating and Selling a Portion of Oak Street Right-of-Way Located East of Bluff Road, Burlington, Iowa

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

CARRIED

RESOLUTIONS:

Introduced By: Wilson Seconded By: Scott

1. Resolution Approving an Agreement with Burlington Shortline Railroad, Inc. for Oak Street Vacation

DISCUSSION: The Deputy City Manager for Public Works reviewed with City Council and the viewing audience the proposed agreement with Burlington Shortline Railroad, Inc. for Oak Street vacation. He stated that the agreement provides for cost sharing arrangement with the railroad relative to improvements to the grade crossing at the conjunction of Agency Street and railroad's track crossing that street. The City agrees to vacate the eastern section of Oak Street due to the fact it is used minimal and an alternative easement route exists immediately to the north of the street to be vacated. He stated that the railroad shall remit to the City the sum of \$53,500.00 within 30 days of execution of the agreement. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.
(VOTE: 5 - "AYES")

ADOPTED

Introduced By: Wilson Seconded By: Scott

2. Resolution Approving an Agreement with Burlington Truck Rail, Inc. for Access Easement

DISCUSSION: The Deputy City Manager for Public Works stated that the proposed Resolution approves an agreement with Burlington Truck Rail, Inc. for access easement agreement, which was exhibit "D" to the previous Resolution Approving an Agreement with Burlington Shortline Railroad, Inc. for Oak Street Vacation. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.
(VOTE: 5 - "AYES")

ADOPTED

Introduced By: Wilson Seconded By: Scott

3. Resolution Approving New Lease Agreement for Otter Island

DISCUSSION: The City Manager stated that Otter Island leases were \$250.00 July 1, 2016 and then the City Council raised the lease fee to \$375.00. He stated that the Resolution provides that rates would be \$275.00 for July 1, 2017, July 1, 2018 and July 1, 2019, unless the City Council should decide to amend and raise the rates. He stated that out of County residents had been \$600.00 to \$650.00 instead of the previously approved \$800.00. David Myers of 605 Hedge Street stated his concern that letters were never mailed to lease holders of Otter Island. He also

stated that there should have been three readings. The City Manager stated that typically letters are not sent when fees are increased. He stated that Council can direct staff to send letters to lease holders. He further stated that Resolutions do not require three readings, only Ordinances. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - "AYES" Davidson, Fleming, McCampbell and Scott
1 - "NAY" Wilson)

ADOPTED

4. Resolution Approving the Final Plat of Covfefe Lots Subdivision

DISCUSSION: The Development and Parks Director reviewed the final plat of Covfefe Lots Subdivision with City Council and the viewing audience. He stated that the property was located at 2803 West Avenue. He stated that the lot will be divided into two lots (lot 1 - 1.6 acres and lot 2 - .84 acres) for construction purposes. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

ADOPTED

5. Resolution Approving an Agreement with Howard R. Green Company for the Sewer Master Plan

DISCUSSION: The Assistant City Manager for Public Works reviewed with the City Council and the viewing audience the proposed Agreement with HR Green Company for the Sewer Master Plan. He stated that the City's current sewer infrastructure was not organized in such a way that the City can identify and communicate flow capacities and constraints for new business and residential development. The Sewer Master Plan scope of work will perform inflow and infiltration analysis of all existing sanitary sewer infrastructure, provide existing and future flow projections, implement an Asset Condition and Rating System that is integrated with the City's GIS systems, develop Sanitary System Hydrologic and Hydraulic Modeling and create a 20-year CIP funding plan. The outcome and deliverables of this plan includes an effective Sewer Asset Management system with integrated GIS data showing the condition of all sanitary sewer infrastructures, a plan for new business and residential development, and a review and proposed changes to the City's Ordinances and Policies concerning sewer infrastructure. He further stated that the engineering services fees would be approximately \$398,400.00. Mayor McCampbell stated that he has had citizens ask him why the City is not doing the master plan. The Assistant City Manager for Public Works stated that the City would have to hire three to four full time people. He also stated that HR Green Company are experts in this field. He stated that this would create a 20-year plan. The City Manager stated that this has been a topic for several year and the evaluations are beyond what City staff can do. He stated that staff would be working with the EPA and DNR the next few days. Council Member Scott stated that there was a plan done in the mid-1990's, but was much different plan than this. Council Members Fleming and Davidson stated that they were glad to see the Sewer Master Plan done as it was long overdue. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

ADOPTED

6. Resolution Approving Lease Agreement Between the City of Burlington and MOST, LLC for Use of Dankwardt Park Pool

DISCUSSION: The Development and Parks Director reviewed with City Council and the viewing audience the proposed details of the lease agreement between the City of Burlington and MOST, LLC for use of Dankwardt Park Pool. He stated that the lease was for 18-months and would expire April 30, 2019. He stated that a lease longer than 3-years would require a public hearing. He stated that approval of the 18-month lease would allow MOST, LLC to apply for grant funding. Mayor McCampbell stated that the dome was a crazy idea in a good way. Council Members Fleming and Davidson agreed it was a good idea. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

ADOPTED

7. Resolution Accepting Termination of Auditorium Management Services by VenuWorks

DISCUSSION: The City Manager stated that VenuWorks has determined based on the City Council's discussion at the work session that it would be in the best interest of both parties to terminate their role in the management of Memorial Auditorium and they have submitted their 120 day written notice to terminate the management agreement effective December 1, 2017. He stated that Memorial Auditorium would be a future work session item as to how to move forward. Leon Shahan of 1821 Mt. Pleasant Street stated to Council, "tried to tell you so." He stated that it has been a rocky road. Dean Phenicie of 2117 Northern Drive stated that Memorial Auditorium was beautiful art deco, but the problem is the building is old and outdated. He stated that he would hate to see the building sit vacant. 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

8. Resolution Awarding Contract for the New Law Enforcement Center, Bid Package #1, "General Construction"

DISCUSSION: The Police Chief stated that one bid was received for the New Law Enforcement Center, Bid Package #1, "General Construction." He stated that general construction would be awarded to Frank Millard and Company of Burlington, Iowa in the amount of \$1,335,000.00. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

ADOPTED

Introduced By: Davidson Seconded By: Fleming

9. Resolution Awarding Contract for the New Law Enforcement Center, Bid Package #2, "Flooring Finishes"

DISCUSSION: The Police Chief stated that one bid was received for the New Law Enforcement Center, Bid Package #2, "Flooring Finishes." He stated that flooring finishes would be awarded

to Rheinschmidts Flooring America of Burlington, Iowa in the amount of \$197,452.47. Ellen Fuller of 420 South Garfield Street questioned why there was only one bid received for flooring finishes. Perry Hines, of Carl A. Nelson, construction management company, stated that multiple notices were sent for bid participation, but unfortunately the construction market is busy. The City Manager asked if the bid received was reasonable and if there were any concerns. Perry Hines stated that rebidding would hold off on the construction of the building, so it was decided not to rebid the project. Mike Elmer of 620 Iowa Street stated that many flooring companies would not be able to come up with the required bid bond due to the cost. Dean Phenicie of 2117 Northern Drive stated that he voted for the new law enforcement center as it was needed. 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

10. Resolution Awarding Contract for the New Law Enforcement Center, Bid Package #3, "Fire Protection Sprinklers"

DISCUSSION: The Police Chief stated that four bids were received for the New Law Enforcement Center, Bid Package #3, "Fire Protection Sprinklers." He stated that fire protection sprinklers would be awarded to Tri-State Automatic Sprinkler of Davenport, Iowa in the amount of \$119,765.00. 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

11. Resolution Awarding Contract for the New Law Enforcement Center, Bid Package #4, "Plumbing"

DISCUSSION: The Police Chief stated that three bids were received for the New Law Enforcement Center, Bid Package #4, "Plumbing." He stated that plumbing would be awarded to Frank Millard and Company of Burlington, Iowa in the amount of \$125,000.00. 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

12. Resolution Awarding Contract for the New Law Enforcement Center, Bid Package #5, "HVAC (Heating Ventilation and Air Conditioning)"

DISCUSSION: The Police Chief stated that four bids were received for the New Law Enforcement Center, Bid Package #5, "HVAC (Heating Ventilation and Air Conditioning)." He stated that HVAC (Heating Ventilation and Air Conditioning) would be awarded to Brockway Mechanical and Roofing Co., Inc. of Burlington, Iowa in the amount of \$125,722.00. 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: Davidson

13. Resolution Awarding Contract for the New Law Enforcement Center, Bid Package #6, “Electrical”

DISCUSSION: The Police Chief stated that two bids were received for the New Law Enforcement Center, Bid Package #6, “Electrical.” He stated that Electrical would be awarded to Mohrfeld Electrical, Inc. of Fort Madison, Iowa in the amount of \$792,400.00, which includes an alternate. Perry Hines, of Carl A. Nelson, construction management company, stated that the City should accept the alternate as currently designed, but there may be some cost benefits of upgrading to a new generator instead of reusing the present generator, but it would be considered a minor change. 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

14. Resolution Awarding Contract for the New Law Enforcement Center, Bid Package #7, “Exterior Site Work and Parking Lot Renovations”

DISCUSSION: The Police Chief stated that one bid was received for the New Law Enforcement Center, Bid Package #7, “Exterior Site Work and Parking Lot Renovations.” Perry Hines, of Carl A. Nelson, construction management company, urged the City Council to not award the Exterior Site Work and Parking Lot Renovations as they were going to look at redesigning that portion of the project and would rebid that portion in December 2017 or January 2018. The City Manager asked how much contingency was left for the project. Perry Hines stated that the full estimated contingency \$312,000.00 is left. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - “NAYS” Wilson, Davidson, Fleming, McCampbell and Scott)

FAILED

COMMENTS FROM AUDIENCE: Chris Reed of 821 Cindy Drive stated that he would like to see a school crossing at West Avenue. He stated that his neighborhood has approximately 40 middle school students that try to cross West Avenue. He stated that last year it took his son 15-minutes to cross West Avenue. Ellen Fuller of 420 South Garfield Street stated that she purchased her home 47-years ago and now would like to sell her home to move to a smaller home. She presented the City Council with pictures of two homes in her neighborhood that were a nuisance and were making her home sell for less. Leon Shahan of 1821 Mt. Pleasant Street stated that if the City Council was still going to build a flood wall to protect Memorial Auditorium that will be empty and not used. Dean Phenicie of 2117 Northern Drive stated that he felt Steamboat Days should only use local entertainment. He questioned when Mt. Pleasant Street Bridge would be reconstructed. The City Manager stated that the plans and specifications were being planned for Mt. Pleasant Street Bridge and the project was still on schedule for 2018. Dean Phenicie also stated his concern that snow could bring the dome to fall down that will be covering Dankwardt Park Pool. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 6:46 p.m.

Approved: August 21, 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 Amending the Contract for Engineering Services for Phase I South of the Flint River Trail
3. Resolution Authorizing the Filing of an Application for Resource Enhancement and Protection (REAP) Program for Construction and Improvements at the North Gorge Trail
4. Resolution Amending the Permanent Encroachment Agreement with Art Guild of Burlington, Inc. for Encroachment into City Right-of-Way Adjacent to the Property Located at 301 Jefferson Street, Burlington, Iowa
5. Resolution Approving Travel and Training Policies
6. Resolution Approving Bond for G & B Construction LLC for the Park View Care Facility Demolition Project

SET DATE FOR PUBLIC HEARINGS: AUGUST 21, 2017

1. Consideration of an Ordinance Amending the Code of Ordinances of the City of Burlington, Iowa, by Amending the Standard Penalty for Violation of the City Code
2. Consideration of Plans and Specifications for the 2017 Vineyard Street Area Drainage Project
3. Consideration of Plans and Specifications for the 2017 Jefferson Street Parking Improvements
4. Consideration of Sale of Property Locally Known as 914 Louisa Street, City of Burlington, Iowa with Conditions
5. Consideration of Lease Agreement Between the City of Burlington and Winegard Realty Company for the Rock Island Freight House Property at 710 North Front Street