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MINUTES OF THE PROCEEDINGS  
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 40  
August 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, Fleming and Wilson present. Council Member Scott resigned effective August 14, 2017.

BURLINGTON CITY COUNCIL

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: 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: 4 - "AYES")

CARRIED

HEARINGS:

1. Statement: Consideration of Sale of Property Locally Known as 914 Louisa Street, City of Burlington, Iowa with Conditions

COMMENTS: The Development and Parks Director stated that the City acquired the property at 914 Louisa Street through the court system as an abandoned building. He stated that the home was demolished due to the home not being in good condition. He stated that the property was a vacant lot. He stated that the purchaser shall complete one of the following: combine the lot with an adjacent lot under their ownership that has an existing house within 30 days of sale by the City Council or apply for and receive a building permit within 60 days of sale for construction of a single-family home to be completed within 180 days of approval of sale 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



DISCUSSION: None.

(VOTE: 3 - "AYES" Wilson, Davidson and Fleming)

CARRIED

(Mayor McCampbell returned to the City Council Meeting)

3. Statement: 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

COMMENTS: The Development and Parks Director reviewed the proposed lease agreement between the City of Burlington and Winegard Realty Company for the Rock Island Freight House property at 710 North Front Street with the City Council and the viewing audience. He stated that the Rock Island Freight House is owned by Randy Winegard of Winegard Realty Company, but the land that the building sits on is owned by the City of Burlington. He stated that the present lease would not expire until 2031, but Randy Winegard wanted to enter into a new 25-year lease as he was subleasing the business to a new owner and that owner would like a longer lease term. He stated that the lease agreement was for 25-years with the annual lease of \$3,000.00 with the option to renew the lease for an additional 25-years for \$6,000.00 per year. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Davidson      Seconded By: Fleming  
Motion to Close

CARRIED

Introduced By: Davidson      Seconded By: Fleming  
Resolution Lease Agreement Between the City of Burlington and Winegard Realty Company for the Rock Island Freight House Property at 710 North Front Street

DISCUSSION: None.

(VOTE: 4 - "AYES")

ADOPTED

4. Statement: Consideration of Plans and Specifications for the 2017 Vineyard Street Area Drainage Project

COMMENTS: The Assistant City Manager for Public Works stated that the plans and specifications for the 2017 Vineyard Street Area Drainage Project were not ready. He stated that the notice of public hearing was published so by State law the public hearing needed to be held, but no action would be taken. He stated that on the consent agenda a set date for public hearing for September 5, 2017 was set for hearing on the plans and specifications for the 2017 Vineyard Street Area Drainage Project. John Boughton of 2216 Vineyard Street stated that he was not happy with the plan to have intakes that project above ground level as it was a traffic hazard. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Davidson      Seconded By: Wilson

Motion to Close

CARRIED

- 5. Statement: Consideration of Plans and Specifications for the 2017 Jefferson Street Parking Improvements

COMMENTS: The Assistant City Manager for Public Works reviewed with the City Council and the viewing audience the proposed plans and specifications for the 2017 Jefferson Street Parking Improvements. He stated that the project would include 14 standard parking stalls plus two handicap (with ramp access) and two police business only parking stalls. He stated that stakeholders (Police, Fire, Downtown Partners and Parks) for the project met approximately one month ago to discuss needs. He stated that the initial engineer’s estimate was \$65,000.00, but current engineer’s estimate is \$112,018.18. He stated that bids would be received mid September 2017 with construction starting early to mid October 2017 and the improvements should be completed by late November to early December 2017. Council Member Wilson asked how the mistake was made on the engineer’s estimate. The Assistant City Manager for Public Works stated that the mistake was made due to the work load of the Engineering Department. Mayor McCampbell stated that it is hard to tell how bids will come in anyway. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Davidson      Seconded By: Fleming  
 Motion to Close

CARRIED

Introduced By: Davidson      Seconded By: Fleming  
 Resolution Approving Plans and Specifications for the 2017 Jefferson Street Parking Improvements

DISCUSSION: None.  
 (VOTE: 4 - “AYES”)

ADOPTED

RESOLUTIONS:

Introduced By: Fleming      Seconded By: Davidson

- 1. Resolution Awarding Contract for the 2017 Flow Metering Project

DISCUSSION: The Assistant City Manager for Public Works stated that the 2017 Flow Metering Project would entail competitive procurement and initial installation of flow meters, 10 non contact and four submersible. He stated that two bids were received for the 2017 Flow Metering Project with Hach Company of Loveland, Colorado was the low bidder at \$115,619.02. He stated that the City Engineer’s estimate for the project was \$150,000.00. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - “AYES”)

ADOPTED

Introduced By: Fleming      Seconded By: Wilson

- 2. Resolution Approving Contribution to Dankwardt Park Pool Dome Project

DISCUSSION: The Development and Parks Director stated that the proposed Resolution provides that the City agrees to provide a contribution towards the dome project in the form of pool pump improvements in the amount of \$25,000.00 in 2018 and contributions toward the pool deck improvements between September 2018 and April 2021, which totals \$67,500.00 over that time period, provided a lease for operation of the pool during the City's off-season remains in effect, for a total contribution to the pool improvement project in the amount of \$92,500.00. John Fruehling of Southeast Iowa Swim Club stated that the majority of the concrete would be replaced on the deck and the deck would be expanded and the fence would be moved out 5-feet from the dome. Dean Phenicie of 2117 Northern Drive stated that a dome in either Iowa City or Des Moines and a dome at the Minnesota Twins stadium fell down from a heavy snow. He stated that he wanted a guarantee that the dome would not fall down. The Development and Parks Director stated that the dome is engineered to withstand elements, but no one can guarantee that it won't get damaged. Ryan Ritter of Southeast Iowa Swim Club stated that he could not guarantee that the dome would not fall down, but it was designed to withstand Midwest elements. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - "AYES")

ADOPTED

Introduced By: Fleming      Seconded By: Davidson

3. Resolution Approving the Acceptance of a Staffing for Adequate Fire and Emergency Response Grant No. EMW-2016-FH-00382

DISCUSSION: The Fire Chief stated that the City received a three year SAFER grant for six firefighters. He stated that the SAFER grant will cover up to \$1,002,174.00 of the three-year cost of employing six additional firefighters. He stated that the grant will cover 75% of the costs for wages and benefits for the first two years and 35% of the third year. He reviewed the estimated additional costs based on the highest pay scale for new hires for six firefighters, of which one has already been included in the budget, but not yet hired: FY2018 - \$0; FY2019-\$46,971.00; FY2020-\$219,633.00; FY2021-\$461,010.00 (grant funding ends October 2020) and FY2022-\$526,684.00 (no grant money). He stated that the estimates do not include any overtime savings. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - "AYES")

ADOPTED

Introduced By: Fleming      Seconded By: Wilson

4. Resolution Calling for an Appointment To Fill a Council Vacancy

DISCUSSION: The City Manager stated that with the resignation of Council Member Scott that the Council would need to either fill the vacancy by appointment or by special election. He stated that the special election did not make sense since the Council Member seat is up for election in November 2017. The City Clerk stated that she was required to publish notice of the vacancy in the newspaper four to 20 days prior to the appointment. She stated that she was planning on publishing the notice on Tuesday, August 29, 2017 with the deadline of Wednesday, September 6, 2017 by 5:00 p.m. for citizens interested in filling the vacancy by appointment

until the seat is filled in November. She stated that the City Council would then interview those interested at the September 11, 2017 work session and the City Council would appoint and she would swear in the new Council Member at the September 18, 2017 City Council meeting. She stated that the appointment would be until the next general election which is November 7, 2017. She stated that once the election is certified by the County the City Council would appoint and she would swear in the top vote non-incumbent as early as the November 20, 2017, if the election is certified by the County in time. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - "AYES")

ADOPTED

COMMENTS FROM AUDIENCE: Dean Phenicie of 2117 Northern Drive questioned when Mt. Pleasant Street Bridge would be reconstructed. The City Manager stated that the plans and specifications were being planned for the Mt. Pleasant Street Bridge and the project was still on schedule for 2018. Dean Phenicie also stated that he would like to see Cascade Bridge replaced. He further asked the City Manager if he was staying or leaving. The City Manager stated that he would see how it goes. Mark Collins of 2647 Subilbe Street stated that the 1700-2000 block of Sunnyside Street is not striped and that people drive down the middle of the street. He also stated that wildlife in his neighborhood along with Aspen Grove Cemetery is full of deer, raccoons and possums. He stated that he has a neighbor that lives behind him that feeds the deer. He stated that deer can cause a lot of damage. He stated that Iowa City had a problem with deer and they had sharp shooters come in and kill the deer. The Assistant City Manager for Public Works stated that a lot of streets were cut from being striped due to budget cuts. The City Manager stated that there was more money in that fund so Sunnyside Street could be striped. Freddie Starling of 517 South 7<sup>th</sup> Street expressed his gratitude and appreciation for the City Manager. He stated that the City Council made a wise choice in choosing Jim Ferneau as City Manger. He urged the City Manager to reconsider and stay. He further asked about the progress of a shelter at DeEdwin and Gladys White Park. The Development and Parks Director stated that he met with the City Engineer and the Parks Superintendent this past week to look over where the sewers are located. He stated that a small open air shelter house is planned to be constructed this Fall where the basketball court is located on the east side of the park and the playground area is planned for the Spring of 2018. Mike Elmer of 620 Iowa Street stated that Burlington has a very good City Manager. He stated that he has talked to hundreds of people and they all hope that the City Manger will reconsider. Mayor McCampbell walked to the citizen's microphone and read a letter urging the City Manager to reject his resignation and to stay through 2018. The City Manager stated that he has received a lot of nice comments and a tremendous outpouring from the community. He stated that there have been some changes in the last couple of weeks that change some of the circumstances. He stated that he and his family have gone through a lot this year, which is probably a part of the context. He cited II Corinthians 5:9 and he stated that foremost he has to take care of his family and making sure they're in the right place. He stated that he would retract his resignation. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 6:50 p.m.

Approved: September 5, 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 Demolition/Nuisance Abatements for Various Properties
2. Resolution Approving the Applications for the Purpose of Receiving Benefits from the State Revolving Fund Water Resource Restoration Sponsored Project
3. Resolution Approving Interlocal Agreement Between the City of Burlington and Des Moines County for the 2017 Byrne Justice Assistance Grant (JAG) Program Award
4. Resolution Approving Lease Agreement between the Steamboat Senior Center, Inc. and the City of Burlington for Lease of City Owned Building Located at 501 Jefferson Street

SET DATE FOR PUBLIC HEARINGS: SEPTEMBER 5, 2017

1. Consideration of an Ordinance Amending Section 135.11 Driveway Culverts of Chapter 135 Streets and Sidewalks of the Burlington Municipal Code
2. Consideration of Plans and Specifications for the 2017 Vineyard Street Area Drainage Project