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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 41
September 5, 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

PROCLAMATION:

* Library Card Sign-Up Month - Rhonda Frevert

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: 4 - "AYES")

CARRIED

HEARINGS:

1. Statement: Consideration of an Ordinance Amending Section 135.11 Driveway Culverts of Chapter 135 Streets and Sidewalks of the Burlington Municipal Code

COMMENTS: The Assistant City Manager for Public Works reviewed with Council and the viewing audience the proposed Ordinance Amending Section 135.11 Driveway Culverts of Chapter 135 Streets and Sidewalks of the Burlington Municipal Code. He stated that the proposed change would provide that in the event repairs or maintenance are needed with respect to culverts, the City shall make the repairs. He stated that he was not recommending the change as it would involve a lot of staff time and equipment and was not beneficial to the City. The City

Manager stated that the City Attorney has advised the City that there was not a City in the State of Iowa that makes and pays for repairs of culverts. He stated that the Council needed to understand the liability that you are taking on. John Boughton of 2216 Vineyard Street stated that the present Ordinance was changed when the Municipal Code was recodified and there were many Ordinances changed at one time. He stated that he did not know how the City can have the property owner responsible for 500 plus cars and trucks a day driving on Vineyard Street. Tim Scott of 2017 South 15th Street stated that when Ron Knoke was Public Works Director he had stated that ditches and culverts were a part of the City's storm water system. He stated that if that is the case then why doesn't the City take care of them like the storm sewers in front of property owner's homes. He urged the City to be a leader instead of a follower. Marlin McKee of 1121 South 12th Street stated that the big problem on Vineyard Street is that the area between the culverts do not get cleaned by the City, which rocks and dirt get into the culverts. He stated that the City needs to make sure that the ditches flow water. Council Member Davidson stated that he was not in favor of he proposed Ordinance based on staff and City Attorney's recommendation. Council Member Wilson stated that there were other ways to address culverts that are more efficient. She stated that she was not in favor of the proposed Ordinance. Mayor McCampbell stated that he was prepared to vote in favor of the Ordinance as it was the first reading. 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

Motion for Preliminary Adoption of the First Reading of an Ordinance Amending Section 135.11 Driveway Culverts of Chapter 135 Streets and Sidewalks of the Burlington Municipal Code

DISCUSSION: None.

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

FAILED

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

COMMENTS: The City Engineer reviewed the proposed plans and specifications for the 2017 Vineyard Street Area Drainage Project with Council and the viewing audience. He stated that there was roughly \$24,000.00 in costs for replacing the culverts and 60% to 70% was under private drives. The City Manager stated that he spoke with the City Attorney and the Council could do the project and charge the property owner for the cost of the culvert by billing them and then assessing them if they do not pay. He stated that the Council also has the option of paying for the culverts due to the scope of the project. He stated that he recommended that last option as the project has already been prepared with the City paying the cost of the culverts. 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. Tim Scott of 2017 South 15th Street stated that the City Council could create an assessment district and have the property owner pay for the project over a 10-year period. The City Manager stated that creating an assessment district takes time. It was determined by the majority of the City Council that they would pay for the cost of the 2017 Vineyard Street Area Drainage Project with no cost to the property owners. 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: Davidson

CARRIED

Introduced By: Wilson
Resolution Approving Plans and Specifications for the 2017 Vineyard Street Area Drainage Project

Seconded By: Fleming

DISCUSSION: None.

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

ADOPTED

ORDINANCE:

Introduced By: Wilson

Seconded By: Fleming

1. Motion for Preliminary Adoption of the Second Reading 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

DISCUSSION: The Police Chief stated that there were no changes to the proposed Ordinance Amending the Code of Ordinances of the City of Burlington, Iowa, by Amending the Standard Penalty for Violation of the City Code from the first reading. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - "AYES")

CARRIED

RESOLUTIONS:

Introduced By: Fleming

Seconded By: Wilson

1. Resolution Awarding Contract 2017 Harrison Avenue Storm Sewer Improvements

DISCUSSION: The Assistant City Manager for Public Works stated that two bids were received for the 2017 Harrison Avenue Storm Sewer Improvements. He stated that of the two bidders K & A Excavating of Wever, Iowa wrote a letter wishing to withdraw their bid. He stated that after review of the bids and based on the Engineer's estimate, staff recommends a contract be awarded to Fye Excavating of Sperry, Iowa in the amount of \$243,334.47. He stated that the award of the contract is contingent on BNSF approval of the project. 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

2. Resolution Authorizing Purchase of Real Property at 503 Holstein Street

DISCUSSION: The Assistant City Manager for Public Works stated that in the Fall of 2016 a large rain event caused several embankments in town to slough. He stated that during that rain event, a section of Patterson Street had erosion and sloughing severe enough to undermine a portion of a narrow sealcoat road, which caused closure of the street. He stated that the section of undermined road is just above the property at 503 Holstein Street, which comprises a small outbuilding used for storage. He stated that the City Attorney has recently negotiated a purchase price of \$30,000.00 for the property. He further reviewed the various cost/benefit analysis of several engineering solutions, which were higher in cost. The City Manager stated that it makes cost sense to purchase the property for the project. 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: Marlin McKee of 1121 South 12th Street stated that at the last work session there was a presentation about a TIF project on West Avenue. He stated that he did not think TIF should be used for any housing development in the \$250,000.00 range. He stated that he could possibly agree with TIF being used for housing development in the \$80,000.00 range. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 6:30 p.m.

Approved: September 18, 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 Accepting Deerfield Drive Right-of-Way
2. Resolution Approving an Amended Energy Efficiency Plan Agreement Addendum Between the City of Burlington, Iowa and Hy-Vee Supermarket at 3140 East Agency Street, Burlington, Iowa for Purchase up to Two Charging Systems
3. Resolution Approving Purchase of a Single Axle Dump Truck for Public Works, Street and Sewer Division

SET DATE FOR PUBLIC HEARING: SEPTEMBER 18, 2017

1. Consideration of a Permanent Easement Associated with the 2017 Harrison Avenue Storm Sewer Improvements