

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. 46
November 20, 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 Billups, Davidson, Fleming and Wilson present.

BURLINGTON CITY COUNCIL

OATH OF OFFICE:

Oath of Office for Jon Billups (Top Non-Incumbent), as City Council Member for 4-Year Term Expiring January 1, 2022

MAYOR'S AWARDS:

* Aldo Leopold Middle School:

Katie Salisbury & Michael Carper (Teachers)

Victoria Almack, Daphne Edwards, David King, Macklyn Palmer, Alexander Rice & Trenton Strawhacker (Students)

* Edward Stone Middle School:

Craig Fleece & Michael Carper (Teachers)

Thomas Fell, Hannah Heuvelmann, Mattingly Lair, Christian Snyder, Emma Wittkamp & Emily Woodsmall (Students)

* Burlington High School:

Melissa Nelson-Chiprez (Teacher)

Jerald Nickell (Jake), Jared Levandoske, Tiyada Payne, Katelyn Frazier, Emily Bennett, Savannah Daigle & Dominic Snyder (Students)

* West Burlington School:

Jeff Erickson (Teacher)

Henry Adams, Lauren Allen, Kylie Hamma, Mason Watkins, Zach Wilke, Connor Bush, Jaevian Crow, Sage Eggar, Elijah Bradley, Kennedy Ritter, Logan Shirts, Logan Benischek, Jai Liu, Anthony Moad, Ashi Pennaka, Isabella Murphy, Aaron Miles, Aubrie Hessler, Maddox Riggins-Miller, Jonas Oleson, Eric Lucas-DeGroat, Jayonna Hiley, Madelyn Hamelton, Emry Watson, Natalyn Blakeman, Andrew Elmore, Kynnick Christofferson, Preyton Doty, Taryn Havener, Brenden Brown, Logan Kelley, Ellie Davis, Kaylee Kramer, Seena Nowroozie, Jordan Nupp, Isabella Blaufuss, Kaden Tilley, Micah Mixer, Lyblie Christofferson, Kody Allen, Abigail

Bence, Sofia Armstrong, Alyvia Burton, Josh Glendening, Eli Jordan, Braden Roscum, Liam McCollum, Hayden Etchison, Sonika Gautam, Bailey Hayes, Savannah Payne, Lyndsey Kelley, Tristen Lee, Kyler Capps, Gracin Dugger, Ruby Orr, Talon Orr, Aubrey Allen & Sawyer Garlington (Students)

* Chad Palmer

* Surprise Recipient

MACGYVER AWARD:

* Matt Trexel

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. Leon Shahan of 1821 Mt. Pleasant Street requested the removal of the following Resolutions for discussion at the close of the meeting: Resolution Authorizing Internal Loan from General Fund to Tax Increment Revenue Fund; Resolution Obligating Funds from the Greater Burlington Partnership TIF Rebate Subfund of the City's Urban Renewal Tax Revenue Fund for Appropriation to the Payment of Annual Appropriation Tax Increment Rebate Payments Due to be Paid in the Succeeding Fiscal Year; Resolution Obligating Funds from the Winegard TIF Rebate Subfund of the City's Urban Renewal Tax Revenue Fund for Appropriation to the Payment of Annual Appropriation Tax Increment Rebate Payments Due to be Paid in the Succeeding Fiscal Year and Resolution Obligating Funds from the Burlington Crossing TIF Rebate Subfund of the City's Urban Renewal Tax Revenue Fund for Appropriation to the Payment of Annual Appropriation Tax Increment Rebate Payments Due to be Paid in the Succeeding Fiscal Year. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

CARRIED

HEARINGS:

1. Statement: Consideration of an Ordinance Vacating and Selling a Portion of College Street Right-of-Way Located Between Valley Street and Market Street, Burlington, Iowa

COMMENTS: The Development and Parks Director reviewed with the City Council and the viewing audience the proposed Ordinance Vacating and Selling a Portion of College Street

Right-of-Way Located Between Valley Street and Market Street, Burlington, Iowa. He stated that the City Planning Commission voted to approve the vacating of right-of-way based on petition of the applicant, the ownership of property on both sides of the right-of-way by the applicant, lack of utilities located within the right-of-way, and lack of use by the City as a through street. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Fleming
Motion to Close

Seconded By: Wilson

CARRIED

Introduced By: Fleming Seconded By: Davidson
Motion for Preliminary Adoption of the First Reading of an Ordinance Vacating and Selling a Portion of College Street Right-of-Way Located Between Valley Street and Market Street, Burlington, Iowa

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

CARRIED

2. Statement: Consideration of West Avenue - Mason Road Urban Renewal Area and Plan

COMMENTS: The Development and Parks Director reviewed with Council and the viewing audience the proposed West Avenue - Mason Road Urban Renewal Area and Plan. He stated that this was the first of three steps in setting up an Urban Renewal Plan for the entire area described in the Resolution. He stated that Dan Cahill, developer, has requested TIF funds for the West Avenue - Mason Road Project, which will consist of a 16-lot subdivision deadening south of his project. He stated that the 16-lot subdivision would be located on approximately 8 acres with 14-18 homes in the \$180,000.00 to \$200,000.00 range. He stated that the infrastructure should not exceed \$350,000.00. He stated that the preliminary plat was approved on October 2, 2017 by the Burlington City Council. Leon Shahan of 1821 Mt. Pleasant Street stated that he was opposed to Tax Increment Financing (TIF). He stated that Burlington was property poor because people were income poor. Marlin McKee of 1121 South 12th Street stated that he was opposed to the Tax Increment Financing (TIF) because Dan Cahill knew when he bought the property how much money it was going to cost to create a subdivision. Council Member Wilson stated that she was in favor of the project as it is important to connect all the dead-ends in the area and she would like to see the area developed. 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: Billups

CARRIED

Introduced By: Wilson Seconded By: Davidson
Resolution to Declare Necessity and Establish an Urban Renewal Area, Pursuant to Section 403.4 of the Code of Iowa and Approve Urban Renewal Plan and Project for the West Avenue - Mason Road Urban Renewal Area

DISCUSSION: None.

(VOTE: 4 - “AYES” Wilson, Billups, Davidson and Fleming
1 - “NAY” McCampbell)

ADOPTED

3. 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: The Police Chief stated the proposed 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 and clears up a clerical error in the Ordinance. 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: Billups

CARRIED

Introduced By: Wilson Seconded By: Fleming
Motion for Preliminary Adoption of the First Reading 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

DISCUSSION: None.

(VOTE: 5 - “AYES”)

CARRIED

ORDINANCES:

Introduced By: Davidson Seconded By: Fleming

1. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of an Ordinance Prohibiting the Construction of Wells Within the City Limits for Use as a Potable Water Source

DISCUSSION: The Assistant City Manager for Public Works 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 the Public Works office has been asked to review the ordinance by Seneca. He stated that Seneca is currently monitoring a site at Fifth Street and Valley Street. He stated that the Ordinance would restrict non-potable wells in the area called out in the Ordinance. He stated that with free product (gasoline or diesel fuel) still present around the site, the Iowa Department of Natural Resources (DNR) recommends restricting wells within the plumes of monitoring sites. Mayor McCampbell questioned why the City was prohibiting the construction of wells within the City limits for use a potable water source. The Assistant City Manager for Public Works stated that the proposed Ordinance was prohibiting the construction of wells within the City limits as stated within the restricted boundaries of the City for use as a potable water source. Eric Renteria of 907 High Street stated that if it is already state law, then why was the City Council approving an Ordinance. Leon

Shahan of 1821 Mt. Pleasant Street questioned who contaminated the property. The City Manager stated that BNSF owns the property and is involved in the cleanup. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.
(VOTE: 5 - "AYES") CARRIED

Introduced By: Davidson Seconded By: Wilson

2. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption of an Ordinance Prohibiting the Construction of Wells Within the City Limits for Use as a Potable Water Source

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

CARRIED

Introduced By: Davidson Seconded By: Fleming

3. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of an Ordinance Amending Various Sections of Chapter 31 Riverfront Advisory Committee of the Burlington Municipal Code

COMMENTS: The City Manager reviewed with Council and the viewing audience the proposed Ordinance Amending Various Sections of Chapter 31 Riverfront Advisory Committee of the Burlington Municipal Code. He stated the following changes to the Ordinance: Committee will consist of five members not nine members; the Parks Superintendent will replace the City Manager as the ex-officio member and the committee shall submit an annual report to the City Council each year summarizing activities, accomplishments, meetings and attendance for the past year. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.
(VOTE: 5 - "AYES")

CARRIED

Introduced By: Davidson Seconded By: Fleming

4. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption of an Ordinance Amending Various Sections of Chapter 31 Riverfront Advisory Committee of the Burlington Municipal Code

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

CARRIED

RESOLUTIONS:

Introduced By: Davidson Seconded By: Wilson

1. Resolution Approving Agreement with Burlington Steamboat Days for Concessions at the Riverfront Properties Known as Burlington Memorial Auditorium, Port of Burlington and Burlington Depot

DISCUSSION: The City Manager reviewed the agreement with Burlington Steamboat Days for

Concessions at the Riverfront Properties Known as Burlington Memorial Auditorium, Port of Burlington and Burlington Depot with the City Council and the viewing audience. Stephanie Kozlowski, past president of Burlington Steamboat Days, stated that the agreement is now for a 3-year term to coincide with the American Music Festival agreement and also the cap was raised on labor due to the rate charge by the Police Department. 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

2. Resolution Approving the Burlington Depot Rental Rates

DISCUSSION: The Assistant City Manager for Public Works stated that with the Great Room renovation at the Depot completed, the Depot was now available for rent. He stated that the proposed rental rates for the Depot are based off of comparative rates for the North Bay of the Port of Burlington. He stated that like the Port of Burlington and Memorial Auditorium, the rates are placed into three classes for rental: not for profit, community organizations events, wedding receptions or private parties and for profit events. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

ADOPTED

Introduced By: Billups Seconded By: Fleming

3. Resolution Establishing a Two Hour Parking Limit in the 200 Block of Jefferson Street

DISCUSSION: The Assistant City Manager for Public Works stated that the proposed Resolution establishes a two-hour parking limit in the 200 block of Jefferson Street. He stated that prior to the Jefferson Street Paving Project, parking was 60 minutes. Council Member Fleming stated that the 200 block of Jefferson Street looked very nice. Eric Renteria of 907 High Street stated that there was ample parking downtown and he did not know why the Police Department and Fire Department had so many parking stalls blocked off. He questioned why he did not have private parking in front of his business. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

ADOPTED

Introduced By: Billups Seconded By: Wilson

4. Resolution Approving an Agreement Between the City of Burlington, Iowa and Alliant Energy Incorporated for All Night Lighting Service on Corse Street

DISCUSSION: The Assistant City Manager for Public Works stated that his department received a request for all-night lighting service on the north side of Corse Street between the addresses of 1120 and 1118 Corse Street. He stated that he was not recommending approval as he felt the lighting was not needed in the area. Council Member Davidson stated that he agreed. He stated that he drove the area on a Friday night at 10:05 p.m. and he felt the area looked well lit already. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "NAYS")

FAILED

Introduced By: Billups Seconded By: Wilson

5. Resolution Approving an Agreement Between the City of Burlington, Iowa and Alliant Energy Incorporated for All Night Lighting Service in the Sunrise West Subdivision

DISCUSSION: The Assistant City Manager for Public Works stated that his department received a request for all-night lighting service in the Sunrise West Subdivision. He stated that he was not recommending approval as he felt the colonial lighting that was requested would not provide enough light in the area. He stated that the subdivision presently uses the colonial lighting and it does not provide much light. Anne Fedler of 1202 Messiah Drive stated that the area provides senior housing. She stated that seniors living in the area want physical and emotional safety. The Assistant City Manager for Public Works stated that he was not recommending approval as the colonial lights were lofted way too high and should be placed 12 feet high verses the present 20 feet. Council Member Davidson stated that he drove through the area at night and he did not feel the colonial lighting gave off good lighting and he was not in favor of more colonial lighting unless Sunrise West Subdivision would upgrade their lighting. Council Member Billups stated that he would rather see the lighting upgraded. Anne Fedler of 1202 Messiah Drive stated that they want to keep the same style colonial lighting. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - "NAYS" Wilson, Billups, Davidson and McCampbell
1 - "AYE" Fleming)

FAILED

Introduced By: Davidson Seconded By: Fleming

6. Resolution Authorizing Internal Loan from General Fund to Tax Increment Revenue Fund

DISCUSSION: The City Manager stated that the proposed Resolution Authorizing Internal Loan from General Fund to Tax Increment Revenue Fund is legally required when the City moves TIF funds to cover City's Attorney fees and staff fees. He stated that the following three Resolutions go back to three different agreements/arrangements as follows: Winegard for their project at Fairway Shopping Center (5th year of agreement is \$180,000.00); Greater Burlington Partnership for shell building (5th year of agreement is \$45,000.00) and Burlington Crossing for manor property (1st year of agreement is \$70,000.00). Leon Shahan of 1821 Mt. Pleasant Street stated that a lot of streets could have been paved with that money. 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

7. Resolution Obligating Funds from the Greater Burlington Partnership TIF Rebate Subfund of the City's Urban Renewal Tax Revenue Fund for Appropriation to the Payment of Annual Appropriation Tax Increment Rebate Payments Due to be Paid in the Succeeding Fiscal Year

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

ADOPTED

Introduced By: Davidson Seconded By: Wilson

8. Resolution Obligating Funds from the Winegard TIF Rebate Subfund of the City's Urban Renewal Tax Revenue Fund for Appropriation to the Payment of Annual Appropriation Tax Increment Rebate Payments Due to be Paid in the Succeeding Fiscal Year

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

ADOPTED

Introduced By: Davidson Seconded By: Billups

9. Resolution Obligating Funds from the Burlington Crossing TIF Rebate Subfund of the City's Urban Renewal Tax Revenue Fund for Appropriation to the Payment of Annual Appropriation Tax Increment Rebate Payments Due to be Paid in the Succeeding Fiscal Year

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

ADOPTED

COMMENTS FROM AUDIENCE: Eric Renteria of 907 High Street stated that it was extremely important to him as to how he can get an item added to the work session. He stated that he wanted the downtown parking plan discussed. The City Manager stated that the item was originally going to be added as a discussion item at a work session as two City Council members were interested in the discussion, but then changed their minds. He stated that the City Council had already discussed the issue back in June/July 2017. Dean Phenicie of 2117 Northern Drive stated that he was thankful for the Police Department, Fire Department, City Manager and City Council. He suggested the City Council have a telethon for funding of the Cascade Bridge. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 7:05 p.m.

Approved: December 4, 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 Annual Financial Report
3. Resolution Approving Annual Urban Renewal Report
4. Resolution Approving an Amendment to the Agreement with Veenstra and Kimm, Inc. to Perform the Design of the Agency Street Widening Project
5. Resolution Approving Energy Efficiency Plan Agreement Amendment No. 2 to the Agreement Between the City of Burlington, Iowa and Interstate Power and Light Company to Provide Grant Funding for the Design and Implementation of Programs that Improve Market Awareness and Adoption of New Technologies Through the Bright Ideas Grant Program

SET DATE FOR PUBLIC HEARINGS: DECEMBER 4, 2017

1. Consideration of Plans and Specifications for the Flint River Trail, Phase I South A
2. Consideration of an Ordinance Providing for the Division of Taxes Levied on Taxable Property in the West Avenue - Mason Road Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa