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MINUTES OF THE PROCEEDINGS  
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 47  
December 4, 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

MAYOR'S AWARD:

\* Rob Sussman

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: 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. Council Member Davidson announced those individuals appointed to various City commissions and boards. Leon Shahan of 1821 Mt. Pleasant Street requested the removal of the following Resolution for discussion at the close of the meeting: Resolution Approving Final Acceptance of the 2016 Former Dresser Rand Site Cleanup Project. 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 Plans and Specifications for the Flint River Trail, Phase I South A

COMMENTS: The Development and Parks Director reviewed the plans and specifications for the Flint River Trail, Phase I South A with the City Council and the viewing audience. He stated the estimated cost of the project was \$231,000.00 with grant funds of \$255,000.00. He stated

that bids would be received on December 21, 2017 at 2:00 p.m., in the Thomas J. Smith Council Chambers. He further stated that the project should be completed by June 29, 2018. Mayor McCampbell asked when the Flint River Trail Project first started. The Development and Parks Director stated that the Flint River Trail Project started approximately in 2005. 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  
Resolution Approving Plans and Specifications for Flint River Trail,  
Phase I South A

Seconded By: Fleming

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

ADOPTED

2. Statement: 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

COMMENTS: The Development and Parks Director stated that the public hearing on the proposed 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 was step two in the process of setting up a Tax Increment Financing District (TIF). He stated that the Urban Renewal Plan for the area was already approved by the Burlington City Council. He stated that Dan Cahill, Developer, was planning a 14-lot subdivision and would be using Tax Increment Financing (TIF) for the project. He stated that the developer would be carrying all of the risk on the project. Leon Shahan of 1821 Mt. Pleasant Street that Tax Increment Financing (TIF) was his pet peeve. He questioned if there was a study that states that Tax Increment Financing (TIF) was actually a good thing. Mayor McCampbell stated that there were studies on both sides of the issue. Leon Shahan stated that Tax Increment Financing (TIF) hurts those that pay their property taxes. Marlin McKee of 1121 South 12<sup>th</sup> Street stated that he agreed with Leon Shahan. He stated that if the City Council approves Tax Increment Financing (TIF) for Dan Cahill, then they will need to approve it for the next developer. 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  
Motion for Preliminary Adoption of the First Reading 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

Seconded By: Davidson

DISCUSSION: None.

(VOTE: 3 - “AYES” Billups, Davidson and Fleming  
2 - “NAYS” McCampbell and Wilson)

CARRIED

ORDINANCES:

Introduced By: Davidson                      Seconded By: Fleming

1. Motion to Amend the Motion for Preliminary Adoption of the Second 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: 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.

(VOTE: 5 - “AYES”)

CARRIED

Introduced By: Davidson                      Seconded By: Fleming

2. 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 College Street Right-of-Way Located Between Valley Street and Market Street, Burlington, Iowa

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 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

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 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

RESOLUTIONS:

Introduced By: Billups

Seconded By: Davidson

1. Resolution Approving the Final Plat of Arbor View Estates Subdivision

DISCUSSION: The Development and Parks Director stated that the Preliminary Plat of Arbor View Estates Subdivision had previously been approved by the City Council. He stated that he was recommending the Council not approve the final plat of Arbor View Estates Subdivision at this time as he was still waiting for infrastructure review and the sewer inspection still needs corrected. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 1 - "AYE" McCampbell

4 - "NAYS" Wilson, Billups, Davidson and Fleming)

FAILED

Introduced By: Billups

Seconded By: Fleming

2. Resolution Approving the Finish Design for the Floodwall

DISCUSSION: The Assistant City Manager for Public Works reviewed the three options for the finish design for the Floodwall Project. He stated that he was recommending option two, which was jointing and sandblasting. He stated that it was a fairly simple design. Council Member Billups asked what the time frame was. The Assistant City Manager for Public Works stated that under option three, there would have been a four to six week delay in the project. He stated that finish design for the floodwall would be coordinated with the contractor as far as timing of the project. Council Member Fleming stated that a simple design was best. 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

3. Resolution Approving Final Acceptance of the 2016 Former Dresser Rand Site Cleanup Project

DISCUSSION: Leon Shahan of 1821 Mt. Pleasant Street stated that he had requested removal of the Resolution Approving Final Acceptance of the 2016 Former Dresser Rand Site Cleanup Project as he did not see a dollar figure listed. The City Manager stated the final project was listed in the Resolution of \$617,930.56 for the 2016 Former Dresser Rand Site Cleanup Project. He stated that the \$617,930.46, was paid with identified Tax Increment Financing (TIF) funds. The Development and Parks Director stated that final acceptance was given for the project and the contractor's obligation release of performance bonds shall be completed in 30 days from the date of the Resolution, subject to any claims that may be field during such period. Leon Shahan stated that economic development was his pet peeve. 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: Eric Renteria of 907 High Street presented the City Council with a petition requesting the Council to adopt a parking plan that would make the flat lots three hour parking; convert the lease spaces to a parking mirror tag for \$82.50; provide downtown residents with a tag for \$50.00 which would void one parking ticket per month and designate the Snake Alley District. He stated that it would help people that work, live and shop downtown. Discussion took place when to have discussion on the issue, but no date was finalized. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 6:26 p.m.

Approved: December 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 Approving Final Acceptance and Release of Retention Monies for the 2016 HMA Resurfacing Project
2. Resolution Approving an Application for Funds from the Transportation Alternatives Program for the West Avenue Trail
3. Resolution Approving Energy Efficiency Plan Agreement Addendum Between the City of Burlington, Iowa and Huckleberry Hotel at 3001 Winegard Drive, Suite 130, Burlington, Iowa for Purchase of Two Level II Charging Systems and One Level III Station

APPOINTMENTS:

Low Rent Housing Agency: Jeff Burkhart and Khayree Duckett