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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 8
April 16, 2018

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, Graham-Murray and Rinker present. Council Member Wilson was absent.

BURLINGTON CITY COUNCIL

PROCLAMATIONS:

- * Statewide Iowa Winner of the "If I Were Mayor Essay Contest" - Gabriella Deery
- * A Day of Prayer: Pastor Sam Fratt
- * Teach Children to Save Day: C.E. Walsh, C.L. Walsh, Amy Walsh, Jennifer Schuster, Audrey Work, William Steamer, Kathryn Taylor, Caden Craig, Abby Boyer, Carter Gerhardt and Amiya Warfield
- * Earth Day: Eric Tysland

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: Rinker Seconded By: Graham-Murray

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. He further announced those individuals appointed to various City commissions and boards. Leon Shahan of 1821 Mt. Pleasant Street removed the following items from the Consent Agenda for discussion at the close of the meeting: Resolution of Support for a Workforce Housing Tax Incentive Program Project by Kelly Hull and Resolution of Support for a Workforce Housing Tax Incentive Program Project by Burlington Crossing Real Estate LLC. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - "AYES" McCampbell, Rinker, Billups and Graham-Murray) CARRIED

RESOLUTION:

Introduced By: Rinker Seconded By: Billups

1. Resolution Approving the Appointment of Chief of Police

DISCUSSION: The City Manager stated that it was a fairly extensive process for the hiring of Police Chief. He stated that there was one external candidate and three internal candidates. He stated that he has offered the position to Major Dennis Kramer. Major Kramer thanked his wife, family, mother and mother-in-law for their support. He stated that it was an honor to serve the citizens of Burlington, as Burlington is a great place to live, work and play. The City Clerk swore in Major Dennis Kramer as Chief of Police for the City of Burlington. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - "AYES" McCampbell, Rinker, Billups and Graham-Murray) ADOPTED

HEARINGS:

1. Statement: Consideration of Plans and Specifications for the 2018 Sealcoat Street Program

COMMENTS: The Assistant City Manager for Public Works reviewed the plans and specifications for the 2018 Sealcoat Street Program with the Council and viewing audience. He stated that there would be approximately 1,900 square yards of surface rehabilitation. He stated that the budgeted construction cost was \$351,800.00 with the City Engineer's construction estimate of \$327,200.00. He stated that bids would be received on May 8, 2018 with the project awarded on May 22, 2018. He further stated that the tentative construction start was mid June 2018 with construction completion deadline of mid-September. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Rinker Seconded By: Graham-Murray
Motion to Close

CARRIED

Introduced By: Rinker Seconded By: Billups
Resolution Approving Plans and Specifications for the 2018 Sealcoat Street Program

DISCUSSION: None.

(VOTE: 4 - "AYES" McCampbell, Rinker, Billups and Graham-Murray) ADOPTED

2. Statement: Consideration of Plans and Specifications for the 2018 HMA Overlay Project

COMMENTS: The Assistant City Manager for Public Works reviewed the plans and specifications for the 2018 HMA Overlay Project with the Council and viewing audience. He reviewed the areas that would receive approximately 2,800 tons of asphalt. He stated that the budgeted construction cost was \$609,573.00 with the City Engineer's construction estimate of \$510,000.00. He stated that bids would be received on May 8, 2018 with the project awarded on

May 22, 2018. He further stated that the tentative construction start was mid June 2018 with construction completion deadline of mid-October. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Billups Seconded By: Rinker
Motion to Close

CARRIED

Introduced By: Billups Seconded By: Rinker
Resolution Approving Plans and Specifications for the 2018 HMA Overlay Project

DISCUSSION: None.

(VOTE: 4 - "AYES" McCampbell, Rinker, Billups and Graham-Murray) ADOPTED

3. Statement: Consideration of an Application for a Housing Sustainability Grant from the Iowa Economic Development Authority, Community Development Block Grant Program

COMMENTS: Sara Hecox of Southeast Iowa Regional Planning Commission reviewed the following with the City Council and the viewing audience: A.- Need For The Activities Was Identified: The need for this project was originally identified through a condition and pre-application survey by city planners indicating the neighborhood could benefit from an owner occupied rehabilitation program; B.- How the Proposed Activity will be funded and the sources of funds: The Community Development Block Grant (CDBG) Housing Fund through the Iowa Economic Development Authority; C.-Date Application will be submitted: The application for the Burlington CDBG Owner Occupied Rehabilitation Program will be submitted by Friday, May 4, 2018; D.-Requested Amount of Federal Funds (Housing Fund): The City of Burlington will request \$232,994 from the Iowa Economic Development Authority for an owner occupied rehabilitation program; E.-Federal Funds That Will Benefit Low-and Moderate-Income Persons: All households assisted through this program will qualify based on income guidelines not to exceed 80% of Des Moines County median income as follows: 1 person 80% MFI \$38,000.00; 2 person 80% MFI \$43,400.00; 3 person 80% MFI \$48,850.00; 4 person 80% MFI \$54,250.00; 5 person 80% MFI \$58,600.00; 6 person 80% MFI \$62,950.00; 7 person 80% MFI \$67,300.00 and 8 person 80% MFI \$71,650.00; F.-Where the Activity will be conducted: The owner occupied rehabilitated activity will take part in Burlington's targeted neighborhood. Roughly bounded by Flora Street to Corse Street and from Lincoln Street to Osborn Street; G.-Minimize Displacement of Persons as a result of funded activities: Under rehabilitation processes, households will not be displaced. In some instances some households could be asked to move temporarily while such things as plumbing, electrical, or lead based paint need to be dealt with. Proper coordination between the contractor and homeowner can prevent displacement; H.-Plans to Assist Persons Displaced: Any household asked to leave their premises will be told to do so for their own safety. This will be paid for out of "administrative costs" of the program; I.-Nature of the Proposed Activity: Owner occupied rehabilitation means just that. Items covered are things such as electrical, plumbing, heating and venting, windows, roof, siding, and foundation. The program does not cover things such as air-conditioning and appliances. All code violations will be

corrected. She stated that presently there are four qualified homeowners and she would like to have two more qualified homeowners. Council Member Billups asked how two more qualified homeowners will be obtained. The Development and Parks Director stated that City staff will do surveys through the qualified neighborhood to obtain qualified homeowners. Council Member Rinker asked what determines the improvements to the homes. Sara Hecox stated that there are guidelines that have to be addressed along with lead and radon checks. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Billups
Motion to Close

Seconded By: Graham-Murray

CARRIED

Introduced By: Billups Seconded By: Rinker
Resolution Approving an Application for a Housing Sustainability Grant from the Iowa Economic Development Authority, Community Development Block Grant Program

DISCUSSION: None.

(VOTE: 4 - "AYES" McCampbell, Rinker, Billups and Graham-Murray) ADOPTED

4. Statement: Consideration of an Ordinance Amending Chapter 163, Environmental Nuisances of the Code of Ordinances of the City of Burlington, Iowa

COMMENTS: The Development and Parks Director reviewed the proposed Ordinance Amending Chapter 163, Environmental Nuisances of the Code of Ordinances of the City of Burlington, Iowa with Council and the viewing audience. He reviewed the changes to the proposed Nuisance Ordinance. He stated that the Nuisance Department would still be posting properties and putting a notice in the newspaper. Tom Kuntz of 602 Aetna Street stated his concern that property owners will not be aware of the nuisance charge so he urged Council to vote no. He further stated that he would like to see Section 163.09 Method of Service, be amended from "may" to "shall" serve notice upon the owner. Don Harter of 1018 Monticello stated that presently landlords are given a phone call as they have no way of knowing when their property is posted. The City Manager stated that the present Code does not state that landlords will receive a phone call. He stated that it was just a courtesy and he stated that phone calls to landlords would continue. Don Harter stated his concern that future nuisance inspectors may not make phone calls to landlords. Leon Shahan of 1821 Mt. Pleasant Street urged Council to table the Ordinance as he had concerns about the proposed Ordinance such as flowers that may look like weeds and snow removal. The Development and Parks Director stated that any amendments to the proposed Ordinance could be discussed at the next work session and brought up for approval at the second reading of the Ordinance. Considerable discussion took place by Council whether to amend the proposed Ordinance or vote it down and start over. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Billups
Motion to Close

Seconded By: Graham-Murray

CARRIED

Introduced By: Billups Seconded By: Rinker
Motion for Preliminary Adoption of the First Reading of an Ordinance Amending
Chapter 163, Environmental Nuisances of the Code of Ordinances of the City of
Burlington, Iowa

DISCUSSION: None.

(VOTE: 3 - "AYES" Rinker, Billups and Graham-Murray
1 - "NAY" McCampbell)

CARRIED

5. Statement: Consideration of an Ordinance Amending the Code of Ordinances, City of Burlington, By Creating a New Chapter 100, "Storm Water Management and Drainage Systems Utility"

COMMENTS: The Assistant City Manager for Public Works reviewed the proposed Ordinance Amending the Code of Ordinances, City of Burlington, By Creating a New Chapter 100, "Storm Water Management and Drainage Systems Utility" with the Council and the viewing audience. He stated that Veenstra and Kimm performed a Stormwater Utility Fee Feasibility Study for the City of Burlington. He stated that the study analyzed the City's current Stormwater Utility along with looking at alternative methods. He stated that Veenstra and Kimm's recommendation along with staff is to change the Stormwater Utility methodology to the Equivalent Residential Unit (ERU). He stated that the average impervious area for Burlington is 3,360 sq. ft. Non-residential properties will have the ERU square footage applied to its impervious surface. He stated that the Ordinance replaces and rewrites Chapter 100 to reflect the implementation of the ERU method. He stated that there will be some decreases and some increases for others. Leon Shahan of 1821 Mt. Pleasant Street stated that the ERU method will not benefit most homeowners. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Billups Seconded By: Graham-Murray
Motion to Close

CARRIED

Introduced By: Billups Seconded By: Rinker
Motion for Preliminary Adoption of the First Reading of an Ordinance Amending the
Code of Ordinances, City of Burlington, By Creating a New Chapter 100, "Storm Water
Management and Drainage Systems Utility"

DISCUSSION: None.

(VOTE: 5 - "AYES")

CARRIED

6. Statement: Consideration of Transit Grant Application

COMMENTS: The Assistant City Manager for Public Works stated that annually the City has a public hearing for Burlington Urban Service (BUS) to announce the intended receipts from the State and Federal funding for public transit. He stated that this year the anticipated amounts for State Transit Operating Assistance was \$233,679.00 and Federal Transit Operating Assistance

was \$399,497.00. He stated that the Transportation Improvement Plan (TIP) reflects the purchase of four light duty buses in the event federal funding becomes available and a local match is found in the next fiscal year. The total projected costs of the four buses are anticipated to cost \$396,000.00 with 85% potential grant funding costing \$59,400.00 local match should all four buses have enough points to justify replacement. He stated that currently the City has two buses ordered. He gave an overview of the bus service for the past ten years. He stated that total operating budget is just under \$1,000,000.00. Mayor McCampbell asked about the placement of bike racks on the buses. The Assistant City Manager for Public Works stated that the difficulty would be fitting the buses in the bus barn with the bike racks. Council Member Graham-Murray stated that she also liked the idea of bike racks. Council Member Rinker asked how much it would cost to add the bike rack. The Assistant City Manager for Public Works stated that the cost would be approximately \$5,000.00 to add a bike rack. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Billups
Motion to Close

Seconded By: Graham-Murray

CARRIED

Introduced By: Billups
Resolution Approving Transit Grant Application

Seconded By: Rinker

DISCUSSION: None.

(VOTE: 4 - "AYES" McCampbell, Rinker, Billups and Graham-Murray) ADOPTED

ORDINANCE:

Introduced By: Billups
Seconded By: Rinker

1. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of an Ordinance Vacating and Selling a Portion of South 14th Street Right-of-Way Located Adjacent to the Property at 1408 Harrison Avenue, Burlington, Iowa

DISCUSSION: The Development and Parks Director stated that there were no changes to the Ordinance Vacating and Selling a Portion of South 14th Street Right-of-Way Located Adjacent to the Property at 1408 Harrison Avenue, Burlington, Iowa 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" McCampbell, Rinker, Billups and Graham-Murray) CARRIED

Introduced By: Billups
Seconded By: Graham-Murray

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 South 14th Street Right-of-Way Located Adjacent to the Property at 1408 Harrison Avenue, Burlington, Iowa

DISCUSSION: None.

(VOTE: 4 - "AYES" McCampbell, Rinker, Billups and Graham-Murray) CARRIED

RESOLUTIONS:

Introduced By: Graham-Murray Seconded By: Rinker

1. Resolution Approving Loan Agreement, Authorizing the Issuance of \$8,285,000 General Obligation Corporate Purpose Bonds, Series 2018A and Providing for the Levy of Taxes to Pay the Same

DISCUSSION: The City Manager reviewed with Council and the viewing audience the proposed Resolution Approving Loan Agreement, Authorizing the Issuance of \$8,285,000 General Obligation Corporate Purpose Bonds, Series 2018A and Providing for the Levy of Taxes to Pay the Same. He stated that the funds would be used as follows: Mt. Pleasant Street Bridge Project; Flood Wall, Phase V; Central Avenue Bridge Repairs; HMA Street Projects; Project Contingency Fund and Surplus Project Funds. He stated that Piper Jaffray conducted the sale of the bonds. He stated that the low bid was at 3%. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - "AYES" McCampbell, Rinker, Billups and Graham-Murray) ADOPTED

Introduced By: Graham-Murray Seconded By: Billups

2. Resolution Awarding Contract for the 2018 Agency Street Widening Project, East End

DISCUSSION: The Assistant City Manager for Public Works stated that bids were received on April 3, 2018 with Mike Nelson Concrete Paving Company the low bidder at \$1,913,031.13. He stated that with engineering, the contract amount and inspection; the total project costs runs higher than the budgeted amount using the identified funding sources, so the plan is to use Road Use Tax (RUT) to cover the remaining costs. He stated that a pre-construction meeting will be held on April 20, 2018 with construction to start May 1, 2018. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - "AYES" McCampbell, Rinker, Billups and Graham-Murray) ADOPTED

Introduced By: Graham-Murray Seconded By: Billups

3. Resolution Approving the Final Plat of Gillette Farm Subdivision

DISCUSSION: The Development and Parks Director reviewed with Council and the viewing audience the final plat of Gillette Farm Subdivision. He stated that the subdivision was located within the two-mile growth area of Burlington and in Des Moines County. He stated that the three lot-subdivision splits off the house, the buildings and another house and garage. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - "AYES" McCampbell, Rinker, Billups and Graham-Murray) ADOPTED

Introduced By: Graham-Murray Seconded By: Billups

4. Resolution Adopting the Personnel Manual for Non-Union Employees

DISCUSSION: The Director of Administrative Services reviewed the Personnel Manual for Non-Union Employees with Council and the viewing audience. She stated that non-union employees would be receiving a 2.25% salary increase on July 1, 2018, which is the same increase that the City's unions will be receiving. She stated that non-union employees will contribute 6% of the cost of single or family coverage compared to 4% last year. She stated that the City's salary schedule was increased by 2%. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.
(VOTE: 4 - "AYES" McCampbell, Rinker, Billups and Graham-Murray) ADOPTED

Introduced By: Graham-Murray Seconded By: Billups

5. Resolution Approving City of Burlington, Iowa Goal Setting Report, Dated March 22, 2018

DISCUSSION: The City Manager reviewed with Council and the viewing audience the proposed City of Burlington, Iowa Goal Setting Report, Dated March 22, 2018. He stated that the following were identified as new priority projects, programs, policies and initiatives for the upcoming 24 month period: Clearly evaluate and establish policies and guidelines to make building projects easier, have a checklist, guidelines, who to contact, responsibilities, etc. (identify resources/programs available to help cleanup property for those who cannot; develop LMI housing improvement programs with TIF funds); Continue to examine alternative revenue sources (beyond property taxes) and cost effective initiatives to grow community - such as utility franchise fees; participate in planning and financing of indoor RecPlex (RecPlex parking improvements); make a decision regarding components and priorities of riverfront development project (e.g. splash pad, arboretum, shade structure, outdoor auditorium) and examine the tag program/larger trash binds and impact on nuisance/community appearance. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.
(VOTE: 4 - "AYES" McCampbell, Rinker, Billups and Graham-Murray) ADOPTED

Introduced By: Rinker Seconded By: Graham-Murray

6. Resolution of Support for a Workforce Housing Tax Incentive Program Project by Kelly Hull

DISCUSSION: Leon Shahan of 1821 Mt. Pleasant asked where the Workforce Housing Tax Incentive Program Project by Kelly Hull was located and also the following Resolution of Support for a Workforce Housing Tax Incentive Program Project by Burlington Crossing Real Estate LLC was located. The City Manager stated that Kelly Hull's project was the former Dial Building. He also stated that the Burlington Crossing Real Estate LLC was located in the southeaster corner of the former Flint Hills Manor area for a housing project. Leon Shahan stated that the City spends too much money for companies to come to Burlington and now the City pays for housing projects. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.
(VOTE: 4 - "AYES" McCampbell, Rinker, Billups and Graham-Murray) ADOPTED

Introduced By: Rinker Seconded By: Billups

7. Resolution of Support for a Workforce Housing Tax Incentive Program Project by Burlington Crossing Real Estate LLC

DISCUSSION: None.

(VOTE: 4 - "AYES" McCampbell, Rinker, Billups and Graham-Murray) ADOPTED

COMMENTS FROM AUDIENCE: Freddie Starling of 127 South 6th Street thanked the City Council for the new shelter house at DeEdwin and Gladys White Park. He stated that now that the City has a new Police Chief he stated his concern for certain groups have certain privileges according to a April 1, 2018 newspaper article; when body cameras are turned on and when they are turned off. The City Manager suggested that Freddie Starling meet with Police Chief Kramer about policies. Council Member Rinker stated that it is difficult for the City Council to speak about an April 1, 2018 newspaper article when they do not have the article in front of them. Freddie Starling stated that his judgement was that no one has confidence in one another and that basically African Americans were being taken out by Police Officers. Council Member Graham-Murray stated that she was confident that Burlington was going forward in the right direction. Bob Troutman of West Burlington thanked the Council for cleaning up downtown Burlington as they were on the right track. Leon Shahan of 1821 Mt. Pleasant Street stated his concern for sink holes located on Mt. Pleasant Street where the storm sewer was installed. He stated that the recent quick patch method on Mt. Pleasant Street did not work well either. He stated that the City Council needed to revisit recycling method instead of offering bigger trash cans. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 8:07 p.m.

Approved: May 7, 2018

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 an Amendment to the Agreement with Piper Jaffray and Company to Serve as Dissemination Agent for Secondary Market Disclosure
3. Resolution Proposing Federal Highway Administration Federal Functional Classification Changes for Roadways as Described Within the Cities of Burlington and West Burlington, Iowa
4. Resolution Approving Easement Agreements with Burlington Truck Rail, Inc. Along Bluff Road for Access to Properties

SET DATE FOR PUBLIC HEARING: MAY 7, 2018

1. Consideration of an Ordinance Creating Chapter 163A., Junk Vehicles of the Code of Ordinances of the City of Burlington, Iowa

APPOINTMENT:

Flint Hills Golf Course Advisory Committee: Bob Francis