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MINUTES OF THE PROCEEDINGS  
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 9  
May 7, 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 Pro-Tem Wilson, Council Members Billups, Graham-Murray and Rinker present. Mayor McCampbell was absent.

BURLINGTON CITY COUNCIL

PROCLAMATIONS:

- \* Municipal Clerks Week: Kathleen Salisbury
- \* Emergency Medical Services Week: Battalion Chief Bullinger
- \* 50<sup>th</sup> Anniversary of Municipal Home Rule

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: Graham-Murray  
MOTION: To approve all items listed under Item I., Consent Agenda.

DISCUSSION: Mayor Pro-Tem Wilson 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" Graham-Murray, Rinker, Wilson and Billups)                      CARRIED

PRESENTATION: Alliant Annual Report, Nancy Snaadt

DISCUSSION: Nancy Snaadt with Alliant Energy gave a presentation about Alliant Energy's involvement with the community during the past year. She also presented the City with a check in the amount of \$873.00 for energy efficiency for the WWTF. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

HEARING:

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

COMMENTS: The Development and Parks Director reviewed with Council and the viewing audience the proposed Ordinance Creating Chapter 163A., Junk Vehicles of the Code of Ordinances of the City of Burlington, Iowa. Marlin McKee of 1121 South 12<sup>th</sup> Street stated that someone he knew had a vehicle parked on the street and the sticker was placed on the driver's side vent window and they never saw it and the vehicle was towed. The Police Chief stated that all police officers try to reach out to homeowners including the parking enforcement officer of houses where the vehicle is parked nearby. He stated that the proposed Ordinance clearly lays out the nuisance abatement process. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Billups                      Seconded By: Wilson  
Motion to Close

CARRIED

Introduced By: Billups                      Seconded By: Rinker  
Motion for Preliminary Adoption of the First Reading of an Ordinance Creating Chapter 163A., Junk Vehicles of the Code of Ordinances of the City of Burlington, Iowa

DISCUSSION: None.

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

CARRIED

ORDINANCES:

Introduced By: Graham-Murray                      Seconded By: Wilson

1. Motion for Preliminary Adoption of the Second Reading of an Ordinance Amending Chapter 163, Environmental Nuisances of the Code of Ordinances of the City of Burlington, Iowa

DISCUSSION: 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 also reviewed the three proposed amendments: Amend Section 163.03 Nuisances Designated; Amend Section 163.05 Right of Entry for Inspection and Amend Section 163.10 Notice by Publication for Refuse/Garbage and Vegetation Violations with Council and the viewing audience. Leon Shahan of 1821 Mt. Pleasant Street thanked the Development and Parks Director for the proposed amendment on vegetation. He passed out pictures to the City Council of lawns with flowers and ornamental grasses that a young intern might think are weeds. Stephanie Wilson, owner of Wilson Rentals, stated her concern that she cannot drive by all their rentals on a daily basis to see if one of their rentals were tagged. Council Member Billups stated that generally the nuisance department calls landlords. Stephanie Wilson stated that she has gotten phone calls, but not always. Council

Member Rinker asked if landlords could have their property addresses on file with phone numbers so the Nuisance Department could contact them. The Development and Parks Director stated that his department is looking at a new system that they hope to have by July 1, 2018 that information can be compiled. The City Council approved all three amendments to the proposed Ordinance as presented by the Development and Parks Director. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

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

Introduced By: Graham-Murray Seconded By: Billups

2. Motion to Amend Section 163.03 Nuisances Designated of the Ordinance Amending Chapter 163, Environmental Nuisances of the Code of Ordinances of the City of Burlington, Iowa

DISCUSSION: None.

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

Introduced By: Graham-Murray Seconded By: Billups

3. Motion to Amend Section 163.05 Right of Entry for Inspection of the Ordinance Amending Chapter 163, Environmental Nuisances of the Code of Ordinances of the City of Burlington, Iowa

DISCUSSION: None.

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

Introduced By: Graham-Murray Seconded By: Rinker

4. Motion to Amend Section 163.10 Notice by Publication for Refuse/Garbage and Vegetation Violations of the Ordinance Amending Chapter 163, Environmental Nuisances of the Code of Ordinances of the City of Burlington, Iowa

DISCUSSION: None.

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

Introduced By: Graham-Murray Seconded By: Billups

5. Motion for Preliminary Adoption of the Second 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: 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. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk. (VOTE: 4 - "AYES" Graham-Murray, Rinker, Wilson and Billups) CARRIED

RESOLUTIONS:

Introduced By: Billups                      Seconded By: Wilson

1. Resolution Accepting the Surface Transportation Block Grant for Madison Avenue and 9<sup>th</sup> Street

DISCUSSION: The Assistant City Manager for Public Works stated that the City had applied for STBG funds for Madison Avenue and 9<sup>th</sup> Street Project. He stated that the City ranked second for \$1,493,210.00 for STBG funds with the City's local match of \$373,302.00 for a total cost of the project of \$1,866,512.00. He stated that if the City Council accepts the funds, the City is required to do the project as presented in the grant application. This would entail the full length of the project from Angular Street to Sunset Avenue, the bike lanes and the full depth reconstruction from Angular Street to South Street will have to be completed in order to accept the funds. He stated that the project is scheduled in the five-year road plan with Oak Street and Parkway Avenue in FY23, where the City has \$1,500,000.00 budgeted. He stated that should the City accept the funds the City would use most of the money to fulfill the match necessary. He stated that one item to note is that the IDOT will allow federal funds such as the STBG to be swapped with state dollars. This helps cities avoid Davis-Bacon requirements (prevailing wages) that adds cost to the project. Not being required to follow Davis-Bacon can reduce construction costs by 10-20%. He recommended the City Council to accept the funds. Those who spoke against the City accepting the Surface Transportation Block Grant for Madison Avenue and 9<sup>th</sup> Street was as follows: Paul Carl of 1304 Madison Avenue; Ruth McCann of 1534 Madison Avenue; Bob Butler of 1308 Madison Avenue; Marlin McKee of 1121 South 12<sup>th</sup> Street; Chris Roepke of 1306 Madison Avenue; Scott Snyder of 1403 Madison Avenue and Stephanie Wilson. Many of those that spoke stated that no parking on Madison Avenue would negatively impact homeowners, negatively impact the value of their homes; negatively affect businesses and safety of children. After considerable discussion by the City Council the Council voted in favor of accepting the Surface Transportation Block Grant funds for Madison Avenue and 9<sup>th</sup> Street. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

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

ADOPTED

Introduced By: Billups                      Seconded By: Graham-Murray

2. Resolution to Install a Four-Way Stop at the Intersection of Harrison Avenue and South Central Street

DISCUSSION: The Development and Parks Director stated that the City received a request to install a four-way stop at the intersection of Harrison Avenue and South Central Street. He stated that Harrison Avenue is considered a minor arterial street and the block of Central to the north of Harrison Street is also considered a minor arterial street. He stated that based on the investigation of the intersection, he does not recommend approval of the four-way stop at the intersection of Harrison Avenue and South Central Street. He stated that presently there is a two-way stop for north and south bound traffic which is sufficient for the traffic patterns in the area. Marlin McKee of 1121 South 12<sup>th</sup> Street stated that the house is now for sale that has an arborvitae not a tree, which could easily be cut down to help see traffic better. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.  
(VOTE: 4 - "NAYS" Graham-Murray, Rinker, Wilson and Billups) FAILED

Introduced By: Rinker                      Seconded By: Wilson

3. Resolution Awarding Contract for the 2018 Parking Lot Improvements, 6<sup>th</sup> Street and Washington Street Lot

DISCUSSION: The Assistant City Manager for Public Works stated that the 6<sup>th</sup> Street and Washington Street Lot Project was near the base of Snake Alley and will be resurfaced and all storm drainage will be rerouted out of the sanitary sewer collection system. He stated that bids were received on April 17, 2018 with MJ Daly Construction being the low bidder at \$115,422.97. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.  
(VOTE: 4 - "AYES" Graham-Murray, Rinker, Wilson and Billups) ADOPTED

Introduced By: Rinker                      Seconded By: Graham-Murray

4. Resolution Awarding Contract for the 2018 Parking Lot Improvements, Main Street and Valley Street Lot

DISCUSSION: The Assistant City Manager for Public Works stated that the Main Street and Valley Street Lot Project was the parking lot south of the new Police Department building. He stated that the Main and Valley parking lot will be extended 60 feet to the south resulting in approximately 20 additional parking spaces. He stated that bids were received on April 17, 2018 with Hickey Construction being the low bidder at \$64,763.31. Eric Renteria of 907 High Street asked if the parking would be only available for Police Department vehicles. The City Manager stated that 17 parking spaces were for police vehicles with three parking spaces for general circulation. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.  
(VOTE: 4 - "AYES" Graham-Murray, Rinker, Wilson and Billups) ADOPTED

Introduced By: Rinker                      Seconded By: Wilson

5. Resolution Waiving the Building Permit Fees for the Burlington Community School District Project at Clark Field House

DISCUSSION: Gregg Reynolds, Director of Finance for the Burlington Community School

District stated that the Purple and Gray Foundation was working on the final plans for Clark Field House. He thanked the Council for waiving the building permit fees for the Burlington Community School District Project at Clark Field House. The Development and Parks Director stated that the total amount of building permit fees being waived was \$7,990.00. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.  
(VOTE: 4 - "AYES" Graham-Murray, Rinker, Wilson and Billups) ADOPTED

COMMENTS FROM AUDIENCE: Paul Carl of 1304 Madison Avenue urged the Council to expand the parking on Madison Avenue by using the easement area. Eric Renteria of 907 High Street stated that downtown parking was a problem. He suggested parking ramps in various areas of the downtown that will help downtown businesses and residents. He urged the Council to use the TIGER Grant to pay for the parking ramp. Dean Phenise of 2221 Northern Drive asked the Council when Mt. Pleasant Street Bridge Project would commence. He asked if Council was working out details with the railroad on the Mt. Pleasant Street Project. He further stated the need for a new Cascade Bridge to the park. The Assistant City Manager for Public Works stated that bids would be received by the IDOT next week for Mt. Pleasant Street Bridge with the project awarded June 2018 and construction should commence July 2018. He further stated that agreements are in place with the railroad for the Mt. Pleasant Street Bridge Project. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 7:32 p.m.

Approved: May 21, 2018

Kathleen P. Salisbury, MMC  
City Clerk

Annie J. Wilson  
Mayor Pro-Tem

(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 Supporting the Application for the REAP CEP Grant to Provide Conservation Related Interpretive Signage at the Outdoor Classroom in Crapo Park
2. Resolution Approving 28E Agreement for Mutual Aid Fire Protection for Des Moines County Fire/Rescue Services

SET DATE FOR PUBLIC HEARINGS: MAY 21, 2018

1. Consideration of an Ordinance Repealing Chapter 122 Peddlers, Solicitors and Transient Merchants and Creating a New Chapter 122 Peddlers, Solicitors, Mobile Food Vendors and Transient Merchants
2. Consideration of Sale of Property Locally Known as 232 South 6<sup>th</sup> Street, City of Burlington, Iowa with Conditions
3. Consideration of Sale of Property Locally Known as 209 South Gunnison Street, City of Burlington, Iowa with Conditions
4. Consideration of Fiscal Year 2017-2018 Budget Amendment No. 1