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MINUTES OF THE PROCEEDINGS  
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 10  
May 21, 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, Rinker and Wilson present.

BURLINGTON CITY COUNCIL

PROCLAMATION:

\* Historic Preservation Month: Steve 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: Billups                      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. Council Member Wilson announced those individuals appointed to various City commissions and boards. Dwight Mulch of 231 South 3<sup>rd</sup> Street requested the removal of the Resolution Approving Appointments from the Consent Agenda to the regular agenda for discussion at the close of the meeting. 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 Sale of Property Locally Known as 232 South 6<sup>th</sup> Street, City of Burlington, Iowa with Conditions

COMMENTS: The Development and Parks Director stated that the City acquired the property at 232 South 6<sup>th</sup> Street through the owner as an abandoned building. He stated that the two-story brick home was built in 1871 and has 4 bedrooms and 1-full bathroom. He stated that the

purchaser must meet the following conditions: defective items shall be repaired as needed; a licensed plumber and electrician shall inspect and sign off that such times in the property meet or are brought up to code; sidewalks along South 6<sup>th</sup> Street and parking areas shall be improved to meet current code standards as necessary; all permits shall be received and codes shall be met, as applicable for work and occupancy of the home; purchaser shall maintain property and yard and hold insurance on such property upon approval of sale of the City Council; and work shall be completed within 180 days of approval of sale by the City Council, with an extension of 180 days may be granted if significant progress is made; failure to meet time frames may result in forfeiture of sale and purchase with resale of the property by the City. He stated that the property would be transferred by quit claim deed. Mayor McCampbell led an auction for the Sale of Property Locally Known as 232 South 6<sup>th</sup> Street, City of Burlington, Des Moines County, Iowa. Thomas and Cynthia Fossum of Newcastle, CA was the high bidder at \$500.00. 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: Wilson

CARRIED

Introduced By: Billups  
Motion to Amend Exhibit “C” of the Resolution Approving the Sale of Property Locally Known as 232 South 6<sup>th</sup> Street, City of Burlington, Des Moines County, Iowa that the Property be Sold to Thomas and Cnythia Fossum of Newcastle, CA in the amount of \$500.00

Seconded By: Wilson

DISCUSSION: None.  
(VOTE: 5 - “AYES”)

CARRIED

Introduced By: Billups  
Resolution Approving the Sale of Property Locally Known as 232 South 6<sup>th</sup> Street, City of Burlington, Iowa with Conditions

Seconded By: Rinker

DISCUSSION: None.  
(VOTE: 5 - “AYES”)

ADOPTED

2. Statement: Consideration of Sale of Property Locally Known as 209 South Gunnison Street, City of Burlington, Iowa with Conditions

COMMENTS: The Development and Parks Director stated that the City acquired the property at 209 South Gunnison Street and had previously sold it for rehabilitation. He stated that the property has reverted back to the City as the owner failed to meet the time-frames for rehabilitation of the home. He stated that the home was build in 1900 and was a 2 bedroom with one full bathroom. He stated that the purchaser must meet the following conditions: defective items shall be repaired as needed; a licensed plumber and electrician shall inspect and sign off that such times in the property meet or are brought up to code; sidewalks along Gunnison Street and parking areas shall be improved to meet current code standards as necessary; off-street

parking shall accommodate two vehicles on the property; all permits shall be received and codes shall be met, as applicable for work and occupancy of the home; purchaser shall maintain property and yard and hold insurance on such property upon approval of sale of the City Council; and work shall be completed within 180 days of approval of sale by the City Council, with an extension of 180 days may be granted if significant progress is made; failure to meet time frames may result in forfeiture of sale and purchase with resale of the property by the City. He stated that the property would be transferred by quit claim deed. Mayor McCampbell led an auction for the Sale of Property Locally Known as 209 South Gunnison Street, City of Burlington, Des Moines County, Iowa. No bids were received for the property at 209 South Gunnison Street. 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 the Sale of Property Locally Known as 209 South Gunnison Street, City of Burlington, Iowa with Conditions

Seconded By: Wilson

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

FAILED

3. Statement: 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

COMMENTS: The Development and Parks Director reviewed with Council and the viewing audience the proposed Ordinance Repealing Chapter 122 Peddlers, Solicitors and Transient Merchants and Creating a New Chapter 122 Peddlers, Solicitors, Mobile Food Vendors and Transient Merchants. He stated that the new section now has a separate section for mobile food vendors that had previously fallen under peddlers. He stated that under the proposed Ordinance mobile food vendors will fill out an annual application with a location map and any additional areas that they plan to set up for sales would provide for a shorter application with a new location map. 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: Wilson

CARRIED

Introduced By: Billups  
Motion for Preliminary Adoption of the First Reading 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

Seconded By: Wilson

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

CARRIED

4. Statement: Consideration of Fiscal Year 2017-2018 Budget Amendment No. 1

COMMENTS: The Director of Administrative Services reviewed budget amendment no. 1 for FY 2017-2018 budget with Council and the viewing audience. She stated that increases in revenues totaled \$1,160,000.00 and expenditures totaled \$2,485,900.00. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

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

CARRIED

Introduced By: Graham-Murray      Seconded By: Billups  
Resolution Approving Fiscal Year 2017-2018 Budget Amendment No. 1

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

ADOPTED

ORDINANCES:

Introduced By: Graham-Murray      Seconded By: Billups

1. Motion for Preliminary Adoption of the Second Reading of an Ordinance Creating Chapter 163A., Junk Vehicles of the Code of Ordinances of the City of Burlington, Iowa

DISCUSSION: 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. 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.

(VOTE: 5 - "AYES")

CARRIED

Introduced By: Graham-Murray      Seconded By: Wilson

2. Motion for Final Adoption 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. Leon Shahan of 1821 Mt. Pleasant Street still felt that notices to property owners should be sent certified no matter the cost. He stated his concern for snow birds not being aware of their properties needing attention. Council Member Rinker stated that he hoped that the City was not mowing grass during the winter months. The Development and Parks Director stated that a certified mailing cost \$3.45, which could become costly. The Mayor stated that the Nuisance Department would still be placing a

placard. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

CARRIED

Introduced By: Graham-Murray      Seconded By: Wilson

3. Motion for Final Adoption 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. He reviewed the current fee structure and the projected revenue using the ERU method. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

CARRIED

RESOLUTIONS:

Introduced By: Wilson

Seconded By: Billups

1. Resolution Amending Storm Water Utility System Fees Pursuant to Chapter 100.7 of the Burlington City Code

DISCUSSION: The Assistant City Manager for Public Works stated that the proposed Resolution sets the ERU rate under the current Ordinance Chapter 100, "Storm Water Management and Drainage Systems Utility" that the City Council had just approved. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

ADOPTED

Introduced By: Wilson

Seconded By: Graham-Murray

2. Resolution Awarding Contract for the 2018 HMA Overlay Project

DISCUSSION: The Assistant City Manager for Public Works stated that bids were received on May 8, 2018 with WL Miller being the low bidder at \$579,835.20. He recommended that the Council award the contract to WL Miller for \$579,835.20. He stated that the project would be funded with General Obligation Bonds. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

ADOPTED

Introduced By: Wilson

Seconded By: Graham-Murray

3. Resolution Awarding Contract for the 2018 Sealcoat Street Reconstruction

DISCUSSION: The Assistant City Manager for Public Works stated that bids were received on May 8, 2018 with WL Miller being the only bidder at \$425,747.73. He stated that the proposed Resolution provides for an award to WL Miller in the amount of \$348,259.12 as the scope of the project was reduced due to budgeted funds. He stated that he did not realize that there were funds left over from last year so he urged the Council to amend the Resolution contract award amount to the full amount of \$425,747.73 to WL Miller and the scope of the project would not have to be reduced. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

ADOPTED

Introduced By: Wilson

Seconded By: Rinker

4. Motion to Amend the Resolution Awarding Contract for the 2018 Sealcoat Street Reconstruction by amending the contract award amount to the full amount of \$425,747.73 to WL Miller

DISCUSSION: None.

(VOTE: 5 - "AYES")

CARRIED

Introduced By: Wilson

Seconded By: Rinker

5. Resolution of Support and Financial Commitment for the Main Street Program in the City of Burlington, Iowa

DISCUSSION: Steve Frevert, Executive Director of Downtown Partners, Inc. stated that the Main Street Program agreement was an agreement between the Iowa Economic Development Authority, the City of Burlington and Downtown Partners. He stated that previously the agreement was a 2-year agreement and now it is an 18-month agreement. He stated that the agreement spells out the obligations for the Main Street Program. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

ADOPTED

Introduced By: Rinker

Seconded By: Wilson

6. Resolution Waiving the Building Permit Fees for the Greater Burlington Area Sports Facilities Project Adjacent to the RecPlex and Permitting a Delay of Compliance with Select Building Requirements

DISCUSSION: Dr. Michael Ash representing the Greater Burlington Sports Facility Board, stated that the Council had previously had an issue with the location of the parking lot, but the board has agreed to make adjustments and has moved the parking lot to the east. He urged the Council to waive the building permit fees for the Greater Burlington Area Sports Facilities

project. The Development and Parks Director stated that the estimated cost of the building fees was \$36,000.00 up to approximately \$37,000.00. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

ADOPTED

Introduced By: Rinker

Seconded By: Wilson

7. Resolution Approving Shared Parking Space for the Greater Burlington Area Sports Facilities Project Adjacent to the RecPlex and Permitting a Delay of Compliance with Required Parking Spaces Onsite

DISCUSSION: Dr. Michael Ash representing the Greater Burlington Sports Facility Board stated that they were working on a shared agreement for parking spaces. The Development and Parks Director stated that the proposed Resolution approves the shared parking spaces for the Greater Burlington Area Sports Facilities Project adjacent to the RecPlex and permitting a delay of compliance with required parking spaces onsite. He stated that the Greater Burlington Area Sports Facilities requests to utilize the paved parking lot located upon RecPlex property at 501 Broadway Street as allowed and required by Section 170.30.505 of the Burlington City Code for up to fifty percent of the required parking spaces. He stated that a mutual access and maintenance agreement of their respective parking lots for each other's benefit would be brought forward for approval at a subsequent date prior to occupancy being approved by the City of Burlington. He further stated that the proposed Resolution approves the expenditure of up to \$500,000.00 for the construction of additional parking and other horizontal infrastructure at the outdoor rec plex, the construction of connecting sidewalks between the existing outdoor and new indoor turf facility, and the construction of additional parking at the new indoor facility in a manner to satisfy all code requirements at a minimum. The amount of parking constructed at the new facility will meet the minimum standard but will be expanded as funding allows within the \$500,000.00 allocated to the overall project. The required minimum is 140 parking spaces with 70 being onsite and 70 allowed at the RecPlex. The Assistant City Manager for Public Works reviewed the map of the parking. Chris Roepke of 1306 Madison Avenue stated that at a previous City Council meeting the Council had stated that they couldn't turn down money as they needed the funds for a street project and now the City Council was willing to give \$500,000.00 for parking at the RecPlex. There was considerable discussion by the City Council. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 3 - "AYES" Billups, Graham-Murray and Rinker

2 - "NAYS" McCampbell and Wilson)

ADOPTED

Introduced By: Rinker

Seconded By: Wilson

8. Resolution Approving Access Agreement From and Temporary Graveling of an Extension of Broadway Street for the Greater Burlington Area Sports Facilities Project Adjacent to the RecPlex and Permitting a Delay of Compliance with Required Roadway Construction Standards

DISCUSSION: The Development and Parks Director stated that the proposed Resolution would

allow the Greater Area Sports Facilities to construct and maintain a temporary gravel extension on Broadway Street on public right-of-way that will be treated as a private drive until Broadway Street is formally extended by the City at a later date. The Assistant City Manager for Public Works stated that the Broadway Extension project is currently not scheduled until 2020. He further stated that the RISE Grant will not be in jeopardy. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

ADOPTED

Introduced By: Wilson                      Seconded By: Rinker

9. Resolution Approving Appointment

DISCUSSION: Dwight Mulch stated that he has served on the Airport Authority Board since 1986. He presented the City Council with a list of his qualifications to serve on the board. Mayor McCampbell read Section 69.16A of the Code of Iowa with which requires "gender balance" on all boards, commission, committee or council that if it is composed of an even number of members, not more than one-half of the membership shall be of one gender. He further stated that the vacancy shall be open for a period of three months to allow to allow a gender balance appointment, if after three months it has been unable to make a compliant appointment then Dwight Mulch could be reappointed. After considerable discussion by the City Council the City Clerk suggested to the City Council that they remove the appointment to the Airport Authority Board at this time and approve the appointment of Ed Prill as Vice Chairperson to the Low Rent Housing Agency. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

ADOPTED

Introduced By: Rinker                      Seconded By: Wilson

10. Motion to Remove Airport Authority Appointment from the Resolution Approving Appointments and Postpone to the June 4, 2018 City Council Meeting

DISCUSSION: None.

(VOTE: 5 - "AYES")

CARRIED

COMMENTS FROM AUDIENCE: Leon Shahan of 1821 Mt. Pleasant Street stated that the City did a survey and the citizens were opposed to bigger garbage containers. He stated that if the City implements bigger garbage containers, you can kiss recycling goodbye. He further stated that the equipment needed to handle the bigger garbage containers will be expensive. Kathleen John of 2604 Flint Hills Drive stated that not everyone received a survey. She stated that the people who did receive a survey said no, so that should be the end of it. She stated that she recently found chairs for \$50.00. She stated that the City Council did not need to be comfortable during a meeting. She urged the Council to stop spending our money. Freddie Starling of 517 South 7<sup>th</sup> Street praised the City Council for the beautiful shelter house at DeEdwin and Gladys White Park. He also gave a shout out to Police Chief Kramer for the misunderstanding. Dr. Michael Ash of 2934 Woodland Drive thanked Council for approval of the Resolutions for the Greater Burlington Area Sports Facilities Project. All present had opportunity to speak and

nothing additional was filed in the office of the City Clerk.

Adjournment: 7:07 p.m.

Approved: June 4, 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 Nuisance Abatements for Various Properties
2. Resolution Approving Final Acceptance and Final Payment for the 2018 8<sup>th</sup> Street Emergency Sewer Repair
3. Resolution Approving Final Acceptance and Final Payment for the Park View Care Facility Asbestos Abatement and Demolition Project
4. Resolution Approving Professional Service Agreement with Veenstra and Kimm for Construction Inspection
5. Resolution Approving 28E Agreement for Mutual Aid Fire Protection Between the City of Burlington, Iowa and the Biggsville Fire Protection District, Illinois
6. Resolution Amending Fees for Building and Construction Permits for the City of Burlington, Iowa

SET DATE FOR PUBLIC HEARINGS: JUNE 4, 2018

1. Consideration of Plans and Specifications for the 2018 Patterson Street Erosion Repair Project
2. Consideration of Plans and Specifications for the 2018 Public Works Roof Replacement Project
3. Consideration of Plans and Specifications for the 2018 1106 Washington Street Drainage Improvements