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MINUTES OF THE PROCEEDINGS  
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 17  
September 4, 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:

\* Library Sign Up Month - Rhonda 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: Rinker            Seconded By: Wilson

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. 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 Amending Certain Sections of Chapter 105 Garbage and Solid Waste and Chapter 106 Collection of Solid Waste of the City of Burlington Municipal Code

COMMENTS: The WWTF Superintendent reviewed with Council and the viewing audience the proposed Ordinance Amending Certain Sections of Chapter 105 Garbage and Solid Waste and Chapter 106 Collection of Solid Waste of the City of Burlington Municipal Code. He explained that the proposed Ordinance amends sections of the City's garbage and solid waste policies to

accommodate the new trash cart system, which will be fully implemented in October once all carts are delivered to local residences. Those who spoke against the proposed Ordinance change were Terri Arellano, president of the Property Owners Association; Chuck Siekman, Dennis Wilson of 1700 River Street, Tim Scott of 2017 South 15<sup>th</sup> Street all spoke opposed to various aspects of the proposed Ordinance. Dennis Wilson urged Council to remove all multi-family dwellings from the standard City program. Tim Scott stated his concern for people paying the \$35.00 fee for exchange of a cart the first time. He stated that it was hard to judge by the cart what size cart a person would need. He stated that he knows several elderly ladies that only have one small trash bag and they do not want to have to wheel out a large cart. Chuck Siekman spoke about the inequity of how properties are taxed. He stated that three and four plexes are paying 23% more in property tax than a duplex. He urged that Council to allow three and four plex units the option to opt out of the program. The WWTF Superintendent stated that the trash fee also covers recycling, leaf collection and the current spring clean-up program. He stated that it would be very difficult for the City's crew to carry out the program with people opting out of the program. Mayor McCampbell stated that in order for the program to work, everyone needs to be all in on the program. He urged the Council to move forward with the plan and later make adjustments. Council Member Billups stated that a person's trash bag purchases should be a very good indication of what size can to order. He stated that he was happy with the proposed Ordinance. Council Member Rinker reminded the viewing audience that they could view the trash carts at the Public Works Facility, the WWTF and the Library. Council Member Graham-Murray thanked the WWTF Superintendent for doing a good job answering questions. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Rinker  
Motion to Close

Seconded By: Wilson

CARRIED

Introduced By: Rinker  
Motion for Preliminary Adoption of the First Reading of an Ordinance Amending Certain Sections of Chapter 105 Garbage and Solid Waste and Chapter 106 Collection of Solid Waste of the City of Burlington Municipal Code

Seconded By: Wilson

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

CARRIED

2. Statement: Consideration of a Facility Use Agreement with Southeast Soccer Academy (SESA) for Use of Fields at the Burlington Regional RecPlex Continued from the August 20, 2018 City Council Meeting

COMMENTS: The Development and Parks Director urged the City Council to continue the hearing on the Facility Use Agreement with Southeast Soccer Academy (SESA) for Use of Fields at the Burlington Regional RecPlex to the September 17, 2018 City Council meeting due to comments received from SESA that need reviewed by the City Attorney. 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 Continue Hearing to the September 17, 2018 City Council Meeting

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

CARRIED

ORDINANCES:

Introduced By: Billups                      Seconded By: Graham-Murray

1. Motion for Preliminary Adoption of the Second Reading of an Ordinance Amending Ordinance No. 3129, Being an Ordinance Creating the Diewold Plaza P.U.D. (Planned Unit Development) By Making Changes to Section 3.B. Land Use Design Criteria and Section 5. Fifty Foot Buffer Park

DISCUSSION: The Development and Parks Director stated that there were no changes to the proposed Ordinance Amending Ordinance No. 3129, Being an Ordinance Creating the Diewold Plaza P.U.D. (Planned Unit Development) By Making Changes to Section 3.B. Land Use Design Criteria and Section 5. Fifty Foot Buffer Park from the first reading. Mary Beard, Airport Director of the Southeast Iowa Airport, stated that it was her understanding that the developer was planning a 4-story, 44 units building on lot seven of the subdivision. She stated there was a strobe light at the end of the runway that could impact the development along with noise from the Airport. She also stated concern with grant assurances from the FAA. Mark Fisher of Cascade Terrace stated that he was just beginning the process of filling out the form 7406 with the FAA. He asked if the Council had any questions about the development. Council Member Billups stated that the development would still need City Council approval at a later date. Mayor McCampbell stated that he recognizes Mary Beard's concerns. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

CARRIED

Introduced By: Wilson                      Seconded By: Billups

2. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of an Ordinance Amending Various Sections of Chapter 97, Industrial Pretreatment Requirements of the City of Burlington Municipal Code

DISCUSSION: The WWTF Superintendent stated that there were no changes to the proposed Ordinance Amending Various Sections of Chapter 97, Industrial Pretreatment Requirements of the City of Burlington Municipal Code from the first reading. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

CARRIED

Introduced By: Wilson                      Seconded By: Billups

3. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption of an Ordinance Amending Various Sections of Chapter 97, Industrial Pretreatment Requirements of the City of Burlington Municipal Code

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

CARRIED

RESOLUTIONS:

Introduced By: Wilson                      Seconded By: Rinker

1. Resolution Awarding Contract for 2018 Depot Whiteboxing

DISCUSSION: The Assistant City Manager for Public Works stated that bids were received for the 2018 Depot Whiteboxing and SG Construction was the low bidder with a bid of \$172,063.00 and alternate no. 1 of \$18,430.00. He stated that the specifications did change from the estimate number that was given during the July public hearing because the estimate did not include the changes to the HVAC system. The specifications also did not include the Great Room floors (\$30,000.00 value) as initially thought. He stated that the hope was that this item could be removed from the bid number and to create room necessary to award bid with some contingency. He stated that his recommendation was not to award the bid based on the difference of the finite resources of \$163,811.00 and the bid being \$172,063.00. Also, a contingency of 20% with an interior renovation such as this should be allowed, so this would take the recommended number to \$260,475.00. Steve Frevert stated that the grant received for the depot would need to be completed by November 2019. Don Traman of 116 Greenbrier Street thanked the City Council for their investment in the Depot. The City Manager stated that the issue could be brought before the Economic Development Board for funding. After considerable discussion Council Member Wilson made a Motion to Postpone the Awarding Contract for the 2018 Depot Whiteboxing to the September 17, 2018 City Council Meeting and the Decision of Funding Source. The motion was seconded by Council Member Billups. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Wilson                      Seconded By: Billups

2. Motion to Postpone the Awarding Contract for 2018 Depot Whiteboxing to the September 17, 2018 City Council Meeting and the Decision of Funding Source

DISCUSSION: None.  
(VOTE: 4 - "AYES" McCampbell, Rinker, Wilson and Billups  
1 - "ABSTAIN" Graham-Murray)

CARRIED

Introduced By: Graham-Murray                      Seconded By: Wilson

3. Resolution Acknowledging West Burlington's Termination of Allowing the City of Burlington's Ambulance to Be Stationed at the West Burlington Fire Department During the Day

DISCUSSION: The Fire Chief read a prepared statement which shared some background information about the ambulance being located in West Burlington and the benefits the City has seen as a result of it. He stated that Mayor Hans Trousil had informed the City that effective September 1, 2018 the West Burlington Fire Station will no longer be able to provide a vehicle

bay for use of a City/County ambulance vehicle. The Fire Chief stated that Mayor Hans Trousil had stated in his letter dated August 28, 2018 to the City Manager that the ambulance being stored and used to response to incidents has a severe oil leak that was ruining the concrete floor. He stated that he went to the West Burlington Fire Department and was able to clean up the oil leak easily and the concrete floor was not ruined. Mayor McCampbell stated that he was really bummed that the ambulance can no longer be stationed at West Burlington. He stated that Burlington had been making some advances with West Burlington. Council Member Wilson stated that she was very disappointed too. Council Member Graham-Murray stated that it was very disheartening as having the ambulance in West Burlington was for the betterment of the community. Council Member Rinker and Council Member Billups echoed comments made by the City Council. Council Member Rinker stated that those that need immediate care will suffer. Council Member Billups stated that Fire Chief Trexel handled the situation with eloquence. 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: Robert Morrison of 1105 Hillary Street stated that he was one of 125 employees losing their job at Siemens on December 21, 2018. He stated that he has a petition of 150 signatures from concerned citizens about the closing. He stated that the plant and the jobs were worth fighting for. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 7:31 p.m.

Approved: September 17, 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 Release of Retention Monies for Site Improvement Work on the New Police Department Building
3. Resolution Approving Final Acceptance and Release of Retention Monies for General Construction on the New Police Department Building
4. Resolution Approving Final Acceptance, Final Payment and Release of Retention Monies for Electric Work on the New Police Department Building
5. Resolution Granting Permission to Sign Off on Correspondence and Forms Required for the Iowa Economic Development Authority for the Locust Basin Sewer Project
6. Resolution Adopting Public Notice Affirmative Fair Housing Policy
7. Resolution Approving a Memorandum of Understanding Between the City of Burlington, Iowa and the City of West Burlington, Iowa for the Construction of the Agency Street RISE Project
8. Resolution Approving a Memorandum of Understanding Between the City of Burlington, Iowa and the City of West Burlington, Iowa for the Construction of Mt. Pleasant Street Overlay Project
9. Resolution Approving Memorandum of Understanding Between the City of Burlington, Iowa and the City of West Burlington, Iowa for the Construction of an HMA Overlay on Agency Street Between Gear Avenue and West Burlington Avenue
10. Resolution Accepting the Heritage Hill Historic District Guidelines
11. Resolution Approving a Professional Services Agreement with HR Green, Inc. of Cedar Rapids, Iowa for General Consulting Services for the Burlington, Iowa Wastewater

- Treatment Facility for the Period of July 1, 2018 to June 30, 2019
12. Resolution Approving Help to Others Program (H20) Through American Water Resources
  13. Resolution Approving the Street Sign Disposal Policy
  14. Resolution Approving an Agreement with Stanley Consultants for Investigation of the Hawkeye Sewer Collapse

SET DATE FOR PUBLIC HEARING: SEPTEMBER 17, 2018

1. Consideration of an Ordinance Amending Section 100.6 2.D Determination of Stormwater Utility Fee, Right-of-Way of Chapter 100 Stormwater Management and Drainage Systems Utility of the City of Burlington Municipal Code

APPOINTMENT:

Animal Hearing Board: Paul Carl