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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 18
September 17, 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

MAYOR'S AWARDS:

- * Victor Moore
- * Robert Morrison

TENURE AWARDS:

- * Lyle Rosson, Fire Fighter - 30 Years
- * Mark Crooks, Fire Marshal - 30 Years

PROCLAMATION:

- * Recovery Month - Brenda Almack

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 Rinker requested the removal of the Resolution Approving Transfer of \$200,000.00 of Funds for Costs Associated with Solid Waste Program Cart Purchase from the regular agenda to the consent agenda for approval. 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 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

COMMENTS: The City Manager reviewed the proposed 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 with the City Council and the viewing audience. He stated that the proposed Ordinance amends the determination of a stormwater utility fee for right-of-ways as follows: public highway, road, alley, public airport runway right-of-way, public airport taxiway right-of-way and rail right-of-way shall be exempt from the storm water utility fee. Mary Beard, Southeast Iowa Airport Director stated that she would like the definition of airport runway and public taxiway right-of-way better defined in the Ordinance. She passed out a handout to the City Council showing areas of the airport she was requesting exempted. The City Manager stated that the proposed Ordinance was a compromise from the City Attorney. He stated that a lot of communities in Iowa do not have airports located in the City. He stated that the City of Davenport charges a stormwater fee. He stated that Mary Beard was basically asking for the entire airport to be exempt from the fee and it was not recommended by the City Attorney to do this. Charlie Walsh, past Chairman of the Airport Advisory Board stated that the Davenport Airport was not a commercial airport. He stated that the Southeast Iowa Regional Airport was one of seven airports in Iowa. He further stated that the stormwater fee was a total disgrace on Burlington. He stated that it is a public utility that they are running. Mayor McCampbell stated that he felt the proposed Ordinance was fine. Council Member Rinker suggested sitting down with Mary Beard and discussing the issues. The City Manager stated that what needs to be adjusted is what truly fits within the proposed definition. Mike Bloomer, Administrator for Aspen Grove Cemetery, stated that their stormwater bill has gone up 3,700% in regard to stormwater. He stated that Aspen Grove Cemetery was 133 acres with 11 miles of roadway. He stated that during the construction of Sunnyside Avenue in 1926 the City developed and utilized Aspen Grove Cemetery as their runoff for stormwater utility. He stated that there are 4- City stormwater utility lines running through the cemetery and depositing water into Hawkeye Creek. He stated that there needed to be a credit system for some of the businesses like Aspen Grove Cemetery. He stated that he was not asking for an appeal. The Assistant City Manager for Public Works stated that a credit system was still in the works and in this specific instance the City has storm lines that run into Aspen Grove's property and it was a gray area whose infrastructure it is. He stated that the City was willing to do a cost share on some of the storm lines and not a credit system. He stated that Jesse Howe with the Public Works Department would be reaching out to Mike Bloomer of Aspen Grove Cemetery for a cost share system with Aspen Grove Cemetery. Council Member Rinker asked what the credit system time frame was. The Assistant City Manager for Public Works stated that he did not want to rush a credit system on Waterworks, but he hopes to have it done by the year end. 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

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. He further stated that the reduced base fee under property tax credit program has been removed from the Ordinance also. Tim Scott of 2017 South 15th Street stated that he believed the public did not have the opportunity to compare the new trash carts as the places the containers were on show were public facilities that are closed on Sundays. He urged the Council to allow a 90-day waiver for the \$35.00 fee for exchange of carts. He also stated that people will not be happy paying \$4.00 for a trash tag. Council Member Rinker stated that 90-days would be too long of a time period. Council Member Graham-Murray stated that a 90-day swapping of carts would be a labor nightmare. Council Member Wilson stated that it was not possible to satisfy everyone. She stated the City needed to get going on the new cart program. The WWTF Superintendent stated that the cart order has been placed on what people asked for. He stated that the dynamics of telephone calls would be terrible for switching out carts. He stated that it was very difficult to educate the public on carts. Mayor McCampbell stated that the program cannot be nit-picked and it wasn't perfect, but it is a good system as is. 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 for Final Adoption 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 second reading. Charlie Walsh stated that he was opposed to the proposed Ordinance as lot seven was too close to the Airport runway. He stated that a home should not be built at the end of a runway. He further stated that the Airport has previously spoken with the Council before about extending the runway. Council Member Rinker stated that the height restrictions were not changing. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - "AYES" Billups, McCampbell, Rinker and Wilson

1 - "NAY" Graham-Murray)

CARRIED

RESOLUTIONS:

Introduced By: Rinker

Seconded By: Wilson

1. Resolution Approving Whiteboxing at Depot for Grier's Restaurant

DISCUSSION: The City Manager stated that the Economic Development Advisory Board met and reviewed the proposed request by the City Council for an additional \$50,000.00 to support the white boxing of the Depot from the Economic Development sub fund of the Local Option

Sales Tax fund. He stated that the City Council approved the original funding source to be considered by the Economic Development Board of \$120,000.00 and the \$75,000.00 from the Main Street Challenge Grant. He stated that \$31,189.00 has already been spent for design and sanitary lateral and a recommended 20% contingency for the \$172,062.00 bid project for the amount of \$34,412.00 brings the total project to \$237,663.00. Council Member Rinker stated that the City was committed to the project. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

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

ADOPTED

Introduced By: Rinker Seconded By: Wilson

2. Resolution Awarding Contract for 2018 Depot Whiteboxing Continued from the September 4, 2018 City Council Meeting

DISCUSSION: The Assistant City Manager for Public Works stated that he recommended approval of the base bid of \$172,063.00 to SG Construction due to the additional \$50,000.00 in funds for the project by the Economic Development Advisory Board's funds. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

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

ADOPTED

Introduced By: Rinker Seconded By: Graham-Murray

3. Resolution Approving Purchase of a Fire Engine for the Burlington Fire Department

DISCUSSION: Fire Captain Sneller stated that the proposed Resolution approves the purchase of a new fire engine for the Burlington Fire Department from Reliant Fire Apparatus, Inc. of Slinger, Wisconsin in the amount of \$633,098.00. He stated that it would take eight to nine months for the fire engine to be built. The City Manager stated that the City has budgeted \$625,000.00 for the purchase of a fire engine in FY 2020. He stated that the engine is ordered in FY 2019 with payment and delivery after July 1, 2019. 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

4. Resolution Establishing Solid Waste Fees for Replacement of Lost or Stolen Carts

DISCUSSION: The City Manager stated that the proposed Resolution establishes solid waste fees for replacement of lost or stolen carts. He stated that the fees for the replacement of lost or stolen carts would be effective October 1, 2018 as follows: 35-gallon cart will be \$50.00; a 65-gallon cart will be \$60.00 and a 95-gallon cart will be \$65.00. He stated that staff will have the discretion to waive the replacement fee upon the presentation of a police report for the theft of a cart from a residence. He stated that this discretion will be allowed once per property under one owner, but can reset for a new owner of the residence. Council Member Rinker asked if the new carts had chips embedded in them. The WWTF Superintendent stated that the new carts have a

9-digit serial number bar code associated with the cart. He stated that the radio frequency chips were too expensive. He further stated that cart delivery would start September 24 and should be delivered by Saturday, October 6, 2018. He stated that the carts would be dark gray with a dark blue lid. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

ADOPTED

Introduced By: McC Campbell Seconded By: Wilson

5. Resolution Approving Transfer of \$200,000 of Funds for Costs Associated with Solid Waste Program Cart Purchase

DISCUSSION: Council Member Rinker stated that he removed the Resolution approving transfer of \$200,000.00 of funds for costs associated with the Solid Waste Program Cart purchase as he felt \$200,000.00 was too much money to transfer for a reserve account. He stated that he would be okay with transferring \$50,000.00 to the reserve account. Mayor McC Campbell stated that he was okay with the \$200,000.00 reserve account. Council Member Wilson stated that she was okay with it as it was recommended by the City Manager and she trusts him. Council Members Billups and Graham-Murray echoed Council Member Wilson's statement. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - "AYES" Billups, Graham-Murray, McC Campbell and Wilson

1-"NAY" Rinker)

ADOPTED

COMMENTS FROM AUDIENCE: Tim Scott of 2017 South 15th Street stated that Burlington has a replica of the Statue of Liberty like many communities in Iowa. He stated that the statue has been removed from the riverfront during construction and he would like to see it back at the riverfront. He stated that he had heard that the City was going to give the statue to the Des Moines County Historical Society and he was against that idea. The Assistant City Manager for Public Works stated that the statue was still at the Public Works building. Owen Sloan of 1621 South 14th Street stated his concern for reducing the number of swim days at Dankwardt Park pool. He stated that he was a member of the Gentlemen's Club and they host a free swim day at Dankwardt Park pool for area youth. He handed out a flyer about the Gentlemen's Club giving a brief history of the club. He stated his concern that the dome is going up on the swimming pool and he felt that their days were numbered. Mayor McC Campbell appreciated the Gentlemen's Club. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 7:28 p.m.

Approved: October 1, 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 Awarding Contract for the 2018 Replacement of Damaged Hesco Flood Barriers
3. Resolution Approving an Extension to the 2016-2018 Interchange of Employee Agreement Between the City of Burlington, Iowa and Burlington Community School District
4. Resolution of Support for Application to Iowa Economic Development Authority Main Street Iowa Challenge Grant
5. Resolution Approving the Application of an Iowa Clean Air Attainment Program for Roosevelt Avenue
6. Resolution Approving Right-of-Way Permit Process, Application and Downtown Parking Fees
7. Resolution Approving Fiscal Year 2017-2018 Street Finance Report, Road Use Tax

SET DATE FOR PUBLIC HEARING: OCTOBER 1, 2018

1. Consideration of Plans and Specifications for the 2018 West Burlington and Agency Intersection Traffic Signal Detection