

the City does not have a contract with the Burlington School District, instead students who wish to ride the bus pay for their fares. Eric Renteria of 907 High Street stated that he was against the City applying for State and Federal dollars as he felt that City needs to move away from grant funding to fund the bus system. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Anderson
Motion to Close

Seconded By: McCampbell

CARRIED

Introduced By: Anderson

Seconded By: Fleming

Resolution Approving Annual Consolidated Transit Funding Application

DISCUSSION: None.

(VOTE: 5 - AYES)

ADOPTED

2. Statement: Consideration of Plans and Specifications for the 2012 Ongoing Sealcoat Reclamation Project

COMMENTS: The City Engineer reviewed the plans and specifications for the 2012 Ongoing Sealcoat Reclamation Project with the Council and the viewing audience.

He stated that the project would include approximately 4.2 miles of sealcoated streets. He stated that if the bids come in over budget then the project would be reduced to remain within the City's budget. He stated that additionally, the

final plans will also include sealcoat for maintenance purposes that will be paid for by the street maintenance budget. He further stated that the City has budgeted \$725,000.00 and the estimated cost of the project is approximately \$736,000.00. He further stated that last year a portion of Sunnyside Avenue was

sealcoated due to cracking. He stated that the plans are to continue maintenance from Irish Ridge Road to Cliff Road and a couple of areas in town. Council Member Reed asked what caused the asphalt on Sunnyside Avenue to crack since it was just put in approximately five years ago. The City Engineer stated that there could be several reasons why it cracked, and he was not working for the City when the project was constructed, but possibly that portion of Sunnyside Avenue has a brick base. Mayor Davidson thanked the previous Councils

for starting the sealcoat program. He further reminded people that there will be dust for several months on the streets that are being sealcoated. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Anderson
Motion to Close

Seconded By: Fleming

CARRIED

Introduced By: Anderson

Seconded By: Reed

Resolution Approving Plans and Specifications for the 2012 Ongoing Sealcoat Reclamation Project

DISCUSSION: None.

(VOTE: 5 - AYES)

ADOPTED

3. Statement: Consideration of Plans and Specifications for the 2012 Black Hawk Elementary Sidewalk Extension

COMMENTS: The City Engineer reviewed the plans and specifications for the 2012

Black Hawk Elementary Sidewalk Extension Project with the Council and the viewing audience. He stated that the project will extend existing sidewalks and install new sidewalks on and near 14th Street near Black Hawk Elementary School.

He stated that the project would also include the regrading of the ditch along the east side of 14th Street from Koestner Street to Navajo Street. He stated that the estimated cost of the project was \$76,000.00 with the City receiving grant money in the amount of \$87,295.00. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Reed
Motion to Close

Seconded By: Fleming
CARRIED

Introduced By: Reed
Resolution Approving Plans and Specifications for the 2012 Black Hawk Elementary Sidewalk Extension

Seconded By: McCampbell

DISCUSSION: None.

(VOTE: 5 - AYES)

ADOPTED

4. Statement: Consideration of an Ordinance Vacating Various Portions of Streets and Alleys in Maplelawn Addition, City of Burlington, Des Moines County, Iowa

COMMENTS: The Planning and Development Director stated that the proposed Ordinance vacates various portions of streets and alleys in Maplelawn Addition.

He stated that Maplelawn Addition subdivision was partially located within the limits of the Southeast Iowa Regional Airport. He stated that during a title opinion on the property it was noted that there were a few right-of-ways that were not vacated and still existed on paper. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Reed
Motion to Close

Seconded By: Fleming
CARRIED

Introduced By: Reed
Motion for Preliminary Adoption of the First Reading of an Ordinance Vacating Various Portions of Streets and Alleys in Maplelawn Addition, City of Burlington, Des Moines County, Iowa

Seconded By: McCampbell

DISCUSSION: None.

(VOTE: 5 - AYES)

CARRIED

5. Statement: Consideration of a Permanent Encroachment Agreement Between the City of Burlington and CMM Co. LC for Encroachment into Valley and Front Street Right-of-Way on the Northeast Side of the Building at 107 Valley Street, Burlington, Iowa

COMMENTS: The Planning and Development Director reviewed with the Council and the viewing audience the encroachment agreement for a ramp and railing into Front Street and Valley Street right-of-way on the northeast side of the building at 107 Valley Street. Mary Baker of 320 South 6th Street asked the location of the ramp. Mayor Davidson stated that it would be located at the Frank Millard Company on Front Street. Council Member Anderson stated that the ramp will be an improvement to the area. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: McCampbell
Motion to Close

Seconded By: Fleming

CARRIED

Introduced By: McCampbell

Seconded By: Reed

Resolution Authorizing Permanent Encroachment Agreement Between the City of Burlington and CMM Co. LC for Encroachment into Valley and Front Street Right-of-Way on the Northeast Side of the Building at 107 Valley Street, Burlington, Iowa

DISCUSSION: None.

(VOTE: 5 - AYES)

ADOPTED

6. Statement: Consideration of a Community Development Block Grant Downtown Revitalization Fund Project Application for Downtown Facade Improvements within the 300-600 Block of Jefferson Street

COMMENTS: The Planning and Development Director stated that the City was partnering with Downtown Partners by applying for Community Development Block Grant Downtown Revitalization fund money through the Iowa Economic Development Authority in the amount of \$500,000.00 to improve facades within the 300-600 block of Jefferson Street. He stated that the plans were for 18 building owners

in those blocks to rehabilitate their buildings. He stated that the building owners would provide their local match for their project and the City would hold

an easement over the facades. He stated that the City plans on rehabilitating the City owned Steamboat Senior Center at 501 Jefferson Street by providing a match for that project. Eric Renteria of 907 High Street asked about the City's

match. The Planning and Development Director stated that the City would be making a cash match for facade improvements to the Steamboat Senior Center. Council Member Anderson stated that business property owners would have to provide their own match for any facade improvements to their properties. Stan Stratton of 2809 Shamrock Drive asked what the new facade would look like for the Steamboat Senior Center. He further asked if business property owners would

be painting their brick buildings as part of the facade improvements. Mayor Davidson stated that the new facade has not yet been decided for the Steamboat Senior Center. Council Member Anderson stated that the Main Street Consultant will be drawing up plans so that it would look more like the building use to look. She stated that it was up to the property owner how much of the improvements the property owner wants to make. She stated that the business property owner would provide 30% with the grant paying 70%. She further stated that it was never a good idea to paint brick, unless it was previously painted.

Steve Frevert, Executive Director for Downtown Partners, Inc., stated that he did not expect construction to start this year. Mayor Davison stated that the proposed Resolution allows the City to apply for the grant money. Steve Frevert

stated that funds were reserved for this project, the City just needs to apply for the grant. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: McCampbell
Motion to Close

Seconded By: Fleming

CARRIED

Introduced By: McCampbell

Seconded By: Reed

Resolution Authorizing the Filing of an Application for Consideration of

a

Community Development Block Grant Downtown Revitalization Fund Project for
Downtown Facade Improvements within the 300-600 Block of Jefferson Street

DISCUSSION: None.

(VOTE: 5 - AYES)

ADOPTED

ORDINANCE:

Introduced By: McCampbell

Seconded By: Reed

1. Motion for Final Adoption of an Ordinance Rezoning the Properties Locally
Known as 2270 and 2280 Florence Avenue to Include a Planned Unit Development
(The Masters PUD) Overlay Zone as Allowed by Section 17.20.40 of Title 17 of the

Burlington Municipal Code

DISCUSSION: Mayor Davidson stated that tonight was the final reading of the
Ordinance Rezoning the Properties Locally Known as 2270 and 2280 Florence Avenue

to Include a Planned Unit Development (The Masters PUD) Overlay Zone. John
Rheinschmidt of 2720 Lochmoor Lane stated that he had previously sent a letter
to the Council on October 13, 2011 addressing his concern with Steven Zager's
plans that show changing the natural flow of water by directing it on his
property. He stated that he plans on developing his property in the near
future. Barbara Hahn of 3216 Crystal Drive stated that she had sent a letter to

the Council with her concerns of the PUD. She felt that there were still issues

that had not been addressed. Council Member Anderson stated that she felt the
concern the property owners had about water had been addressed by the plans that

Steven Zager had presented to the Council. Mayor Davidson stated that he tends
to support personal property rights and Steven Zager's project meets the
guidelines set by the City Code and he felt obligated to vote in favor of the
rezoning based on that. 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: Fleming

Seconded By: Reed

1. Resolution Approving Plans and Specifications for the Animal Control Center
Remodel and Expansion

DISCUSSION: The Interim City Manager stated that the City Council held a public
hearing on the plans and specifications for the Animal Control Center Remodel
and Expansion in November of 2011. He stated that it was now time to approve
the plans and specifications for the project. Eric Benne reviewed with the
Council and the viewing audience the plans and specifications for the project.
He stated that the new facility would double in size, include an additional ten
runs and would provide better air quality. Council Member McCampbell asked why
the building needed to be twice the size. Eric Benne stated that the building
was built in 1978 and there are more animals housed there now and they offer
more services than they did in 1978. Council Member McCampbell stated that
there should be stiffer penalties for people who do not take care of their
animals. Council Member Anderson asked if there were any City employees working
at the Animal Control Center. Eric Benne stated that the only City employee
would be the City's Animal Control officer and the rest are volunteers who run

the facility. Council Member Anderson stated that Burlington has excellent willing people who volunteer their time. She further thanked the Humane Society

for raising funds for the project. Mayor Davidson asked Eric Benne how much money has been raised. Eric Benne stated that they have raised \$518,000.00 for the new Animal Control Center. He stated that they would be going out for bids on April 20, 2012, having a walk through with bidders on April 30, 2012 with the

City Clerk receiving bids at 2:00 p.m., on May 4, 2012. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - AYES)

ADOPTED

Introduced By: Fleming Seconded By: Reed

2. Resolution Relating to the Election for the Imposition of a Local Option

Sales Tax in the Amount of One Percent (1%) for the City of Burlington, Iowa to be Effective January 1, 2013 Through December 31, 2022 and Specify Purpose to Which the Revenue Should be Applied

DISCUSSION: Mayor Davidson stated that the proposed Resolution provides the language that will be used for the 1% local option sales tax election that will be held on August 7, 2012. He stated that the 1% local option sales tax election would expire December 31, 2022. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - AYES)

ADOPTED

Introduced By: Fleming Seconded By: Anderson

3. Resolution Awarding Contract for the 2012 HMA Resurfacing Project

DISCUSSION: The Deputy Public Works Director stated that the City received three

bids for the 2012 HMA Resurfacing Project with Shipley Contracting Corporation being the low bidder at \$784,520.67. Mayor Davidson stated that the low bid was

significantly under the Engineer's estimate. Council Member McCampbell asked why it was significantly lower. The Deputy Public Works Director stated that asphalt pricing of the bid came in significantly lower, possibly due to extra bidders and more asphalt producers now too. He further stated that due to the good pricing of the asphalt, the City could add a change order to expand the project. Mayor Davidson stated that was a good idea. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - AYES)

ADOPTED

Introduced By: Fleming Seconded By: Reed

4. Resolution Awarding Contract for the 2012 Cascade Watershed Sewer Separation Project, Phase I

DISCUSSION: The Deputy Public Works Director stated that the City received four bids for the 2012 Cascade Watershed Sewer Separation Project, Phase I with Fye Excavating, Inc. being the low bidder at \$1,224,221.88. Mayor Davidson stated that the bid price was under the Engineer's estimate for the project. Stan Stratton of 2809 Shamrock Drive stated that he thought the project was \$30,000,000.00. Mayor Davidson explained that this was Phase I in this area of the project. The Deputy Public Works Director stated that the entire \$30,000,000.00 was for separating sewers for the entire City and the purchase of

tanks. He stated that the project would take 13-years to complete. North of

Division was already completed as part of the Hawkeye Sewer Separation Project. Mark Williams, of Indiana-Illinois-Iowa Foundation for Fair Contracting, stated that he had given packets to the City Council which included information that Fye Excavating, Inc., which was the low bidder, was not a responsible contractor

as the contractor has received numerous DNR and OSHA violations. He urged the Council to award the project to the next low responsible bidder. Ryan Drew, Business Representative with the Operating Engineers, stated his concern that the contractor would be working underground in sewers, which is extremely dangerous and the project should be awarded to a responsible contractor. He urged the Council to set the bar higher by not giving the project to the lowest bidder, but to the next lowest responsible bidder. Council Member McCampbell stated that in regard to the responsible part, he knew a lot of responsible people that have made mistakes. Ryan Drew stated that Fye Excavating, Inc. has three OSHA violations, he questioned how many violations does it take for them to learn from their mistakes. Council Member Reed asked if the other bidders had any OSHA violations. Ryan Drew stated that he had looked up both Shipley Contracting Corporation and W. L. Miller Company and both contractors do not have any OSHA violations. Mayor Davidson stated that he had an article from The

Hawk Eye dated March 1, 2012 announcing that Fye Excavating of Sperry, Iowa was among twelve national finalist for the 2012 Contractor of the Year Award sponsored by the Construction Equipment Manufacturing Caterpillar, a leading construction trade magazine, Equipment World. He stated that Fye Excavating, Inc. was being recognized as a responsible contractor. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - AYES)

ADOPTED

Introduced By: Fleming Seconded By: Reed
5. Resolution Approving Liquor License for the Capitol Theater Foundation dba/Capitol Theater

DISCUSSION: The Interim City Manager stated that the liquor license for the Capitol Theater was added to the regular agenda so that Council Member Anderson could abstain from voting. Council Member Anderson stated that she would abstain from voting as she served on the Capitol Theater Foundation Board. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - AYES DAVIDSON, FLEMING, MCCAMPBELL AND REED

1 - ABSTAINED ANDERSON)

ADOPTED

COMMENTS FROM AUDIENCE: Eric Renteria of 907 High Street stated that the City Council should be engaged in interstate transit as today was the last for closing comments on the issue. Council Member Anderson stated that she was aware of it and has posted information on her Facebook page encouraging people to comment on the issue. Eric Renteria stated that he had just heard about it and did not think the average person knew about it. Stan Stratton of 2809 Shamrock Drive asked where the money went that the City gave to Randy Winegard for the aquatic park. The Mayor explained that Randy Winegard was paying back the City's portion and the City was using that money to pay back the bonds. Stan Stratton also asked why there is a big sign at Community Field that states American Legion. Council Member Reed stated that the Community Field Ballpark was the City's, but the land that it sits on is owned by the American Legion.

Stan Stratton also stated that the area by the old Fire Station located on Osborn Street needed to be cleaned up. Council Member Reed urged Stan to come down to the Earth Day Cleanup on Saturday, April 21, 2012 at 8:00 a.m. at the Port of Burlington. Mary Baker stated that Randy Winegard was taking over

Fairway Center and making improvements. She stated that he was paying existing tenants at Fairway Center who were being affected by the move. She further stated that SCC would have a basketball team this coming school year. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 8:16 p.m.
2012

Approved: May 7,

Kathleen P. Salisbury, MMC
dson
City Clerk

Jim Davi
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

SET DATE FOR PUBLIC HEARING: MAY 7, 2012

1. Consideration of an Ordinance Rezoning Property Locally Known as 514-516

South 6th Street from R-4, Multi-Family Residential to C-2, General Commercial
Zoning District

APPOINTMENT:

Construction Board of Appeals: Bruce Maupin