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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 15
August 6, 2012

The Burlington City Council met in regular session at 6:30 p.m. in the Thomas J.

Smith Council Chambers, City Hall with Mayor Davidson, Council Members Fleming, McCampbell and Reed present. Council Member Anderson was absent. Mayor Davidson

welcomed a Boy Scout Troop to the meeting.

BURLINGTON CITY COUNCIL

PROCLAMATION:

Mariah Carey Day - Mariah Carey

PROCLAMATION OF RETIREMENT:

Ron Knoke, Director of Public Works

PRIDE OF THE COMMUNITY AWARDS:

Susan Evans, 900 Harrison Street
Donald and Sharon Mellinger, 515 W. Morningside Drive

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: McCampbell

Seconded By: Reed

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

DISCUSSION: Mayor Davidson 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)

CARRIED

HEARING:

1. Statement: Consideration of an Ordinance Rezoning the Property Locally Known as 2814 Mt. Pleasant Street from M-2, Heavy Industrial to C-2, General Commercial Zoning District

STATEMENT: The Development and Parks Director reviewed with Council and the viewing audience the proposed Ordinance Rezoning the Property Locally Known as 2814 Mt. Pleasant Street from M-2, Heavy Industrial to C-2, General Commercial Zoning District. He stated that the property at 2814 Mt. Pleasant Street was located west of the former Hardees building and would be used for auto sales. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: McCampbell

Seconded By: Reed

Motion to Close

CARRIED

Introduced By: McCampbell

Seconded By: Fleming

Motion for Preliminary Adoption of the First Reading of an Ordinance Rezon

ing the Property Locally Known as 2814 Mt. Pleasant Street from M-2, Heavy Industrial to C-2, General Commercial Zoning District

DISCUSSION: None.

(VOTE: 4 - â AYESâ)

CARRIED

ORDINANCES:

Introduced By: Reed

Seconded By: Fleming

1. Motion for Preliminary Adoption of the Second Reading of an Ordinance Amending Section 160.04 Unsafe Buildings of Chapter 160, Abandoned or Unsafe Buildings of the City of Burlington Municipal Code

DISCUSSION: The Development and Parks Director reviewed with the Council and the viewing audience the proposed Ordinance Amending Section 160.04 Unsafe Buildings

of Chapter 160, Abandoned or Unsafe Buildings of the City of Burlington Municipal Code. He stated that under Chapter 160.04 Unsafe Buildings any building or structure that has been used in the making, manufacturing or cooking

of methamphetamine, the amount of residue present in the building or structure would need to be 0.5 micrograms per square foot prior to any occupancy or to the

issuance of a new certificate of occupancy. He stated that under the proposed Ordinance amendment it would be 0.1 micrograms per one hundred square centimeters or less prior to any occupancy or to the issuance of a new certificate of occupancy. He stated that the change is primarily due to the testing results. He further stated that the proposed Ordinance also clarifies which rooms have to be tested. Ron Brozene of 1400 Mt. Pleasant Street stated that he has owned rental properties since 1975 and approximately six months ago he had a rental home that had to be tested due to meth. He stated that the test

results he received were in 0.5 milligrams per one hundred square centimeters. He stated that he took the results to the Development Department and was told the Code stated .05 milligrams per square foot. He stated that he would like the Southeast Iowa Property Owners Association to review the proposed Ordinance.

He stated that it cost \$100.00 a room to test and he has spent a substantial amount of money testing already. He asked if he had to retest every room, or only those rooms which failed the testing. He wondered if he was the catalyst for this proposed Ordinance. The Development and Parks Director stated that the

proposed Ordinance was going from 0.5 micrograms per square foot to 0.1 micrograms per one hundred square centimeters or less. He stated that it was actually less stringent standard, which is similar to most Cities. He further stated that after every room is tested, the rooms that failed would have to be retested. Mayor Davidson urged Ron Brozene to meet with the Development and Parks Director prior to the final reading of the proposed Ordinance. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - â AYESâ)

CARRIED

Introduced By: Reed

Seconded By: Fleming

1. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of an Ordinance Amending Ordinance No. 2947 as Previously Amended, Amending the Provisions of the Urban Revitalization Plan for the City of Burlington, Iowa

DISCUSSION: The Development and Parks Director reviewed with the City Council and the viewing audience the proposed Ordinance Amending Ordinance No. 2947 as Previously Amended, Amending the Provisions of the Urban Revitalization Plan for

the City of Burlington, Iowa. He stated that the proposed Ordinance eliminates the \$75,000.00 cap for residential properties and provides that all qualified real estate assessed as residential or commercial is eligible to receive a partial exemption from taxation on the actual value added by the improvements. The exemption is for a period of ten years and the amount of the partial exemption is equal to a percent of the actual value added by the improvements. He explained that the exemption amounts range from 80% for the first year to 20%

in the tenth year. He further stated that the application has also been amended. Leon Shahan of 1821 Mt. Pleasant Street asked if the tax abatement was

just for residential. The Development and Parks Director stated that it would also apply for commercial with a \$5,000,000.000 cap. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - AYES)

CARRIED

Introduced By: Reed

Seconded By: Fleming

2. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption of an Ordinance Amending Ordinance No. 2947 as Previously Amended, Amending the Provisions of the Urban Revitalization Plan for the City of Burlington, Iowa

DISCUSSION: None.

(VOTE: 4 - AYES)

CARRIED

RESOLUTIONS:

Introduced By: Fleming

Seconded By: Reed

1. Resolution Approving Amendment No. 2 to the Collective Bargaining Agreement Between the City of Burlington, Iowa and Local Association 7176 of the Communications Workers of America, AFL-CIO July 1, 2009 - June 30, 2014

DISCUSSION: The Human Resources Director stated that the Communications Workers of America (CWA) representative located in Des Moines, Iowa would like to meet with the members of the CWA to discuss the proposed amendment. She asked the City Council to table the approval of the Resolution Approving Amendment No. 2 to the Collective Bargaining Agreement Between the City of Burlington, Iowa and Local Association 7176 of the Communications Workers of America, AFL-CIO July 1,

2009 - June 30, 2014 to the August 20, 2012 City Council meeting. She further urged the Council to table the following Resolution Approving Amendment No. 3 to

the Collective Bargaining Agreement Between the City of Burlington, Iowa and

Local Association 828 of the American Federation of State, County and Municipal Employees, AFL-CIO July 1, 2009 - June 30, 2014 until the August 20, 2012 City Council meeting also. She stated that the Firefighters Union was also meeting with their membership to discuss a possible amendment to their Collective Bargaining Agreement. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Fleming

Seconded By: McCampbell

2. Motion to Table the Resolution Approving Amendment No. 2 to the Collective Bargaining Agreement Between the City of Burlington, Iowa and Local Association 7176 of the Communications Workers of America, AFL-CIO July 1, 2009 - June 30, 2014 to the August 20, 2012 City Council Meeting

DISCUSSION: None.

(VOTE: 4 - AYES)

CARRIED

Introduced By: Fleming

Seconded By: Reed

3. Resolution Approving Amendment No. 3 to the Collective Bargaining Agreement Between the City of Burlington, Iowa and Local Association 828 of the American Federation of State, County and Municipal Employees, AFL-CIO July 1, 2009 - June 30, 2014

DISCUSSION: None.

Introduced By: Fleming

Seconded By: Reed

4. Motion to Table the Resolution Approving Amendment No. 3 to the Collective Bargaining Agreement Between the City of Burlington, Iowa and Local Association 828 of the American Federation of State, County and Municipal Employees, AFL-CIO July 1, 2009 - June 30, 2014 to the August 20, 2012 City Council Meeting

DISCUSSION: None.

(VOTE: 4 - AYES)

CARRIED

Introduced By: Fleming

Seconded By: Reed

5. Resolution Approving the Final Plat of First Addition to Westland Subdivision

DISCUSSION: The Development and Parks Director reviewed with the Council and the viewing audience the final plat of First Addition to Westland Subdivision. He stated that the final plat consists of seven buildable lots with the new Edward Stone Middle School located on one large lot. He stated that the final plat also plats the extensions of Willow Street and Sequoia Drive to Mason Road,

which are constructed and installed by the developer, Burlington Community School District. He stated that the condition restricts access to Mason Road for lot seven to come off of Sequoia Drive. All present had opportunity to speak

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

(VOTE: 4 - AYES)

ADOPTED

COMMENTS FROM AUDIENCE: Leon Shahan of 1821 Mt. Pleasant Street stated that an

article in the Hawk Eye stated that 50% of the local option sales tax money would be used for property tax relief. He stated that property tax relief did not mean property tax reduction. He presented the Council with a handout of property tax levies and collections for the last ten fiscal years which did not show any property tax reduction. Mayor Davidson reminded the viewing audience that polls were open early and stay over late at three local churches. He urged

everyone to vote whether in favor or against the local option sales tax. Brandon Howard representing Local 301 of the International Association of Firefighters stated that their union was currently voting on whether to amend their contract. He stated that the union was looking at all the consequences to

accepting or rejecting the amendment. He stated that many of the members are reluctant to accept the amendment due to past concessions without seeing much in

return from the City. He stated that in the past nine months the Fire Department has lost two positions and they expect to lose one more position. He

stated that on duty firefighters have recently dropped from 11 to 10 on duty. He stated that the savings was coming at the expense of the safety of the firefighters and also the safety of the citizens that they serve. He further stated that their run numbers have increased along with their responsibilities over the years. All present had opportunity to speak and nothing additional was

filed in the office of the City Clerk.

Adjournment: 7:07 p.m.
20, 2012

Approved: August

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

RESOLUTIONS:

1. Resolution Awarding Contract for the 2012 Black Hawk Elementary Sidewalk

Extension

2. Resolution Approving Purchase of a Progressive Proflex 120 Rough Mower f
or
Flint Hills Golf Course

3. Resolution Approving Purchase of Two Toro Greensmaster 3150 Greens Mower
s
with a Four Year Lease for Flint Hills Golf Course

4. Resolution Authorizing a Contract Between the City of Burlington and the
Southeast Iowa Regional Planning Commission to Complete Administration for the
CDBG Downtown Revitalization Grant

5. Resolution Approving the Release and Termination of Easements Located Wi
thin
Diewold Plaza First Addition

6. Resolution Authorizing the Filing of an Application for Resource Enhance
ment
and Protection (REAP) Program for Phase I of the Flint River Trail Located in
the City of Burlington, Iowa

7. Resolution Approving the Transfer of Terrace Drive to Burlington Communi
ty
School District

8. Resolution Authorizing an Amendment No. 2 to the Contract with Klingner
and
Associates to Prepare Preliminary Permit Application for a Hydroelectric Project