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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 33
May 6, 2013

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 Anderson, Fleming and McCampbell present. Council Member Reed was absent.

BURLINGTON CITY COUNCIL

PROCLAMATIONS:

Historic Preservation Month - Steve Frevert
Building Safety Month - Eric Tysland
2012 Officer of the Year, Officer Jim Ruberg

PRESENTATION:

By Fraternal Order of Eagles, Aerie #150 to Present Lew Reed Spinal Cord Injury Fund Grant to the Burlington Fire Department

DISCUSSION: Bob Boyle, past president of the Eagles Club, presented the Fire Department with a check for \$5,000.00. Robert Berndt, firefighter/paramedic stated that the Fire Department would use the \$5,000.00 to purchase five new bone injection drills for the Burlington Fire Department. Mayor Davidson stated his appreciation to the Fraternal Order of Eagles, Aerie #150 for their donation. All present had opportunity to speak and nothing additional was filed in office of the City Clerk.

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: Fleming Seconded By: McCampbell

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

HEARINGS:

1. Statement: Consideration of an Ordinance Amending Various Sections of Chapter 166, Construction Board of Appeals of the City of Burlington Municipal Code

COMMENTS: The Parks and Development Director stated that the proposed Ordinance

amends the Construction Board of Appeals to allow the board to hear and decide appeals regarding the technical interpretation of provisions of the City's adopted fire code. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Fleming
Motion to Close

Seconded By: Anderson

CARRIED

Introduced By: Fleming
Motion for Preliminary Adoption of the First Reading of an Ordinance Amending Various Sections of Chapter 166, Construction Board of Appeals of the City of Burlington Municipal Code

Seconded By: Anderson

DISCUSSION: None.
(VOTE: 4 - AYES)
CARRIED

2. Statement: Consideration of Greater Burlington Bicycle and Pedestrian Plan

COMMENTS: Zach James of the Southeast Iowa Regional Planning Commission reviewed with Council and the viewing audience the Greater Burlington Bicycle and Pedestrian Plan. He explained that the purpose of the document is to create a strategic plan for the development of a bicycle and pedestrian system within the Greater Burlington area that will focus on building a safe, connected and easily accessible network of sidewalks, trails, and on road bicycle facilities. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Fleming
Motion to Close

Seconded By: McCampbell

CARRIED

Introduced By: Fleming
Resolution Approving Greater Burlington Bicycle and Pedestrian Plan

Seconded By: McCampbell

DISCUSSION: Council Member Anderson stated that she supports the Greater Burlington Bicycle and Pedestrian Plan for the community. She hoped that the plan would make young people want to live in Burlington. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.
(VOTE: 4 - AYES)
ADOPTED

3. Statement: Consideration of Approving \$1,000,000 Sewer Revenue Planning and Design Loan from State Revolving Fund Program

COMMENTS: The City Manager stated that the City has already gone through the request for qualifications for design of the MASL Sewer Separation Project. He stated that the next step was to enter into a contract with RJN Group, Inc. for the design work. He stated that the estimated cost of the design work was \$900,000.00, which is dependent on smoke testing. He stated the City would be financing the design work with a \$1,000,000.00 Sewer Revenue Planning and Design Loan from the State Revolving Fund Program. He explained that the first three

years were at 0% interest during the design work then the City will roll the cost of the design work into a final SRF borrowing for the construction for the MASL project. He stated that repayment of the principal would begin after the first construction phase with 1.75% plus .25% in administrative cost for a total

of 2% interest cost. Council Member McCampbell asked if the 2% interest rate was permanent. The City Manager stated that the City was set at 2% interest rate for the project. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Fleming
Motion to Close

Seconded By: Anderson

CARRIED

Introduced By: Fleming

Seconded By: McCampbell

Resolution Taking Additional Action with Respect to a Sewer Revenue Loan and Disbursement Agreement and Authorizing, Approving and Securing the Payment of a \$1,000,000 Sewer Revenue Loan and Disbursement Agreement Anticipation Project Note (IFA Interim Loan and Disbursement Agreement)

DISCUSSION: Mayor Davidson reminded the viewing audience that the City was mandated by the Iowa DNR to eliminate the City's combined sewer systems. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - AYES)

ADOPTED

4. Statement: Consideration of SRF Loan Application Review and Approving an Agreement with the Selected Consultant for Planning and Design, Study and Evaluation of the MASL Sewer Systems

COMMENTS: The Public Works Director stated that his department did a request for qualifications in December 2012 for a consultant for planning and design, along with the study and evaluation of the MASL Sewer Systems. He stated that of the three firms, he was recommending the Council approve the agreement with RJN Group, Inc. in the amount of approximately \$900,000.00. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Fleming
Motion to Close

Seconded By: Anderson

CARRIED

Introduced By: Fleming

Seconded By: Anderson

Resolution Approving Agreement with RJN Group, Inc. for Professional Services Agreement for Sewer Study/Evaluation for Continued Combined Sewer Separation and CSO Elimination, Including MASL (Market, Angular, South and Locust) Drainage Areas, and to Prepare an Action/Recommendation Plan for the Elimination of CSOs in the Basin

DISCUSSION: None.

(VOTE: 4 - AYES)

ADOPTED

ORDINANCES:

Introduced By: McCampbell

Seconded By: Anderson

1. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of an Ordinance Vacating and Selling a Portion of the Alley Located North of the Property Located at 2400 Kirkwood Street, Burlington, Iowa

DISCUSSION: None.

(VOTE: 4 - AYES)

CARRIED

Introduced By: McCampbell

Seconded By: Fleming

2. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption of an Ordinance Vacating and Selling a Portion of the Alley Located North of the Property Located at 2400 Kirkwood Street, Burlington, Iowa

DISCUSSION: None.

(VOTE: 4 - AYES)

CARRIED

Introduced By: McCampbell

Seconded By: Fleming

3. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of an Ordinance Vacating and Selling a Portion of the Alley Located North of the Property Located at 2112 South 3rd Street, Burlington, Iowa

DISCUSSION: None.

(VOTE: 4 - AYES)

CARRIED

Introduced By: McCampbell

Seconded By: Anderson

4. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption of an Ordinance Vacating and Selling a Portion of the Alley Located North of the Property Located at 2112 South 3rd Street, Burlington, Iowa

DISCUSSION: None.

(VOTE: 4 - AYES)

CARRIED

Introduced By: McCampbell

Seconded By: Anderson

5. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of an Ordinance Amending Various Sections of Chapter 154, Residential Code of the City of Burlington Municipal Code

DISCUSSION: None.

(VOTE: 4 - AYES)

CARRIED

Introduced By: McCampbell

Seconded By: Fleming

6. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption of an Ordinance Amending Various Sections of Chapter 154, Residential Code of the City of Burlington Municipal Code

DISCUSSION: None.

(VOTE: 4 - AYES)

CARRIED

RESOLUTIONS:

Introduced By: McCampbell

Seconded By: Fleming

1. Resolution Adopting the Form of Questions to Submit to the Voters Within the City of Burlington for Approval of the Collection of Gas and Electric Franchise Fees from the Revenues of Interstate Power and Light Company

DISCUSSION: The City Manager stated that the City received two petitions requesting a special election to vote on to extend or renew the City's gas franchise agreement with Interstate Power and Light Company, and establish a franchise fee equal to three percent (3%) of the Company's gas gross revenues pursuant to Section 364.2 of the Code of Iowa and to extend or renew the City's electric franchise agreement with Interstate Power and Light Company, and establish a franchise fee equal to three percent (3%) of the Company's electric gross revenues pursuant to the provisions of Section 364.2 of the Code of Iowa. He stated that there would be two separate questions on the ballot. He further

read both questions that will be on the ballot for the Council and the viewing audience. He explained to the Council that if either or both questions fail, that Council would need to go back through the franchise renewal Ordinance process to extend or renew the franchise agreement. He stated that the existing

gas and electric franchise will expire October 2014. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - AYES)

ADOPTED

Introduced By: McCampbell

Seconded By: Fleming

2. Resolution Authorizing the City Council to Execute Applications and Agreements Related to State and Local Programs to Assist CNH America, LLC in the Expansion of its Burlington, Iowa Plant

DISCUSSION: The City Manager stated that proposed Resolution provides for an enterprise zone application that will be sent to the State to assist CNH America, LLC in the expansion of their Burlington plant. He stated that CNH America was planning a \$16,000,000.00 investment that will include a new product line at the Burlington plant. He stated that according to the grant application approximately 35 to 40 positions would be created. He stated that construction would commence June 2013 with the line production starting November 2014. He stated that CNH America would be applying for a \$650,000.00 investment tax credit from the State. He stated that the City's Enterprise Zone Commission has given support for CNH America's application. He stated that City Council approval was needed, but there would be no local dollars for the project, only State funding. Council Member Anderson stated that it was great that no City money was involved in the grant for CNH America. All present had opportunity to

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

(VOTE: 4 - AYES)

ADOPTED

Introduced By: McCampbell

Seconded By: Anderson

3. Resolution Authorizing the Filing of an Application for the Historical Resource Development Program FY2014 Grant Round for the Completion of a Historic

Nomination of Downtown Commercial Areas

DISCUSSION: The Parks and Development Director stated that the proposed Resolution provides for the filing of an application for the Historic Resource Development Program Grant, which would involve a nomination of downtown commercial properties to the National Register of Historic Places, which allows for tax credits and additional grant funding for redevelopment of such listed properties and includes the expansion of the existing West Jefferson Historic District.

He stated that it would include approximately 108 contributing resources and 14 non-contributing resources. He stated that being listed on the National Register of Historic Places opens up properties for State Historic Tax Credits and Federal Historic Tax Credits, which has helped the redevelopment of many downtown properties. He further stated that it was an added economic development tool for the downtown. He stated that HRDP grant was a \$14,000.00 grant with a \$5,000.00 local match, which was a budgeted expense. He further stated that the application was due May 15, 2013. Council Member Anderson stated that she knows first hand that being in a historic district opens up tax credits and helps the community as a whole. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - AYES)

ADOPTED

Introduced By: Anderson

Seconded By: Fleming

4. Resolution of Support by the Burlington City Council for Placement of Solar

Panels on the West Side of the Port of Burlington Roof

DISCUSSION: The City Manager stated that the Resolution of support by the Burlington City Council for placement of solar panels on the west side of the Port of Burlington roof was a followup item from the work session. He stated that the Renewable Energy and Conservation Advisory Committee is proposing to place ten 240-watt solar panels on the west side of the Port of Burlington roof.

He stated that the panels will be approximately 3 foot x 5 foot and the panels would produce electricity that would flow into the general grid. He explained that if the building is using energy, the solar panels would help supply it and if there was a low demand from the building, the remainder would be measured and

applied to the electric bill. He stated that a display monitor would be set up in the Welcome Center and would give a real-time readout of how much electricity

is being produced. He stated that total cost of the project was approximately \$9,487.00 with a local match of \$5,000.00, by the Renewable Energy and Conservation Advisory Committee, grant money of \$2,650.00 and rebates of \$1,837.00. Council Member McCampbell stated that the Renewable Energy and Conservation Advisory Committee is a very active committee and was getting a lot

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

(VOTE: 4 - AYES)

ADOPTED

Introduced By: Anderson

Seconded By: Fleming

5. Resolution Providing for the Issuance of \$2,225,000 Taxable General Obligation Corporate Purpose and Refunding Bonds, Series 2013A and Providing for the Levy of Taxes to Pay the Same

DISCUSSION: The City Manager stated that the proposed Resolution provides for the refinancing of the previous payments of the Public Works building debt. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - AYES)

ADOPTED

Introduced By: Anderson

Seconded By: Fleming

6. Resolution Providing for the Issuance of \$3,670,000 Taxable General Obligation Corporate Purpose Bonds, Series 2013B and Providing for the Levy of Taxes to Pay the Same

DISCUSSION: The City Manager stated that in June 2012 the City Council approved temporary financing and now the proposed Resolution provides for permanent financing of old debt (Recreation Complex; public works construction; Flint Hills Manor redevelopment; West Burlington Avenue; Daisiana's building demolition; depot renovation; library improvements; Hotel Burlington; parking ramp extension; comprehensive plan update and economic development; construction of street, sanitary sewer and airport improvements; installation of traffic signals; demolition of dangerous buildings; operation of a geographic computer data base system; funding a self-insurance program and funding a housing assistance program). Council Member McCampbell asked if it was old debt or any new debt. The City Manager stated that this was all old debt. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - AYES)

ADOPTED

Introduced By: Anderson

Seconded By: Fleming

7. Resolution Providing for the Issuance of \$5,670,000 General Obligation Corporate Purpose and Refunding Bonds, Series 2013C and Providing for the Levy of Taxes to Pay the Same

DISCUSSION: The City Manager stated that the proposed Resolution provides for the refinancing of the following: constructing improvements to the animal shelter; airport projects, Cascade Bridge cost incurred by the City; streets and sidewalks and refunding the outstanding balance of the City's General Obligation Corporate Purpose Bonds, Series 2003 (for interest savings). Mayor Davidson stated that it was not extending the life of the 2003 bond, but was for refinancing. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - AYES)

ADOPTED

Introduced By: Anderson

Seconded By: Fleming

8. Resolution Providing for the Issuance of \$1,140,000 General Obligation Refunding Bonds, Series 2013D and Providing for the Levy of Taxes to Pay the Same

e

DISCUSSION: The City Manager stated that the proposed Resolution provides for the refinancing the outstanding balance of the City's General Obligation Corporate Purpose Bonds, Series, 2004 (for interest savings). He stated that total interest savings was approximately \$60,000.00. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - AYES)

ADOPTED

Introduced By: Andeson

Seconded By: Fleming

9. Resolution Providing for the Issuance of \$5,400,000 Sewer Revenue Bonds,

Series 2013E

DISCUSSION: The City Manager stated that the proposed Resolution provides for permanent financing on the short term sewer note that the City Council had approved last summer. He explained that part of the wait for permanent financing was to obtain a final bond rating. Stewart Judd of 1509 South 10th Street questioned why the sewer rates have been going up. The City Manager stated that the reason for the sewer rate increase was for the repayment of the bond issues, as well as paying for the cost of the combined sewer separation project. Council Member McCampbell reiterated that sewer bills will continue to

go up due to the City being mandated to pay for the sewer separation project. 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: Gary Szymula, member of Bike Burlington presented the City Council with a proposal to connect the existing bike routes between Burlington and West Burlington. He stated that Bike Burlington would pay the cost of the signs and posts. He stated that he would also be speaking to the West Burlington City Council. Mayor Davidson asked Gary Szymula to get in contact with the Parks and Development Director. Char Blodgett stated that she was now involved with getting the homeless shelter ready for residents. She stated that she would like the City Council support. She stated that anyone who would like to volunteer or contribute in anyway to contact her at 754-6791. She

stated that the homeless shelter was located at 123 North Marshall Street. Frank Statler of 1409 Hillary Street presented Council with a draft Resolution encouraging the General Assembly of Iowa to adopt legislation prohibiting information obtained from the domestic use of drones from being introduced into a Federal or State court, and precluding the domestic use of drones equipped with anti-personnel devices. The City Manager stated that after the item is reviewed by City departments, the item would be placed on a work session for discussion. Council Member McCampbell thanked Frank Stafford for being proactive. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 7:42 p.m.

Approved: May 20

, 2013

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 Approving Liquor License for Whitey's Bar and Billiards
2. Resolution Approving Contract Between the City of Burlington and Burlington Steamboat Days, Inc. to Provide Beer and Wine Concession Services at Memorial Auditorium, the Port of Burlington and Adjoining Grounds
3. Resolution Approving 28E Agreement for Automatic Mutual Aid for Fire Suppression Between the City of Burlington and the City of West Burlington, Iowa
4. Resolution Approving Change Order No. 3 for the 2012 Cascade Watershed Sewer Separation Project, Phase I

SET DATE FOR PUBLIC HEARINGS:

1. Consideration of Sale of Property Locally Known as 1406 South 6th Street
,
City of Burlington, Des Moines County, Iowa (May 20, 2013)
2. Consideration of Sale of Property Locally Known as 1504 North 8th Street
,
City of Burlington, Des Moines County, Iowa (May 20, 2013)
3. Consideration of Sale of Property Locally Known as 625 North 10th Street
,
City of Burlington, Des Moines County, Iowa (May 20, 2013)
4. Consideration of Sale of Property Locally Known as 505 South Main Street
,
City of Burlington, Des Moines County, Iowa (May 20, 2013)
5. Consideration of Sale of Property Locally Known as 547 South Central Avenue,
City of Burlington, Des Moines County, Iowa (May 20, 2013)
6. Consideration of Budget Amendment No. 1 for Fiscal Year 2012-2013 (May 20, 2013)
7. Consideration of 2013 Amendment to Urban Renewal Plans for Flint Hills and
Neighborhood Development Urban Renewal Areas (June 3, 2013)
8. Consideration of Development Agreement Related to Project in Flint Hills
Urban Renewal Area (June 17, 2013)

APPOINTMENTS:

Flint Hills Golf Course Advisory Committee: T. J. Breuer
Historic Preservation Commission: Kay Weiss