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MINUTES OF THE PROCEEDINGS  
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 34  
May 20, 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, McCampbell and Reed present.

BURLINGTON CITY COUNCIL

PROCLAMATION:

Public Works Week - Steve Hoambrecker

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. Council Member Reed 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

PRESENTATION: North Hill Group Discussion on Rental Property by Ben Brinck

DISCUSSION: David Beckman of 1119 North 4th Street presented the Council with a copy of a petition signed by 108 citizens, most residing in the neighborhood around a 132 year old wooden frame structure originally built as a single family

home which was converted to an apartment building located at 1111 North 5th Street. He stated that the petition requests non-renewal of the rental permit for the apartment at 1111 North 5th Street based on many issues which pose an immediate and serious threat to occupants of the apartment and its neighbors. He stated that many of the safety concerns have been documented through police and fire calls to the apartment. He stated that "grandfathering" should only be

used if the building originally met City Codes as he questioned if the proper building permits were granted for each step of its evolution from a single-family dwelling to a 12-unit apartment. He stated that due to the condition of the building, neighbors have lost appraisal value on their homes. He stated that the message that he and his neighbors have been receiving from City staff is that there was nothing that can be done as the building has been "grandfathered". The Parks and Development Director stated that his office continues to inspect the property. He stated that they have been looking at the

non-conforming side of the Code of other communities. He explained that the property has to be vacant and idle for a year. The Police Chief stated that his office was implementing the LETS program at the Memorial Auditorium for landlords. Council Member Anderson stated that she felt that a property sitting idle for a year was a long time, and felt it would be better not to renew the rental permit. She questioned if the property was up to code. The Parks and Development Director stated that the property meets the City's Housing Code, which is minimum safety standards. He stated that the property does not meet the City's Zoning Code due to the number of units for the size of the lot. The Fire Chief stated that the Fire Marshal has done inspections and cannot find a way to make it safer. He further stated that there were many homes in Burlington and especially the North Hill area that are wood frame. Council Member McCampbell stated that he thought the new owner would be rehabilitating the property. The Parks and Development Director stated that the new owner was rehabilitating each unit. Kentrick Page stated that he was the present owner of the building at 1111 North 5th Street and that he would address any issues, if people feel unsafe. Denise Powell of 915 North 3rd Street questioned what the occupancy was per unit. The Parks and Development Director stated that efficiencies can have one or two tenants. Council Member Reed stated that he was glad that staff was looking at other city codes. Mayor Davidson explained that there was nothing the City Council could do tonight and they need to allow staff to do their job. Council Member McCampbell stated that he felt it was premature to make any statements until the present owner rehabilitates the property. All present had opportunity to speak and nothing additional was filed in office of the City Clerk.

HEARINGS:

1. Statement: Consideration of Sale of Property Locally Known as 1406 South 6th Street, City of Burlington, Des Moines County, Iowa

COMMENTS: Mayor Davidson led an auction for the sale of property locally known as 1406 South 6th Street, City of Burlington, Des Moines County, Iowa. Sunshine Builders, LLC of 1816 Dehn Street was the high bidder at \$500.00. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Fleming                      Seconded By: Anderson  
                    Motion to Close

CARRIED

Introduced By: McCampbell                      Seconded By: Fleming  
                    Motion to Amend Exhibit A C of the Resolution Approving the Sale of Property Locally Known as 1406 South 6th Street, City of Burlington, Des Moines County, Iowa that the Property be Sold to Sunshine Builders, LLC in the amount of \$500.00

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

Introduced By: McCampbell                      Seconded By: Fleming  
                    Resolution Approving Sale of Property Locally Known as 1406 South 6th St

reet,  
City of Burlington, Des Moines County, Iowa

DISCUSSION: None.  
(VOTE: 5 - â AYESâ )  
ADOPTED

2. Statement: Consideration of Sale of Property Locally Known as 1504 North  
8th  
Street, City of Burlington, Des Moines County, Iowa

COMMENTS: Mayor Davidson led an auction for the sale of property locally known  
as 1504 North 8th Street, City of Burlington, Des Moines County, Iowa. Jeff  
Fritz was the high bidder for Hillaurie Fritz at \$16,000.00. 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: Reed  
CARRIED

Introduced By: McCampbell  
Motion to Amend Exhibit â Câ of the Resolution Approving the Sale of  
Property  
Locally Known as1504 North 8th Street, City of Burlington, Des Moines County,  
Iowa that the Property be Sold to Hillaurie Fritz in the amount of \$16,000.00

DISCUSSION: None.  
(VOTE: 5 - â AYESâ )  
CARRIED

Introduced By: McCampbell  
Resolution Approving Sale of Property Locally Known as 1504 North 8th St  
reet,  
City of Burlington, Des Moines County, Iowa

DISCUSSION: None.  
(VOTE: 5 - â AYESâ )  
ADOPTED

3. Statement: Consideration of Sale of Property Locally Known as 625 North  
10th  
Street, City of Burlington, Des Moines County, Iowa

COMMENTS: Mayor Davidson led an auction for the sale of property locally known  
as 625 North 10th Street, City of Burlington, Des Moines County, Iowa. Arthur  
Gordon of 1218 Agency Street was the high bidder at \$500.00. 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: McCampbell  
CARRIED

Introduced By: Anderson  
Resolution Approving Sale of Property Locally Known as 625 North 10th St  
reet,  
City of Burlington, Des Moines County, Iowa

DISCUSSION: None.

(VOTE: 5 - â AYESâ )

ADOPTED

4. Statement: Consideration of Sale of Property Locally Known as 547 South Central Avenue, City of Burlington, Des Moines County, Iowa

COMMENTS: Mayor Davidson led an auction for the sale of property locally known as 547 South Central Avenue, City of Burlington, Des Moines County, Iowa. Sunshine Builders, LLC of 1816 Dehn Street was the high bidder at \$500.00. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Anderson                      Seconded By: McCampbell  
Motion to Close

CARRIED

Introduced By: Anderson                      Seconded By: Reed  
Motion to Amend Exhibit â Câ of the Resolution Approving the Sale of Property Locally Known as 547 South Central Avenue, City of Burlington, Des Moines County, Iowa that the Property be Sold to Sunshine Builders, LLC in the amount of \$500.00

DISCUSSION: None.

(VOTE: 5 - â AYESâ )

CARRIED

Introduced By: Anderson                      Seconded By: Fleming  
Resolution Approving Sale of Property Locally Known as 547 South Central Avenue, City of Burlington, Des Moines County, Iowa

DISCUSSION: None.

(VOTE: 5 - â AYESâ )

ADOPTED

5. Statement: Consideration of Budget Amendment No. 1 for Fiscal Year 2012-2013

COMMENTS: The City Manager reviewed with Council and the viewing audience the proposed budget amendment no. 1 for fiscal year 2012-2013. He stated that the total budget as certified was \$56,502,693.00 with an amendment of \$19,200.00. He reviewed the details of the budget amendment, which included increase in other financing sources from refunding bond issues and transfers, increases in expenditures include bond refunding payments, IDEA bond payment transfers and flood control. Council Member Fleming asked what was the bottom line for the budget amendment. The City Manager stated that the City began the year with \$450,000.00 in the general fund and will end the year with \$940,000.00 to \$950,000.00 in the general fund. He explained that he has moved a lot of money around trying to eliminate deficit accounts and refunding bond issues. He stated that when you move money around from different accounts, the City is required to show it on the budget amendment. He stated that the actual increase in cost was the 2013 flood. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Reed                              Seconded By: McCampbell  
Motion to Close

CARRIED

Introduced By: Reed

Seconded By: McCampbell

Resolution Approving Budget Amendment No. 1 for Fiscal Year 2012-2013

DISCUSSION: Mayor Davidson thanked the City Manager and the Director of Administrative Services for their work on the budget. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - â AYESâ )

ADOPTED

ORDINANCE:

Introduced By: Reed

Seconded By: Fleming

1. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of an Ordinance Amending Various Sections of Chapter 166, Construction Board of Appeals of the City of Burlington Municipal Code

DISCUSSION: The Mayor 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.

(VOTE: 5 - â AYESâ )

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 Various Sections of Chapter 166, Construction Board of Appeals of the City of Burlington Municipal Code

DISCUSSION: None.

(VOTE: 5 - â AYESâ )

CARRIED

RESOLUTIONS:

Introduced By: Fleming Seconded By: Reed

1. Resolution Approving the Final Plat of the Masters Subdivision

DISCUSSION: The Parks and Development Director stated that the proposed Resolution approves the final plat of the Masters Subdivision. He stated that the preliminary plat was previously approved along with the approval of the PUD.

He stated that a new platted street, Magnolia Lane with a cul-de-sac, meets the City Code and will be accepted for maintenance and operation by the City. Council Member Anderson stated that she liked the name of the new street. Mayor

Davidson and Council Member Fleming stated that the Masters Subdivision will be very nice once constructed. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - â AYESâ )

ADOPTED

Introduced By: Fleming Seconded By: Reed

2. Resolution Approving Maintenance and Operation of the Sanitary Sewer and

## Pavement Systems in the Masters Subdivision

DISCUSSION: The Parks and Development Director stated that the proposed Resolution approves for maintenance and operation the sanitary sewer and pavement systems within the platted Magnolia Lane and Florence Avenue right-of-ways within and adjacent to the Masters Subdivision. He stated that rain garden/bio-swales (detention facilities) shall progress and be installed and completed in conjunction with the construction of homes and will be maintained by the developer/condo association. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - â AYESâ )

ADOPTED

Introduced By: Fleming Seconded By: Reed

3. Resolution Approving a Subordination Agreement

DISCUSSION: The City Manager stated that Newbury Village has an outstanding CDBG loan since 1984. He explained that in the past, Newbury Village had previously refinanced July 2004. He stated that Newbury Village has asked the City approve

a subordination agreement. He stated that the CDBG loan is in second position against their current mortgage and as they refinance Newbury Village would like the CDBG loan to remain in 2nd position behind their refinanced mortgage. He explained that this was not City debt, but that the City was the past through entity for the CDBG loan. Arthur Gordon asked about City sponsoring loans for projects. The City Manager suggested that Arthur Gordon contact Sara at the SEIRPC about loans. All present had opportunity to speak and nothing additional

was filed in the office of the City Clerk.

(VOTE: 5 - â AYESâ )

ADOPTED

Introduced By: Fleming Seconded By: Anderson

4. Resolution Approving Affidavit Regarding Amendment to Real Estate Mortgage

DISCUSSION: Mayor Davidson stated that the Resolution approving affidavit regarding amendment to a real estate mortgage was the second step for Newbury Village to refinance their loan. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - â AYESâ )

ADOPTED

DISCUSSION ITEM:

1. City Manager Evaluation

DISCUSSION: Mayor Davidson stated that each member of the City Council evaluated

the City Manager independently and then he averaged all five of the rankings. He stated that the scale was from one to 10 for job performance in 17 different categories ranging from attitude, quality and quantity of work, communications, efficiency, planning and financial management. He stated that the lowest average score was 8.2 with the highest score at 9.6, which means that the City Manager met and in most cases exceeded the Council's expectations in his job performance. He explained that the City Manager was hired with the expectation that he would provide the leadership to help the Council find its way out of financial difficulties. He stated that Council has not been disappointed. He

stated that the City Manager was highly ethical, principled man who has done an outstanding work in this first year in Burlington. He stated that the Council appreciates the City Manager's many hours of work, his positive attitude and his

willingness to present ideas and then let the Council make the final decisions.

He further stated that normally the City Manager's evaluation has been done in

a closed session, but the City Manager requested that his evaluation be at an open meeting. Tim Scott of 2017 South 15th Street stated that the City Manager had done a tremendous job and has held nothing back. Arthur Gordon also stated that the City Manager has done a great job. Council Member Reed stated that the

City Manager has done a great job in tough times and thanked him for his open door evaluation. Council Member Anderson stated that the City Manager has not let Council down with their requests. Council Member Fleming stated that the City Manager has done a good job and hoped the City Manager would continue to be

the City Manager for Burlington. Council Member McCampbell stated his appreciation for the City Manager's honesty and that all the Council receives the same information. He further stated that Burlington was blessed to have Jim

Ferneau as its City Manager. Mayor Davidson stated his appreciation of the City

Manager and hoped that he would never leave. The City Manager stated that it has been difficult dealing with financial issues. He stated that he appreciated

that the City Council willingness to work together and also show respect to the public and also to each other. He further stated that he has enjoyed working with the Council. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

COMMENTS FROM AUDIENCE: Barbara McRoberts of 919 North 3rd Street presented the Council with a check from Harry and Virginia Murray Foundation in the amount of \$30,000.00 to be used for the Dankwardt Park pool. She stated that people in Burlington want and need the Dankwardt Park pool to remain open. Mayor Davidson

and the Council thanked Barbara McRoberts and the Harry and Virginia Murray Foundation for the check. Jeff Gordon asked why his water bill was always going

up. The City Manager explained that the City was being mandated by the federal level to separate the combined sewers in Burlington. Council Member Reed stated

that he has been working with the Waterworks Board to allow monthly billing and also online bill paying. Barbara Kissinger of 613 Barrett Street suggested to the Council that seniors over 60, disabled and property owners that are single receive a 25% discount on their monthly water bill. Ron Brozene, representing the Southeast Iowa Property Owners Association complimented the Police Department on the implementation of the LETS Program. He thanked the City for being proactive. Kirk Wooldridge of 516 Remick Street stated that he spends a lot of time at the library and hopes that the library does not have further cuts, should the franchise fee not pass. Tim Scott of 2017 South 15th Street, Mike Edwards of 1317 North 8th Street and Jeff Heland of 200 Emmett Street urged

Council to use the Flint Hills Manor property for commercial use verses housing.

They urged Council not to lose sight of the vision for the property. They further stated that John Sandell and Bill Ell were unable to attend the meeting,

but had the same sentiments. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 8:22 p.m.  
, 2013

Approved: June 3

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 Demolition/Nuisance Abatements for Various Properties
2. Resolution Approving Audit Services for Fiscal Years 2013-2015 with McGladrey LLP

SET DATE FOR PUBLIC HEARINGS: JUNE 3, 2013

1. Consideration of Plans and Specifications for the 2013 Bluff Road Reconstruction, RISE Grant
2. Consideration of Transit Rate Increase Effective July 1, 2013
3. Consideration of an Ordinance Rezoning the Property Located at 2830 Mt Pleasant Street from M-2, Heavy Industrial to M-1, Light Industrial Zoning District
4. Consideration of Plans and Specifications for the Construction of a Proposed Recreation Trail, Big Muddy's Trail
5. Consideration of Sale of Property Locally Known as 530 South 9th Street, City of Burlington, Des Moines County, Iowa

APPOINTMENT:

Zoning Board of Adjustment: Chad Palmer