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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 10
May 19, 2014

The Burlington City Council met in regular session at 6:30 p.m. in the Thomas J. Smith Council Chambers, City Hall with Mayor McCampbell, Council Members Anderson, Fleming, Scott and Shockley present.

BURLINGTON CITY COUNCIL

PROCLAMATIONS:

Public Works Week - Steve Hoambrecker
Building Safety Month - Eric Tysland

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: Scott

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 Anderson announced the individual appointed to the Civil Service Commission. Council Member Scott removed the Resolution Approving Nuisance Abatements for Various Properties from the consent agenda for discussion at the close of the meeting. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - AYES)
CARRIED

PRESENTATION: Purple and Gray Foundation Funding Request for Bracewell Stadium (There was no one present from the Purple and Gray Foundation to present the funding request for Bracewell Stadium)

HEARINGS:

1. Statement: Consideration of an Ordinance Rezoning the Property Located at 713 North Main Street to Include a H-1, Historical Preservation Overlay Zoning District

COMMENTS: The Development and Parks Director stated that the property located at 713 North Main Street owned by Kay Weiss has been approved by the Historic Preservation Commission by a vote of four to zero to recommend approval of the designation as a Local Historic Landmark in order to further preserve the historic property and to follow the guidelines of the Historic Preservation Commission. Council Member Anderson thanked Kay Weiss for all the improvements

Introduced By: Scott

Seconded By: Fleming

Motion for Preliminary Adoption of the First Reading of an Ordinance Amending Ordinances No. 3129 and No. 3256, Being an Ordinance Creating the Dieworld Plaza P.U.D. (Planned Unit Development) as Allowed by Section 17.20.40 of the Burlington Municipal Code

DISCUSSION: None.

(VOTE: 5 - AYES)

CARRIED

3. Statement: Consideration of Budget Amendment No. 1 for Fiscal Year 2013-2014

COMMENTS: The City Manager stated that the City was required by State Statute to hold a public hearing on a budget amendment. He reviewed with the Council and the viewing audience the budget amendment as follows: Public Works was higher due to increased snow removal costs; operating equipment reclassified from Capital Projects to Public Works budget; Culture and Recreation higher due to Memorial Auditorium elevator repair expense and Community and Economic Development higher due to Targeted Jobs money and rehabilitation housing grants.

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

Introduced By: Anderson Seconded By: Shockley

Motion to Close

CARRIED

Introduced By: Anderson Seconded By: Scott

Resolution Approving Budget Amendment No. 1 for Fiscal Year 2013-2014

DISCUSSION: None.

(VOTE: 5 - AYES)

ADOPTED

RESOLUTIONS:

Introduced By: Anderson Seconded By: Fleming

1. Resolution Awarding Contract for the 2014 HMA Resurfacing Project

DISCUSSION: The Public Works Director stated that the City received two bids for the 2014 HMA Resurfacing Project with Cessford Construction of Burlington, Iowa as the low bidder at \$679,251.96. He stated that the City Engineer's estimate was \$685,000.00. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - AYES)

ADOPTED

Introduced By: Anderson Seconded By: Fleming

2. Resolution Approving City Representatives for the DESCOM Control Board

DISCUSSION: The City Manager stated that the City Council had approved a 28E agreement creating a Public Safety Emergency Communications Services and Cost Sharing. He stated that the proposed Resolution approves the City Manager and one member of the City Council to be appointed as the City representative for the DesCom Control Board. He stated that the process would be that the Mayor appoints one of the members of the City Council to serve in this capacity. Mayor McCampbell stated that he appoints Council Member Scott to serve on the

DesCom Control Board. The City Clerk stated that the appointment would be made at the June 2, 2014 City Council meeting. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.
(VOTE: 5 - â AYESâ)
ADOPTED

ORDINANCES:

Introduced By: Shockley Seconded By: Scott

1. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of an Ordinance Amendment to Code of Ordinances Chapter 99 Sewer User Charge Section .06 of the City of Burlington Municipal Code

DISCUSSION: The City Manager reviewed with Council and the viewing audience the proposed Ordinance Amendment to Code of Ordinances Chapter 99 Sewer User Charge

Section .06 of the City of Burlington Municipal Code. He stated that the amendment would change the monthly/quarterly user charges for metered residential contributors. He stated that it will now be based upon actual water

usage instead of average monthly/quarterly water usage. He stated that the amendment would make it easier for the Waterworks and cheaper for those with water meters, primarily residents that live in apartments. He further stated that Waterworks has asked that City Council waive the second reading and final adopt the Ordinance so that they can get the bills ready for the next quarterly statement. Mayor McCampbell stated that he did not have any problem with the proposed Ordinance. 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: Shockley Seconded By: Scott

2. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption of an Ordinance Amendment to Code of Ordinances Chapter 99 Sewer User Charge Section .06 of the City of Burlington Municipal Code

DISCUSSION: None.

(VOTE: 5 - â AYESâ)
CARRIED

Introduced By: Shockley Seconded By: Fleming

3. Motion for Final Adoption of an Ordinance Amending Section 16.04 (1) Council Meetings of Chapter 16 Council of the City of Burlington, Iowa Municipal Code to Set the Time for Regular Council Meetings

DISCUSSION: Mayor McCampbell stated that due to low participation it was brought

up to change the City Council meeting time from 6:30 p.m. to 5:30 p.m. He stated that the following Cities in Iowa have their City Council meetings as follows: Sioux City meets at 4:00 p.m., Des Moines meets at 4:30 p.m., West Des Moines meets at 5:30 p.m. and Davenport meets at 5:30 p.m. He stated that he did not feel the 5:30 p.m. City Council meeting time was out of bounds and was

consistent with many larger communities in Iowa. Council Member Anderson stated that she was willing to try the new City Council meeting time. Council Member Fleming stated his support for the time change. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.
(VOTE: 4 - AYES SHOCKLEY, ANDERSON, FLEMING AND MCCAMPBELL
1 - NAY NAY SCOTT)
CARRIED

Introduced By: McCampbell Seconded By: Shockley

1. Resolution Approving Nuisance Abatements for Various Properties

DISCUSSION: Council Member Scott stated that Ron Pepmeyer of 125 Shields Street has spoken with the Development and Parks Director a couple of times to have the

Nuisance Inspector contact him. He stated that the Nuisance Inspector has not been in contact with Ron Pepmeyer. He stated that Ron Pepmeyer would like a couple of weeks before the nuisance is approved so that he can understand exactly why he was being charged \$185.00 plus an additional \$105.00 in administrative fees for a total of \$290.00 to remove a bag of trash. The Development and Parks Director stated that a tenant of a rental unit moved out and left an entire curb side of junk and debris that needed to be removed. Council Member Scott made a motion to remove the nuisance abatement for Ron Pepmeyer of 125 Shields Street in the amount of \$290.00 for the removal of trash

to the June 2, 2014 City Council meeting. Council Member Shockley seconded the motion with all five Council Members voting in favor of the removal. The City Council voted in favor of the other listed nuisances. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - AYES)

CARRIED

Introduced By: Scott Seconded By: Shockley

2. Motion to Remove the Nuisance Abatement for Ron Pepmeyer of 125 Shields in the Amount of \$290.00 for removal of trash to the June 2, 2014 City Council Meeting

DISCUSSION: None.

(VOTE: 4 - AYES ANDERSON, FLEMING, MCCAMPBELL AND SCOTT

1 - NAYS SHOCKLEY)

CARRIED

COMMENTS FROM AUDIENCE: None.

Adjournment: 8:03 p.m.

, 2014

Approved: June 2

Kathleen P. Salisbury, MMC

McC Campbell

City Clerk

Shane A.

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 Refund of Special Class â Câ Liquor (Beer/Wine) License

for Burlington Steamboat Days, Inc. dba/Burlington Steamboat Days, Inc. for Memorial Auditorium, 200 Front Street, Burlington, Iowa

2. Resolution Approving Interchange of Employee Agreement Between the City of Burlington, Iowa and the Burlington Community School District

3. Resolution Approving Interlocal Agreement Between the City of Burlington and Des Moines County for the 2014 Byrne Justice Assistance Grant (JAG) Program Award

4. Resolution Approving Renewal of Three Year Lease Agreement for the Operation of the Iowa Store Located in the Port of Burlington Welcome Center

SET DATE FOR PUBLIC HEARINGS: JUNE 2, 2014

1. Consideration of a Resolution Approving 2014 Amendment to the City of Burlington Urban Revitalization Plan by Creating a New Tax Exemption Schedule for the Neighborhood Development Urban Renewal Area

2. Consideration of Sale of Property Locally Known as 2500 Vineyard Street, City of Burlington, Des Moines County, Iowa

3. Consideration of a Permanent Encroachment Agreement with Steepletown Development LLC for Encroachment into City Right-of-Way at 500 Jefferson Street, Burlington, Iowa

APPOINTMENT:

Civil Service Commission: Jeff Burkhart