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MINUTES OF THE PROCEEDINGS  
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 33  
May 6, 2019

The Burlington City Council met in regular session at 5:30 p.m. in the Thomas J. Smith Council Chambers, City Hall with Mayor McCampbell, Council Members Graham-Murray, Rinker and Wilson present. Council Member Billups participated via electronic communications for a portion of the meeting.

BURLINGTON CITY COUNCIL

CERTIFICATES FOR MEDAL OF MERIT:

- \* Police Officer Jacob Jenkins
- \* Police Officer Joshua Riffel

MAYOR'S AWARD:

- \* Jamie Weinrich

DARE ESSAY:

- \* Tomas Rascon

PROCLAMATIONS:

- \* Municipal Clerks Week - Kathleen Salisbury
- \* Historic Preservation Month - Steve Frevert
- \* Emergency Medical Services Week - Lt. Brandon Howard

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: Graham-Murray      Seconded By: Wilson

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 Wilson announced those individuals appointed to various

City commissions and boards. Leon Shahan of 1821 Mt. Pleasant Street requested the removal of the following Resolutions from the consent agenda for discussion at the close of the meeting: Resolution Approving Iowa Contaminated Site Environmental Covenant for Property Located at 1106 Washington Street, Former Dresser Rand Site and Resolution Approving a Yard Waste Program for the Collection and Disposal of Leaves. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.  
(VOTE: 5 - "AYES")

CARRIED

RESOLUTION:

Introduced By: Rinker                      Seconded By: Graham-Murray

1. Resolution Approving the 28E Agreement Concerning Public Safety Emergency Communications in Des Moines County, Iowa

DISCUSSION: The City Manager stated that the City of Middletown has been added to the 28E Agreement concerning public safety emergency communications in Des Moines County. He stated that the item of concern has been the funding formula. He stated that there are many different ways for distributing costs. He stated that his recommendation was a unified levy across the county that is based on a valuation, similar to a property tax, but that was not agreeable to several entities. He stated that Des Moines County was not in favor of the unified levy. He stated that should the Council not renew the 28E Agreement, the existing 28E Agreement does not have automatically renew function within the agreement. So then the Council would need to figure out how to move forward and there is little time to figure out what to do. He stated that regardless a unified levy cannot take place this year as budgets by all entities have already been set. He stated that he does feel comfortable moving ahead with the proposed 28E agreement. Council Member Rinker stated that he was not a fan of the 5-year agreement, so therefore, he could not support approval of the 28E Agreement. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 1 - "AYES" Wilson

4 - "NAYS" Rinker, Billups, Graham-Murray and McCampell)

FAILED

(Council Member Billups left the meeting via electronic communications at 6:04 p.m.)

HEARING:

1. Statement: Consideration of 2018-2019 Budget Amendment No. 1

COMMENTS: The Director of Administrative Services reviewed budget amendment no. 1 for FY 2018-2019 budget with Council and the viewing audience. She stated that increases in revenues totaled \$7,769,500.00 and expenditures totaled \$8,759,300.00. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Graham-Murray

Seconded By: Wilson

Motion to Close

CARRIED

Introduced By: Graham-Murray      Seconded By: Wilson  
Resolution Approving 2018-2019 Budget Amendment No. 1

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

ADOPTED

ORDINANCE:

Introduced By: Wilson      Seconded By: Graham-Murray

1. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of an Ordinance Amending Various Sections of Chapter 34 Human Rights Commission of the Burlington Municipal Code

DISCUSSION: The Director of Administrative Services reviewed with Council and the viewing audience the proposed Ordinance Amending Various Sections of Chapter 34 Human Rights Commission of the Burlington Municipal Code. She stated that the changes to the proposed Ordinance reflect that the Human Rights Commission does not investigate and research, but refers complaints to the Civil Rights Commission along with changing the quorum from five members present to four members present. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - "AYES")

CARRIED

Introduced By: Wilson      Seconded By: Graham-Murray

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 34 Human Rights Commission of the Burlington Municipal Code

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

CARRIED

RESOLUTIONS:

Introduced By: Wilson      Seconded By: Graham-Murray

1. Resolution Authorizing and Approving a Loan Agreement and Providing for Issuance and Securing the Payment of a Sewer Revenue Refunding Bond, Series 2019B, in the Principal Amount of \$5,840,000

DISCUSSION: The City Manager stated that the proposed Resolution authorized and approves a loan agreement and provides for issuance and securing the payment of a Sewer Revenue Refunding Bond, Series 2019B, in the principal amount of \$5,840,000.00. He stated that the City was refinancing bonds with Zions Bancorporation of Salt Lake City, Utah. He stated that

the bonds can be called at anytime by the City versus a set call date. He stated that the refinancing was saving the City approximately \$500,000.00 in interest. Leon Shahan of 1821 Mt. Pleasant Street asked if the refinancing would affect sewer rates. The City Manager stated that these bonds have already been financed, the bond schedule will be the same, just interest savings. He stated that there would be no changes to the sewer rates. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.  
(VOTE: 4 - "AYES") ADOPTED

Introduced By: Wilson                      Seconded By: Graham-Murray  
2. Resolution Consenting to Assignment of Trustee Agent Agreements; Escrow Agent Agreements; and/or Paying Agent and Registrar and Transfer Agent Agreements

DISCUSSION: The City Manager stated that the proposed Resolution approved the consenting to the assignment of the agreements from Bankers Trust to UMB. He stated that Travis Squires of Piper Jaffray will be taking care of posting on the Electronic Municipal Market Access (EMMA). All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.  
(VOTE: 4 - "AYES") ADOPTED

Introduced By: Rinker                      Seconded By: Wilson  
3. Resolution Awarding Contract for the 2019 Locust Sewer Separation Project

DISCUSSION: The Assistant City Manager for Public Works stated that the proposed Resolution awards the 2019 Locust Sewer Separation Project to the low bidder of Fye Excavating in the amount of \$6,191,953.44. He stated that the City Engineer's estimate was \$5,600,000.00. He stated that he was recommending approval of the Resolution as there would be no guarantee if the bid was rejected and the scope of the work changed that the bids would come in low. He stated that the project was being paid by a combination of SRF Loan and a \$600,000.00 Community Development Block Grant (CDBG). Council Member Graham-Murray stated that she hated that the project was over budget. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.  
(VOTE: 4 - "AYES") ADOPTED

Introduced By: Wilson                      Seconded By: Graham-Murray  
4. Resolution Approving Iowa Contaminated Site Environmental Covenant for Property Located at 1106 Washington Street, Former Dresser Rand Site

DISCUSSION: Leon Shahan of 1821 Mt. Pleasant Street asked how much the Resolution Approving Iowa Contaminated Site Environmental Covenant for Property Located at 1106 Washington Street, Former Dresser Rand Site was costing the City. The Development and Parks Director stated that the Resolution was previously approved by the City Council, but the DNR (Department of Natural Resources) wanted some changes to the covenant. The City Manager reviewed the activity and use limitations and terms of the property. All present had opportunity

to speak and nothing additional was filed in the office of the City Clerk.  
(VOTE: 4 - "AYES")

ADOPTED

Introduced By: Wilson                      Seconded By: Graham-Murray

5.        Resolution Approving a Yard Waste Program for the Collection and Disposal of Leaves

DISCUSSION: Leon Shahan of 1821 Mt. Pleasant Street asked how the Yard Waste Program for the collection and disposal of leaves was changing. The WWTF Superintendent stated that the garbage cans and the City-owned wheeled trash carts will no longer be acceptable containers for the collection of leaves and other types of yardwaste set out for collection by City crews. He stated that leaves must be placed in the 2-ply 30 gallon capacity wet strength kraft paper bags that are sold. He stated that the placement of leaves in garbage cans and wheeled trash carts have to be lifted by the crews, which is heavy and difficult to remove all debris. Leon Shahan stated that he was hoping for a happy medium where he would use his old garbage cans by keeping them in his garage so the leaves would not freeze and be hard to remove from the cans. Mayor McCampbell stated that the new program would be only the kraft paper bags that are sold in stores. He stated that on a positive note the bags are reasonably priced. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - "AYES")

ADOPTED

(Council Member Graham-Murray left the meeting at 6:53 p.m.)

COMMENTS FROM AUDIENCE: Leon Shahan of 1821 Mt. Pleasant Street stated that since 2003 many homes on Mt. Pleasant Street from Gertrude Street to Curran Street have ended up in a distressed selling situation. He urged Council to tear down Cascade Bridge and sell it for scrap metal. He stated that to raise property owners' utilities bills by 3% to 4% to fix or replace Cascade Bridge for only 16-families that live on the other side of the bridge was too big of a burden to homeowners. Mike Darnall stated that he owns and lives at the McConnell Lofts. He stated that he had sent a packet to the Council concerning the need to address the overhead power lines that run along the alleyway between North Third Street and North Fourth Street extending from the railroad tracks at the south to Columbia Street at the north. He stated that his concern would be if there was a fire that an aerial truck would not be able to be in the alley to rescue people due to the overhead electric lines. He stated that he has been told that the City does not have money to put the wires underground. He stated that he would be glad to meet with the City Council at the McConnell Lofts. Mayor McCampbell and Council Member Rinker stated that they would like to come down to meet with Mike Darnall. The City Manager stated that the City could do a general obligation bonds in the amount of \$200,000.00. Terry Arellano of 2800 South Main Street stated that the alleyway between North Third and North Fourth Street extending from the railroad tracks at the south to Columbia Street at the north that Mike Darnall was speaking about affects many buildings such as the Art Center, Capital Theater and Styltique Salon. She stated that Cascade Bridge affects more than 16-families. She stated that Main Street goes a lot further to the rest of the park. She stated that Cascade Bridge was for the community. She urged the Council to create a committee to look at options to fund Cascade Bridge. She further asked what the Healthy Neighborhood Grant Program would be this year. The

Development and Parks Director stated that he hoped to have information on the program soon. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 7:03 p.m.

Approved: May 20, 2019

Kathleen P. Salisbury, MMC  
City Clerk

Shane A. McCampbell  
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 Nuisance Abatements for Various Properties
2. Resolution to Establish New Rental Fees and Charge Schedules for Memorial Auditorium, the Port of Burlington and the Depot (Riverfront Properties) Effective July 1, 2019
3. Resolution Approving Removal of Four “No Parking From 8 a.m. to 10 a.m. Monday-Friday” Signs in the 700 and 800 Block of Randall Lane
4. Resolution Naming the Street Located in the Sixteenth Addition to Flint Ridge Business Park Subdivision
5. Resolution Approving Second Partial Release of Retention Monies for Phase V of the Floodwall
6. Resolution Approving Final Payment for the Front and Valley Storm Sewer Repair

SET DATE FOR PUBLIC HEARING: MAY 20, 2019

1. Consideration of an Ordinance Rezoning a Portion of Property Locally Known as 705 Maple Street from C-2, General Commercial to C-1, Limited Commercial Zoning District

APPOINTMENTS:

Renewable Energy Committee: Dan Wischmeier

Riverfront Advisory Committee: Sally Parrott