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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 13
July 7, 2014

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 Anderson, Fleming and Shockley present. Council Member Scott arrived at 5:48 p.m. for the meeting.

BURLINGTON CITY COUNCIL

PROCLAMATION OF RETIREMENT: Ken Morris, Battalion Chief

PROCLAMATION: Parks and Recreation 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: Anderson

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 those individuals appointed to various City commissions and boards. Council Member Shockley removed the Payroll and City Claims from the consent agenda for discussion at the close of the meeting. Council Member Fleming removed the Resolution Approving Nuisance Abatements for Various Properties from the consent agenda for

discussion at the close of the meeting. Mayor McCampbell removed the Resolution Approving Purchase of a Sewer Vacuum Unit to be Placed on Existing Chassis for the Streets and Sewer Department 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

HEARINGS:

1. Statement: Consideration 2014-A Amendment to the Burlington Urban Revitalization Plan

COMMENTS: The Development and Parks Director reviewed with Council and the viewing audience the proposed 2014-A Amendment to the Burlington Urban Revitalization Plan. He stated that all qualified real estate located in the City of Burlington, except not including real estate located in the Neighborhood

Development Urban Renewal Area, shall be eligible for an exemption from taxation on the actual value added by the improvements. He stated that the exception is for a five year period and is equal to 100% of the actual value added by the

improvements. Those who spoke in favor of the amendment were as follows: David Toyer, Director of Economic Development for Grow Greater Burlington; K. C. Fleming, Medical Staff Recruiter for GRMC; Jim Olson; Bob Brueck; Scott Peck of 2636 Cliffwood; Jerry Courtney; Don Sheedy; Brian Hopkins of 704 Boardwalk; Dee Dee Wykert; Zola Starkey of 730 Monticello Drive; Larry Williams of 1567 Mason Lane; Dave Myers of 605 Hedge Street and Mike Pierson of 912 Monticello Drive. Many of those who spoke stated that there was a need for new homes in Burlington

in the \$200,000.00 to \$300,000.00 price range. They also stated that the plan would expand the City's tax base. Council Member Fleming urged the Council to

find a neighborhood in Burlington that doesn't need homes fixed up. He stated

that the idea of restricting tax abatements to just one area was not American. Council Member Shockley stated that she was okay with the 3-year tax abatement if there was a demand for housing. She stated that people want City services, yet there is a decline in population. She stated that people need to get out their pocketbooks and pay. She stated that she wants Burlington to grow, but she

cannot find \$287,000.00 in tax dollars because the City decided to give another two year tax abatement in hopes of creating a bigger tax base and not have proper police protection. Council Member Anderson stated that she would rather give developers incentive money than a tax abatement. She stated that there was

more of a need for developers than housing buyers. Council Member Scott stated that past Council have missed opportunities such as the mall that ended up locating in West Burlington. He stated that Burlington should be the first to have a 5-year 100 percent tax abatement in Iowa. He stated that the construction of new homes would help the trades in the winter months. Mayor McCampbell thanked everyone for coming to the public hearing and speaking. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Fleming Seconded By: Shockley
Motion to Close

CARRIED

Introduced By: Fleming Seconded By: Scott
Resolution Approving 2014-A Amendment to the City of Burlington Urban
Revitalization Plan

DISCUSSION: None.

(VOTE: 2 - AYES FLEMING AND SCOTT

3 - NAYS ANDERSON, McCAMPBELL AND SHOCKLEY)

FAILED

2. Statement: Consideration of an Ordinance Amending Section 161.04 Certificate of Rental Permit of Chapter 161 Housing Code of the City of Burlington Municipal

Code

COMMENTS: The Development and Parks Director reviewed with Council and the viewing audience the proposed Ordinance Amending Section 161.04 Certificate of Rental Permit of Chapter 161 Housing Code of the City of Burlington Municipal Code. He explained that the proposed Ordinance would require that all rental units be posted with a rental placard with information on the rental that would include the expiration date of the rental permit and the maximum occupancy of unit. He stated that it would start with new inspections and would be implemented over the next five years. Council Member Scott stated that he felt the proposed Ordinance should be enforced immediately. The Development and Parks

Director stated that mailing cost would prohibit the mailing of rental placards

to all landlords. Council Member Anderson suggested that the landlord be required to make a copy of their rental permit and write the maximum occupancy of the unit and post. The Development and Parks Director stated that landlords could pick up their rental placard. Irvine Howe of Kingston presented pictures of the rental house at 629 South Leebrick Street that his grandchild and great grandchildren were renting. He stated that there was waste in the basement and the electrical system was defective. He stated that the rental house was illegal and he has pictures to prove it. He stated that he had told his grandchild not to pay the rent until the landlord made improvements and cleaned up the house. He stated that the landlord evicted them due to non-payment. He stated that he lived for a short time at a rental home at 504 South Leebrick Street and it was not in good condition. Council Member Shockley stated that she was sorry that it happened. Mayor McCampbell stated that he was sorry and that no one should be expected to live like that. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Anderson Seconded By: Scott
Motion to Close

CARRIED

Introduced By: Anderson Seconded By: Fleming
Motion for Preliminary Adoption of the First Reading of an Ordinance Amending Section 161.04 Certificate of Rental Permit of Chapter 161 Housing Code of the City of Burlington Municipal Code

DISCUSSION: None.
(VOTE: 5 - AYES)

CARRIED

3. Statement: Consideration of an Ordinance Adopting a New Section 51.10A Carry and Concealment of Air Guns and Other Realistic Facsimiles of Firearms of Chapter 51 Public Health and Safety of the Burlington Municipal Code

COMMENTS: The Police Chief reviewed the proposed Ordinance Adopting a New Section 51.10A Carry and Concealment of Air Guns and Other Realistic Facsimiles of Firearms of Chapter 51 Public Health and Safety of the Burlington Municipal Code with Council and the viewing audience. He explained that in the proposed Ordinance any spring-loaded, compressed-air or other BB gun, airsoft gun, paint ball gun, or replica of a firearm would need to be concealed in one's clothing.

He stated that the reason for the proposed Ordinance was for police officer's safety. He stated that the Police Department receives approximately twenty to thirty calls a year for service because the guns look so similar to real guns. He stated that the City of Marion has a similar Ordinance. He stated that the penalty would be a simple misdemeanor. Mayor McCampbell stated that he would not want children getting shot over horse play and he felt this Ordinance would help. He further stated that he did not see a problem with the proposed Ordinance. Council Member Anderson stated that she did not have a problem with the proposed Ordinance and it would help teach gun safety. Council Member Shockley stated that the air guns look very realistic from a distance. She stated her concern about how the youth will be informed of the proposed Ordinance. The Police Chief stated that there would be a police officer this fall at the high school and both middle schools which that issue could be addressed then. Mayor McCampbell suggested the use of social media to get the news of the proposed Ordinance out to the youth of Burlington. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Shockley Seconded By: Scott
Motion to Close

CARRIED

Introduced By: Shockley Seconded By: Scott
Motion for Preliminary Adoption of the First Reading of an Ordinance Adopting a
New Section 51.10A Carry and Concealment of Air Guns and Other Realistic
Facsimiles of Firearms of Chapter 51 Public Health and Safety of the Burlington
Municipal Code

DISCUSSION: None.

(VOTE: 5 - â AYESâ)

CARRIED

RESOLUTIONS:

Introduced By: Scott Seconded By: Shockley
1. Resolution Setting Date for Public Hearing for Consideration of Sale of
Property at Lots 173, 174, and 175, Original City of Burlington, Des Moines
County, Iowa (July 21, 2014)

DISCUSSION: The Development and Parks Director stated that the proposed
Resolution sets July 21, 2014 as the public hearing date for consideration of
Sale of Property at Lots 173, 174, and 175, Original City of Burlington, Des
Moines County, Iowa. He stated that the public hearing would provide for the
sale of property located at the corner of South Main Street and Elm Street. Jim

Hobart of Hobart Historic Restoration, Cedar Rapids, Iowa presented Council with

a proposal for the construction of a 4-story, mixed-use commercial and 30-unit
residential building and 36-covered garage style parking stalls and 15-on site
open parking stalls. He stated that construction would commence in 2015,
assuming all financial incentives and sources are finalized prior to the closing

on the property. He stated that they were applying for CDBG grant funds for the

project. Council Member Anderson asked if construction of the project was
contingent upon securing the CDBG grant. Jim Hobart stated that the
construction of the project would only happen if they received the CDBG grant.
Council Member Shockley asked if Hobart Historic Restoration was successful in
obtaining other grant projects. Jim Hobart stated that he has been successful
in obtaining grants on similar projects. Council Member Shockley stated that
this was not an abnormal request as the City sold property in the past to Hope
Haven contingent to the sale of property. 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: Scott Seconded By: Fleming
2. Resolution Setting Date for Public Hearing for Consideration of Burlington
Owner-Occupied Rehabilitation Grant Project: CDBG # 11-HSG-005 (July 21, 2014)

DISCUSSION: The Development and Parks Director stated that the proposed
Resolution sets July 21, 2014 as the public hearing date for consideration of
Burlington Owner-Occupied Rehabilitation Grant Project: CDBG # 11-HSG-005. He
stated that the public hearing would provide an update of the grant project.
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: McCampbell Seconded By: Scott
3. Motion Approving Payroll and City Claims

DISCUSSION: Council Member Shockley stated that she removed the Payroll and City

Claims from the Consent Agenda so that the public could be aware of some of the large amounts on the City Claims that the City Council was approving:

\$254,855.50 to start the DesCom Board. She further stated that there were two payments on the City Claims for the visitor's boat dock at the riverfront to M BL

Fabrication in the amount of \$13,550.00 and F & M Bank in the amount of \$4,212.77. She stated that it was her understanding that the Riverfront Advisory Committee did not go through the traditional bidding process for the construction of the visitor's boat dock. She asked the Development and Parks Director if this was true. The Development and Parks Director stated that he would have to find out if that was correct. Council Member Shockley stated that

she had a couple of citizens that were concerned that it did not go through an appropriate open bidding process or whether it was required. She stated that she would be disappointed if this were the case. She further stated that the project was paid with grant funds and private donations. The Director of Administrative Services stated that the Riverfront Advisory Committee was short in funds for the project and F & M Bank loaned the money to the City for the project. She stated that later the funds were raised and now the City is reimbursing F & M Bank back. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - AYES)

CARRIED

Introduced By: McCampbell

Seconded By: Scott

4. Resolution Approving Nuisance Abatements for Various Properties

DISCUSSION: Council Member Fleming stated that there were more than thirty nuisance abatements for mowing listed on the Resolution Approving Nuisance Abatements for Various Properties. He asked if the City received the payments from the property owners. The Development and Parks Director stated that a notice is mailed to the property owners and they can pay prior to the abatement going through a Council meeting and being placed as a lien on their property taxes. Council Member Shockley asked if the nuisances could go through collections instead. The Development and Parks Director stated that he has been

working with the City Attorney about using collections for nuisance abatements.

Council Member Anderson asked if the City acquires an abandoned building and then sells it, does the City use the funds from the sale to reimburse the account that was used for payment of the nuisance. The Development and Parks Director stated that when the City acquires a property from the abandoned building, it is acquired with no liens and the City does not pay back the fund for unpaid nuisance abatements from the sale of the property. Council Member Shockley stated that she hoped that by the end of August, 2014 the City would be

able to come up with a plan on how the City can take the nuisance abatements to collections. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - AYES)

ADOPTED

Introduced By: McCampbell

Seconded By: Shockley

5. Resolution Approving Purchase of a Sewer Vacuum Unit to be Placed on Existing

Chassis for the Streets and Sewer Department

DISCUSSION: Mayor McCampbell stated that the reason he requested the removal of the Resolution Approving Purchase of a Sewer Vacuum Unit to be Placed on Existing Chassis for the Streets and Sewer Department from the Consent Agenda was not because of the equipment, but because of the pickup. He stated that he had a problem with the purchase of the pickup. He asked for an explanation why the City was purchasing a pickup. The Public Works Director stated that they

try to purchase equipment on a regular scheduled basis to keep from having a lot of maintenance. He explained that the Council was only voting on the purchase of a sewer vacuum unit to be placed on an existing chassis. He stated that the 3/4 ton pickup would be purchased in fiscal year 2015-2016 budget. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - AYES)

ADOPTED

COMMENTS FROM AUDIENCE: The Public Works Director presented Council with 2014 flood pictures of the riverfront when the Hesco Barriers gave way. The Director

of Administrative Services thanked those that helped with food for those sandbagging and those that helped sandbag. Dave Myers of 605 Hedge Street asked

when the Ordinance allowing fire pits would be discussed by the City Council. The City Clerk stated that the hearing would be set on July 21, 2014 for public hearing on August 7, 2014. Dave Myers stated that he was happy that the City Council would be adopting an Ordinance that would require carry and concealment of air guns and other realistic facsimiles of firearms in Burlington. He suggested to the City Council to use no wake signs on the riverfront in place of

buoys that are expensive. He further urged the Council to re-evaluate the City's Urban Revitalization Plan. 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: Adjournment

(VOTE: 4 - AYES ANDERSON, FLEMING, McCAMPBELL AND SHOCKLEY)

0 NAYS None

Note: Council Member Scott left the meeting prior to the motion for adjournment)

CARRIED

Adjournment: 7:38 p.m

Approved: July 21, 2014

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

BEER, LIQUOR, WINE AND CIGARETTES

REPORTS AND BONDS

RESOLUTIONS:

1. Resolution Approving Purchase Agreement Between the City of Burlington and HR

Green, Inc. of Cedar Rapids, Iowa for Professional Services for a Biosolids Study-2014 for the Burlington, Iowa Wastewater Treatment Facility for Possible Improvements

2. Resolution Approving 28E Agreement Between the City of Burlington and the City of West Burlington to Provide Burlington Urban System (BUS) Service to West

Burlington

SET DATE FOR PUBLIC HEARINGS: JULY 21, 2014

1. Consideration of Sale of Property Locally Known as 115 Golf Lane, City of Burlington, Des Moines County, Iowa

2. Consideration of CDBG Downtown Facade Improvement Grant

3. Consideration of an Ordinance Amending Section 31.01 Creation; Composition of Chapter 31 Riverfront Advisory Committee of the Burlington Municipal Code

4. Consideration of an Ordinance Amending Section 37.02 Membership; Terms of Chapter 37 Renewable Energy and Conservation Advisory Committee of the Burlington Municipal Code

APPOINTMENTS:

City Planning Commission: Bryan Bross and Thomas Buckman

Economic Development Advisory Committee: Mike Edwards, Owen Sloan and Elizabeth VanVleck

Parks Advisory Committee: Peggy Hunt

Renewable Energy Committee: Michael P. Wagner