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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 14
July 21, 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, Scott and Shockley present.

BURLINGTON CITY COUNCIL

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

COMMENTS: The Development and Parks Director stated that the sale of 115 Golf Lane has been delayed due to a motion to dismiss from the bank. He stated that a hearing has been set for consideration of the motion. He stated that the property has been vacant since 2011. He stated that once the City is able to sell the property the City Council will set date for a new hearing. All present

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

Introduced By: Anderson
Motion to Close

Seconded By: Fleming

CARRIED

2. Statement: Consideration of Sale of Property at Lots 173, 174, and 175, Original City of Burlington, Des Moines County, Iowa

COMMENTS: The Development and Parks Director stated that the City would not be selling lots 173, 174, and 175, Original City of Burlington as Hobart Historic Restoration, Cedar Rapids, Iowa did not receive the CDBG Grant for the project so they are no longer interested in purchasing the property. He stated that the

City may possibly use the property for a lift station site. The City Manager presented Council with a memo from the SEIRPC explaining the process and the criteria that is used for the CDBG Multi-Family Round 6 Grant. All present had opportunity to speak and nothing additional was filed in the office of the City

Clerk.

Introduced By: Anderson
Motion to Close

Seconded By: Shockley

CARRIED

3. Statement: Consideration of CDBG Downtown Facade Improvement Grant

COMMENTS: The Development and Parks Director stated that the City acquired CDBG funds for facade improvements for the 300, 400 and 500 blocks of Jefferson Street. He stated that the City received a \$500,000.00 grant through CDBG funds. He stated that a pre-bid meeting will be held on July 29, 2014 with bids

being opened on August 12, 2014 and the bid awarded on August 18, 2014. He stated that he hoped that construction would start in 2014. He presented a list

of properties that will be a part of the facade grant project. He stated that the plans for the projects are located in the Development Department and the office of the City Clerk. John Fenton of 1332 Griswold Street asked how much of

the City's money was being used for the project. The Development and Parks Director stated that the City's portion was a \$60,000.00 local match for the facade improvement to the Senior Center. Steve Frevert, Executive Director of Downtown Partners, stated that the project was a long time coming and he was looking forward to the start of the project. He stated that he would be giving a walking tour this fall of the project. Council Member Anderson stated that she

owns property at 517 Jefferson Street so she would abstain from voting. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Shockley
Motion to Close

Seconded By: Fleming

(VOTE: 4 - AYES Shockley, Fleming, McCampbell and Scott
1 - ABSTAINED Anderson)

CARRIED

Introduced By: Shockley

Seconded By: Scott

Resolution Approving CDBG Downtown Facade Improvement Grant

DISCUSSION: None.

(VOTE: 4 - AYES Shockley, Fleming, McCampbell and Scott
1 - ABSTAINED Anderson)

ADOPTED

4. Statement: Consideration of Burlington Owner-Occupied Rehabilitation Grant
Project: CDBG # 11-HSG-005

COMMENTS: Sara Hecox of the SEIRPC reviewed with Council and the viewing audience the projects that the Burlington Owner Occupied Grant provided to rehabilitate ten homes in the Osborn Targeted Neighborhood. She stated that the

projects consisted of updated electrical, siding, installation of new windows, new roof and lead paint remediation. Council Member Shockley asked if it was a 100% funded grant or if the City was providing funds for the rehabilitation. Sara Hecox stated that the City was contributing \$5,000.00 toward the entire project for sidewalk improvements. Council Member Anderson asked Sara Hecox to explain where the grant funds come from. Sara Hecox stated that the CDBG grant funds came from HUD monies and was a competitive grant process that only Cities and Counties can apply for. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Scott

Seconded By: Shockley

Motion to Close

CARRIED

Introduced By: Shockley Seconded By: Fleming
Motion for Preliminary Adoption of the First Reading of an Ordinance
Amending Section 37.02 Membership; Terms of Chapter 37 Renewable Energy and
Conservation Advisory Committee of the Burlington

DISCUSSION: None.

(VOTE: 5 - â AYESâ)

CARRIED

ORDINANCES:

Introduced By: Shockley Seconded By: Scott

1. Motion to Amend the Motion for Preliminary Adoption of the Second 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: The Development and Parks Director stated that there were no
changes to the Ordinance Amending Section 161.04 Certificate of Rental Permit
of Chapter 161 Housing Code of the City of Burlington Municipal Code from the
first reading. 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 a unit. Ben Brozene of Iowa City stated that most members of the Southeast
Iowa Property Owners Association support the proposed Ordinance. Council Member

Shockley thanked the Development and Parks Director for working on the Rental
Permit Ordinance. She stated that it was a good start in making rental building

owners accountable. 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: Fleming

2. Motion for Waiver of Preliminary Consideration and Adoption of the Second
Reading and for Final Adoption 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 - â AYESâ)

CARRIED

Introduced By: Fleming Seconded By: Scott

2. Motion for Preliminary Adoption of the Second 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: Mayor McCampbell stated that he received many phone calls and more
than 100 e-mails from people concerned about the proposed Ordinance. He stated
that there was a group giving out false information and propaganda. He stated
that he would enlighten the public that the proposed Ordinance was not a ban on
guns and not a ban on toys. He stated that he recently purchased a cap gun for
his grandson. He stated that Burlington was an elderly community and he did not

want the elderly scared when they see children walking through Burlington with an air gun or other realistic facsimiles of firearms not in a case. He stated that the proposed Ordinance was not taking away anyone's rights. The Police Chief stated that a propaganda e-mail was sent stating that the proposed Ordinance was taking away the second amendment and limiting guns. He stated that the proposed Ordinance is only about how a person transports air guns and other realistic facsimiles of firearms from point A to point B. He stated that the Police Department receives approximately 30 to 40 calls a year about a child

with a gun stuck in their pants. He stated that there were already laws for illegal use of a BB gun. He stated that the proposed Ordinance was strictly for

transportation of guns. John Fenton of 1332 Griswold Street asked what the penalty would be for a noncompliance. The Police Chief stated that it would be a simple misdemeanor. John Fenton stated that children would be getting arrested for playing with toys. He stated that the proposed Ordinance was picking on parents and children. Bob Knoll of 117 South Roosevelt questioned if the proposed Ordinance was an original Ordinance or a template Ordinance from

another City. The Police Chief stated that he looked at numerous Ordinances and

the proposed Ordinance was very similar to the City of Marion, Iowa. Rhonda Diewold of 2200 West Avenue stated that she recently had a person sighting their

scope gun on her forehead. She stated that she contacted the Police Department and they met with the person and he said he was sorry. She said that there needed to be more done than the person saying they were sorry. She said she later contacted the Police Department and was told by a person in the office that when she noticed the red light on her forehead that she was stupid not to have run in a zigzag pattern. The Police Chief stated that if that was said, it

should not have been. He urged her to contact his office and speak with him. Amy Beavers, DMC Attorney, stated that she read the proposed Ordinance and had questions since she would be prosecuting individuals under the proposed law. The

Police Chief urged Amy Beavers to meet with him to discuss the proposed Ordinance. Shawn Gerhardt of 1000 Spring Street stated that the proposed Ordinance would cause higher police calls. Paula Paul of 130 South 7th Street stated that if she sees a teenager walking with a gun case through her yard she would be calling the Police Department. Robert Sourwine of 712 South 12th Street, Keith Turrill of 123 Greenwood and Rosalyn Thompson of 2405 Washington stated that they were in favor of the proposed Ordinance. Those that were in favor stated that toy guns need to be treated like a real gun and should be in a

case. Rosalyn Thompson stated that she would like to see guns color coded. Council Member Anderson and Council Member Shockley stated their concern that the proposed Ordinance was not clear enough and that it should be rewritten. Council Member Scott stated that the proposed Ordinance can be kicked back to the Police Chief and be rewritten. He stated that the Council was looking at the proposed Ordinance for the right reason. Mayor McCampbell thanked everyone for coming to the meeting. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 1 - AYE Fleming

4 - NAYS Shockley, Anderson, McCampbell and Scott)

FAILED

RESOLUTION:

Introduced By: Fleming Seconded By: Shockley

1. Resolution to Censure

DISCUSSION: Mayor McCampbell stated that he did not think or has ever thought that Council Member Scott was a racist nor has he ever called Council Member Scott a racist. He stated that he did not condemn Council Member Scott, but would leave that up to God to condemn or not condemn all of us. He stated that he does choose to separate himself from some of the comments that Council Member

Scott made and misrepresentation of facts with a blanket statement about the youth of the community. He stated that as to the subject of crime he does not care what color you are, or what City you are from. He stated that if you want to come to Burlington to dirty it up the Police Chief and police officers will find you and prosecute you to the fullest extent of the law. He further stated that Council Member Scott was still his friend. Council Member Fleming stated that he definitely did not approve of Council Member Scott losing his temper, pounding on the table and throwing things was not acceptable behavior. Council Member Anderson stated that at the July 7, 2014 City Council meeting when Council Member Scott was ranting about the July 4, 2014 incident, he was looking

toward her. She stated that she was shaking her head yes because she lives in the South Hill neighborhood and she did hear a lot of fireworks that night when she went to bed. She stated that she spoke with the night manager at the Circle

K and his story was inline with Council Member Scott's story. She stated that

after he finished speaking that night he picked up a proposal for a downtown development and he said he was not going to support this development as it was

new construction and then he threw the proposal at her face and left the meeting. She stated that she did not respond that night, but felt if she would have thrown papers at Council Member Scott's face, she would get a response of

indignation. She stated that there were TV stations at the Council meeting that

night so she did not say anything. She stated that later that night and the next day she received text messages and phone calls from people that were asking

if Council Member Scott had apologized to her. She stated that Council Member Scott did not call her and did not apologize at the July 14, 2014 City Council Work Session. She stated that throwing papers at her face was the same type of disrespect that Council Member Scott was talking about the youth throwing bottlerockets at a police officer on July 4, 2014 at the Circle K. She stated that nine days after the incident she received a plant with an apology, but she did not feel it was sincere and she would like a sincere apology. She stated that she knew that Mayor McCampbell had urged Council Member Scott to send her an apology. She stated that she would rather see Council Member Scott pledge to

control his abusive behavior at the City Council meetings and to make a sincere apology to her. She further stated that she did consider Council Member Scott a friend. She stated that she did not understand why Council Member Scott was so angry at her. She further stated that she did not know what Council Member Scott thought he would gain by making racial remarks with a Des Moines TV station two days after the July 7, 2014 City Council meeting. She stated that the Resolution of Censure would not have happened if Council Member Scott would have apologized to her the next day and had not done the TV interview. She stated that she hoped the Resolution of Censure will help Council Member Scott realize that there is an expectation from the people that he supports for a level of professionalism and civility in the position of City Council member and

that he would exercise self control when dealing with Council and others.

Council Member Shockley stated that the purpose of the Resolution of Censure was not to brand Council Member Scott as a particular person. She stated that she considered Council Member Scott a friend, but that she disagrees with him politically, which is fine. She stated that free speech does not allow a person

to scream fire in a crowded building when there is no fire. She stated that free speech allows her to call Council Member Scott out when she thinks she should call him out for crossing the line in actions or statements. She reminded Council Member Scott that free speech comes with responsibility and that he is responsible for his speech and his actions. She said that the Resolution of Censure lets Council Member Scott know that as a Burlington City Council person that she does not want to be attached to certain portions of his speech or actions. She stated that Council Member Scott's action toward another Council

Member were not correct and she did not want to be attached to that. She further stated that Council Member Scott made accusations about an incident that

he did not have first hand knowledge, but reported to have first hand experience, followed by a statement about crime statistics in Burlington and pegging it on one ethnic group, which was not true. She stated that to further bolster his false statements, he offered supporting statements to the media that

were intended to look current but were over a period of several years. She stated that she didn't want Council Member Scott to lie to represent his opinion

but to stick with the facts. She further urged Council Member Scott to treat people with respect. Debbie Smith of 701 East Pennington Street, Apt. 224, West

Burlington stated that she was from Chicago and she did not want to be labeled as "people from Chicago" or have her children called "bastards". She stated

that nine days was too long for an apology. She stated that Council Member Scott needed to apologize. She further stated that God forgives, so she can forgive Council Member Scott too. Rev. David Selmon of 226 South 10th Street stated that Burlington was not the only City having problems with crime. He stated that he would pray for Council Member Scott. Owen T. Sloan of 1621 South

14th Street stated that he would like to know exactly what Council Member Scott said. He stated that he was not from Chicago, but he was still offended that Council Member Scott threw papers at Council Member Anderson and called the youth of Burlington "those little bastards". Freddie Starling of 517 South 7th

Street stated that he considered Council Member Scott a friend, but he was very offended by the Chicago comment. He stated that he was against branding people and urged Council Member Scott to apologize. Rev. Al Sparks of 302 South Garfield Avenue also stated that Council Member Scott should apologize, leave it

to God and move on. Victoria Coleman, 611 West Van Weiss, Apt. 40, West Burlington stated that she was from Chicago and that she was not a bad person. Leslie Brown of 2411 Valley Street stated that she was from Chicago and has lived in Burlington for three years and that she was upset about the comments made by Council Member Scott. She stated that she was a woman of God and that she would lift up Council Member Scott in prayer. Mark Ertz of 2104 Vogt Street

stated that he went to school with Council Member Tim Scott and former Council Member Garry Thomas. He stated that Council Member Scott's heart was in the right place, but he puts his foot in his mouth sometimes. He urged Council Member Scott to do the right thing and apologize. John Fenton of 1332 Griswold

Street stated that he was proud of what Council Member Scott did at the gas station. Bob Knoll of 117 South Roosevelt stated that he was from Chicago. He stated that he does not want people living in Burlington who do not pay property

taxes. He urged the Council to find funds for the Police Chief to hire more police officers. John Sandell of 820 Easy Street stated that he was married to someone from Chicago. He urged the Council to let it drop and that it was up to

Council Member Scott if he wants to apologize. Mallory Scott of 2109 Madison Avenue stated that if people don't want to apologize, they don't have to. Ray

Buckle of 301 Maple Street asked what was going to happen to change things on Maple Street. Mayor McCampbell stated that not everyone on Maple Street is a problem. He stated that Council was working with community leaders and the Police Chief to address that area. He also stated that crime was not just at Maple Street and Vine Street, but that crime was throughout the community. Council Member Scott stated that the first thing he would like to say was that it was always his intention to come to the meeting tonight and to apologize to Council Member Anderson. He stated that the reason that he waited nine days was

that he wanted his apology to be made a part of the public record at a Council Meeting and not at a work session. He apologized to Council Member Anderson. He further stated that he also did not realize that when he threw the papers at Council Member Anderson that he hit her until the Mayor let him know. He stated

that he was not happy with Council Member Anderson at the July 7, 2014 City Council meeting. He stated that by no means did he mean to hit her and he sincerely apologized. He stated that he hoped he would never intentionally hit someone without being struck first. He asked Council Member Anderson to accept his apology. He stated to the black community his sincere apology. He stated that he spoke with two command officers, the police officer that was at the scene and an eye witness who claimed the police officer turned and ran. He stated that he had the information first hand. He stated that he was not at the

Circle K and he did not see what happened, but he trusts the command officers and the police officer to tell the truth. He stated that if they do not tell the truth that they should not be police officers. He stated that he lost control because he did not know where to turn or what else to do. He stated that he did say to a news reporter after the fact that in that neighborhood there has been a problem with young black people in their tweens, teens and those in their twenties. He stated that he also told the news reporter that there was a Chicago influence in that area. He stated that he knows that not everyone from Chicago is bad. He stated one of his very best friends happen to be a black lady and her family from Chicago. He stated that she was one of the greatest people he knows. He stated that wants people to be safe in this community. He stated that he would not apologize for wanting that. He stated that he would like to apologize for calling a group of teens "bastards" and he

would also like to apologize if it seemed that he was singling out only black people. He further apologized if he offended anyone by saying that there was a Chicago influence. He stated that he pointed out to the reporter that there was

so much more to the problems that Burlington has, such as a high ranking official that likes to jog in the street with her back to the traffic without looking what she does, a former Mayor and his wife that did the same thing. He stated that to him that is a problem. He stated that approximately 5 weeks ago his great niece was recently killed by a drunk driver in a parking lot. He stated that her name was Dniyah and she was black. He stated that there have been all races and all creeds walking in the streets and he questioned how many times that child had seen that and thought it was okay, but she is now dead. He

stated that if he offended someone he apologies, but something needs to be done.

He stated that the Police Department's budget has been cut too much. He stated that there needed to be more police presence. He stated that if a person is mad at him, then they should talk to him. He stated that something good has come of this as there have been several meetings concerning crime. He stated that it boils down to people being good to people. He stated that he was sorry if he embarrassed Council and staff. He stated that he has a temper. He hoped that the Council would join him in condemning any actions taken against the Burlington Police Department and give them the power and support to fight crime.

He appreciated all the comments that people made tonight and he urged all to contact him. Mayor McCampbell thanked everyone for being respectful and civil. Council Member Anderson stated she felt the Council accomplished what they needed to accomplish and they now need to move on. She stated that if everyone in attendance can accept Council Member Scott's apology that she could too and

that she would vote against the Resolution to Censure. Council Member Fleming stated that he would vote nay too. Mayor McCampbell stated he had previously met with Council Member Scott and had already accepted his apology, but that he was going to vote in favor of the Resolution to Censure. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 2 - AYES Shockley and McCampbell
2 - NAYS Anderson and Fleming
1 - ABSTAINED Scott)

FAILED

COMMENTS FROM AUDIENCE: John Sandell of 820 Easy Street stated that the Resolution that the City Council approved on the consent agenda was \$4,000.00 that the City spent on nuisance abateements. He stated that he would like to see

a higher level of a lien placed on the property where the property owner is forced to sell their property. Dwight Mulch of 231 South 3rd Street stated that

both he and his wife were late to the meeting. He asked if the City sold lots 173, 174, and 175 Original City of Burlington. Council Member Shockley stated that the proposal for sale of the property was withdrawn. Dwight Mulch stated that he and his wife were interested in purchasing property at Lots 173, 174, and 175, Original City of Burlington. John Fenton of 1332 Griswold Street asked

if the Resolution to Censure passed. Council Member Scott stated that it failed. Dave Myers of 605 Hedge Avenue stated that he felt a property owner should not have to pay a fee to have a fire pit. John Fenton of 1332 Griswold Street stated that he cooks on his fire pit. Wendall Timmerman of 2204 Piper Place stated that he was at Circle K the night that the youth were setting off fireworks and the police officer was called. He stated that he was scared and quickly left. He stated that as a senior citizen he did not want to feel like that again. He urged Council to protect the senior citizens of Burlington as they should not feel threatened or scared. All present had opportunity to speak

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

Adjournment: 8:15 p.m.

Approved: August 4, 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

Payroll and City Claims

BEER, LIQUOR, WINE AND CIGARETTES

REPORTS AND BONDS

RESOLUTIONS

1. Resolution Approving Nuisance Abatements for Various Properties
2. Resolution Approving Agreement with Aspelmeier, Fisch, Power, Engberg and Helling, P.L.C. for Professional Attorney Services
3. Resolution Approving Lease Agreement for the Home at 1720 Dill Street

SET DATE FOR PUBLIC HEARINGS: AUGUST 4, 2014

1. Consideration of an Ordinance Amending Various Sections of Chapter 162, Fire Prevention Code of the City of Burlington Municipal Code
2. Consideration of an Ordinance Rezoning the Property Located East of Osborn Street Between Franklin Street and Mt. Pleasant Street from an M-1, Light Industrial, to an R-3, Two-family Residential Zoning District
3. Consideration of an Ordinance Amending Section 17.75.104 District Signage Regulations of Title 17, Development Program (Zoning Code) of the City of Burlington Municipal Code