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MINUTES OF THE PROCEEDINGS  
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 16  
August 18, 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 Pro-Tem Anderson, Council Members Scott and Shockley present. Mayor Pro-Tem Anderson led the meeting as Mayor McCampbell was unable to attend the meeting. Council Member Fleming arrived at 6:12 p.m.

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: Shockley Seconded By: Scott

MOTION: To approve all items listed under Item I., Consent Agenda.

DISCUSSION: Mayor Pro-Tem Anderson 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: 3 - AYES )

CARRIED

ORDINANCES:

Introduced By: Shockley Seconded By: Scott

1. Motion for Preliminary Adoption of the Second Reading of an Ordinance Amending Various Sections of Chapter 162, Fire Prevention Code of the City of Burlington Municipal Code

DISCUSSION: The Fire Chief stated that there were no changes to the proposed Ordinance Amending Various Sections of Chapter 162, Fire Prevention Code of the City of Burlington Municipal Code from the first reading. He stated that the Fire Department will have a flier that explains recreational fires that they can

pass out in the community. He stated that the biggest concern is smoke. He stated that the Ordinance states that the wood needs to be clean and dry, which should help with the smoke. Mayor Pro-Tem Anderson stated that many elderly citizens are concerned about the smoke. Mark French of 601 Harrison Avenue stated that he felt that using the fire pits for recreational fires would present a smoke nuisance. He further stated that the EPA has determined that the smoke is a carcinogen. Larry Williams of 1567 Mason Lane stated that both he and his wife have lung problems. He further stated that burning wood was not good for the planet. Dave Myers of 605 Hedge Street stated that he was in favor of the proposed Ordinance. He stated that we live on a planet that has pollution from all types of sources. Ron Brozene of Plank Road asked if the proposed Ordinance was in regard to wood burners/furnaces. The Fire Chief

stated that the proposed Ordinance was in regard to fire pits only. Council Member Scott stated that the Council received a letter from Clara Jacobs against

the proposed Ordinance as she has serious respiratory problems. He stated that a Mr. Ripinger has COPD and was opposed to the proposed Ordinance due to a breathing problem. Council Member Shockley stated that she felt the proposed Ordinance was well written and was another tool for people wanting to move to Burlington. Council Member Scott stated that he would vote in favor of the proposed Ordinance to move it onto the final reading to the September 2, 2014 City Council meeting when the full Council would be able to vote. Mayor Pro-Tem

Anderson stated that she would also like to see the full Council vote on the proposed Ordinance at the September 2, 2014 City Council meeting. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 3 - AYES )

CARRIED

Introduced By: Shockley Seconded By: Scott

2. Motion for Preliminary Adoption of the Second Reading of an Ordinance Rezoning the Property Located East of Osborn Street Between Franklin Street and Mt. Pleasant Street from a M-1, Light Industrial, to a R-3, Two-family Residential Zoning District

DISCUSSION: The Development and Parks Director stated that there were no changes

to the Ordinance Rezoning the Property Located East of Osborn Street Between Franklin Street and Mt. Pleasant Street from a M-1, Light Industrial, to a R-3, Two-family Residential Zoning District from the first reading. He stated that the property is the former Fire Station and the owner plans to use the property as a personal residence. He stated that the proposed Ordinance also rezones other properties in the area that are two-family residential that were previously non-conforming uses. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk

(VOTE: 3 - AYES )

CARRIED

Introduced By: Shockley Seconded By: Scott

3. Motion for Preliminary Adoption of the Second Reading 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

DISCUSSION: The Development and Parks Director stated that the proposed Ordinance amends district signage regulations to allow a church, school, or other institutions and public buildings to be permitted to have a 12-foot high sign when located further than 100-feet from an adjoining lot used and/or zoned for residential purposes. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 3 - AYES )

CARRIED

Introduced By: Scott

Seconded By: Shockley

4. Motion for Final Adoption of an Ordinance Amending Section 31.01 Creation; Composition of Chapter 31 Riverfront Advisory Committee of the Burlington Municipal Code

DISCUSSION: City Manager stated that the proposed Ordinance amends the residency

requirement for the Riverfront Advisory Committee. He stated that the proposed Ordinance shall give preference to persons who are residents of the City, but members may be appointed who are residents of the Greater Burlington area. The

membership shall include a majority of residents residing within City limits. He stated that the proposed Ordinance amendment also provides that the City Manager or an individual appointed by the City Manager, who shall serve as the tenth member of the Committee in the capacity of an ex-officio member without voting power. Council Member Scott stated that citizens of Burlington should have the right to serve on the board. He stated that there are people that do not live in Burlington that are against Burlington and they could end up serving on a City board. Mayor Pro-Tem Anderson stated that there are people that live outside of Burlington, but work in Burlington or own property in Burlington. She stated that the Council has the final decision on who gets appointed to a committee or board. Council Member Shockley stated that her concern was that the Riverfront Advisory Committee has some spending power and she questioned in the past what the Committee has spent funds on. She stated that she does not have a good comfort zone with the proposed Ordinance. Council Member Scott made

a motion that the Council continue the final adoption of the Ordinance to the September 2, 2014 City Council meeting. Council Member Shockley seconded the motion. All those in attendance voted in favor of continuing the final adoption

to the September 2, 2014 City Council meeting. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Scott

Seconded By: Shockley

5. Motion to Continue the Final Adoption of an Ordinance Amending Section 31.01 Creation; Composition of Chapter 31 Riverfront Advisory Committee of the Burlington Municipal Code to the September 2, 2014 City Council Meeting

DISCUSSION: None.

(VOTE: 3 - AYES )

CARRIED

(Council Member Fleming arrived to the City Council meeting at 6:12 p.m.)

Introduced By: Scott

Seconded By: Shockley

6. Motion for Final Adoption of an Ordinance Amending Section 37.02 Membership; Terms of Chapter 37 Renewable Energy and Conservation Advisory Committee of the Burlington Municipal Code

DISCUSSION: The City Manager stated that the proposed Ordinance amends the residency requirement for the Renewable Energy and Conservation Advisory Committee. He stated that the change was requested by the members of the Renewable Energy and Conservation Advisory Committee. He stated that the proposed Ordinance shall give preference to persons who are residents of the City, but members may be appointed who are residents of the Greater Burlington area and would allow those who live in Western Illinois to serve. He stated that non-resident membership shall not exceed three members. Council Member Scott stated that he had the same concerns as he did with the Riverfront Advisory Committee, but the Renewable Energy and Conservation Advisory Committee

already allows membership outside of Burlington but would now open up membership

into Illinois. Council Member Shockley stated that this Committee has no City purse strings. The City Manager stated that the Committee does have an allocation of \$5,000.00 per year that they are allowed to accumulate. Mayor Pro-Tem Anderson stated that the Renewable Energy and Conservation Advisory Committee was instrumental in the hydroelectric study which would benefit more Illinois residents than Iowa. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 3 - AYES Scott, Shockley and Fleming

1 - NAY Anderson)

CARRIED

RESOLUTIONS:

Introduced By: Fleming Seconded By: Scott

1. Resolution Approving the Termination of Agreement with American Water Resources, Inc. for the Linesaver Program Affinity Services Agreement

DISCUSSION: The City Manager stated that the proposed Resolution would terminate the agreement with American Water Resources on January 21, 2015. He stated that

the agreement would automatically renew for five years unless the City sends a letter 90 days prior to the automatic renewal date. He stated that should the Council not renew the agreement with American Water Resources, the City would not receive a commission as the City would no longer be endorsing American Water

Resources. He stated that American Water Resources could still serve property owners along with Home Serve, which provides similar coverage. Mary Kay, representing American Water Resources, stated that the letter that American Water Resources uses on City letterhead was revised per the wishes of the City.

She stated that should the City renew the agreement with American Water Resources they would offer the following: they will increase the revenue share paid to the City from 5% to 10%; they will continue to offer its programs at the

same rate of \$5.00/month for a water line protection program, \$9.00/month for sewer line protection program and \$12.00/month for a water line and sewer line protection program; they want to introduce the H2O program with a \$5,000.00 per contract year to help homeowners that cannot afford the program and have immediate water line or sewer line repair needs on their property and also in response to the needs of the customers in Burlington and AWR will cover repairs to broken sewer lines. Ron Brozene of the Southeast Iowa Property Owners Association stated that he would like to see the City raise the water bill by \$5.00 for broken sewer lines and then the City would hire a local contractor to make the repairs. Dave Myers of 605 Hedge Street asked if the insurance covered

natural disasters. Mary Kay stated that the insurance does not cover natural disasters. Sharon Bennett of 1008 South 3rd Street, stated that she was against

the City instituting a \$5.00 fee on the water bill as she felt it should be a choice factor as to whether you want to purchase the insurance. Larry Williams of 1567 Mason Lane stated that he did not think the City needed to be involved in the insurance business. Randy Bennett of 1008 South 3rd Street stated that he owns and operates the Drain Doctor and that he was a contractor for American Water Resources. He stated that American Water Resources offers a great program. He stated that Home Serve does not offer as good of a program and has higher premiums. Council Member Shockley stated that many people do not understand the letter and the Council has the responsibility to protect citizens. She questioned if the City should put out an RFQ and open it up to a free market. Council Member Fleming stated that he had initial concerns but now feels comfortable with all the changes that American Water Resources has made. Mayor Pro-Tem Anderson stated that she wanted the best value for the citizens. Council Member Scott stated that he does not work for American Water Resources as a contractor, but he does endorse them. He stated that after having a sewer line break 25 years ago he made it his life's mission to help people that want

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

(VOTE: 3 - â NAYSâ Shockley, Anderson and Fleming

1 - â ABSTAINEDâ Scott)

FAILED

Introduced By: Fleming Seconded By: Shockley

2. Resolution Authorizing the Filing of an Application with the State of Iowa for Transportation Safety Improvement Program (TSIP) Funds for Site Specific Improvements Including New Signals and Extended Left Turn Lanes at the Intersection of Agency and the Entrances of Walgreens/KMart on Behalf of the City of Burlington

DISCUSSION: The Public Works Director stated that on behalf of the City of Burlington, the Southeast Iowa Regional Planning Commission prepared three project submittals for Traffic Safety Improvement Program (TSIP) grant dollars on the Agency Street corridor. He stated that TSIP allocates traffic safety funds in three categories: site-specific, traffic control devices and research/studies/public information. He stated that only City and County governments and the IDOT may apply for the traffic safety funds. He stated that

the first grant application was for site specific improvements including new signals and extended left turn lanes at the intersection of Agency and the entrances of Walgreens/KMart, the second grant application was for site specific

improvements including new signals and extended left turn lanes at the intersection of Agency and Columbus Drive and the third grant application was for a traffic control device at the intersection of Agency and the entrances to Hobby Lobby/Dollar General. The City Manager stated that should the City receive the grant funds the Council would need to look at the City's budget and

decide what projects they would fund. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - AYES )

ADOPTED

Introduced By: Scott

Seconded By: Shockley

3. Resolution Authorizing the Filing of an Application with the State of Iowa for Transportation Safety Improvement Program (TSIP) Funds for Site Specific Improvements Including New Signals and Extended Left Turn Lanes at the Intersection of Agency and Columbus Drive on Behalf of the City of Burlington

DISCUSSION: None.

(VOTE: 4 - AYES )

ADOPTED

Introduced By: Scott

Seconded By: Fleming

4. Resolution Authorizing the Filing of an Application with the State of Iowa for Transportation Safety Improvement Program (TSIP) Funds for a Traffic Control

Device at the Intersection of Agency and the Entrances to Hobby Lobby/Dollar General on Behalf of the City of Burlington

DISCUSSION: Council Member Scott stated that he hoped the City receives the grant for the traffic control device at the intersection of Agency and the entrances to Hobby Lobby/Dollar General which was very much needed. All present

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

(VOTE: 4 - AYES )

ADOPTED

COMMENTS FROM AUDIENCE: Larry Williams of 1567 Mason Lane stated that the Hobby Lobby parking lot has huge potholes. He stated that he would like the Council to put pressure on businesses to improve their parking lots. Dave Myers of 605 Hedge Street asked about micro tunneling. The City Manager stated that there has to be the right conditions to use micro tunneling. Ron Brozene, representing the Southeast Iowa Property Owners asked if the Ordinance was approved by the Council which requires landlords to post a copy of their rental permit in each of their rental units. He also asked about the complaint

procedures for those renting properties. The Development and Parks Director stated that the Ordinance has already gone into effect and suggested that landlords make a copy of their rental permits and post. He stated that there was a formal complaint form on the City's website under the listing Development

Department. Council Member Shockley stated that a good landlord should not have to fear anything. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 7:42 p.m.

Approved: September 2, 2014

Kathleen P. Salisbury, MMC  
City Clerk

Becky Anderson  
Mayor Pro-Tem

(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 Final Acceptance, Final Payment and Release of Retention Monies for the 2012 Cascade Watershed Separation Project, Phase I
3. Resolution Amending the Fee and Charge Schedule for Special Events

SET DATE FOR PUBLIC HEARING: SEPTEMBER 2, 2014

1. Consideration of a Permanent Encroachment Agreement with Huckleberry Holdings LLC and Winegard Realty Company for Encroachment into City Right-of-Way at 3001 Winegard Drive, Burlington, Iowa