

Subject to change as finalized by the City Clerk. For a final official copy, contact the City Clerk's office at (319) 753-8124.

MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 17
September 2, 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 to the meeting shortly after the meeting started.

BURLINGTON CITY COUNCIL

CERTIFICATE OF RECOGNITION:

Kenneth Hillyer, Streets/Sewer Maintenance Worker II, 40 Years of Service

PROCLAMATIONS:

Workforce Development Professionals Month - Debbie Dowell
National Library Card Sign Up Month - Rhonda Frevert

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: Fleming

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. He requested the removal of the Resolution Approving 28E Agreement Between the City of Burlington and the City of Mount Pleasant to Provide Mutual Aid for Significant Emergencies 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

HEARING:

1. Statement: 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

COMMENTS: The Development and Parks Director stated that recently Huckleberry Holdings LLC and Winegard Realty completed a survey of land within the Great River Subdivision. He stated that there are parking lot encroachments on the City of Burlington frontage road, lot A and Kirkwood Street along with signs and

light posts on City property/street right-of-way. 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
Resolution Approving 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

DISCUSSION: None.
(VOTE: 5 - â AYESâ)
ADOPTED

ORDINANCES:

Introduced By: Shockley Seconded By: Scott
1. Motion for Final Adoption of an Ordinance Amending Section 17.75.104 Dis
trict
Signage Regulations of Title 17, Development Program (Zoning 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 17.75.104 District Signage Regulations
of Title 17, Development Program (Zoning Code) of the City of Burlington
Municipal Code from the second reading. He 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: 5 - â AYESâ)
CARRIED

Introduced By: Shockley Seconded By: Scott
2. Motion for Final Adoption 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 second 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: 5 - â AYESâ)
CARRIED

Introduced By: Fleming Seconded By: Shockley
3. Motion for Final Adoption 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 reading. 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. He stated that no permit was required. Jeremie McCoy of 2921 West Avenue stated that he recently moved from Bloomfield, Iowa and was very surprised that a property owner cannot use fire pits for recreational use. Joel Behne of 1924 Vogt Street stated that he was in

favor of the proposed Ordinance and hoped those enforcing the Ordinance know the difference between complaint driven and a complainer. Dave Myers of 605 Hedge Avenue 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 such as trains carrying coal and the fumes from weed eaters and blowers that require gasoline.

He urged Council to vote in favor of the proposed Ordinance. Mark French of 601 Harrison Avenue stated that the physical discomfort that comes from smoke was his own personal experience. He stated that recreational fires should only be allowed in open spaces such as public parks. Council Members Anderson, Fleming, Scott and Shockley stated that they heard from more property owners in favor of the fire pits for recreational use than opposed. Mayor McCampbell stated that he still feels the same way he did at the other readings of the Ordinance. He stated that he wanted to represent those that have a hard time breathing and that he would be voting against the adoption of the Ordinance. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

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

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 Continued from the August 18, 2014 City Council Meeting

DISCUSSION: City Manager stated that the final adoption of the Ordinance Amending Section 31.01 Creation; Composition of Chapter 31 Riverfront Advisory Committee of the Burlington Municipal Code was continued from the August 18, 2014 City Council Meeting. He 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 further 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. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 2 - AYES Fleming and Anderson
3 - NAYS McCampbell, Scott and Shockley)

FAILED

RESOLUTIONS:

Introduced By: Scott

Seconded By: Shockley

1. Resolution Approving Administrative Fees for Parking Violations of the City of Burlington, Iowa

DISCUSSION: The City Manager stated that the proposed Resolution establishes administrative fees to be charged for past due parking violations. He stated

that the additional administrative fee when filed with the Iowa Offset Program would be a \$7.00 flat fee and the additional administrative fee when filed for collections would be \$5.00 per ticket. He stated that the administrative fee offsets the City's cost when a parking violation is delinquent. All present had

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

(VOTE: 5 - AYES)

ADOPTED

Introduced By: Scott

Seconded By: Shockley

2. Resolution to Establish Fire Department Response Fees

DISCUSSION: The Fire Chief stated that the proposed Resolution established Fire Department response fees. He stated that the Fire Department incurs a significant amount of staff time and apparatus costs responding to and mitigating fire and emergencies. He stated that fees would be as follows: motor

vehicle fire \$250.00 (Burlington resident \$150.00); motor vehicle accidents \$250.00 (Burlington resident \$150.00) and grass/brush fire \$250.00 an hour to a \$1,000.00 maximum. Council Member Scott asked who would get charge if a child started a brush fire. The Fire Chief stated that in the case of a child starting a brush fire, the property owner would not be charged. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - AYES)

ADOPTED

Introduced By: Scott

Seconded By: Shockley

3. Resolution Awarding Contract for CDBG Downtown Facade Improvement Project

DISCUSSION: The Development and Parks Director stated that the proposed Resolution awards the contract for CDBG Downtown Facade Improvement Project to Schickedanz Construction of Ft. Madison, Iowa in the amount of \$978,529.00. He stated that the City received only one bid and Mark Fisher of Klingner and Associates was working with the contractor and property owners to lower the cost

of the project as the bid came in greater than the estimated construction amount. He stated that the grant was for \$500,000.00 and the property owners are to contribute 30% of the improvement cost. He stated that any amount over the initial estimate was the responsibility of the property owner. He stated that the City's contribution was \$60,000.00 toward a new facade for the Senior

Center. Mark Fisher of Klingner and Associates stated that the bid of \$978,529.00 was a fixed fee, but that changes could be made through change orders to help reduce the amount. Freddie Starling of 517 South 7th Street stated that he would like the project explained to him. The City Manager stated

that the City applied for the CDBG grant funds in 2011. He stated that the City

received CDBG grant funds of \$500,000.00. He stated that the grant funds will be used by downtown property owners in the downtown with the property owner matching the grant funds. He stated that part of the project was improving the Senior Center with the City's portion of \$60,000.00. Steve Frevert, of Downtown

Partners, stated that the CDBG funds were federal funds that the City applied for and received. He stated that the funds would be only used in the 300, 400 and 500 blocks of Jefferson Street. Freddie Starling stated that only a small portion of people living in Burlington receive a blessing and the rest of the

tax payers have to pay. Mayor McCampbell stated that the City's portion was for

making improvements to the Senior Center, a City-owned building. He stated that

the City was not showing favoritism toward a certain area. Council Member Anderson stated that the CDBG grant funds were available for Cities in the United States and that it was a good thing that the funds came to Burlington. Freddie Starling asked if the contractor doing the work would have African Americans on the job. The City Manager stated that the contractor has to meet all federal equal opportunity employee requirements. Council Member Shockley stated that Debbie Dowell of Workforce Development who spoke earlier at the City

Council meeting stated that there were more than 800 jobs that cannot be filled.

She urged people to go to Workforce Development and fill out a job application.

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

(VOTE: 5 - AYES)

ADOPTED

Introduced By: Scott

Seconded By: Shockley

4. Resolution Approving 28E Agreement Between the City of Burlington and the

City of Mount Pleasant to Provide Mutual Aid for Significant Emergencies

DISCUSSION: The Fire Chief stated that the proposed Resolution was a standard 28E agreement that the City Attorney wrote. He stated that if there was a natural disaster or if a specialized equipment was needed, the Fire Department could contact the City of Mt. Pleasant to provide mutual aid or equipment. 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: Dave Myers of 605 Hedge Avenue stated his concern that a

police officer had to pay out of his own pocket for a chiropractic adjustment for a work related injury. The Police Chief stated that when a City employee gets injured on the job there was a standard process that is followed. Dave Myers stated that he would like the coal trains that travel through Burlington have covers to protect people from the coal dust. He also stated that he would like to see an Ordinance approved requiring electric weed eaters and electric blowers verses gas. Mayor McCampbell stated that there would be nothing that the City Council could do about the placement of covers on coal trains. All present had opportunity to speak and nothing additional was filed in the office of City Clerk.

Adjournment: 6:53 p.m.

Approved: September 15, 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 Authorizing the Removal of Traffic Signals and the Placement of Stop Signs at 3rd and Jefferson Streets, 4th and Jefferson Streets and 5th and Jefferson Streets as Provided in Chapter 71 of the Burlington City Code

SET DATE FOR PUBLIC HEARINGS: SEPTEMBER 15, 2014

1. Consideration of a Permanent Encroachment Agreement with Harmony Bible Church for Encroachment into City Right-of-Way at 906 Maple Street, Burlington, Iowa
2. Consideration of a Resolution Approving the Voluntary Severing of Territory for the Property Located North of 2750 Florence Avenue, Burlington, Iowa
3. Consideration of an Ordinance Amending Chapter 56.01(1)(A), 56.01(2) and 56.01(5) Curfew of the Code of Ordinances of the City of Burlington, Iowa
4. Consideration of an Ordinance Repealing Chapter 131 Closing Out Sales of the Burlington Municipal Code