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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 18
September 15, 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 Scott present. Mayor McCampbell had to leave the meeting at 5:38 p.m. for a family emergency so Mayor Pro-Tem Anderson led the meeting.

BURLINGTON CITY COUNCIL

RECOGNITION OF COUNCIL MEMBER SHOCKLEY: Mayor McCampbell presented a certificate

of appreciation (a plaque will follow) to Council Member Shockley for her nine months of service for the City of Burlington. He thanked Council Member Shockley for speaking up on tough issues. He further presented her with a laminated copy from the government section of the phone book that listed Becky Shockley as a Mayor. Council Member Anderson thanked Council Member Shockley

for taking the time to read and review the budget and how changes will affect departments. She stated that even though they did not always agree on issues, she appreciated a different opinion than hers. Council Member Shockley stated that she respected the entire Council. She stated that everyone on the Council cares about Burlington and all have different perspectives, which is okay. Council Member Fleming wished Council Member Shockley well. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

PROCLAMATION: Fire Prevention Week: Mark Crooks

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: 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

HEARINGS:

1. Statement: Consideration of a Permanent Encroachment Agreement with Harmony Bible Church for Encroachment into City Right-of-Way at 906 Maple Street,

Burlington, Iowa

COMMENTS: The Development and Parks Director reviewed with Council and the viewing audience the proposed permanent encroachment agreement with Harmony Bible Church for encroachment into City right-of-way at 906 Maple Street. He stated that Harmony Bible Church operates the Maple Leaf Center at 906 Maple Street and the second exit needs a step and railing. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Fleming Seconded By: Scott
Motion to Close

CARRIED

Introduced By: Fleming Seconded By: Scott
Resolution Approving a Permanent Encroachment Agreement with Harmony Bible Church for Encroachment into City Right-of-Way at 906 Maple Street, Burlington, Iowa

DISCUSSION: None.
(VOTE: 3 - AYES)
ADOPTED

2. Statement: 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

COMMENTS: The Police Chief reviewed with Council and the viewing audience the proposed 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. He stated that the curfew hours would be as follows: for persons 15 and under, when school is in session the next day: 9:00 p.m. to 5:00 a.m. for persons 15 and under, when school is not in session the next day: 10:00 p.m. to 5:00 a.m.; for persons under the age of 18, regardless of the day of the week: 11:00 p.m. to 5:00 a.m.;

for persons under the age of 18, when school is not in session the next day: 12:00 a.m. to 5:00 a.m. Council Member Scott stated that he supports the Police Chief's recommendation for the proposed curfew. He stated that presently when

the curfew begins, calls for service go down. Mayor Pro-Tem stated that the proposed Ordinance amendment was due to things that happened this past summer with youth. Council Member Scott further stated that he received a call from a citizen concerned that his niece is on a soccer team and is under the age of 15.

He also stated that she has soccer games until 8:30 p.m. then they go out for dinner after the game. He stated that a 15 year accompanied by an adult and involved in a community activity would not be in violation of the curfew. Mayor

Pro-Tem Anderson and Council Member Scott stated their appreciation to the Chief

for bringing the proposed Ordinance amendment forward to Council for approval. Mayor Pro-Tem Anderson stated that there would be two more readings of the proposed Ordinance. All present had opportunity to speak and nothing additional

was filed in the office of the City Clerk.

Introduced By: Fleming Seconded By: Scott
Motion to Close

CARRIED

Introduced By: Fleming Seconded By: Scott

Motion for Preliminary Adoption of the First Reading 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

DISCUSSION: None.

(VOTE: 3 - AYES)

CARRIED

3. Statement: Consideration of an Ordinance Repealing Chapter 131 Closing Out Sales of the Burlington Municipal Code

COMMENTS: The City Manager stated that a local business that was going out-of-business recently urged the Council to repeal the Closing Out Sales requirements from the Burlington Municipal Code. He stated that many Cities do have Closing Out Sales requirements. Mayor Pro-Tem Anderson stated that she was happy that the Council was considering the proposed Ordinance as the requirement penalizes people for going out-of-business. Council Member Fleming stated that it was a good thing to do. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Scott

Seconded By: Fleming

Motion to Close

CARRIED

Introduced By: Scott

Seconded By: Fleming

Motion for Preliminary Adoption of the First Reading of an Ordinance Repealing Chapter 131 Closing Out Sales of the Burlington Municipal Code

DISCUSSION: None.

(VOTE: 3 - AYES)

CARRIED

RESOLUTIONS:

Introduced By: Scott

Seconded By: Fleming

1. Resolution Authorizing the City Council to Execute Applications and Agreements Related to Economic Development Programs and Commit Required Local Matching Funds to Assist Shearer's Foods Burlington LLC and Shearer Food, LLC in the Expansion of its Burlington, Iowa Plant

DISCUSSION: David Toyer, Director of Economic Development with Grow Greater Burlington, reviewed with Council and the viewing audience the Resolution Authorizing the City Council to Execute Applications and Agreements Related to Economic Development Programs and Commit Required Local Matching Funds to Assist

Shearer's Foods Burlington LLC and Shearer Food, LLC in the Expansion of its Burlington, Iowa Plant. He stated that the plant is planning a capital investment of \$33.3 million, including the addition of approximately 64,000 square feet in building space, as well as expenditures for equipment, research and development and working capital. He stated that the project is expected to create 83 full time positions. He stated that because the proposed expansion will create new taxable value for the City that exceeds 10% of the withholding tax to be received for the project, the City is required to make a 10% local

match, equal to \$4,611.00, in the form of a forgivable loan should the Targeted Jobs Application be approved by IEDA. He stated that Shearer's Foods was seeking financial assistance through the Targeted Jobs Withholding Tax Credit and the High Quality Jobs programs. The City Manager stated that the City's local match of \$4,611.00 would come from an economic development portion of Local Option Sales Tax fund. Council Member Scott asked how soon the expansion would take place. The Development and Parks Director stated that Shearer Food, LLC has already submitted building plans. Mayor Pro-Tem Anderson stated that the Council was happy to see this project happen as it will allow for more jobs.

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

(VOTE: 3 - AYES)

ADOPTED

Introduced By: Scott

Seconded By: Fleming

2. Resolution Approving Imagine Indoor Sports and Recreational Facility Feasibility Study Funding

DISCUSSION: Matt Shinn stated that approximately four years ago there was a grassroots effort through a group of concerned citizens that did a community wide survey and an indoor recreational facility was the highest vote getter. He stated that a feasibility study was a necessary component in determining if the project can be successful fundraising project. He stated that funds are authorized to be provided to Southeast Iowa Regional Planning Commission to conduct the feasibility study in an amount up to \$30,000.00 to determine the potential for success of an indoor recreational facility. Mayor Pro-Tem Anderson stated that the \$30,000.00 was coming from the \$400,000.00 already raised for the project. The City Manager stated that the Southeast Iowa Regional Planning Commission will over see the project. Council Member Fleming stated that it was a great project. Council Member Scott stated that an indoor facility would provide for winter activities and occupancy at motels and hotels would continue to go up. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 3 - AYES)

ADOPTED

Introduced By: Scott

Seconded By: Fleming

3. Resolution Calling for a Special Election to Fill a Council Vacancy

DISCUSSION: Mayor Pro-Tem Anderson stated that the proposed Resolution calls for a special election to fill the Council vacancy of Council Member Shockley. She stated that nomination papers and affidavit of candidacy can be picked up at the

following locations: City Clerk's office, City Hall, 400 Washington St., 2nd floor from 7:30 a.m. to 5:00 p.m. and the Des Moines County Court House, Auditor's office, 513 North Main Street from 8:00 a.m. to 4:30 p.m. Nomination

papers and Affidavit of Candidacy can be printed on the following websites: www.burlingtoniowa.org and www.sos.iowa.gov. Twenty-five (25) signatures are needed. The first day to file is Tuesday, September 16, 2014. The last day to file is Friday, November 7, 2014 by 5:00 p.m. at the Des Moines County Auditor's

office. She stated that if a Primary Election is needed (three (3) or more running for office), it will be held on Tuesday, December 2, 2014 and polls will

be open from 7:00 a.m. to 8:00 p.m. She stated that the Special Election will be Tuesday, December 30, 2014 and polls will be open from 7:00 a.m. to 8:00 p.m.

She further stated that the vacancy term will expire December 31, 2017. Council Member Fleming stated that there were four or five individuals that have come forward that would be interested in the appointment as a City Council Member. He stated that an appointment would save the City approximately \$5,000.00 to \$10,000.00 in election cost. Council Member Scott stated that it would be better to have a special election over appointing a person to fill the vacancy due to the time frame of the next regular scheduled Council election. Council Member Anderson stated that she was in favor of a special election. The

City Manager reminded the Council that all three Council Members would need to vote in favor of the proposed Resolution for it to pass. He suggested that the Council introduce a motion to continue the Resolution Calling for a Special Election to Fill a Council Vacancy to the October 6, 2014 City Council meeting so that four council members would vote on the issue. Council Member Fleming made a motion to continue the Resolution Calling for a Special Election to Fill a Council Vacancy to the October 6, 2014 City Council Meeting. Council Member Scott seconded the motion and all present voted in favor. Council Member Scott reminded the viewing public that all dates that Mayor Pro-Tem Anderson gave about the special election could possibly change due to the postponement of the Resolution calling for a special election. All present had opportunity to speak

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

Introduced By: Fleming Seconded By: Scott

4. Motion to Continue the Resolution Calling for a Special Election to Fill
a
Council Vacancy to the October 6, 2014 City Council Meeting

DISCUSSION: None.

(VOTE: 3 - â AYESâ)

CARRIED

COMMENTS FROM AUDIENCE: Reverend David Selmon of 226 South 10th Street stated that Council Member Shockley had spoke negative comments about pastors in Burlington at the September 8, 2014 Work Session when she announced that she was resigning from the City Council. He stated that the negative comments left a bad taste in his mouth. Mayor Pro-Tem Anderson stated that she did not take the comments that Council Member Shockley had said negatively. She stated that she took it as Council Member Shockley wanted things to get better in Burlington. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 6:25 p.m.

Approved: October 6, 201

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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 Authorizing the Filing of an Application for Iowa Federal Recreational Trails Program Funding for Construction Costs of the Flint River Trail Located in the City of Burlington, Iowa
2. Resolution Approving Agreement between Great River Health Systems and the City of Burlington for Emergency Services
3. Resolution Approving Fiscal Year 2013-2014 Street Finance Report, Road Use Tax
4. Resolution Accepting Maintenance of a Sanitary Sewer in the 800 Block of North Gertrude, and the 1700 Block of Lucas Avenue

SET DATE FOR PUBLIC HEARING: OCTOBER 6, 2014

1. Consideration of Sale of Property Locally Known as 1120 Birdie Street, City of Burlington, Des Moines County, Iowa

APPOINTMENT:

City Planning Commission: Larry Williams