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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 19
October 6, 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.

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

(VOTE: 4 - AYES)

CARRIED

HEARING:

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

COMMENTS: The Development and Parks Director stated that the City was selling the property locally known as 1120 Birdie Street, located at the northeast corner of Birdie Street and Conner Avenue. He stated that the City received the

property through the abandoned building program and he recommends demolition. He stated that the property has a vacant house on it and that based on the condition of the existing structure it is a requirement of the sale that the structure be demolished by the purchaser within 180 days of sale of the property. Deed shall not be transferred until demolition permit for structure is approved. He stated that the purchaser shall pay a minimum of \$500 or 10% down (whichever is greater) upon approval of sale. Property shall be by Quit Claim Deed. He further stated that sidewalks and parking areas shall be improved to meet current code standards as necessary. Mayor McCampbell led an auction for the sale of property locally known as 1120 Birdie Street, City of Burlington, Des Moines County, Iowa. Michael Perry of 11348 160th Street, Burlington was the only bidder at \$500.00. 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 Sale of Property Locally Known as 1120 Birdie Street, City

of Burlington, Des Moines County, Iowa

DISCUSSION: None.

(VOTE: 4 - â AYESâ)

ADOPTED

ORDINANCES:

Introduced By: Scott

Seconded By: Fleming

1. Motion for Preliminary Adoption of the Second 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: 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. Mayor McCampbell stated that he felt that youth under the age of 18 should be allowed to stay out until midnight rather than the proposed 11:00 p.m. curfew. He stated that he felt that

youth 15 and under do need a curfew. Council Member Scott stated that the present curfew is 11:00 p.m. when school is in session for youth under the age of 18. The Police Chief stated that the proposed Ordinance for persons under the age of 18, should read â when school is not in session the next dayâ , not

â regardless of the day of the weekâ . The City Clerk stated that she would have the motion to amend for the Council ready at the final reading of the Ordinance.

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

(VOTE: 4 - â AYESâ)

CARRIED

Introduced By: Scott

Seconded By: Fleming

2. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of an Ordinance Repealing Chapter 131 Closing Out Sales of the Burlington Municipal

Code

DISCUSSION: 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 McCampbell and Council Member Fleming stated that they were in favor of the proposed Ordinance. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - â AYESâ)

CARRIED

Introduced By: Scott

Seconded By: Fleming

3. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption of an Ordinance Repealing Chapter 131 Closing out

Sales of the Burlington Municipal Code

DISCUSSION: None.

(VOTE: 4 - â AYESâ)

CARRIED

RESOLUTIONS:

Introduced By: Fleming Seconded By: Scott

1. Resolution Approving Final Plat for L & L Storage Subdivision

DISCUSSION: The Development and Parks Director stated that Alliant Utilities is the owner of L & L Storage Subdivision and is subdividing Lot 1. He stated that

L & L Storage is going to purchase Lot 1 of L & L Storage Subdivision and combine it with Lot 2 of Southpaw Subdivision where their storage units are presently located. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - AYES)

ADOPTED

Introduced By: Fleming Seconded By: Scott

2. Resolution Calling for an Appointment to Fill a Council Vacancy

DISCUSSION: The City Manager reviewed with Council and the viewing audience the options and the dates for filling the Council vacancy as follows: by Council appointment, by Council calling for special election or with the County Auditor to call for a special election. Those who spoke in favor of a special election were as follows: Joanne Bauer of 2523 Sunnyside Avenue, David Selmon of 226 South 10th Street, Lea Gerst and John Sandell of 820 Easy Street. Many of those

who spoke in favor of a special election felt that they had the right and privilege to vote for who should serve on the City Council. Those who spoke in favor of filling the vacancy by appointment were as follows: Freddie Starling of

517 South 7th Street, K. C. Fleming of 3606 Memorial Park Road, Brian Hopkins of

704 Boardwalk Drive, West Burlington, Larry Williams of 1567 Mason Lane. Many of those who spoke felt that the City could save the money that would be spent on a special election and instead fill the council vacancy by appointment.

Council Member Fleming stated that he was in favor of filling the council vacancy by appointment due to the cost of the election. Council Member Anderson

stated that she was in favor of filling the council vacancy by appointment as she has had a lot of people come up to her in favor of appointment. She stated that the money spent on a special election could be used for something else.

Mayor McCampbell stated that he wants to be the voice of those not being heard and call for a special election. He stated that the citizens of Burlington have

the right to vote. Council Member Scott stated his concern with filling the council vacancy by appointment. He stated that there were too many closed minds

and way too many people that want the position that he felt it should go before the voters. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 2 - AYES Anderson and Fleming)

2 - NAYS Scott and McCampbell)

FAILED

Introduced By: Scott

Seconded By: Fleming

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

from the September 15, 2014 City Council Meeting

DISCUSSION: Mayor McCampbell stated that the citizens of Burlington were not going to be satisfied without a special election. He stated that even if the Council does not call for a special election the citizens can petition for a special election and the County Auditor would have to call for a special election if no decision is made by the City Council. The City Manager stated

that the special election would be December 30, 2014 and if three or more people file their nomination papers then the primary election would be December 2, 2014. He explained if nothing is done the Des Moines County Auditor would call for a special election that would be held on January 13, 2015. Council Member Anderson stated that the December 30, 2014 special election date bothers her as she wonders how many voters will turn out to vote. Mayor McCampbell stated that

he would like the position filled for a full three-years and not a one-year period. Joanne Bauer urged the Council to move forward with the special election process. She stated that she would be willing to drive voters to their

polling places. K. C. Fleming stated that he felt that the position should be filled by appointment. John Sandell of 820 Easy Street stated that Council already voted down the appointment and the Council needed to decide if they want

to control the special election process or leave it to the Des Moines County Auditor's control. Larry Williams of 1567 Mason Lane stated there was a real need to have a full active Council at soon as possible. Council Member Anderson

stated that she was in favor of appointment, but since that was voted down and she did not want to have the Des Moines County Auditor call for a special election for January 2015. She stated that if she votes it down, nothing is gained. She stated that she would vote in favor of the special election so that

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

(VOTE: 3 - AYES Scott, Anderson and McCampbell
1 - NAY Fleming)

ADOPTED

COMMENTS FROM AUDIENCE: Freddie Starling of 517 South 7th Street stated his concern about a statement made about the churches of Burlington a few weeks ago that they need to come together. He further questioned how much money was owed to the City Attorney for the Flint Hills Manor project. The City Manager stated

that the City does not owe any money for attorney fees. He stated that the attorney fees were paid in 2006. Mayor McCampbell stated he is a minister and that he was not offended by the comment made at the work session. He further stated that the churches do need to come together better. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 6:57 p.m.

Approved: October 20, 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 Maintenance and Operation of the Pavement Systems, and Storm and Sanitary Sewer Systems in the Westbrook Meadows Subdivision
3. Resolution Approving an Agreement with the Iowa Department of Transportation to Provide Surface Transportation Program (STP) Funds for the 2015 Division Street HMA Resurfacing Project

SET DATE FOR PUBLIC HEARINGS: OCTOBER 20, 2014

1. Consideration of Sale of Property Locally Known as 1130 Bartlett Street, City of Burlington, Des Moines County, Iowa
2. Consideration of an Ordinance Amending Various Sections of Chapter 137, Sidewalk Regulations of the City of Burlington Municipal Code
3. Consideration of a Resolution Amending the Future Land Use Map of the Burlington 2032 Comprehensive Plan
4. Consideration of a Permanent Encroachment with Pro Paving LLC for Encroachment into City Right-of-Way at 624 Angular Street, Burlington, Iowa