

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. 30
March 16, 2015

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, Davidson and Fleming present. Council Member Scott arrived at 5:36 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: Davidson 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. Council Member Anderson announced those individuals appointed to various City commissions and boards. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - "AYES" McCampbell, Anderson, Davidson and Fleming) CARRIED

HEARINGS:

1. Statement: Consideration of a Loan Agreement in a Principal Amount Not to Exceed \$1,700,000 General Obligation Corporate Purpose

COMMENTS: The City Manager stated that the loan agreement in a principal amount not to exceed \$1,700,000.00 General Obligation Corporate Purpose would be used for street purposes and the purchase of a fire truck. Council Member Fleming stated that it looked like a good program. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Davidson

Seconded By: Scott

Motion to Close

CARRIED

- 2. Statement: Consideration of a Loan Agreement in a Principal Amount Not to Exceed \$700,000 General Obligation Police Department Building

COMMENTS: The City Manager stated that the loan agreement in a principal amount not to exceed \$700,000.00 General Obligation Police Department Building was for repairs on the present Police Department building. He stated that any cost overages for the project would come from the general fund. Mayor McCampbell stated that he has heard from citizens that the City should not spend \$700,000.00 on a building that the City does not plan to keep. He stated that he was also struggling with spending that kind of money on the building. Council Member Anderson stated that the entire Council prefers something better, but right now the Council needs to bring down the City’s debt. Council Member Fleming stated that if the City purchased the U.S. Bank building he would like to see the Sheriff’s office located with the Police Department to lower the cost. Mayor McCampbell stated that he understood that the City did not have a lot of options, but felt the City would never get the \$700,000.00 back. Council Member Anderson stated that she would love a new Police Station but the Council needed to get the City’s debt under control. Council Member Fleming stated that the Council owed it to the Police Department to move ahead with the repair but also to plan for the future to build a new Police Station. Council Member Scott stated that a part of property ownership was maintaining property to extend the life and use of a building. He stated that he would like to see a joint law enforcement facility. Larry Williams of 1567 Mason Lane suggested that the community start a fund for a Police Station similar to when the library was built. Council Member Davidson stated that he agreed that the Council needed to upgrade the Police Station for the safety of those that work at the Police Station. He stated that a plan needs to be made now for what the Council plans to do in five years. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Davidson
Motion to Close

Seconded By: Fleming

CARRIED

Introduced By: Davidson

Seconded By: Anderson

Resolution Expressing Intent to Enter into a Loan Agreement and Providing for the Levy of Taxes

DISCUSSION: None.

(VOTE: 4 - “AYES” Scott, Anderson, Davidson and Fleming
1 - “NAY” McCampbell)

ADOPTED

- 3. Statement: Consideration of Plans and Specifications for the 2015 Angular Arch Sewer Repair Project

COMMENTS: The City Engineer reviewed with Council and the viewing audience the plans and

specifications for the 2015 Angular Arch Sewer Repair Project. He stated that Burlington Northern Santa Fe Railroad contacted the City about concerns that the railroad was losing ballast into the City's sewer. He stated that the estimated cost of the project was \$75,000.00 and the project would be funded with the Miscellaneous Sewer Fund. Council Member Anderson stated that she hoped Burlington Northern participates in the cost of the project. 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: Scott

CARRIED

Introduced By: Anderson

Seconded By: Scott

Resolution Approving Plans and Specifications for the 2015 Angular Arch Sewer Repair Project

DISCUSSION: None.
(VOTE: 5 - "AYES")

ADOPTED

4. Statement: Consideration of Plans and Specifications for the 2015 HMA Resurfacing Project

COMMENTS: The City Engineer reviewed with Council and the viewing audience the plans and specifications for the 2015 HMA Resurfacing Project. He stated that the project would consist of the following locations: Garfield Avenue from Barret Street to Spray Street; Mason Road from Mason Road to Garfield Avenue; Spray Street from Leebrick Street to Garfield Avenue; Angular Street from Garfield Avenue to Summer Street; Valley Street from Central Avenue to 7th Street; Golf Lane; Pilger/Pearl from Sunnyside Avenue to Gnahn Street and Bertsch Avenue on both sides of Pilger Street. He stated that several locations were removed from the project for various reasons. He stated that the estimated cost of the project was \$785,203.23 and the available funding for the project was \$802,760.00. Council Member Davidson asked if there would be a sealcoating project scheduled for the summer of 2015. The City Engineer stated that there was no money in the City's budget for sealcoating this summer. 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

Introduced By: Anderson

Seconded By: Fleming

Resolution Approving Plans and Specifications for the 2015 HMA Resurfacing Project

DISCUSSION: None.
(VOTE: 5 - "AYES")

ADOPTED

5. Statement: Consideration of Plans and Specifications for the 2015 MASL Sewer

Separation, Market, Phase I

COMMENTS: The City Engineer reviewed with Council and the viewing audience the plans and specifications for the 2015 MASL Sewer Separation, Market, Phase I. He stated that the project locations were as follows: Division Street; 9th Street /8th Street/7th Street/6th Street; Market Street and Valley Street. He stated that the reasons for the project were as follows: IDNR consent order for separation of combined sewers, excavation of Division Street prior to resurfacing with STP Project this summer and additional work adjacent to Division Street to get better project costs by having a larger scale project. He stated that the estimated cost of the project was \$600,000.00 and \$772,000.00 was budgeted for the project. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Fleming
Motion to Close

Seconded By: Scott

CARRIED

Introduced By: Fleming
Resolution Approving Plans and Specifications for the 2015 MASL Sewer Separation,
Market, Phase I

Seconded By: Davidson

DISCUSSION: None.
(VOTE: 5 - "AYES")

ADOPTED

RESOLUTIONS:

Introduced By: Scott

Seconded By: Davidson

1. Resolution Approving the Final Plat of Rathbone Subdivision

DISCUSSION: The Development and Parks Director reviewed with Council and the viewing audience the final plat of Rathbone Subdivision. He stated that it is a two lot subdivision located north of Mt. Pleasant Street between Dehn Street and Wiemer Street. He stated that Lot One was .39 acres and has an existing house on it and Lot Two is 2.39 acres and is an open field. It would allow future development of Lot Two. 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: Anderson

2. Resolution of Support for the Redevelopment and Renovation of the Historic Tama Complex at 300-310 Jefferson Street

DISCUSSION: The Development and Parks Director reviewed with Council and the viewing audience the proposed Resolution of Support for the Redevelopment and Renovation of the Historic Tama Complex at 300-310 Jefferson Street. He stated that the developer was applying for Workforce Housing Tax Incentives through the Iowa Economic Development Authority. He

stated that there was no financial support from the City. Council Member Davidson asked if they were going to be apartments and not a boarding house. The Development and Parks Director stated that there would be a total of 48 one and two bedroom apartments of which 25 units would be 80% of the average County's wage income qualified and 23 of the units would be market rate units. Council Member Anderson stated that the developer was from Keokuk and that it was a good project. She stated that there was a need for market rate apartments downtown. 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: Steve Roland of Burlington stated that there was a dog in his neighborhood that was a nuisance and there was a case pending at the Des Moines County Court House. He stated that he was worried about bad press for Burlington. He urged the Council to make changes to the present dog Ordinance. The Police Chief stated that he understood Steve Roland's problem but no one else in the neighborhood has filed a complaint in his office. He stated that the dog Ordinance at one time was restrictive and then was amended to become less restrictive. Kyle Sontrager of 725 Lewis Street stated that he was present at the meeting for Autumn Steele so that her tragic death does not happen again. He questioned what the City's policy was for that type of situation. He stated that he understood that it was hard for both families involved, but he did not feel enough has been done. He stated that the online training that the Police Department was doing was a great step forward. He questioned if the City needed more money for training Police officers. He stated that the Police officers in Burlington do a good job, but this was a bad accident. He stated that Police Officer Hill needed to be held accountable. Police Chief Beard stated that the Police Department has started online training with dangerous dog encounters. He stated that he has contacted a local animal control expert willing to bring in animals to the Police Department so that the officers can learn to read dogs. He stated that they have taken the incident to heart as it is a horrible tragedy. He stated that Officer Hill's decision was a decision of reasonableness and that is a standard that is used at the county level, state level and federal level. He stated that reasonable is that gray area, which is why there is district court, the court of appeals, the Iowa State court, Federal district court, court of appeals and the Federal Supreme court. He stated that the Des Moines County Attorney has decided that Police Officer Hill's action was reasonable. He stated that these are "absolute split second decisions" and if the decision made was reasonable. The City Manager stated that in 2012 there was City-wide K9 training. Chief Beard stated that the Police Department employees were life long learners. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 6:37 p.m.

Approved: April 6, 2015

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 Renewal of Taxi Cab/Vehicle for Hire License for Executive Transportation LLC dba/Executive Transportation LLC
2. Resolution Approving Renewal of Taxi Cab/Vehicle for Hire License for Dennis C. Manes dba/Yellow Cab
3. Resolution Approving Renewal of Taxi Cab/Vehicle for Hire License for Robyn Canova dba/A2Z Taxi LLC

SET DATE FOR PUBLIC HEARING: APRIL 6, 2015

1. Consideration of Plans and Specifications for the 2015 Sanitary Sewer Rehab Project

APPOINTMENTS:

City Planning Commission: Larry Werner

Civil Service Commission: Simeon Counterman