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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 35
June 1, 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, Fleming and Scott present.

BURLINGTON CITY COUNCIL

Mayor's Awards:

- * Mavis Mickey
- * Pat Malone
- * Tom Walz

Presentation:

Check for Dankwardt Park Pool by Lyn Parks

DISCUSSION: Lyn Parks of 2729 South Main Street presented the Council with a check from Harry and Virginia Murray Foundation in the amount of \$10,000.00 to be used for the Dankwardt Park pool. Mayor McCampbell and the Council thanked Lyn Parks and the Harry and Virginia Murray Foundation for the check. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

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: Davidson

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: 5 - "AYES")

CARRIED

HEARINGS:

1. Statement: Consideration of an Ordinance Amending Ordinance No. 3129, Being an Ordinance Creating the Diewold Plaza P.U.D. (Planned Unit Development) by Making Changes to Section 3, B. Land Use Design Criteria

COMMENTS: The Development and Parks Director reviewed with Council and the viewing audience the proposed Ordinance Amending Ordinance No. 3129, Being an Ordinance Creating the Diewold Plaza P.U.D. (Planned Unit Development) by Making Changes to Section 3, B. Land Use Design Criteria. He stated that the proposed Ordinance makes changes to Section 3, B. Land Use Design Criteria by allowing funeral homes and associated crematories as an allowed use. He stated that the area was located south of West Avenue on either side of Mason Road and either side of Lawrence Avenue. He stated that the Planning Commission voted 5-0, with one abstaining to recommend approval of the request to the City Council. 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

Seconded By: Scott

Motion for Preliminary Adoption of the First Reading of an Ordinance Creating the Diewold Plaza P.U.D. (Planned Unit Development) by Making Changes to Section 3, B. Land Use Design Criteria

DISCUSSION: None.

(VOTE: 5 - "AYES")

CARRIED

2. Statement: Consideration of an Ordinance Rezoning the Property Locally Known as 221 Harrison Street from R-2, Single-Family Residential to C-1, Limited Commercial Zoning District

COMMENTS: The Development and Parks Director reviewed with Council and the viewing audience the proposed Ordinance Rezoning the Property Locally Known as 221 Harrison Street from R-2, Single-Family Residential to C-1, Limited Commercial Zoning District. He stated the furniture store is located at 209 Harrison Street and they would like to build a storage shed at 221 Harrison Street. He stated that the property is presently zoned single-family residential. He stated that the Planning Commission voted 6-0 to recommend approval of the request to the City Council, based on the current use of the property as a parking lot for the adjacent business, surrounding land uses, conformance to the zoning code requirements for parking lots in commercial zoning districts and conformance to the Future Land Use Map of Burlington. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Scott
Motion Close

Seconded By: Fleming

CARRIED

Introduced By: Scott

Seconded By: Anderson

Motion for Preliminary Adoption of the First Reading of an Ordinance Rezoning the Property Locally Known as 221 Harrison Street from R-2, Single-Family Residential to C-1, Limited Commercial Zoning District

DISCUSSION: None.

(VOTE: 5 - "AYES")

CARRIED

3. Statement: Consideration of Plans and Specifications for the 2015 Main Drive Sealcoat Street Improvements

COMMENTS: The Public Works Director reviewed with Council and the viewing audience the plans and specifications for the 2015 Main Drive Sealcoat Street Improvements. He stated that the Main Drive through Crapo Park had significant damage done to it with frost boils and was in need of immediate attention. He stated that bids would be received on June 16, 2015 and the project would be awarded by the City Council on July 6, 2015. He stated that the City Engineer's estimated cost for the project was \$231,000.00 and \$250,000.00 was budgeted under the new road use tax money. Mayor McCampbell stated that the project will make a lot of people happy. Council Member Fleming and Council Member Anderson concurred with Mayor McCampbell. Council Member Scott stated that he was thrilled with the project. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Scott

Seconded By: Anderson

Motion to Close

CARRIED

Introduced By: Scott

Seconded By: Davidson

Resolution Approving Plans and Specifications for the 2015 Main Drive Sealcoat Street Improvements

DISCUSSION: Council Member Davidson asked if the proposed project meets the criteria from the State as to what the City can do with the new road use tax money. The City Manager stated that the State has no formal requirements for Cities, but they do have limitations for Counties. He stated that they prefer the City use the money for projects like this project and are opposed to using the road use tax funds for increasing staffing levels. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

ADOPTED

RESOLUTIONS:

Introduced By: Davidson

Seconded By: Fleming

1. Resolution Authorizing an Agreement Between Burlington Urban Service and Hope Haven, Inc. for the Leasing of Vehicles as Part of Both Systems Public Transportation

DISCUSSION: The Public Works Director stated that the City purchased a handicapped accessible minivan that they plan to lease the vehicle to Hope Haven, Inc. He stated that Hope Haven, Inc. will lease the vehicle for \$1,200.00 per year and pay for the fuel. He stated that Burlington Urban Service (BUS) will pay for insurance and maintenance. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

ADOPTED

Introduced By: Davidson Seconded By: Scott

2. Resolution Establishing No Parking on One Side in 1500 Block of Grove Street

DISCUSSION: The Public Works Director stated that the 1500 block of Grove Street was a part of an odd-even street parking pilot program during the 2014-2015 winter snow removal season. He stated that the original recommendation by staff was to make the year round no parking on the south side, but the City received a petition from neighbors of which 15 of the 21 on the block signed for no parking on the north side of the 1500 block of Grove Street. Council Member Anderson stated that it was good to have feedback from the neighbors. Mayor McCampbell thanked Mike Conner for taking around the petition to his neighbors. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

ADOPTED

Introduced By: Anderson Seconded By: Fleming

3. Resolution Approving City of Burlington, Iowa Goal Setting Report, Dated April 30, 2015

DISCUSSION: The City Manager stated that the proposed Resolution approves the City of Burlington, Iowa Goal Setting Report, dated April 30, 2015 as prepared by Jeff Schott of the Institute of Public Affairs with the University of Iowa. He stated that page 16 of the report identifies ongoing commitments for the upcoming 12-24 month period and page 17 of the report listing the priority projects, programs, policies and initiatives. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

ADOPTED

Introduced By: Anderson Seconded By: Davidson

4. Resolution Approving the Preliminary Plat of Seventh Addition to Westbrook Estates Subdivision

DISCUSSION: The Development and Parks Director reviewed with Council and the viewing audience the preliminary plat of Seventh Addition to Westbrook Estates Subdivision, including extension of Monticello Drive roadway, ending in a cul-de-sac. He stated that the developer has requested to complete the platting of Westbrook Estates Subdivision at the north end of

Monticello Drive, with the extension of this roadway, installation of a cul-de-sac, and platting of seven additional buildable lots within this subdivision. He stated that sidewalks shall be required on the east side of Monticello Drive within this addition as shown on the plat, continuing the previously approved plan for sidewalks on this street. He stated that Monticello Drive cul-de-sac shall be allowed greater than 750-feet based on previous City Council approval of the preliminary plat for this area prior to the change in length requirements and the platting of Lot B, allowing Monticello Drive to connect to the land on the west in the future and reducing the cul-de-sac road length to 400-feet. He stated that lots within the addition shall be served by sanitary sewer by the City of West Burlington, as per the previously approved 28E Agreement approved and adopted on September 3, 2013. He stated that the Planning Commission voted 4-1 (along with 1-abstain) to recommend approval of the preliminary plat. He stated that he received one call about the sidewalks not connecting through on both sides. Council Member Scott stated that he loved the development that Mike Pierson does and what he was doing out there, but he can never support the approval of a plat that does not have sidewalks in a development. He stated that he does not like seeing people walk in the street because of lack of sidewalks. 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
1 - "NAY" SCOTT) ADOPTED

Introduced By: Anderson Seconded By: Scott

5. Resolution Adopting the Personnel Manual for Non-Union Employees

DISCUSSION: The Director of Administrative Services stated that there were a few changes since the last work session. She stated that Section 4 Salary Adjustments, would now state "employees with the City for at least one year of service as of July 1, 2015 are eligible for the Transition Plan." She stated that the length of service on the transition plan was the length of service in their current position. She stated that the present salary of an employee is equal to or above the midpoint salary of the applicable pay classification range, the employee's salary shall be increased by 2% on July 1, 2015. She stated that page 10 shows the new insurance amounts for July 1, 2015 and all non-union employees paying 2.5% toward their health insurance. She further stated that Exhibit "A" the salary schedule and pay classification has been increased by 2.5%. She stated that Range 10 and 11 did not have a 6% difference for some reason, so that was now corrected to show a 6% difference. The City Manager stated that presently Eric Tysland, Development and Parks Director is at range 11 and would need to be moved to range 12 at some point. Council Member Scott stated that he did notice several positions changed ranges and were not discussed by Council. The Administrative Services Director stated that the positions that she could think of were positions that had taken on additional responsibilities because people have left. Range 4, Administrative Assistant/Ambulance Billing Manager certifications were obtained for that position and the former H.R. Assistant use to do some of the duties and now it is all being done at the Fire Department along with taking over ambulance billing services for another City. The Fire Chief stated that the Fire Marshal moved up from range 7 to range 9 due to the fact that when the Fire Department lost the Deputy Fire Chief's position, a lot of those duties were given to the Fire Marshal. He also stated that the Fire Marshal's position was below the

Battalion Chief's salary level. He stated that the position of Fire Marshal has always been treated as Chief level officer. Council Member Scott stated that the other two positions were in the Parks Department and they offset each other. The City Manager stated that the positions of City Forester and Parks Superintendent positions were restructured. The Development and Parks Director stated that the Parks Superintendent is now directly over the City Forester. Mayor McCampbell stated that the only thing that he was not excited about was why the City Clerk was not on the list for a pay range increase. He stated that he feels bad about the extra burden that he has placed on her to help him and the Council, besides everything else she does. He stated that he felt that she has been slighted on this and why? The City Manager stated that the position of City Clerk has been looked at a couple of times over the last couple of years. He stated that every town is a little different, but sometimes more duties are placed on the City Clerk on the finance side. He stated that the City Clerk does not do any of the Treasurer's duties. The Director of Administrative Services stated that when the City Clerk is paid high by some communities it is because they also have the finance duties thrown in. She stated that in 2013 when the City looked at the range schedule she was very comparable with the other Cities. The City Manager stated that the City Clerk does an excellent job. Mayor McCampbell stated that the City Clerk does a fantastic job. He stated that he would be revisiting this issue as he cannot let this issue go. The Director of Administrative Services stated that the City plans on doing a salary study which will look at what is required of the position, what qualifications and how the position ranks. She stated that there have been enough cuts the past few years that everyone feels they should be moved up. She stated that everyone cannot be moved up. Council Member Davidson made a motion to amend the Non-Union Employee Manual on page 11 under the heading Section 1 Hospital, Medical, Chiropractic Care, Prescription Drug and Dental Care Insurance; sentence one by dropping the words "less 2.5 percent." To read "The employer shall pay the cost of the single and family premium for Hospital, Medical, Chiropractic Care and Prescription Drug Insurance based on Plan C, per the above paragraph, and Dental Care Insurance. Any change in carrier coverage or method of claims handling shall be equal to Summary Plan Description for City/Council Health Care Plan dated, July 1, 2015, on file in the office of the Director of Administrative Services." Motion was seconded by Council Member Anderson. Council Member Davidson stated that he believed it was unfair to treat employee groups differently so by dropping the 2.5% all employee groups would be treated equally. He stated that he realized that Council has a goal of all City employees paying toward their health insurance and he felt when the City meets with the unions for negotiations would be the time to discuss paying toward health insurance. Mayor McCampbell stated that going back now would be a mistake. Council Member Anderson stated that she seconded the motion only to bring it up for discussion. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 3 - "AYES" McCAMPBELL, SCOTT AND ANDERSON
2 - "NAY" DAVIDSON AND FLEMING)

ADOPTED

Introduced By: Davidson Seconded By: Anderson

6. Motion to amend the Non-Union Employee Manual on page 11 under the heading Section 1 Hospital, Medical, Chiropractic Care, Prescription Drug and Dental Care Insurance;

sentence one by dropping the words “less 2.5 percent.” To read “The employer shall pay the cost of the single and family premium for Hospital, Medical, Chiropractic Care and Prescription Drug Insurance based on Plan C, per the above paragraph, and Dental Care Insurance. Any change in carrier coverage or method of claims handling shall be equal to Summary Plan Description for City/Council Health Care Plan dated, July 1, 2015, on file in the office of the Director of Administrative Services.”

DISCUSSION: None.

(VOTE: 2 - “AYES” DAVIDSON AND FLEMING
3 - “NAY” McCAMPBELL, SCOTT AND ANDERSON)

FAILED

COMMENTS FROM AUDIENCE: None.

Adjournment: 6:35 p.m.

Approved: June 15, 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 Nuisance Abatements for Various Properties
2. Resolution Approving Purchasing Policies and Procedures
3. Resolution Approving 28E Agreement for Billing Services between Community Ambulance Service Agency of Northern Des Moines County and the City of Burlington, Iowa
4. Resolution Approving Interlocal Agreement Between the City of Burlington and Des Moines County for the 2015 Byrne Justice Assistance Grant (JAG) Program Award
5. Resolution Re-Approving and Confirming Sale of 322 South Third Street
6. Resolution Approving an Agreement with the State of Iowa for Transportation Safety Improvement Program (TSIP) Funds for a Traffic Control Devices at the Intersection of Agency and the Entrances to Hobby Lobby/Dollar General on Behalf of the City of Burlington
7. Resolution Authorizing the Approval of an Agreement 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

SET DATE FOR PUBLIC HEARINGS: JUNE 15, 2015

1. Consideration of a Resolution Approving the Voluntary Severance of Territory
2. Consideration of a Resolution Approving the Voluntary Annexation of Territory
3. Consideration of an Ordinance Vacating and Selling a Portion of Alley Right-of-Way Located North of the Property at 822 Columbia Street

APPOINTMENT:

Human Rights Commission: Mia Richey