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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 37
July 3, 2017

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 Davidson, Fleming, Scott and Wilson present.

BURLINGTON CITY COUNCIL

MAYOR'S AWARDS:

- * Dick Garnjobst and Employees of Jerry's Main Lunch
- * Kennedy Ritter

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 Davidson announced those individuals appointed to various City commissions and boards. Council Member Scott stated that he saw a tow truck pulling a street sweeper that had broken down. 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 Sale of Property Locally Known as 1336 Garnet Street, City of Burlington, Iowa with Conditions Continued from the June 19, 2017 City Council Meeting

COMMENTS: The City Planner stated that the City acquired the property at 1336 Garnet Street through the court system as an abandoned building. He stated that two bids were received from

individuals who wish to split the property. Mayor McCampbell led an auction for the Sale of Property Locally Known as 1336 Garnet Street, City of Burlington, Des Moines County, Iowa. Gholam Eslami of 1334 Garnet Street and Melssen Real Estate of 17299 Irish Ridge Road were the high bidders at \$350.00 and \$150.00. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Davidson Seconded By: Fleming
Motion to Close

CARRIED

Introduced By: Davidson Seconded By: Fleming
Resolution Approving Sale of Property Locally Known as 1336 Garnet Street, City of Burlington, Iowa with Conditions

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

ADOPTED

2. Statement: Consideration of Plans and Specifications for the 2017 Law Enforcement Center

COMMENTS: The Police Chief reviewed with Council and the viewing audience the proposed plans and specifications for the 2017 Law Enforcement Center. He stated that the total construction budget was \$3,380,000.00, which was under budget. He stated that bids would be received on July 26, 2017 at 2:00 p.m. Perry Hines of Carl A. Nelson stated that construction should commence September 5, 2017 with final completion, other than moving the department. He stated that June 2018 the new law enforcement would be open. Steve Roland of 2838 South Main Street asked for confirmation if Carl A. Nelson would be managing all 10 contracts. The Police Chief confirmed that Carl A. Nelson would be managing all 10 contracts for the 2017 Law Enforcement Center Project. Perry Hines stated that Carl A. Nelson would not be bidding on the 2017 Law Enforcement Center Project as they would be managing the project. 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

Introduced By: Davidson Seconded By: Fleming
Resolution Approving Plans and Specifications for the 2017 Law Enforcement Center

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

ADOPTED

ORDINANCES:

Introduced By: Scott Seconded By: Davidson

1. Motion for Preliminary Adoption of the Second Reading of an Ordinance Vacating and

Selling a Portion of Denmark Street Right-of-Way Located West of South Main Street

DISCUSSION: The City Planner stated that there was an amendment to Exhibit “C” Conditions which would allow a \$500.00 splitting costs between the two property owners wishing to split the property. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - “AYES”)

CARRIED

Introduced By: Scott Seconded By: Wilson

2. Motion to Amend Exhibit “C” Conditions of Approval, No. 1 and No. 3 of the Ordinance Vacating and Selling a Portion of Denmark Street Right-of-Way Located West of South Main

DISCUSSION: None.

(VOTE: 5 - “AYES”)

CARRIED

Introduced By: Scott Seconded By: Davidson

3. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of an Ordinance Vacating and Selling a Portion of Alley Right-of-Way Located North of Aetna Street and East of South Plane Street

DISCUSSION: The City Planner stated that there were no changes to the proposed Ordinance Vacating and Selling a Portion of Alley Right-of-Way Located North of Aetna Street and East of South Plane Street from the first reading. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - “AYES”)

CARRIED

Introduced By: Scott Seconded By: Davidson

4. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption of an Ordinance Vacating and Selling a Portion of Alley Right-of-Way Located North of Aetna Street and East of South Plane Street

DISCUSSION: None.

(VOTE: 5 - “AYES”)

CARRIED

Introduced By: Wilson Seconded By: Scott

5. Motion for Preliminary Adoption of the Second Reading of an Ordinance Amending Chapter 126 Taxicabs and Vehicles for Hire of the Burlington, Iowa Code of Ordinances and Deleting Chapter 127 Vehicles for Hire Drivers in Its Entirety

DISCUSSION: The Police Chief stated that there were no changes to the Ordinance Amending Chapter 126 Taxicabs and Vehicles for Hire of the Burlington, Iowa Code of Ordinances and Deleting Chapter 127 Vehicles for Hire Drivers in Its Entirety from its first reading. Council Member Wilson stated that she would abstain from voting. All present had opportunity to speak

and nothing additional was filed in the office of the City Clerk.
(VOTE: 4 - "AYES" Fleming, McCampbell, Scott and Davidson
1 - "ABSTAINED" Wilson)

CARRIED

Introduced By: Wilson Seconded By: Scott

6. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of an Ordinance Amending Section 170.50 Board of Adjustment of Chapter 170 Zoning Code of the City of Burlington Municipal Code

DISCUSSION: The City Planner stated that there were no changes to the Ordinance Amending Section 170.50 Board of Adjustment of Chapter 170 Zoning Code of the City of Burlington Municipal Code from its first reading. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

CARRIED

Introduced By: Wilson Seconded By: Scott

7. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption of an Ordinance Amending Section 170.50 Board of Adjustment of Chapter 170 Zoning Code of the City of Burlington Municipal Code

DISCUSSION: Council Member Scott and Council Member Davidson stated that the Ordinance was a smart move for the City as it gives leniency so a lot of people's lives will be easier including staff. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

CARRIED

RESOLUTIONS:

Introduced By: Fleming Seconded By: Scott

1. Resolution Approving the Preliminary Plat of Inghram Subdivision

DISCUSSION: The City Planner stated that Inghram Subdivision was located within the City's two mile zone. He stated that the Council would be approving both the preliminary plat and the final plat tonight as there were no changes from the preliminary plat to the final plat. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

ADOPTED

Introduced By: Fleming Seconded By: Scott

2. Resolution Approving the Final Plat of Inghram Subdivision

DISCUSSION: None.

(VOTE: 5 - "AYES")

ADOPTED

Introduced By: Fleming Seconded By: Scott

3. Resolution Approving a Subordination Agreement

DISCUSSION: The City Planner stated that the property at 1103 Corse Street was a part of the Owner-Occupied Rehab Grant project. He stated that the owner plans to refinance her home in the amount of \$58,715.00. He stated that the home is currently assessed at \$83,000.00. He stated that she still has \$3,628.00 remaining on the forgivable lien. He stated that in one year she will have met her requirements of the program and she would not owe any money should she move or sell her home. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

ADOPTED

Introduced By: Fleming Seconded By: Scott

4. Resolution Providing for a Salary Adjustment for the City Manager

DISCUSSION: The Director of Human Resources stated the salary adjustment for the City Manager was 2.25%, which was the same salary adjustment that both union and non-union employees were receiving on July 1, 2017. Council Member Scott stated that annually the City Council evaluates the City Manager. He stated that this year it was decided by Council to bypass the evaluation and give the City Manager a 2.25% increase, which was the same increase as both union and non-union employees. He further stated that the City Manager was doing a fine job. Freddie Starling of 517 South 7th Street stated that he had no objection to the City Manager receiving a salary increase, but he wanted to make sure all City employees were receiving a salary increase. He stated his concern for those who are struggling to pay when everything keeps going higher in cost. Mike Elmore of 620 Iowa Street stated that the City Manager makes plenty of money already. He stated that it was not that he did not feel the City Manager didn't deserve an increase, but he felt there was a limit on what people should make in salary. Mayor McCampbell stated that he understood as he is not receiving a raise either, but he stated that this was the rate that City Managers make. He stated that the world we live in everything is constantly going up in price. Council Member Scott stated that he was hoping to keep the City Manager for another year. Council Member Davidson stated that he would be voting no as a matter of principle as he had nothing against the City Manager. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - "AYES" Fleming, McCampbell, Scott and Wilson

1 - "NAY" Davidson)

ADOPTED

COMMENTS FROM AUDIENCE: Mike Crouner stated that he noticed there were four tables at Dankwardt Park pool without umbrellas. He stated that he contacted Pepsi Refreshments and they have donated four umbrellas for the four tables at Dankwardt Park Pool. Mayor McCampbell and the Council applauded Mike Crouner and Pepsi Refreshments for the four new umbrellas for the pool. Steve Roland of 2838 South Main Street asked when Cascade Bridge would be replaced and that he hoped the public would be involved in the design. Council Member Fleming stated that he hoped it would be replaced, but there presently was no plan for replacement. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 6:35 p.m.

Approved: July 17, 2017

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 Purchase of a 2018 Elgin Pelican NP for Public Works, Street and Sewer Division
2. Resolution Establishing a No Parking Zone on the South Side of the 1100 Block of Arch Street in It's Entirety
3. Resolution Approving Renewal of Three Year Lease Agreement for the Operation of the Iowa Store Located in the Port of Burlington Welcome Center
4. Resolution Approving a Professional Services Agreement with HR Green, Inc. of Cedar Rapids, Iowa for General Consulting Services for the Burlington, Iowa Wastewater Treatment Facility for the Period of July 1, 2017 to June 30, 2018

SET DATE FOR PUBLIC HEARINGS: JULY 17, 2017

1. Consideration of Sale of Property Locally Known as 718 Columbia Street, City of Burlington, Iowa with Conditions
2. Consideration of an Ordinance Vacating and Selling a Portion of Oak Street Right-of-Way Located East of Bluff Road, Burlington, Iowa
3. Consideration of a Permanent Encroachment Agreement with John and Doris Champagne for Encroachment into City Right-of-Way Adjacent to the Property Located at 1500 Madison Avenue, Burlington, Iowa
4. Consideration of Plans and Specifications for the 2017 Harrison Avenue Storm Sewer Improvements
5. Consideration of the Plans and Specifications for the 2017 Flow Metering Project

APPOINTMENT:

City Planning Commission: Bryan Bross