



West Burlington
Regular City Council Meeting Minutes
Wednesday, July 6, 2022

The West Burlington City Council met in regular session on Wednesday, July 6, 2022, at 6:00 p.m. at West Burlington City Hall, 122 Broadway Street, West Burlington, Iowa, with Mayor Ron Teater presiding.

MEMBERS PRESENT: Ron Teater, Kathy Newberry, John Johnson, Therese Lees, and Melanie Young

MEMBERS ABSENT: Andy Crowner

ALSO PRESENT: Police Chief Jesse Logan, Fire Chief/Building Inspector Shaun Ryan, Public Works Director Mike Brissey, City Clerk Kelly Fry, IT Administrator Brad Newberry, Finance Manager Angela Moore, and City Administrator Gregg Mandsager

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PERFECTING & APPROVAL OF AGENDA

Moved by Lees, seconded by Johnson, to approve the agenda as presented. Motion carried by the following votes:

Ayes: Newberry, Johnson, Lees, and Young

CONSENT AGENDA

- Approve minutes from the Regular City Council meeting on June 15, 2022
- Approve NET3 Backup System Renewal
- Approve 3-Year agreement for Splunk Cloud 3-Yr Subscription Agreement - \$9,435/annually for three years
- Accept Reserve Officer Shaun Langan's resignation from the Police Department Reserve Unit
- Payment to Roederer Transfer & Storage Co - \$11,414.55
- Payment to Sandry Fire Supply - \$13,312
- Payment to Lexipol - \$5,756.51
- Approve Liquor License Renewal Target
- Approve hiring additional swimming pool staff for the 2022 season
- Approve payment of Claims as listed on the July 6, 2022 Expense Approval Report - \$152,998.86

Moved by Lees, seconded by Young, to approve the Consent Agenda items as presented. Motion carried by the following votes:

Ayes: Newberry, Johnson, Lees, and Young

COUNCIL & STAFF REPORTS

- ADMINISTRATOR:
- PUBLIC WORKS:
- POLICE DEPARTMENT:
- FIRE/BUILDING DEPARTMENT:
- CLERK/FINANCE/IT:
- OTHER STAFF REPORTS:
- COUNCIL REPORTS:
- COMMUNITY REPORTS: Update from Burlington Public Library Liaison, Rebecca Teater

CITIZEN INQUIRIES

No inquiries.

PUBLIC HEARING

Public Hearing on the question of amending the Urban Renewal will hold a public hearing on the question of amending the urban renewal plan (the “Plan”) for the West Burlington Urban Renewal Area (the “Urban Renewal Area”)

Mayor Teater opened the Public Hearing at 6:25 p.m. on the question of amending the Urban Renewal will hold a public hearing on the question of amending the urban renewal plan (the “Plan”) for the West Burlington Urban Renewal Area (the “Urban Renewal Area”) to include the following:

- (1) Update the description of the Greater Burlington Partnership Support Program previously approved in the October, 2019 Amendment to the Plan; and
- (2) Authorize the undertaking of new urban renewal projects in the Urban Renewal Area consisting of
 - (a) using tax increment financing to pay the costs of the City’s Urban Renewal Administration and Professional Support Program;
 - (b) using tax increment financing to pay the costs of initiating and conducting a housing demand study;
 - (c) using tax increment financing to pay the costs of the City’s acquisition of property for future recreational and commercial development; and
 - (d) providing tax increment financing support to Midwest Realty Group, Inc. in connection with the development of a residential housing subdivision and the corresponding construction of public infrastructure.

There were no verbal or written comments from the public. The Public Hearing was closed at 6:32 p.m..

NEW BUSINESS

Consider a Resolution approving the July 2022 UR Plan Amendment to update the description of the Greater Burlington Partnership Support Program previously approved in the October, 2019 Amendment to the Plan and authorize the undertaking of new urban renewal projects in the Urban Renewal Area

Council considered a Resolution approving the July 2022 UR Plan Amendment to update the description of the Greater Burlington Partnership Support Program previously approved in the October, 2019

Amendment to the Plan and authorize the undertaking of new urban renewal projects in the Urban Renewal Area

Moved by Lees, seconded by Newberry, to approve the Resolution as presented. Motion carried by the following votes:

Ayes: Newberry, Johnson, Lees, and Young

Consider the first reading of an Ordinance Providing for the Division of Taxes Levied on taxable property in the West Burlington Urban Renewal Area

Council considered the first reading of an Ordinance establishing a new "tax increment district" to be known as the "July, 2022 Tax Increment Financing District", which includes certain real property situated in the City of West Burlington. The property is identified as parcel numbers 10-36-207-001, 10-36-207-011, and 10-36-207-002. Taxes levied on the taxable property in this district will be used to create a special fund to pay the principal and interest on loans, advances, or bonds issued by the City to finance projects in the newly created district.

Moved by Lees, seconded by Young, to approve the first reading of an Ordinance providing for the division of taxes levied on taxable property in the West Burlington Urban Renewal Area. Motion carried by the following votes:

Ayes: Newberry, Johnson, Lees, and Young

Consider the first reading of an Ordinance amending Section 53.04 of the City Code pertaining to Uniform Height Specifications for grass, weeds, and brush

Johnson asked Council to consider amending Section 53.04 of the City Code pertaining to Uniform Height Specifications for grass, weeds, and brush by increasing the height specifications. He would like the code changed to allow grass to eight inches (8") before it is considered a violation of the code. He felt that six inches (6") is too short to be considered a nuisance. Lees was opposed to increasing the height. City Administrator Mandsager explained that the nuisance abatement process would start when grass was at six inches (6"). Newberry said she heard from several residents that they did not want to see the height increased to 8". After a lengthy discussion Council

Moved by Johnson, seconded by Young, to approve the first reading of an Ordinance amending Section 53.04 of the City Code pertaining to Uniform Height Specifications for grass, weeds, and brush. Motion carried by the following votes:

Ayes: Johnson

Nays: Newberry, Lees, and Young

Consider a Resolution approving a Final Plat for the 9th Addition to Wildlife Lakes Subdivision

the Planning and Zoning Commission has reviewed the Final Plat as presented for Lots 30, 34, 35, 36, and 37 in the 9th Addition to Wildlife Lakes Subdivision. The Commission has found the preparation of the Final Plat to be in compliance with City Code Requirements and hereby recommends approval of the Final Plat by the West Burlington City Council as presented with a variance to allow the remaining concrete for the hammerhead turnaround to be constructed as shown on the Preliminary Plat for the 8th Addition to Wildlife Lakes Subdivision, at the time lots are sold, and the ground is developed.

Moved by Lees, seconded by Young, to approve a Resolution accepting the Final Plat for Lots 30, 34, 35, 36, and 37 in the 9th Addition to Wildlife Lakes Subdivision with the following condition:

1. The remaining concrete for the hammerhead turnaround located adjacent to Lots 35, 36, and 37 shall be constructed as shown on the Preliminary Plat for the 8th Addition to Wildlife Lakes Subdivision (EXHIBIT A), at the time lots are sold, and the ground is developed.

Motion carried by the following votes:

Ayes: Newberry, Johnson, Lees, and Young

Consider request for 3-Year Right-of-Way Permit from Centurylink to install 55' of infrastructure on E. Agency

Council considered a request for 3-Year Right-of-Way Permit from Centurylink to install 55' of infrastructure on E. Agency from just east of Derek Lincoln Dr. to the West Burlington city limits. The remaining portion of the project extends into the city limits of Burlington. This is a 3-year permit that will expire on December 31, 2024.

Moved by Young, seconded by Lees, Consider request for 3-Year Right-of-Way Permit from Centurylink to install 55' of infrastructure on E. Agency Motion carried by the following votes:

Ayes: Newberry, Johnson, Lees, and Young

Consider Pay Request #5 from Tom's Backhoe Service for work completed on the South Lift Station Project

Council considered Pay Request #5 from Tom's Backhoe Service for work completed on the South Lift Station Project. Tom's Backhoe has requested 100% payment of the project and the release retainage for a total of \$78,945.93. Snyder & Associates, Inc. recommends approval of Contractor's Application for Payment #5, minus the release of retainage. The recommended payment amount was \$25,618.34, with the remaining \$53,327.26 being held in retainage. Snyder & Associates informed Council that among the remaining items to address are completion of American Iron and Steel certification, issuance of lien waivers, and the pump repainting by the supplier. They recommended withholding the \$53,327.26 in retainage until after the final acceptance of the work by the owner and engineer.

Moved by Lees, seconded by Young, to approve payment of \$25,618.34 to Tom's Backhoe for work completed on the South Lift Station Project and withhold \$53,327.26 in retainage until all outstanding issues have been completed as recommended by Snyder & Associates. Motion carried by the following votes:

Ayes: Newberry, Johnson, Lees, and Young

Consider a Resolution accepting the South Lift Station Project and release of Retainage

Snyder & Associates believes the South Lift Station Replacement Project reached substantial completion on or about August 5, 2021, during which the new pumps were installed, started up, and put into service. Since that time, the contractor, Tom's Backhoe, has worked through punch list items. At this time, Snyder & Associates believes that the project is completed and is recommending Council acceptance.

The contract terms dictated that the project be substantially completed by May 21, 2021 and was subject to a daily incentive/disincentive rate of \$500 per working day for completion ahead of, or behind schedule. It is the understanding of the engineer that the number of working days between May 21, 2021, and August 5, 2021, was 52 days, which could therefore be subject to a total disincentive rate of \$26,000.

The outstanding payment requested by the contractor is for the release of retainage, which totals \$53,327.26. Our recommendation to City Council is for a final payment of \$27,327.26 to account

for the release of retainage, minus the calculated disincentives.

Moved by Lees, seconded by Young, Consider a Resolution accepting the South Lift Station Project and releasing \$27,327.26 of the remaining retainage. The City will withhold \$26,000 as calculated disincentives for the contractor not completing the project in accordance with the contract. Motion carried by the following votes:

Ayes: Newberry, Johnson, Lees, and Young

OLD BUSINESS

CITIZEN INQUIRIES

CLOSED SESSION

ADJOURN

There being no further business, the meeting adjourned at 8:00 p.m.

Approved

Ron Teater, Mayor

Kelly D. Fry, City Clerk