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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 16
August 20, 2018

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 Billups, Graham-Murray and Wilson present. Council Member Rinker participated via electronic communications for a portion of the meeting.

BURLINGTON CITY COUNCIL

MAYOR'S AWARDS:

- * City of Danville
- * City of Ft. Madison
- * City of Mediapolis
- * City of Mt. Pleasant
- * City of West Burlington
- * City of Burlington
- * Cynthia Wolfe

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: Wilson Seconded By: Graham-Murray
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: 5 - "AYES")

CARRIED

HEARINGS:

1. Statement: Consideration of Sale of Property Locally Known as 311 South 9th Street, City of Burlington, Iowa with Conditions

COMMENTS: The Development and Parks Director stated that the City was auctioning the property at 311 South 9th Street. He stated that the one-story home has 2 bedrooms and 1-full bathroom and is located on a 100 ft. x 40 ft. lot. He stated that the purchaser must meet the following conditions: house shall be rehabbed to housing occupancy standards or demolished as required and combined with an adjacent lot under ownership of the purchaser; if rehabbed, defective items shall be repaired as needed; a licensed plumber and electrician shall inspect and sign off that such items in the property meet or are brought up to code standards; sidewalks along South 9th Street and parking areas shall be improved to meet current code standards as necessary; off-street parking shall accommodate two vehicles on the property; all permits shall be received and codes shall be met, as applicable for work and occupancy of the home; purchaser shall maintain property and yard and hold insurance on such property upon approval of sale of the City Council; and work shall be initiated within 60 days and completed within 180 days of approval of sale by the City Council, with an extension of 180 days may be granted if significant progress is made; failure to meet time frames may result in forfeiture of sale and purchase with resale of the property by the City. He stated that the property would be transferred by quit claim deed. Mayor McCampbell led an auction for the Sale of Property Locally Known as 311 South 9th Street, City of Burlington, Des Moines County, Iowa. Nathan Williams Representing Harmony Bible Church, 550 Division Street, Burlington, Iowa was the high bidder at \$4,000.00. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Wilson
Motion to Close

Seconded By: Billups

CARRIED

Introduced By: Wilson Seconded By: Billups
Motion to Amend Exhibit "C" of the Resolution Approving the Sale of Property Locally Known as 311 South 9th Street, City of Burlington, Des Moines County, Iowa that the Property be Sold to Nathan Williams Representing Harmony Bible Church, 550 Division Street, Burlington, Iowa in the amount of \$4,000.00

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

CARRIED

Introduced By: Wilson Seconded By: Billups
Resolution Approving Sale of Property Locally Known as 311 South 9th Street, City of Burlington, Iowa with Conditions

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

ADOPTED

2. Statement: Consideration of Sale of Property Locally Known as 1906 Melvin Avenue, City of Burlington, Iowa with Conditions

COMMENTS: The Development and Parks Director stated that the City was auctioning the property at 1906 Melvin Avenue located south of Lenox Avenue. He stated that the

manufactured mobile home has 2 bedrooms and 1-full bathroom on a 100 ft. x 120 ft. lot. He stated that the purchaser must meet the following conditions: house shall be demolished as required within 90 days of approval of purchase by the City; an extension of 60-days may be granted by the Development Department if significant progress is made on the demolition; new construction on the property shall commence by May 1, 2019 and shall include a single-family residence, meeting current code requirements; including building and zoning requirements; all permits shall be received and codes shall be met, as applicable, for work and/or occupancy of the home; purchaser shall maintain property and yard and hold insurance on such property upon approval of sale by the City. He stated that the property would be transferred by quit claim deed. Mayor McCampbell led an auction for the Sale of Property Locally Known as 1906 Melvin Avenue, City of Burlington, Des Moines County, Iowa. Timothy Steele of P.O. Box 84, Burlington, Iowa was the high bidder at \$1,700.00. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Wilson
Motion to Close

Seconded By: Billups

CARRIED

Introduced By: Wilson

Seconded By: Billups

Motion to Amend Exhibit "C" of the Resolution Approving the Sale of Property Locally Known as 1906 Melvin Avenue, City of Burlington, Des Moines County, Iowa that the Property be Sold to Timothy Steele of P.O. Box 84, Burlington, Iowa in the amount of \$1,700.00

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

CARRIED

Introduced By: Wilson

Seconded By: Graham-Murray

Resolution Approving Sale of Property Locally Known as 1906 Melvin Avenue, City of Burlington, Iowa with Conditions

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

ADOPTED

Council Member Rinker left the meeting (via electronic communications) at 6:02 p.m.

3. Statement: Consideration of Sale of Property Locally Known as 1003 Chalfant Street, City of Burlington, Iowa with Conditions

COMMENTS: The Development and Parks Director stated that the City was auctioning the property at 1003 Chalfant Street located off of Mt. Pleasant Street. He stated that the one-story home was built in 1900 and has 3 bedrooms and 1-full bathroom. He stated that the purchaser must meet the following conditions: house shall be rehabbed to housing occupancy standards or demolished as required and combined with an adjacent lot under ownership of the purchaser; defective items shall be repaired as needed; a licensed plumber and electrician shall inspect and sign off that such times in the property meet or are brought up to code standards; sidewalks

along Chalfant Street and parking areas shall be improved to meet current code standards as necessary; off-street parking shall accommodate two vehicles on the property; all permits shall be received and codes shall be met, as applicable for work and occupancy of the home; purchaser shall maintain property and yard and hold insurance on such property upon approval of sale of the City Council; and work shall be initiated within 60 days and completed within 180 days of approval of sale by the City Council, with an extension of 180 days may be granted if significant progress is made; failure to meet time frames may result in forfeiture of sale and purchase with resale of the property by the City. He stated that the property would be transferred by quit claim deed. Mayor McCampbell led an auction for the Sale of Property Locally Known as 1003 Chalfant Street, City of Burlington, Des Moines County, Iowa. Djalal Arbabha, 2127 South Main Street, Burlington, Iowa was the high bidder at \$3,700.00. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Wilson
Motion to Close

Seconded By: Graham-Murray

CARRIED

Introduced By: Wilson Seconded By: Graham-Murray
Motion to Amend Exhibit “C” of the Resolution Approving the Sale of Property Locally Known as 1003 Chalfant Street, City of Burlington, Des Moines County, Iowa that the Property be Sold to Djalal Arbabha, 2127 South Main Street, Burlington, Iowa in the Amount of \$3,700.00

DISCUSSION: None.
(VOTE: 4 - “AYES”)

CARRIED

Introduced By: Wilson Seconded By: Graham-Murray
Resolution Approving Sale of Property Locally Known as 1003 Chalfant Street, City of Burlington, Iowa with Conditions

DISCUSSION: None.
(VOTE: 4 - “AYES”)

ADOPTED

4. 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 and Section 5. Fifty Foot Buffer Park

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 and Section 5. Fifty Foot Buffer Park. He stated that Mike Pierson, developer, was planning a multi-family residential unit on lot seven. He stated that the proposed Ordinance would be amended to allow use of lot seven of Stonegate Crossing Subdivision shall also be allowed as residential, including multi-family residential. Such lot shall follow the applicable bulk regulations for R-4 Zoning Districts, unless otherwise required herein, if developed as residential. He stated that a buffer park shall be required between lots six and

seven of Stonegate Crossing Subdivision if lot seven is developed as a residential use. Such buffer shall be 15-feet on either side of the adjoining property line (30-feet total width). No trees shall be maintained that would exceed the height requirements of the Ordinance. Mary Beard, Airport Director of the Southeast Iowa Airport, stated that it was her understanding that the developer was planning a 4-story, 44 units building on lot seven of the subdivision. She stated that the developer needs to file form 7460 with the FAA since the development is within 2-miles of the airport. She stated that the form should be filed prior to development. Andy Mason, Airport Consultant and pilot stated that it takes the FAA approximately 60 to 90 days to issue a letter of determination on how the development will affect the Airport. The Development and Parks Director stated that presently the City has not received any site or building plans for lot seven. Andy Mason stated that there was a strobe light at the end of the runway that could impact the development along with noise from the Airport. The Development and Parks Director stated that Village Cooperative and Stonegate Village are apartment buildings that are well under the Airport's height restrictions. He stated that Village Cooperative and Edward Stone Middle School both had filled out form 7460 with the FAA. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Billups
Motion to Close

Seconded By: Wilson

CARRIED

Introduced By: Billups Seconded By: Graham-Murray
Motion for Preliminary Adoption of the First Reading 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 and Section 5. Fifty Foot Buffer Park

DISCUSSION: None.
(VOTE: 4 - "AYES")

CARRIED

5. Statement: Consideration of a Facility Use Agreement with Southeast Soccer Academy (SESA) for Use of Fields at the Burlington Regional RecPlex

COMMENTS: The Development and Parks Director urged the City Council to continue the hearing on the Facility Use Agreement with Southeast Soccer Academy (SESA) for Use of Fields at the Burlington Regional RecPlex to the September 4, 2018 City Council meeting due to comments received from SESA late last week that need reviewed by the City Attorney. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Billups Seconded By: Wilson
Motion to Continue Hearing to the September 4, 2018 City Council Meeting

DISCUSSION: None.
(VOTE: 4 - "AYES")

CARRIED

6. Statement: Consideration of an Ordinance Amending Various Sections of Chapter 97, Industrial Pretreatment Requirements of the City of Burlington Municipal Code

COMMENTS: The WWTF Superintendent reviewed with Council and the viewing audience the proposed Ordinance Amending Various Sections of Chapter 97, Industrial Pretreatment Requirements of the City of Burlington Municipal Code. Mayor McCampbell questioned why the amendment to the Ordinance was necessary. The WWTF Superintendent stated that the City could be assessed with fines. He stated that there were two particular items that the Ordinance amends local limits and various terms and phrases. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Graham-Murray
Motion to Close

Seconded By: Wilson

CARRIED

Introduced By: Graham-Murray

Seconded By: Wilson

Motion for Preliminary Adoption of the First Reading of an Ordinance Amending Various Sections of Chapter 97, Industrial Pretreatment Requirements of the City of Burlington Municipal Code

DISCUSSION: None.
(VOTE: 4 - "AYES")

CARRIED

RESOLUTION:

Introduced By: Graham-Murray

Seconded By: Wilson

1. Resolution Approving Final Plat of 7th Addition to Stonegate Crossing Subdivision

DISCUSSION: The Development and Parks Director stated that the final plat of 7th Addition to Stonegate Crossing Subdivision was a 1-lot subdivision. He stated that the lot was 4.6 acres and had a shared drive entrance and was a viable lot whether approved or not. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.
(VOTE: 4 - "AYES")

ADOPTED

COMMENTS FROM AUDIENCE: Todd Darnell of 320 Valley Street urged the Council to have the overhead power lines in the alley between Third Street and Fourth Street buried. He stated that the issue needed to be addressed. He stated that if there were ever a fire at the McConnell Lofts that with the power lines in the alley many people would be unable to escape due to power lines coming down and fire trucks not being able to use their ladders. He stated that he was bringing up the issue with the recent Tama building fire. The Development and Parks Director stated that he would be contacting Alliant to meet with them this week in regard to this issue. The City Manager stated that Y and J Property Development has concerns also. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 7:08 p.m.

Approved: September 4, 2018

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 Final Acceptance, Final Payment and Release of Retention Monies for the 2018 Parking Lot Improvements, Main Street and Valley Street Lot
3. Resolution Approving Purchase of a Single Axle Dump Truck for Public Works, Street and Sewer Division
4. Resolution Approving an Agreement with Midwest Truck Advertising for Professional Advertising Services on City Buses
5. Resolution Approving Interlocal Agreement Between the City of Burlington and Des Moines County for the 2018 Byrne Justice Assistance Grant (JAG) Program Award
6. Resolution Cancelling Dankwardt Park Pool Agreements

SET DATE FOR PUBLIC HEARING: SEPTEMBER 4, 2018

1. Consideration of an Ordinance Amending Certain Sections of Chapter 105 Garbage and Solid Waste and Chapter 106 Collection of Solid Waste of the City of Burlington Municipal Code