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MINUTES OF THE PROCEEDINGS  
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 39  
August 3, 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:

- \* Lyn Stinson
- \* Marlys Pope
- \* Kevin Ryner

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. He removed the Resolution to Install a Stop Sign for North Bound Traffic at the Intersection of Cherry Street and Bock Street from the consent agenda for discussion at the close of the meeting. Council Member Scott removed the Resolution Disabling Traffic Signals and Installing Stop Signs at the Intersection of Central Avenue and Valley Street from the consent agenda for discussion at the close of the meeting. 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

HEARING:

1. Statement: Consideration of an Ordinance Amending Section of 17.75.172 Billboard

Signs of Title 17 Zoning and Subdivision of the Burlington Municipal Code

COMMENTS: The Development and Parks Director reviewed with Council and the viewing audience the proposed Ordinance Amending Section of 17.75.172 Billboard Signs of Title 17 Zoning and Subdivision of the Burlington Municipal Code. He stated that the proposed Ordinance would allow off-premise signs (billboards) that are 25-square feet or smaller in size and no greater than 12-feet in height may reduce the right-of-way setback to zero feet. He stated that such signs shall require the on-premise activity to be listed and/or shown on the sign as the primary portion of the sign area (51% of the sign area, this counts toward the 25 square feet total) with the off-premise activity and “sponsored by” listed as the secondary portion on the sign (49% of sign area). He stated that such signs shall meet all applicable provisions of the sign regulations. He stated that the amendment was brought forward due to a sign at Bracewell Stadium that is sponsored by Universal Therapy Group. He stated that the sign would be located right on the property line. He stated that the City Planning and Zoning Commission voted 5-0 to recommend approval of the amendment based on the reduced sign and height of the sign, listing “sponsored by” on the sign, the project type, and the limited opportunity for other such signs. He stated that the City Planning and Zoning Commission felt this code change would have minimal negative impact within the community and would support the redevelopment efforts of Bracewell Stadium project, which is a public school site. Larry Williams of 1567 Mason Lane stated that he was against making the amendment City-wide and would prefer the Council make an exemption for Burlington Community School District for Bracewell Stadium. The Development and Parks Director stated that Burlington Community School District did go through the exemption process, but did not meet the request for hardship. Council Member Fleming stated that he was opposed to the proposed Ordinance. 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

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

CARRIED

Introduced By: Davidson

Seconded By: Scott

Motion for Preliminary Adoption of the First Reading of an Ordinance Section of  
17.75.172 Billboard Signs of Title 17 Zoning and Subdivision of the Burlington  
Municipal Code

DISCUSSION: None.

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

CARRIED

ORDINANCE:

Introduced By: Scott

Seconded By: Davidson

1. Motion for Preliminary Adoption of the Second Reading of an Ordinance Rezoning the Property Locally Known as Bracewell Stadium (919 Market Street) from R-4, Multi-Family Residential to C-1, Limited Commercial Zoning District

DISCUSSION: The Development and Parks Director stated that there were no changes to the Ordinance Rezoning the Property Locally Known as Bracewell Stadium (919 Market Street) from R-4, Multi-Family Residential to C-1, Limited Commercial Zoning District from the first reading. He stated that Burlington Community School District (BCSD) has requested that Bracewell Stadium located at 919 Market Street be rezoned from R-4, Multi-Family Residential to C-1, Limited Commercial Zoning District. He stated that the site includes the stadium and the press box. He stated that the City Planning Commission voted 4-0, with one abstain to recommend approval of the requested rezoning to the City Council based on the request of the application, the zoning change having no discernable impact on the neighborhood, the existing land use remaining the same and the site being allowed a billboard sign, with the condition that the Future Lane Use Map be amended from Downtown Mixed Use to Neighborhood Mixed Use. Council Member Fleming stated that his concern was that allowing an off-premise sign on school property. He stated that it was setting poor precedence. He stated that there was a church across the street from the sign and there were neighbors on both sides of the property. He further stated that he was in favor of all of the improvements at Bracewell Stadium as it was a great project, but was against the rezoning. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

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

CARRIED

RESOLUTIONS:

Introduced By: Anderson

Seconded By: Scott

1. Resolution Approving the Final Plat of Trails End Subdivision

DISCUSSION: The Development and Parks Director reviewed with Council and the viewing audience the final plat of Trails End Subdivision. He stated that Trails End Subdivision was located south off of Fleming Court and to the west of Flint Hills Drive. He stated that the lot would be divided into two with the developer planning on building either two single-family homes or two duplexes. Council Member Davidson stated that this a great example of infill development. 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

2. Resolution Authorizing the Filing of an Application for Resource Enhancement and Protection (REAP) Program for Phase I of the Flint River Trail Located in the City of Burlington, Iowa

DISCUSSION: The Development and Parks Director stated that the proposed Resolution authorizes the filing of an application for Resource Enhancement and Protection (REAP) Program for Phase of the Flint River Trail. He stated that the Flint River Trail runs from the downtown Burlington riverfront at the Port of Burlington with the Des Moines County portion of the Flint River Trail at the northern City limits. He stated that funds are available in fiscal year 2016. 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

3. Resolution Disabling Traffic Signals and Installing Stop Signs at the Intersection of Sixth Street and Jefferson Street

DISCUSSION: The Public Works Director stated that the proposed Resolution would disable traffic signals and install stop signs at the intersection of Sixth Street and Jefferson Street. He stated that it would be a two-way stop for east and west bound traffic on Jefferson Street. He stated that traffic counts were done by the Southeast Iowa Regional Planning Commission. He stated that the intersection would be monitored for a year before it became permanent. Steve Frevert, Executive Director of Downtown Partners stated that both the merchants in the downtown and Downtown Partners were not in favor of the proposed traffic control change. He urged the Council to leave the intersection with the traffic lights due to increased pedestrian traffic in that area. Doreen Roy of 1719 South Street stated her concern for increased pedestrian traffic due to shops and green spaces in the area. Council Member Anderson stated that she was very much against it as the Council needed to put pedestrian safety first. Council Member Scott agreed with Council Member Anderson. He stated that he has received many e-mails from concerned citizens and he cannot see any benefit with the change. Council Member Davidson stated that he was also not in favor of removing the lights at this intersection. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 0 - "AYES"

5 - "NAYS" Davidson, Fleming, McCampbell, Scott and Anderson)

FAILED

Introduced By: Davidson

Seconded By: Scott

4. Resolution to Install a Stop Sign for North Bound Traffic at the Intersection of Cherry Street and Bock Street

DISCUSSION: The Public Works Director stated that the proposed Resolution would provide for the installation of a stop sign for north bound traffic at the intersection of Cherry Street and Bock Street per request of a homeowner. He stated that the house at 2605 Bock Street is located very close to the intersection. He stated that the Public Works department has inspected that area and determined there is line of sight issues. Council Member Scott stated that he understood the standpoint of the Public Works department, but he drove the entire neighborhood and there were many uncontrolled intersections and he did not feel it warranted it. Council Member Davidson asked the Public Works Director if there were many accidents in the area. The Public Works

Director stated that he did not have that information. Council Member Anderson stated that she did not remember a lot of traffic in that area. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 1 - "AYE" McCampbell)

4 - "NAYS" Davidson, Fleming, Scott and Anderson)

FAILED

Introduced By: Davidson

Seconded By: Scott

5. Resolution Disabling Traffic Signals and Installing Stop Signs at the Intersection of Central Avenue and Valley Street

DISCUSSION: The Public Works Director stated that the proposed Resolution would provide for the disabling of traffic signals at the intersection of Central Avenue and Valley Street and a two-way stop signs to be installed for east and west bound traffic on Valley Street. He stated that it would be a 12-month trial period prior to a permanent change. He stated that traffic counts were done by the Southeast Iowa Regional Planning Commission. He stated that the intersection would be monitored for a year before it became permanent. Larry Williams of 1567 Mason Lane stated that he was always interested in saving City funds, but felt vehicles on Central Avenue already drive fast and with the proposed change people will drive even faster. Council Member Anderson stated that she was opposed to the change as when there is an event downtown it would create increased traffic issues. Council Member Davidson, Council Member Fleming and Council Member Scott stated that they were in favor of leaving the intersection with the traffic lights. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 0 - "AYES"

5 - "NAYS" Davidson, Fleming, McCampbell, Scott and Anderson)

FAILED

COMMENTS FROM AUDIENCE: Larry Williams of 1567 Mason Lane stated that it is difficult to leave his home on Mason Lane onto Cambridge Drive with the speed limit of 35 miles per hour and also with additional traffic due to the construction of new condos and duplexes in the area. He urged Council to lower the 35 mile per hour speed limit. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 6:20 p.m.

Approved: August 17, 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 Agreement with the Iowa Department of Transportation (IDOT) for the Use of Local Agency Roads for Incident Management
3. Resolution Establishing No Right Turn on Red for East and West Bound Traffic at the Intersection of Central and Washington Streets

APPOINTMENT:

Flint Hills Golf Course Advisory Committee: Bob Francis