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MINUTES OF THE PROCEEDINGS  
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 40  
August 17, 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:

- \* Jim Hofmann
- \* Bev Anderson
- \* Kenny Hillyer

TENURE AWARD:

- \* Debra Wagenbach, Library Assistant, 30 Years of Service

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: Scott                      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. 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 2015 Amendment to Urban Renewal Plan for Burlington Urban Renewal Area

COMMENTS: The Development and Parks Director reviewed with Council and the viewing audience the 2015 Amendment to the Urban Renewal Plan for Burlington Urban Renewal area. He stated that two parcels of property to be added to the Urban Renewal Area are the former Apollo High School site and the riverfront property between Market Street and the Railroad Bridge. He stated that new projects to be undertaken in the Urban Renewal Area, and estimated amounts of incremental property tax expenditures were as follows: Rehabilitation and widening of Division Street, installation of turn lane on West Burlington Avenue and construction of a roundabout at the intersection of West Avenue and West Burlington Avenue in the amount of \$500,000.00; Agency Street east of Roosevelt Avenue to approximately 250 feet west of Melrose Court, including installation of traffic signals and repaving and widening of Agency Street to accommodate a center turn lane \$1,000,000.00; Agency Street west of Roosevelt Avenue, including reconstruction of Agency Street from West Burlington Avenue to Roosevelt Avenue and upgrading traffic signals \$1,500,000.00; demolition, cleanup and clearing of the former Apollo High School site at 1201 Valley Street \$600,000.00 and cleanup, clearing and paving of the former Dresser Rand site at 1106 Washington Street \$400,000.00. The City Manager reviewed with Council and the viewing audience those projects that are budgeted and not budgeted. 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

Resolution to Declare Necessity and Expand an Urban Renewal Area, Pursuant to Section 403.4 of the Code of Iowa and Approve 2015 Amendment to the Urban Renewal Plan for the Burlington Consolidated Urban Renewal Area

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

ADOPTED

ORDINANCES:

Introduced By: Davidson

Seconded By: Scott

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

DISCUSSION: 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. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

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

CARRIED

Introduced By: Davidson                      Seconded By: Scott

2. Motion for Final Adoption 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: None.

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

CARRIED

RESOLUTION:

Introduced By: Anderson                      Seconded By: Scott

1. Resolution Approving Agreement for Satisfaction of \$1,200,000.00 Promissory Note of CDBG Funds with Newbury Village Associates

DISCUSSION: The City Manager stated that the proposed Resolution approving an agreement for satisfaction of \$1,200,000.00 promissory note of CDBG funds with Newbury Village Associates. He stated that this was a \$1,200,000.00 CDBG loan that the City has been in second position on since 1984 and in 2004 it was extended from a 30 year note to 40 year note with no principal or interest guaranteed to be paid until the end of the period. Ted Oswald, Manager and Receiver stated that the original two general partners of Levy and Malone have passed away. He stated that there were approximately 30 limited partners of which approximately half would like to sell the property. He stated that the selling hinges on how much cash could be disbursed among the limited partners. He stated that he was trying to get 70% to 72% of their original investment, from which taxes must be paid. He stated that if the City would accept \$800,000.00 of the \$1,200,000.00 loan, the disbursement would be acceptable to the limited partners. Council Member Anderson stated that the offer was too low. She stated that the limited partners have lowered their taxes by claiming depreciation and will have to pay higher taxes at the time of the sale, but it did not mean that they did not make a profit in prior years. Ryan Jenson of CBRE in Des Moines stated that they were trying to find a workable goal for the City and also the limited partners. He stated that the CDBG funds came from the Federal government not the City. Council Member Anderson stated that the funds never came back to the City to be used for another project. Council Member Scott stated that the City’s best value is to wait it out. He

stated that if the City receives only \$800,000.00 the citizens will be upset. Mayor McCampbell stated that he would like to see the figure closer to \$1,000,000.00. Larry Williams of 1567 Mason Lane urged the Council to work hard to get all the funds back. After considerable discussion by the Council, Council Member Davidson made a motion to Amend the Resolution Approving Agreement for Satisfaction of \$1,200,000.00 Promissory Note of CDBG Funds with Newbury Village Associates by Filling in the Blanks as Follows: \$1,000,000.00 and the Date of October 30, 2015. The motion was seconded by Council Member Fleming and approved with a 4-1 vote with Council Member Scott voting nay. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

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

ADOPTED

Introduced By: Davidson                      Seconded By: Fleming

2. Motion to Amend the Resolution Approving Agreement for Satisfaction of \$1,200,000.00 Promissory Note of CDBG Funds with Newbury Village Associates by Filling in the Blanks as Follows: \$1,000,000.00 and the Date of October 30, 2015

DISCUSSION: None.

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

CARRIED

COMMENTS FROM AUDIENCE: None.

Adjournment: 6:28 p.m.

Approved: September 8, 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

RESOLUTION:

1. Resolution Approving Nuisance Abatements for Various Properties

SET DATE FOR PUBLIC HEARINGS: SEPTEMBER 8, 2015

1. Consideration of Permanent Encroachment Agreement with Tom Wolf for Encroachment into City Right-of-Way at 801 Jefferson Street, Burlington, Iowa
2. Consideration of Plans and Specifications for the 2015 Division Street Reconstruction Project (RISE)
3. Consideration of an Ordinance Amending Section 17.65 Floodplain Regulations of Title 17, Zoning Code of the City of Burlington, Iowa
4. Consideration of an Ordinance Amendment to Ordinance No. 3220, Sunrise West Planned Unit Development (PUD) Overlay District, by Making Changes to Section 11, Pedestrian Sidewalks