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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 43
October 5, 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:

- * Kevin Wagler
- * Eric Tysland, Surprise Recipient

PROCLAMATIONS:

- * City Week: Rhonda Frevert
- * Fire Prevention Week: Fire Marshal Mark Crooks

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: 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 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

HEARINGS:

1. Statement: Consideration of Sale of Property Locally Known as 1321 Iowa Street, City of Burlington, Des Moines County, Iowa

COMMENTS: The Development and Parks Director stated that the City acquired the property locally known as 1321 Iowa Street through the court system as an abandoned building. He stated that the City demolished the house and the adjacent property owner at 1323 Iowa Street has requested the purchase of the property for \$500.00. He stated that the adjacent property owner could expand their lot with a garage and parking area. Ed Wasson of 1325 Iowa Street stated that he was interested in purchasing the property. The Development and Parks Director stated that the vacant lot could be combined with an adjacent lot to expand a home or if an individual wants to use it for a parking lot then it would have to go through a special use permitting process. He stated that the problem that exists is that many times the property ends up being a nuisance. He stated that staff would recommend the property be sold to the adjacent property owner. Ed Wasson of 1325 Iowa Street stated that the property would not become a nuisance. Council Member Anderson questioned if the Council does not sell the property to the adjacent property owner if the Council was setting a precedence for the future. The City Manager stated that it was up to the Council's discretion. After considerable discussion Council Member Davidson made a motion to table the hearing to the October 19, 2015 City Council meeting to allow the adjacent property owner at 1323 Iowa Street to increase their bid on the property at 1321 Iowa Street. 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 That the Hearing Regarding Consideration of Sale of Property Locally Known as 1321 Iowa Street, City of Burlington, Des Moines County, Iowa, Be Tabled to the October 19, 2015 City Council Meeting

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

CARRIED

2. Statement: Consideration of an Ordinance Amending Various Sections of Title 17, Zoning Code of the City of Burlington

COMMENTS: The Development and Parks Director reviewed with Council and the viewing audience the proposed Ordinance Amending Various Sections of Title 17, Zoning Code of the City of Burlington. He stated that there were six zoning code changes to the Zoning Code: group living; family home; PUD Planned Unit Development; home occupations; child/day care and tent requirement. Council Member Anderson stated her concern for those who want to establish an inn where couples can stay and under the proposed Ordinance it states 6 people. She stated that under the proposed Ordinance it does not allow five couples in a five room inn. Joanne Bauer of 2523 Sunnyside Avenue asked for examples of group living and household multi-living. The Development and Parks Director stated that group living would be the King's Daughter on Leebrick Street and also Columbia Street. He stated that it was individual rooms and not set up as apartments. He stated that there were hundreds of household multi-living in Burlington. He stated that the change was more of a clarification of the present Code. The City Manager asked how the proposed Ordinance would impact 1111 North 5th Street. The Development and Parks Director stated that under the present Code 1111 North 5th Street based on parking available

could have approximately 20 roomers, but based on the proposed Ordinance it would be restricted to six roomers. Council Member Scott stated that this was tremendous government at work as they responded to the citizens very expediently. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Anderson Seconded By: Scott
Motion to Close

CARRIED

Introduced By: Anderson Seconded By: Davidson
Motion for Preliminary Adoption of the First Reading of an Ordinance Amending
Various Sections of Title 17, Zoning Code of the City of Burlington

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

CARRIED

ORDINANCES:

Introduced By: Fleming Seconded By: Scott

1. Motion for Final Adoption of an Ordinance Amending Section 17.65 Floodplain Regulations of Title 17, Zoning Code of the City of Burlington, Iowa

DISCUSSION: The Development and Parks Director stated that there were no changes to the proposed Ordinance Amending Section 17.65 Floodplain Regulations of Title 17, Zoning Code of the City of Burlington, Iowa from the second 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: Fleming Seconded By: Scott

2. Motion for Final Adoption of an Ordinance Amendment to Ordinance No. 3220, Sunrise West Planned Unit Development (PUD) Overlay District, by Making Changes to Section 11, Pedestrian Sidewalks

DISCUSSION: The Development and Parks Director stated that there were no changes to the proposed Ordinance Amendment to Ordinance No. 3220, Sunrise West Planned Unit Development (PUD) Overlay District, by Making Changes to Section 11, Pedestrian Sidewalks from the second reading. He stated that the proposed Ordinance would provide that four-foot wide pedestrian and bike sidewalks shall be provided by parcel owners along all public street frontages with the PUD, except sidewalks along the east and south side of Erickson Lane shall not be required to be installed. Council Member Scott asked if the proposed Ordinance was waiving sidewalks for the rest of the development. The Development and Parks Director stated that there were sidewalks on the west and north side of Erickson Lane and the proposed Ordinance would not apply to the rest of the development. He stated that the reason for the request was that the developer feels the cost would be high to retrofit the sidewalks due to the

slope of the driveways on the east and south side of Erickson Lane. He stated that sidewalks are already installed on the north side of the street. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

CARRIED

Introduced By: Davidson Seconded By: Scott

3. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of an Ordinance Amending Section 17.20.02 Table of Uses, General Commercial Use Categories of Title 17, Zoning Code of the City of Burlington, Iowa

DISCUSSION: The Development and Parks Director reviewed with Council and the viewing audience the proposed Ordinance Amending Section 17.20.02 Table of Uses, General Commercial Use Categories of Title 17, Zoning Code of the City of Burlington, Iowa. He stated that the amendment amends the table of uses and definitions by listing micro-brewery and brew pubs as general commercial uses, with modifications to limit the capacity of micro-brewery and brew pubs to a maximum production of 10,000 barrels per year. 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 - "ABSTAIN ANDERSON)

CARRIED

Introduced By: Davidson Seconded By: Scott

4. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption of an Ordinance Amending Section 17.20.02 Table of Uses, General Commercial Use Categories of Title 17, Zoning Code of the City of Burlington, Iowa

DISCUSSION: None.

(VOTE: 4 - "AYES" FLEMING, MCCAMPBELL, SCOTT AND DAVIDSON

1 - "ABSTAIN ANDERSON)

CARRIED

Introduced By: Davidson Seconded By: Scott

5. 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 West of the Property at 1000 Court Street, Burlington, Iowa

DISCUSSION: The Development and Parks Director reviewed with Council and the viewing audience the proposed Ordinance Vacating and Selling a Portion of Alley Right-of-Way Located West of the Property at 1000 Court Street, Burlington, Iowa. He stated that the vacated portion of the alley was approximately 10 feet by 50 feet and would be sold to the adjacent property owner at 1000 Court Street. He stated that historically the property at 1000 Court Street has been a duplex and presently the building is vacant. He stated that the owner of the property plans to use the property as a duplex and needs the lot area to meet the minimum requirements to have a duplex. All present had opportunity to speak and nothing additional was filed in the office of the

City Clerk.
(VOTE: 5 - "AYES")

CARRIED

Introduced By: Davidson Seconded By: Scott

6. 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 West of the Property at 1000 Court Street, Burlington, Iowa

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

CARRIED

COMMENTS FROM AUDIENCE: None.

Adjournment: 6:59 p.m.

Approved: October 19, 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 Demolition and Nuisance Abatements for Various Properties

2. Resolution Amending Paramedic Intercept Fee for the Fire Department

SET DATE FOR PUBLIC HEARING: OCTOBER 19, 2015

1. Consideration of Sale of Property Locally Known as 1201 Valley Street, City of Burlington, Des Moines County, Iowa with Conditions

APPOINTMENTS:

Parks Advisory Committee: Zachary James and Dawn Hazell

Zoning Board of Adjustment: David Davis