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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 44
October 19, 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

TENURE AWARDS:

- * Mark Cameron, Streets/Sewer Maintenance Worker II, 35 Years of Service
- * Collin Wilson, Streets/Sewers Maintenance Worker II, 35 Years of Service

MAYOR'S AWARDS:

- * Mark Cameron
- * Collin Wilson
- * Jim Ferneau, Surprise Recipient

PROCLAMATIONS:

- * Winner of the City of Burlington 7th Grade Essay Contest 2015
- * Red Ribbon Week: Sarah Schwartz

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: Fleming Seconded By: Scott

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 Tabled from the October 5, 2015 City Council Meeting

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 property shall be combined with an adjacent property to form one lot or a home shall be constructed upon the lot meeting all applicable codes and commencing within 180 days of sale date if it is not combined with an adjacent lot. Ed Wasson of 1325 Iowa Street confirmed that if he purchased the property that he would have to build a home. The City Manager stated that was staff recommendation that the property would be combined with an adjacent property or a home built. He stated that the Council could waive that recommendation. Ed Wasson stated that there were many lots in Burlington that are not owned by adjacent property owners. The City Manager stated that the City cannot control what happens on other lots, only lots owned by the City. He stated that the City was trying to promote growth on sale of City property. Mayor McCampbell led an auction for the Sale of Property Locally Known as 1321 Iowa Street, City of Burlington, Des Moines County, Iowa. Darryl and Donna Russell of 1323 Iowa Street was the high bidder at \$500.00. 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 to Close

CARRIED

Introduced By: Davidson Seconded By: Scott
Motion to Amend Exhibit “C” of the Resolution Approving the Sale of Property Locally Known as 1321 Iowa Street, City of Burlington, Des Moines County, Iowa That the Property Be Sold to Darryl and Donna Russell in the Amount of \$500.00

DISCUSSION: None.
(VOTE: 5 - “AYES”)

CARRIED

Introduced By: Davidson Seconded By: Scott
Resolution Approving Sale of Property Locally Known as 1321 Iowa Street, City of Burlington, Des Moines County, Iowa

DISCUSSION: None.
(VOTE: 5 - “AYES”)

ADOPTED

2. Statement: Consideration of Sale of Property Locally Known as 1201 Valley Street, City

of Burlington, Des Moines County, Iowa with Conditions

COMMENTS: The Development and Parks Director reviewed with Council and the viewing audience the proposed Sale of Property Locally Known as 1201 Valley Street, City of Burlington, Des Moines County, Iowa with Conditions. He stated that the conditions of the sale of property were as follows: construct a minimum of 40 residential housing units within the existing building; invest a minimum of \$5,000,000.00 in the redevelopment of the existing building for housing and construction shall be completed within two years of transfer of deed. He stated that all permits shall be received and codes shall be met, as applicable, for any construction and rehabilitation at the property sold. He stated that the purchase shall be contingent upon successful award of low income housing tax credits (LIHTC) through the Iowa Finance Authority (IFA). Failure to secure such tax credits by April 1, 2016 for this project shall result in the sale of the property being null and void and the ownership of the property shall remain with the City of Burlington. He stated that the successful award of LIHTC shall result in the closing and transfer of the property within six months of such award date from IFA with the property being transferred by quit claim deed. The City Manager stated that there was also potential for a Tax Increment Finance (TIF) rebate, if the developer would go through the urban renewal sale process. He stated that there were two developers that are interested and there could be possible discussion within the weeks and month ahead. There were no practical offers on the property during the auction. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Davidson Seconded By: Fleming
Motion to Close

CARRIED

Introduced By: Davidson Seconded By: Fleming
Resolution Approving Sale of Property Locally Known as 1201 Valley Street, City of Burlington, Des Moines County, Iowa with Conditions

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

FAILED

ORDINANCE:

Introduced By: Scott Seconded By: Davidson

1. Motion for Preliminary Adoption of the Second Reading of an Ordinance Amending Various Sections of Title 17, Zoning Code of the City of Burlington

DISCUSSION: 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. Rodney Botts of 421 North 7th Street stated that it would be nice to require the

owner to live a group home to make sure that the home is maintained. He also stated to make group homes go through a special use permit process. Ben Brinck of 414 North Street also felt that a special use permit process and require the owner-occupied for group living. Council Member Fleming felt the comments were legitimated, but not sure how practical. The Development and Parks Director stated that an amendment was prepared to amend No. 6. Tent Requirement, Section 17.30.204 No. 8 Area Exceptions and Modifications which would make a gazebo screen in tent that people use for enjoyment allowable. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

CARRIED

Introduced By: Scott Seconded By: Anderson

2. Motion to Amend the Ordinance Amending Various Sections of Title 17, Zoning Code of the City of Burlington by Amending No. 6. Tent Requirement, Section 17.30.204 No. 8 Area Exceptions and Modifications

DISCUSSION: None.

(VOTE: 5 - "AYES")

CARRIED

RESOLUTION:

Introduced By: Anderson Seconded By: Davidson

1. Resolution Authorizing Internal Loan from General Fund to Tax Increment Revenue Fund

DISCUSSION: The City Manager reviewed with Council and the viewing audience the proposed Resolution Authorizing Internal Loan from General Fund to Tax Increment Revenue Fund. He stated that the City incurred attorney fees from Dorsey and Whitney LLP for establishment of the Urban Renewal Area and amendments to the Urban Renewal Area and creating the tax increment fund rebate agreements. He stated that the attorney fees were paid out of the general fund. He stated that in order to make the costs of the attorney fees eligible to be repaid from future incremental property tax revenues, it is necessary to facilitate an internal loan from the general fund to the tax increment revenue fund in the amount of \$49,084.41. He explained that the loan shall be repaid to the general fund out of future incremental tax revenues received into the tax increment fund. He stated that the Resolution would need to be filed with the Des Moines County Auditor as evidence of the loan and the Director of Administrative Services would certify no later than December 1, 2015 the full original amount of the loan. Council Member Davidson stated that he was not sure the public understood the internal loan. The City Manager reiterated the process. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

ADOPTED

COMMENTS FROM AUDIENCE: Ben Brinck of 414 North Street stated that he would like to see a special use permit required for group homes along with the requirement that the property

owner live at the dwelling. Mayor McCampbell stated that a lot of people own more than one property, which would make that requirement difficult. The City Manager stated that the change that Ben Brinck was requesting to the proposed Ordinance on group homes was a substantial change and would require it to go back to the Planning and Zoning Commission for review. Marlan McKee of 1121 South 12th Street spoke about General Electric seeking incentives for Agency Street and the City of West Burlington not paying for the signalization and paving; the 20 miles per hour speed limit on Mason Road in front of Edward Stone Middle School that should be removed because parents do not use that area; sidewalks on Monticello are only on one side of the street and not both sides of the street; and questioned if the proposed Ordinance on boarding houses applies just to the North Hill area. The City Manager stated that the community in which the road is being improved pays for the cost of any improvements. Council Member Scott stated that it depends on many issues whether or not sidewalks are waived. He stated that things change every decade. He stated that personally he likes sidewalks on both sides of the street. Council Member Davidson stated that the proposed Ordinance on boarding houses applies to the entire City not just the North Hill area. Larry Williams of 1567 Mason Lane encouraged the citizens of Burlington to vote yes at the November 3, 2015 ballot on the question of the purchase of a new police station. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 6:55 p.m.

Approved: November 2, 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

RESOLUTION:

1. Resolution Approving Demolition and Nuisance Abatements for Various Properties

SET DATE FOR PUBLIC HEARINGS: NOVEMBER 2, 2015

1. Consideration of an Ordinance Readopting the "Code of Ordinances of the City of Burlington, Iowa 2003"
2. Consideration of an Ordinance Rezoning the Property Locally Known as 705 Maple Street from C-2, General Commercial to R-4, Multi-Family Residential Zoning District with a Planned Unit Development (PUD) Overlay Zone

APPOINTMENTS:

Animal Hearing Board: Angela Beard

Construction Board of Appeals: Cynthia Larson & Robert D. Boyle

Flint Hills Golf Course Advisory Committee: Sally Box