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MINUTES OF THE PROCEEDINGS  
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 45  
November 2, 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. Mayor McCampbell stated a public condolence to the family of Council Member Scott in the passing of his father. He stated his deepest condolence and prayers to the family.

BURLINGTON CITY COUNCIL

MAYOR'S AWARDS:

- \* Leon Shahan
- \* Larry Williams

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: Anderson                      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. 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 an Ordinance Readopting the "Code of Ordinances of the City of Burlington, Iowa 2003"

COMMENTS: The City Manager stated that the City has a new codifier for the Burlington City Code and the Code would be online and would now be searchable. He stated that the proposed

Ordinance readopts the Code of Ordinances dated 2003. He stated that the changes would be formatting changes only and not language change. The Development and Parks Director stated that another change was making Title 17 Zoning and Subdivision Code of the Development Program would now be called Chapter 170. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Anderson  
Motion to Close

Seconded By: Scott

CARRIED

Introduced By: Anderson

Seconded By: Fleming

Motion for Preliminary Adoption of the First Reading of an Ordinance Readopting the "Code of Ordinances of the City of Burlington, Iowa 2003"

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

CARRIED

2. Statement: 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

COMMENTS: The Development and Parks Director stated that the proposed Ordinance would rezone the former Salter School located at 705 Maple Street from C-2, General Commercial to R-4, Multi-Family Residential Zoning District with the PUD Overlay Zone. He stated that when the building was used as a school it was zoned R-4 and then later became C-2. He stated that the rezoning would allow for a maximum of 60 residential units with a minimum of 52 off-street parking spaces provided on site and a minimum of eight parking spaces provided in the right-of-way for the residents of the site and a minimum of 10 parking will be provided in the right-of-way for visitors. He stated that the Planning Commission voted 5-0 to recommend approval of the requested rezoning based on the request of the applicant to construct a new low-income senior living apartment building of up to 60 units. He stated that the rezoning is conditional upon the site receiving low income housing tax credits and the project proceeding. He stated that failure to be awarded such tax credits in 2016 will result in the area remaining zoned C-2 and the failure to commence the project by the end of 2016 will also result in the zoning of the site remaining C-2. Richard Sova of Landover Corporation stated that there was a need for senior housing in Burlington. He stated that he was applying for federal low income housing tax credits administered by the State and felt that it was going to be a very competitive process. He stated that he would like the Council's financial support in the form of a tax abatement so that they can score high enough for the federal low income housing tax credits so that the project is awarded. The City Manager stated that a 10-year tax abatement would show a 5% City investment. He stated that on November 16, 2015 the Economic Development will meet and Council will need to review and make a decision about community support. Council Member Anderson asked the price of the units. Richard Sova stated that the senior housing units were not low income, but moderate income with rents for 1-bedroom \$500.00 and 2-bedrooms \$700.00. Eric Renteria of

907 High Street stated his concern that the rules of today are not the rules of tomorrow. He further stated that the project did not fit into the City's comprehensive plan. He further felt the former Salter School would be better utilized as the new police facility. Council Member Scott stated that the City's comprehensive plan was a guide and was not set in stone. Richard Sova stated that the rents are dictated by the State and were for those age 55 and up. He stated that the requirement was for 30 years. Council Member Anderson stated that a widow could sell her home and move into a place that everything is taken care of. Joe Belger of 301 South 7<sup>th</sup> Street stated that there were a dozen empty lots in the area and the project would kill any future development of those lots. Leon Shahan of 1821 Mt. Pleasant Street asked Richard Sova if the project was income test or asset test based. Richard Sova stated that it was strictly income based. The Development and Parks Director reviewed the City's tax abatement program. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Anderson  
Motion to Close

Seconded By: Scott

CARRIED

Introduced By: Anderson

Seconded By: Scott

Motion for Preliminary Adoption of the First Reading 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

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

CARRIED

ORDINANCE:

Introduced By: Davidson

Seconded By: Scott

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

DISCUSSION: The Development and Parks Director stated that there were no changes to the proposed Ordinance Amending Various Sections of Title 17, Zoning Code of the City of Burlington from the second reading. 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. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

CARRIED

RESOLUTIONS:

Introduced By: Davidson

Seconded By: Fleming

1. Resolution Awarding Contract for the 2015 Division Street Reconstruction and Silgan

Turn Lane (RISE) RM-0977(643)-7D-29

DISCUSSION: The Public Works Director stated that the 2015 Division Street Reconstruction and Silgan Turn Lane (RISE) Project would provide for the reconstruction of Division Street from West Burlington Avenue east to near the railroad tracks, the construction of a turn lane for the Silgan Development and patching of Division Street between the Silgan site and Roosevelt Avenue. He stated that the project is being completed as a part of the Flint Ridge Business Park RISE Grant. He stated that three bids were received on October 20, 2015 with Shipley Contracting Corporation being the low bidder in the amount of \$468,623.35. He stated that if the project is awarded at the meeting there will be a pre-construction on November 3, 2015 and the contractor was planning on starting the job on November 4, 2015. Council Member Davidson asked if the turning lane was going to be on part of the Dresser Rand property. The Public Works Director stated that the turn lane will be adjacent to the northwest corner of the Dresser Rand property, but on the City right-of-way. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

ADOPTED

Introduced By: Davidson

Seconded By: Scott

2. Resolution of the City of Burlington, Iowa Certifying an Immediate Non-Speculative Opportunity Exists for Permanent Job Creation That Necessitates a Revise Iowa's Sound Economy (RISE) Immediate Opportunity Grant Application and Endorsing an Immediate Non-Speculative Development Project and Approving Submission of a Grant Application and Authorizing the Mayor to Sign Required Grant Applications and Agreements

DISCUSSION: David Toyer of Grow Greater Burlington, stated that there is a potential expansion of the General Electric plant at its West Burlington facility. He stated that there would be an increase in truck traffic along Agency Street, necessitating reconstruction and realignment of Agency Street and improvements to the intersection with West Burlington Avenue. He stated that both Burlington and West Burlington would be applying for a RISE Grant. Council Member Davidson asked if the project was a joint project with Burlington and West Burlington. David Toyer stated that it was a joint project. The City Manager stated that each community would be paying for the improvements that are located in their community. He stated that Burlington was paying for a larger portion of the project than West Burlington, but more of the project is located in Burlington. He stated that the Council had talked about the improvements last year and it was a part of the CIP Plan. He further stated that without the General Electric Project, the City would only be doing the lighting improvements on Agency Street by Hobby Lobby. He stated that the Council already approved in August 2015 TIF eligibility for the project. He stated that upon approval the RISE Grant Application will go before the IDOT at their November 10, 2015 meeting and then General Electric will need to make a decision what their plans are. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

ADOPTED

Introduced By: Davidson

Seconded By: Scott

3. Resolution Approving Final Plat of Eighth Addition to Westbrook Estates Subdivision

DISCUSSION: The Development and Parks Director reviewed the final plat of Eighth Addition to Westbrook Estates Subdivision. He stated that the subdivision was a 3-lot subdivision and also reserved an outlot and future street right-of-way. Council Member Fleming stated that he drove out to the area and it was going to be very nice. 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: Davidson

4. Resolution Obligorating Funds from the Greater Burlington Partnership TIF Rebate Subfund of the City's Urban Renewal Tax Revenue Fund for Appropriation to the Payment of Annual Appropriation Tax Increment Rebate Payments Due to Be Paid in the Succeeding Fiscal Year

DISCUSSION: The City Manager explained to Council and the viewing audience the obligated appropriation from the Greater Burlington Partnership TIF Rebate subfund in the amount of \$30,000.00, which is an estimated amount equal to 100% of the incremental property tax revenues that are expected to be received by the City in such subfund from the Des Moines County Treasurer in the fiscal year that will begin July 1, 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: Anderson

5. Resolution Obligorating Funds from the Winegard TIF Rebate Subfund of the City's Urban Renewal Tax Revenue Fund for Appropriation to the Payment of Annual Appropriation Tax Increment Rebate Payments Due to Be Paid in the Succeeding Fiscal Year

DISCUSSION: The City Manager explained to Council and the viewing audience the obligated appropriation from the Winegard TIF Rebate subfund (Fairway Center Project) in the amount of \$130,000.00, which is an estimated amount equal to 75% of the incremental property tax revenues that are expected to be received by the City in such subfund from the Des Moines County Treasurer in the fiscal year that will begin July 1, 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: Anderson

6. Resolution Expressing Council Commitment to Keep New G.O. Bond Use for New Police Facility to \$2.2 Million

DISCUSSION: Council Member Scott stated that the proposed Resolution expresses the City Council's commitment to keep the new General Obligation Bond use to no more than \$2.2 million for the new police facility. He stated that staff has looked at numerous buildings and

locations for a new police facility. He stated that the question on the ballot stated \$4,000,000.00, because of the time frame in getting it on the ballot. Mayor McCampbell stated that the Resolution sends a message to the citizens that the Council is serious about the \$2.2 million cap. He stated that many people would like a new “state of the art” building, but the City does not have “state of the art” money. He encouraged everyone to vote and to not be afraid of the figure that is listed on the ballot. Council Member Fleming stated that the U.S. Bank building was a good building. Antoniette Wilson of 2537 Surrey Road stated that she has toured the present police facility and it is in terrible condition. She urged Council to vote in favor of the proposed Resolution. Dean Phenise of Northern Drive stated that the City needed a new police facility. He stated that the City would be taking away his bank. Eric Renteria of 907 High Street stated that as a taxpayer his taxes have not gone down. He stated that if the City should not be spending money it doesn’t have. Council Member Anderson stated that the present police facility is in bad condition and the City can’t wait on the project. She stated that the U.S. Bank building was a well maintained building. Council Member Davidson stated that the Council needs to honor the men and women who serve on the police department by having them in a safe building. He stated that by not honoring them, it was a disgrace. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - “AYES”)

ADOPTED

(Mayor McCampbell stepped out of the City Council meeting.)

Introduced By: Fleming

Seconded By: Scott

7. Resolution Approving Engineering Services Agreement Between the City of Burlington and Veenstra and Kimm, Inc. of Moline, Illinois for Professional Engineering Services for Phase V of the Flood Mitigation Project in the City of Burlington, Iowa

DISCUSSION: The City Manager stated that the City took RFQ’s for engineering services for design and construction for Phase V of the Flood Mitigation Project. He stated that the RFQ review committee chose Veenstra and Kimm, Inc. as the engineering firm. Leo Foley of Veenstra and Kimm, Inc., of Moline, IL stated there were five phases to the plan and that Veenstra and Kimm, Inc. plans to do the Definite Project Report and place the report in front of the IDNR that provides FEMA certification. He stated that he would like to get started on the surveying and geo-tech yet this winter. The City Manager reviewed the compensation amount not to exceed \$836,000.00 with construction engineering services not to exceed \$151,000.00. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - “AYES”)

ADOPTED

1 - ABSENT McCampbell)

(Mayor McCampbell returned to the City Council meeting.)

COMMENTS FROM AUDIENCE: Dean Phenise of Northern Drive asked who owned the Apollo School. The Mayor stated that the City owned the Apollo School. Dean Phenise asked what would happen if a homeless person gets hurt or killed in the building. The City Manager

stated that the City has liability insurance. Dean Phenise stated that he would like to see the building saved. He stated that there needed to be a parking ramp in downtown Burlington for those that live in the downtown area. He stated that there is also a need for more senior housing and affordable housing too. He congratulated Mayor McCampbell and Council Member Anderson for doing a good job on the Council. He gave his condolence to Council Member Scott in the passing of his father. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 7:19 p.m.

Approved: November 16, 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