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MINUTES OF THE PROCEEDINGS  
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 46  
November 16, 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:

- \* David Carlson
- \* Marcia Carlson

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: 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

RESOLUTION:

Introduced By: McCampbell                      Seconded By: Scott

1. Resolution of Support for the Low Income Housing Tax Credit Program Application to the Iowa Finance Authority for the Development of the Churchill Apartments at the SE Corner of 4<sup>th</sup> Street and Valley Street

DISCUSSION: The Development and Parks Director stated that a developer was looking at a building at the southeast corner of 4<sup>th</sup> Street and Valley Street, which presently houses Moto's

Café. He stated that the proposed Resolution would provide support for the low income housing tax credit program for the project. He stated that the developer would use 4% low income housing tax credits, which are non-competitive and do not need local support for the application, but will use private equity to finance the majority of the project. He stated that the building would house 75-units with a 60% AMI (Area Medium Income). He stated that Blackbird Investments, LLC was available for comments and questions. T. J. Jacobs with Blackbird Investments, LLC stated that they were wanting to invest \$20,000,000.00 into the downtown. He stated that they were planning on having 75-units with a mix of one and two bedroom units. He stated that they were applying for State and Federal tax credits. Hugh O'Hagen with Blackbird Investments, LLC stated that all people need good, clean living arrangement. He urged the Council to support the project. Mike Darnell of 320 Valley Street stated that usually there is a market study done to see if there is a need for low income housing. He stated that he would rather see a blended use of the property rather than the entire building being low-income. Eric Renteria of 907 High Street questioned if the City, State and Federal governments were overflowing with money. He stated that this type of project was not a part of the City's comprehensive plan. He stated that he was not in favor of low rent housing in the downtown. T. J. Jacobs stated that they did a market study and there was a very viable need for low-income housing. Mayor McCampbell stated that he was disappointed about what he read. He stated that he did not feel it was an attack on him, but more of a misinformation. He stated that some of the things that he read about Council Member Anderson was an attack on her. He stated that all Council Member Anderson was trying to say was that there should be a mix-use in the area and he agreed with her. He stated that growing up there was a stigma to those children and youth that lived in Flint Hills Manor. He felt that it should be a mixed-use so there is no stigma that a certain area is low-income. He stated that low-income means you do not have the finances, it does not make you lower than someone else. He stated that being rich does not make a person good. Council Member Fleming stated that he was looking at it objectively. He sees an empty building and a legitimate company that wants to rehab an old empty building. Council Member Anderson stated that to personally attack her to win the argument was personally upsetting to her. She stated that she owns low-income properties downtown and she did not feel the project would affect her. She stated that she has helped others with low-income grants for housing. She stated that she believes in mixed-use areas. She stated that at the work session she used the wrong choice of words by saying "those people." She stated that she was once low-income and when she moved to Burlington her life turned around. She stated that for people to say that she turns her nose down to low-income people was not true and was unfair to her as she has low-income people in her family and she rents to low-income people. She stated that she is a firm believer in mixed-use communities. She did not want to see all 70-units be low-income and referred to as the "low-income building." Council Member Davidson thanked everyone for their input over the past week. He stated that personally he would have qualified as low-income during his lifetime. Mayor McCampbell stated that low-income does not mean you are lazy, don't have a job and won't work. He stated that there is now a group of people that are considered the working class poor. He stated that low-income means that your finances are not where you want them to be and it does not make you less of a human being. Council Member Scott stated that John Winegard once lived in the Flint Hills Manor, the area that was torn down and now his son is wanting to

purchase that area. He stated that they were once in that same category. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.  
(VOTE: 3 - "AYES" Scott, Davidson and Fleming  
2 - "NAYS" McCampbell and Anderson) CARRIED

Mayor McCampbell left the meeting at 6:15 p.m., upon voting on the Resolution of Support for the Low Income Housing Tax Credit Program Application to the Iowa Finance Authority for the Development of the Churchill Apartments at the SE Corner of 4<sup>th</sup> Street and Valley Street.

ORDINANCES:

Introduced By: Scott Seconded By: Davidson

1. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of an Ordinance Readopting the "Code of Ordinances of the City of Burlington, Iowa 2003"

DISCUSSION: The Director of Administrative Services stated that the City has Municode as the new codifier for the Burlington City Code. She stated that the Code would be online and would now be searchable. She stated that the proposed Ordinance readopts the Code of Ordinances dated 2003. She stated that the changes would be formatting changes only and not language change. She reviewed with the Council and the viewing audience how the page numbering will look and how the index will change to now show section numbers. Council Member Scott stated that the City's present City Code that is online is very cumbersome to search and very hard to work with. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - "AYES" CARRIED  
1 - ABSENT McCampbell)

Introduced By: Scott Seconded By: Davidson

2. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption of an Ordinance Readopting the "Code of Ordinances of the City of Burlington, Iowa 2003"

DISCUSSION: None. CARRIED  
(VOTE: 4 - "AYES"  
1 - ABSENT McCampbell)

Introduced By: Scott Seconded By: Davidson

3. Motion for Preliminary Adoption of the Second 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: 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 spaces 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. He reviewed with Council and the viewing audience the preliminary site plan. David Lloyd of 706 Elm Street stated that the rezoning was spot rezoning. He stated that he did not feel it would be safe for seniors to live on Maple Street and that it was not a good fit. Joe Belger of 301 South 7<sup>th</sup> Street stated his concern for who was going to be enforcing the age 55 plus requirement. Tom Kuntz of 602 Aetna Street stated that he was in favor of the project. He encouraged the Council to vote yes on the rezoning so that seniors have a place to live. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - "AYES"

CARRIED

1 - ABSENT McCampbell)

RESOLUTIONS:

Introduced By: Fleming

Seconded By: Scott

1. Resolution Authorizing Purchase of Real Estate

DISCUSSION: The City Manager stated that the proposed Resolution authorizes the purchase of a section of property for a north-south access point from Agency Road southward toward the planned Flint Hills Manor site. He stated that the price for the property was \$70,150.00 which includes their attorney fees. He stated that this has been a two-year process with the Council. He stated that the Council had set a date for condemnation proceeding that was scheduled in December 2015, but would now be dropped. He stated that the developer who purchases the 28.5 acres Flint Hills Manor site for \$2,400,000.00 would also purchase this 8,000 square foot from the City at \$2.00 square foot, which would be \$60,000.00. Council Member Fleming stated that he was in favor of the purchase. 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)

Introduced By: Davidson

Seconded By: Scott

2. Resolution Approving Request for Financial Support for Construction of a Senior Housing Development Located at the Property Locally Known as 705 Maple Street

DISCUSSION: The Development and Parks Director stated that the developer of 705 Maple Street plans on building senior housing and applied for tax credits in 2016 for the property. He stated that part of the application for the tax credits was for community support. He stated that the property would be in the City's ten year tax abatement program. He stated that the City will also reimburse permit fees associated with the project in an amount up to \$68,000.00 and provide Economic Development Funds from Local Option Sales Tax Funds in an amount up to \$141,000.00, totaling \$209,000.00 of cash infusion into the project. Those who spoke against the project were as follows: Reverend Al Sparks of 302 South Garfield Avenue, Eric Renteria of 907 High Street, Joe Belger of 301 South 7<sup>th</sup> Street. Reverend Al Sparks urged the Council to keep the Salter School building and use it for the youth. Eric Renteria felt that the City was taking the building from the tax rolls to a non-tax status. He questioned how many bedrooms would be constructed in the senior housing project. He further stated that once the project is built seniors would be moving to Burlington from hours away to live here and he did not feel that was appropriate. Richard Sova of Landover Corporation stated that there would be 60-units with 2/3 being two-bedroom apartments and 1/3 being one-bedroom apartment. He stated that most seniors prefer a two-bedroom apartment, if they can afford it. Council Member Davidson stated that he did not see a problem with seniors moving to Burlington and expanding the City's population base. He stated that he was in favor of the project. Council Member Scott stated that he supported the project as there was a need for senior housing. He stated that HUD will be inspecting the property every three years. He further stated that everything he has heard about the developer was good. Council Member Fleming stated that he would vote in favor of the project as senior housing was needed in Burlington. Council Member Anderson stated that she was recently attacked about the project, because they said she would benefit by the project. She stated that the entire community would benefit from the project as it would make a positive impact on the City. She further stated that she felt very comfortable with the developer. 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)

Introduced By: Scott Seconded By: Fleming

3. Resolution Approving Annual Financial Report

DISCUSSION: The Director of Administrative Services stated that the proposed Resolution approves the annual Financial Report for fiscal year ending June 30, 2015. She stated that the one page financial report would be published on November 17, 2015. She stated that the report must be filed by December 1, 2015 with the State Auditor's office. She stated that the report recaps all the revenues and expenditures for the City. 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)

Introduced By: Davidson Seconded By: Scott

4. Resolution Approving Annual Urban Renewal Report

DISCUSSION: The Director of Administrative Services stated that the proposed Resolution approves the annual Urban Renewal report, which must be filed with the Department of Management by December 1, 2015. She stated that the report recaps Tax Increment Financing Funds (TIF). 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)

COMMENTS FROM AUDIENCE: Tom Kuntz of 602 Aetna Street stated that The Hawk Eye newspaper owed Council Member Anderson an apology for being so offensive to her in an article. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 7:34 p.m.

Approved: December 7, 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 Final Acceptance, Final Payment and Release of Retention Monies for the 2015 Main Drive Sealcoat Street Improvements