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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 47
December 7, 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

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: 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. Council Member Anderson announced those individuals appointed to various City commissions and boards. Leon Shahan of 1821 Mt. Pleasant Street requested the removal of the Amended Resolution Authorizing Purchase of Real Property from the Consent Agenda for discussion at the close of the meeting. 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 on Acquisition and Development Agreement Related to Project in Flint Hills Neighborhood of the Burlington Consolidated Urban Renewal Area

COMMENTS: The Development and Parks Director stated that the City owns 28 acres in Flint Hills Manor and will be selling the property to local developers. He stated that proposed plans were for a mix of primarily retail, office/commercial type uses and possibly residential in the southeast corner of the property. The City Manager stated that the tax rebate was for 12-years with 6-years 100% and 6-years 75%. He stated that the drive lining up directly across with the former K-Mart site, that drive is currently owned by Columbia Associates/Walgreens and the

City will be purchasing that section and then selling it to the developers. Jesse Caston of Terrus Real Estate stated that Scott Spear and Randy Winegard are the developers for the Flint Hills Manor property. He stated that they will be purchasing the property from the City for \$2,400,000.00. He stated that the developers will pay \$1,200,000.00 at closing and the remaining \$1,200,000.00 would be paid to the City within two years of the date of the closing or once 50% of the property is either developed and/or sold by the Developer, whichever comes first. He stated that he was excited about working with Randy Winegard and Scott Spear. Scott Spear of 11008 Oak Ridge Road stated that he was partnering up with Randy Winegard for development of the property at Flint Hills Manor. He stated that by being local developers, will make the project successful. He stated that he was excited to make the development happen. He stated that he hoped the Council will vote in favor of the Resolution. Council Member Anderson questioned what the start date would be for the development. Scott Spear stated that he was hoping to start 2016. Leon Shahan of 1821 Mt. Pleasant Street and Ron Gillette of 812 Dunham Street were against giving Randy Winegard a tax break for the project. Leon Shahan questioned how big the development would be. Jesse Caston stated that the proposed budget for the project was approximately \$20,000,000.00. Leon Shahan stated that the proposed development would be competing with other businesses in Burlington. He stated that the area should be restored to prairie grass. Ruben Cloke of 607 North Central Avenue asked if property taxes would be affected. Council Member Anderson stated that it would not affect property taxes. Council Member Scott stated that he had a constituent call him and he felt local people should not receive tax abatements, only out-of-town developers. He stated that personally he is more excited that the City has local developers interested in developing the property. He stated that he was thrilled that Scott Spear and Randy Winegard were going to develop the property. He further stated that he sees a light at the end of the tunnel. Council Member Fleming stated that if Scott Spear and Randy Winegard are successful, new businesses will come to Burlington and more jobs will be added. Mayor McCampbell stated that he felt it was a shame for prime real estate to be just sitting empty. Council Member Anderson stated that the project would provide jobs, sales tax money and future property taxes. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Anderson Seconded By: Davidson
Motion to Close

CARRIED

Introduced By: Scott Seconded By: Davidson
Resolution Approving Proposal to Dispose of Real Estate to Burlington Crossings Real Estate, LLC, Authorizing Annual Appropriation Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of a Development Agreement

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

ADOPTED

ORDINANCE:

Burlington that do not have sidewalks due to sidewalks being waived. He stated that it should start with sidewalks, even if it means that the City must tell property owners that they must construct a sidewalk. He stated that the Complete Streets Policy was the right thing for Burlington, but he doesn't know the City has the political and financial capability to make it happen. Mayor McCampbell stated that some sidewalks were waived due to various reasons and all streets are not the same. Council Member Anderson stated that it was a move in the right direction. Council Member Davidson stated that he appreciated the efforts of Southeast Iowa Regional Planning Commission, he liked the concepts, but he did not see how the City could pay for it. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 3 - "AYES" Fleming, McCampbell and Anderson
2 - "NAYS" Davidson and Scott)

ADOPTED

Introduced By: Scott

Seconded By: Davidson

2. Resolution Approving Agreement with Burlington Steamboat Days for BSD Event Operations and Concessions at the Port of Burlington Building

DISCUSSION: The City Manger stated that the proposed Resolution approves a renewal agreement with Burlington Steamboat Days for BSD event operations and concessions at the Port of Burlington Building for a period of one year. He reviewed with Council and the viewing audience the proposed changes to the agreement. 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 Authorizing and Approving a Loan and Disbursement Agreement and Providing for the Issuance and Securing the Payment of \$908,000.00 Sewer Revenue Bonds, Series 2015

DISCUSSION: The City Manager stated that the proposed Resolution authorizes and approves a loan and disbursement agreement and provides for the issuance and securing the payment of \$908,000.00 Sewer Revenue Bonds, Series 2015. He stated that the loan was for Cascade Sewer Project. He stated that all of the preliminary work has been done and the contract started October 2015 for approximately \$700,000.00. He stated that the \$908,000.00 would include engineering, contingencies and legal fees. He stated that a combination of sewer fees and storm water fees will pay for the bond payments. He stated that the City has adequate funding dedicated to make the payments and adequate debt coverage to satisfy the requirements of the SRF Program. Ron Gillette of 812 Dunham Street questioned if the City was requesting a loan. The City Manager explained the City was approving a loan disbursement agreement from the State. 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

4. Resolution Authorizing the Submittal of a FY2016 Environmental Protection Agency Brownfields Cleanup Grant Application for the Former Dresser Rand Site on Behalf of City of Burlington, Iowa

DISCUSSION: The Development and Parks Director stated that the proposed Resolution authorizes the submittal of a FY2016 Environmental Protection Agency Brownsfields Cleanup Grant application for the former Dresser Rand site on behalf of the City of Burlington. He stated that the grant was for \$200,000.00 with a 20% local match. He stated that Mike Goalen from Impact 7G was present to answer any questions. Mike Goalen of Impact 7G stated that they have been doing an assessment for the past year. He stated that the grant was a national program. Leon Shahan of 1821 Mt. Pleasant Street questioned what the cleanup was for and why Dresser Rand was not paying for the cost of the cleanup. Mike Goalen of Impact 7G stated that there were multiple contaminates including lead in the soil. The City Manager stated that the City purchased the Dresser Rand property “as is” for \$1,000,000.00. The Development and Parks Director stated that the purchase of the Dresser Rand property was part of an incentive package to keep Dresser Rand in Burlington. 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

5. Amended Resolution Authorizing Purchase of Real Property

DISCUSSION: Leon Shahan of 1821 Mt. Pleasant Street questioned what property the City was purchasing. The City Manager stated that the proposed Resolution authorizes the purchase of an 8,000 square foot section of property for a north-south access point from Agency Road southward toward the planned Flint Hills Manor site. Leon Shahan stated that it should be the developer’s money used not the City’s money. 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: Ron Gillette of 812 Dunham Street stated that people do not care about historic buildings. He suggested that the Council enclose Jefferson Street with a roof for shopping to get people to shop downtown. He stated that people don’t want to come downtown. He suggested the Council create a five to six member board to take polls to find out what people think and what they want for Burlington. He also urged the Council to find out how the City of Columbus Junction, Iowa provides free internet access to their citizens. He stated that he felt Council Member Fleming and Council Member Scott were out of line in their comments about Randy Winegard’s purchase of Flint Hills Manor were “iffy’s” and not “whenies.” He stated that the only payback was limited sales tax. Council Member Scott stated that Jefferson Street was a downtown mall back in 1975 and it failed miserably. He stated that the downtown was busy with people working downtown, living, and there were a lot of improvements happening in the downtown. He stated that he knows because he owns a business downtown. Council Member Anderson stated that she disagreed with Ron Gillette about people not wanting

to come to downtown Burlington. Leon Shahan of 1821 Mt. Pleasant Street stated that the City does not have money, because in 1986 economic development became an essential service. He stated that he did not feel economic development was an essential service. He stated that it was wrong for the City to subsidize Randy Winegard as the project was not an essential service. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 6:54 p.m.

Approved: December 21, 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 Refund of Beer License for Khinda, LLC dba/Quik Stop
2. Resolution Approving Nuisance Abatements for Various Properties
3. Resolution Authorizing the Submittal of a FY2016 Environmental Protection Agency Brownfields Hazardous and Petroleum Assessment Grant Application on Behalf of City of Burlington, Iowa

SET DATE FOR PUBLIC HEARINGS: DECEMBER 21, 2015

1. Consideration of Plans and Specifications for the 2016 Depot Great Room Renovation Project
2. Consideration of an Ordinance Vacating and Selling a Portion of Alley Right-of-Way Located South of the Properties at 623 and 627 Acres Street, Burlington, Iowa
3. Consideration of City of Burlington South Hill CDBG Owner-Occupied Rehabilitation Application

APPOINTMENTS:

City Planning Commission: Patricia Jaeger

Historic Preservation Commission: Mark Fisher

Low Rent Housing Agency: Sandra Anderson

Waterworks Board of Trustees: Amy Holtkamp