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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 4
February 16, 2016

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 Davidson, Fleming, Scott and Wilson present. Mayor McCampbell stated his condolences and sympathy to the Bill Ell family in the loss of his wife. He stated that the Ell family would be in his prayers.

BURLINGTON CITY COUNCIL

PROCLAMATION:

2015 Officer of the Year, Officer Michael Pope

MAYOR'S AWARDS:

- * Katie Music
- * Tabettha Miller
- * John Stirn

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. Council Member Davidson 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 1417 Thul Street with Conditions, City of Burlington, Des Moines County, Iowa

COMMENTS: The Development and Parks Director stated that the City acquired the home at 1417 Thul Street through the court system as an abandoned building. He stated that the home was a 4-bedroom and 1-bathroom home. He stated that the purchaser must ensure the property receives permits and meets codes for renovation as required, as well as necessary sidewalk and parking improvements. He stated that work shall be initiated within 60 days and completed within 180 days of approval by the City Council. He stated that an extension of 180 days may be granted if significant progress is made. He stated that failure to meet time frames may result in forfeiture of sale and purchase with resale of the property by the City. He stated that a licensed electrician and plumber shall be required to inspect and sign off that such items in the property meet or are brought up to adopted codes prior to the deed transfer. Mayor McCampbell led an auction for the Sale of Property Locally Known as 1417 Thul Street, City of Burlington, Des Moines County, Iowa. Burlington Paradise, Mohammad Nowroozi of 3222 West Mt. Pleasant Street was the high bidder at \$6,000.00. 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: Scott

Motion to Amend Exhibit "C" of the Resolution Approving the Sale of Property Locally Known as 1417 Thul Street, City of Burlington, Des Moines County, Iowa that the Property be Sold to Burlington Paradise (Mohammad Nowroozi) in the amount of \$6,000.00

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

CARRIED

Introduced By: Davidson Seconded By: Fleming

Resolution Approving Sale of Property Locally Known as 1417 Thul Street with Conditions, City of Burlington, Des Moines County, Iowa

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

ADOPTED

2. Statement: Consideration of an Ordinance Vacating and Selling a Portion of South 14th Street Right-of-Way Located Adjacent to 1800, 1802 and 1804 South 15th Street and Adjacent to 1408 Harrison Avenue, Burlington, Iowa

COMMENTS: The Development and Parks Director reviewed with Council and the viewing audience the proposed Ordinance Vacating and Selling a Portion of South 14th Street Right-of-Way Located Adjacent to 1800, 1802 and 1804 South 15th Street and Adjacent to 1408 Harrison Avenue, Burlington, Iowa. He stated that the vacated portion of right-of-way shall be sold to and combined with the adjacent parcels. He stated that an easement shall be maintained over the entire portion of right-of-way being vacated for utility maintenance and a 15-foot easement shall be maintained for access along the existing alley travel way. He stated that the City Planning Commission voted 5-0 to approve the vacating of the described alley based upon the unique orientation of the right-of-way containing both a public street and alley, the desire for ownership and maintenance of the right-of-way by the adjacent property owners and the required maintenance of a sewer/utilities easement within the right-of-way. Leon Shahan of 1821 Mt. Pleasant Street asked how much the City was selling the vacated property for. The Development and Parks Director stated that the sale price was \$500.00. Carlos Ruiz of 1408 Harrison Avenue stated that he was purchasing his home on contract and was not interested in maintaining the property. He also asked if he could build a fence. The Development and Parks Director stated that since there was an access easement a fence could not be built. He stated that they had been working with the actual property owner of the property and not Carlos Ruiz who was purchasing the property on contract. After further discussion by the Council, it was decided to move forward with the first reading of the Ordinance and further discuss the issue with both the property owners and Carlos Ruiz. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Motion to Close

(VOTE: 4 - "AYES" Fleming, McCampbell, Wilson and Davidson
1 - "NAY" Scott)

CARRIED

Motion for Preliminary Adoption of the First Reading of an Ordinance Vacating and Selling a Portion of South 14th Street Right-of-Way Located Adjacent to 1800, 1802 and 1804 South 15th Street and Adjacent to 1408 Harrison Avenue, Burlington, Iowa

DISCUSSION: None.

(VOTE: 4 - "AYES" Fleming, McCampbell, Wilson and Davidson
1 - "NAY" Scott)

CARRIED

3. Statement: Consideration of an Ordinance Vacating and Selling a Portion of Alley Right-of-Way Located South of 1325 Iowa Street, Burlington, Iowa

COMMENTS: 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 South of 1325 Iowa Street. He stated that the vacated portion of alley right-of-way would be sold to and combined with the adjacent property owner at 1325 Iowa Street. He stated that the City Planning Commission voted 4-1 to approve the vacation of the alley based on the status of the alley as a dead-end, untraveled alley, the topography limiting any future travel way access through the right-of-way, along with the desire for ownership and maintenance of the alley by the applicant. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Motion to Close

CARRIED

Motion for Preliminary Adoption of the First Reading of an Ordinance Vacating and Selling a Portion of Alley Right-of-Way Located South of 1325 Iowa Street, Burlington, Iowa

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

CARRIED

4. Statement: Consideration of a Resolution Adopting the Des Moines County Hazard Mitigation Plan

COMMENTS: The Development and Parks Director stated that the proposed Resolution adopts the Des Moines County Hazard Mitigation Plan. He stated that the entire plan is available for viewing on the City's website. Emery Ellison of the Southeast Iowa Regional Planning Commission, stated that the Des Moines County Hazard Mitigation Plan was a 350 page document. He stated that the document identifies threats and how the City will respond. He stated that the City is required by FEMA to approve a Hazard Mitigation Plan every five years in order to apply for funding. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Motion to Close

CARRIED

Resolution Adopting the Des Moines County Hazard Mitigation Plan

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

ADOPTED

(Mayor McCampbell left the Thomas J. Smith Council Chambers)

5. Statement: Consideration of a Resolution Authorizing a Permanent Encroachment Agreement with Hope Haven Area Development Center for Encroachment into City Right-of-Way at 617 Jefferson Street, Burlington, Iowa

COMMENTS: The Development and Parks Director reviewed the Permanent Encroachment Agreement with Hope Haven Area Development Center for Encroachment into City Right-of-Way at 617 Jefferson Street with Council and the viewing audience. He stated that Hope Haven Area Development Center would be installing concrete steps, ADA ramps and any associated railings on the north and west sides of the property at 617 Jefferson Street, where Hopefully Yours is being built. Council Member Davidson stated that it would be a nice addition. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Motion to Close
(VOTE: 4 - "AYES" Fleming, Scott, Wilson and Davidson
1 - "ABSENT" McCampbell)

CARRIED

Resolution Authorizing a Permanent Encroachment Agreement with Hope Haven Area Development Center for Encroachment into City Right-of-Way at 617 Jefferson Street, Burlington, Iowa

DISCUSSION: None.
(VOTE: 4 - "AYES" Fleming, Scott, Wilson and Davidson
1 - "ABSENT" McCampbell)

ADOPTED

(Mayor McCampbell returned to the room at 6:09 p.m.)

ORDINANCES:

Introduced By: Scott Seconded By: Davidson

1. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of an Ordinance Rezoning the Property Locally Known as 509 Melrose Court from R-2, Single Family Residential to C-2, General Commercial Zoning District

DISCUSSION: The Development and Parks Director stated that there were no changes to the Ordinance Rezoning the Property Locally Known as 509 Melrose Court from R-2, Single Family Residential to C-2, General Commercial Zoning District from the first 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: Scott Seconded By: Fleming

2. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption of an Ordinance Rezoning the Property Locally Known as 509 Melrose Court from R-2, Single Family Residential to C-2, General Commercial Zoning District

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

CARRIED

Introduced By: Scott Seconded By: Fleming

3. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of an Ordinance Amending Ordinance No. 3166 and Ordinance No. 3105 by Eliminating the Requirements for a Landscape Buffer

DISCUSSION: The Development and Parks Director stated that there were no changes to the Ordinance Amending Ordinance No. 3166 and Ordinance No. 3105 by Eliminating the Requirements for a Landscape Buffer from the first 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: Scott Seconded By: Fleming

4. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption of an Ordinance Amending Ordinance No. 3166 and Ordinance No. 3105 by Eliminating the Requirements for a Landscape Buffer

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

CARRIED

RESOLUTIONS:

Introduced By: Wilson Seconded By: Scott

1. Resolution Approving the Preliminary Plat of Christine Subdivision

DISCUSSION: The Development and Parks Director reviewed the Preliminary Plat of Christine Subdivision with Council and the viewing audience. He stated that it was a seven-lot subdivision located north of Plank Street and east of Gunnison Street. He stated that currently the property is zoned light industrial and the owner has a storage unit located on the property. He stated that the owner plans on subdividing the property into seven building lots to sell to people who are interested in building a storage unit for either personal or commercial use, but would have to meet current codes including paving of a driveway and any surface that they are parking on. He stated that the City Planning Commission voted 5–0 to approve. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - “AYES”)

ADOPTED

Introduced By: Wilson Seconded By: Davidson

2. Resolution Approving the Final Plat of Ninth Addition to Westbrook Estates Subdivision

DISCUSSION: The Development and Parks Director reviewed the Final Plat of Ninth Addition to Westbrook Estates Subdivision with Council and the viewing audience. He stated that it is a 2-lot subdivision. He stated that it was farm ground that will be attached to the properties to the east. He stated that the current owner of Westbrook Estates Subdivision has a future plan to connect a roadway to the east around the property, but the two lots would not be buildable due to the orientation of the lots. He stated that the property owners to the east have a desire to expand their current lot size of their homes. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - “AYES”)

ADOPTED

Introduced By: Wilson Seconded By: Fleming

3. Resolution Authorizing the Acceptance of Deed to the Property at 300 Washington Street

DISCUSSION: The Development and Parks Director stated that the City Council had previously approved a Resolution approving purchase of the property at 300 Washington Street, the former Typewriter Shop. He stated that the City Attorney has expressed a desire for the Council to adopt a Resolution authorizing the acceptance of the deed to the property to the City of Burlington. He stated that the present owner of the property would be allowed until May 1, 2016 to remove any remaining personal property from the first floor of the building (not including structural or building component items). Council Member Davidson stated that the City was not keeping the building. Council Member Scott stated that the City was not transferring the property yet and was keeping it too long. He stated that he did not want any part of it. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - “AYES” Fleming, McCampbell, Wilson and Davidson

1 - “NAY” Scott)

ADOPTED

Introduced By: Wilson Seconded By: Scott

4. Resolution Approving Urban Revitalization Tax Exemptions Pursuant to Chapter 404 of the State Code of Iowa (Tax Abatements)

DISCUSSION: The Director of Administrative Services stated that attached to the Resolution Approving Urban Revitalization Tax Exemptions Pursuant to Chapter 404 of the State Code of Iowa is a list of properties that have applied in the past year for tax abatements. She stated that after approval by the Council, the Resolution will be filed with the Des Moines County and the County will abate the homeowner's property taxes for either three years at 100% or the ten-year sliding scale, depending upon what the property owner chooses. Leon Shahan of 1821 Mt. Pleasant Street questioned if the dollar amounts were the assessed valuations prior to any rollback. The Development and Parks Director stated that the dollar figures were the estimated improvement value submitted by the homeowner, not the actual assessed value by the County. He stated that the assessor will go out and assess the home. Leon Shahan stated that the City was taking tax dollars out of future revenues for up to ten years, based on the dollar amounts listed that would be \$2,600,000.00 each year and the problem was that it is every year. Larry Williams of 1567 Mason Lane stated that what he read in the newspaper was that the school district would not be affected by the tax abatements. The City Manager stated that when property taxes are abated it would be on everything. The City Manager stated that the theory behind tax abatements is that it encourages building that potentially may not otherwise happen. 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: Leon Shahan of 1821 Mt. Pleasant Street asked if the City Council would adopt the fiscal year 2016-2017 budget at the public hearing scheduled for March 7, 2016. The City Manger stated that typically the approval of the budget happens at the public hearing. He stated that City Council would be approving the fiscal year 2016-2017 budget at the public hearing on March 7, 2016. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 6:41 p.m.

Approved: March 7,
2016

Kathleen P. Salisbury, MMC

Shane A.
McC Campbell

City Clerk

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

SET DATE FOR PUBLIC HEARINGS: MARCH 7, 2016

1. Consideration of Plans and Specifications for the 2016 HMA Resurfacing Project
2. Consideration of Sale of Property Locally Known as 115 Golf Lane with Conditions, City of Burlington, Des Moines County, Iowa
3. Consideration of Sale of Property Locally Known as 300 Washington Street with Conditions, City of Burlington, Des Moines County, Iowa
4. Consideration of Fiscal Year 2016-2017 Budget
5. Consideration of a Permanent Encroachment Agreement with Art Guild of Burlington, Inc. for Encroachment into City Right-of-Way at 301 Jefferson Street, Burlington, Iowa

APPOINTMENT:

Human Rights Commission: Kandi Glick