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MINUTES OF THE PROCEEDINGS  
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 6  
March 21, 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 and Wilson present. Council Member Scott arrived to the City Council meeting at 6:14 p.m.

BURLINGTON CITY COUNCIL

MAYOR'S AWARDS:

- \* Brett Mitchell
- \* Mary Taeger

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: Wilson

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: 4 - "AYES" Wilson, Davidson, Fleming and McCampbell

1 - "ABSENT" Scott)

CARRIED

HEARINGS:

1. Statement: Consideration of General Obligation Loan Agreement in a Principal Amount Not to Exceed \$1,350,000.00

COMMENTS: The City Manager stated that the proposed Resolution provides for the intent to enter into a loan agreement and providing for the levy of taxes. He stated that it was a "pre-levy loan" as the City will need to go through the bonding procedures during the next couple of

months. He stated that the purpose of the loan agreement was to finance street improvements and the acquisition of an ambulance. He stated that the City will need to file the Resolution now with the Des Moines County Auditor to let the Council know in advance of the proposed levy. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Fleming  
Motion to Close

Seconded By: Davidson

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

CARRIED

Introduced By: Fleming

Seconded By: Wilson

Resolution Expressing Intent to Enter Into a Loan Agreement and Providing for the Levy of Taxes

DISCUSSION: None.

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

ADOPTED

2. Statement: Consideration of Plans and Specifications for the 2016 Sealcoat Streets Reconstruction Project

COMMENTS: The Public Works Director reviewed with Council and the viewing audience the plans and specifications for the 2016 Sealcoat Streets Reconstruction Project. He stated that the streets that will be sealcoated are as follows: Potter Drive, Brooks Street and Schneider Drive in Crapo Park; Hillary Avenue from Summer Street to Central Avenue; Lynnwood Drive from 14<sup>th</sup> Street to Central Avenue; Central Avenue from Parkway Street to Lynnwood Drive and Haskell Street sealcoat portion southwest of the airport. He stated that the estimated cost of the project was \$452,930.00 with the City taking bids on April 6, 2016 and awarding the project on April 18, 2016. Mayor McCampbell asked if the sealcoated streets in Crapo Park would be dusty like the Main Drive in Crapo Park when it was sealcoated. He stated that people who ride their bikes in Crapo Park do not like the dust. The Public Works Director stated that when the City uses crushed limestone it is powdery the first year, but later it becomes a nice hard surface. He stated that an alternate bid for the use of river rock may be used in place of the crushed limestone, if the price is right. Council Member Davidson stated that his street was sealcoated a couple of years ago and it was dusty at first, but it ended up being a very nice surface. He stated that you need to look at the "big picture." All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Fleming  
Motion to Close

Seconded By: Wilson

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

CARRIED

Introduced By: Fleming                      Seconded By: Davison  
Resolution Approving Plans and Specifications for the 2016 Sealcoat Streets  
Reconstruction Project

DISCUSSION: None.

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

ADOPTED

3. Statement: Consideration of an Amendment to Ordinance No. 3351, Westbrook Meadows Planned Unit Development (PUD), by Adding Outlot A to the Provisions of the PUD

COMMENTS: The Development and Parks Director reviewed with Council and the viewing audience the proposed Ordinance Amendment to Ordinance No. 3351, Westbrook Meadows Planned Unit Development (PUD), by Adding Outlot A to the Provisions of the PUD. He stated that this was the continuation of the existing development and the additional lots for townhouses/duplexes. He reviewed the regulations of the Ordinance. He stated that the City Planning Commission voted 6-0 to recommend the approval of the PUD amendment based on continuation of the planned development that was previously approved as part of the PUD and has been fully developed to the south of Outlot A. Mike Pierson of 912 Monticello Drive stated that there would be 18-units and would be consistent with Phase I. 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

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

CARRIED

Introduced By: Davidson                      Seconded By: Fleming  
Motion for Preliminary Adoption of the First Reading of an Amendment to Ordinance No. 3351, Westbrook Meadows Planned Unit Development (PUD), by Adding Outlot A to the Provisions of the PUD

DISCUSSION: None.

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

CARRIED

Council Member Scott arrived at 6:14 p.m. (during the public hearing)

4. Statement: Consideration of an Ordinance Rezoning the Property Located West of Garden Avenue, Lawn Avenue and Dill Street from R-1, Single-Family Residential to R-2, Single-Family Transitional Residential Zoning District with a Planned Unit Development (Southern Cross PUD) Overlay Zone

COMMENTS: The Development and Parks Director reviewed with Council and the viewing audience the proposed Ordinance Rezoning the Property Located West of Garden Avenue, Lawn Avenue and Dill Street from R-1, Single-Family Residential to R-2, Single-Family Transitional Residential Zoning District with a Planned Unit Development (Southern Cross PUD) Overlay Zone. He reviewed land use regulations, pedestrian access, landscaping-open space, architecture-appearance and storm water management. He stated that the City Planning Commission voted 5-0 with one abstaining to recommend approval of the requested rezoning with the condition that the preliminary plat for Southern Cross Subdivision to be approved in order for the zoning change to take effect. He stated that the approval is based on the request of the applicant to construct a new duplex housing on the site, the size restraints of the lot that limit development options for the site, the connection of the three existing dead-end roadways with this development, and future land-use map designating this area as low density residential. He stated that 30 units with 24 units having 2-car garages and 6 of the units would have a 1-car garage. Council Member Fleming asked if it meets the City's density for the area. The Development and Parks Director stated that it meets the R-2 density. Dennis Grizzle of 2924 Dill Street stated his concern with storm water draining, the number of variances to the Zoning Code and the density. John Kenney of 2913 Dill Street also stated his concern with the variances and the street extensions to Dill Street and Lawn Avenue. Lloyd Thola stated that he and his son were developing the area and the number of lots is needed in order to avoid using TIF or asking for funds from the City. Council Member Fleming stated that the property owners have legitimate concerns. Council Member Davidson agreed with Council Member Fleming, but also stated that a goal of the City Council was infill development, which makes for a balancing act. Mayor McCampbell agreed it was a balancing act, but developers are running out of land to develop. He stated that he would like to walk the area again. Council Member Wilson stated that she agreed with the concerns of the residents and will be anxious to see how the developer deals with their concerns. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Davidson  
Motion to Close

Seconded By: Fleming

CARRIED

Introduced By: Davison

Seconded By: Fleming

Motion for Preliminary Adoption of the First Reading of an Ordinance Rezoning the Property Located West of Garden Avenue, Lawn Avenue and Dill Street from R-1, Single-Family Residential to R-2, Single-Family Transitional Residential Zoning District with a Planned Unit Development (Southern Cross PUD) Overlay Zone

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

CARRIED

ORDINANCE:

Introduced By: Wilson

Seconded By: Scott

1. Motion for Final Adoption of an Ordinance Vacating and Selling a Portion of South 14<sup>th</sup> Street Right-of-Way Located Adjacent to 1800, 1802 and 1804 South 15<sup>th</sup> Street, Burlington, Iowa

DISCUSSION: The Development and Parks Director stated that there were no changes to the Ordinance Vacating and Selling a Portion of South 14<sup>th</sup> Street Right-of-Way Located Adjacent to 1800, 1802 and 1804 South 15<sup>th</sup> Street, Burlington, Iowa from the second reading. Council Member Wilson stated that she still felt very confused about the proposed Ordinance. She questioned since there was an easement the property owner could still construct a solid surface. The Development and Parks Director stated that there were no restrictions and a property owner could construct a solid surface driveway. Council Member Scott asked if notice of the hearing were sent to property owners. The Development and Parks Director stated that letters were mailed to property owners within 200 ft. of the vacation and sale of property. Rory McCulloch of 1800 South 15<sup>th</sup> Street stated that he has spearheaded the project and he has talked with the Development and Parks Director. He stated that he understands that a person cannot put concrete on someone's sewer and the alley cannot be finished. He stated that they were going to take the alley out. He stated that they are also not allowed to put up a permanent structure. He stated that if they were going to do anything at all, as owners of the vacated alley they would make sure that they did not impede a neighbor's sewer system. He stated that he has talked with the City Engineer and the City Planner and if they want to build something and a sewer was in the way, it would be their responsibility to move the sewer, so that the homeowner across the street on 14<sup>th</sup> Street would not incur any expenses. Council Member Scott asked if that would be written in his abstract. After discussion by the Council it was decided to continue the final adoption so the Ordinance could be amended at the final adoption to include language in the Ordinance in regard to what Rory McCulloch spoke about, so when the Ordinance is recorded it would be made part of the property owner's abstract. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Davidson

Seconded By: Fleming

2. Motion to Continue the Final Adoption of an Ordinance Vacating and Selling a Portion of South 14<sup>th</sup> Street Right-of-Way Located Adjacent to 1800, 1802 and 1804 South 15<sup>th</sup> Street, Burlington, Iowa to the April 4, 2016 City Council Meeting

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

CARRIED

RESOLUTIONS:

Introduced By: Wilson

Seconded By: Scott

1. Resolution Approving Agreement with IDOT Accepting Bridge Funding for the Mt. Pleasant Street Bridge

DISCUSSION: The Public Works Director stated that the proposed agreement with the Iowa Department of Transportation provides for the acceptance of \$1,000,000.00 in funding for the Mt. Pleasant Street Bridge. He stated that the City has three years to spend the funds. He stated that the next step was to do a Request for Qualifications (RFQ). The Mayor stated that it was a blessing for the City to receive the \$1,000,000.00 in funds for the project. 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: Fleming

2. Resolution Adopting City of Burlington Money Purchase Plan Number 10-8682

DISCUSSION: The Director of Administrative Services stated that the proposed Resolution will adopt a Money Purchase Plan with ICMA-RC for Jim Ferneau, City Manager. She stated that when the City Manager was appointed to the position of City Manager he opted out of IPERS and so the City has been making a contribution, currently of 8.93% into his ICMA deferred compensation plan. She stated that the ICMA Retirement Corporation has recommended this plan as the preferred mechanism for appropriately handling the employer IPERS contributions rather than the traditional retirement plan currently in place for the City Manager. 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: Fleming

3. Resolution Approving Road and Parking Access Agreement with Columbia Associates, LP/Burlington Iowa, LP

DISCUSSION: The City Manager stated that the City had previously acquired a section of property for a north-south access point from Agency Road southward toward the planned development at the Flint Hills Manor site. He stated that in conjunction with the acquisition, the seller, Columbia Associates LP/Burlington, Iowa, LP has requested the City give certain assurances that car and truck traffic into the Walgreens parking lot would not be interrupted, and that certain access points be constructed in conjunction with the City project. He stated that the proposed Resolution approves a Road and Parking Access Agreement, which facilitates a smooth transition of the property and also addresses the concern of the seller and its tenant Walgreens. He stated that a part of the agreement provides that the City pay Columbia Associates LP/Burlington, Iowa, LP \$1,000.00 for each day access to Walgreens's parking lot is not permitted to car and truck traffic off of Agency Street from both the eastbound and westbound directions. He stated that there should only be a 2-week window for construction and they are

hoping to keep from having to pay the \$1,000.00 daily fee. He stated that it may be dependent on the weather. He stated that the agreement is to protect Walgreens. Council Member Fleming stated that the agreement sounded reasonable to him. Mayor McCampbell stated that he did not feel Columbia Associates LP/Burlington, Iowa, LP was asking for too much from the City. The City Manager stated that the City was hoping to close with the developer on the Flint Hills Manor property by April 1, 2016. He stated that the abstracts should be updated by tomorrow. Council Member Davidson stated that he liked to hear the word “closing.” 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: None.

Adjournment: 6:48 p.m.

Approved: April 4, 2016

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 Renewal of Taxi Cab/Vehicle for Hire License for Dennis Charles Manes dba/Yellow Cab
2. Resolution Approving the Burlington Avenue Extension Acquisition Plat

SET DATE FOR PUBLIC HEARINGS: APRIL 4, 2016

1. Consideration of an Ordinance Amending Ordinance No. 3360, Being an Ordinance Creating the Burlington Crossing PUD (Planned Unit Development) by Making Changes to Section 5, E. Signage
2. Consideration of a Permanent Encroachment Agreement with Douglas and Dana Atkins for Encroachment into City Right-of-Way at 914 Maple Street

APPOINTMENT:

Renewable Energy Committee: Frank Statler