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MINUTES OF THE PROCEEDINGS  
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 7  
April 4, 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.

BURLINGTON CITY COUNCIL

PROCLAMATION:

\* Earth Day - Eric Tysland

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: Wilson          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 a Permanent Encroachment Agreement with Douglas and Dana Atkins for Encroachment into City Right-of-Way at 914 Maple Street

COMMENTS: The Development and Parks Director reviewed with Council and the viewing audience the proposed Permanent Encroachment Agreement with Douglas and Dana Atkins for Encroachment into City Right-of-Way at 914 Maple Street. He stated that the encroachment agreement would provide steps and any associated railings into the property at 914 Maple Street known as Kayla's Cupboard. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Wilson          Seconded By: Scott

Motion to Close

CARRIED

Introduced By: Wilson      Seconded By: Davidson  
Resolution Approving Permanent Encroachment Agreement with Douglas and Dana Atkins for Encroachment into City Right-of-Way at 914 Maple Street

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

ADOPTED

2. Statement: 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

COMMENTS: The Development and Parks Director reviewed with Council and the viewing audience the proposed Ordinance Amending Ordinance No. 3360, Being an Ordinance Creating the Burlington Crossing PUD (Planned Unit Development) by Making Changes to Section 5, E. Signage. He stated that the present developer has asked the signage be brought back to what the Code used to be, which is that the area within the PUD will be allowed three shared pole signs identifying the development name and businesses within the site and it shall be a maximum of 50-feet in height. He stated that another change was that each lot shall be allowed one monument sign, not to exceed twenty-five feet in height, in addition to any allowed shared pole sign. He explained that the proposed Ordinance also provides all freestanding signs located on one lot or property must be located a minimum of twenty feet from any shared pole signage as allowed above and a minimum of 100 feet from any other non-exempt freestanding sign on such property. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Wilson      Seconded By: Scott  
Motion to Close

CARRIED

Introduced By: Wilson      Seconded By: Scott  
Motion for Preliminary Adoption of the First Reading 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

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

CARRIED

ORDINANCES:

- Introduced By: Scott      Seconded By: Davidson
1. To Amend Exhibit C, No. 3 of the Proposed 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: Council Member Scott stated that the amendment addresses a lot of the issues he

brought up at the last two readings of the Ordinance. He stated that he still has concerns that the vacation and sale of the property will create more problems for the City. He stated that there is a belief by property owners that they can put down gravel to park, which is not the case. He stated that it has to be hard, dust free surface. Mayor McCampbell stated that Council Member Scott had a valid point. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

CARRIED

Introduced By: Wilson                      Seconded By: Scott

2. 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 Continued from the March 21, 2016 City Council Meeting

DISCUSSION: None.

(VOTE: 3 - "AYES" Wilson, Davidson and Fleming

2 - "NAYS" McCampbell and Scott)

CARRIED

Introduced By: Scott                      Seconded By: Davidson

3. Motion to Amend the Motion for Preliminary Adoption of the Second 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: The Development and Parks Director stated that there were no changes to the Amendment to Ordinance No. 3351, Westbrook Meadows Planned Unit Development (PUD), by Adding Outlot A to the Provisions of the PUD from the first reading. He stated that the City Planning Commission voted 6-0 to recommend approval of the Ordinance Amendment. Council Member Fleming stated that the Westbrook Meadows Planned Unit Development will be similar to Phase One. 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: Davidson

4. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption 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: 5 - "AYES")

CARRIED

Introduced By: Scott                      Seconded By: Davidson

3. Motion for Preliminary Adoption of the Second 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: The Development and Parks Director stated that there were no changes to 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 from the first reading. 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 City Planning Commission at their recent meeting did not have a positive outcome on the approval of the preliminary plat of Southern Cross Subdivision due to the density and increased traffic. He stated that 30 units with 24 units having 2-car garages and six of the units would have a 1-car garage. Those who spoke against the rezoning were as follows: John Kinney of 2913 Dill Street; Colter Levinson of 2916 Garden Avenue; Dennis Grizzle of 2924 Dill Street; Judith Akers of 3009 West Avenue; Andy Bentley of 2923 Dill Street and John Cochran of 2904 Garden Avenue. Those who spoke against the rezoning were concerned with storm water drainage, the number of variances to the Zoning Code, the density, variances and the street extension to Dill Street and Lawn Avenue and increased traffic. Larry Williams of 1567 Mason Lane stated that he felt if the 55 plus housing would be better suited for the proposed development as retired people do not come and go as much, which would create less traffic. Steve Hartman of Klingner and Associates reviewed the drainage patterns of the site with the Council and the viewing audience and the detention site. Lloyd Thola stated that he and his son were developing the area as infill development which was one of the goals of the City Council. He stated that he has hired Klingner and Associates to alleviate concerns of the neighborhood about water drainage. Mayor McCampbell stated that there were too many units and too many variables. He stated that the area needs to be developed but not at any cost. Council Member Wilson stated that her biggest concern was increased traffic in the area and if emergency vehicles would be able to drive down the narrow street. Council Member Scott stated that he had promised himself he would not vote in favor a wrong development. He stated his concern with the density being too great. He stated that he knows the developer and he has a heart of gold. He stated that the developer has built a lot of nice buildings in the community. He stated that he hoped the City can work with the developer. Council Member Fleming stated that he was in favor of development, but was concerned with the density of the proposed development. Council Member Davidson stated that he was in favor of infill development and he felt the neighborhood would be better off with a PUD rather than a R-2 zone. After considerable discussion by the Council the proposed Ordinance failed with a 1-4 vote. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 1 - "AYE" Davidson

4 - "NAYS" McCampbell, Scott, Wilson and Fleming)

FAILED

#### RESOLUTIONS:

Introduced By: Davidson      Seconded By: Scott

1. Resolution Approving the Preliminary Plat of Replat of Outlot A in Westbrook Meadows Subdivision Phase Two

DISCUSSION: The Development and Parks Director reviewed the preliminary plat of Replat of Outlot A in Westbrook Meadows Subdivision Phase Two with Council and the viewing audience. He stated that the preliminary plat was tied to the rezoning Ordinance that the Council

final adopted tonight. He stated that the City Planning Commission voted 6-0 to recommend approval of the preliminary plat of replat of Outlot A. Mike Pierson of 912 Monticello Drive, developer, stated that Westbrook Meadows Subdivision Phase Two would be similar to Phase One. 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 Approving Preliminary Plat of Burlington Crossing Subdivision

DISCUSSION: The Development and Parks Director reviewed with Council and the viewing audience the preliminary plat of Burlington Crossing Subdivision. He stated that the subdivision would be a 7-lot subdivision with four lots on Roosevelt Avenue and two lots on Agency Street. He stated that the City Planning Commission voted 6-0 to recommend approval of the preliminary plat. Council Member Davidson asked when the City will be closing with the developer on the property. The City Manager stated that there was an encumbrance on the property, so the City Attorney is looking at different options to close on the property. 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 Ratifying Tentative Agreement Between the City of Burlington, Iowa and Local 7176 of Communication Workers of America AFL-CIO

DISCUSSION: The City Manager stated that Local 7176 of Communication Workers of America AFL-CIO ratified the tentative agreement with the City of Burlington. He stated that the tentative agreement was very similar to Local 301, International Association of Firefighters, AFL-CIO. He stated that the agreement was for five years with an across the board increase of 2.25% in all classifications. He stated that the union would start paying toward their health insurance as they historically have never paid toward their health insurance. He stated that the amount that the employees will be paying was the same as what the Firefighter's tentative agreement. He stated that the agreement retains the current 5% cap escalator provision. The Mayor stated that in regard to City employees paying toward their health insurance, you have to crawl before you walk, yet being fair to people. He stated that it was about finding a happy medium. He further stated that the City was moving in the right direction. 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: Scott

4.      Resolution Awarding Contract for the 2016 HMA Resurfacing Project

DISCUSSION: The City Engineer stated that the 2016 HMA Resurfacing Project consisted of asphalt resurfacing of various streets within the City of Burlington. He stated that the project includes the milling, patching and resurfacing of asphalt surfaced streets, as well as the construction of new asphalt overlays on concrete streets. He stated that bids were received on March 23, 2016 with Meller Excavating and Asphalt, Inc. of Ft. Madison, Iowa as the low bidder

in the amount of \$530,288.52. He stated that bids came in higher than the estimated budget cost. He stated that in 2009 the City rejected bids and rebid the project and the prices came in higher with the rebid. He stated that the price of oil went down, but the price of asphalt went up. He stated that funding for the additional cost would probably be funded with Road Use Tax (RUT) funds. He further recommended to Council to award the contract. 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: Wilson

5. Resolution Approving Removal of Debris and Dredging to Remove Silt from City's Riverfront Boat Dock and Ramp Areas

DISCUSSION: The Director of Administrative Services stated that the proposed Resolution approves the removal cost of debris and dredging to remove silt from the City's riverfront boat dock and ramp areas. She stated that the removal of debris and dredging was due to the flood of 2013. She stated that the project was started then delayed for various reasons and FEMA extended the project completion date to June 30, 2016. She stated that the costs listed were estimates. She stated that when the final silt is disposed of the City will finalize the project with FEMA to receive an 80% reimbursement on the contract, 10% reimbursement from the State of Iowa and 10% local match. 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: Wilson

6. Resolution Awarding the Bid for Complete Production and Delivery of a Type I Ambulance for the Burlington Fire Department

DISCUSSION: The Battalion Chief stated that a committee was formed December 2015 to come up with specifications for a new Type I ambulance for the Burlington Fire Department. He stated that bid packages were sent to four companies, with the City receiving two bids. He urged Council to award bid to Klocke's Emergency Vehicle (Lifeline Ambulance of Sumner, Iowa) in the amount of \$195,723.00. He stated that the new unit will be the Fire Department's first four wheel drive ambulance, which will get around very well in both the City and County during bad weather. Council Member Davidson asked how the ambulance would be funded. The City Manager stated that funding would come from Township funds and bonding. Council Member Fleming asked when the Fire Department will receive the new ambulance. The Battalion Chief stated that the Fire Department should receive the new ambulance by the end of summer 2016. 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: Larry Williams of 1567 Mason Lane stated that flatbed semi-trucks are parking along Lawrence Drive during the week. He stated that there is a 5-ton limit posted on the street. He suggested no parking on Lawrence Drive. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 7:27 p.m.

Approved: April 18, 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 Nuisance Abatements for Various Properties
2. Resolution Approving Renewal of Taxi Cab/Vehicle for Hire License for Executive Transportation LLC dba/Executive Transportation LLC
3. Resolution to Establish New Rental Fees and Charge Schedules for Memorial Auditorium and the Port of Burlington Effective January 1, 2018 with Annual Adjustments Through January 2020
4. Resolution Amending Sewer User Fees Effective July 1, 2016
5. Resolution Amending Solid Waste Fees Effective July 1, 2016
6. Resolution Amending Storm Water Utility System Fees Pursuant to Chapter 100.02 of the Burlington City Code
7. Resolution Amending Septic Haulers Fees Effective July 1, 2016

SET DATE FOR PUBLIC HEARINGS: APRIL 18, 2016

1. Consideration of a Permanent Encroachment Agreement with Downtown Partners, Inc. for Encroachment into City Right-of-Way for the Burlington Lightscape Project
2. Consideration of Sale and Conveyance of Real Property, Approximately 0.184 Acre Parcel Located South of Agency Road and East of North Roosevelt Avenue
3. Consideration of Annual Consolidated Transit Funding Application

APPOINTMENTS:

Economic Development Advisory Committee: Joel Sieren  
Steering Committee for Phase V Flood Mitigation Project: Jim Ferneau, Ryan Gourley, Breydn Hill, Jason Hutcheson, Mike Johnstone, Chuck Griffin, Tim Scott, Matt Rinker, Steve Frevert, Ryne Thornburg, Zach James and Charlie Nichols