

Subject to change as finalized by the City Clerk.
For a final official copy, contact the City Clerk's office at (319) 753-8124.

MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 17
September 6, 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 Scott present. Council Member Wilson was absent.

BURLINGTON CITY COUNCIL

MAYOR'S AWARD:

* Fenton Sales and Pawn Shop

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: Fleming

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: 4 - "AYES")

CARRIED

HEARINGS:

1. Statement: Consideration of Sale of Property Locally Known as 118 North Main Street, City of Burlington, Des Moines County, Iowa with Conditions

COMMENTS: The Development and Parks Director stated that the City owns the parking lot at 118 North Main Street and plans were to sell the parking lot to CMM Co. LC. He stated that in exchange for the property CMM Co. LC will transfer the property at 101 North Main Street. He stated that the property at 101 North Main Street shall be demolished by CMM Co. LC who will completely remove the structures and floors from the property prior to transfer of ownership. He stated that CMM Co. LC shall maintain the property at 101 North Main Street until it is

transferred to the City of Burlington. He stated that the property exchange will allow additional parking for the new police facility at the former U.S. Bank and will allow CMM Co. LC (Frank Millard Company) additional property for their expansion on Main Street. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Davidson Seconded By: Scott
Motion to Close

CARRIED

Introduced By: Davidson Seconded By: Scott
Resolution Approving Sale of Property Locally Known as 118 North Main Street, City of Burlington, Des Moines County, Iowa with Conditions

DISCUSSION: None.
(VOTE: 4 - "AYES")

ADOPTED

2. Statement: Consideration of a Permanent Encroachment Agreement with Tracy Thompson for Encroachment into City Right-of-Way at 129 Polk Street, Burlington, Iowa

COMMENTS: The Development and Parks Director reviewed with Council and the viewing audience the proposed permanent encroachment agreement with Tracy Thompson for encroachment into City Right-of-Way at 129 Polk Street. He stated that Tracy Thompson plans on constructing a gate that would go across the dead end alley. He stated that Tracy Thompson owns the property north and south of the alley. He stated that Tracy Thompson wants the gate for unwanted access to his property. He stated that the gate will be shut or latched, not locked so that Alliant and the City will have access. He stated that any repairs would be by the owner, Tracy Thompson. He stated that Tracy Thompson would need to obtain required permits for the location of the gate. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Fleming Seconded By: Scott
Motion to Close

CARRIED

Introduced By: Fleming Seconded By: Davidson
Resolution Approving Permanent Encroachment Agreement with Tracy Thompson for Encroachment into City Right-of-Way at 129 Polk Street, Burlington, Iowa

DISCUSSION: None.
(VOTE: 4 - "AYES")

ADOPTED

3. Statement: Consideration of an Ordinance Rezoning the Property Located at 2910 Madison Avenue from R-1, Single Family Residential to C-1, Limited Commercial Zoning District

COMMENTS: The Development and Parks Director reviewed with Council and the viewing audience the proposed Ordinance Rezoning the Property Located at 2910 Madison Avenue from R-1, Single Family Residential to C-1, Limited Commercial Zoning District. He stated that the City Planning Commission voted 1-3 to recommend approval for the requested rezoning to the City Council. He stated that their recommendation was based on the potential negative impact a commercial business could have on the existing residential neighborhood, the Future Land Use Map for this area being Low Density Residential and lack of support for the request at the hearing. He stated that the initial request was for apartments and that the developer does not have a firm development proposal at this time. Cody Ford of 2900 Madison Avenue stated that he had plans for a hotel in the top two floors with a gym and laundromat on the first floor for 2910 Madison Avenue. After discussion with the Council and the Development and Parks Director, it was determined that C-1, Limited Commercial Zoning District, was not the correct zoning for the development. The Development and Parks Direction urged Cody Ford to meet with him to determine his plans and the correct zoning for the proposed development. 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: Scott

CARRIED

Introduced By: Fleming

Seconded By: Scott

Motion for Preliminary Adoption of the First Reading of an Ordinance Rezoning the Property Located at 2910 Madison Avenue from R-1, Single Family Residential to C-1, Limited Commercial Zoning District

DISCUSSION: None.

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

FAILED

ORDINANCES:

Introduced By: Scott

Seconded By: Davidson

1. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of an Ordinance Amending Various Sections of Chapter 155, International Building Code of the City of Burlington Municipal Code

DISCUSSION: The Development and Parks Director stated that there were no changes to the Ordinance Amending Various Sections of Chapter 155, International Building Code of the City of Burlington Municipal Code from the first reading. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - "AYES")

CARRIED

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 Amending Various Sections of Chapter 155,

International Building Code of the City of Burlington Municipal Code

DISCUSSION: None.
(VOTE: 4 - "AYES")

CARRIED

Introduced By: Scott Seconded By: Davidson

3. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of an Ordinance Amending Various Sections of Chapter 156, International Existing Building Code of the City of Burlington Municipal Code

DISCUSSION: The Development and Parks Director stated that there were no changes to the Ordinance Amending Various Sections of Chapter 156, International Existing Building Code of the City of Burlington Municipal Code from the first reading. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.
(VOTE: 4 - "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 Ordinance Amending Various Sections of Chapter 156, International Existing Building Code of the City of Burlington Municipal Code

DISCUSSION: None.
(VOTE: 4 - "AYES")

CARRIED

RESOLUTIONS:

Introduced By: Scott Seconded By: Davidson

1. Resolution Authorizing Reserved Parking Along Valley Street to the East of Main Street

DISCUSSION: The Development and Parks Director reviewed with Council and the viewing audience the proposed Resolution Authorizing Reserved Parking Along Valley Street to the East of Main Street. He stated that in order to facilitate the transfer of lots between the City of Burlington and CMM Co. LC, the existing parking that is displaced by the sale of 118 North Main Street is needed to be temporarily provided elsewhere. He stated that part of the lease agreement with US Bank for the bank building, the City is required to provide 18 spaces for use by US Bank. He stated that five parking spaces are available in the parking lot at the southwest corner of Main Street and Valley Street. He stated that the additional required parking spaces shall be provided along the south side of Valley Street, to the east of Main Street on a reserved basis for US Bank purposes until a time when US Bank vacates the building located at 201 Jefferson Street. He further stated that the reserved parking on Valley Street shall be reserved for US Bank use from 7:30 a.m. to 5:00 p.m., Monday through Friday. Council Member Scott stated that some business owners in the area were concerned that parking went from two hours to four hours for on-street parking limit and now the City is taking up additional reserved parking. He stated to the Mayor and Council to be prepared to hear from them. Council Member

Davidson suggested Council have discussion about parking at a future meeting. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.
(VOTE: 4 - "AYES") ADOPTED

Introduced By: Scott Seconded By: Davidson
2. Resolution to Install Stop Signs on Angular Street at the Intersection of 9th Street
 (Madison Avenue) and Angular Street

DISCUSSION: The Assistant City Manager for Public Works stated that the City Manager received a complaint from a citizen in regards to not being able to see oncoming traffic at the intersection of 9th Street and Angular Street and at the alley just west of 9th Street at Angular Street. He stated that traffic accidents at the location for the past ten years and sight distance problems at the site have been reviewed. He stated that the proposed Resolution would provide for installation of stop signs on Angular Street at the intersection of 9th Street (Madison Avenue) and Angular Street. Victor Moore of 535 South 9th, Apartment 6 stated that the situation was very dangerous and he would like to see a no parking sign in front of the tattoo shop as it is difficult to see when coming out of the alley. Council Member Scott urged Victor Moore to stay in close contact with the Assistant City Manager to see if any additional action needs to be taken. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.
(VOTE: 4 - "AYES") ADOPTED

Introduced By: Scott Seconded By: Fleming
3. Set Date for Public Hearing for Consideration of 2016 Amendment to Urban Renewal
 Plan for Burlington Urban Renewal Area (October 3, 2016)

DISCUSSION: The City Manager reviewed with Council and the viewing audience of the history of different proposals for the former Apollo School site. He stated that the proposed Resolution would set date for public hearing for consideration of 2016 amendment to the Urban Renewal Plan for the Burlington Urban Renewal Area for October 3, 2016. He stated that the hearing would allow a TIF Rebate and would be written very generic, for whether Richard Sova or any developer would have plans for the building. Council Member Scott stated that he was ready to be done with this. He stated that when Richard Sova spoke to the Council he did not show any plans for the building. Council Member Fleming stated that he agreed with Council Member Scott and he felt a lot of neighbors would be happy to have the former Apollo School site demolished. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.
(VOTE: 4 - "NAYS" McCampbell, Scott, Davidson and Fleming) FAILED

Council Member Fleming left the meeting at 6:16 p.m.

COMMENTS FROM AUDIENCE: Dean Phenise stated that it was time for the City Council to make a decision whether to tear down Apollo School. Terry Strother of 212 South Gunnison Street stated that Apollo School was one of the sturdiest buildings in Burlington and

architecturally attractive. He urged Council to not demolish Apollo School. Tammy Thomas stated that she lives near Apollo School and she did not want to see the building torn down. Mike Crowner stated that Apollo School has sat empty a long time and felt it should be torn down. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 6:46 p.m.

Approved: September 19, 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 Final Acceptance, Final Payment and Release of Retention Monies for the 2016 BN Sanitary Sewer Repair Project
3. Resolution Approving Final Acceptance, Final Payment and Release of Retention Monies for the 2015 Sanitary Sewer Rehab Project
4. Resolution Awarding Contract for Facility Planning of the Market Street Sub-Basin Sewer Separation Project
5. Resolution Authorizing Agreement with Impact 7G for Project Services Associated with the Former Dresser Rand Site Cleanup Project
6. Resolution Supporting and Approving Application to the Wellmark Foundation's Community Kickstarter Grant Program for Improvements to DeEdwin and Gladys White Park
7. Resolution Approving an Agreement with the Iowa Department of Transportation for Maintenance and Repair of Primary Roads in Municipalities
8. Resolution Amending Fees for Dankwardt Park Pool
9. Resolution Approving the Purchase of Easements from 163 Crestview (Pin: 16-09-358-004) and from an Unaddressed Lot on South Tenth Street (Pin: 16-08-455-029) for the Construction of Storm Sewer Associated with the 2016 Cascade Watershed Sewer Separation Project, Phase 2
10. Resolution Extending the Maturity Date of the City's Sewer Revenue Loan and Disbursement Agreement Anticipation Project Note

SET DATE FOR PUBLIC HEARINGS: SEPTEMBER 19, 2016

1. Consideration of Sale of Property Locally Known as 1118 Maple Street, Burlington, Iowa, with Conditions
2. Consideration of Sale of Property Locally Known as 1505 Aetna Street, Burlington, Iowa, with Conditions
3. Consideration of an Ordinance Rezoning the Property Located on the West Side of South Main Street between Maple Street and Spruce Street from M-1, Light Industrial to C-1, Limited Commercial Zoning District