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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 19
October 3, 2016

The Burlington City Council met in regular session at 5:38 p.m. following the Special/Executive Meeting in the Thomas J. Smith Council Chambers, City Hall with Mayor McCampbell, Council Members Davidson, Scott and Wilson present. Council Member Fleming was absent.

BURLINGTON CITY COUNCIL

PROCLAMATIONS:

- * Fire Prevention Week: Mark Crooks
- * Domestic Violence Awareness Month: Brad Koenig
- * City Week: Sam Helmick and Ryan Freitag

MAYOR'S AWARDS:

- * Jacob Cranston
- * Ryan Smith

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: Scott 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")

CARRIED

HEARINGS:

1. Statement: Consideration of the Sale of Property Locally Known as 209 South Gunnison Street, Burlington, Iowa, with Conditions

COMMENTS: The Development and Parks Director stated that the property at 209 South Gunnison Street was located on the west side of South Gunnison Street. He stated that the property was acquired by the City through the court system as an abandoned building. He stated that the home was built in 1900. He reviewed details of the home with the Council and the viewing audience. He reviewed the following conditions for the sale of the property: Purchaser shall pay a minimum of \$500 or 10% down (whichever is greater) upon approval of sale. The entire amount shall be paid within 30 days of approval of sale by the City Council. Defective items shall be repaired as needed. A licensed plumber and electrician shall inspect and sign off that such items in the property meet or are brought up to code. Sidewalks along Gunnison Street and parking areas shall be improved to meet current code standards as necessary. Off-street parking shall accommodate two vehicles on the property. All permits shall be received and codes shall be met, as applicable, for work and occupancy of the home. Purchaser shall maintain property and yard and hold insurance on such property upon approval of sale by the City Council. Work shall be initiated within 60 days and completed within 180 days of approval by the City Council. An extension of 180 days may be granted if significant progress is made. Failure to meet time frames may result in forfeiture of sale and purchase; with resale of the property by the City. He stated that the quit claim deed shall be transferred to purchaser upon substantial completion of renovation of the residential home. Mayor McCampbell led an auction for the Sale of Property Locally Known as 209 South Gunnison Street, City of Burlington, Des Moines County, Iowa. Arthur Gordon of 11464 Plank Road, Burlington, Iowa was the high bidder at \$1,800.00. 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: Wilson

CARRIED

Introduced By: Davidson

Seconded By: Wilson

Motion to Amend Exhibit "C" of the Resolution Approving the Sale of Property Locally Known as 209 South Gunnison Street, City of Burlington, Des Moines County, Iowa that the Property be Sold to Arthur Gordon in the amount of \$1,800.00

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

CARRIED

Introduced By: Davidson

Seconded By: Wilson

Resolution Approving Sale of Property Locally Known as 209 South Gunnison Street, Burlington, Iowa, with Conditions

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

ADOPTED

2. Statement: Consideration of the Sale of Property Locally Known as 915 North Central Avenue, Burlington, Iowa, with Conditions

COMMENTS: The Development and Parks Director stated that the property at 915 North Central Avenue was acquired by the City through the court system as an abandoned building. He stated that the home was built in 1921. He reviewed details of the home with the Council and the viewing audience. He reviewed the following conditions for the sale of the property: Purchaser shall pay a minimum of \$500 or 10% down (whichever is greater) upon approval of sale. The entire amount shall be paid within 30 days of approval of sale by the City Council. Defective items shall be repaired as needed. A licensed plumber and electrician shall inspect and sign off that such items in the property meet or are brought up to code. Sidewalks along Central Avenue and parking areas shall be improved to meet current code standards as necessary. Off-street parking shall accommodate two vehicles on the property. All permits shall be received and codes shall be met, as applicable, for work and occupancy of the home. Purchaser shall maintain property and yard and hold insurance on such property upon approval of sale by the City Council. Work shall be initiated within 60 days and completed within 180 days of approval by the City Council. An extension of 180 days may be granted if significant progress is made. Failure to meet time frames may result in forfeiture of sale and purchase; with resale of the property by the City. He stated that the quit claim deed shall be transferred to purchaser upon substantial completion of renovation of the residential home. Mayor McCampbell led an auction for the Sale of Property Locally Known as 915 North Central Avenue, City of Burlington, Des Moines County, Iowa. Arthur Gordon of 11464 Plank Road, Burlington, Iowa was the high bidder at \$8,100.00. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Scott
Motion to Close

Seconded By: Wilson

CARRIED

Introduced By: Scott
Motion to Amend Exhibit "C" of the Resolution Approving the Sale of Property Locally Known as 915 North Central Avenue, City of Burlington, Des Moines County, Iowa that the Property be Sold to Arthur Gordon in the amount of \$8,100.00

Seconded By: Wilson

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

CARRIED

Introduced By: Scott
Resolution Approving Sale of Property Locally Known as 915 North Central Avenue, Burlington, Iowa, with Conditions

Seconded By: Wilson

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

ADOPTED

3. Statement: Consideration of an Ordinance Rezoning the Property Located at 3107 South 14th Street from R-1, Single Family Residential to R-4, Multi-Family Residential Zoning District, with Conditions

COMMENTS: The Development and Parks Director reviewed with Council and the viewing audience the proposed Ordinance Rezoning the Property Located at 3107 South 14th Street from R-1, Single Family Residential to R-4, Multi-Family Residential Zoning District, with Conditions. He stated that the proposed Ordinance would allow for the following conditions: land use allowed for the property shall be single-family or two-family (duplex) dwellings and a maximum of two structures shall be allowed on the lot (four total units maximum). He stated that the City Planning Commission voted 5-0 to recommend approval of the requested rezoning to the City Council. He stated that the approval was based on the surrounding use of land in that area, which includes single-family, two-family and multi-family; the conditions of the rezoning that limit the use of the land to compatible density; and following the Future Land Use Map designation as low density residential, which includes single-family and two-family dwellings. 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
Motion for Preliminary Adoption of the First Reading of an Ordinance Rezoning the Property Located at 3107 South 14th Street from R-1, Single Family Residential to R-4, Multi-Family Residential Zoning District, with Conditions

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

CARRIED

4. 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, with a Planned Unit Development (PUD) Overlay Zone

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, with a Planned Unit Development (PUD) Overlay Zone. He stated that the rezoning was for the former Klein Center located at 2910 Madison Avenue. He stated that the developer was planning a hotel for the upper levels and an office and restaurant on the main floor. He stated that the City Planning Commission voted 5-0 to recommend approval of the requested rezoning to the City Council. He

stated that the recommendation was based on the condition of the Future Land Use Map is amended to Neighborhood Mixed Use for the described property; and based on the land uses allowed within the PUD; the limited reuse options for the property under the current R-1 zoning designation; and the minimized impact on the surrounding neighborhood with the land uses allowed under the proposed rezoning Ordinance. Council Member Wilson stated that she was glad that the City and the developer came to an understanding for the type of rezoning that was needed for what the developer's plans were. 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
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, with a Planned Unit Development (PUD) Overlay Zone

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

CARRIED

5. Statement: Consideration of an Ordinance Amending Various Sections of Chapter 154, Residential Code of the City of Burlington Municipal Code

COMMENTS: The Development and Parks Director reviewed with Council and the viewing audience the proposed Ordinance Amending Various Sections of Chapter 154, Residential Code of the City of Burlington Municipal Code. He stated that the proposed Ordinance approves the 2015 edition of the International Residential Code verses the 2012 edition of the International Residential Code. He stated that it also deletes Chapters 25, 26, 27, 29, 30, 31 and 32 so that the residential code can be used for one code book for single family and two-family dwellings for electrical, plumbing, mechanical and general residential construction so that developers and the City's inspectors will only have to use one code book instead of several books. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Davidson Seconded By: Wilson
Motion to Close

CARRIED

Introduced By: Davidson Seconded By: Scott
Motion for Preliminary Adoption of the First Reading of an Ordinance Amending Various Sections of Chapter 154, Residential Code of the City of Burlington Municipal Code

DISCUSSION: None.

(VOTE: 4 - "AYES")

CARRIED

- 6. Statement: Consideration of an Ordinance Amending Section 150.07 Affixing Numbers of Chapter 150 Building Numbering of the City of Burlington Municipal Code

COMMENTS: The Development and Parks Director reviewed with Council and the viewing audience the proposed Ordinance Amending Section 150.07 Affixing Numbers of Chapter 150 Building Numbering of the City of Burlington Municipal Code. He stated that the change would provide individual house numbers to be a minimum of four inch high verses three inch high and must be clearly visible and readable from the street and in plain view. He stated that the proposed change would be consistent with the Fire Code standards. Council Member Scott stated how house numbers were important for those that need to come to your home such as fire, police and City sanitation workers. He urged property owners to get their house numbers up. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Wilson
Motion to Close

Seconded By: Scott

CARRIED

Introduced By: Wilson Seconded By: Davidson
Motion for Preliminary Adoption of the First Reading of an Ordinance Amending Section 150.07 Affixing Numbers of Chapter 150 Building Numbering of the City of Burlington Municipal Code

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

CARRIED

ORDINANCE:

Introduced By: Wilson Seconded By: Scott

- 1. Motion to Replace Exhibit "A" and Exhibit "B" 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 by Excluding Lot Nos. 158, 159 and 160 in Original City of Burlington, Des Moines County, Iowa

DISCUSSION: The Development and Parks Director reviewed with Council and the viewing audience the proposed 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. He stated that Transitions DMC was the petitioner of the rezoning. He stated that the property needed to be rezoned to allow for residential apartments or a homeless shelter. He stated that property owners on the west side of South Main Street between Maple Street and Spruce Street were contacted to see if they wanted their properties to be included in the rezoning. He stated that the City Planning Commission voted 4-0 to recommend approval of the requested rezoning to the City Council. He stated that their recommendation was based on

the current and planned use of the properties as commercial and residential, on the Future Land Use Map for this area being Neighborhood Mixed Use and Downtown Mixed Use, which provides a mix of residential and commercial uses and the elimination of existing non-conforming use properties in this corridor. He stated that since the proposed Ordinance was written to include the southern two lots located north of Spruce Street, which is now for sale. He stated that Lot Nos. 158, 159 and 160 in Original City of Burlington, Des Moines County, Iowa need to be excluded from the proposed Ordinance due to the sale of the property. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.
(VOTE: 4 - "AYES") CARRIED

Introduced By: Wilson Seconded By: Scott

2. Motion to Amend the Motion for Preliminary Adoption of the Second Reading 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

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

CARRIED

Introduced By: Wilson Seconded By: Scott

3. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption 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

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

CARRIED

RESOLUTIONS:

Introduced By: Wilson Seconded By: Scott

1. Resolution Approving the Final Plat of Roy Vaughan Subdivision

DISCUSSION: The Development and Parks Director reviewed with Council and the viewing audience the proposed final plat of Roy Vaughan Subdivision. He stated that the subdivision was located within the two-mile growth area of the City of Burlington. He stated that the Des Moines County Supervisors have already approved the final plat. He stated that the final plat provides that the homestead will be separated from the remaining farmland. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.
(VOTE: 4 - "AYES") ADOPTED

Introduced By: Wilson Seconded By: Scott

2. Resolution Approving Agreement with Matteson Marine Service, Inc. for Riverfront

Lease and Mooring Agreement

DISCUSSION: The City Manager reviewed with Council and the viewing audience the proposed agreement with Matteson Marine Service, Inc. for Riverfront Lease and Mooring Agreement. Council Member Scott asked if the concern of the Riverfront Advisory Committee has been met with the proposed lease. The City Manager stated that he felt it did. He stated that if the City had a defined public purpose, there was a 6-month opt out provision. He stated that the 6-month opt out provision was for both parties. Council Member Wilson stated that she felt the 6-month opt out provision was important and fair for the Riverfront Advisory Committee. Council Member Scott stated that the Riverfront Advisory Committee had a concern about the length of the lease due to the flood wall project and possibly having to get into the property, but it should eliminate that issue with the 6-month opt out provision. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - "AYES")

ADOPTED

COMMENTS FROM AUDIENCE: Don Harter of 1018 Monticello Drive stated that he owns a rental property on Grove Street. He stated that a neighbor on Grove Street has a junk yard. He presented the Council with a picture of a vehicle that has been sitting in the yard for the past four months. He stated that the vehicle was still sitting in the yard. He stated that he has come down monthly to complain to the Nuisance Department. He stated that there are yards in both North Hill and South Hill with seven to eight vehicles sitting in the yards with weeds growing up around them. He stated that the City needs to make a proactive stance. The Development and Parks Director stated that the vehicle will be towed tomorrow. Council Member Scott stated that he was also frustrated by vehicles and trailers parked in the City right-of-way or in property owners' back yards. He stated that he sees these nuisances all over town. He stated that public education is about all the City can do, as there is not enough manpower to clean up all the areas. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 7:14 p.m.

Approved: October 17, 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 Final Acceptance, Final Payment and Release of Retention Monies for the 2016 3rd and Washington Parking Deck Repair Project
2. Resolution Approving Final Acceptance, Final Payment and Release of Retention Monies for the 2015 Division Street HMA Resurfacing Project
3. Resolution Endorsing the Mason Road Trail Project

SET DATE FOR PUBLIC HEARINGS: OCTOBER 17, 2016

1. Consideration of the Sale of Property Locally Known as 207 South 5th Street, Burlington, Iowa, with Conditions
2. Consideration of an Ordinance Creating Chapter 38 Tree Advisory Board of the Burlington Municipal Code

APPOINTMENT:

Low Rent Housing Agency: Bill Palmer, Jr.