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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 30
March 20, 2017

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

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. Leon Shahan of 1821 Mt. Pleasant Street requested the removal of the Resolution of Support for the Workforce Housing Tax Incentive Program Project by Triple S Leasing LLC from the consent agenda for discussion at the close of the meeting. 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 Purchase Agreement for the Property Located at the Southwest Corner of South 5th Street and Maple Street, City of Burlington, Iowa, With Conditions

COMMENTS: The Development and Parks Director reviewed with Council and the viewing audience the proposed purchase agreement for the property located at the southwest corner of South 5th Street and Maple Street with conditions. He stated that this was the last project to use the grant funds which expire December 31, 2017. He stated that Amanda Waters meets all qualifications for purchasing the home. He further reviewed details of the project with Council

and the viewing audience. Marlin McKee of 1121 South 12th Street stated his concern that there needs to be protection that people don't work the system. He further stated his concern if the buyer would be able to afford the property taxes on the home. He further questioned why a smaller ranch style home couldn't be built on the property. The Development and Parks Director stated that generally the homeowner must live in the home for five years or have to pay a percentage back. He stated that a ranch style home would not fit well in the neighborhood with the other homes that are two-story homes. He further stated that there was a need for three bedroom homes with two bathrooms. Scott Diehl of 613 North Garfield Street stated that three years ago he was a recipient of a NSP home. He stated that the NSP program was a good program, but the City needs to follow up with nuisances around those homes that bring down property values. Bob Saar of 500 Maple Street asked if the City had plans on repairing the retaining wall at the property. He stated that he highly supports the building of the home as it was better than a vacant lot. He stated that the NSP money was money well spent. He stated that he has spoken with Ms. Walters and both him and her had lived in Denver, Colorado and Denver was more of a scary place to live than living on Maple Street. The Development and Parks Director stated that the retaining wall would be fixed as a part of the project. Leon Shahan of 1821 Mt. Pleasant Street asked what the income guidelines were in terms of income for the NSP home. The Development and Parks Director stated the approximate income guidelines. The City Manager stated that the NSP program was a federal program and helps to stabilize neighborhoods. He stated that the program helps people that would otherwise not be able to afford a home. 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: Fleming
Resolution Approving Purchase Agreement for the Property Located at the Southwest
Corner of South 5th Street and Maple Street, City of Burlington, Iowa, With Conditions

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

ADOPTED

2. Statement: Consideration of an Ordinance Vacating and Selling a Portion of Gnahn Street and Whitaker Street Right-of-Ways Adjacent to the Property Located at 1104 Gnahn Street, Burlington, Iowa

COMMENTS: The Development and Parks Director stated that the proposed Ordinance vacating and selling a portion of Gnahn Street and Whitaker Street right-of-ways adjacent to the property located at 1104 Gnahn Street. He stated that the adjacent property owner has requested the proposed vacation. He stated that the City Planning Commission approved the vacation based on the petitioner of the application, the applicant owning all property adjacent to the right-of-way, maintenance of an utility easement and access for emergency personnel. He stated that any

closure of the street access through use of a gate shall require the installation of a Knox box or Knox padlock by the applicant for use by the City of Burlington emergency personnel. He stated that such closure shall be approved by the City prior to the occurrence. He further stated that an easement shall be retained at a width of 30-feet, centered over the existing public sewer located within the right-of-way being vacated, for public utility access and maintenance. 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 Consideration of an Ordinance Vacating and Selling a Portion of Gnahn Street and Whitaker Street Right-of-Ways Adjacent to the Property Located at 1104 Gnahn Street, Burlington, Iowa

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

CARRIED

3. Statement: Consideration of an Ordinance Vacating and Selling the Alley Running from Columbia Street to Washington Street, between Front Street and Main Street, Burlington, Iowa

COMMENTS: The Development and Parks Director reviewed with Council and the viewing audience the proposed Ordinance vacating and selling the alley running from Columbia Street to Washington Street, between Front Street and Main Street. He stated that the adjacent property owner has requested the proposed vacation. He stated that the City Planning Commission approved the vacating of the described right-of-way based on the petition of the applicant and providing for an utility easement to Alliant Energy. He stated that The Drake Restaurant plans to expand their kitchen into the vacated area. He stated that an easement shall be retained over the entire portion of the right-of-way being vacated for public utility access and maintenance as required by Alliant Energy. 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: Scott
Motion for Preliminary Adoption of the First Reading of an Ordinance Vacating and Selling the Alley Running from Columbia Street to Washington Street, between Front Street and Main Street, Burlington, Iowa

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

CARRIED

4. Statement: Consideration of a Permanent Encroachment Agreement with Greenway of Burlington Associates for Encroachment into Valley Street Right-of-Way at 2312 Valley Street, Burlington, Iowa

COMMENTS: The Development and Parks Director reviewed with Council and the viewing audience the Permanent Encroachment Agreement with Greenway of Burlington Associates for Encroachment into Valley Street Right-of-Way at 2312 Valley Street, Burlington, Iowa. He stated that the property owners and property managers suggested that a gate be placed on the street to limit access to improve safety and security at the location. He stated that access to the gated shall be provided to emergency personnel as required and shall include a Knox padlock. He stated that the gate shall remain open from December 1st through March 1st and shall be opened immediately by the property management, should snow accumulation warrant snow removal by the City outside of those dates. Leon Shahan of 1821 Mt. Pleasant Street questioned how fire access would work. The Fire Chief stated that normally the Fire Department would use Shields Street. He stated that the second access would be the gate and they have a master key to open 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: Wilson
Motion to Close

CARRIED

Introduced By: Fleming Seconded By: Scott
Resolution Approving a Permanent Encroachment Agreement with Greenway of Burlington Associates for Encroachment into Valley Street Right-of-Way at 2312 Valley Street, Burlington, Iowa

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

ADOPTED

RESOLUTIONS:

Introduced By: Scott Seconded By: Davidson

1. Resolution Approving Loan Agreement, Authorizing the Issuance of \$9,555,000 General Obligation Corporate Purpose Bonds, Series 2017B and Providing for the Levy of Taxes to Pay the Same

DISCUSSION: The City Manager stated that this was the final step in the borrowing process for the purpose of financing of building a new police station, construction of flood protection improvements and street improvements. Bob Saar of 500 Maple Street asked what provisions the City would take to prevent the flood waters from flooding the city-side of the flood wall via the large box sewers and the connected curb-side storm water catchbasins. The WWTF Superintendent reviewed how the City would want the box sewers to continue to operate as the conduits for rainwaters from the areas of town located at higher elevations than the downtown

area. Water, or in this case, the river will seeks its own level. Engineering has determined to what river stage, or elevation the new flood system is to protect the downtown area and identified which catchbasins in the downtown area are at or below that elevation from which river water could flood back into city streets and have designed a plan to disconnect those particular catchbasins, probably by using some valves, from the box sewer system and direct the rainwater those catchbasins would normally drain to the river and redirect the water to some new storm water pumping stations near the riverfront whose purpose will be to pump the storm water from the flood protected downtown area over the flood wall out into the river. The WWTF would most likely be responsible to operate and maintain those new storm water pumping stations. The City Manager stated that the pumping station was the second phase of the project. Leon Shahan of 1821 Mt. Pleasant Street felt that this was bad debt for the City due to the state of the economy. Council Member Wilson asked how the street project would be effected if GE closes. The City Manager stated that at the present time GE was still planning for their expansion of the plant. 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 Establishing an Angle Parking Zone in the 500 Block of Market Street

DISCUSSION: The Assistant City Manager to Public Works stated that the City received a request for angle parking zone in the 500 block of Market Street. He sated that it would create 13-15 parking stalls. Council Member Davidson stated that he did not feel it was necessary to bring forth establishing angle parking to the City Council for approval. The Assistant City Manager to Public Works stated that in the past the City Council has always approved various parking issues. Council Member Scott questioned if there were any plans for street improvements for the 500 block of Market Street. The Assistant City Manager to Public Works stated that staff did some patching work on the street. 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: Wilson

3. Resolution of Support for the Workforce Housing Tax Incentive Program Project by Triple S Leasing LLC

DISCUSSION: The Development and Parks Director stated that the applicant Triple S Leasing, LLC plans to construct a new 16-unit apartment building at 4051 West Avenue with incentives through the Iowa Economic Development Authority, including Workforce Housing Tax Incentives. Leon Shahan of 1821 Mt. Pleasant Street stated that tax incentives for the project was ridiculous. 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: Marlin McKee of 1121 South 12th Street stated that the City traded land with Frank Millard Company. He stated that Frank Millard has their building up but the buildings on the City's site has not been torn down yet. He further stated that he was against taking away parking for people who work downtown to provide for bank parking. The City Manager stated that the City Council discussed the issues last Fall. Scott Diehl of 613 North Garfield Street stated that he was against increasing property taxes for the elderly and the disabled. He stated that City of Burlington was only concerned about the rich. He further stated that he was against the 10-year tax abatement for new \$300,000.00 plus homes. He urged Council to stop giving corporate welfare to the rich. Leon Shahan of 1821 Mt. Pleasant Street agreed with Scott Diehl about corporate welfare to the rich. Kathy Little stated that her mother was assessed in 2004 with a street assessment and is now due, She stated that if it is not paid by March 31, 2017 the property will go up for tax sale. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 6:38 p.m.

Approved: April 3, 2017

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 Robyn Canova dba/A2Z Taxi, LLC
2. Resolution Approving Renewal of Taxi Cab/Vehicle for Hire License for Executive Transportation LLC dba/Executive Transportation LLC
3. Resolution Approving Purchase of a New City Bus for the Burlington Urban Service
4. Resolution Establishing an Angle Parking Zone on the North and South Side of the 400 Block of High Street
5. Resolution Approving Fees for Rental Housing Inspections

SET DATE FOR PUBLIC HEARING: April 17, 2017

1. Consideration of Transit Grant Application