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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 33
May 1, 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

PROCLAMATIONS:

- * A Day of Prayer - Pastor Sam Fratt
- * Teach Children To Save Day - C.E. Walsh, C.L Walsh, Vicki Bredar, Kierstin Wax, Lorelei Weaver, Mateo Rascon, Tayjuah Peoples, Minka Buhmeyer, Caden Schwenker & Alisia Brock
- * Municipal Clerks Week - Kathleen Salisbury

MAYOR'S AWARDS:

- * Hilary Beard
- * Aaron Brown

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: Davidson

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 an Ordinance Vacating and Selling a Portion of Spruce Street Right-of-Way Located West of South Main Street and a Portion of Alley Right-of-Way Located North of Spruce Street and West of South Main Street, Burlington, Iowa

COMMENTS: The Development and Parks Director reviewed with Council and the viewing audience the proposed Ordinance Vacating and Selling a Portion of Spruce Street Right-of-Way Located West of South Main Street and a Portion of Alley Right-of-Way Located North of Spruce Street and West of South Main Street. He stated that Michael and Sally Campbell plans to expand their property at 223 Angular Street. He stated that the City Planning Commission voted 5-0 to approve the vacating of the described right-of-way based on a petition of the applicant, the applicant owning the property adjacent to the right-of-ways, maintenance of utility easements and continued access for the property located at 213 Spruce Street. He stated that an easement shall be retained over the vacated right-of-way for a private sewer located within the right-of-way being vacated and for public utility access and maintenance. He further stated that the sale price of the vacated alley right-of-ways would be \$3,000.00. 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 Vacating and Selling a Portion of Spruce Street Right-of-Way Located West of South Main Street and a Portion of Alley Right-of-Way Located North of Spruce Street and West of South Main Street, Burlington, Iowa

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

CARRIED

2. Statement: Consideration of a Permanent Encroachment Agreement with Art Guild of Burlington, Inc. for Encroachment into City Right-of-Way Adjacent to the Property Located at 301 Jefferson Street, Burlington, Iowa

COMMENTS: The Development and Parks Director reviewed with Council and the viewing audience the proposed permanent encroachment agreement with Art Guild of Burlington, Inc. for encroachment into City Right-of-Way Adjacent to the Property Located at 301 Jefferson Street. He stated that the encroachment would allow for a sculpture to be placed at the corner of North Third Street and Jefferson Street, but not in the pedestrian traveled area and also a clear distance from the trees. He stated that Tammy McCoy, Director of the Art Guild, was present for questions. Council Member Scott stated that he looked at the area and there was still room for pedestrians to walk on the sidewalk. Council Member Fleming stated that the plans looked good. 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 Seconded By: Fleming
Resolution Approving a Permanent Encroachment Agreement with Art Guild of
Burlington, Inc. for Encroachment into City Right-of-Way Adjacent to the Property
Located at 301 Jefferson Street, Burlington, Iowa

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

ADOPTED

3. Statement: Consideration of Plans and Specifications for the 2017 Sealcoat Streets Program

COMMENTS: The Assistant City Manager to Public Works reviewed with Council and the viewing audience the proposed plans and specifications for the 2017 Sealcoat Streets Program. He stated that the City Engineer's estimate for the project was \$385,507.46 with an alternate bid for pea gravel of \$104,107.08. He stated that \$450,000.00 was budgeted for the program. Council Member Wilson asked if the map of streets to be sealcoated was online. The Assistant City Manager to Public Works stated that it will be listed on the City's web page under engineering projects. He stated that he also plans to put the plans on Facebook. Marlin McKee of 1121 South 12th Street questioned how often does the City resealcoat streets. The Assistant City Manager to Public Works stated that the City does the sealcoat streets program yearly with a 7 year rotation. 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: Fleming

CARRIED

Introduced By: Scott Seconded By: Wilson
Resolution Approving Plans and Specifications for the 2017 Sealcoat Streets Program

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

ADOPTED

4. Statement: Consideration of Plans and Specifications for the 2017 Burlington Flint River Trail, Phase I South

COMMENTS: The Development and Parks Director reviewed with Council and the viewing audience the proposed plans and specifications for the 2017 Burlington Flint River Trail, Phase I South. He stated that bids would be received on May 11, 2017 with the project awarded on June 5, 2017. He stated that the construction should be completed by October 2017. He stated that

estimated cost of the project was \$735,000.00. 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
Resolution Approving Plans and Specifications for the 2017 Burlington Flint River Trail,
Phase I South

Seconded By: Wilson

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

ADOPTED

ORDINANCE:

1. Motion for Preliminary Adoption of the Second Reading of an Ordinance Providing for the Division of Taxes Levied on Taxable Property in the Deer Point Estates Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa

DISCUSSION: The Development and Parks Director stated that the City Council would be voting on the second reading of an Ordinance Providing for the Division of Taxes Levied on Taxable Property in the Deer Point Estates Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa. He stated that the next step would be approving a development agreement. Ryan Nagrocki of Midwest Realty Group reviewed with Council and the viewing audience his plans for 34-single family homes for Deer Point Estates. He stated that he hoped to break ground Spring, 2017. He stated that homes would range in price from \$180,000.00 to \$260,000.00. He further reviewed the following: housing assessment overview; development cost; challenges faced; urban renewal request; net effect of urban renewal/TIF rebate; City Comprehensive Plan; goal setting report; City of Burlington benefits; community support and giving back to Burlington through education. Marlin McKee of 1121 South 12th Street asked who would be paying for the construction of streets. He also questioned if the property owner would be able to apply for tax abatement. Mayor McCampbell stated that Ryan Nagrocki as the developer would be paying for construction of streets in the development. He further stated that the property owner would not be able to apply for tax abatement. Leon Shahan of 1821 Mt. Pleasant Street stated that this was a \$11.00 an hour town and that people will not be able to get a mortgage for homes ranging in price from \$180,000.00 to \$260,000.00. He further stated that the population of Burlington was declining. Elaine Fuller of 3115 Summer Street stated that she was in favor of housing but was against the use of TIF financing. She stated that the City needed to update the sewer and lift station in that area. She stated that they built their home in 1978 and have battled with sewage in their basement. She stated that she has had 3 ½ feet of sewage in her basement. She stated her concern with more homes being built in the area that it would cause more problems for her. She stated that lately she has not had problems, but she has a backflow preventor. She stated that she would like the option to disconnect from the sanitary sewer system and construct a septic system. Mayor McCampbell stated that he would pass on

the information. The WWTF Superintendent stated that the 14th Street lift station was installed in the 1970's. He stated that there are no problems with the lift station during dry weather. Problems at the lift station are limited to periods of wet weather flow. He gave a brief history of the sewer system. He stated that he doesn't believe adding the Deer Point homes will cause a problem at the lift station during dry weather periods. He further stated that Ryan Nagrocki said a secondary storm sewer was planned for the new homes' sump pumps. He stated that the development's sanitary sewer system will be new and tight, if installed properly and should not add any additional flow to the lift station's collection system due to wet weather and saturated ground. He stated that it is important to note that the City is working on getting together a Sewer Master Plan. He further stated that the purpose of the plan is to identify where system improvements are needed to accommodate current and future flows. Ryan Nagrocki stated that he has hired Klingner and Associates to do engineering and they have met with the streets and sewer staff and they have inspected the lift station and the force main that runs up South 14th Street. He stated that from the storm water perspective that he will be running a collector system behind the curb to the front yard of everyone's homes so they can tie their sump pumps directly into it. He further stated that the water will drain into outlot 1 where there will be a detention pond and the ditch that runs along the east side of Summer Street will be reshaped. Council Member Scott stated that he was fundamentally against TIF for residential. He stated that there is another step in the process of a development agreement and the Council needs to go into that by not signing a blank check. He stated that there needed to be dollar limits and time limits in the development agreement. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

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

CARRIED

RESOLUTION:

Introduced By: Davidson Seconded By: Scott

1. Resolution Approving Lease Agreement Between the City of Burlington and Burlington Community School District for Use of a Portion of Property at 2132 Madison Avenue for Disc Golf Project

DISCUSSION: The Development and Parks Director reviewed with Council and the viewing audience the proposed lease agreement between the City of Burlington and Burlington Community School District for use of a portion of property at 2132 Madison Avenue (James Madison Middle School) for Disc Golf Project. He stated that the leasing of the area would allow the City to expand their disc golf in Dankwardt Park by nine holes. He stated that the School Board has already approved the lease agreement. He stated that the City already has holes that they own that can be used for the nine additional holes, so the project would cost the City only staff's time. 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: Mike Crowner of Burlington stated that he understood the

sewer complaint of Elaine Fuller and that her issue needed addressed, but the only direction for Burlington to grow is south. Elaine Fuller of 3115 Summer Street stated that it was her understanding that the City can be held liable when they know there is a problem. She stated that it was duly noted that she has files with the history of problems. She urged the Council to check history in files before you add additional houses on an outdated lift station system. Cathy Little stated that her mother's property is located at the intersection of the roundabout and there were lots of problems with traffic and the signage. She stated that due to the construction of the roundabout her business driveway would be closed off. She questioned how she would have access during construction. She further stated that it would have been nice to have notification prior to the construction starting. The Assistant City Manager to Public Works stated that he did not have the timetable with him and that he would contact her the next day. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 7:03 p.m.

Approved: May 15, 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 Demolition/Nuisance Abatements for Various Properties
2. Resolution Accepting Legacy Drive Right-of-Way

SET DATE FOR PUBLIC HEARINGS: MAY 15, 2017

1. Consideration of an Amendment to Ordinance No. 3403, An Ordinance Creating the Arbor View Estates PUD
2. Consideration of an Ordinance Rezoning the Property Locally Known as 816 Valley Street from M-1, Light Industrial to C-3, Central Business District (Downtown Mixed Use) Zoning District
3. Consideration of Plans and Specifications for the Demolition of the Property Located at 715 Shoquoquon Drive, Burlington, Iowa
4. Consideration of Plans and Specifications for the 2017 Agency Street Widening Project - West End
5. Consideration of Plans and Specifications for the 2017 Erosion Mitigation at Corner of North Street and North 4th Street
6. Consideration of an Ordinance Amending Various Sections of Chapter 137, Sidewalk Regulations of the Burlington Municipal Code
7. Consideration of Budget Amendment No. 1 for Fiscal Year 2016-2017 Budget

APPOINTMENTS:

Low Rent Housing Agency: Nancy Caviness