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MINUTES OF THE PROCEEDINGS  
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 34  
May 15, 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 Fleming, Scott and Wilson present. Council Member Davidson was absent.

BURLINGTON CITY COUNCIL

LIFETIME ACHIEVEMENT AWARDS:

\* Tom Walz, Matt McChesney and Jessica McChesney

PRESENTATION: MS Run the US: Amanda Scott

DISCUSSION: Amanda Scott stated that eighteen individuals will run from California to New York over a three-month period to raise money and awareness for MS. She stated that both her mom and her sister struggle with MS. She stated that her goal was to raise \$10,000.00 and she was 3/4 of the way to her goal. She stated that she would be running 176 miles on June 25, 2017 starting in Des Moines. Mayor McCampbell presented her with a City of Burlington bracelet and said he planned to donate toward the cause. Council Member Scott stated that his wife, children, their spouses and grandchildren were present tonight at the meeting. He stated that he was extremely proud of all of his family. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

PROCLAMATIONS:

- \* Police Week - Chief Beaird
- \* Historic Preservation Month - To be Determined
- \* Foster Care Month - Peggy Christensen

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: Fleming      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. He 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 Budget Amendment No. 1 for Fiscal Year 2016-2017 Budget

COMMENTS: The Director of Administrative Services reviewed budget amendment no. 1 for FY 2016-2017 budget with Council and the viewing audience. She stated that increases in revenues totaled \$11,470,000.00 and increases in expenditures total \$9,402,050.00. 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

Seconded By: Scott

Resolution Approving Budget Amendment No. 1 for Fiscal Year 2016-2017 Budget

DISCUSSION: None.

(VOTE: 4 - "AYES")

ADOPTED

2. Statement: Consideration of 2017 Amendment to the Urban Renewal Plan for the Burlington Consolidated Urban Renewal Area

COMMENTS: The Development and Parks Director reviewed with Council and the viewing audience the proposed 2017 amendment to the Urban Renewal Plan for the Burlington Consolidated Urban Renewal area by including the former Apollo School property. He stated that previously the Urban Renewal Plan was amended to include the potential demolition of the former Apollo School. He stated that after proposals were submitted for redevelopment the Urban Renewal Plan will now be amended to state that the property will be redeveloped by a potential developer who is planning approximately 40-residential units and was asking for property tax abatement incentives under the City's Downtown Tax Abatement Program. The City Manager stated that the City was not providing any TIF funds for the project and has set the date of June 5, 2017 for the public hearing on the consideration of Urban Renewal competitive bid process and intention to accept proposal for sale and development of City property. He stated that there would be a development agreement that would need to be approved also. Kelly Hull of 816 Valley Street stated that she did not see on the TIF map presented the Arbor View Estates PUD. The City Manager stated that the hearing on the Arbor View Estates PUD was not using TIF. He explained that the map being shown was the Downtown Urban Renewal Area. He stated the City has several urban renewal areas and this area is our downtown area. Leon Shahan of 1821 Mt. Pleasant Street stated that the Burlington City Council cannot do anything

without incentives. 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: Scott  
Resolution Approving 2017 Amendment to the Urban Renewal Plan for the Burlington Consolidated Urban Renewal Area

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

ADOPTED

3. Statement: Consideration of an Amendment to Ordinance No. 3403, An Ordinance Creating the Arbor View Estates PUD

COMMENTS: The Development and Parks Director reviewed with Council and the viewing audience the proposed Ordinance amendment to Ordinance No. 3403, an Ordinance creating the Arbor View Estates PUD with Council and the viewing audience. He reviewed the changes in bulk regulations; landscaping and traffic circulation. He stated that the City Planning Commission held a public hearing and moved 4-0 to recommend approval of the requested amendments based on the request of the applicant, the previous approval of the PUD with minor amendments being presented at this time, the plan to develop an infill residential site, the size of lots proposed, the type of housing planned within the development, the need for various housing types and identified in the Housing Needs Assessment Plan and conformance to the Comprehensive Plan. Scott Zaiser of 1114 Upper Flint Road requested that the Ordinance be amended to allow sidewalks only on one side of the street. Council Member Fleming stated that he would be in favor of a sidewalk only on one side of the street as the area is a low traffic area. Upon further discussion an amendment in regard to only having a sidewalk on one side of the street would be written and voted upon at the second reading of the Ordinance. 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  
Motion for Preliminary Adoption of the First Reading of an Amendment to Ordinance No. 3403, An Ordinance Creating the Arbor View Estates PUD

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

CARRIED

4. Statement: 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

COMMENTS: The Development and Parks Director stated that the proposed Ordinance rezones property locally known as 816 Valley Street from M-1, Light Industrial to C-3, Central Business District (Downtown Mixed Use) Zoning District. He stated that the City Planning Commission held a public hearing on April 18, 2017 and voted 4-0 to recommend approval of the requested rezoning based on the planned use of the property to include residential, the location adjacent to existing C-3 zoning district and the current designation on the Future Land Use Map for this area as Downtown Mixed Use, which provides for a mix of residential and commercial use. Stewart Judd of 6264 Summer Street stated that he has done a lot of work on the property for the City such as boarding up and mowing. He questioned if part of the building that was not C-3 would be demolished. The City Manager stated that with approval of the Ordinance the entire property would be C-3, Central Business District (Downtown Mixed Use). He stated that the developer plans to redevelop the entire property. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Scott

Seconded By: Wilson

Motion to Close

CARRIED

Introduced By: Fleming

Seconded By: Scott

Motion for Preliminary Adoption of the First Reading 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

DISCUSSION: None.

(VOTE: 4 - "AYES")

CARRIED

5. Statement: Consideration of Plans and Specifications for the Demolition of the Property Located at 715 Shoquoquon Drive, Burlington, Iowa

COMMENTS: The Development and Parks Director stated that the City acquired 715 Shoquoquon Drive property through the court system as an abandoned building. He reviewed the plans and specifications for the demolition of the property located at 715 Shoquoquon Drive. He stated that the project includes the demolition of structures and other improvements associated with the former Park View Care facility. The work includes removal and disposal of asbestos, hazardous and non-hazardous materials, site improvements, site utilities and designated structures located on the property. Site restoration includes backfilling, topsoil and seeding. He stated that bids would be received on June 1, 2017 at 2:00 p.m. He stated that estimated cost for asbestos abatement and building demolition was \$391,200.00. He stated that plans were for construction of 3 single family lots. Leon Shahan of 1821 Mt. Pleasant Street questioned why the City purchased the property if they were going to have to spend funds to demolish the building. The City Manager stated that the property was acquired to demolish and improve the neighborhood. He stated that the City was seeking asbestos funding from the State but those funds are limited to \$25,000.00. Council Member Scott stated that the City continues to have

nuisances (mowing and boarding up windows) at the property. The City Manager stated that 3-lots with residences were more in conformity with the existing neighborhood. Kelly Hull of 816 Valley Street questioned why the RFP was not shown on the City's website for the June 1, 2017 bid opening. She further stated that she did not see any windows boarded up. Stewart Judd of 6264 Summer Street stated that he has boarded up windows on the property for the City and the building was not worth saving. 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 Plans and Specifications for the Demolition of the Property  
Located at 715 Shoquoquon Drive, Burlington, Iowa

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

ADOPTED

6. Statement: Consideration of Plans and Specifications for the 2017 Agency Street Widening Project - West End

COMMENTS: The Assistant City Manager for Public Works reviewed with Council and the viewing audience the proposed plans and specifications for the 2017 Agency Street Widening Project - West End. He stated that the project would include reconstruction of Agency Street from West Burlington Avenue to Highway 61. The road will be widened from West Burlington Avenue to the railroad crossing along with a new traffic signal to be installed at Plaza West intersection (Hobby Lobby). He stated that a new sidewalk will be placed on the north side of the road with crossings across Highway 61 and installation of a new rail crossing near Lowes and the Mississippi Valley Regional Blood Center. He stated that the Engineer's estimate was \$1,437,183.63 with the project budgeted at \$2,267,997.00. He stated that bids would be received mid June 2017 with construction starting early July 2017 and construction should be completed by early November 2017. Stewart Judd of 6264 Summer Street questioned why the City was widening Agency Street. The Assistant City Manager for Public Works stated that the project was RISE project due to the expansion of G. E. with 80% RISE grant and 20% City match. Keith Turrill of 127 Greenwood Street suggested the Council make sure G.E. will still be in Burlington as the building was for sale. He urged the Council to wait and see what happens. The City Manager stated that the Chamber has stated that G.E. was still planning on moving forward with their expansion and Burlington was one of G.E.'s more production plants. He further stated that Agency Street was in rough shape and needed reconstruction. Leon Shahan of 1821 Mt. Pleasant Street stated that it has been ten years since the railroad crossing on Agency Street was used. Council Member Wilson asked if the project would comply with the Complete Streets Program. The City Manager stated that there would be a sidewalk on the north side of the street, but there would not be a bike lane. 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: Fleming  
Resolution Approving Plans and Specifications for the 2017 Agency Street Widening  
Project - West End

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

ADOPTED

7. Statement: Consideration of Plans and Specifications for the 2017 Erosion Mitigation at Corner of North Street and North 4<sup>th</sup> Street

COMMENTS: The Assistant City Manager to Public Works reviewed with City Council and the viewing audience the proposed plans and specifications for the 2017 Erosion Mitigation at Corner of North Street and North 4<sup>th</sup> Street. He stated that a rain event in the Fall of 2016 contributed to significant localized flooding at North and Fourth. Flooding in the area resulted in bluff soughing. He stated that the consultant initially thought there should be a retaining wall, but has now proposed Soil Nails alternative, which is more cost effective than a retaining wall. The design includes additional drainage structure to reduce handle localized flooding. He stated that the Engineer's estimated cost was \$311,569.50. He further stated that bids would be received mid June 2017. Joanne Bauer of 2523 Sunnyside Avenue asked who owns the land at the corner of North Street and North 4<sup>th</sup> Street. The Assistant City Manager stated that it was City right-of-way. 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 Plans and Specifications for the 2017 Erosion Mitigation at Corner  
of North Street and North 4<sup>th</sup> Street

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

ADOPTED

8. Statement: Consideration of an Ordinance Amending Section 137.08 of Chapter 137, Sidewalk Regulations of the City of Burlington Municipal Code

COMMENTS: The Assistant City Manager for Public Works reviewed with City Council and the viewing audience the proposed Ordinance Amending Section 137.08 of Chapter 137, Sidewalk Regulations of the City of Burlington Municipal Code. He stated that the City Engineer's office has reviewed Chapter 137, Sidewalk Regulations of the City Code and finds

the 50" width requirement inconsistent with the Americans with Disabilities Act (ADA), the proposed guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG) and the Iowa Statewide Urban Design and Specifications (SUDAS). He stated that the Ordinance would be amended to require the sidewalk width requirement to "a minimum of 48" inches wide" which would be consistent with federal law and guidelines. 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: Fleming  
Motion for Preliminary Adoption of the First Reading of an Ordinance Amending  
Section 137.08 of Chapter 137, Sidewalk Regulations of the City of Burlington  
Municipal Code

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

CARRIED

ORDINANCES:

Introduced By: Wilson                      Seconded By: Scott

1. Motion to Amend the Motion for Preliminary Adoption of the Second 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: The Development and Parks Director stated that there were no changes to the 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 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: Wilson                      Seconded By: Scott

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

CARRIED

Introduced By: Wilson                      Seconded By: Scott

3. Motion for Final Adoption 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 City Manager stated that Ryan Nagrocki of Midwest Realty Group who was planning 34-single family homes for Deer Point Estates and using TIF for residential had contacted him and stated that he was not interested in moving forward with the project. He recommended the Council vote no to honor Ryan Nagrocki's request. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 0 - "AYES")

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

FAILED

RESOLUTIONS:

Introduced By: Wilson                      Seconded By: Scott

1.        Resolution Approving the Final Plat of Lea Zaiser Subdivision

DISCUSSION: The Development and Parks Director reviewed with Council and the viewing audience the proposed final plat of Lea Zaiser Subdivision. He stated that the petitioner plans to create a three lot subdivision. He stated that subdivisions creating no more than three lots and requiring no public improvements are considered Minor Subdivisions. He stated that Wiemer Street was narrow and the Fire Department has concerns about being able to turn around fire vehicles and access to the site in an emergency. He stated that the subdivision would meet the City's subdivision standards. Lea Zaiser of 6125 Pegtown Road, Mediapolis, Iowa stated that she is taking a property that was a rental home to a single family home and then creating two additional \$250,000.00 single family homes lots and not asking for any tax dollars. She stated that she was trying to improve the neighborhood. Council Member Scott stated that he was concerned about the Fire Department's concerns, but also felt that this was not a very dense development, so he was okay with approving the final plat. 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: Fleming

2.        Resolution Awarding Contract for the Flint River Trail - Phase I South Trail Project

DISCUSSION: The Development and Parks Director stated that bids for the Flint River Trail - Phase I South Trail Project were received on May 11, 2017 with three bidders bidding on the project. He stated that the lowest bidder was MJ Daly Construction Co., Inc. of Burlington in the amount of \$440,060.90. He stated that the Engineer's estimate for the project was \$735,000.00. He urged Council to award contract as MJ Daly Construction was ready to move forward on the project. He further stated that funding for the project consisted of: 2 REAP Grants, State Rec 15, Wellmark Grant, City Sales Tax and local fund raising. 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: Tammy Mcelroy of 611 North Garfield Street stated that the nuisance department did a nuisance cleanup at her home. She stated that Alliant had previously cut down a tree and had left it. She stated that she had a stack of firewood that they were planning on using. She stated that the firewood was removed, along with a mulberry tree at the corner of the shed and resurrection lilies, all of which did not need to be done. She stated that 609 North Garfield Street has spruce bushes and the nuisance department were trimming those too. She stated that she understood that she was responsible for some of the work, but not all of the work that was done. She stated that she would like to know what she was being charged for. The Development and Parks Director stated that the Nuisance Department had received a complaint about the property and a bill will be sent to her prior to the nuisance being approved by the City Council and filed with the Des Moines County Treasurer. He urged her to contact himself and the Nuisance Inspectors to find out the scope of the work. Scott Diehl, stated that he was giving away up to 5,000 I love Burlington bumper stickers. He stated that he was hoping to place them at the library and other local establishments. He stated that he has contacted Downtown Partners and local businesses that will be giving out the bumper stickers to residents of Burlington. He stated that he planned on doing this with or without the City's endorsement. He presented the City Manager, City Council and the Development Director with a bumper sticker. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 7:06 p.m.

Approved: June 5, 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

RESOLUTION:

1. Resolution Approving Master Facilities Agreement Including Addendum One with Interstate Power and Light Company

SET DATE FOR PUBLIC HEARINGS: JUNE 5, 2017

1. Consideration on a Proposal to Enter into a Sewer Revenue Loan and Disbursement Agreement in a Principal Amount Not to Exceed \$308,956.67
2. Consideration of Sale of Property Locally Known as 1114 Linden Street, City of Burlington, Iowa with Conditions

APPOINTMENTS:

Airport Authority: John Schulz  
Renewable Energy Committee: Jerry Parks