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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 35
June 5, 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

PRESENTATION:

* Check by CNH and Local UAW 807 for Purchasing of Trees

DISCUSSION: Mayor McCampbell received a check in the amount of \$5,000.00 for the purchase of replacement trees by CNH and Local UAW 807. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

SKYPE:

* Fireball Run Update

DISCUSSION: J. Sanchez, Executive Producer of Fireball Run, gave an update via Skype about Fireball Run. He explained that Fireball Run was an adventure travel series and was not a game show or a reality show. He stated that it was factual entertainment and tells a story of destinations. He stated that it was an opportunity for a community to showcase their community. He stated that business leaders, celebrities, elected leaders and other persons of note participate in the Fireball Run. He stated that Mayor McCampbell will be networking with other individuals on the show. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

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. Council Member Scott requested the removal of the Resolution to Enter into Agreement with Impact7G, Inc. Related to a U.S. Environmental Protection Agency Grant Award for Brownfields Area-Wide Planning Grant 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 Sale of Property Locally Known as 1114 Linden Street, City of Burlington, Iowa with Conditions

COMMENTS: The Development and Parks Director stated that the City acquired the property at 1114 Linden Street through the court system as an abandoned building. He stated that the home was demolished and the only thing that remains is a garage. He reviewed with Council and the viewing audience the conditions of the sale. He stated that the purchaser shall either combine the lot with an adjacent lot under their ownership that has an existing house or construct a house on the lot within 180 days of purchase. Mayor McCampbell led an auction for the Sale of Property Locally Known as 1114 Linden Street, City of Burlington, Des Moines County, Iowa. Kelly Hull of 816 Valley Street was the high bidder at \$600.00. 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: Scott

Motion to Amend Exhibit "C" of the Resolution Approving the Sale of Property Locally Known as 1114 Linden Street, City of Burlington, Des Moines County, Iowa that the Property be Sold to Kelly Hull in the amount of \$600.00

DISCUSSION: None.

(VOTE: 5 - "AYES")

CARRIED

Introduced By: Wilson

Seconded By: Fleming

Resolution Approving Sale of Property Locally Known as 1114 Linden Street, City of Burlington, Iowa with Conditions

DISCUSSION: None.

(VOTE: 5 - "AYES")

APPROVED

2. Statement: Consideration of Urban Renewal Competitive Bid Process and Intention to Accept Proposal for Sale and Development of City Property

COMMENTS: The Development and Parks Director reviewed with Council and the viewing audience the acquisition and the development agreement for Apollo School located at 1201 Valley Street. He stated that the developer, Midwest Cornerstone Property Management, LLC will acquire the property for \$100,000.00 to be paid at closing. He stated that Midwest Cornerstone Property Management, LLC plans on building 40 high end residential units with potential to include commercial uses as well. He stated that the developer will submit a rezoning application for a PUD to allow a mixed use of the property. He stated that the developer has agreed to provide and deed over any land/right-of-way necessary to expand the size of the cul-de-sac at the west end of University Place. He stated that the City shall extend the boundaries of the Urban Revitalization Area to include the property in order to allow the project to be eligible for a 10-year tax abatement schedule, as currently established in the Neighborhood Development Urban Renewal Area, for improvements made, and shall extend the time frame of eligible improvements for this area from the current 2019 expiration date to 2023. He stated that the City shall vacate College Street located between the property parcels and sell/transfer the vacated right-of-way to the developer. The City shall upgrade street lighting on University Place east of Apollo School, as well as expand the size of the cul-de-sac at the western terminus of University Place in land provided by the developer. Council Member Davidson stated that his position has not changed on the issue. He stated that when Miller-Valentine made a proposal and after a year when they could not get the development done then he was in favor of tearing down Apollo School and still is. 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
Resolution Approving Acquisition and Development Agreement with Midwest
Cornerstone Property Management, LLC, and Authorizing Sale of City-Owned Property

DISCUSSION: None.

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

1 - "NAY" Davidson)

ADOPTED

3. Statement: Consideration on a Proposal to Enter into a Sewer Revenue Loan and Disbursement Agreement in a Principal Amount Not to Exceed \$308,956.67

COMMENTS: The Assistant City Manager for Public Works stated that the City was entering into a Sewer Revenue Loan and Disbursement Agreement in a principal amount not to exceed \$308,956.67. He stated that the loan was a State Revolving Fund from the State of Iowa which is the remainder of the contract with HR Green for planning and design loan for sewer separation for Locust Basin which is part of the MASL project. 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: Scott Seconded By: Davidson
Resolution Taking Additional Action with Respect to a Sewer Revenue Loan and Disbursement Agreement and Authorizing, Approving and Securing the Payment of a \$308,956.67 Sewer Revenue Loan and Disbursement Agreement Anticipation Project Note (IFA Interim Loan and Disbursement Agreement)

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

ADOPTED

ORDINANCES:

1. Motion for Preliminary Adoption of the Second Reading of an Amendment to Ordinance No. 3403, an Ordinance Creating the Arbor View Estates PUD

DISCUSSION: 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. He stated that it was not a through street and was a cul-de-sac. He stated that the area would not be a high traffic area. Scott Diehl of 613 North Garfield Avenue stated that he has spoken with a couple of developers and they do not believe that Scott Zaiser should receive a variance for sidewalks. He stated that according to a national magazine that millennials were wanting to live in walkable communities with sidewalks. Kelly Hull of 816 Valley Street wondered why not construct sidewalks as she was in favor of sidewalks. Scott Zaiser stated that the reason was \$35,000.00 for construction of sidewalks that would need to be transferred to property owners in the subdivision. Council Member Scott stated that sidewalks are a part of the Ordinance and felt it was a nonissue right now. Council Member Fleming stated that he did not see a need for sidewalks on both sides of the street. He stated that he would like Council to look at the Sidewalk Ordinance in the future. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

CARRIED

- Introduced By: Scott Seconded By: Davidson
2. Motion to Amend the Motion for Preliminary Adoption of the Second 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

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. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.
(VOTE: 5 - "AYES") CARRIED

Introduced By: Scott Seconded By: Wilson

3. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption 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: 5 - "AYES")

CARRIED

Introduced By: Scott Seconded By: Wilson

4. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of an Ordinance Amending Section 137.08 of Chapter 137, Sidewalk Regulations of the City of Burlington Municipal Code

DISCUSSION: 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.
(VOTE: 5 - "AYES") CARRIED

Introduced By: Scott Seconded By: Wilson

5. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption of an Ordinance Amending Section 137.08 of Chapter 137, Sidewalk Regulations of the City of Burlington Municipal Code

DISCUSSION: None.

(VOTE: 5 - "AYES")

CARRIED

Introduced By: Fleming Seconded By: Scott

6. Motion for Waiver of Notice and Public Hearing as Required under Section 2 Publication Notice and Hearing of the City of Burlington's Procedural Rules for Ordinance Adoption in Regards to the Ordinance Amending the Code of Ordinances of the City of Burlington, Iowa, by Amending Provisions Pertaining to Fireworks

DISCUSSION: The Assistant City Manager for Public Works stated that the City Council could waive the notice and public hearing as required under Section 2 Publication Notice and Hearing of the City of Burlington's Procedural Rules for Ordinance Adoption in Regards to the Ordinance Amending the Code of Ordinances of the City of Burlington, Iowa, by Amending Provisions Pertaining to Fireworks. He stated that it would take a super majority of four ayes to waive. Council Member Davidson stated that he was not in favor of waiving the procedures as there is a reason the City Council has procedures to follow. Council Member Wilson stated that the City Council needed to figure out the Fireworks Ordinance soon. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - "AYES Wilson, Fleming, McCampbell and Scott

1 - "NAY" Davidson)

CARRIED

Introduced By: Fleming Seconded By: Scott

7. Motion for Preliminary Adoption of the First Reading of an Ordinance Amending the Code of Ordinances of the City of Burlington, Iowa, by Amending Provisions Pertaining to Fireworks

DISCUSSION: The Police Chief stated that this was a stop gap measure to keep our present Ordinance in place until the City Council wants to do something different. He stated that the proposed Ordinance keeps the ban on fireworks as there are a lot of people with pets and elderly. He stated that the proposed Ordinance simply has a change in how fireworks are defined. Dean Phenicie of Northern Drive stated that he preferred professionals deal with setting off fireworks instead of amateurs. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

CARRIED

RESOLUTIONS:

Introduced By: Davidson Seconded By: Fleming

1. Resolution Awarding Contract for the 2017 Flood Wall Mitigation, Phase V

DISCUSSION: The Assistant City Manager for Public Works stated that five bids were received on May 23, 2017 at 2:00 p.m. for the 2017 Flood Wall Mitigation, Phase V. He stated that SG Construction Company was the low bidder at \$6,217,965.83. He stated that this was the first of four phases. He stated that construction would commence on July 1, 2017 and construction of phase V would take 8-12 months to complete. 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 Awarding Contract for the 2017 Sealcoat Streets Program

DISCUSSION: The Engineering Manager for Public Works stated that two bids were received on May 23, 2017 at 2:00 p.m. for the 2017 Sealcoat Streets Program. He stated that WL Miller Company was the low bidder at \$356,501.38. He stated that the bid price included the use of pea gravel, which helps with dust. 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

3. Resolution Approving Final Plat of Laue Subdivision

DISCUSSION: The Development and Parks Director stated that Laue Subdivision was a 1-lot subdivision located east off of Osborn Street in the 900 block of Osborn Street just north of Arch Street. He stated that the petitioner plans to subdivide the existing building on the northwest corner to sell and retain the other three buildings. 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

4. Resolution of Support for YJ Development with Parking

DISCUSSION: The Assistant City Manager for Public Works stated that the proposed Resolution provides the City Council support in the development of parking opportunities for YJ Development. He stated that these opportunities include on-street parking at Valley Street, at the parking lot at 5th Street and Valley Street and assistance for future parking at the southeast corner lot of 5th Street and Valley Street. Kelly Hull of 816 Valley Street stated that she had never heard of YJ Development. The Assistant City Manager for Public Works stated that YJ Development currently has the option for two buildings off of Valley Street for redevelopment into market rate apartments. 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

5. Resolution to Enter into Agreement with Impact7G, Inc. Related to a U.S. Environmental Protection Agency Grant Award for Brownfields Area-Wide Planning Grant

DISCUSSION: Council Member Scott stated that he had requested the Resolution be removed from the Consent Agenda for discussion so that he could abstain from voting as he owns property in the downtown. Mike Fisher of Impact 7G stated that the City had completed an RFQ

for professional environmental services to assist with the EPA Brownfields Grant Program. He stated that Impact 7G, Inc. was selected to assist the City as a result of the competitive RFQ selection process. He stated that Impact 7G, Inc. staff along with the project partners from Confluence and Leland Consulting Group have substantial experience with the EPA Brownfields projects and processes, and Impact 7G, Inc. is actively involved in other brownfields activity in Burlington. He stated that the City will work with the selected consultants to conduct research and technical assistance activities that culminate in an area-wide plan for brownfields assessment, cleanup and subsequent reuse in downtown Burlington; including specific implementation strategies for assessing, cleaning up and reusing the brownfields and related project area revitalization strategies. Ben Sandell of Confluence stated that they will take their list of inventory, feedback from the citizens and turn it into a vision. Mike Fisher stated that Leland Consulting was a small firm out of Oregon that has expertise in understanding market characteristics and analysis. Kelly Hull of 816 Valley Street stated that she did not see any bids from any other companies for the project. The Development and Parks Director stated that it was an RFQ process and three RFQ's were submitted. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

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

ADOPTED

COMMENTS FROM AUDIENCE: Dean Phenicie questioned when Mt. Pleasant Street Bridge would be replaced. The Assistant City Manager for Public Works stated that bids would be received by the Iowa Department of Transportation in January 2018 and construction would take place the Spring of 2018. Dean Phenicie urged Council to replace Cascade Bridge, tear down Apollo School and require sidewalks in Arbor View Estates PUD as sidewalks were nice to walk on. Owen T. Sloan of 1621 South 14th Street wanted to thank Police Officer Mixer who sat with him in the Emergency Room in the hospital when he was distraught from taking his wife to the hospital. He stated that he owed the Police Officer a debt of gratitude. Terry Strothers of 212 South Gunnison Street urged Council to save Apollo School as it was a strong solid building. Kelly Hull of 816 Valley Street stated that she was not allowed to speak at the work session. She asked for amnesty of \$4,780.00 in nuisance abatements to her property at 816 Valley Street. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 6:43 p.m.

Approved: June 19, 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 Agreement Between the City of Burlington, Iowa and Hamilton-Walters Marine Corps. League Detachment 616 for Use of Memorial Auditorium

SET DATE FOR PUBLIC HEARINGS: JUNE 19, 2017

1. Consideration of an Ordinance Amending Chapter 126 Taxicabs and Vehicles for Hire of the Burlington City Code
2. Consideration of an Ordinance Amending Chapter 127 Vehicles for Hire Drivers of the Burlington City Code
3. Consideration of an Ordinance Vacating and Selling a Portion of Denmark Street Right-of-Way Located West of South Main Street
4. Consideration of an Ordinance Vacating and Selling a Portion of Alley Right-of-Way Located North of Aetna Street and East of South Plane Street
5. Consideration of Sale of Property Locally Known as 1336 Garnet Street, City of Burlington, Iowa with Conditions
6. Consideration of an Ordinance Amending Section 170.50 Board of Adjustment of Chapter 170 Zoning Code of the City of Burlington Municipal Code

APPOINTMENTS:

Flint Hills Golf Course Advisory Committee: Richard Maxwell and Tish Keltner