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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 43
October 2, 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 Pro-Tem Davidson, Council Members Anderson and Fleming present. Mayor McCampbell and Council Member Wilson were absent.

BURLINGTON CITY COUNCIL

PROCLAMATIONS:

- * Fire Prevention Week - Battalion Chief Bruce Workman
- * Domestic Violence Awareness Month - Brad Koenig
- * City Week - Rhonda Frevert

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: Anderson Seconded By: Fleming
MOTION: To approve all items listed under Item I., Consent Agenda.

DISCUSSION: Mayor Pro-Tem Davidson reviewed the items listed on the consent agenda to the viewing audience. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 3 - "AYES")

CARRIED

HEARINGS:

1. Statement: Consideration of Sale of Property Locally Known as 312 South 10th Street, City of Burlington, Iowa with Conditions

COMMENTS: The Development and Parks Director stated that the City acquired the property at 312 South 10th Street through the court system as an abandoned building. He reviewed with Council and the viewing audience the conditions of the sale. He stated that the purchaser shall initiate work 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 amount; with resale of the property by the City. Mayor Pro-Tem Davidson led an auction for the Sale of Property Locally Known as 312 South 10th Street, City of Burlington, Des Moines County, Iowa. Mohammad Nowroozi of 2714 Bittersweet Place was the high bidder at \$4,000.00. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Anderson
Motion to Close

Seconded By: Fleming

CARRIED

Introduced By: Anderson

Seconded By: Fleming

Motion to Amend Exhibit “C” of the Resolution Approving the Sale of Property Locally Known as 312 South 10th Street, City of Burlington, Des Moines County, Iowa that the Property be Sold to Mohammad Nowroozi in the amount of \$4,000.00

Introduced By: Anderson

Seconded By: Fleming

Resolution Approving the Sale of Property Locally Known as 312 South 10th Street, City of Burlington, Iowa with Conditions

DISCUSSION: None.
(VOTE: 3 - “AYES”)

ADOPTED

2. Statement: Consideration of Sale of Property Locally Known as 425 Hagemann Avenue, City of Burlington, Iowa with Conditions

COMMENTS: The Development and Parks Director stated that the City acquired the property at 425 Hagemann Avenue, a vacant lot, a few years ago. He reviewed with Council and the viewing audience the conditions of the sale. He stated that an Affordable Housing Restrictive Covenant shall apply to this property, as a part of the sale. He stated that the home shall be sold to an individual or family meeting income and ownership requirements of the Affordable Housing Restrictive Covenants, which are part of the Resolution of sale. He stated that the purchaser shall initiate work 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 amount; with resale of the property by the City. Mayor Pro-Tem Davidson led an auction for the Sale of Property Locally Known as 425 Hagemann Avenue, City of Burlington, Des Moines County, Iowa. Southeast Iowa Housing, Inc. was the high bidder at \$1,500.00. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Anderson
Motion to Close

Seconded By: Fleming

CARRIED

Introduced By: Anderson

Seconded By: Fleming

Resolution Approving the Sale of Property Locally Known as 425 Hagemann Avenue, City of Burlington, Iowa with Conditions

DISCUSSION: None.
(VOTE: 3 - "AYES")

ADOPTED

3. Statement: Consideration of an Ordinance Rezoning Outlot 3 of Swisher Subdivision from R-1, Single-Family Residential to R-2, Single-Family Residential (Transitional) District

COMMENTS: The Development and Parks Director reviewed with Council and the viewing audience the proposed Ordinance Rezoning Outlot 3 of Swisher Subdivision from R-1, Single-Family Residential to R-2, Single-Family Residential (Transitional) District. He stated that the City Planning Commission voted 3-0, with one member abstaining to recommend approval of the requested rezoning to the City Council. He stated that the recommendation was based on the planned use of the property to include a mix of single family and two-family residential uses, the location adjacent to existing R-2 Zoning District and the current designation on the Future Land Use Map for this area as Low Density Residential, which allow for both R-1 and R-2 uses. Council Member Anderson stated that the rezoning request was straight forward. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Anderson
Motion to Close

Seconded By: Fleming

CARRIED

Introduced By: Anderson

Seconded By: Davidson

Motion for Preliminary Adoption of the First Reading of an Ordinance Rezoning Outlot 3 of Swisher Subdivision from R-1, Single-Family Residential to R-2, Single-Family Residential (Transitional) District

DISCUSSION: None.
(VOTE: 3 - "AYES")

CARRIED

4. Statement: Consideration of an Ordinance Amending Section B Land Use Design Criteria of Ordinance No. 3104 for the Burlington Senior Living Campus PUD

COMMENTS: The Development and Parks reviewed with Council and the viewing audience the proposed Ordinance Amending Section B Land Use Design Criteria of Ordinance No. 3104 for the Burlington Senior Living Campus PUD. He stated that the City Planning Commission voted 4-0 to recommend approval of the PUD amendment to the City Council based on request of the applicant, continuity with surrounding land use regulations, and conformance to the provisions of the Zoning Code. He stated that the Ordinance would move the setback from 125 ft. to 30 ft. from the property line. He stated that Rosebush Gardens would like to do an addition to the front and side of their building. He stated that the 30 ft. set back is consistent with the current City Code. Council Member Anderson stated that the Ordinance amendment was more in line with what the City does now. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Anderson
Motion to Close

Seconded By: Fleming

CARRIED

Introduced By: Anderson

Seconded By: Davidson

Motion for Preliminary Adoption of the First Reading of an Ordinance Amending Section B Land Use Design Criteria of Ordinance No. 3104 for the Burlington Senior Living Campus PUD

DISCUSSION: None.
(VOTE: 3 - "AYES")

CARRIED

5. Statement: Consideration of Plans and Specifications for the Flint Hills Golf Course Pump House Project

COMMENTS: The Development and Parks Director reviewed with Council and the viewing audience the proposed plans and specifications for the Flint Hills Golf Course Pump House Project. He stated that the pump was essential to control irrigation of the golf course. He stated that bids would be received on October 10, 2017 and the project should be completed by March 2018. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Anderson
Motion to Close

Seconded By: Davidson

CARRIED

Introduced By: Anderson

Seconded By: Davidson

Resolution Approving Plans and Specifications for the Flint Hills Golf Course Pump House Project

DISCUSSION: None.
(VOTE: 3 - "AYES")

ADOPTED

6. Statement: Consideration of an Ordinance Amending Section 126.16 Financial Responsibility of Chapter 126 Taxicabs and Vehicles for Hire of the Burlington Municipal Code

COMMENTS: The Police Chief reviewed with Council and the viewing audience an Ordinance Amending Section 126.16 Financial Responsibility of Chapter 126 Taxicabs and Vehicles for Hire of the Burlington Municipal Code. He stated that the amendment changes the financial responsibility for all motor vehicles providing taxicab services, having a seating capacity of less than seven passengers, and not operating on a regular route or between specified points shall maintain primary automobile insurance in the amount of at least one million dollars because of bodily injury to or death of one or more persons and injury to or destruction of property of others in any one accident. He stated that the Ordinance change was due to a State law that took effect January 1, 2017. 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: Anderson

CARRIED

Introduced By: Fleming

Seconded By: Anderson

Motion for Preliminary Adoption of the First Reading of an Ordinance Amending Section 126.16 Financial Responsibility of Chapter 126 Taxicabs and Vehicles for Hire of the Burlington Municipal Code

DISCUSSION: None.

(VOTE: 3 - "AYES")

CARRIED

7. Statement: Consideration of a Proposed 2017 Amendment to the Burlington Urban Revitalization Plan

COMMENTS: The Development and Parks Director stated that the adoption of the 2017 Amendment to the Plan for the Burlington Urban Revitalization Plan was being done in conjunction with the sale of Apollo School. He stated that the amendment expands the urban revitalization area to include Apollo School property and property to the north between Jefferson Street and Market Street and Central Avenue and Woodlawn Avenue. He stated that the plan also extends the eligibility deadline until June 2, 2023 to apply for Tax Exemption for the Neighborhood Development District. He stated that the developer for Apollo School would be able to apply for tax abatement program, but not a TIF request. Tim Scott of 2017 South 15th Street asked if the entire Burlington Urban Revitalization Area would be extended until June 2, 2023. The Development and Parks Director stated that the tax exemption was for the entire Urban Revitalization Plan area. Council Member Anderson stated that she was glad that the area was being extended to 2023 as sometimes it takes a developer a long time to develop property. 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: Anderson

CARRIED

Introduced By: Fleming

Seconded By: Anderson

Resolution Adopting 2017 Amendment to the Plan for the Burlington Urban Revitalization Area

DISCUSSION: None.

(VOTE: 3 - "AYES")

ADOPTED

Introduced By: Fleming

Seconded By: Anderson

Motion for Preliminary Adoption of the First Reading of an Ordinance Amending Ordinances Related to Designating an Area of Burlington, Iowa as the Burlington Urban

Revitalization Area

DISCUSSION: The Development and Parks Director reviewed the proposed Ordinance Amending Ordinances Related to Designating an Area of Burlington, Iowa as the Burlington Urban Revitalization Area. He stated that the Burlington Urban Revitalization Area has to be designated by Resolution and Ordinance per the City’s Bonding Attorney. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.
(VOTE: 3 - “AYES”) CARRIED

RESOLUTIONS:

Introduced By: Fleming

Seconded By: Davidson

1. Resolution Awarding Contract for the 2017 Jefferson Street Parking Improvements

DISCUSSION: The Assistant City Manager for Public Works reviewed the project background for the 2017 Jefferson Street Parking Improvements with Council and the viewing audience. He stated that there were currently four parking stalls and there will now be 18 spaces (two handicap (with ramp access), two “Police Business Only” and 14-standard public use spaces. He stated that bids were received on September 19, 2017 with two bids received. He stated that the one bidder did not bid on option one. He stated that he recommended Council award the project to MJ Daly Construction in the amount of \$116,130.72. He stated that the construction should take approximately 1-1/2 months and the entire street would be closed. He stated that there would be some sidewalk access to businesses. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.
(VOTE: 3 - “AYES”) ADOPTED

Introduced By: Fleming

Seconded By: Davidson

2. Resolution Approving the Preliminary Plat of Park West Subdivision

DISCUSSION: The Development and Parks Director reviewed the preliminary plat of Park West Subdivision with the Council and the viewing audience. He stated that Park West Subdivision was a 16-lot subdivision, providing for a connection to the south property line, and installing required public infrastructure to City standards. He stated that the City Planning Commission voted 3-0, with one person abstaining for approval of the development. He stated that there is a detention area in the northwest corner of the site, along with an easement for a temporary turn around at the end of the connection to the south property line. Dan Cahill of 1414 Hillary Street stated that he would be spending \$500,000.00 on the project. He stated that the subdivision was approximately 8 acres and presently gross taxes paid on the property was \$432.00 with the City receiving \$170.51 in property taxes. He stated that he spoke with the Des Moines County Assessor and after the properties are developed gross taxes paid on the property would be \$118,000.00 a year of which the City would receive \$45,574.00 in property taxes. He stated that he would be requesting Tax Increment Financing (TIF) for the subdivision at a later date. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.
(VOTE: 3 - “AYES”) ADOPTED

Introduced By: Fleming

Seconded By: Davidson

3. Resolution Approving the Final Plat of Fifteenth Addition to Flint Ridge Business Park Subdivision

DISCUSSION: The Development and Parks Director reviewed with Council and the viewing audience the Final Plat of Fifteenth Addition to Flint Ridge Business Park Subdivision. He stated that the Fifteenth Addition to Flint Ridge Business Park Subdivision was creating a one-lot subdivision consisting of 9.58 acres. He stated that the 1-lot subdivision was located at the corner of West Avenue and West Burlington Avenue (at intersection of Roundabout). He stated that there was no new infrastructure for the lot and was a minor subdivision request by Greater Burlington Partnership, who owns the land. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 3 - "AYES")

ADOPTED

Introduced By: Fleming

Seconded By: Davidson

4. Resolution Approving Agreement Between the City of Burlington, Iowa and Burlington Post No. 52 of the American Legion for Use of Banquet Rooms, Storage Areas and an Office at Memorial Auditorium

DISCUSSION: The City Manager reviewed the agreement between the City of Burlington, Iowa and Burlington Post No. 52 of the American Legion for use of banquet rooms, storage areas and an office at Memorial Auditorium. He stated that the lease agreement would be from May 1, 2017 through May 1, 2020. He stated that originally there were some issues with the insurance requirements but the American Legion was able to get the City of Burlington listed as an additional insured on their policy. He stated that the 120-day termination notice provision was eliminated from the lease agreement. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 3 - "AYES")

ADOPTED

COMMENTS FROM AUDIENCE: Tim Scott of 2017 South 15th Street stated that he would hate to see Council rush through Tax Increment Financing (TIF) without a TIF policy. Freddie Starling of 517 South 7th Street stated that there was a death in the City. He stated that it has been 24 hours since the tragedy and people need information. He stated that someone from the City should be contacting the family. He felt that the Council should say something to the family since they employ and pay the salaries of the Police Department. Police Chief Beaird read a prepared statement: "Over the next few days, witnesses, police officers, and others will be interviewed. The names of the officers involved will be released immediately following their interviews with the DCI. I cannot give any further comments on the incident due to the nature of the investigation. This investigation has been turned over to the Iowa Department of Criminal Investigations. The Burlington Police Department will also conduct an internal investigation into the officers' actions after the DCI finishes their investigation. For now, the officers are placed on paid administrative leave per department policy. On behalf of the Burlington Police Department, I wish to express my empathy to the family involved. A loss of life and being a part of a traumatic event such as this is a terrible burden for all involved." Council Member

Anderson also stated that it was a tragedy for Burlington and she conveyed her sympathy to the family. The City Manager stated that these were heavy days for the staff and the community. He expressed his thoughts and prayers to all those impacted as a loss of life is traumatic for all. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 6:36 p.m.

Approved: October 16, 2017

Kathleen P. Salisbury, MMC
City Clerk

Jim Davidson
Mayor Pro-Tem

(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 Nuisance Abatements for Various Properties
2. Resolution Approving Refund of Liquor License for the Mississippi Freighthouse, Corp. dba/Big Muddy's
3. Resolution Approving Purchase of a Street Flushing Unit for Public Works, Street and Sewer Division
4. Resolution Approving Professional Service Agreement from Stanley Consultants, Inc. to Perform the Design of the Central Avenue Bridge Retaining Wall Rehabilitation
5. Resolution Approving the Creation and Implementation of the Healthy Neighborhoods Program by the Community Development Department

SET DATE FOR PUBLIC HEARING: OCTOBER 16, 2017

1. Consideration of Lease Agreement Between the City of Burlington and Burlington Community School District for Use of Saunderson Park at 1310 Valley Street, Burlington, Iowa