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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 44
October 16, 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 Anderson, Davidson, Fleming 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: Wilson 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. 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

HEARING:

1. Statement: 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

COMMENTS: The Development and Parks Director reviewed with Council and the viewing audience the lease agreement between the City of Burlington and Burlington Community School District for use of Saunderson Park at 1310 Valley Street. He stated that the City uses the property as a park and the Saunderson Heights Neighborhood Association would like the City to continue use of the property as a park. He stated that the lease was for 20 years ending November 30, 2037. 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: Fleming

CARRIED

Introduced By: Wilson
Resolution Approving Lease Agreement Between the City of Burlington and Burlington
Community School District for Use of Saunderson Park at 1310 Valley Street,
Burlington, Iowa

Seconded By: Davidson

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

ADOPTED

ORDINANCES:

Introduced By: Davidson Seconded By: Fleming

1. Motion to Amend the Motion for Preliminary Adoption of the Second 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: The Development and Parks Director stated that there were no changes to the proposed Ordinance Rezoning Outlot 3 of Swisher Subdivision from R-1, Single-Family Residential to R-2, Single-Family Residential (Transitional) District from the first reading. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.
(VOTE: 5 - "AYES")

CARRIED

Introduced By: Davidson Seconded By: Wilson

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

CARRIED

Introduced By: Davidson Seconded By: Fleming

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

DISCUSSION: The Development and Parks Director stated that there were no changes to the proposed Ordinance Amending Section B Land Use Design Criteria of Ordinance No. 3104 for the Burlington Senior Living Campus PUD from the first reading. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.
(VOTE: 5 - "AYES")

CARRIED

Introduced By: Davidson Seconded By: Fleming

4. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption of an Ordinance Amending Section B Land Use Design Criteria of Ordinance No. 3104 for the Burlington Senior Living Campus PUD

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

CARRIED

Introduced By: Anderson Seconded By: Davidson

5. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of an Ordinance Amending Section 126.16 Financial Responsibility of Chapter 126 Taxicabs and Vehicles for Hire of the Burlington Municipal Code

DISCUSSION: The City Manager 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 to match the 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.
(VOTE: 5 - "AYES")

CARRIED

Introduced By: Anderson Seconded By: Davidson

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

CARRIED

Introduced By: Anderson Seconded By: Fleming

7. Motion to Amend the Motion for Preliminary Adoption of the Second 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 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. Leon Shahan of 1821 Mt. Pleasant Street asked what other tax incentives were in place for Apollo School property. The City Manager stated only the tax abatement instead of Tax Increment Financing (TIF), and the developer was okay with it. Leon Shahan stated that the tax abatement was not a good deal for property owners in Burlington. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

CARRIED

Introduced By: Anderson Seconded By: Fleming

8. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption of an Ordinance Amending Ordinances Related to Designating an Area of Burlington, Iowa as the Burlington Urban Revitalization Area

DISCUSSION: None.

(VOTE: 5 - "AYES")

CARRIED

RESOLUTIONS:

Introduced By: Fleming Seconded By: Davidson

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

DISCUSSION: The Development and Parks Director stated that a public hearing was held on June 5, 2017 for sale of property locally known as 1114 Linden Street. He stated that Kelly Hull was the high bidder at \$600.00. He stated that she has contacted him and she does not want to build a home and so the property will now go to the second highest bidder Christopher Cline in the amount of \$500.00. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

ADOPTED

Introduced By: Fleming Seconded By: Anderson

2. Resolution Authorizing City of Burlington to Financially Support an Application to the Iowa Finance Authority for the Purpose of a Homebuyer Subrecipient Program

DISCUSSION: Dan Eberhardt of Southeast Iowa Regional Planning Commission reviewed with Council and the viewing audience an application to the Iowa Finance Authority for the purpose of a Homebuyer Subrecipient Program. He stated that the City has completed numerous down payment and rehabilitation housing related projects in the past that have proved highly successful. He stated that this would provide financial assistance to benefit low and moderate income households in purchasing quality housing within the City. He stated that the City will contribute \$20,000.00 in a cash match in the next two calendar years to the Southeast Iowa Regional Planning Commission's \$375,000.00 application to the Iowa Finance Authority to benefit low to moderate income households in Burlington. The City Manager stated that the \$20,000.00 was unbudgeted and the City would normally use demolition funds, but the balance in the demolition fund was zero. He stated that funding would come out of local option sales tax monies, since the City was not purchasing a couple of new buses. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

ADOPTED

3. Motion to Amend the Resolution Approving an Application for Funds from the Iowa Great Place Grant of the Iowa Department of Cultural Affairs for Projects Along the Downtown Riverfront to Include Only the Riverfront - Splash Pad

DISCUSSION: None.

(VOTE: 2 - "AYES" Fleming and Anderson

3 - "NAYS" McCampbell, Wilson and Davidson)

FAILED

4. Motion to Amend the Resolution Approving an Application for Funds from the Iowa Great Place Grant of the Iowa Department of Cultural Affairs for Projects Along the Downtown Riverfront to Include All Three Projects, 1. Riverfront - Auditorium Event Garden; 2. Riverfront - Shad Structures; 3. Riverfront - Splash Pad

DISCUSSION: None.

(VOTE: 3 - "AYES" McCampbell, Wilson and Anderson

2 - "NAYS" Fleming and Davidson)

CARRIED

Introduced By: Fleming Seconded By: Wilson

5. Resolution Approving an Application for Funds from the Iowa Great Place Grant of the Iowa Department of Cultural Affairs for Projects Along the Downtown Riverfront -
FAILED

DISCUSSION: The Development and Parks Director reviewed the proposed Resolution Approving an Application for Funds from the Iowa Great Place Grant of the Iowa Department of Cultural Affairs for Projects Along the Downtown Riverfront with Council and the viewing audience. He stated that the Resolution was written with two options for improvements along the riverfront to submit potential funding for: Riverfront - Auditorium Event Garden and Riverfront - Shade Structures. Council Member Davidson asked where the matching funds would come from and the time frame for construction. The City Manager stated that the matching funds would come from next year's hotel/motel tax fund and construction would probably be 2-years. Council Member Anderson stated that she preferred the splash pad as there was no cost for children to use the splash pad. She further wondered if the City could get a grant for a shade structure. Mayor McCampbell stated that he was not desperate for any of it. Matt Rinker of 912 Hagemann Avenue and Charlie Walsh of 1619 River Street, both members of the Riverfront Advisory Committee stated that the splash pad was rated no. 1 on the Facebook poll. Matt Rinker and Charlie Walsh strongly encouraged the Council to apply for all 3 projects. Matt Rinker stated that he has spoken with four non-profit groups who had stated to him that they would cover maintenance costs for the splash pad. Mike Elmer of 620 Iowa Street question if now was the time to pay for these items on the riverfront. Christine Robinson of 1200 Osborn Street stated that Fun City was not affordable and she could easily walk her children down to the riverfront to use the splash pad. She stated that she would also like to see an outdoor theater. Jon Billups of 800 North Front Street stated that the Council was missing the boat on the splash pad as that is what the public voted on and maintenance should be less than the fountain. Gary McPherson of 2111 Summer Street asked if the splash pad would be staffed. The Development

and Parks Director stated that the splash pad would not be staffed. Tim Scott of 2017 South 15th Street stated that he thought Council had already decided against the splash pad due to the annual maintenance cost so he was surprised the splash pad was listed on Facebook. Destina Fenton of 918 North Central Avenue stated that all projects should be placed on hold as property owner's water bills keep going up. She suggested the splash pad be placed at Dankwardt Park pool. Dean Phenicie of 2117 Northern Drive agreed with Destina Fenton that water bills keep going up and that there are a lot of unfinished projects. Rebecca Rosales of 102 Melrose Court stated that what was needed over a splash pad was street lights and more police patrol. Council Member Anderson stated that the splash pad would attract and keep young families in Burlington. Mayor McCampbell stated that he did not believe in starting something you can't finish. He stated that down the road there will be more costs. He stated that he loved kids, but he was not comfortable with the splash pad. Council Member Davidson stated that he has never been in favor of the splash pad. Council Member Fleming stated that the river itself was the top feature for Burlington. Council Member Wilson stated that kids would love the splash pad. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk. (VOTE: 1 - "AYE" Wilson

4 - "NAYS" Fleming, McCampbell, Anderson and Davidson)

FAILED

COMMENTS FROM AUDIENCE: Dean Phenicie 2117 Northern Drive stated that Memorial Auditorium was a beautiful building, but felt people can travel to The Mark in Davenport. He stated that with the recent shooting in Burlington, we need to support the police. He also stated that Notre Dame parents were parking along the frontage road and were not allowing access to US Bank. Leon Shahan of 1821 Mt. Pleasant Street stated that the City Council was in over their heads regarding riverfront improvements. He stated that the City's flood wall will not protect Burlington. Rebecca Rosales of 102 Melrose Court stated that there were many vacant houses that need to be torn down. She stated that we need to beautify what we have in Burlington. Christine Robinson of 1200 Osborn Street stated crime was an issue, police officers need better training and there needs to be more programs for children. Gary McPherson of 2111 Summer Street stated that it was sad there are not more people attending City Council meetings. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 7:07 p.m.

Approved: November 6, 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 Nuisance Abatements for Various Properties
2. Resolution Approving Final Acceptance and Release of Retention Monies for the 2017 West Avenue and West Burlington Avenue Roundabout RISE Project No. RM-0977(643)-9D-29
3. Resolution Approving Final Acceptance Release of Retention Monies for the 2016 Cascade Watershed Sewer Separation Project, Phase 2
4. Resolution Approving an Agreement Between the City of Burlington, Iowa and Alliant Energy Incorporated for All Night Lighting Service on Arch Street
5. Resolution Approving an Agreement Between the City of Burlington, Iowa and Alliant Energy Incorporated for All Night Lighting Service on South 4th Street
6. Resolution to Install a Stop Sign for Eastbound and Westbound Traffic at the Intersection of South Gertrude Street and Williams Street
7. Resolution Approving Reimbursement for the Imagine Committee's Indoor Sports and Recreational Facility Property Acquisition and Facility Remodel/Construction Effort
8. Resolution Approving Change Order No. 1 to Contract No. 7329 for the New Law Enforcement Center, Bid Package #5 HVAC (Heating, Ventilation and Air Conditioning) with Brockway Mechanical and Roofing Co., Inc.

SET DATE FOR PUBLIC HEARINGS:

1. Consideration of Sale of Property Locally Known as 255 South Central Avenue, City of Burlington, Iowa with Conditions (November 6, 2017)
2. Consideration of Sale of Property Locally Known as 251 South Central Avenue, City of Burlington, Iowa with Conditions (November 6, 2017)
3. Consideration of Sale of Property Locally Known as 506 South Gunnison Street, City of Burlington, Iowa with Conditions (November 6, 2017)

4. Consideration of an Ordinance Prohibiting the Construction of Wells Within the City Limits for Use as a Potable Water Source (November 6, 2017)
5. Consideration of an Ordinance Amending Various Sections of Chapter 31 Riverfront Advisory Committee of the Burlington Municipal Code (November 6, 2017)
6. Consideration of Designation of the West Avenue - Mason Road Urban Renewal Area and on Urban Renewal Plan and Project (November 20, 2017)

APPOINTMENTS:

Economic Development Advisory Committee: Mike Edwards

Riverfront Advisory Committee: Charles E. Walsh