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MINUTES OF THE PROCEEDINGS  
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 5  
March 5, 2018

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 Billups, Graham-Murray, Rinker and Wilson present.

BURLINGTON CITY COUNCIL

MAYOR'S AWARD:

\* Jesse Petty

MIDWEST MAGIC

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: Billups

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 Wilson announced those individuals appointed to various City commissions and boards. Leon Shahan of 1821 Mt. Pleasant Street removed the Resolution of Support for a Workforce Housing Tax Incentive Program Project by Park West LLC 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 General Obligation Loan Agreement in a Principal Amount Not to Exceed \$8,500,000

COMMENTS: The City Manager reviewed with Council and the viewing audience the proposed Resolution Expressing Intent to Enter into a Loan Agreement, Approving Preliminary Official Statement for General Obligation Corporate Purpose Bonds, Series 2018A and Authorizing Debt Service Levy. He stated that the City was borrowing funds for the City's Capitol Improvement Program (CIP) that require bond financing. He stated that projects consists of: general street overlay program (\$1,400,000.00); miscellaneous street projects (\$150,000.00); Mt. Pleasant Street Bridge Rehabilitation (\$4,350,000.00); Central Street Bride Repairs (\$350,000.00) and finishing up the cost of the phase the City is working on for the Flood Wall (\$1,900,00.00). He stated that Mt. Pleasant Street Bridge and Central Street Bridge Repairs would be paid with TIF funds and the Flood Wall with sales tax increment from the State's portion of growth of sales tax collection over the next 20-years, plus other phases of the project. He stated that the bond sale would be around April 1, 2018. He stated that the City has maintained their A+ rating. He stated that the rating was not better than the A+ rating due to the City's long term debt. Leon Shahan of 1821 Mt. Pleasant Street stated that he was opposed to using funds for a flood wall that will not hold back the Mississippi River. Kelly Hull of 816 Valley Street asked what the grant funds were for. The City Manager stated that the flood wall would be constructed in four phases, with the first phase presently being constructed. He explained that phase II would be the lift station project. 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: Graham-Murray

CARRIED

Introduced By: Wilson      Seconded By: Billups  
Resolution Expressing Intent to Enter into a Loan Agreement, Approving Preliminary Official Statement for General Obligation Corporate Purpose Bonds, Series 2018A and Authorizing Debt Service Levy

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

ADOPTED

2. Statement: Consideration of an Agreement with Burlington Community School District Relative to Use of Dankwardt and Crapo Park Tennis Courts

COMMENTS: The Development and Parks Director reviewed with Council and the viewing audience the proposed agreement with Burlington Community School District for use of Dankwardt and Crapo Park tennis courts. He stated that the agreement was for a ten year period with BHS paying \$50,000.00 for use of the tennis courts. He stated that those funds would be used to resurface Dankwardt and Crapo Park tennis courts. He stated that staff recommends approval of the agreement which will allow the tennis courts to be approved which was a win for both parties. He stated that if the agreement is not approved then there will not be any improvements made to the City's tennis courts. He stated that Notre Dame and West Burlington would be able to use the courts for meets and practice after BHS uses the courts. Those who

spoke against the agreement were as follows: Jeremy Swink, Notre Dame Athletic Director; Jean Schnellbacher, Notre Dame tennis coach; Lydia Becker of 12 Cascade Terrace; Ben Brinck of 401 North 7<sup>th</sup> Street. Many of those that spoke stated that they just recently found out about BHS using the tennis courts; could have done fundraising to help pay for the improvements to the courts; that 5 p.m. would be the only time that Notre Dame and West Burlington could use the courts, which interferes with many of the student's extra-curricular activities and jobs. Those who spoke in favor of the agreement were as follows: Zach Shay, BHS Activities Director and Gregg Reynolds, BHS Director of Finance. Many of those who spoke stated that BHS courts are not useable and that BHS will be building a second gym at that location; BHS is giving a significant amount of money for the agreement; agreement would be a win-win for both BHS and the City. Robert Critser of 810 North 5<sup>th</sup> Street suggested there might be other options the two schools could look at such as joint practice this year or use of the Perkins Park tennis courts. Council Member Billups stated that he was a BHS alumni but he would be voting no as there needed to be more work on the agreement. Council Member Rinker stated that the agreement has ignited discussion of fundraising and the demand for the tennis courts. He suggested that an agreement be postponed until the end of the year when both schools could come up with fundraising for the tennis courts. Council Member Graham-Murray stated that the agreement would actually follow the City's Comprehensive Plan. She further stated that many times her son has sports practice as late as 7:30 pm. Mayor McCampbell thanked everyone for attending the public hearing. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Graham-Murray  
Motion to Close

Seconded By: Wilson

CARRIED

Introduced By: Graham-Murray

Seconded By: Wilson

Resolution Approving an Agreement with Burlington Community School District Relative to Use of Dankwardt and Crapo Park Tennis Courts

DISCUSSION: None.

(VOTE: 2 - "AYES" Graham-Murray and McCampbell

3 - "NAYS" Billups, Rinker and Wilson)

FAILED

3. Statement: Consideration of an Ordinance Rezoning the Property Locally Known as 333 Curran Street from R-2, Single-family Residential to C-1, Limited Commercial Zoning District

COMMENTS: The Development and Parks Director reviewed with Council and the viewing audience the proposed Ordinance Rezoning the Property Locally Known as 333 Curran Street from R-2, Single-family Residential to C-1, Limited Commercial Zoning District. He stated that the City Planning Commission voted 4-1 to recommend approval of requested rezoning was on the desired use of the property for limited commercial use, the location adjacent to existing arterial and collector streets, and nearby, surrounding neighborhood mixed uses. He stated that it

is recommended to change the Future Land Use Map destination from low density residential to neighborhood mixed use. Council Member Billups asked what was the plan for the property. John Gayewski of 4186 Summer Street stated that he plans to demolish the property and sell the property as commercial space. Council Member Wilson stated that given the mix of zoning uses, she was okay with the rezoning. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Graham-Murray  
Motion to Close

Seconded By: Billups

CARRIED

Introduced By: Graham-Murray

Seconded By: Billups

Motion for Preliminary Adoption of the First Reading of an Ordinance Rezoning the Property Locally Known as 333 Curran Street from R-2, Single-family Residential to C-1, Limited Commercial Zoning District

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

CARRIED

4. Statement: Consideration of an Ordinance Amending the Code of Ordinances of the City of Burlington, Iowa, by Amending Provisions Pertaining to the Standard Penalty Applicable to Certain Sections of the Code and Violations Thereof

COMMENTS: The Police Chief reviewed with Council and the audience the proposed Ordinance Amending the Code of Ordinances of the City of Burlington, Iowa, by Amending Provisions Pertaining to the Standard Penalty Applicable to Certain Sections of the Code and Violations Thereof. He stated that Council had previously amended this Ordinance in the Fall of 2017. He stated that the proposed Ordinance reverts the Ordinance back to how the Code had previously read that upon conviction of a simple misdemeanor an individual would be subject to a fine of not more than \$500 or imprisonment not to exceed thirty days. He stated that the new part of the proposed Ordinance was the following sentence: "However, any award of imprisonment under this section shall be imposed only upon the express request of the City's prosecutorial representative." Kelly Hull of 816 Valley Street stated that she felt the proposed Ordinance was confusing. She stated her concern that she could go to jail for not mowing her lawn. She urged the Council to explain the proposed Ordinance to her. There was considerable discussion by the Mayor, Council and Kelly Hull about nuisance problems in Burlington. Kelly Hull stated that she did not feel the City Council understood what they were approving. The Police Chief stated that the due-process was up to the Court System as the City does not impose imprisonment. He stated that the judges decide the due-process. The Development and Parks Director stated that the penalty for a nuisance was an administrative fee. He stated that the only time the City has gone to court was when a person was living out of a tent in their yard. He stated that the penalty by the Court System was to clean up the area. The City Manager stated that this was not about dealing with nuisances, but deals with the Police Department when they write tickets. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Rinker  
Motion to Close

Seconded By: Wilson

CARRIED

Introduced By: Rinker

Seconded By: Wilson

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 the Standard Penalty Applicable to Certain Sections of the Code and Violations Thereof

DISCUSSION: None.

(VOTE: 5 - "AYES")

CARRIED

(Mayor McCampbell left the meeting)

5. Statement: Consideration of 2018 Amendment to Urban Renewal Plan for Burlington Consolidated Urban Renewal Area Related to Use of Incremental Property Tax Revenues for Public Improvements

COMMENTS: The City Manager stated that the proposed Resolution Approves the 2018 Amendment to the Urban Renewal Plan for Burlington Consolidated Urban Renewal Area in accordance with the provisions of Section 403.5 of the Code of Iowa, to give information about the following new urban renewal projects that are proposed to be undertaken in the Urban Renewal Area which will be financed with incremental property tax revenues: Mt. Pleasant Street bridge rehabilitation over railroad tracks; Central Avenue bridge repair at intersection with Washington Street; traffic signalization on Highway 61 corridor; extension of Broadway Street south from Division Street, connecting east to West Burlington Avenue. He stated that the total amount of incremental property tax revenues anticipated to be used for these projects is \$5,350,000.00. Leon Shahan of 1821 Mt. Pleasant Street stated his objection to Tax Increment Financing (TIF). All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Rinker  
Motion to Close

Seconded By: Graham-Murray

CARRIED

Introduced By: Rinker

Seconded By: Billups

Resolution Approving 2018 Amendment to Urban Renewal Plan for Burlington Consolidated Urban Renewal Area

DISCUSSION: None.

(VOTE: 4 - "AYES" Billups, Graham-Murray, Rinker and Wilson)

1- "ABSENT" McCampbell)

ADOPTED

(Mayor McCampbell returned to the meeting)

6. Statement: Consideration of Plans and Specifications for the 2018 Agency Street Widening Project - East End

COMMENTS: The Assistant City Manager to Public Works reviewed the plans and specifications for the 2018 Agency Street Widening Project - East End. He stated that a center turn lane would be added as a part of the project. He stated that estimated cost for the project was \$2,100,000.00. He stated that on the consent agenda was approval of easements for the project. Jason McKenzie of Veenstra and Kimm stated that he spoke with property owners along Agency Street about the project. He stated that the project would be done in phases and that there would be no detours during the project. Dean Phenise of 2221 Northern Drive applauded the City Council for the project. Council Member Billups stated that he was excited about the project. Council Member Rinker asked if a vehicle would be able to turn east from Hy-Vee. Jason McKenzie of Veenstra and Kimm stated that a vehicle would be able to turn east from Hy-Vee. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Billups  
Motion to Close

Seconded By: Graham-Murray

CARRIED

Introduced By: Billups      Seconded By: Wilson  
Resolution Approving Plans and Specifications for the 2018 Agency Street Widening Project - East End

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

ADOPTED

7. Statement: Consideration of Fiscal Year 2018-2019 Budget

COMMENTS: The Director of Administrative Services reviewed the following items of the proposed fiscal year 2018-2019 budget: comparison of revenue by fund; total revenues operating revenues by source (\$69,049,515.00); comparison of expenditures by program; operating expenditures by type (\$66,276,116.00); proposed property tax rate (\$16.33632, no increase); property tax rate; proposed tax rate calculated; property tax rate calculated; where does my tax dollars go; how Burlington compares to other cities in Iowa with populations over 20,000; factors impacting the budget; health insurance premiums projected to increase 6%, budgeted at 5%; health insurance cap and contributions; general fund revenues by source; general fund expenditures by department; sewer fund (3.0% increase in sewer user fees as of July 1<sup>st</sup>); solid waste fund (\$.25 increase (1.8%) in solid waste fee for July 1<sup>st</sup> - 14.25 per month from \$14.00); Capital Improvement Projects (CIP); hotel/motel tax fund \$785,000.00 budgeted in hotel/motel tax revenue (70/30 split between City and Convention and Visitors Bureau up to \$700,000.00, then 60% City and 40% Convention and Visitors Bureau); hotel/motel tax total budgeted expenditures (\$777,695,000.00); sales tax fund (local option sales tax revenue \$4,152,000.00, budget decrease of \$90,000.00); sales tax fund and legal debt margin. Leon Shahan of 1821 Mt.

Pleasant Street stated that the problem with the City's budget was that the City was showing debt as revenue. He stated that Tax Increment Financing (TIF) was costing him and his neighbors. He stated that tourism monies were being used for the casino. He stated that the City was spending over \$7,000,000.000 in corporate welfare and that Tax Increment Financing (TIF) was a cancer. Kelly Hull of 816 Valley Street stated that she would like to meet with the Mayor. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Billups  
Motion to Close

Seconded By: Wilson

CARRIED

Introduced By: Billups  
Resolution Approving Fiscal Year 2018-2019 Budget

Seconded By: Wilson

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

ADOPTED

RESOLUTIONS:

Introduced By: Billups  
Seconded By: Wilson

1. Resolution Authorizing the Mayor to Sign Opportunity Zones Application Through the Iowa Economic Development Authority

DISCUSSION: Zach James of Southeast Iowa Regional Planning Commission, stated that the proposed Resolution authorizes the Mayor to sign an Opportunity Zones application through the Iowa Economic Development Authority. He stated that the Opportunity Zones was a new economic development program established by Congress in the Tax Cuts and Jobs Act to encourage economic investments in low-income communities. He stated that the program was administered by the U. S. Department of the Treasury to provide tax incentives for qualified investors to reinvest unrealized capital gains into communities. He stated that application is due March 19, 2018 and if Burlington is successful, it will encourage long-term private capital investment and foster startup activity in the designated Census Tracts over the next decade. He gave the City Council copies of the designed Census Tracts. Council Member Rinker asked if there were any local funds as a part of the program. Zach James stated that there were no local funds. Kelly Hull of 816 Valley Street stated that she did not understand why the Dial building, which she owns, is shown on the map and that she was never notified. Zach James stated that Kelly Hull's property was part of the Census tracts that could provide potential projects. Mayor McCampbell told Kelly Hull that City Council meetings were not the time to work on problems. Kelly Hull stated that she has tried speaking to staff and that her frustration was well warranted. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

ADOPTED

Introduced By: Wilson

Seconded By: Billups

2. Resolution of Support for a Workforce Housing Tax Incentive Program Project by Park West LLC

DISCUSSION: The Development and Parks Director reviewed the proposed Resolution of support for a Workforce Housing Tax Incentive Program Project by Park West LLC with Council and the viewing audience. He stated that the City has approved an agreement with Park West, LLC to provide Tax Increment Financing (TIF) rebate incentives in the planned Park West Subdivision that will exceed \$1,000.00 per unit in funds rebated to Park West, LLC. He stated that the City Council was aware of and supportive of the plans by Park West, LLC to construct four new residential units in their planned new subdivision, Park West Subdivision with incentives through the Iowa Economic Development Authority (IEDA), including Workforce Housing Tax Incentives. He further stated that the City of Burlington is fully supportive of the plan to construct a new single-family and duplex housing units on the existing lot owned by Park West, LLC and provides a local match for such project in the form of the TIF Rebate. Leon Shahan of 1821 Mt. Pleasant Street stated his concern why the City is giving money to millionaires. He further stated that Burlington needs decent paying jobs in Burlington so that families are able to purchase homes. 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: Dean Phenise of 2221 Northern Drive asked the Council when Mt. Pleasant Street Bridge Project would commence. He further asked when Sunnyside Avenue would be stripped with yellow paint markings. He also suggested that the City Council hold a Cascade Bridge telethon for funding the replacement of Cascade Bridge. The City Manager stated that bids would be received May, 2018 and construction should commence June, 2018 for the Mt. Pleasant Street Bridge Project. He stated that painting of stripes on Sunnyside Avenue should take place the Summer of 2018. Robert Critser of 810 North 5<sup>th</sup> Street stated that there were potholes on Curran Street. He stated that he was happy to see Jesse Petty receive the Mayor's award. He stated that he was a beautiful person. He further stated that he has invited Jesse Petty to join him for the Great River Bridge Race. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 8:13 p.m.

Approved: March 19, 2018

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 Final Acceptance and Final Payment for the 2017 Erosion Mitigation at Corner of North Street and North 4<sup>th</sup> Street
2. Resolution Approving the Purchase of Right-of-Way and a Temporary Construction Easement for 3200 Agency Street (Pin: 11-31-301-009 & 11-31-301-013) for the 2018 Agency Street Widening Project - East End
3. Resolution Approving the Purchase of a Temporary Construction Easement for 3120 Agency Street (Pin: 11-31-326-002) for the 2018 Agency Street Widening Project - East End
4. Resolution Approving the Purchase of a Temporary Construction Easement for 3135 Agency Street (Pin: 11-31-376-008) for the 2018 Agency Street Widening Project - East End
5. Resolution Approving the Purchase of a Temporary Construction Easement for 3140 Agency Street (Pin: 11-31-326-004) for the 2018 Agency Street Widening Project - East End
6. Resolution Approving the Purchase of a Temporary Construction Easement for 3150 Agency Street (Pin: 11-31-301-006) for the 2018 Agency Street Widening Project - East End
7. Resolution Approving the Purchase of Right-of-Way and a Temporary Construction Easement for 3155 Agency Street (Pin: 11-31-361-003) for the 2018 Agency Street Widening Project - East End
8. Resolution Approving the Purchase of Right-of-Way and a Temporary Construction Easement for 3220 Agency Street (Pin: 11-31-301-014) for the 2018 Agency Street Widening Project - East End
9. Resolution Approving the Purchase of a Temporary Construction Easement for 3245 Agency Street (Pin: 11-31-351-004 & 11-31-351-010) for the 2018 Agency Street Widening Project - East End

10. Resolution Approving a Gift Agreement for Property Located East of 1230-1308 North 6<sup>th</sup> Street, Burlington, Iowa

SET DATE FOR PUBLIC HEARINGS: MARCH 19, 2018

1. Consideration of a Lease Agreement with Des Moines County Humane Society for Use of the Facility at 2000 North Roosevelt Avenue
2. Consideration of Plans and Specifications for the 2018 Parking Lot Improvements
3. Consideration of Plans and Specifications for the 2018 Mt. Pleasant Street HMA Overlay
4. Consideration of Transit Grant Application

APPOINTMENTS:

Low Rent Housing Agency: Ann March and Edward Prill