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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 37
July 5, 2011

The Burlington City Council met in regular session at 6:30 p.m. in the Thomas J.

Smith Council Chambers, City Hall with Mayor Ell, Council Members Davidson, Fleming and Reed present. Council Member Murray was absent.

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: Reed

Seconded By: Fleming

MOTION: To approve all items listed under Item I., Consent Agenda.

DISCUSSION: Mayor Ell 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: 4 - AYES)

CARRIED

HEARING:

1. Statement: Consideration of an Ordinance Amending Section 17.80.809 Streets of the Zoning and Subdivision Regulations of the City of Burlington Municipal Code

COMMENTS: The Planning and Development Director stated that there were minor changes to the Ordinance Amending Section 17.80.809 Streets of the Zoning and Subdivision Regulations of the City of Burlington Municipal Code. He stated that the changes will bring the requirements to be consistent with the Fire Department, Public Works Department and Development Department for dead end streets. He stated that there were conflicting reports from different departments, so the changes will make the ordinance easier to understand and enforce. Council Member Davidson suggested the removal of the words "in length" in the Ordinance as it was a repetition of what was being stated. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Reed
Motion to Close

Seconded By: Davidson
CARRIED

Introduced By: Reed
Motion for Preliminary Adoption of the First Reading of an Ordinance Amending
Section 17.80.809 Streets of the Zoning and Subdivision Regulations of the City
of Burlington Municipal Code

DISCUSSION: None.

(VOTE: 4 - AYES)

CARRIED

RESOLUTIONS:

Introduced By: Fleming Seconded By: Davidson

1. Resolution Providing for the Sale and Issuance of \$5,340,000.00 Sewer Revenue

Bonds, Series 2011

DISCUSSION: The City Manager stated that the resolution provides for the sale
and issuance of the sewer revenue bonds and that this is the third step in the
process. All present had opportunity to speak and nothing additional was filed
in the office of the City Clerk.

(VOTE: 4 - AYES)

ADOPTED

Introduced By: Davidson Seconded By: Fleming

2. Resolution Approving the Preliminary Plat of South Ridge Subdivision

DISCUSSION: The Planning and Development Director reviewed with the City Council
and viewing audience the Preliminary Plat of South Ridge Subdivision. He stated
that it consisted of development of a field adjacent to the Blackhawk Elementary

School on South 14th Street, south of Parkway and north of Navajo, east of
Summer Street. He stated that it is a 17-lot subdivision with a cul-de-sac off
of South 14th Street. He stated that it is zoned R-2, which allows single
family homes and/or duplexes development within the properties. Council Member
Fleming asked if there would be a sidewalk constructed along 14th Street. The
Planning and Development Director stated that a sidewalk will be constructed, as

it is part of the Safe Routes to School Program for South 14th Street. The
Planning and Development Director stated that the City Planning Commission voted

4-0 on the project. Scott Peck of 2636 Cliffwood Drive stated that as a local
developer, he would like to see the street completed by late summer so that they

can start construction with condos and houses. He stated that he would like to
see a reconstruction of 14th Street as he felt it would improve the area of the
school and his subdivision. Council Member Reed asked how long the average
process lasted to create a subdivision. The Planning and Development Director
stated that the typical time frame if a developer submits their complete plans
and doesn't ask the City for any incentives, and has everything in place, the
process takes approximately 2 - 2 1/2 months if everything meets all city codes.

All present had opportunity to speak and nothing additional was filed in the
office of the City Clerk.

(VOTE: 4 - AYES)

ADOPTED

Introduced By: Davidson

Seconded By: Fleming

3. Resolution Authorizing the Filing of an Application for Iowa State

Recreational Trails Program Funding for Construction and Engineering Costs for Replacing the Trail Bridge Over Flint Creek

DISCUSSION: The City Manager stated that the City was applying for a grant to remove and build a new bridge in place of the existing old railroad trestle across Flint Creek as part of the Flint River Trail. He stated that there has been issues with debris collecting on the current structure. He stated that the

new structure will have a suspension type bridge so that there won't be any obstructions in the creek for the debris to collect upon. He stated that long term it will save the City money. He stated that the City has already awarded contract to clean the existing debris out. He further stated that replacing the

bridge should pay for itself in three years. The Planning and Development Director stated that this is a joint application with the City and Des Moines County. 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: Dennis Wilson of 1700 River Street stated that he has invested approximately \$2,000,000.00 worth of real estate in the Burlington community since 1996 and paid \$70,000.00 in property taxes last year. He stated

that he is currently trying to manage an investment of another \$900,000.00 to \$1,000,000.00 in downtown Burlington that consists of eight upper story apartments at 400 Jefferson Street. He stated that approximately 30% of the project is complete with \$350,000.00 invested to date, but on May 17, 2011 a stop order was placed on the project by the Development Department, even though a building permit was previously issued. He stated that the Development Department has little respect for an enterpriser's willingness to invest in th is

community and would rather discourage development than to encourage it. He stated that in June after 12 months of reviewing the plans and five months of construction (framing plus electrical and plumbing rough-in) the Fire Marshal rejected the plans previously approved as stated in a June 14, 2011 email to Dave Metzger. He further stated that he was asking for the City Council's support in breaking this log jam on the project and for the City Council t o

investigate and push for an overhaul of the Development Department. The City Manager asked to put this topic on the July 11, 2011 Work Session agenda and ask

the City Inspectors and City staff to put together a complete report of everything that has taken place to be presented to Council. He invited Dennis Wilson to be present at the meeting to present his position. The City Manager stated that he doesn't ever remember City staff spending as much time on a project as they have on this project. Council Member Fleming stated that what he has learned from Dennis Wilson does not come as a surprise to him, as he has heard from numerous citizens that it's difficult to do business in Burlington.

Council Member Reed thanked Dennis Wilson and Scott Peck for investing in Burlington. Scott Peck of 2636 Cliffwood Drive stated that 99% of the time he gets his way with projects, but with a lot of work. He thanked the Council for approving South Ridge Subdivision. Stan Stratton of 2809 Shamrock Drive stated

his concern for the washed-out area behind his home. He stated that the washed-out has been a problem for the last three years. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 7:22 p.m.

Approved: July 18, 2011

Katie Music, CMC
Deputy City Clerk

William L. Ell
Mayor

(See tapes 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 Interlocal Agreement between the City of Burlington and Des Moines County for the 2011 Byrne Justice Assistance Grant (JAG) Program Award
3. Resolution Approving Purchase of Two John Deere 2520 Tractors with Attachments for the Parks Department
4. Resolution Approving Purchase of Five E-Z Go Golf Cars for Flint Hills Golf Course
5. Resolution Approving Purchase of Toro GM 7210-D Zero Turn Mower for Flint Hills Golf Course
6. Resolution Authorizing the Mayor to Rescind Resolution Number 2010-70
7. Resolution Authorizing the Mayor to Rescind Resolution Number 2011-284

SET DATE FOR PUBLIC HEARING: JULY 18, 2011

1. Consideration of an Ordinance Amending Section 17.65 Floodplain Regulations of the Zoning and Subdivision Regulations of the City of Burlington Municipal Code

APPOINTMENTS:

Parks Advisory Committee: Robert McCannon