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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 44
October 17, 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, Murray and Reed present.

BURLINGTON CITY COUNCIL

PROCLAMATIONS:

Proclamation of Retirement: Tom Walz, Police Officer
Business Women's Week - Melanie Young

PRIDE OF THE COMMUNITY AWARDS:

Jay and Jennifer Lachenberg, 1401 S. 10th Street
JoDel Asher-Schmitz, 1801 Sunnyside Avenue
Marda and Jerry Smith, 2011 Orchard Street

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

DISCUSSION: Leon Shahan of 1821 Mt. Pleasant Street requested the removal of the Resolution Authorizing the Des Moines County Regional Solid Waste Commission to Seek Modification of its \$3,085,000 Solid Waste Revenue Bonds, Series 2007 from the Consent Agenda for discussion at the close of the meeting. 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: 5 - "AYES")
CARRIED

ORDINANCES:

Introduced By: Fleming Seconded By: Davidson
1. Motion for Preliminary Adoption of the Second Reading of an Ordinance Rezoning the Properties Locally Known as 2270 and 2280 Florence Avenue to Include a Planned Unit Development (The Masters PUD) Overlay Zone as Allowed by Section 17.20.40 of Title 17 of the Burlington Municipal Code

DISCUSSION: The City Manager stated that there were no changes to the Ordinance Rezoning the Properties Locally Known as 2270 and 2280 Florence Avenue to Include a Planned Unit Development (The Masters PUD) Overlay Zone as Allowed by Section 17.20.40 of Title 17 of the Burlington Municipal Code from the first reading. Mayor Ell stated that the City Council has received numerous e-mails

since the public hearing. Those who spoke in favor of the proposed Ordinance were as follows: Darwin Bunger; Bob Breuck of 11801 147th Avenue, West Burlington; Jeff Walters of Monticello Drive and Diane Kroll of 2721 Monarch Drive. Those who spoke in favor of the proposed Ordinance stated the need for condominiums in the Burlington area as baby boomers retire and the increase in the City's tax base. Those who spoke against the proposed Ordinance were as follows: Steve Haase of 3101 Crystal Drive; Tim Larson of 3104 Crystal Drive; John Rheinschmidt of 2720 Lochmoor Lane; Barbara Hahn of 3216 Crystal Drive and Larry Rheinschmidt of 3109 Crystal Drive. Many of those who spoke stated that they were not against development but they were against multi-development in an established residential area; felt there was too much concrete and the proximity

of the condominiums to homes. John Rheinschmidt stated that his property was south of Steven Zaeger's property and he stated his concern for storm water runoff. He further stated that he would not give Steven Zaeger an easement for water runoff. Steven Zaeger gave a brief history of the property. He further stated that he would like to meet with John Rheinschmidt about water drainage. Council Member Reed questioned if this was the correct development for the area.

He stated that he would be voting against the Ordinance. Council Member Davidson stated that he agreed with Council Member Reed. He stated that it was hard for him to go against the Planning and Zoning Commission. He stated that he was a firm believer in personal property rights, but felt there were other options for the property. Council Member Murray stated that he would also be voting against the Ordinance as he felt it was not the right development for the

area. Council Member Fleming stated that he was still in favor of the Ordinance as there was a high demand in Burlington for condominium living. Mayor Ell reminded the City Council that the Planning Commission voted zero to four to not

recommend approval, which will require a super majority vote (four ayes) to approve. He stated that he would be voting against the Ordinance as felt it was

too much development for such a small area. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 1 - AYE FLEMING

4 - NAYS MURRAY, REED, DAVIDSON AND ELL)

FAILED

Introduced By: Davidson Seconded By: Reed

2. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of

an Ordinance Amendment to the Sunrise West Planned Unit Development (PUD) Overlay District, by Making Changes to Section 4. Land Use Requirements of the Burlington Municipal Code

DISCUSSION: The City Manager stated that there were no changes to the Ordinance

Amendment to the Sunrise West Planned Unit Development (PUD) Overlay District, by Making Changes to Section 4. Land Use Requirements of the Burlington Municipal Code

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

3. Motion for Waiver of Preliminary Consideration and Adoption of the Second

Reading and for Final Adoption of An Ordinance: An Ordinance Amendment to the Sunrise West Planned Unit Development (PUD) Overlay District, by Making Changes to Section 4. Land Use Requirements of the Burlington Municipal Code

DISCUSSION: None.

(VOTE: 5 - â AYESâ)

CARRIED

Introduced By: Murray Seconded By: Fleming

4. Motion for Final Adoption of an Ordinance Amending Section 17.20.09 Central Business District of Title 17, Development Program (Zoning Code) of the City of Burlington Municipal Code

DISCUSSION: The City Manager stated that the next item was a motion to Amend Section 17.20.092 General Regulations of Ordinance Amending Section 17.20.09 Central Business District of Title 17, Development Program (Zoning Code) of the City of Burlington Municipal Code by adding the following: excluding properties located adjacent to Washington Street from the alley between N. 6th St. and N. 7th St. to N. 8th St. as discussed at the second reading of the Ordinance. Shane McCampbell of 109 Indian Terrace asked what the reasoning was for the Ordinance. Mayor Ell stated that Downtown Partners Inc. recommended the Ordinance as a preventive measure against residential living on first floors. Mary Baker of 320 South 6th Street gave a brief history of the downtown. Those who spoke against the proposed Ordinance were as follows: Tim Scott of 2017 South 15th Street; David Hazell of 516 Maple Street; Leon Shahan of 1821 Mt. Pleasant Street. Tim Scott stated that 50% seemed like an arbitrary number. He

stated that he would like to see the Ordinance amended for full first floor residential with a retail facade front. The Planning and Development Director stated that 50% was what other cities require. Those who spoke in favor of the proposed Ordinance were as follows: Jon Billups of 801 North 5th Street; Steve Frevert, Executive Director for Downtown Partners; Becky Anderson of 218 South 6th Street; Jeff Davis of 1826 Osborn Street and Bob Breuck of 11801 147th

Avenue, West Burlington. Steve Frevert stated that the proposed Ordinance involves a very small area to remain commercial. Council Member Davidson stated

that the Council was jumping the gun as there were too many unanswered questions. Council Member Fleming stated that the City Council needed to vote in favor of the Ordinance as it was recommended by Main Street of Iowa. He stated that he did not want to see residential in the front of a building. He further stated that it was just a small portion of the downtown that was being restricted. Council Member Murray stated he agreed with Council Member Fleming.

Mayor Ell stated he did not want to see residential in store fronts either. He

stated that he would rather directly control image than what the proposed Ordinance controls. He stated that he would like to see the Ordinance rewritten. He stated that he would be voting against the proposed Ordinance. Council Member Reed stated that he did not like the wording of the proposed Ordinance as he felt it was too unclear. He stated that he would like to see the Ordinance rewritten. Council Member Murray stated that if you want an appearance of retail, but no retail, then that is what you are going to get. He

stated that if you want to preserve retail with the buildings were designed for retail and keep a vibrant downtown then that is what the Ordinance is trying to accomplish. He said if you allow only 10% in the front retail, then what you have is just a facade. Council Member Davidson stated that if you have a vibrant downtown then people will not want to have their residence on the first

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

(VOTE: 3 - AYES FLEMING, MURRAY AND REED
2 - NAYS DAVIDSON AND ELL)

CARRIED

Introduced By: Murray Seconded By: Fleming

5. Motion to Amend Section 17.20.092 General Regulations of Ordinance Amending

Section 17.20.09 Central Business District of Title 17, Development Program (Zoning Code) of the City of Burlington Municipal Code by adding the following: excluding properties located adjacent to Washington Street from the alley between N. 6th St. and N. 7th St. to N. 8th St.

DISCUSSION: None.

(VOTE: 5 - AYES)
CARRIED

RESOLUTION:

Introduced By: Murray Seconded By: Davidson

1. Resolution Authorizing the Des Moines County Regional Solid Waste Commission to Seek Modification of its \$3,085,000.00 Solid Waste Revenue Bonds, Series 2007

DISCUSSION: Leon Shahan of 1821 Mt. Pleasant Street asked if the City was getting into some kind of contingent liability with the \$3,085,000.00 Solid Waste Revenue Bonds, Series 2007. He further asked for a brief explanation of the Resolution. The City Manager stated that the proposed Resolution was not new debt, but needed to be approved by the City to lower the interest rate on existing debt for the Des Moines County Regional Solid Waste Commission. He stated that every member city of the Des Moines County Regional Solid Waste Commission has contingent liability should the Commission dissolve. Mayor Ell further explained that each member city of the Des Moines County Solid Waste Commission would need to approve the Resolution. 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: None.

CITY MANAGER SEARCH: Mayor Ell stated that the City Council was looking for input for what the public was looking for in positive traits for a new City Manager. Those who spoke were as follows: Chuck Griffin of 2604 Clearview Drive; Jon Billups; Shane McCampbell of 109 Indian Terrace; Eric Renteria of 907

High Street; Becky Anderson of 218 South 6th Street; Don Traman of 116 Greenbrier; Tim Scott of 2017 South 15th Street; Leon Shahan of 1821 Mt. Pleasant Street and Mary Baker of 320 South 6th Street. Those who spoke felt that the new City Manager should have the following traits: proven track record of working with other agencies and departments; well versed in labor negotiations; community minded; high level of accountability for themselves and employees; strong leadership ability; open minded; vision for Burlington; not status quo; accountable; more transparency, honest and open. Many of those who spoke urged the Council not to hurry the process, be broad with qualifications to allow for more candidates to interview and to not rule out an applicant that does not have decades or years of experience. After discussion by the City

Council it was determined to have the Human Resources Director start a schedule/time line of events and to e-mail search firms with request for proposals with a two-week deadline of October 31, 2011. Mayor Ell also stated that the City Council would be holding a Special Informal Work Session on October 24, 2011 with Jeff Schott of the University of Iowa Institute of Public Affairs facilitating the meeting by presenting the pros and cons of hiring an executive search firm versus in-house and to determine City Manager qualifications. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 9:02 p.m.
er 7, 2011

Approved: Novemb

Kathleen P. Salisbury, MMC
L. Ell
City Clerk

William
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

RESOLUTION:

1. Resolution Approving Nuisance Abatements for Various Properties

SET DATE FOR PUBLIC HEARINGS: NOVEMBER 7, 2011

1. Consideration of an Ordinance Rezoning the Property Locally Known as 903 Oak Street from R-3, Two-Family Residential to C-1, Limited Commercial Zoning District with a Planned Unit Development (PUD) Overlay Zone

2. Consideration of an Ordinance Rezoning the Properties Locally Known as 1819 and 1820 Charles Street from C-2, General Commercial to M-1, Light Industrial Zoning District

3. Consideration of an Ordinance Amending Section 17.75.104 District Signage Regulations of Title 17, Development Program (Zoning Code) of the City of Burlington Municipal Code

4. Consideration of Sale of Property Locally Known as 3003 Flint Hills Drive, City of Burlington, Des Moines County, Iowa

5. Consideration of Plans and Specifications for the Animal Control Center Remodel and Expansion

APPOINTMENTS:

Riverfront Advisory Committee: Charlie Walsh
Human Rights Commission: John Carroll