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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 46
November 21, 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

PROCLAMATION OF RETIREMENT:

Dorothy â Dottyâ D. Mapes, Parking Enforcement Attendant

PROCLAMATION:

Burlington Area United Way Time - Jerry Krause

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: Fleming Seconded By: Murray

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. Eric Renteria of 907 High Street requested the removal of the Resolution Approving Appointments from the Consent Agenda for discussion at the end of the meeting. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - â AYESâ)

CARRIED

HEARINGS:

1. Statement: Consideration of an Ordinance Providing for the Division of Taxes Levied on Taxable Property in the 2010 Addition to the Flint Hills Urban Renewal Area of the City of Burlington, Iowa, Pursuant to Section 403.19 of the Code of Iowa

COMMENTS: The City Manager stated that last year the City Council amended the Flint Hills Urban Renewal area to include the former Burlington Northern Shops, Fairway Center and the area between those two. He stated that a party has entered into a purchase agreement for the purchase of Fairway Center. He stated

he has had preliminary discussion with the party regarding a TIF Rebate Agreement as the interested party goes ahead with plans to renovate that area. He stated that the proposed Ordinance would create a TIF area in the Flint Hills

Urban Renewal Area due to the renovation of the Fairway site. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Fleming Seconded By: Reed

Motion to Close

CARRIED

Introduced By: Fleming Seconded By: Davidson

Motion for Preliminary Adoption of the First Reading of an Ordinance Providing

for the Division of Taxes Levied on Taxable Property in the 2010 Addition to the

Flint Hills Urban Renewal Area of the City of Burlington, Iowa, Pursuant to Section 403.19 of the Code of Iowa

DISCUSSION: None.

(VOTE: 5 - AYES)

CARRIED

2. Statement: Consideration of a Loan Agreement in a Principal Amount Not to Exceed \$6,390,000

COMMENTS: The City Manager stated that the proposed Resolution would refinance 2001-2002 bond issues. He stated that the refinancing represents \$3,390,000.00 with current interest rates ranging from 4.1% to 4.5% over the remaining five maturities of those issues. He stated that the new debt would be for five maturities and would be paid off in the same time frame, but the projected interest rate would be 1.35%. He stated that the estimated savings was approximately \$50,000.00 per year for approximately \$250,000.00 over the next five years. He stated that it made sense to go ahead and do the financing for Cascade Bridge at the same time, since the City was ready to award bids. He stated that the City would save on issuance costs by funding it all at the same time. He stated should the City not do Cascade Bridge the City could use those funds with another public hearing for street related purposes. He stated that rates were unbelievable good. He further stated that the City's debt limit was \$42,727,000.00 or 76.99% of the limit. He stated that June 1, 2012 the City will retire \$3,392,000.00 of debt and with the new borrowing of \$3,500,000.00 for Cascade Bridge and the Animal Control Center, the City's debt limit will be at \$42,835,000.00 or 77 % of the City's debt limit. Shane McCampbell of 109 Indian Terrace asked if it would be cheaper for the City to bond all at once, then why was the Council not considering the Dankwardt Park swimming pool. The City Manager stated that Dankwardt Park swimming pool would require a referendum

with 60% voter approval, because it was a general corporate purpose before the City could incur debt. He explained that construction of Cascade Bridge was an essential corporate purpose. Eric Renteria of 907 High Street suggested the Council allocate operating budget and gradually make repairs to Cascade Bridge to make it useable instead of replacing the entire bridge with debt. The City Manager stated that the City has spent money over the years on repairs to Cascade Bridge. He stated that the bridge was over 100 years old and that cost to repair the bridge exceeds the cost to replace the bridge. He stated that Council over a year ago made a decision to replace the bridge, a design has been

approved and the Council was now ready to bid the project. Council Member Reed stated that Cascade Bridge was older than Snake Alley and was over its useful life for a bridge. Mayor Ell explained that the way Cascade Bridge was built was that if one piece goes the whole bridge goes down. Council Member Murray stated that Cascade Bridge was built similar to an erector set. He stated that it would cost over \$11,000,000.00 to dismantle and put it back together again. Becky Anderson of 218 South 6th Street stated that she was in favor of replacing

Cascade Bridge. She further stated that she felt it was premature to borrow money for Cascade Bridge and incur interest on the money until the City was ready to start construction. She asked how much it cost to go to the bond market. Mayor Ell stated that it cost \$25,000.00. The City Manager stated that

it could cost more than that. He stated that it could cost \$65,000.00 with the underwriters discount. He stated the smaller the issue, the higher the cost. Scott Smith of 2807 South Main Street stated his support to move forward with the construction of Cascade Bridge and felt it was a wise financial decision to get a better interest rate and the savings on fees. Council Member Davidson stated that he was also looking forward to the construction of Cascade Bridge. All present had opportunity to speak and nothing additional was filed in the filed in the office of the City Clerk.

Introduced By: Murray Seconded By: Fleming
Motion to Close

CARRIED

Introduced By: Murray Seconded By: Fleming
Resolution Taking Additional Action to Enter into a Loan Agreement

DISCUSSION: None.
(VOTE: 5 - AYES)

ADOPTED

3. Statement: Consideration of Sale of Property Locally Known as 1606 South Street, City of Burlington, Des Moines County, Iowa

COMMENTS: The City Manager stated that the proposed Resolution provides for the sale of 1606 South Street, which was property the City acquired through the Courts. He stated that the funds the City receives for the property will go into the City's demolition fund. The Planning and Development Director stated

that the City received three bids for the property with Don Harter being the high bidder at \$4,125.00. He stated that Don Harter plans on rehabilitation of the property as a single-family home. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Murray Seconded By: Reed
Motion to Close

CARRIED

Introduced By: Murray Seconded By: Davidson
Resolution Approving Sale of Property Locally Known as 1606 South Street
, City
of Burlington, Des Moines County, Iowa

DISCUSSION: None.

(VOTE: 5 - â AYESâ)

ADOPTED

4. Statement: Consideration of Sale of Property Locally Known as 1432 Cleve
land
Street, City of Burlington, Des Moines County, Iowa

COMMENTS: The City Manager stated that the proposed Resolution provides for the
sale of 1432 Cleveland Street, which was property the City acquired through the
Courts. The Planning and Development Director stated that two bids were
received with the high bid coming in at \$2,900.00, which the bidder plans on
rehabilitating for either rent or to sell. Thornton Stanley of 616 South
Garfield Street stated that the neighborhood was concerned about the property
being rehabilitated as a rental property. He stated his concern that the
property will not being taken care of and concern as to who rents the property.
He stated that he would like to see strict enforcement of rental permits. The
City Manager stated that the person purchasing the property has other rental
properties and was a good landlord. Mayor Ell stated that hopefully the City
can be strict with the rental permit process. Cheryl Armstrong asked if Council

had read the letters that were sent to the City Council. The Council confirmed
that they had read the letters received. Council Member Murray stated that
neighborhood blight was a problem in Burlington and he urged Council to adopt an

Ordinance and find money to enforce the problem. Council Member Davidson stated

that rehabilitation of the property was a good answer to the problem. All
present had opportunity to speak and nothing additional was filed in the office
of the City Clerk.

Motion to Close

CARRIED

Introduced By: Davidson Seconded By: Fleming
Resolution Approving Sale of Property Locally Known as 1432 Cleveland St
reet,
City of Burlington, Des Moines County, Iowa

DISCUSSION: None.

(VOTE: 5 - â AYESâ)

ADOPTED

ORDINANCES:

Introduced By: Davidson Seconded By: Fleming
1. Motion for Preliminary Adoption of the Second Reading 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

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

from the first reading. Eric Renteria of 907 High Street stated that he had read in the newspaper that the petitioner wanted to create apartments in the upper level of 903 Oak Street. He questioned if the proposed rezoning would allow for this. The Planning and Development Director stated that upper-story residential was allowed under the rezoning. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - â AYESâ)

CARRIED

Introduced By: Davidson Seconded By: Fleming

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

Reading and for Final Adoption of An Ordinance: 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

DISCUSSION: None.

(VOTE: 5 - â AYESâ)

CARRIED

Introduced By: Davidson Seconded By: Murray

3. Motion for Preliminary Adoption of the Second Reading 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

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

Rezoning the Properties Locally Known as 1819 and 1820 Charles Street from C-2, General Commercial to M-1, Light Industrial Zoning 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 - â AYESâ)

CARRIED

Introduced By: Davidson Seconded By: Murray

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

Reading and for Final Adoption of An Ordinance: 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

DISCUSSION: None.

(VOTE: 5 - â AYESâ)

CARRIED

Introduced By: Reed

Seconded By: Davidson

5. Motion for Preliminary Adoption of the Second Reading 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

DISCUSSION: The City Manager stated that there were no changes to the proposed Ordinance Amending Section 17.75.104 District Signage Regulations of Title 17, Development Program (Zoning Code) of the City of Burlington Municipal Code from the first reading. He stated that the Planning and Development Director had presented a list of 15-churches and 4-other institutions that meet the 100-foot distance requirement to have an electronic message sign in a residential area. Bob Gerdes of 2012 Highland Avenue and member of Oak Street Baptist Church

stated that they were much like a school that needs an electronic message sign to present programs that they offer. He stated that the addition of an electronic message board would not bring down property values as there were homes across from the High School that were valued over \$100,000.00 and homes by

Aldo Leopold Middle School valued over \$200,000.00. Mayor Ell stated that electronic message signs was modern technology that many churches and institutions may want to utilize. He stated that he was inclined to support the

request. Tyler Sherwood of 2637 Northwood stated that he was selling the electronic message board to the church. He stated that the church was not looking to distract people, but just use modern technology to get out their message. He stated that the City allows schools to use the modern technology and he felt churches should be allowed the same use of technology as long as they meet requirements. John Fenton of 1332 Griswold Street stated that he loved the church as a neighbor, but he did not want to see an electronic message

board in his neighborhood. Council Member Fleming stated that it was a fair request. Council Member Davidson stated that he was very much in favor of allowing the church to use updated technology. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - AYES)

CARRIED

RESOLUTIONS:

Introduced By: Reed

Seconded By: Davidson

1. Resolution Approving Final Plat of Cowles Subdivision

DISCUSSION: The City Manager stated that the proposed Resolution provides for the approval of the final plat of Cowles Subdivision which is located within the

City's two-mile jurisdiction of Burlington. He stated that the City Council had

approved the preliminary plat approximately a year ago. The Planning and Development Director reviewed the proposed area with the City Council and the viewing audience. He stated that the property would be split into 5-lots as an Estate. Eric Renteria of 907 High Street presented the City Council with a copy

of the Exhibit that was in the packet of the property with legal description. He stated that the information was not readable and he did not know where the subdivision was located until the Planning and Development Director explained tonight the location. He stated that he would like to see it better presented to the public. The Planning and Development Director explained that the plats were 24 x 36 and the City does not have a scanner that large. He urged the public to contact him with any questions. Council Member Davidson suggested staff write the address on the Resolution. All present had opportunity to speak

and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - AYES)

ADOPTED

Introduced By: Reed

Seconded By: Fleming

2. Resolution Approving Agreement with Voorhees Associates LLC to Assist the City in the Search for the New City Manager

DISCUSSION: The Mayor asked the City Clerk if there was any additional information for the approval of the agreement with Voorhees Associates LLC to Assist the City in the Search for the New City Manager. The City Clerk stated that there was no additional information. Council Member Reed stated that he felt Voorhees Associates LLC was a good firm and was looking forward to moving

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

(VOTE: 5 - AYES)

ADOPTED

Introduced By: Davidson Seconded By: Fleming

3. Resolution Approving Appointments

DISCUSSION: Eric Renteria of 907 High Street stated that his concern with the appointment of Jim Olson to the SEIRPC Revolving Loan Fund as he felt the average citizen is unaware of openings on committees. He stated that he did not

feel the City did a good job in getting information out to the citizens about serving on committees. He felt that the City Council should put together some type of process for getting out information to the public about serving in that capacity. The City Manager explained that the SEIRPC Revolving Loan Fund Committee was not a City board or commission. He explained that Jim Olson's term on the board was up and the SEIRPC has requested his reappointment due to his banking background and he was the City's representative. Council Member Reed stated that the City advertises openings on City committees/boards on Channel 18 and the City's web page. He further stated that there was an online

application that could be printed by the public interested in serving. Council Member Davidson stated that at every City Council meeting he always urges the public to contact Jill at City Hall if they are interested in serving on a board

or committee. Eric Renteria stated his concern with Becky Anderson being appointed to the Comprehensive Plan Advisory Committee for the life of the project. He did not feel that it was appropriate for Becky to serve since she will be a Council Member in January and she should not be serving as citizen at large on the committee. The Planning and Development Director stated that a new

Resolution will be approved in January 2012 with Becky Anderson serving as City representative and Bill Ell as citizen at large on the Committee. Eric Renteria

stated he did not feel it was appropriate for the current Mayor to serve as citizen at large on a committee after just leaving the Council. He felt it would be better served by a community member. Mayor Ell explained that he was presently the Council's representative on the committee. He stated that he disagreed with Eric Renteria based on his serving on the Council and knowing what is in the plan and where the Council needs to go with the plan. John Fenton of 1332 Griswold Street stated that he agreed with Eric Renteria and he offered to call the Ombudsman Office to find out if there is a conflict of interest to the taxpayers. He further stated that the City Council were rubber stampers. The Mayor and Council stated that they disagreed with John Fenton's

statement. 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: Leon Shahan of 1821 Mt. Pleasant Street stated his concern that the City had \$72,000,000.00 in debt. He further stated his concern

with tax increment financing. The City Manager stated that the City as not \$72,000,000.00 in debt. He stated that what Leon was looking at was total liabilities, which would include value of earned sick leave and vacation and also unearned revenue. Eric Renteria of 907 High Street stated his concern that

the last City Council packet was 74-pages long and was posted on the City's website the Friday prior to the meeting. He felt that it did not allow for enough time for the public to view. The City Manager stated that by law the

City has to post the agenda 24-hours in advance and the City was posting the packet 72-hours in advance. Council Member Davidson explained that the packet is posted the Friday prior to the Work Session and that the packet prior to the City Council meeting was basically the same packet with just a few changes, which actually provides for over a week for the public to view the meeting before the City Council meeting. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

CITY MANAGER SEARCH: Council Member Davidson stated that Council had received a memo from Bev Hunter, Human Resources Manager regarding the initial City Manager

search meetings with Voorhees Associates. It was the consensus of the City Council for City Council and Council Elect to contact the Human Resources Manager to set up one-on-one interviews with Voorhees Associates. It was also the consensus of the City Council to discuss the salary for the new City Manager

at their next Work Session. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 8:10 p.m.

Approved: December 5, 20

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Kathleen P. Salisbury, MMC
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

REPORTS AND BONDS

RESOLUTIONS:

1. Resolution Approving Nuisance Abatements for Various Properties
2. Resolution Approving Final Acceptance, Final Payment and Release of Retention Monies for the 2011 Sealcoat Streets Program
3. Resolution Approving Final Acceptance and Release of Retention Monies for the 2010 Hawkeye Sewer Stop-Log Repair Project
4. Resolution to Establish a New Fee and Charge Schedule at Flint Hills Municipal Golf Course

SET DATE FOR PUBLIC HEARINGS:

1. Consideration of an Application for Community Development Block Grant (CDBG) Program for the Construction of a Community Facility for the Hope Haven, a Mental Health and Developmental Disabilities Service Care Provider (December 5, 2011)
2. Consideration of an Ordinance Rezoning the Properties Locally Known as 1740 West Burlington Avenue and 2880 Mt. Pleasant Street from M-2, Heavy Industrial to M-1, Light Industrial Zoning District (December 19, 2011)

APPOINTMENTS:

Southeast Iowa Regional Planning Commission's Revolving Loan Fund Loan Review Committee: Jim Olson
Comprehensive Plan Advisory Committee: Becky Anderson