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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 24
December 17, 2012

The Burlington City Council met in regular session at 6:30 p.m. in the Thomas J. Smith Council Chambers, City Hall with Mayor Davidson, Council Members Anderson, Fleming, McCampbell and Reed present.

BURLINGTON CITY COUNCIL

PROCLAMATION OF RETIREMENT: Bev Hunter, Human Resources Director

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 Davidson reviewed the items listed on the consent agenda to the viewing audience. Council Member Reed 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: Reed Seconded By: Fleming
1. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of an Ordinance Amendment to Ordinance No. 3233, An Ordinance Creating a PUD (Planned Unit Development) Overlay Zone at the Southeast Corner of South Gear Avenue and West Avenue, by Making Changes to Section 4. Land Use/Design Requirements

DISCUSSION: The Parks and Development Director stated that there were no changes to the Ordinance Amendment to Ordinance No. 3233, An Ordinance Creating a PUD (Planned Unit Development) Overlay Zone at the Southeast Corner of South Gear Avenue and West Avenue, by Making Changes to Section 4. Land Use/Design Requirements from the first reading. He stated that the owner directly to the south of Sunnybrook Assisted Living facility, located at West Avenue and Gear Avenue, wishes to expand their Planned Unit Development (PUD) for future development opportunities, which could include assisted living facilities, nursing home, single family and two-family dwellings. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.
(VOTE: 5 - AYES)

CARRIED

Introduced By: Reed

Seconded By: Fleming

2. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption of an Ordinance Amendment to Ordinance No. 3233, An Ordinance Creating a PUD (Planned Unit Development) Overlay Zone at the Southeast Corner of South Gear Avenue and West Avenue, by Making Changes to Section 4. Land Use/Design Requirements

DISCUSSION: None.

(VOTE: 5 - AYES)

CARRIED

Introduced By: Anderson

Seconded By: Fleming

3. Motion for Final Adoption of an Ordinance Amending Various Sections of Chapter 161, Housing Code of the City of Burlington Municipal Code

DISCUSSION: The Parks and Development Director stated that he has had ongoing discussions with the Southeast Iowa Property Owners Association. He stated that

staff was recommending an amendment to the proposed Ordinance that would allow dwelling units containing two or more dwellings or rooming units where a pest infestation is found due to tenant complaint or scheduled inspection, the property owner shall be allowed 60 days to eliminate any pest infestation verses

30 days. If, after 60 days, verses 30 days, the infestation remains, the property owner shall carry the responsibility of having entire building treated by a licensed pest management professional of a licensed pest management company. The owners shall be required to perform quarterly treatments for a period of one year from date of the first treatment after the initial 60 days verses 30 days. He stated that staff has done research and they were still recommending 100 amp service verses 60 amp service due to the safety issue. Ron

Brozene, representing the Southeast Iowa Property Owners Association, presented the Council with a handout with concerns. He stated that he had done research and he was unable to find statistical evidence that home fires were to blame for

60 amp service. He stated that after research he did find that smoke alarms in bedrooms were a good idea. He thanked the Parks and Development Director and staff for allowing his input during the Ordinance process. Larry Caston, Code Inspector, explained that using 100 amp service is much safer than using 60 amp service. Council Member Anderson stated that she felt that there would be a problem for tenants blowing fuses with 60 amp service. Mayor Davidson stated that he felt that the amendment that the Council had approved at the last meeting that a licensed electrician may inspect and certify to the City that an existing 60 amp service will properly service the unit it serves, was a fair compromise. After further discussion by the Council the Ordinance was unanimously adopted. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - AYES)

CARRIED

Introduced By: Reed

Seconded By: Fleming

4. To amend Section 161.08 Responsibilities of Owners Relating to the Maintenance and Occupancy of Premises of Chapter 161 Housing Code, No. 20 Pest Extermination

DISCUSSION: None.

(VOTE: 5 - AYES)

CARRIED

RESOLUTIONS:

Introduced By: McCampbell

Seconded By: Reed

1. Resolution to Establish a New Fee and Charge Schedule at Flint Hills Municipal Golf Course

DISCUSSION: The Parks and Development Director stated that the new fee and charge schedule at Flint Hills Municipal Golf Course was being adjusted to increase revenue and cover expenses associated with credit card fees charged to the Flint Hills Golf Course. He stated that under the new fee structure there is a cash discount for paying with cash. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - AYES)

ADOPTED

Introduced By: McCampbell

Seconded By: Reed

2. Resolution to Establish a New Fee Schedule for Park Shelter Reservations

DISCUSSION: The Parks and Development Director stated that the proposed Resolution establishes a new fee schedule for the park shelter reservations with a more standardized rate.

He stated that the City was well below comparable Cities in the area. Mayor Davidson, Council Member Anderson and Council Member McCampbell felt that even with the rate increase the rates were very reasonable. 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: Reed

3. Resolution Approving the Appointment of Fire Chief

DISCUSSION: The City Manager stated that he was happy to be done with the process of hiring a new Fire Chief. Mayor Davidson stated that he was very pleased with the hiring of Matt Trexel as Fire Chief. Council Member Fleming stated that it was the right thing to do. The City Clerk then swore in Matt Trexel as the new Fire Chief for the City of Burlington. Fire Chief Matt Trexel

thanked the Council and the City Manager, his family and shift no. 1 from the Fire Department for their support. 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 that at the last work session Council Member Anderson kept asking how the City got into financial straits. He stated that in the past, the budget process was not transparent. He urged the Council to look at tax abatements, TIF and hotel/motel tax money. He urged Council to look at selling thr RecPlex, Flint Hills Golf Course and Memorial Auditorium. He stated that the Mt. Pleasant Street viaduct was more important to repair than Cascade Bridge. He further complimented the Council for looking at how they might consolidate the transit system with SEIRPC. Bill Glasgow of 1608 Haskell Street stated that property owners in Burlington could not afford a \$1.50 or \$1.75 property tax increase. He urged the Council to prioritize what the Council can afford to do. Council Member Reed stated that the Council was just in the beginning stages of the budget. He stated that property taxes would need to go up to take care of past

debt and past mismanagement. Council Member Anderson stated that the Council was between a rock and a hard spot. Reverend Al Sparks of 302 South Garfield Street stated his concern with the following: condition of City streets; Water Resources insurance; higher property taxes; low paying jobs and the poor condition of J Street Youth Center. The City Manager stated that Travis Squires

would be at the January 2, 2013 Work Session to make a presentation on the Capital Improvement Plan (CIP) with a \$1.50 levy presentation. Council Member Anderson asked the City Manager to also present a Capital Improvement Plan (CIP)

with a \$1.00 property tax increase. Council Member McCampbell stated that he would like to see the City receive a bigger portion of the hotel/motel tax money. The City Manager reminded Council Member McCampbell that the Council had

approved a three-year agreement June 2012 with the Convention and Tourism Bureau, so they would not be able to make any changes in regard to funding for the next 3-years. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 7:56 p.m.

Approved: January 7, 2013

Kathleen P. Salisbury, MMC
City Clerk

Jim Davidson
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 Release of Retention Monies for the 2012 Sealcoat Streets Program
2. Resolution Approving Interchange of Employee Agreement Between the City of Burlington, Iowa and the Burlington Community School District
3. Resolution Naming Candidate to SEIRPC Board of Directors

SET DATE FOR PUBLIC HEARING: JANUARY 21, 2013

1. Consideration of an Ordinance Rezoning Property Locally Known as 3400 Augusta Road from M-2, Heavy Industrial to R-1, Single-Family Residential Zoning District

APPOINTMENT:

Board of Housing Standards and Appeals: Ronald Brozene