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MINUTES OF THE PROCEEDINGS  
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 31  
April 1, 2013

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

PROCLAMATIONS:

Equal Pay Day: Julie Chubb  
Elks Lodge #84 125th Anniversary: Paul Miller

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: McCampbell

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. He further requested the removal of the

Resolution Establishing Sewer User Fees Effective July 1, 2013 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 Annual Consolidated Transit Funding Application

COMMENTS: The Transit Manager stated that the City was anticipating receiving approximately the following: \$187,141.00 (1.667476%) in STA monies, which is based on new car sales and \$334,512.00 in FTA monies. He stated that the City would be receiving approximately an increase of \$104,000.00 in funding than last

year. He explained that part of the increase was due to ridership being up, miles driven and a new transportation program, MAP 21. Leon Shahan of 1821 Mt. Pleasant Street asked how the transit funding would be affected when the City goes to a fixed route. Mayor Davidson explained to Leon Shahan that the funding

was based on the miles driven and ridership from last year. 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: Fleming

CARRIED

Introduced By: Reed  
Resolution Approving Annual Consolidated Transit Funding Application

Seconded By: Fleming

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

2. Statement: Consideration of an Ordinance Amendment to Ordinance No. 3220, an Ordinance Creating the Sunrise West Planned Unit Development (PUD) Overlay District, By Making Changes to Section 4. Land Use Requirements

COMMENTS: The Parks and Development Director reviewed with Council and the viewing audience the proposed Ordinance Amending Sections 17.01.06 Amendments and 17.50.105 Public Hearing Notice of Title 17, Development Program (Zoning Code) of the City of Burlington Municipal Code. He stated that the proposed Ordinance would allow lot three to have a multi-family development. He stated that lot two was Madewell Subdivision and allows for single family residential and also would allow a duplex in that area. He stated that the proposed Ordinance would allow multi-family dwelling units on lot three. He further stated the lots in the Madewell Subdivision (portions of lot two and lot one of Sunrise West) would be required to follow R-2 setback requirements. He stated that the City Planning Commission voted 7-0 to recommend approval of the amendment to Section 4 Land Use Requirement. Shane Wright, Real Estate Equities

Development Company from Twin Cities, Minnesota stated that they were working with Village Cooperative Developments and was planning a multi-family residential development that will be 100% control and ownership by the buyers. He stated that they were finalizing bids and hoped to start construction late summer. 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: Fleming

CARRIED

Introduced By: Reed  
Motion for Preliminary Adoption of the First Reading of an Ordinance Amendment to Ordinance No. 3220, an Ordinance Creating the Sunrise West Planned Unit Development (PUD) Overlay District, By Making Changes to Section 4. Land Use Requirements

Seconded By: McCampbell

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

3. Statement: Consideration of an Ordinance Amending Various Sections of Chapter 155, International Building Code of the City of Burlington Municipal Code

COMMENTS: The Code Inspector III reviewed with the Council and the viewing audience the proposed Ordinance Amending Various Sections of Chapter 155, International Building Code of the City of Burlington Municipal Code. He explained that the City was updating the International Building Code from the 2009 edition to the 2012 edition. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Anderson Seconded By: Reed  
Motion to Close

CARRIED

Introduced By: Anderson Seconded By: Reed  
Motion for Preliminary Adoption of the First Reading of an Ordinance Amending  
Various Sections of Chapter 155, International Building Code of the City of Burlington Municipal Code

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

4. Statement: Consideration of an Ordinance Amending Various Sections of Chapter  
156, International Existing Building Code of the City of Burlington Municipal Code

COMMENTS: The Code Inspector III reviewed with the Council and the viewing audience the proposed Ordinance Amending Various Sections of Chapter 156, International Existing Building Code of the City of Burlington Municipal Code. He explained that the City was updating the International Existing Building Code from the 2009 edition to the 2012 edition, and a small clarification in Section 2 of the proposed Ordinance. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Anderson Seconded By: Reed  
Motion to Close

CARRIED

Introduced By: Anderson Seconded By: Fleming  
Motion for Preliminary Adoption of the First Reading of an Ordinance Amending  
Various Sections of Chapter 156, International Existing Building Code of the City of Burlington Municipal Code

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

5. Statement: Consideration of an Ordinance Amending Various Sections of Chapter  
158, Plumbing Code of the City of Burlington Municipal Code

COMMENTS: The Code Inspector III reviewed with the Council and the viewing audience the proposed Ordinance Amending Various Sections of Chapter 158, Plumbing Code of the City of Burlington Municipal Code. He explained that the City was updating the Plumbing Code from the 2009 edition to the 2012 edition, and some housekeeping changes to the proposed Ordinance. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Anderson Seconded By: Fleming  
Motion to Close

CARRIED

Introduced By: Anderson Seconded By: Reed  
Motion for Preliminary Adoption the First Reading of an Ordinance Amending  
Various Sections of Chapter 158, Plumbing Code of the City of Burlington

Municipal Code

DISCUSSION: None.

(VOTE: 5 - â AYESâ )

CARRIED

6. Statement: Consideration of an Ordinance Amending Various Sections of Chapter 159, Mechanical Code of the City of Burlington Municipal Code

COMMENTS: The Code Inspector III reviewed with the Council and the viewing audience the proposed Ordinance Amending Various Sections of Chapter 159, Mechanical Code of the City of Burlington Municipal Code. He explained that the City was updating the Mechanical Code from the 2009 edition to the 2012 edition.

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

Introduced By: Fleming Seconded By: McCampbell

Motion to Close

CARRIED

Introduced By: Fleming Seconded By: Reed

Motion for Preliminary Adoption of the First Reading of an Ordinance Amending Various Sections of Chapter 159, Mechanical Code of the City of Burlington Municipal Code

DISCUSSION: None.

(VOTE: 5 - â AYESâ )

CARRIED

7. Statement: Consideration of an Ordinance Amending Various Sections of Chapter 165, Code Inspection Division of the City of Burlington Municipal Code

COMMENTS: The Code Inspector III reviewed with the Council and the viewing audience the proposed Ordinance Amending Various Sections of Chapter 165, Code Inspection Division of the City of Burlington Municipal Code. He explained that

the City was updating the Code Inspection Division by eliminating the issuance of certificates of licenses to qualified plumbers and electricians as the State of Iowa now licenses qualified plumbers and electricians. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Fleming Seconded By: McCampbell

Motion to Close

CARRIED

Introduced By: Fleming Seconded By: Reed

Motion for Preliminary Adoption of the First Reading of an Ordinance Amending Various Sections of Chapter 165, Code Inspection Division of the City of Burlington Municipal Code

DISCUSSION: None.

(VOTE: 5 - â AYESâ )

CARRIED

8. Statement: Consideration of an Ordinance Amending Various Sections of Ch

apter

162, Fire Prevention Code of the City of Burlington Municipal Code

COMMENTS: The Fire Marshal reviewed with the Council and the viewing audience the proposed Ordinance Amending Various Sections of Chapter 162, Fire Prevention

Code of the City of Burlington Municipal Code. He explained that the City was updating the Fire Prevention Code from the 2003 edition to the 2012 edition. He

stated that there were some minor modifications to the Fire Prevention Chapter to include hotel/motel/bed and breakfast to require fire inspections and they will now share the Construction Board of Appeals with the building department. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Fleming Seconded By: Anderson

Motion to Close

CARRIED

Introduced By: Fleming Seconded By: Reed

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

Various Sections of Chapter 162, Fire Prevention Code of the City of Burlington Municipal Code

DISCUSSION: None.

(VOTE: 5 - AYES )

CARRIED

ORDINANCES:

Introduced By: Scott

Seconded By: Thomas

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

an Ordinance Amending Sections 17.01.06 Amendments and 17.50.105 Public Hearing Notice of Title 17, Development Program (Zoning Code) of the City of Burlington Municipal Code

DISCUSSION: The Parks and Development Director reviewed with Council and the viewing audience the proposed Ordinance Amending Sections 17.01.06 Amendments and 17.50.105 Public Hearing Notice of Title 17, Development Program (Zoning Code) of the City of Burlington Municipal Code. He explained that one of the changes would allow for a shorter time frame for publication of hearing notice for zoning issues, which would allow for more flexibility and would not delay zoning applications. He stated that the change would reflect current State Code

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

(VOTE: 5 - AYES )

CARRIED

Introduced By: Scott

Seconded By: Edwards

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

Reading and for Final Adoption of an Ordinance Amending Sections 17.01.06 Amendments and 17.50.105 Public Hearing Notice of Title 17, Development Program (Zoning Code) of the City of Burlington Municipal Code

DISCUSSION: None.

(VOTE: 5 - AYES )

CARRIED

Introduced By: McCampbell

Seconded By: Reed

3. Motion for Preliminary Adoption of the Second Reading of an Ordinance Renewing the City's Gas Franchise Agreement with Interstate Power and Light Company, and Establishing a Gas Franchise Fee Equal to 3% of the Company's Gross Revenues; Including the City's Revenue Purpose Statement for Use of the Franchise Fee Revenues

DISCUSSION: The City Manager stated that the proposed Ordinance basically renews the franchise agreement with Alliant Utilities and implements a franchise fee. Rose Kendall of Barret Street stated that she lives on a fixed income and with the Council raising property taxes, implementing higher sewer rates and a possible franchise fee, that it would be hard to make ends meet. Council Member

McC Campbell stated that he appreciated the comments made by Rose Kendall. Leon Shahan of 1821 Mt. Pleasant Street stated that those with the least income pays more. He further stated that he was against economic development. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - AYES Anderson, Davidson, Fleming and Reed  
1 - NAY McC Campbell)  
CARRIED

Introduced By: McC Campbell                      Seconded By: Fleming

4. Motion for Preliminary Adoption of the Second Reading of an Ordinance Renewing the City's Electric Franchise Agreement with Interstate Power and Light Company, and Establishing an Electric Franchise Fee Equal to 3% of the Company's Gross Revenues; Including the City's Revenue Purpose Statement for Use of Franchise Fee Revenues

DISCUSSION: None.

(VOTE: 4 - AYES Anderson, Davidson, Fleming and Reed  
1 - NAY McC Campbell)  
CARRIED

RESOLUTIONS:

Introduced By: McC Campbell                      Seconded By: Reed

1. Resolution Extending Deadline for the Demolition of City-Owned Building at 1616 Dill Street in Perkins Park

DISCUSSION: The Parks and Development Director stated that the proposed Resolution extends the deadline for the demolition of City-owned building at 1616 Dill Street in Perkins Park, known as Apple Trees. He stated that the building has received support from within the community to complete significant fundraising to make the required improvements to the building for improved appearance, occupancy and continued use and maintenance. He stated that the Resolution will grant 180 days to prove significant steps have been taken to raise funds to improve and operate the building in a sustainable manner by a viable entity. 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: Anderson

2. Resolution Establishing Sewer User Fees Effective July 1, 2013

DISCUSSION: Council Member Reed stated that he had asked that the Resolution Establishing Sewer User Fees Effective July 1, 2013 be removed from the Consent Agenda and discussed as it was a 9% increase and he wanted property owners to understand why. He stated that the sewer user fees were being raised due to the

City being mandated by the DNR to separate sewers. He stated that he was not in

favor of the 9% increase and felt that the numbers could be tweaked. The City Manager explained that the increase was due to the separation of combined sewers

and was mandated by the State. Travis Squires of Piper Jaffray explained that the City would need to either use general obligation bonds, property tax increase, three 9% increases or four 6% increases plus inflationary increases to

pay for the sewer separation. He stated that there was \$30,000,000.00 in sewer separation work that needs to be completed by 2025. Mayor Davidson explained that there was an order to get things done and past Councils have done projects without having funding in place. He stated that annual increases were necessary. Council Member Anderson stated that she sympathizes with senior citizens, but as a Council there were not a lot of choices. She stated that the

City was mandated to pay for upcoming sewer separation costs. Rose Kendall of Barret Street stated that she has worked since she was 16 and has never asked for handouts, but will now be forced to ask for food stamps. Barbara Kissinger of 613 Barret Street stated that she was at poverty level and she felt if the City had water meters it would resolve the issue for seniors. She further stated that Council Member Reed was the only person on the Council that cares. She stated that she liked Council Member Reed's idea of implementing water meters. Mayor Davidson stated that he does care. He stated that the Council discussed adding water meters, but it would be cost prohibited. Council Member McCampbell stated that he felt bad that senior citizens feel that the Council does not care. Council Member Fleming reminded those in attendance that he was a senior citizen. After considerable discussion by Council, Council Member Reed

stated that he liked the dialogue and discussion of the issue. Leon Shahan of 1821 Mt. Pleasant Street stated that the City does not have water meters as it was costly and the City does not have the money needed to purchase the water meters. Larry Williams of 1607 Navajo stated that the Council has done a good job coming up with a 5-year plan. 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: Carolyn Marshall of 1415 Iowa Street urged the Council to not combine BUS with SEI Bus. She stated that she was willing to pay more to

ride a City bus. Travis Squires with Piper Jaffray reviewed with the Council and viewing audience details of the trip that the City Manager, Mayor Davidson, the Director of Administrative Services and himself took to Chicago to meet with

Moody to grade the City's bond rating. He stated that the City's rating for

General Obligation bonds went from A1 with negative watch down 1-notch to A2 with the negative watch removed. He stated that the City's rating for Sewer Revenue Bonds went from A1 with negative watch down 1 notch to A2 with negative watch remaining. He explained that with the A2 negative watch means that Moody will want to review the City's rating again next year. Council Member Anderson

and McCampbell thanked all who went to the bond rating meeting in Chicago with

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

Adjournment: 7:55 p.m.  
15, 2013

Approved: April

Kathleen P. Salisbury, MMC  
dson  
City Clerk

Jim Davi  
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 Refund of Cigarette License for Kum & Go, LC dba/Kum & Go #712
2. Resolution Approving Refund of Cigarette License for Kum & Go, LC dba/Kum & Go #713
3. Resolution Approving Refund of Beer License for Kum & Go, LC dba/Kum & Go #712
4. Resolution Approving Refund of Beer and Liquor Licenses for Kum & Go, LC dba/Kum & Go #713
5. Resolution Approving Refund of Liquor License for Los Charros of Burlington, Inc. dba/Los Charros of Burlington
6. Resolution Amending Storm Water Utility System Fees Pursuant to Chapter 100.02 of the Burlington City Code
7. Resolution Establishing a New Fee and Charge Schedule for Septic Haulers
8. Resolution Establishing Fees for Indoor Cart Storage at Flint Hills Municipal Golf Course
9. Resolution Authorizing the Use of a Preliminary Official Statement in Connection with the Sale of Taxable General Obligation Corporate Purpose Bonds, Series 2013B
10. Resolution Authorizing the Use of a Preliminary Official Statement in Connection with the Sale of Sewer Revenue Bonds, Series 2013E

SET DATE FOR PUBLIC HEARINGS: APRIL 15, 2013

1. Consideration of an Ordinance Vacating and Selling a Portion of the Alley Located North of the Property Located at 2400 Kirkwood Street, Burlington, Iowa
2. Consideration of an Ordinance Vacating and Selling a Portion of the Alley Located North of the Property Located at 2112 South 3rd Street, Burlington, Iowa
3. Consideration of Sale of Property Locally Known as 236 South 9th Street, City

of Burlington, Des Moines County, Iowa

4. Consideration of Sale of Property Locally Known as 1000 South 13th Street,  
City of Burlington, Des Moines County, Iowa

5. Consideration of Sale of Property Locally Known as 617 Jefferson Street,  
City  
of Burlington, Des Moines County, Iowa

6. Consideration of an Ordinance Amending Various Sections of Chapter 154,  
Residential Code of the City of Burlington Municipal Code

7. Consideration of General Obligation Refunding Loan Agreement in a Principal  
Amount Not to Exceed \$4,500,000 and Authorizing Use of a Preliminary Official  
Statement in Connection with the Sale of General Obligation Corporate Purpose  
and Refunding Bonds, Series 2013C

8. Consideration of General Obligation Refunding Loan Agreement in a Principal  
Amount Not to Exceed \$1,250,000 and Authorizing Use of a Preliminary Official  
Statement in Connection with the Sale of General Obligation Refunding Bonds,  
Series 2013D

APPOINTMENTS:

Zoning Board of Adjustment: Brandi Chapman and Ruth Smith

Historic Preservation Commission: Judy Stevens

Civil Service Commission: Simeon Counterman