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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 37
July 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, McCampbell and Reed present. Council Member Fleming was absent.

BURLINGTON CITY COUNCIL

PROCLAMATION: Parks & Recreation Month: Eric Tysland

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: Anderson Seconded By: Reed

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

(VOTE: 4 - AYES)

CARRIED

RESOLUTIONS:

Introduced By: Reed

Seconded By: McCampbell

1. Resolution Approving Lease Agreement between the City of Burlington and the Heritage Trust for Preservation of Burlington, Iowa for Use of Apple Trees Building in Perkins Park

DISCUSSION: The Development and Parks Director reviewed with Council and the viewing audience the highlights of the lease agreement between the City of Burlington and the Heritage Trust for Preservation of Burlington, Iowa for use of the Apple Trees building in Perkins Park. Susan Diehl of 910 North 6th Street and member of Heritage Trust stated that she would like the intent clarified and would also like possession first then fix the property up at a later date. Council Member Reed stated his concerns with giving possession first. He stated that sometimes repairs do not get completed. He explained that the purpose of the lease is to preserve the building, not just occupy the building. Council Member Anderson stated that Heritage Trust had fixed up the Preservation Station and Hibernia Hall prior to moving in. She stated that the building will be in good hands. Council Member Reed confirmed with Heritage Trust that they were in agreement that any costs over \$20,000 to construct such improvements (parking lot and walkway) shall be split by the Landlord and Tenant, with each paying 50% of the cost for the improvements (parking lot and walkway). After considerable discussion two motions were made by Council

amending Exhibit A, the lease and approved. The Parks and Development Director reminded Heritage Trust that the City will need the required insurance per the lease, plans and permits/inspections with City Inspectors along with using licensed individuals when necessary. All present had opportunity to speak

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

(VOTE: 3 - AYES McCampbell, Reed and Anderson
1 - NAY Davidson)

ADOPTED

Introduced By: Anderson Seconded By: Reed

2. Motion to Amend Exhibit A of the Resolution Approving Lease Agreement

Between the City of Burlington and the Heritage Trust for Preservation of Burlington, Iowa for Use of Apple Trees Building in Perkins Park to Section 4 Use of Premises as Follows:

4. USE OF PREMISES. Tenant covenants and agrees during the term of this lease to use and to occupy the leased premises only for uses as allowed within the R-3 Zoning District Regulations; and specifically only for non-profit uses including museum, youth service agency, or recreation agency. The building may also be utilized for non-profit, social service agencies and as a public space for room rental on a day to day basis.

DISCUSSION: None.

(VOTE: 3 - AYES McCampbell, Reed and Anderson
1 - NAY Davidson)

CARRIED

Introduced By: Reed

Seconded By: Anderson

3. Motion to Amend Exhibit A of the Resolution Approving Lease Agreement

Between the City of Burlington and the Heritage Trust for Preservation of Burlington, Iowa for Use of Apple Trees Building in Perkins Park to Section 6.C.

to Add the Following: Any costs over \$20,000 to construct such improvements shall be split by the Landlord and Tenant, with each paying 50% of the cost for the improvements.

DISCUSSION: None.

(VOTE: 3 - AYES McCampbell, Reed and Anderson
1 - NAY Davidson)

CARRIED

Introduced By: Anderson Seconded By: McCampbell

4. Resolution Awarding Contract for May Storm Damage Tree Removal

DISCUSSION: The Director of Administrative Services stated that the Resolution awards the emergency bids that the City took for the May 30, 2013 storm damage tree removal. She stated that bids were sent to five businesses and the City received two completed bid sheets. Each location/tree was bid individually. Each location/tree was awarded separately to the low bidder. The first contract

was to Stew's Lawn Service in the amount of \$15,155.00 and to Ben Skelley in the

amount of \$52,100.00. She stated that if the federal government declares the storm a disaster, then the City will be eligible for FEMA funding. She further explained to Council and the viewing audience how FEMA funding works. Mayor Davidson stated that there will be a lot of trees removed. Council Member Anderson thanked City workers and everyone who worked together during the storm disaster. All present had opportunity to speak and nothing additional was filed

in the office of the City Clerk.

(VOTE: 4 - â AYESâ)

ADOPTED

Introduced By: Anderson Seconded By: Reed

5. Resolution Approving Final Plat of Westbrook Meadows Subdivision

DISCUSSION: The Development and Parks Director reviewed with the Council and the

viewing audience the final plat of Westbrook Meadows Subdivision. He stated that it was a 3-lot subdivision located at the corner of Gear Avenue and West Avenue. He stated that potentially Lot One would be developed residential. He stated that in the future Outlot A would potentially be developed residential with two and four family units. Outlot B potentially would be developed single family or mixed with duplexes or assisted type living facility. All present had

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

(VOTE: 4 - â AYESâ)

ADOPTED

ORDINANCE:

Introduced By: Anderson Seconded By: Reed

1. Motion for Final Consideration and Adoption of an Ordinance Providing for the Division of Taxes Levied on Taxable Property in the 2013 Amendment to the Burlington Consolidated Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa

DISCUSSION: The Director of Administrative Services stated that the proposed Ordinance Providing for the Division of Taxes Levied on Taxable Property in the 2013 Amendment to the Burlington Consolidated Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa provides for the consolidation of the two urban renewal areas. Leon Shahan of 1821 Mt. Pleasant Street stated that he felt that his property taxes will go up due to the proposed Ordinance and he was

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

(VOTE: 4 - â AYESâ)

CARRIED

COMMENTS FROM AUDIENCE: The Lieutenant Colonel Triplett, the new Commander of the IAAP, thanked those who attended the change of command ceremony at the IAAP.

He invited anyone interested in tours of the plant to contact him. The Mayor and City Council welcomed him and his family to Burlington and for his service.

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

Adjournment: 7:19 p.m.
5, 2013

Approved: July 1

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 Liquor License for Rascals of Burlington, LLC
dba/Rascals of Burlington
2. Resolution Approving Refund of Cigarette License for Kum & Go, LC dba/Kum & Go #711
3. Resolution Approving Nuisance Abatements for Various Properties

SET DATE FOR PUBLIC HEARINGS: JULY 15, 2013

1. Consideration of an Ordinance Rezoning Property Within Westbrook Meadows Subdivision to Include a Planned Unit Development (PUD) Overlay Zone as Allowed by Section 17.20.40 of Title 17 of the Burlington Municipal Code
2. Consideration of Sale of Land Located North and West of the Property Locally Known as 1416 Pilger Avenue, City of Burlington, Des Moines County, Iowa