

Des Moines County, Iowa

DISCUSSION: None.

(VOTE: 5 - "AYES")

ADOPTED

2. Statement: Consideration of Sale of Property Locally Known as 505 South Main Street, City of Burlington, Des Moines County, Iowa

COMMENTS: The Development and Parks Director stated that the property known as 505 South Main Street was acquired by the City as an abandoned property. He stated that the adjoining property owner plans on purchasing the property for \$2,000.00 to expand their existing business. 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

Resolution Approving Sale of Property Locally Known as 505 South Main Street, City of Burlington, Des Moines County, Iowa

DISCUSSION: None.

(VOTE: 5 - "AYES")

ADOPTED

3. Statement: Consideration 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

COMMENTS: The Development and Parks Director stated that the property owner has expressed a potential interest in the construction of a multi-family residential

dwelling at the southeast corner of South Gear Avenue and West Avenue with Sunnybrook Assisted Living at the corner. He stated that this was the only change to the Planned Unit Development (PUD). All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: McCampbell

Seconded By: Reed

Motion to Close

CARRIED

Introduced By: McCampbell

Seconded By: Fleming

Motion for Preliminary Adoption of the First 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: None.

(VOTE: 5 - "AYES")

CARRIED

ORDINANCE:

Introduced By: McCampbell

Seconded By: Reed

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

DISCUSSION: The Development and Parks Director stated that there were no changes to the 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 from the first reading. He reviewed with Council and the viewing audience the proposed Ordinance. 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: McCampbell Seconded By: Fleming
2. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption 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

DISCUSSION: None.

(VOTE: 5 - â AYESâ)

CARRIED

RESOLUTION:

Introduced By: Fleming Seconded By: Reed
1. Resolution Approving Final Acceptance, Final Payment and Release of Retention Monies for the 2012 Burlington Animal Shelter Remodel and Expansion

DISCUSSION: The Public Works Director stated that the proposed Resolution provides for final acceptance, final payment in the amount of \$2,273.72 and release of retention monies in the amount of \$44,613.66 to Myers Construction, Inc. for work completed at the Animal Shelter Remodel and Expansion. He stated that total construction cost to Myers Construction was \$892,272.00. He stated that there was also some environmental testing cost which brought the total project cost to approximately \$945,000.00-\$950,000.00. He stated that the City's commitment was one-half of the project cost up to \$500,000.00. He further stated that the Animal Shelter has been open since March 2013. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - â AYESâ)

ADOPTED

Introduced By: Reed Seconded By: Anderson
2. Resolution Waiving Requirements for Cul-de-sac and Minimum Lot Width for the Property at 3107 South 14th Street for Access off of Sioux Street

DISCUSSION: Council Member Anderson stated that she removed the Resolution Waiving Requirements for Cul-de-sac and Minimum Lot Width for the Property at 3107 South 14th Street for Access off of Sioux Street as she wanted people that live in that neighborhood aware of it. The Development and Parks Director stated that the developer has requested the waiving of requirements for a cul-de-sac and the minimum lot width for the property at 3107 South 14th Street for access off of Sioux Street. He stated that the developer plans on building two single-family homes on the lot and he did not find it feasible to construct a public cul-de-sac to serve two homes. The lot widths will be smaller than the

City Code allows. He stated that the Resolution provides for a maximum of two-single family homes that will be developed off of Sioux Street, snow removal from the dead-end portion of the street shall be the responsibility of the property owners, homes constructed shall be aligned and setback as if Sioux Street were continued through this lot, necessary easements shall be provided and all other requirements for development shall be met including subdividing

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

(VOTE: 5 - â AYESâ)

ADOPTED

Introduced By: Anderson Seconded By: Fleming

3. Resolution Approving Agreement with Aspelmeier, Fisch, Power, Engberg and Helling, P.L.C. for Professional Attorney Services

DISCUSSION: Tim Scott of 2017 South 15th Street stated that he had removed the Resolution Approving Agreement with Aspelmeier, Fisch, Power, Engberg and Helling, P.L.C. for Professional Attorney Services to find out if the scope of the work has changed. The City Manager stated that the primary service that Aspelmeier, Fisch, Power, Engberg and Helling, P.L.C. would be offering to the City would be housing issues. Don Harter of 1018 Canterbury Street stated that Burlington has approximately 50 practicing attorneys, so why was the City sending tax dollars to an out-of-town firm. The City Manager explained that the

City had sent RFQâ s to several local firms and statewide law firms. He stated

that the City had a committee look over the RFQâ s to make a decision. Council

Member Fleming and Council Member McCampbell served on the committee. He stated

that the committee looked at the level of expertise that the attorneys had at municipal law. He stated that the firm of Lynch Dallas, P.C. specializes in municipal law and has eight to nine practicing attorneys that focus on municipal

law. Council Member McCampbell stated that the City went through a process and the committee felt that Lynch Dallas, P.C. had strength in municipal law and he felt they would do a good job. Council Member Reed stated that many of the attorneys in Burlington specialize in divorce, workersâ compensation, etc., no t

municipal law. The City Manager stated that presently the City uses Attorney Jim Hanks for personnel issues and Attorney Bob Josten for TIF issues. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - â AYESâ)

ADOPTED

Introduced By: Reed Seconded By: Fleming

4. Resolution Approving Agreement with Lynch Dallas, P.C. for Professional Attorney Services

DISCUSSION: Tim Scott of 2017 South 15th Street stated that he has the same concerns as Don Harter, that the City was spending local tax dollars on an out-of-town attorney for services. Attorney Patrick Oâ Connell with Lynch Dallas, P.C. stated that the concerns of using an outside attorney were legitimate concerns. He stated that Iowa was relatively a small state, so many cities hire outside firms for expertise in municipal law. He stated that he was

very hardworking and his expertise was in municipal law. He stated that his firm has nine practicing attorneys and approximately 30 plus areas of expertise in municipal law. He stated that he works with many cities in Iowa and also Lee

County. Mayor Davidson and Council Member Anderson stated their confidence in selection of Lynch Dallas, P.C. for professional attorney services. All present

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

(VOTE: 5 - â AYESâ)

ADOPTED

COMMENTS FROM AUDIENCE: Tim Scott of 2017 South 15th Street stated his concern that Scott Peck has not constructed sidewalks at Mason Meadows Subdivision. The

Development and Parks Director stated that he has been working with Scott Peck in getting the sidewalks installed. He stated that the July 2013 deadline has been extended to September 2013 due to rain and contractor's moving the project

back. Council Member Reed stated that Tim Scott's frustration is that the sidewalks should have been constructed by October 2012. The Development and Parks Director stated that he had met with Scott Peck, Mr. Huppenbauer and the attorney and they were given a July 2013 deadline. Tim Scott stated that it has

been five years since this development was constructed. He stated that at the developer's request the City brought the development into the enterprise zone,

which allowed them to capture all of the sales tax dollars that they were paying

for materials that they were purchasing for the subdivision project. He stated that they built the homes due to the big profit they were going to make, which was smart business sense, but he felt the community has been cheated by not constructing the sidewalks in the subdivision. He stated that if the City ends up constructing the sidewalks that the City will assess the costs to the property owners, which will make the property owners mad at the City that the City did not make the contractor liable for what they were suppose to do.

Council Member McCampbell questioned when the sidewalks should have been constructed. The City Manager stated that the sidewalks should have been built prior to obtaining a certificate of occupancy. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 7:23 p.m.
: August 19, 2013

Approved

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 Nuisance Abatements for Various Properties
2. Resolution Authorizing the Filing of an Application for Resource Enhancement and Protection (REAP) Program for Phase I of the Flint River Trail Located in the City of Burlington, Iowa
3. Resolution Authorizing the Signing of the Indemnity Agreement, Railroad Crossing Agreement, and Special Provisions as Required by the Iowa Department of Transportation for Phase III of the Flint River Trail
4. Resolution Awarding Bid to Abandon the Existing Well at 1106 Washington Street
5. Resolution Approving City of Burlington Policy for Examination or Copying of Records
6. Resolution Waiving the 2013 Rental Permit Fee for the Burlington Area Homeless Shelter

SET DATE FOR PUBLIC HEARINGS: AUGUST 19, 2013

1. Consideration of Sale of Property Locally Known as 1400 South 13th Street, City of Burlington, Des Moines County, Iowa
2. Consideration of an Ordinance Amending Various Sections of Title 17, Development Program (Zoning Code) of the Burlington Municipal Code
3. Consideration of an Ordinance Rezoning Properties Locally Known as 1509 and 1511 Mt. Pleasant Street from R-2, Single-family Residential to C-2, General Commercial Zoning District