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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 43
October 7, 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

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

(VOTE: 5 - AYES)

CARRIED

PRESENTATION: Update of Development at Manor Project by Burlington Crossing LLC

DISCUSSION: Bob Welstead of Dial Realty Corporation of Omaha, Nebraska stated that he has been diligently contacting retailers and restaurants over the past several months. He stated that he has a prospective retail company that will be

jetting into Burlington to see the site of a possible 35,000 square foot development on the northern half of the property. The retailer was also looking

at the K-Mart property. Council Member Anderson asked what size of a building would be a comparison to a 35,000 square foot building. Bob Welstead stated that a 35,000-square foot building was approximately half the size of Target. Council Member Fleming asked what the time line was for the project. Bob Welstead stated that he hoped construction would start in July 2014 and possibly

open November 2014. He stated that the interested retailer would be a store that both Council Member Anderson and Council Member Fleming would both shop at.

The City Manager stated that the agreement with Bob Welstead had language about coordinating entrances with Walgreens and the K-Mart property, which may take a significant amount of time. Council Member Reed stated that it would benefit Walgreens to have a traffic light. Bob Welstead agreed that it will take time. He stated that he has also been in contact with a restaurant. Council Member McCampbell asked when Bob Welstead would be back to report to the City Council. Bob Welstead stated that he would back sometime between January and March 2014.

Bob Welstead stated that per the development agreement he would be developing 11-acres on the south side or the north side of the property. He stated that he has a restaurant interested in property on Roosevelt Avenue, but should the 35,000 square foot retailer decide to build on the north side of the property then the restaurant may move from the south side of the property to the north side of the property. Otherwise, the south side of the property would be developed first with a restaurant, hotel and senior housing. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

HEARINGS:

1. Statement: Consideration of a Permanent Encroachment Agreement between the City of Burlington and Karel Van Haeften and Terry Arellano for Encroachment into North 3rd Street Right-of-Way Along the East Side of 300 Jefferson Street, Burlington, Iowa

COMMENTS: The Development and Parks Director stated that the proposed Resolution approves an encroachment agreement with the owners of the Tama building at 300 Jefferson Street for encroachment into the North 3rd Street right-of-way along the east side of 300 Jefferson Street for encroachment of a stairwell and railings. He stated that the stairwell leads to the basement of the property. He further stated that the sidewalk would still be 7-foot wide even with the stairwell. He stated that the stairwell was discovered by the owners after repairing the deteriorated sidewalk above the stairwell. Council Member Anderson stated that it was too bad the stairwell wasn't in place when the fire happened as it would have been another entrance into the basement to fight the fire. Steve Frevert, Executive Director of Downtown Partners, stated that Downtown Partners was excited to see the stairwell restored. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: McCampbell
Motion to Close

Seconded By: Anderson

CARRIED

Introduced By: McCampbell
Resolution Approving a Permanent Encroachment Agreement between the City of Burlington and Karel Van Haeften and Terry Arellano for Encroachment into North 3rd Street Right-of-Way Along the East Side of 300 Jefferson Street, Burlington, Iowa

Seconded By: Reed

DISCUSSION: None.

(VOTE: 5 - AYES)

ADOPTED

2. Statement: Consideration of an Ordinance Amendment to Ordinance No. 3348, Westbrook Meadows PUD, by Amending Section 4. Land Use and Section 5. Platting

COMMENTS: The Development and Parks Director reviewed with Council and the viewing audience the proposed Ordinance amendment to Ordinance No. 3348, Westbrook Meadows PUD, by amending Section 4. Land Use and Section 5. Platting. He stated that the developer has requested an amendment to plat each unit within lot one as its own lot. He stated that there would be two duplexes and two four-plex units. He stated that the developer felt this would be a better method with his development as each condo owner would own its own lot. He further stated that the lot lines would run directly through each building, down

the common shared wall of each unit and then split approximately in half between each structure. He stated that this was unique to Burlington. He further explained that there would be a zero lot line between each unit. Council Member Reed stated that it was a good idea. 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 Amendment to Ordinance No. 3348, Westbrook Meadows PUD, by Amending Section 4. Land Use and Section 5. Platting

DISCUSSION: None.
(VOTE: 5 - â AYESâ)

CARRIED

RESOLUTIONS:

Introduced By: Fleming Seconded By: Reed
1. Resolution Approving City Representatives for the City-County Health Care Plan

DISCUSSION: The City Manager stated that the proposed Resolution provides that the City Manager, a City Council member and the Director of Administrative Services are appointed as the City representatives on the City County Health Care Board. Mayor Davidson stated that he had brought up the idea of having one member of the City Council serve on the board. 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: McCampbell
2. Resolution Approving City Hall and Police Department Server Virtualization

DISCUSSION: The Director of Administrative Services stated that the proposed Resolution provides for approval of a City Hall and Police Department Server Virtualization. She stated that the City had sent a RFQ for the project and bids were due back on September 9, 2013. She stated that the project would be split between the two vendors. Council Member McCampbell asked for an explanation of the \$18,000.00 consulting fee. The Director of Administrative Services stated that the city wanted someone to oversee the project and training. She stated that it would also include a 3-year warranty. The City Manager explained that the City originally hired McGladrey to come in and do an evaluation at a cost of \$7,000.00. He stated that McGladrey met with each department and spent days with both IT personnel going over the system. He stated that this was a long process. He stated that all of the information was in the Network Manager's head and it was not written down. He further stated that the server virtualization would provide dual backups for the Police Department and City Hall. Council Member Anderson asked how the project would be funded. The City Manager stated that the project would be funded out of local option sales tax money. The Police Chief stated that the Police Department will have an instant backup with the server virtualization. The City Manager stated that the goal was to have the system done correctly. All present had opportunity to speak and nothing additional was filed in the office of the

City Clerk.

(VOTE: 5 - AYES)

ADOPTED

Introduced By: Anderson Seconded By: Fleming

3. Resolution Approving a Vision and Values Statement for the City of Burlington, Iowa

DISCUSSION: The City Manager stated that the City has a group of City employees that read a book called Leading Change. He stated that the book spoke of a vision and values statement and the group spent a significant amount of time working on a revised vision and values statement. He stated that two Council Members also sat in on a meeting during the process. He further stated that after City Council approval of the vision and values statement, the group will need to determine how it will let the City workforce know of the new vision and values statement. Mayor Davidson stated that he liked that they will be figuring out how the new vision and values statement will be implemented. Council Member McCampbell announced the new vision statement, "Burlington is a great place to live, work and play." 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 he was still alarmed by the amount of money that the City has in debt. He stated that the Council has spent a lot of money on economic development. He questioned how he can have pride in Burlington when all incentives are falling on homeowners and he cannot find a job. Mayor Davidson, Council Member Anderson

and Council Member McCampbell stated that the debt load for the City over the next 5-years was going down. The City Manager stated that Moody had concerns with the City in regard to the City's debt load on the sewer side. He stated that Moody's concern was not necessarily the amount of debt, but the debit service payments relative to the community and whether the City can service that

debt long term. He stated that there are some provisions as to how much debt the DNR and EPA can force the City to take. They will look at the average sewer

rate in the community and if you are pushing too high of a percentage for sewer rate for sewer projects, they will take that into account as they have additional requirements for the City. He stated that he did not feel it would be an issue as the City does the combined sewer separation as the City would not

have those types of thresholds that are high enough. He stated that after the City follows through with the consent decree, he questioned will they still want

the City to minimize the amount of flow into the system more than that. He stated that it is possible that in 5-years when the City applies for the NPDES permit, that the DNR could ask the the City to meet the new nitrates and phosphorus standards, which would be a \$20,000,000.00 price tag. He stated that

the general obligation bond debt is going down over the next 5-years if the City

follows the plan that has been established, but it does not take into account the sewer debt load. Larry Williams of 1607 Navajo stated that in regard to the

sewer if the City has to go nitrates and phosphorus, the City could point out that they have reduced the flow into the WWTF, that maybe the DNR would allow the City to stop the separation of the sewers to pay for something else. He further stated that what he hears from the citizens is that all potential items

such as Cascade Bridge, a new law enforcement facility and whatever else is needed should be funded with a tax levy at one time. He urged the Council to not come back to the citizens later that something was not funded. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 7:39 p.m.

Approved: October 21, 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 Refund of Beer and Wine License for HMD Enterprise, LLC dba/River Mart
2. Resolution Approving Refund of Beer License for Tomâ s Market and Meats, Inc . dba/Tomâ s Market and Meats
3. Resolution Approving Nuisance Abatements for Various Properties
4. Resolution Removing Existing Traffic Signal Lights at Sixth Street and Harrison Avenue
5. Resolution Abolishing the Two-Hour Parking Limit in the 500 Block of North Fourth Street

SET DATE FOR PUBLIC HEARING: OCTOBER 21, 2013

1. Consideration of Sale of Property Locally Known as 613 North Garfield Avenue, City of Burlington, Des Moines County, Iowa

APPOINTMENTS:

Human Rights Commission: Michael Wagner
Low Rent Housing Board: Melissa Foster