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MINUTES OF THE PROCEEDINGS  
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 6  
March 17, 2014

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

CERTIFICATES OF RECOGNITION:

James â Jimâ Capps, Streets Sewers Maintenance Leadperson, 40 Years of Service

PROCLAMATION:

National Service Recognition Day: Mary Maine

Introduced By: Scott Seconded By: Shockley

MOTION: To approve all items listed under Item I., Consent Agenda.

DISCUSSION: Mayor McCampbell reviewed the items listed on the consent agenda to the viewing audience. Council Member Anderson 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 - â AYESâ ) CARRIED

HEARINGS:

1. Statement: Consideration of Sale of Property Locally Known as 828 North 3rd Street, City of Burlington, Des Moines County, Iowa

COMMENTS: The Development and Parks Director stated that the City acquired the property at 828 North 3rd Street through the court system as an abandoned property. He stated that the property was a two-family home (duplex). He stated that the assessed value of the home was \$84,700.00. He stated that the purchaser must ensure the property receives applicable permits and meets applicable codes for renovation, as well as sidewalks and parking as applicable.

He stated that the deed for the property shall not be transferred until substantial completion of the home repairs. He further stated that a licensed electrician and plumber shall be required to inspect and sign off that such items in the property meet or are brought up to adopted codes and insurance is maintained on the home prior to deed transfer. Mayor McCampbell led an auction for the Sale of Property Locally Known as 828 North 3rd Street, City of Burlington, Des Moines County, Iowa. Dennis Wilson was the high bidder at \$27,000.00. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Scott  
Motion to Close

Seconded By: Anderson

CARRIED

Introduced By: Scott

Seconded By: Anderson

Motion to Amend Exhibit â Câ of the Resolution Approving the Sale of Property

Locally Known as 828 North 3rd Street, City of Burlington, Des Moines County, Iowa that the Property be Sold to Dennis Wilson in the amount of \$27,000.00

DISCUSSION: None.

(VOTE: 5 - â AYESâ )

CARRIED

Introduced By: Scott

Seconded By: Fleming

Resolution Approving Sale of Property Locally Known as 828 North 3rd Street, City of Burlington, Des Moines County, Iowa

DISCUSSION: None.

(VOTE: 5 - â AYESâ )

ADOPTED

2. Statement: Consideration of Sale of Property Locally Known as 1405 South 12th Street, City of Burlington, Des Moines County, Iowa

COMMENTS: Mayor McCampbell led an auction for the Sale of Property Locally Known

as 1405 South 12th Street, City of Burlington, Des Moines County, Iowa. He stated that the purchaser must ensure that the property receive applicable permits and meets applicable codes for renovation, as well as sidewalks and parking as applicable. He stated that the deed shall not be transferred until substantial completion of the home repairs. He further stated that a licensed electrician and plumber shall be required to inspect and sign off that such items in the property meet or are brought up to adopted codes and insurance is maintained on the home prior to the deed transfer. Derik Hirsbrunner was the high bidder at \$33,000.00. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Scott

Seconded By: Anderson

Motion to Close

CARRIED

Introduced By: Scott

Seconded By: Fleming

Motion to Amend Exhibit â Câ of the Resolution Approving the Sale of Property

Locally Known as 1405 South 12th Street, City of Burlington, Des Moines County, Iowa that the Property be Sold to Derik Hirsbrunner in the amount of \$33,000.00

DISCUSSION: None.

(VOTE: 5 - â AYESâ )

CARRIED

Introduced By: Scott

Seconded By: Anderson

Resolution Approving Sale of Property Locally Known as 1405 South 12th Street, City of Burlington, Des Moines County, Iowa

DISCUSSION: None.

(VOTE: 5 - â AYESâ )

ADOPTED

3. Statement: Consideration of an Ordinance Rezoning the Property at the NE Corner of Roosevelt Avenue and Market Street from R-4 Multi-Family Residential and R-3 Two-Family Residential to C-2, General Commercial with a Planned Unit

Development Overlay Zone (Burlington Crossing PUD) as Allowed by the Zoning Code of the City of Burlington, Iowa

COMMENTS: The Development and Parks Director reviewed with Council and the viewing audience the proposed Ordinance Rezoning the Property at the NE Corner of Roosevelt Avenue and Market Street from R-4 Multi-Family Residential and R-3 Two-Family Residential to C-2, General Commercial with a Planned Unit Development Overlay Zone (Burlington Crossing PUD) as Allowed by the Zoning Code

of the City of Burlington, Iowa. He stated that the Plan Commission voted five to zero in favor of the rezoning. He stated that the proposed Ordinance allows the former Flint Hills Manor property to be rezoned commercial. Dave Myers of 605 Hedge Avenue asked who would pay for the sewer work for the proposed development. Bob Welstead of Dial Realty, Omaha, Nebraska, stated that Burlington Crossing has a purchase agreement with the City that allows for development in phases. He stated that a total of approximately \$900,000.00 would be spent on infrastructure with a total investment of \$2,000,000.00 with the purchase of the property for phase I. He stated that Burlington Crossing would be responsible for building streets, utilities, storm and sanitary sewers.

He stated that some of the sewers would just need to be repaired. He stated that they were presently working with a restaurant on lot one, a national retailer on lot two, a hotel group on lot three, senior residential on lot four and a national retailer on the Agency Street side. He stated that construction should commence during the summer of 2014. The City Manager stated that the City would have infrastructure cost for the entry way on the north and there would be a turn in lane for traffic on Agency Street going east bound. He stated that the source of funds for the City's portion would be coming from the

purchase price of the property. He stated that the appropriate access for Walgreens still needs to be addressed. Council Member Scott stated that the plans for the area look good and the development proposed was the intent of the original Council that started this process to have the area developed. The City

Manager stated that one of the City's concerns is that the property in the center that the developer has not purchased yet, that it could be harder to develop if it does not get developed right away due to its location. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Anderson Seconded By: Scott  
Motion to Close

CARRIED

Introduced By: Anderson Seconded By: Fleming  
Motion for Preliminary Adoption of the First Reading of an Ordinance Rezoning the Property at the NE Corner of Roosevelt Avenue and Market Street from R-4 Multi-Family Residential and R-3 Two-Family Residential to C-2, General Commercial with a Planned Unit Development Overlay Zone (Burlington Crossing PUD) as Allowed by the Zoning Code of the City of Burlington, Iowa

DISCUSSION: None.  
(VOTE: 5 - AYES )

CARRIED

4. Statement: Consideration of an Ordinance Rezoning the Property at 1911 Des Moines Avenue from R-2 Single Family Residential to C-2, General Commercial Zoning District

COMMENTS: The Development and Parks Director reviewed with Council and the viewing audience the proposed Ordinance Rezoning the Property at 1911 Des Moines

Avenue from R-2 Single Family Residential to C-2, General Commercial Zoning District. He stated that the property to be rezoned was located across from Case Company and the property has been vacant for a long time. He stated that the Plan Commission voted five to zero in favor of the rezoning. Ruby Gerdes of

1909 Des Moines Avenue stated that she lives next door to the proposed rezoning and she had concern that if the property is sold what type of business would be located next to her. She also stated her concern that the driveway next to her house that leads to a garage was a shared driveway and she wanted to be sure that she would still be able to use the driveway. Alan Gerst of Mill Dam Road stated that he was requesting the rezoning and would be selling the property for

his mother who owns the property. He stated that the front half of the property

would be sold to a very reputable company. LaVerne Gerdes of 1911 Des Moines Avenue stated that the storm sewer behind their property was clogged with debris

and they have had problems with water collecting in their basement and yard. He

stated that whoever purchases the property next door to his property would be affected by the water runoff. Council Member Scott stated that a storm water detention plan would need to be a part of the plan when the property is developed. Alan Gerst of Mill Dam Road stated that he would like to sell the back half of the property to a very low traffic commercial business with access on Conner Avenue. He further stated that any agreement that is registered for the shared driveway would need to be maintained. The Development and Parks Director stated that the rezoning that went through the Plan Commission was for access only on Des Moines Avenue. Council Member Shockley stated her concern for what type of commercial property could be developed on the property. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Anderson Seconded By: Scott  
Motion to Close

CARRIED

Introduced By: Anderson Seconded By: Scott  
Motion for Preliminary Adoption of the First Reading of an Ordinance Rezoning the Property at 1911 Des Moines Avenue from R-2 Single Family Residential to C-2, General Commercial Zoning District

DISCUSSION: None.

(VOTE: 4 - AYESâ Scott, Anderson, Fleming and McCampbell  
1 - NAYâ Shockley)

CARRIED

5. Statement: Consideration of an Ordinance Rezoning the Property at 1621 Dodge Street from R-2 Single Family Residential to R-4, Multi-Family Residential with a Planned Unit Development (PUD) Overlay Zone as Allowed by the Zoning Code of the City of Burlington, Iowa

COMMENTS: The Development and Parks Director reviewed with Council and the viewing audience the proposed Ordinance Rezoning the Property at 1621 Dodge Street from R-2 Single Family Residential to R-4, Multi-Family Residential with a Planned Unit Development (PUD) Overlay Zone as Allowed by the Zoning Code of the City of Burlington, Iowa. He stated that a local developer was interested in developing 31 units in the former Perkins School. He stated that the Plan Commission voted three to zero (with two abstaining) in favor of the rezoning. Those who spoke against the rezoning were as follows: Amy Martin of 1729 West Acres Drive; Rick Masters of 1515 South 15th Street; Rose Lee of 1409 South 15th

Street; Kristin Fritz of 1307 Perkins Avenue; Rex Zaiser of 1633 West Acres Drive; Bruce Morrison of 521 North 7th Street; Jack Broeg of 1403 Perkins Avenue; Dave Myers of 605 Hedge Avenue and Ronnie Sourwine of 1734 West Acres Drive. Many of those who spoke were concerned with the following: property tax value going down; parking issues; future low rent housing; higher crime rate; water drainage; increased traffic; fire protection and asbestos. Amy Martin of 1729 West Avenue presented Council with a petition opposed to the rezoning and three statements from elderly residents in the area that could not come to the City Council meeting to speak. Brad Cranston of 501 South Garfield Avenue and Mark Gillette, property manager for the developer spoke in favor of the developer and the development. They stated that the developer has a five-year track record for providing good quality housing. Council Member Anderson stated

concern with the number of units planned for the building. She further stated her concern should the property ever be sold and then the new owner does not take care of the property. Council Member Fleming stated that he would vote yes

for the first reading as there were three readings of the Ordinance. Council Member Scott also stated that he would be yes to allow a second reading of the Ordinance. Council Member Shockley stated that she does not have a problem living next to an apartment building. She stated that her concern was that Dodge Street dead-ends and was also a narrow street. She stated that she would be voting in favor of the first reading of the Ordinance. Mayor McCampbell stated that he had reservations on the onset of the development and he would vote no right now. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Shockley Seconded By: Scott  
Motion to Close

CARRIED

Introduced By: Shockley Seconded By: Scott  
Motion for Preliminary Adoption of the First Reading of an Ordinance Rezoning the Property at 1621 Dodge Street from R-2 Single Family Residential to R-4, Multi-Family Residential with a Planned Unit Development (PUD) Overlay Zone as Allowed by the Zoning Code of the City of Burlington, Iowa

DISCUSSION: None.

(VOTE: 3 - AYES Scott, Shockley and Fleming  
2 - NAYS Anderson and McCampbell)

CARRIED

RESOLUTIONS:

Introduced By: Shockley Seconded By: Scott

1. Resolution Providing for the Issuance of \$1,450,000 General Obligation Corporate Purpose Bonds, Series 2014A and Providing for the Levy of Taxes to Pay

the Same

DISCUSSION: The City Manager stated that the proposed Resolution provides for the issuance of \$1,450,000.00 General Obligation Corporate Purpose Bonds, Series

2014A that would be used primarily for capital projects for this next year (primarily streets, bridge evaluation and sewer work). He stated that the City Council already approved the sale of the bonds. He stated that the Resolution also provides for the levy of taxes. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - AYES )

ADOPTED

Introduced By: Shockley Seconded By: Scott

2. Resolution Authorizing the Issuance of \$3,890,000 General Obligation

Refunding Bonds, Series 2014B and Providing for the Levy of Taxes to Pay the Same

DISCUSSION: The City Manager stated that the proposed Resolution provides for the issuance of \$3,890,000.00 General Obligation Refunding Bonds, Series 2014B and providing for the levy of taxes to pay the same. He stated that by refinancing the City saved approximately \$160,000.00 in interest. 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: Scott

3. Resolution Authorizing the State Transit Assistance Special Project for IDOT Grant Submittal for Depot

DISCUSSION: The City Manager stated that the proposed Resolution authorizes the City Transit Assistance Special Project for IDOT Grant submittal for the restrooms at the depot to be upgraded to handicap accessible. He stated that the funding grant would be for 80% funding or \$12,000.00 for the \$15,000.00 project cost with the City's portion of \$3,000.00. Council Member Shockley stated that it was a good project. 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: Scott

4. Resolution Setting Date for Public Hearing for Consideration of Annual Consolidated Transit Funding Application (April 7, 2014)

DISCUSSION: The Public Works Director stated that the proposed Resolution sets April 7, 2014 as the hearing for the annual consolidated transit funding application. He stated that the application was due May 1, 2014. 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: Scott

5. Resolution Setting Date for Public Hearing for Consideration of a Permanent Encroachment Agreement with the Jefferson Street Bakery, Inc. for Encroachment into City Right-of-Way at 915 Maple Street, Burlington, Iowa (April 7, 2014)

DISCUSSION: The Development and Parks Director stated that the proposed Resolution sets April 7, 2014 as the hearing for a Permanent Encroachment Agreement with the Jefferson Street Bakery, Inc. for Encroachment into City Right-of-Way at 915 Maple Street. He stated that the building is approximately one to two inches over the property line and the Jefferson Street Bakery, Inc. plans on selling the building and would like an encroachment. 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: Frank Hillman of 121 South 6th Street stated that he had

cleaned out his parking spot then had the snow plow close it up again. He stated that he ended up parking his car on top of the snow mound and received a ticket. He asked where he could park his vehicle. Council Member Shockley suggested that Frank Hillman park his office on Fifth Street north of Division Street. Mayor McCampbell sympathized with Frank Hillman and the situation of having to dig out his vehicle more than once. Dave Myers of 605 Hedge Avenue asked if he was able to shoot deer within the City limits. The Police Chief stated that shooting deer within the City limits was not allowed. Dave Myers of

605 Hedge Avenue also asked how long do gas lines last underground. Mayor McCampbell suggested that Dave Myers contact Tracy McCampbell at Alliant Utilities for that answer. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 9:07 p.m.

Approved: April 7, 2014

Kathleen P. Salisbury, MMC  
City Clerk

Shane A. McCampbell  
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 Approving Renewal of Taxi Cab/Vehicle for Hire License for Robyn Canova dba/A2Z Taxi and Delivery Service
3. Resolution Approving Renewal of Taxi Cab/Vehicle for Hire License for Dennis Manes dba/Yellow Cab
4. Resolution Approving Renewal of Taxi Cab/Vehicle for Hire License for Jon Salvador and Kimberly Marshall dba/Executive Transportation
5. Resolution Amending Fees for Environmental Nuisances of the City of Burlington, Iowa

SET DATE FOR PUBLIC HEARINGS: APRIL 7, 2014

1. Consideration of an Ordinance Renewing the City's Natural Gas Franchise Agreement with Interstate Power and Light Company
2. Consideration of an Ordinance Renewing the City's Electric Franchise Agreement with Interstate Power and Light Company
3. Consideration of an Ordinance Amending Section 128.02 License Required of Chapter 128 Tree Service Business of the City of Burlington Municipal Code
4. Consideration of an Ordinance Amending Various Sections of Chapter 161 Housing Code of the City of Burlington Municipal Code
5. Consideration of Sale of Property Locally Known as 605 Spruce Street, City of Burlington, Des Moines County, Iowa

APPOINTMENTS:

Board of Housing Standards and Appeals: Jay Smith  
City Planning Commission: Bob Gerdes  
Human Rights Commission: Denise Powell  
Low Rent Housing Agency: James Seaberg