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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 9
May 5, 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

PROCLAMATION OF RETIREMENT:

James â Jim Whitaker, Captain, Fire Department

PROCLAMATION:

Historic Preservation Month - Steve Frevort

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: Fleming

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. Council Member Scott removed the approval of the Payroll and City Claims 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 - â AYESâ)

CARRIED

HEARINGS:

1. Statement: Consideration of Sale of Property Locally Known as 531 South Central Avenue, City of Burlington, Des Moines County, Iowa

COMMENTS: The Development and Parks Director stated that the City acquired the property at 531 South Central Avenue through the abandoned building program. He

stated that the purchaser must ensure that the property receives permits and meets codes for renovation as required, as well as necessary sidewalk and parking improvements. He stated that the deed shall not be transferred until substantial completion of the home repairs. He 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. He further stated that the purchaser shall pay a minimum of \$500.00 or 10% down, whichever is greater, upon

approval of the sale. Mayor McCampbell led an auction for the Sale of Property Locally Known as 531 South Central Avenue, City of Burlington, Des Moines

County, Iowa. Mohammad Nowroozi of 3222 West Mt. Pleasant Street, West Burlington was the high bidder at \$6,000.00. 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
Resolution Approving Sale of Property Locally Known as 531 South Central Avenue,
City of Burlington, Des Moines County, Iowa

DISCUSSION: None.
(VOTE: 5 - â AYESâ)

ADOPTED

2. Statement: Consideration of Sale of Property Locally Known as 1102 South 4th Street, City of Burlington, Des Moines County, Iowa

COMMENTS: The Development and Parks Director stated that the City acquired the lot at 1102 South Main Street and constructed a new home through the Neighborhood Stabilization Program (NSP). He stated that the buyer has to be pre-qualified and pre-approved to purchase the property. He stated that David Torch will purchase the property for \$90,000.00. He stated that as a part of the NSP Program, the purchaser will be given \$1,000.00 in down payment assistance. 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
Resolution Approving Sale of Property Locally Known as 1102 South 4th Street,
City of Burlington, Des Moines County, Iowa

DISCUSSION: None.
(VOTE: 5 - â AYESâ)

ADOPTED

3. Statement: Consideration of Sale of Property Locally Known as 515 South Marshall Street, City of Burlington, Des Moines County, Iowa

COMMENTS: The Development and Parks Director stated that the City acquired the lot at 515 South Marshall Street and demolished the home. He stated that it was now a vacant lot. He stated that Cripple Creek Land Company, LLC (Lloyd Thola) was purchasing the property for \$500.00. He stated that a new home would be built on the lot. 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: Fleming

CARRIED

Introduced By: Scott
Resolution Approving Sale of Property Locally Known as 515 South Marshall Street, City of Burlington, Des Moines County, Iowa

Seconded By: Shockley

DISCUSSION: None.

(VOTE: 5 - â AYESâ)

ADOPTED

4. Statement: Consideration of Sale of Property Locally Known as 644 Higbee Avenue, City of Burlington, Des Moines County, Iowa

COMMENTS: The Development and Parks Director stated that the City acquired the lot at 644 Higbee Avenue and demolished the home. He stated that it was now a vacant lot. He stated that Cripple Creek Land Company, LLC (Lloyd Thola) was purchasing the property for \$500.00. He stated that a new home would be built on the lot. 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: Shockley

CARRIED

Introduced By: Scott
Resolution Approving Sale of Property Locally Known as 644 Higbee Avenue, City of Burlington, Des Moines County, Iowa

Seconded By: Fleming

DISCUSSION: None.

(VOTE: 5 - â AYESâ)

ADOPTED

5. Statement: Consideration of an Ordinance Amendment to Code of Ordinances Chapter 99 Sewer User Charge Section .06 of the City of Burlington Municipal Code

COMMENTS: The City Manager reviewed with Council and the viewing audience the proposed Ordinance Amendment to Code of Ordinances Chapter 99 Sewer User Charge

Section .06 of the City of Burlington Municipal Code. He stated that the amendment would change the monthly/quarterly user charges for metered residential contributors. He stated that it will now be based upon actual water

usage instead of average monthly/quarterly water usage. He stated that the amendment would make it easier for the Waterworks and cheaper for those with water meters, primarily residents that live in apartments. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Fleming
Motion to Close

Seconded By: Scott

CARRIED

Introduced By: Fleming Seconded By: Scott
Motion for Preliminary Adoption of the First Reading of an Ordinance Amendment to Code of Ordinances Chapter 99 Sewer User Charge Section .06 of the City of Burlington Municipal Code

DISCUSSION: None.

(VOTE: 5 - AYES)

ADOPTED

6. Statement: Consideration of an Ordinance Amending Ordinance No. 2947, as Previously Amended, by Amending the Provisions of the Urban Revitalization Plan for the City of Burlington, Iowa

COMMENTS: The City Manager stated that the City Council had set date for public hearing for an Ordinance Amending Ordinance No. 2947, as Previously Amended, by Amending the Provisions of the Urban Revitalization Plan for the City of Burlington, Iowa. He stated that after speaking with the City's Bonding Attorney it should be amended by Resolution and not as an Ordinance. He stated that the notice for the hearing had already been published in the newspaper, so the City Council will begin the process again at the May 19, 2014 City Council meeting for hearing on a Resolution Approving 2014 Amendment to the City of Burlington Urban Revitalization Plan by Creating a New Tax Exemption Schedule for the Neighborhood Development Urban Renewal Area for hearing on June 2, 2014.

Leon Shahan of 1821 Mt. Pleasant Street stated that he was opposed to tax abatements as it shrinks the tax base and raises his property taxes. He further

stated that he did feel Urban Revitalization provides any benefit to the City. Council Member Scott stated that at the May 12, 2014 Work Session he had brought

up a case law that he thought was related and he carried his comments too far. He stated that he had stated that a couple of the Council Members may not be honest. He apologized to Council Member Anderson and Council Member Shockley. He stated that he has a lot of admiration for them and what they have accomplished. He stated that he is also learning that Urban Renewal and Urban Revitalization are two different things. Council Member Shockley and Council Member Anderson stated their acceptance of Council Member Scott's apology. Al
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present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Fleming Seconded By: Scott
Motion to Close

CARRIED

ORDINANCES:

Introduced By: Shockley Seconded By: Scott

1. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of an Ordinance Rezoning the Property Locally Known as 2400 Sunnyside Avenue from R-1 Single Family Residential to C-1, Limited Commercial Zoning District

DISCUSSION: The Development and Parks Director stated that there were no changes to the Ordinance Rezoning the Property Locally Known as 2400 Sunnyside Avenue from R-1 Single Family Residential to C-1, Limited Commercial Zoning District from the first reading. 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: Shockley Seconded By: Scott

2. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption of an Ordinance Rezoning the Property Locally Known as 2400 Sunnyside Avenue from R-1 Single Family Residential to C-1, Limited Commercial Zoning District

DISCUSSION: None.

(VOTE: 5 - â AYESâ)

CARRIED

Introduced By: Shockley Seconded By: Scott

3. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of an Ordinance Vacating and Selling a Portion of Augusta Road Right-of-Way, Located North of Mason Road and South of Sterling Drive, Burlington, Iowa

DISCUSSION: The Development and Parks Director stated that there were no changes to the Ordinance Vacating and Selling a Portion of Augusta Road Right-of-Way, Located North of Mason Road and South of Sterling Drive, Burlington, Iowa from the first reading. 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: Shockley Seconded By: Scott

4. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption of an Ordinance Vacating and Selling a Portion of

Augusta Road Right-of-Way, Located North of Mason Road and South of Sterling Drive, Burlington, Iowa

DISCUSSION: None.

(VOTE: 5 - AYES)

CARRIED

Introduced By: Shockley Seconded By: Fleming

5. Motion for Preliminary Adoption of the Second Reading of an Ordinance Amending Section 16.04 (1) Council Meetings of Chapter 16 Council of the City of

Burlington, Iowa Municipal Code to Set the Time for Regular Council Meetings

DISCUSSION: Mayor McCampbell explained the Ordinance would amend the time of regular City Council meetings from 6:30 p.m. to 5:30 p.m. He stated that work sessions would remain at 4:30 p.m. Council Member Fleming stated that he was very much in favor of the proposed Ordinance. Council Member Scott stated that he had several people opposed to the Council meeting time change. He stated that he received an e-mail from Dick Behne stating his concerns about the proposed Council meeting time change. He further brought up the issue of changing Work Sessions from Mondays to Tuesdays. Mayor McCampbell stated that a

lot of people do not have a problem with the time change and the people he has heard from that were against the time change were former Council Members. He stated that he felt the Council should try it and see if it works. Council Member Anderson stated that she was willing to try the time change. Council Member Shockley stated that she was okay with the time change. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - AYES Anderson, Fleming, McCampbell and Shockley

1 - NAY Scott)

CARRIED

RESOLUTION:

Introduced By: Shockley Seconded By: Scott

1. Resolution Authorizing the Burlington City Council to Execute Applications and Agreements Related to Economic Development Programs to Assist Baker's Pride, Inc. in the Expansion of Its Burlington, Iowa Plant

DISCUSSION: David Toyer, Director of Economic Development with Greater Burlington Partnership, stated that the expansion project is expected to be completed in three phases beginning June 2014 and concluding September 2016. He

stated that the project is expected to create 62 full-time positions, including 27 jobs with an hourly wage equal to or greater than \$17.09 per hour. He stated

that Baker's Pride was seeking financial assistance for the expansion through the Targeted Jobs Withholding Tax Credit Program. He stated that a part of the Resolution was the approval of a development agreement, which is a requirement of the Targeted Jobs Withholding Tax Credit Program. He stated that there was no local match required. Council Member Shockley explained that Baker's Pride

Inc. was basically reinvesting money that they receive from the State for the expansion of their plant. Leon Shahan of 1821 Mt. Pleasant Street stated that he

was against economic development as it was taking money away from the schools. He further stated that the actual cash wage would only be \$11.00 or \$12.00 as the \$17.00 would include benefits. Robert Brookhardt, President of Baker's Pride, thanked the City Council for approval of the applications and agreements related to Economic Development Programs to assist Baker's Pride, Inc. in the expansion of their plant. He stated that their business was headed in the right

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

VOTE: 5 - â AYESâ)

ADOPTED

FINANCES AND MISCELLANEOUS:

Introduced By: Scott

Seconded By: Shockley

1. Payroll and City Claims

DISCUSSION: Council Member Scott stated that he removed the approval of the Payroll and City Claims so that he could abstain from voting. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - â AYESâ Anderson, Fleming, McCampbell and Shockley

1 - â ABSTAINEDâ Scott)

CARRIED

COMMENTS FROM AUDIENCE: None.

Adjournment: 8:00 p.m.

Approved: May 19, 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

BEER, LIQUOR, WINE AND CIGARETTES

REPORTS AND BONDS

RESOLUTION:

1. Resolution Approving Submittal of Title VI Program for the Burlington Urban Service Transit System

SET DATE FOR PUBLIC HEARINGS: MAY 19, 2014

1. Consideration of an Ordinance Rezoning 713 North Main Street to Include a H-1, Historic Overlay District

2. Consideration of an Ordinance Amending Ordinances No. 3129 and No. 3256, Being an Ordinance Creating the Diewold Plaza P.U.D. (Planned Unit Development) as Allowed by Section 17.20.40 of the Burlington Municipal Code

3. Consideration of Budget Amendment No. 1 for Fiscal Year 2013-2014

APPOINTMENT:

Airport Advisory Committee: Dwight Mulch